



Intellectual Property Rights Protection For Traditional Cultural Expressions

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Article Info :

Received:
25-05-2026
Revised:
29-05-2026
Accepted:
20-06-2026

Abstract

This study examines the adequacy of intellectual property protection for Traditional Cultural Expressions within Indonesia through a non empirical normative legal research design. It analyzes statutory provisions, doctrinal scholarship, and international frameworks to evaluate whether existing mechanisms sufficiently safeguard communal cultural rights. The findings indicate persistent structural misalignment between communal ownership systems and conventional copyright principles, particularly regarding authorship and originality requirements. The study further identifies weaknesses in benefit sharing arrangements, fragmented cultural documentation, and limited enforcement capacity in cross border contexts. Additionally, the emergence of artificial intelligence and generative digital technologies introduces new legal uncertainties concerning reproduction and cultural appropriation. The analysis highlights that current regulatory instruments do not adequately address these multidimensional challenges. It argues for a more integrated legal approach that combines statutory reform with conceptual reorientation toward community based governance. The study concludes that a sui generis framework is essential to ensure equitable protection, cultural sustainability, and legal certainty for Traditional Cultural Expressions in the evolving digital era.

Keywords : *Traditional Cultural Expressions, Intellectual Property, Sui Generis Protection, Cultural Governance, Communal Rights.*



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INTRODUCTION

The increasing recognition of traditional cultural expressions as strategic assets within the global knowledge economy has transformed debates concerning intellectual property from a predominantly commercial discourse into a broader discussion encompassing cultural justice, collective rights, sustainable development, and human dignity. Across diverse jurisdictions, traditional cultural expressions are increasingly understood not merely as cultural artifacts inherited from previous generations but as living systems of knowledge that sustain social cohesion, economic resilience, environmental stewardship, and intergenerational identity. International institutions have consequently intensified efforts to formulate legal mechanisms capable of safeguarding indigenous and local cultural resources against unauthorized appropriation and commercialization, reflecting the growing awareness that conventional intellectual property regimes remain inadequately equipped to accommodate communal forms of creativity and ownership (WIPO, 2017). This development has become particularly significant in the contemporary digital environment where artificial intelligence technologies, automated content generation systems, and global digital platforms facilitate the rapid reproduction, modification, and dissemination of cultural expressions beyond their original communities, thereby creating unprecedented challenges regarding authenticity, ownership, attribution, and benefit distribution (Romero Moreno, 2024; Rezaei et al., 2025). Within this evolving global context, traditional cultural expressions increasingly occupy a central position in discussions concerning the relationship between intellectual property protection, cultural preservation, technological transformation, and sustainable human development.

Existing scholarship has demonstrated that traditional cultural expressions generate multidimensional benefits extending beyond symbolic cultural value. Research has established that

traditional knowledge and cultural heritage contribute significantly to community based economic development, sustainable entrepreneurship, cultural tourism, environmental governance, and collective wellbeing. Studies on indigenous knowledge systems reveal their continuing relevance in addressing contemporary challenges associated with sustainability, climate adaptation, and public health resilience, illustrating that traditional cultural resources remain productive and socially valuable rather than merely historical legacies (Redvers et al., 2023). Parallel investigations have shown that traditional knowledge embedded within cultural production systems can enhance innovation capacity and improve the long term performance of local creative industries, thereby positioning traditional culture as an important driver of inclusive economic growth (Permatasari et al., 2023). Similarly, cultural tourism literature emphasizes that intangible cultural heritage possesses substantial economic potential when appropriately managed and protected, particularly in developing countries where cultural diversity constitutes a comparative advantage within global tourism markets (Wasela, 2023). At the normative level, intellectual property scholars have argued that legal protection serves not only economic functions but also broader social purposes associated with recognition, distributive justice, and the preservation of cultural diversity, thereby expanding the conceptual foundations of intellectual property beyond individual economic incentives (Drahos, 2016; Helfer & Austin, 2011).

