

CHAPTER IV

DE FACTO AND DE JURE RECOGNITION OF GAMELAN

In chapter IV, the writer will explain about the recognition of gamelan on de facto and de jure.

A. De Facto Recognition

De facto recognition is a recognition based on the fact or reality. De facto recognition is based on its nature and divided into two types. Those are permanent de facto and the temporary de facto (Ariansyah, 2011).

1) The permanent de facto recognition

The permanent de facto recognition is an acknowledgment from other countries that can lead to a bilateral relationship in the field of economics and trade. Whereas in the attention the diplomatic level cannot be implemented.

2) The temporary de facto recognition

The temporary de facto recognition is a recognition by other countries without seeing the long-term recognition. If a nation cannot maintain recognition, then the identification of the state could be taken back.

For instance, the strategy of Yogyakarta government to achieve international recognition through missions is doing promotion. Therefore according Yogyakarta Cultural Office also gives gamelans to several countries and places such as the United States, Ireland, Japan and others, through the Indonesian Embassy and Consulate. Therefore, Yogyakarta Cultural Office provides gamelan to Ritsumeikan University in Kyoto to use as a promotion in the form of gamelan art performance for five years with the collaboration between Japanese gamelan musicians and some Yogyakarta musicians (Rahmanto, 2018). Besides, Yogyakarta government also use exhibition to achieve international recognitions such as organize the festival. The Yogyakarta Culture Office was by holding several festivals

such as the International Gamelan Festival that held in London and Solo, Indonesia. Moreover, the Yogyakarta Gamelan Festival is one of the annual festivals that could be a means to promote gamelan. Therefore, Yogyakarta Cultural Office cooperates with the Gayam16 Community to organize the festival (Rahmanto, 2018).

Yogyakarta Gamelan Festival is an international art festival because this festival could be a media to meet gamelan players and musicians around the world. Yogyakarta Gamelan Festival was first held in 1995 by Sapto Raharjo, because of the concern of community forgetting the musical instrument and the eager to eliminate the thoughts that gamelan is ancient and mystical which makes the people including the younger generation less interested in the gamelan (Gayam16, 2018).

At this time, gamelan has been known in 34 countries such as Australia, Argentina, Austria, Canada, Belgium, China, Czech, Columbia, Finland, Egypt, Germany, French, Israel, Ireland, Indonesia, Italy, Korea, Japan, Malaysia, Netherlands, Mexico, Palestine, New Zealand, Philippines, Russia, Poland, Spain, Singapore, Switzerland, Suriname, Thailand, Taiwan, United Kingdom and United States. Therefore, the Yogyakarta Gamelan Festival is also expected to introduce Javanese gamelan to the international community and expected to become a place where all gamelan players from around the world gather and meet each other (Putri, 2018).

In 1995, the Yogyakarta Gamelan Festival was still an art event at the Yogyakarta Arts Festival until 1997. The Yogyakarta Gamelan Festival had become an independent festival since then and fortunately lasts and become an annual event. Yogyakarta Gamelan Festival has been running for 23 years in total years and attended by gamelan lovers around the world. The first year of the festival presents four well-known Indonesian composers such as Slamet Abdul Sjukur from Surabaya, Ben Pasaribu from Medan, Sapto Raharjo and Djaduk Ferianto from Yogyakarta (Setiawan, 2015). In the years of Yogyakarta Gamelan Festival, lots of communities and artists have joined such as those from Riau, Sulawesi, Medan, Yogyakarta, etc. There are also lists of foreign participants in

the Yogyakarta Gamelan Festival from 2008 to 2018. The list of participants was (Putri, 2018).

