

# Local Potential Development Model Based on Communal Intellectual Property in Serang District

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**Abstract:** This article reviews Minister of Home Affairs Regulation Number 9 of 2014 concerning Guidelines for Development of Regional Featured Products, Law Number 28 of 2014 on Copyright, and Law Number 5 of 2017 on Advancement of Culture. The article aims to ascertain how Serang Regency's local and regional potential is distributed across its products and culture and to outline and identify a development model that Serang Regency's local and regional potential can apply to the region's intellectual property. The article employs a socio-legal research methodology along with a qualitative method—analysis and discussion around the allocation of local and regional. With an emphasis on Golok Seuat, Silat Bandrong, and Rudat, the analysis and discussion of local and regional potential distribution based on communal intellectual property, including products and culture, is highly varied. Golok Seuat is widely distributed and fairly even, but Rudat and Silat Bandrong are not uniformly distributed for various reasons. While Silat Bandrong and Rudat have been inventoried, secured, and published, the development approach employed in Golok Seuat is based on regional superior products with a core competency model with improved attractiveness and promotion.

## 1. Introduction

The rise in marketing ingenuity is a defining feature of contemporary globalized economic activity. Every economic player is vying with one another to present things initially. Human creativity, a person's intellectual asset, has historically profoundly impacted civilization, primarily through advancements and discoveries in literature and the arts.<sup>1</sup> As a result of these intellectual properties, laws pertaining to intellectual property—often referred to as IP—were created.<sup>2</sup>

According to Alfons in Ramli et al., a country's ability to safely explore its richness and, eventually, foster a favorable economic environment depends on protecting intellectual property for

<sup>1</sup> Kholis Roisah, "Perlindungan Ekspresi Budaya Tradisional dalam Sistem Hukum Kekayaan Intelektual," *MMH* 43, no. 3 (July 2014): 372, <http://dx.doi.org/10.14710/mmh.43.3.2014.372-379>.

<sup>2</sup> Lutfi Ulinuha, "Penggunaan Hak Cipta Sebagai Objek Jaminan Fidusia," *Jurnal of Private and Commercial Law* 1, no. 1 (November 2017): 86, <http://dx.doi.org/10.15294/jpcl.v1i1.12357>.

individuals, organizations, and commercial organizations.<sup>3</sup> Under intellectual property law, there is normative protection for intellectual property, which is separated into two categories: communal intellectual property and personal intellectual property. Personal intellectual property includes integrated circuit layout designs, patents, trademarks, trade secrets, and industrial designs.<sup>4</sup> Based on Regulation of the Minister of Law and Human Rights Number 13 of 2017 concerning Communal Intellectual Property Data. The term communal intellectual property refers to intellectual property that includes genetic resources, potential geographic indications, traditional knowledge, and traditional cultural expressions.<sup>5</sup>

It is well recognized that concerns about local and regional potential are becoming more widespread nationally and worldwide. Indonesia possesses remarkable economic potential.<sup>6</sup> Naturally, there are differences in every region among the 34 provinces, including ethnic manifestations and traditional cultures.<sup>7</sup> As a cultural or cultural community that can be observed (traced) through its cultural features, particularly through the physical dimensions or activities of its people, this includes Serang Regency in Banten Province.<sup>8</sup> These factors mean that regional governments consider cultural variety more than a local feature that constitutes collective intellectual property. Regional autonomy, on the other hand, gives areas the authority to choose their policies. Every Indonesian region that enjoys regional autonomy must realize all of its potential on a local level to thrive in the face of regional and international competition. This indirectly suggests that a region's economic development is more focused on methods that maximize and optimize the use of local resources, which are endogenous factors in the area.<sup>9</sup>

Local wisdom is a view of life and knowledge in which various life strategies are carried out by local communities. This certainly helps to answer various problems, especially in meeting community needs.<sup>10</sup> The local potential in Serang Regency can be broadly classified into two categories: product potential and cultural potential. This potential is local potential, which is local wisdom. Intangible cultural heritage is registered in the Ministry of Education and Culture database as part of ongoing inventory efforts. On the other hand, several cultures have also been added to the database on a national level by the Ministry of Law and Human Rights through the Directorate of Intellectual Property of the Republic of Indonesia. For instance, 34 Traditional Cultural Expressions originating from Banten Province, including Rampak Bedug, are listed on the official website of the

<sup>3</sup> Ahmad M. Ramli, "Perlindungan Kekayaan Intelektual dalam Pemanfaatan Teknologi Informasi saat Covid-19 (*The Protection of Intellectual Property on The Use of Information Technology at The Covid-19*)," *Jurnal Penelitian Hukum De Jure* 1, no. 1 (January 2021): 47, <https://doi.org/10.30641/dejure.2021.v21.45-58>.

<sup>4</sup> Robiatul Adawiyah and Rumawi, "Pengaturan Hak Kekayaan Intelektual dalam Masyarakat Komunal di Indonesia," *Repositorium Jurnal Ilmiah Kenotariatan* 10, no. 1 (May 2021): 672, <http://dx.doi.org/10.28946/rpt.v10i1.672>.

