



# Implementation of Legal Protection Against UKM IRD Batik with the Religious Motif as a Method of Islamic Education

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**Abstract.** The meaning of education in the context of Islamic education is synonymous with the words, ta'lim, tarbiyah, and ta'dib. Batik is a work of the long journey of the Indonesian nation, a cultural achievement, world cultural heritage Indonesia. As a characteristic of the people's economic wealth, batik is also always preserved and developed as a tangible manifestation of the effectiveness of the use of the Mark by Batik SME entrepreneurs, which is to mark their respective batik products, including the importance of using the Mark for them in the batik trade competition. This research is motivated by the loss of the spirit of Islamic education in today's society, so the presence of Islamic Education is a solution to this problem. The cultivation of Islamic education can be done through batik media. IRD's work of Islamic motifs contains many Islamic educational values. The objectives of this study were (1) to understand the methods of Islamic education in Islamic Islamic Studies with Islamic motifs. to know (2) to find out the importance of legal protection and the role of the Government IRD Batik Motif Ugama brand. (3) to analyze the development of ulama motif batik in terms of economic value for both craftsmen and entrepreneurs in the context of increasing competitiveness. This research uses a qualitative approach to library research (library research). The primary data source used was the Islamic Batik with Islamic motifs. Secondary data sources used are other sources related to batik and Islamic educational values. The data collection techniques used in this study were observation, literature study, documentation interview, and descriptive analysis. The results of this study are (1) Islamic Education with Islamic motifs has many values of Islamic education. The value of Islamic education towards Allah SWT includes prayer, recitation, gratitude, and repentance. There is a relevance between the Islamic Education method and the batik motifs contained in Islamic Islamic Studies with Islamic motifs. (2) The importance of the legal protection of Trademarks for UKM entrepreneurs of IRD Batik Motif Ugama as well as the effectiveness of the objective of trademark law, namely to create fair business competition, so that the desire of Batik IRD Motif Ugama SME entrepreneurs must register the trademark rights as holders of the trademark right. (3) the value of the economic competitiveness of Islamic batik for craftsmen and entrepreneurs.

**Keywords:** Brand · IRD Batik Motif Keulamaan · Islamic Education · UKM

## 1 Introduction

The background of this study begins with the thought of how to implement legal protections for UKM IRD Batik Motif KeUlamaan, as a method of Islamic education through batik work. Indonesian people understand batik as a heritage, as well as Indonesian cultural identity. There is a philosophical value behind the formation of the motif itself that we can find in each of the motifs. Batik is also exclusive because the results will never be the same (Hamidin 2010).

The notion of ta'lim is a masdar of the word 'Allama means teaching with giving or conveying understanding, knowledge, and skills. The word al Tarbiyah which means to nurture, educate and maintain. The word al Ta'dib is a masdar from the word addab, which means an educational process that is more focused on developing and perfecting the morals or virtue of students. The orientation of the word al Ta'dib is more focused on efforts to form Muslim personalities with noble morals (Tafsir 2013). In general "ulama" simply means people who know or people who have know, even though in the Middle East, the notion of ulama tends to expand again to include people who are experts in religious and general sciences.

Small Business is a business entity that has a net worth of Rp 50,000,000.00 (fifty million) up to Rp 500,000,000.00 (five hundred million) or has annual sales proceeds of more than Rp 300,000,000.00 (three hundred million) up to Rp 2,500,000,000.00 (two billion and five hundred million), while Medium Business is a business entity that has a net worth of more than Rp 500,000,000.00 (five hundred million) up to Rp 10,000,000,000.00 (ten billion) or has annual sales proceeds of more than Rp 2,500,000,000.00 (two billion and five hundred million) up to Rp 50,000,000,000.00 (fifty billion).

Legal protection is closely related to human life, especially in terms of the legal actions they carry out. Every human action has been regulated by law through a set of rules made in the form of regulations. These rules will determine how the action will be taken if someone commits an act that violates the rule of law. The purpose of these rules of law is not only to manage to follow up on any deeds deemed to be violating, but the rules of law also regulate how to protect every community's rights. The purpose of registering a copyrighted work is to provide buying and selling activities without a feeling of fear that at any time there will be other parties who copy or duplicate the work one has created. In addition, it can have a good impact on the community, especially the grade and quality of a copyrighted work that can be used by the community, if it belongs in a copyrighted work that can be used in everyday life.

