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Safeguarding Bukoba Oral Tradition Through Communal Copyright and Local Regulation: A Normative-Empirical Study in Rokan Hulu Regency, Indonesia

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Abstract: Bukoba, an oral tradition of Rokan Hulu Regency, represents a living form of Malay cultural expression yet remains vulnerable to extinction due to the absence of legal recognition and systematic documentation. Methods: This study applies a normative empirical legal approach by combining statutory analysis of Indonesia's Copyright Law No. 28 of 2014 and UNESCO's 2003 Convention with field data obtained through interviews with local cultural actors and the Rokan Hulu Tourism Office. Results: Findings indicate that Bukoba has not been included in the regional intangible cultural heritage inventory, leading to a lack of communal copyright protection and policy attention. The gap arises from limited institutional coordination, insufficient funding, and low community legal awareness. Conclusions: The research proposes an integrated safeguarding framework encompassing (i) digital documentation as legal evidence of collective ownership, (ii) community-based transmission and legal literacy programs, and (iii) enactment of local regulations to institutionalize protection measures. The model demonstrates that effective preservation of oral traditions requires synergy between legal instruments and local participation to ensure sustainability and prevent cultural misappropriation.

Keyword: Bukoba, Communal Copyright, Intangible Cultural Heritage, Local Regulation, Rokan Hulu.

INTRODUCTION

Indonesia is one of the world's most culturally diverse nations, encompassing thousands of ethnic groups, languages, and oral traditions that represent intangible expressions of community identity. These oral traditions ranging from folk tales, poetic chants, epic narratives, to ritual recitations serve as the living archive of collective wisdom and historical continuity. Within the Indonesian context, oral literature has long played a crucial role in transmitting social norms, belief systems, and moral education, especially in rural societies where written documentation is limited. As part of the nation's intangible cultural heritage, oral

traditions not only preserve linguistic richness but also reinforce the philosophical foundation of *Bhinneka Tunggal Ika* (Unity in Diversity). However, in the face of modernization, digital globalization, and market commodification, many of these traditions face gradual extinction due to lack of formal recognition, legal protection, and community-based transmission (Sari & Sitepu, 2021).

One such endangered tradition is *Bukoba*, an oral narrative performance that originated in Rokan Hulu Regency, Riau Province widely recognized as the cradle of Malay civilization in Sumatra (Nofrita et al., 2020). Historically, *Bukoba* functioned as a performative storytelling form that recounts heroic tales of *Datuk Sumerong* and the genealogy of the Rokan people, performed during communal gatherings and customary ceremonies (Serli Putri Dwi Pratiwi, 2023). It combines poetic recitation, rhythm, and local idioms, symbolizing not merely entertainment but a medium of social education and identity formation. Unfortunately, unlike other oral genres such as *Muojai* and *Muonduo* that have been included in the Rokan Hulu cultural inventory, *Bukoba* remains undocumented and unregistered within Indonesia's intangible heritage database. This situation places *Bukoba* at serious risk of disappearance, cultural misappropriation, or distortion by commercial entities (Nofrita & Putri, 2019).

From a legal standpoint, Indonesia has established a normative framework for protecting traditional cultural expressions (TCEs) through Law No. 28 of 2014 on Copyright (Yenny Eta Widyanti, 2023). Article 38 explicitly states that the state holds copyright on behalf of indigenous communities over expressions of traditional culture, with the mandate to regulate utilization and benefit-sharing (Dwisvimiari, 2022). In principle, this law provides a juridical umbrella for safeguarding communal works, including oral traditions, crafts, dances, and symbols. Nevertheless, in practice, implementation remains limited due to several structural and administrative barriers. First, the legal mechanism for communal copyright registration lacks detailed technical procedures at the local government level. Second, there is insufficient coordination between the Ministry of Law and Human Rights, the Ministry of Education and Culture, and local cultural offices responsible for data collection and inventory. Third, there is limited awareness among local communities regarding their collective rights and the potential for misuse or unauthorized commercialization of their cultural heritage.

Furthermore, Indonesia's participation in international conventions, particularly the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003), underscores the obligation to identify, document, and transmit living traditions through community participation. The convention promotes a multidimensional safeguarding framework encompassing documentation, education, revitalization, and legal protection (B et al., 2023). However, translating these international norms into effective local actions remains challenging, especially in peripheral regions such as Rokan Hulu (Yanto et al., 2022), where cultural policies are often overshadowed by economic priorities. The local government's cultural preservation program tends to focus on tangible heritage such as historical sites or artifacts while intangible expressions (Y. Widyanti, 2020) like *Bukoba* receive little attention. The absence of regional regulations (*Peraturan Daerah*) and budget allocations further weakens the legal status and sustainability of oral traditions.

