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bandar lampung**
SCHOOL OF POLITICAL AND SOCIAL SCIENCES
Bandar Lampung University, Indonesia

Icon-LBG 2016

**The Third International
Conference on Law,
Business and Governance**

PROCEEDINGS

Hosted by
Faculty of Law, Faculty of Economics and Faculty of Social Science
Bandar Lampung University (UBL)

Icon-LBG 2016

THE THIRD INTERNATIONAL CONFERENCE
ON LAW, BUSINESS AND GOVERNANCE 2016

20, 21 May 2016
Bandar Lampung University (UBL)
Lampung, Indonesia

PROCEEDINGS

Organized by:



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PREFACE

The Activities of the International Conference are in line and very appropriate with the vision and mission of Bandar Lampung University (UBL) to promote training and education as well as research in these areas.

On behalf of the Third International Conference on Law, Business and Governance (3th Icon-LBG 2016) organizing committee, we are very pleased with the very good response especially from the keynote speaker and from the participants. It is noteworthy to point out that about 46 technical papers were received for this conference.

The participants of the conference come from many well known universities, among others : International Islamic University Malaysia, Unika ATMA JAYA, Shinawatra University, Universitas Sebelas Maret, Universitas Timbul Nusantara, Universitas Pelita Harapan, Universitas Bandar Lampung, Universitas Lampung.

I would like to express my deepest gratitude to the International Advisory Board members, sponsor and also to all keynote speakers and all participants. I am also grateful to all organizing committee and all of the reviewers who contribute to the high standard of the conference. Also I would like to express my deepest gratitude to the Rector of Bandar Lampung University (UBL) who give us endless support to these activities, so that the conference can be administrated on time

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OUTLOOK FOR TAPIS FABRIC AS TRADITIONAL CRAFTS LAMPUNG SOCIETY IN THE INDICATION GEOGRAPHY LEGAL PROTECTION

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Abstract

Tapis fabric as handicrafts depicting unique aspects of Lampung community life should receive other legal protection potential of more prospective and protect from the action claiming another country. Researchers assessed their registration tapis tradition of Lampung as a geographical indication products, be a potential for prevention as well as a norm that protects local names (geographical location), as a sign to recognize the quality or characteristic of the product

Keywords: Tapis, Lampung Province, Geographical Indications

1. INTRODUCTION

Lampung is a province that has strong cultural roots and distinctive cultural pattern such as Tapis art tradition that has its own characteristics compared to other provinces. Tapis is shaped Lampung ethnic women's clothing "sarung" made of woven cotton yarn with motifs or ornaments embroidered with gold or silver thread, as a symbol of someone status. The function of tapis itself is closely related to the symbolic meaning contained in decoration and a device for traditional ceremonial purposes. Tapis has a function in some aspect of community life supporters, such as social aspects, the religious aspect, the aesthetic aspects and economic aspects¹.

From religious aspect, tapis used in the life cycle ceremonies including religious ceremonies. Ornamentation exist on a piece of tapis symbolize a form of Lampung public confidence towards the grandeur of nature and the greatness of God. While the aesthetic aspects, decorative motif shown spawned artwork that has aesthetic value and high historical value. Lampung society has been weaving since the 800s . It is based on the historical record in the 7th century originating from the inscription King Belitang, which for the first time developed by the Menggala Society (Tulang Bawang) and Kenali (Lampung Barat)².

According to Van der Hoop stated that the people of Lampung have been weaving brocade called trays (handsome) and fabric pelepai since the 2nd century BC. Every society Lampung Pepadun or Saibatin own tapis patterns and motifs Lampung Tapis from Pesisir there are 6 types, Tapis Lampung from Pubian Telu Suku there are 10 types, Tapis Lampung from Sungkai Way Kanan there are 10 types, Tapis Lampung from Tulang Bawang Mego Pak, there are 12 types, Tapis Lampung from Abung Siwo Mego there are 18 types and other species are not recorded³.

Tapis Lampung as handicrafts depicting unique aspects of Lampung community life should receive other legal protection potential of more prospective and protect from the action claiming another country. Researchers assessed their registration tapis tradition of Lampung as a geographical indication products,

¹Anshori Djausal, chairman of indigenous peoples Abung (North Lampung) at <http://lampungkitaoke.blogspot.com>, "Kain Tapis, Warisan Nenek Moyang Yang Makin Langka"

²ibid

³http://id.wikipedia.org/wiki/Kain_tapis,

be a potential for prevention as well as a norm that protects local names (geographical location) as a sign to recognize the quality or characteristic of the product.

Outlook for Tapis has economic value of products that are important in international trade. The main, after definitively introduced on the rules of international trade within the framework of the WTO. Protection of Geographical Indications requires proactive efforts from stakeholders (community owners) in the form of registration in order the ownership. Registration Art Tradition Tapis Lampung as a first step the recognition of rights. Indonesia's participation in international conventions Lisbon 1958 is also necessary to strengthen ownership of Geographical Indications in international forum.

