

**UNDK**  
University Network of Digital Knowledge



# Sertifikat

Diberikan kepada:

**Dr. R. Diah Imaningrum, SH., M.Hum.**

atas partisipasinya sebagai

**PEMBICARA**

dalam Seminar Integrasi Digital Knowledge dalam Pembelajaran  
(Digital Knowledge Integration into Students' Learning)

Atas kerjasama:

**University Network of Digital [Local] Knowledge  
Universitas Kristen Petra  
Universitas Katolik Widya Karya**

Lembaga Penelitian dan Pengabdian kepada Masyarakat  
Universitas Kristen Petra

Surabaya, 10 April 2015

Kepala LPPM,

Dr. Juliana Anggono, ST., M.Sc.









# TOPENG MALANG AND COPYRIGHT

Dr. R. Diah Imaningrum S, S.H.,M.Hum

**SEMINAR LOCAL KNOWLEDGE  
@ PETRA UNIVERSITY  
SURABAYA – APRIL 10, 2015**

I.

ABOUT  
“MASKS FROM INDONESIA”

# MASKS FROM BALI

<b>DECORATIVE:</b>	<b>REALIST:</b>
0%	100%
<b>SCULPTURE:</b> Round, flexible, pliant	
<b>FACE:</b> Human face (realist)	
<b>MATERIAL:</b> <i>Miri</i> wood, <i>waru</i> wood	
<b>ORNAMENT:</b> Realist	





# MASKS FROM JOGJAKARTA (Central Java)

<b>DECORATIVE:</b>	<b>REALIST:</b>
100%	0%
<b>SCULPTURE:</b>	
Oval, pliant	
<b>FACE:</b>	
Decorative (example : wayang puppet)	
<b>MATERIAL:</b>	
Wood	
<b>ORNAMENT:</b>	
Tend to be like the form of temple (triangle)	



# MASKS FROM MADURA (East Java)

<b>DECORATIVE:</b>	<b>REALIST:</b>
50%	50%
<b>SCULPTURE:</b> Round and angled	
<b>FACE:</b> Decorative-realist; smaller; concave	
<b>MATERIAL:</b> <i>Cangking</i> wood	
<b>ORNAMENT:</b> <i>Ukel2, bight, tendril</i>	