Empirical observations reveal that the *Bukoba* practitioners, led by the cultural maestro *Datuk Mogeek Intan*, continue to perform within limited community events without formal documentation or institutional support (Nofrita, Misra., Putri, Delia., and Arianti, 2021). Interviews conducted during preliminary research indicated that performances are maintained through personal dedication and oral transmission to apprentices, not through structured educational programs. This reality contrasts sharply with the national cultural policy's vision to integrate heritage into the creative economy and education systems. The lack of policy synchronization demonstrates a clear institutional gap between national regulations and local

implementation, particularly in the recognition and protection of community-based cultural works.

Academically, prior studies on traditional cultural protection in Indonesia have predominantly centered on well-known expressions such as batik, wayang kulit, or angklung, which have gained international recognition through UNESCO listings (Erlina B. et al., 2022). Few studies address local oral traditions in peripheral regions, and even fewer employ a combined normative empirical approach that examines both legal texts and lived practices. Most legal analyses remain doctrinal, focusing on statutory interpretation without exploring field realities such as community participation, cultural literacy, or local governance mechanisms. As a result, there is a substantial research gap in understanding how legal instruments operate in the actual safeguarding of oral traditions like Bukoba, which exist at the intersection of law, culture, and social practice.

Therefore, this study seeks to formulate an integrated legal safeguarding model for Bukoba by combining normative and empirical perspectives (Ansor, 2023). The normative dimension analyzes the relevant legal instruments Copyright Law No. 28/2014, Law No. 5/2017 (Erlina B. et al., 2022) on the Advancement of Culture, and the UNESCO 2003 Convention while the empirical dimension explores community experiences, institutional responses, and documentation practices in Rokan Hulu. This dual approach enables a holistic understanding of the gaps between legal mandates and field realities. The study's originality lies in its focus on an unregistered oral tradition and its proposition of practical mechanisms for communal copyright registration, digital archiving, and local regulation formulation.

Moreover, safeguarding Bukoba holds strategic importance beyond local cultural survival. It contributes to the broader discourse on intellectual property rights (IPR) and cultural sovereignty in Indonesia (Dwisvimiari et al., 2023). The proliferation of global digital platforms has increased the risk of cultural content being extracted, repackaged, and monetized without acknowledgment or benefit-sharing to the source community (Rosanti Merta & Roisah, 2023). Legal recognition of Bukoba as a communal work would thus reinforce Indonesia's commitment to protecting its cultural assets under the principle of collective authorship. It also aligns with the Sustainable Development Goals (SDG 11.4), which emphasize strengthening efforts to protect and safeguard cultural and natural heritage worldwide (I Made Lanang Sudarmayana et al., 2022).

In the context of Rokan Hulu Regency, implementing a community-based safeguarding strategy would not only preserve the cultural authenticity of Bukoba but also support local tourism and education. The integration of Bukoba into school curricula, cultural festivals, and digital platforms can foster intergenerational continuity while promoting regional identity (Muslim et al., 2023). The study further argues that digital documentation—through audiovisual archiving, transcription, and metadata tagging should be prioritized as legal evidence of originality and ownership. Such documentation serves a dual function: cultural preservation and legal proof required for communal copyright applications.

METHOD

Research adopts a normative empirical legal approach that integrates doctrinal analysis with field based observation to ensure a comprehensive understanding of how legal norms are implemented within the socio cultural context of Rokan Hulu Regency. The normative component examines statutory and doctrinal frameworks governing the protection of traditional cultural expressions (Y. E. Widyanti, 2023), while the empirical component investigates the actual practices, perceptions, and challenges experienced by the community, cultural actors, and local government institutions involved in safeguarding the Bukoba oral tradition.

Research Design

The study follows a descriptive–analytical design, aimed at systematically exploring the relationship between legal policy, institutional roles, and community participation in cultural preservation. The research seeks not only to describe the legal provisions and factual conditions but also to interpret the underlying causes of policy gaps and propose feasible safeguarding models. The design integrates qualitative data collection and interpretive legal reasoning, emphasizing the intersection between law and cultural sustainability.

A triangulation model is applied to validate data consistency between three sources: (i) document analysis of statutory instruments and policy documents, (ii) expert and community interviews, and (iii) direct field observations during cultural performances and administrative meetings. This methodological convergence ensures both normative validity and empirical accuracy.

Normative Legal Method

The normative aspect of the research is anchored in doctrinal legal analysis and conceptual interpretation of statutory texts, policy frameworks, and international conventions (Niswah, 2024). Key legal instruments examined include:

1. Law No. 28 of 2014 on Copyright, particularly Articles 38–40 concerning communal rights over traditional cultural expressions (Karuna Dewi & Gde Rudy, 2021) ;
2. Law No. 5 of 2017 on the Advancement of Culture, which mandates systematic safeguarding through identification, documentation, preservation, and revitalization;
3. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003), providing an international framework emphasizing community participation and state responsibility;
4. Ministerial Regulations and Guidelines issued by the Indonesian Ministry of Education and Culture concerning heritage inventory and cultural data registration;
5. Regional regulations (if any) and draft Peraturan Daerah (local by-laws) concerning cultural heritage management in Rokan Hulu.

