



ANALYSIS OF COPYRIGHT PROTECTION OF THE SERAMPANG DUA BELAS DANCE REGIONAL ART AT THE DEPARTMENT OF CULTURE AND TOURISM NORTH SUMATRA PROVINCE

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ABSTRACT

Copyright is right exclusive the creator who arises in a way automatic based on principle declarative after something creation realized in form real without reduce restrictions in accordance with provision regulation legislation . In its considerations , UUHC was born because Indonesia is a country that has diversity ethnicity / tribe and culture as well as wealth in the field art and literature with its development is necessary Copyright protection against riches born intellectual from diversity The art of dance needs to be protected to preserve cultural heritage, in the protection of Copyright and as an expression of traditional culture in Communal Intellectual Property. The Serampang Dua Belas Dance was created by Guru Sauti , but this dance considered represent art North Sumatra so government need protect it through scheme registration riches intellectual communal . **Urgency study is** Government quick register the Serampang Dua Belas Dance through scheme registration riches intellectual communal . This is important done For avoid claims of foreign countries , because Malaysia once claim art North Sumatra region, namely gondang part-time . This IPR registration is one of the efforts made government For lift the popularity of the Serampang Dua Belas Dance level national and international , registered to UNESCO as inheritance culture not object owned by Indonesia. **Research objectives** protect inheritance culture as form nationalism through method registration riches intellectual communal and inventory inheritance culture in form monograph . Monograph inheritance Indonesian culture , can inventoried . Research This support the RPJMN program , namely Asta goal 8, regarding strengthen alignment harmonious life with Indonesian culture . RIRN 2017-2045 focuses on encouraging development science and technology and economics as innovation inclusive for national development , which also includes Aspects of cultural development . **Research methods** is study through an empirical normative approach by taking qualitative data using descriptive methods , the results study This can made into input to the North Sumatra government to protect art area , so that more known at the level national and international and prevent claim from foreign countries . **External study** This Journal of LAW JOURNAL [P-ISSN: 2746-4571 E-ISSN: 2746-3966]. **Research results** This using an empirical normative approach by collecting qualitative data. This was done so that the regional arts of North Sumatra could be protected and documented . inheritance culture nation this is very important , because 3 reasons , namely (1) the existence of potential profit economic results generated from utilization knowledge traditional , (2) justice in system world trade , and (3) the need for it protection right public local . Overcoming matter said , researchers do effort through activity Serampang Dua Belas Dance Performance about Importance Protection Wealth Intellectual The Serampang Dua Belas Dance Communal (KIK) was held at the Madani Hotel Medan and attended by the Research Team, Chancellor Unham , LPPM Unham , Students / I from several universities, Unham lecturers , school teachers, families Creator of the Serampang Dua Belas Dance , Owner Cipta Pesona Studio , Young Dancers Sanggar Cipta Pesona. Furthermore , to ensure that Indonesian Traditional Cultural Expressions (EBT) and works belonging to the Indonesian people are known to the international



community, the Indonesian government has been protecting these works through claims by international cultural organizations. Researcher do effort create something Monograph For inventory inheritance culture nation as recommendation to government For protection inheritance culture nation as form nationalism nation . Preparation of the Procedure for the Regional Art Monograph of the Serampang Dua Belas Dance from the results of research activities through Field Visits to related agencies and selected History Museums & Dance Studios as well as Serampang Dua Belas Dance Art Performances and Research FGDs as well as research activities in data collection.

Keywords: Analysis ; Protection ; Copyright; Arts ; Region

1. Introduction

The preamble to the 1945 Constitution clearly states that the purpose of establishing the Indonesian state is to protect all Indonesian citizens and advance public welfare.¹ Based on this purpose, the state's duty is to protect and promote public welfare. This includes protecting the cultural heritage of the Indonesian people, which has existed since ancient times. Legal protection is necessary to prevent unauthorized recognition of ownership by other countries. Therefore, these products require legal protection.

Normatively, Intellectual Property Rights (IPR) are “products of mind” or by the World Intellectual Property Organization or WIPO called “creation of the mind” which means a human work born with the outpouring of energy, will, creativity, time, economics.² Therefore, every intellectual work deserves to be recognized, appreciated and protected both morally and ethically or built from moral and ethical concepts, while its protection is facilitated by the legal instrument of Copyright.³ The law recognizes, Copyright is born from the time the creation is completed. The definition of realized contains the meaning that it can be read, heard, or seen according to the form of the creation. This is what is required in the criteria for fixation.⁴ Creation as emphasized in article 1 paragraph 3 of UUHC number 28 of 2014 is every creative work in the fields of science, art, and literature produced by inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in a tangible form.⁵

Indonesia is the largest *archipelagic state* in the world which has a very strategic geographical position. The number of islands in Indonesia has more than 17,504 islands where each island has customs, habits, and cultural diversity with its own regional characteristics.⁶ This regional cultural

¹ Indonesia. (1945). *Book 1945 Constitution*

² Soedjatmoko. (2012). *International Cultural Relations for the Future* . Kompas.

