

## **The Legal Protection of Ngajat Lesung Dance as a Copyright for Traditional Cultural Expressions**

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### **Abstract**

*This study aims to determine the legal protection of the Ngajat Lesung Dance as a copyright for traditional cultural expressions. Traditional art must be protected because it includes copyrights in Intellectual Property Rights (IPR). The empirical legal approach is the method for conducting this research. The novelty of this research is that it discusses the importance of copyright in one of the arts owned by the Indonesian state. Research results show that copyright legal protection for Ngajat Lesung dance has yet to be carried out optimally by the Regional Government of Bengkayang Regency through the Department of Youth, Sports, and Tourism. This is because the efforts made by the Regional Government have not been maximized to educate artists regarding the protection of Copyright law for traditional culture, causing the artist's ignorance of the importance of protection for the work that has been made. In addition, the artist thinks that registering the Copyright for Traditional Dances requires a large fee and is very expensive. Therefore, the Regional Government of Bengkayang Regency through the Youth, Sports, and Tourism Service, is expected to pay more attention and educate to help the artists inventory and register Ngajat Lesung Dance. This dance is part of various Traditional Cultural Expressions in the field of Intellectual Property. The novelty of this research is registering the Copyright of Ngajat Lesung Dance and having it listed as a Traditional Cultural Art with the Directorate General of Intellectual Property is important.*

**Keywords:** *Copyright; Ngajat Lesung Dance; Traditional Cultural Expressions*

## 1. INTRODUCTION

Traditional art results from human thoughts or ideas based on their abilities, expertise, and skills.<sup>1</sup> These works are produced in the area where they live.<sup>2</sup> The current Intellectual Property Rights legal regime also provides protection for the economic interests of inventions or copyrighted works by inventors or creators.<sup>3</sup> This legal protection aims to provide a stimulus to produce inventions or works that are more innovative.<sup>4</sup>

The novelty of this research is that it discusses the importance of copyright in one of the arts owned by the Indonesian state. Protecting traditional art is necessary as traditional art is an Intellectual Property Right (IPR) included in Copyright as stated in Article 1 paragraph (1) of Law Number 28 of 2014 concerning Copyright.<sup>5</sup> This copyright law aims to protect works of art created by artists and facilitate individual creativity for the wider benefit of humanity so that the rights to their assets are recognized, respected, and can be defended from other parties from actions that violate their rights.<sup>6</sup>

In this current situation, legal protection of traditional culture is prioritized only for cultural objects.<sup>7</sup> Thus, it is not uncommon for the position of indigenous peoples as bearers and preservers of traditional culture to be neglected. When there is an unlawful claim of traditional cultural creations by other countries, indigenous peoples are harmed, not their traditional culture itself. That is why the protection of indigenous peoples should be included in their legal protection.<sup>8</sup>

Traditional dance comes from generation to generation and has become a tradition of the local community, which is worked on with keography based on the culture of the area.<sup>9</sup> Ngajat Lesung dance is one of the ancestral heritages of the *Dayak Iban* culture, which developed in a district as wide as the Pasir Putih

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<sup>1</sup> Lorraine V. Aragon, "The Problems of Owning Culture: Global Intellectual Property Law and 'traditional' Community Arts in Indonesia," *Asian Ethnicity* 13, no. 4 (2012), <https://doi.org/10.1080/14631369.2012.710077>.

<sup>2</sup> Triyono Bramantyo, "Digital Art and the Future of Traditional Arts," *Music Scholarship*, no. 1 (2021), <https://doi.org/10.33779/2587-6341.2021.1.096-110>.

<sup>3</sup> Kholis Roisah, "The Legal Concept of Intellectual Property Rights (IPR): History, Definition, and Philosophy of Recognition of IPR from Time to Time," 2015, 126.

<sup>4</sup> Roisah.

<sup>5</sup> Azahery Insan Kamil, Hari Purwadi, and Isharyanto Isharyanto, "The Regulation of Employment Agreements after the Enactment of Law Number 11 of 2020 Concerning Job Creation," *Research, Society and Development* 11, no. 10 (2022), <https://doi.org/10.33448/rsd-v11i10.32843>.

