



COMMUNAL INTELLECTUAL PROPERTY RIGHTS AND CREATIVE INDUSTRY DEVELOPMENT THROUGH INTEGRATION PATTERNS

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ABSTRACT

Traditional communal intellectual property systems face significant limitations that restrict their economic potential, primarily due to inadequate documentation frameworks and weak ownership security. Simultaneously, creative industries struggle to effectively leverage communal intellectual property resources for innovation, limiting the sustainable economic benefits that could be shared by both traditional communities and creative sector actors. This study examines the potential synergies between communal intellectual property frameworks and creative industry development, aiming to preserve cultural authenticity while promoting economic viability for stakeholders. Using a qualitative research approach, data were collected through literature reviews and structured interviews with key stakeholders in South Sulawesi Province. Findings reveal critical gaps in current communal intellectual property documentation and legal recognition, which hinder effective utilization of cultural assets for economic purposes. Creative industry actors demonstrated strong interest in integrating communal intellectual property but were constrained by the lack of formal legal frameworks, standardized documentation, and collaborative mechanisms. Barriers identified include inefficient intellectual property registration processes and limited community engagement protocols, which weaken equitable benefit-sharing. Nevertheless, successful integration models were observed where communities retained cultural control while enabling structured access for creative industries through cooperative partnerships. The study concludes that legal reforms, standardized documentation, and inclusive governance are essential to foster sustainable communal intellectual property-creative industry collaboration, offering a viable pathway to enhance cultural preservation and drive economic growth in both sectors.

1. Introduction

Promoting efforts to strengthen the legal recognition of communal intellectual property ownership is an interesting and ongoing phenomenon in Indonesia. This issue is not entirely new, as several other countries have also undertaken similar initiatives, either through specific regulations or public campaigns emphasizing the importance of protecting communal ownership rights, particularly those related to traditional cultural heritage that is deeply rooted in society.¹ It is undeniable that communal intellectual property holds great potential to become a valuable collective asset if properly developed and even commercialized.² Indonesia's diverse cultural traditions, especially in the fields of art and performance, reflect the nation's rich heritage across its approximately 17,000 islands, each with distinct local cultures. In many ethnic groups, historical records and manuscripts still exist, though much of the knowledge and traditions are preserved only through oral transmission passed down from generation to generation.

The richness of Indonesia's traditions is reflected in various forms, including art, culinary practices, medicinal ingredients and healing methods, agricultural, plantation, and fishing tools, as well as land and sea transportation. This heritage also manifests in performances, folk games, traditional ceremonies, narratives of local wisdom, and craftsmanship such as weaving and pattern-making. Such cultural wealth represents a legacy deeply embedded in the collective memory of communities and preserved across generations.³ However, awareness of this cultural potential is often weakened by the persistent dominance of individual intellectual property ownership practices. The concept of individual ownership within the Intellectual Property Rights (IPR) system continues to be reinforced by legal frameworks modeled after those of developed and industrialized countries, which have long institutionalized such systems.

In Indonesia, several regulations govern intellectual property rights, including Law Number 28 of 2014 on Copyright, particularly Articles 38 and 39, which stipulate that traditional cultural expressions are protected under copyright law. The state, as the representative of indigenous communities, holds the rights to these expressions and is therefore responsible for documenting and preserving them to

¹ Aji Baskoro and Annisa Hafizhah., Balancing Tradition and Innovation: Legal Framework for Protecting Communal Intellectual Property in The Borderless Age, *Indonesian Law Journal*, Vol.16, no.1, 2023, page.65.

² Abdul Charis, Ahmad Zidane Alwi, Lintang Ayu Arianti, and Wilda Wufqi Nur Hidayat., Identifikasi Populasi Pohon Aren (*Arenga Pinnata*) sebagai Potensi Utama Produk Kreatif Desa Wisata Brangas Ungaran, *Media Informasi Penelitian Kabupaten Semarang*, Vol.4, no.1, 2022, page.102.

³ Purnama Hadi Kusuma and Kholis Roisah., Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal, *Jurnal Pembangunan Hukum Indonesia*, Vol.4, no.1, 2022, page.107.

prevent misuse by external parties.⁴ Similarly, Law Number 23 of 2016 on Patents recognizes traditional knowledge as part of patentable subject matter. When such knowledge belongs to a communal group, the law mandates acknowledgment of that community's collective rights.⁵ Nevertheless, Indonesia's current legal framework still lacks a solid and comprehensive normative foundation for the full protection and commercialization of communal intellectual property.⁶

In Indonesia, the preservation of communal intellectual property largely follows traditional approaches, focusing on cultural continuity and local identity.⁷ While this fosters pride, it often limits economic utilization of traditional knowledge and Traditional Cultural Expressions (TCEs), leaving communities unable to fully benefit from their cultural assets.⁸ Simultaneously, the creative industry, which transforms creativity, skills, and intellectual property into marketable products, has been promoted as a vehicle for economic growth, innovation, and cultural expression.⁹ However, a gap persists in linking communal intellectual property with creative industry development, as legal, documentation, and collaborative frameworks are often inadequate.¹⁰ Strengthening communal intellectual property ownership

⁴ Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.206. See too, U. Suratno and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, page.3374.

⁵ Muhammad Tizar Adhiyatma and Kholis Roisah., Legal Protection for Traditional Medicine Knowledge of Paliasa Leaves in Traditional Community of South Sulawesi Through Intellectual Property Regime, *Law Reform Jurnal Pembaharuan Hukum*, Vol.16, no.2, 2020, page.290. See too, Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.195.

⁶ Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.33.

⁷ Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.209. See too, U. Suratno and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, page.3374.

⁸ Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.78. See too, Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.113.

⁹ Sapta Nirwandar., *Ecotourism in Indonesia*, Jakarta, Ministry of Tourism and Creative Economy, 2015, page.67. See too, Hari Sutra Disemadi, Abdurrahman Alhakim, Ninne Zahara Silviani, and Emiliya Febriyani., Intellectual Property Synergies: Merging Halal Certification with Indonesian Communal Intellectual Property Rights Laws, *Legality Jurnal Ilmiah Hukum*, Vol.32, no.1, 2024, page.16.

¹⁰ Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.34. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.271.

rights can provide a foundation for sustainable economic empowerment, allowing communities to preserve cultural authenticity while engaging in commercial activities.¹¹ Integrating communal intellectual property into creative industries ensures equitable benefit-sharing, enhances global competitiveness, stimulates job creation, and supports continuous innovation.¹² This synergy underscores the necessity of comprehensive legal frameworks, standardized documentation, and community-inclusive governance to maximize cultural and economic potential in Indonesia's creative economy.¹³

However, aligning the concept of communal intellectual property development with the utilization of the creative industry does not always proceed seamlessly. Discussions surrounding communal intellectual property often remain centered on cultural preservation and the collective pride derived from maintaining traditional heritage. In contrast, the creative industry is inherently dynamic and commercially oriented, requiring rapid adaptation and innovation. Therefore, an integrative framework is needed to harmonize the objectives of cultural preservation with the commercialization potential of the creative industry. Efforts to protect traditional cultural expressions and geographical indications have been pursued through various legal mechanisms, including copyright, neighbouring rights, industrial property laws, and the TRIPs Agreement, as well as licensing arrangements and Law Number 20 of 2016 concerning Trademarks and Geographical Indications.¹⁴ Furthermore, both customary law and national legislation play an essential role in safeguarding Indonesia's traditional knowledge through diverse legal frameworks.¹⁵

¹¹ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.331. See too, M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.227.

¹² Dina W. Kariodimedjo, Bernessa C. Rotua, and Mario Jon Jordi., Protection and Advancement of Traditional Knowledge Dan Traditional Cultural Expression of Indonesia: The Utilization of Balinese Endek Weaving by Christian Dior, *Jurnal Ius Kajian Hukum Dan Keadilan*, Vol.10, no.1, 2022, page.78. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.323.

¹³ Hari Sutra Disemadi, Abdurrahman Alhakim, Ninne Zahara Silviani, and Emiliya Febriyani., Intellectual Property Synergies: Merging Halal Certification with Indonesian Communal Intellectual Property Rights Laws, *Legality Jurnal Ilmiah Hukum*, Vol.32, no.1, 2024, page.21. See too, Yenny Eta Widyanti., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, page.3.

