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Safeguarding communal intellectual property rights to strengthen the economic potential of regional tourism assets

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Abstract

Protection of Communal Intellectual Property Rights (CIPR) plays a strategic role in preserving cultural heritage while enhancing the economic rights of local communities. However, Indonesia's legal system remains predominantly oriented toward individual intellectual property rights, resulting in regulatory inconsistencies that hinder the protection of communal assets. In the context of South Sulawesi, various cultural heritages such as La Galigo, PerahuPinisi, and Tenun Bugis face external claims due to weak legal recognition and insufficient documentation. The lack of commitment from local governments in registering CIPR, limitations in enforcing economic rights, and insufficient collaboration between the government and local communities serve as key barriers to optimizing the protection and utilization of communal intellectual property. This study employs a qualitative approach, utilizing regulatory analysis and field studies to identify challenges in the implementation of CIPR. The findings indicate that the protection of CIPR can be enhanced through inclusive regulatory reforms, capacity-building initiatives for communities in documenting and managing their communal assets, and strategic collaboration among government bodies, local communities, and the private sector. Furthermore, integrating CIPR protection policies with culture-based tourism development is a crucial step in increasing the economic benefits for local communities. By adopting a more holistic approach, communal intellectual property can contribute significantly to regional economic development while ensuring the preservation of cultural heritage.

Keywords: Communal intellectual property rights, Creative economy, Cultural heritage, Culture-based tourism, Legal protection.

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1. Introduction

Intellectual Property Rights (IPR) are rights derived from human ideas and concepts that are manifested in the form of works, providing exclusive protection to creators and inventors for a certain period. Their forms are highly diverse, encompassing creations in the fields of art, literature, and science, as well as industrial designs, technological innovations, healthcare, pharmaceuticals, and plant breeding. Even innovations such as weaponry are included, allowing their commercial rights to be traded [1].

IPR consists of two exclusive rights: economic rights and moral rights. Economic rights focus on the commercial aspects, such as royalties and wealth generated from human imagination, creativity, and innovation. Meanwhile, moral rights provide recognition to creators by ensuring their names are always associated with the intellectual work. Economic rights encourage creators to continue innovating with the expectation of receiving royalties during the copyright protection period [2]. Support from national institutions, political policies, and public approval further strengthens the impact of these economic rights [3-5]. Moreover, active public involvement can enhance the acceptance and protection of economic rights in IPR [6].

However, IPR has a personal character that is often accused of individualizing or privatizing creativity, potentially neglecting the collective dimension of creativity [7]. In response, the concept of communal intellectual property has been introduced. Communal intellectual property is non-personal and belongs to a specific community or society [8]. The debate between these two characters continues in the 21st century. On the one hand, open knowledge advocates promote the freedom to discover, distribute, and reuse information, with an emphasis on economic rights. On the other hand, proponents of traditional knowledge rights seek to protect certain forms of collective knowledge to prevent appropriation and exploitation, while also advocating for the recognition of cultural heritage as a communal idea [9].

The challenge of harmonizing these two regimes is not insignificant. The misalignment between the nature of IPR regimes and traditional knowledge, the ineffectiveness of international frameworks, and the lack of willingness from developed countries remain major obstacles [10]. Nevertheless, the convergence of the two can be realized by focusing on creativity, which on one hand emphasizes the distribution and reuse of information, while on the other hand maintaining elements of cultural heritage as part of communal intellectual property.

South Sulawesi is endowed with a rich cultural heritage of high value, encompassing legacies such as the monumental literary work *La Galigo* Rahman, et al. [11], the *Pinisi Boat*, *Bugis Silk Sarong*, *Mandar Silk Sarong* Asnawi, et al. [12], *Toraja carvings*, and the *Lontara script* [13]. Additionally, the region is renowned for its natural resources, such as *Kalosi Coffee* and *Toraja Coffee* [14]. The four major ethnic groups dominating the area—Bugis, Makassar, Mandar, and Toraja—possess substantial potential to develop their cultural wealth into communal intellectual property with significant economic value. This cultural heritage can be developed through activities such as ecotourism, which integrates the preservation of cultural heritage with the development of community regions. However, inter-ethnic collaboration is crucial to ensuring that the management of cultural assets is conducted harmoniously, fostering a sense of shared ownership. This approach not only supports cultural preservation but also enhances the commercialization value, including through tourism initiatives [15].

Nevertheless, this cultural wealth, which qualifies as communal intellectual property, is vulnerable to claims by other parties due to regulatory weaknesses in Indonesia [16]. The intellectual property legal system in Indonesia remains suboptimal in protecting cultural and traditional assets of a collective nature. The current focus of protection is primarily on individual exclusive rights, resulting in traditional-based objects often being unrecognized due to perceptions of insufficient originality or individual character [5]. Consequently, the economic benefits in the form of royalties or other commercial gains cannot be maximized.