## 2 Method

This study uses descriptive qualitative research methods, describes batik motifs into Islamic education media, with the results of data collection through observation, literature studies, interviews, and documentation, and analyzed descriptively. This method is an attempt to understand various concepts found in the research process. The research is applied in natural object conditions, where researchers function as a key instrument. Data source sampling is done purposively and snowball, and data collection techniques with triangulation (combined) data analysis is inductive/qualitative. Whereas for data

collection, researchers use several research data collection techniques, namely observation, interviews, and documentation studies. The data is then reduced, displayed, and presented in accordance with the research procedure.

### 3 Results

Ibn Khaldun in the *Mukaddimah* conveyed a very broad concept of Islamic Education, which is not only in the process of teaching and learning, which is limited to four walls, but an education that is a process, where humans can consciously capture, absorb, and also live every natural event throughout the ages, and character education affects the tranquility and peace of a country. Ulama are people who are experts in Islamic sciences, especially *syariah* or *fiqh*. In its development, the definition of ulama has narrowed down to those who have knowledge in the field of *fiqh*. There are no specific science restrictions in this sense. Along with the development and formation of Islamic sciences, especially *syari'ah* or *fiqh*, the notion of ulama narrowed to those who had knew of the field of *fiqh*.

At present, the number of sales and the number of workers for each MSE (Micro and Small Enterprises) (or UMK/Usaha Mikro dan Kecil) still looks small, but because the number and types of MSEs are very large, these MSEs provide a fairly large contribution value to economic growth. It was recorded from the results of the economic census in 2016 that the number of MSEs is more than 26 million businesses or 98.68% of the total businesses in Indonesia with 23 main types of businesses, including the textile and apparel types of businesses in which there are batik MSEs included. These MSEs can absorb as many as 59 million labor force or 75.33% of the total labor force in Indonesia, and contribute to economic growth in the form of GDP in 2019 amounting to 501.45 trillion rupiahs 43.08% of overall industry revenue, where MSEs for textiles and apparel in which there are MSEs for batik inside it, contribute an income of 84.16 trillion (BPS, n.d.). The data above shows that the income contribution from MSEs including textile and apparel businesses, especially batik businesses, which is 43.08%, is not comparable to the number of MSEs that is 26 million MSEs or 98% of the total businesses (micro, small, medium and large). This shows that there are still weaknesses in the management. Several aspects of management, in general, include marketing, production, human resources (HR), and finance. Certain concepts and designs at the strategic level are key factors in success. Analysis of markets, customers, and products is of utmost importance in a complex world. Most companies/business units, including small to medium scale companies, concentrate on carrying out their production and operation activities only on the product manufacturing level. Companies should also pay attention to business strategies in order to maintain the development of the already existing business so that they can have high.

Batik is an activity to decorate the surface of cloth using canting and wax and is a part of civilization through the art of *wastra* (cloth). Batik has come a long way and has taken a very long journey to be recognized as part of the Islamic cultural heritage in the Archipelago, from that to become designs or patterns that adorn a garment. Batik in Indonesia is a whole blend of creativity, technique, technology, and the development of related motifs and cultures. Batik continues to develop and survive to this day

despite experiencing loss of enthusiasm, emphasizing that batik was first introduced to the international community by former Indonesian president Soeharto, who at that time wore batik at the United Nations (UN) Conference. Then on October 2, 2009, The United Nations Educational, Scientific and Cultural Organization (UNESCO) has assigned Indonesian batik as a masterpiece of Indonesia's cultural heritage. Batik is designated as a humanity heritage for oral and intangible culture (Masterpieces of the oral and intangible heritage of humanity).