<sup>5</sup> Yuli Prasetyo Adhi, Dewi Sulistianingsih dan Rini Fidiyani, "Pengelolaan Kekayaan Intelektual Berbasis Kearifan Lokal Sebagai Penguatan. Buaya Literasi, Kreativitas dan Inovasi," *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community)* 4, no. 1 (October 2020): 20, <https://doi.org/10.15294/jphi.v4i1.49934>.

<sup>6</sup> Basuki Antariksa, "Desain Induk (Grand Design) Pengembangan Ekonomi Kreatif di Indonesia," *Academia.edu*, 11 November 2022, [https://www.academia.edu/41563602/DESAIN\\_INDUK\\_GRAND\\_DESIGN\\_KEBIJAKAN\\_PENGEMBANGAN\\_EKONOMI\\_KREATIF\\_DI\\_INDONESIA\\_1\\_Basuki\\_Antariksa](https://www.academia.edu/41563602/DESAIN_INDUK_GRAND_DESIGN_KEBIJAKAN_PENGEMBANGAN_EKONOMI_KREATIF_DI_INDONESIA_1_Basuki_Antariksa).

<sup>7</sup> Ayu Citra Setyaningtyas dan Endang Sri Kawuryan, "Menjaga Ekspresi Budaya Tradisional di Indonesia," *Jurnal Ilmu Hukum Tambun Bungai* 1, no. 2 (September 2016): 122, <https://doi.org/10.20231/jihtb.v1i2.60>.

<sup>8</sup> Sulaiman, *Sekilas Mengenal Kekayaan Budaya Banten*, (Surabaya: JP Books, 2019), h.42.

<sup>9</sup> Ghalib Agfa Polnaya and Darwanto, "Pengembangan Ekonomi Lokal untuk meningkatkan Daya Saing pada UKM Ekonomi Kreatif Batik Bakaran di Pati, Jawa Tengah," *Jurnal Bisnis dan Ekonomi (JBE)* 22, no. 1 (March 2015): 2, Retrieved from <https://www.unisbank.ac.id/ojs/index.php/fe3/article/view/4118>.

<sup>10</sup> Sulasno, Sulasno, Rifai Ahmad, and Rostiyana Ayu, *Local Wisdom and Product Competition Model of MSMEs Rambutan Tangkue Based on Intellectual Property In Curugbitung Sub-District, Lebak District*, *Devotion : Journal of Research and Community Service*, <https://doi.org/10.59188/devotion.v5i8.798>.

Directorate of Communal Intellectual Property. Patingtung Arts, Pandeglang, and Seba Baduy.<sup>11</sup> Other codified data, gathered in their separate departments, has not been discovered, though, as it is still separatist. Support for the manufacturing and marketing processes is another issue, ranging from the draughting stage to applying statutory laws about ownership, such as those on traditional knowledge and traditional cultural expressions.

These data highlight the significance of regional government initiatives. Furthermore, local potential may subsequently turn into a Regional Featured Product due to difficulties with regional competitiveness. According to Ahmad Jayadi, a regional superior product is a regional flagship that is highly competitive, has qualities and distinctiveness that other regions lack, and may give local populations job possibilities. Superior regional products are also ecologically beneficial and focus on the local, national, and international markets.<sup>12</sup> The Serang Regency Regional Government may endeavor to draft a codification document in the form of a Master Design for Regional Superior Product Policy based on Local Wisdom regarding the local potential in products and culture in the Serang Regency.

Based on the background information provided above, the following issues can be identified: 1) How can the local and regional potential in Serang Regency be distributed based on collective intellectual property in both products and culture? 2) Regarding intellectual property in Serang Regency, what growth strategy may local and regional potential employ? The goal of this study is to obtain a thorough understanding of the regional products that are unique to Serang Regency. The following are the goals of this study: 1) To determine how local regional potential is distributed in Serang Regency based on collective intellectual property in both products and culture; 2) To characterize and establish a development model that local and regional potential can employ in the context of intellectual property.

The protection of communal intellectual property, primarily based on local wisdom, is seen as materially and formally very important, considering that intellectual property containing local wisdom that is realized in communal intellectual property, namely in traditional knowledge, traditional cultural expressions, indications of origin, geographical indications, can be appropriately managed and receive maximum legal protection. The theoretical urgency of this research is to produce a codified policy of local wisdom-based Communal Intellectual Property in the community. In general, the basic principles and concepts of communal intellectual property have been covered in the intellectual property law. However, some, such as traditional knowledge and cultural expressions, are not sufficiently regulated. This article aims to produce new methods or policy principles that are used for scientific development in the field of Communal Intellectual Property. This internal basic research can be oriented towards the explanation of Intellectual Property in order to anticipate a rule or model in order to support applied research in the form of the implementation of the Master Design of Regional Featured Product Policy based on Local Wisdom in Banten Province and an increase in the quantity and quality of Communal Intellectual Property.

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<sup>11</sup> Direktorat Jenderal Kekayaan Intelektual, "Pusat Daya Kekayaan Intelektual Komunal Indonesia", 23 Oktober 2024, <https://kik.dgip.go.id>.

