



# Exploring The Protection of Traditional Cultural Expression in Indonesia

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By: Putu Doni Wira Dharma

Indonesia's wealth in terms of arts and culture is undoubtable. The United Nations Educational, Scientific and Cultural Organization ("UNESCO") once considered Indonesia a superpower in the field of culture. This title is not wrongly pinned on Indonesia given the abundance of arts and culture the country possess. According to the data by [UNESCO](#), there have been 16 Indonesian Intangible Cultural Heritage recorded up to 2024, which are *Reog Ponorogo Performing Art, Kolintang, Kebaya, Jamu Wellness Culture, Gamelan, Pantun, Traditions of Pencak Silat, Pinisi (Art of Boatbuilding in South Sulawesi), Three Genres of Traditional Dance in Bali, Noken Multifunctional knotted or Woven Bag, Handcraft of The People of Papua, Saman Dance, Indonesian Angklung, Education and Training in Indonesian Batik, Indonesian Batik, Indonesian Kris, and Wayang Puppet Theatre.*

Beyond those recorded by UNESCO, Indonesia is home to many more Traditional Cultural Expressions ("TCE"). According to the [Central Data of Communal Intellectual Property](#) accessed on February 1<sup>st</sup>, 2025, and sourced from the Directorate General of Intellectual Property ("DGIP"), Ministry of Law of the Republic of Indonesia, the country has listed 1,823 TCEs, ranging from Sabang to Merauke. A well-known example is a form of traditional dance known as *Tari Legong (Peliatan Style)*, from Bali, Indonesia, which has existed since the era of the Balinese kingdoms and is now used not only for traditional ceremonies but also for commercial performances. Given the cultural values inherent in TCE and their potential economic significance, ensuring their legal protection is crucial to prevent their exploitation without the consent of the local communities that preserve them.

### **Legal Framework**


The legal instrument usually referred to safeguard TCE in Indonesia is Law No. 28 of 2014 on Copyright ("Law 28/2014"). Pursuant to the aforementioned law, the country holds the rights to TCE, and responsible to record, safeguard, and preserve these expressions. Furthermore, the use of TCE must honor and reflect the values of the communities from which they originate. Later in 2022, the Government of Indonesia enacted the implementing regulation in the form of Government Regulation No. 56 of 2022 on Communal Intellectual Property ("GR 56/2022"). The establishment of this regulation is driven by Indonesia's rich





cultural diversity and natural wealth in the form of TCE, in addition to Traditional Knowledge, Genetic Resources, Geographical Indications, and the Potential of Geographical Indicators, all of which are vital assets for national development. As such, these elements must be protected, preserved, developed, and utilized. Therefore, it becomes the responsibility of the country to inventory, safeguard, and maintain their existences.





In accordance with GR 56/2022, TCE is defined as expressions of creativity, either tangible or intangible, or a combination of both, that reflect the existence of a traditional culture held communally and cross-generationally. Based on this definition, the characteristics of TCE include the following points:


- a. Containing values, perspectives, and traditional forms, which are structured, preserved, and developed both within and beyond the traditional context;
- b. Managed and upheld communally and collectively by customary law communities and/or local communities as the originating communities;
- c. Continuously developed by the originating community in response to the environment, nature, and history;
- d. Preserved, utilized, and passed down through generations;
- e. Fostering a sense of identity, sustainability, and promoting respect for cultural diversity and creativity.

GR 56/2022 recognizes the various forms of TCE, including verbal texts, music, dance, theater, visual arts, rituals, architecture, landscapes, and other evolving forms of expression. Examples of TCE that have been recorded in the DGIP’s Central Data of Communal Intellectual Property include, among others:

No.	Name	Type	Region	Preservation Efforts
1	<p>Tor-Tor Pangurason</p> 	Dance and Ritual	North Sumatera	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, and displays/demonstrations
2	Krinok	Music	Jambi	Artistic performances, exhibitions,

				displays/demonstrations, and the internet
3	<p>Ondel-Ondel Performances</p> 	Music and Dance	Jakarta	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, flyers, posters, newspapers, magazines, outdoor media, radio, television, film, advertisements, and the internet
4	<p>Pencak Silat Dangi</p> 	Dance (Martial Art)	West Java	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, flyers, posters, newspapers, magazines, outdoor media, radio, television, film, advertisements, and the internet
5	<p>Gejog Lesung</p> 	Ritual	Central Java	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, and the internet
6	<p>Gamelan Yogyakarta</p>	Music	Yogyakarta	Direct promotion, verbal promotion (word of

				mouth), artistic performances, exhibitions, and displays/demonstrations
7	<p>Reog Ponorogo</p> 	Dance and Theater	East Java	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, flyers, posters, newspapers, magazines, outdoor media, radio, television, film, advertisements, the internet, and research
8	<p>Legong Dance (Peliatan)</p> 	Dance	Bali	Artistic performances, exhibitions, and displays/demonstrations
9	<p>Motifs of Lolohisi Weaving, Sair, and Sculptures</p> 	Visual Arts	Maluku	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, flyers, posters, newspapers, magazines, outdoor media, radio, television, film, advertisements, and the internet

