

# The Legal, Moral, and Social Issues Related to Cultural Acculturation of Ramayana Epic in Indonesia

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Received: 2024-01-30; Reviewed: 2024-03-26; Accepted: 2024-04-05; Published: 2024-04-26

## Abstract

*In line with the creative economy policy, it is advisable for Indonesians to cultivate prolific thoughts, ideas, and intellectual abilities to create various copyrighted works as mandated in Law Number 24 of 2019. In this context, one of the potential forms of creativity to be encouraged is the creation of new artistic works based on cultural acculturation. Indonesia also preserves several traditional works from foreign origins seamlessly integrated into the fabric of community traditions. Prominent instances include Valmiki's Ramayana epic from India and the traditional Chinese Barongsai dance, both of which have acculturated with Indonesian artistic works. This socio-legal research aimed to examine the potential problems encountered in the process of cultural acculturation from the legal, moral, and socio-political aspects of relations between countries. A comprehensive method was used, including statutory, historical, and comparative analyses. The results showed that cultural acculturation was a neutral process capable of giving rise to unique, novel, and improved creations, provided the process was executed carefully in the sense of respecting cultural values, ethical considerations, and legal norms properly. In the context of the creative economy, new creations resulting from acculturation possessed high commercial value, supporting the development of the national economy.*

**Keywords: Creative Economy; Cultural Acculturation; Ramayana.**

## 1. INTRODUCTION

Needless to say, humans are known to create a variety of works, contributing to the progress of civilization and the advancement of culture through artistry, creativity, and talent. The manifestation is attributable to stimulated creativity, often promoted by legal instruments. In the conception of copyright law, creativity needs to evolve as an energy of civilization and a source of enrichment of cultural treasures. From a legal perspective, copyright law protects both new works and the results of cultural acculturation. This study analyzes the conception of cultural and traditional art as well as the relevance of intellectual property rights protection, particularly on issues related to copyright. Legal, moral, and social issues of cross-cultural acculturation are also examined with regard to the making of new creative works under the scheme of economic creativity. This study concludes by assessing the significant prospect of acculturation with the Ramayana epic as a model.

Using descriptive qualitative methods, the literature mainly focuses on two reference sources as the basis of analysis. The primary source consists of a thesis, research dissertation, and regulation to support the introduction of the concept of cultural and traditional art as well as the basic philosophy of copyright law. Meanwhile, the secondary sources are books, journals, and papers relevant to the analysis. This method assesses a possible problem in the legal and moral aspects of cultural acculturation in the field of creative economics using statute, conceptual, and historical methods. Compared to other academic articles that review the history and story of the Ramayana from a cultural perspective, this study has a different focus and norm. In addition to focusing on the legal aspect, the Ramayana epic script is used as a simulation of devising new creative work. The results are expected to provide legal certainty regarding the cultural acculturation activities and the ownership status of the results from a hypothetical study of the acculturation creation of the Ramayana epic in the form of ballet in Indonesia.

## 2. ANALYSIS AND DISCUSSION

### 2.1. Conceptions of Culture and Art Traditions

In the perspective of human life, plurality is inevitable and indispensable,<sup>1</sup> which includes cultural and traditional values. Cultural plurality is formed because human life has variety of challenges that require solutions from creative and innovative talents. In the midst of cultural diversity, each community is influenced by and influences other cultures.<sup>2</sup> In fact, traditions and moral values are tied to religious roots, ascetic and strong.<sup>3</sup>

Cultural diversity allows the freedom to interact in various forms of traditional art, literature, dance, and music. However, this freedom of interaction cannot be separated from the obligation to maintain and respect primordial values. Cultural diversity also opens up opportunities to develop new acculturation creations that are more creative and temporary. To oversee creativity, the law is established to ensure that the obligation to respect, appreciate, and protect cultural values inherited from the nation's ancestors is accomplished.

According to the intended purpose, the law is designed to uphold the integrity and sustain the preservation of cultural values. In particular, Copyright Law stipulates the protection of Moral Rights,<sup>4</sup> in the form of prohibiting the distortion, mutilation, and modification of other people's works, including traditional artworks. In Bhikhu Parekh's view, culture is easy to destroy but difficult to develop.<sup>5</sup> Therefore, the law should be present to limit the freedom of ideas and creations of acculturation works not to distort the nobility of traditional works of art.

1 John Rawls in A Theory of Justice, quoted in Bhikhu Parekh, *Rethinking Multiculturalism, Keberagaman Budaya, Dan Teori Praktik* (Yogyakarta: Kanisius, 2008), 115.

2 According to Koentjoroningrat, culture is defined as all human power and activities to process and change nature. Koentjoroningrat, *Manusia Dan Kebudayaan Di Indonesia* (Jakarta: Djambatan, 2004), 72.

