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SWING THE ANGKLUNG TUBE IN THE DIGITAL ECONOMY ERA: BASED ON INTANGIBLE CULTURAL HERITAGE AND INTELLECTUAL PROPERTY RIGHTS PERSPECTIVE

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Abstract

After the UNESCO inscription of Angklung as Intangible Cultural Heritage in 2010, the responsibility of the angklung custodian is harder. Angklung is not only must exist as a living culture but must also develop. At first, the inscription of angklung is essential to ascertain cultural identity from Indonesia. Besides, intellectual property law contributes a vital key to protect the community and individuals who create copyrighted subject matter based on angklung. Double protection for angklung in cultural and intellectual property also provides double consequences. The problem is, the relation between those two related institutions is weak. Moreover, the mechanism of protection between communal and individual intellectual proper is overlapping. Although the discussion in the IGC GRTKF is still an ongoing debate, Indonesia has regulated national regulation on TCEs with its problems in implementing legislation. Otherwise, the demand to protect the utilization of Angklung is high in this rapid and massive digital economy era. This article aims to harmonize legal instruments in cultural and intellectual property subject matter to realize comprehensive protection for Angklung and determine the implementation step of protection and utilization of Angklung in the digital economy era after the inscription of the UNESCO. After mapping the legal instruments regarding culture and intellectual property, the researcher concluded that it needs a grounded implementing legislation besides the existing legal instruments. The government cannot achieve the protection alone without willpower and coordination with custodians, artists, and educational institutions in preserving and developing Angklung.

Keywords :angklung, culture, digital economy, diplomacy, intellectual property.

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I. INTRODUCTION

Indonesian Angklung inscribed in 2010 on the Representative List of the Intangible Cultural Heritage of Humanity.¹ UNESCO can inscribe the Intangible Cultural Heritage as an organization that deals with the educational, scientific and cultural subject matter. The inscription functions are to identify the

¹ UNESCO, “United Nations Educational, Scientific and Cultural Organization (UNESCO), Decision of the Intergovernmental Committee: 5.COM 6.18,” UNESCO.(2010):<https://ich.unesco.org/en/decisions/5.COM/6.18>.

original place of cultural heritage, define the rights of the State to hold, and determine the obligation of the State to manage cultural heritage.

Since 2008, Indonesia has eleven elements inscribed in the UNESCO. Those are Indonesian Kris, Wayang puppet theatre, education and training of Indonesian Batik, Indonesian Batik, Indonesian Angklung, Saman Dance, Noken Multifunctional knotted or woven bag, handcraft of the people of Papua, three genres of traditional dance in Bali, Pinisi, the art of boatbuilding in South Sulawesi, traditions of Pencak Silat, and Pantun. On 16 November 2010, UNESCO has stated the Indonesian nomination of Indonesian Angklung for inscription on the Representative List of the Intangible Cultural Heritage of Humanity.²

The scope of protection in the UNESCO is for a broader range of Angklung, not only for angklung as musical instruments but also for performance and handicraft. On the other hand, it also provides a national database at the national level: inventory and inscription in the National Intangible Cultural Heritage in the Ministry of Education and Culture of the Republic of Indonesia. There are nine branches of angklung recorded in the inventory list³ and two inscribed; those are Angklung Buhun and Angklung Buncis. This mechanism is based on the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003⁴, ratified by President Decree Number 78 of 2007. Recently, Law Number 5 of 2017 on Cultural Development is also concerned with preserving and protecting intangible cultural heritage.

In the intellectual property subject matter, particularly copyright in Indonesia, the existing provisions on Traditional Cultural Expressions regulate the same object as Intangible Cultural Heritage. Regarding Article 38⁵ of Law Number 28 of 2014 on copyright, angklung as music including instrument, vocal, and combination thereof is part of Traditional Cultural Expressions (TCEs). Under the Ministry of Law and Human Rights supervision, it also provides collecting database system called National Data of Communal Intellectual Property. In this database, Angklung found in some registration, such as Angklung Buhun, Dogdog Lojor and Angklung Bungko.

² Dinda Satya Upaja Budi, "Modifikasi Angklung Sunda [Sundanese Angklung Modification]," *Resital: Jurnal Seni Pertunjukan* 18, no. 1 (2017): 43.

³ Varieties of Angklung: Angklung Sered, Angklung Gubrag, Angklung Buncis, Angklung Jenglung, Angklung Bamboo Craft and Krumpyung, Angklung Kanekes, Angklung Landung, Angklung Bungko.

⁴ Convention for the Safeguarding of the Intangible Cultural Heritage, open for signature 3 November 2003, (entered into force 20 April 2006).

⁵ Traditional cultural expressions are one or a combination of expressions such as verbal textual, music, movement, theatre, fine arts, and rituals.

Indonesian angklung custodian is lucky with the double protection of angklung. Otherwise, this double mechanism of protection increased double consequences. The problem is, inharmonious legal bases cause difficulties in coordinating between these two institutions. Although the purpose of the two protections is different, the subject matter of protection is the same, a tradition-based culture. Custodian and angklung players should fulfill a double database form, which is ineffective. This article will discuss whether the database is overlapping or complete each other.

Moreover, in the digital economy era, the usage of Angklung plays has become more extensive. The use of mechanical right turns into performing right through digital media.⁶ Industrial revolution 4.0 gives an impact of digital disruption that allows possibilities for promoting Angklung and its derivative creations. There is a lack of exclusivity utilization of Angklung. On one side, Angklung should preserve and protect, but on the other hand, it must be utilized to get the economic value for the player.

Therefore, this article will discuss first how to harmonize legal instruments in cultural and intellectual property subject matter to realize comprehensive protection for angklung as traditional culture. Second, determine the implementation step of protection and utilization of Angklung in the digital economy era after the inscription of the UNESCO. The next chapter will be legal instruments on protecting angklung as traditional culture from the international and national point of view, followed by the utilization of angklung performance; and closing statement in conclusion.

II. LEGAL INSTRUMENTS ON PROTECTING ANGKLUNG AS TRADITIONAL CULTURE

A. INTERNATIONAL FRAMEWORK ON THE DISPUTE SETTLEMENT OF ANGKLUNG AS TRADITIONAL CULTURAL EXPRESSIONS

Culture is dynamic and recognizes no administrative boundaries, but the custodian will be very sensitive if the originality of their culture is misled. Differences in perception and perspectives cause the battle between Indonesia and Malaysia regarding angklung. Malaysia considers angklung owned together as a Malay culture both in Malaysia and Indonesia. According to the Indonesian version, angklung is closely related to the rice harvest ritual origi-

⁶ Ahmad M. Ramli, Hak Cipta, Disrupsi Digital Ekonomi Kreatif [Copyright, Creative Economy Digital Disruption], ed. Suwantin Oemar et. al., (Bandung: Alumni, 2018), 75.

nated from Banten and West Java Province.⁷ The existence of Angklung in Malaysia was brought by Angklung players from Indonesia who spread Indonesian culture worldwide. This difference perception is increasingly enlivened by social media⁸ who believes that Malaysia claims Angklung as its culture. Meanwhile, the international framework concerning the settlement of disputes over cultural ownership is not strictly regulated.