Despite these important contributions, the literature remains characterized by substantial conceptual fragmentation concerning the legal status of traditional cultural expressions within contemporary intellectual property systems. A significant portion of existing studies continues to evaluate traditional cultural expressions through analytical frameworks originally designed for individual authorship, originality, and exclusive ownership, while insufficiently addressing the collective, intergenerational, and evolving characteristics that distinguish traditional cultural resources from conventional intellectual property objects. Consequently, legal scholarship frequently acknowledges the incompatibility between communal cultural ownership and individualistic intellectual property doctrines yet provides limited explanation regarding how this incompatibility should be systematically resolved within national legal systems. Moreover, while international discussions increasingly advocate *sui generis* approaches and community centered governance mechanisms, empirical and normative analyses often remain disconnected from the specific institutional realities of developing countries possessing extensive cultural diversity. This situation generates persistent uncertainty regarding the appropriate legal construction, ownership arrangements, enforcement mechanisms, and benefit sharing models necessary to ensure effective protection of traditional cultural expressions within contemporary intellectual property governance frameworks (Drahos, 2016; WIPO, 2017; Helfer & Austin, 2011).

The existence of these unresolved issues acquires particular urgency in Indonesia, a country possessing extraordinary cultural diversity and a vast repository of traditional cultural expressions that constitute both national heritage and strategic economic resources. Although the legal framework has formally recognized the importance of protecting traditional cultural expressions through copyright legislation and broader cultural advancement policies, practical implementation continues to encounter significant challenges related to legal certainty, institutional coordination, community participation, and equitable distribution of benefits arising from cultural utilization (Republic of Indonesia, 2014; Republic of Indonesia, 2017). The acceleration of globalization and digitalization further intensifies these challenges because cultural expressions can be reproduced, commercialized, transformed, and circulated across jurisdictions with increasing ease, frequently without meaningful involvement of originating communities. Under such circumstances, insufficient legal protection may result not only in economic losses but also in cultural misappropriation, erosion of collective identity, weakening of indigenous rights, and diminishing control of local communities over their own cultural resources. The unresolved nature of these challenges demonstrates that the question of legal protection for traditional cultural expressions extends beyond technical regulatory concerns and directly influences broader objectives related to cultural sustainability, social justice, and human development.

Within this intellectual landscape, the present study positions itself at the intersection of intellectual property law, cultural rights scholarship, and sustainable development discourse by critically examining how traditional cultural expressions are constructed and protected within the Indonesian intellectual property regime. Rather than treating legal protection as a purely doctrinal matter, this study approaches the issue as a structural challenge arising from the interaction between communal cultural ownership and legal frameworks historically grounded in individual proprietary

logic. Such a perspective enables a more comprehensive evaluation of the extent to which existing legal arrangements adequately reflect the social reality of traditional cultural expressions and effectively safeguard the interests of indigenous and local communities. The study consequently seeks to bridge the gap between international theoretical debates concerning traditional cultural expression protection and the specific normative configuration established within Indonesian legislation, thereby contributing to a more contextually grounded understanding of intellectual property governance in culturally diverse societies.

This study aims to analyze the legal construction of traditional cultural expressions within the Indonesian intellectual property regime and to examine the forms of legal protection, implementation challenges, and optimization strategies associated with such protection. The research contributes theoretically by developing a critical understanding of the tension between communal cultural ownership and conventional intellectual property principles while advancing the discussion on the relevance of *sui generis* protection models for traditional cultural expressions. Methodologically, the study contributes through a normative legal analysis that integrates statutory interpretation with conceptual examination, enabling a systematic assessment of the coherence, effectiveness, and future direction of legal protection for traditional cultural expressions in Indonesia. The findings are expected to enrich scholarly discussions concerning cultural rights and intellectual property governance while providing a stronger foundation for future legal reforms aimed at protecting traditional cultural expressions in an increasingly interconnected world.