3 Henry Hazlitt, *Dasar-Dasar Moralitas (The Foundations of Morality)* (Yogyakarta: Pustaka Pelajar, 2003), 99.

4 Henry Soelistyo, *Hak Cipta Tanpa Hak Moral* (Jakarta: Rajawali Pers, 2011), 27.

5 Parekh, *Rethinking Multiculturalism, Keberagaman Budaya, Dan Teori Praktik*, 229.

In the context of global community relations, the law recognizes the concept of a common heritage for works of world cultural heritage, which have aesthetic, moral, literary, social, and spiritual dimensions.<sup>6</sup> This recognition also applies to the ownership of cultural heritage, including Valmiki's literary work, Ramayana,<sup>7</sup> and Vyasa's Mahabharata from India. As a common heritage, Ramayana has become part of the culture of Indonesia, Thailand, Vietnam, Burma, and Malaysia.<sup>8</sup>

## 2.2. Conception of IPR Protection for Tradition Artworks

The conception of modern law recognizes the protection of Intellectual Property Rights as part of exclusive and monopolistic rights.<sup>9</sup> The scope of IPR protection includes Copyright<sup>10</sup> and several Industrial Properties such as Patent,<sup>11</sup> Trademarks,<sup>12</sup> and Industrial Design.<sup>13</sup> In Indonesia, these legal instruments have been specifically regulated by law. As a member of the WTO,<sup>14</sup> Indonesia is obliged to set up a complete IPR legal system and enforce such system adequately, and effectively, as mandated in the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.<sup>15</sup>

In the field of Copyright, the law covers copyrighted works in the field of science,<sup>16</sup> arts,<sup>17</sup> and literature<sup>18</sup> as an object of protection lasting for the author's lifetime and continues for 70 years. Meanwhile, the work becomes public domain after the expiration of such term. This means that the work can be freely used by anyone, provided the integrity of the author is respected.

Normatively, the contents of Copyright include Economic Rights and Moral Rights.<sup>19</sup> The essence is the monopoly right of the authors to enjoy the economic benefits of the work or to give a license to others to do so based on the agreement.<sup>20</sup> More specifically, the scope of Economic Rights includes Performing<sup>21</sup> and Mechanical Rights.<sup>22</sup>

6 Parekh, 229.

7 I Wayan Badrika, *Sejarah* (Jakarta: Erlangga, 2006), 5.

8 Badrika, 6.

9 Bambang Kesowo, *Pengantar Konsepsi Dasar Sekitar Hak Atas Kekayaan Intelektual (HAKI)* (Jakarta: Sinar Grafika, 2021), 7.

10 Law Number 28 of 2014 on Copyright (Copyright Act).

11 Law Number 13 of 2016 concerning Patents as amended by Law Number 11 of 2020 concerning Job Creation.

12 Law Number 20 of 2016 on Trademarks and Geographical Indications.

13 Law Number 31 of 2000 on Industrial Design.

14 Indonesia's membership in the WTO forum was established by Law Number 7 of 1994 on the Ratification of the Agreement Establishing The World Trade Organization.

15 Kesowo, 123–145.

16 Creation in the field of science (scientific work) includes, books, pamphlets, written works, lectures, speeches, and educational and scientific teaching aids and computer programs. Article 40 paragraph (1) letters a, b, and c Copyright Act.

17 Creation in the field of art includes, songs or music, drama, dance, choreography, puppetry, and pantomime, as well as all forms of fine art, architectural works, batik, and cinematography. Article 40 paragraph (1) letters d to m Copyright Act.

18 Works in the field of literature include translations, interpretations, adaptations, modifications, and arrangements, including those of traditional cultural expressions. Article 40 paragraph (1) letters n, o, p, q, and r Copyright Act.

19 Article 4 Copyright Act.

20 Article 80 Copyright Act.

21 By definition, Performing Right is the reading, broadcasting, and exhibition of a work using any device, whether electronic or non-electronic.

Article 1 number 11 of the Copyright Act.

22 Mechanical Right is the process of making, or the way of duplicating a unit of work or phonogram in any way and form, permanently or temporarily.

In this ecosystem, Copyright Law regulates the norms of exception and limitation based on the doctrine of fair use or for dealing.<sup>23</sup> Besides the exception norms of copyright infringement, person can also freely use public domain works, namely traditional art and other cultural heritage works, as a basis for creation of acculturation art.

Under IPR regime, cultural fusion or acculturation works is considered as a new and separated work protected by copyright law. The blended elements of its previous works represent originality stems from the authors. The law stipulate that the protection of the new fusion does not omit or remove the existence of copyright protection to all previous works. The said protection is also consistent with cultural heritage protection and has no conflict in the complexities of legal and cultural issues arising from merging of the two distinct cultural traditions.

In the field of musical work, it is common that foreign music elements have been interpreted in traditional practices in some parts of Indonesian culture. India, China, Arab and Japan are some of the countries influence Indonesian music traditional. In the legal perspective, there is no distortive conflict and is regarded as no infringement.

### 2.3. Ramayana in Indonesian Art Traditions

Historically, Ramayana epic spread from India to Asia along with the development of spice trade relations between Europe, India, and China around the 9<sup>th</sup> century AD during the Srivijaya Empire.<sup>24</sup> Sea trade routes allowed Ramayana and Mahabharata epics to reach Asia, including Sumatra and Java.<sup>25</sup> These two legendary of literary works inspired from Hindu myths and traditions<sup>26</sup> have significantly influenced the mindsets, beliefs, traditions, and cultures of domestic communities. From the preserved inscriptions on the ancient stone, Ramayana in Asian countries proves the existence of cultural contact<sup>27</sup> and not merely trade relations. For Indonesia, more than that, Ramayana story has become cultural part of life, traditions, and beliefs.

Despite the different versions<sup>28</sup> defined in the literature, Ramayana epic, tells the romantic life of King Rama and his wife Shinta.<sup>29</sup> Once upon a time, Shinta, who was considered the incarnation of Dewi Widowati, was kidnapped by Rahwana, the King of Alengka, with a clever tactics through the golden deer demon.

The release of the tempt golden deer is Rahwana's ploy to lure Rama away from Shinta. This part of the story is like the insertion of the local setting to enable Shinta to be kidnapped and taken to the forest.<sup>30</sup> In Laos, this story is a sacred part of Buddhist

<sup>23</sup> The conception of fair use or fair dealing is regulated in Chapter VI on Copyright restrictions, which includes Articles 43 through 51 of the Copyright Act.