The international framework regarding culture is provided in human rights provisions outlined in the Universal Declaration of Human Rights in 1948. Article 27 states that everyone has the right to participate freely in the cultural life of the community. The derivative of this declaration is the International Covenant on Economic, Social, and Cultural Rights (ICESCR), particularly in Article 15(1), which reaffirms that the community and its members have the communal enjoyment of intellectual property.⁹ These general human rights provisions are elaborated in several international legal instruments. UNESCO provisions regulate cultural matters in the context of preservation and safeguarding. Meanwhile, the provisions compiled by WIPO regulate the protection of intangible cultural property based on the concept of intellectual property.

UNESCO is a specialized agency of the United Nations to promote world peace and security through education, the sciences, and culture. This institution does not have a specific dispute resolution method in intangible cultural heritage ownership but instead regulates cultural heritage disputes.¹⁰ The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage regulates cooperation in Article 19.¹¹ This cooperation includes information exchange, joint initiatives, and various mechanisms for safeguarding intangible cultural heritage. Furthermore, it must carry out bilateral, sub-regional, regional, and international cooperation.

The Agreement on Trade-Related Aspects of Intellectual Property Rights

⁷ Endang Caturwati, "Angklung and Local Wisdom Values," *Research on Humanities and Social Sciences* 7, no. 10 (2017): 7–11.

⁸ Liliek Adelina Suhardjono, "Battling for Shared Culture Between Indonesia and Malaysia in The Social Media Era," *Humaniora* 3, no. 1 (2012): 58, <https://doi.org/10.21512/humaniora.v3i1.3234>, 64.

⁹ Enninya S. Nwauche, "The Emerging Right to Communal Intellectual Property," *Marquette Intellectual Property Law Review* 19, no. 2 (2015): 234

¹⁰ Wulan Anggiet Purnamasari, "Penyelesaian Sengketa Perselisihan Tradisional dan Ekspresi Budaya Antar Negara: Sengketa Lagu Rasa Sayange Antara Negara Indonesia dan Negara Malaysia, [Traditional Dispute Settlement and Cultural Expressions Between Countries: The Rasa Sayange Song Dispute Between Indonesia and Malaysia]" *Jurnal Hukum dan Pembangunan* 45, no. 4 (2015): 468.

¹¹ UNESCO, "Convention for the Safeguarding of the Intangible Cultural Heritage."

(TRIPs) – annex I of the World Trade Organization (WTO) establishment agreement – lacks regulation on communal intellectual property. Thus, none of these agreements regulates the settlement of disputes on communal intellectual property rights.

United Nations special agencies on intellectual property, World Intellectual Property Organization (WIPO), is on the work-in-progress discussing intellectual property and Genetic Resources, Traditional Knowledge, and Traditional Cultural Expressions. The WIPO General Assembly mandate of the Intergovernmental Committee for the 2020-2021 biennium, IGC 41, is now postponed. The latest draft from the 40th session,¹² June 2019, has four alternative clauses on traditional cultural expressions prosecution. The first alternative provides proportionate legal and alternative measures by Member States to address violations of the TCEs. The second alternative mention that sanctions shall include civil and criminal enforcement. The third alternative requires member states to adopt legal and alternative measures in their legal system. The fourth alternative recommends that member States provide national law, the necessary legal, policy, or administrative measures to prevent harmful interests of the beneficiaries.

In general, they are two ways of protecting Traditional Cultural Expressions, namely: positive protection through the establishment of firm legal rules; and defensive protection through the establishment of databases. Defensive protection is essential to prove ownership when a dispute occurs in the TCEs sector, particularly in the economic utilization of TCEs.¹³

B. THE PROTECTION OF ANGKLUNG BASED ON CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE 2003

The convention, which was signed in Paris on 17 October 2003,¹⁴ aims to safeguard the intangible cultural heritage. This convention ensures respect of the communities, groups, and individuals concerned for the intangible cultural heritage. Besides that, this convention aims to raise awareness within local and international levels that intangible cultural heritage is important.

¹² Secretariat of the World Intellectual Property Organisation, “The Protection of Traditional Cultural Expressions: Draft Articles,” 2019.

¹³ Purnamasari, “Penyelesaian Sengketa Perselisihan Tradisional dan Ekspresi Budaya Antar Negara: Sengketa Lagu Rasa Sayange Antara Negara Indonesia dan Negara Malaysia [Traditional Dispute Settlement and Cultural Expressions Between Countries: The Rasa Sayange Song Dispute Between Indonesia and Malaysia],” 482.

¹⁴ Convention for the Safeguarding of the Intangible Cultural Heritage, open for signature 3 November 2003, (entered into force 20 April 2006).

Moreover, for the need for peace in this world, this convention also provides international cooperation and assistance in intangible cultural heritage.

Based on this convention, the “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts, and cultural spaces associated in addition to that – that communities, groups, and, in some cases, individuals recognize as part of their cultural heritage.¹⁵ The word heritage is intended for intangible culture transmitted from generation to generation. Communities and groups continually recreate Angklung in response to their environment, always exist the interaction with nature and their history, provide them with a sense of identity and continuity, and promote respect for cultural diversity and human creativity.

Angklung is a traditional culture relevant to Article 2.2, which elaborates the following intangible cultural heritage: oral traditions and expressions; performing arts; social practices, rituals, and festive events; knowledge and practices concerning nature and universe. And traditional craftsmanship. Angklung at least included in performing arts, rituals and festive occasions, and traditional craftsmanship domain.

The definition of “safeguarding” in this convention means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, mainly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.¹⁶ An enormous definition of safeguarding in this convention resulting from this convention varies, such as government, academics, business sector, and the general public.¹⁷

The convention accepted by Regulation of the President the Republic of Indonesia Number 78 of 2007 on ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage. This step is relevant to the Indonesian Constitution 1945 Article 32, which states that the State shall advance the national culture of Indonesia among the civilizations of the world by assuring the freedom of society to preserve and develop cultural values.¹⁸

¹⁵ UNESCO, Article 2.1.

¹⁶ UNESCO, Article 2.3.

¹⁷ Ministry of Culture and Tourism in collaboration with UNESCO Office/Departemen Kebudayaan dan Pariwisata bekerjasama dengan Kantor UNESCO Jakarta, Practical Handbook for Inventory of Intangible Cultural Heritage of Indonesia; Buku Panduan Praktis Pencatatan Warisan Budaya Takbenda Indonesia, Jakarta: Ministry of Culture and Tourism in collaboration with UNESCO Office, 2009, 14.

