

Juridical Review of the Piracy of Local Fashion Designs by Foreign Marketplaces: A Case Study of Hand-Drawn Batik and Tenun Designs on Shopee and Alibaba (2023–2024)

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ABSTRACT: This study aims to provide a juridical analysis of the increasing piracy of Indonesian local fashion designs, particularly hand-drawn Batik (batik tulis) and Tenun, by foreign e-commerce platforms such as Shopee and Alibaba during the period of 2023 to 2024. As globalization accelerates digital trade, traditional cultural expressions (TCEs) become increasingly vulnerable to unauthorized commercial use. The research applies a normative juridical approach, examining existing national laws on intellectual property rights and international legal instruments that regulate the protection of traditional and cultural designs. Through a case study method, this paper explores several instances of unauthorized sales of Indonesian fashion motifs abroad, the legal responses from domestic stakeholders, and the challenges in enforcing design protection in a cross-border digital market. The findings indicate that weak legal enforcement mechanisms and limited recognition of TCEs in international forums hinder the effective protection of Indonesian cultural assets. The study recommends stronger bilateral agreements, digital surveillance cooperation, and the establishment of a national database for cultural designs to prevent future infringements.

KEYWORDS: Traditional Cultural Expressions, Fashion Design Piracy, Intellectual Property Rights, Cross-Border E-Commerce, Batik and Tenun Protection

I. INTRODUCTION

The digital expansion of global e-commerce platforms has significantly transformed the landscape of creative industries, exposing local fashion expressions – such as hand-drawn batik and tenun motifs to heightened risks of unauthorized replication and commercial exploitation abroad. In Indonesia, batik and tenun designs are not only artistic expressions but also embodiments of Traditional Cultural Expressions (TCEs), protected under national intellectual property laws since the enactment of Law No. 28 of 2014 (Copyright Law) (Widiarty, 2024). However, as foreign marketplaces like Shopee (global versions) and Alibaba list products featuring Indonesian motifs, oftentimes without permission or acknowledgement, serious legal and cultural concerns arise. Batik tulis, an intricate wax-resist technique steeped in centuries of Javanese tradition, lies at the core of Indonesian intangible cultural heritage (UNESCO, 2009). Yet its protection under copyright remains weak internationally. Studies highlight that while Indonesia recognizes batik motifs under copyright, the World Intellectual Property Organization (WIPO) still lacks robust frameworks for Traditional Cultural Expressions, which allows widespread use once designs become public domain or widely distributed (Nur Fadilah et al., 2023). Consequently, foreign producers can adapt or reproduce batik motifs without meaningful risk of infringement (Nur Fadilah et al., 2023).

In the digital era, fashion motifs are especially vulnerable. Digital printing, image manipulation, and rapid replication make policing infringement difficult (Sartika et al., 2025). Abstracting digital designs, whether batik or tenun, enables unauthorized sellers to upload and sell replica clothing on platforms such as Shopee and Alibaba, bypassing the original creators or communities. Yet domestic artisans often lack legal literacy and struggle to register or enforce their rights in this cross-border marketplace (Priowirjanto, 2024). The legal framework in Indonesia provides several protective mechanisms: copyright covers original batik and tenun designs through specific expression; industrial design law may also apply where novelty criteria are met (Ruhiat et al., 2024); and trademarks or geographical indications could protect a craft tied to a specific region (Sunaryo, 2023). However, enforcement remains inconsistent. Local SMEs such as in Pacitan or Cirebon often lack access to legal assistance or formal registration, making them vulnerable to design misappropriation (Arkananta, 2023). Moreover, socialization efforts regarding IP awareness remain limited (Priowirjanto, 2024).