<sup>12</sup> Hendra Yufit R, Bambang Herry P, Alwan Abdurrahman, Trismayanti Dwi P, "Strategi Pengembangan Produk Unggulan Lintas Wilayah Untuk Mendukung Sistem Inovasi Daerah Di Kabupaten Magetan, Ponorogo, Dan Pacitan," *Jurnal Cakrawala*, 11 no. 1 (June 2017): 114, <https://doi.org/10.32781/cakrawala.v11i1>.

## 2. Method

This research uses a qualitative methodology based on a socio-legal research framework. Its focus is on applying normative legal provisions, or laws, to each unique legal event that takes place in a society.<sup>13</sup> Primary and secondary data are used. With purposive sampling, which involves selecting the sample with specific criteria, primary data was collected through field research in the form of interviews.<sup>14</sup> This was done to prevent the research's findings from being applied to the broader public because the study was not conducted randomly but rather according to the researcher's predetermined goals.<sup>15</sup> Serang Regency is the leading site for data collecting, with three places designated for developing products and culture based on communal intellectual property. The laws about Communal Intellectual Property that are pertinent to this research include Law Number 28 of 2014 on Copyright, Regulation Number 9 of 2014 of the Minister of Home Affairs of the Republic of Indonesia concerning Guidelines for the Development of Regional Featured Products, and Law Number 5 of 2017 on Advancement of Culture.

## 3. Distribution of Serang Regency's Regional Local Potential Using Collective Intellectual Property in Products and Culture

Prior to identifying development models for products and culture, the local potential of the region should be assessed in terms of its distribution of Communal Intellectual Property, which underpins both products and culture—local and regional potential distribution in the Serang Regency area. Banten Province's administrative region includes the Serang Regency. According to data from the Central Statistics Agency, 326 villages were part of the administrative territory of Serang Regency in 2021.<sup>16</sup> A literature review is conducted first to determine how local regional potential is distributed, both in terms of products and culture. This involves reading and evaluating the Regional Cultural Principles for Banten Province 2024, which provides an overview of how local and regional potential is distributed overall, both products and culture, in Serang Regency, Province Banten.<sup>17</sup>

According to secondary research findings, five distinct goods and cultural practices are founded on communal intellectual property. These include customs, rituals, traditional knowledge, traditional technology, and art. The table below provides more specific information on the distribution of regional potential and local product:

<sup>13</sup> Elisabeth Nurhaini Butarbutar, *Metode Penelitian Hukum* (Bandung: Refika Aditama, 2018), h.97.

<sup>14</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. (Bandung: Alfabeta, 2017), h.76.

<sup>15</sup> Mukti Fajar Nur Dewata dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris* (Yogyakarta: Pustaka Pelajar, 2016), h.161.

<sup>16</sup> BPS Provinsi Banten, "Jumlah Desa/Kelurahan Menurut Kabupaten/Kota di Provinsi Banten 2019-2014," 22 Juli 2024, <https://banten.bps.go.id/indicator/101/39/1/jumlah-desa-kelurahan>.

<sup>17</sup> Tim Penyusun, *Pokok Pikiran Kebudayaan Daerah Kabupaten Serang Provinsi Banten Tahun 2024* (Serang: Sekretariat Daerah Kabupaten Serang Dinas Pendidikan dan Kebudayaan Kabupaten Serang, 2024)

**Table 1.** Serang Regency's List of Local Potential Areas Based on Intellectual Property Communal

No	Culture Product	Product/Culture	Potential Type	Place
1	Praharahan	Culture	Customs	Kampung Ciwaru Rt 006/002, Desa Kadubeureum, Kecamatan Pabuaran
2	Safaran/Rabu Kasan	Culture	Rite	Kabupaten Serang
3	Jojong	Product	Traditional Knowledge	Kabupaten Serang
4	Gipang	Product	Traditional Knowledge	Kabupaten Serang
5	Pembuatan Gerabah	Product	Traditional Knowledge	Kabupaten Serang
6	Patingtung	Culture	Art	Kecamatan Bojonegara
7	Rudat	Culture	Art	Desa Padarincang, Kecamatan Padarincang
8	Silat Kaserangan	Culture	Art	Kabupaten Serang
9	Ubrug	Culture	Art	Ketapang Waringin RT/RW. 06/04, Desa Cilayang, Cikeusal
10	Wayang Garing	Culture	Art	Desa Mendaya, Kecamatan Carenang
11	Golok Seuat	Product	Art	Desa Seuat, Kecamatan Petir
12	Silat Bandrong	Culture	Art	Padepokan Pencak Silat Bandrong Kigebang, Kecamatan Ciruas.