<sup>6</sup> Howard B. Rockman, *Intellectual Property Law for Engineers and Scientists, Intellectual Property Law for Engineers and Scientists*, 2004, <https://doi.org/10.1002/0471697400>; Yuliia Osypova, "The Distribution of Economic Rights to Intellectual Property Rights Objects, Created in Higher Education Institutions of Ukraine on Order," *Theory and Practice of Intellectual Property*, no. 6 (2021), <https://doi.org/10.33731/62021.249093>.

<sup>7</sup> Marihot Simanjuntak, Wiwik Sri Widiarty, and Eddy Damian, "Legal Protection Consumers Associated with Insurance Regulations Especially Claims Settlement in Indonesia's Economic Development (Case Study of Marine Hull Insurance)," *Journal of Positive Psychology and Wellbeing* 6, no. 1 (2021).

<sup>8</sup> Osypova, "The Distribution of Economic Rights to Intellectual Property Rights Objects, Created in Higher Education Institutions of Ukraine on Order."

<sup>9</sup> Hee-Kweon Kim and Ru-Ra Lee, "The Relation between the Discussion for Recognition of Dance Copyright of Traditional Dance Stirred by Samgomoo Performance of BTS and the Purpose of Copyright Act," *Dance Research Journal of Dance* 77, no. 1 (2019), <https://doi.org/10.21317/ksd.77.1.3>.

subdistrict. Ngajat Lesung dance performance is danced during the post-harvest festival known as “gawai” in the local community. Ngajat Lesung dance aims to entertain the local population. Moreover, this traditional dance performs the elegance and agility of the men dancers to the audience, especially women. In the next performance, this dance is aimed at showing elegance and agility and functions as a means to find a partner or soulmate. During the time, this dance became a mere spectacle dance in the 2000s. The dance movements of Ngajat Lesung were worked on by the movements of the women dancers, namely *Nyilang* and *Ngopai*, while the movements of the men moved freely, but there were still cross and *Ngopai* movements. This dance began to develop as a mere spectacle dance in groups, with one man and two women. Until now, Ngajat Lesung Dance is usually danced to welcome guests, such as the Regent who is also present during the Dayak Iban *gawai* event in the Village of Sejuang, Sejuang District, Bengkayang Regency.

However, Ngajat Lesung Dance is rarely performed since the dancers are not regenerated. This is due to the level of difficulty in using the property of lifting and biting the dimples with the strength of the teeth. This makes the younger generation not interested in learning this dance. It is regrettable that the unique and captivating use of props in this dance may gradually disappear unless there are successors to carry it forward. With the existence of traditional dances that are owned by the State of Indonesia, the state has an obligation to maintain and manage this culture, among others by taking an inventory of culture, protecting, and preserving culture so that there are no cases of violations and exploitation by other countries that can harm the state. The state's obligation to maintain and protect this regional culture in the form of Traditional Cultural Expressions (EBT) is regulated in Article 38 UUHC 2014.<sup>10</sup>

The use of dance without permission is a violation of Copyright and the perpetrators can be sued under applicable law.<sup>11</sup> However, in order to turn the matter into a dispute, written evidence is required in the form of a valid certificate stating that Ngajat Lesung dance is a traditional dance owned by the Village of Sejuang, Seluar District, Bengkayang Regency. Therefore, the Regional Government needs to register the Copyright of this dance to the Directorate General of Intellectual Property or the Regional Office of the Ministry of Law and Human Rights in West Kalimantan, so that the dance can obtain a Traditional Cultural Expression (EBT) Certificate.

Although there are no problems with this dance, such as recognition and plagiarism by other countries for this dance, it does not mean that this dance is safe from these problems. This makes it important for the government to protect

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<sup>10</sup> Luminița Olteanu, “Riding on the Coat-Tails of Traditional Cultural Expressions,” *International Journal for the Semiotics of Law* 34, no. 3 (2021), <https://doi.org/10.1007/s11196-020-09725-6>.

<sup>11</sup> Nenny Dwi Ariani, Rohaini, and Sunaryo, “Legal Protection of Traditional Cultural Expression as a Copyright in Indonesia,” in *Proceedings of the Universitas Lampung International Conference on Social Sciences (ULICoSS 2021)*, vol. 628, 2022, <https://doi.org/10.2991/assehr.k.220102.079>.

and maintain traditional culture and to register this dance to obtain a strong EBT certificate to protect from violation by other countries. that can more or less encourage the welfare of the local community.