<sup>24</sup> Santosh N. Desai, "Ramayana—An Instrument of Historical Contact and Cultural Transmission Between India and Asia," *The Journal of Asian Studies* 30, no. 1 (November 1970): 5–20, <https://doi.org/10.2307/2942721>.

<sup>25</sup> Desai, 9.

<sup>26</sup> Mohd. Zariat Abdul. Rani, "The History of Hinduism and Islam in Indonesia: A Review on Western Perspective," *Makara Human Behaviour Studies in Asia* 14, no. 1 (2010): 54–55, <https://doi.org/10.7454/mssh.v14i1.571>.

<sup>27</sup> Rani, 5.

<sup>28</sup> The series of reliefs carved at Prambanan Temple in Central Java shows a different version from those at Panataran Temple in East Java. Badrika, *Sejarah*, 5.

<sup>29</sup> Desai, "Ramayana—An Instrument of Historical Contact and Cultural Transmission Between India and Asia," 9.

<sup>30</sup> Desai, 12.

literature, but secular in Thailand.<sup>31</sup> Rama, assisted by Lesmana and an army of monkeys led by Hanoman, tried hard to save Shinta, causing a horrible battle. In short, the story ends with Shinta being saved and the couple of Rama and Shinta are reunited.<sup>32</sup> As a work of literature with moral value, the message of Ramayana is the defeat of evil against righteousness. It should be noted that in Indonesian version, Rama did not accept Shinta. The reason is related to Shinta's chastity while in the captivity of Rahwana. To prove the purity of her love and loyalty to Rama, Shinta was willing to sacrifice her body to be burned in purgatory. The result was very surprising, the body did not burn and the face became shining by the reflection of embers.<sup>33</sup>

In summary, Ramayana is not a fairy tale without meaning since the story contains moral, ethical, and life guidance. The credio of truth and loyalty have been transformed very sublimely in the life and culture of some Indonesians. Beauty, power, and wisdom merge in harmony in the divine story of Ramayana. The transformation of values takes place during Ramayana ballet performances, conducted regularly outdoors on the terrace of Prambanan Temple during every full moon.<sup>34</sup>

This performance implies the results of a very subtle and harmonious cultural acculturation process. In the Javanese choreography dance, the legendary Ramayana story has become a beautiful and majestic performance work. The show can unconsciously internalize the education of moral and ethical values in community life. From the perspective of creative economy, Ramayana ballet has become one of the masterpiece works in cultural industry.<sup>35</sup> The idea of continuing the creative industry as such is actually in line with Creative Economy Development agenda<sup>36</sup> and at the same time appropriate to the mission of promoting the nation culture<sup>37</sup> through a series of efforts.<sup>38</sup>

In the context of culture, Ramayana epic is not Indonesian cultural asset categorized as the regulation object of Cultural Promotion Law. However, as a public domain, Indonesia has the right to use and develop such Indian literary work based on the common heritage principle. Nevertheless, the law does not allow Indonesia to claim ownership of such kind of foreign literary works. The nation is only entitled to claim authorship over the new creation of Ramayana ballet, which is a work of cultural acculturation openly recognized by community.

31 According to Santosh's study, the Cambodian version also has similarities with Indonesia, as reflected in the Vaisvana Temple at Ba Puon and Prambanan Temple. The Malaysian version of the Ramayana is entirely a version of the Javanese Serat Kanda, which contains many Muslim Legends.

32 Desai, "Ramayana—An Instrument of Historical Contact and Cultural Transmission Between India and Asia."

33 Because it is such a tragic and moving moment, directors often make it into a special "Shinta Obong" episode. Compare this with the heroic "Hanoman Duto" episode which tells the story of Hanoman's rage by burning down the kingdom of Alengka.

34 Mass media coverage noted that the substance of Ramayana in the Prambanan Temple area attracted many tourists. Victorianus Sat Pranyoto, "Sendratari Ramayana Di Kawasan Candi Prambanan Banyak Diminati Wisatawan," Antara News Jogja, May 8, 2022, <https://jogja.antaranews.com/berita/552237/sendratari-ramayana-di-kawasan-candi-prambanan-banyak-diminati-wisatawan>.

35 "Kampung Wisata Jogja," Dinas Pariwisata Kota Yogyakarta, April 30, 2018, <https://pariwisata.jogjakota.go.id/detail/index/55>.

36 Law Number 24 of 2019 on Creative Economy.

37 Law Number 5 of 2017 on the Promotion of Culture.

38 The substance of the promotion of culture act becomes a reference in managing Indonesia's cultural wealth, including oral traditions, manuscripts, customs, rites, traditional knowledge, traditional technology, arts, languages and folk games.

## 2.4. Development of Ramayana Ballet Creation Based on Cultural Acculturation

In the general elucidation of Copyright Law, adequate protection has succeeded in bringing significant growth in creative economy<sup>39</sup> and making a real contribution to the national economy as well as community welfare. Therefore, creativity and intellectual ability are the driving forces of creative economic development. Creative economy as a “soft power” will be able to show greater strength when supported by quality economic actors. Moreover, the existence of a unique and diverse cultural heritage can strengthen the quality of creative economic products.<sup>40</sup> For Indonesia, the positive influence of Copyright protection is certainly more significant given the large number of talents and the abundance of cultural wealth acting as a source of inspiration for the development of new creations through acculturation.