Table 3 4.1 Yogyakarta Gamelan Festival Participant Data from 2008-2018

No	Years	Date	Participations
1	2008	10 – 12 July 2008 Concert Hall Taman Budaya Yogyakarta	KPH8 (USA & Yogyakarta), Gammarays (Singapore), Vincent McDermott & Friends (USA, Australia, Japan and Yogyakarta), Gamelan Plesetan – University of California (Riverside and Santa Cruz USA), Kito Siopo (UK & Japan).
2	2009	16 – 18 July 2009 Concert Hall Taman Budaya Yogyakarta	KPH9 (USA & Yogyakarta, Indonesia), Kito Siopo (Japan, UK & Yogyakarta, Indonesia), Alex Grillo & Friends (France & Yogyakarta, Indonesia), Rene Lysloff & Sakana (USA).
3	2010	16 – 18 July 2010 Concert Hall Taman Budaya Yogyakarta	KPH10 (USA), Ensemble Gending (Netherlands), OrkeStar Trio with Ramu Thiruyanam (Singapore), Sumunar Gamelan & Dance Ensemble (Minnesota, USA), René Lysloff (California, USA), Bronze Age (Singapore).

4	2011	7 – 9 July 2011 Concert Hall Taman Budaya Yogyakarta	Wong Yoga <i>in collaboration with</i> Makoto and Kumiko (Yogyakarta & Japan), Alex Dea & Friends (USA, Taiwan, Malaysia, Indonesia), René Lysloff (USA).
5	2012	5 – 7 July 2012 Cultural Center of Koesnadi Hardjo Soemantri (Purna Budaya Yogyakarta)	Gamelan Club Malaysia & Vincent McDermott (USA).
6	2013	6 – 7 July 2013 Plaza Ngasem	Gammarays (Singapore), Padhang Moncar & Taniwha Jaya Gamelan Group (New Zealand).
7	2014	21 – 23 August 2014 Concert Hall Taman Budaya Yogyakarta	Ningbo Gamelan Ensemble (China), Brian and friends (USA), Victorhugo Hidalgo feat. Maha Srimara (Mexico).
8	2015	15 – 17 August 2015 Concert Hall Taman Budaya Yogyakarta	Ron Reeves & Fiends (Australia & Yogyakarta), Lahere & Karinding Towel (Bandung, Solo, Tuban, Malang, Kalimantan Selatan and USA).
9	2016	22 – 24 July 2016 Cultural center Koesnadi Hardjasoemantri UGM Yogyakarta	Kontra-GaPi (Filipina), David Kotlowy (Australia), Victorhugo Hidalgo and Sean Hayward feat. SriMara World Music Collective (Mexico)

10	2017	21 – 223 July 2017 Cultural center of Koesnadi Hardjasoemantri UGM Yogyakarta	Sekar Laras (Australia), Balungan (Prancis), David Kotlowy (Australia).
11	2018	13 – 15 July 2018 Cultural center of Koesnadi Hardjasoemantri UGM Yogyakarta	Project 2 by Rene Lysloff & Willyday Onamlay (USA).

Source: Putri, D.W. (2018, August 13). Yogyakarta Gamelan Festival and The Development of Gamelan. (V. Analica, Interviewer)

Based on table 4.1 above, the foreigners in participating in the Yogyakarta Gamelan Festival increased from five countries such as United States, United Kingdom, Australia, Japan and Singapore in 2008. However, in 2009, the participations decrease become four participation with four different countries, namely the United States, France, Japan and the United Kingdom. The year of 2010 gained six participants with three different states such as the Netherlands, Singapore, and the United States.

The increase in 2010 comes to an end in 2011 to 2013. Where in 2011 there were only three participants from different countries namely Japan, Taiwan, Malaysia, United States and in 2012, there were only two participants with two different countries. Those are Malaysia and the United States. In 2013 two participants were representing two states, namely Singapore and New Zealand

However, the participants increased again as many participants who came from China, the United States, Mexico in 2014 and decreased to two participants in 2015 from Australia and the United States. In 2016 and 2017, there was an increase in Yogyakarta participants. Three participants from the Philippines, Australia, Mexico in 2016 and three representatives from Australia and France in 2017. However, in 2018 there

were only two participants from the United States.