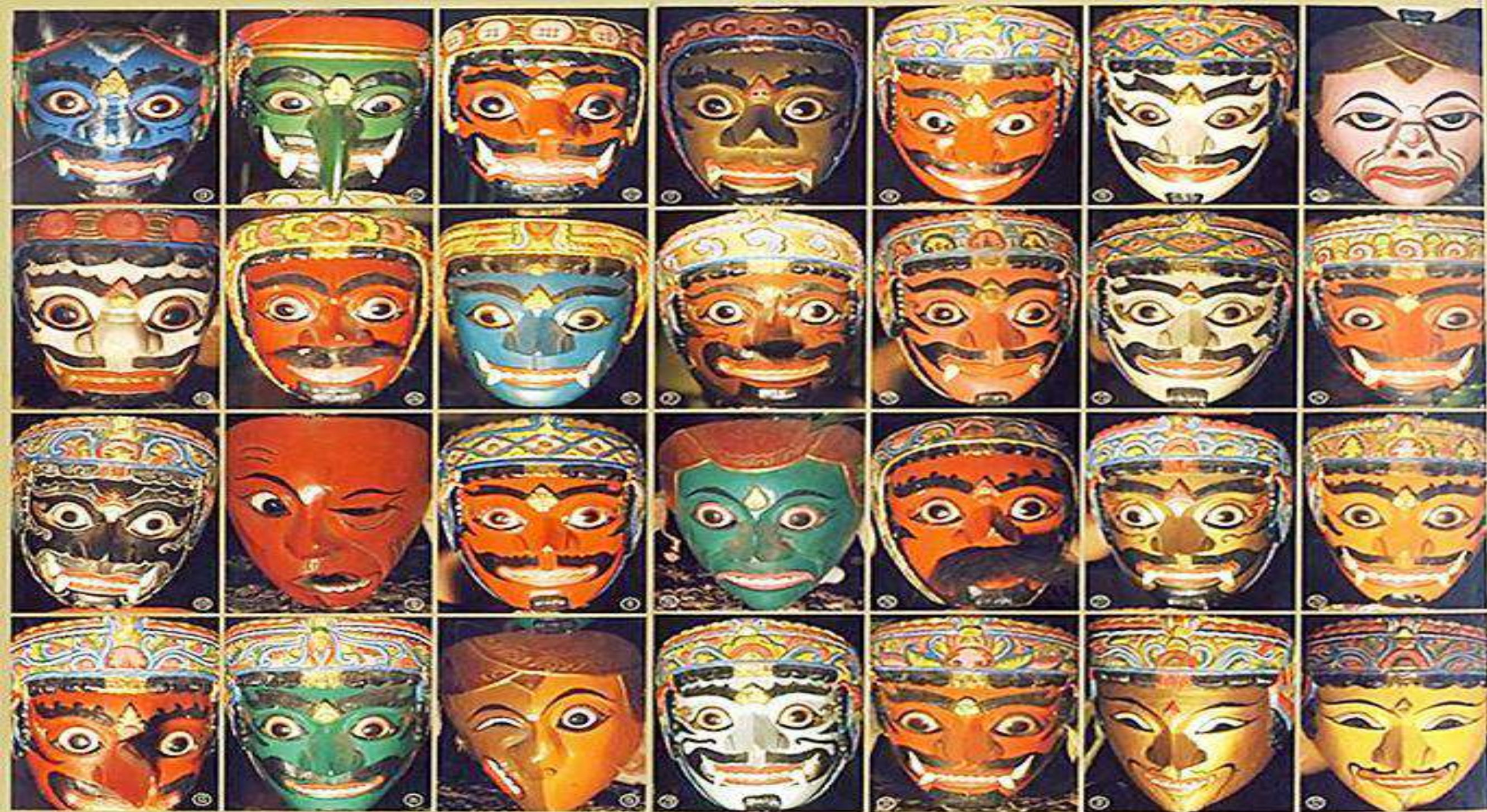
# MASKS FROM MALANG

<b>DECORATIVE:</b>	<b>REALIST:</b>
75%	25%
<b>SCULPTURE:</b>	
Most is angled	
<b>FACE:</b>	
Decorative – realist	
<b>MATERIAL:</b>	
<i>Sengon Wood, kembang kenongo, avocado Wood, nyampo Wood</i>	
<b>ORNAMENT:</b>	
Unlimited (flowers, seeds, leaves, temple)	





# MASKS FROM MALANG





# MALANG MASK – The Making Process

## Mbah KARIMUN, The Maestro





# MALANG MASK – The Making Process

## 1. Choosing the “Good Day”

Akses cepat kalender :

Keterangan :

Kalender Jawa merupakan warisan dari Sultan Agung Mataram. Kalender ini unik karena memadukan antara kalender jawa pada saat itu dengan kalender islam. Program Kalender Jawa mencoba menampilkan gabungan antara 3 macam kalender antara lain :

- Kalender Masehi (*tengah*)
- Kalender Jawa (*kiri*)
- Kalender Hijriah (*kanan*)

Informasi untuk kalender jawa antara lain adalah :

## November

## 2010

SELA-1943 DAL, KUNTARA KLAUWU

DUL\_AL\_QIDAH-1431

<< BESAR-1943 DAL, KUNTARA KLAUWU

DUL\_AL\_HIJJAH-1431 >>

Wuku Hari	Gumbreg	Warigalit	Wariagung	Julungwangi	Sungsang
Minggu		<b>7</b> 30 WAGE 29	<b>14</b> 7 LEGI 6	<b>21</b> 14 PON 13	<b>28</b> 21 KLIWON 20
Senin	<b>1</b> 24 PON 23	<b>8</b> 1 KLIWON 30	<b>15</b> 8 PAHING 7	<b>22</b> 15 WAGE 14	<b>29</b> 22 LEGI 21
Selasa	<b>2</b>	<b>9</b>	<b>16</b>	<b>23</b>	<b>30</b>



