

Copyright Of Communal Cultural Expressions From An Indonesian Legal Perspective: An Analysis Of Supreme Court Decision No. 591 K/Pdt.Sus-Hki/2024

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Article Info	Abstract
<p>Article history: Received: April 13, 2026 Revised: April 21, 2026 Accepted: April 25, 2026</p> <hr/> <p>Keywords: Communal Cultural Expressions, Symbols of Belief, Copyright, Supreme Court Rulings, Legal Protection.</p>	<p>Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024 marks a significant milestone in the legal protection of communal cultural expressions (EBK) in Indonesia. This case involved the copyright registration of the Human Personal Symbol by an individual, which was deemed unlawful because the symbol is part of the Sapta Darma religious teachings and constitutes collective cultural heritage. The Court ruled that the symbol cannot be claimed as an exclusive personal right, as it lacks the element of personal originality and possesses spiritual significance. This study employs a normative legal methodology with a legislative and case law analysis approach to examine the extent to which positive law protects CCE from individual claims. The research findings indicate that Law No. 28 of 2014 on Copyright explicitly protects traditional cultural expressions as state property and cannot be transferred to individuals. This ruling has significant implications for the development of a communal intellectual property registration system, the protection of collective moral rights, and the importance of indigenous communities' involvement in legal processes. In conclusion, the state needs to strengthen a legal system that prioritizes cultural justice and the protection of communal rights so that the nation's cultural heritage is not eroded by individual interests.</p>

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A. Introduction

Communal Cultural Expressions (CCE) are part of the intangible cultural heritage that has grown and evolved within indigenous communities and specific religious groups. CCE encompasses a wide variety of creative forms, such as performing arts, rituals, traditional architecture, religious symbols, as well as batik motifs and regional songs that have been passed down from generation to generation. In Indonesia, the existence of CCE is closely linked to the collective identity of a community, both in cultural and spiritual contexts. However, challenges arise when CCE begins to be claimed individually through modern legal instruments, such as copyright, which essentially governs exclusive rights over individual original works. The conceptual difference between collective rights in indigenous culture and individual exclusive

rights within the intellectual property regime gives rise to various complex legal disputes (Sukadana Putra and Priyantini, 2021).

One concrete case illustrating this clash is Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024, involving the Sapta Darma Residents' Association as the plaintiff against individuals named Yousep Dwi Saputro and Desy Purwanita. The core of this case centers on a copyright claim regarding the "Human Personal Symbol," a symbol considered sacred by adherents of the Sapta Darma teachings and spiritually believed to be the collective heritage of the community. The defendants' action of registering the symbol with the Directorate General of Intellectual Property as a personal copyright through application No. EC00202134390 is deemed an unlawful act. The plaintiffs position the symbol as part of communal rights that cannot be commercialized or monopolized. This dispute highlights the urgency of legal protection that prioritizes the collective values of the EBK (Dwisvimiari, 2022).

The Supreme Court, in its ruling, unequivocally stated that the copyright registration lacks legal validity and is null and void, as the work belongs to the collective-communal community and serves a religious function. Such symbols of faith cannot be registered as personal creations, given the lack of individual originality as a substantive requirement for copyright protection. Furthermore, the Court ordered the cancellation of the registration of the work from the DJKI and stated that only original works born of personal creativity may be exclusively owned by an individual. In this regard, the Court emphasized the importance of distinguishing between individual works and collective works stemming from the traditional heritage and spirituality of a community. This ruling marks a significant milestone in strengthening legal protection for communal cultural expressions.

Normatively, Law No. 28 of 2014 on Copyright has regulated the protection of Traditional Cultural Expressions (TCEs) in Article 38(1), which states that traditional cultural expressions are protected by the state. This protection is not attached as an exclusive right but is communal in nature and cannot be the subject of individual ownership. Article 60(1) further emphasizes that TCE is not subject to time limitations and is managed by the state for the benefit of society. Thus, from a formal legal perspective, TCE resides in the public domain and cannot be legally monopolized by any individual or legal entity (Kusuma and Roisah, 2022). In this context, the registration of symbols of faith by certain parties constitutes a violation of the principles of legal justice and the substance of cultural protection.

