



Legal Framework of Inventory Policy of Lampung Indigenous Culture as a Traditional Cultural Expression

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Abstract. Indigenous peoples of Lampung have a lot of heritage of Traditional Cultural Expressions in the form of verbal expressions, sounds and movements whose existence has not been identified. There is a need of legal framework to carry out an inventory of the culture of the Indigenous Peoples of Lampung as a policy to protect and preserve it. The legal framework is formulated based on the legal understanding as a system that includes the legal substance, legal structure, and legal culture which refers to the provisions contained in Regional Regulation Number 2 of 2008 concerning the Maintenance of Lampung Culture and Bandar Lampung City Regional Regulation (Peraturan Daerah) No. 02 of 2019 concerning Preservation of Lampung Customs and Cultural Arts.

Keywords: legal framework · inventory policy · indigenous people · traditional cultural expressions

1 Introduction

The diversity of ethnic groups in Indonesia causes various kinds of intellectual creations created by the nation's ancestors in the scope of art, literature, and science which are manifested in various forms of products based on the culture of each of these ethnic groups. The tangible manifestations of the creative thoughts and ideas of the ancestors of the Indonesian people are expressed in the form of works of art in the Lampung Indigenous Peoples, including the ceremony of Gawi Kukhuk Limau, Tayuhan, Belangiran and Ngumbay Lawak, as traditional cultural expressions.

The culture of the Indigenous Peoples of Lampung which is part of the culture of the Indonesian nation and at the same time as a national asset, its existence needs to be maintained, empowered, fostered, preserved and developed so that it can play a role in efforts enhance public understanding of the noble values of the nation's culture based on Pancasila and the Constitution of the Republic of Indonesia (UUD 1945).

Legal protection for Lampung Indigenous Peoples' culture is facing obstacles in connection with the differences and status of each Lampung Indigenous Community group that inhabits several districts in Lampung Province. The Lampung Indigenous

Peoples consist of two major groups, namely: (1) the Pepadun which is consisting of Abung Siwo Mego, Pubian Telu Suku, Rarem Mega Pak, Bunga Mayang Sungkai, Way Kanan Lima Kebuwaiyan and Melinting and Jabung; (2) The Saibatin which is can be grouped based on their geographical area, namely: Saibatin in Lampung Barat, Pesisir Barat, Semaka Tanggamus and Kalianda. If it is viewed from the regional/territorial aspect, it turns out that a group of indigenous peoples resides in more than one district in Lampung Province. Like the Pepadun, apart from being in Tulang Bawang Regency, they are also in North Lampung Regency, East Lampung Regency, Central Lampung Regency, and Way Kanan Regency. Meanwhile, the Saibatin is located in South Lampung Regency, West Lampung Regency, West Coast Regency, and Tanggamus Regency.

It is necessary to have a legal framework on the Indigenous Peoples Cultural Inventory policy of Lampung as a Traditional Cultural Expressions by the Lampung Provincial Government and Regency Governments as efforts and concrete steps that are efficient and effective in protecting and preserving all cultural products created by the ancestors of the Lampung people. This is following the purpose of the Lampung Province Regional Regulation Number 2 of 2008 concerning the Maintenance of Lampung Culture (Perda 2/2008).

2 Discussion

Traditional Cultural Expressions (TCE) is part of a cultural identity that has gone through a quite lengthy process through several generations which are maintained, developed, and used by indigenous communities for survival and enhancing welfare. When the intellectual property rights system emerged, the existence of TCE faced challenges, notably those related to efforts to protect TCE. There are discourses about the protection of TCE, on the one hand, there is a desire for several parties to seek legal protection for TCE but on the other hand, they wish to continue to free TCE from any protection.

