

## Legal protection of Jathilan Lancur Art as a form of traditional cultural expression

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### ABSTRACT

This research examines the urgency of the legal protection of Jathilan Lancur art as a form of traditional cultural expression that is vital to the lives of the people of Yogyakarta. Jathilan Lancur not only functions as a means of traditional ceremonies such as *merti desa* and clean villages that foster mutual cooperation, but also reflects fundamental values in the form of prayer, gratitude, and enthusiasm for life. The legal protection of this art is crucial, based on Law No. 28/2014 on Copyright and Law No. 5/2017 on the Promotion of Culture. These two regulations confirm Jathilan Lancur's status as a traditional cultural expression (EBT) that must be inventoried and preserved by the state. The research method applied in this study is juridical-sociological, which examines this protection concretely realized through various initiatives and roles of the Head of the Yogyakarta Special Region Culture Office, including inventory, coaching, organizing festivals, strengthening communities, utilizing technology, and developing regional regulations with the active involvement of the community in three *kananewon* in Sleman Regency-Cangkringan (through Kridha Turangga Jati Jiwosari), Kalasan (Turangga Agung & Sekar Mudha Turangga). Sekar Mudha Turangga), and Minggir (Turangga Lancur Jati)-led by maestros, are strong evidence of collaboration in maintaining and inheriting Jathilan Lancur. Thus, legal protection is not just a formality but a guarantee of the sustainability of Jathilan Lancur as an invaluable cultural identity.

**Keywords:** Jathilan Lancur, Legal Protection, Traditional Cultural Expression, Cultural Promotion, Gotong Royong.

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RESEARCH & PUBLISHING



## 1. INTRODUCTION

The Special Region of Yogyakarta is known for its diverse traditional and cultural ceremonies. One form of Traditional Cultural Expression of the people of Yogyakarta, especially the 3 Kapanewon in the Sleman Regency area, namely Kapanewon Cangkringan, Kapanewon Kalasan, and Kapanewon Minggir is the traditional art of Jathilan Lancur. EBT Jathilan Lancur is the forerunner of Jathilan art found in the Special Region of Yogyakarta, the term "lancur" is taken from the decoration pinned on the headband (undheng) like feathers (DJKI, 2025). Jathilan is part of a ritual associated with animistic beliefs, and the connection of ritual ceremonies with the community produces patterns of tradition that live in the community. Cultural potential is generally known as traditional cultural expression. The World Intellectual Property Organization (WIPO) uses traditional cultural expressions (EBT) in various international domains (Booklet, WIPO, 2005). The United Nations Educational, Scientific, and Cultural Organization (UNESCO) in its World Heritage Convention in 1972 included cultural expressions and made plans to oblige countries to protect traditional communities to ensure such protection (Janet Blake, 2001).

During the last decades, the importance of creative industries has been increasing in the sustainable development of cities, as recognized by the 2021 International Year of Creative Economy for Sustainable Development. Cultural and creative industries are based on diverse sectors and activities "whose principal purpose is the production or reproduction, promotion, distribution, or commercialization of goods, services, and activities of cultural, artistic, or heritage-related origins" (Raufast, 2015). Traditional Cultural Expression works can be observed in WIPO, which determines the Traditional Cultural Expression or Expression of Folklore. These characteristics are traditional works and wisdom values in traditional societies that reflect knowledge and skills that are transformed based on basic values and beliefs through the creative work of Traditional Cultural Expression. An NVivo thematic content analysis of all the tourism-related actions listed in the UCCN reports was performed to identify what types of cultural tourism products and actions are linked to creative cities and to understand how they relate to their UNESCO creative fields to detect gaps and potentials. Tourism activity represents 17% of the total actions listed in creative cities' reports, mostly concentrated in the craft and folk art field. The empirical results highlight tendencies that can be applied and adapted to future destinations with intangible assets in their territory that want to work with creative industries. Thus, this study unveils the underexplored potential of synergies between two important economic and creative activities (Jordi, 2023).

The result that most raises awareness of the touristic potential of creative industries is the high percentage of activities (17% of a total of 1301 actions) related to tourism. The relevant presence of tourism-oriented actions within UNESCO's creative cities' strategies follows the transformation of cultural tourism and its progressive integration of new dimensions of culture beyond tangible attractions (B. McKercher, 2020). Cultural tourism has historically been based mainly on tangible assets; however, these assets have grown in diversity, from monuments or museums to heterogeneous elements such as contemporary art (George, 2021). Moreover, the contemplation of tangible culture has turned into a more active interaction, where visitors are now part of the co-creation of experiences. Nowadays, experiences are at the center of tourism demand (Jordi, 2023), making the trip unique and personalized. Interactive or sensory experiences provide them with unique memories, like a "mental souvenir," as well as an anchored vision of the territory through its cultural features. The shift from an economy based on products and services to an economy based on experiences, where visitors live a memorable stay that can transform their way of thinking and acting, is at the center of the "creative turn of tourism" (G. Richards, 2011), creative industries have brought a paradigm shift in tourist activity, and more specifically in cultural activity, by contributing to these experiences.

