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Legal Protection of Local Wisdom in the Context of Intellectual Property Rights Law: Study of Traditional Knowledge of Lubuk Larangan in Jambi Malay Indigenous People

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ABSTRACT

The Lubuk Larangan Tradition is one way for most of the indigenous people in Jambi Province who live in the watershed to protect the water and fish that are almost extinct. This tradition is carried out with certain skills and knowledge that are based on local wisdom and are based on the values contained in Jambi traditional Malay culture. In addition to maintaining fish, Lubuk Larangan tradition is intended to maintain the water ecosystems. The purpose of this study is to describe and analyze this tradition as in an intellectual property rights regime. The method used in this study was qualitative type with normative juridical type with empirical tendency. The theory used in this study was the theory of legal effectiveness, property rights theory, belief theory and the theory of justice. It provides confirmation that Lubuk larangan tradition in Jambi Malay Custom Society as a Traditional Knowledge that fulfilled the legal requirements of intellectual property rights with the agreed stages according to the tradition based on the values contained in Seloko adat Melayu Jambi. Therefore, the collective rights of the people need legal protection.

Keywords: *Lubuk Larangan Tradition, Traditional Knowledge, Intellectual Property Rights.*

1. INTRODUCTION

The intellectual property value today is an important issue. One of them is a conflict of interest between developed and developing countries regarding traditional knowledge and traditional cultural expressions. Developed countries require traditional knowledge to be considered a public domain so that it can be accessed. In contrast, developing countries consider it detrimental. Traditional knowledge and traditional cultural expressions are state assets that is potential to support the economy and their ownership is widely recognized (claimed) by foreign parties without any benefit sharing[1].

Traditional knowledge in the legal regime of intellectual property rights (referred to IPR) needs serious attention by the Indonesian government amid the diversity and wealth that Indonesia possesses. Violation Cases of the use of indigenous people's traditional knowledge have recently resulted in communal awareness of the intellectual rights of indigenous peoples

as a hereditary inheritance and a collective property. The provisions of the TRIPs, which are the legal basis for the use of traditional knowledge and traditional cultural expressions on a commercial basis without permission, have not been explicitly regulated in Indonesian IPR legislation[2]. On the other hand, the wealth of traditional knowledge which is indicated as traditional knowledge is quite a lot.

According to the 2010 The Central Bureau Statistics (BPS) census, there are more than 300 ethnic groups in [Indonesia](#) or to be precise 1340 ethnic groups[3]. The amount is a measure of the traditional wealth value owned by Indonesia. The traditional knowledge that comes from various ethnic groups and indigenous peoples in Indonesia is prodigious as many as the number of indigenous peoples in Indonesia. Each indigenous group in Indonesia has its own wealth in the form of material and immaterial wealth that is timeless. Traditional wealth can be categorized into a local wisdom. Local wisdom is a long process that involves nature and society together. Local wisdom is also the

harmony of the local community in taking a role as part of a tradition which can be in the form of knowledge, insight, skills, and values that are useful for life and the environment[4].

Traditional knowledge is part of the intellectual property owned by indigenous peoples in Indonesia, such as knowledge about traditional medicines, weaving, knowledge about irrigation, farming, raising fish, caring for certain fish species, and protecting the environment such as water and forests. Each indigenous community has its own knowledge and techniques which depend on the geographical area and the character of the environment.

The assets of the people in the customary law regime are movable, immovable, material and immaterial. In the science of law, wealth is something that can be right / owned with certain justifications. Likewise, in customary law, there is wealth such as *ulayat* land which is recognized and legitimized in statutory regulations, village land, customary land, village rice fields, village buildings and others that are physical in nature. Although Lastuti argues that the existence of customary law is increasingly marginalized as a source of law in Indonesia, this is because of the assumption that customary law is very traditional in nature and cannot reach the times (globalization and technology)[5]. In fact, existing customary laws can be integrated into people's lives and partially adopted in national regulations. Indeed, the concept of wealth in European law cannot be in line with the concept of wealth in customary law which there is immaterial wealth such as mantras, cultural arts, skills, certain techniques that support aspects of life, and traditional knowledge is also the wealth of indigenous peoples.

