

LEGAL PROTECTION OF WAYANG GOLEK CEPAK INDRAMAYU ARTISTIC CULTURAL EXPRESSION

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Abstract: Cultural expression encompasses all forms of creative work that depict the existence of a traditional culture. Cultural expressions can manifest as tangible objects, intangible heritage, or a combination of both. A distinctive art form is the Wayang Golek Cepak of Indramayu, which possesses unique characteristics and differences compared to the general forms of wayang golek and wayang kulit in terms of puppet design and narrative flow. What sets this wayang apart is that its stories, plotlines, and the appearance of its characters are not derived from standard wayang conventions. The Indramayu Cepak wayang golek does not have a 'telekung' (head covering) on its head, hence it is called 'pipih' (flat). Currently, public response to Wayang Golek Cepak performances is declining with the influx of Western culture into Indonesia. Consequently, Cepak wayang performances are experiencing dwindling audiences and enthusiasts. The majority of young people and even the Indramayu community are unaware of their own local art forms. They are only familiar with the mask dance ('tari topeng'), whereas Indramayu has many other distinctive art forms that remain unknown to them, especially the Wayang Golek Cepak. By increasing socialization efforts regarding the natural wealth and distinctive arts of Indramayu to the community, particularly the younger generation, it is hoped that in the future, all art forms in Indramayu will not be overshadowed by the numerous modern cultures entering the region. This will also enhance knowledge and cultivate talent among the successors of Indramayu's distinctive arts, especially the Pagelaran Wayang Cepak Indramayu (Cepak Wayang Golek Performance of Indramayu), which currently seems to be in a state of dormancy and is on the verge of being lost to the tide of Western cultural globalization.

Keywords: Legal Protection, Wayang Golek Cepak, Cultural Expression

I. INTRODUCTION

Traditional intellectual creations are the result of thoughts or ideas that can be born from every individual based on their abilities, expertise, and skills. These works are produced in their respective regions. Traditional works need protection because they are included in Intellectual Property Rights (IPR), which contain exclusive rights, meaning rights inherent to human beings. A traditional work deserves protection to prevent undesirable events such as piracy, plagiarism, and other crimes. In other words, the protection of traditional works is necessary so that the results of their creations cannot be seized or claimed by those who do not realize the importance of IPR.

Related to the enormous potential of traditional knowledge and traditional cultural expressions possessed by Indonesia, this must be protected by the state, in this case, the government. The concept of IPR today raises various strategic issues that lead to the interests of developing countries, including Indonesia (Research and Development Agency for Human Rights, Ministry of Law and Human Rights of the Republic of Indonesia, 2013). Regulations regarding intellectual property in the form of traditional knowledge and traditional cultural expressions have also become a legal issue in the international arena.

The types of intellectual property in international trade whose legal protection arrangements are regulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) include (Research and Development Agency for Human Rights, Ministry of Law and Human Rights of the Republic of Indonesia, 2013):

1. Copyrights.
2. Trademarks.
3. Geographical indications.
4. Industrial designs.
5. Patents.
6. Integrated circuit lay-out designs, and
7. Trade secrets (article 1 paragraph (2) trade-related aspects of intellectual property rights including trade in counterfeit goods/trips).

Wayang is an Indonesian cultural heritage that is not only known by the Indonesian people but also by the international community. Wayang has entertainment value that contains a main story and also functions as a medium of communication. Besides that, the delivery of the story is also interspersed with moral messages concerning various aspects of life, thus also having educational value. In a wayang performance, there are several components, including the Dalang (puppeteer), Niyaga (gamelan players), and Pesinden (female singer). The Dalang here has the authority to manage the entire performance as the leader; they have the power to regulate the division of tasks for the niyaga and sinden. In Indonesia itself, there are several well-known types of wayang, including wayang kulit (shadow puppets), wayang golek (wooden puppets), and wayang orang (human puppets). Generally, wayang stories are based on the Mahabharata and Ramayana epics, which are holy books of Hinduism (Esaunggul, n.d.).

Wayang golek itself began to be known by the people of West Java in 1533 AD based on stone inscriptions. However, another opinion states that wayang golek began to be known in West Java during the reign of Raden Patah of the Demak Kingdom (Kompas.com, 2022).

Indramayu is one of the regions that has a diversity of traditional arts between Javanese and Sundanese cultures. One of its traditional arts is wayang golek cepak, one of the oldest (more than 300 years old) and almost extinct types of wayang due to a lack of support from both the local community and the local government. Indramayu's wayang golek cepak itself is a type of wayang golek whose stories are based on 1) Serat Menak for the propagation of Islam and 2) Babad Tanah Jawa to tell stories of the Javanese and Pasundan kings. This

wayang only exists in Indramayu Regency. Wayang Golek Cepak is estimated to have been made in the 1800s. The year of its creation is written in a songbook in Javanese script (Directorate of Cultural Heritage and Diplomacy, 2024).