Furthermore, this issue also highlights a loophole in the copyright registration system that still allows for abuse by certain parties. The DJKI's declaratory administrative system—where copyright arises automatically upon the creation's materialization—lacks substantive control mechanisms to verify the validity of the creation's origin. Consequently, the registration of symbols of belief or local culture as private copyrights often escapes oversight and is only challenged through legal litigation. To prevent such occurrences, a stricter registration system for communal cultural expressions must be established, involving indigenous communities as the authorized parties to grant consent. In this way, the state can ensure that protection for EBK truly favors the culturally and historically legitimate owners (Adawiyah and Rumawi, 2021).

This Supreme Court ruling sets an important precedent for the formulation of intellectual property policies grounded in cultural justice. The state is not only obligated to formally protect copyright but must also safeguard communities' cultural heritage from privatization that undermines collective identity. The protection of traditional cultural expressions is not merely about economic rights, but also about recognizing the cultural and spiritual existence of local

communities. Therefore, copyright law must be interpreted contextually so as not to conflict with the noble values inherent in traditional creations. In the long term, there is a need for specific regulations regarding the protection of communal cultural expressions, as well as the strengthening of indigenous communities' legal capacity so they can protect their rights from improper appropriation practices (WIPO, 2021).

B. Methods

This study employs a normative legal methodology, which is a legal research approach focused on written legal norms as the primary subject of analysis. This method is used to analyze legislation governing copyright, specifically Law No. 28 of 2014 on Copyright, as well as to examine the application of this law in a concrete case, namely Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024. This approach aims to understand how the concept of protection for communal cultural expressions (EBK) is translated into positive legal norms and how legal practitioners interpret and apply them. Thus, the primary focus of this research is not on empirical observation but on a logical analysis of legal principles, norms, and doctrines (Marzuki, 2021).

The data sources used are secondary data, including primary legal materials such as laws and court decisions, as well as secondary legal materials in the form of relevant legal literature. The analysis technique employed is qualitative analysis, which involves interpreting and constructing legal arguments based on applicable legal principles and rules. This study also considers the views of legal experts to strengthen the normative arguments presented. Through this approach, the author seeks to examine the extent to which copyright law in Indonesia is capable of providing protection for communal intellectual property, while simultaneously preventing the privatization of collective cultural symbols.

C. Result and Discussion

The Concept of Copyright and Communal Cultural Expression in the Indonesian Legal System

Copyright is part of the intellectual property legal regime that provides exclusive protection to creators for their original works. In Indonesia, the primary legal basis for copyright is set forth in Law No. 28 of 2014, which stipulates that a work must originate from personal intellectual ability and be embodied in a tangible form. The purpose of this protection is to value and safeguard individual creativity while providing incentives for their contributions in the fields of art, literature, and science. Copyright encompasses moral rights and economic rights, and remains in effect for a specific duration depending on the type of work. However, within the collective cultural reality of Indonesian society, the application of exclusive copyright becomes complex when confronted with communal cultural expressions (CCE).

CBE refers to cultural works passed down through generations and alive within specific communities, such as traditional textile motifs, folktales, symbols of belief, and traditional rituals (Damanik, 2021). Unlike individual creations, EBK cannot be attributed to a single creator but is created and preserved collectively by a specific cultural community. Therefore, EBK does not meet the requirement of personal originality, which is the primary condition for copyright protection. According to Article 38(1) of Law No. 28 of 2014, traditional cultural expressions are protected by the state as national cultural heritage and cannot be privately owned. Legal protection for TCE does not grant exclusive rights to individuals but ensures that such heritage is not misused or unilaterally claimed.

Furthermore, Article 60 of the Copyright Law states that rights to traditional cultural expressions are perpetual and their management rests with the state for the benefit of society. This indicates that the state acts as the primary protector of collective cultural heritage, not as a grantor of exclusive rights as is the case with individual creative works. This provision is crucial for safeguarding the nation's cultural identity from privatization practices that could harm indigenous peoples and faith-based communities. In the international context, protection for traditional cultural expressions has also been affirmed by WIPO and UNESCO, which encourage countries to develop legal mechanisms that ensure the sustainability of cultural heritage. Therefore, national laws must align with the principle of collective protection, rather than merely following conventional exclusive rights schemes.

In practice, legal protection for EBK still faces challenges, particularly when cultural symbols or collective creations are registered by individuals. Many cases indicate that Indonesia's intellectual property administration system has not yet fully distinguished between individual works and communal works (Sitorus, 2022). When ICH is registered by an individual, this often leads to conflicts, such as in the case of the copyright registration of the "Human Personal Symbol" belonging to the Sapta Darma community. Without a robust verification mechanism, EBK can be displaced from the communal sphere and become an object of individual commercialization, which contradicts the principle of cultural justice. Therefore, the state must actively intervene to limit the commercialization of works that hold cultural and spiritual value.

