

The Urgency of Gorontalo Traditional Cultural Regulation Expression as a Form of Legal Protection for National Culture

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Submission date: 24-Apr-2023 01:43PM (UTC+0800)

Submission ID: 2073698431

File name: eai.10-9-2019.2289412.pdf (162.96K)

Word count: 1804

Character count: 10167

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Abstract. The diversity of tribes, languages, customs, and beliefs that exist in Indonesia makes Indonesia as a traditional culture-rich country. In the context of cultural diversity, a Dutch legal expert, Van Vollen Hoven has divided into 19 customary law territories, which of course has a distinctive cultural characteristic, which is undoubtedly different. Indonesia has 1,128 tribes spread across Indonesia with more than 300 regional dialects, more than 3,000 (three thousand) native Indonesian dances, and there are various other arts such as traditional songs, traditional musical instruments, traditional arts, etc. As one of the provinces in Indonesia, Gorontalo has a cultural expression wealth from regional stories, songs, traditional clothes, to local martial arts known as long. The expression of traditional culture must be protected and preserved, regarding the social conditions, and the current world development, both the flow of globalization put IT progress as one of the global currents. The urgency of traditional cultural expression settings is that there will be protected and legal guarantees which can be a medium for improvement of society and region welfare, as well as a form of appreciation and struggle to preserve and protect the cultural heritage of our ancestors.

1. Introduction

The expression of traditional culture is a cultural heritage possessed by every community entity. Overall Indonesia has 1,128 tribes spread across Indonesia with more than 300 regional dialects, more than 3,000 (three thousand) native Indonesian dances, and there are various other arts such as traditional songs, traditional musical instruments, traditional arts and so on. [1]. All of these traditional cultural expressions need to be protected from the state.

The issue of protecting traditional cultural expression has been an international conversation since 1967. Then in 2001, it became an important issue that was discussed at the first session of the Intergovernmental Committee on Intellectual Property and Genetic Property Organization (WIPO) in Geneva, Switzerland [2]. Unfortunately, at the local level (area), the problem of traditional cultural expression seemed neglected. Whereas the cultural expression possessed by each region has the uniqueness as well as the identity of the community and even the management of traditional cultural expression can well

support the regional development process.

It can not be denied that most of the regions, especially Gorontalo, has not been fully developed a comprehensive policy related to the process of protecting their traditional cultural expressions. Therefore this paper will be described issues related to the urgency of Gorontalo traditional cultural expression as a form of legal protection for the national culture.

2. Culture as The Nation Identity

Discussing the subject of culture is not easy since cultural affairs involve all of the components of human life as a social creature. Consequently, the interpretation of culture will be different across generations. This can be seen from the differences in interpreting the meaning of culture itself.

Some of the cultural definitions described by experts have no uniformity. Tylor dominates culture similar to civilization; on the other hand, Freud tends to crash between nature and culture [3]. Apart from the question of interpretation, for us, culture is essentially an attempt to manifest human existence, or in, culture is the identity of a society. This is also said by Koentjaraningrat [3] which describes culture as the whole system of ideas and feelings, actions, and works produced by humans in the life society, made his own through learning. At this point, it can be seen how the culture becomes a tool for a human to keep understand his existence in doing something useful for the civilization as well as a distinction between the people's lives. As a differentiator, culture is born in the local life community rather than the adoption of other cultures used as an adopted tradition of community life.

Van Vollen Hoven attracted the customary law demarcation in Indonesia as many as 19 common law areas, which all have different uniqueness. Although Indonesia is based on the mudflow diversity that makes Indonesia different from the other nations. Therefore indeed it said of culture as the identity of a nation.

The local values diversity that live in the community makes the efforts of the country participate in protecting these values. Article 18B Paragraph (2) of the 1945 Constitution explicitly states that the unity of indigenous and tribal peoples and their traditional rights inherent in them are recognized and respected by the state as long as they are not contradictory to the principle of the Unitary State of Indonesia Republic (NKRI). State recognition of the unity of indigenous peoples and their inherent rights further accommodated into legislation which is a derivative rule of the state constitution. This is as stated in Article 38, paragraph (2) of Law no. 28 of 2014 on Copyright which affirms that traditional cultural expressions must be inventoried, guarded and maintained by the state.

Although in reality, the government often suffers from neglect of efforts to protect and preserve the traditional culture. This is evident from the recognition of 34 types of Indonesian culture by other countries, such as: Reog Ponorogo Dance, Rasa Sayang Song and Pendet Dance [1]. The recognition of our traditional culture by other countries shows the government's inefficiency in protecting and preserving the culture, in the other hand it could be said to lack the sense of belonging to the cultural heritage of our ancestors. Our nationalism is torn apart when others annex our property since we never take part to care for, protect, and preserve it. Our nationalism is in a vacuum when there is a new inflated problem, where all ultimately only imitate ourselves as nationalist.

