

Practices for Safeguarding Intangible Cultural Heritage: Integrating the National Perspectives with the Practices of Indigenous People of Indonesia

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Abstract

Recently, the Government has taken an inventory of the intangible cultural heritage (ICH) of the indigenous people through the Law No. 5 of 2017 in order to facilitate the advancement of culture in Indonesia. However, the top-down initiative has not gone well. In fact, the indigenous people are only exploited for their data and culture without being included in the recording process. People, on the one hand, have long maintained their culture in their own ways, even without laws and regulations.

This research examines how protecting the ICH of the indigenous people of East Kalimantan, Kutai, and Dayak can be used as a reference for producing laws and regulations for this purpose. The research was carried out in Mahakam Ulu Regency, Kutai Kartanegara Regency, and Samarinda City, East Kalimantan Province. Data was collected through observations, document studies and interviews. The research population involved the central governments and the Kutai and Dayak indigenous people.

The study reveals that the efforts to preserve the ICH belonging to the indigenous people of East Kalimantan are carried out through traditional ceremonies and rituals regulated by customary laws such as the *Mamanda*, *Nemlai*, and *Beliatn* rituals. However, the relations between the government and the education and culture office and the indigenous people is not in good shape. This is because the government did not make the indigenous people understand the Intangible Cultural Heritage law. Indigenous people have their own structures and the government needs to understand the ways of the indigenous people in terms of how they safeguard their own heritage. These practices of the Kutai and Dayak indigenous people of East Kalimantan could be the basis for the preparation of the bottom-up laws and regulations.

Keywords: Intangible cultural heritage, Indigenous people, Kutai, Dayak. Safeguarding

Introduction

The government of Indonesia continues to record intangible cultural heritage (ICH) based on 10 objects of cultural advancement. However, some concerns have been raised in different parts of the world regarding the effectiveness, application, and impact of the protection of Intangible Cultural Heritage (Zhang, 2020; Bigambo, 2021; Bedford, 2024). Several studies have also addressed the lack of involvement of local communities in the protection process (Eichler, 2021; Alivizatou, 2024) in other parts of the world, and the same thing has happened in Indonesia. Indigenous people in Indonesia, especially in East Kalimantan, are rarely included in the ICH recording process. They are exploited for their cultural knowledge for the ICH recording process. The government of Indonesia has constantly followed the ways influenced by the West and the UNESCO. This is because the idea of identification, protection, and preservation of cultural heritage by UNESCO began after the World War I around the 1950s and 1960s (Dharmiasih, 2020). In its application, the laws and instruments used by Indonesia in 'measuring' ICH are the result of ratification of the ICH Convention (ICHC). On the other hand, each indigenous community has its own ways of understanding, protecting and preserving its various traditions and aspects that they consider valuable (Blake, 2019; Bayu Arsiadhi Putra, Max and Vivian, 2020; Vivian, Gunawan and Arrazaq, 2022). Unfortunately, ICH protection carried out by the government often forgets the way indigenous people protect their own ICH. The government only adopts the UNESCO Law and forgets about the local genius of indigenous people.

Apart from the agenda of the Government and the UNESCO, ICH emanates from the culture practiced in people's daily lives, and embedded in the social and cultural life of the people (Jeffery and Rotter, 2019; Lázaro Ortiz and Jiménez de Madariaga, 2022; Nugroho, Max and Yusriansyah, 2022). ICH is a social memory based on everyday practices such as talking, walking, gesturing, and communicating, specifically in ceremonies or rituals (Møller-Olsen, 2021; Vivian and Putra, 2021). In fact, they are 'in the form' of packages created and maintained by the community in the form of values, norms, cultural traditions, beliefs, knowledge, and various activities that often provide meaning and substance to the lives of the people (Max, 2019; Fajriansyah, Vivian and Pratama, 2021; Irene and Dewi, 2021; Nugroho, Max and Yusriansyah, 2022).