Each document is analyzed using hermeneutic and teleological interpretation, focusing on the intended legal protection, implementation mechanisms, and institutional obligations (Ariani et al., 2022). Comparative references are also drawn from case studies in other Indonesian provinces such as the recognition of Sasando in East Nusa Tenggara and Wayang Kulit in Central Java to identify best practices for communal copyright enforcement.

Empirical Legal Method

The empirical component seeks to bridge normative prescriptions with on-the-ground realities. It employs qualitative field research involving interviews, participatory observation, and documentation review. The fieldwork was conducted between January and May 2024 in Rokan Hulu Regency, focusing on Tandun, Rambah Hilir, and Rambah sub-districts, where Bukoba performances and cultural offices are located.

Research Participants

Research participants were selected through purposive sampling to ensure representation across key stakeholder groups. The sample consisted of:

1. Cultural practitioners, including the prominent maestro Datuk Mogeek Intan, recognized as a living repository of Bukoba tradition;
2. Local government officials from the Department of Tourism, Culture, Youth, and Sports of Rokan Hulu;
3. Community leaders and traditional elders (Ninik Mamak) who act as custodians of customary law; and

4. Young performers and students involved in informal cultural learning circles.

The total number of respondents was 15 individuals, comprising 6 government representatives, 5 cultural actors, and 4 community members. Each respondent provided insights into the current practices of documentation, challenges in legal protection (Rohaini et al., 2020), and the community's perception of ownership and cultural rights.

Data Collection Procedures

Data were collected through multiple instruments:

1. Semi-structured interviews, conducted in both Bahasa Indonesia and local dialects, focusing on three thematic clusters:
 - a. Awareness and understanding of communal copyright law;
 - b. Current documentation and preservation practices;
 - c. Expectations toward government involvement and policy reform.
2. Participant observation, during live Bukoba performances, community workshops, and cultural events such as Hari Jadi Rokan Hulu (Rokan Hulu Anniversary). Observations focused on performance structure, transmission methods, and audience interaction.
3. Document review, encompassing inventory lists, administrative correspondences, and unpublished reports from the Tourism Office to cross-check the absence of Bukoba from the official heritage registry.

All interviews were recorded (with participant consent), transcribed verbatim, and coded using NVivo-style thematic analysis. Codes were grouped into broader categories such as “legal awareness,” “institutional constraint,” “documentation challenge,” and “community initiative.”

Data Analysis Technique

Data analysis proceeded in three iterative stages:

1. Normative Analysis, identifying principles, obligations, and legal lacunae (gaps) within national and international frameworks;
2. Empirical Interpretation, mapping the factual conditions and identifying barriers in implementation;
3. Synthesis Stage, integrating normative and empirical findings into a coherent model for safeguarding Bukoba.

The synthesis employed the interactive analysis model of Miles and Huberman (2014)—data reduction, data display, and conclusion drawing—allowing progressive refinement of insights. The normative content was also analyzed using statutory coherence testing (*uji koherensi norma*) to evaluate internal consistency between laws and their derivative regulations.

Ethical Considerations

Given that this research involves human participants and indigenous knowledge, ethical clearance was sought from the Ethics Committee of the Faculty of Law, University of Pasir Pengaraian (Approval No. 03/KE-FH/2024). Informed consent was obtained from all respondents prior to interviews and audio-visual recording. Sensitive cultural information was anonymized to respect community confidentiality and collective ownership principles.

Validity and Reliability

To ensure credibility and trustworthiness, the study employed:

1. Data triangulation, cross-verifying findings from legal documents, field interviews, and observations;

2. Member checking, whereby participants were asked to confirm the accuracy of interpretations;
3. Peer debriefing, involving consultation with legal scholars and cultural researchers from Universitas Riau and Universitas Pasir Pengaraian;
4. Audit trail documentation, recording analytical decisions, code revisions, and interpretive memos for transparency.

Limitations of the Study

While the combination of normative and empirical approaches provides a holistic perspective, certain limitations are acknowledged. First, the empirical data are geographically concentrated in Rokan Hulu, which may limit generalization to other regions. Second, due to the scarcity of prior documentation, some historical narratives of Bukoba rely on oral testimonies, which can be subjective. Third, financial constraints restricted longitudinal observation across multiple festival cycles. Nonetheless, these limitations are mitigated through triangulation and contextual validation.

