

A PROTECTION COPYRIGHT REGISTRATION CULTURE

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ARTICLE INFO	ABSTRACT
Date received :	Folklore is part of traditional knowledge, cultural traditions within the scope of art, literature and science. Folklore is one of the intellectual property rights of the community that must be given legal protection in an effort to preserve the nation's culture. Legal protection of folklore is carried out based on three considerations; (1) the development of national character in traditional knowledge, (2) the enactment of intellectual property rights regimes and folklore (3) economic value. Folklore protection shows the existence of a culture, emphasizing the identity or characteristics of a region. The Foklor dispute that occurred in International is one example, where the original culture (folklor) from Indonesia is claimed by Malaysia as the original culture of its country such as Reog Ponorogo, Pendet Dance, Gondang Sembilan. So it needs concern from the government both central and regional to preserve the nation's culture and legal protection as an intellectual work culture. Legal protection that can be done by registering Copyright to the Directorate General of IPR of the Republic of Indonesia and International through WIPO (World Intellectual Property Organization).
Revision date :	
Date received :	
<i>Keywords:</i>	
Judicial Power, Determination of Suspects, Sufficient Evidence	

INTRODUCTION.

Intellectual Property Rights (IPR) can generally be classified into two main categories, namely copyright and industrial property rights. The classification of Intellectual Property Rights into Copyrights and Industrial Property Rights is necessary because there are differences in the nature of creations and inventions. Protection of a work based on Law No. 19 of 2002 Concerning Copyright is automatic, meaning that a work is automatically recognized by the state from the first time the work is created, even though the work has not been published.

Industrial Property Rights are determined based on the party that registers their intellectual work for the first time with the competent authority and is successfully approved. Based on the first-to-file principle, the applicant for the right must immediately register his intellectual work with the competent authority so that other parties do not precede him.

Based on the rights granted by the state, the owner of Intellectual Property Rights is given the exclusive right to freely exercise his rights independently or give licenses to other parties to obtain economic benefits.

Intellectual property, one of which is traditional knowledge, is defined as knowledge possessed by a community for generations which includes their knowledge of the management of biological wealth, for example for food and medicine, songs, stories, legends, and arts and culture of other communities (Lutviansori, 2010). :2).

Traditional knowledge known as folklore. Folklore is a cultural tradition within the scope of art, literature and science. Folklore is one of the intellectual property rights of a society that must be given legal protection.

Legal protection for folklore is carried out because it is based on three considerations namely; (1) the development of national character is contained in traditional knowledge (2) the application of intellectual property rights and folklore regimes (3) economic value. Protection of folklore to show the existence of a particular culture, highlight the identity or characteristics of a region.

One example of the Reog Ponorogo cultural tradition, Pendet Dance, Gondang Sembilan is authentic folklore from Indonesia which is claimed by Malaysia as the original culture of their country which is a dispute that continues to surface, so there needs to be concern from both the central and regional governments to preserve the nation's culture and protect it. law as a culture of intellectual work.

JURIDICAL APPROACH

Legal protection of Intellectual Property Rights, especially Copyright in general, aims to:

- a. Providing legal certainty to creators and/or inventions regarding status law of creation and/or findings thereof.
- b. Ensure a sense of justice for creators and/or inventors who have not received legal protection for their hard-earned results.
- c. Give high appreciation to creators and/or inventors so that they remain passionate about producing new and unique things.
- d. Encouraging the growth of creative power in society.
- e. Encouraging the growth of the creative economy sector and creative industries.
- f. Encouraging the publication of creations and/or findings so that they can be accessed by the wider community.
- g. Prevent duplication and imitation of works.
- h. Provide protection for the nation's cultural works.
- i. Provide legal sanctions to anyone who is proven to have committed an offense.
- j. Providing legal certainty and protection to parties who wish to utilize intellectual works for business purposes.
- k. Provide legal certainty regarding the period of use of Intellectual Property Rights.

Copyright is an exclusive right for creators or recipients of rights to announce or reproduce their creations or give permission for it without prejudice to restrictions according to applicable laws and regulations. Protection and guarantee of legal protection of copyrights including the categories of art, literature and science

Work is the result of any work by the creator which shows its authenticity in the field of science, art or literature. Protection for a work arises automatically since the work is manifested in a tangible form. Registration of creation is not an obligation to obtain copyright. However, creators and copyright holders who register their creations will receive a creation registration letter which can be used as initial evidence in court, if a dispute arises against the creation at a later date.

