

Perlindungan hukum internasional terhadap hak kolektif masyarakat adat atas ekspresi budaya tradisional folklore = International law protection for the collective rights of indigenous peoples over their traditional cultural expressions folklore /Felicia Tania

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Abstrak

[Ekspresi Budaya Tradisional (EBT) adalah kekayaan warisan budaya yang mencerminkan nilai-nilai, tradisi, dan kepercayaan suatu bangsa dan masyarakat adat. Setiap bangsa memiliki kekayaan EBT masing-masing, terutama negaranegara berkembang, dimana Indonesia termasuk ke dalam salah satu negara yang kaya akan keanekaragaman hayati luar biasa (mega biodiversity). EBT rentan terhadap penyalahgunaan (misappropriation dan misuse) terutama dari negaranegara maju karena memiliki potensi ekonomi, sehingga penting agar dapat segera terbentuk suatu sistem perlindungan EBT di Indonesia. Pendekatan yang umum diaplikasikan untuk perlindungan EBT adalah melalui rezim hukum HKI konvensional yang bersifat individualistik sehingga tidak sesuai untuk diaplikasikan pada EBT. Penulisan ini akan mengkaji efektifitas praktik perlindungan EBT di Indonesia;Traditional Cultural Expressions (TCE) is a form of cultural heritage that reflects upon the values, traditions, and beliefs of a nation and its indigenous peoples. Every nation has its own TCE with its unique characterizations, especially developing countries, in which Indonesia is included as one of the countries with mega biodiversity. TCE is prone to misuse and misappropriation by developed countries due to its economical potential. Therefore, it is imperative that Indonesia adopts a set of rules regulating the protection of TCE. The common practices for TCE protection is through the intellectual property law regime with individualistic characteristics that is not suitable for the protection of TCE. This writing will analyze the affectivity of the protection of TCE in Indonesia;Traditional Cultural Expressions (TCE) is a form of cultural heritage that reflects upon the values, traditions, and beliefs of a nation and its indigenous peoples. Every nation has its own TCE with its unique characterizations, especially developing countries, in which Indonesia is included as one of the countries with mega biodiversity. TCE is prone to misuse and misappropriation by developed countries due to its economical potential. Therefore, it is imperative that Indonesia adopts a set of rules regulating the protection of TCE. The common practices for TCE protection is through the intellectual property law regime with individualistic characteristics that is not suitable for the protection of TCE. This writing will analyze the affectivity of the protection of TCE in Indonesia, Traditional Cultural Expressions (TCE) is a form of cultural heritage that reflects

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