Theoretically, the legal recognition of EBK as a communal right has long been a subject of debate within the discourse on intellectual property law. Western legal models that base protection on individual creativity are not necessarily suitable for application in the context of Indonesian society, which tends to be collective and communal. This is reinforced by customary law perspectives that view cultural works as communal property, which cannot be transferred or claimed privately (Wulandari, 2023). Therefore, the approach to protecting EBK must consider local values and community wisdom as a legal foundation. One recommended solution is to establish a state-managed national EBK registry that still involves the owning communities in the documentation and recognition process.

Thus, the Indonesian legal system has accommodated the protection of communal cultural expressions through mechanisms distinct from individual copyright. However, implementation on the ground still requires strengthening of technical regulations, institutional capacity, and legal education for cultural communities. The state must adopt more progressive and responsive policies to protect EBK from potential exploitation and misuse. Furthermore, synergy between national law, customary law, and principles of international law must be maintained to ensure that EBK does not lose its substantive value as part of the nation's identity. Legal protection for EBK must be an integral part of the national cultural development strategy in the era of globalization.

Legal Analysis of Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024

Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024 is a significant precedent in the context of legal protection for communal cultural expressions (EBK) in Indonesia. In this case, the Court unequivocally invalidated the copyright registration of the Human Personal Symbol, which had been registered by the defendant through application No. EC00202134390. The symbol is believed to be part of the spiritual beliefs of the Sapta Darma community and holds religious significance inseparable from its community. Therefore, the Court ruled that the symbol is not a personal creation possessing elements of originality, but rather collective property that

cannot be exclusively claimed. This ruling reinforces the norms established in Articles 38 and 60 of Law No. 28 of 2014 on Copyright.

The Court also considered that the defendant's act of registering the symbol as a personal copyright constitutes an unlawful act, as it violates the principle of communal ownership over religious cultural expressions. Copyright requires individual creativity and a concrete form of personal intellectual expression, which are absent in creations that have been historically and socially inherited collectively. Therefore, under the logic of intellectual property law, EBK cannot be made the subject of exclusive ownership. Symbols derived from specific religious beliefs also fall within the realm of sacred protection and are not intended for commercialization. This aligns with the view of experts that copyright law must clearly distinguish between personal works and communal works (Syafi'i, 2023).

The Court's ruling also serves as an important warning regarding Indonesia's declaratory copyright registration practices, in which the registration system does not substantively verify legitimate ownership of a work. This mechanism often creates a legal loophole that allows individuals to claim works that do not legally belong to them. In this case, the Court ordered the Directorate General of Intellectual Property to revoke the registration of the work, as it failed to meet the principles of legality and cultural justice. This reaffirms that legal protection for Traditional Cultural Expressions (TCEs) is not merely normative but must also be implemented through a selective and participatory registration system. The state must establish a registration mechanism for traditional cultural expressions that prioritizes the rights of the legitimate owner communities.

From a procedural law perspective, the Supreme Court also considered historical and religious evidence demonstrating that the symbol had long been used as part of the spiritual teachings and practices of the Sapta Darma community. Thus, the legal aspects of this ruling consider not only formal legal elements but also the sociological and anthropological dimensions of local culture (Astuti, 2022). This represents a form of progressive legal approach that takes into account the social context of indigenous communities or communities of faith. The Court plays a role in upholding the principle of substantive justice that protects local values from unlawful attempts at private appropriation. In the long term, this approach is crucial for fostering the judiciary's role in preserving cultural heritage.

This ruling also provides a learning opportunity for the development of Indonesian intellectual property law that is more inclusive of communal intellectual property (KIK). Protection of EBK must position indigenous and faith-based communities as legal subjects, not merely cultural objects (Kumala and Grahani, 2024). In addition to the provisions in the Copyright Law, the state must also formulate subsidiary regulations or implementing rules that specifically govern the registration, recognition, and management of EBK. Participatory mechanisms involving EBK-owning communities in legal processes will minimize future conflicts. Furthermore, protection of EBK must also encompass aspects of collective moral rights, as developed in modern legal literature.