Moreover, ICH has undergone modifications and changes resulting from tourism, modernization, and globalization (Arifin, Vivian and Nasrullah, 2017; Kim, Whitford and Arcodia, 2019; Ruhanen and Whitford, 2019; Putra, Max and Vivian, 2020; Pietrobruno, 2020; Putra *et al.*, 2021). However, it is necessary to view it as a "living culture", constantly changing, being replaced, or replicated in new ways (Kolasi, 2020). In reality, the dialectics of agents in the Education and Culture Office from the National, Provincial, and Regency Offices in Indonesia has experienced a disconnection in perception. Literature and guidelines for recording ICH made by the Indonesian National Party have always experienced ambiguity on the part of the Provincial and District Education and Culture Offices. This is due to the lack of competence of agents in the Provincial and District Education and Culture Offices, especially in East Kalimantan. The lack of competence of agents makes the social system that regulates ICH recording not work properly. This causes issues for the acceptance and participation of indigenous people in the government-initiated programs of ICH protection.

Nevertheless, this phenomenon cannot be ascribed to only one side of the social system: either the government or the agents such as the indigenous people alone. Social systems and agents are not separate things but have a mutual relationship or structure. This can be seen from the multitude of structures that exist, namely: (1) Significance Structure; (2) Dominance Structure (Authority and Allocative); and (3) Legitimacy Structure (Hafstein, 2014; Scovazzi, 2015; Collation, 2020; Ubertazzi, 2022). Among them, this research focuses on the government (ministries and related agencies), provincial and district education and culture office, and the indigenous people (Dayak and Kutai).

ICH was defined and used in the 2003 UNESCO convention. It was expected to help the indigenous people govern themselves as administrative entities that are partly self-

regulated (Scovazzi, 2023). The fundamental component of the concept of ICH is that practice that contains objective components (including related instruments, objects, and artifacts), subjective or social components (communities, groups and individuals), and spatial components (cultural spaces) (Labadi, 2007; Tsosie, 2012; Melis and Chambers, 2021). Of these three elements, ideally, there is a real role for the community that practices ICH. However, there has been a decline in the quality of democracy in its implementation, as witnessed by the grassroot communities that do not get any space for participation (Grey and Kuokkanen, 2020; Milenkovic, 2024). In fact, indigenous communities are the drivers of this hybridity and interactivity, and the processes and systems contained in them are rooted in philosophies, legal-political orders, and daily practices of the indigenous people (Hardwick, 2020; Konagaya, 2020).

Many indigenous people in Indonesia, especially in East Kalimantan, do not know about their own cultural heritage. This is contradictory because indigenous people have culture, but they do not know the social system regarding the ICH. Nevertheless, from 2013 to 2023, East Kalimantan has 35 ICHs that have been established (Chabibie and Permanawiyat, 2023). The number of ICH has been recorded, but there are still many indigenous people who do not know ICH.

UNESCO's version of the ICH is nothing but a 'list' of categories that leads to a hierarchy. What is not realized, however, is that the universal categories on the list are not even the main idea for the practitioners of local culture (You and Hardwick, 2020). When ICH is only ratified as an object, they will become mere heritage and international consumption and lose their relevance to the indigenous peoples' way of life that is already affected by the social, political, religious, and economic situation (Mozos, 2023; Petri, 2023; Tramontana, 2023). Therefore, a democratic approach and human rights applied from the bottom up are needed to ensure the participation of indigenous stakeholder communities to actively determine the design and implementation relevant to their culture (Muñoz-Viñas, 2023; Prakoso, 2024; Rokhman and Haswanto, 2024). This is necessary to avoid elitism that tends to ignore things that are not following the authorities. This ruthlessness, and colonial, monumental entities follow only academically acceptable procedures and make the ICH vulnerable to political exploitation. Indeed, as Rahma *et al.* (2023) show, they even become an object of collusion for scientists and political elites.

Living cultural heritage is also shaped by socially and culturally influenced traditions and conventions, including the feelings and emotions of the people connected to that heritage. It is thus necessary to involve the local communities to participate in collaborative documentation to begin with. In this context, this paper aims to contribute to the making of ICH laws in Indonesia.

It's objectives are:

- To identify ways of making flexible and structured policies.
- To reveal the perspectives and practices of indigenous people in protecting their Intangible Cultural Heritage.
- To identify the national perspectives in implementing laws for the protection of Intangible Cultural Heritage of Indonesia.

Theoretical Framework

In this study, the authors use Structuring Theory by Anthony Giddens, a sociologist from the UK. According to Cohen (1990) and Carrno (2015) social life produces social practices that are relationships of agents and social structures to adjust actions and relationships between people. Giddens sees that social practices must be able to see social systems and agents with a mutual relationship.

