

KEEPING THE NATION'S ASSETS THROUGH THE LEGAL PROTECTION OF COPYRIGHT WORKS OF CULTURE

Menjaga Aset Bangsa Melalui Perlindungan Hukum Karya Cipta Budaya

Zulkifli Makkawaru

Lecturer Bosowa University, Makassar, Indonesia

Email: zukiflimakkawaru01@gmail.com

ABSTRACT

Indonesia positioned copyright art and culture based on its strength as a nation or community rights over an Alliance grouping of the society which can give the effect of distortions in its protection. Which institution can be manage and oversee the interests between countries Cultivate ideas/ideas in the fields of art, literature and science in the context of intellectual property rights (HKI) categorized into areas of HKI named Copyright (Copyright). The scope of the rights provided for the protection of copyright in the context of this very broad following elements known in several countries. There is a different understanding about the copyright status of culture from both the substance of the right nor of the appreciation of the case which threatens foreign claims copyright over the culture of Indonesia.

Keywords: nation's Assets, works of cultural, legal protection of copyright

ABSTRAK: Indonesia memposisikan hak cipta seni budaya berdasarkan kekuatannya sebagai hak masyarakat negara atau hak atas suatu persekutuan masyarakat serumpun yang dapat memberikan efek distorsi dalam perlindungannya. Lembaga mana yang dapat mengurus dan mengawasi kepentingan antar negara Mengolah ide/gagasan di bidang seni, sastra dan ilmu pengetahuan dalam konteks Hak Kekayaan Intelektual (HKI) dikategorikan ke dalam bidang HKI yang bernama Hak Cipta (Copyright). Ruang lingkup hak-hak yang diberikan perlindungan dalam konteks Hak Cipta ini amat luas mengikuti unsur-unsur yang dikenal di beberapa negara. Terdapat pemahaman yang berbeda-beda mengenai status hak cipta budaya baik dari substansi hak maupun dari apresiasi terhadap kasus yang mengancam klaim asing atas hak cipta budaya Indonesia

Kata kunci: Aset Bangsa, Karya Cipta Budaya, Perlindungan Hukum

I. INTRODUCTION

One interesting fact but it is heartbreaking that hit the nation of Indonesia these past few years is the event claims the copyright culture Indonesia by foreign countries in this respect Malaysia. Heartbreaking because done by grouping of neighbouring countries and done over and over/a few times. No less than seven times Malaysia claims a culture of Indonesia, as of the year 2007 (Prihandoko. 2013. in <http://Tempo.co>. Download, Wednesday, January 30, 2013)

First, the claim against the art of Reog Ponorogo in November 2007, after which the Government of Malaysia claimed original folk songs of Maluku, taste Sayange, in December 2008. Balinese Pendet is also claimed in August 2009 through tourism ad "Malaysia Truly Asia". At

this the claims get protest from Indonesia. Then the next claim i.e. against Malaysia Batik in October 2009. This issue is complete once there is recognition from the UNESCO top batik Indonesia. After it happened again music Angklung claims in March 2010. The last dance is the claim tortor and instrument Gordang Sideline of Mandailing.

Malaysia Government plan recognizes the dance and music of Gondang Tortor nine by Minister of information communication and culture of Datuk Seri Rais Yatim will be registered in the section 67 of the National Heritage Act 2005.

Indonesia community need to affirm the copyright position of art and culture that will be noticed upon its strength as a Community country or the rights of a Community Alliance grouping which is of

course precisely can give the effect of distortions in its protection. Institutions which can be expected to manage and oversee the interests among countries allied to. Next how to position a work culture that copyright has been established as the cultural heritage of the nation of Indonesia.

Required participation of countries in the dissemination of law enforcement not only protect the interests of private citizens and forget one important facet in the enforcement of intellectual property namely asset protection of the country itself. Where protection can also be discussed in the context of regional autonomy which means asset protection area as the original source of income area (Makkawaru Zulkifli, 2001) the knowledge and experience base the sense of the human mind are always moving to find new creation that is driven by the desire of human beings to fulfill his life in material, spiritual and aesthetic. All the things in him gave birth to the inspiration to be able to do much for the sake of themselves, society and nature. Ideas/ideas are always rolling find its shape in the form of tangible product either think or who have been the product of physical work. Humans are always motivated by the desire to meet the needs of his or her life in order to be more comfortable and easier to live your life. The urge and desire is naturally inherent in human beings become instinct and gave birth to a set of new ideas.

A form of expression of the ideas of man in the form of material objects and create objects are immaterial. The expression of the idea is always to be seen, heard, or touched in a sense has seemed tangible objects (goods). HKI in this era of increasingly pointed out as a commercial industry objects that become favorites of many countries especially developed countries. And thus, has developed a lot of effort to provide a high commercial value with the path of strengthening its position in the political economic order in the country as well as reaffirms the legality of its rights through regulatory system that is both

nationally and internationally. Such importance of intellectual property, has become an arena of conversation interdisciplinary and treatment such as law, economics, Commerce, industry, culture, and politics. Particularly with regard to Copyright is already spread many facts dispute and conflict of interest either purely economic interests, business, law (ownership), and also the politics of the State (nation's self-esteem), as well as cultural issues.