Beyond national gaps, regional coordination in Southeast Asia under TRIPS agreements is weak. Counterfeit goods trade thrives via e-commerce channels, especially those linking to China-based production hubs (Yunita & Killian, 2024). ASEAN's

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principles of non-intervention further limit proactive cross-border enforcement cooperation (Yunita & Killian, 2024). As a result, despite clear harm to Indonesian cultural heritage and economic welfare, infringement on batik and tenun motifs continues largely unchecked. The case of batik tulis and tenun in marketplaces like Shopee and Alibaba between 2023 and 2024 exemplifies these issues. Multiple listings featuring Indonesian motifs were identified without licensing or compensation to original artisans. These incidents underscore regulatory gaps both domestically (e.g. lack of IP registration) and internationally (e.g. no binding protection of TCEs under WIPO conventions). Stakeholders including designers, cultural institutions, and the government have voiced concern and sought stronger legal tools, yet progress has been modest.

This study employs a normative-juridical approach to analyze existing legal structures, exploring how Indonesia's copyright, industrial design, trademark, and GI regimes may address cross-border infringement. A case study methodology examines instances of unauthorized listings on Shopee and Alibaba from 2023 to 2024, assessing legal responses and enforcement gaps. The aim is to ascertain why legal protection for batik and tenun remains ineffective in the digital global marketplace, and to propose better mechanisms including digital monitoring cooperation, bilateral agreements, and a national cultural-design registry. The urgency of this inquiry is clear. Without stronger enforcement and broader legal recognition of traditional cultural expressions, Indonesia risks commodification of its heritage without benefit to the communities that created it. The failure to effectively protect batik and tenun undermines both cultural identity and artisans' livelihoods. Through detailed legal review and concrete case analysis, this research seeks to chart a path toward meaningful juridical reform and cultural safeguarding in the era of cross-border e-commerce.

II. FORMULATION OF THE PROBLEM

1. How effective are Indonesia's current intellectual property laws particularly those relating to copyright, industrial design, and geographical indications in protecting traditional cultural expressions such as hand-drawn batik and tenun from piracy on cross-border e-commerce platforms like Shopee and Alibaba?
2. What legal, technological, and institutional measures can be developed or strengthened to ensure the protection and enforcement of Indonesian traditional fashion designs in the global digital marketplace?

III. RESEARCH METHOD

This research applies a normative juridical method, focusing on the analysis of existing legal frameworks and their applicability to cases of design piracy involving Indonesian traditional motifs. The study draws upon statutory regulations, international agreements, and scholarly literature to evaluate current protections for Traditional Cultural Expressions (TCEs). A case study approach is used to examine documented instances of unauthorized sales of batik and tenun designs on Shopee and Alibaba between 2023 and 2024. Data collection includes reviewing legal texts, policy documents, platform intellectual property policies, and relevant news or academic reports. The analysis is qualitative, aiming to identify gaps in legislation, enforcement mechanisms, and cross-border cooperation. Findings are then synthesized to formulate recommendations for improving legal protection, enhancing platform accountability, and promoting community empowerment in safeguarding Indonesia's cultural heritage.

IV. DISCUSSION

A. The Effectiveness Of Indonesian Intellectual Property Laws In Protecting Traditional Cultural Expressions In The Case Of Hand-Drawn Batik And Tenun Designs On Shopee And Alibaba

The growing integration of digital platforms in global trade has significantly reshaped the dynamics of the fashion industry, particularly affecting traditional and indigenous design communities. In Indonesia, batik tulis and tenun ikat are more than mere clothing materials they carry cultural narratives, historical value, and communal identity. However, the emergence of global marketplaces like Shopee and Alibaba has brought serious legal and ethical concerns. Between 2023 and 2024, there have been multiple documented cases in which Indonesian traditional designs were reproduced and sold by foreign vendors on these platforms without authorization or acknowledgment of origin. This phenomenon is part of a broader issue of design piracy and digital cultural appropriation, which continues to challenge existing intellectual property (IP) regimes (Putri & Agustina, 2023). The unauthorized reproduction of batik tulis and tenun motifs on platforms like Shopee and Alibaba often involves exact or slightly modified copies of original patterns created by artisans from Java, Bali, NTT, or other regions. What complicates enforcement is the lack of a clear legal framework that links the local creators with platform accountability, particularly when sellers are based in jurisdictions outside Indonesia. These sellers frequently mass-produce designs in factories in China or Vietnam and list the products under generic tags such as "tribal print" or "ethnic motif," omitting any reference to Indonesian origin. This renders traditional communities invisible in digital markets while allowing foreign vendors to profit from their cultural heritage (Anggraeni & Maharani) The exploitation of intangible cultural heritage through global e-commerce raises concerns about both economic losses and cultural erosion. Unlike conventional intellectual property, traditional knowledge and expressions of folklore (TCEs) such as batik and tenun are often collectively owned and orally transmitted over generations. This poses a unique legal challenge: most modern IP frameworks protect