HKI (Intellectual Property Rights) stands for Hak Kekayaan Intelektual. HKI is the right to economically enjoy the results of human intellectual creativity. Therefore, the objects regulated in HKI are works that come up or are born from human intellectual abilities. Indonesia is known abroad as a nation that has a variety of works of art, ranging from Balinese statue and sculpture, weaving, batik and webbing, and many others. Even though traditional works are relatively simple, when applied in small industries, they can actually bring about a sizable profit and foreign exchange income. HKI is very important to increase the rate of the world economy which in turn brings prosperity to mankind. Human intellectual abilities are produced by humans through their power, taste, and ability which are manifested in intellectual works. Legal protection is very important because it aims to protection for the community in enjoying their rights. Legal protection is provided especially for people who are weak, both from a legal knowledge perspective and also from an economic perspective. Legal protection is closely related to human life, especially in terms of the legal actions they carry out. Every human action has been regulated by law through a set of rules made in the form of regulations. These rules will determine how the action will be taken if someone commits an act that violates the rule of law. In addition, the purpose of these rules of law is not only to manage to follow up on any deeds deemed to be violating, but the rules of law also regulate how to protect every community's rights. The purpose of registering a copyrighted work is to provide buying and selling activities without a feeling of fear that at any time there will be other parties who copy or duplicate the work one has created. In addition, it can have a good impact on the community especially providing assurance of the grade and quality of a work that can be used by the community, if it belongs in a work that can be used in everyday life.

Legal protection for IRD Batik Motif KeUlamaan works of art is based on the concept of exclusive rights and natural rights owned by the creator, so that rights is a guarantee for the creator in getting legal protection and is Article 1 number 1 of the Constitution of the Republic of Indonesia Number 28, 2014 concerning Copyright, which reads, "Copyright is an exclusive owned by the creator that come up automatically based on the declarative principle after a work is manifested in a concrete form without reducing the restrictions in accordance with statutory provisions." Based on this concept, it is important to protect the copyright of batik motifs that are born from the hands of craftsmen, and of the many batik designs in Indonesia, one of them is IRD Batik Motif KeUlamaan, which needs attention so that later the copyright owners can enjoy their economic rights over the ongoing protection time of the copyright of the batik motif. With the needs increasing, the copyright, especially the copyright of batik works, has recently received more and more attention. Batik as a national cultural heritage is seen as a form of traditional knowledge and traditional cultural expressions from the local community. Indonesia as

one of the countries that consist of various ethnic groups and is very rich in diversity of traditions and cultures certainly has its own interest in legal protection of the intellectual property of traditional indigenous people.

HKI (Intellectual Property Rights/Hak Kekayaan Intelektual) plays a very important role in encouraging the economic growth of a country. Therefore, the role of the government in strengthening HKI protection in the country must continue to be improved, so that the stronger HKI protection will progress in technological research and the growth of new domestic businesses, which will support Indonesia's knowledge-based economic growth. The entrepreneurs' awareness about the importance of utilizing Intellectual Property Rights is of course to support business activities. For example, if the UKM batik entrepreneurs use brands as product markers, it will make it easier for consumers to find and buy these products. IRD Batik Motif KeUlamaan, UKM batik entrepreneurs can take advantage of brand rights to mark batik products that have their uniqueness and characteristics. Legal protection for brands in accordance with Constitution Number 15, 2001 concerning Trademarks, is granted for 10 (ten) years from the date of receipt and after 10 (ten) years, if the batik craftsman is still producing his batik, the applicant can extend his batik brand rights. This is regulated by Constitution Number 15, 2001 concerning Trademarks in Article 28. In Constitution Number 15 2001 concerning Trademarks Article 3, legal protection provided regulated provisions includes granting the registration for rights to brands and granting rights to brand holders whose rights are violated. Constitution Number 15, 2001 regarding Trademarks Article 76 paragraph (1) A registered brand owner may file a lawsuit against other parties who unlawfully use a brand that has the similarity in its substance or its entirety for similar goods or services in the form: (a) claim for compensation loss, and/or (b) termination of all acts related to the use of the brand and paragraph (2) the lawsuit as referred to in paragraph (1) shall be submitted to the Commercial Court.