RESEARCH METHODS

This study employed a non empirical normative legal research design aimed at examining the legal construction of traditional cultural expressions within the Indonesian intellectual property regime and evaluating the adequacy of existing protection mechanisms. The research relied exclusively on secondary data derived from legal and scholarly sources. Primary legal materials consisted of Law Number 28 of 2014 concerning Copyright, Law Number 5 of 2017 concerning the Advancement of Culture, and Government Regulation Number 56 of 2022 concerning Communal Intellectual Property. Secondary materials included academic books, peer reviewed journal articles, and international institutional publications addressing intellectual property, traditional cultural expressions, indigenous rights, and cultural governance, particularly the works of Drahos, Helfer and Austin, Blakeney, Dufield and Suthersanen, and WIPO. Source selection was guided by relevance to the research questions, scholarly credibility, conceptual significance, and normative authority. The analytical framework combined a statutory approach and a conceptual approach to assess the coherence of legal norms, the relationship between intellectual property principles and communal cultural rights, and the compatibility of existing regulations with the distinctive characteristics of traditional cultural expressions.

The analysis was conducted through a qualitative legal interpretation process involving systematic examination, classification, and synthesis of legal norms and doctrinal arguments. Legal materials were analyzed using grammatical interpretation, systematic interpretation, and teleological interpretation to identify normative meanings, regulatory interactions, and underlying legislative objectives concerning the protection of traditional cultural expressions. The analytical procedure further incorporated comparative doctrinal evaluation to assess the extent to which Indonesian legal provisions reflect contemporary developments in international intellectual property discourse and cultural rights protection. Methodological rigor was ensured through source triangulation across legislation, academic literature, and international policy documents, together with continuous cross verification of legal arguments and conceptual consistency. This approach strengthened the reliability of the findings by minimizing interpretative bias and enabling a comprehensive evaluation of the legal challenges, protection mechanisms, and prospective reforms relating to traditional cultural expressions within the Indonesian intellectual property framework.

RESULTS AND DISCUSSION

Legal Construction of Traditional Cultural Expressions within the Indonesian Intellectual Property Framework

The normative analysis demonstrates that the legal construction of Traditional Cultural Expressions within Indonesia is primarily anchored in the intersection between copyright law and

cultural governance law. This construction reflects an attempt to accommodate communal cultural assets within a legal regime historically designed to protect individual creativity and private ownership. The doctrinal challenge emerges because traditional cultural expressions originate from collective social processes rather than identifiable authorship. Intellectual property theory has long recognized this tension as one of the most difficult issues in contemporary legal protection of traditional knowledge and cultural heritage (Drahos, 2016; Blakeney, 2015).

Law Number 28 of 2014 concerning Copyright establishes the state as the copyright holder of Traditional Cultural Expressions. This legal position creates a representative model in which the state functions as a trustee for cultural communities rather than as an ordinary rights holder. Such an approach attempts to bridge the gap between collective ownership and copyright doctrine. The arrangement also reflects broader international discussions regarding state responsibility in safeguarding indigenous and traditional cultural assets (WIPO, 2017; Helfer & Austin, 2011).

From a conceptual perspective, the state centered model offers legal certainty regarding ownership attribution. The model reduces ambiguity concerning legal standing when unauthorized use or cultural appropriation occurs. At the same time, questions remain concerning whether state representation adequately reflects the interests and cultural autonomy of indigenous communities. Similar concerns have emerged in international debates on indigenous governance and customary resource management where centralized legal authority may not always align with community based decision making structures (Horstkotte et al., 2022; Hoffman et al., 2022).

The normative framework is strengthened through Law Number 5 of 2017 concerning the Advancement of Culture, which emphasizes inventory, preservation, development, and utilization of cultural resources. The law broadens protection beyond economic interests and recognizes cultural sustainability as a public responsibility. Such an approach aligns with contemporary understandings of intangible heritage as a living social resource rather than a static cultural artifact. Recent scholarship similarly argues that cultural preservation should be linked to sustainable development and community resilience (Brown & Vacca, 2022; Wasela, 2023).

