



Preventing Copyright Plagiarism in the Digital Era at Sembung Batik Artworks, Yogyakarta

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Abstract. Batik is one of Indonesia's valuable cultural heritage, and has become the identity of the Indonesian nation and is a great work of the nation. Batik is maintained so that it can be preserved by the efforts of the craftsmen to create batik studios, and by inviting the younger generation to join in learning batik so that the cultural heritage does not fade with the times. As a form of appreciation for Indonesian culture, the Government has designated October 2 as National Batik Day based on recognition from the United Nations Educational, Scientific and Cultural Organization (UNESCO). The era of digitalization allows the process of designing batik motifs to be carried out computerized, which has an impact on changing the manual way of making batik to a digital printing process, so that in the end it will have an impact on copyright infringement on batik works, where digital batik designs are easily imitated or plagiarized. Based on these problems, this article discusses the shift from manual batik works to digital, what plagiarists can access when taking digital batik works, and how to anticipate copyright violations in the digital era. This research uses a Normative Juridical type of research with a descriptive analytical approach. The results of this research show that cases of plagiarism of batik creative works can result in batik products not being competitive, becoming less marketable because there are parties who market cheaper batik works as plagiarized works without having to spend capital on design costs. In resolving plagiarism of batik copyrighted works, generally the resolution is carried out for violations of batik copyrighted works through repressive non-litigation methods, and if non-litigation methods cannot resolve the problem, then it will be carried out by litigation. Sembung Batik anticipates plagiarism in its batik works by continuing to work by creating the latest batik models/motifs, so that Sembung batik works continue to be updated.

Keywords: Plagiarism, Copyright, Sembung Batik.

1 Introduction

Recognition from the United Nations Educational, Scientific and Cultural Organization (UNESCO) has become the basis for the Government's determination that October 2 is national batik day, as a nation that has extraordinary batik works with many styles and types. Each region has a different distinctive batik pattern, for example: Pekalongan, Cirebon, Madura, Solo batik and so on. Each region highlights its regional characteristics. The idea of batik creation is immortalized with the names of batik whose motifs are recorded as preserved creative works, such as: parang batik (Java Island), Kraton (Yogja), Megamendung (Cirebon), Gentongan (Madura).

By continuing to develop creative ideas for his batik works which are expressed in every batik product model that will be published and produced to be marketed as his newest batik models and works. Batik creations can be expressed in handwriting, known as written batik, or by stamping (printing), namely by printing batik works on the basic material for making batik.

Batik is a work of art that needs protection, therefore, the Government issued a law regarding Intellectual Property Rights, namely Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright, which also regulates violations of copyright piracy, including batik. The traditional batik craft must be preserved. The aim is not just to protect cultural products, but also to ensure that traditional craft artists in Indonesia can get benefits, including financial benefits, from the work they make [1].

As a cultural work of the nation's children, Batik is not immune from plagiarism carried out by people who want to easily obtain batik works as if the batik works were their own. There are several forms of batik plagiarism that are usually carried out: first, violation/plagiarism of batik designs, this manifests in plagiarizing or taking someone else's batik design and making it appear as if it were one's own batik design; second, piracy of batik artwork by duplicating well-known batik artwork without obtaining official permission in accordance with applicable regulations; third, claim batik copyright by claiming copyright on certain batik motifs [2].

The era of digital technology has made it easy for humans to carry out any activity, which in a short period of time, quickly, with high quality and quantity produces output, including batik work. And in reality, the era of digital technology is not free from the threat of plagiarism for creators of batik artwork, which can be easily accessed, and by making slight changes (modifications) to the work, it can then be recognized as their work. In cases of plagiarism like this, it is very easy for someone to claim that the plagiarism's work is his work. For this reason, separate efforts need to be made so that the batik artwork created is not easily claimed as someone else's work. There are several ways to avoid plagiarism, including registering your work with the Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights.

Legal efforts taken by creators for violations of copyrighted works of batik art motifs are usually resolved in a non-litigation manner, namely in the form of negotiations with the copyright infringer. Copyright protection for batik art is declarative, which automatically means that when a work has been realized in real form, the work receives legal protection. Thus, the legal force between works registered at the Directorate General of Intellectual Property Rights and those that have not been registered is the same. However, recording functions as authentic evidence if a dispute arises in the future.