In 2020, a European project called Traces-Cultour Is Capital (Cultour, 2021) was initiated between eight European countries to involve the tourism and creative industry sectors in laboratories, where local resources would be used to shape innovative tourist products. The synergies established between the two sectors are the pillars of the project and announce a powerful potential for the cities' development and tourism. In this context, cultural capitalization is one of the more effective tools for projecting uniqueness and augmenting competitiveness among destinations through differentiation (Rodríguez, 2019). Creative

industries are diverse and include the intangible assets of a territory, such as heritage. Intangible cultural heritage (ICH) is not only a representation of the past and its tradition but also a strong pillar of development and creativity. Indeed, some ICH are represented as a creative field in the UNESCO Creative Cities Network (UNESCO, 2021), such as Crafts and Folk Art or Gastronomy. In addition, their impact on tourism was recognized in the first UNWTO Study on Tourism and Intangible Cultural Heritage, following World Tourism Day 2011 on "Tourism-Linking Cultures." The report demonstrates how ICH can benefit the local community by also involving them, such as with "Handicrafts and visual arts that demonstrate traditional craftsmanship." At the same time, the report shows the challenges of converting ICH into tourism products, especially when language or large cultural gaps impose their limits: the ICH category "Oral Traditions and Expressions, including Language as a Vehicle of Intangible Cultural Heritage," since it depends on languages, is more complex to divulge to the international public.

In the Intellectual Property (IP) legal system in Indonesia, the regulation of Traditional Cultural Expressions is regulated in Law Number 28 of 2014 concerning Copyright, the regulation of traditional culture is contained in Chapter V concerning Traditional Cultural Expressions and Protected Creations. Article 38, Paragraph (2), describes the state's obligation to maintain Traditional Culture. Traditional Cultural Expressions are copyrighted works of the form of. Objects, intangible, or a combination of both, show the existence of a traditional culture that is held communally and across generations, including textual verbal, music, movement, theater, fine arts, traditional ceremonies, architecture, landscape, or other forms of expression according to development.

The discussion on the legal protection of intangible culture has become a very important issue. Indonesia, as a large country, is rich in natural resources, culture, traditions, and knowledge that must be preserved and defended to maintain the sovereignty of the nation as a whole. Thousands of cultures are stored on earth, including works of art such as regional music, folk songs, choreography, performing arts, the impact of fabric motifs, and various types of Indonesian cuisine and specialties (Eva, 2020). A nation's personality is reflected in its culture. Nowadays, culture is often forgotten and ignored. Preservation and lack of efforts to protect these cultures, especially intangible cultures, can have negative consequences for the Indonesian state, namely by claiming Indonesian culture by other countries. This claim certainly has a detrimental impact on Indonesia, both in terms of economy, tourism, society, and culture (Eva, 2020).

The entry of foreign cultures into Indonesia through digital social media influences the younger generation of Indonesia, which has an impact on the loss of traditions of origin and national identity that should be preserved for generations to the younger generation of Indonesia. Cultural diversity Protection of intangible culture, both at the national and international levels, is necessary to understand the cultural wealth that exists today, especially to prevent recognition from other parties (Department, 2020). Traditional Cultural Expressions in the art of Jathilan Lancur, studied in depth, have potential value for the Special Region of Yogyakarta, both in cultural existence and in increasing the tourism economy. The purpose of this study is to determine and evaluate the legal protection of Jathilan Lancur art as a form of Traditional Cultural Expression, as well as factors that affect the extinction rate of Jathilan Lancur art, as well as efforts to preserve it.

## **2. THEORETICAL BACKGROUND**

### **2.1. Traditional Cultural Expressions (TCEs)**

Traditional Cultural Expressions, also known as "expressions of folklore," are tangible and intangible forms in which traditional knowledge and culture are expressed.<sup>1</sup> They include a wide range of creations, such as music, dance, art, stories, and rituals. The key characteristics of TCEs are (Traditional, 2024). Communal Ownership: They often developed and maintained collectively by a community, rather than a single, identifiable creator. Intergenerational Transmission: They passed down from one generation to the next, often orally or through imitation. Cultural Identity: They reflect the cultural and social identities of a community. Dynamic and Living: While rooted in tradition, they can evolve and be recreated over time.

The communal and evolving nature of TCEs presents a challenge for legal protection systems that are primarily designed for individual fixed works.