Source: Regional Cultural Thoughts of Serang Regency 2024<sup>18</sup>

The table above illustrates the potential of the local area; four products and eight cultures are known to be distributed throughout the Serang Regency. It is well known that communal intellectual property plays a significant role in the construction of Indonesian culture. The existence of communal intellectual property turns it into a local wisdom that can create new opportunities and benefit the individuals who hold it in both material and immaterial ways. Government Regulation 56 of 2022 concerning Communal Intellectual Property governs the legal framework for communal intellectual property. According to Article 1 Number 1 of Government Regulation 56 of 2022 concerning Communal Intellectual Property, having communal intellectual property in a community can have a positive economic impact. In addition to offering cultural diversity, it affects the local economy and the communal intellectual property of the community. Traditional Cultural Expressions, Traditional Knowledge, Genetic Resources, Indications of Origin, and Potential Geographical Indications are regulated by communal intellectual property under Government Regulation 56 of 2022.

<sup>18</sup> Tim Penyusun, *Pokok Pikiran Kebudayaan Daerah Kabupaten Serang Provinsi Banten Tahun 2024*, h.164-201.

Three products and cultural items—namely, Silat Bandrong, Golok Seuat, and Rudat—will be the subject of this study. The rationale behind selecting these three research objects is that they offer the possibility of Communal Intellectual Property in the form of Traditional Cultural Expression, which has been nurtured and protected for many generations by the village communal community. The laws controlling Traditional Cultural Expression may be found in government regulation number 56 of 2022 concerning communal intellectual property and Chapter V Part One Concerning Traditional Cultural Expressions and Copyright for Creations whose Creator is Unknown, as well as Articles 38–39 of Law Number 28 of 2014 on Copyright. In addition to the previously mentioned reasons, these three products and cultures have also been registered and documented; the records of these can be found on the Integrated Cultural Data Collection System and the website [kikomunal-indonesia.dgip.go.id](http://kikomunal-indonesia.dgip.go.id), which the Ministry of Law and Human Rights Directorate General of Intellectual Property runs<sup>19</sup>, which is managed by the Indonesian Ministry of Education, Culture, Research and Technology.

### 3.1. Golok Seuat

Golok Seuat historically originated and is preserved in Seuat Jaya Village, located in Petir District, Serang Regency, Banten. The Seuat Village entrance is shaped like a machete and has a picture of a mosque next to it, signifying a conflict that is still motivated by religion. The respondent is a craftsman from Golok Seuat<sup>20</sup>, Explained how most people living in the village are still employed as Golok Seuat craftspeople. At first, Seuat Village was made up of just one village. Following this, a regional expansion resulted in the creation of Seuat Village and Seuat Jaya Village. The distribution of Golok Seuat artisans can be seen in the following table:

**Table 2.** Data of Golok Seuat Craftsmen in Serang Regency

No	Location	Number of Craftsmen
1	Desa Seuat, Kecamatan Petir	6
2	Kampung Pasir Binong, RT/RW. 016/001	11
3	Kampung Kadu Gundul, RT/RW. 004/001	2
4	Kampung Asem, RT/RW. 009/002	4
5	Kampung Seuat Enclé, RT/RW. 002/001	3
6	Kampung Sumampir Pulo, RT/RW. 12/03	3
7	Kampung Sumampir Sidamukti, RT/RW. 014/003	1
8	Kampung Seuat Paniis, RT/RW. 007/002	7
9	Kampung Seuat Hilir, RT/RW. 001/001	1
10	Kampung Sumampir Masjid, RT/RW. 011/003	1
11	Kampung Seuat Masjid, RT/RW. 005/002	15

Source: Regional Cultural Thoughts of Serang Regency 2024<sup>21</sup>

<sup>19</sup> Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, “SPKT”, 31 Juli 2024, <https://spkt.kemdikbud.go.id/>.

<sup>20</sup> Interview with Mr. Sujana, as a Golok Seuat Craftsman, on April 25, 2024, at 13.00 WIB.

<sup>21</sup> Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, “SPKT”, h.164-201.

The information above demonstrates that Golok Seuat’s preservation has been upheld for many generations. Many Golok Seuat artisans are spread throughout Seuat Village and Seuat Jaya Village. It may be claimed that Golok Seuat artisans are equally distributed across Seuat Village and Seuat Jaya Village. Aside from that, the Golok Seuat has a distinctive blade and a better, more organized machete, which gives it a unique charm. Without altering its inherent qualities, Golok Seuat artisans are actively working to improve its appearance. As previously said, the growth of Golok Seuat artisans may create the possibility for communal intellectual property-based goods due to their distinctiveness and specific qualities.

Regulation of the Minister of Home Affairs Number 9 of 2014 concerning Guidelines for the Development of Leading Products outlines guidelines for developing regionally featured products and includes regulations about regional superior products. A regional superior product is defined as a product, in the form of goods or services, produced by cooperatives, small and medium-sized businesses, and local communities that have the potential to use all the resources owned by the region in order to generate income for the region and local communities that own it. This definition is contained in Article 1 Paragraph 2 of Minister of Home Affairs Regulation Number 9 of 2014 – competitiveness and a desire to join the international market. A regional superior product is a legislative tool promoting Golok Seuat as a means of revenue for local governments and the community, particularly for artisans.