¹⁴ Purnama Hadi Kusuma and Kholis Roisah., Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal, *Jurnal Pembangunan Hukum Indonesia*, Vol.4, no.1, 2022, page.111.

¹⁵ Nadia Carolina Weley, Viona Puspita, Nurlaly Nurlaly, Idham Idham, and Gustina Aryani., Peran Hukum Adat dan Hukum Nasional dalam Melindungi Pengetahuan Tradisional sebagai Kekayaan Intelektual Komunal, *Barelang Journal of Legal Studies*, Vol.2, no.1, 2024, page.21.

Existing studies on communal intellectual property in Indonesia mostly focus on legal protections for Traditional Knowledge (TK), Traditional Cultural Expressions (TCEs), and Genetic Resources (GR), emphasizing preservation and safeguards against misuse. For instance, studies highlight the role of national laws such as Law No. 28/2014 on Copyright and Government Regulation Number 56/2022 on communal intellectual property in protecting TCEs and TK.¹⁶ Other research explores sui generis systems, Geographical Indications (GIs), and integration with international instruments like the TRIPs Agreement and WIPO Treaty.¹⁷ Some studies also examine community-specific protections, such as rattan craft in East Kalimantan, traditional medicine in Aceh and North Aceh, and local food security through GIs.¹⁸ Challenges identified include inadequate law enforcement, limited documentation, and institutional gaps.¹⁹ Additionally, Islamic perspectives, such as

¹⁶ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.625. See too, Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.210; U. Suratno and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, page.3383; Nadia Carolina Weley, Viona Puspita, Nurlaly Nurlaly, Idham Idham, and Gustina Aryani., Peran Hukum Adat dan Hukum Nasional dalam Melindungi Pengetahuan Tradisional sebagai Kekayaan Intelektual Komunal, *Barelang Journal of Legal Studies*, Vol.2, no.1, 2024, page.25.

¹⁷ Agus Sardjono., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.35. See too, M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.227; Purnama Hadi Kusuma and Kholis Roisah., Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal, *Jurnal Pembangunan Hukum Indonesia*, Vol.4, no.1, 2022, page.111; Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.197; Yenny Eta Widyanti., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, page.3.

¹⁸ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.335. See too, Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.83; Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.113; Y. Yulia, M. Rahman, H. Herinawati, and N. Novita., Legal Protection of Traditional Medicine Knowledge as Intellectual Property of North Aceh Communities, *Queen Mary Journal of Intellectual Property*, Vol.13, no.4, 2024, page.407.

¹⁹ Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.38. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.272; D. I. Susanti., Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia, *Media Iuris*, Vol.5, no.3, 2022, page.403.

Maqasid al-Shariah and halal certification, are considered for developing equitable communal intellectual property frameworks.²⁰

However, a significant gap remains in exploring systematic integration of communal intellectual property into creative industries for commercialization and economic empowerment. While some studies discuss cultural advancement and economic potential, few examine how the preservation-focused nature of communal intellectual property can align with the fast-moving, innovation-driven creative sector.²¹ This study addresses this gap by investigating how communal intellectual property can accommodate creative industries, assess conceptual alignment, and propose integrative approaches to combine cultural preservation with sustainable economic use. Accordingly, this study seeks to examine the extent to which the concept of communal intellectual property can accommodate the operation of creative industries. It also aims to analyze the degree of compatibility between these two concepts and identify the most appropriate approaches to effectively link them.

2. Research Methods

The concept of communal intellectual property has gained growing attention as an evolving framework within the broader Intellectual Property Rights (IPR) system. The development of communal intellectual property has been shaped through various legislative studies, policy initiatives, and international efforts supported by conventions and treaties. In this context, the application of the creative industry concept has also advanced as a means of expressing traditional assets and cultural products through the communal intellectual property framework. To evaluate the relationship between communal intellectual property and the creative industry, it is necessary to establish an integration model that is complementary and mutually reinforcing. Within this study, the term creative industry is used interchangeably with creative economy.

This research employs a descriptive design with a normative-qualitative approach. Data were collected through literature reviews, documentation, and journal analyses focusing on the themes of communal intellectual property and the creative industry. To enrich the findings with practical insights, interviews were conducted with communal intellectual property experts, particularly officials from the Ministry of Law and Human Rights of South Sulawesi, and with creative industry practitioners from sectors such as tourism, crafts, music, dance, film, and

²⁰ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istinbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.625.

²¹ Dina W. Kariodimedjo, Bernessa C. Rotua, and Mario Jon Jordi., Protection and Advancement of Traditional Knowledge Dan Traditional Cultural Expression of Indonesia: The Utilization of Balinese Endek Weaving by Christian Dior, *Jurnal Ius Kajian Hukum Dan Keadilan*, Vol.10, no.1, 2022, page.83. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.326.

creative content production. The reasoning method applied in this research is deductive reasoning, which involves deriving conclusions from general legal principles and applying them to specific cases or phenomena observed in the field.

3. Results and Discussion

3.1. Regulatory Framework of Communal Intellectual Property in Indonesia

Intellectual Property Rights (IPR) do not exist solely as individual ownership but also encompass communal forms of property. However, several studies have identified a conceptual ambiguity in distinguishing between these two forms.²² As noted by Cullet, the 2003 UNESCO Convention has formally recognized communal intellectual property rights by regulating intangible cultural heritage, which may be expressed through various forms such as representations, practices, skills, knowledge, and instruments.²³ The Convention acknowledges that cultural objects, artifacts, and environments can belong to groups and communities while still recognizing individual ownership as an integral part of cultural heritage. Furthermore, UNESCO expanded its perspective by emphasizing that cultural heritage is dynamic, continuously evolving and transmitted from generation to generation. This process naturally shapes individual identity within a communal context and fosters respect for cultural diversity and human creativity.²⁴

Indonesia has enacted legislation to ensure the protection, respect, and preservation of innovations rooted in customary practices that reflect traditional lifestyles. These efforts aim to safeguard and sustainably utilize biodiversity while promoting its broader application through the consent and part communal intellectual propitiation of its creators. The objective is to establish an equitable profit-sharing system derived from the use of traditional knowledge, human innovation, and cultural practices.²⁵ Communal Intellectual Property rights in Indonesia are categorized into four main forms: Traditional Cultural Expressions, Traditional Knowledge, Genetic Resources, and Geographical Indications. Initially, the concept of communal intellectual property was referred to as community

²² Agus Sardjono., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.35. See too, Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.629.

²³ Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.197.

²⁴ U. Suratno and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, page.3383.

²⁵ Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.38. See too, Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.201.

intellectual property, encompassing classifications such as geographical indications, traditional knowledge, genetic resources, biodiversity, traditional cultural expressions, and local wisdom.²⁶

The Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement serves as the primary international framework for protecting intellectual property rights. It recognizes communal intellectual property by providing protection for Geographical Indications, yet it does not explicitly cover Traditional Cultural Expressions, Traditional Knowledge, or Genetic Resources. Specifically, Article 27(3)(b) addresses only trade-related aspects and traditional knowledge associated with genetic resources. To address this regulatory gap, the World Intellectual Property Organization (WIPO), which oversees TRIPs, established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore, tasked with developing legal instruments for these areas.²⁷ Scholars highlight that while TRIPs provide a starting point for communal rights, Indonesia still faces challenges in protecting and utilizing traditional knowledge and cultural expressions due to inadequate documentation, weak enforcement, and insufficient community involvement.²⁸ Addressing these gaps requires a combination of international compliance, national legal reforms, and active part communal intellectual propitiation of communities to ensure equitable protection, sustainable use, and economic empowerment derived from communal intellectual property.