If the cultural wealth in the form of inventions of the community is maintained and conserved and managed well and reinforced the legality of its rights, it can become a great pride and a wealth of potential that is priceless, both as the wealth which will generate profit for the country also became a cultural wealth that can demonstrate the dignity and dignity as a nation which has a high civilization. Understand the power and richness of culture in the past will encourage us to retain the rights to the work of the culture. At the very least can be categorized into several fields of intellectual property rights.

A nation's cultural heritage must be protected and conserved by the nation itself. But in cultural heritage protection and run away are not only done by the nation itself, the nation's cultural heritage should also be respected and protected by other Nations. In this case, it takes the international institutions that can overshadow and protect cultural heritage belonging to every nation – nation in the world.

Agencies that handle about culture internationally, among others, the United Nations Educational Scientific and Cultural Organization (UNESCO), which produced some conventions to protect the cultural heritage of a nation around the world. Also, the World Trade Organization (WTO) which include the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIP's).

The conception of copyright remains a cultural debate in its placement

in the division of intellectual property rights. Some parts copyright culture can be categorized as Traditional Knowledge (traditional knowledge), the other being categorized as copyright culture, and part of the other, something that can be viewed and categorized as a shared heritage of the world (common heritage) or intangible cultural heritage. This state of Affairs encourages community Indonesia need to affirm the copyright position of art and culture that will be noticed upon its strength as a Community country or the rights of a Community Alliance grouping which is of course precisely can give the effect of distortions in its protection.

During this time there is a misguided IE form desires that soak up the passions for art and cultural heritage register to obtain a copyright. No less than the Governor, mayors, and Governors vying to make a statement in the media that there are umpteen thousands of art and culture that is ready to be registered for copyright. But on the other hand, there is also the fact that when it takes an inventory of cultural rights in the form of a legacy that turns out many areas that are not able to show supporters of the claims that his possessions. There is a rate that is still poorly understood about cultural affairs is an important component in the figure of the identity of a nation. As a result of less note, less culture are given incentives and facilitation so that the culture of these Nations can develop healthy (Edi Sedyawati. 2014:185)

Thus, it was concluded that there is incomprehension conception and regulation weaknesses in the settlement of the issue of copyright of works spanning our culture, required studies upon the substance of the laws governing the work of the copyright culture. Similarly, recognition of the copyright on all the scope of rights need to be protected elements in them as part of the efforts of the legal protection of a person's property rights over the intellectual property that was born from the idea and the idea of it as a form of legal protection in

General. Thus, this research was geared to get the interconnectedness of substance and can find a new concept.

II. ON THE WORK OF INTELLECTUAL PROPERTY

The development of the world from time to time is always tinged with the emergence of the issues of the new world. In the year 2000 was seen as-an era with important world issues revolve around: the environment, human rights, and intellectual property rights. Intellectual property rights, even though the law of intellectual property rights is not a new area of law but its position became such an important after the end of the "cold war" following the collapse of the Soviet Union that pushed the United States as the only policeman of the world shifted the direction of his country's economic source of income to the products of intellectual property rights. This happens because the income from the sale of the weapons relied on during the cold war no longer promising because the United States allies already feel do not need weapons because of the threat of Soviet adversary has ended. The conception of intellectual property became an important issue in the international trade scene relates to the position which was able to give a strong position for an industrialized country. Development technology transfer (transfer of technology) through a process of the license is one of the consideration of the development of the economic value (commercialization) the intellectual property involving the role of the State, the owner of the intellectual property, and the user proceeds HKI (entrepreneur/investor). Maximization of existing economic rights (economic right) that exclusively located at the hands of the owner/holder of the intellectual property often shows the pursuit of profit which expresses the

expected technology transfer so that doesn't happen. The world of trade and industry is well aware that one of the most important effects in the ownership of an asset he is the economic value of intellectual property in the form of commercialization in trade and industry. The interest of someone to design and develop innovation and creativity in the field of intellectual property is to obtain economic rights (Economic Right) in addition to Moral rights (Moral Right) attached to HKI and recognized in the Convention on the international intellectual property conventions. Economic rights and moral rights in the conception of HKI categorized as exclusive rights contained commercial value which can be obtained from the results of implementing the intellectual property it is. On the other hand, history shows that since the year 1980-an influential intellectual property arena is no longer merely a question of legal civil law in this case about ownership but has grown to enter the arena of influential economic power struggle involving public officials of the State political scene so dragged towards the nation. Behavioral economics enclosing HKI is portrayed by a character not a few countries, no longer limited to the character of the business. The intellectual property discussion is no longer just dominated by the problem of piracy cassettes/VCD, cribbing bouquet, imitation brand, technology transfer, and so forth that only leads to the tendency of private issues based on individual rights and possession corporate/legal entities. Required participation of countries in the dissemination of law enforcement not only protect the interests of private citizens and forget one important facet in the enforcement of intellectual property namely asset protection of the country itself. Where protection can also be discussed in the context of regional autonomy which means asset protection area as the

