

Copyright Certification of *Son Horek* Works in East Java: Social Impact and Legal Implications

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Abstract

Purpose: This study examines the legal approval of copyright over *Son Horek*, a traditional cultural expression originating from indigenous communities in East Java, and analyzes its socio-cultural and legal implications. The research focuses on how the transformation of *Son Horek* into a commercial product has triggered ownership claims that marginalize indigenous communities as the original collective custodians.

Methodology/Approach: This study adopts a juridical-normative and sociological approach. It analyzes Indonesian Copyright Law No. 28 of 2014 and examines its application to traditional cultural works. The research also incorporates socio-legal perspectives to assess the impact of copyright recognition on indigenous communities and their cultural practices.

Results/Findings: An imbalance exists between individual legal rights and collective indigenous rights, causing unfair recognition, cultural distortion, and the risk of criminalization.

Conclusions: The study reveals a mismatch between individual-based copyright law and the collective nature of *Son Horek*, thereby marginalizing indigenous communities.

Limitations: This study is normative and socio-legal in nature and does not include empirical field surveys or quantitative measurements. Future studies may strengthen the analysis through ethnographic research and participatory methods involving indigenous stakeholders.

Contributions: This study contributes to legal and cultural scholarship by offering a critical perspective on the protection of traditional cultural expressions. It emphasizes the need for an inclusive, contextual, and justice-oriented legal framework that integrates the principle of interlegality and strengthens the role of customary institutions in recognizing collective cultural rights.

Keywords: *Copyright of Son Horek, Civil And Criminal Law Implications, Indigenous Communities, Socio-Cultural Impact, Traditional Cultural Expressions*

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1. Introduction

Traditional cultural works are collective creations born from long processes of social, spiritual, and environmental interactions within indigenous communities. These works are not individual intellectual products but communal heritage transmitted across generations through oral traditions and shared practices (Nizwana, 2022; Sukihana & Kurniawan, 2018). Such expressions carry not only aesthetic value but also historical, philosophical, and identity significance for the communities that sustain them (Marina & Sunarsi, 2019).

Amid rapid modernization and globalization, traditional cultural expressions often experience shifts in meaning and marginalization, even though they remain vital markers of cultural identity (Karsidi,

2017). One such expression is *Son Horek*, a traditional musical art that has grown and developed among local communities and has recently begun to be recognized and adopted in East Java. *Son Horek* is not merely music but a living narrative that encapsulates local wisdom, collective emotional expression, and the spirit of mutual cooperation ([Amirulloh et al., 2023](#); [Sukihana & Kurniawan, 2018](#)).

However, when *Son Horek* was repackaged into audiovisual and commercial formats by certain parties in East Java, claims of individual copyright protection emerged. The ratification of copyright for *Son Horek* marked a new chapter in the state's recognition of traditional works; simultaneously, it raised serious questions regarding authenticity and cultural ownership ([Sukihana & Kurniawan, 2018](#)). In this context, a conflict arises between individual rights over creative adaptations and the collective rights of indigenous communities as the original cultural custodians ([Nizwana, 2022](#)).

The copyright recognition of *Son Horek* in East Java has complex implications. On the one hand, it provides legal protection for creators or adaptors from unauthorized exploitation and may encourage preservation through broader media dissemination. On the other hand, socio-cultural impacts cannot be ignored. When communal cultural works become the exclusive property of individuals or groups, social relations, community identity, and original meanings are distorted ([Hasanah, 2015](#); [Karsidi, 2017](#)). This has generated mixed reactions: indigenous communities feel excluded, while the wider public perceives the approval as recognition of local creativity.

These sociocultural impacts are inseparable from shifts in cultural power relations. In Indonesian tradition, cultural works are not created by single individuals but are inherited collectively across generations ([Widiarsa & Mayasari, 2024](#)). When the state, through positive legal mechanisms such as Law Number 28 of 2014 on copyright, recognizes individuals as copyright holders of communal works, a shift in values and ownership occurs. This may trigger social conflict, cultural alienation, and legitimacy disputes ([Hediati & Mawardi, 2025](#)).