For the Indonesian people, the issue of ownership and who is the custodian of Traditional Knowledge and Traditional Cultural Expressions (TKTCE), is considered more urgent than the issue of the economy or commercialization of the TKTCE. Peter Jaszi's research showed what is a concern in Indonesia, specifically among traditional artists and community group leaders, is the issue of statements and acknowledgments that they are the custodians TKTCE, not the economic and commercialization issues of TKTCE itself. [3] For the majority of Indonesians, TKTCE has become their way of life. TKTCE teaches traditions, wisdom, values, and communal knowledge that is packaged and passed on to posterity through the saga, legends, arts, and ceremonies, which gradually form social norms and the Indonesian way of life. The loss of TKTCE means the loss of social norms too and Indonesian traditions that can have social implications, such as tensions or inter-community clash, which is common in multi-ethnic countries, like Indonesia.

TCE protection can provide a driving force in improving the welfare of all communities in rural areas. Based on Article 1 paragraph (12) of Law Number 6 of 2014 concerning Village Administration (UU 6/2014), the definition of rural community empowerment is an effort to develop community independence and welfare by increasing knowledge, attitudes, skills, behavior, abilities, awareness, and utilizing resources through the determination of policies, programs, activities, and assistance that are by the essence of the

problem and the priority needs of the village community, of course, including the needs of indigenous peoples who generally live in rural areas.

Considering that on the one hand the existence of the Lampung Indigenous Peoples is spread throughout the province of Lampung and on the other hand the culture of the Lampung Indigenous Peoples as TCE has not been officially identified and recorded, it is necessary to have a legal framework on the policies of the Lampung Provincial Government to collect the entire culture of the Lampung Indigenous Peoples. In the context of its protection and preservation as Traditional Cultural Expressions. The legal framework is formulated based on the notion of law as a system as proposed by Friedman including the legal substance subsystem, legal structure subsystem, and legal culture subsystem.

The aspect of legal substance to carry out the legal framework of the cultural inventory policy of the Lampung indigenous people is carried out by referring to the legislative policies that have been made by the Regional Government of Lampung Province. Several policies as outlined in several Regional Regulations (Perda) of Lampung Province, namely: (1) Perda Number 2 of 2008 concerning Maintenance of Lampung Culture; (2) Perda Number 5 of 2012 concerning the Implementation of Education Based on Religion and Culture; (3) Perda Number 5 of 2013 concerning Institutional of Indigenous Peoples of Lampung, and (4) Perda Number 27 of 2014 concerning Architecture of Building with Lampung Ornate; (5) Perda Number 4 of 2016 concerning the Protection of the Intellectual Works of the People of Lampung.

Based on Perda No. 2 of 2008 concerning the Maintenance of Lampung Culture, it can be seen that the background of the making of this Regional Regulation is to ensure the preservation of Lampung culture which is part of the culture of the Indonesian nation and at the same time as a national asset, whose existence needs to be maintained, empowered, fostered, preserved, and developed so that it can play a role to create an identity of Lampung society and increase public understanding of the noble values of the nation's culture to the fullest based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Concerning intellectual property, this Perda was established by taking into account Law Number 14 of 2001 concerning Patents and Law Number 19 of 2002 concerning Copyrights.

Based on the provisions of Article 6 of Perda Number 2 of 2008 concerning the Maintenance of Lampung Culture, the tasks of the Regional Government in implementing the maintenance of Lampung culture include: (1) The maintenance of Lampung culture is operationally carried out by the Regional Apparatus Work Unit whose main tasks and duties are: its functions are related to the maintenance, development, and development of aspects of Lampung culture; (2) The implementation of the maintenance of Lampung culture is carried out through the following ways or activities:

- a. Setting the use of all aspects of Lampung culture according to its function;
- b. Determination of various policies that are efficient and effective to maintain, foster, and develop Lampung culture.
- c. Development of all aspects of Lampung culture and fostering the community so that they are able and willing to understand and appreciate it properly;
- d. Maintenance of all aspects of Lampung culture to preserve Lampung culture as national cultural wealth and a source of Indonesian cultural development;

- e. Improving education in all aspects of Lampung culture to increase regional pride and strengthen the identity of the Lampung people.