¹⁸ The 1945 Constitution of the Republic of Indonesia, Amendment 2002.

Since Indonesia become a part of this Convention, according to Articles 11 and 12, Indonesia is obligated to conduct identification and inventory of intangible cultural heritage found within the territory of the Republic of Indonesia in one or more lists that are regularly updated. At that time, there were existing many inventories of intangible cultural heritage that various stakeholders have compiled, both manually and online, by government, provincial and district/municipal governments, universities, community organizations, NGOs, and private individuals.¹⁹ Since 2009, Indonesia has created a Inventory of Intangible Cultural Heritage of Indonesia under the Ministry of Culture and Tourism supervision, which provides online and manual inventory. This inventory system keeps developed and by the year 2019, the national inventory system is entirely online.

C. THE LAW OF ADVANCEMENT OF CULTURE

The cultural practitioner was waiting for this law for a long time since the independence of the Republic of Indonesia. Lastly, Law Number 5 of 2017 of the Advancement of Culture was adopted on 24 May 2017. This Law was promulgated on 29 May 2017, in State Gazette Number 104 of 2017.²⁰ The objectives of this Law are:²¹ develop the nation's noble values; enrich cultural diversity; strengthen national identity; strengthen national unity and integrity; promote the nation's intellectual life; augment the national image; realize civil society; enhance the people's welfare, preserve the nation's cultural heritage, and; influence world civilization, with culture serving as guidelines for national development.

The primary purpose of this Law is to enhance the protection and utilization of Indonesian culture. In principle, the provisions are objected to creating strategies on developing culture from the lowest to the highest stage of governmental office. This Law regulates the importance of cultural diplomacy.

This law is disappointing after a long waiting period because of inconsistent provisions with the existing regulation, particularly in protecting intangible cultural heritage. Firstly, this Law does not separate tangible and intangible heritage, and secondly, this Law does not follow the inventory system on intangible cultural heritage based on UNESCO Convention 2003.

There is ten subject matter of cultural development: oral traditions, man-

¹⁹ Ministry of Culture and Tourism in collaboration with UNESCO Office, Practical Handbook for Inventory of Intangible Cultural Heritage of Indonesia (Jakarta: UNESCO), 12.

²⁰ Indonesia. Undang-Undang tentang Pemajuan Kebudayaan. UU No. 5 Tahun 2017. (Law on the Advancement of Culture. Law No. 5 Year 2017).

²¹ Article 4 Law Number 5 of 2017 on the Advancement of Culture, see also Agus Sardjono, "Symphonizing Intellectual Property Laws in the Advancement of Culture," *Padjadjaran Jurnal Ilmu Hukum* 4, no. 3 (2017): 439.

uscripts, customs, rituals, traditional knowledge, traditional technology, art, language, traditional games, and traditional sports. Whereas the domain of intangible cultural heritage in the UNESCO Convention are oral traditions and expressions, performing arts, social practices, rituals, and festive events, knowledge, and practices concerning nature and the universe. And traditional craftsmanship.

Since UNESCO Convention 2003 consent to be bound to Indonesia, the inventory system both national and international, referring to the convention. In Article 16, this Law regulates three steps: inventory, recording, documentation, determination, and updating data. The inventory has been done through the integrated cultural data collection system, in Article 21 mentions that Government Regulation will regulate further provision on inventory.

Another important thing from this Law is a provision in Article 22 which mentioned that the safeguarding of cultural advancement is essential to prevent Indonesian culture by foreigners.²² Further regulated in Article 37 provide that massive industry or foreigner who utilizes the object of the advancement of culture obliged to have a license from the Ministry. To acquire the license, required prior informed consent, benefit-sharing, and disclosure of origin. Article 37, paragraph 4 mentioned, a further provision will be arranged in the Ministry Regulation, but there has not been regulated until now.

D. THE PROTECTION OF TRADITIONAL CULTURAL EXPRESSIONS THROUGH COPYRIGHT LAW IN INDONESIA

Two instruments mention above are protecting cultural heritage in the field of culture itself. From the intellectual property rights law perspective, safeguarding intangible cultural heritage and advancement of culture has not related to the protection of Angklung as traditional cultural expressions. As the identity of national cultural expressions, Angklung must be strengthened by intellectual property law, particularly communal intellectual property. This effort is important to prevent the misappropriation of Angklung by another country and to give economic benefit to stakeholders in utilizing Angklung without prejudice the custodian who hold traditional values.

In Article 38 (1) of Law Number 28 of 2014 on Copyright, the State holds the copyright on traditional cultural expressions. The State should inventory, maintain, and preserve traditional cultural expressions. This Law reminds everyone who will use traditional cultural expressions to consider the values that live in the custodian community. The Government regulates further provisions

²² Laina Rafianti, Ahmad M. Ramli, and Rika Ratna Permata, "Promoting Traditional Cultural Expressions via YouTube," *Jurnal Dinamika Hukum* 19, no. 1 (2019): 23.

on the rights held by the State on traditional cultural expressions, and again, this has not been regulated.

There is no time limit for the protection of traditional cultural expressions. Preservation is not adequate to keep Angklung exist as a traditional culture transmitted from generation to generation. Creation into a new form, model, or arrangement is always needed. This Law also offers the protection of traditional cultural expressions-based creation. As mentioned in Article 40, the creation of protected includes work in science, art, and literature, consisting of, e.g., translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions. The compilation of traditional cultural expressions during the collection of original work is valid for 50 (fifty) years since the announcement was first made.

Furthermore, in this digital era, the way to disseminate the creation of Angklung is varied. Copyright Law has a special provision on content copyright and related right in the use of information and communication technology in Article 54-56. Those articles mention preventing copyright violations and Related Rights through information technology-based surveillance, reporting, and closure of internet websites.

Based on the Copyright Law, as an inventory of traditional cultural expressions, the Ministry of Law and Human Rights creates the database on communal intellectual property.²³ This database consists of traditional knowledge, traditional cultural expressions, genetic resources, and potential geographical indication. The purpose of establishing this communal database is as inventory for protection, preservation, safeguarding, development, and utilization.

III. THE UTILISATION OF ANGKLUNG PERFORMANCE

A. ANGKLUNG AS INDONESIAN TRADITIONAL CULTURE DIPLOMACY

Angklung is an Indonesian traditional musical instrument made of bamboo, which results in a dynamic sound. This musical instrument consisting of two to four bamboo tubes frame in bamboo and bound with rattan cords. Each angklung produces a single note.²⁴ When people play together, it will provide

²³ Indonesia. Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia tentang Data Kekayaan Intelektual Komunal. Permenhukham Nomor 13 Tahun 2017. (Ministerial Regulation No. 13 Year 2017).