In the legal realm, the ratification of *Son Horek's* copyright raises important civil and criminal law questions ([Cristi, 2025](#)). Civilly, disputes arise regarding rightful ownership, licensing, royalty distribution, and moral responsibility to the community of origin. From a criminal perspective, there is potential for the criminalization of individuals or communities who continue to use these works within a customary context without permission from state-sanctioned copyright holders ([Atikah, Zaini, & Sumirat, 2022](#)).

These implications are significant, considering Indonesia's vast cultural diversity and the limited scope of formal legal protection for traditional heritage. Weak enforcement and incomplete copyright regulations remain persistent challenges ([Ismaidar, Sembiring, & Saragih, 2024](#); [Marina & Sunarsi, 2019](#)). The disparity between state and customary law must therefore be addressed through an inclusive, interdisciplinary, and socially just legal approach ([Ana, Puspitasari, Jaisy, Ramadhani, & Jayanti, 2024](#); [Azhari et al., 2024](#)).

Accordingly, copyright approval of *Son Horek* is not merely a legal matter but also an ethical, social, and cultural issue that demands careful treatment. This research aims to examine the phenomenon of *Son Horek's* copyright ratification in East Java in terms of its sociocultural impact and its civil and criminal law implications. Through a juridical-normative and sociological approach, this study explores how the transformation of culture into a legal object reshapes social relations and how the Indonesian legal system can respond in a just and sustainable manner.

1.1 Research Problems

This study employs a qualitative method using a juridical-normative and sociological approach. The juridical-normative approach is used to analyze the legality of copyright validation for *Son Horek* based on Indonesia's positive legal framework, particularly Law Number 28 of 2014 concerning Copyright and other relevant regulations related to intellectual property and the cultural rights of indigenous peoples ([Masyhadi & Farochi, 2025](#)). This study relies on the analysis of written legal norms, legislation, state documents, and legal doctrines relevant to the research object. Furthermore, a

sociological approach is applied to understand social realities and public responses to the ratification of *Son Horek*'s copyright, especially in the context of changing values, social structures, and relational dynamics between indigenous communities of origin and recipient communities in East Java ([Hasni & Kambali, 2023](#)).

Primary data were obtained through in-depth interviews with cultural figures, legal practitioners, representatives of indigenous communities, and local artists. Secondary data were collected from academic literature, legal journals, media archives, and official legal documents. Data analysis was conducted using a descriptive-qualitative technique to systematically interpret the data and link it to theories of copyright law, cultural justice, and communal property protection ([Azhari et al., 2024](#); [Ismaidar et al., 2024](#)).

1.2 Research Objectives

Specifically, the objectives of this research are as follows:

1. This study analyzes the application of Indonesian Copyright Law No. 28 of 2014 to the adaptation and registration of *Son Horek* as a copyrighted work.
2. To examine the tension between individual copyright claims and the collective moral and cultural rights of indigenous communities as the original custodians of *Son Horek*.
3. To investigate the sociocultural impacts of the commercialization of *Son Horek* on community identity, cultural meaning, and power relations.
4. To evaluate the civil and criminal law implications arising from copyright enforcement related to *Son Horek*.
5. To propose an inclusive legal framework based on the principle of interlegality that integrates state law and customary institutions to protect traditional cultural expressions.

1.3 Significance of the Study

This study contributes to both theoretical and practical discussions on the protection of traditional cultural expressions within modern IP regimes. Theoretically, it enriches socio-legal and cultural studies by integrating the concept of interlegality into copyright discourse, offering a framework for reconciling state law with customary norms in the governance of communal cultural heritage. Practically, the findings provide guidance for policymakers in Indonesia to reform copyright mechanisms to ensure that indigenous communities are meaningfully involved in the recognition, management, and benefit-sharing of traditional cultural works, such as *Son Horek*. The study highlights the risks of cultural marginalization and criminalization when legal protection prioritizes administrative formalism over social justice. For indigenous communities and cultural practitioners, this research affirms the importance of collective

