

Intellectual Property Rights (IPR) Protection of Palembang Songket Weaving as Traditional Cultural Heritage in Indonesia

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Abstract: *The Palembang songket woven fabric is one of Indonesia's traditional crafts that holds high historical, cultural, and economic value. It is a cultural heritage with deep historical roots dating back to the era of the Palembang Darussalam Sultanate. Songket fabric is not only a symbol of textile aesthetics but also represents spiritual values and the social structure of the traditional Palembang community. With its distinctive weaving techniques and rich motifs, the philosophical meaning of songket has become an intangible cultural expression passed down through generations. However, in the era of globalization and the expansion of the modern textile industry, songket faces various challenges, including unauthorized commercial exploitation, design counterfeiting, and the degradation of cultural values. This study aims to analyze the legal protection mechanisms through Intellectual Property Rights (IPR) for Palembang songket as traditional cultural heritage. The method used is normative-juridical research, with analysis of national regulations such as Law Number 28 of 2014 on Copyright, Law Number 20 of 2016 on Trademarks and Geographical Indications, and international conventions such as the 2008 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. This study applies an IPR framework with a collective rights and cultural approach, alongside regional regulations like the South Sumatra Provincial Regulation Number 5 of 2015 on the Preservation and Development of Regional Culture. This regulation emphasizes the importance of developing a commodity-based protection system and incorporating customary law to preserve and economically empower local artisan communities. Adequate legal protection will strengthen songket's position as both a cultural identity and a sustainable economic asset. The results of this research recommend an integrative approach between positive law and culturally-based commodity empowerment to establish fair, sustainable, and contextual protection for Palembang songket woven fabric as an inseparable part of Indonesia's cultural identity.*

Keywords: Palembang Songket, Intellectual Property Rights, Intangible Cultural Heritage, Legal Protection, Cultural Identity.

INTRODUCTION

Palembang songket woven fabric is a distinctive form of intangible cultural expression from the people of South Sumatra. As a traditional craft, songket weaving not only holds high aesthetic value but also embodies meaningful historical symbols in every motif of the woven fabric produced. Historically, songket weaving has been present since the era of the Palembang Darussalam Sultanate and continues to thrive today as a cultural heritage passed down through generations.

As an intangible cultural heritage, songket fabric represents not only aesthetic beauty but also spiritual and social symbols that reflect the identity of the indigenous Palembang community. Its philosophical values and weaving techniques make songket a vital representation of local cultural identity. The intricate manufacturing process, involving the

unique technique of weaving gold and silver threads into a silk-threaded base fabric, elevates songket as a symbol of status and a noble legacy passed down through generations.

However, in the era of globalization and the rapid development of information technology, including Artificial Intelligence (AI), new challenges have emerged for songket fabric. One major concern is the widespread commercialization and unauthorized digital reproduction of songket motifs, leading to exploitation by external parties. This has sparked fears over the loss of collective rights to this cultural treasure.

The dual impact of globalization and digital technological advancements poses a serious dilemma for traditional cultural heritage. On one hand, globalization offers opportunities for promoting and marketing local cultural products to national and international markets. On the other, innovations such as AI-generated designs and modern textile printing threaten the originality and continuity of traditional production. Today, songket motifs are frequently copied, digitally modified, and mass-produced by modern textile industries without permission or proper recognition of their traditional owners. Instances of cultural exploitation without adequate legal protection are widespread both domestically and internationally, with traditional motifs often commercially produced by irresponsible parties, causing moral and material losses to the Palembang songket cultural community.

These challenges, especially the unauthorized use of motifs by various parties without a clear legal process, highlight the weakness in the current legal protection system for traditional cultural Intellectual Property, particularly for Palembang songket weaving. This issue is crucial not only for preserving local cultural existence but also for providing economic protection to traditional artisans who serve as cultural custodians.

The government holds both a legal and moral responsibility to safeguard the cultural expressions of indigenous communities through positive legal instruments at both the national and international levels. Indonesia has enacted several regulations such as Law Number 28 of 2014 on Copyright and Law Number 20 of 2016 on Trademarks and Geographical Indications. However, the protection of traditional cultural expressions still faces implementation challenges, particularly concerning collective ownership and customary law.

Therefore, a comprehensive study is needed that not only examines the aspects of positive law but also incorporates sociocultural approaches and principles for protecting indigenous communities. The purpose of this paper is to analyze the legal protection mechanisms through the Intellectual Property Rights (IPR) system for Palembang songket woven fabric and to emphasize the importance of strengthening regulations, involving local communities, and creating synergy between national law and customary norms in preserving the sustainability of Indonesia's traditional cultural heritage. This research uses an integrative approach, combining positive law, local wisdom, and cultural community empowerment to develop a legal protection system that is fair, sustainable, and contextually relevant.