The results of previous research show that the digital illustration copyright protection system contained in Law Number 28 of 2014 concerning Copyright, in addition to regulating what rights are obtained by the creator, the method of transfer also poses a threat to copyright violators, as well as ways that the creator can take to receive compensation. The strength of this research is the example of digital illustration copyright. The weakness of this research is that it only provides illustrative examples and requires further research regarding Copyright.<sup>12</sup>

Other research shows that it is necessary to reestablish the proper regulations for the copyright for dance after having technically and concretely examined the characteristics of dances performed in the nation and ultimately to work for the revision of the current copyright law for dance. The advantage of this research is that the study was carried out technically. Still, this research needs to improve, namely that the discussion only explains technically without actually looking at cases in the field.<sup>13</sup>

The research results show that the tick-tock dance also requires copyright. The advantage of this research is that in this research, the dance presented is a modern dance, which should also use copyright. However, regarding the dance on TikTok, it is not a traditional dance, which is an Indonesian cultural heritage.<sup>14</sup>

Based on several previous studies, this study aims to to find out the Legal Protection for Ngajat Lesung dance as a Copyright for traditional cultural expressions. The difference between this research and the previous one is that this research focuses more on traditional dance copyrights Ngajat Lesung dance. Besides that, the existence of copyright can increase economic value and is also an essential factor in the development of this traditional dance as the attraction obtained by this conventional dance can generate a financial advantage that can more or less encourage the welfare of the local community. This research aims to find out the legal protection of the Ngajat Lesung Dance as a copyright for traditional cultural expressions.

## **2. METHODS**

The research was carried out using an empirical legal approach method by collecting data and information that has been determined directl.<sup>15</sup> Then the

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<sup>12</sup> Jati Restuningsih, Kholis Roisah, and Adya Paramita Prabandari, "Perlindungan Hukum Ilustrasi Digital Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Notarius* 14, no. 2 (2021), <https://doi.org/10.14710/nts.v14i2.43787>.

<sup>13</sup> JeongMin Shim, "A Study on the Necessity of Establishing Independent Copyright Regulations for Dance," *The Journal of Dance Society for Documentation & History* 54 (2019), <https://doi.org/10.26861/sddh.2019.54.9>.

<sup>14</sup> Ali Johnson, "Copyrighting Tiktok Dances: Choreography in the Internet Age," *Washington Law Review* 96, no. 3 (2021).

<sup>15</sup> F.C. Susila Adiyanta, "Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris," *Administrative Law and Governance Journal* 2, no. 4 (2019), <https://doi.org/10.14710/alj.v2i4.697-709>.

results obtained will be collected and analyzed regarding how Legal Protection for the Art of Ngajat Lesung Dance as a Copyright Traditional Cultural Expressions in Seluas District, Bengkayang Regency. The nature of the research used by researchers in conducting this research is descriptive analysis, which is a method used to describe a condition or situation that is happening or ongoing. The purpose is to provide as accurate data as possible about the object of research so that they are able to explore the ideal information, then analyzed based on legal theory or applicable law.<sup>16</sup>

Types and sources of data were primary data and secondary data. The primary data was in the form of data interviews with the Ministry of Law and Human Rights for the West Kalimantan Region IPR department, the Pontianak BPNB (Cultural Value Preservation Center) for the West Kalimantan Region, as well as traditional Ngajat Lesung dance artists, Seluas District, Bengkayang Regency. Secondary data were from primary legal materials, namely binding legal materials, consisting of the 1945 Constitution of the Republic of Indonesia, Law Number 28 of 2014 concerning Copyrights, Law Number 5 of 2017 concerning the Advancement of Culture, and Ministerial Regulation Number 13 of 2017 concerning Communal Intellectual Property Data. Meanwhile, the secondary legal materials were from legal materials that are non-binding in nature and were obtained from library research to support primary materials. Secondary legal materials consist of books on Copyright, journals and other reference materials relevant to the research to be studied, both in mechanical (*hard format*) or electronic forms (*soft files*).

