

Legal Protection for Traditional Knowledge in the Vernacular Settlements: The Role of Government in Safeguarding the Siak's Weaving Art in Riau, Indonesia

Afnan Rasyidi^{1*}, Abd Thalib¹, Syafrinaldi¹ & Nur Aisyah Thalib¹

¹Faculty of Law, Islamic University of Riau, Jalan Pattimura No.9, Cinta Raja, Pekanbaru City, Riau 28127, Indonesia.

*Email: rasyidiafnan@gmail.com

Received	Reviewed	Revised	Published
10.08.2023	17.09.2023	22.12.2023	31.12.2023

<https://doi.org/10.61275/ISVSej-2023-10-12-21>

Abstract

Traditional knowledge characterized by geography is spiritually valuable for the local people. Siak's weaving art products in Indonesia fits very well into this category. However, they are constantly under threat and need support to survive. In Indonesia, government often comes to provide this support. In this context, this article analyses the role of government in providing legal protection for traditional knowledge of Siak's weaving art products. Its intention is to explore the process and to identify the obstacles.

The research employs empirical observations and doctrinal interpretations as a methodology. It examines and interprets the principles, conceptions, doctrines and legal norms relating to the regulation of local wisdom and traditional culture in Indonesia. Sources of legal materials are laws and there are legislations and concept literature related to economic, social, and cultural rights.

It identifies that one of the obstacles is the lack of knowledge among the local governments what traditional knowledge and communal intellectual property data are. In fact, there is a lack of understanding of the importance of protecting traditional cultural expressions. Moreover, the younger generation is not interested in the local traditions. Crafts are difficult to be marketed because of the high prices. Many craftsmen also do not register their businesses.

It is concluded that the government has failed to provide legal protection to Siak's weaving art. It has not been carried out as mandated by the Decree of Ministry of Human Rights No. 13 of 2017, concerning communal intellectual property's Data. This is due the absence goodwill and lack of communication and coordination between the Siak Regency Government and the Ministry of Law and Human Rights of the Riau Province.

Keywords: Legal Protections, Siak's Weaving Art, Traditional Knowledge.

Introduction

Indonesia is the home of world's handicrafts. Every ethnic group has its own uniqueness, style, and philosophy of crafting. There are many varieties of handicrafts from every region (Encyclopedia, 2017). Several Indonesian islands are well-known for their batik, ikat and songket cloth, and one of them is Siak in the Riau Province. Traditional cultural expressions hereinafter referred to as EBT, are communal intellectual property as a potential state asset for the prosperity of the nation because they have high economic values. If the works of communal intellectual property, including EBT, are managed properly and have the right legal protection, they have the potential to support the economy of the community.

The issue of protecting traditional knowledge hereinafter abbreviated as TK, is a very complex issue (Martens & Soobramanien, 2016). In this regard, the political philosopher and economist Amartya Sen's concept of 'development as freedom' provides a framework for examining certain products from the developing countries (hereinafter abbreviated as DCs) that are founded on TK and possess unique and distinctive aspects that are relevant in two emerging areas of Intellectual Property Rights (hereinafter abbreviated IPRs). That is TK protection and Geographical Indications (hereinafter abbreviated as GI) (Dusche, 2012). In this sense, 'development as freedom' is used to provide a richer contextual understanding of the environment of human rights, social justice and economic fairness underlying product development and industry structures in DCs.

It is argued that this provides an increasingly relevant combination of factors to study considering the emergence of increasingly popular products that include aspects of TK. In particular, Sen's notion of 'protective security' leads towards the study of agreements in international economic law (hereinafter abbreviated as IEL) and regional and national legal systems that strengthen the hand of producers and other actors in global value chains from DCs. New requirements of prior informed consent and benefit sharing are entering IEL and, with greater impact, in sui generis legislative frameworks and regional free trade agreements (Dusche, 2012).

The need for a comprehensive specific law for EBT is to overcome the inadequacy of intellectual property laws in protecting EBT. The influence of the possibility of low public knowledge or community resources on EBT in the intellectual property system, and Indonesian culture and the Indonesian legal system is one that must be taken into account when drafting this particular law. However, on the other hand, consideration is given to how many parts of the current intellectual property system are changing to be integrated with the legal model to form a comprehensive legal protection framework for EBT (Dusche, 2012).