²⁴ UNESCO, United Nations Educational, Scientific and Cultural Organization (UNESCO), Decision of the Intergovernmental Committee: 5.COM 6.18., 2010.

pleasant, energetic, and harmonize music to hear. According to history, Angklung is a ritual in the rice planting and harvesting ceremony based on Nyai Saripohaci as the symbol of the Goddess of Rice. This kind of ritual has still occurred in some traditional village such as Cigugur, Kasepuhan Cipta Gelar and Kasepuhan Sinar Resmi.²⁵

Traditional Angklungs use the pentatonic scale, but in 1938, Daeng Suktigna created the diatonic scale.²⁶ From harvesting and rice planting ceremony, angklung also use in several ceremonies such as circumcision and another event.²⁷ Playing angklung is transmitted orally from generation to generation, increasingly in an educational institution, and recently become a cultural performance. There are high values in Angklung because of collaborations, such as cooperation, mutual respect among players, discipline, responsibility, and musical feelings.

The beauty of the tones of traditional musical instruments angklung becomes a tourist attraction, especially in the city of Bandung, West Java, coupled with the increasing number of attractions in Bandung, making angklung a spectacle of art that is in high demand by both domestic and foreign tourists. As the most phenomenal example is Saung Angklung Udjo, which is an art tourism destination as well as a Sundanese cultural heritage in West Java, founded in 1966 by Udjo Ngalagena (Mang Udjo) and his wife Uum Sumiati, they aim to preserve Sundanese arts and culture, to foster a love for the culture of the region itself and also the economic development of the community as customary cultural stakeholders who have been taught and passed down by the ancestors of an area.

Baier, a researcher of *onomatopoeia*, mentions that it is difficult to trace the origins of the word “angklung.” Still, some musicians consider the –(kl)ung syllable to refer to the resonant quality of the bamboo sound. The term Angklung is derived from the “klung” syllable for the sound of the instrument. Because it comes from any kind of bamboo instrument, interpreted by the Sundanese with “lung” or “klung”, so this instrument is named “angklung”.²⁸

²⁵ Dinas Pariwisata dan Kebudayaan Provinsi Jawa Barat, *Upacara Adat di Jawa Barat [Traditional Ceremonies in West Java]* (Bandung: 2014), 85.

²⁶ Uus Karwati, “Angklung di Jawa Barat sebagai Materi Seni Budaya Berbasis Kearifan Lokal [Angklung in West Java as a local wisdom-based culture],” *Jurnal Seni dan Desain Serta Pembelajarannya* 1, no. 2 (2019): 12.

²⁷ Karwati, “Angklung di Jawa Barat”, 52.

²⁸ Asep Nugraha, “Angklung Tradisional Sunda: Intangible, Cultural Heritage of Humanity, Penerapannya dan Pengkontribusiannya Terhadap Kelahiran Angklung Indonesia, [Sundanese Traditional Angklung: Intangible Heritage of Humanity, Its Implementation and Contribution]” *Awi Laras* 2, no. 1 (2015): 1–23.

Angklung is made from bamboo cut down in the dry season at 9 am. This time is taken to make the water drops from bamboo. The types of bamboo used are bamboo *tali*, bamboo *temen*, and bamboo *wulung*. Bamboo *tali* with thick flesh will produce a soft angklung sound. Bamboo *wulung* with thin materials will produce a loud angklung sound. After being cut down, bamboo stands for one week and then dried. Drying should not be done with the direct sun to produce good quality angklung and preventing brindled surface.

Furthermore, tubes made of various sizes are adjusted to the tone to produce. Angklung is played by shaking the tube. Sometimes angklung is held by the player, but often angklung is also attached to “ancak”. If the player is limited, angklung is hung on “ancak”.

There are several variations of angklung forms, namely: ²⁹ (1) Angklung *Dogdog Lojor*: the upper part is in the shape of an arch with ornamental rattan leaves; consist of 3 tubes; plays in a parade; (2) Angklung *Baduy*: the upper part is in the form of an arch with ornamental rattan leaves; consist of 3 tubes; plays in a parade; (3) Angklung *Buncis Banten Kidul*: the upper part is in the shape of an arch with ornamental rattan leaves; consist of 3 tubes; plays in a parade; (4) Angklung *Buncis Cigugur*: the upper part is in the form of curved leaf decoration with a different frame shape; consist of 3 tubes; plays in a parade; (5) Angklung *Gubrag*: the upper part is in the form of an arch with the decoration of split leaves with different frame shapes; consist of 3 tubes; plays in a parade; (6) Angklung *Badeng*: use fabric to cover the end of the frame; consist of 3 tubes; plays in a parade; (7) Angklung *Badud*: plays in a parade; static and accompanied by game attractions; (8) Angklung *Bungko*: plays in a parade; originally from Cirebon district ³⁰; (9) Angklung *Sered* ³¹; and (10) Angklung *Daeng / Udjo*: straight frame shape; consist of 3 to 4 tubes; plays for performance.

Gaura Mancacaritadipura, an Indonesian cultural expert from Australia, mention that when preparing Angklung as a nomination of Intangible Cultural Heritage from Indonesia, all stakeholder was ready to commit to preserving Angklung.³² The preparation only two weeks and a limited budget, but many

²⁹ *Ibid.*, 174-175.

³⁰ “Angklung Bungko,” Tourism and Culture Office of West Java, accessed on 20 May 2020 <http://www.disparbud.jabarprov.go.id/wisata/dest-det.php?id=301&lang=id>.

³¹ Agus Ahmad Wakih, “Angklung Sered Balandongan (Suatu Kajian tentang Pergeseran Fungsi Dari Kalanganen ke Pendidikan) [Angklung Sered Balandongan (Study on Shifting Function from Hobby to Education)],” *Forum Didaktik* 2, no. 1 (2018): 13-39.

³² Gaura Mancacaritadipura is Indonesian cultural expert from Australia, he become Indonesian nationality since 2004. The name Gaura Mancacaritadipura was a gift from Pakubuwono XII when he appointed Gaura to be a servant of the Keraton Surakarta. See Rhenald Kasali, *Myelin: Mobilisasi Intangibles Menjadi Kekuatan Perubahan* [Myelin: Intangibles Mobilisation into

people related to Angklung, such as players, instructors, craftsmen, and custodians, we are doing together to nominate the UNESCO. The files are arranged in Indonesian. Verification session on 11 August 2009, held a communication at Saung Angklung Udjo, accommodating input. The community signs the agreement on the contents of the file. They agreed always to respect each other to preserve angklung. Finally, the file is translated into English.