original source of income of the region. (Makkawaru, 2011. Clavia Legal scientific journal Volume 2 number 1 January 2011:122). Such importance of intellectual property, has become an arena of conversation interdisciplinary and treatment such as law, economics, Commerce, industry, culture, and politics. Particularly with regard to Copyright is already spread many facts dispute and conflict of interest either purely economic interests, business, law (ownership), and also the politics of the State (nation's self-esteem), as well as cultural issues. A case of copyright infringement has always been anchoring in our country, particularly cases that often afflicts against cultural inventions there early escapes our attention. If the cultural wealth in the form of inventions of the community is maintained and conserved and managed well and reinforced the legality of its rights, it can become a great pride and a wealth of potential that is priceless, both as the wealth which will generate profit for the country also became a cultural wealth that can demonstrate the dignity and dignity as a nation which has a high civilization. Understand the power and richness of culture in the past will encourage us to retain the rights to the work of the culture. At the very least can be categorized into several fields of intellectual property rights. Because culture is a hallmark of the sublime and the heritage of a nation, it is very important to raise awareness of the meaning of legal protection of the cultural heritage of the nation. A nation's cultural heritage must be protected and conserved by the nation itself. But in cultural heritage protection and preservation are not only done by the nation itself, the nation's cultural heritage should also be respected and protected by other Nations. In this case, it takes the international institutions that can overshadow and protect cultural heritage belonging to every nation –

nation in the world. Previous research derives the conclusion that UNESCO and other international institutions requires in order that cultural heritage should be owned directly registered to UNESCO in order to obtain the protection of international law. Indonesia should build a new perspective and perception, where necessary the realization that we have a very diverse culture, and with the wealth that we must be aware of in order to protect and safeguard the cultural heritage for the next generation of Indonesia nation. However, in the conception of copyright remains a cultural debate in its placement in the division of intellectual property rights. Some parts copyright culture can be categorized as Traditional Knowledge (traditional knowledge), the other being categorized as copyright culture, and part of the other, something that can be viewed and categorized as a shared heritage of the world (common heritage) or intangible cultural heritage. And thus, need a deep understanding and assessment over this concept especially in the determination of who is truly the most eligible or something cultural heritage works copyright as such. Because the determination of the power it would bring consequences on guardianship and the granting of protection. It will also deter other parties in performing the capture and/or occupational situations may give rise to each other so that a claim which resulted in legal proceedings as well as the process of diplomacy. How a situation to ever hit our nation when there are claims of copyright culture Indonesia by foreign countries in this respect Malaysia. Recorded no less than seven times Malaysia claim culture Indonesia, Deputy Minister of education and culture of the Republic of Indonesia, Tiger Nuryanti concluded in a joint hearing of the HOUSE that the Commission X has been seven times claims it uncountable since the year 2007, namely, first, the

claim against the art of Reog Ponorogo in November 2007, after which the Government of Malaysia claimed original folk songs of Maluku, 'Rasa Sayange', in December 2008. Balinese Pendet is also claimed in August 2009 through tourism ad "Malaysia Truly Asia". At this the claims get protest from Indonesia. However, these claims do not stop there because the next claim i.e. against Malaysia Batik in October 2009. This issue is complete once there is recognition from the UNESCO top batik Indonesia. Of course, this nation increasingly shocked because it happens again music Angklung claims in March 2010. The last dance is the claim tortor and instrument Gordang Sideline of Mandailing (Prihandoko, <http://Tempo.co> in 2013.2013 Janurai 30 downloads) The community of North Sumatra know Tortor dance as one part in ceremonies to honor the customs of their ancestors. As for the Mandailing were one tribe in North Sumatra. A number of residents are Wither indeed in Malaysia. For this last case according to the author needs to get attention because we are confronted on the conception of the ancestral similarities so obscure legal territory based on the principle of State sovereignty. Minister of information communication and Culture Malaysia Datuk Seri Rais Yatim stated that dance is one of the branches of the cultural heritage of Malaysia. It also registers the dance to its list of national heritage of Malaysia. According to Rais, what championed Mandailing society in the arts and culture is very important and so that their origin can be found that shows a fusion with other societies (Metrotvnews.com: Sunday, June 17, 2012 download Janurai 30th 2013) and <http://www.tabloidiplomasi.org>) This state of Affairs encourages community Indonesia need to affirm the copyright position of art and culture that will be noticed upon its strength as a Community country or the rights of a