Desyana Wulani Putri, a financial manager of Gayam16 Community, said the ups and downs of the participants of the Yogyakarta Gamelan Festival are based on the sponsorship of each country since the Gayam16 Community and the Yogyakarta Government did not fully fund the participants. The festival only funded accommodation for the participants in Yogyakarta and give an education about gamelan. This means that the participants must support themselves by looking for their own sponsorship or self-funding so they can take part in the Yogyakarta Gamelan Festival (Putri, 2018). However, this does not affect the sustainability of the Yogyakarta Gamelan Festival. The festival can still run and still use as a gathering place for gamelan players around the World. This still suits the mission of the Yogyakarta gamelan festival which is to create and manage media to continuously become a means of gathering, communicating and interacting for gamelan lovers (Wulu, 2017)

Yogyakarta Gamelan Festival has been held for 23 years from 1995 - 2018 with an absent in 1998 because of the travel warning. By 23 years, it has increased the love of the people of Yogyakarta and the world community towards gamelan. One of the managers for Yogyakarta Gamelan Festival, Putri, also said that since the Festival existed, it also made many people create gamelan community and make gamelan as an extracurricular facility for the students in Indonesia especially in Yogyakarta (Putri, 2018). In the international world, gamelan uses as a therapy for prisoners in the United Kingdom. Katherine Haigh, an executive director of the Good Vibrations charity in the United Kingdom, said that "Gamelan is the right tool to help inmates to develop independence" (Hutomo, 2016). This in line with the target of the Gayam16 Community and the Yogyakarta Cultural Service, in which aims to gather countries and some gamelan artists in the world slowly while introducing Javanese gamelan to the participants as well (Putri, 2018).

The biggest challenge for the Yogyakarta Gamelan Festival is financial since Gayam16 Community not use any sponsorship in its application and originated from the Gayam16 Community

itself. The daughter and the financial management of the Gayam16 community explained that:

"Problems arising in the implementation of the Yogyakarta Gamelan Festival are usually financial. However, we consider this is more of a challenge rather than a problem for the Gayam16 Community" (Putri, 2018)

Gamelan is the primary musical instrument in this festival. However, this festival also uses several modern music instruments such as drums, guitar, piano, bass and some other modern musical instruments. That means there is a collaboration between gamelan music instruments and more modern instruments. This still follows the gamelan vision to initiate a dynamic gamelan art life and always aligning with the era without losing the cultural background and respecting diversity in the world (Putri, 2018).

Yogyakarta Gamelan Festival can use to achieve de facto recognition for gamelan since the Yogyakarta Gamelan Festival can make gamelan being love more and acknowledge more by both Indonesian and the international community. The Yogyakarta Gamelan Festival also increases the economy of Yogyakarta, as this statement expressed by Putri, the financial manager of the Yogyakarta Gamelan Festival. The gayam16 community always sends posters to travel agents to promote it to tourists especially foreigners (Putri, 2018).

B. De Jure Recognition

The identification of de jure could be mean legal recognition. In this case, a country officially gets recognition if there is a law that regulates it with all the consequences that will occur. Based on its nature, the de jure recognition has two characteristics such as permanent de jure recognition, and full de jure recognition. The continuous recognition of de jure is an acknowledgment that will be received forever or indefinitely. While the full attention of de jure is an acknowledgment that will affect bilateral relations at the diplomatic level (Budyanto & Abdilah, 2017).

According the explanation above, the strategy of

Yogyakarta government to achieve international recognition is through negotiation and conference. Therefore, the Indonesian government including the Yogyakarta Cultural Office proposed gamelan as an Intangible Cultural Heritage to UNESCO (a convention that maintains and regulates cultural heritage) in March 2019 (Isnanto, 2018). Where the Intangible Cultural Heritage controlled by the Convention for the Safeguarding of Intangible Cultural Heritage (ICH). Therefore, in the safeguards that carried out within the scope of "the intangible cultural heritage," ICH has stipulated in Article 2 paragraph (1) that reads (Rakhmada, 2014, p. 12):

"The Intangible culture heritage means the practices, expressions, knowledge, skills as well as the instruments, objects, artifacts, and cultural space, associated therewith-that communities, groups and in some case, individuals, recognize, as part of their cultural heritage.." (Rakhmada, 2014, p. 12)

The Directorate of Inheritance and Cultural Diplomacy is a division of the Directorate General of Culture is the board and representatives chosen to handle the submission of the gamelan. Where in the process of submitting the gamelan uses the procedure of The Register of Good Safeguarding Practices. So that to introduce a gamelan as an Intangible Cultural Heritage, as for some criteria in this case such as (Intangible Cultural Heritage, n.d.):

Table 4.4.2 the Criteria of the Register of Good Safeguarding Practices

Criteria	Information
Criteria-1	The Program, project or activity involves safeguarding, as defined in Article 2.3 of the Convention
Criteria -2	The program, project or activity promotes the coordination of efforts for safeguarding intangible cultural heritage on regional, sub regional and international laws.

