

Bantul Kreet Wooden Batik Crafts as a Local Potential Area in a Study of Intellectual Property Rights: Juridicial and Economic Insight

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Keywords: Kreet Wood Batik, Local Potential, Intellectual Property Rights, Copyrights, Legal Protection.

Abstract: This study aims to analyze the existence of the typical Kreet wood batik as a Local Area Potential where it is reviewed by conducting judicial and economic reviews. This research is empirical juridical research with descriptive analysis method by taking empirical data in Kreet Village, Bantul Regency, Special Province of Yogyakarta. The results of this study indicate that there are local potentials in Kreet Bantul, namely Kreet Wooden Batik which is an intellectual work of craftsmen in Kreet, where there is a distinctive characteristic of Kreet wood batik motifs, which has the potential to apply for copyright registration on the wooden batik motif. So far, legally the Kreet wooden batik has not been touched by IPR protection and the level of public awareness in Kreet is very low to understand IPR due to various factors, namely education, community culture, bureaucracy and IPR registration fees and others. However, IPR assistance has been carried out so that there has been a Certificate of Recording 2 (two) batik motifs, namely Colorful Batik Motifs and Red Black Grompol Batik Motifs. From the economic aspect, registration of IPR has benefits for the community, especially the craftsmen community, to utilize their economic rights from the existence of these legal protections. With the existence of legal protection, it will be possible for other parties who do not have the right to take economic benefits, thus the creator can make maximum use of the economic benefits of the product of his work, either for his own use or transferred to other parties.

1 INTRODUCTION

Indonesia is an archipelago that has a diversity and richness of art, culture, ethnicity, nation, and religion, where diversity will provide a distinct identity for the regions in Indonesia. One of the diversity of Indonesian arts and culture is batik, which in all corners of the world has its own motives in accordance with the distinctive characteristics of each region. Kreet Bantul area is the area of the Wood Batik Craft Center, where most of the people have a livelihood as wood batik craftsmen known as Kreet Wood Batik. Kreet wood batik is a craft product that is produced from the intellectual abilities of humans that produce a craft product with a variety of variations, motifs and types. As a result of Intellectual Property originating from human intellectual capabilities through creativity, taste and caress, of course the product has a very economic value that will benefit the creator.

A distinctive feature of Intellectual Property Rights hereinafter abbreviated as IPR is that this right is a private right, so that someone is free to submit

an application or register his intellectual work or not. Exclusive rights granted by the state to individual IPR actors (inventor, creator, designer, etc.) are nothing but intended to reward the work / creativity and so that other people are aroused to be able to further develop it, so that the IPR system is determined by the public interest market mechanism. Intellectual property (IP) is the original creation of the human intelligence such as artistic, literary, technical, or scientific creation. Intellectual rights (from the French "droits intellectuels") Intellectual property rights (IPR) to the inventor or creator to protect the creation of a certain period of time (Chopra and Kumar, 2014). The IPR system also requires a good documentation system for all forms of human creativity, so that the possibility of producing the same technology or other works can be avoided or prevented. With this good documentation, it is expected that the community can make maximum use of it or develop it further to provide higher added value. IPR also provides protection against economic interests from the findings or works of inventors or creators. Legal protection aims to pro-

vide stimuli to produce more innovative inventions or works. The scope of the IPR regime includes patents, brands, industrial design, copyright, trade secrets, integrated circuit layout design and plant varieties.

Many countries that are participants of the Trade Related aspects of Intellectual Property Rights (TRIP) agreement show that the international community cares about IPR protection. This has an impact on efforts to improve IPR protection at the local / national level including Indonesia. In the last decade Indonesia has ratified international agreements related to IPR, which have the consequence that Indonesia must make regulations regarding the protection of human intellectual work and harmonize with the development of the conditions of society. Problems on IPR on the one hand relate to the problem of economic liberalization, and on the other hand are faced with social, cultural, and economic conditions of the Indonesian people. The socio-cultural conditions of the Indonesian people are still in the transition period of industrial society and not all understand and understand the issues of IPR. This cannot be denied considering that the concept of intellectual property rights does not originate from the Indonesian people, but originates from the developed countries to protect their intellectual works from the people's mindset of those countries that are different from Indonesian society.