Community Alliance grouping which is of course precisely can give the effect of distortions in its protection. Institutions which can be expected to manage and oversee the interests among countries allied to. Next how to position a work culture that copyright has been established as the cultural heritage of the nation of Indonesia. Cultivate ideas/ideas in the fields of art, literature and science in the context of intellectual property rights (HKI) categorized into areas of HKI named Copyright (Copyright). The scope of the rights provided for the protection of copyright in the context of this very broad following elements known in several countries, which in turn some of these elements still feels alien in Indonesia. Docking between the copyright on the work culture of dealing with the concept of traditional knowledge and instruments of international protection in the form of intangible cultural heritage in need of assessments in a comprehensive manner, hence avoidable errors in thinking and judging events and events that involve talk of cultural wealth. During this time there is a misguided IE form desires that soak up the passions for art and cultural heritage register to obtain a copyright. No less than the Governor, mayors, and Governors vying to make a statement in the media that there are umpteen thousands of art and culture that is ready to be registered for copyright. Does not seem to realize that in the system of copyright protection, registration is not required (Aric Havas Oegroseno in <http://www.tabloidiplomasi.org>). The others are misguided when registered, it will pop up the consequences, namely in the form of endless Copyright term, i.e. 50 years after the creator's death. So, cry so that the Pendet is enrolled, it is very dangerous. Because of the limit of time 50 years after the creator Pendet died, then the copyright would be lost and that Pendet can be claimed by

anyone. In UNESCO'S proclamation of narrative over the puppet as an art object is not Indonesia mentioned "Wayang stories borrow characters from Indian epics and heroes from Persian tales". UNESCO declared that we are borrowing other people's cultures in our puppet. Whether it's the same lent claiming? Rabindranath Tagore in Letters from Java thus thrilled and proud to see India culture preserved in Java, he does not consider this as a claim of Indonesia, and then angry and shouting the war. Thus, there is incomprehension conception and regulation weaknesses in the settlement of the issue of copyright of works spanning our culture, required studies upon the substance of the laws governing the work of the copyright culture. Similarly, recognition of the copyright on all the scope of rights need to be protected elements in them as part of the efforts of the legal protection of a person's property rights over the intellectual property that was born from the idea and the idea of it as a form of legal protection in General. Thus, this research was geared to get the interconnectedness of substance and can find a new concept.

Theoretically it is said to be the reason the creation of the reason mastery of objects. Creation is the work of forming or hold new objects using the expertise or skills. The work consists of works of material and intellectual work. The paper material is paper form or hold new objects are material (tangible). While the work of intellectuals is a masterpiece of form or hold new objects, which are immaterial (intangibles).

In the context of Copyright/Ip (intellectual property), the term "wealth" are sometimes confronted with Right according to Feinberg (Peter Mahmud Marzuki. 2009:174)

"indispensably valuable possessions, A world without them, no matter how full of benevolence and devotion, to duty would suffer an immense moral impoverishment..."

Right ... are not mere gifts or favour ... for which gratitude is the sole fitting response. A right is something that can be demanded or insisted upon without embarrassment or shame ... A word with claim-right is one in which all persons, as actual or potential claimants, are dignified objects of respect ... No amount of love or compassion, or obedience to higher authority, or noblesse oblige, can substitute for those values”.

Copyright culture in the crossroads of the concept

Copyright Culture in the Copyright ACT.

Copyright Culture is the terminology regarding the entire copyrighted works that are derived from the nersifat traditional community creations and has long been her age. There are some copyright works which can be categorised in this concept.

Copyright LAW in Indonesia in recent times there are some refinements and changes the terms and scope of the ever-changing. This suggests that the pengkonsepan of culture in copyright legislation Indonesia could find its shape.

In Chapter 10 of the copyright ACT No. 19 Year 2002 stating:

- (1) The State holds the copyright on the work of prehistoric relics, history, and other national,
- (2) The State holds the copyright on folklore and folk culture results are jointly owned, such as the menadji stories, legends, tales, sagas, Annals, songs, handicraft, choreography, dance, calligraphy, and other works of art.
- (3) To announce the creation of or reproduce in paragraph (2), a person who is not a citizen of Indonesia must first get permission from agencies involved in the issue.

- (4) Further provisions concerning the copyright held by countries as referred to in this article, is governed by government regulations.

There is a response to this article 10 with suggested two reasons:

First, the position of the article 10 of the copyright ACT is not yet clear if its application is associated with the berlakunya articles, others in the Copyright ACT. For example, what if a folklore which is protected under article 10 paragraph (2) is not original as presupposed article 1 paragraph (3)? The legislation does not specify whether this kind of foklor get copyright protection, although the creation belongs to the folklore authenticity searched or proved. The two ethnic tribes, or a traditional society is only entitled to do a lawsuit against foreigners who mengekspliasi the traditional works, through country cq. related institutions. The legislation protects the interests of the creators of works traditionally exploited by is not a citizen of Indonesia abroad (Tim Lindsey in Favor Agus Riswandi and m. 2005:41 Syamsuddin.-42)

1. The position of the folklore.

In the version of law in Indonesia, expressly folklore fall into the category of copyright. This can be inferred indirectly from the scope of Act No. 19-year 2002 which memasukkan the protection of folklore within Copyright regime. The official explanation of article 10 paragraph (2) States that folklore is a concept to describe a set of traditional creation, both created by the individual or group in the community, showing the social and cultural identity based on the standards and values that are spelled or followed hereditary. In the forum of WIPO, known as the Intergovernmental Committee on Intellectual property and Genetic Resouces, Traditional

Knowledge and Folklore (WIPO-GRTKF) had long discussed the issue of the protection and utilization of folklore. In that forum happen such a difference of views between developed countries (read: Europe, the Americas and Japan) on the one hand with third world countries in the other party. This is understandable given the existence of a distinction between the interests of those countries. On the one hand the developed countries want a broader access to utilize folklore found in developing countries. On the other hand, developing countries wanted the developed countries provide Division benefits (benefit sharing) over the utilization of folklore maupu traditional knowledge.

