

Plagiarism: A Threat To The Creative Industry Of Handmade Regional Batik Motifs In Indonesia

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Developments in the creative industry of handmade batik in Indonesia have helped cultivating Small and Medium Enterprises (SMEs) in regions such as Klampar village in Pemekasan, Madura, East Java. Efforts to preserve the sustainability of these SMEs need to be balanced by protecting handmade batik motifs with copyright in order to save this intellectual wealth from plagiarism. This study focuses on: 1) efforts to ensure that plagiarism does not occur and does not threaten the creative industry in Indonesia; 2) benefits from the protection of handmade batik motifs for the creative industry in Indonesia. The research goal is to protect handmade batik motifs from plagiarism and discover the benefits of this protection on the creative industry in Indonesia. A descriptive qualitative research method is used with an empirical juridical approach. The data were obtained from SME administrators and public figures in the Madura community. The data was collected from observation, interviews, and documents, analyzed with a method of triangulation, and compiled systematically. The research findings show that the protection of the database of handmade batik motifs can be implemented through E-Copyright which also supports the sustainability of the creative industry of handmade batik in Indonesia.

Keywords: *creative industry, plagiarism, copyright, handmade, batik madura, motifs.*

Plagiarisme: Ancaman Industri Kreatif Motif Batik Tulis Daerah Di Indonesia

Perkembangan industri kreatif batik tulis di Indonesia mampu menumbuhkembangkan usaha kecil dan menengah (UKM) di daerah seperti halnya di Desa Klampar, Pemekasan, Madura Jawa Timur. Kebangkitan UKM tersebut seharusnya di imbangi dengan perlindungan Hak Kekayaan Intelektual atau disebut HKI bidang Hak Cipta sebagai upaya penyelamatan motif batik tulis dari plagiarisme (plagiator) namun hal itu tidak dilakukan. Penelitian ini penting dilakukan dengan fokus: 1) bagaimana upaya agar tidak terjadi plagiarisme dan tidak menjadi ancaman industri kreatif di Indonesia? 2) apa manfaat perlindungan motif batik tulis untuk industri kreatif di Indonesia?. Tujuan penelitian: memproteksi motif batik tulis agar tidak terjadi plagiarisme dan mengetahui manfaat perlindungan untuk industri kreatif di Indonesia. Metode penelitian deskriptif kualitatif dengan pendekatan yuridis imperis. Sumber data diperoleh dari pengelola UKM, tokoh masyarakat Madura. Data terkumpul melalui observasi, wawancara, dokumen kemudian di analisis dengan triangulasi dan disusun secara sistematis. Temuan penelitian: dapat perlindungan Hak Cipta pada database motif batik tulis dan penyelamatan industri kreatif batik tulis dari plagiarisme di Indonesia.

Kata Kunci: *industri kreatif, plagiarisme, Hak Cipta, motif batik tulis.*

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INTRODUCTION

Diversity of ethnic groups, languages, customs, and traditions is what makes the Indonesian nation “celebrate” diversity and encourage the growth of cultures that are unique, special, and have character, as a reflection of the politics of presentation of each region. These cultures have grown and developed and have the ability to promote the local values of each region on a global platform. Regions that have the potential to develop the creative industry of handmade batik motifs in order to support the revival of Small and Medium Enterprises, or SMEs, include Solo or Surakarta, Yogyakarta, Palembang, and Bali, and this includes the village of Klampar in Pamekasan, Madura East Java. According to Law No.9 year 1995, the criteria of an SME is as follows:

It has a net worth of no more than Rp. 200,000,000 (two hundred million Indonesian Rupiah), excluding the land and buildings which function as the site of the business. It has annual sales or proceeds of no more than Rp. 1,000,000,000 (one billion Indonesian Rupiah) and is owned by an Indonesian citizen (<http://www.jdih.kemenukeu.go.id/fulltext/1995>)