Individual intellectual property rights are granted to individuals or legal entities and provide material benefits, typically based on a "first come, first served" communal print intellectual property. However, this communal print intellectual property does not apply to Communal Intellectual Property rights, which are collectively held by indigenous or local communities. These rights include traditional cultural expressions, traditional knowledge, genetic resources, and potential geographical indications. Notably, the rights to Geographical Indications

²⁶ M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.229. See too, Zulkifli Makkawaru, Kamsilaniah Kamsilaniah, and Almusawir Almusawir., Legal Strengthening of Local Culture-Based Copyright Assets to Support Entrepreneurship in the Tourism Industry, *Indonesian Journal of Law Studies*, Vol.2, no.2, 2023, page.322.

²⁷ Yunita Maya Putri., Perlindungan bagi hak kekayaan intelektual komunal, *Jurnal Hukum De'rechtsstaat*, Vol.7, no.2, 2021, page.289.

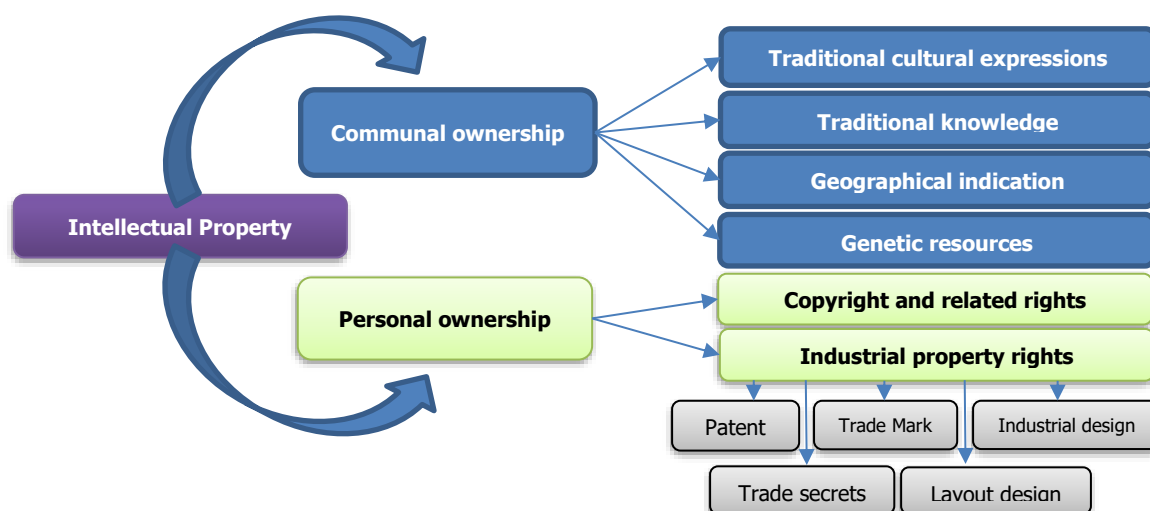
²⁸ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istinbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.629. See too, Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.83; Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.201.

are exercised directly by the community.²⁹ Table 1 presents the distinctions between individual intellectual property and communal intellectual property.³⁰

Table 1. Differences between Intellectual and Communal Property

Intellectual Property Rights	Individual Property	Intellectual Property Communal
Rights Holders	Individual or Legal Entity Rights.	Rights of Local or Indigenous Communities
Economic Benefits	Economic benefits are shared only among individuals or legal entities.	Profit sharing between community members or members and the state
Form of Creation	In the form of a product or invention process (tangible). Findings must be written and arranged systematically	Compiled, protected, and preserved by tradition (intangible). In the form of TK, TCE, GI, and GR

Figure 1 illustrates the forms of intellectual property ownership, which are divided into two main categories: communal ownership and personal ownership. Communal ownership is related to intellectual property collectively possessed by a community or indigenous society. This type of ownership includes traditional cultural expressions such as dances, music, and batik patterns; traditional knowledge that has been passed down through generations; geographical indications that identify products with specific characteristics based on their place of origin, such as Gayo coffee; and genetic resources that hold both economic and cultural value. Meanwhile, personal ownership refers to intellectual property rights held by individuals or legal entities. These include copyright and related rights that protect works, as well as industrial property rights covering patents, trademarks, industrial designs, industrial designs, trade secrets, and layout designs of integrated circuits.



Source: Intellectual Property Module Communal Intellectual Property Sector, 2024

Figure 1. Forms of Intellectual Property Ownership

²⁹ I. Gusti Ayu Purnamawati., Perlindungan hukum indikasi geografis terhadap kerajinan tradisional untuk penguatan ekonomi wilayah, *Pandecta Research Law Journal*, Vol.11, no.1, 2016, page.34.

³⁰ Yunita Maya Putri, Ria Wierma Putri, and Hari Surya Tisnanta., Communal Rights as Hegemony in the Third World Regime: Indonesian Perspective, *Indonesian Journal of International Law*, Vol.19, no.2, 2022, page.173.

In examining the development of communal intellectual property regulations in Indonesia, it is essential to first outline the framework of its international protection. The foundation was laid in 1976 when the World Intellectual Property Organization (WIPO) developed the Tunis Model Law on Copyright, which introduced early concepts for safeguarding traditional knowledge. Subsequently, in 1982, WIPO, in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), formulated an instrument for the protection of traditional culture through the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions. These model provisions incorporated sui generis elements aimed at establishing specific protection for traditional cultural expressions. The Model Provisions have since served as a potential foundation for developing future international standards for the regulation and protection of traditional cultural expressions.³¹

In Indonesian legislation, communal intellectual property was initially regulated under Law Number 19 of 2002 (the former Copyright Law), specifically in Article 10, which granted the state control over traditional cultural works whose creators were unknown. This framework was subsequently updated and expanded under Law Number 28 of 2014. According to the Explanation of Article 38 Paragraph (1) of Law Number 28 of 2014, the term "traditional cultural expression", as a key component of communal intellectual property, encompasses one or a combination of the following forms: verbal or textual expressions, whether oral or written, in prose or poetry, including literary works and informative narratives; music, including vocal, instrumental, or hybrid forms; movement, such as dance; theater, including traditional wayang performances and folk dramas; fine arts, in both two-dimensional and three-dimensional forms, crafted from materials such as leather, wood, bamboo, metal, stone, ceramics, paper, textiles, or combinations thereof; and traditional ceremonies. This legislative recognition provides a comprehensive framework for identifying, protecting, and managing Indonesia's diverse cultural heritage.

In Indonesia, communal intellectual property is primarily categorized under copyright, as most of it pertains to art, literature, and scientific works. However, a significant portion of communal intellectual property also falls within the domain of patents or other legal protections for technological innovations, historically exemplified by agricultural tools, fishing equipment, medicinal materials, and similar practices. The legal framework supporting communal intellectual property in Indonesia is extensive and multifaceted, encompassing various national laws and regulations. Key legislation includes Law Number 11 of 2013 on the Ratification of the Nagoya Protocol regarding access to genetic resources and the fair and equitable sharing of benefits arising from their utilization; Law Number 28 of 2014 on Copyright; Law Number 20 of 2016 on Trademarks and Geographical

³¹ Irfan Ardiansyah., *Perlindungan Hukum Hak Kekayaan Intelektual terhadap Budaya Tradisional di Indonesia*, *Jurnal Trias Politika*, Vol.6, no.1, 2022, page.124.

Indications; Law Number 13 of 2016 on Patents; and Law Number 11 of 2019 concerning the National System of Science and Technology. Supporting regulations include Government Regulation Number 48 of 2011 on Animal Genetic Resources and Livestock Breeding; Minister of Agriculture Regulation Number 67/Permentan/OT.140/12/2006 on the Conservation and Utilization of Plant Genetic Resources; Minister of Law and Human Rights Regulation Number 13 of 2017 concerning the Communal Intellectual Property Database; Minister of Environment and Forestry Regulation P.2/Menlhk/Setjen/Kum.1/1/2018 regarding access to wild species genetic resources and benefit-sharing; and Government Regulation Number 56 of 2022 on Communal Intellectual Property. Collectively, these legal instruments provide a comprehensive foundation for recognizing, protecting, and utilizing communal intellectual property in Indonesia, addressing both cultural and technological dimensions.