# MALANG MASK – The Making Process

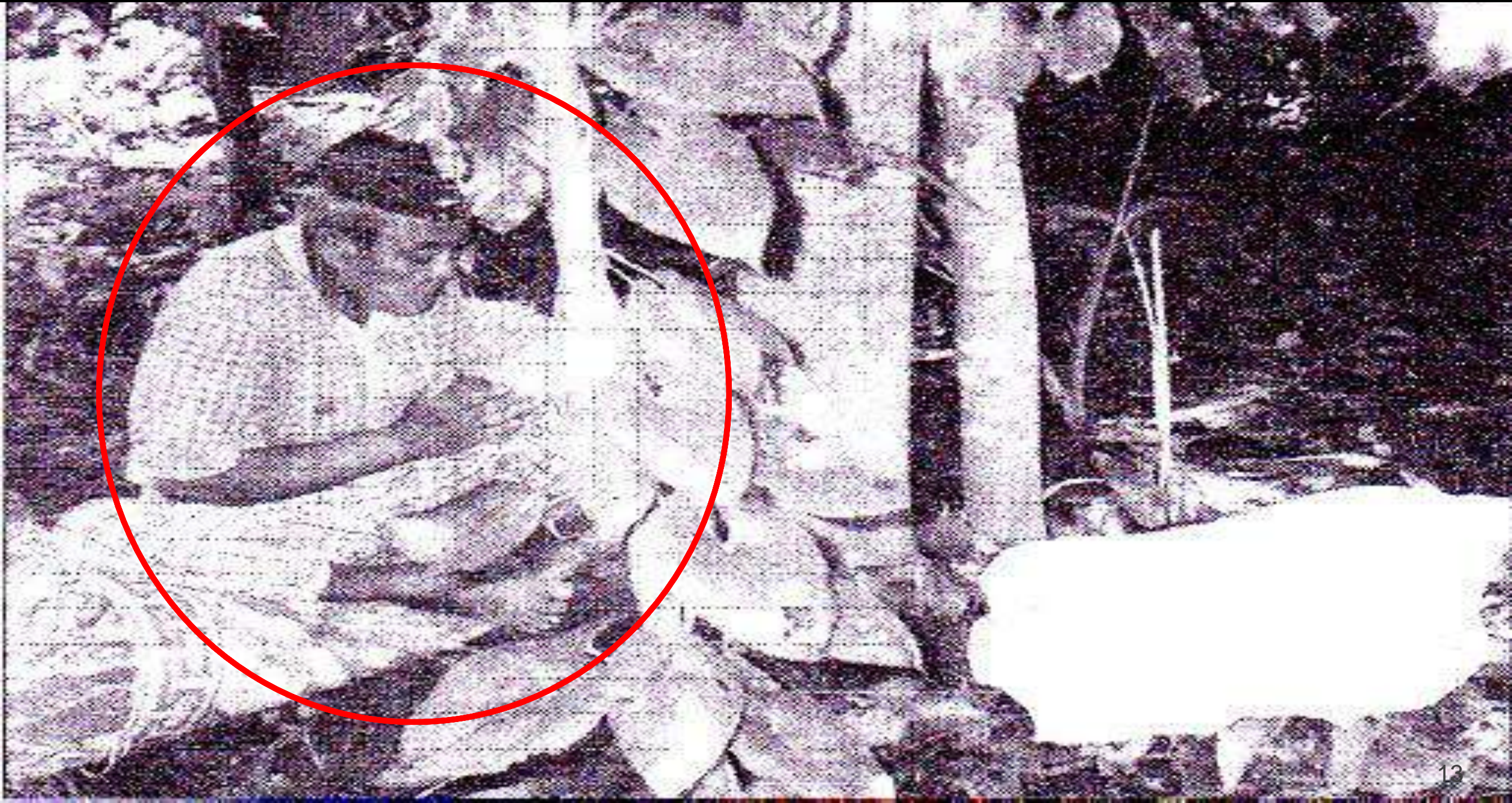
2. Seeing the top of the nose with the woodcutter's own eyes





# MALANG MASK – The Making Process

## 3. Praying in front of the tree to be used





# The woodcutter's Prayer

*Niat ingsun ngobong sarining bumi  
Kukuse menyan, ora gedhe, ora cilik  
Gedene sakkutupe kembang melati  
Putih rupane, arum gandane  
Klantang kukus e..*

*Takcaosake marang sang Mbaurekso  
Ganda sak andahane*

*Sing becik turutno, sing semper rompokno, sing lumpuh gendongo*

*Aku arep ngethok kayu iki kanggo topeng, aja diganggu*

*Mugi kathah ingkang mbetahaken*

*Sampun kaget, kanggo sadaya manungsa*

*Supaya mboten kirang sandang, kanggo zakat fitrahku*

*Durung cukup amalku, rahayu...rahayu...rahayu...*



# MALANG MASK – The Making Process

## 4. Cutting the Tree





# MALANG MASK – The Making Process

## 4. Cutting the Tree

The tree would give *sign* if *she* is willingly to cut. If the tree will “bite” (the axe pierces the tree) as soon as the axe is swung and touches the tree, it is a sign that the tree “is unwilling” to be cut; and the woodcutter will not cut it.

From a rational point of view, the mature tree is more difficult to cut. “She won’t bite” because the cambium has been already hard.

Thus, unconsciously, the tree cutting ritual for the Malang mask always take care of environment conservation.