Thus, the potential for developing intellectual property (hereinafter abbreviated as IP), especially those related to the culture of the local community, rests on human resources (hereinafter abbreviated as HR) who have the talents, knowledge and expertise to innovate. If the government and economic actors in Indonesia are not concerned about the protection of IPRs, it will greatly affect the implementation of IPRs to run well. therefore, in solving IP problems, it is necessary to have an active role from stakeholders.

In relation to the great potential that the community has for the form of EBT, then this should be of concern to the local government because if it is developed and preserved and its existence is promoted, in addition to being a regional cultural identity, it can also be upgraded to become a tourist destination. Indeed, it can even become a souvenir for anyone, who visited Siak. This has the potential to improve the economy of the people from the point of view of IPRs.

Providing protection for EBT becomes important when faced with the characteristics and uniqueness it has and also plays a positive role in providing support to the customary law community as owners and carriers of the culture to preserve their traditions. Thus, the ownership is not recognized without permission by another country. Therefore, these cultural properties need legal protection. Moreover, it is well known that all wealth based on traditional culture has a very high economic value. These efforts will certainly encourage the improvement of the Indonesian economy and in particular can improve the welfare of the local community.

For this reason, it is time for EBT to have formal legal instruments, both at the international and national levels. Due to the fact that the current regulations are still very minimal and unable to provide optimal protection, a comprehensive arrangement and concrete action are needed to immediately protect the expression of Indonesia's traditional culture. There is also a need for maximum efforts from the local government so that the potential for EBT can be developed so as to improve the economy of the community and to be able to compete in facing global trade.

The objectives of this research are:

1. To analyze the role of the government in providing comprehensive legal protection for EBT (Economic, Social, and Cultural) rights.
2. To identify obstacles in implementing legal protection against Traditional Knowledge (TK) related to Siak Traditional Songket Weaving Art Products.

Research Methods

This research employs a juridical normative research methodology, with a statutory approach and a conceptual approach supported by empirical observations. This is carried out by examining and interpreting theoretical matters concerning the principles, conceptions, doctrines and legal norms relating to the regulation of local wisdom and traditional culture in the rules of IPRs. Sources of legal materials are laws and other legislation and concept literature related to EBT.

Findings

The Role of Government in Providing Comprehensive Legal Protection of EBT

EBT, which are mostly tangible or intangible cultural heritage, are regulated in the Law Number 28 of 2014 concerning Copyright. As in the Article 38, which clearly states that the copyright for EBT is held by the State, with the ministry in charge of being the Ministry of Law and Human Rights, and the Directorate General of Intellectual Property. Cultural heritage that is tangible or material is regulated in Law Number 11 of 2010 concerning Cultural Heritage which is under the Ministry of Education and Culture, Directorate of Cultural Heritage and Diplomacy, and the Directorate General of Culture (Susanti et al., 2019).

In facing global competition, Indonesia needs real preparations, one of which is the development of an IPRs regime that can fulfill the interests of the local communities. It is understood that IPRs are one of the fundamentals of a nation's economy, and are also assets for science-based economic growth. However, there are many obstacles encountered in the application of IPRs in Indonesia due to differences in the characteristics of the local communities with the existing IPRs regime.

The struggle of Indonesia as a developing country for legal protection continues to endeavor to formulate an appropriate protection system for TK and EBT. At the international level in 2000, the IRC-GRTKF (Intergovernmental Committee on Genetic Resources, TK and Folklore) was formed by WIPO to discuss the possibilities for a binding agreement as a legal effort to protect internationally. Then at the national level, the government has discussed the PT-EBT Bill (Draft Law on TK and EBT), but to this day this law has not been passed.

Meanwhile, what already exists, namely Law Number 28 of 2019 concerning Copyright related to EBT is not fully operational, because there is no Implementation Regulation. For that, we need a new legal regime that is responsive and specifically related to rights and obligations in EBT. In fact, a real and special program for sustainable development is needed for the substance of EBT that has the potential to increase the income of the developing community.