In developing creative economy, the government is obliged to establish a conducive ecosystem to support creative and innovative society.<sup>41</sup> In this context, one of the ideal creative economy development models is through acculturation-based creative industry. The industry can play a role in developing modern and contemporary creations for domestic and international communities.<sup>42</sup>

## 2.5. Restriction Norms for Acculturation Creation

Many artists have succeeded in developing creative works using traditional music, dance, and stories including sagas, legends, or folklore as inspiration. Several films, music, and ballet are some of the commercially successful works of the industry based on cultural acculturation. While safeguarding the essence of freedom in creativity, the law normatively imposes various restrictions, obliging individuals to uphold and respect cultural values, including associated morals and ethics. There are also sensitive signs that should not be violated,<sup>43</sup> in the form of intrinsic values<sup>44</sup> inherent in the original culture. However, in every work of tradition and culture, there is the inherent dignity of community with the essential values. Creative freedom<sup>45</sup> is limited by legal norms as well as moral and ethical values prevailed in the community.

39 This is appropriate to the paradigm shift of the economic world, from resource-based to science and creativity-based. Mauled Moelyono, *Menggerakkan Ekonomi Kreatif: Antara Tuntutan Dan Kebutuhan* (Jakarta: Rajawali Pers, 2010), 95.

40 Ahmad M. Ramli, *Hak Cipta, Disrupsi Digital Ekonomi Kreatif* (Bandung: Institut Pandya Astagina & PT Alumni, 2018), 99.

41 Maksun Rangkuti, “Ekonomi Kreatif: Pengertian, Ciri-Ciri, Manfaat Dan Contohnya,” Fakultas Ekonomi dan Bisnis UMSU, June 19, 2023, <https://feb.umsu.ac.id/ekonomi-kreatif-pengertian-ciri-ciri-manfaat-dan-contohnya>.

42 The online game Ragnarok, which is popular among teenagers today, was created based on a folklore story from Korea. In the field of music, Guruh Soekarnoputra, with the Gypsy Band group, has succeeded in creating a rock music album that is synergized with traditional Balinese music. Moelyono, *Menggerakkan Ekonomi Kreatif: Antara Tuntutan Dan Kebutuhan*, 276.

43 Among them are the customs and rituals that the community still believe in.

44 It means the nature of everything that is valuable in itself, which is an element that should not be missed in literary works. Kholida Qothrunnada, “Memahami Unsur Intrinsik Dan Ekstrinsik Dalam Cerita Pendek,” Detik-edu, November 15, 2021, <https://www.detik.com/edu/detikpedia/d-5811906/memahami-unsur-intrinsik-dan-ekstrinsik-dalam-cerita-pendek>.

45 According to Amartya Sen, as explained by Sumaryo, freedom includes the process and real opportunity aspects. In the process aspect, freedom is defined as the freedom to choose something that is considered good without intervention, while the second is the ability to achieve something that is regarded as valuable. Sunaryo, *Etika Berbasis Kebebasan Amartya Sen* (Jakarta: PT Gramedia Pustaka Utama, 2017), 4.

## 2.6. Ramayana Ballet as a Form of Cultural Acculturation

Acculturation is an interaction including two or more cultural elements leading to changes without removing the original factors in community.<sup>46</sup> In cultural context, this variable represents an intersection of two distinct cultures, where the prevailing cultural elements exerting a greater influence can be observed in the culture hosting Ramayana.<sup>47</sup>

In Indonesia, cultural acculturation has predominantly manifested in subtle, peaceful, and harmonious ways. Regardless of whether Indonesian cultural elements wield dominance or play a minor role in influence, the process of cultural change does not dilute the values and characteristics rooted in Indonesian origin. Community is formed from hundreds of ethnic groups<sup>48</sup> that have traditional identities<sup>49</sup> to cumulatively form a national identity.<sup>50</sup> In the national identity, several local identities are formed based on the teaching of values, principles, norms, and customs of behavior.<sup>51</sup> Meanwhile, traditional arts represent both traditional and local identities. According to Hans J. Daeng, national identity can be inherent and characterized by the historicity deep rooted in the pile of collective experiences<sup>52</sup> of community. The local culture or tradition of community did not vanish as a result of acculturation process when Hindu-Buddhist influences entered Indonesia.<sup>53</sup> For example, Wayang performances have their story narratives derived from Indian literature,<sup>54</sup> but the gamelan music and dance are indigenous to Indonesian culture.

In Ramayana ballet, acculturation occurs between Indian literature and Indonesian dance, in the form of aesthetic and glorious choreographic performances. Even without dialog, this ballet can convey transcendent<sup>55</sup> and educative moral messages. The nature of goodness is shown in the figure of the knight, and the ugliness is symbolized in the figure of the giant.<sup>56</sup> Javanese dance also has distinctive idioms, such as worship as a form of respect, devotion, obedience, and submission.

46 The Copyright Act has norms of protection for the nation's traditions and culture that should be maintained and preserved without destroying their essence. Read Article 38 paragraphs (2) and (3) Copyright Act.

47 Edi Sedyawati, *Transformasi Budaya Jawa Dalam Kerangka Dinamika Antar Pusat* (Jakarta: Departemen Pendidikan dan Kebudayaan RI, 1997); Yayan Suryana, "Akulturasi Kebudayaan (Hindu-Buddha-Islam) Dalam Buku Teks Pelajaran Sejarah Nasional Indonesia," *Jurnal Pendidikan Ilmu Sosial* 26, no. 1 (June 2017): 105, <https://doi.org/10.17509/jpis.v26i1.6925>.