Meanwhile, the idea of establishing angklung as an educational tool has been carried out since 1968. Through Minister of Education and Culture Decree Number 82 dated 23 August 1968, angklung was established as an educational tool in the Ministry of education and culture. Since then, angklung has also developed as a musical education tool outside the Ministry of education and culture. Angklung has advantages as a means of education compared to other musical instruments because it is easy, cheap, educational, mass, and attractive.³³ Easy because the way to play it is easy, just by shaking it. Inexpensive because the price is relatively much lower than other musical instruments. Educate because it is full of philosophical values of togetherness, cooperation, and discipline. Mass, every angklung performance has a luxurious impression because many people can play it. Attractive, all of this eventually attracted people's interest to watch, learn, and play it.

The Kanekes community believes that the form of Angklung contains philosophical meaning that is important for the community. Angklung is used as a way of life whose purpose is to understand the ethics of human life in society.³⁴ Dinda Satya Upaja Budi reiterated the philosophy of angklung, that is "*ulah ngelmu angklung tapi kudu ngelmu angklung*", which means do not learn on angklung but must learn on angklung.³⁵ This is due to the many values and meanings in angklung, such as cooperation, deliberation, democracy, togetherness, and live-in harmony.

Since then, Angklung is often exhibited both at home and abroad as a form of cultural diplomacy. Mochtar Kusumaatmadja conceived culture as an object of diplomacy in his speech which revealed that "Cultural diplomacy has the primary goal of building the image of Indonesia abroad. For this reason, we need diplomacy by Indonesia, added by the dimensions of art-culture or

the Power or Change] (Jakarta: Gramedia Pustaka Utama, 2010), 316.

³³ Obby A.R. Wiramiharja, "Minutes Webinar Ngabako#3," on 22 May 2020.

³⁴ Deni Hermawan, "Angklung Sunda sebagai Wahana Industri Kreatif dan Pembentukan Karakter Bangsa, [Sundanese Angklung for Creative Industry, and National Character Building]," *Jurnal Seni Budaya* 23, no. 2 (2013): 171 (186)

³⁵ Dinda Satya Upaja Budi, "Pendidikan Karakter Melalui Nilai-Nilai Keangklungan [Character Education through Angklung Values] Ngabako#3 Webinar," on 22 May 2020.

culture.³⁶ After that, was issued Presidential Instruction No. 3 of 1987 to realize cultural diplomacy.

Cultural diplomacy through angklung continues to be carried out by various angklung communities, educational institutions, and representatives of Indonesian angklung lovers abroad. The Law further strengthens this on the advancement of culture, which mandates the need for cultural diplomacy in the provisions of Article 35. Starting from the community to love their own culture towards a world that is now without borders and angklung is also one of the character lessons that the people of Indonesia must possess; even further, Angklung is used as medium cultural diplomacy.³⁷

Cultural heritage must be preserved and protected by all parties. Preservation of cultural heritage is essential, not only to maintain the community's identity but also to provide economic benefits and other values. Angklung preservation forms can be seen with frequent Angklung performances at international events. For example, Angklung was played in the 1955 Asian-African Conference in Bandung. Then in 1983, the Angklung game began to enter the Salomon islands. Later in 1995, the Angklung game became one of the performers in tourism promotion activities in London. In 2000, Angklung was introduced in Argentina at the request of the State to the Indonesian Embassy.³⁸

The effort to preserve Angklung as a National culture began with establishing the Saung Angklung Udjo, which functioned as a reservation and development center for Angklung culture in 1966 by Udjo Ngalagena. With the times, Saung Angklung Udjo is a center for the preservation and an attraction for tourists, both domestic and foreign. Through this education that Saung Angklung Udjo also provides, it is hoped that there will be a regeneration of Angklung players and instructors. In the future, Angklung will not become the discontinued culture.³⁹

Concretely, the effort to preserve Angklung in Indonesia is manifested in several programs which also function as cultural diplomacy. In the era of President Susilo Bambang Yudhoyono, the Angklung performance through the

³⁶ Jacob Sumardjo, "Biografi Prof. Dr. Mochtar Kusumaatmadja, S.H., LL.M.," in Mochtar Kusumaatmadja: Pendidik & Negarawan [Biography of Prof. Dr. Mochtar Kusumaatmadja, S.H., LL.M. in Mochtar Kusumaatmadja: Educators and Statesman], edited by Mieke Komar, Eddy R. Agoes, and Eddy Damian (Bandung, Alurni, 1999), 23.

³⁷ Adhiatma Nanda Wardhana, "Angklung Sebagai Media Soft Power Diplomacy Indonesia dalam Peringatan Konferensi Asia Afrika Ke-60 [Angklung as Media for Indonesia's Soft Power Diplomacy in Commemoration of the 60th Asia Africa Conference]," bachelor thesis on Faculty of Social Science and Politic, University of Sebelas Maret, Surakarta, 2016.

³⁸ *Ibid.*

³⁹ *Ibid.*

Bambu Nusantara Music Festival or also known as Bambu Nusantara World Music Festival (BNWMF) became the ground for cultural diplomacy through Angklung. From various coverage conducted by the media, the implementation of this BNWMF received a reasonably positive response, not only from the domestic community but also from abroad. Furthermore, Indonesia also made efforts to promote Angklung abroad by breaking Angklung's record in Washington in 2011. These activities indirectly increased self-belonging to angklung so that the world community who participated realized the meaning of the original culture for Indonesia. This recognition provides a significant positive contribution to Indonesia's bargaining position in global interaction. The phenomenon of unilateral claims by other countries over Indonesia's cultural diversity can be finalized.⁴⁰

In President Joko Widodo era, Angklung was again used as part of a strategic policy based on cultural diplomacy, one of which was harmony for the world, carried out in commemoration of the 60th African Asia Conference in April 2015. The side event under the direct direction of the Mayor of Bandung, Ridwan Kamil, was at the same time able to revive the practice of down-to-earth diplomacy, which was indeed the tagline of Joko Widodo's government. Through the Angklung game, which was participated by the general public of around 20,000 people, the Government showed how this cultural-based diplomacy practice could be integrated into the infra-politic community.⁴¹

B. DOUBLE PROTECTION OF ANGKLUNG ACCORDING TO THE INTANGIBLE CULTURAL HERITAGE AND COMMUNAL INTELLECTUAL PROPERTY SYSTEM

In Indonesia, at least two ministries regulate the same object but based on different points of view. As part of a culture, Angklung is undoubtedly a field of the Ministry of education and culture. The Ministry already has an Intangible Cultural Heritage inventory system as part of cultural heritage that has been handed down from generation to generation. Angklung is also part of protecting communal intellectual property, especially Traditional Cultural Expressions, as a display case for subsequent derivative works. It is necessary to re-designate this artistic work by the Directorate General of Intellectual Property under the Ministry of Law and Human Rights coordination.

