

CHAPTER FOUR

FINDING AND ANALYSIS

A. The role by Special Region of Yogyakarta government on Protecting of Traditional Knowledge.

According to Law No. 13 of 2012 on the Privilege of Daerah Istimewa Yogyakarta, the name of “Provinsi Daerah Istimewa Yogyakarta” (The Province of Special Region of Yogyakarta) was changed to be Daerah Istimewa Yogyakarta (Special Region of Yogyakarta) by eliminating words Province. Daerah Istimewa Yogyakarta which known as the “student city” is a city that has a lot of art and culture.¹

The Regional Government of Yogyakarta is the representative of the Central Government in governing the regional area in the form of a Regional Government system. The cultural affair is handled by a relevant agency, in this matter, it will be arranged by the Yogyakarta Culture Department. Based on Section 21 of the Provincial Regulation DIY No. 6 of 2008 on Organization and Working Procedures of the Provincial Department DIY, Culture Department has a task to run the governance in the area of culture, deconcentrating and things related to the protection, maintenance, development and utilization of Yogyakarta cultures to strengthen the characters and identity of DIY people.²

¹Undang-Undang Nomor 13 tahun 2012 tentang keistimewaan dan daerah istimewa Yogyakarta.

²Peraturan Daerah Provinsi DIY nomor 6 tahun 2008 tentang Organisasi dan Tata Kerja Dinas Daerah Provinsi DIY.

Based on Section 2, to run the task as mentioned above, the Culture Department has a function stated in the Point (d); protection, maintenance, development, and utilization of culture system in line with the Kesultanan and Kadipaten (Sultanate and Duchy) philosophy or outside of Kesultanan and Kadipaten philosophy.

The Local Regulation on Protection or Management of Traditional Intellectual and Traditional Cultural Expressions is arranged in the Law No. 13 of 2012 on the Privileges of Daerah Istimewa Yogyakarta. This thing is set in Section 31 Point (1); the authority of culture as mentioned in Section 7 Point (2) c is run to nature and develop the creativity, sense, intention and works which are reflected on the forms of values, knowledge, norms, customs, objects, art and tradition which exist in the society of DIY. Point (2); the provisions concerning on the cultural authority as mentioned in the Point (1) is set in the Regional Regulation.³

The Section 34 to 44 of Regional Regulation No. 1 of 2003 on Authority on the Privilege of Daerah Istimewa Yogyakarta Affairs. They rule the implementation procedure of culture protection in Daerah Istimewa Yogyakarta. Section 35 Point (2) of Regional Regulation No. 1 of 2013 rules the protection of traditional Knowledge specifically, as follows:

Section 35 Point (2) on Protection, Development and Utilization as mentioned in Point (2) can be done through:

- a. Inventory.
- b. Documentary.
- c. Rescue.

³*Undang-Undang Nomor 13 tahun 2012 tentang daerah khusus Keistimewaan Yogyakarta.*

- d. Excavation.
- e. Research and Development.
- f. Enrichment.
- g. Education.
- h. Training.
- i. Presentation.
- j. Publishing.
- k. Revitalization.
- l. Deconstruction and Reconstruction.
- m. Filtering.
- n. Engineering.⁴

The Traditional Knowledge protection has a positive role in giving the support to the society on preserving their traditions. It is in line with the Local Regulation of Daerah Istimewa Yogyakarta.

Yogyakarta Culture Department realizes those things. As the result, some programs are run in order to protect the culture in accordance with Section 35 Point (2). Yogyakarta Culture Department runs the programs to support the conversation and protection of the Traditional Intellectual of Daerah Istimewa Yogyakarta actively.⁵

The existence of the Decree of the Head of DIY Culture Department No. 188/1461TP on the Formulation of Informant Team and Training Participants

⁴*Perdais Nomor 1 Tahun 2013 Tentang Kewenangan dalam Urusan Keistimewaan Daerah Istimewa Yogyakarta.*

⁵Wawancara langsung dengan Kepala Bidang Warisan Buidayata benda Dinas Kebudayaan Yogyakarta, tanggal 17 maret 2016.

Management of Culture Village is one of the realism program committed by DIY Culture Department in protecting, guiding, preserving and developing the cultures which exist in every culture village (desabudaya) in the area of Yogyakarta.

