



Legal Protection of the Nation's Cultural Identity in the Era of Globalisation

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Abstract

Indonesia is blessed with an extraordinary and diverse cultural wealth, stretching from Sabang to Merauke. Each region has unique traditions, customs, languages, arts and local wisdom that reflect the nation's identity. This cultural wealth is a valuable heritage that has been passed down from generation to generation and has become an integral part of Indonesian life. In the era of globalisation, Indonesian culture is faced with various complex challenges. The heavy influence of foreign culture, liberalisation, westernisation, and internationalisation is eroding the existence of the nation's culture. This can threaten the national identity and cultural heritage that has been preserved for centuries. This research uses a normative juridical method to examine various efforts to preserve Indonesian culture in the era of globalisation. This approach is carried out by analysing various laws and regulations, legal norms, and rules relating to cultural preservation. Preserving Indonesian culture is the shared responsibility of all Indonesian people. This preservation effort must be carried out comprehensively and sustainably, by involving various parties, from the government, the community, to the younger generation.

Keywords: Culture, Globalisation, Challenges, Efforts, Preservation.

1. INTRODUCTION

In this era of globalisation, Indonesia has many extraordinary cultural treasures that should be protected. The cultural diversity owned by each ethnic group is a countless asset. Indonesia is the largest archipelago in the world, with approximately 17,000 islands. The large number of islands also contributes to Indonesia's huge population. According to the Central Bureau of Statistics, Indonesia has around 270 million people spread across 17,000 islands. (Farhaeni & Martini, 2023). In fact, each island in Indonesia has its own uniqueness and characteristics, which exist in the form of intellectual property rights, which are not recorded and can only be passed on by word of mouth. Some of these intellectual creations are often referred to as traditional knowledge. (Umam, 2022) Examples are sculpture, weaving, rajah images, dance, music for an offering to belief, religion, in the form of statues of gods and goddesses, statues, and temples are symbolic. Likewise, social devotion to the ruler (king) by decorating the palace garden, and other important places. The collective works of artisans, undagi, craftsmen, and artists as traditional knowledge have never been considered for legal protection. (Windayanto & Santoso, 2024).

Traditional knowledge is part of the life of a community that owns the culture that contains economic values, customary values (including spiritual), and communal values that are an important part of both the traditional community. However, there is a difference between traditional knowledge and other intellectual works, namely traditional knowledge is a form of intellectual work that grows and develops from and within the communal community and then its preservation is carried out from generation to generation. (Nizwana, 2022; Ruhtiani, 2022).

Traditional Cultural Expressions (EBT) is a term used by WIPO (*World Intellectual Property Rights*) in various forums in the world. The use of the term EBT put forward by WIPO is shown to outline a cultural work that is traditional and owned by traditional communities as an intellectual work derived from traditional culture belonging to traditional community groups. (Susanti, Diah Imaningrum Sudhiarsa, Raymundus I Made Susrijani, 2019).

The protection of EBT as part of Intellectual Property Rights is still being debated between *developed* countries and *developing* countries in realising international legislation. This happens because traditional cultural expressions have enormous economic value, social value and cultural value as a form of the nation's cultural heritage. (Widyanti, 2020).

In its development, EBT, which is a wealth of high-value cultural heritage, has in fact become an attraction for commercial use, resulting in *misuse*, *misappropriation*, destruction of cultural values, and exploitation by foreign parties. In this case, intellectual property in the form of traditional cultural expressions created by and originating from traditional communities has become popular worldwide, and is traded internationally for billions of US Dollars each year from around the world. Most of the revenues from these sales end up in the hands of companies outside the region of origin of the intellectual property and more often in the hands of foreign companies. (tim kemenparekraf, 2022).

As social creatures, humans will always relate and cooperate with other humans. Everyone needs the existence of other people to fulfil their various needs. In the relationship between individuals and other individuals, a means of communication is needed, namely language. According to Djoko Kenjono (in Chaer, 2003: 30), language is an arbitrary system of sound symbols used by members of social groups to cooperate, communicate, and identify themselves. Language is not only a sound, morphological, and syntactic system designed to express a thought, but also carries cultural identity and social status. Language reflects social conditions and relationships between people. (Bukhari, Marwan Hamid, A Hasan, 2021).

How is the legal response to the nation's cultural identity in the era of globalisation? Factors affecting the nation's cultural identity in the era of globalisation? Obstacles that affect the nation's cultural identity in the era of globalisation? The purpose of this research is to describe the legal protection of cultural identity in the era of globalisation and to describe efforts to preserve culture in Indonesia in the era of globalisation.

2. METHOD

The method used by the author is a research method in which many numbers are used. Starting from the data collection process to its interpretation. Literature study either from books, journals, or other references that support research. Then the author also uses quantitative methods that aim to test hypotheses using existing theories (Fai, 2022).