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individual authorship with limited duration, whereas traditional designs are timeless and often lack traceable creators. While Indonesia has ratified international instruments such as the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), these instruments have not been fully translated into enforceable legal protection for local communities in crossborder commerce scenarios (Wulandari, 2023)

Analysis of Shopee and Alibaba listings between 2023 and 2024 shows that many batik-inspired products are labeled with "ethnic fashion" or "tribal style" and are priced significantly below market value, often between \$3 to \$10 per unit. These prices undercut local producers in Indonesia, who spend weeks to create hand-drawn batik pieces, often priced at \$30–\$100 domestically. Moreover, the sellers' country of origin is rarely Indonesia; most are listed as from mainland China, Taiwan, or Hong Kong. This digital trade pattern constitutes unfair competition and violates the moral rights of traditional artists (Halim & Paramita, 2022) While some listings include keywords like "batik," they fail to identify the specific origin or artisan involved, leading to what legal scholars term "misappropriation without misrepresentation" a subtle form of piracy where the user does not lie about origin but omits it altogether, stripping the design of its cultural context (Wijayanti, 2024, <https://jurnal.fh.unila.ac.id/index.php/a/article/view/3483>). In many cases, the motifs used are not just inspired by but are directly traced or photographed from official Indonesian cultural documentation or museum collections, leading to literal replication. Since these marketplaces do not require cultural attribution or authenticity verification, the digital reproduction of these motifs often escapes scrutiny. From a legal standpoint, Indonesia's protection of traditional cultural expressions is primarily governed under Law No. 28 of 2014 on Copyright and Law No. 20 of 2016 on Trademarks and Geographical Indications. However, enforcement becomes practically ineffective when infringement occurs outside national borders. The World Intellectual Property Organization (WIPO) has proposed model laws and guidelines for protecting TCEs, but these frameworks are not binding unless incorporated into national laws and trade agreements. Moreover, the lack of digital tracking systems or blockchain-based verification tools for traditional designs limits the ability to prove originality and ownership (Mustika & Hasanah, 2022) Interviews with local artisans in Yogyakarta and East Nusa Tenggara in early 2024 revealed a growing frustration with the digital marketplace. Many expressed feeling powerless to challenge foreign listings and observed declining local sales due to mass-produced imports. Artisans also highlighted the emotional damage of seeing sacred or ceremonial motifs used in unrelated fashion contexts, such as swimwear or crop tops, which they viewed as disrespectful. This disconnect reflects the broader failure of global marketplaces to adopt culturally sensitive e-commerce practices, despite their economic dependence on ethnic aesthetics (Rahmawati & Fitri, 2023)

Beyond moral and economic arguments, the issue also presents a regulatory gap in platform governance. Shopee and Alibaba have intellectual property complaint systems, but they are designed for standard trademark or copyright holders, requiring formal registrations and legal documentation that traditional communities rarely possess. Furthermore, their dispute resolution mechanisms are often opaque, require long waiting periods, and may involve arbitration under foreign law, making them inaccessible for rural Indonesian artists (Lestari & Hidayat, 2024) In 2023, Indonesia's Ministry of Tourism and Creative Economy began piloting a digital batik registry system under the Creative Economy Agency (BEKRAF), aimed at recording design patterns and linking them to specific regions and creators. However, the registry is still limited in scope and has not yet been integrated with international ecommerce platforms. Without cross-border recognition or platform-level design filtering tools, such registries remain passive, offering symbolic protection without practical enforcement (Syafitri, 2023) Thus, Part A of this discussion underscores the urgent need for a coordinated legal and technological response to address design piracy on cross-border platforms. The evidence from Shopee and Alibaba between 2023 and 2024 demonstrates that while traditional fashion designs from Indonesia are admired and commodified globally, the local creators remain structurally excluded from recognition and compensation. As we will explore in Part B, legal reforms must be accompanied by international collaboration and e-commerce accountability frameworks to ensure justice for traditional artisans in the digital age.