Protection of traditional knowledge positively contributes to the community's community in preserving its traditions. In accordance with the Istimewah Yogyakarta Regional Regulations.

The Cultural Department of Yogyakarta is well aware of it, then conducts programs that are in line with Cultural protection efforts in accordance with Article 35 Paragraph (2). Starting from the awareness, the Cultural Office of Yogyakarta starts by actively running programs to support the efforts of preservation and protection of traditional knowledge in Daerah Istimewah Yogyakarta.⁶

From the Result of an interview with Informant Ibu Sri WahyuniSulistiowati as the Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016, she explained that Traditional Culture Expression is divided into three types, namely oral, oral, and non-verbal owned by Yogyakarta. The Traditional Knowledge of Traditional Cultural Expression owned by DIY, among others, as follows⁷:

1. Oral Traditional Culture Expression

It is a folklore that is created, published and passed down orally:

- a. Traditional Expression (Proverbs, riddles, etc.). It is a Javanese language known as *kromoinggil* (Kraton atmosphere), *kromomenengah*(family

⁶Interview with Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016

⁷Interview with Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016

atmosphere, it is familiar), *kromongoko*(social atmosphere, it is more familiar).

- b. People Prose Story (mite, legend and fairy tales). The legend of KanjengRatuKidul, the sStory of BedoyoKetwang Dance, Timun Mas, JokoKendil, JokoTarub, Keong Mas.
- c. Songs to make children sleep. Nina Bobo song as an example.

2. Partly Verbal Traditional Culture Expression.

It is folklore which published by not only orally but also delivered with some actions.

- a. Religion (belief and ceremonies). The belief which has nature of *kejawen*. There are many ceremonies that have become tradition in Yogyakarta i.e. Sekaten, GrebekMaulud, TumpukWajik, LabuhanMerapi, Sapanan (Bekakak), Waisak, NgurasTeloga, RaboPungkasanWonokromoPleret, BukaCupuPanjala, KupatanJolosutro.
- b. Society Games (traditional): GobagSodor, Jamuran, Dakon, Ancak-Ancak Ale, GobagSuru, Cublak-CublakSuweng.
- c. Foods and Beverages: Gudeg, Mangut, Jejamuran, Angkringan, Sego Penyetan, Nasliwet, NasiThiwul, Growol, SayurBobor, Pelas, RujakDegan, Buntil, Yangko, WajikKlethik, Gompa, Kipo, Legomoro, Roti KembangWaru, JenangAlot, Kelepon, Legendari, Legondo, Meniran, Grubi, Klenyem .
- d. The Tools of Game. For example; Dakon, AduJangkrik, AduKeci, and AduKemiri

- e. Ceremony Tools. There are Bokor, Kendi, Keris, Sajen, PayungTumpukTelu.
- f. Food Equipment: Kendi.
- g. Traditional Batik: e.g. Batik with Parang motif, etc.
- h. Javanese Traditional Dance Style. There are; Jawa Gaya, Klasik, BeksanBandabaya, Anggun, etc.

3. Non Oral Traditional Cultural Expressions.

It is a folklore made not orally but through the voice of traditional music, movement or object.

- a. Traditional Architecture (RumahJoglo).
- b. Clothes and Jewelry. BusanaKampuhanGrebeg, BusanaTuguran, BusanaPangeran, Busana Cara Putri, BusanaKasatrianAgeng, BusanaPranakaran, PaesAgengBasahan, PaesAgengKanigaranJanganMenir, PaesYogyaPurti.

B. Mechanism to determine a Traditional Knowledge.

There are many art culture in Daerah Istimewa Yogyakarta such as food, tourist destination, traditional architecture, traditional costume, dances, traditional weapon, ethnic, traditional language and song. But not all of art and culture may be protected by the law, the aim of law protection is to make the art and culture a hallmark of Yogyakarta and not taken by the people who have no responsibility

Based on the Decree of the head of DIY Cultural Department No. 188/146ITP on the Formulation of informant Team and Training Participants management of cultural Village makes easiness for the program of Yogyakarta Cultural Department to data every cultural that exist in Daerah Istimewa Yogyakarta.