Expected Contribution

Methodologically, this study contributes a replicable framework for conducting legal-cultural integration research in the field of intangible heritage protection. Substantively, it offers evidence-based recommendations for drafting local regulations (Peraturan Daerah Perlindungan Warisan Budaya Takbenda) and implementing communal copyright registration mechanisms in collaboration with the Directorate-General of Intellectual Property. The approach also illustrates how digital documentation, when legally validated, can serve as proof of prior use and authorship, thus preventing cultural misappropriation or external claims

RESULTS AND DISCUSSION

The field investigation in Rokan Hulu Regency revealed a significant disparity between the legal recognition of traditional cultural expressions (TCEs) as mandated by national law and the actual safeguarding practices occurring within local communities. Interviews with the Rokan Hulu Tourism and Culture Office confirmed that while several oral traditions—namely Muojai, Muonduo, and Lukah Gilo—have been documented and proposed for cultural inventory, Bukoba remains excluded from the official registry. The absence of Bukoba from the database indicates both administrative neglect and limited institutional capacity for cultural mapping.

According to Datuk Mogeek Intan, the only surviving Bukoba maestro, the performances continue to occur informally during ceremonial events, particularly weddings, thanksgiving rituals, and the Hari Jadi Rokan Hulu celebration. However, these performances are seldom recorded, and the textual corpus (narrative scripts, verses, or chants) has not been transcribed or archived. Without such documentation, Bukoba lacks the evidentiary foundation required for legal recognition and communal copyright registration under Article 38 of the Copyright Law No. 28 of 2014.

Table 1 summarizes the current documentation status of oral traditions in Rokan Hulu:

No.	Oral Tradition	Description / Cultural Context	Documentation Status	Institutional Support	Legal Recognition	Remarks
1	Muojai	Ritual chant performed during Malay wedding and thanksgiving ceremonies;	Fully documented (audio, video) since 2019 by the Tourism and Culture Office.	High — Supported by annual cultural festivals and apprenticeships.	Registered as part of Riau Province and Intangible Heritage (WBTH 2020).	Model example of successful safeguarding and integration into school performances.

No.	Oral Tradition	Description / Cultural Context	Documentation Status	Institutional Support	Legal Recognition	Remarks
		symbolizes purity and gratitude.				
2	Muonduo	Oral narrative combining poetry and song; usually performed during harvest and cultural events.	Partially documented (text and photo only).	Moderate Supported occasionally but continuous funding.	Proposed by registration lacks list (in review by Kemendikbud).	Requires to audiovisual documentation for completeness.
3	Lukah Gilo	Interactive oral performance with dance and music elements; involves trance-like movements symbolizing local wisdom.	Documented (audio-visual, ethnographic notes).	Moderate-High Sustained through tourism promotion programs.	Registered as <i>Warisan Budaya Takbenda</i> (2021).	Actively showcased in tourism fairs; potential for creative economy linkage.
4	Bukoba	Heroic oral storytelling tradition recounting the lineage of <i>Sumerong</i> ; performed by <i>Datuk Mogeke Intan</i> .	Not documented transmissions remain.	yet Low — No budget allocation or formal program by local government.	Unrecognized — Absent from regional and national heritage registries.	Urgent safeguarding required; high risk of extinction due to aging performers and lack of apprentices.

Field observations corroborate that Bukoba performances are highly contextualized, often accompanied by symbolic gestures, music, and communal participation. However, the lack of audiovisual archiving and legal literacy among practitioners has made it difficult to establish the communal ownership of the work. As a result, Bukoba faces a triple-layered risk: (i) loss of authenticity through generational discontinuity, (ii) unauthorized adaptation by external parties, and (iii) exclusion from national and international heritage recognition systems.

Institutional and Legal Framework Analysis

Normatively, the legal foundation for protecting Bukoba lies in three key instruments: the Copyright Law (2014), Law No. 5/2017 on the Advancement of Culture, and the UNESCO 2003 Convention. The Copyright Law recognizes TCEs as state-owned intellectual property representing the community. The Ministry of Law and Human Rights acts as custodian, whereas the Ministry of Education and Culture handles inventory and registration. However, the legal text lacks operational clarity on procedural mechanisms, especially regarding:

1. Who initiates the documentation process;
2. How community representatives participate in legal registration; and
3. What evidence constitutes communal authorship.

This legal ambiguity results in implementation paralysis at the local level. Officials in the Rokan Hulu Tourism Office admitted that no standard operating procedure (SOP) exists for identifying and validating new oral traditions. Budget allocations are limited to tourism promotion and festival organization, not documentation or legal processing. This reflects a

disconnect between national mandates and local execution, consistent with findings in other provinces.

Law No. 5/2017 offers a broader cultural framework that extends beyond copyright, emphasizing safeguarding through identification, documentation, preservation, and revitalization. Yet, these functions are distributed across multiple agencies, causing fragmentation. Ideally, the local government should issue a Peraturan Daerah (Regional Regulation) explicitly mandating cultural inventory, digital archiving, and community training. Without such a regulation, Bukoba’s preservation relies solely on voluntary efforts.

