

Legal Protection of Batik Based on Communal Rights in the Context of Digitalization and Globalization: A Reconstruction of Legal Policy

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Abstract. *Batik, as a traditional cultural expression of Indonesia, embodies significant philosophical, cultural, and economic values; however, in the context of digitalization and globalization, its existence faces increasing threats of misappropriation, unauthorized commercialization, and weakening of communal rights. This study aims to analyze the legal protection of batik based on communal intellectual property and to reconstruct legal policy to achieve a more effective and equitable protection system. The research employs a normative juridical approach with a doctrinal legal research design, utilizing statute, conceptual, and comparative approaches. Data are derived from secondary legal materials, including legislation, legal doctrines, and scholarly works, and are analyzed through qualitative juridical methods to identify regulatory gaps and structural weaknesses. The findings reveal that although batik has been formally recognized under the communal intellectual property regime, such recognition remains largely administrative and has not been supported by strong enforcement mechanisms, particularly in responding to challenges arising from digital technology and global market dynamics. Furthermore, the absence of adaptive regulations, limited institutional coordination, and minimal community participation exacerbate the vulnerability of batik protection. The novelty of this research lies in proposing a reconstruction of legal policy that integrates political law perspectives with digital governance, emphasizing the strengthening of communal rights, regulatory adaptation, and equitable benefit-sharing mechanisms. This reconstruction is expected to transform legal protection from symbolic recognition into a responsive, just, and sustainable system in safeguarding batik as Indonesia's cultural heritage.*

Keywords: *Digitalization; Globalization; Intellectual; Legal; Property.*

1. Introduction

Batik, as an Indonesian traditional cultural expression, embodies profound philosophical, historical, and socio-economic values and has been internationally recognized as an intangible cultural heritage. However, in the context of globalization, batik has increasingly shifted from a cultural identity to a commercial commodity, thereby exposing it to risks of misappropriation and unauthorized exploitation. Contemporary intellectual property regimes, which are predominantly individualistic in nature, remain inadequate in addressing the collective characteristics inherent in traditional cultural expressions. (Wendland, Wend, 2006)

In the Indonesian legal framework, the recognition of batik under the concept of Communal Intellectual Property (CIP) reflects an effort to accommodate collective ownership. Nevertheless, such recognition remains largely administrative and lacks substantive legal enforcement mechanisms. Existing studies reveal that the CIP regime has not effectively ensured exclusive protection, nor has it provided equitable economic benefits to local communities as the legitimate custodians of batik traditions. (Pramana Putra, 2024)

The rapid advancement of digital technologies has further complicated the legal protection of batik. The digitization of cultural motifs enables large-scale reproduction and dissemination through online platforms, often without authorization or attribution. Moreover, the emergence of artificial intelligence technologies capable of generating batik-like patterns raises critical concerns regarding authorship, ownership, and the erosion of communal rights (Permata et al., 2025). Recent scholarship highlights that digitalization accelerates cultural appropriation while simultaneously weakening the legal standing of indigenous and local communities.

In addition, global market dynamics have intensified the commercialization of batik by international industries, frequently without the involvement or consent of local communities. This phenomenon reflects a structural imbalance between economic gains derived from batik and the benefits received by its traditional holders. At the international level, although efforts have been made through international frameworks, there is still no binding legal instrument that comprehensively regulates the protection of traditional cultural expressions based on communal rights. (65th Series of Meeting of the Assemblies of the Member States of WIPO, 2027)

These conditions indicate a significant gap between normative legal frameworks and empirical realities. While batik is formally recognized as a protected cultural asset, in practice, violations such as imitation, unauthorized commercialization, and cultural misappropriation persist. This discrepancy demonstrates the

limitations of existing legal mechanisms in providing effective and equitable protection for communal rights holders.

Previous studies have predominantly focused on normative analyses of legal protection or administrative recognition of communal intellectual property. However, they have not sufficiently addressed the direction of legal policy in responding to contemporary challenges, particularly digitalization and globalization. In this regard, the present research introduces a novel approach by integrating legal politics, communal rights, and digital transformation into a comprehensive analytical framework.

The novelty of this research lies in its attempt to reconstruct legal policy not merely at the normative level but also at the level of implementation, by proposing an adaptive and justice-oriented framework for the protection of batik. This study seeks to bridge the gap between cultural preservation and economic utilization, ensuring that legal protection mechanisms are responsive to technological developments and aligned with the principles of social justice.

Based on the foregoing discussion, this research aims to analyze the legal protection of batik based on communal rights in the context of digitalization and globalization and to reconstruct legal policy to achieve a more effective and equitable protection system.

2. Research Methods

This research employs a normative juridical approach, focusing on the analysis of legal norms governing the protection of batik as a form of traditional cultural expression within the framework of communal intellectual property. The study adopts a doctrinal legal research design, examining legal principles, statutory regulations, and relevant doctrines. The approaches applied include statute, conceptual, and comparative approaches. The research is analytical-descriptive in nature, utilizing secondary data consisting of primary, secondary, and tertiary legal materials. Data are collected through literature study and analyzed using qualitative juridical analysis to identify legal gaps and formulate an adaptive legal policy framework.

3. Results and Discussion

3.1. Limitations of the Legal Framework in Protecting Batik as Communal Intellectual Property

The protection of batik as a form of traditional cultural expression within the Indonesian legal system reflects formal recognition under the communal intellectual property regime; however, such recognition remains largely administrative and lacks effective enforceability. The legal framework does not yet provide clear mechanisms for exclusivity or legal standing for indigenous

communities, resulting in limited protection against unauthorized use(Ibrahim & Israhadi, 2024).