Overall, Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024 is a concrete example of how the law can be used to protect collective cultural interests from privatization efforts by individuals. This decision affirms that the law must not merely favor administrative procedures and legal formalities, but also the cultural and spiritual values that are alive within society. Protection of EBK as part of the nation's cultural heritage is crucial in an era of globalization that tends to facilitate the commercialization of culture. The state must continue to strengthen its legal

capacity to accommodate collective rights and ensure there is no disparity in access to legal protection. Therefore, this decision is worthy of being used as a reference in the development of intellectual property law grounded in cultural justice.

Legal Implications and the Protection of Communal Cultural Expressions in the Future

Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024 opens a new space for discourse on legal protection for communal cultural expressions (EBK), particularly regarding the distinction between individual exclusive rights and collective ownership. This ruling reinforces the principle that cultural symbols possessing spiritual and sacred value cannot be commercialized through the mechanism of individual copyright. Clarity regarding these boundaries is crucial to prevent the exploitation of local culture by parties lacking cultural legitimacy. In this context, the state must act as a protector, not merely a formal regulator. The state's role as a protector is affirmed in Articles 38 and 60 of Law No. 28 of 2014, which state that CCE is protected by the state and applies without time limitation.

Practically, Indonesia's intellectual property legal system needs to be supplemented with specific administrative instruments governing the registration of CBE, thereby preventing unilateral claims by individuals. One step that can be taken is to establish a centralized registry for communal cultural expressions and involve indigenous communities in the verification process. Through this system, the state not only records but also acknowledges the cultural existence of the community as the rightful owner. This system can also prevent third parties from filing copyright applications for collective works that have already existed and evolved within local communities. When indigenous communities become active participants in the protection system, the likelihood of legal conflicts can be minimized (Fauzan, 2021).

In addition to strengthening the national legal framework, harmonization with international law is a key element in the protection of EBK. International conventions such as the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage encourage member states, including Indonesia, to establish legal systems that support the protection of traditional culture. This is relevant because many expressions of Indonesian culture have been claimed or commercialized by external parties on the global stage. Therefore, Indonesia's legal position must be strengthened to defend the nation's cultural rights at the international level. Indonesia's participation in international forums must be accompanied by a commitment to implementation at the national level (Syahrin, 2023).

Furthermore, future protection of EBK must not be limited to ownership aspects but must also incorporate the dimension of collective moral rights. These moral rights include the community's right to be recognized as the creators of culture, the right to preserve authenticity and spiritual values, and the right to refuse uses that conflict with their customs or beliefs. Current positive law remains focused on economic aspects, so it requires refinement to encompass community-based moral rights. This protection will prevent the disintegration of cultural values due to market exploitation or context-inappropriate reinterpretations. Thus, EBK can continue to thrive as an integral part of the identity and sustainability of cultural communities.

As the dynamics of globalization grow increasingly complex, states are required to be responsive in safeguarding cultural sovereignty through the law. The protection of EBK must be viewed as part of a broader agenda for protecting community human rights and strengthening national culture. The Supreme Court's ruling in this case serves as a significant milestone in

shaping the direction of a more inclusive intellectual property law policy. However, the sustainability of this ruling requires supporting regulations, participatory mechanisms, and legal education for the community. If these three aspects are implemented consistently, protection for communal cultural expressions will become stronger and more equitable.

D. Conclusion

Supreme Court Decision No. 591 K/Pdt.Sus-HKI/2024 provides a strong legal foundation in affirming that communal cultural expressions (EBK), particularly those containing spiritual and religious values such as the Human Personal Symbol belonging to the Sapta Darma community, cannot be made the subject of individual copyright. These symbols are part of a living collective cultural heritage that has been passed down through generations within the community; thus, they do not meet the requirement of personal originality under copyright law. The Court ruled that the copyright registration of these symbols of belief constitutes an unlawful act and must be annulled by law. This aligns with Articles 38 and 60 of Law No. 28 of 2014, which state that EBK is under state control and cannot be exclusively owned by any particular party. This ruling not only resolves the dispute fairly but also provides direction for the formulation of intellectual property protection policies that are more inclusive of indigenous communities and religious groups. In the future, protection for EBK needs to be strengthened through a specialized registration system, recognition of collective moral rights, and synergy between national law and international conventions. Thus, local cultural values can continue to be preserved without the threat of exploitation or unauthorized commercialization.

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