³ Hendry Soelistyo. (2011). *Copyright Without Moral Rights* . Rajawali Press, page 15.

⁴ David I. Bainbridge. (2020). *Cases & Materials in Intellectual Property Law* . Pitman Publishing, page 55

⁵ Indonesia. (2014). *Law Number 28 of 2014 concerning Copyright*, page 79.

⁶ Indonesia. (2016). *Law Number 20 of 2016 concerning Trademarks and Geographical Indications*, page 102



diversity is clearly visible in the geographical, ethnic, socio-cultural, religious and belief aspects. Indonesia has a wealth of culture, both historical heritage and traditional knowledge with enormous potential to produce various kinds of works and traditions from all regions in Indonesia from Sabang to Merauke where there are 900 ethnic groups spread across 34 provinces in Indonesia.⁷ North Sumatra has traditional dances that are characteristic of each region, and these dances have been passed down from generation to generation. Traditional North Sumatran dances originate from the Toba Batak, Mandailing Batak, Simalungun Batak, Karo Batak, Pak Pak Dairi Batak, Malay, Nias, and Central Tapanuli or Sibolga Coast. These dances from various regions have become part of the local culture.

The Serampang Dua Belas dance is a local cultural asset of the Malay people of Sumatra. Before being called Serampang Dua Belas, this dance was called Pulau Sari, according to the title of the song that accompanies this dance, namely the song Pulau Sari.⁸ This typical Malay dance is often performed at traditional events and various entertainment activities. The dance depicts a pair of lovers and is performed by pairs with an unlimited number of dancers. The dance movements are accompanied by traditional musical instruments in the form of tambourines and zithers.⁹

Dance artworks need to be protected to preserve cultural heritage, both in terms of copyright protection and as traditional cultural expressions (EBT) within Communal Intellectual Property. Dance artworks under EBT are held by the state, with the understanding that they are communal in nature. Meanwhile, dance art... As a new or contemporary creative work, it is a creation that is personal or owned by a person or several people who create the dance art creation.

The approach used in this research is a qualitative approach.¹⁰ The qualitative approach is used to understand the concept of thinking by recording the rules related to the provisions concerning the protection of communal intellectual property for regional arts in Indonesia, especially regional arts in North Sumatra, then field data, namely data from the Department of Culture and Tourism of North Sumatra Province and data from the Regional Office of the Directorate General of Intellectual Property (DJKI) of North Sumatra Province, which then the data is examined for its application by looking at the use of these rules in the field, whether they have been implemented

⁷ Indonesia. (2022). *Government Regulation Number 56 of 2022 concerning Communal Intellectual Property*. page 89

⁸ Indonesia. (2017). *Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 13 of 2017 concerning Communal Intellectual Property Data*. Page 45.

⁹ Indonesian Legal Research Institute. (2015). *The Interests of Developing Countries in the Rights of Geographical Indications*. FHUI.

¹⁰ <https://www.detik.com/sumut/budaya/d-6963725/ini-5-tarian-tradisional-di-sumatera-utara-beserta-penjelasmnya>.



well or not, it is hoped that this research can find solutions to what should be done with this phenomenon.

2. Methods

To support the development of legal science, it is not enough to simply research normative systems, but to conduct legal research in practice when laws are created and implemented by people living in society. This means that the existence of law cannot be separated from the social conditions of society and human behavior related to legal institutions and their implementation.¹¹

Legal researchers, reviewers, and legal practitioners must be able to provide normative research on what is right and what is wrong, or what should be done regarding a particular problem. They must also be able to assess the process of implementing and enforcing the law, including public compliance with the law.¹²

Legal research is not sufficient to be explained only from a normative perspective (rules alone) but should also understand the social conditions and situations in which the law is applied, including how the law is applied or implemented in real practice in society, certain groups, institutions, agencies. Therefore, researchers must also conduct legal research from a sociological (*empirical*) perspective simultaneously.¹³