## **2.2. Intellectual Property Rights (IPR) and Their Limitations**

Traditional intellectual property rights, such as copyright, are the primary mechanisms for (Bakhtiar, 2023). Copyright: In Indonesia, the Copyright Law (Law No. 28, 2014) is a central legal instrument. Protection: Copyright protects the expression of an idea rather than the idea itself. It grants creators exclusive rights to reproduce, distribute, and perform their work publicly. Relevance to TCEs: While Jathilan Lancur, as a performance art, can be protected by copyright, the law faces challenges in this context. Traditionally, copyright requires a known individual creator and a fixed form. Since TCEs often have "authors unknown" and are passed down orally or through practice, they may not fit neatly into this framework. Indonesian Specificity: Indonesian law, particularly Article 38 of the Copyright Law, attempts to address this by stating that the copyright for TCEs is held by the state. The state is then obligated to inventory, safeguard, and maintain its expressions. Moral Rights: Copyright law also includes moral rights, which are the rights of an author to be credited for their work (right of attribution) and to prevent derogatory or demeaning alterations (right of integrity). While these rights are crucial for the dignity of a traditional art form, they are difficult to apply when there is no single author to whom the rights can be attributed. Other IPR mechanisms, such as trademarks or geographical indications, may be used to protect certain aspects of TCEs, but they are not a comprehensive solution for the art form as a whole. For instance, a trademark could protect a specific name or logo associated with a Jathilan group, but it would not protect the dance, music, or ritual.

## **2.3. The *Sui Generis* System and State Protection**

Owing to the limitations of existing IPR systems, there is global discussion and a growing movement towards creating a *sui generis* (unique) legal framework for the protection of TCEs. This system was specifically designed to address the unique characteristics of traditional knowledge and cultural expressions, including communal ownership and intergenerational nature. In Indonesia, the state's role as a copyright holder of TCEs, as stipulated in the Copyright Law, can be seen as a form of *sui generis* protection. This framework is intended to: (Maria, 2024). Prevent Misappropriation: Protect Jathilan Lancur from being improperly exploited or claimed by foreign entities or unauthorized parties. Preservation and Documentation: Obligate the government to inventory and document the art form, ensuring its preservation for future generations. Regulate Use: Ensure that any commercial use of the art form respects the values of the community and benefits the original custodians of tradition. However, the implementation of this state-led protection is challenging. The effectiveness of a law depends on the government's commitment to creating clear regulations, establishing a functional inventory system, and actively enforcing the law against unauthorized use. The lack of specific government regulations for TCEs has been identified as a weakness in the current system.

## **2.4. The Role of Customary Law and Local Regulations**

Beyond national law, Jathilan Lancur's legal protection also involves customary law (*bukum adat*) and local regulations. Communities that practice and transmit this art form often have their own traditional rules and protocols for use and performance. These customary norms, although not always legally binding in a formal sense, are a critical part of art protection. Additionally, some local governments in Indonesia have begun implementing regional regulations to protect local cultural expressions. These local laws can complement the national legislation and provide a more context-specific protection layer. In conclusion, the legal protection of Jathilan Lancur art as a TCE requires a holistic approach that combines elements of national intellectual property law, the unique state-held copyright system, and the development of *sui generis* frameworks at both national and local levels. The primary goal is to balance the preservation of art

as a communal cultural heritage with the need to prevent its unauthorized commercial exploitation, ensuring its continued existence and transmission to future generations.

### 3. METHODOLOGY

Roscoe Pound is one of the jurists who put forward the flow of sociological jurisprudence, this flow emphasizes its attention on "legal reality" rather than the position and function of law in society (Marsudi, 2015). Basically, legal reality is the public will and not just law in books, this flow of sociological jurisprudence provides legal certainty as a form of appreciation for the role of society in law formation and legal orientation. According to Soetandyo, the term 'sociological' refers to the idea that legal realism believes that although law can be produced through a process that can be accounted for in imperative logic, law must also be based on experience (Marsudi, 2015).

Sociological jurisprudence is a school that adheres to the discipline of law, which makes it different from other sociology-related disciplines such as the sociology of law and socio-legal studies. As one example can be seen in terms of the research methods used, sociological jurisprudence uses normative juridical methods, whereas legal sociology uses empirical sociological research methods, which is one of the differences between these two disciplines (Marsudi 2015). Meanwhile, socio-legal studies itself is a study that promotes multidisciplinary studies, using legal and non-legal disciplines to obtain a correct understanding of the discipline of law (Marsudi, 2015), as previously explained that Sociological jurisprudence is a school that only uses legal disciplines and is not related to other disciplines. Roscoe Pound refers to Sociological Jurisprudence in matters of practice, namely, how the law is implemented. Pound wants to change the law from theoretical to legal, which is a reality (Atip 2014). Roscoe Pound also argued that law is what is done by law enforcement officials and anyone who has the function of implementing the law with the concept of law put forward by Pound. The theory put forward by Pound is the theory of law as a tool for social engineering, which explains that law is a tool for reforming society; in this case, the law is expected to change social values in society (Marsudi, 2015).