Quantitative research according to Sugiyono (2019), is a research method based on the philosophy of positivism, as a scientific or scientific method because it fulfils scientific

rules concretely or empirically, objectively, measurably, rationally, and systematically. (Repostory, 2022).

3. RESULTS AND DISCUSSION

The word culture itself is a language that comes from two languages namely Sanskrit, and English. According to Sanskrit, the word culture means buddhayah which means the plural form of the word bauddhi which means mind or reason. While according to English culture is known as the word culture which comes from Latin, namely colere which means to cultivate or work. The term culture is also used in Indonesian with the word culture. Culture is related to human mind and intellect. Culture is a pattern or way of life that is developed by a group of people, then passed down to the next generation. (Alhudawi, Usman Simatupang, Ernawati Rachman, 2021; Tahan et al., 2021)

Culture is a way of life that develops and is shared by a group of people. It is then passed on to the next generation. Culture is formed from several complex elements. Among them are customs, language, works of art, religious and political systems. Language is the same as culture, which is an inseparable part of humans. Therefore, many groups of people tend to think of it as something that is genetically inherited. One can communicate with people who have different cultures and adjust to the differences, proving that culture can be learnt. (Imran & Sabrina, 2021; Nurhayati, 2023)

In addition, culture is an overall pattern of life. Culture has an abstract, complex and broad nature. Meanwhile, according to KBBI, culture is a thought, intellect or customs. Grammatically, the meaning of culture is derived from the word culture which tends to lead to the way humans think. There are several aspects of culture that determine communicative behaviour. The socio-cultural elements are scattered and cover many human social activities (Wati & Lestari, 2023).

The definition of culture or culture according to several experts as mentioned by Elly. M. Setiadi, as follows:

a. E.B Tylor (1832-1917)

Culture is a complex whole that includes knowledge, beliefs, arts, morals, science, customs, and other abilities and habits acquired by humans as members of society.

b. R. Linton (1893-1953)

Culture can be viewed as a configuration of learned behaviours, whose constituent elements are supported and passed on by other members of the community.

c. Herkovits (1985-1963)

Culture is part of the living environment created by humans.

d. Koentjaraningrat (1985-1963)

Culture is a whole system of ideas, actions, and human works in the life of society that are made human by learning.

Koentjaraningrat also explained that basically many distinguish between culture and culture, where culture is a compound development of budi daya, which means the power of the mind. In Anthropological studies, culture is considered an abbreviation of

culture which has no difference from the definition. So culture or culture for short, according to Koentjaraningrat is a whole system of ideas, actions and human works in the context of community life that is made a human possession by learning. (Syakhrani, Abdul Wahab Kamil, 2022; Vanesia, Agnes Kusriani, Enick Putri, Evita Nurahman, Inggit Alfindo Simaremare, 2023).

Laws are essentially rules that govern the interactions and lives of people. Its functions cover many aspects, including protection. Legal protection is an important part of the legal system that aims to safeguard the rights and obligations of individuals and groups, including the protection of valuable cultural heritage such as historical relics. Indonesia already has various laws and regulations governing legal protection, including for historical relics. Among the various forms of protection, civil law protection, consumer law protection, and child protection are some examples. However, the protection of historical heritage has its own role, especially through Law No. 11/2010 on Cultural Heritage. (Anjany & Fadilawati, 2023; Hasugian, 2022).

The importance of legal protection for heritage is particularly reflected in this regulation. However, just having a law is not enough. The role of the government and local governments is crucial in carrying out the task of protecting, developing and utilising historical relics. One prominent example is the role of museum as a place to store and exhibit historical relics. (Humas UM Sumbar, 2023)

In the era of globalisation, the nation's cultural identity is influenced by foreign cultures that enter and influence Indonesia due to the loosening of the government system and the rise of communication and information media, especially the internet and social media. Globalisation needs to be addressed wisely because globalisation is not the reason for the destruction of Indonesian cultural values contained in Pancasila. However, the negative impacts of cultural globalisation include the development of individualism, the loss of the original culture of a region, the erosion of cultural values, the decline in nationalism and patriotism, the loss of kinship and mutual cooperation, and lifestyles that are not in accordance with Indonesian culture. Therefore, the challenge faced by the Indonesian nation in this era of globalisation is to carefully prepare the next generation of young people with a high spirit of nationalism in maintaining the existence of their regional culture. Efforts to protect, utilise, develop, and foster related objects of cultural promotion, including art, are the duty and responsibility of both government and non-government. Culture must be the foundation of every development policy carried out in Indonesia, because culture has a strategic role for a nation. (Aprianti, Muthia Dewi, Dinie Anggraeni Furnamasari, 2022)

