

Legal Protection of Communal Cultural Heritage in West Nusa Tenggara Through Registration of Communal Intellectual Property at the Ministry of Law of the Republic of Indonesia

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Abstract

This community service article presents a qualitative study of legal protection efforts for communal cultural heritage in West Nusa Tenggara (NTB) Province through the registration of Communal Intellectual Property (CIP) at the Ministry of Law of the Republic of Indonesia. Employing a descriptive qualitative approach with phenomenological underpinnings, this study gathered data through participatory observation, open-ended written questionnaires, and systematic document analysis involving traditional community leaders, local government officials, legislative staff, and cultural practitioners from the Sasak, Samawa, and Mbojo communities. Findings reveal four interconnected themes: (1) the richness and vulnerability of NTB's communal cultural assets; (2) deep-seated misconceptions regarding the purpose of CIP registration; (3) structural and institutional barriers to registration; and (4) the critical importance of multi-stakeholder collaboration. The study concludes that sustainable CIP protection in NTB requires culturally sensitive legal education, institutional capacity building, and a robust multi-actor governance framework anchored in a provincial regulatory instrument. These findings offer significant implications for policy development and for community service practice in the domain of communal cultural heritage governance across Indonesia.

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1. INTRODUCTION

Indonesia's extraordinary cultural diversity constitutes one of its most significant national assets. Communal Intellectual Property (CIP) encompassing traditional cultural expressions, traditional knowledge, genetic resources, and geographical indication potential represents a particularly critical dimension of this heritage [1]. Unlike individual intellectual property, CIP is owned collectively by a community and transmitted across generations, rendering its protection both legally complex and socially profound [2].

West Nusa Tenggara (Nusa Tenggara Barat/NTB) Province is home to three principal indigenous peoples the Sasak, Samawa, and Mbojo whose combined cultural legacy spans thousands of distinct practices, artistic traditions, and knowledge systems [3]. Despite this richness, the overwhelming majority of these assets remain undocumented and lack formal legal recognition, making them susceptible to appropriation, misuse, or erasure in the face of globalisation [4].

The Indonesian legal framework for CIP protection has developed significantly in recent years. Law No. 28 of 2014 on Copyright, Law No. 5 of 2017 on Cultural Advancement, and Government Regulation No. 56 of 2022 on Communal Intellectual Property collectively provide a legal basis for the inventory and registration of CIP through the Directorate General of Intellectual Property (DJKI) under the Ministry of Law [5]. However, the translation of this framework into effective ground-level protection has proven far more challenging than legislative intent might suggest [6].

Community service activities (*pengabdian kepada masyarakat*) by higher education institutions constitute an important mechanism for closing this implementation gap. Yet studies of such activities have tended to report outcomes in quantitative terms number of participants trained, assets catalogued, forms submitted without examining the deeper social, cultural, and institutional dynamics that shape the success or failure of CIP protection efforts [7]. This constitutes a significant gap in the literature, as qualitative insight into community perceptions, institutional behaviours, and relational dynamics is essential for designing more effective interventions [8].

This community service article addresses that gap by presenting findings from a qualitative study conducted alongside the CIP registration facilitation activities in NTB in 2025. Guided by a phenomenological orientation, the study explored how community members, government officials, legislative staff, and cultural practitioners experienced, understood, and responded to CIP registration processes [9]. The aim was not merely to report activity outputs but to generate interpretive understanding of the lived realities that shape CIP protection in NTB [10].

The article makes three principal contributions. First, it provides rich qualitative evidence on the barriers to CIP registration in an eastern Indonesian provincial context. Second, it identifies the cultural and institutional conditions that enable or constrain effective CIP governance. Third, it proposes a theoretically grounded and empirically informed multi-stakeholder framework for sustainable CIP protection in NTB and comparable regions [11].

2. MPLEMENTATION METHOD

Research Design

This study adopted a descriptive qualitative research design with phenomenological underpinnings [12]. Phenomenology was selected because the primary research interest lay in understanding the meanings that informants attributed to their experiences of CIP registration their perceptions, concerns, motivations, and interpretive frameworks. This approach is consistent with established practice in socio-legal and community development research in Indonesia [13].

The community service activities themselves comprising CIP potential mapping, socialisation workshops, inventory assistance, inter-stakeholder coordination, and registration facilitation ran from January to June 2025 across NTB's ten districts and municipalities. The qualitative study was embedded within and ran concurrently with these activities, allowing researchers to capture informants' experiences as they unfolded in real time [14].