From the intangible cultural heritage point of view, angklung is seen from 3 functions, first, primary function as a ritual; second, function as a means of entertainment; and third, function as aesthetic presentation. Based on the

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

perspective of Communal intellectual property, Angklung is traditional cultural expressions as a copyright hold by State. The protection is inalienable and can freely use with respecting cultural values held by its custodian. From a copyright standpoint, protection is based on originality and fixation from traditional angklung.

At present, the laws and regulations in the Advancement of Culture's Advancement on the one hand and the area of Traditional Cultural Expressions regulated in UUHC 2014 are not yet harmonious. Harmonization efforts have been carried out in the signing of a Memorandum of Understanding on the Protection of Traditional Knowledge and Traditional Cultural Expressions between the Ministry of Education and Culture and the Ministry of Law and Human Rights R.I. Still, the implementation has not yet existed because this MoU valid until 2017.⁴²

The Memorandum of Understanding above regulates the provision of Database of Traditional Knowledge and Traditional Cultural Expressions. Matters regarding information dissemination, advocacy, coordination regarding the importance of inventory, and enhancing the capacity of stakeholders are also the scope of this Memorandum of Understanding.

Hopefully, through good database coordination and harmonization, comprehensive protection for Angklung as an original Indonesian culture will be created. On the one hand, cultural diplomacy can continue indefinitely. On the other hand, the development of angklung as a living culture with various new forms of creativity can continue without disturbing custodians' values. Further creativity has to pay attention to communal copyright holder, sacred and secret tradition, moral and traditional values.

Through a different database system, the consequences of protection are also different. The Ministry of Education and Culture refers to UNESCO, while the Ministry of Law and Human Rights applies to intellectual property, both communal and individual copyrights, based on WIPO conventions.

⁴² See Memorandum of Understanding Number: 1204 / F.F1 / HK / 2014 and IPR number. HM.05.02-03 dated November 25, 2014 concerning Protection of Traditional Knowledge and Expression of Traditional Culture (Kementerian Pendidikan dan Kebudayaan dengan Kementerian Hukum dan Hak Asasi Manusia, "Nota Kesepahaman Kementerian Pendidikan dan Kebudayaan Dengan Kementerian Hukum dan Hak Asasi Manusia Nomor: 1204/F.F1/HK/2014; Nomor: HKI.HM.05.02-03 tentang Pelindungan Pengetahuan Tradisional dan Ekspresi Budaya Tradisional," 2014.

C. A COMMON COMMITMENT TO SAFEGUARD THE CULTURE OF INDONESIAN ANGKLUNG

A common commitment to safeguarding angklung was signed in 2009 between the Coordinating Ministry for People's Welfare of the Republic of Indonesia; Ministry of Culture and tourism; Directorate-General for cultural values, art, and film, Ministry of Culture and tourism; Saung Angklung Udjo; Angklung Music Society; Declaration of Lovers of Indonesian Angklung Cultural Heritage.⁴³ This commitment was prepared to fulfill the inscription requirement for the nomination of angklung for intangible cultural heritage in UNESCO.

The Coordinating Ministry for People's Welfare of the Republic of Indonesia for the purpose of guaranteeing the continuation of safeguarding and development of Indonesian Angklung, commit to coordinate, facilitate and motivate stakeholders in safeguarding Indonesian Angklung as Intangible Cultural Heritage; To provide opportunities to all members of the angklung community in Indonesia to carry out activities for protecting Indonesian Angklung; To give appreciation to members of the Indonesian Angklung community who continuously carry out safeguarding, development and utilisation of angklung culture; To assist in activities to promote Indonesian Angklung; To push for the establishment of regulations for conservation and safeguarding of Indonesian Angklung; To push the appropriate agencies to promote the cultivation of black bamboo, as the raw material for making angklung musical instruments; To push the proper agencies to include angklung musical arts in the educational curriculum as local content; To promote and support performances of the musical art of Indonesian Angklung at functions held by the Government and by the community.

The Ministry of Culture and Tourism of the Republic of Indonesia states its highest commitment to safeguarding the culture of Indonesian Angklung as one of the elements of the Intangible Cultural Heritage of Indonesia. The Ministry of Culture and Tourism also declares that data regarding Indonesian Angklung has been recorded in an inventory of Intangible Cultural Heritage maintained within the territory of the Republic of Indonesia.

Directorate-General for cultural values, art, and film, Ministry of Culture and Tourism commits as follows: to push various activities for safeguarding of intangible cultural heritage such as study, research, revitalization, inventory, workshops, seminars, performances, and exhibitions of works of traditional culture; to carry out socialization, promotions, and efforts to build the capac-

⁴³ Indonesia, Commitment of the Coordinating Ministry for People's Welfare Regarding 'Safeguarding of the Culture of Indonesian Angklung, 2009.

ity of the community, to increase activities for safeguarding intangible cultural heritage; to develop the culture map as one of the inventories of intangible cultural heritage maintained within the territory of the Republic of Indonesia; to advised related agencies to activate and utilize the potency of traditional culture, including Indonesian Angklung, in various relevant activities; to optimize efforts for transmission of cultural heritage to the younger generation.

Besides Government, Saung Angklung Udjo is a community of angklung player also signed the commitment. They planned to safeguard and develop Angklung; to carry out consistent periodic training for craftspersons and angklung trainer from all over Indonesia; to conduct research and documentation related to the origins and development of the various types of angklung in Indonesia, both traditional and modern; to conduct research and development related to the beneficial uses of angklung for mankind; establishment of an Angklung Museum; to carry out the development of infrastructure of training in angklung cultural heritage, and to carry out development in infrastructure for the production of the traditional handcraft of angklung making.

Moreover, Angklung Music Society commitment as follows: to continue the training of angklung trainers; to organize training for angklung craftsperson; frequently organized performances of angklung music; aspires to hold a large scale inter-community performance to manifest the hopes of the late Daeng Soetigna that angklung should be a tool to be used for world peace. Finally, this commitment is also signed by 87 Angklung lovers consists of craftspersons, teachers, and lovers of Angklung and commit as follows: to always respect each other and work together to safeguard and develop Angklung as an element of the cultural heritage of Indonesia.

In the place where angklung is rapidly developing, Bandung activities have been carried out to protect, utilize and develop human resources in angklung art. In addition to protection for angklung that has been included in the list of intangible cultural heritage, the city of Bandung's cultural and tourism department seeks to protect angklung maestros and talents. In terms of utilization, the city government of Bandung has found production from upstream to downstream. The use of angklung begins with cultural studies and results in cultural art products that can be commercialized. In Bandung, activities have also been carried out to schools from elementary school level, junior high school to senior high school, in collaboration with the education office in West Java Province. Angklung development in the field of education also includes making angklung modules for school students. Likewise, promotional activities have been actively carried out at home and abroad to continue introducing angklung from generation to generation.

