

Type: **Research Article**

Registration of Copyright as Guarantee of Batik Motif Legal Protection (Comparation Study of Indonesia, Malaysia and Thailand)

Agustina Balik¹, Yosia Hetharie²✉, Novyta Uktolseja³, Putri Anggia⁴,
Revivo Tulaseket⁵

^{1,2,3} Faculty of Law, Universitas Pattimura, Ambon, Indonesia

⁴ Faculty of Law, Universitat Autònoma de Barcelona, Barcelona, Spain

⁵ Faculty of Law, University of New South Wales, Sydney, Australia

✉ josephushetharie@gmail.com

ABSTRACT

This study aims to identify and analyze the legal protection of Kei batik motifs through copyright registration and the role of local governments in providing legal protection for these Kei batik motifs. This research is a sociolegal research, which is a combination research method between doctrinal legal research methods and empirical legal research methods. Based on the results of the research, Camelia Batik Kei's business raised batik motifs based on the philosophical customs and culture of the people of the Kei Islands. In the aspect of intellectual property rights, Batik Kei has not been touched at all either through the awareness of the business actors themselves or the local government. Even though the Kei Batik motif with the traditional and cultural characteristics of the Kei people is very promising from the aspect of business development, that's why legal protection through registration of intellectual property rights in the field of



copyright is very important. The Government of Indonesia, should also play an important role in terms of contributing through mentoring and empowering businesses of this kind which of course do not only provide economic and moral benefits to creators but also to the region and the people of Kei. When compared to neighboring countries such as Malaysia and Thailand which also have works of art in the form of batik, Indonesia has a variety of batik motifs with different styles between regions. Therefore, good legal protection is needed so that it is not claimed by other parties or even other countries.

Keywords: Legal Protection, Copyright, Batik Motif

INTRODUCTION

Batik art is the art of drawing on cloth for clothing which became one of the family cultures of the ancient Indonesian kings. Over time, this batik art was imitated by the people closest to him and subsequently expanded into the work of women in their households to fill their spare time. The white cloth used at that time was self-woven. While the coloring materials used consist of native Indonesian plants which are made by themselves, including: noni tree, tall, soja, indigo, and the soda material is made from soda ash, and the salt is made from mud.¹

¹ Wulandari, Ari. *Batik Nusantara: Makna filosofis, Cara Pembuatan, dan Industri Batik*. (Yogyakarta: Penerbit Andi, 2022). See also Trixie, Alicia Amaris. "Filosofi Motif Batik Sebagai Identitas Bangsa Indonesia." *Folio* 1, No. 1 (2020): 1-9; Syed Shaharuddin, Sharifah Imihezri, et al. "A review on the Malaysian and Indonesian batik production, challenges, and innovations in the 21st century." *SAGE Open* 11, No. 3 (2021): 21582440211040128. It is also further explained that Batik art is indeed a traditional Indonesian art form that involves drawing on cloth for clothing and other decorative purposes. It has a rich history and cultural significance in Indonesia. The word "batik" is derived from the Javanese word "amba," meaning "to write," and the Indonesian word "titik," meaning "dot." The origins of batik in Indonesia can be traced back thousands of years. It is believed to have been practiced since the 6th century in Java, and it later

The tradition of batik was originally a hereditary tradition, so sometimes a motif can be recognized as coming from a certain family batik. Some batik motifs can show a person's status and have a symbolic meaning and full of spiritual value.

Batik from the cultural aspect is a high-level art. Batik is not just a cloth written using wax (liquid wax). The patterns (motifs) in batik have a philosophy that is very close to the culture of every society. Batik is the pride of the Indonesian people, an identity that has been inherited for hundreds of years. The art of batik can be done by several people who join an association but can also be done by individuals. This individual batik business emerged because of the birth of various Micro, Small and Medium Enterprises (MSMEs) which are growing at this time. One area where there are MSMEs actors who produce batik that has regional philosophical values is in Tual City, Maluku Province.

The business that was founded under the name Camellia Batik Kei since 2017 has around 10-15 motifs. These motifs have philosophical values that are regionally meaningful, especially the values of life that exist in the Maluku people, especially the Kei people. These motifs include the embal motif, the lela motif, the complete kei motif, the gong motif, the small lela motif, the lat motif, the combination embal lat motif, the embal leaf motif, the beach motif and the Tanimbar Kei carving motif.

spread to other parts of the Indonesian archipelago. Batik was initially reserved for royalty and the nobility, and it became one of the family cultures of the ancient Indonesian kings. Batik designs often incorporate motifs inspired by nature, mythology, and cultural symbols. Different regions in Indonesia have their own distinct styles and patterns, reflecting the local traditions and influences. Some well-known styles include Javanese batik, Balinese batik, and Sumatran batik, each with its own unique characteristics. *See also* Mamp, Michael. "Ethel Wallace: A Forgotten History of Batik and Fashion." *The Journal of Modern Craft* 14, No. 3 (2021): 253-273; Selamat, Juhri. "Indonesian batik translation: A case study." *The International Journal of Visual Design* 12, No. 3 (2018): 11-17.

The business of Camelia Batik Kei is still in a small scale so that production is carried out at other batik companies outside Tual City, namely in Java. For the market itself, most of it is still in Tual City. However, there are some customers outside Tual City who also buy the batik. In addition, through collaboration with the local government of Tual City and Southeast Maluku, this batik is also marketed at bazaar stands outside Tual City as one of the products originating from Kei.

The batik motif Camellia Batik Kei is interesting for research from the aspect of legal protection of Intellectual Property Rights (IPR). Because from the aspect of intellectual property rights, the Camellia Batik Kei batik motif has not received IPR legal protection at all through Copyright. According to W.R. Cornish, IPR protects the use of ideas and information that have commercial or economic value.² Furthermore, Ismail Saleh emphasized that Intellectual Property Rights can be translated as intellectual property rights, concerning copyrights and industrial property rights.³ Intellectual Property Rights (IPR) are economic rights granted by law to a creator or inventor for a work of human intellectual ability.⁴

The Camelia Batik Kei motif is designed with the aim of embracing business opportunities while infusing philosophical

² Etty Susilowati, *Kontrak Alih Teknologi Pada Industri Manufaktur* (Yogyakarta: Genta Press, 2007).

³ Ismail Saleh, *Hukum dan Ekonomi* (Jakarta: Gramedia Pustaka Utama).

⁴ Cornish, William Rodolph. *Intellectual Property: Omnipresent, Distracting, Irrelevant?*. (Oxford: Clarendon Law Lectures, 2004); See also Cornish, William Rodolph, David Vaver, and Lionel Bently, eds. *Intellectual Property in the New Millennium: Essays in Honour of William R. Cornish*. (Cambridge: Cambridge University Press, 2004); Khoirul Hidayah, *Hukum HKI (Hak Kekayaan Intelektual) di Indonesia: Kajian Undang-Undang dan Integrasi Islam* (Malang: Setara Press, 2013); Nissa, Khoirun. "Protection of Industrial Design Law in the Enhancement of Economic Development in Indonesia." *Journal of Private and Commercial Law* 3, No. 2 (2019): 76-81. <https://doi.org/10.15294/jpcl.v3i2.19774>; Raharjo, Riko, M. Khoidin, & Ermanto Fahamsyah. "Perlindungan Hukum terhadap Pencipta atas Pencatatan Suatu Ciptaan yang Sama." *Lentera Hukum* 5, No. 3 (2018): 437-456.

values, thus creating batik motifs that possess both commercial and economic value. In the context of the IPR, the batik motif Camelia Batik Kei can be categorized as a copyright that can get legal protection under Law Number 28 of 2014 concerning Copyright (hereinafter as Indonesian Copyrights Law). Indonesian Copyright Law grants exclusive rights to creators, which are automatically established based on declarative principles once a work is expressed in a tangible form, subject to certain limitations as prescribed by legislation.

Copyright is a crucial component of intellectual property that encompasses a wide range of protected works, spanning science, art, literature, and even computer programs. Under Law No. 28 of 2014, copyright protection is granted automatically upon the realization of a tangible expression, without the need for registration (declarative). It is important to note that registering works in the General Register of Works does not imply an endorsement of the content, meaning, intent, or form of the registered works.

In the further context, legal protection for the copyright of traditional batik motifs owned by individuals also needs to get legal protection so that in the future, the batik motifs owned are not taken or "*stolen*" by irresponsible parties. In this study, the type of research used is sociolegal research,⁵ which combine between doctrinal methods and empirical methods⁶ to identify copyright registration as

⁵ Sulistyowati Irianto, "Praktik Penelitian Hukum Perspektif Sosiolegal" In Sulistyowati Irianto and Shidarta, *Metode Penelitian Hukum: Konstelasi dan Refleksi*. (Jakarta: Yayasan Obor Indonesia, 2009).

