

Traditional Knowledge of Rattan Crafting in Sepan Village: How the New Capital City Elevates Its Attractiveness

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Abstract

Penajam Paser Utara (PPU) Regency in East Kalimantan has been designated as one of the buffer areas of the new Capital City of the Republic of Indonesia, known as Ibu Kota Nusantara (IKN). The Paser tribe, native to PPU Regency, carries rich customs and traditions, one of which is rattan crafting utilizing local materials and traditional knowledge. This article explores opportunities to enhance the attractiveness of PPU Regency through the lens of Cultural Intellectual Property (CIP) in Indonesia. The aim is to raise awareness about developing strategies that strengthen the legal protections for traditional knowledge holders, using CIP to promote Sepan Village's appeal in the context of IKN. The research employs a qualitative approach and utilizes case studies from Sepan Village, PPU Regency. This article suggests that to enhance the allure of this cultural heritage, the PPU Regency government should implement a strategy that involves cataloging the local culture in accordance with the mandates of Law No. 5 of 2017 concerning Cultural Advancement and Government Regulation No. 55 of 2022 concerning Communal Intellectual Property. This strategy should be formalized in regional regulations to provide guidelines for promoting culture and CIP, as well as to clarify the responsibilities of regional government agencies involved in these initiatives.

1. INTRODUCTION

In 2022, Indonesia announced the establishment of a new capital city named Nusantara, officially known as the Capital City of Nusantara (*Ibu Kota Nusantara* or IKN).¹ This new capital is located in East Kalimantan Province. The development of IKN is driven by hopes for increased welfare and prosperity for the nation. Some previous studies have highlighted the IKN project, offering various reliable opportunities for many parties, particularly for the communities around IKN. Prayudi (2020) underlines the separation of government and business, serving as a symbol of national identity, and addresses the political landscape and the necessity for a transition period as Jakarta relocates to the IKN area in East Kalimantan.² Aziz (2020) analyses the plan to move the national capital, drawing on the experiences of other countries and identifying issues related to the impacts of the capital relocation plan.³ Alamsyah et al. (2023) indicated that multiculturalism and tolerance have been promoted in East Kalimantan Province; however, potential multi-ethnic conflicts may arise if the local communities are not adequately accommodated and if discrimination occurs.⁴

The designated location of IKN spans four regions: Kabupaten Penajam Paser Utara Regency (PPU Regency), Kabupaten Kutai Kartanegara (Kutai Kartanegara Regency), Kota Balikpapan (Balikpapan City), and Kota Samarinda (Samarinda City). Among these areas, PPU Regency is currently less developed and less attractive than its neighbors⁵ and cannot yet be classified as an established and prosperous region.⁶ The regency covers an area of 3,333.06 km² and is traversed by the equator, which lies at latitude 0°. In terms of administration, the PPU Regency is divided into four *kecamatan* (districts): Babulu, Waru, Penajam, and Sepaku. These districts comprise a total of 24 urban villages and 30 rural villages, including Sepan Village.

¹ Law No. 3 of 2022 concerning the State Capital, Art. 1 (2).

² Prayudi, "Aspek Politik Pemerintahan Dari Rencana Pemindahan Ibukota Negara RI," *Kajian* 25, no. 3 (2020): 179.

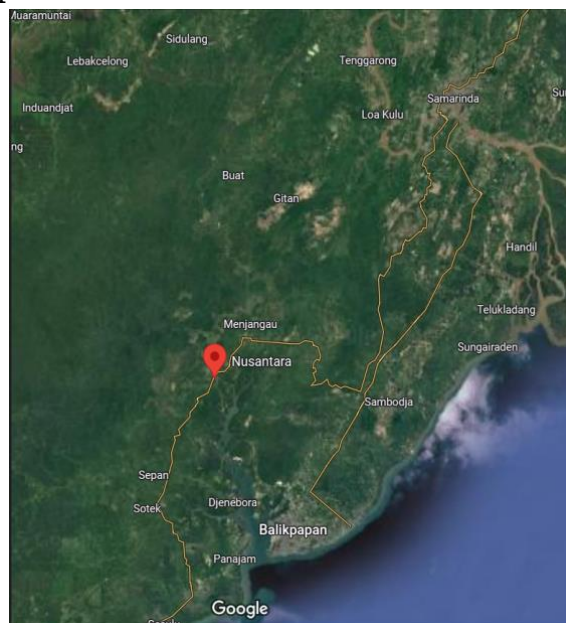
³ Nyimas Latifah Letty Azis, "Relokasi Ibu Kota Negara : Lesson Learned Dari Negara Lain," *Jurnal Kajian Wilaya* 10, no. 2 (2020): 41.

⁴ Alamsyah et.al, "Sociocultural Multiculturalism in New Capital of Indonesia *IKN Nusantara*: Academic and Student Perspectives" *International Journal of Linguistics and Indigenous Culture* 1, no. 1 (2023): 4.