In a global context, intellectual property has become a symbol of national status and a strategy to navigate globalization and economic liberalization [17]. The scientific, technical, and industrial advancements of a nation often stem from the capacity of universities to produce intellectual property-based products. Universities also encourage the practice of economization through the protection of patents and copyrights, impacting international competitiveness, particularly in high-tech industries [18, 19]. The economic potential of intellectual property, if managed properly, can significantly contribute to both national and regional economies [20]. However, the struggle to establish a communal intellectual property regime still faces numerous challenges. These include the necessity of respecting the rights of indigenous communities and ensuring recognition of communal rights over cultural heritage, both tangible and intangible. This approach requires an acknowledgment that communal culture is an essential part of a nation's intellectual heritage [9].

The regulation of communal intellectual property in Southeast Asia demonstrates diverse approaches aligned with the legislative policies of each country. Malaysia, for instance, has enacted the *National Heritage Act of 2005*, which is a revision of the *Treasure Trove Act of 1957* and the *Antiquities Act of 1974* [21]. The Philippines has also revised its intellectual property legislation, recognizing the importance of systemic adjustments to communal intellectual property, which significantly contributes to natural and traditional capital in supporting development [22]. In contrast to Malaysia and the Philippines, New Zealand has adopted a more innovative approach in addressing the limitations of conventional laws regarding the protection of cultural and intellectual property of indigenous communities. Rather than solely relying on formal legislation, indigenous institutions creatively tackle the challenges posed by digitization and the dissemination of cultural objects through electronic platforms within the context of communal intellectual property [23].

This study focuses on maximizing the economic rights of intellectual property, achievable through strengthening legal concepts and establishing clear and specific regulations. Dedicated legislation for communal intellectual property, especially regional cultural heritage, is crucial. The study examines the applicability of intellectual property law, emphasizing communal intellectual property, to fulfill the objectives of justice, certainty, and utility. Legal justice remains

difficult due to the lack of an ideal framework, as existing regulations focus on individual ownership, neglecting the collective nature of communal intellectual property. This is further complicated by the absence of specific legislation and the arbitrary inclusion of communal intellectual property in general laws. Legal certainty is also hindered by the differing philosophical foundations of existing laws and communal intellectual property, impacting the utility of the law as well.

This research addresses key issues: (1) the extent of Indonesia's intellectual property law in enforcing communal intellectual property rights, (2) the implementation of communal intellectual property registration programs in South Sulawesi, and (3) the roles of government and communal societies in advocating for the enforcement of economic rights related to intellectual property.

2. Methodology

This study employs a qualitative approach to analyze the regulation and implementation of communal intellectual property rights in Indonesia, with a specific focus on South Sulawesi. This approach is chosen as it enables an in-depth exploration of the complex social, legal, and cultural dimensions involved in the management of communal intellectual property. Data are collected through documentary research and in-depth interviews. The documentary research involves analyzing relevant laws and regulations, including the Copyright Law, the Cultural Advancement Law, and government regulations on communal intellectual property, as well as policies supporting the development of the creative economy based on cultural traditions. Meanwhile, in-depth interviews are conducted with key informants selected using the purposive sampling technique. These informants include government officials (from the Ministry of Law and Human Rights, the Department of Culture, and the Department of Tourism), academics, intellectual property law experts, and cultural community representatives. A semi-structured interview approach is adopted to allow flexibility in exploring the informants' experiences and perspectives. The collected data are analyzed using the thematic analysis technique, which involves data reduction to filter relevant information, data presentation in the form of matrices or narratives to identify patterns, and conclusion drawing based on the relationships between findings and research questions. Triangulation is conducted by combining documentary research and interview findings to ensure data consistency and enhance validity. This study focuses on three main aspects: the legal framework governing communal intellectual property in Indonesia, the implementation of communal intellectual property registration programs in South Sulawesi, and the role of government and local communities in enforcing economic rights based on cultural traditions. This research is conducted in South Sulawesi, chosen due to its rich cultural heritage and the active involvement of local communities in the management of communal intellectual property. Data collection is carried out in compliance with research ethics, including obtaining informed consent from informants, anonymizing data to protect privacy, and securing approval from the research ethics committee, if required. However, this study acknowledges certain limitations, such as restricted access to classified government documents and the potential subjectivity bias of informants. These limitations serve as considerations for future research.

3. Result and Discussion

3.1. Regulation of Intellectual Property Rights and Enforcement of Communal Intellectual Property Law in Indonesia

The personal character inherent in intellectual property rights is often perceived as an individualization and privatization of creative works. This perception is not entirely incorrect, as the ownership structure of intellectual property rights demonstrates a strong tendency toward private ownership. Intellectual property rights are inherently personal, granting an individual exclusive rights over their creation. However, this individualistic approach has been criticized, primarily for its tendency to overlook the collective dimension of the creative process [7]. In response, the concept of communal intellectual property has emerged, advocating for a non-personal form of intellectual property that belongs to a specific community or society [8].