48 Hans J. Daeng, *Manusia, Kebudayaan Dan Lingkungan: Tinjauan Antropologis* (Yogyakarta: Pustaka Belajar, 2008), 304.

49 These traditional identities are circled by primordial boundaries in the form of family, village, tribal, and religious ties. Daeng, *Manusia, Kebudayaan Dan Lingkungan: Tinjauan Antropologis*.

50 In Japan, Bushido has become as much a part of the national identity as wayang (shadow puppetry) in the Javanese community because it teaches the primary values that guide the community's life. M. Syamsudin, ed., *Hukum Adat Dan Modernisasi Hukum, Bunga Rampai* (Yogyakarta: Fakultas Hukum Universitas Islam Indonesia, 1998), 113.

51 Wasisto Raharjojati, ed., *Relasi Nasionalisme Dan Globalisme Kontemporer: Sebuah Kajian Konseptual* (Yogyakarta: Pustaka Pelajar, 2017), 69.

52 Daeng, *Manusia, Kebudayaan Dan Lingkungan: Tinjauan Antropologis*.

53 Daeng.

54 Daeng.

55 What is meant by transcendent is sublime and beyond human experience. It means going beyond what is seen that can be found in the universe. For example, understanding the nature of God, which is considered so far away, distant, and impossible for humans to understand. "Transeden," Wikipedia, accessed December 23, 2023, <https://id.wikipedia.org/wiki/Transenden>.

56 Compare with Rita Hasugian, "Pawai Ogoh-Ogoh, 8 'Raksasa' Simbol Kejahatan Dikalahkan Saat Nyepi," *KatongNTT.com*, accessed December 31, 2023, <https://katongntt.com/raksasa-kejahatan-nyepi-hindu-kota-kupang/>.

To implement Creative Economy policy,<sup>57</sup> it is advisable that Ramayana-based cultural acculturation is used as a model or benchmark. Artists need to be promoted and motivated in creating more and more creative work. The existence of Copyright Law and Cultural Promotion Law are instruments that can assure the efforts of artists to obtain economic and reputational rewards. The richness of culture and traditional art is very open to being used as an inspiration base to create unlimited acculturation works of art.

## 2.7. Acculturation Corridor

Considering the existing creation of Ramayana ballet performed unchanged at Prambanan Temple, and the limited number of new modifications by dance artists,<sup>58</sup> creativity of choreographers needs to be directed to implement the concept of cultural acculturation.<sup>59</sup> The central problem is the limited ability level and creativity of artists, in addition to cultural constraints, ethical limitations, and moral values of rituals and myths.<sup>60</sup> These include the need for performers to fast and prepare ritual offerings,<sup>61</sup> according to traditions and beliefs. Animist beliefs<sup>62</sup> remain persist in this respect despite the growing influence of Hinduism and Buddhism as well as the dilution of cultural values.

In Indonesian cultural repertoire, Ramayana ballet is a legendary landmark in the history of cultural acculturation. Moreover, the contemporary generation's creativity contributes significantly to the evolution of this historical work of art, preventing the concept from becoming stagnant and monotonous. A range of innovative ideas should be integrated into Creative Economy development policy to promote the development of new and diverse works. It is important to follow an acculturation model for creativity while maintaining a vigilant regard for internal filters, ethics, and inherent morals serving as reminders of the boundaries in creative freedom. By the inherent definition, acculturation inevitably initiates change that must remain circumscribed to prevent the erosion of the personality and traditional identity.

The history shows that a lot of cultural works are transformed into the fusion peacefully. The essence of such cultural works is creative activities with the spirit of living in harmony and unity. Moreover, people also believe the spirit of common heritage of human kind.

57 Muhammad Idris, "Pengertian Dan Hubungan Antara Ekonomi Kreatif Dan Industri Kreatif," Kompas.com, October 20, 2023, <https://money.kompas.com/read/2023/10/20/094121826/bagaimanakah-hubungan-antara-ekonomi-kreatif-dan-industri-kreatif>.

58 Putri Pramesthi Wigaringtyas, "Dramatari Ramayana Karya Nuryanto (Suatu Kajian Kreativitas)" (Thesis, Institut Seni Indonesia, 2014), <http://repository.isi-ska.ac.id/1119/>.

59 Cultural acculturation is actually a natural and legitimate form of creativity. According to Ki Hadjar Dewantara as quoted by Suminto A. Sayuti, creativity includes 3N, namely ngerti, niroke and nambahi which means understanding, imitating and adding to the culture. Tim Penyunting PUI Javanologi UNS, *Menggagas Metodologi Jawa, Wacana, Identitas Dan Paradigma* (Surakarta: LPPM UNS, 2021), 136.

60 Javanese beliefs require certain rituals to be performed when staging a play about the story of Aryo Penangsang. This story is an excerpt from the history of kingdoms in Java, which is full of intrigues and wars. The community believes that if the ritual is not performed, the performance will result in death or demonic possession among the audience.

61 Ritual offering is a tradition that stems from the belief of worshipping the spirits of ancestors and the gods of nature. Badrika, *Sejarah*, 121.

62 Badrika, *Sejarah*.



In accordance with that concept, cultural products could also free to be developed as elements of industrial culture, in the form of dances, films, performances, music and others. Based in IPR legal system, such kind of cultural works could be monetized. The authors could enjoy economic value as projected under the scheme of economic creative.