With regard to the new responsive legal regime, the responsive law initiated by Philippe Nonet and Philip Selzenik want to explore the values contained in regulations and policies so that the law is responsive to the dynamics and needs of society. Nonet and Selzick (Asa et al., 2021) see law from the point of view of sociological jurisprudence and realist jurisprudence. Both of these legal thoughts see and understand law empirically with a more focus on, not only on the limits of formalism, but more broadly, and covering the role of policies and legal decisions in development. The relationship between law and society that is so thick in

ownership of EBT can be accommodated and reformed towards the final goal, namely legal protection.

The concept of EBT, which at the international level uses the term expression of folklore, is anything that is considered to belong together to a community or a society, and its creation is anonymous. Broadly speaking, EBT as well as cultural works in general, can be classified as tangible (can be touched, in the form of solid objects) and intangible (including values, concepts, and procedures for actions such as ceremonies, theater, dance, as well as music and literature (Ardian, 2008).

According to Blakeney (1999), WIPO shares EBT in four groups according to their respective forms, namely.

1. Verbal expressions, such as folk stories, legend and poetry.
2. Musical expressions, such as folk songs and instrumental.
3. Music expressions by actions, such as popular dances, plays and shows.
4. Tangible expressions, such as the production of folk art, especially drawings, paintings, sculpture, pottery, jewels, costumes, musical instruments as well as architectural work.

In 1982, WIPO and the United Nations on Education Social and Cultural Organization (UNESCO) created an instrument for the protection of EBT by compiling The Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploration and Other Prejudicial Actions (Model Provisions). The Model Provisions contain sui generis substances in the protection of EBT. The model provisions are referred to as a possible basis for the standard setting of future EBT at the international level. (Kemenhumkan Jabar, 2012) Yet, several international conventions regulating the protection of traditional culture include the Berne Convention, the Model Provision 1982, and the Revised Draft Provisions for The Protection of EBT / Expression of Folklore.

At the normative level, the national law that regulates the protection of EBT is regulated in Law Number 28 of 2014 concerning Copyright. Article 38 of the law states that:

1. Copyright for Traditional Cultural Expressions is held by the State.
2. The state is obliged to invest, safeguard and maintain traditional cultural expressions as referred to in the paragraph (1).
3. The use of traditional cultural expressions as referred to in the paragraph (1) must pay attention to the values that live in the developing community.
4. Further provisions regarding copyright held by the State on traditional cultural expressions as referred to in paragraph (1) shall be regulated by the government regulations.

Furthermore, Article 60 confirms that the copyright on EBT held by the State as referred to in Article 38 paragraph (1) is valid indefinitely. In the explanation of Article 38 paragraph (1) of Law Number 28 Year 2014 that EBT include one or a combination of the following forms of expression:

1. Textual verbal, both oral 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 narrative.
2. Music, including, among others, vocals, instrumentals or a combination thereof.
3. Movement, including, among others, dance.
4. Theater, including wayang performances and folk plays.
5. Fine arts, whether in two-dimensional or three-dimensional forms made of various materials such as leather, wood, bamboo, metal, stone, ceramics, paper, textiles, etc. or a combination thereof; and
6. Traditional ceremonies.

Based on the Article 38 paragraph 1 of the Copyright Law above, the State is the holder of the Copyright for EBT. Thus the state as the highest authority, and the local government as the state's representative in the protection and regulation of EBT, can prevent monopoly or commercialization as well as actions that damage or exploit commercialization, by foreign parties without state permission as the copyright holder. It's just that until now, there has been no Government Regulation that further regulates copyright held by the State (War-wind, 2018) The state as the holder of the EBT Copyright obtains the exclusive rights to the copyright work. Exclusive rights regulated in the Copyright Law are the rights to publish, duplicate, translate, adapt, transform, distribute, display and publish.

Protection of EBT through copyright law is one of the most relevant forms of protection in the principles of Intellectual Property law. However, protection through copyright law does not mean that there are no problems when the terms and principles of Copyright protection will be applied, such as the form of tangible works (fixation work), authenticity (originality), identified creators (identification of author) and a limited term. The requirements for the form of a tangible work (fixation) in copyright law are one of the requirements that must be met if a work is entitled to legal protection. The requirement for works to be in the form of material, this will become an obstacle if it is applied to the protection of EBT because most of the works based on traditional culture have oral transmission (unwritten) characters such as most of the tales, legends, myths, dances and folk songs. In other words, the copyright law regime cannot protect the works of EBT completely, except for the non-oral EBT category. Folk dances and songs or in other words the copyright law regime cannot completely protect the works of EBT, except for the non-oral EBT category. In fact, the creations that still use the oral tradition still exist and live in the traditional societies (War-wind, 2018).

