

## Importance of Communal Intellectual Property Registration as an Effort to Develop A Creative Economy in the Dance Community in Berau Regency

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### Abstract

The preservation and protection of traditional dance as a communal intellectual property (CIP) are essential for the development of the creative economy in Berau Regency, Indonesia. The dance community plays a significant role in sustaining cultural heritage while contributing to the region's economic growth through performances at festivals and events. However, the lack of awareness and legal protection for traditional dances has led to cases of ownership claims by external parties, threatening the authenticity and economic potential of these artistic expressions. This study employs a socio-legal research approach,

incorporating qualitative data from field observations and questionnaires distributed among the dance communities in Berau Regency. Findings indicate that a majority of dance groups lack knowledge of communal intellectual property rights, with 92% of respondents unaware of the registration process. Additionally, 84% have experienced claims on their traditional dances, highlighting the urgency of legal recognition. Registering communal intellectual property provides legal security, enhances economic opportunities, and fosters innovation within the creative industry. It ensures that dance communities benefit from their artistic works through licensing, royalties, and tourism promotion. Moreover, government intervention is necessary to facilitate the registration process, integrate communal intellectual property into regional development plans, and provide education on intellectual property rights. This research underscores the importance of communal intellectual property registration as a strategic tool for cultural preservation and economic empowerment. Strengthening legal frameworks and increasing awareness among dance communities are crucial to safeguarding traditional arts while advancing the creative economy in Berau Regency.

**KEYWORDS** *Communal Intellectual Property, Traditional Dance, Creative Economy*

## I. Introduction

Indonesia is a country with the largest population, with a population of 283, 49 million people, which makes Indonesia ranked fourth with the largest population in the world<sup>1</sup>. Of course there are many differences between each individual, be it differences in ethnicity, taste, language, culture, customs to the beliefs of each individual coloring

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the diversity that exists in Indonesia. This contributes to national identity and as a cultural heritage for generations. One aspect of the arts that has an important role in preserving culture is the dance community in Berau Regency. Berau Regency is one of the regencies in East Kalimantan Province, Indonesia. This district originated from the Sultanate of Berau which was founded around the 14th century.<sup>2</sup> Berau Regency has a variety of arts, one of which is reflected in traditional dance. In addition to being a means of empowering local communities, dance groups in Berau Regency also participate in developing the creative economy through organizing art performances in various cultural festivals and formal events. The creative economy offers an avenue for community empowerment through cultural training and promotion.<sup>3</sup> Therefore, there is a need for legal protection and inventory related to Intellectual Property Rights to develop the creative economy.

Intellectual Property Rights (IPR) are rights that arise in a person or group of people for their creations that are the result of human intellectual thought, such as works in the fields of science, art, and literature.<sup>4</sup> Copyright is an exclusive work of human intellectual origin that arises automatically based on the declarative principle after the creation is expressed in real form so as to produce a work of creativity. According to Article 40 (1) of Law Number 28 of 2014, protected works include books, pamphlets, lectures, lectures, speeches, songs, music with or without text, works of fine art, drama, musical drama, choreography, puppetry and dance. Dance is one of the exclusive works on copyright in art products produced by arts communities to support the development of the creative economy. The creative economy has now become one of

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<sup>1</sup> Fadhlurrahman, Irfan, 2025, *List of Countries with the Most Population in the World January 2025, What Rank is Indonesia?*, Databoks.katadata.co.id. Accessed on January 28, 2025. <https://search.app/kaJMKuZjuEUCb6AP6>

<sup>2</sup> "History of Berau Regency, www.ppid.beraukab.go.id. Accessed on January 28, 2025. <https://search.app/7AfwRqwAF3MNdNL67>

<sup>3</sup> Farina Anna, 2024, *Creative Economy Navigation "Women Innovation Development in Indonesia*, Surabaya: CV. Garuda Mas Sejahtera, p. 11

<sup>4</sup> Wahyuni Willa, 2022, *Intellectual Property Rights and its Legal Basis*, www.hukumonline.com. Accessed on January 28, 2025. <https://search.app/gzvgMYhmPf31pKw29>

the drivers of the economic growth and development sector in Indonesia.<sup>5</sup> As for one of the concepts of the creative economy needs to be maintained in Indonesia, namely copyright on dance artworks.