Economic aspects or aspects can show the study that IPR is an object of wealth that can be transacted in the process of exchanging human economic needs (Mahila, 2018). Based on the types of IPR that exist, the art of Batik craft is included in the Copyright regime which in its regulation has been made a separate regulation namely Law Number 28 of 2014 concerning Copyright. The number of creative industries in the field of arts and culture that developed in Indonesia, certainly balanced also with the development of the creation of batik motifs, especially wooden batik motifs in Krebet Bantul, Yogyakarta Special Region. If there is no immediate protection, in this case copyright protection against the creation of batik motifs, it is feared that the creation will be increasingly destroyed and can be claimed by other regions and countries that understand more about the protection of IPR against batik.

Based on the description and background above, the authors formulate the problem as follows:

- a What is the implementation of legal protection for wooden batik motifs in Krebet Village, Bantul Regency, Special Province of Yogyakarta?
- b What economic benefits can the creator take regarding the protection of the batik motif?

2 METHODOLOGY

Referring to the formulation of the problem, this research belongs to the type of empirical normative research method. In empirical legal research, what is examined initially is secondary data, then proceed to primary data in the field that exists in the community. In this case, the researcher wants to provide an overview and elaborates on the study of copyright protection for wooden batik art in Krebet Village, Bantul Regency. The approach used in this study uses a qualitative approach, namely the approach used by researchers by basing on data stated by respondents in writing or verbally, as well as real behavior, which is examined and studied as something intact. Data collection techniques in this study used interview techniques and observations to a number of respondents in this study. The location of this study is in Krebet Village, Pajangan District, Bantul Regency, Yogyakarta Special Region, in a place where there are many centers of Krebet wood batik. Analysis of the results of this study is descriptive analysis.

3 RESULTS AND DISCUSSION

3.1 Copyright Legal Protection against Batik Motives

Copyright is a part of IPR that provides legal protection in the fields of Science, Arts and Literature. Legal protection against batik motifs which are also copyrighted works, which have been recognized as world cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Batik is declared feasible to be included in the Representative List of the Intangible Cultural Heritage of Humanity, which means that batik has gained international recognition as one of Indonesian culture, so it is expected to motivate and elevate the dignity of batik artisans and support efforts to improve people's welfare economically. UNESCO's recognition of batik as an Indonesian cultural heritage for the world should encourage Indonesia to truly work on batik in order to remain sustainable. Some efforts can be made both in terms of law and in terms of the economy.

The Intellectual Property Issues in Cultural Heritage Project multidisciplinary and multi-sectoral together with scholars and experts partners to collaborate on intellectual and timely investigation of intellectual property issues in cultural heritage that represent emergent local and global interpretations of

culture, rights, and knowledge (Nicholas, 2007). In Article 1 point 1 of Law Number 28 of 2014, the Copyright states that the definition of copyright is that Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of statutory regulations. Based on the above understanding, copyright can be defined as a monopoly right to member or announce creations that are owned by the creator or other copyright holders who, in their implementation, pay attention to the applicable laws and regulations.

The protection provided by copyright is given automatically since the creation is in the form of a concrete, because this law adheres to the declarative principle, where legal protection is provided automatically by the state without the need for registration. The period of legal protection of copyright especially for batik motifs is valid for life plus 70 years after the creator dies. Batik artworks are included as copyrighted works protected according to Article 40 paragraph (1) letter j of Law Number 28 of 2014 concerning Copyright. What is meant by "batik artwork" is contemporary batik motifs that are innovative, present, and not traditional. The work is protected because it has artistic value, both in relation to the image, style, and color composition.

IPR ownership is very important in dealing with global markets, because with IPR ownership someone has legal certainty when there are other entrepreneurs who will emulate the same brand (Widihastuti and Kusdarini, 2013). Looking at the importance of legal protection against culture in Indonesia, this clearly has a very strategic value that can be seen in terms of cultural, economic and social (Asri, 2016). Problems regarding IPR will touch on various aspects such as technology, industry, social, culture and various other aspects. However, the most important aspect if it is associated with the protection of intellectual work is the legal aspect. The law is expected to provide protection for intellectual work.