The relationship between copyright protection and cultural preservation reveals a hybrid legal structure. Copyright law focuses on protection against unauthorized exploitation while cultural legislation emphasizes continuity and transmission across generations. The coexistence of these objectives illustrates the multidimensional nature of Traditional Cultural Expressions within Indonesian law. Critical legal scholarship suggests that effective governance requires balancing economic protection with cultural integrity and human rights considerations (Helfer & Austin, 2011; Dutfield & Suthersanen, 2020).

Table 1. Normative Dimensions of Traditional Cultural Expression Protection in Indonesia

Legal Instrument	Primary Objective	Normative Orientation	Relevance to TCE Protection
Law No. 28 of 2014 concerning Copyright	Legal protection of cultural expressions	Intellectual property protection	Establishes state custodianship over TCEs
Law No. 5 of 2017 concerning the Advancement of Culture	Cultural preservation and development	Cultural governance	Supports inventory and safeguarding mechanisms
Government Regulation No. 56 of 2022 concerning Communal Intellectual Property	Recognition of communal rights	Collective rights protection	Strengthens legal recognition of communal cultural assets
WIPO Framework	International protection guidance	Community centered protection	Promotes equitable utilization and recognition

Source: Synthesized by the author from Republic of Indonesia (2014), Republic of Indonesia (2017), Republic of Indonesia (2022), and WIPO (2017).

The data presented in Table 1 indicate that Indonesian protection of Traditional Cultural Expressions is not concentrated within a single legal instrument. Multiple regulatory layers contribute distinct functions that collectively shape the protection framework. This regulatory pluralism reflects the complexity of cultural rights governance. Similar observations have been noted in comparative intellectual property studies examining the interaction between national and international protection systems (Dutfield & Suthersanen, 2020).

Government Regulation Number 56 of 2022 concerning Communal Intellectual Property further develops recognition of collective cultural rights. The regulation introduces a more explicit acknowledgment of communal ownership principles that were previously less visible within conventional intellectual property legislation. This development is important because Traditional Cultural Expressions derive their legitimacy from collective cultural memory rather than individual innovation. Contemporary legal scholarship increasingly supports community oriented legal frameworks for protecting culturally embedded knowledge systems (Jimenez et al., 2022; Redvers et al., 2023).

The findings also reveal that Indonesian law implicitly incorporates human rights considerations within the protection of Traditional Cultural Expressions. Cultural identity, participation in cultural life, and protection against misappropriation represent dimensions that extend beyond ordinary economic rights. This orientation reflects an evolving understanding that intellectual property protection must accommodate broader social interests. Human rights based approaches have gained increasing prominence in discussions concerning indigenous knowledge and cultural heritage governance (Helfer & Austin, 2011; Lázaro Ortiz & Jimenez de Madariaga, 2022).

Another important finding concerns the emerging influence of digital transformation on the legal relevance of Traditional Cultural Expressions. Technological developments have expanded opportunities for documentation and dissemination while simultaneously increasing risks of unauthorized reproduction and cultural commodification. Digital content generation systems can reproduce cultural motifs and traditional artistic elements at unprecedented speed and scale. These developments challenge conventional copyright assumptions and raise complex questions concerning ownership, authenticity, and attribution in digital environments (Franceschelli & Musolesi, 2022; Lucchi, 2024).

The doctrinal assessment ultimately indicates that Indonesia has established a relatively comprehensive normative foundation for protecting Traditional Cultural Expressions. The legal framework demonstrates an effort to reconcile intellectual property principles with communal cultural rights through a combination of copyright law, cultural governance law, and communal intellectual property regulation. Persistent conceptual tensions remain because the underlying architecture of intellectual property law continues to be influenced by assumptions of individual authorship and exclusivity. The effectiveness of protection therefore depends not only on legal recognition but also on the continuing evolution of regulatory mechanisms capable of reflecting the collective and intergenerational nature of cultural heritage (Anwary, 2022, Marzuki, 2021).