According to the author is interesting to give important note the opinion above because when arguing the spread value of cultural interaction is becoming a major consideration thus providing freedom in processing the folklore that, going to be limping presumably if viewed from the side of the economy and the protection of the intellectual property assets of managing itself. Alone again if we associate with the worst possible of a foreign claim note bene is often blamed the owner of the intellectual property as a not or less maintain the richness of the culture. The fact claims Malaysia had become a real example in many ways, regardless of the fact of occupation/claim on Sipadan and Ligitan (said to question aspects of the issues during this time also) Similarly cultural assets Reog Ponorogo, song Sense Sayange, Batik, Angklung, Pendet, Tor-Tor dance and Gondang Nine and so forth thus giving the effect of less well from the side of the law.

It is generally acknowledged that the care and supervision of the intellectual property assets in Indonesia are not such strictly carried out. May need to be addressed for example

protection of folklore in China which seeks to systematically.

The fact the efforts made by China when compared with that kind of protection system, in Indonesia is rated inadequate. One reason is that until now there has been no comprehensive database or documentation concerning expressions of folklore from all regions of Indonesia, making it difficult to prove to the party – foreign parties that an expression of folklore belong to the nation of Indonesia.

Is a very important issue also is giving attention to Traditional Knowledge as a potential asset for getting legal protection. WIPO through the International Committee on Intellectual property and Genetic Resources Traditional Knowledge and Folklore in a Survey on Existing Forms of Intellectual property Protection for Traditional Knowledge Prepered by the Secretariat showed there are two mechanisms that can be done within the framework of Traditional Knowledge protection i.e. pemberikan protection in the form of laws and protection in the form of nonhukum. Protection in the form of the law that is an effort to protect Traditional Knowledge through a binding legal forms such as intellectual property rights, regulations governing the issue of genetic resources, traditional knowledge, in particular contract, and customary law (Budi Agus Riswandi and m. Syamsuddin. 2005:37)

III. RESULTS ACHIEVED

This research begins to detect the public awareness about the need for copyright protection of culture as a kekayaan nation of Indonesia. Whether the respondents had heard of the traditional culture of copyright works? The respondent replied as follows:

Table 1
Knowledge About Copyright Culture

No.	Answer of the Respondent	The amount of	The percentage of
1	Ever	77	96.25
2	Never	3	3.75
Total		80	1000

There are 77 people (%) of the respondents which means the majority of States had heard about that culture of copyright works, and only 3 (%) stating, this means never public knowledge about it.

Then the answer was confirmed with the question: which ones below that You categorized as rich traditional culture of copyright?

Table 2 Copyright Cultural Categorization Capabilities

No.	Answers Of The Respondents	The amount of	The percentage of
1	Dance Padduppa	65	81.25
2	Batik Semar	9	11.25
3	The Song Of You Country	1	1.25
Total		80	100

From table 2 reflected that there were a large number of respondents indicating the Dance Padduppa (81.25%)

equivalent of 65 respondents fall into the category of traditional culture of copyright works. This is in accordance with scientific understanding about that category. As for batik semar though included in the copyright work of culture but is not included in the traditional categories, there are 9 respondents (11.25%) who responded to the case.

Asked about whether reasonable if the foreign (other State) acknowledged as his own a piece of our traditional culture of copyright, namely, the majority of respondents (77%) consider such deeds 96.25 as unnatural deeds. Only 2 respondents (2.5%) consider the deed it as reasonable. 1 (1.25%) respondents stated do not know. It is reflected in the table 3

Table 3 Views On The Claim Against The Copyright Culture

No.	Answers Of The Respondents	The amount of	The percentage of
1	Reasonable	2	2.5
2	The Unnatural	77	96.25
3	Do not know	1	1.25
The amount of		80	100

Have you heard that a foreign country has been admitted (to claim) as his own a piece of our traditional culture of copyright as Reog Ponorogo, song Rasa Sayange, Pendet, Batik, Angklung, etc.?

Tabel 4
Pengetahuan Tentang Klaim Budaya
Tertentu oleh Pihak Asing

N o.	Jawaban Responden	Jumlah	Persentase
1	Ever	75	93.75
2	Never	5	6.25
Total		80	100

Answering this question, amounted to 93.75 percent (75 people respondents) confess have heard of such cases. As a piece of news that the two countries presented a bunch of course this becomes news Newspaper. Nevertheless, there are 5 respondents (6.25%) who claim to have never heard of the news.

Browse to the informants interviewed stated Genesis would know, but there is a different perception about the position of those rights:

Interview with Rina, s. Sos, MSi as the head of Culture Department of education and culture of the city of Makassar (interview August 11, 2014) mentions:

Indonesia's less attention to its cultural wealth because of several factors:

- a. Because we have too much wealth/cultural relics may even be at most
- b. Many people we travelled to other countries either because the move WN or because of work so bring our culture to it. Examples of Reog Ponorogo in Malaysia because many people expatriate from Java and Madura.