Besides having potential as a cultural heritage, batik also has the potential as a driving force for the national economy and creating jobs to increase people's income. Batik artwork has an increasingly creative motive to still be able to meet consumer desires. If ancient batik motifs had to be associated with mythology, social status and also related to the rank signs in the palace environment, then now batik motifs are far more innovative in pursuit of the pace of globalization and cultural change from society. This motif is called the contemporary batik motif.

Considering that batik has great economic poten-

tial, of course, protection is needed to avoid parties who use batik motifs by taking the essence of the motif to be modified and meramunya into the latest motifs that are individually registered. Even this protection is becoming increasingly urgent given the high piracy of Indonesian batik by foreign producers and batik products made by Indonesian craftsmen that are exported without any identity, so that it is finally recognized by other countries. This certainly will harm the moral rights and economic rights of the creators of contemporary batik.

3.2 Kreet Village as a Center for Wooden Batik

Kreet is a sub-village in Sendangsari village, Pajangan sub-district, Bantul Regency, approximately 12 Km Southwest of Yogyakarta City, with an area of \pm 104 ha. Geographically, the north is bordered by sub-village Kaliadem, Bangunjiwo Village, on the east borders with Pringgading hamlet which falls into the area of Guwosari Village, in the south borders with Dadabong sub-village and Kabrokan Wetan subvillage, and in the west borders with Petung and Dusun Desa Lor Triwidadi. Kreet is surrounded by teak trees, acacia mahogany and sengon so the distance from other sub-village is quite far apart.

Kreet is an area with infertile land with barren limestone land. Initially the Kreet community relied on agriculture as a source of livelihood, but because agricultural activities only lasted seasonally and relied on rainfed irrigation and the condition of the barren land, local residents developed other skills namely by making batik-made wooden handicrafts. Around the village of Kreet there is wood that can be used as a craft, for example teak, sengon mahogany, as a raw material for making crafts with batik motifs. One form of creativity in batik craft is the development of batik using wood media, where in general batik is made on cloth. The results of creativity are manifested in the form of masks, key chains, puppets, tissue boxes, trays, jewelry places, miniature animals, and other decorative creations. Designers make use of the terrace and yard as a place for producing wood batik. More and more people of Kreet Hamlet are skilled in making crafts, so more and more consumers are coming to order wood batik from both domestic and overseas. The production of wooden batik is one of the home industries that can sustain the economy of the Kreet Hamlet community which can be a magnet for the interest of local and foreign tourists to visit this village, making Kreet hamlet one of the tourist villages that must be visited when coming to Yogyakarta.

The enactment of the Copyright Law brings hope for the process of protecting a design especially Kayu Batik, namely by obtaining a recording of the Batik Kayu motif as a copyrighted work by the creator / craftsman who is legally protected. Although legal protection is obtained from copyrighted works in the form of Copyright automatically, but as authentic evidence in the future there is a need for recording so that the creator will have a certificate of recording the batik motif. The lack of knowledge and legal awareness of the creators is the main factor underlying this weakness.

Until now, wooden batik artisans in Krebet still maintain this tradition. The artisans try not to leave their profession as wood batik craftsmen who have been handed down from generation to generation. Krebet wood batik has distinctiveness in its design mainly based on raw materials as its medium, namely pule wood, and sengon. The coloring also has its own characteristics, especially when compared to wood batik motifs from other regions. This is based on the manufacturing process in the form of stages from the selection of wood media, wood cutting, making batik patterns, batik process, coloring, drying, drying and finishing. The process requires special care and expertise that can only be done by the Krebet community which has been carried out for generations. Another distinctive feature is that the coloring quality is quite good so it does not fade easily and fade.