⁶ Sociolegal research refers to the interdisciplinary study of the interaction between society and law. It involves examining the social, political, economic, and cultural factors that influence legal systems and the impact of laws on society. Sociolegal researchers explore how laws are created, implemented, and enforced, and how they shape social norms, behaviors, and power dynamics. Sociolegal research draws on theories and methodologies from sociology, law, political science, anthropology, and other social sciences. It typically involves qualitative research methods such as interviews, ethnographic observations, and document analysis, as well as quantitative methods like

a guarantee of legal protection for Tual batik motifs. The types of data in this research are primary data and secondary data. The data collection techniques used were literature study and interview techniques which were studied and analyzed in depth in order to obtain a complete and in-depth conclusion in an analytical descriptive manner.

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE OWNER OF THE CAMELIA BATIK KEI MOTIF & PARTNERS

Business Profile of Camelia Batik Kei

Batik is one of the typical crafts from Indonesia which is now worldwide. Therefore, many craftsmen are looking to develop a batik business, one of which is Camelia Batik Kei in Tual City, Maluku Province. Camelia Batik Kei's business has been running since 2017. The name of Camelia's business comes from the name of the owner of the business.

The initial idea of opening a Batik Kei development business started with the owner who has a hobby and interest in the world of drawing since he was in high school. Then after graduating from high school, he continued his undergraduate education to master's level in

surveys and statistical analysis. See Harrington, Christine B., and Barbara Yngvesson. "Interpretive sociolegal research." *Law & Social Inquiry* 15, No. 1 (1990): 135-148; Banakar, Reza, and Max Travers, eds. *Theory and Method in Socio-legal Research*. (London: Bloomsbury Publishing, 2005); Graham, Nicole, Margaret Davies, and Lee Godden. "Broadening law's context: materiality in socio-legal research." *Griffith Law Review* 26, No. 4 (2017): 480-510..

the city of Yogyakarta which was so thick with batik. During this study in Yogyakarta, the owner's interest in batik cloth increased because most of the activities used batik cloth both as clothing and as other supporting ornaments. Because of this interest in batik that the owner of Camelia Batik Kei has a business idea to create batik cloth products. This batik cloth, which was first made by the owner of Camelia Batik Kei, characterizes the typical culture of the Kei people. The owner of Camelia Batik Kei raised Kei culture with the aim that through this Kei Batik cloth people can get to know the Kei culture and area.

At the beginning of realizing the idea of producing Batik Kei, the owner of Camelia Batik Kei looked for samples or samples by looking at and studying batik products from other regions in Indonesia that already produce batik, for example Betawi batik which is one example. In addition to Betawi batik, we also saw and studied examples of batik produced in Yogyakarta and surrounding areas which are well known both in Indonesia and abroad.

Based on the results of the interview with the owner of Camelia Batik Kei, to be able to make batik that does point to the characteristics of a particular area such as those made by characterizing the distinctive culture of the Kei people, there must be a clear sign for the area through batik motifs, for example such as Betawi batik which has a distinctive culture, namely *ondel-ondel*, so that in the design of the Betawi batik motif there is a picture of *ondel-ondel*. From this thought, the owner of the Camelia Batik Kei business began to collect all the ideas that would be used as Kei batik motifs related to the culture of the Kei people themselves.

For now, Camelia Batik Kei's business is still being produced and marketed in the area around Tual City and Southeast Maluku Regency. Those who are interested are employees such as Civil Servants and private employees in Tual City and its surroundings

who really like this Camelia Batik Kei motif. There are several collaborations with office agencies to produce Camelia Batik Kei on a limited basis as official clothing worn on certain days. In addition to Tual City, there are several people in the Netherlands who are descendants of Kei who also order this Kei Batik as a souvenir when visiting Tual City.

Produced Products

At the beginning of the Camelia Batik Kei production process, what was made was a product in the form of a complete Batik Fabric with Kei cultural motifs such as embal, embal leaves, lolat, lela, kei gold, gongs, arrows, beach motifs, a combination of several motifs into one and complete motif. In addition to products in the form of cloth, there are also other products made from cloth products such as scarves, wallets, men's and women's clothing and other souvenirs.

1. Batik Fabric
 - a. Lolat Motif



FIGURE 1. Lolat Motif

Source: Facebook Camelia Batik

The Southeast Maluku region does have a culture of regulating brotherhood, with the shape of a Lolat leaf.⁷ Leaf Lolat plays a role in regulating community social relations, namely between two or more villages.

b. Lela Motif



FIGURE 2. Lela Motif

Source: Authors

Lela is the traditional cannon of the Kei community. Lela is a traditional object that is very thick with the procession of resolving traditional violations including violating the tradition and culture of *Hawear*.⁸ These objects cannot be traded because they are an integral part of a traditional procession and are believed to have a very “expensive”

⁷ Anton Ohoira, *KEI: Alam, Manusia, Budaya, dan Beberapa Perubahan* (Yogyakarta: Sibuku Media, 2016)

⁸ Ayu, Bumi. "Perlindungan Hukum Hak Milik Atas Tanah “Hawear Balwirin” Terhadap Tanah Adat Larvul Ngabal Masyarakat Adat Kei di Ohoi (Desa) Wain Kecamatan Kei Kecil Timur Kabupaten Maluku Tenggara." *Gloria Yuris* 5, No. 2 (2017). <https://jurnal.untan.ac.id/index.php/jmfh/article/view/18262>

cultural power and are upheld. Lela is a cultural object made of copper and shaped like a small cannon. It is almost certain that this object is a relic of the ancestors since time immemorial to be used only in every process of settling a case so that it can be ascertained that this is joint ownership and not the property of individuals. From the existing oral tradition, the value of this object is so high that it is not easy to display or display (read, as a means of payment) in a customary negotiation or paid for as a consequence of a violation. With this view, the indigenous people in Kei, Lela also have certain sacred values that must be fully obeyed by everyone involved in an issue or case. This means that if the results of negotiations between the parties in a litigation must be resolved using Lela, then at that time the existing problems can be considered as over and the parties can accept each other again.⁹ Syahrudin Mansyur, *Permukiman Tradisional Masyarakat Tanimbar Kei, Kapata Arkeol.* 70 (2005).

c. Kei Gold Motif



FIGURE 3. Kei Gold Motif

⁹ Mansyur, Syahrudin. "Permukiman Tradisional Masyarakat Tanimbar Kei." *Kapata Arkeologi* (2005): 70-87.

Source: Authors

Kei Gold / Kei Brass is still used as a traditional means and as a form of marriage dowry when proposing to a Kei woman. Not only that, because the meaning of this "Golden Kei", is even used as a medium of apology. Kei gold is made with functional forms / decorations as jewelry, of course it will have a high economic value. This golden color is what makes the people of the Kei Islands call it "Golden".¹⁰

d. Gong Motif



FIGURE 4. Kei Gold Motif

Source: Authors

Gong is one of the traditional objects other than Lela (cannon) or traditional gold whose amount is calculated as offerings in traditional events and as a symbol of peace.¹¹

¹⁰ Sabara, Sabara. "Perempuan Dalam Kearifan Lokal Suku Kei." *MIMIKRI* 8.1 (2022): 88-111. <https://blamakassar.e-journal.id/mimikri/article/view/637>

¹¹ Moniharapon, Grelensia, Andrian Dektisa Hagijanto, and Bernadette Dian Arini. "Perancangan Fashion Kain Tenun Ikat Kepulauan Tanimbar dan Media Pendukungnya." *Jurnal DKV Adiwarna* 1, No. 12 (2018): 1-11. <https://publication.petra.ac.id/index.php/dkv/article/view/7158/6493>

e. Embal Motif



FIGURE 5. Embal Motif
Source: Facebook Camelia Batik

Embal is the name of a typical food in Southeast Maluku Regency. Made from cassava, this dish is often served when relaxing with the family.¹² Embal has a bland taste, hard texture, white color, and large, but varied shapes and sizes. As an alternative to staple food, Embal is eaten by dipping it in water or gravy from the food until it is soft and then consumed with side dishes, just like eating rice.

f. Embal Leaf Motif



FIGURE 6. Cassava Leaf Motif (Embal)

¹² Berlianty, Teng, and Yosia Hetharie. "Urgensi Pendaftaran dan Perlindungan Hukum Terhadap Embal Sebagai Indikasi Geografis Maluku Tenggara." *Jurnal IUS Kajian Hukum dan Keadilan* 8, No. 2 (2020): 244-255.