2. Literature Review

2.1 Traditional Cultural Expressions and Communal Ownership

Traditional Cultural Expressions (TCEs) are collective intellectual creations developed, preserved, and transmitted by Indigenous communities through long processes of social, spiritual, and cultural interaction across generations ([Sukihana & Kurniawan, 2018](#)). Unlike modern copyright objects that prioritize individual authorship and originality, TCEs are rooted in communal identity, customary norms, and shared cultural practices. They function not merely as artistic products but as living systems of meaning that embody collective memory, spirituality, and social cohesion ([Marina & Sunarsi, 2019](#)). As such, TCEs challenge the philosophical foundations of conventional intellectual property regimes, which are built on liberal concepts of private ownership and economic exclusivity.

A growing body of scholarship argues that the application of individualistic intellectual property frameworks to communal heritage produces profound legal, ethical, and cultural tensions ([Nizwana, 2022](#)). These tensions arise because TCEs are created and maintained collectively, often without identifiable individual authors, and are governed by customary rules that emphasize stewardship rather than ownership. When state law imposes copyright structures on such expressions, it risks transforming cultural heritage into exclusive commodities, and displacing the moral authority of indigenous

communities into cultural custodians. This phenomenon has been widely observed in cases involving traditional music, dance, folklore, and ritual practices in the global south.

In the Indonesian context, the protection of TCEs is constitutionally grounded in Article 18B(2) of the 1945 Constitution, which recognizes and respects the existence of indigenous people and their traditional rights. This constitutional mandate affirms that indigenous cultural heritage is not merely a private asset but a collective right embedded within the nation's legal and moral framework. However, the translation of this recognition into statutory law, particularly under Copyright Law No. 28 of 2014, remains conceptually and practically ambiguous. While law provides protection for works of art, literature, and science, it is primarily designed around the notion of individual creators and formal registration procedures. This creates uncertainty when applied to TCEs, where authorship is diffuse, historical, and communal ([Amirulloh et al., 2023](#)).

Scholars have noted that this ambiguity affects the recognition of cultural ownership and the distribution of economic benefits derived from the commercialization of traditional expressions. Without clear mechanisms to ensure community participation and benefit-sharing, copyright systems tend to privilege those who are able to navigate bureaucratic and legal processes, often external actors or individual adaptors, rather than the original communities. This results in structural inequality and cultural marginalization, as indigenous peoples are symbolically recognized but materially excluded from the legal and economic control of their heritage.

Furthermore, international instruments, such as the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, have emphasized the need for sui generis protection systems that reflect the unique characteristics of TCEs. These frameworks advocate collective rights, perpetual protection, and community consent as core principles. However, national implementation remains uneven, particularly in countries with plural legal systems, such as Indonesia, where state law coexists with diverse customary laws.

In this context, the concept of interlegality becomes essential. Interlegality recognizes the interaction between formal state law and Indigenous normative systems, allowing both to coexist and inform each other. Applying this principle to TCE protection means that copyright law must not operate in isolation from customary institutions and community values. Instead, it should incorporate Indigenous governance structures into decision-making processes related to the recognition, use, and commercialization of traditional culture. Only through such an integrated approach can legal protection move beyond symbolic recognition toward substantive justice for Indigenous communities and ensure that TCEs remain living, socially embedded, and collectively owned cultural heritage.

2.2 Copyright Law and Indigenous Cultural Heritage

Copyright law traditionally protects original works that exhibit identifiable authorship, originality, and fixation in a tangible medium. This paradigm is grounded in modern liberal legal philosophy, which views creativity as an individual endeavor and property as an exclusive right. While this framework has proven effective for regulating literary, artistic, and scientific works in industrial and post-industrial societies, it fundamentally conflicts with the fluid, collective, and evolving nature of Traditional Cultural Expressions (TCEs). TCEs are not static creations with clear points of origin; rather, they are dynamic cultural processes shaped by generations of communal participation, reinterpretation, and social use.