In social practice, the conditions, activities, and interactions that have occurred historically from the social agents and structures can be seen. They do not focus only on the realm of social systems or their agents. Chatterjee, Kunwar, and Hond (2019) say that agents are rational beings who behave following their beliefs and knowledge to present social actions.

Giddens (1985) argues that a social system is a social practice produced by structural agents as its present in space and time. Each agent performs actions structured in space and time in a social system. There are two agents in this situation. They are those who work and care for the documentation of ICH. One of them are the Ministry of Education and Culture of the Republic of Indonesia and the Education and Culture Office. The others are the Kutai and Dayak indigenous people. Both of these agents work within the social system. Indeed, safeguarding the ICH cannot be done only by the social system, but it is necessary to have an agent who does it too.

This study uses Structurization Theory which has three types: Structuralization of Signification, Dominance (Authority and Allocative), and Legitimacy (Giddens, 1985; Carreño, 2015; Chatterjee, Kunwar and Den Hond, 2019; Ibnu, 2024; Kgoale and Phahlane, 2024). Wheeler-Brooks (2009) explains that in social practice, these three structures are used differently in space and time. It is posited that the society is not a static entity, but a social construction created and maintained by some social practices.

The government carries out the safeguarding of ICH through the recording, determination, and nomination. Procedurally, the District Education and Culture Office proposes Intangible Cultural Heritage objects to the Provincial Education and Culture Office. It is then inspected by the Cultural Literacy Center (BPK). The final process is submitted to the Ministry of Education and Culture of the Republic of Indonesia. This is a long process and rules in the submission of ICH. At this stage, this paper uses the Significance Structure in examining the protection practices and challenges faced by Indonesia's demand in safeguarding ICH. The structure of Signification is formed from the communication skills of agents and their capacities in a discursive and symbolic order of a system that produces rules or regulations that govern (Loyal, 2003; Whittington, 2015; Chatterjee, Kunwar and Den Hond, 2019).

Review of Literature

Since the ratification of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH), numerous studies have been conducted on the critical implementation of ICH Convention (IHC). Critical reviews on the IHC, for instance, have been conducted by Dippon and Moskaliuk, (2019), Eichler (2020), and Morgan *et al.*, (2021). They examine the tendency of the IHC to subject intangible cultural heritage to uniformity due to the requirement to meet the UNESCO standards. Nas (2002), Craith (2008), and Ortiz and Madariaga, (2021) argue that cultural heritage is effectively being globalized due to it being considered to belong to all humanity. The practice of safeguarding ICH, on the other hand, according to Morgan *et al.*, (2021) must involve traditional stakeholder because they have the prerogative to determine the cultural indicators for measuring their own heritage. Therefore, indigenous communities must effectively engage in safeguarding the ICH and provide them with additional incentives to continue to safeguard them (Chami and Kajiru, 2023). Aikawa (2004) emphasizes that the concept of respect for cultural heritage artists or practitioners is the most important aspect, as it instills a sense of pride in them because it is the strongest driving force for self-motivation in safeguarding.

The practices of the IHC often encounter tensions with the protection practices of the indigenous communities in the context of tourism, as discussed by Su (2018, 2019), Kim, Whitford, and Acordia (2019), Gao, Lin, and Zang (2020), and Ranwa (2021). Su (2018) examines the tensions between the protection and commodification of ICH for tourism in China. National and provincial government officials pragmatically view the commodification of tourism as a step to protect and disseminate the ICH. Local governments, as members of the local community are sympathetic to the commodification of ICH tourism, allowing the local residents the flexibility to participate in its management (Su, 2019). The commodification of ICH tourism has made ICH more dynamic as it must adapt to the needs of tourism. However, this also inevitably reduces the local values embedded in the ICH itself (Su, 2018). Gao, Lin and Zhang (2021) examining a case study towards the Cultural Landscape of Honghe Hani

Rice Terraces highlight that commodification of ICH in the context of tourism demonstrates the power relations of the government in terms of responsibility and the compensation received by the indigenous people. Through the case of ICH of Kalbeliya dance and song in India, Ranwa demonstrates that the commodification of ICH into tourism leads to drastically change the aesthetic contents and the context of the performance due to the demands of commercial commodification (Ranwa, 2022).