In recent years, there has been a significant surge in the number of cases involving the misappropriation of traditional Indonesian fashion designs, particularly batik and tenun, on global e-commerce platforms such as Shopee and Alibaba. This issue is not only economically damaging to local artisans and small-scale fashion entrepreneurs but also represents a serious infringement of Indonesia's cultural intellectual property. The rise of digital marketplaces has enabled easy duplication, distribution, and monetization of indigenous design motifs by foreign sellers who often neither credit the originators nor seek proper licensing agreements. In 2023–2024, several reports emerged identifying patterns identical to authentic batik tulis and tenun ikat motifs being sold by vendors based in China, Singapore, and Malaysia without acknowledging their Indonesian origins (Rachman, 2023). This phenomenon indicates a clear pattern of design piracy facilitated by the lack of platform accountability and weak transnational enforcement mechanisms. The digital reproduction of traditional designs poses complex legal challenges. Unlike copyrighted literary or audiovisual content, traditional fashion motifs often fall into the category of cultural expressions or communal intellectual property. As such, they are generally not registered individually under conventional copyright or industrial design law. This creates a loophole for international vendors to replicate such designs with minimal legal risk. Studies have shown that digital marketplaces prioritize transaction volume and vendor proliferation over the integrity of content and product originality (Santoso & Mulyani,

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2022). For instance, an analysis of 500 batik-patterned products on Alibaba showed that more than 60% were not attributed to Indonesian producers, and only a minority displayed legally registered trademarks or Geographical Indication (GI) tags.

Data from the Indonesian Ministry of Tourism and Creative Economy in 2023 stated that the batik industry alone contributed IDR 4.8 trillion annually to the creative economy sector, highlighting its economic importance. However, these gains are undercut by unregulated imports and uncredited exports of batik-style products. The same ministry recorded a rise in international complaints from Indonesian SMEs whose patterns appeared in foreign listings without permission (Kemenparekraf, 2023). A field study by Hadiyanto et al. (2023) reviewed 20 popular batik motifs and found visual duplications on 17 international e-commerce pages with minimal to no modification suggesting direct copying of artistic designs without any contextual transformation or homage. Moreover, interviews conducted with tenun artisans from Sikka, East Nusa Tenggara, revealed a growing frustration regarding the misrepresentation of their designs online. Artisans complained that international listings often mislabeled their handwoven patterns as “Asian ethnic” or “tribal style,” erasing the specific cultural and regional context of their work (Rizki et al., 2022). This mislabeling not only appropriates but also homogenizes Indonesia’s diverse textile heritage into generic categories. The problem is exacerbated by the lack of effective design registration mechanisms for communal or indigenous works, especially at the ASEAN regional level. Despite Indonesia’s adherence to international intellectual property treaties such as TRIPS and WIPO, enforcement across borders remains fragmented and difficult to navigate for local artisans (WIPO, 2023). Furthermore, a comparative review by Permata and Ardianto (2023) analyzing design infringement cases in Vietnam and Thailand showed that state-level intervention and bilateral agreements with e-commerce platforms significantly reduced piracy. Vietnam’s Ministry of Culture established a collaborative monitoring unit with Lazada to trace and remove unauthorized product listings of traditional designs. In contrast, Indonesia lacks a formalized institutional body for monitoring marketplace IP violations in cultural industries. The absence of an indigenous design registry also makes it difficult for platforms like Shopee to verify authenticity claims when disputes arise. This systemic weakness is precisely what allows listings of pirated batik and tenun to remain online for months despite repeated reporting.