In connection with the discussion of this paper, it is very interesting to see how the theory of law as a tool for social engineering generally aims to change the values that exist in society, and based on the problems previously described, this paper analogizes Law No. 19 of 2002 concerning Copyright, Law No. 14 of 2001 concerning Patents, Law No. 41 of 1999 concerning Forestry, Residential Regulation No. 41 of 1999. 41 Year 1999 Forestry, Residential Regulation No. 28 Year 2007 on the Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage, Presidential Decree No. 16/1997 on the Ratification of the Patent Cooperation Treaty, and international conventions in the field of PTEBT, among others, the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, Convention on Biological Diversity; 2) Secondary legal sources include the Draft Law on Traditional Cultural Expressions, Copyright Law, Draft Law on the Protection of Indigenous Peoples, WIPO Model Law for Folklore Protection 1982, WIPO Draft Treaty on Protection of Folklore, WIPO Draft Treaty on Protection of Traditional Knowledge, WIPO-IGC Draft of the Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles, WIPO-IGC Draft of the Protection of Traditional Knowledge: Revised Objectives and Principles is a law that seeks to change the values of Indonesia's communal indigenous society towards an individualistic society.

Sociological Jurisprudence, as described in this paper, is closely related to legal philosophy, where this school examines legal values in depth and the research method will look at the relationship between society and the laws formed regarding intellectual property rights in Indonesia. The approach used in this study is a legal interdisciplinary approach, in which this study only uses legal disciplines as a theoretical and methodological basis for conducting research.

The purpose of using the legal interdisciplinary method in this research was to obtain a correct and deeper understanding of the legal discipline itself. In examining the issues discussed in this paper, the approach that will be used is the sociological jurisprudence approach related to the sociological values contained in Indonesian society, especially indigenous peoples. This paper is prescriptive research, which is an effort to solve problems by identifying facts and then linking them with relevant legal norms to draw

conclusions based on the things that have been stated. <sup>26</sup> This paper will try to provide a solution to the gap that occurs in terms of the application of the TRIPs Agreement, which is required to be individualistic towards Indonesian indigenous peoples who are communal. This research data is analyzed using legal substance content analysis techniques aimed at analyzing formulations in laws and regulations and other legal materials to identify weaknesses in the regulation of Traditional Cultural Expressions.

## 4. RESULT AND DISCUSSION

### 4.1 Existence of Traditional Cultural Expressions of Jathilan Lancur Arts

Jathilan Lancur art performance has an important role in people's lives, as part of social activities, which is better known as a means of ceremony, such as *meriti desa* or clean village. The existence of a jathilan in the *Merti Desa* event has a social effect on the supporting community as a means of mutual cooperation. Traditional cultural expressions of the community depict prayer, gratitude, and the spirit of life. Jathilan, also known as *kuda lumping*, *kuda kepeng*, or *jaran kepeng*, is one of the oldest traditional arts with strong roots in Java, especially the Special Region of Yogyakarta and its surroundings. Among the various variants of Jathilan that have been developed, Jathilan Lancur is known as the origin or classic form of this art. "Lancur" itself refers to the long feathers of a rooster that become an iconic decoration on the dancer's headband (*udheng*), reflecting the simplicity and authenticity of the past. Jathilan Lancur's dance moves showcase the agility and spirit of the hussar, often with dynamic, agile and energetic movements. Some of these movements are inspired by the Yogyakarta-style *wayang wong*, especially the *tanjak* (*tancep*) position, which shows its own distinctiveness. (DJKI, 2025)

The musical accompaniment of Jathilan Lancur generally uses a simple traditional gamelan ensemble consisting of instruments, such as drums, *bende*, *angklung*, and *bem*. This music creates a magical and immersive atmosphere that guides dancers' rhythmic movements. More than just entertainment, Jathilan Lancur has a very important role in the social and spiritual life of the Javanese people. It is often an integral part of traditional ceremonies such as the *Merti Desa* (clean village). In this context, Jathilan Lancur is not just an art performance, but a communal ritual that functions as a form of entertainment: (Tourism, 2023)

- a. Means of Prayer and Gratitude: This performance is a form of traditional cultural expression of the community to convey prayers, gratitude for a bountiful harvest, and ask for blessings and safety for the village and its inhabitants.
- b. Bonding of Mutual Cooperation: The preparation and execution of Jathilan in the village *meriti* event automatically encourages the spirit of togetherness and *gotong royong* among residents. Every individual, from dancers to gamelan musicians and spectators, feels a sense of ownership and responsibility for the preservation of this tradition.
- c. Manifestation of the Spirit of Life: The agile movements of dancers and energetic music also symbolize the spirit of life, courage, and bravery, which inspires the community to face life's challenges.
- d. Symbol of Strength and Struggle: The braid horse, as the main property, symbolizes strength and power. Some historical interpretations also mention that Jathilan is a depiction of the spirit of Prince Diponegoro's soldiers in fighting Dutch colonizers, where the bamboo imitation horse symbolizes the support of the common people in the struggle.

