

ESTABLISHMENT OF REGIONAL REGULATIONS AS AN EFFORT TO PROTECT FOLKLORE IN BOJONEGORO REGENCY

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Abstrak

Folklore is a collection of traditional creations made by groups or individuals in society that show their social and cultural identity based on standards and values spoken or followed from generation to generation. Bojonegoro Regency has folklore, including the Bojonegoro Langen Tayub Dance, Thengul Wayang, and Jonegoroan Batik Art. Folklore in Bojonegoro Regency needs to be protected. One way to do this is by establishing the Bojonegoro Regency Regional Regulation. Internal and external obstacles will undoubtedly be encountered in forming the Bojonegoro Regency Regional Regulation. This study aims to determine the reasons for the need to create a Regional Regulation that regulates folklore in Bojonegoro Regency and to choose the obstacles encountered in the formation of the Bojonegoro Regency Regional Regulation that regulates folklore. The research method used is empirical juridical because it first examines secondary and primary data in the field. The research specification used is analytical descriptive. Namely, the data obtained is collected, arranged, explained, and analyzed. The results of this study conclude that the Formation of Regional Regulations of Bojonegoro Regency needs to be carried out for the following reasons: (a). Folklore in Bojonegoro Regency has economic value (b). Folklore in Bojonegoro Regency is the identity and icon of the Bojonegoro Regency area (c). to maintain the existence of folklore in Bojonegoro Regency. The obstacles encountered are internal as follows: (a). The high cost and extended period in forming Regional Regulations, (b). Lack of socialization in the community (c) Lack of community participation (d). The difficulty of inventorying folklore in Bojonegoro Regency. External obstacles are in evaluating the formation of Regional Regulations from the East Java Provincial Government, which will take quite a long time.

Keywords: *IPR, Protection, Folklore, Regional Regulations.*

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INTRODUCTION

Law Number 19 of 2002 on Copyright Rights and Law Number 28 of 2014 on Copyright Rights protect works of art, literature, and science. One of the

Works of art and literature are in the form of folklore. Folklore is an expressive, incredibly artistic expression.

Folklore is a human activity in the field of art that continues to be the common property of a community or society whose creator is anonymous and is transmitted orally. Folklore is regulated in Article 10 of the 2002 UUHC and Article 38, paragraph (1) of the 2014 UUHC. One area that has folklore that can be developed is Bojonegoro Regency, Which is in East Java Province. Folklore in Bojonegoro Regency includes the Langen Tayub Bojonegoro Dance, Jonegoroan Batik Art, and Thengul Wayang.

Langen Tayub Bojonegoro Dance is one of the traditional arts of Bojonegoro and is a legacy of ancestral culture passed down from generation to generation. Tayub dancers usually consist of 2 (two) people to dozens of dancers. Langen Tayub Bojonegoro Dance is performed during earth alms and community celebrations. Some Bojonegoro people believe that the Langen Tayub Dance is performed during earth alms as an expression of gratitude to the presence of God Almighty.

Wayang Thengul Bojonegoro is a typical wayang art of the Bojonegoro Regency in the form of 3 (three) dimensions accompanied by gamelan. Several areas preserve Thengul wayang, including Kanor District. Kanor District is located approximately 40 km from Bojonegoro City. The art of Batik, typical of Bojonegoro, is known as Jonegoroan Batik Art. Jonegoroan Batik is one type of hand-drawn Batik that is made traditionally. Jonegoroan Batik has nine (nine) motifs: the Sekar Jati motif, Jagung Miji Emas, Perang Dahana Munggal, Mliwis Mukti, Gastra Rinonce, Pari Sumilak, Sata Ganda Wangi, Parang Lembu Sekar Rinambat, and Rancak Thengul.

Folklore in Bojonegoro Regency needs to be protected and preserved by the Bojonegoro Regency Government. One form of protection given to folklore in Bojonegoro Regency is forming a Regional Regulation regulating folklore. The Bojonegoro Regency Government has the authority to implement the protection of folklore works in the Bojonegoro Regency. Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Article 12 of Law Number 23 of 2014 concerns the Regional Government regulating regional obligations in implementing regional autonomy. These obligations include preserving socio-cultural values.

RESEARCH METHODS

This study uses an empirical legal method, namely the method or procedure used to solve research problems. The process involves examining secondary data first and then continuing to analyze primary data in the field. The legal factor is in the form of legal regulations. The empirical factor is the effort of the Bojonegoro Regency Government to form a Bojonegoro Regency Regional Regulation that regulates folklore in the Bojonegoro Regency.