The findings highlight the ongoing challenges in balancing cultural preservation with economic use in communal intellectual property in Indonesia. Key issues include weak enforcement of legal frameworks, as seen in the limited implementation of Government Regulation Number 56/2022, which mandates documentation to prevent misappropriation.³² While laws such as Law Number 28/2014 on Copyright provide protective measures for Traditional Cultural Expressions (TCEs), gaps in community awareness and poor institutional coordination hinder effective safeguarding.³³

3.2. Development of the Creative Economy in Indonesia

There is a significant overlap among the three terms: Cultural Industry, Creative Industry, and Creative Economy. While each has its own nuance, they share a closely related context and are inherently interconnected, making it difficult to consider one without the others. Initially, the concept of the Cultural Industry emerged in recognition of Indonesia's rich and diverse cultural heritage, which holds substantial economic potential that can be developed industrially.³⁴ This approach focuses on leveraging cultural elements to generate economic value through the expression of creative ideas.³⁵ Over time, the term Creative Industry

³² Muqtadi Ghani Putranto and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, page.205. See too, U. Suratno and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, page.3374.

³³ Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.214. See too, Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.115.

³⁴ Sapta Nirwandar., *Ecotourism in Indonesia*, Jakarta, Ministry of Tourism and Creative Economy, 2015, page.70. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.326.

³⁵ Muhammad Tizar Adhiyatma and Kholis Roisah., Legal Protection for Traditional Medicine Knowledge of Paliasa Leaves in Traditional Community of South Sulawesi Through Intellectual Property Regime, *Law Reform Jurnal Pembaharuan Hukum*, Vol.16, no.2, 2020, page.292. See

has become more widely used, as it better reflects the active role of creativity, innovation, and intellectual contributions in transforming cultural assets into products and services with economic and social value.³⁶

According to the Department of Culture, Media, and Sport (DCMS) through the DCMS Creative Industries Task Force (1998), the Creative Industry is defined as an industry that originates from individual creativity, skills, and talents, with the potential to generate wealth and create employment through the development and exploitation of intellectual property and content. Creative industry actors include companies that produce or distribute goods and services with sufficient artistic content to be considered both creative and culturally significant, where copyright plays a critical role, especially in the context of digitalization. In 2001/2002, John Howkins introduced the concept of the Creative Economy, describing it as the "business of ideas," where personal ideas are transformed into public ideas, products, and services. This concept emphasizes creativity as the exchange of thoughts, innovative ideas, art, design, and inventions, occurring in diverse contexts such as homes, workplaces, and public spaces.

The terms cultural industry, creative industry, and creative economy can be considered equivalent in their focus on harnessing ideas and creativity derived from cultural traditions, often utilizing information technology to generate economic value and contribute to national progress, including the development of stakeholders involved in cultural assets. The official website of the Ministry of Tourism and Creative Economy of the Republic of Indonesia adopts the term "creative economy." However, some scholars argue that cultural art assets should not be industrialized, claiming that their value cannot be fully measured.³⁷ The relationship between creative industry and creative economy is clarified by the Department for Culture, Media, and Sport (DCMS) of England, which contends that the creative economy has a broader scope than the creative industry. While the creative economy encompasses all contributions from individuals working in creative fields, including those outside the formally mapped creative industry, the creative industry is limited to individuals working within sectors specifically included in the creative industry mapping.³⁸

The creative economy is regarded as a strategic component for national

too, Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.337.

³⁶ M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.229. See too, Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istinbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.632.

³⁷ Jen D. Snowball., *Cultural Value*, Cheltenham, UK, Edward Elgar Publishing, 2020, page.78;

³⁸ Arief Yahya., *Creative to Commerce*, Jakarta, Gramedia Pustaka Utama, 2014, page.33;

development due to its wide-ranging benefits. According to Sapta Nirwandar³⁹, six key functions underscore the significance of the creative economy. First, it contributes substantially to economic growth by increasing Gross Domestic Product (GDP), creating employment opportunities, and enhancing exports. Second, it fosters a positive business environment that stimulates growth across multiple sectors. Third, it strengthens national identity by producing cultural icons and reinforcing local culture and traditional wisdom. Fourth, the creative economy relies on renewable resources, including knowledge, ideas, and environmentally sustainable practices, which ensure long-term viability. Fifth, it encourages innovation and creativity, which are crucial for enhancing a nation's competitiveness on a global scale. Finally, the creative economy generates positive social outcomes, such as improved quality of life, more equitable distribution of welfare, and heightened social awareness.

The contributions of the creative economy are evident in several countries that have actively strengthened this sector, such as South Korea and China.⁴⁰ Developing a nation's image through the excellence of cultural icons not only reinforces local culture and traditional wisdom but also offers substantial benefits for national identity and economic growth. Cultural wealth serves as a foundation for new creative endeavors, transforming heritage into innovative products that generate economic value for the country.

In Indonesia, the government has established a legal framework to support the growth of the creative economy. Law Number 32 of 2014 concerning the Creative Economy functions as a legal umbrella for the development of creative industries nationwide. This was further operationalized through Presidential Regulation Number 6 of 2015, which outlines policies and strategies for fostering the creative economy in Indonesia. To provide practical guidance for stakeholders, the National Creative Economy Policy (NCEP) was introduced as a blueprint for government initiatives and private sector part communal intellectual propitiation. Additionally, Law Number 24 of 2019 reinforces the government's commitment to developing the creative economy, positioning it as a strategic instrument for stimulating national economic growth.

In Presidential Instruction Number 6 of 2009 concerning the Development of the Creative Economy, the creative economy is defined as an activity based on individual creativity, skills, and talents that generates innovative outputs with economic value and contributes to societal welfare. The implementation of this policy began with the establishment of the Indonesian Design Force by the Ministry of Trade, aimed at supporting the development of the creative economy across the country. In 2007, the Indonesian Creative Industry Contribution Mapping Study was launched during the Trade Expo Indonesia to assess and guide the sector's growth. This was followed in 2008 by the release of the 2025 Indonesian Creative

³⁹ Sapta Nirwandar., *Ecotourism in Indonesia*, Jakarta, Ministry of Tourism and Creative Economy, 2015, page.65;

⁴⁰ Taeyoung Kim., Creative economy of the developmental state: a case study of South Korea's creative economy initiatives, *The Journal of Arts Management, Law, and Society*, Vol.47, no.5, 2017, page.323. See too, Shahid Yusuf and Kaoru Nabeshima., Creative industries in east Asia, *Cities*, Vol.22, no.2, 2005, page.109.

Economy Development Blueprint and the 14 Indonesian Creative Industry Subsector Development Blueprints, providing strategic directions for advancing the nation's creative industries.

According to the official website of the Indonesian Ministry of Tourism and Creative Economy, the creative economy in Indonesia consists of 18 subsectors. These include: game development, which involves creating, developing, and distributing digital games; architecture, related to planning, designing, and constructing buildings; interior design, focusing on spatial concepts and functional aesthetics; music, covering the creation, performance, and distribution of musical works; fine arts, including painting, sculpture, photography, and other visual arts; product design, centered on developing both functional and aesthetically appealing goods; fashion, encompassing the design and production of clothing, textiles, and accessories; culinary, reflecting Indonesia's rich food culture and creativity; film, focusing on production and distribution of motion pictures; animation, involving the creation of animated content; video, covering production and distribution of video content; photography, including the creation, exhibition, and commercialization of photographic works; visual communication design, which uses visual elements for branding, messaging, and storytelling; television and radio, encompassing broadcasting across traditional and digital platforms; craft, involving handmade products such as woodwork, metalwork, and textiles; advertising, which creates and disseminates promotional content across media; performing arts and publishing, including theatrical performances and the production of printed media such as books and magazines; and application development, focusing on innovative digital products and services using telecommunications and IT. Together, these subsectors demonstrate the diverse and dynamic nature of Indonesia's creative economy, each contributing to cultural preservation, innovation, and national economic growth.