Copyright protection is not given to ideas or concepts, because a copyrighted work must have a distinctive form, be personal and show authenticity as an original creation born based on ability, creativity or expertise, so that creation can be seen, read or heard.

The requirements for authenticity are a direct result of the requirements for the origin of works. This provision is regulated in Article 2 (3) of the Berne Convention, the requirement for authenticity in works is an important matter, the degree of novelty in patents, so that there must be authenticity displayed in a work from generation to generation (Lutviansori, 2010: 105).

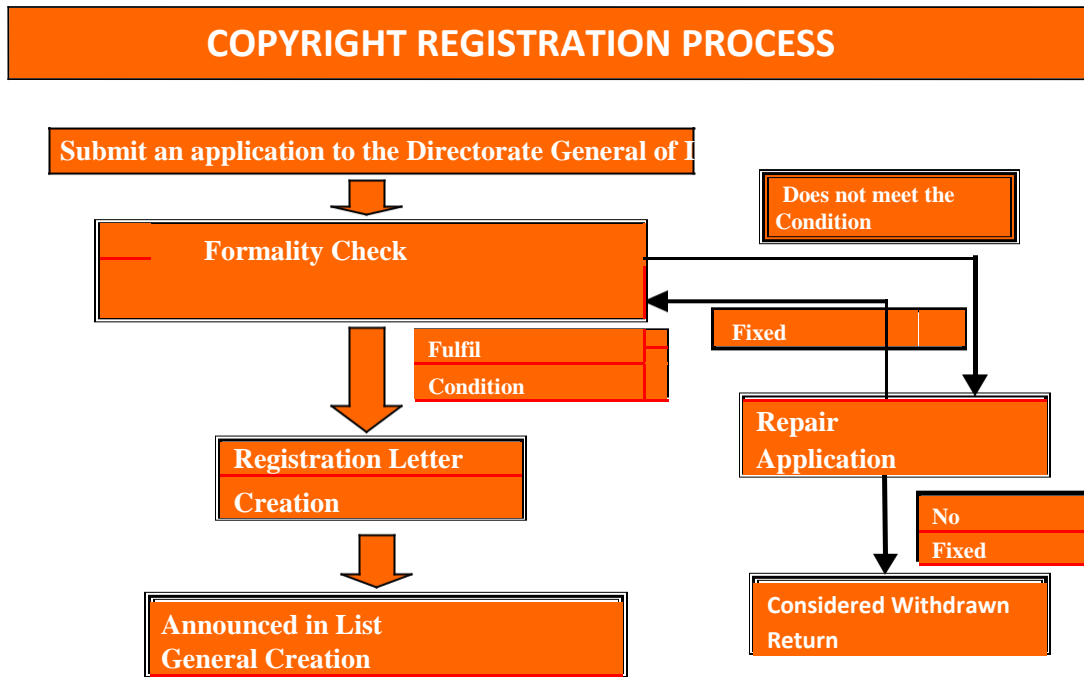
Folklore within the framework of the hereditary copyright regime of ownership from one generation to the next. This then causes an existing form of culture to always have similarities in terms of creations. The next generation only functions as a successor to folklore, so basically it does not have an element of originality to obtain copyright (Lutviansori, 2010:106).

Therefore, there are two concepts of authenticity that need to be analyzed. Seeing that the element of originality resides in the concept of the distinctive shape of the created object, it is possible for an existing folklore to have authenticity as long as it differs from the results of other folklore.

According to Article 7 paragraph (3) of the Berne Convention, folklore has a legal protection period of 50 (fifty) years from the time the creation is legally published to the public or known to the public.

The process of registering IPR in the form of copyright can be carried out by an IPR Consultant. In carrying out the duties of the Intellectual Property Rights Consultant, they are given the right to: (a) represent, accompany and assist the interests of service users in processing Intellectual Property Rights applications to the Directorate General of Intellectual Property Rights accompanied by a power of attorney, and (b) obtain compensation for services provided to service users. In addition, the Intellectual Property Rights Consultant also has the obligation to: (c) comply with laws and regulations in the field of services by maintaining the confidentiality of information relating to the application for Intellectual Property Rights which is authorized to him; (d) provide consultation services and socialization of Intellectual Property Rights, including procedures for applying for Intellectual Property Rights. The application fee for registration of a work per application is IDR 200,000.00. Plus the cost (services) of issuing copyright certificates per certificate of IDR 100,000.00.

