

## **LEGAL PROTECTION AGAINST BATIK LASEM AS THE CULTURAL ASSETS WHICH HAS THE ECONOMIC VALUE IN CENTRAL JAVA CULTURAL CONSERVATION EFFORTS**

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### **ABSTRACT**

Batik Lasem is one of the creatures of Indonesian Children who are able to survive and grow up well until now. This culture results has a philosophical and economically meaning which significance promising. It needs some proper measures and structured to give the legal protection, including of it that are entrepreneurs and Batik Lasem craftsmen. Registration of ownership of intellectual property rights (IPR) is still a very necessary thing considered, especially on the original motif and development, and the brand. This research discusses: (1) What the types and style of Batik Lasem existing up to now; (2) How is the condition of IPR ownership of Lasem Batik products; (3) How is the legal protection against Batik and entrepreneurs and craftsmen of Batik Tulis Lasem. This research is a qualitative research with socio-legal approach, the method of data collection is done by interviews, observation, literature review and documentation. Test the validity is using the triangulation method. The results showed that (1) Batik Lasem is kind of Batik Tulis and most influential Chinese culture, as well as having two typical patterns are: "Latohan" and "Watu Pecah". Found a minimum there are 21 patterns that evolved until now. (2) The condition of IPR ownership is more brands rights owned approximately 70% of the owner. (3) The government with a variety of policy alignments has made efforts institutions such legal protection; Coaching and mentoring entrepreneurs and craftsmen for ownership of IPR; enter Batik Lasem in the Curriculum Education, establishment center of Batik Lasem and Museum, and venture capital assistance. (4) Batik Lasem preservation Pillar as part of conservation is Entrepreneur, craftsmen, Government and Society.

Keywords: Batik Lasem, Legal Protection, Cultural Conservation

## INTRODUCTION

Indonesia is a country that has ethnic and cultural diversity also wealth in art and literature aspect which the development needs protection of intellectual properties of whose diversity. The fast development in trade and industry aspect requires the increasing protection of the technologies used in the manufacturing process, if then the product is on the market by using a specific brand, so the need to protect the products from various unlawful acts is the need to protect the brand at last.

The most basis law protection from IPR (Intellectual Property Rights) is someone who has created idea or creativity into creating has a natural right for having and controlling what they have made. The role and advantage of law protection especially law protection got from scientific creation, literature, or artistic in case of her/him as the creator of IPR (Intellectual Property Rights) consist of: economic growth developing, technology developing, innovation and creation. Because of Indonesia is getting continuous economic crisis and need alternative way to get out from those situations nowadays, so those advantages need to be maximized.

Creation right defined as executive right for the creators to announce and raise a creation in order to give permission for other party to do the same thing in valid law limitation. (Lindsey,2006:96)). Those executive right such as science, art, and literature aspect rights that can consist of book, computer program, speech, lecture, and others same products also the right related to creation right. Voice record and/ or performer picture for example a dancer or a singer on the stage, is a right related to protected creation right. (Lindsey,2006:6). Batik creation which was the Indonesian creation made conventionally at first, is protected by law in Undang Undang number 28 year 2014 about the form of special creation. Batik art gets protection because it has art value, especially on design creation or pictures also its color composition. The other same art with batik are other traditional arts which are Indonesian wealth in every area such as songket art, kainikat, and other developed art nowadays. (Lindsey,2001:101).

Batik is an art which has high art value and has become the part of Indonesia cultures (especially in Java) for a long time. The past Javanese women made their skill in Batik as a job so in the past the job as Batik creator is an exclusive one for women until found "Batik Cap" which enable men getting into this job.

Conservation terminology is from conservation word as genealogic based on word *con* (together) and *servare* (to keep, to save) which understood as a way to take care ours (to keep, to save what we have), and use whose thing wisely (wise use). This idea was shared by Theodore Roselvet. According to Rijkssen, conservation is a form cultural evolution or cultural change which at past conservation effort was worse than now. While cultural conservation can be defined as effort to keep our culture and use also develop it wisely. There are three main activities in conservation, they are protection, preservation, and wise use.

## RESEARCH METHOD

This research was qualitative research with socio-legal approach, the method for collecting data was did by interview, observation, literature investigation, and documentation. The primer data sources were from institute and government apparatus of Rembang Regency, craftsman, businessman and society. The secondary data were from mass media, documents, also law related to Batik, Batik Lasem, and Conservation.