In the 21st century, a significant social debate has arisen between two opposing perspectives. On one side, proponents of "open knowledge" advocate for the freedom to discover, distribute, use, and repurpose information. This perspective is closely linked to intellectual property rights. On the other side, there are those who argue for the protection of traditional knowledge as a form of communal and cultural property. They seek to counteract the appropriation and exploitation of traditional knowledge while simultaneously advocating for the recognition of cultural heritage as a collective intellectual asset [9]. However, the integration of these two legal frameworks remains highly challenging. The fundamental incompatibility between the modern intellectual property rights regime and traditional knowledge systems presents a major obstacle. Additionally, the ineffectiveness of international legal frameworks and the lack of support from developed nations further complicate the issue [10]. To reconcile these differences, a creative legal approach is necessary—one that harmonizes the principles of information distribution and utilization while simultaneously recognizing the economic rights and cultural value of communal intellectual property.

The regulation of copyright reflecting communal intellectual property in Indonesia can be traced back to the enactment of Law No. 6 of 1982 on Copyright, which replaced the colonial-era [24, 25]. The colonial law was repealed as it was deemed incompatible with national legal needs and aspirations. Philosophically, colonial law was individualistic in nature, necessitating adjustments to align with Indonesia's more communal legal traditions. This shift is evident in the introduction of the term "Holder of Copyright for National Cultural Objects," which was later revised to "Copyright for Works with Unknown Creators." Initially, the scope of national cultural objects encompassed various folk cultural expressions, including stories, epics, folktales, legends, chronicles, songs, handicrafts, dances, calligraphy, and other artistic works. However, this scope was mistakenly extended to paleoanthropological findings, such as fossils, which are the result of natural processes rather than human creativity. The state's protection of these cultural artistic works aimed to prevent foreign monopolization and preserve the national cultural identity. Furthermore, the state was granted the authority to

declare these works as state property if they were deemed of national interest. However, this provision was later abolished through Law No. 7 of 1987, as copyright was increasingly recognized as personal property rather than communal ownership.

Nevertheless, the state has yet to clearly distinguish between individual intellectual property rights and communal intellectual property rights. Under Law No. 19 of 2002, the state was once again granted copyright authority over folklore, encompassing folktales, folk poetry, traditional songs, traditional music, dances, traditional games, paintings, carvings, handicrafts, traditional clothing, woven fabrics, and musical instruments. This regulation was further expanded under Law No. 28 of 2014, which introduced a new term: Traditional Cultural Expressions (TCEs), alongside the concept of copyright for works with unknown creators. This terminology signifies that works with unidentified creators are, in fact, an integral part of traditional cultural expressions.

At the international level, attention toward TCEs began to emerge in 1976, when the World Intellectual Property Organization (WIPO) introduced The Tunis Model Law on Copyright. In 1982, WIPO, in collaboration with UNESCO, developed an instrument for the protection of TCEs through The Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions. This sui generis instrument was designed specifically for the protection of TCEs and served as a potential foundation for establishing international standards on their legal protection. Additionally, within the World Heritage Convention, TCEs were recognized as part of world heritage, imposing an obligation on states to safeguard these cultural legacies. According to Law No. 28 of 2014, TCEs encompass one or a combination of the following elements:

1. Verbal and textual expressions, whether oral or written, in the form of prose, poetry, literary works, or informative narratives.
2. Musical expressions, including vocal, instrumental, or a combination of both.
3. Movement-based expressions, such as dance.
4. Theatrical expressions, including wayang performances and traditional folk dramas.
5. Visual arts, both two-dimensional and three-dimensional, crafted from various materials such as leather, wood, bamboo, metal, ceramics, textiles, and others; and
6. Traditional ceremonies.

The legal developments introduced in Law No. 28 of 2014 have expanded the scope for communal intellectual property regulation, paving the way for more detailed legal frameworks in the future. This legislative progress fosters the expectation that the concept of communal intellectual property will receive adequate and proportionate legal protection in accordance with national interests.

3.2. Communal Intellectual Property Registration Program in South Sulawesi

The Ministry of Law and Human Rights has recorded that the development of IPR registration in Indonesia remains uneven. Some regions exhibit a more prominent level of registration compared to others. West Sulawesi has the highest registration growth rate at 136%, followed by Maluku (73%), West Papua (45%), North Maluku (23%), and Papua (19%). Additionally, data on IPR registration applications in South Sulawesi, particularly in Makassar, during the 2020–2021 period indicate a significant number of applications, totaling 4,136. In contrast, other areas in South Sulawesi, such as Tan a Toraja and North Toraja (125 applications), Wajo (39 applications), and Bone (20 applications), report significantly lower registration levels. These findings were presented during the Roving Seminar on Intellectual Property held on September 29–30, 2022, in Makassar. This disparity reflects that IPR registration in Indonesia is still unevenly distributed across the country. While some regions—such as West Sulawesi, Maluku, Papua, and West Papua—demonstrate higher registration growth, many other regions continue to have low registration rates.

Table 1.
Comparison of Communal Intellectual Property Registration in South Sulawesi.

No.	Registration Status	Number of Cases
1	Registered	16
2	Not Registered	7
Total		23

Based on Table 1, several regions in South Sulawesi have not yet registered their communal intellectual property, namely Soppeng Regency, Barru Regency, Maros Regency, Jeneponto Regency, Bulukumba Regency, Selayar Regency, and Makassar City. As of 2023, South Sulawesi has recorded 242 types of communal intellectual property submitted for registration. Among these, 238 types have obtained a Registration Number, while 14 others remain unregistered.