Copyright in dance artworks is owned by individuals and communes where both have full rights to their work. Based on Article 1 of Government Regulation No. 56 of 2022 Communal Intellectual Property is intellectual property whose ownership is communal and has economic value while upholding the moral, social and cultural values of the nation. Copyright owners have the right to enjoy their creations freely and take legal action on their copyrighted works. This is because copyright has moral rights and economic rights. The dance community is able to create creative works of art that have moral and economic rights, so the dance community is required to register Communal Intellectual Property Rights for dance artworks. Communal Intellectual Property Registration is important as an effort to develop the creative economy of the dance community in Berau Regency. By registering communal intellectual property, the dance community can obtain legal protection and obtain appropriate economic benefits from the use and performance of the artwork. In addition, Communal Intellectual Property also provides other benefits such as, encouraging dance communities to always develop new innovations in performing arts, strengthening the existence of traditional and modern art to produce economic value. Therefore, it is necessary for the awareness of the dance community to register works of art so that they have valuable assets owned by the dance community and the region and become a means of promoting tourism because the works owned by the dance community have a copyright certificate so that it is not easy to be recognized by others. After the copyright registration is carried out, it is then followed by an inventory of communal intellectual property data in accordance with the Regulation of the Minister of Law and Human Rights Number 13 of 2017 concerning Communal Intellectual Property Data. With the development of intellectual property rights in traditional cultural expressions, legal protection is needed so that the importance of a communal intellectual property rights registration in the dance

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<sup>5</sup> Aldy Purnomo Rochmat, 2016, *Creative Economy Pillars of Indonesian Development*, Surabaya: CV. Garuda Mas Sejahtera, Page

community in Berau Regency as one of the creative economic development.

Which was established around the 14th century.<sup>6</sup> Berau Regency has a variety of arts, one of which is reflected in traditional dance. In addition to being a means of empowering local communities, dance groups in Berau Regency also participate in developing the creative economy through organizing art performances at various cultural festivals and formal events. The creative economy offers an avenue for community empowerment through cultural training and promotion.<sup>7</sup> Therefore, there is a need for legal protection and inventory related to Intellectual Property Rights to develop the creative economy.

## II. Methods

This research is conducted with a social legal research approach or non-doctrinal approach. Social legal research method, which analyzes social phenomena with legal implications from a sociological and juridical perspective, focuses on finding facts in the field.<sup>8</sup> The non-doctrinal method using a qualitative approach is a way of analyzing the results of research that produces descriptive data analysis such as data stated by respondents in writing or orally and real behavior, which is studied and studied as a whole.<sup>9</sup> The research location was conducted in Tanjung Redeb, Berau Regency. The data sources obtained are primary data sources with research data collection by the dance community in Berau Regency using a research instrument in the form of a questionnaire containing a series of questions regarding the focus of the research. By using purpose accidental sampling technique and secondary data sources obtained from Law Number 28 of 2014 concerning Copyright, Law Number 24 of 2019 concerning Creative Economy, Government

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<sup>6</sup> "Sejarah Kabupaten Berau," [www.pp.id.beraukab.go.id](http://www.pp.id.beraukab.go.id), n.d., <https://search.app/7AfwRqWAF3MNdNL67>.

<sup>7</sup> Farina Anna, *Navigasi Ekonomi Kreatif "Perempuan Pembangunan Inovasi Di Indonesia"*, 2024.

<sup>8</sup> Muhammad, Muhdar, 2019, *Doctrinal and Non Doctrinal Research: An Applicative Approach in Legal Research*, Samarinda: Mulawarman University Press, Page 41

<sup>9</sup> Djulaeka, Devi, 2019, *Legal Research Methods*, Surabaya: Scopindo Media Pustaka, Page 88

Regulation Number 56 of 2022 concerning Communal Intellectual Property and Permenkumham Number 13 of 2017 concerning Communal Intellectual Property Data.