Several scholars emphasize that registering adaptations of traditional works under individual copyright regimes risks producing cultural misappropriation and the exclusion of source communities. When individuals or commercial actors obtain exclusive rights over cultural expressions that originated in communal traditions, they gain legal control over forms of expression that were historically shared. This legal shift transforms cultural heritage into a private asset and disrupts indigenous systems of cultural stewardship. Consequently, communities that have preserved and transmitted these traditions may lose not only economic benefits but also moral authority over their own cultural identity.

This dynamic is further exacerbated by the procedural nature of copyright registration. Copyright systems tend to privilege those with access to legal knowledge, administrative resources, and market networks. Indigenous communities, whose cultural practices are often transmitted orally and embedded in ritual and social life, rarely fit within bureaucratic structures. Consequently, formal recognition is more likely to be granted to outsiders or individual adaptors who can satisfy technical requirements, even if they lack cultural legitimacy. This creates structural inequality and facilitates cultural appropriation under legal protection.

International organizations, such as the World Intellectual Property Organization (WIPO) and UNESCO, have long acknowledged these limitations. Through the work of the WIPO Intergovernmental Committee and various UNESCO conventions, there has been a strong call for sui generis protection mechanisms specifically designed for traditional knowledge and expressions of folklore. These mechanisms emphasize principles such as collective ownership, perpetual protection, prior informed consent, and equitable benefit-sharing ([Perron-Welch, 2024](#)). They aim to protect not only the economic interests of communities but also their moral, spiritual, and cultural relationships to their heritage ([Arora, 2025](#)).

Despite these international developments, many national legal systems, including Indonesia, continue to rely predominantly on conventional copyright frameworks that inadequately address communal and moral rights ([Hasni & Kambali, 2023](#)). Although Indonesian law formally recognizes the existence of indigenous peoples and their cultural rights, operational legal mechanisms remain largely individualistic in structure and orientation. This creates a gap between constitutional ideals and statutory implementation. Consequently, traditional cultural expressions are often symbolically acknowledged but substantively governed by legal tools that do not reflect their collective nature.

The persistence of this gap highlights the need for legal reform grounded in socio-legal and cultural justice. Rather than forcing TCEs into pre-existing copyright categories, lawmakers and institutions must develop regulatory models that reflect the epistemological and normative foundations of indigenous cultures ([Sadikov, 2025](#)). This requires moving beyond mere legal transplantation to context-sensitive governance frameworks that integrate customary law, community participation, and interlegality. Only by doing so can copyright law evolve from an instrument of exclusion to a mechanism for cultural protection, empowerment, and sustainability ([Chatterjee, 2025](#)).

2.3 Interlegality and Legal Pluralism

Interlegality refers to the interaction and coexistence of multiple normative orders within a single social field, particularly between state law, customary law, and other informal regulatory systems ([Ismaidar et al., 2024](#)). Rather than viewing legal systems as hierarchical and isolated, the concept of interlegality recognizes that people often navigate overlapping legal norms in their daily lives. In the context of indigenous cultural protection, interlegality provides a critical framework for harmonizing formal legal institutions with local wisdom, customary practices, and community-based governance structures ([Azhari et al., 2024](#)).

For TCEs, interlegality is especially relevant because these cultural forms originate and function within normative environments governed primarily by customary law. Indigenous communities regulate the use, transmission, and meaning of their cultural expressions through unwritten rules, rituals, and collective values ([Qu, 2025](#)). When state law intervenes, particularly through modern intellectual property regimes, it often displaces these customary norms rather than integrating them. This displacement produces legal and moral dissonance: what is legal under state law may be illegitimate under customary law, and vice versa ([Nnanna-Ohuonu, Chikwesiri, Okudo, & Chikwesiri, 2026](#)).