## **2.8. Cultural Acculturation Simulation in the Development of Ramayana Ballet**

There has been frequent focus on the need for creative and innovative attitude in responding the global era. The same orientation should also permeate the fields of art and culture. A meaning of creativity is community effort to continuously create various creative works monetized into monetary value.<sup>63</sup> In addressing the boredom and stagnation of traditional art, a new version of Ramayana ballet should be created by acculturating elements of regional arts such as Reog from Ponorogo, Kecak Dance from Bali, and Saman Dance from Aceh, as well as foreign traditional arts like Lion Dance Barongsai from China.<sup>64</sup>

Ramayana ballet<sup>65</sup> can be ameliorated through acculturation of regional traditional arts. An example is in the episode where Rama struggles to capture the golden deer, which is a magical creature baited by Rahwana. The moment would be more captivating when shown with the lively and dynamic Saman Dance. The synchronized sounds represented Rama's curiosity, who could not capture the agile, funny, and tempting deer. Furthermore, the idea of acculturation in the episode of Shinta being abducted by Rahwana is intriguing by incorporating Barongsai dance. The confusion, anxiety, and anger of Rama are impressively reflected through the Barongsai dance, leaping and running uncontrollably. Rama's peak of anger is expressed by kicking, shouting, and blindly expelling Barongsai.

In the episode where Hanoman burns the palace of Alengka Kingdom, acculturation can be achieved by showcasing a group of Barongsai dancers wearing special fiery red robes, leaping wildly in all directions. This scene is combined with the performance of Hanoman through fire-breathing<sup>66</sup> to burn down all the facilities of Alengka palace. Acculturation can also be explored by presenting Kecak Dance in the episode of Shinta's burning during the ritual to prove purity, despite being in Rahwana's captivity for a long time. In this Shinta Obong episode, the miracle of the body not burning should genuinely create an atmosphere of

63 Sutrisno, *Ranah-Ranah Kebudayaan*, 200.

64 Barongsai is a traditional Chinese Lion Dance usually performed during the Chinese New Year Celebration by wearing clothes resembling lions. "Sai" comes from the Hokkien language meaning lion. In Chinese belief, the lion symbolizes courage, strength, wisdom, and excellence. "Barongsai," Wikipedia, accessed December 28, 2023, <https://id.wikipedia.org/wiki/Barongsai>; Chinese cultural arts that also entered Indonesia included wayang kulit (shadow puppet) with the theme of potehi stories which were later used to play the Ramayana and other classic Indonesian stories. In addition, Gambang Kromong, a fusion of Chinese and Javanese music, was also introduced to Indonesia. Lee Khoon Choy, *Golden Dragon and Purple Phoenix, The Chinese and Their Multi Ethnic Descendants in Southeast Asia* (Singapore: World Scientific Publishing Co. Pte, Ltd., 2013), 205–207.

65 The Ramayana ballet was originally created by Surakarta-based artist Gusti Suryo Hamijaya in the 1960s with the involvement of renowned artist Sardono W. Kusumo. The performance involved more than 400 dance artists from Solo and Yogyakarta. This ballet consists of four episodes, namely Shinta Hilang, Hanoman Obong (Burned), Kumbakarna Gugur and Burning Shinta as an episode proving Shinta's purity. "Pembuktian Kesucian Shinta Dalam Sendratari Ramayana," Indonesia Kaya, accessed December 28, 2023, <https://indonesiakaya.com/pustaka-indonesia/pembuktian-kesucian-shinta-dalam-sendratari-ramayana/>.

66 Fire breathing is a magic trick that is quite popular in Indonesia. This attraction should be performed carefully so as not to cause a fatal accident. "Atraksi Menyemburkan Api, Risiko Sebenarnya Lebih Fatal Dari Luka Bakar," DetikHealth, August 25, 2014, <https://health.detik.com/berita-detikhealth/d-2671128/atraksi-menyemburkan-api-risiko-sebenarnya-lebih-fatal-dari-luka-bakar>.

sadness, sorrow, and mellowness. Additionally, Reog Ponorogo<sup>67</sup> can be featured to depict the fierceness of the wilderness, interacting magically with the giant guardians of Alengka forest.

## 2.9. Acculturation-Based Creative Economy Development Model

The simulation is used as a model for acculturation-based creative economic development. Substantially, Ramayana story remains unchanged in terms of the theme and moral messages. The inclusion of Saman, Kecak, and Reog Dances with Barongsai, needs to be assessed from various aspects and dimensions.

### 2.9.1. Legal and Moral Dimension of Cultural Acculturation

The new creative work resulting from acculturation is recognized as a new creation that entitle to enjoy copyright protection without diminishing the existence.<sup>68</sup> The status of the traditional creation elements is considered public domain, protected as part of Traditional Cultural Expression.<sup>69</sup> Following the use, the law requires considering the moral values in the preserved community. This provision aims to ensure that the use or utilization of Traditional Cultural Expression as a witness to community history<sup>70</sup> is performed carefully and the customs are respected.<sup>71</sup> In this respect, the use of artworks in Traditional Cultural Expression should not distort the associated cultural values and moral norms. Moreover, the law prohibits and does not allow the takeover of communal ownership rights of the entitled society.<sup>72</sup>

Acculturation of Indonesian culture abroad can be seen in Okinawa, Japan. In the traditional Eisa dance, there are elements of Indonesian culture in the form of a comedy show performed by two masked actors teasing a lion which is identical to Barongsai, the Chinese lion dance.<sup>73</sup>

Meanwhile, because of the spiritual foundation and Confucian beliefs, Korean people perform the Sebea ritual dance<sup>74</sup> which is an ancestral memorial ceremony which was also influenced by Buddhism and Christianity. Korean folk music, Pansori and Pungmul involving drumming, singing and dancing has similarities to music in Japan and Vietnam. What is certain is that Korean Palace music, which was developed

67 Reog Ponorogo is a traditional dance with magic elements from Ponorogo, East Java, representing tradition and determination. The main performer has a lion's head with peacock feathers. "Karakter Penari Reog Ponorogo," Dinas Kebudayaan Pariwisata Pemuda dan Olahraga Kabupaten Ponorogo, accessed December 24, 2023, <https://disbudparpora.ponorogo.go.id/karakter-penari-reog-ponorogo/>.