3. Findings

By juridical, Gorontalo was ratified as a provincial area in 2000 through Law no. 38 of 2000 on Gorontalo Province Establishment signed by Abdurrahman Wahid as President of the Republic of Indonesia. Previously Gorontalo is a part of the North Sulawesi Province. The desire to conduct autonomous governmental affairs, not part of North Sulawesi, is an effort to bring Gorontalo people's lives to a better direction based on their particularities. The results of Kimura's [4] study concluded that Gorontalo's birth was not based on tensions between the central and local governments, but was more encouraged in terms of widening access and opening new lines of contact with the recognized central government rather than difficult as part of the Sulawesi Province North.

However, it was the youngest province at the time, Gorontalo, had a proud record of history in the course of Indonesian independence. Gorontalo is an area that has proclaimed its independence on January 23, 1942, although Indonesia was only independent in 1945, Gorontalo remain faithful in one tie of Indonesia. In addition to having its historical record, Gorontalo is also one of 19 customary jurisdictions classified by van Vollen Hoven. This can be seen from the philosophical foundation which becomes the framework of the administration of the regional government and the life of the people, namely *aadati hula-hula to Sara's, Sara's hula-hula to Kuru'ani* which translates into *syara* custom start', start' in Qor' an [5]. Since becoming an autonomous region up to now, the traditional cultural expression of Gorontalo listed in Education and Culture Ministry only ten types, as follows: Molapi Saronde Dance, Tanggomo, Polopalo, Karawo, Tumbilotohe, Langa, Lohidu, Tahuli, Dayang / Wumbungo, and Binte Biluhuta. This figure is still petite compared to the results of data collection of Gorontalo traditional culture by the Education Office of Culture of Youth and Sport of Gorontalo Province, which reached 241 species. This is further exacerbated by the results of research showing Gorontalo language is one of the almost extinct regional languages.

Coverage of traditional cultural expression, as stated in Law no. 28 of 2014 is one of the following combination forms of expression: (a) textual verbal, both oral and written; (B) music; (C) the motion includes, among others, dance; (D) theater; (E) fine arts; And (f) traditional ceremonies. All are contained in this law also owned by Gorontalo. Unfortunately, there is no adequate legal protection related to the traditional protection of cultural expressions.

The existence of regulations related to the protection of Gorontalo traditional cultural expression can be directed to the formal legal protection area and also on its preservation. Efforts to protect traditional cultural expression can be made through the data collection, assessment, registration, and recording to the relevant ministries. As its preservation did through protection, development, and utilization, regulations in the regions also need to be encouraged about the social participation of all components in providing protection and preservation of traditional cultural expressions.

As a province formed to optimize the existing potential for its people's welfare, without marginalizing the cultural values inherent in its life is the essence of decentralization, namely the acceleration of regional development [6]. Thus Amin [4] says that Gorontalo as a "cultural project" and "territorial construct" can be done based on the noble values that live in the social tradition.

If you look at the world life development today, where the flow of information flows so swiftly, not to mention the increasing speed of globalization that narrows the space in various parts of the world, it is feared to erode the local communities identity. Such an

increasingly sophisticated era is not likely to have cultural movement implications. Therefore, the local government of Gorontalo needs to take rapid steps in protecting every existed cultural expression through the formation of local regulations.

4. Conclusion

The presence of regulation related to the protection of Gorontalo traditional cultural expression is significantly made by the local government since provide the local culture protection as well as to preserve the contained noble values of the ancestor's inheritance.

References

- [1] B. Wedhitami, "Upaya Perlindungan Ekspresi Budaya Tradisional dengan Pembentukan Peraturan Daerah," *LAW REFORM*, vol. 2, pp. 32–48, 2014.
- [2] B. Antariksa, *Opportunities and Challenges of Traditional Knowledge and Traditional Cultural Expression: A paper on the Consolidation of Intangible Cultural Heritage (WBTB) Indonesia, Jakarta*. 2011.
- [3] B. Kusumohamidjojo and S. Jamilah, *Cultural philosophy: the process of human realization*. Jelasutra, 2009.
- [4] B. Amen, *Gorontalo Memory: territory, transition, and tradition*. Waves, 2012.
- [5] A. S. Niode, *Gorontalo: changes in cultural values and social institutions*. Pustaka Indonesia Press, 2007.
- [6] H. Syaokani, A. Gaffar, and M. R. Rashid, *Regional autonomy within the unitary state*. Cooperation of Student Literature [and] Center for Assessing Political Ethics and Governance, 2002.

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