Based on Table 2, Tana Toraja and North Toraja Regency are the regions with the highest number of communal intellectual property registrations in South Sulawesi, followed by Wajo Regency and Bone Regency. Communal intellectual property is categorized into four main areas: (1) Traditional Cultural Expressions (TCE), (2) Traditional Knowledge (TK), (3) Genetic Resources (GR), and (4) Geographical Indication Protection (GIP). Table 3-6 categorize the number of registrations and provide a detailed breakdown by region.

Table 2.

Data on Regencies/Cities That Have Registered Communal Intellectual Property.

No.	Regency/City	Type of CIP			
		Traditional Cultural Expressions (TCE)	Traditional Knowledge (TK)	Genetic Resources (GR)	Geographical Indication Protection (GIP)
1	Bone	16	1	2	2
2	Wajo	20	17	0	0
3	East Luwu	2	0	0	0
4	Luwu	3	1	0	0
5	Palopo	1	7	0	0
6	North Luwu	3	1	0	1
7	Tana Toraja/North Toraja	33	1	0	0
8	Enrekang	2	4	0	0
9	Sidrap	0	1	0	0
10	Parepare	1	0	0	0
11	Pinrang	0	0	0	0
12	Pangkep	1	3	0	0
13	Gowa	7	0	0	0
14	Takalar	0	2	0	0
15	Sinjai	8	4	0	0
Total		95	50	2	3

Table 3.

List of Communal Intellectual Property in the Form of Traditional Cultural Expressions in South Sulawesi.

No.	Name of CIP (Communal Intellectual Property)	Description and Meaning of the Name
I. Bone Regency		
1	Songkok Recca / Songko' To Bone	A Traditional Bugis-Makassar Cap
2	Massempe'	Traditional Foot-Fighting Sport
3	Sere Bissu Maggiri Dance	A Dance Performed by Effeminate Men (Bissu)
4	MattomppangArajang	Ritual Cleansing of Traditional Heirlooms
5	SirawuSulo	Harvest Festival
6	Sijello' To Mampu	Folklore of the Origin of Mampu Cave
7	Bola Soba Bone Traditional House	Traditional House of Bone
8	La Padoma Sibawa I Mangkawani	Folktale of La Padoma and I Mangkawani
9	KawaliGecong	Traditional Bugis Dagger (Badik)
10	Mappadekko	Rice Pounding Ceremony
11	PajogeAngkong Dance	A Traditional Bissu (Calabai) Dance
12	PajogeMakkunrai Dance	Dance Performed by Women
13	Pajjaga Andi Makkunrai Dance	Protective Dance for A Younger Sister
14	PaddupaBosara Dance	Welcoming Dance Featuring Traditional Coverings
15	Origin of the Names Kampung Matajang and Kampung ManurungE Di Bone	Etymology of Village Names
16	Lipa' Sabbe Lebba Pattern	Wide-Patterned Silk Sarong
II. Wajo Regency		
1	Cobo' Pattern Sengkang Silk Weaving	Silk Sarong with Dagger-Shaped Pattern
2	Mallobang Pattern Sengkang Silk Weaving	Silk Sarong with Perforated Motifs
3	BaloTettong Pattern Sengkang Silk Weaving	Silk Sarong with Vertical Patterns
4	Balo Renni' Pattern Sengkang Silk Weaving	Silk Sarong with Small Motifs
5	Bombang Pattern Sengkang Silk Weaving	Silk Sarong with Wave Motifs
6	Lagosi Pattern Sengkang Silk Weaving	Silk Sarong with Lagosi Village Motifs
7	Makkalu Pattern Sengkang Silk Weaving	Silk Sarong with Circular Motifs
8	Massureq	Traditional Chanting of Lontara Scripts
9	Maddoja Bine	Night Vigil Ritual Welcoming Seeds
10	MacceraArajang	Ritual Cleansing of Traditional Heirlooms
11	MacceraTappareng	Sacred Lake-Cleansing Ceremony
12	OgiGambus	Traditional Bugis Stringed Instrument
13	Bette Leppang	Sweet Dry Pounded Sticky Rice
14	Lipa Sabbe	Silk Sarong
15	Yale Bale Song	Traditional Lullaby
16	Mappacci	Sacred Pre-Wedding Purification Ceremony