2. METHOD

This type of research used in this study is a normative legal research methods empirical, a combination between normative legal approach with the addition of various elements of empirical. Normative-empirical research methods on the implementation of the normative legal provisions (legislation) in action at any particular legal events that occur in a society. The type of data used is secondary data (data obtained from literature study) and primary data (data obtained directly from public life by interview, observation and others). Data were analyzed qualitatively with interactive models (interactive models of analysis), the data collected will be analyzed through three stages, first to select and clarify the data that is reducing the data, presenting data and draw conclusions.

3. DISCUSSION

Prospects for the protection of Traditional Arts Lampung Tapis has an economic value of products that are important in international trade. Registration Art Tradition Tapis Lampung as a first step the recognition of rights. Protection of Traditional Arts Lampung Tapis through Copyright or Trademark Rights can not fully protect from acts of plagiarism cultural creations from other countries. Geographical Indications that the regime of intellectual property rights can make Lampung Tapis the legal protection which also attach special quality or character of Tapis was essentially influenced by the historical and especially can indicate the place of origin. Thus the character of ownership of Geographical Indications is very potential to serve as an adhesive product to the place of origin, so that products are protected can still give the highest economic benefit for the region of origin of the product and avoid acts of plagiarism by others. Therefore, through this research, researchers examined that Lampung Tapis can be protected in the legal protection of Geographical Indications.

The study of the prospect of Tapis as traditional craft Lampung society that can be protected by geographical indications, researchers will test with some indicators as follows:

- A. Article 56 paragraph (1) of Law Number 15 of 2001 on Marks and general provisions of Government Regulation No. 51 of 2007 on Geographical Indications Pursuant to Article 56 paragraph (1) of Law Number 15 of 2001 on Marks and general provisions of Government Regulation No. 51 of 2007 on Geographical Indications, geographical indications are defined as follows:

Geographical indications are protected as a sign which indicates the origin of goods, which is due to the geographical environment, including natural factors, human factors, or a combination of both these factors, provide specific characteristics and quality of the goods produced.

The formulation of the definition of geographical indication in the Government Regulation No. 51 of 2007 on Geographical Indications and Article 56 paragraph (1) of Law Number 15 of 2001 regarding Marks have in common formulation that is elaborating the pins terms. According to Article 2 Paragraph (1) of Government Regulation No. 51 of 2007 on Geographical Indications stated: Sign is the name of the place or area or other specific signs that indicate the origin of the goods protected by the generates a geographical indication. Article 56 Paragraph (1) of Law Number 15 of 2001 on Marks that these markers can be the name of a place, area, or region, of words, pictures, letters or a combination of these elements.

Here is a description of the definition of geographical indications associated with Tapis Lampung:

- a. Geographical indications are protected as a sign that shows the area of origin of goods
To avoid acts that threaten the culture of hereditary craft goods which in this case is a tapis necessary for the State to provide legal means for interested parties on the goods. In this case the producer associations, public bodies, or local government. Characters ownership Geographical Indications be potential to serve as an adhesive product to the place of origin, so that products are protected can still give the highest economic benefit for the region of origin of the product.

In terms of historical Lampung tapis has been around since ancient craft which is hereditary. It was proven that according to have been weaving (handsome) and Kain Pelepai since the 2nd century BC. These motifs are key and rhomboid shape, the tree of life, and the building containing the human spirit that has died. There is also an animal motifs, sun, and moon. Known also woven cloth filter terraced, embroidered with white silk thread called Tapis Inuh. It is thus clear that the tapis craft has been since the second century into ownership of Lampung people.

In terms of ownership of the motor historically from Lampung filter fabric is also inherent that the motifs on ancient embroidery cloth filter is a manifestation of the elements of the philosophy of community Lampung, that is "Piil Pesengiri" consisting of Nemui Nyimah (productive), Nengah Nyappur (competitive), Sakai Sambaian (cooperative) dan juluk adek (innovative). Piil principles have meaning, and pesengiri means of self-esteem, meaning that the principles espoused in order that a person has no existence or dignity⁴.

Thus the above description proves that the Tapis is already owned by the people of Lampung for a long time and is a manifestation of Lampung people's life philosophy.

- b. Protected because of the geographical environment, including natural factors, human factors or a combination of both factors.