# MALANG MASK – The Making Process

## 5. Split the piece of the tree and making *Bakalan*





# MALANG MASK – The Making Process

## 6. Carving





# MALANG MASK – The Making Process

## 7. Painting





**II.**

**TRADITIONAL KNOWLEDGE**

**AND**

**TRADITIONAL CULTURAL**

**EXPRESSION**

**AND**

**FOLKLORE**



# TRADITIONAL CULTURAL EXPRESSION

## 1. What is it?

### **Traditional knowledge:**

refers to traditional knowledge of a technical nature, for example, in relation to agriculture, the environment or medicine, as well as to traditional knowledge associated with genetic resources.

### **Traditional Cultural Expression (TCE):**

Refers to tangible and intangible forms in which traditional knowledge and culture are expressed, communicated or manifested', for example, verbal expressions, musical expressions, expressions by action such as dance, and tangible expressions in art and crafts.



# TRADITIONAL CULTURAL EXPRESSION

## 2. Folklore

TCE is used interchangeably with **‘expressions of folklore’**.

Indonesia uses “folklore” term to define the **traditional cultural expressions** in its Law on Copyright of 2002.



**II.**

**COPYRIGHT LAW  
AND  
FOLKLORE IN INDONESIA**



# A. COPYRIGHT LAW IN INDONESIA

## 1. Historical Background

- AUTEURSWET 2012 from Dutch Colonial
- Law Number 6 of 1982 on “Authorship” Law
- Law Number 7 of 1987 on “Authorship” Law
- Law Number 12 of 1997 on “Authorship” Law
- Law Number 19 of 2002 on “Authorship” Law



# A. COPYRIGHT LAW IN INDONESIA

## 2. Naming Problem of "HAK CIPTA"

### COPYRIGHT

Naming : stressing  
on Economic Rights

### HAK CIPTA

(UU No 19 / 2002)

Naming : stressing on Moral Rights

*Droit d'auteur* (French)

*Auteursrecht* (Dutch)

*Diritto d'autore* (Italian)

**But .....**

The CONTENT stresses on Economic Rights  
(pasal 1 ayat 1 UUHC)

Copyright is the exclusive right for an Author or the recipient of the right to publish or reproduce his Work or to grant permission for said purposes, without decreasing the limits according to the prevailing laws and regulations.



# A. COPYRIGHT LAW IN INDONESIA

## 3. Unclear Distinction

### a. between the Moral and the Economic Rights

Copyright consists of *economic rights* and *moral rights*.

Economic right is a right to take economic advantages from the work and product of neighbouring work. Moral right is a right inherent to the author or performer which cannot be eliminated or removed without any reasons, although the copyright or the related right has been transferred.

(The General Elucidation of Indonesia's Copyright Law)



# A. COPYRIGHT LAW IN INDONESIA

## 3. The Unclear Distinction

### b. between the Moral and the Economic Rights

#### **MORAL RIGHT** (article 24.1)

- Right to be identified as the author (*the right of paternity*)
- Right to prevent an alteration to work that is prejudicial to the honour of the author (*the right to integrity*)

*THE MORAL RIGHT CAN BE TRANSFERED ON A WILL OR TESTIMONY....????*

#### **ECONOMIC RIGHT**

- No article defines, but it is stated in "The Elucidation"- as to be protected for certain period.

# A. COPYRIGHT LAW IN INDONESIA

## 3. The Unclear Distinction

### c. between the Moral and the Economic Rights

#### TERM OF PROTECTION: FOR MORAL OR ECONOMIC RIGHTS?

The Law only states the term of protection.

But after examining the Bill of the Law, it is clear that the true intent of the Drafters is that the moral right has a united character (*manunggal*) with the creator, even if the economic rights have been transferred.

So, there would be likely a MISTYPING at the time of final typing process of legislation.



## B. IS COPYRIGHT SYSTEM APPROPRIATE FOR FOLKLORE?

### 1. Principle of Originality – Right of Paternity

- Who is the author of folklore?
- Is there originality in folklore?

## B. IS COPYRIGHT SYSTEM APPROPRIATE FOR FOLKLORE?

### 3. Principle of Fixation

Most Folklores are not expressed  
in a fixed form





**The Right  
of Cultural Authorship**

**or**

**The Right  
of Cultural Heritage ?**

# CONCLUSION

- The works of traditional Cultural Expression are unlike the types of works anticipated by the copyright law and may require the **different types of protection**.
- **The state has no moral right nor economic right** to the folklore because the state is a political community, not cultural one.



# Three Levels of Folklore Heritage

- 1. Local Heritage .**
- 2. Political Heritage.**
- 3. Humanity/World Heritage.**

Indonesia just has the Law on Cultural Protection (Undang-Undang Cagar Budaya), but has no Law on Intangible or Traditional Cultural Expression (Folklore).

*Thank You*