Legal Awareness and Community Participation

Empirical interviews highlight that most community members, including younger performers, have low awareness of intellectual property rights. The concept of communal copyright remains largely abstract, perceived as irrelevant to cultural practice. Many respondents view Bukoba as a sacred inheritance rather than a legally protectable asset. This perception, while rooted in cultural humility, unintentionally exposes the tradition to misappropriation.

Nevertheless, cultural practitioners such as Datuk Mogeek Intan express willingness to collaborate with legal institutions if proper facilitation exists. The absence of institutional outreach and training remains the core barrier. A 2024 focus group conducted by the researchers found that when the concept of “communal copyright” was explained, participants recognized its potential to secure moral rights, preserve authenticity, and facilitate funding for cultural transmission programs. This suggests that legal literacy programs could serve as an effective entry point for formalizing cultural protection at the grassroots level.

Comparative Insights from Other Regions

To provide a comparative legal perspective, the study analyzed successful safeguarding practices from other provinces:

1. West Java – Wayang Golek: protected under local regulation and integrated into school curricula through the Cultural Education Program.
2. Bali – Barong and Legong Dance: documented via multimedia archives and registered under communal copyright at the Directorate-General of Intellectual Property.
3. Yogyakarta – Gamelan: included in UNESCO’s Intangible Cultural Heritage list following coordinated documentation by universities and local government.

Each case demonstrates the importance of three elements: (i) comprehensive documentation, (ii) legal recognition via communal copyright, and (iii) community-based transmission supported by regional policy. The absence of these elements in Rokan Hulu explains Bukoba’s marginalization. Thus, benchmarking these models provides a pathway for formulating local safeguarding strategies tailored to Bukoba’s context.

Integrative Normative–Empirical Synthesis

The combination of doctrinal review and empirical data allows the formulation of an integrated safeguarding framework. The model emphasizes a synergistic relationship between law, culture, and technology, illustrated below:

Table 2. Integrated Framework for Safeguarding Bukoba Oral Tradition

Dimension	Strategic Component	Concrete Implementation in Rokan Hulu	Institutional Stakeholders	Expected Impact	Output /
Legal Dimension	1. Formulation of Regional Regulation (Perda) on Protection of Intangible Cultural Heritage.2. Legalization	• Draft <i>Perda Warisan Budaya Takbenda</i> initiated by the Tourism and Culture Office in coordination with the DPRD and Faculty of Law, University of Pasir	Local Parliament (DPRD), Rokan Hulu Tourism Office, Ministry of Law and Human	• Formal recognition of Bukoba. • Communal copyright Strengthened regulatory framework	legal of certificate. • framework

Dimension	Strategic Component	Concrete Implementation in Rokan Hulu	Institutional Stakeholders	Expected Output / Impact
	Communal Copyright Registration Bukoba.	Pengaraian. • Submission of Rights for Bukoba as a Cultural Expression (TCE) to the Directorate General of Intellectual Property (DJKI).	(DJKI), ensuring Legal Scholars.	cultural rights protection.
Institutional Dimension	Establishment of a Permanent Cultural Preservation Unit under the Tourism Office.	• Creation of a dedicated division for Intangible Cultural Heritage Documentation and Inventory. • Integration of preservation functions into regional work plans (Renstra 2025–2030).	Tourism and Culture Office, Local Government Secretariat, Bappeda (Regional Planning Agency).	• Sustainable institutional governance. • Regular monitoring and data updating on living traditions.
Cultural Dimension	Community-based revitalization and apprenticeship programs.	• Training workshops led by Datuk Mogeik Intan for young storytellers. • Establishment of “Sanggar Bukoba Rokan Hulu” (Bukoba Cultural Studio).	Local cultural communities, <i>Ninik Mamak</i> , universities (UPP, Universitas Riau).	• Regeneration of performers. • Strengthened community ownership and continuity of oral transmission.
Technological Dimension	Development of a Digital Heritage Archive and online Bukoba repository.	• Audio-visual documentation of performances. • Creation of a web-based platform linked to the national <i>Warisan Budaya Tabkenda</i> database. • Collaboration with ICT students for metadata tagging and AI-based archive search.	Tourism Office, Faculty of Computer Science UPP, Kominfo and Ministry of Education and Culture.	• Legal digital evidence registration. • Open access archive for research, education, and cultural promotion.
Educational Dimension	Integration of Bukoba into local curricula and academic research.	• Inclusion of Bukoba materials in primary and secondary school cultural education modules. • Development of elective university courses on “Local Oral Heritage Law.”	Education Office, University of Pasir Pengaraian, local schools.	• Increased cultural literacy. • Intergenerational transmission of values. • Academic documentation and publications.
Economic Dimension	Cultural entrepreneurship and creative industry linkage.	• Incorporation of Bukoba narratives into local tourism branding (“Rokan Hulu: Creative Economy Negeri Seribu Suluk”). • Development of creative merchandise (books, digital recordings, VR exhibits).	Tourism Office, Agency (Bekraf), MSMEs, cultural entrepreneurs.	• Economic valorization of heritage. • Community empowerment through cultural industries. • Sustainable funding for cultural preservation.
Policy Governance Dimension	Cross-sector coordination multi-level integration.	• Annual coordination forum between local government, universities, and community leaders. • Integration into Rokan Hulu Mid-Term Development Plan (RPJMD) 2026–2031.	Local Government, DPRD, Bappeda, Ministry of Culture Tourism.	• Harmonized cultural governance. • Inclusion of heritage indicators in regional performance evaluation.