One of the highlights and characteristics of Jathilan in general, including Lancur, is the "ndadi" scene or possession by spirits. This moment is often the highlight of the performance, although it requires the important role of a handler to control the performance and "cure" the possessed dancer. Although Jathilan Lancur is faced with the challenges of modernization and globalization, revitalization efforts continue to be made by various parties, including the local government and arts community, to ensure that this noble cultural heritage remains sustainable and relevant for future generations. By combining traditional elements and contemporary touches, Jathilan Lancur is expected to continue to be a medium that not only entertains, but also maintains and respects Indonesia's cultural heritage.

The legal protection of Jathilan Lancur does not stop at the law, but also requires systematic implementation with the recording of Communal Intellectual Property at the Directorate General of Intellectual Property of the Ministry of Law of the Republic of Indonesia, which is very important as proof of authenticity and communal ownership. In addition, it is important to educate the public, especially the younger generation, on the value and importance of Jathilan Lancur and the laws that protect it. With a clear legal framework and strong implementation, Jathilan Lancur will not only survive as an art form but will also continue to grow and enrich the nation's cultural treasures and strengthen the communal identity of its people. This is a long-term investment in preserving the priceless intangible heritage.

#### **4.2. Legal Protection of Traditional Cultural Expressions**

Traditional Knowledge is a general term that encompasses creative expressions, creative information, and knowledge that has specific characteristics and can identify social units (Budi 2005). Traditional knowledge refers to the knowledge, innovations, and practices of indigenous and local communities worldwide. Developed from experience through countries and adapted to local cultures and environments, traditional knowledge is transmitted orally from generation to generation. It is collectively owned and takes the form of stories, songs, *folklore*, proverbs, cultural values, beliefs, community legal rituals, local languages, and agricultural practices including the development of plant species and animal breeds. Traditional knowledge is primarily a natural practice, specifically in the areas of agriculture, fisheries, health, horticulture, and forestry (Budi, 2005).

Traditional Cultural Expression is a part of the cultural life of the community; this term comes from tradition, culture, and expression (Andika, 2019). The word "Expression" means to express or clear purpose, idea or feeling. the word "Culture" generally means something produced by the human mind to develop and maintain life in their environment (Andika, 2019).

Developing countries' struggles to protect traditional cultural property do not easily receive support from developed countries. In the discussion of "The Draft United Nations Declaration On The Rights Of Indigenous Peoples" rejection actually came from several developed countries such as France, Japan, the Netherlands, the United Kingdom and the United States They argued that articles regarding the granting of rights to the community as a collectivity were considered to cause a clash between individual rights and collective rights (Agus, 2005).

Developed countries go to great lengths to protect their intellectual property from abuse in developing countries, but they are reluctant to recognize the collective rights of local communities in developing countries (Agus, 2005). International recognition of Traditional Cultural Expressions has received special attention, given the importance of the elements of national identity.

Indonesia has been a member of the World Trade Organization (WTO) since the WTO was establishment on January 1, 1995, after ratifying the WTO Agreement, which is the result of the Uruguay Round through Law Number 7 of 1994. Becoming a member of the WTO requires Indonesia to adopt the provisions of the WTO Agreement into its national law, which is in accordance with the principle of single undertaking contained in the WTO Agreement. Adjusting national provisions to align with the interests of the WTO is one way to achieve trade liberalization, which is the goal of the WTO itself. Trade that is not hindered by the boundaries of a country is the ideal of the WTO, which must be achieved together. Looking at the sequence of events from the Uruguay negotiations until Indonesia became a member of the WTO, this paper argues that Indonesia was one of the countries that became a member of the WTO in the early days of the WTO (Djody, 2023).

Becoming a member of the WTO obliges Indonesia to adopt the provisions of the WTO Agreement along with Annexes 1, 2, and 3, which are part of the agreement. The obligation to adopt these provisions is in accordance with the principle of a single undertaking of the WTO Agreement, as stipulated in Article II. Based on this provision, Indonesia must also adopt the provisions stipulated in Annex 1C of the WTO Agreement, which are related to intellectual property rights. The regulation related to intellectual property rights is regulated in the Trade-Related Aspects of Intellectual Property Rights (TRIPs), which is one of the results of the Uruguay Round, which was amended in 2017. Trade and protection related to

intellectual property rights are related, as can be seen if in the trade of a good or service, the related intellectual rights are not respected; it is likely that the product being traded will use other people's patents, copyrights, or industrial designs illegally (Djody, 2023). Although TRIPs have goals that are in line with trade liberalization, it should be remembered that the things regulated in TRIPs are based on the views and concepts of Western society that are individualistic and capitalistic, where the protection of copyright is generally interpreted as copyright protection to individuals. The system that leans towards individualism is also not able to protect the rights of local communities or indigenous tribes over intellectual property that is not owned individually by one member of the community.