The collection technique in this study used interview techniques, by communicating directly with the local community to obtain samples that can support conducting research. In this study, researchers took samples using the total sampling technique and Snowball sampling, involving employees of the Regional Office of the Ministry of Law and Human Rights of West Kalimantan, IPR department, employees of BPNB Pontianak, West Kalimantan region, as well as employees of the Youth Sports and Tourism Office of Bengkayang Regency and two traditional Ngajat Lesung dance artists, Seluas District, Bengkayang Regency.

The technique of in-depth data analysis involved examining the obtained legal materials. By utilizing the relevant theories to address the raised issues, identifying legal facts, and eliminating irrelevant factors to apply the legal issues to be solved. This included collecting relevant legal materials, conducting an examination of the raised legal issues based on the gathered materials, concluding the form of argumentation that addresses the legal issues, and providing prescriptions based on the developed arguments within the conclusions.<sup>17</sup>

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<sup>16</sup> Sulaiman Sulaiman, "Paradigma Dalam Penelitian Hukum," *Kanun Jurnal Ilmu Hukum* 20, no. 2 (2018), <https://doi.org/10.24815/kanun.v20i2.10076>.

<sup>17</sup> Prof. Peter Mahmud Marzuki, "Legal Research," *Legal Research*, 2008, 35.

### 3. RESULTS AND DISCUSSION

#### 3.1 Implementation of Legal Protection for Ngajat Lesung Dance Art as a Copyright for Traditional Cultural Expressions in Bengkayang Regency

The Bengkayang Regency Government was formed based on Law Number 10 of 1999 concerning the formation of the Bengkayang Level II Region, officially starting on April 20, 1999, and Bengkayang Regency was separated from Sambas Regency. Subsequently, on April 27, 1999, the Minister of Home Affairs and Regional Autonomy appointed the first Bengkayang Regent who was held by Drs. Jacobus Luna. At that time, the area of Bengkayang Regency covered 10 sub-districts.

The existence of Law Number 12 of 2001 concerning the formation of the Singkawang City Government resulted in the re-expansion carried out by Bengkayang Regency so that Singkawang City had to release three sub-districts and to date Bengkayang Regency has 17 Sub-districts, 122 Villages, and 2 Sub-districts. Bengkayang Regency is located in the northern part of West Kalimantan Province, bordering in Malaysia-Sarawak to the north, Sambas Regency to the north, Landak Regency and Sanggau Regency to the east, Mempawah Regency to the south, and Singkawang City and the Natuna Sea to the west. Geographically, Bengkayang Regency is situated between  $0^{\circ} 33'00''$  North Latitude to  $1^{\circ} 30'00''$  North Latitude and  $108^{\circ} 39'00''$  East Longitude to  $110^{\circ} 10'00''$  East Longitude. The area of Bengkayang Regency is  $5,396.30 \text{ km}^2$  or around 3.68% of the total area of West Kalimantan Province. This makes Bengkayang Regency has the smallest in terms of territorial coverage area in West Kalimantan.

Besides the good geographical conditions that are owned by Bengkayang Regency, this area also has a lot of superior natural and cultural wealth which can be the hallmark of Bengkayang Regency. One of the cultural arts originating from Bengkayang Regency is Ngajat Lesung dance which originates from the Seluas District, Kayu Putih Village. Ngajat Lesung dance is a heritage dance originating from the Iban Dayak tribe which is now developing in the Seluas District, precisely in Pasir Putih Village. Ngajat Lesung dance was brought by the Dayak Iban tribe in Sarawak, Malaysia who moved to Indonesia around the 1980s. Ngajat Lesung Dance Performance is performed when the Gawai Dayak has finished harvesting the rice. But over time, this dance has become a traditional dance creation that can be performed in events, such as art performances, competitions, and *gawai*. Ngajat Lesung dance aims to show the elegance and dexterity of a man to the audience or society, especially women. Moreover, this dance is also performed to find a mate as well.

This dance is performed by a man to the accompaniment of traditional Dayak music, where the man bites mortar by resting on the teeth and chest so that the mortar (*lesung*) can be lifted and dance liltly bending the legs and stomping ground or floor. The movement in Ngajat Lesung dance consists of three series of movements. The first movement is the graceful movement of hands and feet. The

second movement is to walk around the mortar (*lesung*) that has been placed below and prepare to lift the mortar (*lesung*) using the teeth. The third movement is by biting the mortar (*lesung*) which then dances by pounding and spinning.