Unfortunately, the brilliance of wayang cepak is slowly fading. Every decade, the charm of wayang art is abandoned by its enthusiasts. This can be seen from the ever-decreasing calls for performances. The peak occurred in the early 2000s when there was a shift in the times. Residents began using the services of single keyboard players at every celebration held. It was from then on that the art of wayang was slowly abandoned by its enthusiasts, not only abandoned by the audience but also the artists themselves gradually left (Gandarasa, 2023).

Legal protection is something that protects legal subjects through applicable laws and regulations whose implementation is enforced with sanctions. One of the characteristics and at the same time a goal of law is to provide protection (shelter) to the community. Indonesia, as an archipelago, has a very rich diversity of arts and culture. This is in line with the diversity of ethnic groups, tribes, and religions, which as a whole constitutes a national potential that needs to be protected. The wealth of traditional arts is one source of intellectual works that can and needs to be protected by law. Currently, there is no legal certainty regarding the protection of Indonesian Traditional Cultural Expressions, considering that regulations still include them in the Copyright Law (Law No. 28 of 2014). Separate regulations for Traditional Cultural Expressions are needed, followed by Government Regulations and strict sanctions for violations (Liza & Dessy, n.d.).

Culture in Indonesia, including its arts and culture, is now starting to become a special concern for the government to be "sold" to the international cultural market. However, in its development and existence, traditional arts are weak in terms of protection, one of which is Wayang Golek Cepak Indramayu. Indigenous communities understand traditional knowledge and traditional cultural expressions as cultural heritage that is owned communally (jointly owned). Gradually, traditional knowledge and traditional cultural expressions will disappear along with the erosion of traditional culture by the advancement of the times and the marginalization of indigenous communities. This is due to a lack of awareness regarding the importance of intellectual property assets and the poor documentation of such traditional knowledge. On the other hand, traditional knowledge and traditional cultural expressions are a matter of legal protection.

II. RESEARCH METHOD

This research method employs a Normative Juridical research approach, which is library-based legal research conducted by examining library materials or purely secondary data. This includes literature research through internet browsing or reading books to find all kinds of information, including the results of previous research related to Indramayu's wayang golek cepak. Therefore, this research utilizes materials already compiled by scholars on Indramayu's wayang golek cepak and relevant statutory sources pertaining to all matters discussed in the study.

III. RESULT AND DISCUSSION

A. Legal Protection

Regarding the significant potential of traditional knowledge and traditional cultural expressions possessed by Indonesia, especially in the case of Indramayu, it is obligatory for the state, in this case the government, to provide protection (Nurjanah et al., n.d.). Indramayu's Wayang Golek Cepak has been registered by Prof. Dr. Kanti Walujo Msc., residing at Permata Puri I Blok C7 No. 5 Rt 002/Rw 009 Cisalak Pasar Cimanggis, as a

scientific work registered with the DJKI under Recording No. 000100599 (Intellectual Property, 2018). Furthermore, Indramayu's Wayang Golek Cepak has also been registered as an Intangible Cultural Heritage of Indonesia, approved by the WBTB administrator on 01-01-2011, with Registration Number 2011001974, categorized as an original Performing Arts domain of Indramayu.

The forms of Legal protection for Related Rights according to the Copyright Law consist of 2 (two) types:

1. Preventive Legal Protection: Protection provided by the government with the aim of preventing violations before they occur. In this preventive legal protection, legal subjects are given the opportunity to submit objections or opinions before a government decision takes a definitive form. This is stipulated in laws and regulations with the intention of preventing a violation and providing guidelines or limitations in carrying out an obligation. The form of preventive legal protection in related rights is regulated in the following articles of the law:

Article 106

At the request of a party who feels harmed by the exercise of Copyright or Related Rights, the Commercial Court may issue a temporary injunction to:

- a. Prevent the entry of goods suspected of infringing Copyright or Related Rights into trade channels;
- b. Withdraw from circulation and confiscate and store as evidence related to the infringement of the Copyright or Related Rights;
- c. Secure evidence and prevent its removal by the infringer; and/or
- d. Stop the infringement to prevent greater losses.