The attitude of the Unitary State of the Republic of Indonesia to support Traditional Cultural Expressions began with the ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage in the Presidential Regulation of the Republic of Indonesia Number 78 of 2007 concerning the Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, the cooperation carried out by UNESCO in this 2003 ICH convention includes, among others, the exchange of information and experience, joint initiatives, and the establishment of assistance mechanisms to the State parties in their efforts to protect intangible cultural heritage. Therefore, cooperation is conducted at the bilateral, subregional, regional, and international levels (Convention, 2003). In 2005, Indonesia agreed to the Convention on the Protection and Promotion of the Diversity of Cultural Expression on the forum of the United Nations Education, Scientific, and Cultural Organization (UNESCO), which was ratified by the Presidential Regulation of the Republic of Indonesia Number 78 of 2011 concerning the Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expression (Sylavana, 2015).

The protection of a work is closely related to the IPR (Intellectual Property Rights) system. The IPR regime or IPR system that applies cannot be separated from the role of the World Trade Organization (WTO) through its main annex, namely TRIPs (the trade-related aspects of intellectual property rights (TRIPs)). Before the World Intellectual Property Organization (WIPO) was formed, an organization called Bureaux Internationaux Reunis pour la Protection de la Propriete Intellectuelle (BIRPI) was established in 1893 to oversee the Bern Convention on the Protection of Works of Art and Literature and the Paris Convention on the Protection of Industrial Property Rights, which was formally established by the Convention Establishing the World Intellectual Property Organization (signed in Stockholm on July 14, 1967, and amended on September 28, 1979). Under Article 3 of the Convention, WIPO endeavors to "promote the protection of IPRs throughout the world." In 1974, WIPO became the UN's special representative for this purpose (Sylavana, 2015).

The variety of actions developed by UNESCO Creative Cities present an explicit interest in tourism, and allow tangible and close relationships between creative industries and the tourism sector. For this purpose, a descriptive analysis was conducted through a content analysis of the most recent monitoring reports of UNESCO Creative Cities. This analysis identifies and categorizes the different actions developed by these cities using a tourism approach. This has allowed the highlighting of common practices to integrate a creative atmosphere with the tourism industry.

Considering this context, the segmentation of the findings by their creative dimension aims to be a relevant information source for public policymakers as well as local businesses that plan to generate a tourist offering built upon the creative industry of the destination. This study aimed to facilitate the identification of possible actions to develop the creative environment of each destination. For instance, beyond festivals, creative dimensions, such as craft and folk art or gastronomy, can also develop the cultural tourism industry.

Considering this context, the segmentation of the findings by their creative dimension aims to be a relevant information source for public policymakers as well as local businesses that plan to generate a tourist offering built upon the creative industry of the destination. This study aimed to facilitate the identification of possible actions to develop the creative environment of each destination. For instance, beyond festivals, creative dimensions such as craft and folk art or gastronomy can also develop cultural tourism products, such as routes and visits to local producers, to create a non-temporary tourism offer. Nevertheless, it is necessary to integrate the development of tourism products based on creative industries

into destination strategic plans and foster the implications of creative industry stakeholders in tourism activities. In this sense, it is necessary to proceed with a further analysis of the different initiatives carried out by UNESCO Creative Cities members to identify best practices, such as the diffusion of business opportunities developed by the Edinburgh Tourism Action Group (Edinburgh, 2012).

Although there is no legislation that specifically discusses intangible culture, there are several National Legal Instruments in Indonesia regarding the protection of intangible culture. Indonesia, which has the concept of a state of law, protects its cultural wealth and heritage. Some Indonesian legal instruments mention that the cultural heritage in Indonesia is protected by the 1945 Constitution of the Unitary Republic of Indonesia as the state constitution. Article 32, paragraph 1 of the 1945 Constitution of the Republic of Indonesia states the following.

- a. Article 32 paragraph (1): The state promotes Indonesian national culture in the midst of world civilization by guaranteeing the freedom of the community to maintain and develop its cultural values.
- b. Article 32, paragraph (2): The state respects and maintains regional languages as national cultural wealth.

The form of legal products issued under the Constitution of the Unitary Republic of Indonesia in accordance with the hierarchy of laws and regulations in Indonesia, specifically Indonesia, regulates the protection of cultural heritage in three ways:

- a. Law No. 11 Year 2010 on Cultural Heritage;
- b. Residential regulation no. 78 Year 2007 on the Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage 2003
- c. Regulation of the Minister of Education and Culture of the Republic of Indonesia No. 106 of 2013 on Indonesia's Intangible Cultural Heritage.

The year 2014 was a new milestone for the development of copyright Law No Indonesia with the enactment of Law No. 28 Year 2014 on copyright. Some of the provisions in Law No. 28 of 2014 on copyright that regulate intangible culture or traditional cultural expressions are as follows.