It has a big possibility that traditional knowledge can be integrated in all aspects of life, including law. Customary law institutions play a very important role in this case. As an alternative legal institution, it can be upgraded to become the main legal institution since it is in the spirit of the indigenous people themselves. Obviously, it can be applied not to all areas of law, but only those that are neutral[6].

One of the interesting traditions for researchers is the tradition of preserving and maintaining fish as well as protecting river water ecosystems and / or watersheds in Jambi Province, Indonesia. This tradition is known as *Lubuk Larangan*. This tradition is carried out by taking into account the provisions of customary law. *Lubuk Larangan* is used with a good system, the results are used for village development based on community agreement and the consent of customary leaders. It has been applied in the village of Tanjung Gagak, Lubuk Larangan, Lubuk Rengas, Tanggo Seliku, in Tanjung Gagak Village, Bathin VIII District, Sarolangun District and Lubuk Rengas Tanggo, Limun District. In Bungo district, it is located in the Rantau Pandan sub-district, Muaro Buat. It

is hoped that the preservation of the *Lubuk Larangan* tradition can against illegal gold mining and protect the environmental ecosystem. For villages that apply *Lubuk Larangan*, customary law is a very binding norm for those in the area. Vows and promises together to protect *lubuk* are believed rituals. With that, no one dares to break it, except that they will accept the consequences both materially and morally. In the IPR regime this can be an indicator of traditional knowledge.

Indigenous people manage their environment in a wise way. Indigenous peoples are unlikely to damage their environment, because for them forests have social and religious values so that there are norms and beliefs for forest conservation, in order to provide a sustainable source of life[7]. There are community fears in responding to an environment that is currently less friendly. In general, it is caused by massive economic development without paying attention to local wisdom. The ways of indigenous peoples in protecting their environment are currently starting to degrade. Development is only oriented towards the economy; it even closes the space for people to participate with the environment. Development continues to ignore the ecologic wisdom of indigenous people. For example, how do the Jambi Malay indigenous people interact with the environment, such as cutting trees, collecting honey in the forest, clearing land, collecting fish and other activities related to their environment. Environmental crisis (land, crops, water, air) from industrial pollution shows an increase from year to year. The Regulation on Environmental Protection and Management has not provided any strengthening of the implementation of environmental management based on local wisdom. Certainly, this is a consequence of legal pluralism. However, the main objective of environmental regulation No. 32/2009 is only about environmental management.

Jambi Malay customary law teaches the community to live in an environmentally friendly manner, be friendly with the environment, pay attention to the relationship between nature and humans. It is also known in the style of customary law, namely *religio magis*. That there is an invisible relationship between humans, nature and other creatures. The customary law community alliance highly upholds these values. Customary law is a law that applies and develops in the community in an area. In general, customary law can be recognized as unwritten regulations. However, its existence is so strongly believed by the people. Although in the civil law legal system, codification is the main thing. Customary law in Indonesia colors Indonesian law.

It is not in line with the legality principle which requires the law be written down, which is purely for legal certainty. Legal certainty is basically how the law is applied in life, even if the judge cannot find the law in written law, a judge must be able to find the law in the rules that live in society. This means that customary law

cannot be denied in the National Law System in Indonesia. So it can be said that law is a concretization of legal awareness, especially for people with simple social and cultural structures[8]. It can certainly be carried out if the constitution allows it, as stated in the Constitution of the Republic of Indonesia, in Article 18 B customary law. Whereas the State recognizes and respects the rights of the customary law community as long as they are still alive and in accordance with the principles of the unitary State of the Republic of Indonesia and is able to sustain the customary law community.