Another point raised by Mohammed Roem, s., M.Si. The head of the Section of economic tourism and promotion of the Creative City of Makassar (interview 11 August 2014) expressed his views about the case (a kind of Reog Ponorogo)

The richness of our culture so much that the Government was overwhelmed in doing the management. Similarly in our handling is always late so we reacted when the other party do to the detriment of our interests.

Even after confirmed with a follow-up question about a Country which never admit (to claim) as his own a piece of our traditional culture of copyright?, answered that the 75 respondents (93.25%) mentions clearly that Malaysia which perform recognition/claims it. Although still there are 3 (3.75%) respondents who called Singapore and 2 respondents (2.5%) who calls the Philippines. This is illustrated in table 5

Table 5
Knowledge Of The State Of Pengklaim
The Copyright Culture Indonesia

N o.	Answers Of The Respondents	The amount	The Percentage Of
1	Malaysia	75	93.75
2	Singapura	3	3.75
3	Philipina	2	2.5
The amount of		80	100

Interview with Nusema, SH. Head of the legal section Province Sulawesi Selatan said:

“The case concerned a claim Malaysia over Indonesia culture is unfortunate and it is our weakness that our consciousness arises if there is already a fuss claim people/other country. Ever come visit Muhibbah from Malaysia to see quality weavings in Sengkang and the opportunity to stop at the Office (this). We deliver to comrades not to weave we will be taken again by the Malaysia”

In the case of other concerns as expressed in the above interview by Ana Paongan staff Dekranasda province of South Sulawesi (interview date 08 August 2014) expressed that:

“I thought, culture and people of Toraja ceremony in Samara will be recognized/claimed by the people of America as a claim for the culture of Indonesia in Malaysia because almost all our communities there carry out the rituals of our beliefs. I know that the documentation about this kind of things still lacking”.

Regarding the sense of nationhood or sense of ownership towards copyright culture, this research tries to trace how the views of respondents about the claim of foreign countries on the work of the traditional culture of copyright such as the song of ' Sayange "Flavor, Batik, Angklung, Reog Ponorogo, Pendet dance, Tor Tor, etc.?

Table 6

The views of respondents About the claim of copyright on the work of Foreign Culture

N o.	Answers Of The Respondents	Jumlah	Persentase
1	Agree	0	0
2	Do not agree	79	98.75
3	Do not know	1	1.25
Total		80	100

In table 6 imaged that the largest percentage i.e. 79 respondents (98.75%) claimed that disagree with that claim. Just over half of respondents (1.25%) saying agree alone.

The question of agree or disagree need actionable about the attitude towards the events. Respondents were given follow-up question how should our attitude (the public) about the events? The answer is reflected in tables 7

**Table 7
Answers about the attitude of top Foreign Claims**

N o.	Answers Of The Respondents	The amount of	Percentage
1	Let alone	2	2.5
2	Sue/question	77	96.25
3	Do not know	1	1.25

Total	80	100
-------	----	-----

From table 7 shows that the respondents (77%) said 96.25 us (Indonesia party) should sue or at least questioned aloud to demonstrate that the activities and the unnatural deeds do. Only 2 respondents (2.5%) answered it is left alone. While the 1 (1.25%) respondents stated do not know.

The next question asked in the question form is whether the work of traditional culture of copyright law need to be protected?

Table 8
The view on the need for legal protection

N o.	Answers Of The Respondents	The amount of	The Percentage Of
1	Need	79	98.75
2	There is no need	1	1.25
3	Do not know	0	0
Total		80	100

In table 8 show that 79 respondents (98.75%) expressed the need for legal protection, and only 1 (1.25%) respondents who declared unnecessary. For the respondent followed next with a question that if he thinks need legal protection, protection in the form of how that should be done?

Table 9
Answers About The Scope Of The Legal Protection

N o.	Answers Of The Respondents	The amount of	The percentage of
1	Strengthen the law-his invitation	15	18.75
2	Strengthen law enforcement	20	25
3	Both of the above answers is correct	45	56.25
The amount of		80	100

In table 9 are reflected that there are 15 respondents (18.75%) want in legislation, while retaining a bit more than that i.e. 20 respondents (25%) want a retaining not on legislation but on the enforcement of the law. More than half of the total number of respondents i.e. 45 respondents (56.25%) answered the need for legal protection carried out simultaneously between retaining a law with his law enforcement reinforcement purposes.

One of the efforts of keeping traditional culture of copyright works in Indonesia is through documentation, registration, and inventory. The respondents were given follow-up question how his opinion about documentation, registration and an inventory of the works copyright traditional culture in Indonesia, whether committed by the Government of Indonesia is quite adequate.

Table 10

The assessment Of the activities of the documentation and Inventory Work Copyright Culture

No.	Answers Of The Respondents	The amount of	The Percentage Of
1	Adequate	15	18.75
2	Inadequate	52	65
3	Do not know	13	16.25
The amount of		80	100

There are 52 respondents (65%) as reflected in the table of 10 answered that the Government's efforts for it were inadequate. Only around 18.75% i.e. 15 respondents who said had been adequate. There were 13 respondents (at 16%) who did not seem to give attention to the problem in question and answer don't know.