⁵ H.Y Arief Satriyo, *Optimalisasi Peran Daerah Penyangga Dalam Rangka Mempercepat Pembangunan IKN* (LEMHANAS, Jakarta, 2024), 4. <http://lib.lemhannas.go.id/public/media/catalog/0010-092400000000052/swf/7825/038%20-%20Arief%20Satriyo.pdf>

⁶ See Badan Pusat Statistik Kabupaten Penajam Paser Utara, *Indikator Kesejahteraan Rakyat Kabupaten Penajam Paser Utara Tahun 2024*, (Penajam Paser Utara, Kalimantan Timur, 2024): 20

Picture 1. Map of Ibu Kota Nusantara and its Buffer Areas ⁷



Sepan is a village in PPU Regency, covering an area of 109.40 square kilometers.⁸ The village's strategic location is illustrated in Picture 1. Sepan Village is located approximately 30.4 kilometers from the IKN, which can be reached in about 45 minutes by car.⁹ Additionally, it is around 58.3 kilometers from Balikpapan City, home to Sultan Aji Muhammad Sulaiman Sepinggan International Airport, and can be accessed in approximately one and a half hours.¹⁰

Sepan village is known for its unique craftsmanship in rattan. The community produces a wide range of rattan handicrafts, including Tanjung, Ranjit, wallets, skullcaps, serving hoods, bags, vests, chairs, and more.¹¹ These traditional crafts have been passed down through generations, maintaining the skills and knowledge of their ancestors. This heritage of craftsmanship may qualify as Communal Intellectual Property (CIP) under intellectual property (IP) law. The characteristics of CIP include being communally owned, having economic potential, and being inherited from previous generations to be handed down to future generations.¹²

⁷ Google Map. Map of IKN and its Buffer Areas

⁸ Baihaqi Ilham Syah (Ed), 2024, Kecamatan Penajam dalam Angka 2024, BPS Kabupaten Penajam Paser Utara/BPS-Statistics of Penajam Paser Utara Regency, 7.

⁹ Google Map. Direction from Sepan Village to Ibu Kota Nusantara

¹⁰ Google Map. Direction from Sepan Village to Balikpapan City

¹¹ H.Y Arief Satriyo, *loc.cit.*

¹² Erni, a local rattan crafter, stated that her family has lived in Sepan for generations, with approximately three to five generations having lived in the village before Penajam Paser Utara Regency was split. Erni (Rattan Crafter), "Rattan Crafts in Sepan Village," Interview by Emilda Kuspraningrum, Jurniati, and Nadia, Penajam Paser Utara Regency, November 17, 2023.

The rattan handicrafts produced by the Sepan community fall under one of the four categories of Communal Intellectual Property (CIP), specifically Traditional Knowledge (TK).¹³ TK refers to intellectual work in the fields of knowledge and technology embodying elements of traditional heritage. This work is produced, developed, and preserved by specific communities or societies.¹⁴ The community that bears this knowledge is recognized as the rightful owner according to intellectual property law.¹⁵

In Indonesia, Government Regulation No. 56 of 2022 concerning Communal Intellectual Property (Government Regulation 56/2022), mandates both national and regional governments to register CIP. This registration ensures the protection of these communities and their intellectual heritage.¹⁶ Local governments' failure to protect CIP in their regions, as mandated by Government Regulation 56/2022, leads to the misuse of local communities' traditional knowledge by irresponsible parties.¹⁷ Local governments in Indonesia play a crucial role in identifying and recognizing the diverse cultural wealth¹⁸ and traditional knowledge present within their territories. When these resources are acknowledged, properly managed, and adequately protected, they can serve as significant opportunities for economic revitalization within the community.¹⁹ This approach can help address the ongoing economic decline experienced by some members of the Sepan community.²⁰

The rattan industry faced a decline during the COVID-19 pandemic; however, in recent years, it has started to recover through various strategies. These efforts include providing training for craftsmen, upgrading

¹³ The other three are Traditional Cultural Expressions (TCE), Geographical Indications (GI), and Genetic Resources (GR).

¹⁴ Government Regulation No. 56 of 2022 concerning Communal Intellectual Property, Art 1.

¹⁵ See the Convention on Biological Diversity, Art. 8 (j) and Emilda Kuspraningrum et al, "Review: The Conservation of Tengger Indigenous People's Traditional Knowledge of Biological Natural Resource-based Disease Treatments," *Biodiversitas* 21, no. 11 (2020): 5043.

¹⁶ Government Regulation 56/2022, Art.13. .

¹⁷ See Miranda Risang Ayu Palar et.al, "Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation", *Cogent Social Sciences* 9, no. 2 (2023): 3-4.

¹⁸ Zulkifli et.al, "Co-Ownership of Communal Intellectual Property in Perspective Support to Regional Tourism", *Journal of Law and Sustainable Development* 11, no.10 (2023): 4.

¹⁹ Rahma Fitri et.al, "Legal Reform through Strengthening Protection of Communal Intellectual Property in the Enggano Community in Bengkulu Province", *Journal of Law Legal Reform* 4, no. 2 (2023): 276.

²⁰ 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* 13, no.1 (2024): 9.

equipment to enhance rattan quality, establishing craft centers,²¹ and promoting tourism.²² Despite these initiatives, significant changes have not yet occurred, as market trust in rattan production remains low.²³ Building this trust requires a reputation for reliable products, which can only be established through recognition in the form of certification from the Intellectual Property (IP) regime.

Several cases illustrate the vulnerable position of local communities regarding intellectual property rights. These include the unauthorized use of CIP, claims for granting IP rights on behalf of foreign entities, and exploitative industrial activities. Firstly, there is the Turmeric case, in which the US government granted a patent for the use of turmeric in wound healing.²⁴ Secondly, cosmetics company Shiseido engaged in biopiracy by registering 51 patents on medicinal plants and spices sourced from Indonesia.²⁵ Thirdly, the plant species known as cat's claw, native to Peru and containing cancer-fighting substances, was exploited by pharmaceutical companies in other countries.²⁶ Lastly, a patent case involved *Oryza longistaminata*, a wild rice species believed by the Bela tribe in Mali, Africa, to possess cancer-curing properties.²⁷ Unfortunately, neither tangible nor intangible Community Intellectual Property is often recognized as having economic value.²⁸

Several legal issues regarding the CIP system can be identified. Firstly, Indonesia's intellectual property protection regime reflects an individualistic approach, with insufficient recognition of the communal aspects of intellectual property protection. Secondly, the legal instruments for CIP have not been effectively implemented, particularly concerning the obligation of

²¹ Chintya Ones Charli et.al, "Strategi Pemulihan Usaha Kerajinan Rotan di Era Pasca Pandemi Covid-19 Pada Usaha Adit Furniture," *Optimal: Jurnal Ekonomi dan Manajemen* 4, no.3 (2024): 76-81.

