



## THE PROTECTION OF TRADITIONAL CULTURAL EXPRESSION TO ENHANCE COMMUNITY WELFARE IN LAMPUNG PROVINCE

Nenny Dwi Ariani

Faculty of Law, Universitas Lampung, Indonesia.

[nenny.ariani@fh.unila.ac.id](mailto:nenny.ariani@fh.unila.ac.id)

**Abstract:** The diversity of ethnic groups in Indonesia has led to various intellectual creations by the ancestors of the nation, manifested in art, literature, and scientific knowledge, reflected in various cultural products from each ethnic group. The thoughts and creative ideas of Indonesia's ancestors are expressed in the form of cultural arts of the Lampung Indigenous Community as Traditional Cultural Expression. This study employs a socio-legal approach and a statute approach to explore the issue of protecting Traditional Cultural Expression (TCE) to enhance the welfare of the community in Lampung Province. The findings suggest that policies must focus on optimizing the role of local governments in creating regulations for the commercialization of Traditional Cultural Expression.

**Keywords:** Protection, Traditional Cultural Expression, Lampung.

### INTRODUCTION

The diversity of ethnic groups in Indonesia has led to various intellectual creations developed by the nation's ancestors in the fields of art, literature, and science, which are manifested in different cultural-based products from each ethnic group. One tangible manifestation of the thoughts and creative ideas of Indonesia's ancestors is expressed in various forms of artistic works as Traditional Cultural Expressions. Traditional Cultural Expression refers to all forms of creative works, whether tangible or intangible, or a combination of both, that demonstrate the existence of a traditional culture held communally and passed down through generations.

Based on the above provisions, it is evident how important the role of the

state is in protecting and preserving Traditional Cultural Expressions (TCE). The concepts surrounding the protection of TCE are closely related to regions as the "carriers" of traditional culture, making local governments, both at the provincial and regency/city levels, crucial in the protection and utilization of these expressions. The governance framework in the concept of regional autonomy emphasizes the tasks and functions of government, distributing authority among the central government, provincial government, and regency/city governments.

Concrete efforts and steps taken by the Provincial Government of Lampung to maintain the culture of Lampung—in the sense of protecting, preserving, and inventorying all cultural outputs created by the ancestors of the Lampung

community—include regulatory actions through the establishment of Regional Regulation (Perda) No. 2 of 2008 concerning the Preservation of Lampung Culture, followed by the establishment of Regional Regulation No. 5 of 2013 concerning the Institutional Framework of Lampung Indigenous Communities and Regional Regulation No. 4 of 2016 concerning the Protection of Intellectual Works of the Lampung Community.

Policies for the protection and preservation of TCE can begin with activities conducted by local governments, both at the provincial and regency/city levels, to inventory the presence of traditional cultural expressions in Lampung Province. Subsequently, planning and facilitating the development of venues for TCE performances should involve local customary stakeholders. This local government role is significant, given that Article 38 paragraph (1) of Law No. 28 of 2014 concerning Copyright states that the copyright over traditional cultural expressions is held by the state. According to Article 38 paragraph (2) of the same law, the state is obligated to inventory, protect, and preserve traditional cultural expressions as mentioned in paragraph (1).

Furthermore, the urgency of the local government's role in inventorying is underscored by the fact that Traditional Cultural Expressions, as works of the ancestors of the Indonesian nation, are part of Intellectual Property Rights (IPR) that must be legally protected. These intellectual works not only reflect the diversity of national culture but also

embody sacred values that are still recognized and upheld by the Lampung indigenous community, in addition to possessing high economic value.

## **MAIN PROBLEM**

The problem addressed in this research is: How can the protection of Traditional Cultural Expressions enhance the welfare of the community in Lampung Province?