The research specification used in this study is analytical descriptive, describing the object being studied analytically by connecting theories, laws, and regulations related to a particular object. The data obtained are collected, arranged, explained, and analyzed. Descriptive research aims to describe something in a specific area and at a certain time. It is said to be analytical because the data obtained will be analyzed.

This research was conducted descriptively to provide a detailed and clear picture of the Bojonegoro Regency Government's efforts to form Regional Regulations to protect folklore. Data related to these efforts will be collected, compiled, explained, and analyzed. This study's research location is Bojonegoro Regency. Primary and secondary data are used. Primary data is empirical data obtained directly from data sources, not the results of other people. The data obtained explains the efforts to form the Bojonegoro

Regency Regional Regulation as a form of folklore protection and the obstacles to its formation. Secondary data is library materials processed by literature study, namely by searching, recording, inventorying, and studying books, archives, documents, and laws and regulations related to this research. The data analysis method used in this study is a qualitative approach. Materials obtained from the field are poured into writing and then analyzed.

RESULT AND DISCUSSION

Formation of Regional Regulations as Protection of Folklore in Bojonegoro Regency.

Folklore is a collection of traditional creations made by groups or individuals in society, showing their social and cultural identity based on standards and values spoken or followed from generation to generation. Folklore in Bojonegoro Regency contains a collection of traditional creations made by the people of Bojonegoro Regency, which show the social and cultural identity of the community, which is followed from generation to generation.

Traditional creations made by groups or individuals that are included in the folklore genre in Bojonegoro Regency are as follows:

- a. Langen Tayub Dance Bojonegoro
- b. Thengul Puppet
- c. Jonegoroan Batik Art

Traditional creations in Bojonegoro Regency that are included in folklore are expressive. Expressive means that conventional designs can be expressed through artistic and literary expressions.

The people of Bojonegoro Regency create folklore in Bojonegoro Regency.

- a. Folklore in Bojonegoro Regency meets the requirements for art to be considered folklore, namely as follows: Folklore in Bojonegoro Regency is taught and carried out from one generation to the next.
- b. Folklore in Bojonegoro Regency is holistic, so it must be connected to the Bojonegoro Regency community that built it.
- c. Folklore in Bojonegoro Regency is a way of life used together by the community, and therefore, there are community values.

Folklore in Bojonegoro Regency needs protection. One way is to establish a Regional Regulation of Bojonegoro Regency that regulates folklore. The establishment of a Regional Regulation must be based on three (three) reasons or foundations: philosophical, legal, and sociological.

The philosophical basis for establishing a Regional Regulation governing folklore in Bojonegoro Regency is because folklore reflects the outlook on life, awareness, and legal ideals of the Indonesian Nation. Folklore in Bojonegoro Regency has traditional cultural values by Pancasila. Folklore.

Folklore in Bojonegoro Regency reflects the first principle of Pancasila, namely Belief in the One Almighty God. There are spiritual values in Wayang Thengul and the Langen Tayub Bojonegoro Dance. These spiritual values are the relationship between humans and God. For some people, the performance of Wayang Thengul and the Langen

Tayub Bojonegoro Dance is carried out as a form of gratitude to God Almighty. Folklore in Bojonegoro Regency reflects the third principle of Pancasila, namely the Unity of Indonesia. Folklore in Bojonegoro Regency contains communal values. Communal values can unite the Indonesian people, especially those of Bojonegoro Regency who preserve the folklore in Bojonegoro Regency.

The sociological basis for the need for the Bojonegoro Regency Regional Regulation, which regulates folklore in Bojonegoro Regency, is to meet the needs of the Bojonegoro Regency community in various aspects. One aspect that must be met is in the economic sector. Most of the Bojonegoro Regency community have a livelihood as Wayang Thengul and Tayub Dance Artists of Bojonegoro and Jonegoroan Batik Craftsmen. Communities whose livelihoods are related to folklore need legal protection to maintain the existence of folklore in Bojonegoro Regency. The legal basis for the need for a Regional Regulation regulating folklore in Bojonegoro Regency is that there is currently no Regional Regulation of Bojonegoro Regency regulating folklore. Folklore in Bojonegoro Regency must be inventoried so that the people of Bojonegoro Regency know the folklore in Bojonegoro Regency. The Regional Regulation regulating folklore in Bojonegoro Regency is expected to provide legal protection for folklore from foreign countries wanting economic benefits.