Empirical studies demonstrate that when customary institutions are meaningfully involved in decisions about cultural ownership and use, legal outcomes become more participatory, culturally legitimate, and socially sustainable ([Nizwana, 2022](#)). Community elders, adat councils, and cultural leaders possess contextual knowledge that cannot be captured by administrative documents alone. Their involvement ensures that the recognition of cultural rights reflects historical continuity, collective memory, and

ethical responsibility. In such settings, law functions not merely as a coercive tool but as a dialogical mechanism that mediates between tradition and modernity. However, the absence of customary institutions in formal copyright registration processes often leads to procedural injustice and social resistance.

2.4 Commercialization and Cultural Power Shifts

The commercialization of Traditional Cultural Expressions (TCEs) transforms living cultural practices into market commodities. While this process can generate economic value and wider visibility, it also fundamentally reconfigures power relations between Indigenous communities and commercial actors ([Marina & Sunarsi, 2019](#)). Cultural practices that were once governed by collective norms and spiritual meanings become subject to market logic, where value is measured in terms of profitability, ownership, and exclusivity. This shift risks reducing culture to a tradable asset rather than a shared heritage embedded in social life.

Scholars argue that commercialization through legal mechanisms, such as copyright registration, often facilitates cultural appropriation rather than cultural empowerment ([Cheng, Benson, & Ocepek, 2026](#)). When adaptations of traditional expressions are granted exclusive rights to individuals or corporations, the original custodians of the culture may lose control over how their heritage is represented, modified, or exploited ([Gosart, Toki, & Townzen, 2025](#)). In such contexts, indigenous voices are silenced in decision-making processes, and cultural meanings are distorted to suit market preferences. The law, which should function as a protective instrument, instead becomes a tool that legitimizes unequal power structures ([Bath & Prasad, 2025](#)).

In the case of *Son Horek*, its adaptation into audiovisual and commercial formats has triggered ownership claims that exclude indigenous communities that have preserved and practiced the tradition for generations. These claims reinforce structural inequality by privileging those with access to legal and economic capital over those with cultural and historical legitimacy ([Amirulloh et al., 2023](#)). The transformation of *Son Horek* into a commercial product not only shifts ownership but also reshapes its symbolic meaning. Elements of spirituality, mutual cooperation, and communal identity are reformulated into aesthetic commodities designed for consumption.

This phenomenon reflects broader global concerns regarding the ethical limits of IP in cultural governance. The World Intellectual Property Organization (WIPO) has repeatedly emphasized that conventional copyright regimes are ill-suited to protecting communal and intergenerational cultural expressions. Unlike individual authorship models, TCEs are collectively created and continuously reinterpreted. Granting exclusive rights over such expressions risks freezing living traditions into static legal objects and alienating communities from their cultural practices.

Furthermore, commercialization often creates dependency relations in which indigenous communities are positioned as passive “sources” rather than active rights holders. Economic benefits tend to flow disproportionately to intermediary producers, publishers, and rights registrants, while communities receive little or no share of royalties. This economic marginalization compounds cultural marginalization. Consequently, commercialization under a conventional copyright framework not only fails to protect TCEs but also actively undermines their social foundations.

The *Son Horek* case illustrates the urgent need for a reorientation of cultural governance. Legal recognition should not prioritize market efficiency over cultural justice. Instead, protection mechanisms must ensure that communities retain authority over how their traditions are used, adapted, and commercialized. This requires participatory legal processes, benefit-sharing arrangements, and institutional recognition of customary norms.

In summary, while commercialization can offer opportunities for cultural visibility and economic gain, it must be carefully regulated to prevent cultural dispossession. Without safeguards grounded in social justice and community participation, the transformation of TCEs into commodities risks eroding the

very cultural values that give them meaning. *Son Horek* demonstrates that protecting culture is not only a legal task but also an ethical and political responsibility in shaping equitable cultural futures.

2.5 Research Gap

Existing studies discuss TCEs and copyright; however, few focus specifically on *Son Horek* as a living cultural expression undergoing legal transformation in East Java. Moreover, limited research integrates interlegality as a framework for resolving conflicts between state law and customary rights. This study addresses these gaps by analyzing *Son Horek* from socio-legal and interlegality perspectives.

