

STRENGTHENING THE LEGAL PROTECTION OF COMMUNAL INTELLECTUAL PROPERTY TO ANTICIPATE MISUSE BY FOREIGN PARTIES

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ABSTRACT

The adoption of Communal Intellectual Property (CIP) into laws and regulations (*wettelijk regeling*) in Indonesia began with the inclusion of Traditional Cultural Expressions (TCE) in Law Number 28 of 2014 concerning Copyright. Copyright Law does not define Communal Intellectual Property (CIP) or Traditional Cultural Expressions (TCE). However, the definition of CIP and TCE has received confirmation in Government Regulation Number 56 of 2022 concerning Communal Intellectual Property. The absence of regulation on CIP in a special law makes CIP's position weak conceptually and in terms of its protection, so the indigenous peoples' position still needs to be stronger as a subject of CIP. This research uses a normative juridical approach. This study aims to analyze CIP's position in Copyright Law and provide input so that CIP has legal force in Indonesia. To strengthen the legal position of Communal Intellectual Property, it is necessary to regulate norms in the form of *sui generis* laws which aim to guarantee legal certainty for Communal Intellectual Property in Indonesia.

Keywords: Intellectual Property, Communal Intellectual Property, Traditional Cultural Expressions, Copyright Law

A. Introduction

Cultural change can occur because it is based on the desires and needs of the people, as a form of planned change, for example through cultural development programs. Cultural changes that are planned, whether through the hands of stakeholders, the government, or other parties, such as cultural observers, activists and "creative engineers," can impact that culture's existence. This behavior aims to enrich its values, and develop its people's quality of life. Cultural change is influenced by two factors, namely endogenous and exogenous factors. Endogenous factors include population growth, social conflict, and new discoveries in the fields of science and technology. Meanwhile, exogenous factors include