²² Desak Putu Dewi Kasih et.al. "Penta-Helix Collaboration: Enhancing the Protection of Communal Intellectual Property in Bali," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 13, no. 2 (2024): 268.

²³ Muhammad Fathul Anwar, et.al. "Dinamika Daya Saing Ekspor Furniture rotan Indonesia ke Negara Tujuan Eropa" *Jurnal Agribisnis Indonesia (Journal of Indonesian Agribusiness)* 8, no 2, (2020): 153

²⁴ Anusree Bhowmick, et.al. "A Brief Review on the Turmeric Patent Case with Its Implications on the Documentation on the Documentation of Traditional Knowledge" *NDC E-BIOS* 1 (2021): 85.

²⁵ Bryan Eduardus Christiano, "Urgency of Sui Generis Protection for Indonesia's Communal Intellectual Property: Stick With Defensive, Shift To Positive, or Hybrid Approach?" *Indonesian Law Journal* 16, no 1. (2023): 30.

²⁶ Ibid. 26.

²⁷ Foxip Law Office, "Kasus Pengetahuan Tradisional dalam Kekayaan Intelektual" Oktober, (2020). <https://www.foxip.co.id/news/detail/kasus-pengetahuan-tradisional-dalam-kekayaan-intelektual>

²⁸ Nan Guo, Edwin Hon Wan Chan, and Esther Hiu Kwan Yung, "Alternative Governance Model for Historical Building Conservation in China: From Property Rights Perspective", *Sustainability* 13, no.1 (2021): 8.

local governments to protect CIP. This is evident in the fact that few local governments have established regulations related to CIP protection.²⁹

The Penta Helix model can support the development of an area by integrating five key elements: government, academia, society, business, and media.³⁰ This approach can be applied to enhance the attractiveness of Sepan Village, particularly through the focus on industry. As an effort to increase the attractiveness of Sepan Village based on craftsmanship, especially rattan, it requires assistance from economics that intensively looks at whether rattan in Sepan Village has been well distributed, and measures whether the production of rattan handicrafts there has reached maximum products and orders. Other efforts to increase the attractiveness of an area can be to improve the industrial sector³¹ and voice the existence of craft by means of the campaign method, which can be in the form of seminars, pamphlets, social networks, posters, and brochures in Indonesia many regions use the bazaar model or exchanges and art exhibitions as a strategy to market, promote the existence of several crafts, where this can be imitated as a strategy to increase the attractiveness of Sepan village.

To enhance the appeal of Sepan Village, particularly through rattan craftsmanship, it is essential to involve economic analysis. This analysis will assess the distribution of rattan in Sepan Village and evaluate whether the production of rattan handicrafts has reached its maximum output and order capacity.³² Additionally, improving the industrial sector can contribute to increasing the area's attractiveness. Promoting the craft can also be achieved through various campaign methods, such as seminars, pamphlets, social media, posters, and brochures. In many regions of Indonesia, strategies like bazaars, exchanges, and art exhibitions are utilized to market and promote local crafts. These approaches could be adapted to enhance the appeal of Sepan Village effectively.³³

²⁹ Yudho Taruno Muryanto, et.al, "The Legal Problems of Traditional Cultural Expressions As Intellectual Property With Communal Ownership", *Jurnal Pembaharuan Hukum* 11, no.1, (2024): 80.

³⁰ Ngesti Dwi Prasetyo, et.al. "The Juridical Framework of the Pentahelix Model in the Preparation of Regional Medium-Term Development Planning," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no 3 (2023): 571.

³¹ Erni Puspanantasari Putri, "Development Strategy of Micro, Small, and Medium Industries Based on Creative Industry Centers in Sidoarjo Regency: A Case Study," *Jurnal Heuristic* 21, no 1 (2023): 94.

³² Hendra Pribadi et.al, "Application the Optimal Value of Ordering Rattan Craft Raw Materials," *Asian Journal of Management Entrepreneurship and Social Science* 3, no. 2 (2023): 700.

³³ Roan P. Alberto, "Effectiveness of Biodiversity Conservation Campaign Materials and Strategies in the Forest Ecosystem of Carranglan, Nueva Ecija, Philippines", *Silliman Journal* 6, no. 2 (2019): 147-148.

The welfare of the local people in Penajam has been mentioned in only a few references.³⁴ This article presents a novel approach by examining opportunities to enhance the attractiveness of PPU Regency through the perspective of CIP in Indonesia. It analyses several strategies aimed at improving the appeal of Sepan Village based on CIP principles to address future challenges, with the goal of positioning PPU Regency on par with three other regions: Kutai Kartanegara Regency, Balikpapan City, and Samarinda City.. It aims to raise awareness about creating strategies that enhance legal protections for traditional knowledge holders, using CIP as a tool to boost the attractiveness of Sepan Village within the context of IKN. This research employs a qualitative approach and utilizes case studies based on Creswell's framework. A qualitative approach is essential for gaining a detailed and comprehensive understanding of a particular problem.³⁵ The case study method focuses on exploring real-life situations, focusing on a specific case through a thorough and in-depth data collection process. This involves gathering information from various sources, such as interviews with local craftsmen and cultural experts conducted in November 2023, along with documentary and audiovisual materials. The study was carried out in Sepan Village, located in the PPU Regency. Interviews were conducted with two local residents who are both craftsmen and cultural experts from the village. Additionally, interviews were also conducted at the Culture and Tourism Office, as well as the Cooperatives, Small, Medium Enterprises, Industry, and Trading Office of the PPU Regency Government.