Meanwhile, the policies of the Lampung Provincial Government in the context of maintaining regional clothing, building ornaments, and traditional wedding ceremonies include:

- a. Efforts in maintaining local clothing, typical Lampung ornaments on buildings, and matters relating to Lampung traditional wedding ceremonies to be preserved and sustainable,
- b. The existence of traditional noble clothes must be maintained, preserved, and developed by each indigenous people groups;
- c. As an effort to preserve and develop Lampung regional clothing, Lampung's official clothing types are determined, namely: (a) Lampung traditional clothing; (b) Complete formal attire; (c) cloth with Lampung motive.
- d. Maintenance and development of typical Lampung ornaments are carried out in the following ways: (a) requiring the use of typical Lampung ornaments in public buildings, existing/standing buildings or those to be built; (b) placing a typical Lampung ornament in the form of a Siger on the top and the end of the kapal cloth on the wall at each gate and or monument that functions as a regional/regional boundary, either subdistrict, district/city or province.
- e. Protection of Lampung Culture is carried out by registering copyright for works of art, literature, or crafts as well as works that are characteristic of the Lampung Region in other forms.

The above policy was strengthened by the issuance of the Perda Number 27 of 2014 concerning the Architecture of Building with Lampung Ornate. According to this regulation, the realization of Lampung's ornate buildings is part of Lampung culture which contains many philosophical values of the Lampung people. This perda was made as one of the efforts to preserve the cultural values of the Lampung people, notably the physical identity of the Lampung Ornate Building Architecture as part of the Lampung culture, and to encourage and empower/foster community participation in maintaining and developing the architectural values of the building.

Both of Perda are basically based on the provisions of Article 2 of the Joint Regulation of the Minister of Internal Affairs and the Minister of Culture and Tourism Number 42 of 2009 concerning guidelines for cultural preservation. Local governments carry out cultural preservation in the region which is carried out through protection, development, and utilization, but not yet regarding the policy to take an inventory of the forms of art that exist in the Indigenous People of Lampung. The existence of this policy is important considering that the Lampung Provincial Government (Pemprov) has received 17 certificates of determining the Intangible Cultural Heritage (WB TB) from the Ministry of Education and Culture, including muwaghe, the customs of the Rite community in East Lampung Regency. Hadra Ugan, the ritual community of Lampung Barat – Pesisir Barat. Ngunduh Damakh, the performing arts of Pesisir Barat Regency. Ngejalang Kubkho, the oral traditions, and expressions of the Pesisir Barat District. All of them can be protected as Traditional Cultural Expressions. This is because the concepts of the coverage of

EBT protection are closely related to the regions as "carriers" of traditional culture, so local governments, both provincial and district/municipal, have important duties and functions in their protection and utilization. Legislation on regional autonomy does not directly explain the relationship between local governments and the Intellectual Property (IP) system. However, in this case, it is necessary to have the initiative and creativity of the Regional Government to protect the community's TCE which is associated with IP, especially Copyright.

The existence of a policy requiring an inventory of TCE in the two groups of Lampung Indigenous Peoples which are located in more than one district in Lampung Province. Like the Pepadun, apart from being in Tulang Bawang Regency, they are also in North Lampung Regency, East Lampung Regency, Central Lampung Regency, and Way Kanan Regency. Meanwhile, the Saibatin are located in South Lampung Regency, West Lampung Regency, West Coast Regency, and Tanggamus Regency. Based on the principle of regional autonomy, each district has the authority to regulate its respective regional affairs so a policy from the Lampung Provincial Government is needed to coordinate the authority of the Regency Regional Government to take an inventory of the cultural products of indigenous peoples in their respective regions. For this reason, the legal framework forms to be considered: (1) requiring every district government in Lampung Province to legislate a Regional Regulation on the Inventory of Lampung Indigenous People's Culture in their area which is not related to other regions; (2) For the culture of the Lampung Indigenous Peoples whose existence involves more than one district, the obligation to carry out an inventory is carried out by the Lampung Provincial Government.