Programs that are run by the Cultural Department of Yogyakarta by Recording the whole work of local culture in the Region of Yogyakarta with the aim of the works will be registered as a National Cultural Heritage. The number of cultural works especially Traditional Culture Expression by a region must go through the mechanism to be recognized and stipulated by the Department Culture as a local culture of Yogyakarta.

Based on the interview with Bapak Budi AgusRiswandi, he explained that until now there is no legal basis or method to determine a work is a Traditional Knowledge, there are only a few conditions that must be passed since the registration stages, academic studies and documentation explaining the history of the emergence of the culture (when and where it first appeared, the origin, the creator) the picture of the work (shape, color, texture, taste), the number of craftsmen, photos and Videos, if all conditions have been met, art and culture to the central government⁸.

One of Yogyakarta's local culture is Gudeg which is considered as the traditional food of Istimewah area of Yogyakarta has been established at National level gudeg has been regarded as a Traditional Food, since this Traditional Food has completed the whole requirement that is Registration Stage, Academic Study which explain history of cultural

⁸Interview with Director of Intellectual Property Right center's executive, Universitas Islam Inodonesia, October 3, 2016

emergence (when and where it first appeared, whose origin, who it was), a description of the work (shape, color, texture, taste) or photos and videos⁹.

As for certain conditions as contained in the WIPO Document Number TK / IC / 18/5 Prov 2011 to become a Traditional Knowledge, namely: ¹⁰

1. It is resulted, represented, and developed, conserved, transmitted in traditional and generational contexts.
2. It may be differentiated or recognized by custom, coming from a traditional community, local community, or ethnic group who preserve and transmit traditional intellectual from generation to generation, and it should be used and grown in traditional context inside of its community.
3. It is part of integral from culture identity of a state, original society, and local or traditional community, or culture identity from ethnic group who is known or recognized as the owner of the traditional intellectual and it may be stated formally or informally through the practices of customs or traditional practices, protocol or national law that applied.
4. It was inherited from generation to generation, even though the use is not limited anymore inside of the related community.

This is the analysis on Gudeg as the traditional Knowledge towards the four component above:

⁹Interview with Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016

¹⁰ Miranda, Harry, 2013, *Hukum sumberdaya genetic, Pengetahuan Traditional dan Expressi Budaya Tradisional Di Indonesia*, Alumni, Bandung. P.19

First, the existence of Gudeg is from the society, it exists when Kraton Mataram was built in the Mantaok Forest. Many jackfruit and coconut trees made the people created a food with jackfruit as the main material, they named it Gudeg which also became the main menu of Mataram people. Until today, Gudeg becomes a society food. It is easy and cheap to make Godeg because many people planted jackfruit, coconut trees and bamboo. Gudeg is not only created with jackfruit, but also manggar (coconut's flower) and rebung (bamboo shoots).¹¹

Second, Gudeg may be distinguished or recognized based on the customs, it comes from the society and may be developed by Mataram people. Gudeg is divided into three, i.e. Gudeg Nangka (Gudeg which has nangka/jackfruit as main material), Gudeg Manggar (Manggar is retained from coconut trees), Gudeg Rebung (Bamboo Shoot). The difference among them is not the shape, but the taste.¹²

Third, Gudeg is integral part of culture identity of society whether formally or informally through customs or traditional practices. Gudeg is made in certain times only, usually Gudeg Manggar is served in party events. This thing makes Gudeg Manggar more precious. It may be made for daily food but society recognized that Gudeg Manggar is usually served in five stars hotels, thus, Gudeg Manggar more precious than other Gudeg.¹³

¹¹Murdijati Gardjito, 2016. *Gudeg Yogyakarta, Riwayat, Kajian manfaat dan perkembangan untuk Pariwisata* "Pusat studi pangandazidivisi makanan tradisional Universitas Gadjah Mada Yogyakarta. Hal 3

¹² Ibid. Hal 4

¹³ Ibid. P.5

Fourth,Gudeg is developing almost in every area of Yogyakarta. The effort of society to develop and preserve this food is always committed. Nowadays, everyone may find Gudeg in every food vendors throughout the territory of Yogyakarta.¹⁴

In the year 2015 until 2016 the Cultural Department of Yogyakarta has as many as 17 (Seventeen) Traditional Cultural Expression which are some Oral or Term that is often used is Intangible Culture because basically Object of Traditional Culture Expression is included inIntangible Cultural Heritages, 17 (seventeen) Cultural Expression which have been registered at the National level, but there are some that have been established and some are pending, this is due to a lack of complete data.