Legal protection of batik is a step taken by the government to protect valuable national assets. The work produced by humans from their intellect is not produced easily but requires considerable sacrifice of time, energy and costs. Hard work and maximum effort in creating intellectual works will also have an economic impact and extraordinary benefits. The legal protection given to creators is to respect their work, which aims to develop and advance national works of art including batik [3]. Based on Law Number 28 of 2014 concerning Copyright, provisions regarding the use of copyrighted works belonging to other people are regulated as well as legal traps that

threaten copyright violators. Reporting copyright violations can only be done by the owner of the work as a complaint offense.

This research provides an overview of how Sembung Batik Works efforts to avoid plagiarism by irresponsible people in the era of digital technology. Sembung Batik work is the result of the culture of the Sembung people, which is based on traditional knowledge where this work has existed for a long time and has been passed down from generation to generation and is owned by the Sembung community group. Traditional Sembung batik has distinctive characteristics in its motifs, but the creativity of Sembung batik is adapted to current developments, making Sembung Batik Contemporary Batik.

2. Research Methods

The method used in this research is empirical juridical, namely research that is based on legislation and also uses research that is based on facts, realities and problems that exist in the field [4]. This empirical juridical is a method or procedure used to solve research problems, by examining secondary data first, then by examining primary data in the field. The research specifications used are analytical descriptive, intended to provide a detailed, systematic and comprehensive description of everything, both legislation and legal theories [5]

This research will describe the implementation of Batik Sembung's efforts to protect its temporary batik works as well as the implementation of protecting batik motifs in Yogyakarta. Primary data in the research was obtained from direct interviews with respondents, namely: 1) Mr. Bayu, owner of Batik Sembung. 2). Mother is Bayu's parent.

3. Results and Discussion

3.1. General description of Sembung Batik History of Sembung Batik.

"Sembung Batik" is a company (home industry) which operates in the field of making batik textiles (traditional and modern) which was formed in 2009. This business began with the experience of a batik worker named Mr Sogirin who once worked at a well-known batik company in Yogyakarta who then decided to start his own business at home. Armed with the experience he has gained for approximately 10 years. Sogiri and his son Bayu Permadi started the batik business by creating creative batik motifs. Not only preserving the typical culture of batik and combining it with modern patterns, Sembung Batik but also opening a forum for anyone who wants to learn the batik process.

From Bayu's explanation, the characteristic of Sembung Batik is that there are products that carry abstract motifs or are not fixed on a particular motif, and are made according to the maker's expression. However, of course the classic batik motifs and certain standards or philosophies are still maintained. In fact, both abstract and classical motifs can be combined. In the interview, Bayu told about his initial involvement as a batik maker. "So in 2008, when I was still in junior high school, my father taught me about

batik. Then I became interested and learned,” said Bayu when met at Sanggar Sembung Batik on Thursday (16/03/2023). At that time, his parents’ batik business only had two employees. One of the turning points that made Sembung Batik increasingly popular with buyers was the recognition of the geblek renteng batik motif which is the hallmark of Kulon Progo. According to Bayu, at least every house has a batik maker. In 2012, the government required all agencies and schools to wear geblek renteng batik uniforms and the batik had to be purchased from local batik industries in Kulon Progo. The soaring demand for geblek renteng batik meant that Sembung Batik was flooded with buyers, so it had to recruit more or less forty workers.

Sembung Batik Philosophy A.

Sembung batik craftsman, Bayu initially produced classic batiks on one sheet of cloth full of motifs. After production like this had been going on for one to two years, boredom emerged within Bayu, which finally resulted in Bayu expressing his turmoil regarding the Sembung batik motif. According to Bayu, batik with the troubled motif is not much different from other batik, it’s just that the marketing method is different. Bayu also combines various motifs and colors in one fabric so that it looks unique and refreshing.

Not satisfied with creating batik with a troubled motif, Bayu then made batik with a cold lava motif, batik with a cloth width of 77 meters as a commemoration of the Republic of Indonesia’s 77th anniversary in August 2022. And finally, Bayu and other batik artists made batik with Sambo motifs and created a virtual exhibition. Prior to that, this man from Lendah had also made batik with Mount Semeru motifs, the batik results of which were then auctioned, and the auction proceeds were donated to communities affected by the Mount Semeru eruption. According to Bayu: “In batik, the important thing is the process, not the motive.”