The influence of globalisation cannot be avoided by anyone. With the development of technology and information that is increasingly sophisticated, it provides a great opportunity for globalisation to spread its influence to all corners of the world. Of course, the influence of globalisation itself can be both positive and negative. The positive impact of globalisation has been felt, such as the ease of accessing information, this can help in getting information easily. In addition, the positive influence of globalisation can provide

easy access to knowledge. And of course there are many more positive effects of globalisation.(Ramdhani, 2021)

However, the negative impact of globalisation can be a threat and also a challenge to the existence of national identity today. Based on the results of research conducted by, that the negative influence of globalisation has shifted local culture that should be maintained and preserved. People today no longer uphold the values of their cultural customs. So that these cultural values are displaced by external cultural values as a result of globalisation. Local cultural values should be preserved so that future generations of youth can know their own identity. Nowadays, a lot of young people do not care about local cultural values, the young generation tends to prefer modern things so that they can change their lives according to the prevailing trends of their time, this of course makes the younger generation lose their original identity as a cultured nation. In addition, foreign cultures that enter Indonesia are not necessarily in accordance with the values of the teachings. A lot of cultural values that come from outside are very contrary to the noble values of the Indonesian nation. If this is allowed, the sense of nationalism among youth will fade.(Julianty, Annisa Azzahra Dewi, Dinnie Anggraeni Furnamasari, 2022)

Therefore, the changes that occur due to globalisation affect many people (across regions, across countries, across cultures) so that it indirectly affects the tastes, environment and lifestyle of Indonesian people because many outside cultures enter Indonesia very easily and without borders. However, the world is always changing and globalisation is a *connected world* as if there are no boundaries; or to borrow McLuhan's term as a global village (McLuhan, 1994) through increasingly open and affordable media, people receive various information about new civilisations coming from all corners of the world. In fact, it is realised that not all citizens are able to assess and filter and sort out the information received. For example, the flood of information and new cultures brought by the media, both print and electronic media, are often very foreign from the attitudes of life and norms that apply in Indonesia.(Mahardika, Agustina Imroatussolekha Rahmawati, 2023; Simatupang & Hendra, 2023)

Indonesia's cultural diversity is a wealth. Not necessarily all countries have diverse cultures like Indonesia. This diversity is an asset to advance the Indonesian nation towards a more advanced direction. However, in this era of globalisation, there are various challenges and threats in various aspects of life including in the field of culture. Many foreign cultures have entered and influenced Indonesia because of the lax government system and the rise of communication and information media, especially the internet. The influx of foreign cultures often makes people feel that the culture is better than the culture of their own nation, even foreign cultures can actually kill the nation's own cultural artworks.(Dr. Ramot Peter, S.Pd., 2023)

Indonesian culture in the current era has been influenced by outside cultures due to globalisation. Where people today prefer and like foreign culture or even boast about foreign culture and prestige using the nation's own culture (local culture) because they think local culture is an ancient culture and does not fit the current trend or association.

This affects the national identity of the Indonesian nation, because its people prefer and use foreign cultures, so that local cultures that should be preserved, maintained, and introduced as the characteristics of the Indonesian nation, become buried and forgotten by outside cultures. (Julianty, Annisa Azzahra Dewi, Dinnie Anggraeni Furnamasari, 2022)

Globalisation is the development of science and culture that then spreads widely from one side of the world to the other so that there are no longer clear boundaries in a country. Globalisation is also often interpreted as international, as the two terms have many similarities in terms of characteristics. Globalisation is broadly defined as an activity of the world community that spreads to a country and even remote areas in various ways. Actually, globalisation has yet to find a clear and precise definition. A number of scholars have made definitions of globalisation. However, it is still rather difficult to define globalisation in a standard way. This is because it depends on which side people see globalisation from. (Aulia, Lulu Rahma Dewi, Dinie Anggraeni Furnamasari, 2021)

The process of globalisation is feared rather than understood and then anticipated wisely and carefully, due to the excessive fear. Anticipation tends to be defensive, building fortresses and feeling themselves as objects rather than subjects in the process of change. In the midst of the emergence of the tendency of world life that is increasingly moving towards barrier-free, local insights are increasingly integrated into national and global insights. In Indonesian society, the concept of unity of spirit "Bhinneka Tunggal Ika" means unity in diversity, the spirit of gotong royong with different terms in each region.