The difference in character mentioned above raises problems because between IPRs and EBT, although both come from intellectual creativity, there are very basic differences between the two. The creator of IPRs is clearly identified and the orientation of the work or invention is more towards economic motives than expressions of the creator or inventor. Whereas in EBT, the identification of the original creator is unknown because the traditional/local community creates the work from generation to generation. This is the fundamental difference, where the cultural values of the local community do not recognize individual ownership of a work in the fields of science, literature and art.

Furthermore, in the draft law on TK and EBT, the notion of EBT includes TK, meaning that in the development of thinking about the environment of EBT, it is expanded. In the draft law, it can be seen that the meaning of TK is public knowledge obtained as a result of real experience in interacting with the environment. While EBT are all forms of expressions, both material (object) and non-material (intangible), or a combination of both that shows the existence of a culture and TK is hereditary. This definition also includes the meaning of folklore itself which is regulated in the previous law.

The meaning (EBT) contained in the draft law above is very broad, while the regulation of EBT in the current law is minimal. It is possible that new problems will arise at the level of implementation. Efforts to protect it can hinder the implementation of enforcement. Likewise, the definition of EBT which is expanded in the draft law on TK and EBT, if it is not given any boundaries or boundaries that fall within the scope of EBT, it will create confusion in its protection.

The need for limitations on the scope of EBT exists regarding abuse and illegal taking. As much as possible, these limits must be established at the administrative level. If the measure of EBT is misused and taken illegally, it must be strictly regulated as a legal rule, making it easier to identify where illegal acts have occurred. Regulations regarding EBT should bring prosperity not only to a few people. For this reason, it is also necessary to clarify who is entitled to the economic rights of EBT if it is commercialized. Who is the holder of property rights for EBT must be clear, and who is meant as a society that develops EBT must also be clear. That way, the protection efforts carried out by the state and the community are aimed at safeguarding the rights of the TK bearer (PT) and EBT and maintaining the dignity of TK and EBT from

public misleading, illegal taking and / or abuse of TK and EBT. The community is expected to be able to provide input in the preparation of legal rules related to EBT (Rahayu, 2017).

There are no international or national legal instruments that can provide effective protection for the EBT regime by reaching the scope of IPR law, while illegal use of EBT, especially by foreigners, continues to occur. Thus, the establishment of a national EBT protection regime will support sustainable development efforts and legal reform in Indonesia. This is because EBT is a cross sectoral issue so that efforts to form a national regime for the protection of EBT will reach various sectors, including issues of IPR, human rights, the environment, agriculture, culture and tourism, marine and fisheries, research and technology, to local governments (Maddusila, 2020).

In the concept of IPRs, especially in the copyright Law, providing protection for EBT is different from providing protection for other types of copyright such as in books, music works and paintings. This is because the ownership of EBT is not an individual like only in the copyrighted works of books, music or paintings. However, ownership of EBT by a group of indigenous people in a certain area or place, is very difficult to obtain legal protection individually.

EBT are shared (communal) with the ethnic groups of the owners. No individual has a private EBT because the community together makes the EBT alive. Protection of EBT, by looking at the facts and characteristics inherent in EBT above, are very different from the general IPRs regime such as song copyrights, trademarks, and patents which are very individualistic. Thus the regulations regarding the appropriate protection components to be applied to EBT need to be distinguished from the types of IPRs in general (War-wind, 2018). Therefore, comprehensive protection measures are needed, which include preventive protection as well as repressive protection.

1. Preventive Legal Protection.
Protection provided by the government in order to prevent violations before they occur. This is contained in statutory regulations with the intention of preventing a violation and providing signs or limitations in carrying out an obligation.
2. Repressive Legal Protection.
Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties that are given when a dispute has occurred or an offense has been committed.