According to Mr. Karsono,<sup>18</sup> the choreographer and management of the Rentak Ruai Studio, he said that this dance is a traditional dance in which the dancer is a man who dances by moving his legs and arms in a fist and accompanied by the chanting of typical Dayak music called *pinai tampai*. The meaning contained in this dance is as an arena to show a man's skill, valor, and dexterity. In this dance, there is a mortar (*lesung*) which is used as a supporting property for the dance. This property is a characteristic of Ngajat Lesung dance. The mortar itself has a meaning or symbol which is not only seen from the dance movements, but also sees and understands the properties used. By using the properties of the dimples that are bitten by the teeth, the mortar means a hard life with a man's power struggle. So that the audience can be amazed by its dance. Property plays an important role in a work of art. It can help to explain what the artist or choreographer wants to convey to the audience, even props can be a characteristic about a work of art or the cultural background of the work. The property of Ngajat Lesung dance makes people respond by biting the mortar (*lesung*) while dancing for a long time.<sup>19</sup> This is the hallmark of Ngajat Lesung dance, which developed in the Dayak Iban community in the Broad Village of Bengkayang Regency.

*Lesung* in Ngajat Lesung dance means strength, symbolized through its function as a medium of expression by biting. According to Mr. Simon, Ngajat Lesung dance functions to show the strength of the person who bites the mortar while dancing. Unlike the function of mortar (*lesung*) in commin which is used to pound rice and make spices.<sup>20</sup> During that time, this dance was created by the owner of the Rentak Ruai Studio. According to Mr. Simon,<sup>21</sup> the head of the Rentak Ruai Studio, he said that currently Ngajat Lesung dance is often used for events welcoming regional officials, such as the Regent, Deputy Regent, and so on. Ngajat Lesung dance which has been created has more than one dancer and not only men, but also female dancers who are responsible to carrying the mortar as a dance property during the dance process.

Ngajat Lesung dance itself has no such deep meaning. This dance was originally performed to entertain people who want to farm. Besides that, this dance also aims to show the agility and dexterity of a man, and is also used as a

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<sup>18</sup> "In person interview with Karsono on August 1, 2022 at 12.24 WIB at the Rentak Ruai Studio, Sewide District," nd

<sup>19</sup> Veronica Mega Violeta, Imma Fretisari, and Ismunandar, "Struktur Penyajian Tari Ngajat Lesung Pada Gawai Batu Dayak Iban Kabupaten Bengkayang," *Jurnal Pendidikan Dan Pembelajaran Khatulistiwa* 7 (2018).

<sup>20</sup> V S Mantiral, W Istiandini, and I Fretisari, "Makna Simbol Properti Dalam Tari Ngajat Lesung Di Desa Seluas Kabupaten Bengkayang," *Jurnal Pendidikan Dan ...* 7 (2018).

<sup>21</sup> "Direct Interview with Simon on August 1, 2022 at 11.35 WIB at the Rentak Ruai Studio, Sewide District," nd

place to find a mate. What distinguishes the Dayak Dance from Ngajat Lesung Dance is the unusual property of other traditional dances and the strength and dexterity possessed by men in dancing Ngajat Lesung dance. As for all the movements in Ngajat Lesung Dance cannot be changed in any form, both body movements and the music.<sup>22</sup>

Ngajat Lesung dance has now become a creative dance where it is no longer a man dancing, but has been performed by several groups of people, and including women. This dance can also be performed during Dayak *gawai*, receptions, and rice harvest events. The results of this dance were drawn during the 2014 Art Creation Parade Festival at Taman Mini Indonesia Indah (TMII) Jakarta, as representatives of Bengkayang Regency and West Kalimantan Province on the national stage.

The floor pattern of Ngajat Lesung dance is calculated with a count of two times eight. Legs bending and stomping to the ground or floor with the position of the hands overlapping or flailing and swaying, as well as teeth biting into the mortar with the chest as a pedestal. The shape of Ngajat Lesung Dance floor pattern itself is uncertain and follows the music so that the dancers are free to go anywhere.<sup>23</sup>

The uniqueness of Ngajat Lesung dance itself is the property used by the dancers, namely the 17kg mortar (*lesung*) which are lifted using the strength of the dancer's teeth. In addition, an undefined floor pattern makes the dance appear to flow in tandem with the music.<sup>24</sup> However, this dance still does not have strong Law Protection. According to Mr. Simon, he said that currently Ngajat Lesung Dance has not yet registered its Intellectual Property. It is not certain that the Ngajat Lesung Dance has been registered with Intellectual Property/Copyright. Meanwhile, according to Mrs. Angelina Novita as an employee of the Department of Youth, Sports, and Tourism Service, the Disporapar of Bengkayang Regency is currently striving to establish a legal framework for this dance. The aim is to provide legal protection for the dance in case of unexpected situation.