Article 107

- 1) An application for a temporary injunction shall be submitted in writing by the Creator, Copyright Holder, Related Rights Holder, or their Attorney to the Commercial Court, fulfilling the following requirements:
 - a. Attaching proof of ownership of Copyright or Related Rights;
 - b. Attaching preliminary indications of the occurrence of Copyright or Related Rights infringement;
 - c. Attaching a clear description of the goods and/or documents requested, searched for, collected, or secured for evidentiary purposes;
 - d. Attaching a statement of concern that the party suspected of Copyright or Related Rights infringement will remove evidence; and
 - e. Paying a guarantee whose amount is comparable to the value of the goods to be subject to the temporary injunction.
 - 2) The application for a temporary court order as referred to in paragraph (1) shall be submitted to the chairman of the Commercial Court in the jurisdiction where the goods suspected of being the result of Copyright or Related Rights infringement are found (Law, 2004).
2. Repressive Legal Protection: Aims to resolve disputes. This repressive legal protection is a final protection in the form of sanctions such as fines, imprisonment, and additional penalties imposed if a dispute has occurred or a violation has been committed. The principle of legal protection against government actions is based on and sourced from the concept of recognition and protection of human rights because, according to Western history, the emergence of the concept of recognition and protection of human rights was directed at limiting and imposing obligations on society and the government.

The second principle underlying legal protection against government actions is the principle of the rule of law.

Article 95

- 1) Copyright disputes can be resolved through alternative dispute resolution, arbitration, or the courts.
- 2) The competent court as referred to in paragraph (1) is the Commercial Court.
- 3) Other courts besides the Commercial Court as referred to in paragraph (2) are not authorized to handle the settlement of Copyright disputes.
- 4) Apart from Copyright and/or Related Rights infringement in the form of Piracy, as long as the disputing parties are known to exist and/or are within the territory of the Unitary State of the Republic of Indonesia, they must first pursue dispute resolution through mediation before filing criminal charges.

The competent court to handle the settlement of copyright disputes is the Commercial Court.

1. Civil Sanctions

In accordance with the provisions of Article 96 of the Copyright Law, it is stated that:

- (1) The Creator, Copyright Holder, and/or Related Rights Holder or their heirs who suffer economic losses are entitled to Compensation.
- (2) The Compensation referred to in paragraph (1) shall be granted and included simultaneously in the verdict of the court regarding criminal acts of Copyright and/or Related Rights.
- (3) Payment of Compensation to the Creator, Copyright Holder, and/or Related Rights Holder shall be made no later than 6 (six) months after the court decision has permanent legal force (Law, 2004).

2. Criminal Sanctions If a violation of the economic rights of related rights holders occurs, criminal sanctions may also be imposed in accordance with the provisions of Articles 116 to 118 of the Copyright Law.

Article 116 states that:

- a. Any Person who without right commits an infringement of economic rights as referred to in Article 23 paragraph (2) letter e for Commercial Use shall be punished with imprisonment for a maximum of 1 (one) year and/or a fine of a maximum of Rp100,000,000 (one hundred million rupiah).
- b. Any Person who without right commits an infringement of economic rights as referred to in Article 23 paragraph (2) letter a, letter b, and/or letter f, for Commercial Use shall be punished with imprisonment for a maximum of 3 (three) years and/or a fine of a maximum of Rp500,000,000.00 (five hundred million rupiah).
- c. Any Person who without right commits an infringement of economic rights as referred to in Article 23 paragraph (2) letter c, and/or letter d for Commercial Use shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp1,000,000,000.00 (one billion rupiah).
- d. Any Person who meets the elements as referred to in paragraph (3) committed in the form of Piracy shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of a maximum of Rp4,000,000,000.00 (four billion rupiah).

Article 117 states that:

- a. Any Person who intentionally and without right commits an infringement of economic rights as referred to in Article 24 paragraph (2) letter c for Commercial Use shall be punished with imprisonment for a maximum of 1 (one) year and/or a fine of a maximum of Rp100,000,000 (one hundred million rupiah).

- b. Any Person who intentionally and without right commits an infringement of economic rights as referred to in Article 24 paragraph (2) letter a, letter b, and/or letter d for Commercial Use shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp1,000,000,000.00 (one billion rupiah).
- c. Any Person who meets the elements as referred to in paragraph (2) committed in the form of Piracy shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of a maximum of Rp4,000,000,000.00 (four billion rupiah).

Article 118 states that:

- 1) Any Person who intentionally and without right commits an infringement of economic rights as referred to in Article 25 paragraph (2) letter a, letter b, letter c, and/or letter d for Commercial Use shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp1,000,000,000.00 (one billion rupiah). (
- 2) Any Person who meets the elements as referred to in Article 25 paragraph (2) letter d committed with the intent of Piracy shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of a maximum of Rp4,000,000,000.00 (four billion rupiah) (Law, 2004).