Regarding this, an interview with Nusema, sh. Head office Public legal services Legal and human rights regional Office of South Sulawesi province (interview August 29, 2014) mentioned that:

“Program documentation by the Government are still weak. But now there are efforts encouraged the search HKI Ditjen cultural community in the area of Prvince/city, we follow-up with correspondence to the Province/City and the result turned out to be two areas that send back a list of the Intellectual Community (HKK) i.e. Sinjai and Soppeng”

As for the second proposal of the area said the next Nusema are as follows:

Soppeng Regency, documented propose to become Intellectual Community (HKK):

- 1) Custom Karampuang
- 2) Dance Mabbulo Sipeppa
- 3) The tomb of Bonto Salama
- 4) Garden Purbakala Batu Poke Gojeng
- 5) Site Agreement Lamung PatuE ri Topekkeng
- 6) Waterfall Batu Barae Borong
- 7) Culinary Tour

Sinjai Regency, documented propose to become Intellectual Community (HKK):

- 1) Bola Bodo (Home joglo form)
- 2) Timpa' Laja (Bola RidiE)
- 3) Bassi Bunga
- 4) Woven collection

One of the things that need to be confirmed according to researchers to the community is who (in this case the authority's policy) which should be the most responsible of maintaining the traditional culture of the copyrighted work? The answer in the table 11 shows the 33 respondents (41.25%) mentioned that it was within the authority of the Central Government (Government of the Republic of Indonesia), and only 2 respondents (2.5%) pointing local governments either Province or district/city authority for it. But the greatest number i.e. 45 respondents (56.25%) mention that all the elements of good government as well as regional center has an obligation to defend the policy work of the copyright of that culture.

Table 11

**Answers about Copyright Protection
Authorities Work Culture**

N o.	Answers Of The Respond ents	Juml ah	Persen tase
1	Govern ment s Repu blic of Indon esia	33	41.25
2	Local governm ents (provinc es and Province /City)	2	2.5
3	The second answer above answers correct	45	56.25
Jumlah		80	100

There is a view which says that the occurrence of cultural relations muddle among Nations relate to each other claiming a wealth of traditional cultural works copyrighted between Malaysia with Indonesia is a question of cognate (the grouping of Nations). Find out the knowledge society through the spread of this research question form asking that: one of the reasons put forward to resolve the dispute the claim of a foreign country against our traditional culture of copyright works is that we are a country grouping (Malay). How do you feel about it?

**Table 12
The View On The Influence Of The
Country Grouping Of Issues**

N o.	Answers Of The Respon dents	The amo unt of	The Percen tage of
1	Setuju	7	8.75
2	Do not agree	70	87.5
3	Do not know	3	3.75
The amount of		80	100

It turns out that the answer obtained 70 respondents (87.5%) disagree. Only 7 respondents (8.75%) who agree with that option. There are 3 other (3.75%) respondents stated do not know. This research is also seeking answers to whether the local government or whether the community has enough give attention to this culture of copyright works. In closing this question divided the now 2 (two) questions to find out the role of local governments and questions to find out the role of the community. Whether local governments have enough give attention to our traditional culture of copyright works? In table 13 reflected balanced answers i.e. 44 respondents (5.5%) stated simply, slightly lower i.e. 33 respondents (41.25%) said not enough attention to the local government.

**Table 13
The views about the level of attention of
the Government Towards the work of
Copyright Culture**

N o.	Jawaban Responden	The amount of	The Percentage of
1	Cukup	44	5.5
2	It is not enough	33	41.25
3	Do not know	3	3.75
The amount of		80	100

As for the question concerning the role of the community in the area are pretty much the community gives attention to the work of our traditional culture of copyright? Table 14 shows the answer is much different that the role of the community is not very considerable role in delivering it as illustrated on Figure 73 respondents (91.25%). Only 6 respondents (7.5%) stating quite.

Table 14
The views about the level of public attention to the works of copyright Culture

N o.	Answers Of The Respondents	The amount of	The Percentage Of
1	Enough	6	7.5
2	It is not enough	73	91.25
3	Do not know	1	1.25
The amount of		80	100

IV. CONCLUSIONS AND SUGGESTIONS

Conclusion.

As for the inferences that can be drawn from this early stage research is:

1. There is a different understanding about the copyright status of culture from both the substance of the right nor of the appreciation of the case which threatens foreign claims copyright over the culture of Indonesia
2. The respondents and informants agree that foreign claims must be completed through the activities of preservation and documentation
3. The respondents and informants agree if it was cultural ideals of rights to objects of trade which have value there needs to be attempted empowerment.

Recommendations

1. It is recommended to the Government of the Republic and local governments (provinces and Province/City) gives full attention in the preservation and development of the culture of copyright
2. The general public is advised to widen the appreciation in the value of the copyright to develop culture in culture and economy.