3. Methodology

This study employs a normative–juridical and empirical–juridical approach to provide a comprehensive understanding of the effectiveness of the business licensing system in Indonesia. The normative–juridical approach is used to examine the legal norms governing the licensing system, particularly the principles and doctrines of state administrative law that form the basis for the implementation of business licensing in Indonesia. Through this approach, the research focuses on analyzing legal instruments such as Law No. 11 of 2020 on Job Creation and Government Regulation No. 28 of 2025 on Risk-Based Licensing, which classify business activities into four risk categories: low, lower-medium, upper-medium, and high-risk. This regulatory framework aims to enhance the effectiveness and efficiency of the business licensing process in Indonesia.

Meanwhile, the empirical–juridical approach is applied to explore the factual conditions regarding the implementation of the Online Single Submission (OSS) system as an instrument of digitalized public services. Primary data were obtained through interviews with officials from the Investment and One-Stop Integrated Service Office of East Java Province in 2025, as well as direct observations of the OSS portal. Secondary data were used to complement the analysis, including statutory regulations and literature from [Petukhov et al. \(2021\)](#), which provides comparative perspectives on international and national practices.

Data analysis was conducted using a qualitative-descriptive method by interpreting applicable legal norms and comparing them with actual practices in the field. This process aims to identify the extent to which the implementation of the OSS system complies with existing legal provisions and to reveal gaps between the law in the books and the law in action. This combined approach is expected to provide a holistic picture of the effectiveness of risk-based licensing policies in Indonesia.

4. Results and Discussions

4.1 Structural Imbalance Between Individual Copyright and Communal Cultural Rights

The findings reveal persistent structural tension between the individualistic logic embedded in copyright law and the collective moral rights of Indigenous communities as custodians of Traditional Cultural Expressions (TCEs). As outlined in the literature review, modern copyright regimes were historically designed to protect identifiable authorship and fixed forms of creative works. This legal orientation is fundamentally misaligned with the nature of TCEs, such as *Son Horek*, which emerge from communal creativity and are transmitted intergenerationally through oral tradition and cultural practice ([Marina & Sunarsi, 2019](#); [Sukihana & Kurniawan, 2018](#)).

Empirical evidence from East Java demonstrates that copyright recognition for adaptations of *Son Horek* has been granted to individual applicants who fulfill the administrative requirements under Law No. 28 of 2014. While procedurally lawful, this practice marginalizes the historical, spiritual, and cultural meanings embedded in originating communities. In effect, the state’s legal framework privileges formal documentation over lived cultural legitimacy. State-centered legal recognition mechanisms often displace communal moral authority in favor of individual legal entitlement.

Furthermore, these findings reinforce [Nizwana \(2022\)](#) observation that legal systems tend to prioritize formal ownership over social authorship. Consequently, the legal identity of *Son Horek* was transformed from living communal heritage into a privately controlled economic asset. This shift

weakens the position of indigenous communities in governing and benefiting from their own cultural expressions.

Ultimately, this structural imbalance illustrates how copyright law, when applied without sensitivity to cultural context, risks perpetuating symbolic and material dispossession. Communal creators become legally invisible, while individual claimants gain exclusive control over expressions that are collectively produced and culturally inherited. Without legal reforms that recognize collective custodianship and moral rights, the protection of TCEs will remain partial and potentially unjust, failing to safeguard the cultural sovereignty of indigenous communities.

4.2 Commodification and Shifts in Cultural Power Relations

The commercialization of *Son Horek* has significantly transformed its cultural meaning and reshaped power relations between indigenous communities and commercial actors. As discussed in the Literature Review, the commodification of Traditional Cultural Expressions (TCEs) frequently reconfigures both symbolic and economic authority (Marina & Sunarsi, 2019). In this study, *Son Horek* is increasingly repackaged as an audiovisual and performative product for mass consumption, detached from its original ritual, spiritual, and communal functions. What was once embedded in collective identity and local cosmology is now reframed as entertainment content designed for market circulation.