Legal protection against batik motifs is regulated in the Copyright Act which provides protection for the copyrighted works of the wooden batik motif. The creations and creations of batik artisans can be protected by copyright, given one of the scope of copyright protection, including batik art. With the protection of the wooden batik motifs / motifs, exclusive rights for crafters / creators will appear to publish or reproduce their own new batik motifs that have become their creations or give permission to other parties to do so. Actually the protection of a work arises automatically since the creation is manifested in a tangible form, namely in the form of a new batik motif which is the creation of craftsmen and not merely as a result of modifying the old batik motifs, because recording a work is not an obligation. However, the recording of batik motifs is still needed, so that batik artisans as creators obtain a "letter of registration of creation" which is very urgent if the craftsmen intend to make a licensing agreement or agreement to transfer copyright to others. The letter of registration of the work can also be used as an initial proof in the court if a dispute arises in the future over the batik motif. To simplify the registration process, the craftsmen should indeed document all the designs of the batik designs

in the form of soft copy, or in hard copy.

Most Imogiri batik artisans have not considered IPR protection as a necessity and they have not seen the importance of legislation in the IPR field. Some obstacles in the provision of IPR protection to the work of Krebet wood batik craftsmen include:

- a The limited knowledge and understanding of Krebet wood batik craftsmen regarding matters relating to IPR which are actually needed and can protect their batik works;
- b The low level of education and the level of the economy of the artisans hampered the protection of IPRs on the work of artisans. The low level of education and economy is what makes the craftsmen think "practical" and simple, that is, preferring their batik works to sell quickly to meet their daily needs rather than thinking about their work being traced, stolen, and so on. The craftsmen did not respond too much to the idea of IPR to provide protection for their works;
- c Communal and religious culture, making craftsmen very difficult to accept IPR concepts that highlight personal rights. For them, the process of making and traditional batik motifs is a cultural heritage, which should not be possessed possessively (monopolized). The philosophy of life in togetherness makes the tradition of "sharing" including sharing knowledge about batik, one of the forms of virtue, the reward of which is inner satisfaction. This is different from the views of Western society, the place of origin of the development of IPR, which places ideas, feelings, knowledge and even feelings as a valuable property of money (intellectual property). In the modernist view, traditional knowledge is a tool to use (or discard) for the development of indigenous societies, and therefore must be subordinated to Western science (Vermeylen et al., 2008);
- d Some craftsmen who have received information about IPR state that the procedure for submitting IPR applications is difficult and expensive. Protection of IPR is obtained through certain efforts in accordance with IPR legislation. The registration procedure or arrangement for obtaining simple IPR protection and the burden of not making a "bid for IPR protection" is not enough to attract artisans to get it.

However, from the process of IPR assistance that has been carried out, it has succeeded in legally recording 2 (two) contemporary batik motifs from krebet wood batik motifs, namely Colorful Batik motifs and Red Black Grompol Batik Motif, both of

which have received a copyright registration certificate (Granted) with the recording number of each EC00201846181 and EC00201846181.



Figure 1: Warna-warni Kahyangan wooden batik motive and Grompol Merah Hitam motive

Registering the Batik Wood Motif Copyrights in addition to providing legal certainty for legal protection, it will also prevent other parties from imitating or copying the work and taking economic advantage of the batik’s copyrighted work. In addition, the application for recording the batik works will educate other craftsmen and motivate them to immediately record the batik motifs they created.

3.3 Economic Benefits of Wood Batik Craft Protection

Talking about IPR cannot be separated from its principles, one of which is economic principles. In economic principles, IPR comes from creative activities of the human mind that have benefits and economic values that will benefit the copyright owner. What are the benefits and risks associated with copyright protection in the global economy? To answer this question we must evaluate the main arguments invoked to justify strong copyright legislation and enforcement (Downes, 2006). IPR is built on the foundation of “economic interests”, the law regarding property (intellectual property). IPR protection becomes irrelevant if it is not associated with the process or commercialization of IPR itself.

In contrast to industrial property rights in general, copyright also contains economic rights and moral rights of holders of copyright. What is meant by economic rights is the right to obtain economic benefits over Copyright. The economic rights are in the form of profits obtained by money because of the use of the copyright by themselves, or because of use by other parties based on the license. The wealth of Indonesian culture can be used as a source of innovation in running the wheels of the country’s economy. However, this wealth must be protected by the government, in this case as the holder of state sovereignty through various efforts. The existence of the Copyright will expressly regulate one’s intellectual property to be protected and if it will be used commercially it is nec-

essary to pay a sum of money to the creator (in the form of royalties), as the license holder. The law can also provide state foreign exchange because it will be treated the same as Intellectual Property by paying a license if it is to be produced commercially.

