



PKM Optimizes Legal Protection of The Copyright of Woven Fabric Craftsman Desa Adat Tenganan Dauh Tukad, Kecamatan Manggis, Kabupaten Karangasem

I Made Minggu Widyantara¹ | I Gusti Agung Ayu Gita Pritayanti Dinar¹ |
Anak Agung Sagung Laksmi Dewi¹ | Ni Made Puspasutari Ujianti¹

1. Fakultas Hukum Universitas Warmadewa

Correspondence Address to:

Ni Made Puspasutari Ujianti,
Fakultas Hukum Universitas Warmadewa, Universitas Warmadewa
email: puspa.niwapong@gmail.com

Abstract. A copyrighted work will receive legal protection covering the fields of science, art and literature. Legal protection is obtained if a creation has been realized in a tangible form. It is interesting to observe that the dynamic nature of copyright itself has been contextually confirmed in Article 40 paragraph (1) of Law Number 28 of 2014 concerning Copyright. Traditional fabrics with natural motifs such as those in Tenganan Dauh Tukad Village. Tenganan Dauh Tukad Village is a village that neighbors the Bali Aga Tenganan Village which is very famous in the world because of its unique culture and traditional woven fabrics with natural motifs and using natural materials. In contrast to Tenganan Pengringsingan Village, which is very famous for its world-famous weaving crafts, the crafts produced by craftsmen in Tenganan Dauh Tukad Village are not as well-known as the craftsmen of Tenganan Pengringsingan Village. In Tenganan Dauh Tukad Village there are groups of craftsmen who advertise handicrafts and weaving with motifs adapted to market demand and crafts according to the initiative and creations of the craftsmen. Most of the craftsmen who produce craft motifs in Tenganan Dauh Tukad Village have not registered the copyright for the work or designs produced by the craftsmen.

Keywords: copyright; legal protection; woven fabric



This article published by Fakultas Hukum, Universitas Warmadewa is open access under the term of the Creative Common, CC-BY-SA license

Introduction

Intellectual property or in English is intellectual property which can be translated as rights arising from human intellectual abilities. In carrying out their creations, humans use their intellectual abilities to produce objects that have different economic and aesthetic values from one another. Regarding a work product, the State recognizes material rights by guaranteeing rights and providing protection for the owners or holders of exclusive rights as seen from the actions of the Indonesian government to ratify the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs). (Risky, 2019)

A copyrighted work will receive legal protection if it covers the fields of science, art and literature. Legal protection is obtained if a creation has been realized in a tangible form. It is interesting to observe that the dynamic nature of copyright itself has been contextually confirmed in Article 40 paragraph (1) of Law Number 28 of 2014 concerning Copyright. Copyright is also assessed as a movable object by citing Article 3 of Law Number 19 of 2002 concerning Copyright as the basis, thus allowing for the transfer of rights and different recognition of copyright holders.

Bali Island is an island that is not only famous for its natural beauty but is also very famous for its cultural richness in the form of dances, songs, paintings and other crafts which really support tourism. One of the crafts in Bali is traditional cloth with natural motifs such as those in Tenganan Dauh Tukad Village. Tenganan Dauh Tukad Village is a village that neighbors the Bali Aga Tenganan Village which is very famous in the world because of its unique culture and traditional cloth weaving with natural motifs and using natural materials.

In contrast to Tenganan Pengringsingan Village, which is very famous for its world-famous weaving crafts, the crafts produced by craftsmen in Tenganan Dauh Tukad village are not as well-known as the craftsmen of Tenganan Pengringsingan Village. In Tenganan Dauh Tukad Village there are groups of craftsmen who advertise handicrafts and weaving with motifs adapted to market demand and crafts according to the initiative and creations of the craftsmen. Most of the craftsmen who produce craft motifs in Tenganan Dauh Tukad Village have not registered the copyright for the work or designs produced by the craftsmen. Apart from weaving motifs, Tenganan Dauh Tukad Village also has a diversity of culinary and cultural riches which are its characteristics which can be registered and protected.

Legal protection for all creative works in Tenganan Dauh Tukad Village, Manggis District, Karangasem Regency, is very important to maintain the existence of craftsmen so that their works are not claimed by other parties. Apart from registering creative works, craftsmen should also when entering into a cooperation contract with a buyer in a large party, a cooperation contract between the craftsmen and the buyer is required, if there is a breach of promise (default) this means not carrying out the contents of the cooperation contract.

Based on this background, the fundamental problem found was the lack of awareness of craftsmen in registering their creations.

Based on the problems above, as academics, the role that the Warmadewa University Denpasar Faculty of Law service team can carry out for Tenganan Dauh Tukad Village aims to be able to participate in maintaining empowerment and cultural preservation, in accordance with the competencies they have, so what can be done is to seek assistance in registering copyright. aims to create legal certainty, create legal protection for Partners in carrying out their activities, which in turn is expected to be able to carry out and increase Partners' sense of confidence in carrying out their activities or entering into legal relations with other parties.