Criteria -3	The program, project or activity reflects the principles and objectives of the Convention
Criteria -4	If already completed, the program, project or activity has demonstrated effectiveness in contributing to the viability of the intangible cultural heritage concerned. If still underway or planned, it can reasonably be expected to contribute substantially to the sustainability of the intangible cultural heritage affected.
Criteria -5	The program, project or activity has been or will implement with the participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
Criteria -6	The program, project or activity may serve as a sub-regional, regional or international model for safeguarding operations.
Criteria -7	The submitting States Parties, implementing bodies, and community, group or, if applicable, individuals concerned are willing to cooperate in the dissemination of best practices, if their program, project or activity is selected.
Criteria -8	The program, project or activity features experiences that are susceptible to an assessment of their results.
Criteria -9	The program, project or activity is primarily applicable to the needs of developing countries.

Source: Intangible Cultural Heritage "Procedure of inscription of elements on the Lists and selection of Good Safeguarding," UNESCO, accessed on <https://ich.unesco.org/en/procedure-of-inscription-00809> on August 20, 2018

Based on table 4.2 above, the first criteria define in Article 2.3 of the Convention. Where this has been regulated in Article 2 paragraph 3 told about safeguarding that contain:

"Safeguarding means aimed to ensure the viability of the Intangible Cultural Heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspect of such heritage" (Rakhmada, 2014, p. 15)

According to the article, the purpose of article 2 paragraph 3 is a series of methods used to ensure that future generations can always use this Intangible Cultural Heritage. Where safeguards in question are such as documentation, preservation, research, protection, empowerment, promotion and so forth. Therefore, submitting a gamelan to UNESCO is a good strategy for Indonesia to maintain the gamelan (Rahmanto, 2018).

The second criterion is about a coordinated program to secure the Intangible Cultural Heritage in the regional, sub-regional and international constitution. It has been arranged in Indonesia's rules by the Ministry of Home Affairs and the Ministry of Cultural and Tourism number 40 and 42-year 2009 about Cultural Conservation Guidelines. This second criterion is also suitable' with the Article 32 of the 1945 Constitution, which stated:

"The state promotes Indonesia's national culture in the middle of world civilization by giving freedom to the community to maintain and develop its cultural values" (Suparman, Muslim, Waluyo, & Hariyanto, 2009)

The Third criterion is about the program that reflects the convention's principles and purposes. According to that, there are four purposes such as (Intangible Cultural Heritage, 2018):

- 1) Secure the Intangible Cultural Heritage
- 2) Increase people awareness, either national or international about the importance to keep and appreciate the Intangible Cultural Heritage.
- 3) To ensure the respect of individuals or groups for the Intangible Cultural Heritage.

- 4) Provides cooperation and international assistance.

The Fourth criterion exists if the other three had already completed. This fourth criterion states that a program should indicate effectiveness in contributing to the existence of Intangible Cultural Heritage, in which is hoping to continue and could help substantially.

The fifth criterion explains a program in which it is already or about to held by the participation of the community with prior and informed consent. In this case, Gayam16 community is the group that creates the Yogyakarta Gamelan Festival with Gamelan as the primary instrument in it. The next criterion is criterion number six. It explains that the program could function as the sub-regional, regional, or international model. The program described above could define as gamelan. The seventh criterion is the state party that send the implementing agencies should be able to cooperate to spread good practices if their program has chosen. The eighth criterion is a vulnerable program to an assessment. Then the final criteria for a program that used as a need for developing countries.

In this case, the gamelan has fulfilled these criteria, and the Indonesian government has also prepared several preparations such as making reports and filling out forms to register with UNESCO in March 2019. In the process, three stages will be passed such as the preparation stage and submission, evaluation stage and examination phase. The step in the procedure is in the form (Intangible Cultural Heritage, n.d.):

Table 5 4.3 Timetable and Procedures

Phase	Date	Information
Phase 1: Preparation and submission	31 March Year 0	Deadline for previous assistance requests for the elaboration of proposals.
	31 March Year 1	Deadline by which the Secretariat must receive proposals. Files received after this date will be examined in the next cycle.