After the inscription of angklung in the UNESCO, the Government, community leaders, and the angklung community were proven to carry out their commitments. Several angklung studios were opened and began to be active to hold angklung performances regularly. The Government, educational institutions, and instructors work together to organize angklung education activities in schools.

Another effort for cultural sustainability to remain sustainable is to include angklung in educational activities/learning curricula. Angklung has long been involved in extracurricular education activities at the elementary, junior high, high school, and university levels. Nowadays, there are many ways to develop and preserve traditional angklung instruments in the digital era. Performers are possible in arranging songs with angklung music accompaniment from various genres, not only Sundanese songs but also other regional songs and even world-famous songs accompanied by musical instruments this angklung.

Angklung has a function as an educational medium, both inside and outside of school. Like other musical instruments (gamelan, flute, piano, guitar, bass, drums, etc.), Angklung also functions as a medium/tool in achieving the goals of music education. In music education, Angklung can be used as one of the musical instruments used to develop artistic feelings, such as hearing training, rhythm training, improvising, understanding musical forms, and practicing feeling harmony, chords. Angklung music games also have educational values, including⁴⁴ 1) The 'made' value that the Angklung game is more prominent than other tools; 2) Educate discipline, responsibility, mutual respect, cohesiveness, and togetherness; 3) Develop leadership, i.e., by forming a group formation, in which there are some members who play a more active role than other members, and who are more dominant than others, and in this case is the beginning of learning about leadership, one of which is shown by a group of leaders and followers; 4) Playing music through media Angklung can find some fundamental things through aesthetic and emotional channels, can meet the needs of the use of a musical expression.

The explanation above indicates the importance of music lessons at school by choosing Angklung as an alternative, both diatonic and pentatonic, as media education in the character of the Indonesian nation. Angklung also functions as an educational medium outside of school; the educational process is delivered informally. Education in the community (outside of school) is carried out individually or in groups, such as in a particular community (regional groups) as a means of ritual (ceremony), entertainment, or association. In contrast, Angklung education creations (diatonic) are mostly done in art

⁴⁴ Hermawan, "Angklung Sunda sebagai Wahana Industri Kreatif,"197.

studios, art environments, or institutions that provide opportunities for the community/arch in improving relations in a modern organization to increase the ability to appreciate art in a new organization to enhance the work of art into performance art.

Angklung education outside of school has created creativity that has an educational impact on the group or the community. In a tradition-based or modern community, Angklung education participates in maintaining the balance of life and improving the quality of human life. This role can be realized in various ways, such as ⁴⁵ 1) Role as a system of distribution in the community of the region and outside the area; 2) Preserve and develop the nation's cultural arts; 3) As a medium to support communication between countries and the implementation of cultural diplomacy; 4) Foster a sense of cultural solidarity between countries; 5) Influence social change

Once inscribed, must be established public awareness efforts. Awareness is the comprehension of a particular situation. Without realization, perception, or knowledge concerning something, someone cannot be considered aware. If consciousness is well prepared, then the distribution is massive; the more people realize, perceive, or know something, the more awareness is occurring.⁴⁶

Therefore, Indonesia must also be able to follow up on UNESCO's recognition. Indonesia also received an appeal from UNESCO to protect, preserve, regenerate Angklung periodically and continuously. Some of the subsequent efforts need to be made: The Government must establish good cooperation between ministries; Educators need to include angklung as a local content curriculum; Community: make performances, contest and angklung festivals; in terms of funding allocation, it is also necessary to have an adequate budget for guidance, research, and development, rejuvenation, courses, and training.

D. UTILIZATION OF ANGKLUNG IN THE DIGITAL ERA

Local people used the Angklung music instrument for the purpose related to the virtual of harvesting rice. Daeng Soetigna then changed the function of angklung into a tool of education, entertainment, and cultural diplomacy. With information technology, it is possible to change the media into digital records for archiving angklung as artistic work. Digitalization on the know-how process of making angklung, explaining the history of angklung, and showing how to play angklung can support safeguarding efforts. In terms of utilization

⁴⁵ Hermawan, "Angklung Sunda sebagai Wahana Industri Kreatif," 180-182.

⁴⁶ Rangga Dachlan, "Indonesia's Implementation of Inventory Obligation under UNESCO's Intangible Cultural Heritage Convention: Problems in the Online Inventories," *International Journal of Cultural Property* 22, no. 1 (2015): 131-151,

to obtain economic benefits, digitization and dissemination of content via the internet are very promising.⁴⁷

There are several platforms of applications that allow economic gain from the content creator. One example of monetization commonly used by user-generated content is AdSense by YouTube. Monetization is the commercialization of content that is carried out legally and has specific procedures. It provides space for advertisers to use video views created by creators as a place to advertise.⁴⁸

Because YouTube always encourages its creators to create original and interesting content, several restrictions are placed on uploading content. Among them are YouTube account owners who are prohibited from uploading content belonging to other people for copyright, in the form of music, articles, videos, or the like. This regulation is to reduce piracy rates that can harm the original owner of the content. Violation of these copyright terms may result in account blocking and can no longer be monetized. The copyright policy on the YouTube channel is based on first-come, first-served. If the original copyright holder did not upload, but someone else uploaded it first, they cannot claim if the original copyright holder does not have sufficient evidence.

The use of angklung for economic purposes can be in the form of simple content. The content might be recorded during live performances or specially made to be broadcast on specific internet platforms. Simple content on the journey of someone who accidentally records angklung activities or performances is often found in user-generated content accounts. Economic benefits should be obtained by those who have the right to use them, such as custodians of angklung, the communities, and angklung performers. The problem of moral and economic appreciation from angklung players and even angklung drivers goes unnoticed by video uploaders on angklung.

Article 38 of the Indonesian Copyright Law does not require a permitting mechanism to use TCEs material because this article's spirit is for cultural diplomacy. However, if there are parties outside the angklung custodian and players who use digital media for economic interests, they should benefit the custodian. Communal intellectual property rights are not exclusive but are inclusive. Anyone can do the utilization, but as much as possible, pay attention

⁴⁷ Karol Jan Borowiecki, Neil Forbes, and Antonella Fresa, "Cultural Heritage in a Changing World, Cultural Heritage in a Changing World," in Cultural Heritage in a Changing World, Karol Jan Borowiecki, Neil Forbes, and Antonella Fresa, eds. (Springer, 2016), 57.

⁴⁸ Bakti Kominfo, "Pengertian Monetisasi dan Contohnya Pada Kanal Youtube [Definition of Monetisation and the Example on the YouTube Channel]," Ministry of Communication and Information Technology, 2019, https://www.baktikominfo.id/id/informasi/pengetahuan/pengertian_monetisasi_dan_contohnya_pada_kanal_youtube-850.

to the values held by the carrying community. If there is disagreement from the custodian over the content based on TCEs, they can protest and sue compensation. Of course, this must be mutually agreed upon and put in guidelines of utilization can apply to outsiders who take advantage of it.