Source: Authors

In the Kei Islands, cassava (Basic Material for Embal) is the main commodity grown at the beginning of the rainy season. This type of food is very suitable as food in the famine season because it has a long shelf life, 1-2 years, if stored in good and dry conditions. Historically, the people of Maluku initially planted sago as a staple food.¹³ However, the reduced supply of sago in the market in the 1970s made many farmers switch to open cassava fields from the late 1970s to the 1980s. Gradually, this plant became a favorite in the eyes of the public. According to Ellen, Embal made from cassava is a "twin" of food with sago raw material called plate sago.¹⁴

g. Mixed Motif



FIGURE 7. Mixed Motifs (Mixed Several Motifs)

Source: Authors

Business actors Camelia Batik Kei not only make products, both whole fabrics and apparel with one motif, but there is a

¹³ Laksono, P. M. "Dimakan Sayang: Turning the Common into the Exclusive, Cassava Bread (Embal) in The Kei Islands, Southeast Maluku, Indonesia." *Humaniora* 33, No. 2 (2021): 103-112.

¹⁴ Ellen, Roy F., ed. *Modern Crises and Traditional Strategies: Local Ecological Knowledge in Island Southeast Asia*. Vol. 6. (New York: Berghahn Books, 2007).

combination of several motifs into one product. For example, the combination of Embal motifs and gong motifs, gong motifs and Kei gold motifs, Embal motifs and Lela motifs, and various other combinations of motifs. Most of the results of this combination of motifs are also adapted to market demand or customers who are interested in Batik Kei.

h. Beach Motif



FIGURE 8. Beach Motif

Source: Facebook Camelia Batik

It is called the beach motif because this motif is made with the feel of the beach and marine life in the Kei Islands. The Kei Islands are one of the most famous in Maluku for their beach tourism, so that craftsmen are inspired to make motifs that can introduce the characteristics and advantages of the Kei Islands.¹⁵ The marine life in this beach motif, such as *bia lola*, shellfish, and other marine life.

¹⁵ Bandjar, Qhalfiah Hairun, B. Irwan Wipranata, and Sylvie Wirawati. "Studi Keberhasilan Pengelolaan Objek Wisata Berbasis Community Based Tourism (CBT), Objek Studi: Pantai Ngurbloat, Kabupaten Maluku Tenggara." *Jurnal Sains, Teknologi, Urban, Perancangan, Arsitektur (STUPA)* 3, No. 2 (2021): 3467-3478.

i. Bow and Arrow Motif



FIGURE 9. Bow and Arrow Motif

Source: Facebook Camelia Batik

In addition to the motifs above, there is also a bow and arrow motif. The Kei Islands have the motto "*Ain ni Ain*" which means We are One which is a unity that cannot be separated.¹⁶ In ancient times, when fighting, the Kei people used bows and arrows as weapons¹⁷ and in the end the Kei people realized what they were fighting for and no one won and no one lost, that's where the Kei people gathered with each other and took an oath that no one else may start a riot there and if there is he will be subject to the oath. From the things that happened above emerged the Arrow Dance which described the situation of the riots at that time where the men held bows and arrows that symbolized the man was brave and proficient in

¹⁶ Harbelubun, Yosep. "Gereja dan Kepemimpinan dalam Masyarakat Kei: Suatu Dialog Transformatif antara Kepemimpinan Gereja dan Kepemimpinan dalam Pemerintahan Adat Kei". *Thesis*. (Yogyakarta: Universitas Kristen Duta Wacana, 2017).

¹⁷ Fajriani, Erni. "Pelestarian Budaya Tari Panah Sebagai Tarian Penyambutan Tamu di Kepulauan Kei Provinsi Maluku". *Thesis* (Yogyakarta: Sekolah Tinggi Pariwisata Ambarrukmo STIPRAM, 2018).

using the tool of war. The arrow dance at this time is often performed during guest welcoming events, and important events on the island of Kei.¹⁸

j. Complete Motif



FIGURE 10. Complete Motif (Combination of all motifs)

Source: Facebook Camelia Batik

The last motive is the complete motif. It is called with the full motif name, because all the motifs are combined into one whole fabric product which is then made into desired products such as men's and women's clothes, scarves, and other forms according to market demand.

2. Scarf



FIGURE 11. Scarves With Embal Motifs and Complete Motifs

Source: Facebook Camelia Batik

¹⁸ Aladjai, Erni. *Kei: Kutemukan Cinta di Tengah Perang*. (Yogyakarta: GagasMedia, 2013).

3. Wallet



FIGURE 12. Embal Motif Wallet with Various Colors

Source: Facebook Camelia Batik

4. Clothes



FIGURE 13. School Uniforms, Men's Shirts and Semi Suits

Source: Facebook Camelia Batik

5. Souvenirs



FIGURE 14. Necklace with Kei Batik Fabric Basic Material

Source: Authors

Camelia Batik Kei Business Cooperation Agreement

Civil law regulates the rights and obligations of individuals or individuals to one another in social life.¹⁹ One of the regulated rights and obligations is created through an agreement. An agreement occurs through or by a statement of the will of the person or party acting, which is aimed at the emergence of legal consequences or because the acting party creates confidence in the other party that his will is aimed at the occurrence of the agreement. The statement of will of the person acting includes the offer and acceptance prior to the conclusion of an agreement.²⁰ An important moment in the process of forming or closing the agreement is the encounter of wills, the interlocking of each statement of will and the existence of reciprocal relationships.²¹ Also contained in Article 1338 paragraph (3) of the Civil Code an agreement must be based on the principle of good faith. Good faith can be divided into subjective good faith and objective good faith. Good faith is subjective, namely whether the person concerned himself is aware that his actions are contrary to good faith, while objective good faith is if public opinion considers such actions to be contrary to good faith.²²

¹⁹ Azhari, Reyhan Nabillah. "Understanding the Contents of Indonesian Civil Law: A Book Review Perkembangan Hukum Perdata di Indonesia, Sudikno Mertokusumo, Genta Publishing Yogyakarta, 2019, 206 Pages, ISBN 978-602-0757-08-7." *Journal of Indonesian Legal Studies* 5, No. 1 (2020): 263-266.

²⁰ Hetharie, Yosia. "Perjanjian Nominee sebagai Sarana Penguasaan Hak Milik atas Tanah oleh Warga Negara Asing (WNA) Menurut Kitab Undang-Undang Hukum Perdata." *SASI* 25, No. 1 (2019): 27-36.

²¹ Tjoanda, Merry, et al. "Covid-19 sebagai Bentuk Overmacht dan Akibat Hukumnya Terhadap Pelaksanaan Perjanjian Kredit." *Sasi* 27, No. 1 (2021): 93-101.

²² Hetharie, Yosia. "Kepemilikan Tanah Oleh Warga Negara Asing Melalui Perjanjian Pinjam Nama Sebagai Bentuk Penyelundupan Hukum dalam Hukum Perdata Internasional." *Balobe Law Journal* 2, No. 1 (2022): 12-20.

An agreement is a legal act based on an agreement to cause a legal consequence.²³ It also agrees with Sudikno, "*agreement is a legal relationship between two or more parties based on an agreement to cause a legal consequence*".²⁴ The birth of an agreement in civil law is known as the principle of consensualism, namely that to give birth to an agreement it is enough to just agree and that the agreement has been born at the time of reaching the consensus as intended above. At that second the agreement is finished and binding, not at other seconds later or before,²⁵ and also in the agreement the principle of freedom of contract applies, meaning that the parties are free to make any contract/agreement, both those that have been regulated and those that have not been regulated and are free to determine the contents of the contract themselves.²⁶ This principle provides the widest possible freedom to the public to enter into agreements containing anything and to arrange their own agreements that will bind the makers with restrictions that are not contrary to law, decency, and public order. As for the cooperation agreement, it is an unnamed agreement which is regulated outside the Civil Code, but occurs in the community.

The birth of a cooperation agreement in practice is based on Article 1338 of the Civil Code. Based on Article 1338 Paragraph (1) of the Civil Code, this provision reads "*all agreements made legally are valid as law for those who make them*". The word "all" means covering all agreements, both those whose names are known and those that are not known by law. The principle of freedom of contract is related to the agreement, namely the freedom to determine "what" and with

²³ Pesulima, Theresia L., and Yosia Hetharie. "Akibat Hukum Pencantuman Klausula Baku dalam Perjanjian Endorsement." *Lutur Law Journal* 1, No. 1 (2020): 37-41.

²⁴ R. Subekti, *Aneka Perjanjian*. (Bandung: Citra Aditya Bakti, 1992).

²⁵ Hetharie, Yosia. "Default in Sea Transportation Agreement." *Law Research Review Quarterly* 6, No. 2 (2020): 181-184.

²⁶ Balik, Agustina, and Yosia Hetharie. "Aspek Keadilan Klausula Baku Dalam perjanjian Kerja Outsourcing." *Jurnal Dinamika Hukum* 9, No. 2 (2009): 67-75.

"who" the agreement is made and has binding power for the parties to the agreement. Cooperation Agreement itself is the agreement of the parties to make achievements, and give rise to a contractual relationship (rights and obligations) of the parties in achieving common goals.²⁷

In running the Camelia Batik Kei business, the owner cooperates with other parties through cooperation agreements, especially in producing the desired Batik Kei motif in fabrics with certain basic colors. In this cooperation agreement Camelia Batik Kei collaborates with other business actors in Yogyakarta who make canting (a tool to print batik motifs as desired).