### III. Result and Discussion

#### 1. *Communal Intellectual Property in Traditional Cultural Expressions of Dance Movements*

Intellectual property rights arise from ideas from each individual that arise automatically which must be implemented into works that have creative value that have value. Intellectual property rights are rights that arise to protect the results of a person's thinking and or creativity that produces a product or process that has a use for humans, the right to enjoy economically the results of an intellectual creativity. <sup>10</sup> Intellectual property rights include objects and have economic value and can be owned as a legal subject.<sup>11</sup> So that intellectual property rights can be used as a company asset if you have registered intellectual property rights, the result of the registration is the issuance of an intellectual property rights certificate. Based on ownership, intellectual property rights are divided into 2 (two), including individual ownership and communal ownership.

Individual ownership of intellectual property rights include industrial property rights (trademark rights, patent rights, trade secret rights, integrated circuit layout design rights, patent rights, plant variety protection rights) and copyright. Copyright is a human intellectual idea that has exclusive rights that are poured into the work of creativity. In copyright unlike other intellectual property, this is because copyright arises automatically and has a declarative principle where the rights arise when the work is first declared (announced). These rights arise without the need for prior registration, although in the legislation regulates the procedures and the process of recording a copyrighted work. While the ownership of communal intellectual property is the wealth that is owned by the common, namely indigenous peoples or certain regional

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<sup>10</sup> Atsar, Abdul, 2018, *Getting Closer to Intellectual Property Law*, Yogyakarta: Deepublish, page 3

<sup>11</sup> Hediati FN, et.al, 2024, *Legal Position On Credit Financing For Creative Economy Actors With Guaranteed Trademark Rights Certificates*, Independent Journal: Lamongan Islamic University, Vol 12 No. 1, Page 1

communities. Communal intellectual property, among others, such as traditional knowledge, geographical indications, genetic resources and traditional cultural expressions.

Traditional cultural expressions are works of intellectual creativity of a particular indigenous group that have economic value. Traditional cultural expressions include one or a combination of forms of expression including verbal textual, music, theater, visual arts and dance, so that the intellectual work on traditional cultural expressions are closely related to copyright because it is one form of creativity that arises automatically. These traditional cultural expressions come from indigenous peoples from generation to generation in the form of words, music and movements that are still traditional. In line with the times, traditional cultural expressions have two options, namely to survive with pure authenticity from hereditary heritage or to adapt to modern changes. Traditional cultural expressions in their economic benefits often occur development, modification or adaptation of old works of art to new creative works which means there is an addition or subtraction of the creation form model, new packaging of its form and changes in form so that its character changes so that it becomes a completely new work of cultural expression but is rooted in previous traditional cultural expressions.<sup>12</sup> Traditional cultural expressions have a development that is formed through the creativity of the creator or custodian of traditional cultural expressions.

Traditional cultural expressions are said to be intellectual property because they contain elements of economic rights and moral rights to be able to preserve the culture of indigenous peoples, which also aims to develop a creative economy in the region. Where legal protection of copyright, especially in advanced communal ownership, has a direct impact on the massive growth of the creative economy by contributing to the economy and the welfare of its people. In reality, public awareness of the importance of legal protection of copyright, especially communal intellectual property on traditional cultural expressions, is still minimal among dance communities in Berau Regency. It is necessary to

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<sup>12</sup> Simatupang, Violetta, 2021, *National Tourism Law Based on Traditional Cultural Expressions Towards a Welfare State*, Bandung: PT Alumni, Page 2

understand the importance of registering communal intellectual property for dance communities for the purpose of creative economic development. In addition to providing knowledge of the importance of registration is also needed for the purpose of inventorying communal intellectual property in dance communities in Berau Regency.

## ***2. The Importance of Communal Intellectual Property Rights Registration in Dance Communities***

The role of Communal Intellectual Property as one of the creative economic development in Berau Regency is the registration of Communal Intellectual Property. KIK registration is also followed by data inventory to ensure legal protection and neatly organized to make it easier for the community to preserve the traditional dance. Communal Intellectual Property not only functions as a tool to protect the copyright of a work of art, but also has a huge impact on the development of a culture-based creative economy if properly inventoried. The impact in the development of the creative economy, among others, is to get protection for the results of creativity by facilitating intellectual property rights by registering and registering the creative economy. Creative economic development is outlined in the Creative Economy Master Plan in the region which is then integrated into regional development planning documents. The Creative Economy Master Plan is implemented systematically. Local governments can prepare the master plan, among others, the principle of creative economic development with sustainable economic goals with a period of 20 years and can be reviewed every 5 years in accordance with Article 25 of Law 24 of 2019 concerning the Creative Economy.