By looking at how the tradition preserve water ecosystems through *Lubuk Larangan*, it is as part of the indigenous peoples' habits which are carried out with certain skills and knowledge. Hence, the concept of traditional knowledge in intellectual property rights law can be the basis for making a collective property and needs to be strengthened. Traditional knowledge is knowledge developed by indigenous people or intellectual works based on tradition. Protection of traditional knowledge is important since it is a source of knowledge related to human life. Traditional knowledge in international terms is known as Traditional Knowledge (TK) which focuses on knowledge that has been long enough from a country and is collective. Muhammad Djumhana argues that a traditional knowledge is knowledge whose status and function as well as its use are part of the traditions of society[9]. As a tradition, obviously, this knowledge is carried out and becomes part of the life side of the indigenous people. Treatment of these traditions is generally justified in a customary norm.

Although customary law does not have a text like the standard form of positive law in Indonesia, it does have a script called *pantun*, *seloko*, proverbs that live in a hereditary society, created by the community, agreed upon, recognized and obeyed by the community concerned. In this study, the focus is to analyze how the traditional *seloko* as a norm becomes the basis for providing guidelines and rules in carrying out the *Lubuk Larangan* tradition as a traditional knowledge. The study of the possibility of protecting traditional knowledge about the conservation of water ecosystems of *Lubuk Larangan* as intellectual property is very interesting to study. Does the *Lubuk Larangan* Tradition fulfill the Principles of Traditional Knowledge in Intellectual Property Rights Law?

To facilitate research, researchers used a specific research approach to legal research, with data collection techniques and legal materials as well as relevant approaches. The method used was descriptive analytical with a normative juridical approach with empirical tendencies. Legal materials, both primary, secondary and tertiary, were sought and obtained from various sources, including sources from relevant informants. The theories used in this research were Ownership Theory, Natural

Law Theory, and Justice Theory. The purpose of this method was to obtain data and information from the community around *Lubuk Larangan* and its managers. The data were supported by the observation and documentation as well as interviews with sub-district government officials, village government officials, traditional leaders, religious leaders, *cerdik pandai*, *Lubuk Larangan* managers and indigenous people in the *Lubuk Larangan* area as reinforcement of primary legal materials.

2. TRADITIONAL KNOWLEDGE CONCEPTS AND PROPRIETARY RIGHTS IN IPR

Like a research based on basic theory, the basic theory of law used in this research is the theory of natural law by **John Locke** and the theory of justice according to **John Rawls**. Natural law theory was chosen with the assumption that this theory could explain the rationality of control over traditional knowledge in a certain area. Locke explained the principle of ownership which he developed and wrote in a book entitled *Second Treatise of Government*. He described that the ownership that he developed was not in a legal context, but as an effort to reduce the power of the king so as not to seize individual ownership rights through the power of the government. This right cannot be taken without the permission of the owner, that is intellectual property rights, which are attached to individuals and groups[10]. In this context, he explained that all the potentials possessed by nature are basically free things (common). However, when there is an element of participation in the use of common objects, then someone involved in the object becomes the owner. Furthermore, it is explained that there is a process of transforming objects which are in common condition into private or collective property accompanied by four conditions, namely; the object is in the common room, the object is needed for survival, there is a private business (group. Pen) attached to the object so that the object can be used either personally or collectively, and there is also a guarantee that the object is sufficient.

The concept of ownership according to **Locke**, at least can be interpreted from four perspectives according to Pollac, namely from the perspective of limitation (limited), proletarian, acquisition and regionalization [11]. Meanwhile, **Rawls'** theory is chosen as the basis justice which is for the basic structure of society is an objective and an agreement. Rawls puts it with fairness. On this basis, it can be seen that those who are involved in social cooperation choose together the principles that will provide the basic rights and obligations and determine the sharing of social benefits[12]. The two theories, namely the theory of natural law and the theory of justice, are very relevant for the discussion of intellectual property rights. Since in intellectual property, the property rights can be in the form of tangible property

rights and the results of intellectual property rights (royalties).