2. RESULT AND ANALYSIS

2.1 The Potential of Rattan Handicrafts in Sepan Village as A Communal Intellectual Property

PPU Regency is well-known for its tradition of rattan weaving, which is used to create various tools for household purposes as well as for activities such as cultivation and fishing. This craft, derived from the rattan plant, is a form of knowledge passed down through generations rather than being taught in formal education. It represents part of the traditional knowledge of the Sepan villagers.

Rattan grows endemically in Sepan village, where the villagers use two terms to describe the forest: "*hutan kecil*" (small/little forest) and "*hutan tua*" (old forest). The Sepan people refer to the "little forest" as the area surrounding their homes. For generations, the villagers have harvested rattan that grows in the little forest, while rattan found in the old forest is

³⁴ Surya Dwi Saputra, Thomas Gabriel J and Mhd Halkis, "Analisis Strategi Pemindahan Ibu Kota Negara Indonesia Ditinjau Dari Perspektif Ekonomi Pertahanan (Studi Kasus Upaya Pemindahan Ibu Kota Negara dari DKI Jakarta Ke Kutai Kartanegara Dan Penajam Paser Utara)", *Jurnal Ekonomi Pertahanan* 7, no. 2 (2021): 192.

³⁵ *Ibid.*

not used for crafts.³⁶ This distinction reflects a balance between ecological preservation and the economic needs of the community, ensuring the natural environment is maintained while also providing resources for the villagers.

The Sepan community can distinguish between the types of rattan suitable for crafting and those that are not. There are two types of rattan commonly used for crafts: Segah rattan and Liwo rattan. Segah rattan is characterized by its small stem and a yellow or ivory yellow color. This type is ideal for creating household items such as *tudung saji* (a cover used to protect meals on the table), hanging bags, and *selong penias* (a small basket typically used to carry rice seeds before planting). In contrast, Liwo rattan has a larger, more fibrous stem and is usually darker in color, appearing brown or blackish brown. The community primarily uses Liwo rattan to produce larger and more durable items, such as benches, chairs, and other sturdy equipment.³⁷

As previously described in Introduction, the handicrafts of the Sepan people are an integral part of the local wisdom that has been passed down since their ancestors moved to and settled in the Sepan area. Under the IP framework, knowledge that is transmitted to future generations is considered CIP.³⁸ TK encompasses all ideas and concepts within a community that embody local values derived from real experiences in interacting with the environment. This knowledge is continuously developed and passed on to the next generation.³⁹ Traditionally, TK can include a variety of elements, such as:⁴⁰

- a. Traditional methods or processes
- b. Technical skills
- c. Skillsets
- d. Learning practices
- e. Agricultural knowledge
- f. Technical knowledge
- g. Ecological knowledge
- h. Knowledge related to genetic resources

³⁶ Yosi and Erni (Rattan Crafters), "Rattan Crafts in Sepan Village," Interview by Emilda Kuspraningrum, Juniarti, and Nadia, Penajam Paser Utara Regency, November 17, 2023.

³⁷ *Ibid.*

³⁸ Bagus Gede Ari Rama, Dewa Krisna Prasada, and Kadek Julia Mahadewi, "Kekayaan Intelektual Komunal dalam Perspektif UU Hak Cipta," *Jurnal Pemikiran dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* 18, no. 1 (2023): 5.

³⁹ Government Regulation No 56 Year 2022 concerning Communal Intellectual Property (Government Regulation 56/2022), Art. 1 (3).

⁴⁰ *Ibid.*, Art. 8.

- i. Medical knowledge, including traditional medicine and healing practices
- j. Economic systems
- k. Social organization systems
- l. Understanding of behavior in relation to nature and the universe
- m. Other forms of knowledge in accordance with the development of the environment.

Historically, IP rights in Indonesia were introduced in around the 1840s by the Dutch.⁴¹ At that time, Indonesia was part of the Netherlands East Indies and was a member of the Paris Convention for the Protection of Industrial Property, which was established in 1888. Indonesia also became a member of the Berne Convention for the Protection of Literary and Artistic Works in 1914.⁴² Today, the CIP is recognized as a constitutional guarantee. Article 18B of the 1945 Constitution of the Republic of Indonesia states that the Republic of Indonesia recognizes and respects traditional communities and their customary rights as these continue to exist. Additionally, Article 28I (3) of the constitution affirms that the cultural identities and rights of traditional communities shall be respected in accordance with the development of time and civilization.

The IP regime is an essential aspect of trade, as trade relies on the assurance of reputation. Therefore, recognizing IP from marketed products is crucial. The development of the IP regime also includes protections based on community property, as confirmed by the Trade-Related Aspects of Intellectual Property Rights Agreement (commonly referred to as the TRIPS Agreement). Article 71 of the TRIPS Agreement states that there is a connection between the TRIPS Agreement and the Convention on Biological Diversity to safeguard TK and folklore. Additionally, the World Trade Organization (WTO) is responsible for resolving trade disputes that arise when one member country believes another member country is violating an agreement or commitment made within the WTO framework.⁴³ Several notable disputes have occurred among member countries. For example, the European Union brought forward concerns regarding trademark and geographical indication protections for agricultural products and footwear in 2003. In 2015, Australia raised issues regarding geographical indication trademarks and plain packaging requirements applicable to tobacco products. Recently, South Africa initiated a second dispute complaint

⁴¹ Ariel Heryanto, "Decolonising Indonesia, Past and Present", *Asian Studies Review* 42, no. 4 (2018): 611.