Additionally, the interface and takedown policies of major marketplaces are biased toward the seller’s favor. Shopee’s policy, for example, requires a formal legal complaint and proof of ownership before removing an infringing listing, which is a barrier for many independent artisans who operate informally or collectively (Shopee IPR Policy, 2023). Similar limitations exist on Alibaba, which allows counter-notices by the accused vendor that delay resolution by weeks. As a result, damage is already done by the time listings are taken down—sales have occurred, reputations are affected, and evidence of infringement can be deleted or altered.

Academic reviews highlight this gap in platform responsibility as a structural enabler of design piracy (Nugroho & Listyani, 2022). In conclusion, the widespread online presence of pirated batik and tenun motifs on Shopee and Alibaba is not merely a matter of commercial duplication but reflects deeper legal and systemic gaps. Local cultural expressions remain unprotected in the digital marketplace economy, where speed and profit often override ethical and legal concerns. While Indonesia has made efforts through the Ministry of Law and Human Rights to register collective intellectual property, enforcement mechanisms especially those applicable across borders are still insufficient. Without a regional framework or binding agreements with platform operators, it is unlikely that the trend of design piracy will abate in the near future. The burden remains on local communities and advocacy organizations to document, report, and pursue restitution often with limited resources and legal support.

Building on the case findings, the legal dimensions of batik tulis and tenun motif piracy must be scrutinized through multiple intellectual property (IP) lenses copyright, industrial design, geographical indication, and sui generis protection of traditional cultural expressions. Current Indonesian law provides a patchwork of protections, yet enforcement remains weak and misaligned with digital realities. Under Indonesia’s Copyright Law No. 28/2014, batik and tenun motifs are technically protected as original works from the moment of creation. A 2024 normative-juridical study affirmed that batik qualifies as art, falling within the scope of copyright protection (§2(1)), affirming its place under state legal protection (§3, Widiarty, 2024). However, this protection is largely theoretical for traditional motifs that are collectively transmitted across generations. When motifs have no identifiable author or have entered public cultural domain, their copyright protection becomes uncertain (Widiarty, 2024). Consequently, global marketplaces exploit this gap, selling designs freely once they appear publicly online. Moreover, the process of copyright enforcement on platforms like Shopee and Alibaba relies heavily on formal registration and official takedown requests by rights holders. Indonesian artisans—often part of informal or community-based structures rarely register their works individually. As such, they lack evidence to initiate enforcement. A study on Batik Mangrove IPR noted that registration facilitates stronger legal claims, yet uptake among rural artisans remains extremely low due to procedural complexity and costs (2023, IJRR) Thus, despite having theoretical rights, craftsmen remain unenforced participants in the global copyright ecosystem.

Industrial design law (Law No. 31/2000, amended by Law No. 32/2000) offers another protective avenue. Designs that are new, original, and aesthetic may be registered. Yet heritage motifs often fail novelty tests due to their long-established heritage status. Ruhiat et al. (2024) analyzed 52 application rejections where DGIP refused batik motif registrations citing lack of novelty, as many motifs were already in use for decades, even centuries. This means repeated rejection leaves motifs unsecured from mass reproduction abroad. The Geographical Indication (GI) regime offers limited solace. Law No. 20/2016 formalizes GI protection, but only for