## **METHOD OF RESEARCH**

This research utilizes a socio-legal approach and a statute approach. The socio-legal approach is employed to examine and delve into the research problems by studying relevant norms, legal doctrines, and their application, as well as the social phenomena related to the issue of protecting Traditional Cultural Expressions in Lampung Province. Additionally, the statute approach is used to map out the legal foundations for the protection of Traditional Cultural Expressions through a commercialization approach aimed at enhancing community welfare in Lampung Province

## **RESEARCH RESULT AND DISCUSSION**

The culture of Lampung, which is part of the national culture and a national asset, possesses numerous social and cultural values and norms that underlie the thoughts and behaviors of its people. Various traditional expressions that reflect the philosophy of life—such as Pii Pesengiri, Sakai Sambayan, Nemui Nyimah, Nengah Nyappur, and

Bejuluk Beadok—serve as examples of the community's worldview that embody noble societal values. These values are essential to preserve, sustain, and pass on to future generations, and they must be maintained even amid global changes.

Given the importance of Lampung's culture, including its customs, philosophies, history, local events, and cultural artifacts, which reflect the identity of the community, a series of efforts must be undertaken to preserve, sustain, and develop Lampung culture. Ultimately, this is expected to enhance the role of cultural values and customary institutions in supporting governance, development continuity, and national resilience, while also promoting the welfare of local communities and encouraging public participation in maintaining and preserving local culture.

The protection and preservation of Traditional Cultural Expressions (TCE) as part of traditional knowledge is crucial for at least three reasons: (1) the potential economic benefits from utilizing traditional knowledge, (2) fairness in the global trade system, and (3) the need to protect the rights of local communities. Today, intellectual wealth has become a business trend. Wealth based on intellectual works has specific characteristics. As long as humans can create innovative works, intellectual wealth can continue to be exploited. This thinking underpins the emergence of the creative industry as a source of national economic income.

Another important aspect to consider is the recent wave of human civilization referred to as the "creative

economy," where culture serves as an industrial source that utilizes its creative potentials. In this era, the flow of information has opened the door to a borderless world, and culture has become a new resource that must be managed as a deposit capable of enriching humanity or the communities that own it.

In relation to the above reasons, the artistic and cultural works of the Lampung community, represented through traditional cultural expressions, are not only beautiful but also hold high economic value. This is also true for the Natural Resources (SDA) present in the environment of Lampung Province. The geographical conditions of Lampung—comprising sea, beaches, mountains, and forests—exhibit biodiversity and genetic resources that are potentially exploitable and can be economically utilized for the welfare of the Lampung community. Therefore, a commercialization approach is necessary to protect and preserve Traditional Cultural Expressions while also enhancing community welfare in Lampung Province.

The tangible manifestations of the thoughts and creative ideas of Indonesia's ancestors are expressed through artistic works in the Lampung Indigenous Community as Traditional Cultural Expressions. These include rituals such as Upacara Gawi, Kukhuk Limau, Tayuhan, Belangiran, and Ngumbay Lawak. Upacara Gawi is a ritual expressing gratitude for significant events such as weddings and childbirth; Kukhuk Limau is a tradition accompanying a woman's pregnancy, considered essential for parents to receive desired offspring;

Tayuhan is a ceremonial celebration held by families for weddings, circumcisions, abundant harvests, and house construction; Belangiran is a tradition of communal bathing before the holy month of Ramadan, symbolizing purification; and Ngumbay Lawak is a tradition practiced by coastal communities in Lampung to express gratitude for marine harvests and to seek safety during fishing. In this ceremony, a buffalo is sacrificed as a symbol of gratitude from fishermen. Additionally, the traditional dances of the Lampung Indigenous Community that can be preserved and protected through a commercialization approach include Tari Bedana, Tari Cangget, Tari Tuping, Tari Sembah, Tari Nyambai, Tari Halibambang, and Tari Sakura Lampung Barat.

