

Legal Protection of Trusmi Batik Copyright in the Perspective of National Cultural Protection

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ABSTRACT

Trusmi batik is a national cultural asset that requires legal protection. Therefore, local governments must participate in maintaining this cultural heritage so that it becomes the pride of the nation. This study discusses the legal protection of the copyright of Trusmi batik from the perspective of national cultural protection, with a focus on consumer protection. The objectives of the research are to find out how to implement the Copyright Law and the government's strategic steps, especially the government of Cirebon Regency, to protect the cultural heritage of batik in Trusmi Village. This study will use the empirical Judicial method, which uses a qualitative approach through interviews and case studies to analyze the application of copyright in the batik industry.

The study's results show that even though the Laws and Regulations on Copyright have been implemented, there are still obstacles in law enforcement and understanding among craftsmen. On the other hand, consumers are often less aware of the importance of copyright, so they risk buying products that infringe copyright. This article suggests the need for socialization and education about copyright, as well as cooperation between the government, artisans, and consumers, to create a better ecosystem for copyright and consumer protection in the batik industry.

INTRODUCTION

Batik as a cultural heritage both in Cirebon and in the archipelago cannot be separated from the history of the entry of Islam in the archipelago, which is around the XIV-XIX centuries AD (Tjahjani, 2013). Then batik became the art of batik, expanding into a culture that grew and developed in Indonesian society, especially among the people on the island of Java. This development occurred in the late 1780s or early 1800s, and people began to know and be introduced to the term written batik art. Furthermore, this continued to grow rapidly until the beginning of the XX century. The development of batik art continued to grow and develop in the culture of Indonesian society until it was known as the batik stamp after the completion of World War I in 1920.

Many traditional batik models and variations are known that are typical of Cirebon, such as Mega Mendung, Sawat Penganten, Patran Keris, Patran Kangkung, Simbar Kendo, Wadasan, Paksinaga Liman, Mount Giwur, Singa Payung, Simbang Menjangan, Singa Barong, Katewono, Ayam Alas, and others. When considering its history, the existence of models and variations of traditional Cirebon batik, especially trusmi, cannot be separated from the origins of traditional batik art in the Cirebon area. At that time, community batik activities were restricted to the palace area, serving as a sign of the position and existence of the Cirebon sultan and noble families, so it did not spread to the general public. However, due to armed conflicts, power struggles, and disputes between groups in the palace, batik artisans who were usually in the palace environment were finally returned to their place of origin. The traditional batik artisans in Cirebon spread to several points around Trusmi Village, such as Kalitengah Village, Gamel Village, Wotgali Village, and Kaliwuu Village. Furthermore, traditional batik cultural art is still being maintained in Plered District, specifically in Trusmi Kulon Village.

In its development, traditional batik cultural art has experienced ups and downs; its development has been eroded by batik printing, which, in terms of production quantity, is high and competitive in price. In addition, traditional trusmi batik cannot compete with the batik printing authorities regarding legal protection, models, and model variations owned by traditional batik artisans.

Overall, if we look closely, the legal protection of the intellectual property of traditional communities is still very weak. If we examine it more deeply, we will find that many of the potential intellectual property that should belong to the field of creativity is often stolen by foreign countries, contrary to international ethical conventions. This happens because the government's role is not optimal in protecting the creativity of batik cultural arts, especially traditional batik. The Copyright Law, which existed from 1982 to 2002, and was then updated in 2014, aims to prevent and protect Indonesia's traditional culture from unauthorized use by foreign parties.

Violations of batik art in the country are rarely resolved through legal channels. This shows that legal intellectual property protection from traditional indigenous peoples is still very weak. Ironically, this happens in a global trend that increasingly prioritizes awareness of the importance of traditional culture as

part of intellectual property and cultural heritage that must be valued and preserved, especially in developing countries.

The mega cloudy motif has become a potent symbol that is synonymous with the people of Cirebon. Undeniably, this motif originated from Cirebon and has become part of the local community's identity. Although only one of the various traditional batik motifs in Cirebon, the mega cloudy motif attracts the most attention from foreign tourists, especially from Malaysia, Japan, and Europe, when they visit Trusmi, Cirebon. However, the increasing interest of foreign tourists in Cirebon batik motifs raises concerns, not only for the people of Cirebon, but also for the people of West Java and Indonesia. Therefore, protecting the intellectual works of the community, both individual and those produced by the community or community groups, is important.

Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright protects various types of copyrighted works, such as literary, art, music, films, software, and other original works. This law includes provisions on protected rights, duration of protection, limitations and exceptions, infringements and sanctions, and the institution that manages copyright.

Article 39 states that the state has copyright to prehistoric, historical, and other national cultural objects. The state also has the right to collective folk cultural works, including folklore. Therefore, foreign parties who want to publish or duplicate these works must first obtain permission from the authorized institution in Indonesia.

Cirebon has long been known as a batik-producing area, so the Cirebon Regency Government is trying to provide various facilities, including infrastructure, to encourage the development of the batik industry. To preserve national cultural heritage, the local government has designated Trusmi Village as the center of batik production in Cirebon.

From the description of the background, there are two main problems related to Batik Trusmi: first, how is the Legal Protection of Batik Copyright as a Waqrisan of National Culture? Second, what is the role of the local government in maintaining the copyright of Trusmi batik?

RESEARCH METHODS

In this legal research, the author applies the Empirical Juridical method with a qualitative approach involving interviews and case analysis to explore the application of copyright in the batik industry. Through an empirical juridical approach, this study seeks to relate legal aspects to real conditions in the field, so that it is possible to evaluate how these legal provisions are implemented in society. This study uses a type of analytical descriptive research, with the data analysis method being qualitative.

RESULTS AND DISCUSSION

Legal Protection of Batik Copyright as a Waqrisan of National Culture

Applying the Copyright Law to Trusmi batik crafts is important in maintaining their existence and uniqueness. Trusmi batik, as part of Cirebon's cultural wealth, has distinctive motifs and shapes that need to be protected so that other parties do not misuse them. One form of protection that can be done is registering Trusmi batik motifs with high artistic value and creativity as copyright-protected works.

Copyright is an exclusive right automatically attached to the creator when their work is realized in real form. It is based on declarative principles, but it is still subject to restrictions as stipulated in the applicable laws and regulations. Batik is a category of artwork protected by law through Law Number 28 of 2014 concerning Copyright, as stated in Article 40 letter j. In international treaties such as TRIPs, the term Copyright is known as "copyright and related rights," while in the Bern Convention, it is defined as "the protection of literary and artistic works" (Muhammad Amirulloh and Helitha Novianty Muchtar, 2016).

The concept of copyright itself has been explained by various legal experts and regulated in various regulations, both those that have been in force before and those that are still in use today. The term "copyright" is a proposal from Prof. St. Oh. Shah to replace the term "author's rights," which is considered too narrow (Muhammad Amirulloh and Helitha Novianty Muchtar, 2016). Article 1, number 1 of the Copyright Law states that copyright is an exclusive right that arises automatically for the creator after their work is realized in concrete form, by paying attention to the limitations according to the applicable legal provisions. Please note that copyright protection does not require prior registration, as protection is granted automatically from the moment the work is created. Registration only serves as evidence in case of a legal dispute, as explained in Article 1, Section 1 of the Copyright Law (HC Law). This protection aims to support the growth of creativity in various fields, including science, art, and literature.

The Copyright Act protects creators, individuals, and groups who produce works with distinctive characteristics that reflect their identity. Article 1, number 3 of the HC Law explains that creations are works in science, art, or literature born from creativity, skills, inspiration, and imagination expressed in real form. In other words, the work must reflect the creator's expression (alter ego), so that without an emotional or personal connection between the creator and his creation, the work is not eligible for copyright protection (Eddy Damian et al., 2002).

This principle of the alter ego is the basis for the recognition of the creator's moral and economic rights. It gives full respect to the creator as the rightful owner of the work and affirms that his rights to his work cannot be violated. This principle emphasizes the importance of a close emotional and intellectual connection between the creator and his creation.

In the Intellectual Property (IP) context, moral and economic rights are given to individuals or parties who create a work or invention. Intellectual Property aims to protect works that arise from human thoughts, feelings, and efforts. IPR generally includes the protection of creations in science, industry, art, and literature (Ridwan Khairandy, 2013). Under Article 4 of the HC Law, Copyright consists of two main rights: moral rights and economic rights.

The Role of Local Governments in Maintaining Trusmi Batik Copyright

Batik, as one of Indonesia's cultural heritages, reflects the characteristics of Indonesia. However, some people still do not pay attention to the importance of preserving and maintaining the authenticity of domestic culture. Trusmi Batik is one of the cultural works that is still well-received by the community. Even though the products produced have experienced ups and downs, many Trusmi batik artisans in Plered District, Cirebon Regency, have survived (Wahyuningsih & Fauziah, 2016).