### 3.2. Silat Bandrong

Silat Bandrong is a cultural heritage of Banten’s original pencak silat, which has been known since the Islamic Kingdom’s founding in Banten. Historically, Silat Bandrong was born around 1500 AD, before the Banten Sultanate’s founding. The figure known to have first spread this sect was a Kiai named Ki Agus Jo, known as Ki Beji. He was famous as a Kiai warrior and a Bandrong professor who lived on one of the slopes of Mount Santri. Each Pencak Silat has its style. All movements performed by Pesilat Bandrong are Bandrong movements, which consist of 6 basic moves and 27 basic movements of Silat Bandrong Steps.<sup>22</sup> It is known that Silat Bandrong is distributed throughout the following regions in Serang Regency.

**Table 3.** Data for the Hermitage Silat Bandrong in Serang Regency

No	Location	Number of Hermitage Member
1	Padepokan Tunas Muda, Kp. Kernaden, Desa Ukir sari, Kecamatan Bojonegara	117
2	Padepokan Ki Beji Bojonegara, Kp. Beji, Desa Bojonegara	100
3	Padepokan Cimande Maung, Kecamatan Kramatwatu	77
4	Kampung Pagebangan, Desa Kepandean, Kecamatan Ciruas.	150

Source: Regional Cultural Thoughts of Serang Regency 2024

According to the distribution above, it is known that Serang Regency only has four distribution locations, which are influenced by several factors. For instance, data indicates that there are very few activists, and in one hermitage, there are very few members – for instance, 150 (one

<sup>22</sup> Euis Thresnawaty S., “Perguruan Silat Bandrong Renggong Ampel di Kabupaten Serang,” *Patanjala* 5 no. 1 (March 2013): 104, <http://dx.doi.org/10.30959/patanjala.v5i1.165>.

hundred and fifty) people—in the Kigebang Padepokan. This is because the community enthusiasts in the area were less receptive to the existence of Pencak Silat Bandrong. The inability of the hermitage members to grasp the Bandrong Silat techniques—which combine power, dexterity, and beauty—is linked to their lack of responding interest. Due to this circumstance, the quantity of Silat Bandrong hermitages in Serang Regency is unequal. However, in addition, the Pencak Silat Bandrong Kigebang, a hermitage entrusted with the Silat Bandrong Arts post, along with all the other Hermitage Silat Bandrong, are actively involved in both preserving the Silat Bandrong Arts and assisting in its development in the community. The distribution of these activists is shown in the table above. In Serang Regency, there is one in each sub-district.

Primary data from respondents<sup>23</sup> who is a Silat Bandrong activist from Hermitage Silat Bandrong Kigebang clarified that, as of late 2018, the center has trusted Hermitage Silat Bandrong Kigebang to maintain and advance the art of Silat Bandrong. in order to guarantee the upkeep of Silat Bandrong. Additionally, the Hermitage of Silat Bandrong Kigebang conducts routine training. Typically, Silat Bandrong is performed at celebrations and cultural festivals. Currently, only the Serang region is known to host performances of Silat Bandrong Art.

### 3.3. Rudat

Rudat Art originated in Banten and has since expanded to other areas, including Cilegon City, Lebak Regency, Pandeglang Regency, Serang City, and Serang Regency. The name “Rudat” is derived literally from the Arabic word “Rudhah,” which means “garden.” Rudat art combines movement and sound art with flutes (tambourines) to create rhythmic sounds. Rudat Arts’ poetry is infused with an Islamic spirit, featuring prayers to the Prophet and praises to Allah SWT, all of which serve to uphold and increase people’s faith in Islam and the magnificence of God and the Prophet.<sup>24</sup>

The Banten region, particularly Kampung Sawah, RT/RW. 12/06, Padarincang Village, Padarincang District, Serang Regency, Banten, is the birthplace of Rudat Banten. The sources did not offer a precise explanation for the early appearance of Rudat art. On the other hand, Rudat art has generally emerged since the Banten Sultanate period. The only real distinction between Gambus and Tambourine and Rudat Art is the music’s energetic rhythm, which is enjoyed by both the performers and the listeners alike. Rudat Art’s dissemination in Padarincang, 3 (Three) settlements in the Padarincang District are known to have different forms of Rudat Art:<sup>25</sup>

**Table 4.** Information about the Rudat Studios’ spread in the Padarincang Subdistrict

No	Location	Number of Studios
1	Bugel Village	1
2	Citaman Village	1
3	Padarincang Village	2

Source: Interview with Respondents

<sup>23</sup> Interview with Mr. Junaidi, as Silat Bandrong Activist, on April 25th, 2024, at 10.00 WIB.

<sup>24</sup> Rully Aprilia, Yuni Maryuni, and Ana Nurhasanah, “Perkembangan Kesenian Rudat Banten di Kecamatan Kasemen Kota Serang Provinsi Banten Pada Tahun 2013-2018”, *Bihari: Jurnal Pendidikan Sejarah dan Ilmu Sejarah* 4 no. 2 (June 2021): 115, Retrieved from <https://jurnal.unsil.ac.id/index.php/bihari/issue/view/288>.

<sup>25</sup> Interview with Mr. Tedi and Mr. H. Damanhuri, as Secretary of Padarincang Village and Rudat Arts Activist, on Thursday, April 25th, 2024, at 16.00 WIB.