Research Informants and Data Collection

Purposive sampling was employed to select informants with direct knowledge of or involvement in CIP governance in NTB [15]. A total of 49 individuals participated, drawn from seven distinct categories. Twelve traditional community leaders representing the Sasak, Samawa, and Mbojo communities were engaged as primary custodians of cultural knowledge. Six Ministry of Law officials from the Directorate General of Intellectual Property (DJKI) and the NTB Regional Office contributed institutional and regulatory perspectives. Four members of NTB Provincial Parliament staff provided insight into the legislative landscape, while five NTB Provincial Cultural Agency officials clarified the operational dimensions of heritage governance. Ten cultural practitioners and artisans offered ground-level experiential accounts of cultural transmission and vulnerability, and four University of Mataram legal academics contributed analytical perspectives on intellectual property law. Eight village government representatives

rounded out the participant composition, ensuring that sub-district administrative realities were represented in the dataset.

Three primary data collection methods were employed. Participatory observation constituted the principal data collection strategy, enabling researchers to document unfolding social realities in their natural contexts. Researchers were present across all phases of the community service programme including CIP potential mapping exercises, socialisation workshops, inventory assistance sessions, inter-stakeholder coordination meetings, and registration facilitation events generating detailed field notes that captured informal discourse, non-verbal cues, group dynamics, and emergent patterns of community engagement and institutional behaviour [16]. Open-ended written questionnaires were administered to government officials, cultural agency staff, and legislative representatives, comprising structured prompts on CIP awareness, perceptions of the registration process, assessments of institutional coordination, and views on regulatory gaps. This instrument allowed for reflective responses from participants whose professional schedules precluded extended engagement and provided a systematic written record amenable to systematic thematic coding. Document analysis constituted the third method, involving systematic review of relevant policy documents, legislative records, community cultural inventories, DJKI correspondence, workshop proceedings, and provincial government reports. Documentary analysis provided essential contextual and institutional background against which observational and questionnaire data could be triangulated, and illuminated the formal discursive frames within which CIP governance is officially articulated in NTB [9].

All data collection activities were conducted primarily in Indonesian. During participatory observation sessions in rural and adat community settings, researchers collaborated with community interpreters fluent in Sasak, Samawa, or Mbojo to ensure accurate comprehension and faithful recording of vernacular expressions, ceremonial terminology, and culturally specific concepts. Open-ended questionnaires were distributed and, where necessary, verbally facilitated in the local language by trained research assistants. Informed consent was obtained from all participants prior to data collection, and confidentiality was maintained through the use of anonymised coded identifiers throughout the analysis and reporting process [17]. Participants were made aware of the research purposes and their right to withdraw at any stage without consequence.

Data Analysis

Data were analysed using thematic analysis following the six-phase framework proposed by Braun and Clarke [18]: familiarisation with data, initial coding, searching for themes, reviewing themes, defining and naming themes, and producing the report. Field notes from participatory observation were subject to iterative re-reading and initial open coding, with particular attention to recurring concerns, notable silences, and affectively charged episodes. Open-ended questionnaire responses were coded thematically, with both deductive codes derived from the research questions and inductive codes emerging from participant language and framing. Documentary sources were coded for discursive patterns, institutional positions, and policy commitments or gaps. The combination of these three data streams enabled methodological triangulation, strengthening the credibility and coherence of the emergent thematic structure [19].

Trustworthiness was ensured through four mechanisms: credibility through prolonged engagement in the field and member checking with key community participants who reviewed preliminary thematic summaries; transferability through thick descriptive reporting that contextualises findings within NTB's specific socio-cultural and institutional environment; dependability through audit trail documentation recording all analytical decisions, coding iterations, and data management choices; and confirmability through reflexivity journaling maintained by the research team throughout the data collection and analysis process [20]. Atlas.ti software was used to manage and organise the qualitative data corpus, facilitating systematic coding across the three data streams and enabling transparent documentation of the analytical process.