The diversity of tribes, customs, and cultures in Indonesia has made Indonesia as a rich country in traditional culture. This cultural wealth has good economic potential for the sustainable development of the Indonesian state. It makes foreign countries try hard to use it without permission and recognize traditional culture in Indonesia as their own. Basically, Intellectual Property Rights make works that are born out of intellectual ability as the object of regulations that will be studied, with this humans can develop and utilize them for the welfare of their lives. Intellectual Property Rights can provide economic

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<sup>22</sup> "Direct Interview with Simon on August 1, 2022 at 11.35 WIB at the Rentak Ruai Studio, Sewide District."

<sup>23</sup> "In person interview with Karsono on August 1, 2022 at 12.24 WIB at the Rentak Ruai Studio, Sewide District."

<sup>24</sup> "In person interview with Karsono on August 1, 2022 at 12.24 WIB at the Rentak Ruai Studio, Sewide District."



benefits if the findings or creations are used by other people in commercial activities.<sup>25</sup>

Based on the perspective of Intellectual Property Rights, instruments for protecting traditional cultural expressions in Indonesia use the Copyright regime. Copyright is part of a group of rights called intellectual property rights whose arrangements are contained in intellectual property law. Copyright is a kind of private ownership of a creation in the form of an embodiment of an creator's idea in the fields of art, literature, and science.<sup>26</sup>

According to Law Number 19 of 2002 concerning Copyright, traditional culture is included in works that are protected. This is confirmed in Law of Article 10 Number 19 of 2002 regulates folklore in terms of Copyright<sup>27</sup> holders: Paragraph (1) "The State holds the Copyright over prehistoric heritage, historical, and other national cultural objects"; paragraph (2) "The State holds Copyrights over folklore derived from the results of people's culture which are the common property such as stories, saga/epics, fables/fairy tales, legends, chronicles, songs, handicrafts, choreography, dances, calligraphy, and other works of art."<sup>28</sup>

Furthermore, the elucidation of the law provides a definition of folklore as a collection of traditional creations, both by groups and individuals in society that show their social and cultural identity based on standard values spoken or followed from generation to generation, one of which is traditional dance. In the current Era of Regional Autonomy, the local government's role in protecting each region's traditional cultures is very important.<sup>29</sup> This is because the protected traditional culture belongs to the area and the Regional Governments is obliged to facilitate in all forms of legal protection for this traditional culture, one of which is Traditional Dance.

Ngajat Lesung traditional dance, which originates from Seluas District, Bengkayang Regency, is a typical dance from Bengkayang Regency which must be preserved and protected by law. The Bengkayang Regency Government is obliged to facilitate legal protection regarding Ngajat Lesung dance originating from Bengkayang Regency. According to Law Number 32 of 2004 Article 14 Paragraph (1) concerning Regional Government, from these provisions, it can be concluded that local governments have an important role in managing the potential of Traditional Cultural Expressions in their regions. It is expected that

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<sup>25</sup> Lutviansari Arif, "Copyright and Folklore Protection in Indonesia," 2018.

<sup>26</sup> Charles Oppenheim, "A Copyright Overview," *Profesional de La Informacion* 29, no. 1 (2020), <https://doi.org/10.3145/epi.2020.ene.06>.

<sup>27</sup> Hadry Harahap, B. F. Sihombing, and Adnan Hamid, "Impact of the Omnibus Law/Job Creation Act in Indonesia," *International Journal of Scientific Research and Management* 8, no. 10 (2020), <https://doi.org/10.18535/ijstrm/v8i10.11a01>.

<sup>28</sup> D. Bondy Valdovinos Kaye and Joanne E. Gray, "Copyright Gossip: Exploring Copyright Opinions, Theories, and Strategies on YouTube," *Social Media and Society* 7, no. 3 (2021), <https://doi.org/10.1177/20563051211036940>.