No.	Name of CIP (Communal Intellectual Property)	Description and Meaning of the Name
17	Bulu Alau'na Tempe Song	Traditional Song "Bulu Alauna Tempe"
18	Pajaga Gilireng Dance	Traditional Guardian and Escort Dance from Gilireng
19	La Welle Folktales	Folklore of "La Welle"
20	PituBaru Pencak Silat	Traditional Martial Art "PituBaru"
III. Sinjai Regency		
1	BurungAlo Dance	The "BurungAlo" Dance
2	Pasang Baju Karampuang	Royal Attire Installation Ceremony
3	Massulo Beppa	Annual Thanksgiving Ritual Involving the Symbolic Lighting of Cakes with Torches
4	Mappogau Sihanua	Annual Traditional Ritual to Prevent Natural Disasters Within the Region
5	Maddongi Dance	A Dance Depicting the Act of Driving Away Birds from Rice Fields Using Bamboo Blades (<i>Palleppa</i>)
6	Maddui Aju	Communal Effort of Pulling Large Logs from the Forest to Replace Parts of Traditional Houses in Karampuang.
7	Marrimpa Salo	Traditional Fish-Catching Ceremony Conducted Along the River from Upstream to Downstream
IV. East Luwu Regency		
1	Moringgo Dance	Moringgo Dance
2	Sumajo Dance	Sumajo Dance
V. Enrekang Regency		
1	Maccera Manurung	Sacred Ceremony of Worship to the Supreme Creator
2	Mang Bas Bamboo Music	Traditional Bamboo Musical Performance
VI. Parepare City		
1	Mappadendang Dance	Traditional Dance Featuring Rhythmic Pounding with Pestles
VII. Pangkajene and Islands Regency		
1	Mappalili	Annual Traditional Ceremony Marking the Beginning of the Rice Planting Season
VIII. Luwu Regency		
1	Banua Maoge Wotu Traditional House	Traditional House of <i>Banua Maoge</i> in Wotu District
2	Kajangki Dance	Kajangki Dance
3	Mallogo Game	Traditional Game Using Coconut Shells Shaped into Triangles
4	Padoe Traditional House	Traditional House of Padoe
IX. North Luwu Regency		
1	Lumondo Dance	Lumondo Dance
2	Pajjaga Bone Bala Dance	Traditional Guard Dance of Bone Bala
3	Panggaru' Dance	Parade Dance Depicting a Fierce Battle Charge
X. Palopo City		
1	Traditional Guest Welcoming Ceremony	Traditional Reception Ceremony for Guests
XI. Gowa Regency		
1	Salonreng Gowa Dance	Salonreng Dance
2	Songkabila Accera Kalompoang	Sacred Traditional Purification Ceremony
3	A'jaga Tubarani Troops Parade	Parade Of Royal Guards and Protectors
4	Kelok Pakkiok Bunting	Traditional Song Calling the Bride
5	Sinrilik	Traditional Plucked-String Music Accompanied by Makassar-Style Melodies
6	Pakarena Gowa Dance	Traditional Folk Performance Dance from Gowa
7	Salokoa Crown	The Salokoa Crown
XII. Tana Toraja and North Toraja Regency		
1	Passura' Toraya	Traditional Toraja Carvings and Patterns
2	Pa'bare Allo Passura' Toraya Motif	Carving Motif Representing the Radiance of Sunlight
3	Pa'londongan Passura' Toraya Motif	Carving Motif of a Rooster
4	Pa'tedong Passura' Toraya Motif	Carving Motif Depicting the Head of a Buffalo
5	Pa'sussuk Passura' Toraya Motif	Neutral Carving Motif, Left Unpainted
6	Pa'doti Langi' Passura' Toraya Motif	Carving Motif Symbolizing Nobility, Traditionally Reserved for Aristocrats
7	Pa'doti Siluang Passura' Toraya Motif	Carving Motif Symbolizing a Pregnant Woman Who

No.	Name of CIP (Communal Intellectual Property)	Description and Meaning of the Name
		Passed Away in the House
8	Pa'dotiTandinPassura'Toraya Motif	Carving Motif Symbolizing Happiness for the Homeowner
9	Pa'limbongan / Ne' LimbonganPassura' Toraya Motif	Carving Motif Symbolizing Abundant Wealth
10	Pa'kapu'Baka Passura'Toraya Motif	Carving Motif Believed to Attract Wealth
11	Pa'buluLondongPassura'Toraya Motif	Carving Motif Depicting Numerous Roosters, Symbolizing Male Virility
12	Pa'erongPassura'Toraya Motif	Traditional Carving Motif
13	Pa'suletangPassura'Toraya Motif	Carving Motif Honoring the Deceased and Believed to Bless the Living; Used Exclusively on Coffins
14	Pa'sempaPassura'Toraya Motif	Traditional Carving Motif
15	Pa'sussu' DisempaPassura'Toraya Motif	Carving Motif Symbolizing Unity and Communal Cooperation
16	Pa'tedongTumuruPassura'Toraya Motif	Carving Motif Representing the Importance of Awareness of One's Surroundings
17	Pa'tedongTumurutoTondonPassura'Toraya Motif	Similar to <i>Pa'tedongTumuru</i> , Emphasizing Awareness of One's Surroundings
18	Pa'talingaTedongPassura'Toraya Motif	Carving Motif Symbolizing Sensitivity and Wisdom in Decision-Making
19	Pa'donBoluPassura'Toraya Motif	Carving Motif Indicating the Homeowner's Status and Respect
20	Pa'donBoluSangbuaPassura'Toraya Motif	Carving Motif Symbolizing Shared Life and Companionship
21	Pa'bulittongSiteba' Passura'Toraya Motif	Carving Motif Representing the Hope for Peaceful and Prosperous Life
22	Pa'bulittongSomba' Passura'Toraya Motif	Carving Motif Reflecting the Aspiration to Raise Valuable and Useful Descendants
23	Pa'loloTabangPassura'Toraya Motif	Carving Motif Symbolizing the Ancestral Hope for Tranquility
24	Pa'ambollongPassura'Toraya Motif	Carving Motif Inspired by Elements from The Rice Field
25	Pa'baba GandangPassura'Toraya Motif	Carving Motif Symbolizing Wisdom and Intelligence
26	Pa'bua Kapa' Passura'Toraya Motif	Carving Motif Encouraging Purity and Innocence, As White as Cotton
27	Pa'lentek Dasak Passura'Toraya Motif	Carving Motif Symbolizing Hope for Prosperity for Those in Need
28	Pa'to'mokki (Pa'lalanAsu) Passura'Toraya Motif	Carving Motif Symbolizing Democratic Societal Unity
29	Pa'donLambiriPassura'Toraya Motif	Carving Motif Representing Hope for Wealth and Good Health
30	Pa'donLambiriDitepoPassura'Toraya Motif	Carving Motif Encouraging Fairness in Inheritance Distribution
31	Pa'baranae' (Passape Bai) Passura'Toraya Motif	Carving Motif Symbolizing Prosperity and Good Fortune for Future Generations
32	Pa'siboronganPassura'Toraya Motif	Carving Motif Symbolizing the Spirit of Unity and Kinship
33	Pa'barana'-Rana' Passura'Toraya Motif	Carving Motif with Symbolic Meaning (Additional Context Needed for Precise Interpretation)