Batik is a process where the means of expression is either using a brush or using a stamp, which basically uses wax and uses dye on the image motif. This process is known as batik. From this business and batik production process, Bayu and other batik makers expressed criticism to the government and related agencies for things that increasingly show the depravity of the parties who are supposed to protect the batik making community.

Characteristics of Sembung Batik.

It is named Sembung Batik because it is a folk batik made by village people from Sembung Village, Kulon Progo. The characteristic of Sembung Batik itself is that its motifs are contemporary and the colors are more expressive, although at first this kind of batik was not widely known by the people of Kulon Progo themselves.

The motifs and colors of Sembung Batik are the result of experiments which are increasingly liked by many groups. To continue to maintain the special features of the Batik Sembung business, Bayu strives to always produce new things regarding motifs, colors and other materials.

By expressing events within oneself, or events in the community which then become the basic ideas for designing new batik motifs

3.2 Efforts to Avoid Plagiarism of Sembung Batik

Along with developments in the digital era, sembung batik is also following developments by using digital as a communication tool to market its products. By spreading the existing features via the internet and social media, Sembung batik products with their various contemporary motifs can be socialized quickly. Efforts to use digital technology to disseminate sembung batik work have received positive appreciation from the public and government. The large number of orders for sembung batik products has increased this business's message and encouraged batik works to be realized, both custom-made motifs and the latest motifs.

The success of this business also creates new problems for Sembung batik businesses regarding work that has already been created, with it being easy to access Sembung batik motifs, it is also easy for plagiarists to follow Sembung batik motif works in production without thinking about the efforts made by the batik creators who created the motif creations. This reduces the number of requests because there are other parties who also produce the same work. From interviews conducted by the author with Bayu son Sogiri as the owner of the Sembung Batik Studio, regarding knowledge of Intellectual Property Rights, as a business owner, Bayu knows that there is copyright which is protected by law, batik artwork that can be registered with the Directorate General of Intellectual Property Rights (IPR). However, Bayu did not register the batik artwork he created even though it is protected by law. Based on an open spirit and the intention to share knowledge, especially about batik motif ideas, Bayu has his own way of not plagiarizing his work by other people, namely by continuing to work to produce contemporary batik motifs, so that Sembung batik works are always updated. By expressing events within himself or his community, Bayu pours his batik motifs into fabric which is then produced as the newest batik motif. At least once every two weeks, Bayu creates the latest batik motif artwork. (Interview results).

Analysis of Research Results

Hamzuri defines batik as a drawing or painting made on a cloth called mori cloth and the drawing process is carried out with a tool called canting. Meanwhile, the activity of painting by canting on mori cloth is called batik activity. The results of batik activities are called batikan which have different motifs and characteristics [6].

Batik as a work or someone's creation must receive protection, copyright is one of the rights that is the most important focus in the study of Intellectual Property Rights. Copyright is regulated in Law number 28 of 2014 which contains copyright which has undergone changes from Law number 19 of 2002 concerning copyright which has been amended to suit the needs of society and legal developments [7].

Copyright contained in the law includes two things, namely protected and unprotected works or creations. Protected works include all things related to the fields of science

and technology, literature and art, which include (1) written works, (2) books, (3) pamphlets, (4) educational teaching aids, (5) lectures, lectures, speeches, (6) music and songs or singing, (7) various dramas and musicals, dance, choreography, pantomime and the like, (8) all forms of works of art, both fine and applied, as well as works of architecture and batik art, (9) maps, (10) works of photography and cinematography, (11) compilations of works and cultural expressions, (12) translations, adaptations, modifications, transformations of other people's works. (13) videos and computer programs [8]

In general, creative works of art, one of which is batik works of art, are divided into 4 (four) types of theory:

- a. First, Reward Theory, which states that inventors and creators are given awards and recognition.
- b. Second, Incentive Theory, which states that incentives are given to inventors and creators who have successfully produced their intellectual works in order to stimulate efforts or creativity to discover and create further.
- c. Third, Risk Theory which states that basically human intellectual work is pioneering, so there is a risk that other parties will refer to or further develop this intellectual work.
- d. Fourth, Public Benefit Theory, or Economic Growth Stimulus Theory, or More Things Will Happens Theory, which states that human intellectual work is a tool for achieving and developing the economy [9].