10	<p style="text-align: center;">Olrudia</p> 	Verbal texts, ritual, and architecture and landscapes	Papua	Direct promotion, verbal promotion (word of mouth), artistic performances, exhibitions, displays/demonstrations, flyers, posters, newspapers, magazines, outdoor media, radio, television, film, advertisements, and the internet
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*Source: The DGIP's Central Data of Communal Intellectual Property and Google*

**Inventory of TCE**

The rights over TCE are held by the country, which is responsible for the inventory, protection, and preservation of TCE. This responsibility is entrusted to Minister (specifically, the minister responsible for legal affairs), ministers/ head of non-ministerial government institutions, and/or Local Government (in this case, the regional head as the organizer of regional affairs in accordance with the authority of autonomous regions), collectively referred to as the Government. Under GR 56/2022, the inventory of Communal Intellectual Property, including TCE, is conducted through recordation and data integration.

With regard to recordation, unlisted TCE must be recorded with the Government. The recordation process is conducted electronically through a database integrated with the Central Data of Communal Intellectual Property. The recordation of TCE is carried out based on applications or reviews. The application for recordation can be submitted by the Originating Community (which refers to customary law communities and/or local communities that create, protect, preserve, and/or develop Communal Intellectual Property collectively and cross-generationally, including supporting communities) or the Local Government. The application must meet administrative requirements, including:

- a. Application form for recordation;
- b. Description, including:

- Name of the Traditional Cultural Expression;
  - Originating Community;
  - Form of the Traditional Cultural Expression;
  - Classification of the Traditional Cultural Expression;
  - Area/ Location;
  - Nature of the Traditional Cultural Expression;
  - Documentation in audio and/or visual form.
- c. Supporting data; and
- d. A written statement of support for the protection, preservation, development, and utilization efforts signed by the Local Government.

In addition to the above requirements, the application for TCE recordation must comply with other provisions specified by relevant laws and regulations. The application for TCE recordation can be submitted either electronically or manually.

After the TCE application is submitted, the Government will first check its completeness. If the application is complete, the Government will proceed with verification. If the application is incomplete, the Government will notify the applicant. The Government, under GR 56/2022, may form a team to carry out the verification.

Assuming that the application of TCE meets the necessary qualifications after verification, the Government will issue proof of recordation for the TCE. However, if the application does not meet the necessary criteria, the Government will notify the applicant that the application is not acceptable, and the applicant may reapply. There is no fee for submitting a TCE recordation application.

Regarding data integration, this process will be coordinated by the Minister within the Central Data of Communal Intellectual Property. The data integration within this system represents a defensive protection measure for Communal Intellectual Property, including TCE.

The recordation of TCE in the Central Data of Communal Intellectual Property offers several advantages, including providing clarification on the existence of a particular TCE, preventing exploitation that could

damage the cultural values embedded in the TCE, and serving as evidence in case of potential disputes in the future.

### **Safeguarding and Preservation of TCE**

The responsibility for safeguarding TCE rests with both the Government and the Originating Community. Such safeguarding efforts can be executed through the following approaches:

- a. Preventing the exploitation of TCE that is contrary to their inherent values, significance, identity, and/or the social customs practiced by the Originating Community;
- b. Facilitating mediation and/or providing legal advocacy on matters related to TCE; and/or
- c. Engaging in diplomatic efforts with foreign nations.

In terms of the preservation of TCE, the Government plays a central role through initiatives in education, literacy, socialization, promotion, and/or the utilization of TCE in ways that contribute positively to the Originating Community.

### **Utilization of TCE**

Under GR 56/2022, anyone is permitted to utilize TCE that is recorded in the Central Data of Communal Intellectual Property, subject to certain conditions. These include the obligation to acknowledge the origin of the TCE, maintain its value, meanings, and identity, and respect the living values within the community from which it originates. For TCE that is sacred, confidential, and/or deeply cherished, their use requires prior “permission” from the Originating Community.

Furthermore, the commercial use of TCE also requires to obtain “permission”. When TCE is used for commercial purpose, it must be done in accordance with an agreed-benefit sharing arrangement, which may include both monetary and non-monetary benefits. The specific procedures for obtaining permission and distributing benefits will be established by the Government, in line with their respective authorities.

The creation of this protective framework for TCE, as outlined above, marks a significant step by Indonesia in recognizing the country’s rich diversity of arts and culture. These cultural expressions not only represent



the nation's identity but also offer potential economic benefits to the communities involved. Through the enactment of GR 56/2022, Indonesia has mandated the inventorying of TCE, many of which are currently dispersed and not yet fully documented. This initiative serves as a defensive protection mechanism, preventing the unauthorized exploitation or misuse of TCE, which could harm the cultural values and rights of the Originating Community. By providing this protective framework, the regulation ensures that TCE is preserved and not misappropriated without the consent of the communities. Additionally, it opens the door for those seeking to utilize TCE from specific Originating Communities in Indonesia, with a benefit-sharing mechanism, while respecting the limitations to avoid infringing upon the cultural values embedded within the TCE.