Table 4.

List of Communal Intellectual Property in the Form of Traditional Knowledge by Regency/City in South Sulawesi.

No.	Name OF CIP	Meaning/Description
I.	REGENCY OF BONE	
1	Songkok Recca	Traditional Bugis-Makassar cap
II.	REGENCY OF WAJO	
1	Bedda Pica	Traditional body scrub powder
2	Hukum Amanna Gappa	Amanna Gappa Maritime Law
3	Lawa Bale	A dish made from fresh anchovies served with roasted grated coconut, lime juice, and chili
4	Beppa Pute	Sweet white cake
5	Ronto'	Raw anchovy fry

No.	Name OF CIP	Meaning/Description
6	Bajabu	Shredded fish floss
7	Katirisalla	Traditional sticky rice cake topped with palm sugar
8	Barobbo	Mixed dish made from corn
9	Salonde	A side dish made from short-tailed bean sprouts, typically served during festive events
10	BeddaLotong/Bedda Bolong	Black powder for facial application
11	Ule Kule	Traditional pounded dish
12	Katiri Mandi	Traditional Katiri Mandi cake
13	Lawa Urang	Raw fish delicacy
14	Jompo-Jompo	Traditional Jompo-Jompo cake
15	NanreSokkoreang	Sticky rice cone-shaped dish
16	Bolu Peca'	Soft melting sponge cake
17	TudangSipulung	Traditional communal deliberation ceremony
18	NasuLikkua	Chicken dish flavored with galangal
19	Rampi Bark Cloth	Rampi traditional bark cloth
III.	REGENCY OF SINJAI	
1	Laha'Bete	Dish made from fresh anchovies, with heads removed and bones discarded
2	Poto'-Poto'	Traditional Sinjai knot-shaped crackers seasoned with traditional spices
3	Laha'Racci	Dish made from shellfish combined with mango and coconut
4	Minas	Energy drink and medicine made from cassava
IV.	REGENCY OF ENREKANG	
1	NasuCemba	Beef stew with a unique sour leaf seasoning
2	Dangke	Curdled buffalo milk delicacy
3	DeppaTe'tekan	Traditional fried cake
4	Camme Burak	Dry-fried chicken dish seasoned with galangal
V.	REGENCY OF PANGKAJENE AND ISLANDS	
1	Pabissu	Ritual dance community led by traditional elders
2	Sop Saudara	Traditional broth-based dish from Pangkep
3	Dange'	Grilled snack made from sago
VI.	REGENCY OF LUWU	
1	Teduhu Weaving	Traditional Teduhu weaving craftsmanship
VII.	CITY OF PALOPO	
1	Dampo Durian	Durian jam
2	Mappasitudangeng	Ceremony for mediating between two parties
3	Mappanre To Mangngideng	Ritual of feeding pregnant women craving specific foods
4	ManreSaperra	Communal meal served on a shared tray
5	Massoromng Lise Rakki	Ritual of sending offerings on a small raft
6	MacceraTasi	Sacred sea cleansing ceremony
7	MappacekkeWanua	Ritual to cool down and harmonize the village
VIII.	REGENCY OF TANA TORAJA	
1	Toraja Death Ceremony	Traditional funeral rites of the Toraja people
IX.	REGENCY OF SIDENRENG RAPPANG	
1	Traditional TudangSipulung Ceremony	Traditional communal gathering ceremony
X.	REGENCY OF TAKALAR	
1	Makassar Maulid Tradition	Traditional boat festival commemorating the Prophet's birthday
2	Torani	Flying fish commonly found in Takalar waters

Table 5.
List of CIP in the Category of Genetic Resources per Regency/City in South Sulawesi

No.	CIP Name	Description / Meaning of Name
BONE REGENCY		
1	Kayu Sanrego	A type of herbal wood known for its benefits in enhancing male vitality.
2	Sukun Bone	A specific variety of breadfruit (Sukun) from Bone, known for its delicious and savory taste.