There are some traditional Knowledge proposed by Daerah Istimewa Yogyakarta on 2016 which has been are still set :¹⁵ :

1. House of Joglo (Custom)
2. Liwet Rise (Traditional food)
3. Ceremony of MubekBeteng (Traditional Ceremony)
4. Gudeg (Traditional Food)
5. Ceremony of SaparanGamping (Traditional Ceremony)

And some Traditional Knowledge proposed by Daerah IstimewahYogyakarya from 2015-2016 are still suspended¹⁶:

¹⁴ Ibid. P.4

¹⁵Dokumen warisan dan diplomasi budaya direktorat jenderal kebudayaan kementerian pendidikan dan kebudayaan Daerah Istimewah Yogyakarta.

¹⁶ Ibid

1. Ketoprak Radio (Performing Arts)
2. JATHILAN, Gaya Yogyakarta (Performing Arts)
3. Dance of Jawa Gaya Yogyakarta (Performing Arts)
4. Klasik Dance, BeksanBandabaya (Performing Arts)
5. AnggukDance (performing Arts)
6. LANGENDRIYA, Dramatari, Opera Gaya Yogyakarta (Performing Arts)
7. LawungAgengKraton Yogyakarta (Performing Arts)
8. KirabMbahDemang (Ceremony)
9. Ceremony of TawurAgung (Ceremony)
10. BusanaAdatTradisional Gaya (Customs)
11. Bakpia (Traditional food)
12. Lurik (Traditional skill)

After the Cultural Department of Yogyakarta Submits all data of Traditional Knowledge that is recognized to the National level, then in the process of the of Cultural Heritage objects of Indonesia, it was formed a team called the Expert Team of Indonesian Intangible Cultural Heritage consisting of 15 people who are experts in the field of culture. The expert team of Intangible Cultural Heritage Expert of Indonesia was established and stipulated by the Director General of Culture through the Letter of Decision of the Director General of Culture No.828

/ F.F6 / DN / 2013. Basically the authority of the Indonesian Cultural Heritage Expert Team is as follows¹⁷:

1. To review the proposed file as Indonesian Cultural Heritage Taken by Balai Preservation of Cultural Value, Local Government and / or the community;
2. To establish working mechanisms;
3. Classify the criteria of Indonesian Intangible Cultural Heritage no object in accordance with government guidelines;
4. Requesting information from Balai Preservation Cultural Values, Local Governments, and / or communities that register an intangible culture.
5. To verify the intangible culture to be proposed as Indonesia's Intangible Cultural Heritage; and
6. Recommending an intangible culture that meets the criteria as an Indonesian Intangible Cultural Heritage to authorized officials.

The Determining of Intangible Cultural Heritage carried out by Directorate of Value and Cultural Diplomacy. The series of activities in question are as follows:

1. Internal Preparation Meeting
2. Meeting of Proposed Discussion of Intangible Cultural Heritage of Indonesia.
3. Coordination Meeting I of Indonesia's Expert Team of Intangible Cultural heritage of Indonesia,

¹⁷Muhammadwildan, Penetapan Warisan Budaya Takbenda Indonesia 2016, <http://kebudayaan.kemdikbud.go.id/ditwdb/2016/09/26/penetapan-warisan-budaya-tak-benda-indonesia-2016/>, Accessed on Monday, October 3, 2016, 10.00 WIB

4. Verification of proposed confirmation data,
5. Coordination Meeting II of Indonesia's Team of Intangible Culture Heritage
6. Assembly Session Establishment of Indonesian Cultural Heritage by a team of experts of Intangible Cultural Heritage Indonesia whose output is the recommendation of the determination of the intangible culture to be Intangible Cultural Heritage of Indonesia
7. The Celebration of the Establishment of Indonesian Intangible Cultural Heritage in the form of delivery of the Certificate of Intangible Cultural Heritage from the Ministry of Education and Culture to the Regional Government.