In order to ensure the continuity and sustainability of creative industries such as SMEs operating in the domain of handmade batik motifs, all those involved, including craftsmen and creators, must receive economic “justice” as a result of the utilization of the intellectual wealth that they create. Both local and foreign entrepreneurs who create handmade batik motifs possess an economic value which enables them to reap huge profits as a result of their operations. The opportunity for craftsmen and creators to gain prosperity or share profit through licenses or royalties is regulated in the law on Copyright, Section I, general conditions, Article 1, item 14 and Section V, Article 45, Clause (1), Clause (2), and Clause (4), which outlines the regulations about licenses issued by Copyright holders to another party. Clause (4) stipulates the amount of royalties that must be paid to the holder of the Copyright by the person to whom the license has been issued, in accordance with the contractual agreement (Tim Permata Press: pp. 3,-31). This refers to the results of several earlier research studies, as outlined below.

Sulasno, 2017, License: or Intellectual Property Rights from the Perspective of Contract Law in Indonesia” (Lisensi Hak Kekayaan Intelektual (HKI) dalam persepektif hukum Perjanjian di Indonesia), Serang Raya University, Adil, jurnal hukum. Vol.3, No.2. This paper focuses more on a discussion of the problem of arranging licenses so that a company can accommodate the well-being of the holders of Brand Copyrights, Patents, Integrated Circuit Layout Designs, Trade Secrets, and Plant Varieties. This helps in the early stages of the current research, in connection with its goal, which is to obtain protection of the database of handmade batik motifs in Klampar, Pame-

kasan Madura. Lodra, I Nyoman, 2017, Licenses: Guarantee of Welfare for Copyright Holders (Lisensi: Jaminan Kesejahteraan Pemegang Hak Cipta), a case study in Bali (Proceedings, 2017). This article focuses on a discussion of the regulation of licenses as a means of ensuring the welfare of Copyright holders, and the implementation of regulations for Copyright licenses in Indonesia. This study is closely related to the goal of the current research, which is to register the database of handmade batik motifs so that it can be used optimally through a certificate of Copyright and ensure the welfare of those involved through the acquisition of royalties.

The implication of these two studies is that in order to obtain royalties, there must first be some sort of work contract with the entrepreneur, in the form of a license, giving permission to produce or duplicate. The main requirement when making this license or work contract should be the acknowledgment of Copyright of the created product. This created product may take the form of a “database” of handmade batik motifs. According to Copyright Law no 19, year 2014, Article 12 Clause 1 letter 1, a database is an invention that is protected.

The database of handmade batik motifs in Klampar, Pamekasan, Madura possesses an economic value that has the ability to bring prosperity to the craftsmen, the creators, and the community in general if it is protected by the Law on Intellectual Property Rights, specifically in the field of Copyright. For this reason, an in-depth study is required in order to procure a Copyright certificate through E-Copyright registration. A number of previous research studies which support the database for handmade batik motifs in Klampar, Pamekasan, Madura for obtaining Copyright are as follows.

Lodra, 2017, Identification of Handmade Batik Motifs in Klampar, Pamekasan, Madura, East Java (Inditifikasi Motif Batik tulis desa Klampar Pamekasan Madura Jawa Timur), Postgraduate Department Unesa, a research study which discusses the concept and philosophy of the creation of handmade batik motifs by craftsmen and creators. Lodra, 2016, An Analysis of Copyright of Silverware Motif Design at Celuk Sukawati, Gianyar, Bali, IJRDO-Journal of Educational Research, Study Program of Fine Arts and Handicraft, Faculty of Languages and Arts, State University of Surabaya (Volume-1 | Issue-9 | December,2016 | Paper-2). Sari, 2015, wrote A Model for Legal Protection of Creation of Batik Motifs in Jember as Traditional Intellectual Wealth (Model Perlindungan Hukum atas Karya Cipta Motif Batik Jember Sebagai Kekayaan Intelektual Tradisional), Faculty of Law, University of Jember, (<http://repository.unej.ac.id/bitstream/handle>). Rianita, 2015, Legal Protection of Handmade Batik Motifs in the Village of West Pekandangan, in the District of Sumenep (Perlindungan Hukum terhadap Motif Batik tulis Desa Pekandangan Barat Kabupaten Sumenep), Trunojoyo University, Madu-

ra. In this study, Rianita explains that handmade batik motifs in West Pakandangan, Sumenep, are a form of intellectual work which belongs to the Indonesian nation (<https://pta.trunojoyo.ac.id/welcome/detail>).