Currently, the Provincial Government of Lampung is taking steps to protect Lampung's culture by enforcing Regional Regulation (Perda) No. 2 of 2008 concerning the Preservation of Lampung Culture. The background for creating this Perda is to ensure the preservation of Lampung's culture as part of Indonesian culture and a national asset, which must be maintained, empowered, nurtured, preserved, and developed to create a Lampung community that possesses a strong identity, moral integrity, and civilization while maximizing public understanding of the noble values of national culture based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Therefore, concrete and effective efforts must be made in the implementation of preserving Lampung's culture.

However, the existence of this regional regulation has not yet provided a legal basis for protecting and preserving TCE through a commercialization approach. Therefore, there is a need for specific regional regulations, similar to those implemented by other regions, such as the Government of Bali Province through Regional Regulation No. 1 of 2019 concerning the Organization of Cultural Attractions as a tourism commodity. This regulation states that performers and organizers of the Kecak dance include the government, customary villages, businesses, and individuals, and it is regulated to align with tourism activities.

An example of implementing this regulation is Ubud village, recognized as a unique tourism area highlighting cultural uniqueness and strength. This consistent preservation of culture has made Ubud a popular destination for tourists. Besides showcasing the Kecak dance, Ubud also offers local crafts such as sculptures, paintings, weaving, and ornaments that identify Bali's culture, which is strongly maintained by the community. This not only introduces Balinese culture but also enhances the economic sector through cultural utilization.

Regarding the establishment of regional regulations to facilitate the commercialization of TCE, it is crucial to consider the principle that public policy (law) will be accepted by the community where it is applied if it aligns with the values that live and develop within that society. Therefore, the policies created by the Provincial Government of Lampung to protect and preserve TCE must take into

account the current conditions of the Lampung community.

The Lampung community is characterized by its heterogeneity, consisting of both indigenous and migrant populations. The emblem of Lampung Province uses the motto "Sai Bumi Ruwa Jurai," meaning "one place, two populations," symbolizing a grand household for both indigenous and migrant groups (ruwai and jurai) residing in Lampung. In terms of its customary structure, the Lampung indigenous community consists of two major groups: first, the Pepadun community, which includes Abung Siwo Mego, Pubian Telu Suku, Rarem Mega Pak, Bunga Mayang Sungkai, Way Kanan Lima Kebuwaiyan, Melinting, and Jabung; and second, the Saibatin community, which can be grouped based on their settlement areas, namely: Sebatin in West Lampung, Pesisir Barat, Semaka Tanggamus, and Kalianda.

If we relate these community conditions, the ideal policy that should be developed by the Provincial Government of Lampung to protect and preserve TCE through a commercialization approach is to create a Provincial Regulation (Perda) as its legal umbrella. This regulation should contain provisions stating that: (a) Artistic works used by the Cross-District Indigenous Community are owned by the Provincial Government of Lampung, while the District or City Governments are only authorized to coordinate the utilization and preservation of Lampung's cultural works, specifically regulated in the District/City Perda; (b) Artistic works not owned by the cross-district indigenous community will become the

property of the originating District or City Government; (c) To protect and preserve cultural works, both the Provincial and District/City Governments in Lampung must optimize the role of the Lampung Indigenous Community Institutions as regulated in Provincial Regulation No. 5 of 2013 concerning Lampung Indigenous Community Institutions; (d) To enhance the economic welfare of the Lampung community, any use of cultural works for business purposes must pay royalties to the originating District or City Government; (e) The commercialization of Lampung's cultural works should be integrated into Tourism Villages.

## **CONCLUSION**

The conclusion of this research is to formulate policies or regional regulations regarding the protection of Traditional Cultural Expressions (TCE) to enhance the welfare of the community in Lampung Province. These regulations should include provisions such as: (a) Artistic works used by the Cross-District Indigenous Community shall be owned by the Provincial Government of Lampung, while the District or City Governments shall only have the authority to coordinate the utilization and preservation of Lampung's cultural works, specifically regulated in the District/City regulations; (b) Artistic works that are not owned by the cross-district indigenous community shall become the property of the District or City Government where the cultural work originates; (c) To protect and preserve artistic works, both the Provincial and District/City Governments in Lampung should optimize the role of the Lampung

Indigenous Community Institutions as stipulated in Provincial Regulation No. 5 of 2013 concerning Lampung Indigenous Community Institutions; (d) To enhance the economic welfare of the Lampung community in general, any use of cultural works for business purposes must pay royalties to the originating District or City Government; (e) The commercialization of Lampung's cultural works through Tourism Villages.