The structural aspect as the organizer of the Lampung Indigenous Culture inventory policy refers to the provisions contained Perda Number 2 of 2008 concerning the Maintenance of Lampung Culture and Perda Number 5 of 2013 concerning Institution of Lampung Indigenous Peoples. Based on Article 6 paragraph (1) Perda Number 2 of 2008, the maintenance of Lampung culture is the task Regional Apparatus Work Unit whose main tasks and functions are related to the maintenance, guidance, and development of aspects - aspects of Lampung culture. Meanwhile, based on the provisions of Article 5 paragraph (1) Perda Number 5 of 2013 concerning Institution of Lampung Indigenous Peoples that the Organizational Structure, position, and territory of the.

Adat Lampung Council consists of the Adat Lampung Council at the Provincial Level, Adat Lampung Council at the Regency level, and Adat Lampung Council at the District Level, and Adat Lampung Council at the Village Level. Based on these provisions, the legal framework of institutions as organizers of the cultural inventory policy of the Indigenous Peoples of Lampung includes: (1) Regional Apparatus Work Units at the provincial and district/city levels whose main tasks and functions are related to the maintenance and development of all aspects of Lampung culture.; (2) The Adat Lampung Council at the Provincial Level, the Adat Lampung Council at the Regency Level, the Adat Lampung Council Council at the District Level, and the Adat Lampung Council at the Village Level.

Aspects of legal culture of policy implementation refers to the provisions of Article 7 paragraph (2) of the Bandar Lampung City Regulation Number 02 of 2019 concerning the Preservation of Lampung Customs and Cultural Arts that the implementation of the preservation of Lampung culture is carried out through methods or activities including

(a) fostering and developing participation and creativity as well as increasing public awareness of the preservation of Lampung arts and culture; (b) improving education in all aspects of Lampung culture in extracurricular activities in schools as an effort to increase regional pride and strengthen the identity of the Lampung people; and (c) organizing a Lampung cultural arts festival/performance, including Dance Arts, Sound Arts, Music Arts, and Lampung Pencak Silat.

3 Conclusion

The TCE of Lampung indigenous people is diverse in the form of verbal expressions, expressions of sound and music, and expressions of motion. These have been passed down from their ancestors for several generations. The existence of TCE needs to be maintained, empowered, fostered, preserved, and developed. There is a need to formulate a legal framework for the inventory policy of the TCE of Lampung indigenous people. The legal framework is formulated based on the notion of law as a system that includes a subsystem of legal substance, legal structure, and legal culture. The substantive aspects are: (1) requiring every district government in Lampung Province to make a Regional Regulation on Inventory of Lampung Indigenous Peoples' Culture in their area which is not related to other regions; (2) For the culture of the Lampung Indigenous Peoples whose existence involves more than one district, the obligation to carry out an inventory is carried out by the Lampung Provincial Government. From the aspects of legal structure, the institution which organizes the TCE of Lampung indigenous people includes: (1) Regional Apparatus Work Units at the provincial and district/city levels whose main tasks and functions are related to the maintenance and development of Lampung culture; (2) The Adat Lampung Council at the Provincial Level, the Adat Lampung Council at the Regency Level, the Adat Lampung Council at the District Level, and the Adat Lampung Council at the Village Level. While aspects of legal culture include: (a) fostering participation and creativity as well as increasing public awareness of the preservation of Lampung arts and culture; (b) improving education in all aspects of Lampung culture in extracurricular activities in schools as an effort to increase regional pride and strengthen the identity of the Lampung people; and (c) organizing a Lampung cultural arts festival/performance, including Dance, Music, and Lampung Pencak Silat.

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