Preventive protection of EBT in Indonesia are contained in the law number 28 of 2014 concerning copyright, which regulates the provisions concerning EBT, particularly in Article 38. The state as the holder of copyright for EBT regulates the aspects of protection of these EBT by conducting the obligations attached to the state to inventorize, safeguard, and maintain various kinds of EBT in Indonesia.

Siak traditional Songket Weaving in Siak, Riau Province

The Siak traditional songket weaving, a distinctive and culturally rich craft in the Riau Province, holds significant importance not only for its artistic value but also as a source of economic activity for the local community. Recognizing the need for comprehensive legal protection, various key figures in the region, including the Chief of Siak Tourism Department, the Regional Office of the Ministry of Law and Human Rights, and Zunnadra, S.Pd.I., M. PdEBT, Chairman of the Regional National Craft Council (Dekranasda), have emphasized the necessity of safeguarding this cultural heritage.

Zunnadra highlighted that the Siak traditional songket weaving industry faces challenges that require immediate attention. According to him, there is a pressing need for the government to play a pivotal role in providing comprehensive legal protection for Economic, Social, and Cultural (EBT) rights associated with the production of traditional songket in Siak. The significance of this protection extends beyond the preservation of cultural identity; it also directly impacts the livelihoods of local artisans and entrepreneurs engaged in the traditional weaving industry.

In response to these challenges, collaborative efforts have been initiated by Dekranasda Siak and Disperindag. Notably, they have conducted training sessions aimed at developing entrepreneurial weaving skills. This week-long program serves as a proactive step to address the decline in the practice of traditional crafts within the region. By enhancing the skills of local artisans, the initiative aims to revitalize and sustain the Siak traditional songket weaving industry.

Furthermore, recognizing the importance of intellectual property rights (IPRs) in preserving traditional knowledge (TK) related to Siak's cultural heritage, the Education and Culture Office in Siak Riau Province has taken preventive measures. These efforts focus on the protective aspects of IPRs, particularly their role in preventing unauthorized use and exploitation of traditional knowledge associated with Siak traditional songket weaving.

The preventive protection measures include adherence to existing legal norms, such as the Copyright Law, which provides a framework for legal certainty in the protection of creative works. Additionally, the Education and Culture Office has undertaken the task of inventorying and documenting various arts and cultural elements scattered throughout the region. This inventory serves as a crucial step in identifying and cataloging the diverse aspects of Siak's cultural heritage.

However, it is essential to acknowledge that the inventory process has faced challenges. There has been a lack of thoroughness and coordination among relevant parties involved in the documentation process. This has resulted in suboptimal and immeasurable outcomes, hindering the effectiveness of these protective measures.

Moving forward, addressing these challenges requires a coordinated effort involving government agencies, local communities, and relevant stakeholders. A more comprehensive and well-coordinated inventory and documentation process should be implemented to ensure that the protection of Siak traditional songket weaving and associated traditional knowledge is robust and effective.

Obstacles in Implementing Legal Protection Against TK of Siak Traditional Songket Weaving Art Products

The advancement of science and technology has enabled innovation and creativity, including the creativity of the local community as crafters/weavers. In addition, the birth of innovation and creativity also reflects the quality of superior and competitive human resources. The craftsmen always think creatively about how to produce a motive design innovatively but still elevate and accentuate the nation's cultural heritage, by producing new but regional motifs. The woven cloth from each region has different motif designs that are characteristic of the region's origin. The diversity of the cloth motifs originating from each region is closely related to the customs, culture and habits of the local community. For example, the diversity of motifs is the typical woven fabrics of Siak, including Batik, Cloth Songket.

This application is expected to help the community to get information about the Malay Motif easily and can be accessed anywhere. The design of this application is still limited to graphic design, so it requires assistance from programming experts so that the application can be realized and installed on the device. Programmers are expected to be able to make this application lightweight so that it does not overload the device.

Chairman of the Regional National Craft Council (Dekranasda) Zunnadra, S. Pd.I., M. Pd., in his speech said, Dekranasda Siak together with Disperindag called for or invite the parties held training on developing new Entrepreneurial weaving skills as an effort to preserve the traditional handicrafts of this area which are sometimes not so much practiced, but no reply or respond.