The acquisition of related exclusive rights in the Copyright Law includes moral and economic rights. The moral rights of performers are inherent rights that cannot be eliminated or waived for any reason, even if the related rights have been transferred. The Economic Rights of Performers are exclusive rights granted by law to the Creator (Makka, 2023).

Indonesia's Copyright Law Number 28 of 2014, consisting of 126 articles, replaces Law of the Republic of Indonesia Number 19 of 2002. The enactment of this new Copyright Law is based on the rapid development of science, technology, art, and literature, necessitating increased protection and legal certainty for creators, Copyright Holders, and Copyright Owners (Law, 2004). The provisions of the Copyright Law emphasize Exclusive Rights, the existence of which is closely attached to its owner or holder, constituting personal authority over the creation concerned and having monetary value. Therefore, no party may exploit Copyright without the creator's permission (Supramono, 2010). The exclusive rights held by the creator cannot be separated because these rights can be claimed if violated.

The Copyright Law grants Rights to an author or creator over a creation, exclusive rights over their works for a certain period. These rights allow creators to control the exploitation of economic rights over their works, for which they are certainly entitled to a certain amount of payment. The Copyright Law also grants moral rights that protect, among other things, the creator's image and integrity. Moral rights are the rights of the creator to claim authorship of a creation and the right of the creator to object to any actions intended to alter, reduce, or add to the originality of the creation, which could undermine the honor and reputation of the original creator. The Explanation of Article 4 of the Copyright Law clarifies that the Exclusive Right referred to is a right intended only for the creator, so that no other party may exploit that right without the creator's permission. A copyright holder who is not the creator only has part of the exclusive rights in the form of economic rights (Simorangkir, 1979).

Article 9 of the Copyright Law explains that the exclusive rights of the copyright holder include the activities of translating, adapting, arranging, transforming, selling, renting, lending, exhibiting, and communicating a creation to

the public through any means. The exclusive rights included in copyright can be transferred, for example, by inheritance or written agreement as regulated in Article 16 of the Copyright Law. Copyright owners may also authorize other parties to exercise their exclusive rights through licensing, with certain conditions.

B. Ways of Preservation and Differences

1. Ways to Preserve Indramayu's Wayang Golek Cepak

Indramayu is one of the regions that has a diversity of traditional arts between Javanese and Sundanese cultures (300 years old) and is almost extinct due to a lack of support from both the local community and the local government. There are only 6 remaining Dalangs (puppeteers) of Indramayu's Wayang Golek Cepak: Ki Warsad Dariya, Ki Akmadi, Ki Anom Jaya, Ki Rasnoto, Ki Adi, and Ki Dipan. According to Ki Anom Jaya, Indramayu's wayang golek cepak is considered to be in a state of suspended animation. In a year, it is only performed a few times, countable on fingers, yet the signboard of the wayang group still stands on the roadside with fading and dull colors. Meanwhile, the regional arts supervisor is unable to do anything for the survival of the artists who still possess the spirit of art (Esaunggul, n.d.). To preserve and prevent the extinction of Indramayu's Wayang Golek Cepak, the local government together with the community should take the following ways or efforts:

- a. **Witnessing Wayang Performances:** Wayang performances are still held in several regions in Indonesia. Usually, wayang performances are held during cultural performance events or celebrations. Directly witnessing or learning wayang is one way to preserve wayang performances. Wayang performances staged in the community will continue to be learned and can survive, so they will not be eroded by the changing times.
- b. **The Role of Government Through Policies:** The role of the government through issued policies can apparently help preserve the art of wayang. The government in this case has a strategic role in the preservation of regional culture throughout Indonesia, especially in Indramayu Regency itself. This aims to introduce the art of wayang to the community and the younger generation.
- c. **Visiting Wayang Museums:** One of the tourist attractions containing wayang is the Wayang Museum in the Old City area, West Jakarta, and in Indramayu itself, there is the Bandar Cimanuk Museum. There are two forms of puppets and shadow puppets in the Wayang Museum, and inside, explanations are provided starting from the Name, character, stories, and history.
- d. **Introducing Wayang Through Extracurricular Activities:** One effort to preserve the art of wayang is through extracurricular activities. This aims to ensure regeneration to keep art and culture surviving amidst the current of the times and the rapidly advancing technological developments.
- e. **Reading Wayang Stories to Children:** In addition to the above efforts, another way to preserve the art of wayang is by reading wayang stories to children. Reading wayang stories aims to introduce children to the essence of goodness and harmony represented through wayang figures, such as Rahwana, Shinta, Rama, Punakawan, and Arjuna. Or in the Indramayu wayang golek cepak figures, there is Panji as a sacred wayang figure for the puppeteers.