The Regional Regulation governing folklore in Bojonegoro Regency was formed as a basis for legal protection for folklore and the community that preserves it. According to Natural Law Theory, a community that obtains and processes something from nature to produce intellectual works will have direct natural rights to the work created. The Bojonegoro Regency community that processes folklore has rights to it. The community has the right to obtain these natural rights because it has sacrificed time, energy, and thoughts to produce and preserve creative work.

In reward theory, legal protection is given as a form of appreciation for the community's efforts to protect and preserve folklore in Bojonegoro Regency. The people of Bojonegoro Regency preserving folklore require energy, time, costs, and others. On this basis, regional regulations need to be used to show appreciation for the people of Bojonegoro Regency.

The concept of Progressive Law states that the law's purpose is for the community's welfare and happiness. The formation of the Bojonegoro Regency Regional Regulation, which regulates folklore, must aim for the welfare and happiness of the people of Bojonegoro Regency who have preserved and developed folklore in Bojonegoro Regency.

The 1945 Constitution of the Republic of Indonesia also regulates traditional culture. The articles in the 1945 Constitution of the Republic of Indonesia that regulate folklore are Article 18B paragraph (2), Article 28I paragraph (3), and Article 32 paragraph (1). Traditional culture in Bojonegoro Regency will continue to be advanced and preserved by the State. The people of Bojonegoro Regency are given the freedom by the State to continue to maintain and develop traditional culture in Bojonegoro Regency amid world civilization.

The Bojonegoro Regency Regional Government is obligated to implement regional autonomy and preserve socio-cultural values. One way to protect these values is by forming Regional Regulations.

The 1945 Constitution of the Republic of Indonesia gives authority to the Regional Government to implement autonomy in its region. Article 18 Paragraph (5) reads as follows:

"The Regional Government implements autonomy as widely as possible, except for Government affairs which Law determines as Central Government affairs." In implementing regional autonomy in Bojonegoro Regency, the Regional Government has the authority to form Regional Regulations. Article 18, paragraph (6) of the Constitution of the Republic of Indonesia states as follows:

"The Regional Government has the right to establish regional regulations and other regulations to implement regional autonomy and assistance tasks."

The Bojonegoro Regency Government can create Bojonegoro Regency Regional Regulations that regulate folklore in the Bojonegoro Regency as a form of implementing autonomy. The formation of these regulations is a collaborative process involving compliance with higher regulations and the integral role of the audience.

The formation of the Bojonegoro Regency Regional Regulation that regulates folklore must pay attention to the principles of law and regulation, which are regulated in Article 5 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations. The formation of the Bojonegoro Regency Regional Regulation that regulates folklore will be better if it pays attention to the content of the Laws and Regulations that reflect the principles regulated in Article 6 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations.

The first stage in forming the Bojonegoro Regency Regional Regulation that regulates folklore is Planning. Article 39 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation states that the Prolegda contains the program for the formation of the Bojonegoro Regency Regional Regulation with the title Draft Regency Regional Regulation, the regulated material, and its relationship to other Legislation. The second stage in forming the Bojonegoro Regency Regional Regulation that regulates folklore is the drafting stage. Article 63 of Law Number 12 of 2011 concerning the Formation of Legislation governs the drafting of the Bojonegoro Regency Regional Regulation.

The third stage in the formation of the Bojonegoro Regency Regional Regulation that regulates folklore is Discussion. This is a pivotal stage in which the Bojonegoro Regency DPRD and Bojonegoro Regency play a significant role. Discussion is carried out at different levels, ensuring comprehensive deliberation.

The fourth stage in the Formation of the Bojonegoro Regency Regional Regulation, which regulates folklore, is the determination. The Draft Bojonegoro Regency Regional Regulation, jointly approved by the Bojonegoro Regency DPRD and the Regent of Bojonegoro Regency, is submitted by the leadership of the Bojonegoro Regency DPRD to the Regent of Bojonegoro for determination as a Regency Regional Regulation.

The fifth stage in forming the Bojonegoro Regency Regional Regulation, which regulates folklore, is Promulgation. Promulgation is intended so that everyone can know the Laws and Regulations. The Bojonegoro Regency Regional Regulation is promulgated in the Regional Gazette. It comes into force and has binding force on the date of its Promulgation.

Obstacles In The Formation Of Regional Regulations In Bojonegoro District Governing Folklore.