RESEARCH METHODS

This research utilizes a juridical-normative approach, which focuses on the analysis of laws and legal norms applicable at both national and international levels. The objective of this approach is to assess the extent to which existing legal instruments can provide protection for traditional cultural expressions, particularly the Palembang songket woven fabric. The data for this study were collected through library research, which involves reviewing primary and secondary legal sources, including statutory regulations. The primary legal sources examined in this research include :

1. Law Number 28 of 2014 on Copyright
2. Law Number 20 of 2016 on Trademarks

3. Law Number 5 of 2017 on the Advancement of Culture
4. South Sumatra Provincial Regulation Number 5 of 2015 on the Preservation and Development of Regional Culture
5. Palembang City Regulation Number 1 of 2017 on the Preservation and Development of Regional Culture
6. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)
7. WIPO (World Intellectual Property Organization) Guidelines on Intellectual Property and Traditional Cultural Expressions
8. TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) under the framework of WIPO

The secondary sources analyzed in this research include legal literature, scientific journals, academic articles, reports from cultural institutions, and relevant prior research. Data analysis is conducted qualitatively using a descriptive-analytical approach, examining applicable legal norms and theories. The study compares ideal principles of legal development with their practical implementation, particularly in relation to Palembang songket weaving. To support this analysis, several legal theories are applied :

1. Theory of Legal Protection (Philipus M. Hadjon): This theory emphasizes the state's responsibility to protect citizens' rights, particularly in the context of vulnerable traditional communities.
2. Theory of Collective and Communal Rights: Focuses on the rights of indigenous and local communities to collectively own and manage their cultural heritage.
3. Legal Pluralism Theory: Recognizes the coexistence of multiple legal systems state law, customary law, and religious law particularly relevant in protecting cultural expressions within a diverse legal landscape.
4. Theories of Social and Cultural Justice: These theories stress the importance of fairness, equity, and respect for cultural identity in legal protection frameworks.

This theoretical and methodological approach provides a comprehensive understanding of legal protection for traditional intellectual property and underscores the importance of integrating customary law and local community participation within the framework of national law.

RESULTS AND DISCUSSION

Palembang Songket Weaving as an Intangible Cultural Expression and Traditional Cultural Heritage Palembang songket weaving is an intangible cultural expression and a traditional cultural heritage that carries not only aesthetic value but also rich symbolic, spiritual, and historical meanings. The distinctive motifs of songket reflect the social structure, philosophy of life, and local values of the Palembang community. These motifs are transmitted from generation to generation as a form of intangible cultural heritage (heritage). The existence of songket weaving meets the criteria outlined in the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage

1. Passed down through generations: Songket weaving is inherited from one generation to the next, preserving the knowledge, techniques, and meanings associated with it as a living tradition.
2. Continuously produced and creatively reinterpreted: It is not static; songket continues to be woven and adapted in form, motif, and usage in response to changing times while maintaining its traditional essence.

3. Serves to strengthen cultural identity and community continuity: Songket functions as a vital cultural symbol, reinforcing the identity of the Palembang people and supporting the sustainability of their cultural community.
4. Threatened by globalization and industrialization pressures: The spread of mass production, digital motif replication, and commercialization—often without community consent poses a serious threat to the authenticity and survival of traditional songket weaving

Therefore, the recognition of songket fabric as an intangible cultural heritage is not only important from a symbolic standpoint but also crucial in promoting concrete measures for its protection and empowerment.

Challenges in Protecting Songket in the Era of Globalization and the Fourth Industrial Revolution In the current era of globalization and the Fourth Industrial Revolution including the rise of digital technology and Artificial Intelligence (AI) the efforts to preserve and protect Palembang songket face increasingly complex challenges, including:

1. Unauthorized Commercialization: Songket products are frequently imitated or used by the fashion industry without providing economic benefits or proper recognition to the traditional communities and artisans who create them.
2. Motif Counterfeiting: The digital printing or mass industrial reproduction of songket motifs by unauthorized external parties poses a serious threat to the authenticity of the craft and causes losses both material and cultural for local weavers.
3. Incompatibility Between Formal Legal Protection and Traditional Knowledge Systems: Existing legal frameworks often do not align with the communal, hereditary nature of traditional knowledge. This disconnect limits the effectiveness of legal protections for songket as a form of collective cultural heritage.