- a. Article 38 paragraph (1): Copyright of EBT is held by the state. Explanation of Article 38 (1): What is meant by EBT includes one or a combination of the following forms of expression: drama, musical drama, dance, choreography, puppetry and pantomime.
- b. Article 38 paragraph (2): The State is obliged to inventory, safeguard, and maintain EBT, as referred to in paragraph (1).
- c. Article 38 paragraph (3): The use of EBT, as referred to in paragraph (1), must pay attention to the values that live in the community of its developer.
- d. Article 38 paragraph (4): Further provisions concerning copyright held by the state over EBT, as referred to in paragraph (1), shall be regulated by government regulation.
- e. Article 60: Copyright over EBT held by the state as referred to in Article 38, paragraph (1), shall apply indefinitely.

One way to maintain the nation's sovereignty is through the enforcement of Intellectual Property Rights (IPR), even though it is as minimal as possible, especially for the nation's works that show the strength and characteristics of the rich and great Indonesian nation, such as intangible culture and folklore, which include works of art from regional music, folk songs, choreography, and batik, which is unique to Indonesia. The protection of intangible culture is necessary to understand the cultural wealth that exists today, especially to prevent recognition from other parties (Department, 2020).

The current concept of Intellectual Property Rights is still inadequate to protect Traditional Cultural Expressions. The protection of Intellectual Property Rights on Copyright, which began in 1982, still has several gaps. The purpose of the protection of the Traditional Cultural Expressions Bill in this national law is different from the purpose of protecting Traditional Cultural Expressions that are being sought in international forums. If the protection of Traditional Cultural Expressions in the national forum is to preserve Traditional Cultural Expressions, the protection of Intellectual Property Rights is a consequence of the preservation of Traditional Cultural Expressions (Afifah, 2015). This difference also arises among the public in that the majority of people consider the risk of extinction of Traditional Cultural

Expressions due to lack of recognition, and government attention is much more important than the issue of IPR protection and commercialization of Traditional Cultural Expressions in Indonesia. This skepticism also arises among academics because, in reality, the government does not care about the damage and loss of tangible cultural heritage, such as cultural heritage and various artifacts that are destroyed and stolen throughout Indonesia (Academics, 2009). Therefore, Draft Law. Traditional Cultural Expressions will be more acceptable to the public if they not only regulate the protection of Intellectual Property Rights over Traditional Cultural Expressions, but also regulate more comprehensive protection aimed at maintaining and preserving PTEBT.

The government's stance that supports the protection of Traditional Cultural Expressions is, for example, regarding prior informed consent (PIC) from indigenous peoples regarding any utilization of Traditional Cultural Expressions. The government does not act alone, but also seeks the consent of indigenous peoples regarding relevant Traditional Cultural Expressions. The government is also obliged to respect the refusal decided by indigenous people if, for certain reasons, they may not want to share their Traditional Cultural Expressions with third parties. For example, because their Traditional Cultural Expressions have certain sacredness or are related to their beliefs, the government in this case has an obligation to protect all its citizens from the actions of harmful foreign parties. The prevailing Intellectual Property Rights system should be addressed through the establishment of laws that reflect the aspirations or at least the interests of its citizens. How can we harmonize individualistic values with the values of togetherness that characterize our nation? It is not an easy thing, and there is bound to be "resistance." However, as a sovereign nation, we should prioritize the interests of the nation over those of the group (Sylvana, 2015).

Real efforts can be made together by the government and the community to protect Traditional Cultural Expressions as a form of nationalism, one of which is through inventory. The inventory or documentation of a traditional culture is a data collection activity for the traditional culture in an area. Data collection helps document the traditional culture of an indigenous community. Forms of inventory forms include publishing a written inventory of knowledge (in the form of a book) or using a database on a computer. Inventory is included in the defensive protection measures. By carrying out defensive protection, it minimizes the occurrence of unlawful abuse of a community's traditional culture. The steps taken by various countries and communities in utilizing this defensive protection are to build a database related to the traditional culture in the country concerned. Through the database, the state can use it as a comparison document (prior art) if there is a claim against the traditional cultural expressions in question. Thus, the inventory of Traditional Cultural Expressions is advantageous (Afifah, 2011).

#### **4.3. The Role of the Community and the Government of Yogyakarta Special Region In the Preservation of Jathilan Lancur Art**

The art of Jathilan Lancur was recorded in the Traditional Cultural Expressions at the Directorate General of Intellectual Property on April 28, 2025 (DJKI, 2025). The reporting of the recording of the art of Jathilan Lancur was initiated by the Head of the Yogyakarta Special Region Culture Office, strategic steps were taken to preserve the art of Jathilan Lancur, a traditional cultural expression that is profound and vital to society (DJKI, 2025).