The research method that the author uses is the Empirical Normative research method. The normative legal research method, the author does by looking for materials through regulations related to regulations related to Intellectual Property Rights, Copyright protection for regional arts, communal intellectual property, and the opinions of experts who are closely related to the matter, because to study a legal problem, as a state of law, of course we see all phenomena starting with a study of the aspects of philosophy, theory, structure and explanation of the articles and verses that are the formalities and binding powers of a law and by using legal language.¹⁴

Meanwhile, the author uses the empirical method by observing how the law works in the midst of society, meaning how society can see the law in a real sense. This empirical legal research is often referred to as sociological legal research or social legal research.¹⁵ Banakar in the book *Theory and Method in Social Legal Research* said: "The type of research in question is empirical legal research or *social legal* (*Socio Legal research*) which is another approach model in legal research

¹¹ www.alert.co.id. www.wisatamelayu.com/id/http://cepat.kompas.com.

¹² www.selasar.com/tari/serampang-dua-belas

¹³ Muhaimin. (2020). *Legal Research Methods*. Mataram University Press, page 84.

¹⁴ Banakar, Reza and Max Traves. (2005). *Theory and Method in Sociological Legal Research A Series published for The ONATI institute for the sociology of law*. Hart Publishing, page 76

¹⁵ Agus Sardjono. (2006). *Intellectual Property Rights and Traditional Knowledge*. Bandung Alumni, page 25

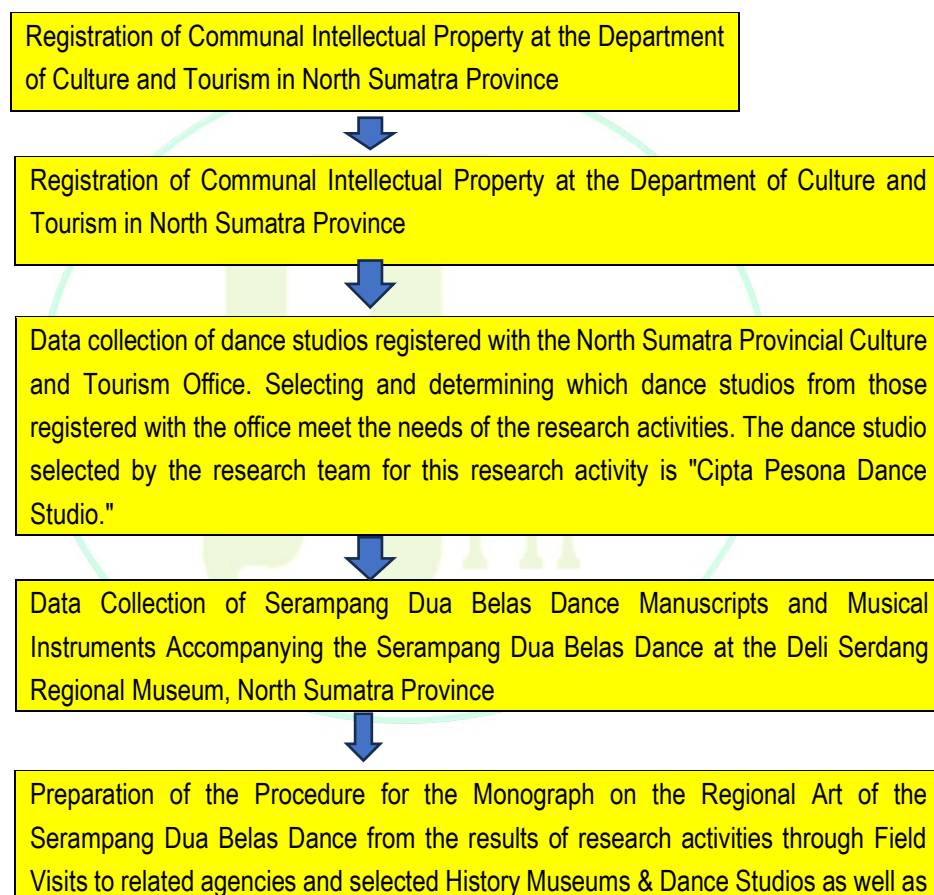


as the object of research, in this case the law is not only seen as a prescriptive and applied discipline but also *empirical* or legal reality.¹⁶

3. Results and Discussion

3.1 Research Data

This research was conducted for 1 (one) year, March – November 2025, which included collecting initial data and interviews, making proposals, designing procedures for inventorying the regional arts of the Serampang Dua Belas Dance.