Method

The implementation method used in the community service program is by:

<i>No</i>	<i>Program</i>	<i>Implementation method</i>
<i>1</i>	<i>Partner Problem Mapping</i>	<i>Conduct interviews with village officials, traditional prajuru, and groups of craftsmen in the Tenganan Daub Tukad Traditional Village.</i>
<i>2</i>	<i>Outreach</i>	<i>Dissemination about the importance of copyright registration.</i>
<i>3</i>	<i>Assistance</i>	<i>Inviting and involving the Regional Office of Law and Human Rights of Bali Province</i>

Partner Contribution to Implementation

In implementing this program, partners also play an important and active role from the beginning to the end of the activity. Partner roles or contributions include:

1. The Bali Province Regional Office for Law and Human Rights provided training to village officials, traditional prajuru and craftsmen groups in the Tenganan Dauh Tukad Traditional Village.
2. Village officials, traditional leaders and a group of craftsmen in the Tenganan Dauh Tukad Traditional Village as many as 20 people actively participated in socialization and training activities.

Discussion

A work of human creation is protected by Copyright based on Law Number 19 of 2002 concerning Copyright. Copyright is an exclusive right, a right that is different from other rights in the field of IPR. Copyright protects creative works from the moment the work is first born. This is different from other rights which require registration to obtain legal protection. Copyright registration functions when a problem occurs that goes to court, especially in determining who is the copyright holder of the disputed work.

Indonesia consists of various ethnic groups and customs, each of which has a rich culture that is unique and proud of the Indonesian nation. One of Indonesia's cultural heritages is the diversity of traditional woven fabrics. Traditional woven fabric is a culture that has its own uniqueness, so the richness of Indonesian cultural arts is very high. Tunun Gringsing cloth is a traditional Bali Aga cloth which contains very high cultural value and is full of historical value from the ancestral heritage of Tenganan village which uses the art of double ikat weaving in its manufacture. This cloth is categorized as a very unique cloth product because the weaving technique is very complicated and unique. It takes a very long time to produce it, the stages of the production process are natural processes, especially the dyeing process, it does require a certain period of time, so to produce one piece of cloth it takes a minimum of 4 years. Gringsing Tunun cloth is the result of rare traditional knowledge of the people of Indonesia world. Because it has its own uniqueness, and is full of philosophical values and meanings that are believed by society. The existence of the Balinese Tunun Gringsing cloth deserves to be protected. Balinese Gringsing Tunun Cloth can also be seen as Indonesia's intangible cultural heritage, containing important meanings from the perspective of a society rich in local wisdom/local genius.

Apart from that, there have been attempts by outsiders to imitate the Balinese Tunun Gringsing motif with different materials and dyes. Therefore, there needs to be efforts to protect the original Balinese Gringsing Weaving in order to preserve and protect the characteristics and continuity of the cultural values of the Balinese Gringsing Tunun cloth as well as the welfare of the craftsmen from the village of origin. In relation to cultural heritage, the Balinese Gringsing Woven cloth is an intangible cultural heritage, because it is a cultural heritage that provides values of wisdom, patience and philosophical symbols that are rich in meaning for human life. Balinese Gringsing Woven Cloth deserves attention from various parties, both in terms of its protection, and in terms of its development so that it can be useful for people's lives, especially

for people who support the culture of Balinese Gringsing woven cloth itself.

In this relationship, the role of government and local communities becomes very important. Being a unique work that contains noble values, Tunun Gringsing Bali has become famous throughout the world. Whatever and whoever becomes famous, its value will increase. Therefore many people want to know and also have it. As a result, there is a shift in values, from sacred-spiritual to material-commercial, having high material values makes many people tempted to own them or produce them outside. his native village. This is also accompanied by the claim that Tunun Gringsing Bali was the origin of another village, which is why it is necessary to protect the Tunun Gringsing Bali cloth so that it remains sustainable in its original village and still prioritizes the noble values it conveys.

There is concern about the circulation of woven fabrics that have the same motif as the typical motifs from Tenganan village at a selling price that is much cheaper than original woven fabrics. The community's concerns were responded to by a resource person from the Regional Office of Law and Human Rights of Bali Province, namely I Gede Adi Saputra, SH., MH who is the Legal Counselor Coordinator of the Regional Office of Law and Human Rights of Bali Province. In this socialization and mentoring activity, procedures for registering intellectual property rights for all products include not only woven motifs, but also the culinary and cultural specialties of the Teanganan Dauh Tukad traditional village. Through this community service activity, the public can better understand the various impacts caused if a creation has not been registered.

Conclusion

The conclusion that can be drawn from the discussion is the importance of the community's understanding of the registration of intellectual property rights for all products, not only woven motifs, but also culinary and cultural specialties owned by the Teanganan Dauh Tukad traditional village, in order to protect the moral and economic rights of the community Tenganan Dauh Tukad.

References

- Risky, N. F. (2019). Perlindungan Karya Derivatif Fanfiksi Di Internet Berdasarkan UndangUndang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Jurnal Ilmiah Mahasiswa Bidang Hukum*, 165-174.
doi:<https://doi.org/10.24843/KS.2020.v09.i01.p14>
- Susilowat, E. (2013). *Hak Kekayaan Intelektual dan Lisensi Pada HKI*. Semarang: Badan Penerbit Universitas Semarang.
Retrieved Pebruari 2024