Gudeg is one of the traditional foods that has the criteria as a traditional intellectual, thus, the Yogyakarta Culture Department has registered Gudeg as one of Yogyakarta's traditional food. Based on the Circular Letter of the Minister of Culture and Tourism No.SE. 01/HK.501/MPK/200 on request to Local Government to conduct an inventory of local cultural work.

The inventory of Gudeg was conducted by the Local Government of Daerah Istimewa Yogyakarta, therefore, Gudeg is registered to the Department of Justice and Human Rights to get an Intellectual Property Right (IPR). Gudeg has been registered at a national level through the Ministry of National Education. This traditional food will be proposed at international level based on the UNESCO Convention 2003 which has been ratified by Indonesia. Indonesia needs to prepare the documents and texts to be submitted to UNESCO. The process in preparing the document related to Gudeg

as one of traditional food of Yogyakarta, Indonesia has been carried out since few years ago.

Nevertheless, the process was not easy and is taking long period of time. To propose a cultural product to enter the records of UNESCO is only done every year in March. To get into the list of cultural heritage belonging to UNESCO, there are several conditions that must be met. There are four criteria to entry in the list of UNESCO World Cultural Heritage, namely originality, uniqueness, contain values that can be accepted by the world, and has a value of humanity as a whole and values which can prosper the people.

In addition, Traditional Knowledge that is registered must also be proposed by the community or society, not just from the government. For Batik, for instance, the community proposed Batik to the government to be registered in the World Heritage of UNESCO. The decision whether that culture should included in the list of intangible .

Cultural heritage of UNESCO is not done by a usual way i.e. voting, but through scientific studies. Voting is the ultimate choice and usually avoided. To be listed in UNESCO's list of intangible cultural heritage is not the final destination. Because once elected, UNESCO will continue to monitor and evaluate whether the culture is well maintained or not. If it is not maintained in accordance with the provisions of UNESCO, it will receive warnings and reprimands from this institution.

There are a lot of proves that must be provided before UNESCO provides a certificate which tells that the result of culture, goods or particular area actually

belongs to the people who submitted the proposal. The UNESCO recognition may promote the prestige of the state. If there is a bold claim to be the owner of the cultural heritage that has been set by UNESCO, then the countries concerned can be prosecuted

The Certificate of Intangible Cultural Heritage from the Ministry of Education and Culture given to the Regional Government aims to inform that a particular cultural, goods or territory is actually owned by the region that is proposing.

After the Intangible Cultural Heritage has been established at the National level, the Central Government will prepare documents and texts needed for submission to UNESCO as World Cultural heritage. One of the Unspecified Cultural Heritage that has been prepared to be registered to UNESCO is Gudeg Traditional Food. The document preparation process for one of the traditional foods of Yogyakarta Yogyakarta has been done several months ago.¹⁸

The process of registering a culture to UNESCO is not easy and time consuming and is only done every year in March. To enter the UNESCO cultural heritage list, there are several criteria that must be met, precisely there are four conditions or criteria to be included in the UNESCO World Cultural Heritage list, which is originality, uniqueness, have values that can be accepted all over the world, and has a humanitarian value as a whole and has value that can prosper the people.

¹⁸Interview with Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016

In addition, the Intangible Cultural Heritage to be registered must also be from society or community proposals, not just from the government, such as batik, with the batik community being the society who proposed to the government to be registered in UNESCO Cultural Heritage. The decision whether the culture is included in the list of world cultural heritage belongs to UNESCO is not made in the usual way of voting but by scientific study. Voting is the last choice and is usually avoided, listing UNESCO's world cultural heritage is not an end in itself, because once elected, UNESCO will continue to monitor and evaluate whether the culture is well maintained. If it is not maintained in accordance with the provisions of UNESCO, it will receive warnings and reprimands from this institution.

So much proof must be done before UNESCO gives a certificate that tells that a particular cultural, product or territory is genuinely a proprietary proposition. UNESCO's acknowledgment can accentuate the prestige of the State. If anyone dares to claim to be the owner of a prescribed cultural heritage of UNESCO, then the country concerned can be prosecuted.¹⁹

¹⁹Interview with Head of the Science and Technology Section of Yogyakarta Culture Department March 17, 2016