## RESULT AND DISCUSSION

### **Batik Lasem's Existence and Batik Lasem's Characteristic as Cultural Inheritance**

Lasem is an area located in north sea of Java island, which according to history master is a place that the first Chinese trader landed in Indonesia. Form Lasem then they spread to Kudus, Demak and other locations. The born of Batik Lasem cannot be separated from the history and development of the Chinese people existence in Lasem.

In its development then Lasem's people especially TiongHoa became batik businessman and the result almost all of the batik businessman in Lasem were TiongHoa ethnic. Because of that it was not surprised if the design and coloring of Batik Lasem most influenced by Chinese's culture. The nowadays development in Rembang Regency especially in Lasem, the batik businessman are not only done by TiongHoa ethnic but also are done by Java society.

The one of Batik Lasem's prominent characteristic is the result of Chinese culture combination in Java island. But, Batik Lasem are different from Chinese batik, especially at the coloring aspect which is more refer to the coloring of porcelain things from Ming dynasty such as red, blue, red-blue, and green. Beside that the naming of a sheet Batik Lasem cloth is according to its color not according to the decoration design like other batik naming in Indonesia. Because of that, in Batik Lasem we know Bang-bangan, Kelengan, Bang biru, Bang-biru-ijo. This coloring is the

specific character of batik Cina-lasem which generally the “sogan” color is not exists. Batik Lasem are well known with its red color which is like the blood color and only can be found on batik production in Lasem. The red color of Lasem (abanggetihpithik) was made from the natural coloring produce by mengkudu’s tree root. Because of that, here are so many batik in other location which the red color is made in Lasem are such as Gondologiri from Solo and Batik TigaNegerithat the three color is made in different place, that is sogan color in Solo, red color in Lasem, and blue color in Pekalongan. The first made Batik Lasemand still famous until now is Batik TigaNegeri design.

### Batik TulisLasem Design

Generally, batik design is differentiated into two form, they are geometric design, and non geometric design. Geometric design is the integral form of straight line, triangle, square, trapezoid, parallel line, and diagonal. Geometric design such as ceplok, parang and lereng design. Non geometric design such as semen, lung-lunganbuketan, and special design.

Batik Lasemis a batik tulis art coastal area style which is full color and has multi cultural characteristic (culture diversity). It is caused by the combination of various culture, especially Chinese’s culture and Javanese ‘s culture in Lasem area. By using the monitoring of Batik Lasem, we can know culture exchange result or combination (different culture combination) such as:

1. Culture mixing by design;
2. Culture mixing by color
3. Culture mixing by final product form;

The design or decoration / “isen-isen” of Batik Lasem exist until today devided into 20 design added by special design. They are: (1) SekarEsTeh, (2) BledakKipas, (3) Gunung Ringgit Sisik Trenggiling, (4) Endog Walang, (5) Lereg Parang Sekar Srengrengan, (6) Lerek Kawung Melathi, (7) Sekar Jagad EsTeh, (8) LockcanWatu Pecah, (9) Penutup Pintu, (10) Sekar Jagad Latoh Alge, (11) Lerek Lung Lungan, (12) Latohan Kembang Kambojo Biron, (13) Pasiran, (14) Ceplok Benik Sekar Srengrengan, (15) Gunung Ringgit Bangbiru, (16) Ceplok Piring Sekar Peksi Abang, (17) Sekar Jagad Latoh Biron, (18) Kendoro-Kendiri Ukel, (19) Latohan Abangan, (20) Pring-Pringan Bang Biru. One special design is (21) batik tiga negeri design.

### Ownership IPR Businessman and Batik TulisLasem Craftsman Condition

Based on Lasem district government data and synchronized with Kluster leader data and Batik Lasem Cooperation, there are 30 Batik Lasem craftsman, they are:

#### The Name of Batik TulisRembang Business and Industry Owner

Number	Name of Company	Company Owner	Address
1	PusakaBeruang	Santoso Hartono	Jl. Jatirogo 34 SumbergirangLasem
2	KUDA	Purnomo	JIKedungmulyoGg. IV/1 Lasem
3	Maranatha	Naomi SS	Jl. KarangturiGg. 1/1 Lasem
4	Indah Aneka Warna	Pomo Giwanto	Jl. KarangturiGg. 1/2 Lasem
5	SumberRejeki	Sri Winarti	Los PasarBagarLasem
6	Cempoko Batik Art	Abdul Karim	Ngemplakgg. III/7 Lasem
7	Surya Kencana	Bu Som /Nanik I	JlJatirogo 41 Lasem
8	Hamdananh Batik	Moh.Ma’rum SJ	Jl. SunanBonang No. 152 Lasem
9	Samudra Art	Mujiono	Ds. Karasgede Rto1/RWII Lasem
10	IndustriB.Tulis Motif Lasem	WidjiSoeharto	BabaganGg, IV/7 Lasem
11	BEE’S	Purwati (Katrin)	BabaganGg.V/4 Lasem
12	DampoAwang Batik Art	Ma’shumAhadi	Jl. Sn. Bonang KM.2 Lasem
13	KidangKencana	FaturRokhim	SelopuroTulis
14	Lasem Art	Usman	Dorokandang
15	MelatiMuda	Ramidi	Sumbergirang
16	Talenta Batik	Kiem	Babagan
17	TigaBerlian	Anisah	SelopuroTulis
18	Canting Indah	Susilowati	Karasgede

19	SinarBeruang	Hendra	Sumbergirang
20	Hasta Dana	Winarno	Sendangsari
21	DinazaPermata	Azizah	SelopuroTulis
22	KOESNA	Edi Kartono	Jolotundo
23	GunungBugel Batik Art	Rifa`i	Ds Pohlandak Rt02/01 Pancur
24	KALIMASADA	MbakYanti	Ds. Langkir Rt.02/01 Pancur
25	CANTIK JAYA	Sofie	GemblengmulyoPancur
26	MUTIARA	Rukeni	Gemblengmulyo 03/01 Pancur
27	SekarGading	Sumiati	Gemblengmulyo 02/01 Pancur
28	Pesona Canting	Sugiyem	Ds. Karaskepoh Rt.06/01 Pancur
29	KrisnoAji	Agit Andreas Artha	Ds. Pohlandak Rt.05/02 Pancur
30	Sri Rejeki	Tasminah	Ds. Karaskepoh Rt.06/01 Pancur

From all of those business and industry owner, no one interested in registering Creation Right (Hak Cipta) for their product because most of them only register for their brand product (merek). They prefer to use their product brand because they think that the advantage of registering brand product is more real than Creation Right and also the claim ways is easier if plagiarism happen.

The Industry Trading Department of Rembang Regency data shows that there are 20 company register the brand of their batik modification. Besides that, Rembang Regency Government is not register the original design of Batik Lasem as Rembang people's batik. Based on the writer monitoring, nowadays the revitalization effort of Batik Lasem still on economic value oriented so it is not reach the cultural aspect that should be kept as well as the effort of increasing Batik Lasem marketing.

#### **Law protection done for Batik TulisLasem as Conservation Effort**

In case of Batik Lasem industry, the government is a protector also facilitator for the operation of society's economic activities. There are two government institutes which have important role in developing Batik Lasem. The first institute is Industry and Rembang Regency Cooperation Institute, and the second is Education Institute. Rembang Regency Area Department has given big enough attention to Batik Lasem industry.

Forum Rembuk Klaster Batik Lasem (FRKBL) has tried to facilitated some of Batik Lasem industry empowerment activities, such as participate on marketing promotion in some areas, natural coloring training, etc. According to Batik Lasem Kluster Leader, this is a form of Rembang Regency Government's attention and care as the effort to always develop, protect, and Batik Lasem conservation. Disperindagkop is a close friend for Batik Lasembusinessman and craftsman.

Then DisperindagKop focused their work to the stimulate effort also keep the development harmonization, including industry and trading done by the society and other stakeholder. The supporting program in developing UMKM in Rembang Regency including Batik Lasem for example by

1. Increasing style quality and product design and distribution system program.
2. Trading development and distribution system program.
3. Superior are products marketing facilitating program.
4. Funding effort facilitating program.
5. Business centre and industry center developing program.