Based on the results of the research, it was found that most dance communities in Berau Regency have not realized the creative economic potential that can be developed from their traditional dance communities. In Indonesia, there are three forms of creative industries, including art products, crafts and fashion. These three forms are the mainstay and excite Indonesian tourism to attract foreign tourists.<sup>13</sup> In

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<sup>13</sup> Bagus Arjana, I Gusti 2016, *Geography of Tourism and Creative Economy*, Jakarta: Rajawali Pers PT. Raja Grafindo Persada, Page 241

several interviews conducted, most dance communities still consider that traditional dance is only a form of cultural expression that is passed down from generation to generation, without seeing the potential for commercialization that can help improve the welfare of the dance community. One of the goals of the creative economy in creating dance creativity can create a globally competitive creative economy ecosystem. Where the artists in the dance community are one of the nine ecosystems in the creative economy industry.

In other regions in Indonesia, dance has become part of the creative economy industry ecosystem that can provide financial benefits to its community. For example, in several other regions in Indonesia, traditional dances that have received Communal Intellectual Property protection can be utilized for the benefit of the tourism and entertainment industry. Where dance communities can collaborate with local governments and the private sector to perform their dances in cultural events, tourism festivals, and dance education tour packages for foreign tourists.<sup>14</sup>

With legal protection, dance communities can have more control over dances that are performed and utilized economically. If a dance has been registered and inventoried in the Communal Intellectual Property data, then the dance community has the right to establish arrangements regarding the use of the dance by other parties, including in licensing the rights to the performance to third parties who want to use the dance in film productions, theater performances, or other official events. The form of license is a form of economic rights to performers in accordance with Article 23 of Law Number 28 of 2014 concerning copyright. With this license mechanism, the dance community can receive royalties or financial compensation from the use of the dance, so that the creative economy in Berau Regency can develop better. Royalties are compensation for the utilization of the economic rights of a creation or related rights product received by the creator or owner of the related

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<sup>14</sup> Togatorop, S., & Kuncara, S. D, 2022, *Intellectual Property Rights (IPR) as a Support for Creative Economy for Business Actors in Bontang Kuala Village*. Ruhui Rahayu, 1(2).

rights.<sup>15</sup> One of the related rights is the performer in the dance festival. As for other benefits, dance communities can more easily gain access to funding and investment from the private sector and government, both in the form of art grants, educational scholarships or trainings related to cultural preservation, as well as other creative economic development programs. This can open up opportunities for dance communities to build more professional dance studios, conduct dance training for the younger generation, and improve their performance standards to make them more attractive to tourists and cultural investors.

Communal Intellectual Property is not just a tool for legal protection, but can also be a key strategy in advancing Berau's culture-based creative economy. If dance communities can understand and optimally utilize Communal Intellectual Property, then traditional dance will not only survive as a cultural heritage, but can also become a new source of income and economic opportunities for local communities.

**Tabel 4. Dance Claims Case Data**

<b>Have experienced claims by other parties</b>	<b>Never experienced a claim</b>
<b>21 respondents (84%)</b>	<b>4 respondents (16%)</b>

Dance Ownership Status in Berau Regency Dance Communities shows that most of the dances in dance communities in Berau Regency have communal ownership status. Of the 25 respondents who participated, 23 people (92%) stated that the dances they performed belonged to a certain community, group, or group. Meanwhile, only 2 respondents (8%) stated that the dances performed belonged to certain individuals. By looking at these percentages, it will make it easier for local governments to register ownership of communal dances. This ownership

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<sup>15</sup> F.N Hediati, 2021, *The Implementation Of Legal Protection And Law Enforcement On Royalty Management Of Government Regulation Number 56 Of 2021*, Journal Of Private and Commercial Law, Vol 5 (2), Page 100

status has very important implications in the aspect of Communal Intellectual Property (KIK). Communal dance is part of a collective cultural heritage that has been passed down from generation to generation in a particular community. However, on the other hand, the nature of this communal ownership can also be a challenge in legal protection, because in addition to registration, there is also an inventory on communal intellectual property data. Where the process of both is carried out by the Regional Government that produces the dance creativity work, so that no one individual or entity can exclusively claim rights to the dance.