Based on the results of an interview with the owner of Camelia Batik Kei that the beginning of the making of this canting, the owner tried to find people in Tual City to draw but did not find a suitable person to be able to draw the desired pattern of motifs so the owner looked to Java, namely in Yogyakarta. After finding someone who can draw, then the owner of Camelia Batik Kei is looking for another party to make canting with the concept made.

The form of a cooperation agreement that is carried out both with the party who draws the motif and the party who makes the canting is carried out only using an oral agreement on the basis of trust. An oral agreement is an agreement made by the parties in oral form (enough with the agreement of the parties).²⁸ This is because according to the owner of Camelia Batik Kei, because it is still in small production, the collaboration is carried out through oral communication without having to do it in writing. So far, there has been no breach of promise (default) from the parties, meaning that the

²⁷ Berlianty, Teng, Yosia Hetharie, and Ronald Saija. "Implementation of The Plantation Production Sharing Agreement in The Unwritten Agreement Form." *Jambura Law Review* 4, No. 1 (2022): 73-88.

²⁸ Purwanto, Harry. "Keberadaan asas Pacta Sunt Servanda dalam perjanjian internasional." *Mimbar Hukum* 21, No. 1 (2009): 155-170.

cooperation carried out is going well and smoothly in accordance with the agreed rights and obligations.

The cooperation agreement entered into by the parties is based on several principles, namely:

1) Principle of Freedom of Contract

The principle of freedom of contract is an important principle in making an agreement. This principle relates to the content of an agreement which gives freedom to choose what and with whom the agreement will be made. Individual freedom gives him the free right to contract. They are free to make agreements with any party they want, because there is no element of being forced to enter into this cooperation agreement based on their own will and no demands from others. The principle of freedom of contract is not absolute freedom, there are several restrictions given by the articles in the Civil Code to this principle, making the principle of freedom of contract an unlimited principle, namely:

- a) Article 1320 paragraph (1), an agreement or contract is invalid if it is made without a consensus or agreement from the parties who made it. This provision implies that the freedom of a party to determine the contents of the agreement is limited by the agreement of the other party.
- b) Article 1320 paragraph (2), the freedom of people to make agreements is limited by their abilities, for someone who according to the provisions of the law is not capable of making agreements does not have the freedom to make agreements.
- c) Article 1320 paragraph (3), the object of the agreement must be determined. A certain thing is the subject of the agreement, namely the achievements that must be fulfilled in an agreement. What is agreed upon must clearly specify the type, the amount may not be stated as long as it can be calculated or determined.

d) Article 1330, minors and persons under guardianship do not have the ability to make an agreement.

This principle is clearly related to the cooperation agreement made by the owner of Camelia Batik Kei with the party who draws and makes the canting, where they are free to determine what will be mutually agreed upon.²⁹

2) Principle of Trust

The principle of trust is that the parties to an agreement must carry out the substance of the contract or achievement based on firm trust or belief and the good will of the parties in order to achieve the objectives of the agreement. The principle of trust includes the principle of good faith which is also an important principle in an agreement.³⁰ In conducting a transaction, most people only rely on trust or trust each other without any standard agreement or contract that has binding legal force for both parties. The owner of Camelia Batik Kei is based on the principle of trust by believing and trusting that the other party, namely the party who draws and makes the canting as the executor of the work, is a party that can be trusted to cooperate.

3) Principles of Equality and Justice

In the implementation of the agreement, this principle is important to be implemented by both parties because they have the same or equal position with each other. This principle is closely related to the principle of justice. The principle of justice is the basis for fair treatment of fellow human beings. The word fair is not one-sided or balanced, equal, and equal. Justice gives everyone a share according to their services or a distribution according to their

²⁹ Hariri, Wawan Muhwan. *Hukum Perikatan*. (Bandung: CV. Pustaka Setia, 2011).

³⁰ Hernoko, Agus Yudha. *Hukum Perjanjian Asas Proporsionalitas dalam Kontrak Komersial*. (Jakarta: Kencana, 2010).

respective rights.³¹ In the formation of a rule of law using the principle of justice for the sake of common interests and goals, it does not burden one party in a regulation, and of course there is a balance of human rights among the community. The agreement between the owner of Camelia Batik Kei and the service provider is based on the rules they set or have agreed upon, which of course has an element of justice so as not to harm one of the parties. The implementation of this cooperation agreement aims to open up the market because so far there has been no sales of batik cloth characterized by the Kei area. It also seeks to improve the economy and introduce the culture of the Kei people to all corners of the country and even to other countries.

In carrying out an agreement, of course, there must be reciprocity between the parties who do it, where reciprocity is an achievement made by one party that creates a counter-achievement from the other party. The birth of a cooperation agreement if between the parties there has been a valid agreement. The agreement here is a statement of the will that is appropriate between one or more people with other parties who will be involved in a cooperation agreement. The parties who will enter into a cooperation agreement have rights and obligations, where the rights and obligations of each party must be equally fulfilled.

Broadly speaking, the party who drew and the canting maker has an obligation to draw and make the canting according to the concept that has been created and determined by the owner of Camelia Batik Kei. The rights to be received are related to payments that are also mutually agreed upon by the parties. Meanwhile, the owner of Camelia Batik Kei is obliged on the contrary to pay

³¹ Susanti, Dyah Ochtarina, and IGN Parikesit Widiatedja. *Asas Keadilan Konsep dan Implementasinya dalam Perspektif Hukum Islam dan Hukum Barat*. (Malang: Bayumedia, 2011).

according to the agreed amount and has the right to receive the desired fabric motifs and images according to the concept that has been given.

BATIK PRODUCTS IN OTHER COUNTRIES

1. *Malaysia*

Malaysian Batik is the art of Batik textiles from Malaysia, especially in the east coast of Malaysia namely Kelantan, Terengganu and Pahang. In line with the concept of Malaysia, the Malaysian government also recognizes Malaysian batik as the national dress for every general population, by providing local designers to create new batik designs that reflect Malaysia's identity.

a. History of Malaysian Batik

Batik comes from the Javanese word "*amba*" which means to write and "*nitik*" which means to make a point. The origin of batik production in Malaysia is quite difficult to know. Some historical artifacts exist, but it is more about the trade relationship between the Malay Kingdom in Jambi and the coastal cities of Java that has developed since the 13th century, namely the batik production areas of the northern coast of Java (Cirebon, Lasem, Tuban, and Madura) greatly influence Jambi batik. Jambi batik and Javanese batik greatly influence the batik craft in Peninsular Malaysia.³²

³² Tanyo Bangun, *National Geographic: Traveler Vol1 No.6 2009* (Jakarta: KOMPAS Gramedia, 2006).

According to the Museum of Cultural History in Oslo, it is known for sure that Java influenced Malay batik making technically and also in the production of patterns. In the early stages, the Malaysian Malay community used wooden blocks to produce textiles similar to batik. In the late 1920s, Javanese batik entrepreneurs introduced the use of candles and copper blocks to the east coast of Malaysia. The production of hand-painted batik in Malaysia today is related to Javanese written batik.³³

Batik is mentioned in Malay history in the 17th century. It is about Admiral Hang Nadim who was ordered by Sultan Mahmud to sail to India to get 140 pieces of batik cloth with 40 types of flowers on it. As a result of not find it as controlled by the Sultan, Hang Nadim acted by making it himself. However, on the way home, his ship had sunk and he could only bring four sheets and caused the wrath of the sultan.

The use of Malaysian batik among men is usually for dinner parties. While for women, Malaysian batik is often made into formal wear by combining batik and modern fashion. In addition, to encourage the use of batik in Malaysia, from January 17, 2008, all civil servants in Malaysia are required to wear Malaysian batik clothes every Thursday. Previously, the rule was to wear batik clothes only on Saturdays. The day of wearing this batik shirt was later changed to the 1st day of the month and the 15th day of the month. However, people easily forget to cause a rollback to the old system based on the day.

³³ Akhir, Noor Haslina Mohamad, et al. "Traditional craftsmanship: The origin, culture, and challenges of batik industry in Malaysia." *Islamic perspectives relating to business, arts, culture and communication: Proceedings of the 1st ICIBACC 2014*. (Singapore: Springer 2015).