The custodians can benefit from the availability of videos uploaded by other parties, but indirectly. For example, the dissemination of information about TCEs as content, the audience's desire to be present directly watching the original locations, and the increasing recognition of TCEs promote the videos they show. However, it is more fitting if the community and the original custodian carry out the promotion of the original TCEs. However, there are many challenges for traditional societies to digitize. Limitations of information technology, unavailability of supporting facilities and infrastructure such as cameras, lighting, and video editing capabilities, and inadequate internet network problems often pose challenges. The high cost of knowledge and expenses mentioned above have made the simple angklung players prefer live stages rather than changing their forms to digital shows.

E. STEPS OF IMPLEMENTATION IN PROTECTION AND UTILISATION OF ANGKLUNG IN THE DIGITAL ECONOMY ERA

In this digital era, the promotion and use of angklung also use various social media such as YouTube, Facebook, Instagram, and other social media channels. Based on the spirit of cultural diplomacy, angklung performers are encouraged to be more active in promoting culture in this digital era. The digitalization of creative content will also impact the economic benefits that angklung performers can receive.

Indonesian Copyright Law has anticipated the use of information and communication technology for copyright content. Among them are Article 23 on the Economic Rights of Performers. This article provides that each person can use Commercially Creation in a show without asking the creator to pay compensation to the creator through the Collective Management Organization.

The other provision is in article 54 on Information Technology. To prevent violations of Copyright and Related Rights using information technology-based, the Government is authorized to do: supervision of the manufacture and distribution of infringing content Copyright and Related Rights; cooperation and coordination with various parties, both

inside and outside the country in the prevention of the production and distribution of infringing content Copyright and Related Rights; and supervision of recording actions using any media on product creation and Related Rights in the venue.

They are also regulated in Article 56 Copyright Law. The Minister who held government affairs in telecommunications and informatics based on the recommendation can close the user's content or permissions who violate copyright or related rights in the electronic system and make the service system Electronic inaccessible. Further provisions on the implementation of the closure of the content or permissions of the user who violates copyright or related rights in the electronic network or electronic system render services shall be determined by joint regulation of the Minister and the Minister whose tasks and responsibilities in the field of communication and informatics.

Another issue in traditional cultural expressions is State holds the copyright. According to Article 40 Copyright Law, the modification of Angklung can be protected as copyright as long as the original. The requirement of copyright protection is⁴⁹ originality, the word "originality" ... or the test of "originality", is not that the work to be novel or unique. Even a work based upon something already in the public domain may well be original; creativity: (2) Creativity as a standard of copyrightability is to a high degree simply a measure of originality. Although a work that merely copies exactly a prior work may be held not to be original, if the copy entails the independent creative judgment of the author in its production, that creativity will render the work original; (3) Fixation: A work is fixed in a tangible medium of expression when its embodiment in a copy or phone record by or under the authority of the author, is sufficiently permanent or stable to permit to be perceived, reproduced or otherwise communicated for a period of more than transitory duration. A work consisting of the sound imager or both that are being transmitted is fixed for the purpose of this title is a fixation of the work is being made simultaneously with its transmission.

The fundamental thing about copyright is authenticity which implies that the copyright holder or the party who claims it is the party

⁴⁹ Earl W. Kintner and Jack Lahr, *An Intellectual Property Law Primer* (New York: Clark Boardman, 1983), 346-349; James Lahore, *Copyright* (Sydney: Butterworth, 1977), 80-83.

who created it. The creator can claim copyright for work as long as he creates it, even if a thousand people have created the (same) work before. Authenticity does not imply novelty, but it does indicate that the person concerned does not imitate others. Authenticity or originality is that the embodiment of an idea or idea is really from the self and mind of the creator himself.

James Lahore mentioned that “thus originality for copyright law is not originality for ideas or thought but originality in the execution of the particular form required to express such ideas or thought”.⁵⁰ Authenticity as the purpose of copyright is not the authenticity of an idea or thought but the authenticity in expressing it in a form required to express the idea or thought. Originality prohibits the act of imitation or plagiarism towards other people’s creations.

The concept of authenticity is also seen in the case of the University of London Press Ltd. V. University Tutorial Press Ltd.,⁵¹ the judge stated that the working paper is a work that fulfills the element of originality, even though the working paper consists of various information that has been provided knowledge for people in their fields (in this case it is mathematics). The main requirement for authenticity (originality) is that the work does not entirely emulate other works but must come from the creator. So, it is possible that two Creators independently created (almost) the same work, both of which could be protected by copyright without violating one another’s copyright.

In the digital era, we agree with Strong⁵². He stated that the province of copyright is communication. Nowadays, no matter what the medium, original work of authorship fixed in any tangible medium of expression, now known or later developed, they can be perceived reproduced, or otherwise communicated, either directly or with the aid of machine or device. Technology must allow the dissemination of copyright and benefit the performers and the custodian of Angklung as a cultural heritage.

⁵⁰ *Ibid.*

⁵¹ Jill McKeough and Andrew Stewart, *Intellectual Property in Australia*, 2nd edition (Sydney: Butterworths, 1997), 138.

⁵² William S. Strong, *The Copyrights Book: A Practical Guide* (Cambridge: The NIRP Press, 1993), 1.

IV. CONCLUSION

Intangible Cultural Heritage and Intellectual Property is a different system. Intangible Cultural Heritage is the preliminary documentation to get the Intellectual Property protection. The protection of Intellectual Property goes to two kinds of protection: communal and individual Intellectual Property. Communal Intellectual Property is for the Angklung national identity of Indonesia and private Intellectual Property to protect derivatives creation. For further development, the government can activate research and development, establish angklung village, and promote more angklung.

Wawan Gunawan, Indonesian cultural practitioner and birocrate in Angklung web seminar mentioned that “*Bandung Mayung ku Angklung, Bandung Nanjung ku Angklung, Bandung Ngurulung Ku Angklung*”.⁵³ This statement means Angklung is very important for Bandung. Bandung is at the forefront because of angklung, Bandung is famous for angklung, angklung sound echoes in Bandung. Actually, this statement not only for Bandung, but greater, for Indonesia.

After the inscription of Angklung, The creator of translation, adaptation, arrangement, transformation, or modification of angklung traditional cultural expressions get copyright protection. Digital media in the Industrial revolution 4.0 is a tool of Angklung utilization. Angklung Inscription is not the end of angklung protection but the beginning of the angklung journey in future generations. Cultural diplomacy and cultural dissemination through various digital media that produce economic benefits will mutually support the inheritance of angklung to the next generation.

⁵³ Wawan Gunawan, “Minutes Webinar Ngabako#3.”

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