Besides those programs, Rembang Disperindagkop also has done starting steps to support industry development effort of Batik Lasem. The first is doing training and developing the Batik Lasem art. This training need to do so that Batik Lasem can follow the marketing taste and period development. The second step is register the superior product to the creation right including Batik Lasem industry. The register was done as society's confession effort for special Batik Lasem creation, also to increase the selling value by its exclusivity. The third step by giving the loan or modality for UMKM sector. This step was done as the effort to help Batik Lasem businessman so that they can develop their business when the Batik Lasem industry getting weaker and many of them close their business. The fourth step is by making superior commodity area development profile, including Batik TulisLasem in it. This effort was done as one of promoting form in Rembang area for the superior commodity.

**a. Rembang Regency Government Effort in Giving Protection of Batik Lasem's Product Right**

Besides the effort to develop Batik Lasem, the effort to protect Batik Lasem also has done by Rembang Regency Government by supporting the registration of some Batik Lasem style produce by Batik Lasem businessman.

The effort to give protection for Batik Lasem conservation sure will be more real if there is a policy in form of region rule which support the implementation of all activities made by Rembang Regency Government for conservation and protect Batik Lasem. But until today, not any planning yet from Rembang Regency Government to make own rule as next process from Undang Undang Hak Cipta to protect Batik Lasem.

**b. Using Batik and Lurik Policy**

Governor rule (Pergub) number 70 year 2010 about official cloth in Central Java province that Civil Nation Staff and region government staff must wear official uniform from batik material or lurik in Central Java Province. Rembang Regency Government (regent) gives instruction by compulsory all of the government person in all aspect must wear cloth/uniform from Batik Lasem material including society if there is an activity held by government. Besides that, Batik Art also becomes one of the curriculum in senior high school centered in Batik Lasem showroom.

**c. Integrated Tourist Resort Village in Lasem and Foundation of Batik Lasem Museum**

It is sure that Rembang Regent will found Batik Lasem museum so that all of the batik activities in Lasem and around can be documented well also to keep Batik Lasem culture.

At the end of 2012 also there is tourist resort village in Lasem district and pancur Rembang Regency make effort to make tourist resort village combining Batik Lasem and food wealth that is "Lontong Tuyuhan". It is founded in Ngropok village Lasem district. The cooperation between Regency and Lasem District Government with BUMN (Nation corporate) also businessman and Batik Lasem craftsman in Rembang Regency.

**d. The Existence of Batik Lasem Cooperation and Batik Lasem Showroom**

On 2010, Batik Lasem Cooperation is exist. this cooperation can gather, coordinate, and manage batik businessman and artist in Lasem District and Pancur District Rembang Regency. Batik Lasem Cooperation is helped by Disperindagkop Rembang Regency found Batik Lasem showroom in Lasem. In that showroom, gathered all of the batik result of cooperation member. Its function is as the center of exhibition and selling also information about Batik Lasem. According to Batik Lasem Kluster Leader his is a form of indifferent from Rembang Regency Government to develop, protect, and Batik Lasem conservation.

**e. Other Batik Lasem Conservation Step**

Besides above things, still there are some conditions and activities related to Batik Tulis Lasem conservation effort such as:

1. The implementation of drawing Batik Lasem design and cloth design also accessories contest or competition by using Batik Lasem material for society and students.
2. The forming of Kelompok Usaha Bersama (KUB) Batik by various exist program such as PNPM program and friendship program with BUMN (BNI, BRI, Perum Peruri, PT. Angkasa Pura, etc)

**CONCLUSION**

Based on those material, it can be conclude that:

1. Batik Lasem is a kind of batik tulis; and Chinese culture is the most influence aspect in Batik Lasem. It has 2 design they are Latohan and watupecah and has minimum 21 developed design until now.
2. Owning IPR condition at least 70% of it already has brand right. But for the creation right, still not found yet including patent right because of practical and economical reason.
3. Government with various institute have done so many effort related to law protection by using some policies, advising and companying of businessman and craftsman for IPR owning; entering Batik Lasem into education curriculum, Batik Lasem center foundation and museum, also modality help.
4. Conservation Pillars of Batik Lasem as a part of conservation is businessman, craftsman, government and also society.

## SUGGESTION

Suggestion can be given are:

1. He government should cooperate with businessman and craftsman to keep on monitoring and identify also support the development of batik tulis lasem design.
2. Government help by the society or society institute must keep on give socialization, consulting and intensive funding to the businessman also craftsman to register their creation in creation right and patent right for their product.
3. Government make and support companying industry to develop batik marketing that is convection and garment industry in lasem and pancur to make the product diversification and marketing be wider.

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