2. Differences Between Indramayu's Wayang Golek Cepak and Wayang Golek in General

Wayang is an Indonesian cultural heritage that is not only known by the Indonesian people but also by the international community. In Indonesia itself, there are several well-known types of wayang, including wayang kulit (shadow puppets), wayang golek (wooden

puppets), and wayang orang (human puppets). Generally, wayang stories are based on the Mahabharata and Ramayana epics, which are holy books of Hinduism, while Indramayu's Wayang Golek Cepak is a type of wayang golek whose stories are based on the Serat Menak for the spread of Islam and the Babad Tanah Jawi to tell stories of the Javanese and Pasundan kings.

Indramayu is one of the regions that has a diversity of Arts and Traditions between Javanese and Sundanese cultures, one of which is Wayang Golek Cepak, which originates from the land of Indramayu. It is called Wayang Golek Cepak because this wayang golek does not have a *telekung* (head covering) on its head, hence it is called *papak* (flat or *cepak*), and the Wayang Golek Cepak performance presents a story containing the legends of the origins of a region taken from the Babad Dermayu and Babad Cirebon. The main story narrates the *menak* (nobles) in the land of the desert (Arabian Peninsula) which developed to the archipelago, so Wayang Golek Cepak was formerly called Wayang Golek Menak. In its performance, Wayang Golek Cepak has the following structure:

- a. *Tatalu* (opening music), the puppeteer and singers go on stage, *gending jejer / kawit* (main melody / beginning), *murwa* (introduction), *nyandra* (narration), *suluk / kakawen* (mood-setting song), and *biantara* (dialogue);
- b. *Babak unjal* (scene of departure), *paseban* (audience scene), and *bebegalan* (obstacle scene);
- c. *Nagara sejen* (other kingdoms);
- d. *Patepah* (meeting/encounter);
- e. *Perang gagal* (failed war);
- f. *Panakawan / Goro-goro* (clown/commotion scene);
- g. *Perang kembang* (flower war);
- h. *Perang raket* (close combat);
- i. *Tutug* (end).

The musical instruments used are tuned to the *salendro* scale. These instruments include *gambang* (xylophone), *gender* (metallophone), *suling* (flute), *saron I* (metallophone), *saron II* (metallophone), *bonang* (kettle gongs), *kendang* (drum), *jenglong* (gong chimes), and *ketuk* (small gong). Meanwhile, some of the songs that accompany the Wayang Golek Cepak performance include Bayeman, Gonjing, Lompong Kali, Gagalan, Kiser Kedongdong, and others. Thus, the difference between Wayang Golek Cepak and Wayang Golek in general is very clear, not only in terms of the physical appearance of the puppets but also in the type and plot of the stories presented.

IV. CONCLUSION

The forms of Legal protection for Related Rights according to the Copyright Law are preventive legal protection and repressive legal protection. Preventive legal protection is found in the law in the form of a temporary court order aimed at preventing losses to related rights. The rights of related rights holders are regulated in the Copyright Law, where anyone who violates these rights will face sanctions of compensation, fines, and imprisonment. Copyright holders of related rights who feel their rights have been violated can file a lawsuit with the Commercial Court in accordance with the governing law.

Indramayu's wayang golek cepak is a cultural heritage that needs to be preserved by the Indonesian people, especially the people of Indramayu. Moreover, Indramayu's wayang golek cepak is one of the oldest cultures in Indramayu. Currently, Indramayu's wayang golek cepak seems to be in a state of suspended animation because it has been abandoned by its enthusiasts and there are few successors to continue the tradition. Now, only 6 puppeteers remain, and they are no longer young. Indramayu's wayang golek cepak has begun to be

abandoned by its audience as they switch to more modern forms of entertainment such as single keyboard performances and other modern entertainment.

The differences between Indramayu's wayang golek cepak and other wayang golek lie in the shape of its head, which is flat (*cepak*), its source stories which are based on the Serat Menak for the spread of Islam and the Babad Tanah Jawi to tell the stories of the Javanese and Pasundan kings, and the Wayang Golek Cepak performances which present stories containing the legends of the origins of a region taken from the Babad Dermayu and Babad Cirebon. The main story narrates the *menak* (nobles) in the desert land (Arabian Peninsula) which developed to the archipelago.

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