This subsector encompasses various fields, including web design, game development, and digital animation. The creative economy is not limited to these areas but can also incorporate emerging fields driven by technological advancements and human creativity. This sector is characterized by inherent uncertainty in demand, as consumer responses to products are often unpredictable and not easily assessed in retrospect. Government support has been demonstrated through several policies, including the enactment of Law Number 11 of 2020 concerning Job Creation, which regulates the creative economy; the launch of the National Movement Proud of Indonesian Products program to promote domestic creative products; and the provision of fiscal and non-fiscal incentives for creative industry actors. Effective development of the creative economy also requires reliable statistical data and information to guide decision-making for both government authorities and industry part communal intellectual propertyants. To this end, the Creative Economy Agency has partnered with the Central Statistics Agency to compile a comprehensive database of creative economy statistics, containing macro-indicator data essential for strategic planning and policy implementation.



Figure 2. Development of creative economy industry

Figure 2 illustrates various reasons why the creative economy plays an important role in a country's development. The diagram explains six interrelated aspects that drive the growth of the creative economy industry. The economic contribution aspect highlights the role of the creative economy in increasing Gross Domestic Product (GDP), creating job opportunities, and boosting exports. Meanwhile, the business climate aspect shows that the creative economy encourages the creation of new business opportunities, generates positive impacts on other sectors, and strengthens marketing strategies. From the perspective of national image and identity, the creative economy contributes to building national icons through tourism, preserving cultural heritage, and reinforcing local values. The renewable resources aspect emphasizes that the creative economy is based on knowledge and creativity, supporting a sustainable green economy. Furthermore, innovation and creativity serve as the core of the creative economy, involving the development of new ideas and concepts that generate economic value. Lastly, the social impact aspect reflects the creative economy's contribution to improving people's quality of life and fostering social tolerance.

It is undeniable that the creative economy has generated numerous benefits across various sectors. Economically, it has contributed significantly to Indonesia's GDP; according to the Indonesian Ministry of Industry in 2012, the creative economy contributed IDR 574 trillion, equivalent to approximately 7 percent of GDP. In the social sector, the creative economy has helped reduce social inequality

and improve community welfare. This is reflected in a 14.28% increase in workforce part communal intellectual propitiation across Indonesia, as reported by the Central Statistics Agency in 2018.

However, despite these positive impacts, the creative economy faces challenges in fully utilizing traditional cultural resources due to gaps in legal protection, limited community awareness, and insufficient integration with communal intellectual property frameworks. In Aceh, for example, limited understanding of Traditional Knowledge (TK) related to Geographical Indications (GIs) restricts economic potential, worsened by insufficient government strategies.⁴¹ Integration of communal intellectual property with creative industries is still underdeveloped, with commercialization sometimes conflicting with communal values.⁴² Case studies, such as rattan crafting in East Kalimantan, stress the need for regional regulations to document and promote communal intellectual property, supporting cultural advancement.⁴³ Globalization, digital threats, and AI adaptations of TCEs require sui generis protections and fair benefit-sharing.⁴⁴ Islamic frameworks like Maqasid al-Shariah can provide inclusive approaches, potentially combined with halal certification to improve community welfare.⁴⁵ Addressing these challenges demands normative reforms, better documentation, and active community part

⁴¹ Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.119. See too, Y. Yulia, M. Rahman, H. Herinawati, and N. Novita., Legal Protection of Traditional Medicine Knowledge as Intellectual Property of North Aceh Communities, *Queen Mary Journal of Intellectual Property*, Vol.13, no.4, 2024, page.409.

⁴² Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.632. See too, Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.89.

⁴³ Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.92; Rindia Fanny Kusumaningtyas, Arif Hidayat, Gabrielle Poetri Soebiakto, Ahmad Fauzan Permana, and Ibadurrahman Hanan Abdullah., Traditional Cultural Expression as an Embodiment of Indigenous Communities and Regional Identity (Semarang Indonesia Case), *Journal of Indonesian Legal Studies*, Vol.8, no.1, 2023, page.45.

⁴⁴ Ni Ketut Supasti Dharmawan, Desak Putu Dewi Kasih, Putu Aras Samsithawrati, Putri Triari Dwijayanthi, Made Suksma Prijandhini Devi Salain, Mirah Mahaswari, Made Grazia Ustriyana, and Robert Vaisile Moisa., Quo Vadis Traditional Cultural Expressions Protection: Threats from Personal Intellectual Property and Artificial Intelligence, *Law Reform Jurnal Pembaharuan Hukum*, Vol.19, no.2, 2023, page.321. See too, Yenny Eta Widyanti., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, page.7.

⁴⁵ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.634.

communal intellectual propitiation to enable sustainable development.⁴⁶

The creative economy also intersects with Industrial Sector 4.0, facilitating broader access to the internet, digital platforms, and emerging technologies. This connectivity significantly enhances entrepreneurial potential by allowing creators to promote, market, and distribute creative products online, reaching wider domestic and international audiences.⁴⁷ To sustain and expand these benefits, the government must strengthen intellectual property protections to safeguard innovations, encourage cross-sector collaboration between creative industries and other economic sectors, and improve human resource capacity alongside the development of digital infrastructure.⁴⁸ Furthermore, inclusive financing mechanisms, such as microloans and startup grants, are necessary to support small and medium enterprises within the creative economy. Reliable and robust statistical data are also essential to ensure that policies targeting the creative economy are evidence-based, effective, and sustainable, ultimately contributing to equitable economic growth and the preservation of cultural heritage.⁴⁹

3.3. Linkage of Communal Intellectual Property and Creative Industry: Utilization of Integration Patterns

Communal intellectual property has developed as a concept initially promoted by developing countries and later formally recognized by WIPO and UNESCO, eventually forming a legal framework acknowledged globally, particularly in nations with abundant cultural assets and strong potential for industrial development.⁵⁰ Recognizing the economic and social value of this sector, countries

⁴⁶ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.331. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.272.

⁴⁷ Sapta Nirwandar., *Ecotourism in Indonesia*, Jakarta, Ministry of Tourism and Creative Economy, 2015, page.61. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.328.

⁴⁸ M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.232. See too, Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istinbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.634.

⁴⁹ Muhammad Tizar Adhiyatma and Kholis Roisah., Legal Protection for Traditional Medicine Knowledge of Paliasa Leaves in Traditional Community of South Sulawesi Through Intellectual Property Regime, *Law Reform Jurnal Pembaharuan Hukum*, Vol.16, no.2, 2020, page.296. See too, Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.335.

⁵⁰ M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.232. See too, Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.43; Rindia Fanny Kusumaningtyas, Arif Hidayat, Gabrielle Poetri Soebiakto, Ahmad Fauzan

need to strengthen the legal certainty of cultural ownership by systematically recording, documenting, and verifying ownership or custodianship. Such documentation ensures that cultural assets are preserved, protected from misappropriation, and accessible for sustainable utilization. This is crucial because the creative industry cannot fully leverage cultural heritage if legal recognition and acknowledgment of these traditions, in line with both statutory law and local customs, are not firmly established and actively enforced.⁵¹ Adequate legal frameworks, combined with community engagement and institutional coordination, form the foundation for both protecting cultural identity and enabling economic benefits through responsible commercialization.

Many studies indicate that the documentation of cultural assets faces significant challenges, particularly regarding the recording of ownership and the technical descriptions of these assets.⁵² Much of this knowledge remains preserved only in the collective memory of communities, passed down orally from elders to younger generations.⁵³ Ideally, such cultural wealth should be systematically documented, preferably following standardized methods. Sardjono⁵⁴ proposes a documentation model that goes beyond merely serving prior art searches; instead, it frames documentation as a form of defensive protection. This approach requires proactive part communal intellectual propitiation from both the community and the government to fully utilize available facilities and ensure the documentation

Permana, and Ibadurrahman Hanan Abdullah., Traditional Cultural Expression as an Embodiment of Indigenous Communities and Regional Identity (Semarang Indonesia Case), *Journal of Indonesian Legal Studies*, Vol.8, no.1, 2023, page.47.

⁵¹ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istinbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.638. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.274.

⁵² Agus Sardjono., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.38. See too, Muhammad Tizar Adhiyatma and Kholis Roisah., Legal Protection for Traditional Medicine Knowledge of Paliasa Leaves in Traditional Community of South Sulawesi Through Intellectual Property Regime, *Law Reform Jurnal Pembaharuan Hukum*, Vol.16, no.2, 2020, page.296; M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.236.

⁵³ Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.43. See too, Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.92.