⁴² Muhammad Djumhana, *Hak Milik Intelektual Sejarah, Teori dan Praktiknya di Indonesia*. Bandung: PT Citra Aditya Bakti, 2014 1-20.

⁴³ World Trade Organization, "Dispute Settlement", https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm.

against EU citrus measures in 2024, while India and the United States reached a mutually agreed solution in a dispute over agricultural import measures, also in 2024.⁴⁴

The Government Regulation No. 56 of 2022 concerning Communal Intellectual Property (Government Regulation 56/2022) was established to implement Law No 28 of 2004 concerning Copyright. Government Regulation 56/2022 mandates both central and regional governments to record the potential of CIP within their areas, encompasses the following key points:⁴⁵

1. Types of CIP, which include traditional cultural expressions, TK, genetic resources, geographical indications, and potential geographical indications.
2. An inventory of CIP that involves the recording and integration of CIP data.
3. The safeguarding and maintenance of CIP, which is the responsibility of the Minister, heads of non-ministerial government agencies, and Regional Governments.
4. The establishment of a national CIP information system to carry out the inventory of KIK.
5. The utilization of KIK data contained in the Indonesian KIK information system.
6. Funding allocated for the inventory, maintenance, and custody of KIK.

This regulation aims to protect and promote the rich cultural heritage and intellectual resources of Indonesia.

Further, the Minister of Law and Human Rights Regulation No. 13/2017 addresses CIP Data. The regulation emphasizes the importance of identifying traditional community knowledge to use it as data in skill development processes.⁴⁶ This data can serve as a valuable asset for improving the welfare of the community.

CIP refers to intellectual property collectively owned by a group rather than individuals. This characteristic sets it apart from other forms of intellectual property, which typically have exclusive and individual ownership. CIP represents a traditional cultural heritage that must be preserved, as it forms a part of the identity of the group or community it

⁴⁴ *Ibid.*

⁴⁵ Government Regulation 56/2022, Art. 1.

⁴⁶ Minister of Law and Human Rights Regulation No. 13 of 2017 concerning Communal Intellectual Property Data. Art. 7.

belongs to.⁴⁷ CIP consists of traditional cultural expression (TCE), TK, potential of geographical indication (PGI), genetic resource (GR), and indication of origin (IO).

TCE refers to a characteristic in which the focus of CIP is on various tradition-based creations from a cultural community. These creations are expressed through the arts and culture of a group of people, reflecting their identity, culture, and social norms.⁴⁸ The standards and values of TCE are typically transmitted orally, through imitation, and other methods, often taking the form of language, literature, music, dance, games, mythology, rituals, customs, crafts, architecture, and other artistic expressions.⁴⁹

TK refers to the knowledge, innovations, and practices developed by native and local communities worldwide.⁵⁰ It is shaped by their experiences and adapted to their unique cultures and environments. TK is primarily passed down orally from one generation to the next.⁵¹ The World Intellectual Property Organization (WIPO) conceives TK as “knowledge, know-how, skills, and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.”⁵² In Indonesia, TK is recognized as a constitutional right of its people, deserving of protection.⁵³ The scope of TK is broad, encompassing fields such as science, industry, and art.

PGI is a label used for products that are closely linked to a specific region or area.⁵⁴ This designation signifies that the quality, reputation, and characteristics of the product are inherently tied to its geographical origin.⁵⁵

⁴⁷Directorate General of Intellectual Property Ministry of Law and Human Rights RI, *Modul Kekayaan Intelektual Bidang Kekayaan Intelektual Komunal*. Jakarta, 2023, 26.

⁴⁸ Government Regulation 56/2022, Art. 1(2), Art.6

⁴⁹ Ilham Yuli Isdiyanto and Deslaely Putranti, “Eksistensi Masyarakat Hukum Adat Kampung Pitu (Legal Protection of Traditional Cultural Expression and The Existence of Customary Law Society of Kampung Pitu),” *Jurnal Ilmiah Kebijakan Hukum*. 15, no. 2 (2021): 231.

⁵⁰ See Convention on Biological Diversity, Art. 8(j) and Government 56/2022, Art. 8.

⁵¹ Sumarni et.al, “Safeguarding Indigenous Rights and Territories: Integrating Dayak Ngaju Wisdom in Peatland Ecosystem Management”, *Udayana Journal of Law and Culture* 7, no. 2, (2023): 125

⁵² Yue Xu and Yumao Wang, “IP Protection of Traditional Knowledge: A Dilemma Faced by the Chinese Traditional Medicine in Global Competition,” in *Intellectual Property - Global Perspective Advances and Challenges*, ed. Sakthivel Lakshmana Prabu and Appavou Umamaheswari. London: Intech Open, 2023: 67-68.

⁵³ Reh Bungana Beru Perangin-angin, Ramsul Nababan and Parlaungan G. Siahaan, “Perlindungan Pengetahuan Tradisional Sebagai Hak Konstitusional di Indonesia,” *Jurnal Konstitusi* 17, no. 1, (2020): 183.

⁵⁴ Mirna de Lima Medeiros et.al, “Implications of geographical indications: a comprehensive review of papers listed in CAPES’ journal database”, *RAI Revista de Administração e Inovação* 13, no. 4 (2016): 318.

⁵⁵ T. Tavinayati et al, “Perlindungan Terhadap Hak Kekayaan Intelektual Indikasi Geografis Hasil Pertanian Lahan Basah Sebagai Produk Khas Propinsi Kalimantan Selatan,” *Badamai Law Jurnal* 1, no. 1 (2016): 80.