The basis that intellectual property needs to be protected is because an intellectual work is born as results from sacrifices that involve thought, physical / energy, time and money. The creativity must be tangible that can be enjoyed through the human senses, whether hearing, seeing, feeling, touching and the combination thereof. **David I Brainbridge** states:

"Intellectual property is the collective name given to legal rights which protect the product of the human intellect. The term intellectual property seems to be the best available to cover that body of legal rights which arise from mental and artistic endeavor.[13]"

As a way to balance the interests and roles of individuals with the interests of society, the IPR system is based on the principle of natural justice, the economic argument; the cultural argument; The social principle (the social argument). According to **M. Ramli**[14] There are justification reasons why intellectual property needs to be protected are: To produce a work in the fields of science, art and literature requires effort that consumes energy, thought, time and money; The work that has been created is exposed, and unraveled which then have a risk. As it is necessary to pay a fee within a certain period of time to exploit the work; Protection is required for works that have not been covered by statutory instruments under the regime of patents, trademarks, trade secrets, copyrights and designs.

Intellectual Property Rights have a very broad scope, although conceptually they are divided into two, namely copy rights and industrial property rights. According to the Paris Convention held by WIPO (World Intellectual Property Organization) on July 14 in Stockholm, IPRs can be classified into: Literary, artistic and scientific works; Performance an performing artists, phonograms and broadcasts; invention in all fields of human endeavor; Scientific discoveries ; Industrial design; trademarks, service marks, and commercial names and designation; and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields. Specifically, the classification of IPR according to Article 1 of the Paris Convention can be detailed as follows: patents; utility models; industrial design; trademarks; servicemarks;

Of the several IPR classifications described above, there is an IPR regime known as Traditional Knowledge. Traditional knowledge is a wealth of traditional community traditions. This traditional knowledge is a genuine scientific skill. For instance, in Jambi there is a technical tradition of how to clear forests, take / harvest good honey, catch fish, maintain forests. Traditional knowledge is knowledge developed by indigenous communities or intellectual works based on tradition[15]. The concept of intellectual property in the form of

traditional knowledge for indigenous people is very different from the international concept. According to **Agus Sardjono**, there are paradigm conflicts that come from basic concepts and aspects of ownership. Western society has an individualistic and capitalist in seeing traditional knowledge as wealth. Meanwhile, local people think more as a heritage in terms of assets that cannot be transferred individually and as a cultural expression (cultural heritage or cultural expression)[16]. The State of Indonesia is a country with abundant wealth both from genetic resources and cultural traditions and technical skills and traditional knowledge. It is necessary to examine the strength of this traditional knowledge in the context of intellectual property rights law in order to be able to compete with developed countries.

In general, intellectual property rights can be viewed from two aspects, namely aspects of everyday terms and legal aspects. In the daily aspect, it expresses more social understanding, namely intellectual property is seen as the result of sensory activity that results in a creation (creativity). The second aspect, namely the legal aspect implies that intellectual property is a right that can be enjoyed by its owner since it creates property rights. Like what Jones said that intellectual property is property in a new product of the application of intellect[17]. In the legal aspect it is also recognized in the 1967 WIPO convention which confirms that the definition of IPR refers to rights arising from the creation of the mind (creation of mind) such as human invention in the field of technology, literary works, art, symbols, pictures and so on. As a modern view of property rights. Intellectual property can be owned / entitled with the property law regime (property law). As contained in Article 570 of the Civil Code which states that:

"Property rights are the right to enjoy the use of an object freely and to act freely against that object with full sovereignty, as long as it is not at fault with laws, or general regulations established by a power that has the right to determine it, and does not interfere with people's rights. other; all of this therefore does not reduce the possibility of revocation of rights in the public interest based on the provisions of law and with the payment of compensation. "

In the context of ownership of intellectual property rights, especially traditional knowledge, the international and national communities have different goals. The community needs the Government's role in the importance of recognition, non-extinction assurance and documentation. It is not just the use of economic rights in the intellectual property regime. Communities are more focused on the sustainability of their culture; The existence of a continuous system that can be passed on from generation to generation, as well as protection in providing access to everyone to take advantage of these cultural products[18].