In the context of IPR, dance art that is not clearly registered can be at risk of being claimed by other parties, both individuals and organizations that see the economic potential of the dance.<sup>16</sup> One example of a case that has occurred in Indonesia is when a traditional dance of a region was claimed by another group without any recognition of the original community. Without an official record, the community that has maintained and developed the dance will lose the moral and economic rights to the dance. Based on data with several members of the dance community, it is stated that there has been no concrete effort from the dance community in Berau Regency to register and record communal intellectual property data on dance creativity. Based on Article 7 of Permenkumham Number 13 of 2017, communal intellectual property data must be inventoried by the local government. The local government of Berau Regency works together to embrace the entire dance community to facilitate access to information that may be needed in the registration and inventory process. The Inventory process is carried out to facilitate administrative completeness, field/feasibility studies, proposing the determination of inventory results and exchanging data from the dance community. There are some dance communities that feel that there is no urgency in the registration and inventory of Communal Intellectual Property because the dance art performed is part of the culture that is passed down from generation to generation and does not

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<sup>16</sup> Amelia Anggriany Siswoyo, 2024, *Utilization of Communal Intellectual Property (KIK) for Creative Economy Development*. Lex Lectio: Journal of Legal Studies, 03(01), 28

require special legal protection. However, with the increasing attention to creative industries and cultural arts, as well as the possibility of economic exploitation by outsiders, the registration of Communal Intellectual Property is becoming increasingly important.<sup>17</sup>

**Tabel 1. Data on Dance Ownership Status**

<p><b>Communal (Group/community/group owned)</b></p>	<p><b>Personal (Individually owned)</b></p>
<p><b>23 respondents (92%)</b></p>	<p><b>2 respondents (8%)</b></p>

### ***3. The Dance Community's Understanding of Communal Intellectual Property***

Looking directly at the factual conditions in the dance community in Berau Regency, there is an understanding of the Dance Community towards Communal Intellectual Property, namely out of 25 respondents, 13 people (52%) stated that they had received education or literacy regarding the registration and inventory of Communal Intellectual Property records from the Berau Regency Regional Government or from the East Kalimantan Provincial Office of Law and Human Rights. Meanwhile, 12 respondents (48%) stated that they had never received information about Communal Intellectual Property at all. The results of these respondents indicate that almost half of the dance communities in Berau Regency still do not understand the importance of registration and inventory of Communal Intellectual Property records. This ignorance can be caused by several factors, such as the lack of socialization from the local government, lack of access to legal information, and low awareness of the importance of legal protection in

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<sup>17</sup> Ferawati, “Warisan Budaya Tak Benda Dan Hak Kekayaan Intelektual (Komunal),” Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, 2022, <https://kebudayaan.kemdikbud.go.id/bpnbsubar/warisan-budaya-tak-benda-dan-hak-kekayaan-intelektual-komunal/>.

cultural arts. In some discussions in the interviews, it was found that many dance communities assume that the registration and inventory of Communal Intellectual Property is only required for modern individual works of art, not for traditional dances that have been passed down from indigenous peoples for generations. Based on Article 3 of Government Regulation No. 56 of 2022 concerning Communal Intellectual Property where the rights to KIK are held by the State, so that the State has an obligation to maintain and select the Communal Intellectual Property by conducting an inventory.

The inventory obligation can be carried out by the Minister / non-ministerial Government agencies and Regional Governments. In this case, the Regional Government is required to play an active role in conducting socialization and information related to the communal intellectual property. In reality, many traditional dances are eventually claimed by other individuals or groups due to the absence of official registration or inventory records from the dance community. In the research, it was found that a real case faced by the dance community was when a traditional dance was adapted by another group without permission, then performed in a big event without mentioning the creator of the dance. Cases like this cause injustice to the community that creates and maintains the dance, because the dance community will lose recognition of their own dance creativity.