The characteristics of the geographical environment includes natural factors (such as lands and climate) and human factors such as the particular professional traditions of the producers established in a defined geographical area. In the manufacture of filter fabric prior to 1950, artisans in the area still uses material from the processing itself, particularly for woven materials. The processing using the "ikat" system, while the use of gold thread had long as the materials are imported. Such materials include⁵:

- 1) Khambak (cotton) is used to create threads
- 2) cocoons of silkworms to make silk thread
- 3) Pantis (wax honeycomb) to stretch the yarn
- 4) The root of citronella for preservatives thread
- 5) betel leaf to make in order not fade
- 6) The young areca nut, henna leaves, bark kejal for red dye
- 7) Wood skin greetings, rambutan tree bark to dye black
- 8) Skin mahogany wood or bark to dye brown durian
- 9) Fruit dedukuh or leaves talom for blue dye
- 10) Turmeric and whiting yellow dye

As time, craftsmen community assesses that the use of natural dyes and less cumbersome so today craftsmen have been many who leave these materials. But the basic materials of the universe originally had been inherited from a common ancestor Lampung people as a hereditary tradition in the processing of tapis. Therefore, natural materials can be categorized as natural factors that affect the quality and character of tapis Lampung, with the proviso that the craftsmen of the current filter fabric must be willing to maintain the ancestral heritage in the development of a culture of making tapis handicraft.

Tapis weaving process in Lampung society called matak, a weaving equipment that serves to create or weave cloth. While the processing of the material is divided into two phases: yarn stitching phase and weaving motif phase. The tools used to compile a thread that is Sesang, while the process of preparing the yarn called menyelang. Decorative motif on tapis in general have meaning and abstract shape of an object. It is adapted to use tapis with certain motifs used in traditional ceremonies Lampung. The means used in forming the motif can be done simply by inserting decorative threads on the tapis base.

Mechanical processing of materials and weaving techniques and techniques of forming patterns on tapis as described is the human factor that has a special character and quality of the tapis Lampung. Such techniques have been handed down since ancient times by the people of Lampung as a traditional art craft tapis.

- c. Provide specific characteristics and quality on the goods produced

Elements characteristics and quality of the goods produced is a requirement which must have relevance to the geographic environment, including natural factors and human factors. According to the study investigators characteristic linkage elements or special characters in the Tapis are among the:

⁴ Fachruddin, Tapis Lampung, 2003, Bandar Lampung: Dinas Pendidikan Prov Lampung, hlm 9

⁵ Junaidi Firmansyah dan R.A. Zubaidah, *Mengenal Sulam Tapis Lampung*, 1996, Bandar Lampung: Gunung Pesagi, hlm 29

- 1) Tapis motif that embodies the philosophy of the people of Lampung is "Piil Pesenggiri" principles that have meaning or dignity of the people of Lampung. Basic materials and natural dyes are hereditary. The basic ingredients of nature and natural dyes as describe been inherited from a common ancestor Lampung people as a hereditary tradition in the processing of tapis. Therefore, natural materials can be categorized as natural factors that affect the quality and character of tapis Lampung, with the proviso that the craftsmen of the current tapis must be willing to maintain the ancestral heritage in the development of a culture of making handicraft tapis.
- 2) technique of weaving and embroidery that became tradition Lampung. Tapis weaving process in Lampung called mattakh society and the process of preparing the yarn by means Sesang.

The theory of legal protection proposed by Philip M. Hadjon that legal protection is protection will be the inherent dignity and the recognition of human rights possessed by the subject of law in the country with a law based on the legal provisions in force in the country in order to prevent arbitrariness, so it can be said that the law serves as the protection of human interests⁶. Legal protection is an effort made by the law in tackling the violations, which consists of two types, namely⁷:

- a. The legal protection are repressive, that the legal protection was made to resolve a dispute.
- b. The legal protection that is preventive, that legal protection was made with the aim to prevent disputes.

With an inventory of the products of geographical indication potential in every region in Indonesia, a preventive legal protection to prevent violations of geographical indications for products of potential geographical indication is a domestic product that has economic value and high reputation. Thus requiring legal guarantee.

Forms of legal protection in Regulation No. 51 of 2007 on Geographical Indications can be described is that of a geographical indication to be registered in advance in order to receive protection, it is expressly provided in Article 3 which mentions the geographical indication anywhere that can not be registered, that one of them is indication is generic is an indication of an item that has become public property because it is often used in everyday language, and therefore not protected.

4. CONCLUSION

Protection of Traditional Arts Lampung Tapis through Copyright or Trademark Rights can not fully protect from acts of plagiarism cultural creations from other countries. For in Copyright, independent creations of two artists that are similar indeed be equally protected, as long as it can be proven that the creation is not the result mimic without permission creations of others. Geographical Indications that the regime of intellectual property rights can make Lampung Tapis the legal protection which also attach special quality or character of Tapis was essentially influenced by the historical and especially can indicate the place of origin. Thus the character of ownership of Geographical Indications is very potential to serve as an adhesive product to the place of origin, so that products are protected can still give the highest economic benefit for the region of origin of the product and avoid acts of plagiarism by others.

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⁶Philipus M Hadjon, 1987, *Perlindungan Hukum Bagi Rakyat Indonesia*, Bina Ilmu, Surabaya, hlm. 19.

⁷*Ibid*



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