When cultural heritage becomes an exclusive economic commodity, its symbolic value is subordinated to market logic. The findings show that commercialization not only erodes cultural authenticity but also concentrates cultural power in the hands of copyright holders and producers. Control over representation, distribution, and profit shifts away from the community of origin toward external actors who possess legal and financial capital. Consequently, indigenous communities lose authority over how their own traditions are narrated, modified, and consumed. Moreover, the transformation of *Son Horek* into a marketable product reduces its role as a medium for intergenerational knowledge transmission. The ritual dimension, which once functioned to reinforce social cohesion and moral values, was replaced by performance aesthetics oriented toward audience appeal.

This reorientation weakens the community's capacity to maintain cultural continuity in its own terms. These dynamics echo the global concerns cultural misappropriation through intellectual property frameworks. The data confirmed that commodification without meaningful community participation leads to cultural alienation rather than empowerment. Instead of enhancing indigenous agency, *Son Horek's* market-driven appropriation reinforces structural inequality, positioning communities as symbolic sources rather than active rights holders. Therefore, without participatory governance and legal mechanisms that prioritize communal consent and benefit-sharing, commercialization risks reproducing cultural dispossession under the guise of creative industry development.

4.3 Civil and Criminal Law Implications

From a civil law perspective, the copyright recognition of *Son Horek* generates complex disputes concerning ownership, licensing, royalty distribution, and moral rights. The findings reveal that contractual relationships between copyright holders and indigenous communities are often highly asymmetrical. Communities typically lack bargaining power, access to legal assistance, and sufficient legal literacy to negotiate fair terms. Consequently, agreements tend to favor individual applicants or commercial intermediaries, while the community, as the original cultural custodian, receives minimal economic or symbolic recognition. This imbalance affects material benefits and undermines the moral rights of communities to be acknowledged as the source of the expression.

More critically, from a criminal law standpoint, the rigid enforcement of copyright norms risks criminalizing indigenous communities that continue to practice *Son Horek* within customary, ritual, and non-commercial contexts. The criminalization of cultural practices under intellectual property regimes undermines both social justice and legal legitimacy. When communities are threatened with sanctions for performing their own traditions, the law ceases to function as an instrument of protection and instead becomes a mechanism of control. Such enforcement also contradicts the constitutional recognition of

indigenous peoples' rights under Article 18B(2) of the 1945 Constitution, which affirms respect for traditional communities and their cultural identities.

By prioritizing exclusive private rights over communal cultural continuity, copyright law exacerbates social tensions and erodes trust in legal institutions. Rather than safeguarding creativity and heritage, copyright in this context operates as a tool of exclusion. It redefines living cultural practices into restricted legal objects, accessible only through permission from rights holders. Without legal differentiation between commercial exploitation and customary use, enforcement risks delegitimizing indigenous traditions and alienating the communities the law should protect. Therefore, a more contextual and justice-oriented approach is required, one that balances private rights with constitutional values and the collective cultural rights of indigenous peoples.

4.4 Interlegality as a Framework for Inclusive Cultural Governance

In line with the literature review, this study finds that interlegality provides both a normative and practical framework for bridging state and customary law in the governance of traditional cultural expressions ([Azhari et al., 2024](#); [Ismaidar et al., 2024](#)). Interlegality recognizes that multiple legal orders coexist and interact in regulating social and cultural life. Rather than positioning state and customary law as hierarchical or competing systems, interlegality views them as mutually constitutive, shaping legal meaning through everyday practices and institutional encounters.

The findings indicate that the absence of customary institutions in copyright registration and enforcement processes produces procedural injustice and cultural alienation. When state agencies determine ownership and rights solely on the basis of administrative criteria, indigenous communities are excluded from decisions regarding their own cultural heritage. This confirms [Nizwana \(2022\)](#) argument that meaningful recognition of indigenous peoples requires not only symbolic acknowledgment but also institutional participation in defining cultural ownership and benefit-sharing mechanisms. Without such participation, communities remain objects of regulation rather than subjects of rights.