¹⁶ Indonesian Legal Research Institute. (2009). *Legal Protection of Regional Culture* , BPHN Journal. BPHN, page 76

Serampang Dua Belas Dance Art Performances and Research FGDs as research activities in data collection



The Creation of a Monograph on the Regional Art of the Serampang Dua Belas Dance

Figure 1. Monograph Design Research Flow Chart

The following shows the implementation of the research flow that was carried out:



Figure 2. Research Flow



4. Conclusions

In this study, the researcher attempted to use a normative empirical approach, collecting qualitative data. This was done to protect and document the regional arts of North Sumatra.

Protection of the nation's cultural heritage is all forms of efforts to protect the nation's cultural heritage from unauthorized and inappropriate use.¹⁷ Protection of the nation's cultural heritage is very important, for at least 3 reasons, namely (1) the potential for economic benefits resulting from the use of traditional knowledge, (2) fairness in the world trade system, and (3) the need to protect the rights of local communities.¹⁸ Immediately as the highest authority, and the regional government as a representative of the state in the protection and regulation of the nation's cultural heritage can prevent monopolies or commercialization as well as actions that damage or commercial use by foreign parties without the permission of the state as the copyright holder.¹⁹ This provision is intended to prevent actions by foreign parties that can damage the cultural value and use it commercially without permission from the owner of the nation's cultural heritage.²⁰ This was done by the researcher through the Serampang Dua Belas Dance Performance on the Importance of Protecting Communal Intellectual Property (KIK) of the Serampang Dua Belas Dance which was attended by the Research Team, the Rector of Unham, LPPM Unham, Students from several universities, Unham Lecturers, School Teachers, the Family of the Creator of the Serampang Dua Belas Dance, Owner of the Cipta Pesona Studio, Young Dancers of the Cipta Pesona Studio. The following is the documentation of the research activities:

In order for the works and Traditional Cultural Expressions of the Indonesian nation to be known by the international community, the Indonesian government has been protecting these works through claims by international cultural organizations so that the issue of Intellectual Property Rights (IPR) often becomes a problem, especially in terms of traditional arts, including in the cultural heritage of the Indonesian nation. The claim of Indonesian arts by neighboring countries is evidence of the still minimal understanding and awareness of the community and the low level of protection

¹⁷ Chen, Lisa. (2020). The Intersection of Copyright and Performers' Rights: Recent Developments and Future Directions. *Copyright Review*, page 32.

¹⁸ Johnson, Alice. (2019). Performers' Rights in the Digital Age: Challenges and Opportunities. *Copyright Quarterly*, page 25.

¹⁹ Garcia, Maria. (2019). Performers' Moral Rights: Balancing Artistic Freedom and Commercial Exploitation. *Copyright Perspectives*, page 18.

²⁰ J Patel, Aisha. (2018). Performers' Rights in Traditional and Folklore Expressions: Cultural Preservation and Intellectual Property. *Heritage and Copyright*, page 14.



of intellectual property rights. For this condition, the researcher took data from the Directorate General of Intellectual Property (DJKI) Regional Office (Kanwil) of North Sumatra:

To overcome this, the researcher made an effort, namely by creating a Monograph that aims to protect the nation's cultural heritage as a form of national nationalism. The compilation of the Serampang Dua Belas Dance Monograph contains the history of the creation of the Serampang Dua Belas Dance, the impact of the philosophy of the dance, the benefits of inventorying cultural heritage and registering the IPR of the cultural heritage, the threat when the cultural heritage does not carry out inventory and registration of its IPR, fostering dance studios in North Sumatra as an effort to preserve the Serampang Dua Belas Dance, documentation of dances performed by young people fostered by the Cipta Pesona Dance Studio through art performances created by the researcher, documentation of musical instruments that accompany the dance and documentation of the Serampang Dua Belas Dance manuscript that the researcher saw at the Deli Serdang Museum when the researcher conducted a field survey while researching, as well as the process of completing the Serampang Dua Dance Monograph. Furthermore, this Monograph is used as a recommendation to the government about the importance of registering Communal Intellectual Property (KIK) and the importance of conducting an inventory of the nation's cultural heritage, especially the Serampang Dua Belas Dance. Below, the researcher displays the process of the research activities:

Based on the results of the researcher's interview with Mrs. Yusniari Harahap as Head of the Culture and Tourism Office of North Sumatra Province, currently the Serampang Dua Belas Dance is often performed in performances and festivals by the people of North Sumatra. Considering that empirically the Serampang Dua Belas Dance still exists among the people of North Sumatra, then the existence of the Serampang Dua Belas Dance as a Traditional Cultural Expression (EBT) should be worthy of legal protection. This condition is in line with the results of the study which shows that the Serampang Dua Belas Dance has not been registered with the Directorate General of Intellectual Property (DJKI) of the North Sumatra Regional Office (Kanwil). Meanwhile, the Tor Tor Pangurason Dance and the Monsak Hoda-Hoda Dance have been registered with Communal Intellectual Property (KIK) data in North Sumatra as a type of traditional dance from Samosir, North Sumatra Province.