	30 June Year 1	Deadline by which the Secretariat will have processed the files, including registration and acknowledgment of receipt. If a file is found incomplete, the State Party is invited to complete the record.
	30 September Year 1	Deadline by which missing information required to complete the files, if any, shall be submitted by the State Party to the Secretariat. Data that remain incomplete returned to the States Parties that may Complete them for a subsequent cycle.
Phase 2: Evaluation	December Year 1- May Year 2	Evaluation of the files by the Evaluation Body.
	April-June Year 2	Meeting for Final Evaluation by the Evaluation Body
	For weeks before the session of the committee	The files and evaluation reports are available online for consultation by States Parties.
Phase 3: Examination	November /December year 2	The Committee examines the proposals and makes its decisions

Source: United Nations Educational, Scientific and Cultural Organization, "Procedure of inscription of elements on the Lists and of selection of Good Safeguarding," accessed on <https://ich.unesco.org/en/procedure-of-inscription-00809> on August 20, 2018.

The Indonesian government represents by the Directorate of Inheritance and Cultural Diplomacy will go through the first phase by submitting a gamelan proposal as an Intangible

Cultural Heritage at March 2019 to September 2020. Within the one-year period, the Indonesian Directorate of Heritage and Cultural Diplomacy will assist by several cultural offices where the gamelan came from the Yogyakarta Special Region of Culture, the Solo Cultural Office, the Bali Cultural Office and the West Java Cultural Service to discuss the Gamelan as an Intangible Cultural Heritage. Where in this case there will be a meeting between the Directorate of Heritage and Cultural Diplomacy with several Heads of the Cultural Service of the place of origin of the gamelan and several divisions accompanying the Head of the Culture Office such as the Division of Tradition and the Planning Division (Rahmanto, 2018).

In the second stage, there will be an evaluation for the files held at the end of December 2020 until May 2021. Directly after that, a meeting will be held from April to June 2020 to discuss the gamelan. The meeting attended by the Intangible Cultural Heritage Committee representing UNESCO along with the Directorate of Heritage and Cultural Diplomacy representing Indonesia (Rahmanto, 2018). After going through these stages, the final step is the examination where the committee will examine the proposal and discuss whether the gamelan can be patented and become an Intangible Cultural Heritage or not. Nur Ikhwan Rahmanto, Head of the Planning Division of the Cultural Service of the Yogyakarta Special Region, argued that (Rahmanto, 2018):

“In carrying out a patent to UNESCO, it should pass long stages which will take two years. So, in these two years, it can be seen whether UNESCO accepts gamelan as an Intangible Cultural Heritage or not” (Rahmanto, 2018)

In the submission of the gamelan, as an Intangible Cultural Heritage carried out by the Directorate of Heritage and Cultural Diplomacy, it is expected to achieve the Indonesian government's target by gaining recognition from other countries that the gamelan is a traditional music instrument originating from Indonesia. So, in this case, the submission was carried out to safeguard the gamelan from claiming other

countries. In this case, Nur Ikhwan Rahmanto convinced that the Gamelan could be accepted and admitted by UNESCO as one of Indonesia's Intangible Cultural Heritage. Nur Ikhwan believed this because basically, the gamelan belonged to Indonesia, not Malaysia. Where in this case, Malaysians often use gamelan because of the Indonesian people who live and settle in Malaysia while bringing Indonesian culture there (Rahmanto, 2018).

Based on the recognition of the gamelan which will be submitted by the Directorate of Heritage and Indonesian Cultural Diplomacy to UNESCO through the Register of Good Safeguarding Practices. There is no problems have occurred in the proposed plan. That happened because the submission will still be carried out in March 2019. Besides, the recognition in this way fulfills a permanent de jure recognition characteristic. Where in this case if the Gamelan recognized as an Intangible Cultural Heritage by UNESCO, then the acknowledgment will be accepted forever without a specified time limit.