The most basic thing in the effort to preserve traditional fabrics is the effort to provide awards in the form of legal protection for the craftsmen of Songket cloth or sarong for their intellectual works, namely works of art in the form of motifs or patterns on Songket fabrics.

Protection can be realized through the protection of copyright law. The basis is Article 40 paragraph (1) letter f, Law Number 28 Year 2014. Included in the scope of art are paintings, drawings, carvings, calligraphy, sculpture or collage sculptures. According to the Elucidation

of the article, what is meant by image includes, among other things, motifs, diagrams, sketches, color elements and beautiful font forms, and the image is not made for industrial design purposes. Meanwhile, a collage is an artistic composition made from various materials (for example from cloth, paper, wood) affixed to the surface of the sketch or work media. Of course, craftsmen who have high creativity can produce new motifs, with a few modifications creating new motifs but not changing the image of the region. Good motives can be imitated by other business actors, and this is very unwanted by the owner of these motives.

Although the Songket woven fabric has been recognized by the local government as typical of Siak through a Regional Regulation, it is necessary to support intellectual property by providing legal certainty regarding the status of the motifs and patterns of the Songket woven fabric. All of this is inseparable from the role of the local government, how they can bridge this and give good appreciation not only to the products produced but also to the craftsmen. It is hoped that with proof of copyright ownership on the Songket Siak motif and also other traditional heritage works, it is clear that works of traditional heritage belonging to the community will have legal certainty in the field of IPRs.

Songket woven fabric is designated as an intangible cultural heritage by the ministry of education and culture along with batik, ulos batak toba, songket, ikat weaving, bark cloth from Kalimantan and Central Sulawesi. Weaving Donggala, Karawo Gorontalo, Kerawang Gayo Aceh, tais pet maluku and other traditional fabrics in Indonesia. This determination is to preserve traditional fabrics that exist in Indonesia. Traditional Indonesian woven fabrics have been demonstrated in various fashion shows at home and abroad and are in demand by the European community.

The urgency of comprehensive renewable energy protection both in terms of defensive protection (Defensive Approach) and positive protection (Positive approach). that does not mean it does not meet challenges and obstacles. The challenges in defensive protection are, can be formed immediately to make use of existing resources, but requires a national policy in the form of regulation as a consequence of the rule of law. Then the obstacle in positive protection is because it takes a long time because it is related to the harmonization and standardization of law both at the national and international levels (Maddusila, 2020).

The form of a strategic EBT protection regime is Positive Protection through statutory regulations, this can be done through: harmonization of laws and regulations related to EBT protection; and the establishment of institutional (institutional) and procedural (law enforcement) mechanisms in statutory regulations related to EBT protection. Furthermore, Defensive Protection (Defensive Protection) through the establishment of a database (database) that can counteract claims / use of EBT illegally by foreign parties. It is very necessary to have an integral database that can be accessed by stakeholders related to EBT protection (Maddusila, 2020). Positive Protection aims to provide a legal basis for policies to provide protection for EBT, while Defensive Protection provides a mechanism to identify EBT owned by Indonesia and is intended for recognition as well as protection for EBT, especially from the claims of countries / foreign parties.

It should be acknowledged that the protection of EBT through the copyright regime is one of the most relevant forms of protection today in the principles of Intellectual Property law. However, in practice the application is not as smooth as expected. Problems often arise when dealing with the issue of requirements and principles of Copyright protection to be applied. For example relating to the form of tangible works (fixation work), authenticity (originality), the creator identified (identification of author). In connection with the requirements for tangible works (fixation) in the copyright law regime, it is one of the requirements that must be met when a work is entitled to legal protection. There are differences in character between IPRs and EBT. This is what makes our Intellectual Property legal system unable to fully protect EBT. In character, even though both originate from human intellectual creativity, there are fundamental differences, where the ideas / ideas of IPRs must be realized in real expression.