#### ***4. Identification of Barriers and Problems Faced by Dance Communities***

The obstacles and problems that exist in this research are obstacles in Communal Intellectual Property Registration. One of the main obstacles faced by dance communities in the effort to register Communal Intellectual Property is the lack of information regarding registration procedures. Out of 25 respondents, 23 people (92%) stated that they did not have enough information on how to register their dances as Communal Intellectual Property. Meanwhile, 2 respondents (8%) stated that the dance community did not know where to start in carrying out the registration process.

#### **Table 2. Communal IPR Understanding Data**

Have received education/literacy	Not yet educated/literate
13 respondents (52%)	12 respondents (48%)

This lack of information reflects the lack of socialization conducted by the local government. Many dance communities feel that they do not have sufficient resources to understand and carry out the Intellectual Property registration procedure. In addition, some communities also mentioned that they are worried about the costs that may be involved in the process of registering and recording Communal Intellectual Property. This ignorance becomes a very serious obstacle, because without clear registration and recording of communal intellectual property data, dance communities will lose control over their own cultural works. Therefore, there needs to be concrete steps from the local government and the East Kalimantan Provincial Office of Law and Human Rights to provide education and assistance for art communities in understanding and carrying out Communal Intellectual Property registration procedures.<sup>18</sup> Based on Government Regulation No. 56 of 2022 Article 12 concerning Communal Intellectual Property in conducting inventory can be done through recording and integration of communal intellectual property. In the process of recording communal intellectual property is carried out by the Regional Government. It can be done electronically through a local government database that is integrated with the Indonesian Communal Intellectual Property information system.

**Tabel 3. Data on Communal IPR Registration Constraints**

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<sup>18</sup> DJKI, 2019, *Intellectual Property Module on Communal Intellectual Property*. Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia.

<b>Lack of information on registration procedures</b>	<b>Don't know where to start</b>
<b>23 respondents (92%)</b>	<b>2 respondents (8%)</b>

There are various kinds of benefits that will be obtained from the registration of Communal Intellectual Property, there are still many people who play a role in dance but have not registered Intellectual Property. This is due to the community's assumption that the registration of Communal Intellectual Property goes through a long procedure and will take a long time. Then the community does not know that the communal intellectual property registration process needs assistance from the local government, because ownership will be owned communally by the dance community, indigenous peoples in the area so that it can be used as a regional asset to develop the creative economy. The creative economy itself is a realization of the added value of intellectual property sourced from human creativity, one of which is based on cultural heritage that produces traditional cultural expressions. There are at least four aspects of the potential of creative people in Indonesia, including creativity and the ability to process cultural arts into creative products or services that can be universally enjoyed at the local and global levels, secondly, design skills that are qualified and able to compete at the global level so that the uniqueness of the design of Indonesian creative people becomes distinctive because of the uniqueness of the culture inherent in creative actors, thirdly, the development of the ability to master science and technology, fourthly, the ability to communicate through creative media with digital media.<sup>19</sup> The most important requirement for the recording of traditional cultural expressions contained in Article 16 of Government Regulation No. 56 of 2022 concerning Communal Intellectual Property in addition to administrative requirements that must be met is the existence of a written

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<sup>19</sup> Hakim Lukmanul Alif et.al, 2023, *Creative Economy From Ideas to Money*, Indramayu: CV. Adanu Abimanta, Page 166

statement from the dance community containing support for protection, preservation, development and utilization efforts signed by the local government. Then a statement of approval is needed by each dance community for the dance work.

The communities assume that Communal Intellectual Property registration is only for large dance communities, so new dance communities do not need to register their work. The dance communities admit that such views are present due to the lack of socialization with accurate information, especially regarding Communal Intellectual Property in Dance. The sense of helping, such as giving dance movements owned by a dance community to other dance communities voluntarily, also contributes to the reason why a dance community feels no need to register Communal Intellectual Property for their work. If the dance community in Berau Regency still does not register their Intellectual Property Rights, this will open up opportunities for misuse of dance artworks because there is no legal protection for these artworks. This will result in both material and formal losses for the dance community.

### ***5. Challenges and Solutions for Communal Intellectual Property Protection***

Based on the results of the research that has been conducted, it can be concluded that the lack of education on Communal Intellectual Property, the lack of efforts to register and inventory from the art community with the Regional Government, the lack of knowledge or education on the inventory of dance art and the high number of dance claims by parties outside the dance community or outside the Berau Regency area. These are the three main challenges faced by dance communities in Berau Regency. Therefore, there needs to be concrete solutions that can be implemented by the art community and local government to ensure that traditional dance in Berau Regency is maintained and protected from exploitation by other parties. One of the first steps that can be taken is to increase socialization and literacy regarding Communal Intellectual Property for dance communities.