This condition is further reinforced by the dominance of conventional intellectual property paradigms, which prioritize individual ownership over collective rights. Drahos critically argues that modern intellectual property systems are structurally incompatible with communal knowledge systems, thereby creating a normative gap in legal protection(Wendland, Wend, 2006). In the Indonesian context, this incompatibility manifests in the absence of clear benefit-sharing arrangements and the weak recognition of moral rights attached to cultural expressions.

Empirically, the misappropriation of batik motifs continues to occur across both domestic and global markets. According to Rohaini, the absence of effective enforcement mechanisms and institutional coordination has enabled repeated violations, particularly in the commercialization of traditional motifs without community consent(Rohaini et al., 2020). This is consistent with findings by Antons , who notes that Southeast Asian countries, including Indonesia, still face systemic challenges in integrating traditional knowledge protection into modern intellectual property regimes(Antons, 2007).

Furthermore, institutional fragmentation exacerbates these legal weaknesses. The involvement of multiple agencies without clear coordination leads to overlapping authority and regulatory inconsistency. As highlighted in recent research by WIPO, effective protection of traditional cultural expressions requires not only legal recognition but also institutional coherence and community participation(Susanti et al., 2019).

Thus, the existing legal framework demonstrates a clear discrepancy between normative recognition and practical implementation. The protection of batik as communal intellectual property remains vulnerable, necessitating a more comprehensive and enforceable legal structure.

3.2. Legal Challenges in the Digital Era and the Urgency of Legal Policy Reconstruction

The rapid advancement of digital technology has fundamentally transformed the paradigm of protecting traditional cultural expressions, including batik as part of Indonesia's communal intellectual property. The digitization of batik motifs through various online platforms has increased accessibility while simultaneously amplifying the risks of unauthorized reproduction and misappropriation. This condition reflects a disparity between normative recognition and the effectiveness of legal protection in practice. As highlighted in intellectual property studies, the protection of traditional cultural expressions in Indonesia remains largely administrative in nature and has not yet become fully operational in addressing digital challenges(May & Sulistiyono, 2024).

The process of digitalization has also accelerated the commercialization of batik motifs without equitable benefit-sharing mechanisms for the originating communities. In practice, numerous batik designs are reproduced by business actors without the consent of indigenous or local communities as communal rights holders. This phenomenon illustrates a gap between legal norms and empirical realities. Legal scholarship emphasizes that the protection of communal intellectual property requires not only legal instruments but also robust institutional support and effective governance structures (Theressa, 2021).

Furthermore, technological developments have not been accompanied by adequate regulatory reform. Existing legal frameworks, particularly those governing copyright and communal intellectual property, have not explicitly accommodated mechanisms for digital reproduction and distribution. This regulatory gap generates legal uncertainty and opens opportunities for uncontrolled exploitation (Tarigan, 2023). From a national legal perspective, such deficiencies represent a significant obstacle to the effective protection of traditional cultural expressions.

On the other hand, the borderless nature of the digital environment creates jurisdictional complexities in law enforcement. Violations involving batik motifs frequently occur on global digital platforms, complicating the determination of applicable law and enforcement authority (Suhaeruddin, 2024). This issue demonstrates that national legal systems still face substantial limitations in addressing technology-based infringements. Contemporary legal studies underline the necessity of cross-border legal approaches to effectively regulate intellectual property in the digital era.

In addition, technology-based protection mechanisms, such as digital databases, cultural inventories, and documentation systems for batik motifs, remain insufficiently integrated. In fact, these systems play a crucial role in ensuring recognition and traceability of communal ownership (R. Ahmad Ginanjar Purnawibawa & Wirawan, 2021). Research on cultural protection suggests that the digitalization of cultural data must be accompanied by a strong legal framework to prevent it from becoming a tool of exploitation.

Another critical issue lies in the limited involvement of local communities in the governance of cultural protection. In many cases, local communities are not actively engaged in decision-making processes related to batik protection. This condition contradicts the principle of justice inherent in communal intellectual property, which positions communities as primary rights holders (Wahyuni, 2017). Legal literature consistently emphasizes that community participation is an essential element in achieving equitable and sustainable protection.

In response to these challenges, the reconstruction of legal policy becomes imperative. Legal policy must move beyond a purely normative approach toward

a more adaptive and responsive framework that integrates digital governance, institutional strengthening, and community participation. This includes the development of regulations governing digital reproduction, the enhancement of enforcement mechanisms, and the establishment of equitable benefit-sharing systems.

The novelty of this research lies in its integrative approach, combining political law perspectives with the dynamics of digital transformation in protecting batik as communal intellectual property. This approach offers a renewed conceptual framework by linking legal reconstruction with technological advancement and socio-cultural sustainability.

Ultimately, legal policy reconstruction should not only aim to strengthen legal certainty but also to ensure justice and cultural sustainability. The protection of batik as a cultural heritage must be positioned within a broader framework that balances adaptation to technological change with the preservation of its intrinsic cultural values.

4. Conclusion

The protection of batik as communal intellectual property within the context of digitalization and globalization remains normatively recognized but substantively weak due to regulatory gaps, limited enforcement mechanisms, and inadequate integration of digital governance. The persistence of misappropriation, unequal commercialization, and minimal community participation demonstrates a structural imbalance between legal frameworks and empirical realities. This study affirms that existing intellectual property regimes are not fully compatible with the collective nature of traditional cultural expressions. Accordingly, the novelty of this research lies in proposing a reconstruction of legal policy that is adaptive, integrative, and justice-oriented, by strengthening communal rights, incorporating digital regulatory mechanisms, and ensuring equitable benefit-sharing. Such reconstruction is essential to transform legal protection from symbolic recognition into an effective system that safeguards cultural identity while responding to technological and global economic dynamics.

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