GR is genetic material derived from plants, animals, or microorganisms that containing units that function as carriers of hereditary traits that have real or potential value.⁵⁶ Biodiversity should be protected under the framework of the CIP regime.⁵⁷ This is important because each GR contains a wealth of data that can provide millions of specific insights related to various functions.⁵⁸

IO is a form of intellectual property protection that highlights the distinctiveness of products originating from a specific region. These indications serve to protect signs that denote the geographic origin of goods. The reputation, quality, and characteristics of these products are influenced by various factors, including geographic, environmental, and human elements, or a combination of these factors.⁵⁹

Rattan craft in Sepan Village, located in the PPU Regency, exemplifies TK related to the processing of rattan into various handicrafts that have greater value and utility. Unlike rattan handicrafts found on the island of Java, those produced in PPU Regency are unique and distinct. This regency occupies by native community rooted in the Paser tribe,⁶⁰ whose culture is reflected in their rattan crafts, showcasing a unique style and meaning. Instead of creating patterns such as flowers, leaves, or trees, these artisans often focus on forming compositions of lines that result in abstract designs. The knowledge of rattan crafting has been passed down through generations within the Sepan community, making it an important aspect of local knowledge that continues to be preserved.

The PPU Regency government pays attention on the development of traditional knowledge and traditional cultural expressions.⁶¹ However, the recording of the CIP in the PPU regency has not been properly managed, as evidenced by the lack of information on IP data for the regency in the CIP database of the Ministry of Law and Human Rights of the Republic of Indonesia. Notably, rattan crafts have not been registered as part of the CIP. This is evident from the absence of any CIP registration applications for TK

⁵⁶ Government Regulation 56/2022, Art. 1(4), Art.9

⁵⁷ Rahul Sharma et al, "Biodiversity and Intellectual Property Rights: Conflict or Synergy", *Journal World Intellectual Property* 25, no. 2 (2022): 468.

⁵⁸ Camille Meyer and Kiruben Naicker, "Collective Intellectual Property of Indigenous Peoples and Local Communities: Exploring Power Asymmetries in the Rooibos Geographical Indication and Industry-Wide Benefit-Sharing Agreement", *Research Policy* 52, no. 9 (2023): 5.

⁵⁹ See Law No. 20 of 2020 concerning Trademarks and Geographical Indications, Art. 1 (6) and Government Regulation 56/2022, Art. 11.

⁶⁰ Paser is a native/indigenous tribe who living in the PPU Regency. See Regional Regulation of Penajam Paser Utara Regency No. 2 of 2017 concerning Preservation and Protection of Paser Customs

⁶¹ Regulation of the Regent of Penajam Paser Utara No. 27 of 2020 concerning the Schedule of Substantive Archives Retention in the Regional Government Environment, Art.1(2)(i) and Annex, p. 71.

submitted by the PPU Regency government.⁶² It is unfortunate, especially considering that the PPU Regency government has inaugurated a Rattan Craft Center named “Si Sekar Penyangga IKN,” which is located in Sepan Village.⁶³

In the context of local agency, The Head of the Environmental Compliance and Capacity Improvement Division at the Office for Environmental Affairs PPU Regency carries out the functions of guidance, direction and supervision of the implementation of policy preparation, identification, verification and validation activities as well as determining the recognition of the existence of traditional knowledge.⁶⁴ Still, however, there is an institutional issue regarding CIP registration, stemming from the involvement of two different ministries that have quite similar, but not identical, roles in the process of collecting data on traditional community properties. First, the Ministry of Culture has been assigned the responsibility of data collection to protect, utilize, and develop culture in Indonesia, as outlined in Law No. 5 of 2017 concerning Cultural Advancement (Law 5/2017). Second, the Ministry of Law, through Government Regulation No. 56/2022, is tasked with documenting the CIP, which is closely associated with the cultural heritage of traditional Indonesian society.⁶⁵ Article 3 of Government Regulation No. 56/2022 states that CIP rights are controlled by the state; therefore, it is the state's responsibility to inventory, preserve, and maintain this IP, including by local governments. However, in practice, the authority to conduct inventory, supervision, and maintenance is not recognized as the responsibility of the PPU Regency Government. This indicates a need for a government policy to implement the directives outlined in the Government Regulation No. 56/2022. This issue involves challenges faced by local governments in implementing Law 5/2017 and Government Regulation No. 56/2022 in particular to determine local agency which is the most appropriate to collect data related to communal intellectual property.⁶⁶

⁶² Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan HAM “Kekayaan Intelektual Komunal Indonesia,” <https://kik.dgip.go.id/home>

⁶³ Adminkab, Resmikan Sentra Rotan Kelurahan Sepan, Hamdam: Selain Menjaga Kearifan Lokal, UMKM Di Bidang Kerajinan Rotan Dapat Meningkatkan Nilai Perekonomian. November (2022) <https://penajamkab.go.id/resmikan-sentra-rotan-kelurahan-sepan-hamdami-selain-menjaga-kearifan-lokal-umkm-di-bidang-kerajinan-rotan-dapat-meningkatkan-nilai-perekonomian/>

⁶⁴ Regent Regulation of Penajam Paser Utara No. 8 of 2024 concerning Position, Organizational Structure, Duties and Functions and Working Procedures of Regional Apparatus in the Regional Government Environment, Art. 160 (3) (h)

⁶⁵ See also Minister of Law and Human Rights Regulation No. 13/2017 concerning Communal Intellectual Property Data. Art. 7,8.

⁶⁶ Andi Wati (Head of the Culture and Tourism Office of Penajam Paser Utara Regency), “Efforts to Protect CIP,” Interview by Emilda Kuspraningrum and Lili Triyana, Penajam Paser Utara Regency, November 18, 2023.