The formation of the Bojonegoro Regency Regional Regulation that regulates folklore in its implementation will experience obstacles. The results of research conducted in Bojonegoro Regency show that obstacles will be encountered in forming the Bojonegoro Regency Regional Regulation that regulates folklore, consisting of internal and external obstacles. Internal obstacles are obstacles that come from within the Bojonegoro Regency Government itself. Internal obstacles encountered in the Formation of the Bojonegoro Regency Regional Regulation are as follows:

- a. The Formation of Bojonegoro Regency Regional Regulations requires a significant cost. The cost is allocated to the preparation of academic manuscripts, design or formulation of draft Regional Regulations, comparative studies to other regions, publication activities and public participation, and discussion of regional regulations.
- b. a. The Formation of Bojonegoro Regency Regional Regulations, from the planning stage to the enactment, takes quite a long time. The time used is quite long in the discussion section by the Bojonegoro Regency Regional Government and the Bojonegoro Regency Regional People's Representative Council.
- c. b. Socialization in the Formation of Bojonegoro Regency Regional Regulations is narrow in scope. Only a few people know the process. People who need to learn about the Formation of new Regional Regulations are from villages far from the centre of the Bojonegoro Regency Government.
- d. c. The Bojonegoro Regency community's awareness of its rights to participate in the Formation of Bojonegoro Regency Regional Regulations is still low. Some people do not care about their rights to participate in the Formation of Bojonegoro Regency Regional Regulations.
- e. d. There is difficulty in inventorying what folklore exists in Bojonegoro Regency.

The formation of the Bojonegoro Regency Regional Regulation also experienced external obstacles. External obstacles are obstacles that come from outside the Bojonegoro Regency Government. External obstacles in Bojonegoro Regency are as follows: Regional Regulations approved and evaluated by the East Java Provincial Government require a long time.

The Bojonegoro Regency Government, in the Formation of the Bojonegoro Regency Regional Regulation that regulates folklore, will experience the obstacles above. These obstacles can be overcome with the following policies:

- a. The Bojonegoro Regency Government needs to regulate funds for the Formation of the Bojonegoro Regency Regional Regulation that regulates folklore.
- b. The Bojonegoro Regency Government must use time as effectively as possible so that the Formation of the Bojonegoro Regency Regional Regulation does not take a long time.
- c. Socialization to the community about the Formation of Regional Regulations in Bojonegoro Regency must be more evenly distributed, not only in areas close to the centre of government but also in areas far from the Bojonegoro Regency Government Center.

- d. The Bojonegoro Regency Government must provide direction to the community regarding community participation in the Formation of Bojonegoro Regency Regional Regulations on folklore. Regulations are made for the happiness and welfare of the community, especially the people of Bojonegoro Regency.
- e. The Bojonegoro Regency Regional Government and the Bojonegoro Regency community need to conduct more folklore inventories in the Bojonegoro Regency so that the Bojonegoro Regency Government can provide maximum protection for fun-invented folklore.

CONCLUSION

The Bojonegoro Regency Government needs to form a Bojonegoro Regency Regional Regulation that regulates folklore. The reasons for the need to form a Bojonegoro Regency Regional Regulation that regulates folklore in Bojonegoro Regency are as follows :

- a. Folklore in Bojonegoro Regency, consisting of the Bojonegoro Langen Tayub Dance, Thengul Wayang, and Jonegoroan Batik Art, has high economic value because it increases the Bojonegoro Regency Original Regional Income and income for some of the Bojonegoro Regency community who work as artists.
- b. Folklore in Bojonegoro Regency is a cultural identity that needs to be protected. It is an icon of the Bojonegoro Regency.
- c. Folklore in Bojonegoro Regency needs to be maintained from generation to generation so that the folklore does not become extinct and is not claimed by other countries.
- d. The formation of the Bojonegoro Regency Regional Regulation that regulates folklore must be based on 3 (three) foundations. The philosophical basis is that folklore in Bojonegoro Regency is based on the personality of the Indonesian Nation. The legal basis is that no Regional Regulation currently regulates folklore in Bojonegoro Regency. The sociological basis is to meet the community's needs for protecting folklore in Bojonegoro Regency.

Obstacles in the Formation of Regional Regulations regulating folklore are internal and external obstacles.

- a. Internal obstacles come from within the Bojonegoro Regency Government, including :
 1. The high cost of forming a Regional Regulation
 2. The formation of Regional Regulations takes a long time
 3. Lack of socialization of the Formation of Regional Regulations of Bojonegoro Regency in remote areas
 4. Lack of Community Participation in the Formation of Regional Regulations
 5. The difficulty of conducting an inventory of other folklore in Bojonegoro Regency.
- b. External obstacles are obstacles that come from outside the Bojonegoro Regency. External obstacles to forming regional regulations that regulate folklore are that when the regional regulations have been approved, they will be evaluated by the East Java Provincial Government. The evaluation process from the provincial government takes a long time.

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