68 Article 33(2) of the Copyright Act.

69 Traditional Cultural Expression includes one or a combination of forms of creative expression, which include verbal textual, both oral and written, such as literary works, music, dance, theater, or performances of folk plays, visual arts, and traditional ceremonies. For such works, the state is obliged to inventory, safeguard, and maintain Traditional Cultural Expressions, including in terms of their use which should pay attention to the values that live in the developing community. Read the explanation of Article 38 of the Copyright Act.

70 Zhang, Research on Intellectual Property Protection of Folklore (Beijing: Law Press, 2007), 42 as cited in Diah Imaningrum Susanti, *Ekspresi Budaya Tradisional Dan Hak Kekayaan Intelektual* (Malang: Percetakan Dioma, 2019), 75.

71 Read the explanation of Article 38 paragraph (3) of the Copyright Act.

72 The development community is the community of traditional work origin that has been maintaining and preserving it.

Explanation of Article 38 paragraph (3) of the Copyright Act.

73 Ahmad Masaul Khoiri, "Ada Dagelan Mirip Ketoprak Di Tari Tradisional Jepang," Detik Travel, July 10, 2018, <https://travel.detik.com/international-destination/d-4107843/ada-dagelan-mirip-ketoprak-di-tari-tradisional-jepang-ini>.

74 "Budaya Korea: Sejarah, Adat Dan Masyarakat Serta Zaman Modern," Optima Education, January 15, 2024, <https://optima-education.com/budaya-korea-sejarah-adat-dan-masyarakat-serta-zaman-modern/>.

at the beginning of the Joseon Dynasty, was an acculturation of Chinese Palace music.<sup>75</sup> Traditional Korean clothing hanbok was also acculturated with traditional Japanese and Chinese clothing styles.<sup>76</sup>

In Australia, cultural acculturation occurs in the version of the dominant majority group which proceeds in an integrated manner but remains receptive to ethnic minority cultures such as aborigin tribal. Intercultural sensitivity factors do not allow the emergence of clear cultural preferences.<sup>77</sup>

The acculturation of Arab culture in Indonesia occurs in language, music such as shalawat, nasyid, and musical instruments such as tambourine and marawis. Likewise, the acculturation of mosque building art happened as part of the Islamization process.<sup>78</sup>

It should be noted that cross border cultural fusion, both foreign elements into Indonesia vice versa, reflecting that no boundaries of cultural acculturation, and no legal conflict in its process. Most of the artistic dances, classical musics and heroic as well as magical expression of ritual ceremony are rearranged in the new structure of accultural works. All are made in harmony.

### 2.9.2. Commercial and Social Aspects

In the examples provided, new creative works possess an economic value that can be commercially leveraged. The objective of promoting creative economy can be achieved with greater diversity. The potential contribution to the national economy also expands due to the development of the increasing number of creative works rooted in acculturation.

In terms of commercialization, Ramayana ballet performance arena can be expanded to reach other cultural tourist locations such as Penataran temple, Suku, Sewu, and Besakih Temple in Bali. This can also be wrapped up in film or video recordings in collaboration with filmmakers and other industry professionals.

In the global context, cultural exchange activities can be developed with Japan, South Korea, and Singapore. The experience of staging the dance drama I La Galigo<sup>79</sup> serves as an interesting example. Interestingly, the story of I La Galigo is the longest literary work from South Sulawesi.<sup>80</sup> This work narrates the origin of human life on Earth and also carries high moral and religious values.<sup>81</sup> By adopting a “go global approach”, the commercialization of the economic value of creations can be optimized. Furthermore, this strategy facilitates traditional cultural exchanges, enriching perspectives on art and serving as a source of inspiration for creativity, innovation, and productivity in society.

75 “Budaya Korea: Sejarah, Adat Dan Masyarakat Serta Zaman Modern.”

76 “Budaya Korea: Sejarah, Adat Dan Masyarakat Serta Zaman Modern.”

77 Justine Dandy et al., “How Do Australian Majority-Group Members Acculturate? A Person-Centred Approach,” *International Journal of Intercultural Relations* 97 (November 2023), <https://doi.org/10.1016/j.ijin-trel.2023.101876>.

78 Shafira Shada Tamara, “Akulturasi Kebudayaan Arab Di Indonesia,” *Semnasbama (Seminar Nasional Bahasa Arab)* 5 (2021): 290–301, <https://prosiding.arab-um.com/index.php/semnasbama/article/view/798>.

79 A few years ago, Indonesian artists collaborated with American and European artists on the musical drama I La Galigo at the Esplanade Theater in Singapore in March 2004. “I La Galigo,” Robert Wilson, accessed July 7, 2019, <https://robertwilson.com/i-la-galigo>.

80 “I La Galigo, Sebuah Kitab Suci Asli Bugis,” Indonesia.go.id, February 15, 2019, <https://indonesia.go.id/ragam/budaya/kebudayaan/la-galigo-sebuah-kitab-suci-asli-bugis>.

81 For some Bugis who follow a local religion, I La Galigo is like their holy book. “I La Galigo, Sebuah Kitab Suci Asli Bugis.”