Table 6.

List of CIP in the Category of Geographical Indication Protection per Regency/City in South Sulawesi

No.	CIP Name	Description / Meaning of Name
BONE REGENCY		
1	Kopi Bontocani	A coffee variety originating from Bonto Cani.

The comparison of the four categories of CIP registration in South Sulawesi reveals varying figures, with Traditional Cultural Expressions totaling 41, Traditional Knowledge 40, Genetic Resources only 2, and Geographical Indication Protection merely 1. The government's efforts through the Ministry of Law and Human Rights of the Republic of Indonesia to enhance region-based registration have resulted in varying levels of enthusiasm across different regions. Unfortunately, these efforts have not been entirely uniform, as only 16 out of 23 regencies/cities in South Sulawesi have recorded their communal intellectual property, whereas 7 regencies/cities still lack CIP registration data.

The implementation of this program has also led to an increase in Non-Tax State Revenue, rising from IDR 460 million to IDR 783 million in the following year [26]. Recognition of protection for communal intellectual property can be pursued through two pathways: cultural and legal. The cultural pathway involves the registration of Intangible Cultural Heritage, while the legal pathway follows the Intellectual Property mechanism, particularly CIP. Although these two concepts have different approaches, they complement each other. However, misclassification frequently occurs. For example, woven silk sarong motifs from Wajo, such as Cobo', Mallobang, and BaloTetong, should be categorized as Traditional Cultural Expressions, whereas the manufacturing process of "lipa sabbe" involving traditional expertise such as "mapputesabbe" is more accurately classified under Traditional Knowledge. This was affirmed by Sudirman Sabang, Head of the Cultural Sub-Department of Wajo Regency, who stated that "lipa sabbe" has been recorded as Intangible Cultural Heritage. Similar classification errors are also found in traditional ceremonies. Traditions such as TudangSipulung (Wajo), MappacekkeWanua (Palopo), and the Torajan Funeral Ceremony (Tana Toraja) should be classified under Traditional Cultural Expressions according to the Explanation of Article 38 paragraph (1) letter f of Law No. 28 of 2014 on Copyright. However, in some documents, these ceremonies are mistakenly categorized under Traditional Knowledge.

Conceptual ambiguity between IPR and Communal Intellectual Property is also evident in the registration of Geographical Indication (GI) protection. In South Sulawesi, only two CIP items—Kopi Bontocani and Gula Merah Bone from Bone Regency—have been recorded as GI through the CIP pathway. Meanwhile, other products such as Kalosi Arabica Coffee, Toraja Arabica Coffee, and East Luwu Pepper have been registered through the IPR mechanism. This difference in registration pathways reflects opposing orientations—one focusing on individual ownership and the other on communal benefits [27].

Nonetheless, the primary goal of both pathways is to enhance economic value for owners, regions, and national interests. However, economic benefits are still predominantly felt by the government, particularly through the tourism sector. Unfortunately, cultural tourism in South Sulawesi has not been maximized. Natural tourism sites such as Bantimurung, Leang-Leang Cave, and Bira Beach dominate, while cultural tourism remains limited to traditions such as the Rambu Solo' Ceremony in Toraja, Pinisi boat-making in Bulukumba, and silk sarong production in Sengkang. Traditional culinary delights such as Coto Makassar, Kapurung, and Dangke have yet to become major attractions, as they are still considered incidental [27].

3.3. The Role of Government and Society in Advocating for the Commercialization Rights of Intellectual Property

According to a respondent from the Regional Office of the Ministry of Law and Human Rights of South Sulawesi, there are four primary reasons why regional governments at the district/city level fail to register Communal Intellectual Property (CIP). First, local governments often perceive CIP registration as a low priority, favoring recognition through the Intangible Cultural Heritage (ICH) mechanism as a cultural acknowledgment rather than CIP registration as a legal measure. Second, confusion exists regarding which agency or department holds the primary authority to submit the registration, creating coordination barriers among institutions. Third, much of the cultural wealth belongs to ethnic groups whose traditions transcend administrative boundaries, causing local governments to hesitate in making unilateral claims. Fourth, regional governments do not perceive direct economic benefits from CIP registration, thus lacking motivation to pursue it. The preference for recognition through ICH registration typically serves to instill pride in preserving tradition. However, if cultural assets were legally registered as CIP, the region could gain dual advantages: cultural preservation and the potential economic benefits of communal ownership rights. Such registration could also encourage the development of tourism commodities based on local cultural wealth.