### REFERENCE

- [1] Ayu, M. R., Alexander, H., & Puspitasari, W. (2014). *Hukum sumber daya genetik, pengetahuan tradisional dan ekspresi budaya tradisional*. Alumni.
- [2] Ayu, M. R., dkk. (2017). Sistem perlindungan sumber daya budaya tak benda di Palembang, Sumatera Selatan, Indonesia. *Mimbar Hukum*, 2(2).
- [3] Damian, E. (2012). *Glosarium hak cipta dan hak terkait*. Alumni.
- [4] Easton, W. (2006). *Public policy: Pengantar teori dan praktik analisis kebijakan* (T. W. B. Santoso, Trans.). Kencana. (Original work published [year if available])
- [5] Fathoni. (2010). *Upaya pemerintah provinsi Lampung dalam melindungi pengetahuan tradisional dan ekspresi budaya tradisional* [Master's thesis, Universitas Diponegoro].
- [6] Indriaty, J. (2015). *Perlindungan hukum ekspresi budaya tradisional oleh negara sebagai pemegang hak cipta kekayaan intelektual komunal masyarakat Sulawesi Tenggara dikaitkan dengan hak ekonomi berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang hak cipta* [Master's thesis, Universitas Padjajaran]. <http://pustaka.unpad.ac.id>
- [7] Laslubiati Puspawijaya, R. (2014). *Peranan pemerintah daerah Kabupaten Tulang Bawang dalam memberikan perlindungan hukum terhadap kain Maduaro yang memiliki potensi indikasi geografis* [Master's thesis, Universitas Lampung].
- [8] Mahmud Marzuki, P. (2005). *Penelitian hukum*. Prenada Media.
- [9] Mertokusumo, S. (1987). *Perlindungan hukum bagi rakyat Indonesia*. PT Bina Ilmu.
- [10] Mulhimmah, B. R. (2022). *Masyarakat adat dan ekspresi budaya tradisional (Tinjauan hukum dan Maqashid al-Syari'ah)*. Sanabil.
- [11] Raharjo, S. (2000). *Ilmu hukum*. Citra Aditya Bhakti.
- [12] Solehudin, A., dkk. (2022). Pemanfaatan tari kecak sebagai ekonomi kreatif untuk peningkatan perekonomian daerah. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 1(12).
- [13] Sudarmanto. (2005). *Produk kategori indikasi geografis potensi kekayaan intelektual masyarakat Indonesia*. Lembaga Pengkajian Hukum Internasional Fakultas Hukum Universitas Indonesia.
- [14] Sujadi, F. (2012). *Lampung sang bumi Ruwa Jurai*. Cita Insan Madani.

- [15] Sunggono, B. (1994). *Hukum dan kebijaksanaan publik*. Sinar Grafika.
- [16] Suteki. (n.d.). *Rekonstruksi politik hukum hak atas air pro-rakyat*. Surya Pena Gemilang Publishing.
- [17] Theresia Geme, M. (2012). *Perlindungan hukum terhadap masyarakat hukum adat dalam pengelolaan cagar alam Watu Ata Kabupaten Ngada, Provinsi Nusa Tenggara Timur* [Doctoral dissertation, Universitas Brawijaya].
- [18] Warassih, E. (2005). *Pranata hukum: Sebuah telaah sosiologis*. PT Suryandaru Utama.
- [19] Winarno, B. (2012). *Kebijakan publik: Teori, proses, dan studi kasus*. CAPS.