Regional regulations encompass not only rules regarding the authority over inventory, data collection, security, and maintenance, but also emphasize the importance of publicizing the skills possessed by the community. Such publication is vital for disseminating information both domestically and internationally through various media channels. Potential forms of publication include historical documentation in the form of books and detailed explanations in presentations.⁶⁷ This aligns with the norms contained in Convention for the Safeguarding of Intangible Cultural Heritage,⁶⁸ a convention in which Indonesia has become a state party.⁶⁹ Given this context, publication is essential for the development of communal intellectual property, not just for the present but also for future generations. However, challenges may arise in implementing this, necessitating a strategic approach to streamline the recording of CIP.

2.2 Local Regulation: Strategies to Increase the Attractiveness of Sepan Village Based on Communal Intellectual Property

Rattan craft is a part of manufacturing industry where an economic activity that perform a process from raw material or semi-raw material either mechanically, chemically or hand-processing into becoming some goods which has higher value. In this case, handicraft which is pursued by Sepan society actually has not been able to be said as big industry. The remaining number of craftsman is still under 100 (a hundred) craftsmen. Therefore it can be classified as micro, small, and medium enterprises (*Usaha Mikro Kecil Menengah/UMKM*).⁷⁰

Rattan crafting is a segment of the manufacturing industry that involves transforming raw or semi-raw materials—either through mechanical, chemical, or hand-processing methods—into goods with higher value. In this context, the handicrafts produced by the Sepan community cannot be classified as a large industry. The number of craftsmen in this area is still under 100, which qualifies it as a Micro, Small, and Medium Enterprise (*Usaha Mikro Kecil Menengah/UMKM*).⁷¹ Data in year 2023

⁶⁷ *Ibid.*

⁶⁸ UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage, Art 2(2)(d), Art. 2(2)(e), and Art 11..

⁶⁹ UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage, <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

⁷⁰ Margono Hadi Sutanto (Head of the Office for Cooperatives, Micro, Small and Medium Enterprises, Industry and Trade Penajam Paser Utara Regency). “Efforts to Protect CIP,” Interview by Emilda Kuspraningrum, November, 16 2023.

⁷¹ See Law No. 20 of 2008 Concerning Micro, Small And Medium Enterprises Art. 98 and Law No. 6 of 2023 concerning Law No. 6 of 2023 concerning Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law., Art.8 (3).

reveal that there are approximately 2,163 micro enterprises in the PPU Regency, with Sepan Village being part of the regency.⁷²

Table 1. The Number of Manufacturing Industry in Penajam Paser Utara Regency⁷³

Year	2018	2019	2020	2021	2022	2023
Manufacturing Industry	1.384	2.376	1.968	2.280	2.245	2.245

Data from the Central Bureau of Statistics indicates that the average manufacturing industry in the PPU Regency has experienced fluctuations over the past five years. The COVID-19 pandemic appears to be a contributing factor to the lack of annual growth in the number of manufacturing industries. However, in both 2022 and 2023, the number of manufacturing industries remained stable at 2,425.⁷⁴

It is reasonable for the government and society of PPU Regency to expect that the development of the new capital city, IKN, will have a positive impact on the economic sector.⁷⁵ In the short term, during the construction phase, there is hope that many members of the PPU community will be involved in the infrastructure projects for IKN. Additionally, fostering interregional trade will accelerate the economy of the capital city and stimulate job creation.⁷⁶ Given these short-term economic plans, the government should also focus on the potential of IP-based manufacturing. This initial step aims to prioritize and involve local artisan communities in the development of the capital city, particularly those engaged in rattan weaving. By doing so, many workers will be employed and will receive various benefits from the economic sector. It is anticipated that the enthusiasm surrounding the development of the capital city will bring positive outcomes, especially in terms of improving community welfare. The development of a region must lead to economic growth, which is essential for enhancing the well-being of society.⁷⁷ Overall, the impact of development on

⁷² Badan Pusat Data statistik Kabupaten Penajam Paser Utara, “Kabupaten Penajam Paser Utara Dalam Angka 2024”, <https://ppukab.bps.go.id/publication/2024/02/28/9249300ea32076a66a38028c/kabupaten-penajam-paser-utara-dalam-angka-2024>

⁷³ Ibid.

⁷⁴ Ibid. p. 215-229.

⁷⁵ The following description refers to One Map, One Planning, One Policy Guidebook, “Nusantara, guidebook for the relocation of the capital city.” <https://www.ikn.go.id/search?q=buku+panduan+one+map+one+planning+one+policy>

⁷⁶ Dahliana Sukmasari, “Konsep Kesejahteraan Masyarakat Dalam Perspektif Al-Qur’an,” *At-Tibyan* 3, no. 1 (2020):7.

⁷⁷ Munajat et.al, *Ekonomi Kreatif, Suatu Konsep Ekonomi Baru* (Purbalingga Jawa Tengah: Eureka Medika Aksara, 2022), 97.

the economic sector can be assessed through its contribution to economic growth.

The attractiveness of a region refers to its ability to draw attention from people. Term ‘attractiveness’ may be understood as “the quality of being very pleasing in appearance or sound” and “the quality of causing interest or making people want to do something.”⁷⁸ An area must possess a distinct specialty or uniqueness that serves as an attraction for individuals or groups, and this is often related to tourism activities.⁷⁹ A tourist attraction encompasses anything that entices visitors to explore a location; it includes interesting and valuable sites worth visiting and experiencing.⁸⁰ Various factors can attract people to a tourist spot, including natural features as well as human-made creations, such as historical, cultural, and religious landmarks.⁸¹

Rattan crafts in Sepan Village of PPU Regency are a reflection of the community's culture and spirit. These crafts are one of the unique attractions of the regency, capable of drawing interest from visitors outside the area. However, their significance has not yet been fully recognized. To elevate the rattan crafts from Sepan Village as a primary attraction, thoughtful strategies are needed. The crafting process also incorporates educational elements at every stage. It begins with human nature, guided by reason and the grace of God, which evolves into desires and the pursuit of life's necessities. This leads to the transformation of rattan plants into tools that facilitate human work.⁸² Ultimately, these skills enhance the welfare of the craftsmen, aligning with their innate capabilities.