The issue of authority in filing registrations can, in fact, be resolved through inter-agency collaboration with the shared objective of strengthening the legal ownership of cultural assets to support regional economic development. Similarly, concerns about cultural ownership across geographic boundaries should not be seen as a barrier. CIP does not solely function as an exclusive claim over a specific culture but also as recognition of the existence of traditions within a given region. If the same tradition is claimed by multiple regions, this allows for the simultaneous economic exploitation of the tradition by all parties involved. By addressing the three core issues—registration priority, authority, and cross-border cultural ownership—concerns over the lack of economic benefits from CIP registration can be mitigated. On the contrary, CIP registration could serve as a foundation to promote broader and more structured economic development rooted in local traditions.

The economic potential of CIP-based tourism products is illustrated by a respondent from the cultural affairs office of Wajo Regency. Wajo, with its rich cultural and royal heritage, can develop tourism products such as heritage trail tours.

This could include visits to Allangkanange Pammana, witnessing the Tanete Palace and We Cuddai Palace—both documented in the Lontara La Galigo—and attending traditional ceremonies such as Mallawa Botting and Mappadandang. Tourists could also experience visits to the Atakka E Traditional House, where they could wear traditional Bugis attire and use a dokar (traditional carriage) as a means of transport. These tourism products could be expanded through the annual Tempe Lake Festival, which reflects the community's spirit of mutual cooperation. The festival features buffalo sacrifice traditions, ancient manuscript readings (Massureq), rowing competitions, as well as exhibitions and sales of Bugis Sengkang silk sarongs (lipa sabbe), which are officially registered as CIP of Wajo Regency. Nevertheless, this economic potential remains difficult to realize without clear legal recognition of the traditions or cultural products on which they are based. A respondent from the Bugis silk weaving industry emphasized that all derivative products from weaving tools, such as Sengkang silk sarongs, should be granted legal protection facilitated by local governments. With legal recognition, artisan communities, such as the Sengkang Silk Community, would possess stronger ownership evidence for the future.

Aligned with efforts to develop the creative economy, CIP legal recognition can support the creation of a highly competitive creative economic ecosystem. This ecosystem involves a value chain that spans creation, production, distribution, consumption, and conservation—engaging creative economic actors to enhance the added value of their products. Protecting creative outputs through intellectual property facilitation not only expands the economic potential of cultural products but also ensures better accessibility and legal protection for their owners. Through this approach, local traditions such as Sengkang silk sarongs can become sustainable economic assets while being safeguarded against external claims.

Following the La Galigo Seminar in Ino, et al. [28], it was determined that the revitalization of the Passureq tradition was necessary due to its rarity. Passureq is one of the Communal Intellectual Property (CIP) with significant cultural value in Bugis society. A tradition is classified as "rare" if it meets several criteria: 1) it is near extinction, 2) some individuals still possess knowledge of it, 3) there are interested parties willing to learn it, and 4) it still retains an audience or admirers. The criterion of having individuals who wish to learn the tradition is particularly crucial, as it requires societal commitment to participate in its preservation. This also acts as a bridge to ensure the continuous efforts of government entities or community leaders in safeguarding the tradition, thereby enhancing the value of the CIP over time.

Wajo Regency has successfully registered the Massureq tradition as part of its regional Communal Intellectual Property (CIP). However, research indicates that several other Bugis regions in South Sulawesi also practice similar traditions but have yet to register them with the Ministry of Law and Human Rights. These regions include Sidenreng Rappang, Barru, Luwu areas (including Luwu Regency, North Luwu, Palopo City, and East Luwu), and Soppeng. Revitalization and formal registration are essential steps to preserve Massureq as a valuable element of Bugis cultural heritage.

4. Conclusion

The legal system in Indonesia has not yet fully accommodated communal intellectual property, as existing regulations are more oriented toward individual rights. This misalignment often results in the economic rights of communal societies being overlooked, particularly in the context of South Sulawesi's cultural heritage, such as La Galigo, Perahu Pinisi, and Tenun Bugis, which remain vulnerable to claims by external parties. Furthermore, the registration of communal intellectual property (CIP) remains minimal due to the lack of commitment from local governments, primarily caused by resource constraints, poor coordination, and limited understanding of the relevant regulations. These obstacles hinder the optimal realization of communal economic rights over their cultural assets, despite the significant potential of the cultural sector in arts, handicrafts, and traditional cuisine. As a result, the economic benefits derived from communal intellectual property have yet to be equitably distributed.

Collaboration between the government and communal societies is a crucial step toward improving this situation. The government must adopt a more participatory approach while also providing technical support and economic incentives to encourage the registration and protection of cultural heritage. Additionally, integrating CIP protection policies with strategies for developing culture-based tourism is essential to enhance the economic value of local cultural assets. Therefore, this study recommends several concrete measures: first, regulatory reforms that explicitly accommodate communal intellectual property; second, capacity-building initiatives through training and mentoring programs to assist communities in documenting and registering their cultural assets; third, strategic collaboration between local and central governments, local communities, and the private sector to effectively manage and maximize the benefits of CIP; and fourth, strengthening culture-based tourism through broader promotional efforts and the sustainable organization of cultural events. These measures are expected to optimize the economic benefits of communal intellectual property while simultaneously preserving regional cultural heritage.

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