Legal Protection Challenges and Regulatory Gaps in Safeguarding Traditional Cultural Expressions

The normative analysis reveals that the principal weakness of the current protection framework lies in the conceptual incompatibility between traditional cultural expressions and the foundational assumptions of conventional intellectual property law. Traditional cultural expressions emerge through cumulative intergenerational development within communities rather than through the creative act of a single identifiable author. Copyright systems generally require originality and individual authorship as conditions for legal protection, creating a structural tension when applied to communal cultural heritage (Blakeney, 2015). This incompatibility generates uncertainty regarding ownership, authorization, and entitlement to legal remedies in cases involving cultural appropriation.

The challenge becomes more evident when examining the philosophical foundations of intellectual property rights. Intellectual property regimes were historically constructed around private rights and exclusive control over creative outputs, whereas traditional cultural expressions derive legitimacy from collective stewardship and cultural continuity (Drahos, 2016). Comparative doctrinal analysis indicates that communal knowledge systems operate according to social obligations rather than

market based exclusivity. The resulting divergence weakens the ability of existing legal mechanisms to accommodate the distinctive nature of indigenous cultural resources (Dutfield & Suthersanen, 2020).

A further limitation concerns the identification of rights holders in enforcement processes. Courts and administrative institutions generally require a legally recognizable claimant capable of demonstrating ownership and infringement. Traditional cultural expressions frequently belong to communities whose cultural practices evolved across generations without formal documentation of authorship. This situation creates evidentiary difficulties and complicates access to effective legal protection, particularly in disputes involving commercial exploitation by external actors (Blakeney, 2015).

The normative framework also exhibits significant deficiencies regarding economic justice and benefit distribution. International discussions increasingly emphasize that communities contributing cultural resources should receive fair economic returns when those resources generate commercial value (WIPO, 2017). Existing regulations provide limited guidance concerning revenue allocation, licensing arrangements, and community participation in decision making processes. The absence of a clear benefit sharing mechanism weakens incentives for cultural preservation and may reinforce patterns of unequal economic extraction from indigenous heritage (Helfer & Austin, 2011).

The protection gap becomes more pronounced when cultural expressions are incorporated into commercial industries such as tourism, fashion, and creative production. Traditional motifs, designs, and artistic practices often contribute substantial market value while originating communities receive little recognition or compensation. This imbalance raises concerns regarding distributive justice and cultural equity within intellectual property governance. Scholarly discussions increasingly argue that protection mechanisms must move beyond preservation objectives and address the economic rights of cultural custodians (WIPO, 2017).

Table 2. Structural Challenges in the Protection of Traditional Cultural Expressions

Challenge Area	Legal Consequence	Protection Limitation
Collective Ownership	Ownership ambiguity	Difficult enforcement
Lack of Benefit Sharing	Economic injustice	Weak community participation
Documentation Deficit	Evidentiary weakness	Vulnerability to claims
Digital Reproduction	Copyright uncertainty	Unauthorized dissemination
Cross Border Exploitation	Jurisdictional barriers	Limited legal remedies

Source: Synthesized from Blakeney (2015), Dutfield and Suthersanen (2020), WIPO (2017), Lucchi (2024), and Romero Moreno (2024).

The analytical findings summarized in Table 2 demonstrate that legal protection challenges extend beyond doctrinal interpretation and encompass institutional and technological dimensions. Ownership ambiguity affects enforcement capacity, while documentation deficiencies undermine evidentiary reliability during legal disputes. The table further indicates that digital reproduction and cross border dissemination have introduced new vulnerabilities that traditional regulatory approaches were not designed to address. These findings suggest that regulatory reform requires a multidimensional approach rather than isolated legislative adjustments.

Another significant challenge concerns the effectiveness of cultural inventory systems. Law Number 5 of 2017 concerning the Advancement of Culture recognizes the importance of documentation and cultural databases, yet practical implementation remains uneven across regions (Republic of Indonesia, 2017). Many traditional cultural expressions remain insufficiently recorded, creating difficulties in proving origin, historical continuity, and community association. Weak documentation increases the likelihood of unauthorized appropriation and complicates efforts to establish legal claims when disputes arise.