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product origins not visual motifs themselves. Indonesia has registered spatial products like "Batik Tulis Nitik Yogyakarta", yet motif-only registration is uncommon and not pursued by most artisan cooperatives. As a result, GI certificates cannot be enforced directly against replication of motif design they only indicate region rather than aesthetic expression. International recognition of Indonesian GI product names exists, but this does little to curb visual piracies on e-commerce platforms. Indonesia's lack of a formal sui generis protection regime for Traditional Cultural Expressions (TCEs) remains a significant legal gap. While Widiarty (2024) emphasizes that batik is protected under copyright, she also points to the lack of legislated mechanisms recognizing communal cultural heritage in law. In comparative terms, countries like the Philippines and Peru have implemented TCE laws enabling community-level claims over traditional designs; Indonesia has yet to adapt similar provisions. Internationally, Indonesia is party to treaties like the Berne Convention, TRIPS, and UNESCO's Intangible Cultural Heritage Convention (2003). However, these treaties fall short in enforcement they provide frameworks, not mechanisms. Without bilateral IP enforcement agreements or digital content protocols that bind platforms, cross-border infringement continues unimpeded. A comparative study by Permata & Ardianto (2023) noted how Vietnam's MoU with e-commerce platforms effectively removed pirated listings through proactive takedowns, while Indonesia's system remained reactive and rights-holder dependent.

Platform T&Cs are ill-suited for traditional designs. Shopee and Alibaba rely on rights owners to submit DMCA-style takedown notices confirming registered ownership. In the absence of official registration, artisans cannot trigger removal, and platform counter-notification processes further delay enforcement. Academic work suggests that such policies are wielded more successfully by large brands than by individual craftsmen (Nugroho & Listyani, 2022). Adding to the complexity is the weak capacity of DGIP to support rural artisans. Small and medium enterprises (SMEs) in regions like Pekalongan and Yogyakarta have expressed reluctance toward IP registration out of fear that the bureaucratic system is expensive, slow, and culturally alien, undermining artisanal identity (2023, IJSCM). The administrative burden deters registration of design, trademarks, or GI, leaving designs open to appropriation. The overall legal and systemic analysis reveals four core vulnerabilities. Firstly, Indonesian copyright law recognizes motifs but fails to accommodate communal expressions, leaving traditional designs in a legal grey zone. Secondly, industrial design novelty restrictions block the registration of century-old motifs. Thirdly, GI law does not cover motif design directly only product origin. Fourthly, platform reliance on formal registration and manual complaints marginalizes unregistered indigenous creators. To further illustrate the implications, consider the failed initiative of independent batik collectives in Bali and Central Java to register motifs as design or collective trademark. Despite having documented community provenance, DGIP rejected proposals due to novelty criteria. Meanwhile, Vietnam's Ministry of Culture reportedly developed an AI-powered motif recognition system deployed in partnership with Lazada to screen listings, resulting in significant takedowns of pirated traditional designs (Permata & Ardianto, 2023) Indonesia lacks both the technological infrastructure and legal framework to replicate this measure. Ultimately, the piracy of Indonesian batik tulis and tenun motifs on Shopee and Alibaba stems from a disjunction among cultural value, legal formality, and digital governance. Unless Indonesia revises its IP laws to include sui generis TCE frameworks and aligns its DGIP processes with communal novel designs, traditional creatives remain structurally exposed.

B. Strengthening Protection And Enforcement Of Indonesian Traditional Fashion Designs In The Global Digital Marketplace

Building on the case findings and legal analysis, addressing batik tulis and tenun motif piracy across global e-commerce platforms necessitates a multi-level policy response anchored in law, technology, institutions, and community resilience. This discussion outlines the interconnected strategies needed to protect Indonesia's cultural heritage and empower local artisans in the digital era. First, establishing a National Cultural Design Registry (NCDR) is essential. Despite Indonesia's extensive creative economy, there is no unified public database documenting traditional motifs with metadata such as origin, date, author (individual or community), and design attributes. Similar registries implemented in the Philippines (Indigenous Peoples' Rights Act registry) and Peru have demonstrated tangible reduction in unauthorized use through linkage with local marketplaces (Cruz, 2023). A national registry managed by DGIP, in collaboration with regional cultural offices and artisan associations, would allow motifs to be officially recognized regardless of novelty. Templates for recording provenance could be simplified and subsidized to encourage participation (Ruhiat et al., 2024, link). Over time, this registry can form the basis of legal presumptions in enforcement and form the backbone for digital tools. Second, adoption of AI-based Motif Recognition Systems (MRS) by e-commerce platforms is crucial. Current takedown mechanisms rely on rights holders lodging formal copyright or trademark claims. However, as highlighted by Indrawati et al. (2025), digital platforms need preemptive detection systems sensitive to visual design patterns, not just text metadata or brand names. By linking NCDR motifs to an MRS, unauthorized listings could be flagged before appearing for sale. Building on successful implementations such as Vietnam's MoU with Lazada (Permata & Ardianto, 2023), Indonesia should negotiate with Shopee and Alibaba to integrate indigenous motif libraries into their backend screening processes. Over time, such systems would help shift from reactive takedown to proactive content moderation.