Batik refers to fabric that has a bright and attractive pattern.³⁴ Batik comes in various forms, including written batik, screen batik, and applied batik. The batik technique has been known for over a thousand years, possibly originating from ancient Egypt or Sumer. It is found in several countries in West Africa such as Cameroon, Mali and Nigeria or in Asia such as Bangladesh, India, Indonesia, Iran, Malaysia, Sri Lanka and Thailand. Batik has become a part of world culture, especially in the Malay world and since a long time that includes Southeast Asian countries. Nowadays there are new patterns known as modern batik to meet the changing tastes of consumers.³⁵

Batik is one of the unique and famous traditional handicrafts in Malaysia. It is produced through the process of wax application and color dyeing. The history of the development of batik in Malaysia is believed to begin in the 15th century AD. Early development shows the impact and influence of batik from Java. From the 1930s until after the Second World War, the batik industry in Malaysia has grown rapidly. Batik entrepreneurs in the states of Kelantan and Terengganu are pioneers in the development of batik in this country. Local batik products are of high quality and design. This symbolizes a creative handcraft skill among the batik makers of the country. The attractiveness of batik is not only famous among the local people but it also receives a welcome from foreign tourists who come from abroad.

³⁴ Ramli, Harozila, et al. "Creative and innovative thinking in the holistic development of students' potentials through "sekolah bitara" visual art program,"." *Turkish Journal of Computer and Mathematics Education (TURCOMAT)* 12, No. 3 (2021): 406-417.

³⁵ Chong, Jinn Winn. "'Mine, yours or ours?': the Indonesia-Malaysia disputes over shared cultural heritage." *SOJOURN: Journal of Social Issues in Southeast Asia* 27, No. 1 (2012): 1-53.

b. Characteristics of Malaysian Batik

Malaysian batik uses flora motifs and rarely uses motifs of living creatures such as humans and animals in line with the prohibition in Islam of using animal images as decoration.³⁶ However, the butterfly theme is still widely used in Malaysian Batik. Malaysian batik is also famous for its geometric designs. The production method of Malaysian batik is quite different from Javanese batik in Indonesia, namely the pattern is larger and simpler.³⁷ In addition, canting is also rarely or not used in creating complicated patterns. The colors used in Malaysian batik are also brighter than Javanese batik.³⁸

In Malaysia, batik is produced through a number of specific techniques, processes and styles, one of which is Block Batik. On the East Coast it is better known as Batik Cap or Batik Terap.³⁹ The initial process in the development of Batik Blok is to use wood block nest carving to stamp a type of natural black dye material. This early technique was called '*Terap Hitam*'. In the 1920s, the use of wax in the application process was first introduced by batik makers on the East Coast. Correspondingly, blocks made of Judo steel sheets were also introduced. The patterns of these steel blocks are more neat and

³⁶ Saddhono, Kundharu, et al. "The Study of Philosophical Meaning of Batik and Kimono Motifs to Foster Collaborative Creative Industry." *Asian Social Science* 10, No. 9 (2014): 52-61.

³⁷ Tresnadi, Chandra, and Agus Sachari. "Identification of values of ornaments in Indonesian batik in visual content of Nitiki game." *Journal of Arts and Humanities* 4, No. 8 (2015): 25-39.

³⁸ Kaewarelap, Suvita, Yaowarat Sirisathitkul, and Chitnarong Sirisathitkul. "Modernizing Batik Clothes for Community Enterprises Using Creative Design and Colorimetry." *Emerging Science Journal* 5, No. 6 (2021): 906-915.

³⁹ Baeren, Erren Jossie, and Humin Jusilin. "The Uniqueness of Mangrove Forests in State of Sabah as a Source of Natural Color on Batik Fabric." *5th International Conference on Arts Language and Culture (ICALC 2020)*. Atlantis Press, 2021.

refined. Special blocks are provided to apply wax on the Head of Cloth, Kapit of Cloth and Body of Cloth.

Blok Batik fabric is a favorite of the locals. It is used as sarong batik fabric and *ela batik*. In addition to being used as clothing, *ela batik* fabric can be modified to produce bed sheets, curtains, mattress pads, cushion covers, pillow covers, handbags and various types of beautiful and beautiful everyday items. The motifs that are often used on block batik fabric are some patterns of plants and local flowers such as Roses, Orchids, Cloves, Chinese Flowers, creeping roots, ferns and geometric patterns, especially Pucuk motifs Bamboo shoots.⁴⁰ These motifs are applied in various arrangements and layouts, such as horizontal, vertical, diagonal, patches and brick arrangement.

c. Copyright Legal Protection of Batik in Malaysia

The Industrial Designs Act 1996 (IDA 1996) is a legal basis that batik producers can use to protect their rights. IDA 1996 protects rights related to industrial design by granting a monopoly over the design of an item made for commercialization purposes.⁴¹ The law is intended to motivate writers to work more creatively in developing design-based industries by maintaining the aesthetic aspects of design which can result in buyers choosing to buy one product over another, especially in the case of textiles, furniture, clothing and household furnishings.

⁴⁰ Kari, Rabiatuadawiyah, Mohd Azhar Samin, and Rafeah Legino. "The Flora Motif as Design Identity in Local Traditional Block Batik." *Environment-Behaviour Proceedings Journal* 5, No. SI3 (2020): 123-127.

⁴¹ Lanoszka, Anna. "The global politics of intellectual property rights and pharmaceutical drug policies in developing countries." *International Political Science Review* 24, No. 2 (2003): 181-197.

In addition, Batik protection arrangements in Malaysia are protected through the Copyright Act 1987. Section 7(1) CA 1987 includes literary works, musical works, works of art, films, sound recordings and broadcasts as 'works' entitled to protection. Section 3 defines 'artistic works' as works of graphics, photographs, sculpture or collage, regardless of their artistic quality; an architectural work into a building or a model for a building; or art craft.⁴² Malaysian batik patterns qualify for protection as works of art provided under section 3 as the production of hand-painted batik patterns by an artist and the Malaysian Batik Industry.⁴³ Protecting Local Batik Designs by Copyright and Industrial Design Act manufacture of stamped batik using blocks engraved with Pattern is an element of graphic work. Thus, there is no difference between printed batik and painting batik in terms of fulfilling the elements of graphic work.

2. Thailand

The ancient textile craft of batik has been used by several cultures around the world. Batik has a long and famous history in Thailand and is still an important component of the nation's cultural heritage.⁴⁴ Thai batik has established itself in the international art and fashion scene, with traditional patterns and modern developments. In the textile art

⁴² Pila, Justine. "Copyright and Its Categories of Original Works." *Oxford Journal of Legal Studies* 30, No. 2 (2010): 229-254.

⁴³ Poon, Stephen TF. "The journey to revival: thriving revolutionary batik design and its potential in contemporary lifestyle and fashion." *International Journal of History and Cultural Studies (IJHCS)* 3, No. 1 (2017): 48-59.

⁴⁴ Shaari, Nazlina. "Indigenous knowledge creativity in batik cultural product based on Kansei." *International Conference on Social Sciences and Humanities (ICSSH'15) May 5-6, 2015 Bali*.

of batik, wax is used to cover cloth, which is then dyed to create intricate patterns and designs. Batik Thailand, Batik Indonesia, Batik Cambodia, Batik Brunei, Batik Singapore, Batik Vietnam, and Batik Malaysia have all been practiced for a long time. Thai batik has a long history and is an important part of the nation's cultural heritage. Thai batik is known for its intricate patterns, vibrant colors, and distinctive themes. It cannot be denied that Indonesia and Thailand have a lot in common, in addition to being geographically neighboring countries in Southeast Asia. Thailand also has pride in its batik tradition. Thai batik that is done with the wax-resist dyeing technique is called "*phanung*". Not all types of batik clothing are made in Thailand.⁴⁵

a. History of Thai Batik

Thailand's history with batik began with the Ayutthaya era that lasted from 1350 to 1767.⁴⁶ Batik was widely used by the royal palace during this period and was imported from China and India. Batik production did not begin in Thailand until the 19th century, but quickly became a favorite local specialty. Traditional Thai textiles, Indian batik, and Chinese embroidery are just a few examples of cultural and creative movements that influenced the development of Thai batik. The evolution of Thai batik has been influenced by a number of significant individuals and movements. King Rama VI established the Royal Academy of Drawing and Painting in the early 20th century, which helped educate a new generation of designers and artists. In the 1960s, Kamol Tassananchalee, who founded the Thai Crafts Center, was one of Thailand's most influential batik painters. His works

⁴⁵ Khwansuwan, Worasuda. "Batik patterns in the South of Thailand." *International Journal of Art & Design* 5, No. 2 (2021): 23-31.

⁴⁶ Lockard, Craig A. "'The sea common to all': maritime frontiers, port cities, and Chinese traders in the Southeast Asian Age of Commerce, ca. 1400-1750." *Journal of World History* 21, No. 2 (2010): 219-247.

bring Thai batik to a new level of perfection by combining traditional Thai themes with modern art.⁴⁷

b. Characteristics of Thai Batik

Thailand focuses more on batik work in the form of sarong cloth which is often used by the people of Koh Samui Island for leisure activities.⁴⁸ Typically, Thai cotton or silk fabric is used to make Thai batik, which is then cleaned and bleached before being waxed. Beeswax is generally used to make candles, but paraffin or other materials can also be used. Areas of fabric covered with wax retain their original color when dyed sequentially. After the final dip, the detailed design is revealed when the wax is removed with hot water or another solvent.