Some of the international agreements and Presidential Decrees related to this matter include:

TRIP (Trade Related aspects of Intellectual Property Rights), an agreement which examines the problem of Intellectual Property Rights in connection with international trade organizations such as the World Trade Organization (WTO), with the goal of standardizing the system for implementing Intellectual Property Rights in all countries that belong to the WTO, complete with the rules and laws for resolving any disputes (<https://bebasipikir.com/2016/01/memahami-trips-hak-kekayaan-intelektual>). In an endeavour to anticipate the global era, a number of international agreements have been ratified by the Indonesian government, including Presidential Decree No 9 year 2019 which ratifies the WIPO Copyrights Treaty, and Indonesian Law No.28, year 2014.

The results of the research papers mentioned above can be viewed as preliminary studies while the international agreements and Presidential Decrees by the government of Indonesia reinforce this current research on the subject of Plagiarism: A Threat to the Creative Industry of Handmade Regional Batik Motifs in Indonesia. The object of the research is the database of handmade batik motifs in Klampar, Pamekasan, Madura, East Java. The goal of the research is to protect the database of handmade batik motifs in Klampar, Pamekasan, Madura, with Copyright. This research is important as a way for protecting the database of handmade batik motifs in Klampar, Madura, thus allowing the creative industry to develop and be rescued from the threat of plagiarism (plagiarists).

PLAGIARISM AND THE CREATIVE INDUSTRY

According to Copyright Law Number 28 Year 2014, Article 10 Clause (1) and (2), "traditional" knowledge, which includes handmade batik motifs, is a part of intellectual wealth that is protected and reinforced by the laws on Cultural Heritage. Therefore, Copyright is held or owned by (regional) government, individuals, and community groups. As a "field" for developing the creative industry in SMEs in Indonesia, and specifically in Klampar, Pamekasan, Madura, handmade batik motifs are widely utilized by entrepreneurs in the field of advertising, fashion, and design, as well as by artists in film, television, and music videos. These cultural values provide benefit but are not yet protected by Copyright, and as such there is the potential for plagiarism.

The development of the creative industry in Indonesia, in the form of SMEs, includes advocates of community

economy, and as such, in order for the database of handmade batik motifs in Klampar, Pamekasan, Madura to be safeguarded from plagiarism, it needs to be protected by Copyright Laws, with relevant sanctions being imposed on anyone who violates these laws. Copyright protection ensures that craftsmen and creators receive income in the form of royalties, and as a consequence the creative industry in SMEs will continue to develop because there are no longer any acts of plagiarism.

LICENSES AND ROYALTIES

A license is a form of permission that is given to another party, allowing the production, reproduction, distribution, and trade of a created product, as determined and regulated by law. The Copyright holder can enjoy his or her economic right as the recipient of royalties. Section V, Article 45, Clause (4) of the law stipulates the amount of royalties to be paid by the license holder. Article 47 Clause (2) states that any license issued in a work contract or agreement should be registered to the Director General for Intellectual Property Rights (Tim Permata Press: 31). Royalties are a form of imbursement received by the Copyright holder in accordance with the contents of the agreement, which states: the amount of money to be received, when it should be received, and whether it is in the form of Indonesian Rupiah or foreign currency. In Indonesia, this article and clause is rarely taken advantage of, except by song writers and book publishers.

The Licenses and Royalties of a binding agreement between the creator and the entrepreneur are like a fertile field which is able to guarantee the life of the creator. The results of field research on traditional cultural values such as temples, shrines, and other cultural heritage objects are utilized by both local and foreign entrepreneurs but are not regulated in the form of licenses and royalties.