Rudat Art is distributed across the Serang Regency, particularly in Padarincang and Bugel Village in the District of Padarincang. Since 1980, it has been on display at Bugel Village. Subsequently, it extended to Citaman Village, and from there, it reached Padarincang Village, particularly Sawah Village. Since 2014, Sawah Village, Padarincang Village, has showcased Rudat Art. Every village reportedly has one (1) operational Rudat studio, which hosts performances more than ten times yearly. Rudat art is typically exhibited on significant occasions, including weddings, the Prophet's birthday, and other noteworthy occasions. Two of the fifteen players perform on the 'inducing' musical instrument. The musicians will be enthralled with the song's beat, making the music seem lively and pique the audience's interest.

Based on explanations from the same respondents<sup>26</sup>, every time Rudat is played, Padarincang Villagers will be very excited and eager to see the show, which means that in this instance, the Rudat tradition in Padarincang Village is still preserved. The art form known as Rudat Banten originated in the Banten region, specifically in the Padarincang Village, Padarincang District, and Serang Regency in Banten, specifically in Kampung Sawah. The sources did not offer a precise explanation for the early appearance of Rudat art. On the other hand, Rudat art has generally emerged since the Banten Sultanate period. The sole distinction between Rudat art and Gambus or Tambourine is the music's energetic rhythm, which is played for the audience's enjoyment and the Rudat players' own.

#### **4. Examination of Serang Regency's Regional Local Potential Development Model in the Context of Intellectual Property**

Each of Indonesia's many products and civilizations has unique traits and personalities. A product or culture can be built on communal intellectual property, where ownership is collective and owned by the community if studied and examined. The author has selected three products and cultures—Silat Bandrong, Golok Seuat, and Rudat—based on communal intellectual property, as explained in the previous section. As a result, to preserve Communal Intellectual Property and Traditional Cultural Expression's existence and viability, a protection-oriented growth model must be created by implementing numerous innovations and advancements in all initiatives meant to create and preserve these goods and cultures.

Regulation of communal intellectual property protection is desperately needed to prevent abuse and improper exploitation. Protecting communal intellectual property also prevents its owners' collective cultural identity, traditional Knowledge, and traditional cultural expression from disappearing.<sup>27</sup> The state protects these rights together with the communities that own the goods and culture from which communal intellectual property is generated and maintained. This means that the state has a responsibility to maintain the distribution of local potential in the region, both in terms of goods and culture, and to ensure its sustainability.<sup>28</sup> The state's role encompasses creating a system or scheme designed to safeguard these products and Culture and forming a legal framework that can fully accommodate them.

<sup>26</sup> Interview with Mr. H. Damanhuri, as Rudat Arts Activist, on Thursday, April 25th, 2024, at 16.00 WIB.

<sup>27</sup> Dian Nurfitri, "Perlindungan Kekayaan Intelektual Komunal Pasca Terbitnya Peraturan Pemerintah Nomor 56 Tahun 2022 Tentang Kekayaan Intelektual Komunal," *Jurnal Hukum De Lege Ferenda Trisakti* (September 2023): 230, <https://doi.org/10.25105/ferenda.v1i2.18276>.

<sup>28</sup> Ria Wierma Putri, Yunita Maya Putri, dan Rehulina, "Recognizing the Protection of Communal Intellectual Property Rights," *Jurnal Hukum De'rechsstaat* (September 2021): 90, <https://ojs.unida.ac.id/LAW/article/view/4073>.

Traditional cultural expressions require copyright protection since they are forms of intellectual creation that are both individual and collective. This is because both the creator and the creation itself need to be protected, as it is a valuable and helpful production. Additionally, traditional cultural expressions are protected for the progress of Culture, which satisfies the cultural objectives of elevating living standards and benefiting the nation, state, and society via the progress of science, literature, and the arts.<sup>29</sup>

According to secondary research, several laws, including Law Number 28 of 2014 on Copyright and Law Number 5 of 2017 on Advancement of Culture, govern efforts to establish local and regional potential models. Regulation Number 9 of 2014 of the Minister of Home Affairs of the Republic of Indonesia concerning Guidelines for Development of Regional Featured Products, which outlines the Guidelines for Regional Superior Product Development, serves as an implementation regulation for these two laws. The following table lists the provisions of the statutory regulations that pertain to the communal intellectual property-based model for developing local and regional potential, including products and culture:

**Table 5.** Intellectual Property Communal Based Regional Local Potential Development Modelling Efforts

No	Regulation Number 9 of 2014 of the Minister of Home Affairs of the Republic of Indonesia concerning Guidelines for Development of Regional Featured Products	
1	Article 5 Paragraph (1)	It is possible to use the incubator, cluster, One Village One Product, and core competency model to carry out regional medium-term regional superior product development planning. Increasing regional superior product attractiveness, enhancing infrastructure, boosting investment and promotion, fostering collaboration, fostering community involvement, and fortifying regional superior product protection are some of the ways that the medium-term regional superior product development model is put into practice.
2	Article 5 Paragraph (2)	It is possible to use the incubator, cluster, One Village One Product/OVO, and core competency model to carry out regional medium-term regional superior product development planning. Increasing regional superior product attractiveness, enhancing infrastructure, boosting investment and promotion, fostering collaboration, fostering community involvement, and fortifying regional superior product protection are some of the ways that the medium-term regional superior product development model is put into practice.
No	Law Number 28 of 2014 on Copyright	
1	Article 38	The state owns the copyright to EBT, and it is its responsibility to inventory, safeguard, and maintain it while keeping in mind societal values.
2	Article 39	The state owns the products if its creator is unknown or cannot be identified at this time due to a lack of announcement, and vice versa. The copyright and work are owned by the state for the benefit of the creator in the event that a work has been published but the creator and the person making the notification are unknown.
No	Law Number 5 of 2017 on Advancement of Culture	
1	Article 1 Paragraph 4	Protection is an effort to maintain the sustainability of culture carried out by means of inventory, security, maintenance, rescue, and publication.
2	Article 1 Paragraph 5	Development is an effort to revive the cultural ecosystem and improve, enrich, and disseminate culture.
3	Article 16	Inventory of Cultural Advancement Objects consists of recording and documenting, assigning, and updating data carried out through the Cultural Data Collection System.

<sup>29</sup> Inge Dwisvimiar, Dede Agus, dan Maulia Tasyafa Audry, "Development of Traditional Cultural Expression of Patingtung Art from the Aspects of Copyright and Advancement of Culture," *Pandecta* (June 2023): 25, <http://dx.doi.org/10.15294/pandecta.v18i1.43359>.

4	Article 22	Everyone, both the Central Government, Regional Government, and the community are obliged and play an active role in safeguarding to prevent foreign parties from claiming the intellectual property of Cultural Advancement Objects, by updating data, inheriting, and fighting for Cultural Advancement Objects.
5	Article 24	Everyone, both the Central Government, Regional Government, and the community are obliged to carry out maintenance to prevent damage, loss, or destruction of Cultural Advancement Objects by maintaining the noble value and wisdom, using it in everyday life, maintaining diversity, reviving and maintaining cultural ecosystems, and passing on Cultural Advancement Objects.
6	Article 26	Everyone, both the Central Government, Regional Government, and the community are obliged and play an active role in saving, by revitalizing, repatriating, and restoring the Object of Cultural Advancement.
7	Article 28	Every person, whether the Central Government, Regional Government, or the community is obliged and plays an active role in conducting publications that are published both domestically and abroad using various forms of media.
8	Article 37	Large industries and/or foreign parties who wish to utilize the Object of Cultural Advancement must obtain a permit from the Minister with the following conditions, namely: have approval on the basis of initial information, benefit sharing, and inclusion of the origin of the Cultural Advancement Object. This aims to revive and maintain the ecosystem of the Cultural Advancement Object.

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Source: The Republic of Indonesia's legislation.

Incubator, cluster, one village, one product, and core competencies are among the options for developing communal intellectual property protection for local and regional potential in products, according to the explanation of the three laws and regulations mentioned above. Meanwhile, local and regional cultural potential includes data inventory, maintenance, publication, security, and rescue. All of these initiatives have the potential to grow into a development model that will enable Serang Regency to maintain its local and regional potential – both in terms of products and culture.

The following subchapter will provide a detailed analysis and discussion of the development models for the 3 (three) communal intellectual property-based local potential regions that the author focuses on: Golok Seuat, Silat Bandrong, and Rudat.

#### **4.1. Golok Seuat**

One of the local potentials in the Serang Regency area is Golok Seuat, which can develop into one of the region's regional featured products. Incubator, cluster, one village, one product, and core competency models can be used for medium-term regional superior product development by Article 5 of Regulation Number 9 of 2014 of the Minister of Home Affairs concerning Guidelines for Development of Regional Featured Products. These models can be implemented by raising the standard of regional superior product attractiveness, infrastructure quality, promotion and investment of regional superior product, increased cooperation, increased community participation, and increased protection of regional superior product. To safeguard regional superior products, Golok Seuat requires security to avert abuse by external entities and enhance the caliber of Golok Seuat's attractiveness and marketing. This can be accomplished by putting the decided-upon development model into practice.

It is known that the Golok Seuat development model used in publications for inventory purposes has not been registered on the Communal Intellectual Property website run by the Ministry

of Law and Human Rights' Directorate General of Intellectual Property, the Intangible Cultural Heritage website, or the Integrated Cultural Data Collection System. Golok Seuat has published his works using online marketplaces such as Shopee, Lazada, Facebook, and others to market his wares. Therefore, it is well recognized that Golok Seuat's publications result in promotion. Publication promotion is a component of the medium-term regional superior product development strategy.