3. RESULTS AND DISCUSSION

Thematic analysis of the qualitative data produced four overarching themes, each comprising multiple sub-themes. The first theme, the richness and vulnerability of NTB's communal cultural assets, captured participants' affirmative accounts of diverse traditional expressions alongside their acute awareness of the legal precariousness of those assets. Sub-themes included the diversity of traditional expressions across the Sasak, Samawa, and Mbojo traditions; patterns of intergenerational transmission; the specific threat of external appropriation by commercial actors; and the near-total absence of formal documentation. The second theme, misconceptions about the purpose of CIP registration, encompassed participants' fears of commercialisation and privatisation of culture, confusion between individual and communal intellectual property regimes, and resistance among elder community members stemming from epistemological tensions between indigenous and formal legal frameworks. The third theme, structural and institutional barriers to registration, documented fragmented data infrastructure, digital accessibility and connectivity challenges in remote communities, insufficient government capacity at multiple administrative levels, and the absence of effective inter-agency coordination mechanisms. The fourth theme, multi-stakeholder collaboration as a prerequisite for sustainable CIP protection, integrated perspectives from across all participant categories on the distributed nature of the governance challenge and the conditions under which effective collaborative arrangements might be institutionalised.

Theme 1: Richness and Vulnerability of NTB's Communal Cultural Assets

Across all informant categories, there was consistent recognition of NTB's extraordinary cultural diversity. Community leaders from the Sasak, Samawa, and Mbojo communities described cultural assets that ranged from performing arts such as the Presean martial tradition and the Zikir Saman vocal genre to sophisticated traditional knowledge systems including ethnobotanical pharmacology, indigenous water management (subak-like systems), and heirloom seed cultivation [21].

At the same time, informants across all three communities articulated a palpable sense of vulnerability. A Sasak traditional leader from Lombok Tengah described the situation in particularly vivid terms:

"Our culture is like a tree without roots in the eyes of the law. Everyone can come and take its fruit its dances, its medicines, its cloth patterns and say it is theirs. We have no document, no certificate, nothing that says: this is ours, this belongs to us, to our ancestors." (Informant ST-03)

This sentiment resonated strongly in the Samawa and Mbojo communities as well, where informants cited specific instances of traditional motif patterns from NTB's handwoven textiles appearing in commercial products marketed under foreign brand names without attribution or compensation to the originating communities [22]. A female artisan from Bima described feelings of both helplessness and indignation:

"I have woven this pattern since I was a child, as my grandmother taught me. Now I see it sold in the city market by people who do not know what it means, who do not know its story. It is painful." (Informant AP-07)

These narratives align with broader scholarly observations regarding the heightened vulnerability of traditional cultural expressions in communities without formal documentation or legal protection mechanisms [4]. The findings underscore that NTB communities do not merely lack legal awareness; they are actively experiencing the consequences of legal unprotection, which creates a powerful affective motivation for engagement with CIP registration when it is appropriately framed [23].

Theme 2: Misconceptions About the Purpose of CIP Registration

A central finding of this study was the prevalence of fundamental misconceptions among community informants regarding the nature and purpose of CIP registration. The most widespread misconception was the equation of CIP registration with commercialisation or privatisation of culture the belief that registering a cultural asset would render it subject to individual ownership, commercial exploitation, or government control, thereby severing it from its communal roots [24].

A village head from Lombok Utara articulated this concern explicitly:

"If we register our dances with the government, will the government own them? Will our children need to pay a fee to perform them at weddings? We do not want our culture to become a commodity." (Informant KD-02)

This misconception was particularly prevalent among older community members and traditional leaders, several of whom had encountered informal narratives circulating through social networks and community gatherings that portrayed CIP registration as a form of governmental expropriation of cultural heritage [25]. The informants' concerns reflected a deeper epistemological tension between indigenous conceptions of cultural ownership, which are fundamentally communal, relational, and inalienable, and the formal legal apparatus of intellectual property, which even in its communal form is perceived as an alien bureaucratic instrument [6].

Ministry of Law officials acknowledged this communicative challenge, noting that the framing of CIP registration activities had in many prior instances inadvertently reinforced rather than dispelled these misconceptions:

"We sometimes come with legal language, with forms, with official stamps. For communities that already distrust bureaucracy, this can confirm their fears rather than address them. We need to learn to speak the language of culture, not just the language of law." (Informant KH-01)

The finding that reframing CIP registration as protection rather than property emphasising that registration prevents external claims rather than creating internal ones was pivotal in enabling productive community engagement is consistent with socio-legal scholarship on the importance of legal framing in community empowerment programs [8]. It also points to the need for culturally competent legal communicators who can bridge the epistemological divide between indigenous cultural logic and formal legal categories [7].

Theme 3: Structural and Institutional Barriers to Registration

3.1 Data Infrastructure Fragmentation

Informants from both government and community sectors consistently identified the absence of a coherent, integrated cultural data infrastructure as a fundamental barrier to CIP registration. Cultural inventories maintained by district governments, village administrations, customary institutions (*lembaga adat*), and academic researchers operated as disconnected silos, with no mechanisms for aggregation, cross-referencing, or standardisation [9].