This framework demonstrates that safeguarding requires multi-sector collaboration: legal authorities ensure protection; cultural institutions facilitate transmission; educational bodies cultivate awareness; and digital infrastructure preserves access. The process aligns with UNESCO's safeguarding principles, which prioritize community participation, intergenerational transmission, and legal legitimacy.

Discussion: Toward a Regional Safeguarding Model

The results indicate that legal protection (Erlina B, 2022) alone cannot guarantee the sustainability of Bukoba. The doctrinal rigidity of current regulations must be complemented by empirical adaptability that is, recognizing local realities and community agency. The normative–empirical analysis highlights three major gaps:

1. **Regulatory Gap:** No local by-law (Perda) specifically addresses intangible cultural heritage; existing tourism regulations lack clauses on documentation or communal rights.
2. **Institutional Gap:** Absence of a permanent cultural preservation unit within the Tourism Office hinders continuous monitoring and archiving.
3. **Socio-Cultural Gap:** Declining participation among younger generations due to limited exposure and lack of formal educational integration.

Addressing these gaps requires a shift from reactive to proactive legal governance. The study proposes a three-phase safeguarding roadmap:

Phase 1 – Documentation and Inventory

1. Conduct systematic documentation through collaboration between universities, the Tourism Office, and local communities.
2. Develop a digital Bukoba archive containing recorded performances, transcriptions, and metadata tags as evidence of prior use.
3. Integrate these archives into the national Database Warisan Budaya Takbenda Indonesia (WBTD).

Phase 2 – Legal Recognition and Communal Copyright Registration

1. Register Bukoba as a traditional cultural expression through the Directorate-General of Intellectual Property (DJKI).
2. Assign collective ownership to the “Community of Bukoba Practitioners” represented by Datuk Mogeek Intan.
3. Formalize legal custodianship through a Memorandum of Understanding (MoU) between the community and local government.

Phase 3 – Revitalization and Public Education

1. Include Bukoba in school curricula and cultural events to encourage intergenerational learning.
2. Establish community workshops supported by local budgets to train young storytellers.
3. Promote Bukoba performances in regional tourism programs, strengthening its social and economic value.

These phases align with the PPEPP cycle (Penetapan, Pelaksanaan, Evaluasi, Pengendalian, Peningkatan) adopted in Indonesia's cultural governance system. The integration ensures that safeguarding becomes an ongoing, evaluative process rather than a one-time documentation project.

Legal Implications and Theoretical Contribution

From a theoretical perspective, this research advances the understanding of communal intellectual property law by contextualizing it within indigenous epistemologies. Unlike individual copyright, which relies on authorship and originality, communal copyright recognizes collective authorship and perpetuity—a principle deeply embedded in Bukoba's oral tradition. The recognition of collective ownership transforms the role of the state from regulator to facilitator, ensuring that legal systems adapt to cultural pluralism.

The findings also reaffirm the interaction between positive law and living law (*hukum yang hidup di masyarakat*). In Bukoba's case, local customary practices already serve as informal mechanisms of authorship verification—elders decide who may perform, under what conditions, and with what content variation. Thus, formal legal frameworks must not replace but rather institutionalize these indigenous norms. The proposed model of “legal-cultural hybrid protection” integrates both dimensions, ensuring that protection remains culturally legitimate and legally enforceable.

This study further contributes to the discourse on legal pluralism, illustrating how statutory law, customary law, and international norms can coexist in safeguarding cultural rights. By embedding the UNESCO framework into local regulation, Rokan Hulu can pioneer a bottom-up approach to heritage governance that aligns with both national policy and global commitments.

Synthesis of Findings

The synthesis of normative and empirical findings leads to three central conclusions regarding the protection of Bukoba:

1. Legal recognition requires prior documentation: without official records, Bukoba cannot be registered under communal copyright or included in the national heritage inventory.
2. Community participation is pivotal: safeguarding must involve cultural bearers as active partners, not passive subjects of legal protection (Setyawan et al., 2021).
3. Digital and educational integration is the future: digital archives provide legal evidence, while educational programs ensure transmission and awareness.