The presence of crafts in a region does not automatically lead to improvements in societal welfare. It is essential to establish regional regulations as a strategic approach to enhance the appeal of Sepan Village in PPU Regency. Here are some steps the local government can take to boost the attractiveness of Sepan through rattan handicrafts based on CIP:

1. Assess Rattan Potential: Start by mapping the potential of rattan by gauging public interest in rattan handicrafts in the Sepan area.

⁷⁸ Cambridge Dictionary, “Attractiveness,” <https://dictionary.cambridge.org/dictionary/english/attractiveness>

⁷⁹ Law No. 10 of 2009 concerning Tourism, Art. 6 (Tourism development is carried out based on principle as referred to in Article 2 which realised through the implementation of a tourism development plan tourism development plan with due regard to diversity, uniqueness, and distinctiveness of culture and nature, as well as the human needs for travelling.

⁸⁰I Gusti Bagus Rai, *Pemasaran Pariwisata*. (Yogyakarta: Andi, 2016), 142.

⁸¹ Axel Giovanni Adi Pradana, “*Persepsi Wisatawan terhadap Daya Tarik Kearifan Lokal Wisata Belajar Tanoker Ledokombo jember*” (Jember, Jawa Timur, 2029): 12.

⁸² Diah Imaningrum Susanti, “Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia”, *Media Iuris* 5, no. 3 (2022): 411.

2. Innovate Designs: Develop more modern and contemporary design innovations to attract a wider audience.
3. Utilize Digital Platforms: Implement digital platforms for marketing to reach a broader market.
4. Master Financial Management: Focus on managing finances effectively by reducing production costs and exploring alternative funding sources such as banks or cooperatives.
5. Strategic Marketing: Employ strategic marketing techniques, including bazaar models, exchanges, and art exhibitions, to promote products.
6. Protect IP: For handicraft products that gain a strong reputation and sales, it is crucial to protect intellectual property through the CIP Rights regime at the Directorate General of Intellectual Property in Indonesia. This registration will serve as a protection and guarantee for consumers.

This model aligns with previous research suggesting that intellectual property has a significant impact on enhancing the global market.⁸³ The existence of intellectual property can be evaluated to determine the added value created by a product.⁸⁴

Encouraging the establishment of regulations is essential to achieving the vision and mission of the PPU Regency Government. This involves preserving the local wisdom of the Paser tribe community and ensuring the sustainability of its culture, especially following the establishment of IKN. The goal of creating these regulations is to facilitate the registration of CIP. To this end, the regional government, particularly the Head of the Regency, should prepare a regional regulation for CIP recording. The performance of a governmental organization largely depends on its success or failure in fulfilling its mission.⁸⁵ For comparison, several regional regulations exist that protect CIP while also enhancing regional attractiveness. Examples include the Bali Province Regional Regulation No. 4 of 2020, which focuses on the strengthening and promotion of Balinese culture; ⁸⁶ the Tapin Regional Regulation No. 2 of 2022, concerning the facilitation of intellectual

⁸³ Frenky Desiroto and Hudi Yusuf, "Analisis terhadap Implementasi Perlindungan Hak Kekayaan Intelektual di Pasar Global." *Journal Intelek dan Cendekiawan Nusantara* 1, no 2 (2024): 1222.

⁸⁴ Muhammad Fakhri Ali, Doni Triono, "Literatur Review Penilaian Kekayaan Intelektual: Berdasarkan buku Intellectual Property Karya Gordon Dan Russell," *Jurnal Indonesia RICH* 2, no. 2 (2021): 29.

⁸⁵ Hary Laksito and Dwi Ratmono, "Increasing the Competitiveness of Creative Industries Based on Information Technology and Good Corporate Governance in Central Java" *International Journal of Data and Network Science* 5 (2021): 87.

⁸⁶ Regional Regulation of Bali Province no. 4 of 2020 concerning the Strengthening and Promotion of Balinese Culture, Art.7.

property protection;⁸⁷ and the Southern Bangka Regency Regional Regulation No. 2 of 2022, which addresses the preservation of communal intellectual property.⁸⁸

3. CONCLUSION

The rattan handicrafts of Sepan Village in PPU Regency have the potential to be classified as Cultural Intellectual Property (CIP), particularly Traditional Knowledge (TK). These handicrafts embody intellectual works that incorporate knowledge and technology, while also reflecting traditional heritage characteristics. Therefore, it is essential for the local government to document and inventory these cultural assets. To enhance the appeal of this cultural heritage, the PPU Regency government should implement a strategy that involves inventorying the local culture in accordance with the mandates of Law 5/2017 and Government Regulation 56/2022. This strategy should include identifying which cultural elements are purely traditional and which can be promoted within the creative economy sector, particularly focusing on rattan handicrafts for industrial development. This strategic approach should be formalized in regional regulations to not only accommodate guidelines for the promotion of culture and CIP, but also to streamline the responsibilities of regional government agencies involved in these efforts.

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⁸⁷ Regional Regulation of Tapin Regency no 2 of 2022 concerning the Facilitation of Intellectual Property Protection, Art.5.

⁸⁸ Regional Regulation of Southern Bangka Regency No 2 of 2022 concerning Preservation of Communal Intellectual Property, Art. 2 and Art. 3

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