National Legal Framework for the Protection of Songket Law No. 28 of 2014 on Copyright recognizes traditional cultural expressions as protected objects. However, there are several limitations, including:

1. Protection is declarative and not automatic.
2. Copyright is generally granted to individuals, whereas songket is a communal work.
3. There is a lack of inventory and documentation efforts by local governments.

Law No. 20 of 2016 on Trademarks and Geographical Indications provides an opportunity for songket weaving to be recognized as a regional specialty product. However, the registration process requires awareness and initiative from the community or the institutions representing them. Palembang City Regional Regulation No. 1 of 2017 and South Sumatra Provincial Regulation No. 5 of 2015 demonstrate local commitment to cultural preservation. However, challenges remain, including limited inventory efforts and budget constraints for sustainable protection.

Reference to the International Framework The 2003 UNESCO Convention and WIPO instruments provide important principles such as:

1. Community involvement in the protection process.
2. Documentation and preservation of cultural expressions.
3. Utilization of Intellectual Property (IP) law to collectively protect traditional knowledge.

However, Indonesia has yet to enact specific legislation that governs the protection of collective rights of indigenous communities or traditional cultural expressions in alignment with these conventions

The Need for an Integrative and Contextual Approach given the complex legal status of Palembang songket fabric, an integrative approach is required, encompassing:

1. Synergy between national law, regional cultural laws, and international legal frameworks (WIPO, TRIPS).

2. Recognition and integration of customary law and local norms into the national legal protection system (legal pluralism).
3. An economic-cultural approach to songket, which should be protected both as a cultural product and as a people's economic commodity.
4. Registration through digital technology and artificial intelligence (AI), to document and promote cultural heritage without diminishing its authentic value.

Involving Local Communities in the Preservation and Protection of Songket the preservation of Palembang woven songket fabric cannot rely solely on formal regulations and government intervention. In fact, the primary actors who possess the weaving knowledge, skills, and values inherent to songket are the local artisan communities themselves. Therefore, the community's role must be positioned as the subject, not merely the object, in the protection process. Some strategies to involve local communities include:

1. Encouraging the formation of cooperatives or songket weavers' associations to strengthen their bargaining position both legally and economically.
2. Integrating songket weaving education into local curricula or vocational training to ensure generational continuity.
3. Providing training for artisans on Intellectual Property Law so they understand how to protect their designs and motifs.
4. Promoting collaboration between artisan communities and local young designers to foster innovation without eroding traditional meaning.
5. Through participatory and community empowerment approaches, the preservation of songket becomes more contextual, dignified, and sustainable.

The Role of Digital Technology in the Documentation and Promotion of Songket the advancement of digital technology, including Artificial Intelligence (AI), offers new opportunities for the preservation and protection of cultural expressions such as songket fabric. Several ways to utilize this technology include:

1. Digitizing songket motifs and weaving techniques into digital archives based on commodities, which can be accessed by the public and Intellectual Property (IP) institutions.
2. Implementing blockchain technology to record collective ownership and trace the distribution of authentic songket products.
3. Creating local e-commerce platforms that showcase artisan profiles, the intricate and unique production process, and the cultural philosophy behind the motifs thereby enhancing added value.
4. Artificial Intelligence (AI) can assist in cataloging designs and simplifying the identification of plagiarized or counterfeit motifs circulating in the market. However, the use of technology must remain sensitive to customary values and the moral rights of communities to prevent digital exploitation that diminishes cultural meaning.

CONCLUSION

Palembang songket woven fabric is a traditional cultural heritage that carries not only artistic and aesthetic value but also spiritual, social, and economic significance for indigenous communities in South Sumatra. As an intangible cultural expression, songket holds deep historical value and serves as a collective identity symbol passed down through generations. However, amid globalization, commercialization, and digital technology disruption, songket weaving faces serious challenges including unauthorized exploitation, design counterfeiting, and the marginalization of artisan commodities. National legal instruments such as the

Copyright Law, Trademark Law, and Regional Regulations offer a framework for protection, yet these systems do not fully encompass traditional communal rights and cultural expressions like songket weaving. Through an integrative approach that combines formal legal systems, customary law, and institutional strengthening of community organizations (such as weavers' cooperatives), songket preservation can be sustainably achieved. Ethical use of digital technology and Artificial Intelligence (AI) can also support more effective documentation, promotion, and protection of songket designs. Therefore, songket preservation should be regarded as a multidimensional cultural effort involving legal, social, economic, and technological domains.

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