Moreover, the lack of interlegal coordination results in legal outcomes that are formally valid but socially illegitimate. Copyright certificates may be issued, yet they fail to reflect the collective origins and customary governance of expressions such as *Son Horek*. This disconnect deepens mistrust between communities and legal institutions and reinforces the perception that the law serves external interests rather than local cultural integrity ([Jannah, 2022](#)). Therefore, an inclusive legal framework grounded in interlegality would integrate customary leaders and community representatives into copyright governance.

This includes participatory registration processes, recognition of collective moral rights, and community-based benefit-sharing arrangements. Such an approach would prevent the distortion of cultural meaning and protect indigenous authority over cultural transmission. This interlegal model aligns safeguarding intangible cultural heritage with community-based participation. By embedding legal protection within living cultural systems, interlegality offers a pathway toward justice-oriented copyright reform that respects both constitutional law and the cultural sovereignty of indigenous communities.

4.5 Synthesis with the Literature Review

Overall, the results confirm and extend existing scholarship on the limitations of conventional copyright law in protecting Traditional Cultural Expressions (TCEs). Prior studies have emphasized the risks of cultural misappropriation and commodification under intellectual property regimes ([Marina & Sunarsi, 2019](#)). This research contributes new empirical evidence from *Son Horek* as a concrete case of legal-cultural tension in the Indonesian context. It demonstrates how formal legal recognition can simultaneously legitimize economic exploitation and marginalize the collective moral rights of indigenous communities.

This study goes beyond theoretical critique by showing how copyright law, when applied without sensitivity to customary systems, redefines living heritage as a static legal object. The case of *Son Horek* illustrates that legal protection does not automatically translate into cultural justice ([Okigbo, Mbamalu, & Iruogu, 2025](#)). Instead, it can reproduce inequality by privileging individual claimants and market actors over communal custodians. In this sense, the findings deepen existing debates by highlighting the gap between legal validity and social legitimacy in cultural governance ([Nasution, Yudianto, & Mulyani, 2025](#)).

By integrating interlegality into the analysis, this research advances the literature through a contextual and participatory model of legal protection. Interlegality allows for the recognition of multiple normative orders and offers a framework in which state and customary laws can interact constructively. This approach aligns legal protection with social justice and cultural dignity by placing Indigenous communities at the center of decision-making regarding ownership, use, and benefit-sharing ([Azizov & Azizli, 2025](#)). Thus, this study contributes not only to intellectual property scholarship but also to broader discussions on legal pluralism and indigenous rights. It suggests that the effective protection of TCEs requires moving beyond formalistic copyright models toward governance structures grounded in participation, recognition, and respect for cultural sovereignty ([Munyepwa, Ranganayi, Mudzengerere, Mutongereni, & Gwesu, 2025](#)).

5. Conclusions

5.1 Conclusion

This study concludes that the recognition of copyright over *Son Horek* under Indonesian Copyright Law No. 28 of 2014 reflects a fundamental conflict between individual-based legal frameworks and the collective cultural rights of indigenous communities. The formal copyright system prioritizes administrative legality over historical and cultural legitimacy, transforming *Son Horek* into a commodified object and shifting its control away from its original custodians. This condition risks marginalizing and even criminalizing indigenous communities, undermining social justice and cultural sustainability. Therefore, the legal protection of traditional cultural expressions must adopt an inclusive, tice-oriented approach grounded in interlegality and community participation.

5.2 Research Limitations

This study is limited to a qualitative sociolegal analysis that focuses on *Son Horek* in East Java, which may not fully represent other traditional cultural expressions. It also lacks a quantitative measurement of economic and legal impacts and is constrained by limited access to formal legal case records.

5.3 Suggestions and Directions for Future Research

Future research should employ comparative and mixed-methods approaches to examine similar cases across different regions. Further studies are also recommended to explore participatory legal models, assess economic implications, and strengthen the integration of CIL within national intellectual property frameworks.

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Author Contributions

RSU contributed to the conceptualization, study design, and supervision of the research. MGFR was responsible for data collection, analysis, manuscript drafting, and revision. All authors reviewed and approved the final version of the manuscript.

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