Discussion

The findings of this study reveal that the absence of Bukoba in official cultural heritage registries reflects not only a documentation gap but also a deeper systemic issue in Indonesia's heritage governance structure. Despite a comprehensive national legal framework, the translation of policy into local practice remains fragmented and inconsistent. This aligns with the argument by Wahyudi and Nurhadi (2022) that the safeguarding of intangible heritage in Indonesia is still heavily centralized, with insufficient devolution of authority and resources to local governments. As a result, communities with rich oral traditions, such as those in Rokan Hulu, often operate without the administrative support required for formal recognition.

From the normative perspective, the legal protection (Nendrawan & Rastika, 2021) of Bukoba should be grounded in Article 38 of Law No. 28 of 2014 on Copyright, which explicitly recognizes traditional cultural expressions as state-owned on behalf of the communities that create them (Hapsari et al., 2021). However, the absence of a clear procedural framework for communal registration has hindered implementation. Communal copyright requires three conditions: (i) verifiable documentation proving continuity and authenticity; (ii) identification of community representatives as legal custodians; and (iii) recognition by an authorized government agency. Bukoba currently fails to meet the first criterion—documentation—thus remaining outside the formal protection system.

From the empirical standpoint, the local government's limited capacity in documentation and awareness programs mirrors findings in similar regions, such as Tanjung Pinang and Bengkalis, where oral traditions face comparable challenges. The lack of trained cultural officers, insufficient budget allocation, and weak coordination between agencies have resulted in ad-hoc preservation initiatives rather than structured programs. Respondents from the Rokan Hulu Tourism Office admitted that cultural mapping activities are mostly project-based, depending on short-term national grants rather than long-term policy planning. Consequently, Bukoba has been overshadowed by more visible and marketable traditions like Lukah Gilo, which receive tourism funding and provincial-level recognition.

Theoretically, these findings reinforce the dual nature of cultural rights as both moral and collective entitlements. In legal philosophy, cultural expressions embody communal moral rights to recognition, authenticity, and preservation of meaning (Lanjahi et al., 2023). Yet, in administrative reality, cultural protection has been treated as a bureaucratic process focusing on ownership and registration rather than safeguarding cultural life itself. This mismatch between legal formalism and cultural existentialism explains why many living traditions decline even after being recognized by law.

A broader examination of UNESCO's 2003 Convention on the Safeguarding of the Intangible Cultural Heritage provides a useful lens for interpreting Bukoba's condition. UNESCO defines safeguarding not merely as legal protection but as "ensuring the viability of intangible cultural heritage, including identification, documentation, research, preservation, protection, promotion, enhancement, transmission, and revitalization." In this context, Bukoba's safeguarding must be understood as a multidimensional process rather than a singular act of registration (Sulasno et al., 2021). The data gathered in this research clearly show that the local community continues to transmit Bukoba orally and ritually, demonstrating cultural resilience despite institutional neglect. Therefore, what is needed is a hybrid safeguarding mechanism combining bottom-up community initiatives with top-down legal reinforcement.

This hybrid model aligns with who emphasizes that community-based legal pluralism is essential for the survival of indigenous heritage. The interplay between living law (customary norms) and positive law (state regulation) creates a complementary framework where legitimacy is derived from both legal authority and cultural authenticity. In Bukoba's case, customary protocols already regulate who can perform the stories and under what ceremonial conditions. These customary rules function as informal intellectual property regimes that maintain quality, moral rights, and cultural integrity. The formal legal system should therefore not replace but institutionalize these community norms within statutory mechanisms such as communal copyright registration.

Another critical dimension is technological mediation. In the digital era, heritage documentation through multimedia archives is no longer optional it is a legal prerequisite for protection. Under the DJKI's 2022 Circular on Communal Intellectual Property, audiovisual documentation is necessary to prove originality and prior use. Field findings show that Bukoba performances have not been recorded systematically, resulting in the absence of metadata, timestamps, or transcriptions that could serve as legal proof. This weakness has serious implications: without digital evidence, the community would find it difficult to contest potential cultural misappropriation or plagiarism in the future. As argued by Yulianto et al. (2023), "digital archiving transforms oral culture into verifiable legal artifacts, bridging the epistemological gap between oral tradition and legal formalism." Thus, the establishment of a Bukoba Digital Archive becomes an urgent priority both for safeguarding and for legal certification.

The educational aspect also emerged as a crucial determinant of sustainability. Interviews with teachers and youth participants indicated that younger generations view Bukoba as distant and irrelevant to modern education. The inclusion of Bukoba materials in local curricula would not only sustain intergenerational transmission but also strengthen local identity formation. Comparative cases, such as Wayang Education Program in Yogyakarta, demonstrate that integrating oral heritage into school subjects effectively revitalizes interest while ensuring continuity. This educational strategy should be formally supported through a Regent Decree (Peraturan Bupati) mandating cultural education integration, complementing legal recognition efforts.