Thai batik is famous for its bright and strong colors, which are often taken from nature. Dark red, gold, green, and blue are common hues.⁴⁹ Design themes are also influenced by nature; Floral and animal motifs are very popular. Eagle birds, lotus flowers, and other traditional Thai symbols are also often used. In addition, the most prominent batik motif in Thailand adopts animal and plant elements. Meanwhile, the color combinations used are very diverse with the choice of bright dominant colors. Unlike if found in the Capital in Bangkok, Thai batik is widely used as a shirt such as a men's shirt, which is applied to the famous Thai cotton and silk fabric. Thai batik motifs are often taken from fauna motifs such as butterflies and elephants as a

⁴⁷ Claymone, Yoopin, and Watunyu Jaiborisudhi. "A study on one village one product project (OVOP) in Japan and Thailand as an alternative of community development in Indonesia." *Thai Journal of East Asian Studies* 16, No. 1 (2011): 51-60.

⁴⁸ Gibson, Chris, and John Connell. "'Bongo Fury': tourism, music and cultural economy at Byron Bay, Australia." *Tijdschrift voor economische en sociale geografie* 94, No. 2 (2003): 164-187.

⁴⁹ Kaewareelap, Suvita, Yaowarat Sirisathitkul, and Chitnarong Sirisathitkul. "Modernizing Batik Clothes for Community Enterprises Using Creative Design and Colorimetry." *Emerging Science Journal* 5, No. 6 (2021): 906-915.

symbol of the country's beauty, nicknamed the country of the white elephant.⁵⁰

Thai batik is unique in its use of colors and designs, while also having certain similarities with other batik designs.⁵¹ While Indonesian batik often uses softer colors, Thai batik is known for its bright and strong patterns. Thai batik has special design motifs that emphasize natural elements and traditional Thai symbolism. Thai batik is often used to make fashionable Thai batik dresses, sarongs, batik blouses, skirts, scarves, and other batik collections. Thai Batik fabric is popular for home design products such as tablecloths, curtains, and pillowcases in addition to being used for clothing collections. The use of Thai Batik patterns in modern art and textiles has gained popularity in the last few years, especially Bangkok textiles. To create unique and eye-catching creations, artists and designers experiment with new techniques and add contemporary motifs and colors.

c. Copyright Legal Protection of Batik in Thailand

As a member of the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO).⁵² Thailand generally complies with international intellectual property standards established by the Agreement on Trade-Related

⁵⁰ Utiswannakul, Patcha. "The traditional textile development in Nan region." *Humanities, Arts and Social Sciences Studies (Former Name Silpakorn University Journal of Social Sciences, Humanities, and Arts)* 16, No. 3 (2016): 1-18. <https://doi.org/10.14456/sujsha.2016.25>

⁵¹ Sirisathitkul, Y., and S. Kaewareelap. "Color analysis of batik fabric by facile smartphone colorimetry." *International Journal of Advanced Science, Engineering and Information Technology* 11, No. 1 (2021): 84-91.

⁵² van der Borgh, Kim, and Saurav Ghimire. "Seeds & Intellectual Property Rights: Bad Faith and Undue Influence Undermine Food Security and Human Rights." *Law and Sustainability: Reshaping the Socio-Economic Order Through Economic and Technological Innovation*. (Cham: Springer International Publishing, 2022), pp. 183-208.

Aspects of Intellectual Property Rights (TRIPS).⁵³ Thailand is also a party to the Patent Cooperation Treaty (PCT) and the Madrid Agreement Concerning the International Registration of Marks (known as the Madrid System). Patent and trademark applicants may use these international systems for filing international patent and trademark applications for requesting protection in Thailand.⁵⁴ Copyrights are protected in Thailand without any registration requirement. However, formal recordation of copyrights at The Department of Intellectual Property (DIP) Copyright Office is recommended as it would be useful as evidence of ownership in the event of a dispute. A copyright notice should also be affixed to the copyrighted work.

Thailand maintains its efforts in upholding intellectual property rights (IPR), the number of counterfeit and pirated goods remains a concern, especially in the online market, including with regard to counterfeiting of traditional Thai cloth and batik motifs. In January 2021, DIP launched a Memorandum of Understanding on Protection of IPR on the Internet aimed at fighting online IPR Violations, which was signed by three Thai government agencies, major e-commerce platforms in Thailand, and IPR owners or representatives. In Thailand, the Central Intellectual Property, and International Trade Court (CIPITC) is the special court adjudicating IP disputes, including infringement and invalidity issues in Thailand. These violations were also related to counterfeiting and theft of traditional Thai batik and cloth motifs.

⁵³ Tenni, Brigitte, et al. "What is the impact of intellectual property rules on access to medicines? A systematic review." *Globalization and health* 18, No. 1 (2022): 1-40.

⁵⁴ Garcia, Gabriel, and Qinqing Xu. "China's international cooperation: assisting developing countries to build intellectual property systems." *Queen Mary Journal of Intellectual Property* 13, No. 1 (2023): 52-74.

THE IMPORTANCE OF COPYRIGHT REGISTRATION FOR KEI BATIK MOTIFS

Copyright is an exclusive right for the creator or copyright holder to publish or reproduce his work, which arises automatically after a work is born without reducing restrictions.⁵⁵ Previously, copyright was regulated in Law Number 19 of 2002 concerning Copyright, but the law was revoked and has been replaced by Law Number 28 of 2014 concerning Copyright (here in after referred to as UUHC). According to Article 1 point 1 UUHC it is stated "*Copyright is the exclusive right of the creator that arises automatically based on declarative principles after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations.*"

In the UUHC applicable in Indonesia, the application for registration of works is regulated starting from Article 64 – Article 79 in Chapter X concerning the Registration of Works and Related Rights Products. If you look at the provisions in Article 64 paragraph (1), it can be seen that the recording of works and related rights products is carried out by the Minister. However, in paragraph (2) of the article it is stated "*Recording of works and related rights products as referred to in paragraph (1) is not a requirement to obtain copyrights and related rights.*" Based on these two paragraphs in Article 64, it is clear that it is not obligatory for the author to register a creation.

However, it is also important to record creations, this is to create legal certainty for the work (product). Even according to Prof. Mariam Darus, registration does not only mean to provide strong evidence, but also to create property rights. Furthermore, Article 66 paragraph (2) explains that applications for registration of creations and related

⁵⁵ Saliman, Abdul R., *Hukum Bisnis Untuk Perusahaan Edisi V*. (Jakarta: Prenada Media, 2016).

rights products shall be made electronically and/or non-electronically. However, neither Article 66 nor the explanatory part of the article provides further explanation on this matter.

If we look closely, Article 64 – Article 79 of UUHC only regulates basic matters regarding the recording of works and related rights products. As stated in Article 70, namely "*Further provisions regarding the procedure for recording Works and Related Rights products are regulated by Government Regulations.*" However, it seems that this government regulation has not yet been issued.

Copyright protection lasts for the lifetime of the Author plus 70 (seventy) years after the Author dies. The economic rights of the Creators and/or Related Rights Owners, including limiting the transfer of economic rights in the form of a sale (sold flat). Craftsmen as Business Actors need to understand the importance of registering Copyright for their creations. In current legal developments, Copyrights which are classified in the form of intangible movable objects can also be used as objects of fiduciary guarantees. This privilege as an award as well as an encouragement to the public's price has an understanding of the importance of registering Copyrights and then registering Copyrights for each of their copyrighted works. Authors, Copyright Holders and Related Rights Owners become Members of the Collective Management Institute in order to collect compensation or royalties, which are made in an official relationship and used commercially.

Based on all the explanations related to the registration of Copyrights mentioned above, from now on Batik craftsmen, including Camelia Batik Kei in Tual City, are expected to immediately have the awareness to register their creations in order to obtain legal protection and obtain economic benefits in the form of increased sales turnover, rising prices. sales, as well as the reputation of Kei batik

products sold can even earn royalties from the Collective Management Institute.

CONCLUSION

This research concluded and highlighted that implementation of the agreement between the owner of the Kei batik motif and the work partner in this case the canting maker through a cooperation agreement which is carried out verbally on the basis of trust between the two parties. Because it is carried out through an oral agreement, the rights and obligations of the parties are also agreed upon through oral communication between the two parties. This research also confirmed that the registration of copyrights for Kei batik motifs is very important because it is related to legal protection efforts for Kei batik itself. Legal protection for the copyright of Kei batik motifs generally exists in Law No. 28 of 2014 concerning copyright. Currently, the registration of copyright for Kei batik motifs has not been carried out even though Law Number 28 of 2014 concerning copyright also emphasizes the importance of protecting copyrights because every creator, who in this case is the creator of contemporary batik motifs, has the right to moral rights and economic rights. The government, in this case the Tual City government, has collaborated with Camelia Batik Kei several times to display Batik Kei products in official activities and in the form of exhibitions. However, in relation to the responsibilities of local governments in legal protection efforts in the field of copyright, nothing has been done at all.