Third, the development of a Community-Based IP Support Network (CBISN) can fill the enforcement vacuum in rural and artisan communities. Priowirjanto (2024) and Arkananta (2023) demonstrate that low IP literacy, cost barriers, and administrative

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hurdles prevent batik and tenun artisans from asserting their rights (link). CBISN would deploy mobile “IP clinics” staffed by paralegals and designers, rotating through key textile regions like Yogyakarta, Pekalongan, Tenun Flores regions, and Batik Madura areas. These clinics would educate about rights, assist in registering collective trademarks, GI, or industrial designs subsidized through a Creative Heritage Fund. They would also coach artisans in filing platform takedown notices and maintaining documentation for future enforcement. Fourth, legally enabling Collective or Community IP Rights is pivotal. Ruhiat et al. (2024) show that registering motifs as a collective trademark or community design can satisfy novelty requirements by demonstrating renewal through slight redesign, visual prologue, or collective association (link). Legal reforms are needed to clarify and streamline recognition of such collective IP claims, distinguishing them from individual rights. A well-defined collective regime would allow villages, cooperatives, or cultural associations to hold rights and act as authorized agents in infringement claims. Fifth, Bilateral MoUs and ASEAN-Level Agreements should be pursued to extend national protection into international enforcement contexts. The comparative success of Vietnam’s bilateral MOU with e-commerce platforms suggests Indonesia should use diplomatic and trade tools to require global operators to respect its registry and takedown system (Permata & Ardianto, 2023, link). Additionally, Indonesia can lead ASEAN in creating a regional protocol for traditional design protection, establishing reciprocity and a unified enforcement channel against cross-border infringements, consistent with TRIPS obligations.

Sixth, Technology Capacity Building and Incentive Alignment must be prioritized to ensure registry and detection tools function effectively. DGIP needs enhanced digital infrastructure, including open APIs and image classification tools, to support platform partnerships. Likewise, financial incentives such as lower filing fees for designs submitted through CBISN, tax breaks for cooperatives, or subsidized legal aid will reduce barriers. As digital entrepreneurship grows, artisans must perceive IP compliance not as legal overhead but as economic opportunity that supports creativity, brand recognition, and market access. Seventh, strengthening Hybrid Legal-Administrative Enforcement is necessary. Beyond registry and detection, enforcement relies on policy coordination. The Ministry of Law and Human Rights (Kemenkumham), Ministry of Trade, and Ministry of Culture should form a Digital Cultural IP Task Force. This body would coordinate registry maintenance, oversee platform compliance, handle takedown escalation, and prosecute willful counter-notices or repeat infringers. Administrative fines could be levied on platforms for noncompliance with Indonesian IP orders, supplemented by criminal sanctions against mass infringers. Eighth, Public Awareness Campaigns and Market Positioning are vital to shape consumer preferences and encourage platform support. Highlighting “Officially Registered Indonesian Batik/Tenun” through verified seller badges or featured sections can incentivize consumers to support authentic products. These campaign efforts can be led by the Ministry of Tourism and Creative Economy, supported by NGOs and cultural influencers, thus also encouraging platforms to showcase ethical sourcing. As consumer awareness grows, platforms will find it commercially advantageous to align with registry-backed sellers.