A brand cannot be registered an application filed by an applicant with bad intention. What is meant by bad intention here is that the owner of a new batik brand who is about to register his batik brand deliberately creates a brand that is almost similar to a batik brand that is already well-known to the public up, imitating or plagiarizing the fame of another party's brand for the sake of his business, which may result in losses to the parties who have become victims, in this case, the batik craftsmen, whose batik brands have been plagiarized or doubled up, as this action can mislead consumers. Given that batik has great economic potential, it is without a doubt that protection is needed to avoid certain parties taking advantage of batik motifs by taking the essence of these motifs to be modified and combining them into new motif innovations that are individually registered. This protection is even more urgent given the high piracy of batik made by Indonesians by foreign producers (Kemenperin 2020), as well as batik products made by Indonesian craftsmen who are exported without identity so that they are finally claimed by other countries. This kind of act definitely will be harmful to the moral rights and economic rights of batik creators. Protection of batik artwork has been accommodated in Constitution Number 28, 2014 concerning Copyright (Copyright Law). The explanation of Article 40 paragraph (1) letter j of the Copyright Law states "Works that are protected include works in the fields of science, art, and literature, consisting: one of which is batik art or other motif arts."

The Copyright Law also emphasizes that it is important to protect copyright because every creator, which in this case is the creator of IRD Batik Motif KeUlamaan, has the right to and economic rights. So that other parties who wish to carry out such economic or moral rights must obtain permission from the creator.

What is meant by economic rights according to Article 9 paragraph (1) of the Copyright Law is that every creator has the economic right to do: a. Publishing of works; b. Reproduction of works in all its forms; c. Translation of works; d. Adaptation, arrangement transformation of works, e. Distribution of works or copies thereof; f. Performance of works, g. Announcement of works; h. Communication of works; and i. Rental of works.

Meanwhile, the meaning of moral rights according to article 5 paragraph (1) of the Copyright Law, is every right owned by the creator to: (a). Continue to include or not include his name on the copy of the works in connection with the use of his works for the public; b. Using his alias or pseudonym; d. Changing the works the appropriateness of society; e. Change the titles and sub-titles of the works; and f. Maintain his rights in the event of any distortion of works, mutilation of works, modification of works, or things that are harmful to his honor or reputation.

Therefore, to protect the moral and economic rights of the creator of IRD Batik Motif KeUlamaan, some legal remedies can be made, including through registration to the Directorate General of Intellectual Property, Ministry of Law, and Human Rights, as regulated in Article 64 of the Copyright Law. The procedure for the registration has also been regulated in Article 66 of the Copyright Law. Given the high rate of piracy of Indonesian batik, as explained above, it is necessary to protect the creator of IRD Batik Motif KeUlamaan. One of the innovations that the government is doing nowadays is by issuing a batik certification through the Ministry of Industry which is named Batikmark.

Batikmark is a logo that serves as an identity marker for batik products originating from Indonesia. The main objective of issuing the certification is to ensure the perspective of the world. The logo is useful as a means of distinguishing batik made in Indonesia from batik products from other countries. International consumers can easily recognize batik originating from Indonesia. Domestic buyers can also have more confidence in the batik products that will be used. With appears in every batik product produced in Indonesia, the practice of counterfeiting batik products that are often carried out by other countries can be minimized. Batikmark was introduced by the Ministry of Industry through the Regulation of the Minister of Industry No74/M-IND/PER/9/2007. This is an effort to protect intellectual property through certification. The Regulation of the Minister of Industry that created requires that certification can only be done for batik products that already have a registered brand and whose products have passed a series of tests by the National Standardization Agency. Products that pass the test are deemed to have met the Indonesian National Standard (SNI/Standar Nasional Indonesia) and applicants who register their batik at the Center for Handicrafts and Batik are entitled to have a certification and a label, which is stated in Article 5 and Article 6 Regulation of the Minister of Industry of the Republic of Indonesia Number 74/M-IND/PER/9/2007 regarding the Use of Batikmark "Indonesian batik" in Indonesian batik.

If later there is a violation of the copyright protection of motif and brand, legal remedies can then be made to resolve the violation, as regulated in Article 95 paragraph

(1) of the Copyright Law. In this article, it is explained that the settlement of copyright disputes can be done through alternative deliberation, arbitration, or court. Furthermore, Article 96 of the Copyright Law also states that creators, copyright holders, or related rights holders or their heirs who have suffered a loss of their economic rights have the right to receive compensation that is given and included in court decisions regarding copyright criminal cases and/or related rights.