A Cultural Agency official articulated the practical consequences of this fragmentation:

"We have data scattered everywhere. The district has one list, the university has another, the lembaga adat has theirs. Sometimes the same practice has three different names in three different documents. Which one do we submit to DJKI?" (Informant DA-02)

3.2 Digital Accessibility and Connectivity

DJKI's CIP registration system is exclusively accessible via an online platform, a requirement that created significant practical barriers in NTB's more remote communities. Informants from villages in Sumbawa Besar's interior districts and from coastal communities in East Lombok described internet connectivity as unreliable and, in some cases, entirely absent [15]. Beyond connectivity, the platform's interface was described as technically demanding, requiring a level of digital literacy that many community representatives particularly among older traditional leaders did not possess:

"I am the keeper of our adat knowledge. I know every plant in the forest and what it cures. But I have never used a computer. How can I be expected to register our knowledge on a machine I have never touched?" (Informant ST-08)

3.3 Institutional Capacity and Coordination

Inter-agency coordination emerged as a significant structural challenge. Documentary analysis of interagency correspondence and questionnaire data from government officials revealed that responsibilities for CIP governance were distributed across multiple agencies the Ministry of Law's NTB Regional Office, the Provincial Cultural Agency, district cultural offices,

and the Provincial Tourism Office without a clear coordination mechanism or designated lead agency at the provincial level [11].

Documentary review of provincial legislative records and questionnaire responses from Provincial Parliament staff confirmed that, while legislative support for CIP protection was strong in principle, no dedicated provincial regulation (*peraturan daerah*) existed to formalise this commitment in budgetary or institutional terms. Several participants noted that this regulatory vacuum created a situation in which CIP activities were funded episodically through project grants rather than through sustained provincial budget allocations, undermining long-term planning and continuity [25].

3.4 Cultural Epistemologies and the Formal Legal Apparatus

A fourth dimension of structural barrier emerged from participants' accounts: the epistemological incompatibility between indigenous frameworks for understanding cultural ownership and the formal legal categories through which CIP registration operates. For many community participants, the very concept of "registering" a cultural asset was experienced as a category error a demand that living, relational, and collectively held practices be translated into static, bounded, and bureaucratically managed objects of ownership. This tension was not merely a communication problem amenable to better explanatory materials; it reflected a deeper ontological divide between indigenous cultural logic and the legal-administrative infrastructure through which the Indonesian state operationalises heritage protection [6].

Field notes from community mapping exercises in Sasak villages of Lombok Tengah documented repeated instances in which participants questioned the fundamental premise of the registration exercise. Several elder participants expressed concern that the act of documentation itself constituted a form of "fixing" that would calcify living traditions, stripping them of their adaptive vitality. A respected weaving artisan from the Samawa community articulated this with particular clarity, observing that the cloth patterns she produced were never identical across weavings each iteration was a creative act responsive to spiritual and seasonal conditions and that reducing such a practice to a singular registered form would misrepresent its essential nature. These observations highlight a dimension of the registration challenge that is irreducible to technical or logistical barriers and that demands sustained ethnographic sensitivity in the design of CIP facilitation programmes [10].

At the same time, younger community members and cultural practitioners with greater exposure to formal education and urban economic environments expressed more instrumental orientations toward registration, viewing CIP documentation as a practical tool for asserting collective rights in commercial contexts. This generational divergence within communities constitutes both a challenge and a resource: a challenge insofar as it complicates the formation of unified community positions; a resource insofar as younger members can serve as cultural brokers who bridge indigenous and formal legal epistemologies, provided they are supported in doing so with appropriate training and institutional backing [7].

Theme 4: Multi-Stakeholder Collaboration as a Prerequisite for Sustainable CIP Protection

Across informant categories, a shared conviction emerged that no single actor be it the Ministry of Law, the Provincial Government, traditional communities, or universities possessed the full combination of legal authority, cultural knowledge, technical capacity, and community trust necessary to operationalise CIP protection at scale in NTB. All informants agreed that sustainable CIP protection was inherently a collaborative undertaking [11].