2.1. WIPO's View of Traditional Wealth

WIPO as an international organization under the United Nations in charge of intellectual property provides a definition of traditional wealth / traditional knowledge. Traditional knowledge has the substance of knowledge that comes from traditional intellectual activities. It includes technical skills, innovation, practices and learning and experiences that make up traditional knowledge systems. The knowledge is reflected in the lifestyle of the local and indigenous communities, or the knowledge contained in a codified knowledge system that is passed down between generations[19]. Traditional knowledge includes knowledge in agriculture, the environment and medicine, or knowledge related to genetic sources. The Director of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), stated that traditional knowledge can include all things related to the civilization of a nation / tribe / local community. Their understanding of the properties of nature, plants, food sources, and management of food, medicine, art, lifestyle and the diversity of ecosystems and their functions is a provision for their skills[20]. The form of traditional knowledge in Article 8 J Traditional Knowledge, Innovations, and Practices Introduction can be in the form of stories, songs, folk tales, bites, cultural values, beliefs, rituals, community law, regional languages, including agricultural practices, and the development of plant species and animal. This form is in principle functional and practical which is passed down from generation to generation as knowledge from generation to generation.

2.2. The Views of Local Communities Against a Hereditary Tradition

The local community understands that traditional knowledge is a tradition as a cultural heritage that belongs together. This context must be prepared by the local community and the government so that traditional knowledge can be claimed in the IPR regime which has individual and monopolistic characteristics. Protection of traditional knowledge can preserve social values. Traditional knowledge is also inclusive. As said by *Datuk Dusun Lubuk Beringin*, tradition is like a law. It must be carried out, cannot be violated, because it is related to collective authority[21]. It can be said that knowledge is everything that is the result of human experience of their relationship to themselves and what is around them. This includes how humans provide an understanding of nature and the ecosystem in front of them[22]. According to S. Bahri, the understanding obtained from the community itself regarding traditional knowledge is a practical thought obtained from teaching and experiences experienced from generation to generation. This experience and skills are in the village area and cannot be separated from the community that owns it or the owner.

This means that this culture is believed to be owned and practiced by them with great feeling and empathy.

To be classified as traditional knowledge with valuable asset, it must be able to be taught from generation to generation, comprehensive and bound between knowledge and its owner, economic potential, unique to a certain thing[23]. Regarding economic benefits, according to Karlina, profit sharing does not exist in fact for the community of traditional knowledge owners. Only the government is responsible for protecting, be it biodiversity, or as the owner of the local community. The protection is given as an integral part of its material form and ownership[24].

From the indicators mentioned above, it can be assumed that the *Lubuk Larangan* tradition is a traditional knowledge that fulfills the IPR concept.

It can be explained as follows:

Lubuk Larangan tradition that has existed from generation to generation is still being taught to the younger generation to continue and optimize its management;

Management and utilization are carried out in an integrated manner in the legal and social values that exist in the Jambi Malay adat community based on the values of customary law and social values;

Lubuk Larangan clearly has economic value derived from fish which are relatively rare but only in the harvest period with a high enough selling value. Economic value is also obtained from *Lubuk Larangan* ecotourism with unique management;

3. THE TRADITION OF LUBUK LARANGAN AS A TRADITIONAL KNOWLEDGE

Almost every district in the Jambi Province of Indonesia has restricted areas, both forest and water. The Jambi region is traditionally defined with the following boundaries: The Jambi customary community is Muslim and agrees to establish the principle: "*Adat bersendi syarak, syarak bersendi Kitabullah*", meaning that Jambi Culture must comply with the Shari'a Islamic teaching based on the Qur'an and Hadith. The proponent of Jambi customary law form settlements in areas whose boundaries are described in a customary norm that is believed to be as follows[25]:

"Dari durian di Takuk Rajo, lepas ke Sialang Belantak Besi, Melayang ke Tanjung Simalidu, Menepat di Beringin Noan sebatang Beringin Gedang Nan Sekali Dalam Mendekati bukit ke Lirik Nan Basibak

Maniti Pematang Panjang, Menepat ke Singkil Tujuh Berlarik, ke sepisak Pisau Hilang.

