ABSTRACT

LEGAL PROTECTION EFFORTS TO FOLKLORE IN INDONESIA

Written By

DINA HARYATI SUKARDI

Folklore disputes over the years, indicates the concept used in the protection of traditional knowledge, is not applied to the maximized. Especially in the protection of folklore, this was included in the study field of intellectual wealth rights. There is an absence of regulation. In particularly concerning the traditional culture, especially in the protection of folklore. The diverse cultures that exist in Indonesia are in dire need of a safeguard, especially the law protection of intellectual property. Such measures need to be done as an effort to create the law, which specifically gives a protection to the folklore. Problems in this study are: 1) How Legal Protection of Folklore in Indonesia, 2) How Conservation of Folklore in Indonesia, 3) What steps will be taken by the Government in Protecting Folklore in Indonesia.

This study is derived from the primary data and secondary data. Data were collected through literature studies and field studies. In addition, the data processing is done through the stages of examination / editing, classification data, systematic, and conclusion. Analysis of data was then performed on the data that has been obtained.

The results of this study indicate that the legal protection of folklore efforts in Indonesia can be reached through the perspective of judicial and non-judicial. This juridical effort is by making sharing arrangement between the government and the economic rights of indigenous peoples, the renewal of the legislation that exists and improved inventory of folklore in Indonesia. The non judicial effort is to approach communication and education to the community, by means of formal education. The government's effort in protecting folklore is to create a sort of legislation regarding the protection of communal intellectual property rights. Which have a legal instrument on Traditional Knowledge Genetic Resources Folklore (GRTKF). Subsequent attempts that have been made by the Government of Indonesia are to include the protection of folklore in the Copyright Act. Unfortunately, this kind of protection is not fully effective because of the difficulties in the implementation phase. Other efforts that have been undertaken by the Government of Indonesia are sending a delegation to the sessions of the Intergovernmental Committee on IP and GRTKF organized by WIPO. Furthermore, the Indonesian government can establish the National Working Group. Minister for Justice established a Working Group area utilization of genetic resources.

Keywords : Folklore, Legal Protection, Conservation.