So far, the Serampang Dua Belas Dance has been designated as an Intangible National Cultural Heritage (WBTB) in November 2014. The results of the study show that the certificate is stored in the Deli Serdang Museum, North Sumatra Province. The Serampang Dua Belas Dance has been widely known by the people of Indonesia and the world. By making the Serampang Dua Belas Dance a national culture, the Serampang Dua Belas Dance is seen as having functions no longer only being the pride of the Malay tribe, but has become a pride for all Indonesian people. The



Serampang Dua Belas Dance has found a place in the hearts of the people, which is a local cultural asset of the Malay people of North Sumatra.

Based on the research results, it is known that the Serampang Dua Belas Dance originates from North Sumatra. The creator of the Serampang Dua Belas Dance is Guru Sauti. He was born in 1903 in Pantai Cermin, East Sumatra (now the East Coast of North Sumatra Province). Before being named Serampang Dua Belas, this dance was called Pulau Sari, according to the title of the song that accompanies this dance, namely the song Pulau Sari. There are at least two reasons why the name Pulau Sari Dance was changed to Serampang Dua Belas. First, the name Pulau Sari is not appropriate because this dance has a fast tempo (quick step). According to Tengku Mira Sinar, the name of the dance that begins with the word "pulau" usually has a rumba tempo, such as the Pulau Kampai Dance and the Pulau Putri Dance. While the Serampang Dua Belas Dance has fast tempo movements like the Serampang Laut Dance. Based on this, the Pulau Sari Dance is more appropriately called the Serampang Dua Belas Dance. The name Dua Belas itself means the dance with the fastest movements among the songs named serampang. Second, the name Serampang Dua Belas Dance refers to the 12 dance movements, namely: first meeting, love sinking in, harboring love, going crazy with love, signs of love, reply to signs, guessing, still not believing, answer, proposing to the bride, seeing off the bride, and meeting of love.

Further data obtained from the North Sumatra Province Culture and Tourism Office stated that one of the studios that popularized the Serampang Dua Belas Dance is the Cipta Pesona Studio located in Batang Kuis, Deli Serdang Regency, North Sumatra Province. This studio was founded in 1994. Its founder is Mrs. Linda. In 2023, the Cipta Pesona Studio won the Serampang Dua Belas Dance festival held at TMII Jakarta. The Cipta Pesona Studio is very active in sending their representatives to participate in festivals and is often invited to dance the Serampang Dua Belas Dance at formal or non-formal events such as weddings, art performances and so on.

After conducting a direct interview with the studio owner in this research activity, the data obtained that the Cipta Pesona Studio is famous for its regional dance performances in the form of the Serampang Dua Belas Dance. This is because the studio owner is a direct student of the creator of the Serampang Dua Belas Dance, namely Guru Sauti and also an art teacher at school so that the studio owner trains and fosters young dancers with full maturity of knowledge, discipline, and responsibility in practice and theory, especially in the field of the Serampang Dua Belas Dance. From the high dedication of the studio owner to the preservation of the Serampang Dua Belas Dance, it has a real impact on the implementation of the philosophy of the Serampang Dua Belas Dance regarding the naming of the Serampang Dua Belas Dance referring to the variety of dance movements which number 12, namely: first meeting, love sinking, harboring love, crazy in love, love signs, reply signals, guessing, still not believing, answers, proposing, escorting the bride, and meeting of love. The implementation of this philosophy has actually happened in the reality of the



lives of a young couple who were paired in a dance because the studio owner saw their chemistry and compatibility in performing the dance. This is because the studio owner trained them in the Serampang Dua Belas Dance with full appreciation and responsibility according to the dance philosophy above, so it really happened that the young couple fell in love with each other until marriage occurred as the impact of the dance philosophy regarding the variety of dance movements which number 12 has the meaning of: first meeting, love sinking, harboring love, crazy infatuation, love signs, reply signals, guessing, still not believing, answers, proposing, escorting the bride, and meeting of love.

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