BIBLIOGRAPHY

- Abdulkadir Muhammad. 1994. *Hukum Harta Kekayaan*. Citra Aditya Bakti, Bandung.
- 2001. *Kajian Hujum Ekonomi Hak Kekayaan Intelektual*. Citra Aditya Bakti, Bandung.
- Agus Sardjono. "Perlindungan *Folklore*: Apakah Rezim Hak Cipta Memadai?", dalam *Jurnal Hukum Internasional Universitas Indonesia* Volume 1 Nomor 1 Oktober 2003.
- Ahmad M. Ramli, 2000. H.A.K.I. *Hak Atas Kepemilikan Intelektual*. Mandar Maju, Bandung.

- Arif Lutviansori. 2010. *Hak Cipta dan Perlindungan Folklor di Indonesia*. Graha Ilmu, Yogyakarta.
- Bernard Nainggolan. 2011. *Pemberdayaan Hukum Hak Cipta dan Lembaga Manajemen Kolektif*. Alumni, Bandung.
- Budi Agus Riswandi dan M. Syamsuddin. 2005. *Hak Kekayaan Intelektual dan Budaya Hukum*. Rajagrafindo Persada, Jakarta.
- Eddy Damian. "Pengaturan dan Pengertian Hak Cipta Sebagai Hak Milik Intelektual dalam *Pro Justitia* Tahun XIX No. 3 Juli 2001:7
- Edi Sedyawati. 2012. *Budaya Indonesia Kajian Arkeologi, Seni, dan Sejarah*. Rajagrafindo, Jakarta.
- Edi Sedyawati. 2014. *Kebudayaan di Nusantara*. Komunitas Bambu, Depok.
- Endang Purwaningsih. 2005. *Perkembangan Hukum Intellectual property Right*. Ghalia Indonesia, Jakarta.
- Henry Soelistyo, 2011. *Hak Cipta Tanpa Hak Moral*. Rajawali Pers, Jakarta.
- Huala Adolf dan A. Chandrawulan. 1995. *Masalah-masalah Hukum dalam Perdagangan Internasional*. Rajawali Pers, Jakarta.
- Ignatius Haryanto, 2002. *Penghisapan Rezim HKI*. Kreasi Wacana, Yogyakarta.
- Muhammad Djumhanah dan R. Djubaidillah. 1997. *Hak Milik Intelektual, Sejarah Teori dan Prakteknya di Indonesia*. Citra Aditya Bakti, Bandung.
- O.C. Kaligis 2009. *Antologi Tulisan Ilmu Hukum Jilid 1*. Alumni, Bandung.
- OK. Saidin. 2010. *Aspek Hukum Hak Kekayaan Intelektual*. PT Rajagrafindo Persada, Jakarta.
- Peter A. Alces dan Harold F. See. 1994. *The Commercial Law of Intellectual Property*. Little, Brown and Company, Toronto.
- Prihandoko. 2013. "Tujuh Klaim Budaya oleh Malaysia Sejak 2007" dalam <http://Tempo.co>. (download, Rabu, 30 Januari 2013)
- Sanapiah Faisal. 1989. *Format-format Penelitian Sosial*. Rajagrafindo Persada, Jakarta.
- Satjipto Rahardjo. 2006. *Ilmu Hukum*. Citra Aditya Bakti, Bandung.
- Simon Butt. 2000. *Penuntun Short Course Intellectual property Right (Elementary)*. Asian Law Group, Jakarta.
- Sudikno Mertokusumo. 2002. *Mengenal Hukum Suatu Pengantar*. Liberty, Yogyakarta.
- Suyud Margono dan Amir Angkasa. 2002. *Komersialisasi Aset Intelektual Aspek Hukum Bisnis*. Grasindo, Jakarta.
- Syahmin AK. 2006. *Hukum Dagang Internasional*. Rajawali Pers, Jakarta.
- Zulkifli Makkawaru. 2001. "Perlindungan Paten dan Kewajiban Alih Teknologi" dalam *Jurnal Ilmiah Hukum Clavia* Volume 2 Nomor 1 Januari 2001.
- 2002. "Perlindungan Hak Pertunjukan Musik di City Makassar" dalam *Tesis Program Pascasarjana Universitas Hasanuddin*. Tidak Dipublikasikan.
- Sumber Internet:
- Arif Havas Oegroseno. "Mematenkan Budaya, Sebuah Distorsi" dalam *Tabloid DIPLOMASI* Edisi Maret 2010, Friday, 20 March 2010. (<http://www.tabloidiplomasi.org>)
- Risanti, Naomi Ana, Natasya, Ningrum Leviza, Jelly. 2-Nov-2011. "Perlindungan Hukum Hak Cipta Terhadap Warisan Budaya Bangsa Indonesia Ditinjau Dari Perspektif Hukum Internasional" dalam *USU Institutional Repository* (<http://repository.usu.ac.id>) (download, Selasa, 29/01/2013)
- "Malaysia Klaim Tarian Tor-tor asal Sumut. dalam Metrotvnews.com: Minggu, 17

Juni 2012 (download, Rabu, 30
Januari 2013) Tabloid
DIPLOMASI Edisi Maret 2010, Friday, 20
March 2010.
(<http://www.tabloidiplomasi.org>)