From a social aspect, an important consideration is belief, religion, or faith. The issue is whether the acculturation of cultural works does not carry the potential for blasphemy or disrespect of the nation's noble values. The mission and orientation of enhancing the creative economy through cultural acculturation and the exploitation of traditional arts do not desire disturbances or rejection due to the disruption of sacred and noble religious and traditional values. Therefore, the notion of art, which may seem very liberal in grounding artistic work, should be limited to a clear interpretation. Art should contribute to creating a peaceful atmosphere in harmonious social dynamics, not disturbance and division.

Another aspect that needs special attention is the social-political dimension of fashioning new creative works based on acculturation. Considering that the process includes foreign cultural treasures, two sensitive aspects need to be carefully addressed and considered.

Firstly, in the aspect of the traditional and national identities attached to the cultural wealth of the nation, In this respect, the Ramayana literary work is a national identity of India, and thus the traditional epic has spread to several countries in Asia. However, none of the recipients claim the Ramayana as its cultural treasure. This peace phenomenon occurs due to India's openness or a shared understanding of the "common heritage" doctrine enjoyed freely by all of society. Similarly, Lion Dance Barongsai from China has also become ingrained in Indonesian culture.

The understanding above is different from the community attitude towards Malaysia regarding the use of Batik, Reog Ponorogo, Pendet Dance, and Indonesian songs for tourism advertisements..<sup>82</sup> In various cases of the use of cultural works, some of Indonesian people have shown anger to the extent of burning the Malaysian flag<sup>83</sup> in front of the Embassy in Jakarta. It should be noted, however, as a fellow country of the Malay Family, the potential for the intersection or ownership of shared culture is very large and open.

Secondly, in terms of belief, related to politic. In this context, Ramayana script contains philosophical values, traditions, and religious elements that serve as moral guidance in the order of life. Therefore, the creative works resulting from cultural acculturation should not distort beliefs or diminish the meaning of these religious values. Cultural ownership originating from other countries has the potential to cause disturbances in social-political relationships and national sentiments. As indicated in the mission of creative economy program, industry activities should be carried out cautiously. For

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82 Helmi Ade Saputra, "Iklan Pariwisata Malaysia Di Inggris Dikritik," Oketravel, February 20, 2015, <https://travel.okezone.com/read/2015/02/20/406/1108442/iklan-pariwisata-malaysia-di-inggris-dikritik>; Read also "Penari Pendet Dalam Iklan Pariwisata Malaysia Protes," Liputan6, August 25, 2009, <https://www.liputan6.com/news/read/241836/penari-pendet-dalam-iklan-pariwisata-malaysia-protos>.

83 "Bendera RI Terbalik: Perseteruan Dari Gangyang Malaysia Ke 'Malingsia,'" BBC News Indonesia, August 22, 2017, <https://www.bbc.com/indonesia/majalah-40996111>; Read also "Kronologi Rasa Sayange Di Klaim Malaysia Hingga Diprotes PM," CNN Indonesia, September 7, 2023, <https://www.cnnindonesia.com/internasional/20230907110558-106-995928/kronologi-rasa-sayange-diklaim-malaysia-hingga-diprotes-pm-anwar/2>.

example, sanctifying temples,<sup>84</sup> as the tradition of making offerings with mantras,<sup>85</sup> is a tangible form of living culture that should be preserved and respected.<sup>86</sup> Acculturation of traditional arts should strive to prevent the influence of cultural erosion or rejection of community customs and beliefs.

### 3. CONCLUSION

In conclusion, legal principles were developed to affirm that copyright existed for new works without diminishing the protection for old creations used as inspiration and the foundation of creative works. In the process of creating works with a cultural acculturation model, the resulting new creative work obtained independent and separate copyright protection. Meanwhile, elements of traditional creations, derived from traditional or foreign cultural wealth, were protected as traditional cultural expressions. Furthermore, the state protects traditional cultural expressions owned by Indonesia against the possibility of misappreciation and unfair exploitation by foreign parties. From the legal and moral dimensions, protection primarily prevented the exploitation of cultural wealth, including the creation of acculturation that damaged the values of tradition and moral values. For Indonesia, the process of creating new creative works through the cultural acculturation model served as a gateway to exploring cultural wealth in various regions. Careful creativity in the acculturation space allowed the community to create diverse new works, enriching the nation's cultural heritage. Therefore, social creativity should be nurtured in line with policies for the development of the creative economy to support the improvement of the nation's prosperity. From the perspective of the creative economy, creativity became the main authoritative and visionary engine, while cultural acculturation was defined as the legal path to a lucrative industry to realize people's welfare.

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84 "6 Candi Tertinggi Di Indonesia, Tempat Sakral Untuk Memuja Dewa," Phinemo, accessed December 29, 2023, [https://phinemo.com/6-candi-tertinggi-di-indonesia-tempat-sakral-untuk-memuja-para-dewa/53160755\\_255415652032240\\_641887583973196303\\_n/](https://phinemo.com/6-candi-tertinggi-di-indonesia-tempat-sakral-untuk-memuja-para-dewa/53160755_255415652032240_641887583973196303_n/).

85 Malida Dinni Pratiwi, "Antara Yang Sakral Dan Yang Profan Dalam Tradisi Adat Larung Sesaji Di Telaga Ngebel Kecamatan Ngebel Kabupaten Ponorogo" (Thesis, Universitas Brawijaya Malang, 2018), <http://repository.ub.ac.id/id/eprint/7989/>.

86 Rifda A., "Daftar Tembang Mancapat Dan Maknanya," Gramedia Blog, December 29, 2023, <https://www.gramedia.com/literasi/daftar-tembang-macapat-dan-maknanya/>.

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