ACKNOWLEDGMENT

Acknowledgments and deepest appreciation are conveyed to:

1. Faculty of Law, University of Pattimura Ambon, Maluku, Indonesia
2. Lembaga Pengelola Dana Pendidikan (LPDP) Ministry of Finance of the Republic of Indonesia
3. Faculty of Law, Semarang State University, Central Java, Indonesia

REFERENCES

- Akhir, Noor Haslina Mohamad, et al. "Traditional craftsmanship: The origin, culture, and challenges of batik industry in Malaysia." *Islamic perspectives relating to business, arts, culture and communication: Proceedings of the 1st ICIBACC 2014*. (Singapore: Springer, 2015).
- Aladjai, Erni. *Kei: Kutemukan Cinta di Tengah Perang*. (Yogyakarta: GagasMedia, 2013).
- Anton Ohoira, *KEI: Alam, Manusia, Budaya, dan Beberapa Perubahan* (Yogyakarta: Sibuku Media, 2016)
- Ayu, Bumi. "Perlindungan Hukum Hak Milik Atas Tanah "Hawear Balwirin" Terhadap Tanah Adat Larvul Ngabal Masyarakat Adat Kei di Ohoi (Desa) Wain Kecamatan Kei Kecil Timur Kabupaten Maluku Tenggara." *Gloria Yuris* 5, No. 2 (2017). <https://jurnal.untan.ac.id/index.php/jmfh/article/view/18262>
- Azhari, Reyhan Nabillah. "Understanding the Contents of Indonesian Civil Law: A Book Review Perkembangan Hukum Perdata di Indonesia, Sudikno Mertokusumo, Genta Publishing Yogyakarta, 2019, 206 Pages, ISBN 978-602-0757-08-7." *Journal of Indonesian Legal Studies* 5, No. 1 (2020): 263-266. <https://doi.org/10.15294/jils.v5i1.34809>

- Baeren, Erren Jossie, and Humin Jusilin. "The Uniqueness of Mangrove Forests in State of Sabah as a Source of Natural Color on Batik Fabric." *5th International Conference on Arts Language and Culture (ICALC 2020)*. Atlantis Press, 2021.
- Balik, Agustina, and Yosia Hetharie. "Aspek Keadilan Klausula Baku dalam perjanjian Kerja Outsourcing." *Jurnal Dinamika Hukum* 9, No. 2 (2009): 67-75.
- Banakar, Reza, and Max Travers, eds. *Theory and Method in Socio-legal Research*. (London: Bloomsbury Publishing, 2005).
- Bandjar, Qhalfiah Hairun, B. Irwan Wipranata, and Sylvie Wirawati. "Studi Keberhasilan Pengelolaan Objek Wisata Berbasis Community Based Tourism (CBT), Objek Studi: Pantai Ngurbloat, Kabupaten Maluku Tenggara." *Jurnal Sains, Teknologi, Urban, Perancangan, Arsitektur (STUPA)* 3, No. 2 (2021): 3467-3478. <https://doi.org/10.24912/stupa.v3i2.12836>
- Berlianty, Teng, and Yosia Hetharie. "Urgensi Pendaftaran dan Perlindungan Hukum Terhadap Embal Sebagai Indikasi Geografis Maluku Tenggara." *Jurnal IUS Kajian Hukum dan Keadilan* 8, No. 2 (2020): 244-255. <https://doi.org/10.29303/ius.v8i2.793>
- Berlianty, Teng, Yosia Hetharie, and Ronald Saija. "Implementation of The Plantation Production Sharing Agreement in The Unwritten Agreement Form." *Jambura Law Review* 4, No. 1 (2022): 73-88. <https://doi.org/10.33756/jlr.v4i1.11689>
- Chong, Jinn Winn. "'Mine, Yours or Ours?': the Indonesia-Malaysia disputes over shared cultural heritage." *SOJOURN: Journal of Social Issues in Southeast Asia* 27, No. 1 (2012): 1-53. <http://dx.doi.org/10.1353/soj.2012.0008>
- Claymone, Yoopin, and Watunyu Jaiborisudhi. "A study on one village one product project (OVOP) in Japan and Thailand as an alternative of community development in Indonesia." *Thai Journal of East Asian Studies* 16, No. 1 (2011): 51-60.
- Cornish, William Rodolph, David Vaver, and Lionel Bently, eds. *Intellectual Property in the New Millennium: Essays in Honour of*

- William R. Cornish.* (Cambridge: Cambridge University Press, 2004).
- Cornish, William Rodolph. *Intellectual Property: Omnipresent, Distracting, Irrelevant?.* (Oxford: Clarendon Law Lectures, 2004).
- Ellen, Roy F., ed. *Modern Crises and Traditional Strategies: Local Ecological Knowledge in Island Southeast Asia.* Vol. 6. (New York: Berghahn Books, 2007).
- Etty Susilowati, *Kontrak Alih Teknologi Pada Industri Manufaktur* (Yogyakarta: Genta Press, 2007).
- Fajriani, Erni. "Pelestarian Budaya Tari Panah Sebagai Tarian Penyambutan Tamu di Kepulauan Kei Provinsi Maluku". *Thesis* (Yogyakarta: Sekolah Tinggi Pariwisata Ambarrukmo STIPRAM, 2018).
- Garcia, Gabriel, and Qinqing Xu. "China's international cooperation: assisting developing countries to build intellectual property systems." *Queen Mary Journal of Intellectual Property* 13, No. 1 (2023): 52-74. <https://doi.org/10.4337/qmjip.2023.01.03>
- Gibson, Chris, and John Connell. "'Bongo Fury': tourism, music and cultural economy at Byron Bay, Australia." *Tijdschrift voor economische en sociale geografie* 94, No. 2 (2003): 164-187. <https://doi.org/10.1111/1467-9663.00247>
- Graham, Nicole, Margaret Davies, and Lee Godden. "Broadening law's context: materiality in socio-legal research." *Griffith Law Review* 26, No. 4 (2017): 480-510. <https://doi.org/10.1080/10383441.2017.1548001>
- Harbelubun, Yosep. "Gereja dan Kepemimpinan dalam Masyarakat Kei: Suatu Dialog Transformatif antara Kepemimpinan Gereja dan Kepemimpinan dalam Pemerintahan Adat Kei". *Thesis.* (Yogyakarta: Universitas Kristen Duta Wacana, 2017).
- Hariri, Wawan Muhwan. *Hukum Perikatan.* (Bandung: CV. Pustaka Setia, 2011).
- Harrington, Christine B., and Barbara Yngvesson. "Interpretive sociolegal research." *Law & Social Inquiry* 15, No. 1 (1990): 135-148. <http://www.jstor.org/stable/828608>.

- Hernoko, Agus Yudha. *Hukum Perjanjian Asas Proporsionalitas dalam Kontrak Komersial*. (Jakarta: Kencana, 2010).
- Hetharie, Yosia. "Default in Sea Transportation Agreement." *Law Research Review Quarterly* 6, No. 2 (2020): 181-184. <https://doi.org/10.15294/lrrq.v6i2.37900>
- Hetharie, Yosia. "Kepemilikan Tanah Oleh Warga Negara Asing Melalui Perjanjian Pinjam Nama Sebagai Bentuk Penyelundupan Hukum dalam Hukum Perdata Internasional." *Balobe Law Journal* 2, No. 1 (2022): 12-20. <https://doi.org/10.47268/balobe.v2i1.822>
- Hetharie, Yosia. "Perjanjian Nominee sebagai Sarana Penguasaan Hak Milik atas Tanah oleh Warga Negara Asing (WNA) Menurut Kitab Undang-Undang Hukum Perdata." *SASI* 25, No. 1 (2019): 27-36. <https://doi.org/10.47268/sasi.v25i1.147>
- Ismail Saleh, *Hukum dan Ekonomi* (Jakarta: Gramedia Pustaka Utama).
- Kaewareelap, Suvita, Yaowarat Sirisathitkul, and Chitnarong Sirisathitkul. "Modernizing Batik Clothes for Community Enterprises Using Creative Design and Colorimetry." *Emerging Science Journal* 5, No. 6 (2021): 906-915. <https://doi.org/10.28991/esj-2021-01319>
- Kari, Rabiatuadawiyah, Mohd Azhar Samin, and Rafeah Legino. "The Flora Motif as Design Identity in Local Traditional Block Batik." *Environment-Behaviour Proceedings Journal* 5, No. SI3 (2020): 123-127. <https://doi.org/10.21834/ebpj.v5iSI3.2542>
- Khoirul Hidayah, *Hukum HKI (Hak Kekayaan Intelektual) di Indonesia: Kajian Undang-Undang dan Integrasi Islam* (Malang: Setara Press, 2013).
- Khwansuwan, Worasuda. "Batik patterns in the South of Thailand." *International Journal of Art & Design* 5, No. 2 (2021): 23-31.
- Laksono, P. M. "Dimakan Sayang: Turning the Common into the Exclusive, Cassava Bread (Embal) in The Kei Islands, Southeast Maluku, Indonesia." *Humaniora* 33, No. 2 (2021): 103-112. <https://doi.org/10.22146/jh.66227>