⁵⁴ Agus Sardjono., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.43;

process is comprehensive and effective.⁵⁵

The weakness of documentation and records, which undermines the clear determination of communal intellectual property legality, creates difficulties in establishing community ownership of cultural traditions.⁵⁶ This, in turn, limits the potential for communities to gain economic benefits from their cultural assets.⁵⁷ Meanwhile, the global rise of the creative industry demands speed in utilizing every opportunity, requiring cultural products to be quickly adapted and developed into innovative industrial products.⁵⁸ The creative industry thrives on rapid development, especially when leveraging information technology. While it can evolve by using non-cultural objects, its potential is much greater when cultural objects based on communal intellectual property are utilized.⁵⁹ However, if the legality and availability of communal intellectual property documentation remain inconsistent, the creative industry faces challenges in effectively using these assets.⁶⁰ Therefore, implementing an integration pattern between communal intellectual property and the creative industry becomes a highly valuable and necessary approach.⁶¹

⁵⁵ Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.218. See too, Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.119.

⁵⁶ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.638. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.274.

⁵⁷ Rindia Fanny Kusumaningtyas, Arif Hidayat, Gabrielle Poetri Soebiakto, Ahmad Fauzan Permana, and Ibadurrahman Hanan Abdullah., Traditional Cultural Expression as an Embodiment of Indigenous Communities and Regional Identity (Semarang Indonesia Case), *Journal of Indonesian Legal Studies*, Vol.8, no.1, 2023, page.47. See too, Yenny Eta Widyanti., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, page.7.

⁵⁸ Shahid Yusuf and Kaoru Nabeshima., Creative industries in east Asia, *Cities*, Vol.22, no.2, 2005, page.111.

⁵⁹ Hari Sutra Disemadi, Lu Sudirman, David Tan, and Ampuan Situmeang., The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge, *Jurnal Hukum Novelty*, Vol.14, no.2, 2023, page.224. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.328.

⁶⁰ Ni Ketut Supasti Dharmawan, Desak Putu Dewi Kasih, Putu Aras Samsithawrati, Putri Triari Dwijayanthi, Made Suksma Prijandhini Devi Salain, Mirah Mahaswari, Made Grazia Ustriyana, and Robert Vaisile Moisa., Quo Vadis Traditional Cultural Expressions Protection: Threats from Personal Intellectual Property and Artificial Intelligence, *Law Reform Jurnal Pembaharuan Hukum*, Vol.19, no.2, 2023, page.322. See too, D. I. Susanti., Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia, *Media Iuris*, Vol.5, no.3, 2022, page.407.

⁶¹ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.337. See too, M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.236.

In this regard, integrating the concept of communal intellectual property with the creative industry provides a framework for organizing and enforcing communal intellectual property law through clear documentation and legal certification. This ensures that when cultural assets are used in creative industry productions, the boundaries of ownership are clearly defined. The distinction between cultural works meant for preservation and new innovative works derived from those traditions becomes transparent, allowing each to exist within its own domain without causing legal conflicts.

In an interview with Taufiq, a video and television artist (26 Dec 2024), it was revealed that artistic expression in film often relies on free ideas and concepts, as the core lies in the ability to express oneself. When the concept is original and does not draw on pre-existing traditional works, there are usually no issues. However, if the work explores cultural creations already owned by a community, legal and ethical challenges often arise. Many creative industry practitioners unintentionally infringe on communal intellectual property because they are unaware of the legal framework. Similarly, in an interview with Marthen M., former Head of the North Toraja Tourism and Culture Office (08 Dec 2024), it was noted that Toraja carvings are considered standard and sacred. Modifying these designs, for example for a festival logo, is often seen as a violation of cultural authenticity, highlighting the delicate balance between creative innovation and respecting communal heritage.

The cases above illustrate two different situations. In the first, creative industry activities proceed relatively freely because they do not directly involve cultural objects or modify existing cultural assets. In the second case, the creative process involves altering original cultural designs, such as carving models that the community considers standardized and sacred. If these cultural objects already have documented standards or legal ownership, it can create challenges for designers seeking to produce new works with potential economic value. This highlights the importance of the Integration Pattern. Integration between the legal protection of communal intellectual property and the development of the creative industry is essential. Active documentation and certification of cultural works by both government and communities prevent misuse. Standardized documentation, legal recognition, and education for industry practitioners are crucial to ensure that creative innovation does not conflict with the protection of culturally significant assets.

Building on the recognition of communal intellectual property and its integration with the creative industry, it becomes evident that the sustainability of this model requires multi-level coordination involving communities, government institutions, and industry actors. Previous studies emphasize that documentation alone is insufficient if it does not accompany clear legal recognition and enforceable protection mechanisms.⁶² Therefore, a proactive legal infrastructure is necessary,

⁶² Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., *Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective*

including sui generis systems, geographical indications, and regulatory frameworks tailored to protect communal knowledge and cultural expressions.⁶³ Such instruments not only safeguard community rights but also provide legal clarity for creative industry practitioners seeking to innovate using communal intellectual property-based resources.

Furthermore, community engagement is essential for effective communal intellectual property implementation. Many studies highlight that much traditional knowledge is orally transmitted, which poses challenges for verification and protection.⁶⁴ Collaborative documentation efforts, where communities actively part communal intellectual property alongside government agencies, can address this gap. For example, proactive recording of cultural works-through standardized methods, digital archives, and accessible databases-ensures that communal intellectual property ownership is verifiable and can be leveraged in the creative economy.⁶⁵ Such approaches also enhance community awareness of their rights, empowering them to negotiate equitable benefit-sharing when their cultural assets are commercialized.⁶⁶

The creative industry, in turn, benefits from this structured legal and cultural foundation. By relying on legally documented communal intellectual property,

on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.641. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.278; Yenny Eta Widyanti., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, page.10.

⁶³ Miranda Risang Ayu Palar, Dadang Epi Sukarsa, and Ahmad M. Ramli., Indonesian System of Geographical Indications to Protect Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, *Journal of Intellectual Property Rights*, Vol.23, no.4, 2018, page.174. See too, D. I. Susanti., Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia, *Media Iuris*, Vol.5, no.3, 2022, page.407; Fenny Wulandari, Miranda Palar, Saldi Isra, and Ulfah Fahmy., Sui Generis System: GI Protection for the Herbal Product in Indonesia as Communal Property Right, *Cogent Social Sciences*, Vol.9, no.1, 2023, page.21.

⁶⁴ Agus Sardjono., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.47. See too, Hari Sutra Disemadi and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, page.34; Emilda Kuspraningrum, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, page.94.

⁶⁵ Dinda Keumala Setiyono, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, page.223. See too, Y. Yulia, H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, page.120.

⁶⁶ M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.227. See too, Ni Ketut Supasti Dharmawan, Desak Putu Dewi Kasih, Putu Aras Samsithawrati, Putri Triari Dwijayanthi, Made Suksma Prijandhini Devi Salain, Mirah Mahaswari, Made Grazia Ustrian, and Robert Vaisile Moisa., Quo Vadis Traditional Cultural Expressions Protection: Threats from Personal Intellectual Property and Artificial Intelligence, *Law Reform Jurnal Pembaharuan Hukum*, Vol.19, no.2, 2023, page.326.

practitioners can innovate without fear of infringing communal rights.⁶⁷ This structured integration supports rapid development, a core characteristic of creative economies globally.⁶⁸ Case studies from Indonesia illustrate this communal print intellectual property: when creative projects involve sacred or standardized cultural artifacts, like Toraja carvings, clearly documented ownership prevents legal and ethical conflicts while enabling communities to receive economic recognition for their heritage.⁶⁹

In addition, prior research underscores the importance of education and capacity-building for creative industry practitioners.⁷⁰ Understanding the legal status and cultural significance of communal intellectual property ensures that innovation proceeds ethically, respecting communal norms while stimulating economic value creation. Integration patterns can be operationalized through clear legal certification, standardized documentation procedures, and digital platforms that allow for transparent access to cultural asset information.⁷¹

Finally, global and regional experiences indicate that the synergy between communal intellectual property and creative industries also requires responsive policy instruments. Governments must provide inclusive financing, incentive schemes, and intellectual property guidance to encourage the commercialization of communal intellectual property without compromising cultural authenticity.⁷²

⁶⁷ Hari Sutra Disemadi, Lu Sudirman, David Tan, and Ampuan Situmeang., The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge, *Jurnal Hukum Novelty*, Vol.14, no.2, 2023, page.227. See too, Laina Rafianti, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021, page.331.