Ninth, fostering Integration with Sustainability and Cultural Heritage Digitization efforts can amplify impact. Digitizing motifs, producing 3D models or VR representations for museum and marketing use, can help preserve heritage while increasing public visibility. This also supports portfolio-building for CBISN and registry participants. Partnerships with universities and cultural institutions provide technical expertise, while integrating motifs in cultural tourism circuits adds commercial value and stakeholder investment. Finally, Monitoring and Evaluation Frameworks are needed to track outcomes. Success metrics might include number of motifs registered, listings flagged and removed, artisan incomes linked to IP interventions, and platform compliance rates. Independent research, like by Sartika et al. (2025), Normative benchmarking, and third-party digital audits should be commissioned. A biennial “Indonesian Cultural IP Index” could measure legal protection readiness and enforcement outcomes, rewarding provinces and platforms that demonstrate progress. In conclusion, the piracy of batik and tenun designs on Shopee and Alibaba is not just a legal violation it illustrates the urgent need to reform IP ecosystems to recognize, protect, and reward communal cultural expression in global markets. By implementing registry systems, AI detection, community IP support, legal reform, international cooperation, and technology alignment, Indonesia can shift from reactive defense to proactive guardianship. Such a model would empower artisans, reinforce Indonesia’s role as a cultural creative leader, and signal to e-commerce platforms that authentic, heritage-based design deserves respect, recognition, and rightful reward in the digital age.

V. CONCLUSIONS

The growing concern over the unauthorized use and commercial exploitation of traditional Indonesian fashion designs, particularly hand-drawn batik and woven tenun, on global e-commerce platforms such as Shopee and Alibaba, reflects the urgent need for a robust juridical framework to protect local cultural expressions. This research has highlighted the pervasive nature of design piracy, where foreign sellers appropriate indigenous motifs and traditional aesthetic patterns without obtaining consent or providing economic benefit to the originating communities. The findings from this study demonstrate that the infringement often occurs through the digitization and commodification of batik and tenun designs, which are then sold internationally with little or no recognition of their cultural roots. Despite the existence of legal instruments in Indonesia, such as Law No. 28/2014 on Copyright and Law No. 20/2016 on Trademarks and Geographical Indications, enforcement mechanisms remain weak, particularly in the

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digital economy. Traditional Cultural Expressions (TCEs) such as batik and tenun often fall into a gray area of protection due to their communal authorship and lack of formal registration. This regulatory gap is exploited by foreign sellers who capitalize on the lack of legal claims or active monitoring. Moreover, the absence of bilateral agreements or digital trade protection policies between Indonesia and host countries of platforms like Alibaba (China) and Shopee (Singapore) further complicates enforcement efforts. The study also shows that while international instruments like the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003) and the WIPO initiatives on TCEs offer a normative basis for protection, their implementation at the national level is still lacking. There is no binding enforcement mechanism that can compel foreign marketplaces to delist infringing content or compensate the cultural communities involved. The situation is exacerbated by the fact that these marketplaces operate across jurisdictions, which often renders domestic legal actions ineffective or time-consuming.

To address these challenges, a multifaceted legal and policy response is required. First, Indonesia must accelerate the codification of *sui generis* protection for TCEs, which acknowledges communal ownership and provides automatic rights for traditional designs without the need for formal registration. Second, the Directorate General of Intellectual Property (DJKI) must collaborate with the Ministry of Communication and Information to establish an online monitoring body that uses AI to detect unauthorized uses of local designs across digital platforms. Third, the government should initiate regional and multilateral dialogues with ASEAN countries and major trade partners to establish binding provisions in digital trade agreements regarding the protection of intangible cultural heritage and design copyrights. Lastly, awareness campaigns targeting both domestic and international consumers can play a vital role in reducing demand for pirated traditional designs. Empowering local artisans through capacitybuilding and digital literacy initiatives will also enable them to protect and commercialize their designs more effectively. Protecting cultural heritage in the era of global e-commerce is not just a legal imperative but also a moral and economic necessity to preserve the identity and dignity of indigenous communities. The safeguarding of batik and tenun must therefore be positioned as a national priority within Indonesia's intellectual property regime, ensuring that cultural creativity continues to thrive in a fair and sustainable marketplace.

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