To advance Indonesian culture, strategic steps are needed in the form of efforts to promote culture in the form of protection, development, utilization and guidance in order to realize an Indonesian society that is politically sovereign, economically independent and has a

cultural personality. In Law No. 5 of 2017 concerning the Advancement of Culture has provided protection for traditional knowledge and traditional cultural expressions such as arts, customs, folk games and traditional sports (Article 5). Its protection is carried out by means of an inventory of objects of cultural advancement through an integrated cultural data collection system, security (Article 22), maintenance (Article 24), rescue (Article 26), publication (Article 28) and development (Article 30). Legal protection for EBT if it is properly managed and protected by law, both of these things can improve the standard of living of the community, especially indigenous peoples. Due to obtaining intellectual property legal protection for EBT, these indigenous peoples can obtain economic rights. Good management by increasing the quality and the latest innovations, for example in terms of developing patterns or motifs on woven fabrics, can certainly increase the interest of the community or regional batik lovers to buy them or as souvenir collections. Through marketing both traditionally and online it can also expand the reach of the marketing area. Of course, these steps can also increase the income of the community, in this case the developer community.

The Central Government and or Local Governments must undertake the Development of Objects for the Advancement of Culture. The development of the object of progress can be done by: a. dissemination; b. assessment; and c. enrichment of diversity. Likewise, the Central Government, Regional Government, and / or everyone can make use of objects of cultural advancement to improve the welfare of the community. In addition to the government's obligation in developing and utilizing objects of cultural advancement, it is also the study of conducting publications on information relating to inventory, security, maintenance and rescue of objects of cultural advancement. Thus, through continuous development and utilization, as well as publication both traditionally and through online media, is very useful in supporting the improvement of the people's economy.

Thus, the government's efforts to protect EBT can be carried out by establishing policies to protect EBT in the regions. The importance of the formation of Regional Regulations (Perda) for the protection of Traditional Cultural Expressions (EBT) is a regional policy that protects intellectual property rights in the field of culture. The position of Regional Regulations (Perda) regarding EBT protection as a regional policy for EBT protection must still refer to the applicable intellectual property rights legal framework.

Therefore, according to the author, efforts to protect the aspects mentioned above cannot fully depend on legal provisions that have not been promulgated. Instead, it takes an active role of citizens and local governments to keep registering and announcing on a large scale the property of these areas related to EBT at the Directorate General of Intellectual Property Rights. The goal is that every product and culture that is born as EBT can get adequate protection.

In addition, the community must also play an active role in encouraging the government to provide all kinds of power and efforts to provide EBT protection to the Indonesian people or products that are cultural heritage in nature so that the ownership that is born from EBT is no longer claimed by other countries or nations. And in the end it can be used economically by the children of the Indonesian nation, especially people in the regions.

Conclusions

The legal protection of Economic, Social, and Cultural (EBT) rights, particularly concerning the distinctive product of Siak's weaving, has encountered significant challenges at both the central and local government levels. The failure to provide comprehensive legal protection stems from the absence of specific Government Regulations that would further delineate and regulate the copyright held by the State in this context. This regulatory gap has created a void in the legal framework, leaving the traditional weaving industry vulnerable to various threats.

One critical issue lies in the lack of a cohesive legal infrastructure that solidly connects the Central Government, Local Government, and relevant instances involved in the protection of traditional cultural expressions. The absence of a unified approach, characterized by a lack

of good cooperation and coordination, has hindered the establishment of robust legal safeguards for Siak's weaving heritage.

Despite the recognized importance of protecting traditional cultural expressions, there appears to be a deficiency in understanding and goodwill on the part of both the Central Government and the Local Government, as well as certain relevant instances. This lack of comprehension regarding the significance of safeguarding cultural heritage has contributed to the inadequate legal protection framework. It is essential for authorities at various levels to recognize the intrinsic value of preserving traditional knowledge and cultural expressions as integral components of national identity.

From an obstacle perspective, several challenges impede the effective preservation of Siak's weaving heritage. One notable challenge is the disinterest among the younger generation in local traditions. The cultural shift towards more modern and global influences has led to a decline in the appreciation and participation in traditional practices. Bridging this generational gap requires targeted efforts in education and awareness to instill a sense of pride and understanding of the cultural richness embedded in Siak's weaving tradition.

Marketing difficulties, attributed to the high price of traditional weaving products, present another obstacle. While these products hold cultural and artistic value, the higher cost may deter potential buyers, impacting the economic sustainability of local artisans and entrepreneurs. Implementing strategic marketing initiatives that highlight the unique qualities of Siak's weaving while addressing affordability concerns could contribute to expanding market reach.