<sup>29</sup> Hannah Pyman and Katrine Sundsbø, "Copyright Dough: A Playful Approach to Teaching Copyright," *Journal of Information Literacy* 15, no. 1 (2021), <https://doi.org/10.11645/15.1.2832>.

this management can positively impact improving the welfare of the people in the area concerned.

Currently, Ngajat Lesung dance has not been registered under Copyright. According to the statement of Mr. Simon, as the Head of the Rentak Ruai Studio, Seluas District, he said, "Currently, there is still no dedication given by the Bengkayang District Government regarding Copyright and Intellectual Property Rights of Ngajat Lesung Dance, where this dance is a typical dance of the Dayak Iban District of Seluas District. However, there have been actions taken by the Bengkayang District Government to record studios in the area to be recognized and facilitated, such as monitoring from the Youth Sports and Tourism Office."

Based on an interview with Ms. Devy Wijayanti as the Head of the Intellectual Property Service Sub-Sector of the Regional Office of the Ministry of Law and Human Rights in West Kalimantan (referred to as the Regional Office), it was stated that the Regional Office has taken steps to educate artists about Copyright and Traditional Cultural Expressions. These steps include conducting socialization activities, seminars, and workshops on Intellectual Property Rights in West Kalimantan. The Intellectual Property Rights also collaborates/synergizes with stakeholders/relevant agencies in the regions (city/provincial/regency governments) regarding the dissemination of Intellectual Property (IP) information to the public and conducting Communal Intellectual Property (CIP) inventories and MoU/Memorandum of Understanding regarding the development of IP with local governments/universities, both public and private. However, Ngajat Lesung dance, which is a typical traditional dance of Bengkayang Regency, has not been registered in traditional cultural expressions and its Copyrights.

In addition, there are also efforts made by the Center for the Preservation of Cultural Values in Protecting the Copyright of the Traditional Ngajat Lesung Dance. Based on Ms. Hendraswati as the Head of the Center for the Preservation of Cultural Values of West Kalimantan (BPNB Kalbar), she said that Ngajat Lesung dance has been registered as an Intangible Cultural Heritage (ICH). The West Kalimantan BNPB has also carried out socialization related to Ngajat Lesung dance, which was only carried out during the broadcast of the TVRI and Trans TV television stations.

As an effort to preserve and introduce Ngajat Lesung dance, Mr. Karsono, who is a choreographer at the Ruai Rentak Studio, said that there had been a visit made by a National Television Station who came to cover to introduce one of the assets of the Traditional Dance in the Seluas District. Besides from presenting Ngajat Lesung Dance, a dialogue was also held which explored the dance with the maestro and academics/artists of Ngajat Lesung Dance. In Law Number 28 of 2014 to protect the Traditional Culture of Ngajat Lesung Dance, Mr. Karsono said that he had not studied in detail how this law could benefit the protection of this

dance and he hoped that there would be appropriate protection for Ngajat Lesung Dance so that it cannot be misused by certain persons.

Therefore, the government's role is needed to pay more attention to legal protection, especially regional dances which are an asset that has superior potential to support development and progress in both the arts and the economy. This also aims to protect the assets owned by the region so that they are not recognized by irresponsible parties. The local government can also contribute by facilitating the Rentak Ruai Studio to register the Copyright for the Ngajat Lesung Dance at the Regional Office of Law and Human Rights of West Kalimantan Province. So far, the Regional Government of Bengkayang Regency, through the Youth, Sports, and Tourism Office, has only registered the Rentak Ruai Studio to acknowledge its existence in the Bengkayang Regency area.

### **3.2 Factors Inhibiting the Implementation of Legal Protection of Copyright for Traditional Cultural Expressions of Ngajat Lesung Dance Art in Bengkayang Regency**

The protection of Copyright law for traditional cultural expressions should be paid more attention to by Regional Governments. It is intended that no foreign countries recognize traditional culture, which is a cultural asset of traditional culture. In order to fulfill the creation of Legal Protection for Traditional Cultures, such as Ngajat Lesung traditional dance, special attention is needed from the Regional Government to follow up on the fulfillment of Legal Protection for Traditional Dance Copyrights. However, there are obstacles faced by the owner of the Rentak Ruai Studio in fulfilling legal protection for this traditional dance to record this Ngajat Lesung dance as a traditional cultural expression and protection of Copyright law.