This report confirms the commitment of the Yogyakarta Special Region Government in preserving Jathilan Lancur, which is not just a performing art, but a reflection of prayer, gratitude, and the spirit of community life, as well as a strong bond of gotong royong in traditional ceremonies, such as *merti desa* or clean villages. These initiatives include detailed inventory and documentation of art, fostering and regenerating young artists through workshops, organizing regular festivals and performances, strengthening the role of local communities as inheritors of tradition, utilizing digital technology for promotion and education, and developing regional regulations that support the protection of Jathilan Lancur as an Object of Cultural Advancement, in line with Law No. 5/2017 on Cultural Advancement. Through this comprehensive effort, the Yogyakarta Regional Government is determined to ensure that

Jathilan Lancur is not only preserved but also continues to grow and be appreciated by future generations as an integral part of Yogyakarta's cultural identity.

The people of Yogyakarta have Jathilan Lancur groups, especially 3 Kapanewon in the Sleman Regency area, namely Kapanewon Cangkringan, Kapanewon Kalasan, and Kapanewon Minggir, actively participate in maintaining and preserving their cultural wealth. This involvement is felt in various traditional activities, including the preservation of Jathilan Lancur's art, which is an integral part of their local identity.

In Kapanewon Cangkringan, precisely in Jiwan Hamlet, there is a Jiwan Jathilan Lancur group known as Kridha Turangga Jati Jiwosari. The group is fostered directly by their maestro and leader, Mr. Marsudi MH (65 years old), who lives in Wonokerso, Argomulyo, and Cangkringan. Moving to Kapanewon Kalasan, in Kadirojo Hamlet, the richness of Jathilan Lancur is represented by two different groups: Jathilan Turangga Agung and Sekar Mudha Turangga. Both groups are under the guidance and leadership of Maestro Mr. Wajiyono (55 years old), who lives in Kadirojo I RT002/RW001, Purwomartani, and Kalasan. Kapanewon Minggir, especially in Sendangmulyo sub-district, is also the center of Jathilan Lancur in Sleman. Here, art is represented by the Turangga Lancur Jati Group, which is based on the Slarongan hamlet. The group is led by Maestro Mr. Purwodiyanto (70 years old), who lives in Ngemplak RT01/RW15, Sendangmulyo, Minggir (Tourism, 2023).

The existence of these maestros and the activities of these groups in Cangkringan, Kalasan, and Minggir show the vital role of the community in keeping Jathilan Lancur alive and sustainable, as an integral part of Yogyakarta's cultural identity.

## **5. CONCLUSION**

Legal Protection of Jathilan Lancur, Guaranteeing the Preservation of Traditional Cultural Expressions. The art of Jathilan Lancur is a traditional cultural expression that not only enriches the treasures of art but also serves as an important pillar in the social and spiritual life of the people of Yogyakarta. Its existence as a means of traditional ceremonies, such as Merti Desa and Bersih Desa, which are full of the meaning of prayer, gratitude, and enthusiasm for life, as well as a driver of mutual cooperation, emphasizes the urgency of legal protection. In Indonesia, the basis for this protection is firmly established in Law Number 28 of 2014 concerning copyright, which recognizes Traditional Cultural Expressions as state copyrights that must be inventoried and maintained, as well as Law Number 5 of 2017 concerning the Promotion of Culture that encourages the preservation, development, and utilization of Jathilan Lancur as an Object of Cultural Promotion.

This commitment is concretely realized by the Head of the Yogyakarta Special Region Culture Office through various initiatives, such as inventory and detailed documentation of Jathilan, fostering and regenerating artists, organizing festivals, strengthening communities, utilizing digital technology, and developing specific regional regulations. Real support also comes from the community, especially in Kapanewon Cangkringan (through the Kridha Turangga Jati Jiwosari group under Mr. Marsudi MH), Kapanewon Kalasan (with the Jathilan Turangga Agung and Sekar Mudha Turangga groups under Mr. Wajiyono), and Kapanewon Minggir (with the Turangga Lancur Jati group under Mr. Purwodiyanto). Thus, the legal protection of Jathilan Lancur is not just a formality but a guarantee that this traditional cultural expression continues to live, develop, and be passed down across generations, maintaining the identity and cultural wealth of the nation.

### **Ethical Approval**

Ethical approval was not required for this study.

### **Informed Consent Statement**

Informed consent was not obtained for this study.

### **Author Contributions**

Savira Alfi Syahrin was responsible for conceptualizing the research framework, developing the methodology, and drafting the initial manuscript, contributed to data collection, formal analysis, and interpretation of the results. Richardus Novanto assisted in literature review, provided critical revisions to enhance academic rigor, and supported the final editing process. All authors reviewed and approved the final version of the manuscript, with Savira Alfi Syahrin serving as the corresponding author.

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No potential conflicts of interest were reported by the authors.

### **Data Availability Statement**

The data presented in this study are available upon request from the corresponding author for privacy reasons.

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### **Notes on Contributions**

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