- Lanoszka, Anna. "The global politics of intellectual property rights and pharmaceutical drug policies in developing countries." *International Political Science Review* 24, No. 2 (2003): 181-197. <https://www.jstor.org/stable/1601639>
- Lockard, Craig A. "'The sea common to all': maritime frontiers, port cities, and Chinese traders in the Southeast Asian Age of Commerce, ca. 1400-1750." *Journal of World History* 21, No. 2 (2010): 219-247. <https://www.jstor.org/stable/20752948>
- Mamp, Michael. "Ethel Wallace: A Forgotten History of Batik and Fashion." *The Journal of Modern Craft* 14, No. 3 (2021): 253-273. <https://doi.org/10.1080/17496772.2021.2000706>
- Mansyur, Syahrudin. "Permukiman Tradisional Masyarakat Tanimbar Kei." *Kapata Arkeologi* 1, No. 1 (2005): 70-87. <https://doi.org/10.24832/kapata.v1i1.17>
- Moniharapon, Greliensia, Andrian Dektisa Hagijanto, and Bernadette Dian Arini. "Perancangan Fashion Kain Tenun Ikat Kepulauan Tanimbar dan Media Pendukungnya." *Jurnal DKV Adiwarna* 1, No. 12 (2018): 1-11. <https://publication.petra.ac.id/index.php/dkv/article/view/7158/6493>
- Nissa, Khoirun. "Protection of Industrial Design Law in the Enhancement of Economic Development in Indonesia." *Journal of Private and Commercial Law* 3, No. 2 (2019): 76-81. <https://doi.org/10.15294/jpcl.v3i2.19774>
- Pesulima, Theresia L., and Yosia Hetharie. "Akibat Hukum Pencantuman Klausula Baku dalam Perjanjian Endorsement." *Lutur Law Journal* 1, No. 1 (2020): 37-41. <https://ojs3.unpatti.ac.id/index.php/lutur/article/view/2858>
- Pila, Justine. "Copyright and Its Categories of Original Works." *Oxford Journal of Legal Studies* 30, No. 2 (2010): 229-254. <https://doi.org/10.1093/ojls/gqq009>
- Poon, Stephen TF. "The journey to revival: thriving revolutionary batik design and its potential in contemporary lifestyle and fashion." *International Journal of History and Cultural Studies*

- (IJHCS) 3, No. 1 (2017): 48-59. <https://dx.doi.org/10.20431/2454-7654.0301006>
- Purwanto, Harry. "Keberadaan asas Pacta Sunt Servanda dalam perjanjian internasional." *Mimbar Hukum* 21, No. 1 (2009): 155-170. <https://doi.org/10.22146/jmh.16252>
- R. Subekti, *Aneka Perjanjian*. (Bandung: Citra Aditya Bakti, 1992).
- Raharjo, Riko, M. Khoidin, & Ermanto Fahamsyah. "Perlindungan Hukum terhadap Pencipta atas Pencatatan Suatu Ciptaan yang Sama." *Lentera Hukum* 5, No. 3 (2018): 437-456. <https://doi.org/10.19184/ejln.v5i3.8809>
- Ramli, Harozila, et al. "Creative and innovative thinking in the holistic development of students' potentials through "sekolah bitara" visual art program,"." *Turkish Journal of Computer and Mathematics Education (TURCOMAT)* 12, No. 3 (2021): 406-417. <http://dx.doi.org/10.1155/2022/6063418>
- Sabara, Sabara. "Perempuan Dalam Kearifan Lokal Suku Kei." *MIMIKRI* 8, No. 1 (2022): 88-111. <https://blamakassar.e-journal.id/mimikri/article/view/637>
- Saddhono, Kundharu, et al. "The Study of Philosophical Meaning of Batik and Kimono Motifs to Foster Collaborative Creative Industry." *Asian Social Science* 10, No. 9 (2014): 52-61. <http://dx.doi.org/10.5539/ass.v10n9p52>
- Saliman, Abdul R., *Hukum Bisnis Untuk Perusahaan Edisi V*. (Jakarta: Prenada Media, 2016).
- Selamet, Juhri. "Indonesian batik translation: A case study." *The International Journal of Visual Design* 12, No. 3 (2018): 11-17. <http://dx.doi.org/10.18848/2325-1581/CGP/v12i03/11-17>
- Shaari, Nazlina. "Indigenous knowledge creativity in batik cultural product based on Kansei." *International Conference on Social Sciences and Humanities (ICSSH'15) May 5-6, 2015 Bali*.
- Sirisathitkul, Y., and S. Kaewareelap. "Color analysis of batik fabric by facile smartphone colorimetry." *International Journal of Advanced Science, Engineering and Information Technology* 11, No. 1 (2021): 84-91. <http://dx.doi.org/10.18517/ijaseit.11.1.11480>

- Sulistyowati Irianto, "Praktik Penelitian Hukum Perspektif Sosiolegal"
In Sulistyowati Irianto and Shidarta, *Metode Penelitian Hukum: Konstelasi dan Refleksi*. (Jakarta: Yayasan Obor Indonesia, 2009).
- Susanti, Dyah Ochtorina, and IGN Parikesit Widiatedja. *Asas Keadilan Konsep dan Implementasinya dalam Perspektif Hukum Islam dan Hukum Barat*. (Malang: Bayumedia, 2011).
- Syed Shaharuddin, Sharifah Imihezri, et al. "A review on the Malaysian and Indonesian batik production, challenges, and innovations in the 21st century." *SAGE Open* 11, No. 3 (2021): 21582440211040128. <https://doi.org/10.1177/21582440211040128>
- Tantyo Bangun, *National Geographic: Traveler Vol1 No.6 2009* (Jakarta: KOMPAS Gramedia, 2006).
- Tenni, Brigitte, et al. "What is the impact of intellectual property rules on access to medicines? A systematic review." *Globalization and Health* 18, No. 1 (2022): 1-40. <https://doi.org/10.1186/s12992-022-00826-4>
- Tjoanda, Merry, et al. "Covid-19 sebagai Bentuk Overmacht dan Akibat Hukumnya Terhadap Pelaksanaan Perjanjian Kredit." *Sasi* 27, No. 1 (2021): 93-101. <https://dx.doi.org/10.47268/sasi.v27i1.447>
- Tresnadi, Chandra, and Agus Sachari. "Identification of values of ornaments in Indonesian batik in visual content of Nitiki game." *Journal of Arts and Humanities* 4, No. 8 (2015): 25-39. <https://doi.org/10.18533/journal.v4i8.797>
- Trixie, Alicia Amaris. "Filosofi Motif Batik Sebagai Identitas Bangsa Indonesia." *Folio* 1, No. 1 (2020): 1-9.
- Utiswannahkul, Patcha. "The traditional textile development in Nan region." *Humanities, Arts and Social Sciences Studies (Former Name Silpakorn University Journal of Social Sciences, Humanities, and Arts)* 16, No. 3 (2016): 1-18. <https://doi.org/10.14456/sujsha.2016.25>
- van der Borcht, Kim, and Saurav Ghimire. "Seeds & Intellectual Property Rights: Bad Faith and Undue Influence Undermine Food Security and Human Rights." *Law and Sustainability: Reshaping the Socio-Economic Order Through Economic and Technological Innovation*. (Cham: Springer International Publishing, 2022), pp. 183-208. http://dx.doi.org/10.1007/978-3-030-92620-5_7

Wulandari, Ari. *Batik Nusantara: Makna filosofis, Cara Pembuatan, dan Industri Batik*. (Yogyakarta: Penerbit Andi, 2022).

Declaration of Conflicting Statements

The author(s) stated that this work is original and has not been previously published in another journal or publication. The author(s) also declared that there is no conflict of interest in the publication of this article.

Funding Statement

This research funded by Universitas Pattimura, Ambon Indonesia and Educational Fund Management Institution (LPDP Indonesia).

Open Data Statement

All data and information in this article were available without any restriction

Reproducibility Statement

The author(s) stated that reproducibility of this article should be based on the Copyrights notice of this Journal under license a Creative Commons Attribution 4.0 International (CC BY-SA 4.0).