To develop Trusmi batik to be more productive and known at the national and international levels, the Cirebon Regency Government carries out empowerment and development to support this industry. This development aims to improve the welfare of the community through sustainable development. One aspect of sustainable development is community empowerment, which utilizes the area's potential, capabilities, and human resources (Hawa et al., 2022). Based on data from the Cirebon Regency Industry and Trade Office, the batik industry is growing rapidly in the Trusmi area, Plered District, with 539 business units and 4,628 workers, and an investment value of around IDR 14,003,094,000. The batik production capacity reaches 42,024 kodi per year, and the Cirebon Regency Government has built a Trusmi batik center with 190 stalls. The total number of Trusmi batik artisans in Cirebon Regency is estimated to be more than 1,000 people, most of whom come from Trusmi village and produce various batik products such as clothes, shawls, accessories, and other handicrafts.

Data from the Tourism and Culture Office shows that Cirebon Batik attracts many foreign and domestic tourists, with the number of international visitors reaching 1,423 people and local tourists as many as 1,354,722 people. The Trusmi Batik Tourism Area is a tourist attraction widely looked at because of its uniqueness and cultural value. The purpose of building this area is to empower home artisans, introduce local wisdom, and increase public interest in visiting Cirebon. This tourist area is open from 09.00 WIB to 19.00 WIB, and is usually crowded in the morning. This area is on Jalan Trusmi No. 148, Plered, Cirebon Regency.

As part of the government's efforts to develop the industry in Cirebon Regency, the Tourism and Culture Office focuses on the tourism industry to improve the community's welfare and contribute to the country's Original Regional Revenue (PAD) and foreign exchange (Fabiana, 2019).

The government's policy in preserving batik includes copyright protection of batik art, especially for contemporary and traditional batik motifs, which meet the requirements of distinctiveness, originality, and showing authenticity. Traditional batik motifs, which are passed down from generation to generation, are also protected because they have important cultural values and social identities.

The Cirebon Regency Government, through the Department of Industry and Trade, has documented Cirebon batik motifs as a step to protect Trusmi batik motifs. This documentation aims to preserve the local cultural heritage that is alive and develops naturally, and to prove that a particular culture originated and is part of social life.

Collaboration between the government, the private sector, and the community is vital to preserving Trusmi batik. This collaboration aims to maintain and protect Trusmi batik. With the involvement of various parties, it is hoped that it can improve the welfare of the community, craftsmen, and business actors of Trusmi batik and ensure the continuity of the preservation of Trusmi batik, which continues to develop.

The government plays an important role in issuing policies that support the preservation of Trusmi batik. In contrast, the private sector, especially batik artisans and business actors, also improves the quality and development of Trusmi batik. The community also supports government programs and business actors by buying, promoting, and preserving Trusmi batik, which is highly valued and is part of the cultural history of the Indonesian nation.

CONCLUSION

The knowledge of Trusmi batik craftsmen about the Copyright Law is still limited and uneven. Most of the craftsmen who know and understand the content of this Law are medium-to-upper-scale Trusmi batik craftsmen. This is due to the lack of socialization regarding the Copyright Law for all Trusmi batik artisans.

Efforts made by batik artisans to protect Cirebon's typical batik creations include inventorying and documenting Cirebon batik motifs. This activity was carried out by both craftsman groups and the Cirebon Cultural Sustainability Foundation. In 2024, there will be 450 typical Cirebon batik motifs, with craftsmen who have applied for copyright registration as many as 1000 motifs. The Cirebon Regency Government supports this effort through a small business development program.

Some of the obstacles faced by Trusmi Batik Craftsmen and the Cirebon Regency Government in protecting Cirebon batik creations are:

1. The existence of batik cooperatives that are not optimal as a forum to increase the productivity of Cirebon batik.

2. The process of regeneration of batik motif pattern experts is slow, resulting in batik creations that cannot meet market demand.
3. Limited Human Resources (HR) at the Cirebon Regency Industry and Trade Office (Disperindag), which is an obstacle in fostering Trusmi batik craftsmen in the field of Intellectual Property Law, especially regarding Copyright.
4. The less practical guidance from the Cirebon Regency Government in facilitating the needs of artisans, legal protection, and the development of batik under market demands. In addition, socialization and facilitation regarding intellectual property rights (IPR), especially copyright, have not been evenly distributed among batik artisans, so intellectual property rights have not protected many typical Cirebon batik motifs.

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2. Law Number 23 of 2014.