⁶⁸ Shahid Yusuf and Kaoru Nabeshima., Creative industries in east Asia, *Cities*, Vol.22, no.2, 2005, page.115.

⁶⁹ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.641.

⁷⁰ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.643. See too, R. Fitri, C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, page.278; Rindia Fanny Kusumaningtyas, Arif Hidayat, Gabrielle Poetri Soebiakto, Ahmad Fauzan Permana, and Ibadurrahman Hanan Abdullah., Traditional Cultural Expression as an Embodiment of Indigenous Communities and Regional Identity (Semarang Indonesia Case), *Journal of Indonesian Legal Studies*, Vol.8, no.1, 2023, page.49.

⁷¹ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.331. See too, Miranda Risang Ayu Palar, Dadang Epi Sukarsa, and Ahmad M. Ramli., Indonesian System of Geographical Indications to Protect Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, *Journal of Intellectual Property Rights*, Vol.23, no.4, 2018, page.179.

⁷² Iffaty Nasyiah, Ramadhita Ramadhita, and Khoirul Hidayah., The Protection of Local Handicrafts through the Geographical Indication by the Regional Government in East Java, Indonesia,

Moreover, active monitoring and law enforcement ensure that misappropriation or unauthorized use is minimized, protecting both community rights and creative industry investments.⁷³ This shows that the future of communal intellectual property in the creative industry depends on an integrated approach that combines legal certainty, community engagement, practitioner education, and policy support. By standardizing documentation, clarifying legal ownership, and fostering ethical creative practices, nations can transform cultural heritage into a sustainable economic resource while preserving its social and symbolic value. This integrated model not only strengthens cultural identity but also drives innovation, competitiveness, and equitable growth within the creative economy.⁷⁴

4. Conclusion

The findings of this study highlight the promising relationship between communal intellectual property and the creative industries as drivers of sustainable economic development. It emphasizes how traditional cultural assets can be transformed into modern economic opportunities through systematic integration methods that respect both cultural authenticity and community ownership. The proposed Integration Pattern framework introduces key regulatory mechanisms to strengthen the legal status of communal intellectual property while allowing creative industries legitimate access to traditional knowledge. This approach clearly distinguishes the boundaries between cultural preservation and innovative commercialization, fostering effective collaboration. Stakeholders benefit significantly from this model. Community-held cultural assets gain stronger legal protection and recognition, enabling communities to derive economic benefits from their traditional knowledge. At the same time, creative industry practitioners can draw on rich cultural resources to develop innovative products and services. Effective implementation of this model requires robust legal frameworks, standardized documentation practices, and governance structures that prioritize community part communal intellectual propitiation and equitable benefit sharing. This collaborative approach provides a sustainable path for preserving cultural heritage while promoting economic growth in the creative sectors.

Jurisdictie Jurnal Hukum Dan Syariah, Vol.13, no.2, 2022, page.164. See too, Ampuan Situmeang, Abdurrahman Alhakim, Winda Fitri, and Hien Trinh., Trademarks in Sustainable Fashion: A Comparative Legal Analysis of Indonesia and Italy, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.14, no.2, 2023, page.185; Fenny Wulandari, Miranda Palar, Saldi Isra, and Ulfah Fahmy., Sui Generis System: GI Protection for the Herbal Product in Indonesia as Communal Property Right, *Cogent Social Sciences*, Vol.9, no.1, 2023, page.25.

⁷³ Hari Sutra Disemadi, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, page.643.

⁷⁴ Nadia Astriani, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, page.335. See too, M. R. Ayu Palar, Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.229.

References

Books:

- Fontana, Avanti., *Creative Economy and Indonesian Innovation*, Jakarta, PT Gramedia Pustaka Utama, 2012, page.45;
- Nirwandar, Sapta., *Ecotourism in Indonesia*, Jakarta, Ministry of Tourism and Creative Economy, 2015, page.67;
- Sardjono, Agus., *Challenges for ASEAN interoperability: Lessons from research on cultural heritage protection in Indonesia*, Cambridge, Cambridge University Press, 2017, page.35;
- Snowball, Jen D., *Cultural Value*, Cheltenham, UK, Edward Elgar Publishing, 2020, page.78;
- Towse, Ruth., *Creative Industries*, Cheltenham, UK, Edward Elgar Publishing, 2020, page.92;
- Yahya, Arief., *Creative to Commerce*, Jakarta, Gramedia Pustaka Utama, 2014, page.33;

Journals:

- Adhiyatma, Muhammad Tizar, and Kholis Roisah., Legal Protection for Traditional Medicine Knowledge of Paliasa Leaves in Traditional Community of South Sulawesi Through Intellectual Property Regime, *Law Reform Jurnal Pembaharuan Hukum*, Vol.16, no.2, 2020, <https://doi.org/10.14710/lr.v16i2.33782>;
- Ardiansyah, Irfan., Perlindungan Hukum Hak Kekayaan Intelektual terhadapnya Budaya Tradisional di Indonesia, *Jurnal Trias Politika*, Vol.6, no.1, 2022, <https://doi.org/10.33373/jtp.v6i1.3894>;
- Astriani, Nadia, Laina Rafianti, Betty Rubiati, Firman Hadi Suparna, and Julia Elviyana., Local Food Protection to Achieve Food Security, *European Food and Feed Law Review*, Vol.19, no.6, 2024, <https://doi.org/10.1234/effl.2024.6.7>;
- Ayu Palar, M. R., Laina Rafianti, and H. N. Muchtar., Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, <https://doi.org/10.1080/23311886.2023.2274431>;
- Baskoro, Aji, and Annisa Hafizhah., Balancing Tradition and Innovation: Legal Framework for Protecting Communal Intellectual Property in The Borderless Age, *Indonesian Law Journal*, Vol.16, no.1, 2023, <https://doi.org/10.33331/ilj.v16i1.128>;
- Charis, Abdul, Ahmad Zidane Alwi, Lintang Ayu Arianti, and Wilda Wufqi Nur Hidayat., Identifikasi Populasi Pohon Aren (*Arenga Pinnata*) sebagai

- Potensi Utama Produk Kreatif Desa Wisata Brangang Ungaran, *Media Informasi Penelitian Kabupaten Semarang*, Vol.4, no.1, 2022, <https://doi.org/10.55606/sinov.v5i1.220>;
- Dharmawan, Ni Ketut Supasti, Desak Putu Dewi Kasih, Putu Aras Samsithawrati, Putri Triari Dwijayanthi, Made Suksma Prijandhini Devi Salain, Mirah Mahaswari, Made Grazia Ustriyana, and Robert Vaisile Moisa., Quo Vadis Traditional Cultural Expressions Protection: Threats from Personal Intellectual Property and Artificial Intelligence, *Law Reform Jurnal Pembaharuan Hukum*, Vol.19, no.2, 2023, <https://doi.org/10.14710/lr.v19i2.58639>;
- Disemadi, Hari Sutra, Abdurrahman Alhakim, Ninne Zahara Silviani, and Emiliya Febriyani., Intellectual Property Synergies: Merging Halal Certification with Indonesian Communal Intellectual Property Rights Laws, *Legality Jurnal Ilmiah Hukum*, Vol.32, no.1, 2024, <https://doi.org/10.22219/ljih.v32i1.30143>;
- Disemadi, Hari Sutra, and Lu Sudirman., Unleashing Indonesia's Traditional Knowledge: Navigating Legal Challenges in a Changing Landscape, *Al Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol.23, no.1, 2023, <https://doi.org/10.30631/alrisalah.v23i1.1334>;
- Disemadi, Hari Sutra, Lu Sudirman, David Tan, and Ampuan Situmeang., The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge, *Jurnal Hukum Novelty*, Vol.14, no.2, 2023, <https://doi.org/10.26555/novelty.v14i2.377068625>;
- Disemadi, Hari Sutra, Sholahuddin Al-Fatih, Ninne Zahara Silviani, Shelvi Rusdiana, and Emiliya Febriyani., Revitalizing Intellectual Property Rights in Indonesia: A Maqasid al-Sharia Perspective on Communal Ownership, *Al Istimbath Jurnal Hukum Islam*, Vol.9, no.2, 2024, <https://doi.org/10.29240/jhi.v9i2.11039>;
- Fitri, R., C. Irawan, and R. Pradityo., Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province, *Journal of Law and Legal Reform*, Vol.4, no.2, 2023, <https://doi.org/10.15294/jllr.v4i2.65163>;
- Kariodimedjo, Dina W., Bernessa C. Rotua, and Mario Jon Jordi., Protection and Advancement of Traditional Knowledge Dan Traditional Cultural Expression of Indonesia: The Utilization of Balinese Endek Weaving by Christian Dior, *Jurnal Ius Kajian Hukum Dan Keadilan*, Vol.10, no.1, 2022, <https://doi.org/10.29303/ius.v10i1.1002>;
- Kim, Taeyoung., Creative economy of the developmental state: a case study of South Korea's creative economy initiatives, *The Journal of Arts Management, Law, and Society*, Vol.47, no.5, 2017, <https://doi.org/10.1080/10632921.2017.1377660>;
- Kuspraningrum, Emilda, Fokke Fernhout, Mahendra Putra Kurnia, Rika Erawaty, Lily Triyana, Mieke Yustia Ayu Ratna Sari, Nadia, and Juniarti., Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City