The development of information and communication technology has become one of the important variables that has had a major influence on changes to the Copyright Law. On the one hand, this technology has a strategic role in the development of copyright, but on the other hand it is also a medium for law violations in the field of copyright. Proportional settings are very necessary so that positive functions can be optimized and negative ones can be minimized. The enactment of the Copyright Law in Indonesia has certainly brought new good hope for copyright protection against violations of the rights to their work, especially for creators of works of art. The underlying reason for the protection of intellectual property rights, especially copyright, is that someone has devoted their efforts to creating or discovering something. They should have a natural or basic right to control what they have created.

According to Hutaeruk in OK. Saidin (2015: 218), [10] there are two important elements that must be contained in copyright, namely: a. Rights that can be transferred or shifted to another party; b. Moral rights which under no circumstances and in any way cannot be abandoned by the creator, such as announcing his work or not announcing his work, determining the title of his work, including or not including the real name or pseudonym of the author, and maintaining the integrity or integrity of the creative work. This is contained in the Copyright Law. The law has provided exclusive rights as protection as well as limits on the use of works by others. The exclusive rights owned by creators are divided into two, namely moral rights and economic rights. Moral rights and economic rights are the core of the legal protection given to creators.

Copyright violations committed through free streaming and download sites are included in acts carried out intentionally and without rights. The performer transmits and transfers the cinematographic work so that it can be watched and accessed via its website.

This action is regulated in Article 32 of the ITE Law, and carrying out this action will certainly result in losses for other people, in this case the creator (Article 36). In Article 40 of Law Number 19 of 2016 concerning Amendments to the ITE Law, in preventing the dissemination and use of information or electronic documents that have prohibited content in accordance with the provisions of statutory regulations, the government has the authority to terminate access to electronic information and/ or electronic documents that contain unlawful content.

Content that violates the law includes intellectual property rights material. Theft, plagiarism and piracy of design work have become increasingly common in recent years. The perpetrator himself, for some reason, seems to have had enormous courage in discrediting the original designer. In fact, the perpetrators of these sad incidents are not only from designer to designer, but are often also carried out by large companies in order to reap free profits (without hiring the designer or paying for the rights to his work). The government through the Director General

Intellectual Property facilitates copyright registration, so that designers can have a 'magical' letter stating that the designer is the legal copyright holder of a particular creative work. However, even though designers have not registered their copyright, they still have the right to reprimand, sue and sue people who violate their copyright. Designers can ask them to stop their infringing activities, or invite official cooperation so they can enjoy the benefits too. If they do not heed the warning, designers can take legal action, both civil and criminal. For social media, we can report their posts that contain our work for reasons of violation of intellectual property rights. Unfortunately not all social media facilitates this reporting. According to Ahmad M. Ramli, the problem of piracy is more caused by a lack of public awareness of the importance of copyright as a manifestation of respect for creators. Explaining this to the public is not easy and must be seen comprehensively. Copyright law provides a balance of rights and obligations, and is based on the principles of equality, fair competition and equal opportunity. So it is appropriate for each party to exercise their rights in accordance with their position [11].

4. Conclusion

In accordance with Article 2 of the Copyright Law No. 28 of 2014 which explains that, the nature of Copyright is an exclusive right for the creator or Copyright holder to publish or reproduce his creation, which arises automatically after a creation is created without reducing restrictions according to applicable regulations.

Copyright violations committed through free streaming and download sites are included in acts carried out intentionally and without rights. The performer transmits and transfers the cinematographic work so that it can be watched and accessed via its website. This action is regulated in Article 32 of the ITE Law, and carrying out this action will certainly result in losses for other people, in this case the creator (Article 36). In Article 40 of Law Number 19 of 2016 concerning Amendments to the ITE Law. Batik Sembung does not register the batik artwork it creates as intellectual property that must be protected. Sembung Batik has its own way of ensuring that its work is not

plagiarized by other people, namely by continuing to create contemporary batik motifs, so that Sembung batik work is always updated

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