Legal protection that has been obtained by the owner can provide a sense of security to develop his work so that eventually he can obtain economic benefits. Owners who have not received legal protection will not feel fully secure in utilizing the results of their work due to threats from other parties.

IPR owners who use their economic rights can immediately obtain economic benefits from their work. Owners who do not use economic rights and do not make products in the form of products on the market, the owners will not get economic benefits from the results of their work. So it is very necessary to do legal protection for copyrighted works that have obtained economic benefits for the copyrighted work, so that the creator / copyright holder is protected by his economic rights. Copyright is intellectual property that can be exploited by its economic rights, so the right to transfer ownership of copyright can arise, for example through an assignment, or a license to use copyrighted works.

The reality that occurs is that many IPR owners do not use their economic rights when they have obtained legal protection. This causes IPR owners not to get economic benefits from their IPR. Economic benefits in principle must be felt by the owner and the community. This is in line with the theory of utilitarianism, that is, an act is said to be good if it provides the greatest possible benefit for as many people as possible. Commercialization, in their view, would result in over the knowledge to outsiders, in that hands would fail to have the desired efficacy. One specialist also observed that outsiders would have a price on knowledge, which would clash with their ‘ethics.’ Such knowledge is only meant to be used for the welfare of human rights, not for profit (Sarma and Barpujari, 2012). Legal protection is not intended to only provide legal guarantees but also economically. IPR owners expect that their property can provide maximum economic benefits. To get economic value, this right can be transferred to other people, through agreements, licenses, grants, inheritance and other causes that are permitted by law. Some things that cause the owner not to use his economic rights are the cost of making a product that is quite high. This can be a stumbling block for the owner to realize this. The incentives provided by the government only apply to the registration of intellectual property rights while making products is the responsibility of each owner.

With the protection of IPR it should be followed by the transfer of these rights to other people / other parties so that economic rights can be enjoyed by the creator.

4 CONCLUSIONS

The making of wooden batik has been through several stages, starting from making motif designs, making batik, coloring, sucking and so on, each of which requires its own expertise and creativity. Thus the Krebet wood batik products need to get IPR protection in this case Copyright protection. The existence of various obstacles in the field related to the request for registration of Copyright, among others, is from the cultural aspects of the community, the level of education and understanding, so that the need for guidance from the government as well as ongoing socialization.

In order to obtain broad economic benefits, it is better to involve the company in providing assistance for the production of IPR products through the Corporate Social Responsibility (CSR) program so that it can provide economic benefits to the owner / creator.

ACKNOWLEDGEMENTS

The author would like to send the gratitude to The Directorate of Research and Community Development Ministry of Research, Technology and Higher Education who funded, in 2014-2016.

REFERENCES

- Asri, Permata, D. (2016). Perlindungan dan pengelolaan budaya lokal di kota yogyakarta.
- Chopra, H. and Kumar, S. (2014). Intellectual property protection and rights: Historical and current prospective. *International Journal of Pharmacy and Pharmaceutical Sciences*, 6(5):572–578.
- Downes, D. M. (2006). New media economy: Intellectual property and cultural insurrection. *Journal of Electronic Publishing*, 9(1).
- Mahila, S. (2018). Keberadaan hak kekayaan intelektual seni batik jambi di kota jambi. *Jurnal Ilmiah Universitas Batanghari Jambi*, 18(3):565–574.
- Nicholas, G. (2007). Intellectual property issues in cultural heritage: Theory, practice, policy, ethics, simon fraser university.
- Sarma, U. K. and Barpujari, I. (2012). Revisiting the debate on intellectual property rights and traditional knowledge of biodiversity: Accommodating local realities and perspectives. *International Indigenous Policy Journal*, 3(4).
- Vermeylen, S., Martin, G., and Clift, R. (2008). Intellectual property rights systems and the assemblage of local knowledge systems. *International Journal of Cultural Property*, 15(2):201–221.
- Widihastuti, S. and Kusdarini, E. (2013). Kajian hak kekayaan intelektual karya perajin batik studi kasus di desa wukirsari imogiri bantul. *Jurnal Penelitian Humaniora*, 18(2).