Based on research data, 48% of dance communities in Berau still do not understand the importance of Communal IPR registration. This lack of understanding makes dance communities vulnerable to cultural theft and loss of rights to the artistic heritage they have developed over the years. Therefore, the local government needs to organize educational training on intellectual property rights and discussions involving the dance community with the local government, academics in the field of intellectual property law, and representatives from the Directorate General of Intellectual Property (DJKI) so that the art community can understand the IPR registration procedure and the legal benefits that can be obtained from the registration. In addition to increasing literacy, local governments need to form a special team responsible for assisting art communities in the Communal Intellectual Property registration process.

As revealed by the respondents, many dance communities do not know how to start the registration process. Therefore, with a legal team that can assist dance communities in taking care of documentation, registration, and legalization of their intellectual property rights, the administrative obstacles that have been an obstacle can be minimized.<sup>20</sup> There needs to be activeness from the local government to the art community to register dances as Communal Intellectual Property. Based on the findings during the interview, one of the biggest obstacles for the dance community in registering IPR is the limited information and basic knowledge about copyright, especially communal intellectual property. Therefore, local governments can provide grants or special assistance if they want to register traditional dance artworks so that the registration process can run more easily. The government actively participates to provide literacy or knowledge related to dance creativity as a form of traditional cultural expression. where in addition to the form of dance creativity works are registered must also be inventoried by the local government of Berau Regency.

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<sup>20</sup> Muzon, M. M. A., & Yuliantari, I. G. A. E, 2023, *Intellectual Property Rights Education to MSME Actors in Undisan Village*, JIHAD: Journal of Legal and Administrative Sciences, 5(2), 53. <http://dx.doi.org/10.58258/jihad.v3i1.5614>.

Local governments can also utilize digital technology as a tool to facilitate the recording of Inventory and promotion of traditional dance arts. In today's digital era, *online platforms* can be used to archive traditional dances in the form of videos, written descriptions, and other documentation. With a clear digital archive, the dance community will have strong evidence that a dance indeed comes from the community of origin, so as to prevent unauthorized claims by outsiders. Another very important finding in this study is the high number of cases of dance claims by other parties. Of the 25 respondents, 21 people (84%) stated that the dances they performed had been claimed by other individuals or groups. Only 4 respondents (16%) stated that they had never experienced claims against their dances. These claim cases show that the issue of dance ownership is not just an academic issue, but has become a real problem faced by art communities in Berau Regency. Some dance communities stated that they have seen other communities perform their dances with slight modifications and claim them as their own original works.

**Tabel 4. Dance Claims Data Case**

<b>Have experienced a claim by another party</b>	<b>Never experience a claim</b>
<b>21 respondents (84%)</b>	<b>4 respondents (16%)</b>

## IV. Conclusion

Traditional cultural expressions that produce creative works include dance. The dance is a traditional heritage from generation to generation. The names of dances in Berau Regency include jepen dance, rudat dance, kuru semangat dance, and creation dance. The dance performers are represented by 3 (three) different dance communities in Berau Regency. In the research, there are factual conditions found. Among other things, the artists in some communities do not understand the potential they have for the development of the creative economy, do not understand the importance of registering their dances so that there

are still many who imitate dance movements owned by outside the dance community either inside or outside the city of Berau. There are still many who use dance movements from dance communities without permission at performance festivals. The role of the performer is considered important to obtain economic rights from the copyright of each dance community.

The Regional Government of Berau Regency must play an active role by educating dance communities about communal intellectual property, due to the lack of registration and inventory efforts by the Regional Government. The Regional Government of Berau Regency needs to create a special team for the registration of communal intellectual property to make it easier for dance communities to provide knowledge and understanding, assist, register and inventory data carried out by recording and integrating communal intellectual property databases. In this era of digitalization, it can take advantage of online platforms for recording communal intellectual property data to the stage of promoting the dance art. so that it can develop the tourism industry and creative economy.

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