*Mendaki Bukit alom Babi, Meniti Pematang Panjang
Panjang Menepat ke Bukit Cendaku*

*Laju Ke Ulu Parit 9, Menuju ke Sungai Retih dan
Sungai enggang*

*Meremah Tanjung Labuh, Terjun ke Laut Nan
Mendidih*

*Menempuh Ombak Nan Bedebur Merapat ke Pulau
Nan Tigo*

*Sebelah Laut Pulau Berhala, Naik Ke Sekatak Air
Hitam*

Menuju Bukit Segantang-gantang, Mendaki Bukit Tuo

*Lepas Sungai Bayung Lincir, Laju ke Hulu Sungai
Singkut*

*Dikurung bergadeng Bukit Tigo, Mudik ke Serintik
Hujan Panas*

Menitik Bukit Barisan, Turun ke Renah Sungai Bantal

*Menuju ke sungai Air Dikit, Menepar ke HULU Sungai
Ketaun*

Mendaki Bukit Malin Dewa, Laju Ke Sungai Ipuh

*Mendaki Bukit Stinjau Laut, sayup-sayup Laut Lepas
menuju Gunung Berapi*

*Disitu Tegak Gunung Kerinci, Menapat Ke MUaro
Danau Bento*

*Menempuh Bukit Kaco, Meniti Pematang Lesung
Teras*

*Menuju Batu Anggit dan Batu Kangkung, Teratak
Tanjung Plsang*

*Siangkak-siangkak Hilir pulo ke Durian di Takuk
Rajo, disitu mulai berjalan Balik pulo ke tempat lamo,
berjalan meniti batas"*

Those are the boundaries of the Jambi customary territory which are stated in the customary agreements and become the guidelines in determining the customary territory in the Jambi area. *Lubuk Larangan* is one of the local wisdoms related to the preservation of various local specific fish species in the *Batanghari* watershed by enforcing customary law rules agreed upon by community groups. *Lubuk Larangan* is almost available in every district in Jambi Province, but not all of them are utilized properly. The rules regarding the *Lubuk Larangan* tradition include the area of the river basin, rules for maintenance and management, harvest procedures, and agreed sanctions. Usually, the rules that are agreed upon are stipulated in a customary manner by local traditional leaders. *Lubuk Larangan* is local wisdom that applies a water resource management system, in this case a river.

The *Lubuk Larangan* management is carried out collectively and relying on a relio-magical style. *Lubuk Larangan* in terminology contains two meanings, namely *lubuk* and *larangan*. *Lubuk* means the deepest part of the river, and *larangan* means rules that prohibit certain actions. It can be simplified that *Lubuk Larangan* is an area located in a river basin where there are prohibited rules that are managed by the community through various regulations, both formal and informal. The tradition of managing river water and the *Lubuk Larangan* water ecosystem cannot be separated from local customary law. There are several areas in Jambi Province that have a tradition of *Lubuk Larangan*. An area that is sufficiently well managed is *Lubuk Larangan* in Bungo District, Sarolangun Regency. The ways of the indigenous people to maintain and manage their environment are very much based on local wisdom. The nature and style of customary law is very much attached to the *Lubuk Larangan* traditions such as religio magis, communal, concrete, and constant. This tradition is as a social system. The prohibition in this tradition is to take fish at a certain time. The river also functions to protect endangered fish. Basically, fishing in *Lubuk Larangan* can only be caught on the day or time specified or agreed upon by the customary chief and the local community. The *Lubuk Larangan* is one part of the river that is protected through rituals or according to the customs in areas that have the prohibited river. *Lubuk Larangan* is used to protect fish that are almost extinct as well as local fish that are around the prohibited river.