The Ministry of Law officials articulated their role as primarily one of facilitation and technical standard-setting, while acknowledging the limits of their community engagement capacity:

"We can provide the system, the legal framework, the guidelines. But we cannot be in every village in NTB. We need partners who know the communities, who have their trust." (Informant KH-03)

University academics emphasised their potential contribution as cultural documentation specialists and legal communicators, while community leaders stressed that the legitimacy and

authenticity of any documentation process was contingent upon genuine community control and leadership. Provincial Parliament representatives underlined the necessity of a regulatory instrument to formalise and sustain multi-stakeholder commitments beyond the tenure of individual officials or project funding cycles [24].

These converging perspectives support the development of a formalised multi-stakeholder governance network for CIP in NTB. Such a network would need to be anchored in a provincial regulation establishing clear institutional mandates, coordination protocols, budgetary provisions, and community participation rights. This finding resonates with theoretical frameworks of polycentric governance in cultural heritage management, which emphasise that sustainable protection requires distributed authority, shared norms, and adaptive institutional arrangements [14].

4. CONCLUSIONS

This qualitative study has generated rich and nuanced insight into the social, cultural, and institutional dynamics shaping legal protection for communal cultural heritage in West Nusa Tenggara. Four overarching themes emerged from thematic analysis: the richness and vulnerability of NTB's communal cultural assets; deep-seated misconceptions regarding CIP registration; structural and institutional barriers; and the indispensability of multi-stakeholder collaboration.

The findings underscore that effective CIP protection in NTB demands far more than the completion of administrative registration forms. It requires culturally sensitive legal education that speaks to communities' own epistemological frameworks; sustained investment in data infrastructure and digital accessibility; institutional capacity building at multiple levels of government; and the enactment of a provincial regulation that provides the governance architecture for sustained, coordinated, and community-centred CIP protection.

The fourth theme multi-stakeholder collaboration as a prerequisite deserves particular emphasis in terms of its implications for institutional design. The study revealed that existing collaborative arrangements were predominantly ad hoc, convened around specific project activities rather than embedded in durable governance structures. While individual relationships between university researchers, government officials, and community leaders were productive and characterised by mutual trust, these relationships were personal rather than institutional, creating a fragility that rendered the continuity of CIP activities dependent on the tenure and commitment of specific individuals. The translation of interpersonal trust into institutional architecture is therefore a critical governance challenge. A provincial regulation that formalises roles, mandates coordination mechanisms, and allocates dedicated budgetary resources would provide the structural substrate necessary to sustain multi-stakeholder engagement beyond individual project cycles [11].

It is also worth noting the methodological contribution of this study. The decision to employ participatory observation, open-ended questionnaires, and document analysis rather than more extractive interview-based methods proved epistemologically productive in this context. Participatory observation, in particular, afforded access to dynamics that would not have been captured through formal questioning: the hesitations before signing consent forms, the side conversations between community elders during workshop breaks, the facial expressions of artisans asked to describe their craft practices in bureaucratic terms. These micro-moments of cultural negotiation were analytically significant precisely because they revealed the affective and relational textures of CIP governance that formal instruments tend to flatten. Researchers in community service contexts in Indonesia are encouraged to consider mixed-method observational designs as complements to survey instruments, particularly when the phenomena under investigation involve community trust, cultural epistemology, and institutional legitimacy [13].

The study also has implications for the design of CIP socialisation programmes more broadly. Conventional socialisation models have typically relied on formal presentation formats lectures, information handouts, registration demonstrations delivered by government or academic

representatives to community audiences. The findings of this study suggest that such formats are poorly suited to the communicative and relational dynamics of CIP governance in NTB. More effective models would centre community cultural authorities as the primary communicators and interpreters of CIP registration; employ narrative, performative, and place-based pedagogical approaches consistent with indigenous educational traditions; and integrate the registration process into existing community events and ceremonies rather than staging it as a separate bureaucratic exercise. These recommendations are consistent with emerging best practices in community legal empowerment across eastern Indonesia and align with the broader literature on culturally responsive service delivery [8].

Future community service and research activities in this domain should prioritise ethnographic documentation of cultural assets co-led by community members; the development of offline and mobile-friendly registration facilitation models for remote communities; longitudinal monitoring of CIP registration outcomes and their impact on community welfare; and the comparative study of provincial CIP governance models across Indonesia to identify transferable best practices.

The voices and experiences captured in this study affirm that NTB's communities are not passive objects of legal protection they are knowledgeable, invested, and capable actors who, given appropriate institutional support, can and will drive the protection of their own cultural heritage. It is the task of law, government, and the academy to create the enabling conditions for that agency to flourish.

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