- Elevates Its Attractiveness, *Udayana Journal of Law and Culture*, Vol.9, no.1, 2025, <https://doi.org/10.24843/UJLC.2021.v09.i01.p04>;
- Kusuma, Purnama Hadi, and Kholis Roisah., Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal, *Jurnal Pembangunan Hukum Indonesia*, Vol.4, no.1, 2022, <https://doi.org/10.14710/jphi.v4i1.107-120>;
- Kusumaningtyas, Rindia Fanny, Arif Hidayat, Gabrielle Poetri Soebiakto, Ahmad Fauzan Permana, and Ibadurrahman Hanan Abdullah., Traditional Cultural Expression as an Embodiment of Indigenous Communities and Regional Identity (Semarang Indonesia Case), *Journal of Indonesian Legal Studies*, Vol.8, no.1, 2023, <https://doi.org/10.15294/jils.v8i1.63191>;
- Makkawaru, Zulkifli, Kamsilaniah Kamsilaniah, and Almusawir Almusawir., Legal Strengthening of Local Culture-Based Copyright Assets to Support Entrepreneurship in the Tourism Industry, *Indonesian Journal of Law Studies*, Vol.2, no.2, 2023;
- Nasyiah, Iffaty, Ramadhita Ramadhita, and Khoirul Hidayah., The Protection of Local Handicrafts through the Geographical Indication by the Regional Government in East Java, Indonesia, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.2, 2022, <https://doi.org/10.18860/j.v13i2.18265>;
- Palar, Miranda Risang Ayu, Dadang Epi Sukarsa, and Ahmad M. Ramli., Indonesian System of Geographical Indications to Protect Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, *Journal of Intellectual Property Rights*, Vol.23, nos.4-5, 2018;
- Purnamawati, I. Gusti Ayu., Perlindungan hukum indikasi geografis terhadap kerajinan tradisional untuk penguatan ekonomi wilayah, *Pandecta Research Law Journal*, Vol.11, no.1, 2016, <https://doi.org/10.18860/j.v13i1.16467>;
- Putri, Yunita Maya., Perlindungan bagi hak kekayaan intelektual komunal, *Jurnal Hukum De'rechtsstaat*, Vol.7, no.2, 2021;
- Putri, Yunita Maya, Ria Wierma Putri, and Hari Surya Tisnanta., Communal Rights as Hegemony in the Third World Regime: Indonesian Perspective, *Indonesian Journal of International Law*, Vol.19, no.2, 2022, <https://doi.org/10.17304/ijil.vol19.2.5>;
- Putranto, Muqtadi Ghani, and Adi Sulistiyono., Legal Protection of Traditional Knowledge Associated with Genetic Resources in Indonesia, *Udayana Journal of Law and Culture*, Vol.9, no.2, 2025, <https://doi.org/10.24843/UJLC.2025.v09.i02.p03>;
- Rafianti, Laina, Aam Suryamah, A. M. E. Putra, and A. M. Ramli., Swing the Angklung Tube in the Digital Economy Era: Based on Intangible Cultural Heritage and Intellectual Property Rights Perspective, *Indonesian Journal of International Law*, Vol.18, no.3, 2021,

<https://doi.org/10.17304/ijil.vol18.3.814>;

- Setiyono, Dinda Keumala, Ahmad Sabirin, and Nadia Nursantih., Has Indonesia Safeguarded Traditional Cultural Expressions?, *Jambura Law Review*, Vol.6, no.2, 2024, <https://doi.org/10.1234/jalrev.2024.6.2.206>;
- Situmeang, Ampuan, Abdurrahman Alhakim, Winda Fitri, and Hien Trinh., Trademarks in Sustainable Fashion: A Comparative Legal Analysis of Indonesia and Italy, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.14, no.2, 2023, <https://doi.org/10.18860/j.v14i2.24114>;
- Suratno, U., and R. P. Faujura., Effectiveness of Law Enforcement of National and International Instruments for the Protection of Traditional Cultural Expressions as Intangible Cultural Heritage in Indonesia, *Journal of Ecohumanism*, Vol.3, no.7, 2024, <https://doi.org/10.62754/joe.v3i7.4470>;
- Susanti, D. I., Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia, *Media Iuris*, Vol.5, no.3, 2022, <https://doi.org/10.19184/mediaiuris.v5i2.40174>;
- Weley, Nadia Carolina, Viona Puspita, Nurlaly Nurlaly, Idham Idham, and Gustina Aryani., Peran Hukum Adat dan Hukum Nasional dalam Melindungi Pengetahuan Tradisional sebagai Kekayaan Intelektual Komunal, *Bareleng Journal of Legal Studies*, Vol.2, no.1, 2024, <https://doi.org/10.37253/barjoules.v2i1.10181>;
- Widyanti, Yenny Eta., The Urgency of Sui Generis Protection of Communal Intellectual Property in Indonesia: A Comparative Study in Philippines, *Jurisdictie Jurnal Hukum Dan Syariah*, Vol.13, no.1, 2022, <https://doi.org/10.18860/j.v13i1.16467>;
- Wulandari, Fenny, Miranda Palar, Saldi Isra, and Ulfah Fahmy., Sui Generis System: GI Protection for the Herbal Product in Indonesia as Communal Property Right, *Cogent Social Sciences*, Vol.9, no.1, 2023, <https://doi.org/10.1080/23311886.2023.2176989>;
- Yulia, Y., H. Herinawati, R. Jannah, and S. S. Safina., Traditional Knowledge Management: Community Understanding and Government Strategic Steps to Strengthen Aceh's Economy, *Padjadjaran Jurnal Ilmu Hukum*, Vol.12, no.1, 2025, <https://doi.org/10.22304/pjih.v12n1.a6>;
- Yulia, Y., M. Rahman, H. Herinawati, and N. Novita., Legal Protection of Traditional Medicine Knowledge as Intellectual Property of North Aceh Communities, *Queen Mary Journal of Intellectual Property*, Vol.13, no.4, 2024, <https://doi.org/10.4337/qmjip.2023.04.02>;
- Yusuf, Shahid, and Kaoru Nabeshima., Creative industries in east Asia, *Cities*, Vol.22, no.2, 2005, <https://doi.org/10.1016/j.cities.2005.01.001>;

Proceedings:

- Rahmi, A. N., Perkembangan Industri Ekonomi Kreatif dan Pengaruhnya terhadap Perekonomian di Indonesia, *Seminar Nasional Sistem Informasi*, Vol.2, no.1, 2018.