As for the factors that cause delays in Copyright law protection for Ngajat Lesung Dance in Bengkayang Regency, caused by ignorance. Besides, creators also do not understand the economic benefits that can be obtained from registering Copyrights for their creations, caused by forms of legal culture that are not the same as forms. In the opinion of the community in a homonymous nature, it is explained that works whose results are understood according to a legal system if they can be used as protection for the interests of conflicting parties, namely developed countries and developing countries.

The government's efforts in carrying out socialization programs by providing education regarding Copyright, especially traditional dances which have not been maximized, are one of the supporting factors for the occurrence of obstacles in the implementation of Copyright law protection for traditional dances.<sup>30</sup> According to Ms. Devy Wijayanti as the Head of the Intellectual Property Service Sub-Sector of the Regional Office of the Ministry of Law and Human Rights in West Kalimantan, there are factors that have caused to a limited

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<sup>30</sup> Kriss Ravetto-Biagioli, "Whose Dance Is It Anyway?: Property, Copyright and the Commons," *Theory, Culture and Society* 38, no. 1 (2021), <https://doi.org/10.1177/0263276420925534>.

number of registrations for Traditional Cultural Copyright. One of these factors is the lack of understanding of the importance of registering Copyright for Traditional Cultural Expressions (EBT). Then, the community thinks that registering Intellectual Property is expensive, and they still assume that getting EBT is complicated, difficult, and takes a long time.

According to Mr. Simon, he said that regarding the existence of Copyright law protection for traditional culture, he was not aware of any law governing Copyright law protection for traditional culture. In addition, there is no socialization and lack of education provided by the local regional government regarding this legal protection, so that the lack of attention given by the local government has resulted in Ngajat Lesung dance not being protected by law until now. This is why, until now, Ngajat Lesung dance has not been registered its Copyright at the Directorate General of Intellectual Property. Therefore, the Regional Government of Bengkayang Regency, through the Department of Youth, Sports and Tourism must maximize the efforts that have been made to ensure Legal Protection for Traditional Culture. This is important to prevent issues of recognition by foreign countries and to contribute to the prosperity of the local economy through the preservation and promotion of Traditional Culture, which is an asset for the region.<sup>31</sup>

#### **4. CONCLUSION**

Legal Protection for Ngajat Lesung dance has not been fulfilled by the Government of West Kalimantan (Ministry of Law and Human Rights, Center for the Preservation of Cultural Values (BPNB) West Kalimantan). This can be evidenced by the absence of registration or documentation at the Regional Office of the Ministry of Law and Human Rights in West Kalimantan Province. The Ministry of Law and Human Rights of West Kalimantan and the Cultural Heritage Preservation Center (BNPB) are continuously striving to protect and preserve this Traditional Culture by collaborating with the Regional Government of Bengkayang Regency through the Department of Youth, Sports, and Tourism. However, the current efforts still need to be fully maximized, resulting in the lack of legal protection for Ngajat Lesung dance, a distinctive dance of Seluas District, Bengkayang Regency. There are several obstacles experienced by the Regional Government of Bengkayang Regency in an effort to realize a form of Legal Protection for Traditional Cultural Expressions in accordance with Law Number 28 of 2014 concerning Copyright. The obstacles experienced included choreographers who did not registered their dances and also the artist/choreographer's lack of understanding about the importance of registering their EBT and also the lack of maximum cooperation between the Regional Government of Bengkayang Regency and the Regional Office of the Ministry of

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<sup>31</sup> Natalia Alexis Perez, "Choreographing Copyright: Race, Gender, and Intellectual Property Rights in American Dance, Anthea Kraut (2015)," *Studies in Musical Theatre* 13, no. 1 (2019), [https://doi.org/10.1386/smt.13.1.88\\_5](https://doi.org/10.1386/smt.13.1.88_5).

Law and Human Rights of West Kalimantan Province. Moreover, there is a perception that registering Copyrights for Traditional Cultural Expressions requires expensive fees, is relatively difficult to process, and takes a long time, which discourages artists/choreographers from registering their creative works.

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