CONCLUSION

A number of conclusions can be drawn from the results of the research, as follows:

- 1) Saving or protecting the database of handmade batik motifs in Klampar, Pamekasan, Madura, by registering it through E-Copyright is a step to prevent plagiarism committed by plagiarists. For the creative industry of handmade batik motifs, which is the basic asset for the development of Small and Medium Enterprises (SMEs), this step ensures that there are no longer any threats from plagiarism and enables the creative industry to compete with global industries.
- 2) There are a number of advantages and benefits of Copyright protection for the database of handmade batik motifs in Klampar, Pamekasan, Madura. These include:
 - a. Continuous encouragement for the growth of creativity of craftsmen and creators of handmade batik motifs.
 - b. Support for the development of creative industries on the scale of

Small and Medium Enterprises (SMEs) in Indonesia, and specifically in Madura.

c. Facilitation of the regulation of contractual agreements with local and foreign entrepreneurs, regulated in the form of licenses, as a result of which Copyright holders receive royalties.

3) The holder of the Copyright issues a license to the party that is directly connected in a bond of cooperation, bound by law in the form of a contractual agreement, in which the holder of the Copyright gives the right to another person to produce, duplicate, market, sell, and distribute an object or service, and from which the holder of the Copyright will receive royalties.

4) The endeavour to protect handmade batik motifs by the craftsmen, creators, and entrepreneurs is a form of social awareness amidst this era of global trade, and refers to and adheres to the rules implemented by the WTO. In this case, the government strongly supports these rules by facilitating the E-Copyright registration process.

REFERENCES

- Anshori, Yusak, et al, 2002. *Keeksotisan Batik, Jawa Timur*, PT. Gramedia Jakarta.
- Aruman, 2013, *Seni Batik Kayu Kreet, IKKJ Publisher, Yogyakarta*.
- Dantes, Nyoman 2012, *Metode Penelitian, Andi Yogyakarta*.
- Dormer, Peter. 2008. *Makna Desain Modern*. Yogyakarta & Bandung: Jalasutra.
- Heriyanto, *Batik Tulis Tradisional, Kauman Solo, PT Tiga Serangkai Mandiri*.
- Koentjaraningrat. 1997. *Manusia dan Kebudayaan Indonesia*. Jakarta: Djambatan Jakarta.
- Kitab Undang-Undang, *Hak Atas Kekayaan Intelektual HaKI*, Tim Permata Press.
- Lash, Scott, 2004, *Sosiologi Post Modernisme*, Kanisius, Yogyakarta.
- Lodra, 2017, *Lizensi: kesejahteraan Pengrajin, Prosiding, Unesa*
- , 2017, *Inditifikasi Hak Cipta Pada Database Motif Batik Tulis Klampar Madura Jawa Timur, Pascasarjana Unesa*
- Musman, Asti, et al, 2011. *Batik Warisan Adiluhung Nusantara*, G- Media. Yogyakarta
- Ritzer, George, 2007, *Teori Sosiologi Modern*, Prenada Media Group.
- Sardjono, Agus, 2006. *Hak Kekayaan Intlektual dan Pengetahuan Tradiional*, Bandung: PT Alumni Bandung.
- Susanto, Mikke, 2011, *Diksi Rupa, Dicti Art Lab. Yogyakarta*.
- Susanto, Sewan, 1980, *Seni Kerajinan Batik, Bali Penelitian Batik dan Kerajinan, Lembaga Penelitian dan Pendidikan Industri, Perindustrian*.
- Journals
Deka Perdana Putra, *kerajinan Batik Tulis Madura Karya Haji Sadli di Desa Pegendingan Pamekasan Madura, Prodi S1 Pendidikan Seni Rupa Jurusan Seni dan Desain Universitas Malang*.online.um.ac.id.
- Nur Fadila, 2010, *Karakteristik Batik Madura Kabupaten Bangkalan dan Pamekasan*, library.um.ac.id.
- Sulasno, 2017, *Lisensi Hak Kekayaan Intelektual (HKI) dalam Perspektif hukum Perjanjian di Indonesia*, universitas Serang Raya, Adil Junal hukum.Vol.3, No.2.