Economically, revitalizing Bukoba offers potential contributions to community-based creative industries. The narrative richness of Bukoba centered on heroism, moral values, and ancestral lineage—can be transformed into digital storytelling products, local books, or cultural tourism attractions. In regions like Rokan Hulu, where the government promotes "Negeri Seribu Suluk" as a cultural brand, Bukoba can serve as a unique narrative asset linking tourism,

education, and heritage preservation. However, commercialization must remain ethical, ensuring community consent and equitable benefit-sharing as stipulated under Article 4 of the WIPO–UNESCO Model Provisions (2000).

The policy implications of these findings point toward the need for multi-sector coordination. First, the Tourism and Culture Office must institutionalize documentation through a permanent heritage unit. Second, the DPRD Rokan Hulu should enact a local regulation specifically addressing intangible heritage protection, establishing legal certainty for communal ownership and budget allocation. Third, universities, especially the Faculty of Law and Faculty of Computer Science at Universitas Pasir Pengaraian, should play an active role as knowledge partners providing research, legal consultation, and digital infrastructure. The successful safeguarding of Bukoba depends on the convergence of these three domains: law, culture, and technology.

From a jurisprudential perspective, the Bukoba case also illustrates the transformation of cultural rights into justiciable legal rights. Traditionally, cultural expressions were viewed as part of communal life, not as legal subjects of property (Alamsyah & Roisah, 2023). However, with the evolution of international cultural law and human rights discourse, the right to enjoy and protect one’s cultural heritage has been recognized as a fundamental human right under Article 15 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). This means that the state bears a dual obligation: to respect cultural practices (non-interference) and to actively safeguard them (positive obligation). In failing to document Bukoba, local authorities indirectly risk violating this cultural right. Hence, safeguarding Bukoba is not merely a cultural necessity—it is a legal imperative consistent with Indonesia’s constitutional duty to protect cultural diversity under Article 32 of the 1945 Constitution.

In synthesis, the discussion underscores three major theoretical contributions of this study. First, it conceptualizes “hybrid safeguarding” as a model that merges legal formalism with community practice. Second, it redefines documentation not only as administrative evidence but as a form of legal empowerment that transforms intangible culture into a recognized juridical subject. Third, it advances the principle of participatory legal pluralism, where communities are positioned as co-authors of the legal norms that protect their heritage. This approach departs from the traditional top-down legalism and proposes a more dialogic, inclusive system of heritage governance.

Therefore, the Bukoba case becomes a microcosm of Indonesia’s broader struggle in translating rich cultural diversity into enforceable cultural rights. It demonstrates that sustainable safeguarding cannot rely solely on state intervention or community voluntarism, but must emerge from synergistic co-management supported by law, education, and technology. In this regard, the integration of Bukoba into digital, educational, and legal frameworks offers a replicable model for protecting other endangered oral traditions across the Indonesian archipelago.

CONCLUSION

This research concludes that the Bukoba oral tradition in Rokan Hulu represents a critical case of unrecognized intangible heritage facing an imminent threat of extinction. The normative–empirical approach adopted in this study reveals a multi-layered protection gap encompassing legal, institutional, cultural, and technological dimensions. Although Indonesia’s national legal framework especially Copyright Law No. 28 of 2014 and Law No. 5 of 2017 on the Advancement of Culture provides a strong foundation for safeguarding traditional cultural expressions (TCEs), its practical implementation remains limited at the regional level. The empirical findings demonstrate that Bukoba has not been inventoried, documented, or legally registered, in contrast to other oral traditions such as Muojai, Muonduo, and Lukah Gilo, which have achieved formal recognition. This absence stems from administrative fragmentation, minimal budget allocation, and the lack of a dedicated cultural

preservation unit. The study also confirms that local communities particularly Bukoba practitioners possess limited awareness of their communal copyright rights, resulting in minimal legal engagement. From a theoretical standpoint, the Bukoba case illustrates the intersection of positive law and living law (*hukum yang hidup dalam masyarakat*). While state law governs intellectual property recognition, community norms and customary rituals continue to define authenticity and legitimacy. Thus, effective safeguarding requires a hybrid legal model that integrates statutory instruments with community-based governance. Moreover, the absence of documentation not only hinders legal recognition but also weakens the intergenerational transmission of knowledge. The study underscores that documentation is both a legal and cultural act—a bridge connecting oral heritage with juridical validation. Without it, the community's collective authorship remains invisible to the state. Therefore, the protection of Bukoba is not merely an act of cultural preservation but an assertion of cultural rights guaranteed under Article 32 of the 1945 Constitution and Article 15 of the ICESCR, which obligate the state to respect and safeguard the nation's cultural diversity. The integrated safeguarding framework developed in this study comprising legal, institutional, cultural, technological, educational, and economic dimensions provides a replicable model for similar cases across Indonesia. The model's core principle is synergy: legal instruments grant legitimacy, institutional mechanisms provide structure, technology ensures documentation, education fosters continuity, and economic empowerment sustains vitality. Collectively, these components transform Bukoba from a vulnerable oral tradition into a recognized and sustainable cultural heritage.

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