Violations against batik art are rarely resolved through legal recourse. So it can be said that the legal protection of intellectual properties produced by traditional indigenous people is still weak. Unfortunately, this is precisely what happens when the world community is currently moving towards a trend known as the back to nature movement which is marked by the increasing awareness of traditional culture as part of intellectual property and cultural heritage that should be respected, and especially in developing countries like our beloved country Indonesia. Especially in the current era of the Industrial Revolution 4.0, it should be able to accelerate people's needs through information technology to accommodate information needs, especially information on the law protection of batik in Indonesia along with its protection. And it is so urgent to prevent unfair business competition between entrepreneurs over the counterfeiting or imitation of IRD Batik Motif so that the rights of the owners of batik motifs and brands can get legal justice from the state.

The globalization of free trade can only be maintained by keeping a healthy climate for business competition. So the legal protection and the role of the government in protecting intellectual property laws of IRD Batik Motif KeUlamaan are very important. Equally important is the protection of the trademark law for the SME IRD Batik Motif KeUlamaan, which will support the effectiveness of the purpose of the trademark law, namely to create fair business competition. Thus UKM IRD Batik Motif KeUlamaan must register their trademark rights and HKI as the trade rights holder to utilize their rights.

## 4 Conclusion

Aside from having a deep philosophy, batik is one of the cultural heritage of the Indonesian people with a very high artistic value. Batik is also able to provide added economic value to the people of Indonesia, even IRD Batik Motif KeUlamaan contains the message of da'wah in it (Rusmana et al. 2020). This artistic and cultural wealth is one of the sources of intellectual work that needs to be protected by law. This richness is not solely for art and culture itself, but can also be used to increase capabilities in trade and industry its creators. Thus, the protected artistic and cultural wealth can improve welfare, not only for them but also for the whole nation.

It is also necessary to have a marketing strategy that is implemented to increase the competitiveness of batik MSMEs according to, including the first is a market segmentation strategy (Segmentation). There are four criteria needed in this strategy, namely geographic segmentation which in this case there is no specificity in it; demographic segmentation with the specificity of consumers who are classified as young and adult (16–30 years and 31–50 years) because the company wants to promote batik to young people and maintain the existing demographic segmentation; psychological segmentation, which in this case targeting consumers who want to use batik as clothing or

uniforms for their organization or institution; and behavioral segmentation based on an appropriate consumer risk profile. The second strategy is the strategy of determining the target market (Targeting). By making adjustments to the target market, sales are right on target, and thus the target market provides quality batik to people who want batik with youthful nuances, and are still in demand by adults, especially in terms of providing uniform and combination batik for companies, events organizers, factories, hotels, government agencies, and schools. Furthermore, the third is the market position strategy (Positioning) which is an activity to design an image and position oneself in the minds of consumers or how to define the identity and personality of the company in the minds of customers.

## References

- Hamidin A.S. *Batik Warisan Budaya Asli Indonesia*. Yogyakarta: Narasi, 2010.
- RI, Kemenperin. "Rencana-Strategis-Kementerianperindustrian.," n.d. [www.kemenperin.go.id](http://www.kemenperin.go.id): <http://www.kemenperin.go.id/artikel/6123/profil/71/profil/71/rencana-strategis-kementerianperindustrian>.
- Rusmana, Indriya, Pascasarjana Program, Doktor Universitas, and Ibn Khaldun. "Al-Kharaj : Jurnal Ekonomi , Keuangan & Bisnis Syariah DALAM MOTIF BATIK IRD WALISONGO Program Studi Pendidikan Islam Al-Kharaj : Jurnal Ekonomi , Keuangan & Bisnis Syariah Dengan Waktu Yang Membawa Keanekaragaman Budaya Di Indonesia . Islam Selalu Menyat," 2020.
- Sutedi, A. *Hak Atas Kekayaan Intelektual*. Jakarta: Sinar Grafika, 2009.
- Z, D.H. Wibowo; Arifin. "Analisis Strategi Pemasaran Untuk Meningkatkan Daya Saing Umkm (Studi Pada Batik Diajeng Solo)." *Administrasi Bisnis* 29, no. 1 (2015): 59–66.
- Zahrotunimah, Indriya; "Batik Sebagai Media Dakwah Dan Pendidikan Karakter Berbasis Kearifan Lokal." 2017, n.d.

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