Furthermore, the issue of craftsmen not registering their businesses poses a significant challenge. The absence of proper registration hampers the ability to enforce legal protection measures effectively. Encouraging and facilitating the registration process for craftsmen is crucial to establish a comprehensive database and ensure that legal protections can be applied uniformly.

To address these multifaceted challenges, a concerted effort is required from all stakeholders involved. First and foremost, there is a need for the Central Government to formulate and enact specific Government Regulations that outline the copyright held by the State concerning Siak's weaving products. This regulatory clarity is fundamental in establishing a legal foundation for the protection of traditional cultural expressions.

Simultaneously, enhancing cooperation and coordination between the Central Government, Local Government, and relevant instances is imperative. A unified approach that streamlines efforts and resources will contribute to the creation of a more effective legal protection framework. This collaboration should be guided by a shared understanding of the cultural significance of Siak's weaving and a collective goodwill to preserve this heritage for future generations.

Education and awareness programs targeted at the younger generation can help bridge the cultural gap and instill a sense of pride and responsibility in preserving local traditions. Such initiatives should be integrated into school curricula and community outreach programs to ensure widespread impact.

Addressing marketing challenges requires a strategic approach that balances the cultural value of Siak's weaving with affordability considerations. Engaging in partnerships, both locally and internationally, can open up new markets and opportunities for local artisans. Government support in promoting these products and facilitating marketing efforts can contribute to overcoming economic hurdles.

Lastly, encouraging craftsmen to register their businesses should be accompanied by simplified and accessible registration processes. Government agencies can play a proactive role in providing assistance and incentives for registration, ensuring a comprehensive and accurate database for effective legal protection.

References

- Ardian, A. V. (2008) Prospek Perlindungan Hukum Hak Kekayaan Intelektual Dalam Kesenian Tradisional Di Indonesia. *Revista de Trabajo Social*, 11(75), 23–26.

- Asa, A. I., Munir, M. & Ningsih, Rr. S. M. (2021) Nonet And Selznick's Responsive Law Concept In A Historical Philosophy Perspective. *CREPIDO*, 3(2), 96–109.
<https://doi.org/10.14710/crepido.3.2.96-109>
- Blakeney, M. (1999) Intellectual Property in the Dreamtime- Protecting the Cultural Creativity of Indigenous Peoples. *Oxford Intellectual Research Center: Research Seminar*, 9 November 1999.
- Dusche, M. (2012) Development as Freedom. In *Identity Politics in India and Europe* (pp. 119–120). SAGE Publications India Pvt Ltd.
<https://doi.org/10.4135/9788132108009.n31>
- Encyclopedia, W. C. (2017) *Culture of Indonesia*. Countries and Their Cultureheir Culture.
<http://www.everyculture.com/Ge-It/Indonesia.html>
- Kemenhumkan Jabar. (2012) *Perlindungan Ekspresi Budaya Tradisional di Jawa Barat*.
<https://jabar.kemenkumham.go.id/berita-kanwil/berita-utama/perlindungan-ekspresi-budaya-tradisional-di-jawa-barat>
- Maddusila, F. (2020) The Potential Of Traditional Cultural Expression Of Woven Fabric As A Communal Intellectual Property In Supporting Community Economy. *Intellectual Property Rights Review*, 3(1), 155–168.
- Martens, P. & Soobramanien, T. Y. (2016) *International trade Working paper Fostering Development of Local Communities Through the Protection of Traditional Knowledge and Origin Products*.
- Sri Walny Rahayu. (2017) *Proceeding I International Conference Symphonizing Intellectual Property and Potential Resources for Public Welfare* (Vol. 1). Faculty of Law of Mataram in Association of Intellectual Property Lecturer of Indonesia.
- Susanti, D. I., Sudhiarsa, R. I. M. & Susrijani, R (2019) *Ekspresi Budaya Tradisional Dan Hak Kekayaan Intelektual*. 1689–1699.
- War-wind, R. B. B. (2018) Perlindungan Hukum Prefentif terhadap Ekspresi Budaya Tradisional di daerah Istimewa Yogyakarta berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Proceedings of the Annual National Seminar*.