The flow of the Copyright Registration Process in the form of Folklore is registered with the Directorate General of Intellectual Property Rights in the Copyright Sector as follows:



In addition to the local government's role in providing legal protection for folklore, the role of indigenous peoples is the central group in preserving awareness of their cultural and customary ownership. This sense of ownership must be socialized as awareness of folklore ownership and legal protection. Of course, this protection and management cannot be separated from the role of other institutions, such as IPR centers, which have the responsibility to protect folklore.

Based on the Decree of the Minister of State for Research and Technology of the Republic of Indonesia Number: 89/M/Kp/III/2012 concerning Stipulation of Intellectual Property Rights (IPR) Incentive Proposals of the Ministry of Research and Technology to be Funded Through Expenditure Revenue Budget for the 2012 Fiscal Year states that the Central Registration Agency (LPP) HKI Panca Budi University obtained the Incentive to Establish Intellectual Property Centers and the Commitment of the Panca Budi Development University institution in establishing LPP HKI UNPAB by issuing a Decree of the Chancellor of the Panca Budi University of Development Number: 218/02 / R/ 2012 concerning the Appointment of the Management Team of LPP HKI UNPAB, so that LPP HKI UNPAB has an obligation in order to increase the understanding of empowerment of indigenous culture bearers and the process of registering folklore copyrights. This relates to the process of education and communication about the protection of folklore as intellectual property and the university's role in preserving culture, especially folklore.

EDUCATIONAL APPROACH

The educational approach that needs to be taken is the development of national character in traditional knowledge. Culture is very important to be preserved in order to show the character of a nation. In Indonesia, the Ministry of Education and Culture was formed which also took care of the nation's culture. Culture from the region is included in the education curriculum in the form of Javanese, Malay Arabic, Pakpak script and languages according to

respective regional culture. Informally, culture is developed through competitions in dance, music, folk songs starting from kindergarten to tertiary education. This sense of ownership must continue to be cultivated in everyday life and included in education as an awareness of ownership of folklore and love for Indonesian culture.

ECONOMICAL APPROACH

An economic approach to the protection of folklore is something that must be developed in preserving the nation's culture, thereby increasing state revenue. What can be done is to develop cultural potential in each region, for example for each region to make a published year of visits to international tourism so that the culture of the Indonesian Nation is well-known abroad. This tourism activity will certainly increase income, especially the local community and state revenue.

CONCLUSION

1. The juridical approach is that folklore is part of traditional knowledge, cultural traditions within the scope of art, literature and science. Legal protection for folklore is based on three considerations; (1) development of national character in traditional knowledge, (2) enforcement of intellectual property rights and folklore regimes (3) economic value. Protection of folklore indicating the existence of a culture that highlights the identity or characteristics of an area can be carried out through the copyright registration process at the Directorate General of Intellectual Property Rights of the Republic of Indonesia and internationally through WIPO.
2. Educational Approach through the development of national character in traditional knowledge.
3. An economic approach to the protection of folklore is developed in preserving the nation's culture, thus increasing the income of the people, especially and the state.



REFERENCES

Berne Convention for the Protection of Literary and Artistic Works Paris Act of July 24, 1971
as amended on September 28, 1979.

Law No. 19 of 2002 concerning Copyright

Government Regulation No. 38 of 2009 Based on Tariffs on Types of Non-Tax State Revenue
Decree of the Minister of State for Research and Technology of the Republic of Indonesia
Number: 89/M/Kp/III/2012 concerning Determination of Intellectual Property Rights (HKI)
Incentive Proposals of the Ministry of Research and Technology to be Funded Through
Expenditure Revenue Budget for Fiscal Year 2012 states that the Central Registration Agency
(LPP)) HKI of Panca Budi Development University obtained incentives to establish
Intellectual Property Centers and Commitment of the Panca Budi Development University
institution in establishing LPP HKI UNPAB by issuing a Decree of the Chancellor of Panca
Budi University Number: 218/02 / R/ 2012 concerning the Appointment of the Management
Team of LPP HKI UNPAB, so that LPP HKI UNPAB