Globalisation is considered to provide opportunities to compete for developed countries (such as the US, Europe and Japan) that have global power in the economic, social, cultural, political, and military security, science and technology fields. Meanwhile, for Indonesia as a third-world country rich in natural resources, human resources and inherent culture, globalisation will present opportunities and challenges that must be watched out for. Some forms of challenges in the era of globalisation include liberalisation, westernisation, internationalisation and universalisation. Another challenge is for the defence and security of the nation, a weak sense of national identity, making it easy for extremist ideologies to influence and infiltrate Indonesian youth so that they are easily infiltrated by the mindset and interests of irresponsible parties and become vulnerable to division. The presence of globalisation in the lives of the world community, including Indonesia, certainly has both positive and negative impacts. One of the positive impacts of globalisation is the ease with which people can find information or phenomena that occur around the world easily and quickly. With the help of social media such as COPA90, for example, Indonesian people who are very close to football can find out information and phenomena about football that occur throughout the world. Moreover, at this time people are not only spectators and listeners but can give their views by commenting through their social networking sites. This means that globalisation has provided space for the people it has. This means that globalisation has provided space for people to express themselves nationally and internationally. The negative impact of globalisation is the emergence of

challenges to the nation's cultural identity.(Meliani, Fitre Iqbal, Aji Muhamad Ruswandi, Uus Eriadiana, 2022) Challenges to Indonesia's national identity, such as:

1. Hedonism, which is a view of life that prioritises pleasure and satisfaction (Dinda Larasati, 2016). So the existence of hedonism makes Indonesian people easily spend things related to material only for pleasure and satisfaction. The existence of this hedonism can be seen from the emergence of cafes, fast food restaurants, malls, and others.
2. The fading of the gotong royong attitude that is the values in the life of the nation and state. It is caused by the development of individualistic attitudes in the lifestyle of Indonesian society. Therefore, it is a sign that the application of the values contained in Pancasila has not become a reference for daily life.
3. Fading sense of nationalism and patriotism. An example of this is people who tend to be more proud and happy to use foreign products than national products. Moreover, there is a dominance of foreign products in the Indonesian market, such as clothing, food, and technology. Then another example is when someone is more proud of foreign culture than their own culture. For example, the use of foreign languages in everyday life. Indeed, foreign languages should and need to be learnt. But that does not mean it is always used for daily interaction. Because Indonesian is the language of unity and integrity of the Indonesian nation that must be upheld by every citizen.
4. The fading of manners, many young people today have very low manners. Because of the value of openness and freedom in globalisation, young people act as they please. For example, many posts on social networking sites use inappropriate words, videos, and photos, but many people like them.(Aulia, Lulu Rahma Dewi, Dinie Anggraeni Furnamasari, 2021)

Each of the many challenges posed by globalisation to the nation's cultural identity. Therefore, the community must be able to answer these challenges. Because as citizens, they should be able to know, understand and even care for the nation's cultural identity that has been formed from a very long struggle (Aulia, Lulu Rahma Dewi, Dinie Anggraeni Furnamasari, 2021).

The challenge of the nation's cultural identity can be faced through various efforts. National identity is the identity of a nation that distinguishes one nation from another. In facing challenges in the globalisation era, efforts to maintain Indonesia's national identity can be done in the following ways:

1. Applying the values contained in Pancasila in everyday life. This step can be done, such as obeying the rules of not cheating, helping each other, not discriminating against people in the neighbourhood, solving problems with deliberation, carrying out worship in accordance with their respective beliefs and others.
2. Instil a sense of love for the country and nationalism by doing various efforts, such as learning and preserving local culture, being more proud to use and love local products, reading books about the struggles of heroes, visiting historical places, and bringing the name of Indonesia to the international level according to ability and passion.

3. Prioritising an attitude of unity and integrity by speeding up the relationship with other people. That way people can abandon the individualism that has been brought by foreign cultures. The attitude of unity and integrity is one of the identities of the Indonesian nation that has long been carried out by the fighters to achieve independence on 17 August 1945.
4. Utilise social networking sites, such as twitter, instagram, youtube, facebook, and others, as a place of education, regarding regional tourism. This way, people can enrich their knowledge about local culture. This is also an effort for the community to introduce local culture to the world, because social networking sites have a global reach.(Aulia, Lulu Rahma Dewi, Dinie Anggraeni Furnamasari, 2021)

4. CONCLUSION

In this era of globalisation, Indonesia has many extraordinary cultural treasures that should be protected. The cultural diversity owned by each ethnic group is an innumerable asset. Even every island in Indonesia has its own uniqueness and characteristics, such uniqueness exists in the form of extraordinary cultural property rights and should be protected. The protection of EBT as part of Intellectual Property Rights is still a debate between developed countries and developing countries in realising international legislation. In my opinion, in overcoming the challenges posed by globalisation to national identity, people can make an effort, such as applying the values contained in Pancasila in everyday life, instilling an attitude of love for the country and nationalism, prioritising an attitude of unity and integrity, and making good use of social networking sites. So the efforts made do not have to start with big things but can start from small things. Taking care of national identity in the midst of globalisation should be done by the people of Indonesia. So that the identity as a nation and state of Indonesia does not fade or even disappear by the rapid flow of globalisation.

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