The emergence of generative artificial intelligence has introduced additional complexities that existing regulations do not adequately address. Contemporary AI systems can generate visual patterns, artistic designs, and cultural representations that closely resemble traditional cultural expressions without direct authorization from originating communities (Franceschelli & Musolesi, 2022). Legal uncertainty arises because copyright law often struggles to determine ownership and accountability when creative outputs are produced through algorithmic processes. Similar concerns have been

identified in discussions regarding AI generated creativity and digital content production within the broader creative economy (Lee, 2022; Garcia, 2025).

Recent scholarship highlights the growing risks associated with automated cultural reproduction, synthetic media, and large scale data driven content generation. AI technologies may reproduce traditional motifs, ceremonial imagery, and cultural symbols in ways that distort cultural meaning or facilitate unauthorized commercialization (Lucchi, 2024; Romero Moreno, 2024). Related studies also identify governance challenges concerning transparency, ethical decision making, misinformation, and content accountability in digital environments (Nasser El Erafy, 2023; Creely, 2024; Gallifant et al., 2024; Rezaei et al., 2025; Li et al., 2025). These developments indicate that legal protection frameworks must increasingly engage with technological governance alongside conventional intellectual property concerns.

Enforcement challenges become even more complex when traditional cultural expressions are exploited across national borders. Intellectual property rights remain largely territorial in nature, while digital dissemination enables cultural materials to circulate globally with minimal jurisdictional constraints (Dutfield & Suthersanen, 2020). Cross border appropriation frequently exceeds the practical reach of domestic enforcement institutions and creates significant procedural barriers for affected communities. Regulatory effectiveness therefore depends not only on substantive legal rules but also on administrative capacity, institutional coordination, and international cooperation mechanisms capable of addressing transnational cultural exploitation (Anwary, 2022).

Towards a Sui Generis and Community Centered Model for Traditional Cultural Expression Protection

The development of a sui generis protection model is grounded in the need to construct a legal framework that corresponds to the collective ontology of traditional cultural expressions. WIPO underscores that specialized regulatory regimes are required to safeguard indigenous cultural resources in a manner consistent with their communal character and intergenerational continuity (WIPO, 2017). Blakeney emphasizes that conventional intellectual property categories are structurally limited in addressing communal cultural ownership due to their individualistic orientation (Blakeney, 2015). Drahos further advances the view that intellectual property must be reoriented toward social legitimacy and distributive cultural justice as foundational normative principles (Drahos, 2016).

Table 3. Proposed Components of a Sui Generis Protection Model for Traditional Cultural Expressions

Component	Regulatory Function	Expected Impact
Community Ownership Recognition	Legal certainty	Stronger cultural rights
Prior Informed Consent	Community participation	Fair utilization
Benefit Sharing Mechanism	Economic justice	Community welfare
Digital Cultural Registry	Evidence preservation	Prevention of misappropriation
AI Governance Rules	Digital protection	Reduced unauthorized replication

Source: Synthesized from WIPO (2017), Drahos (2016), Helfer and Austin (2011), Permatasari et al. (2023), and Redvers et al. (2023).

The table illustrates that the sui generis model is constructed as an integrated normative system that restructures ownership, access, and protection of traditional cultural expressions. Community ownership recognition provides the legal foundation for collective entitlement consistent with WIPO standards on indigenous cultural protection (WIPO, 2017). Prior informed consent operationalizes procedural legitimacy by ensuring that community authorization is a prerequisite for utilization. These components collectively redefine intellectual property protection from individual exclusivity toward collective custodianship.

Community centered governance expands the normative architecture by embedding participatory mechanisms within legal decision making structures. Helfer and Austin argue that intellectual property

regimes must be interpreted through a human rights framework that prioritizes meaningful participation of indigenous communities (Helfer & Austin, 2011). Hoffman et al. demonstrate that indigenous stewardship systems enhance governance legitimacy and resource management effectiveness (Hoffman et al., 2022). Horstkotte et al. further indicate that customary governance arrangements provide structured mechanisms for collective decision making in cultural resource management (Horstkotte et al., 2022).