In addition to stepping up its marketing, Golok Seuat is also working to improve the caliber of its attractions. As previously said by responders, Golok Seuat has experienced multiple alterations and is distinct in its language. This demonstrates how artisans are working to innovate new products and raise the standard of appeal. In order to incorporate efforts to build attractive quality, Golok Seuat craftspeople who actively promote their items through online marketplaces must expand the capacity of their products. In addition, because there are so many Golok Seuat artisans in Seuat Village and Seuat Jaya Villages, practically every adult in these two villages works with Golok Seuat, which implies that children and young people in Seuat Village and Seuat Jaya Village also work with Golok Seuat because it has become a sustainable culture in these two villages. Thus, there is a natural increase in community participation. Therefore, Golok Seuat's initial development model aimed to improve the quality of product attractiveness by boosting the capability of regional superior product products. The second is boosting investment and product promotion through publishing, and the third is raising community involvement through raising community involvement in product creation.

## 4.2. Silat Bandrong

It is known that Silat Bandrong has not registered on the website <https://kikomunal-indonesia.dgip.go.id/>, which is run by the Ministry of Law and Human Rights Directorate General of Intellectual Property, as part of the development model for inventorying data for security. With Dapobud Number OP.5050.20140101.00011, Silat Bandrong is registered in the Integrated Cultural Data Collection System as an art and an Object for the Advancement of Culture. The Directorate of Cultural Heritage and Diplomacy of the Ministry of Education, Culture, Research, and Technology manages the inventory of Intangible Cultural Heritage on the website <https://warisankultur.kemdikbud.go.id/>. The performing arts domain has been a part of this inventory since 2014, and it is referred to as "Pencak Silat Bandrong" with registration number 201400119.

The maintenance of Silat Bandrong is based on respondents' information, namely, consistent training. As explained in the previous sub-chapter, there are 6 basic moves and 27 basic movements in Silat Bandrong. Training must be carried out regularly and consistently to maintain this art's existence.

No rescue attempt would have been made for Silat Bandrong Arts. This is a result of the continued preservation and application of Silat Bandrong. Plagiarism attempts from outside the Silat Bandrong Arts community were nonexistent—the same as publications. Additionally, no publicity campaign was launched for Silat Bandrong. Nonetheless, many art festivals are held, whether academic institutions, municipal governments, or other cultural organizations organize them. Silat Bandrong has never been listed as a communal intellectual property since it is a form of art exclusive to the people of Serang Regency. There were no registration attempts due to activists and the Local Cultural Service's unawareness of communal intellectual property. They both acknowledged

that they had never been socialized in this area. As a result, Silat Bandrong has only been protected by the Indonesian Pencak Silat Association (IPSI) until today.

### 4.3. Rudat

The development model for Rudat in data registration for security purposes, it is known that Rudat has not been registered on the website <https://kikomunal-indonesia.dgip.go.id/>, which the Directorate General of Intellectual Property of the Ministry of Law and Human Rights manages. Bandrong Silat is registered as an Object for the Advancement of Culture as a Custom in the Integrated Cultural Data Collection System, with OP.6060.20180101.00788. Inventory of Intangible Cultural Heritage on the website <https://warisankultur.kemdikbud.go.id/>, which is managed by the Directorate of Cultural Heritage and Diplomacy of the Ministry of Education, Culture, Research, and Technology, is designated with the name “Rudat” registration number 201800666, with domain performing arts, which has been established since 2018. Based on information from respondents, Rudat Banten activists who live in Padarincang Village, Padarincang District, Serang Regency, Banten did not know that their art had been registered as a communal intellectual property with the traditional cultural expressions type or as an Object for Cultural Advancement. Activists stated that Rudat Art had not been registered or recorded.

Based on the information provided by respondents, Rudat is maintained, specifically through regular training implementation. Every time Rudat appears – which is frequently done on holy occasions like the Prophet’s birthday – it has also been somewhat altered. As previously mentioned, 15 (fifteen) players perform the Rudat, and the only way to keep it alive is through regular performances. No attempt was made to save Rudat Arts. This is because Rudat is still upheld and used today. There are not any noteworthy publication efforts.

On the other hand, some members publish Rudat Art performances solely for their use. The Rudat group is not attempting to spread information through official publications. Rudat is still in high demand among the general public. The audience becomes interested in Rudat’s performance when the musical instrument “Indung” is played.

## 5. Conclusion

Out of the five common intellectual property-based local potential types, Golok Seuat, Silat Bandrong, and Rudat are the three things being examined. In Seuat Village and Seuat Jaya, Petir District, Serang Regency, Golok Seuat is equally dispersed. There is little significance in the spread of Rudat and Silat Bandrong. This is brought about by the members’ lack of motivation and the difficulty performing in both Rudat and Silat Bandrong. However, the culture follows Law Number 28 of 2014 on Copyright and Law Number 5 of 2017 on Advancement of Culture. The Golok Seuat development model employs the core competency concept, which enhances the appeal of regional superior products and augments community and government involvement. The development models of Rudat and Silat Bandrong are similar in that data and security have been inventoried in both the Intangible Cultural Heritage website and the Ministry of Law and Human Rights’ Directorate General of Intellectual Property. Aside from that, rescue measures were not undertaken because neither culture had any acquisition or plagiarism attempts by international or local parties. Regular and consistent exercises and activities are used to carry out maintenance

tasks. This prevents the two civilizations' legacy from disappearing. Promotional activities are not very important. No attempt has been made on social media or other official media.

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