The tradition of keeping rare species of fish is found in several regions of Indonesia, including in Jambi Province. *Lubuk Larangan* tradition is carried out in almost all regions of Jambi Province, precisely in the area through which the *Batanghari* River passes. These areas can be found in Sarolangun Regency, Merangin Regency, Bungo Regency, Kerinci Regency, West Tanjung Jabung Regency. *Lubuk Larangan* is a local wisdom which passes in the form of a hereditary practice in order to preserve the environment that focuses on maintaining local specific fish species in a watershed. For villages that apply *Lubuk Larangan*, usually to maintain mutual agreement, they take collective vows, but there are also residents who dare to break their vows. For those who break it, illness and even death can result from it. *Lubuk Larangan* has existed since ancient times, it turns out that this is a movement to save the environment.

In implementing this tradition, village officials are still involved in deliberations and decision making. Decisions were made based on the applicable Jambi Malay customary law. The tradition of protecting aquatic ecosystems and raising fish with this prohibition also provides a nutrition and protection security system for the community which similar in the concept of traditional okological knowledge. As Raymond Pierotti and Daniel wildcat stated that: Traditonal ecological knowledge also share concepts of nutrien cycles. Thus, although the idea

of a cycle, or circle of life is an integral part of native spiritual beliefs, this is not a mystical concept based upon great mysteries, but a practicable recognition[26].

In the midst of modernization that is not in line with the needs of nature, basically the Malay custom of Jambi regulates how to deal with nature and the environment. That humans cannot live without understanding the essence of their life. The damage was only concerned with the economic side. The loss of fish species and causing them to become scarce as nutrients and high protein have an impact on decreasing the quality of life, especially for people located in river areas. Based on research conducted by Nendah Kurniasari et al., The decline in the quality of river resources is due to the behavior of the people who tend to only consider the economic interests of the river. In fact, apart from homoeconomicus, it is necessary to realize that humans are also homo sicius and homoeologic. The behavior of considering the balance between fulfilling economic, ecological and social interests is important so that the use and management of resources is not only able to meet physical needs, but also mental and spiritual needs, both for present and future generations[27]. Ecologically, the purpose of this tradition is basically to prevent damage to the river environment, overcome damage to rivers and restore damage to the water environment and aquatic ecosystem. Along the river flow in the Rantau pandan area, not all of *Lubuk Larangan* are functioning optimally ecologically, socially and economically. As also happened to *Lubuk Larangan* in Merangin Regency which was named *lubuk Sialau*, gold mining without a permit appears to have had a significant impact on water quality. The utilization is less than optimal. Unlike the case with the *Lubuk Larangan* in the inner hamlet III Ulu Rantau Pandan, where the *Lubuk Larangan* is very optimal for its use, both economically, socially and ecologically. The economic impact is very significant. In principle, the management of *Lubuk Larangan* in Jambi is the same, namely by paying attention to customary norms which are also strengthened by positive legal norms in the form of village regulations.

4. CONCLUSION

The tradition of "*Lubuk Larangan*" fulfills the Traditional Knowledge Principles in Intellectual Property Rights Law. This is evidenced by the way indigenous peoples maintain and manage *Lubuk Larangan* in Jambi by applying the principles contained in traditional knowledge in the IPR regime. Management is done by:

- a. The existing seeds as old seeds and superior are never harvested, because they are used as seeds.
- b. Maintain in a wise way, with the prohibition that have been determined in the regulations, whether it is in the customary *seloko* or village regulations.

- c. The harvest time has been determined by taking into account the social interests of the local customary law community.
- d. Harvesting is done in ways and rituals that are believed, by paying attention to elements of religio magic.
- e. *Lubuk Larangan* can be used economically in the context of ecotourism with local wisdom.

Indicators of traditional knowledge in the IPR regime have met the requirements for optimization and strengthening so that *Lubuk Larangan* becomes traditional knowledge in order to maintain and protect the environment and aquatic ecosystems and endangered species.

AUTHORS 'CONTRIBUTIONS

This Research Has Justification That The Tradition Of The Proposed Tradition Of The Jambi Traditional Community Is A Traditional Knowledge That Can Be Protected In The Intellectual Property Rights Regime

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