Jimenez et al. emphasize that decolonial approaches to innovation reposition indigenous communities as epistemic authorities in governance systems (Jimenez et al., 2022). Redvers et al. extend this perspective by linking cultural governance with broader socio ecological resilience frameworks that integrate cultural, environmental, and health dimensions (Redvers et al., 2023). These insights confirm that community centered governance strengthens normative legitimacy while reinforcing cultural autonomy. The participatory structure therefore operates as a corrective mechanism against exclusionary regulatory practices.

Cultural sustainability introduces a developmental dimension that positions traditional cultural expressions as dynamic assets within creative and economic systems. Permatasari et al. demonstrate that traditional knowledge based capabilities contribute to sustainable performance in cultural industries, particularly in craft based sectors (Permatasari et al., 2023). Brown and Vacca argue that cultural production embedded in craftsmanship supports sustainable development through value driven economic models (Brown & Vacca, 2022). Wasela further identifies cultural tourism as a key mechanism for transforming intangible heritage into sustainable local development outcomes (Wasela, 2023).

Liu and Zhao highlight that traditional cultural symbols significantly influence consumer behavior in cultural and creative markets, thereby reinforcing their economic relevance (Liu & Zhao, 2024). This relationship indicates that cultural expressions function simultaneously as identity markers and economic resources within creative economies. The integration of sustainability principles therefore requires balancing commercialization with cultural integrity. The normative implication is that cultural protection must incorporate distributive and developmental considerations.

Digital governance expands the protection framework into technologically mediated environments where cultural expressions circulate beyond territorial boundaries. Li et al. emphasize that global digital governance mechanisms are essential to regulate online content dissemination and ensure accountability in digital ecosystems (Li et al., 2025). Romero Moreno argues that ethical governance structures are necessary to prevent harmful cultural misrepresentation in digital environments (Romero Moreno, 2024). Rezaei et al. further stress that ethical decision making frameworks are critical in managing digital knowledge sharing systems (Rezaei et al., 2025).

Digital regulatory instruments such as AI governance rules, ethical licensing, and cultural registries provide structural mechanisms for controlling cultural reproduction in digital spaces. These instruments function as preventive and corrective tools that strengthen traceability and authorization processes in cultural dissemination. The integration of these mechanisms ensures that digital transformation does not undermine cultural sovereignty. Instead, it reinforces accountability within technologically mediated cultural circulation systems.

The Indonesian legal reform trajectory requires integration of *sui generis* principles into existing intellectual property and cultural governance frameworks. Revision of copyright law is necessary to formally recognize communal ownership structures as legally enforceable entities (Republic of Indonesia, 2014). Strengthening communal intellectual property regulations enhances institutional coordination for cultural protection (Republic of Indonesia, 2022). The establishment of a national cultural registry supports systematic documentation and evidentiary validation of traditional cultural expressions.

The proposed reform model aligns normative, institutional, and technological dimensions into a unified protection architecture. Drahos and Helfer emphasize that intellectual property systems must evolve toward socially grounded legitimacy that reflects cultural diversity and equity. WIPO reinforces the necessity of practical mechanisms that empower indigenous communities within global cultural governance structures. Accordingly, the future legal model should be constructed as an integrated *sui generis* framework that combines legal certainty, participatory governance, cultural sustainability, and digital regulation.

CONCLUSION

This study demonstrates that the existing intellectual property framework remains structurally insufficient in addressing the unique legal nature of Traditional Cultural Expressions, particularly due to the persistent tension between communal cultural ownership and the individualized authorship logic embedded in copyright systems. The normative analysis reveals that the absence of coherent benefit sharing mechanisms and comprehensive cultural documentation significantly weakens the ability of communities to obtain equitable protection and recognition of their cultural assets. Furthermore, the rapid expansion of digital reproduction technologies and artificial intelligence systems intensifies legal uncertainty, thereby exposing Traditional Cultural Expressions to uncontrolled replication and transnational misappropriation. From a doctrinal perspective, the findings confirm that a shift toward a sui generis and community centered protection model is necessary to reconcile these structural inconsistencies and strengthen cultural justice.

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