They argue that practitioners or indigenous people must be involved in developing ICH as sustainable tourism resources (Kim, Whitford and Arcodia, 2019) to avoid reductionist perspectives and practices. In this connection, Kim, Whitford, and Acordia (2019) conducting a case study in South Korea explore the perspectives of ICH practitioners, particularly the integration of transmitted customs, inherited meanings, and the identities of practitioners. They point out that Intangible cultural heritage (ICH)-based tourism should be critically examined due to the discursive construction of power and knowledge embedded through the concepts of inventorying and protection, which are actually built through the discourses of fragility and immateriality (Melis and Chambers, 2021).

Since becoming a State Party to the ICHC in 2007, Indonesia has published the regulation of Indonesia ICH under the Ministry of Education and Culture in 2013. Moreover, numerous national and international researchers have conducted studies on ICH in Indonesia. The research on the ICH of Wayang Kulit Kedu conducted by Indra Fibiona *et al.* (2024) has concluded that integrating ICH Wayang Kulit into educational curricula, utilizing digital platforms, and fostering community-based preservation are crucial revitalization strategies for engaging younger generations in the preservation of this ICH. Similarly, Suraya *et al.* (2024) have analyzed the cultural elements in the folktales and their archaeological evidence as cultural heritage within the Muna ethnic group in Southeast Sulawesi.

Research on oral traditions has also been conducted by Burhanudin *et al.* (2024), who have analyzed the urgency of preserving *syiir* (traditional Islamic poetry) as a cultural heritage that serves as a tool for transferring religious teachings, moral principles, and cultural identity, which are beginning to fade with time. Therefore, it is necessary to preserve *syiir* through re-enactment and promotion. Marlina *et al.* (2024) explore the tangible and intangible cultural aspects of the Baluwarti area in Surakarta as a means to brand the city. According to them, ancient buildings, cultural events, creative industries, arts and culture, and local cuisine can be leveraged as local cultural heritage to build the image of the city and attract both domestic and international tourists.

Most articles published in Indonesia reflect a positive attitude toward the ICHC. They have discussed ICH that are already listed or those with potential for listing. Despite the presentation of noble traditional values, this positivism is often driven by the trends in cultural tourism (commodification) and is even supported by the principle of utilization in the Cultural Advancement Law No. 5 of 2017. It is frequently claimed that the development of tourism or recognition of cultural heritage can strengthen the local communities (Mardika *et al.*, 2023; Rokhman and Haswanto, 2024).

However, in practice, there is insufficient attention to the varied forms of cultural protection that have been organically practiced by indigenous communities. This has the potential to create conflicts, especially concerning issues of ownership rights and the erosion of values within ICH (Fahmi and Siddiq Armia, 2022; Fahmi, 2024; Rai, 2024). It is argued that, a comprehensive understanding of both modern and traditional safeguarding practices will allow for the active involvement of indigenous communities in the ICH safeguarding.

This review of previous research show that they have considered mainly the modern or traditional protection methods. However, this is inadequate. In this context, this study contributes to fill the gaps in knowledge about ways and means to evaluate the weaknesses of modern safeguarding and explore how these shortcomings can be addressed by integrating modern perspectives on ICH traditional methods of preserving their culture by the indigenous communities.

Research Method

This study employs case study research with an ethnographic approach. Ethnography is a multi-practice field research aiming to collect field data by viewing, describing, interviewing, recording, and transcribing it (Reyes, 2020; Krause, 2021; Ploder and Hamann, 2021). This study employs a numerous data gathering techniques to achieve comprehensive understanding about the challenges and practices of ICH carried out by both the Indonesian government and the indigenous people of East Kalimantan.

It employs structuration theory to buttress the investigation. The Significance Structure is used by the researchers to see the symbolization or capacity of agents in applying each rule to protect the ICH. At this stage, the author conducted interviews with a team of experts on ICH (Ministry of Education and Culture of the Republic of Indonesia), the Education and Culture Office of East Kalimantan Province, the Education and Culture Office of Kutai Kartanegara Regency, and the Education and Culture Office of Mahakam Ulu Regency. The research also uses to see the government's challenges in implementing the practice of ICH safeguarding.

It is argued that safeguarding the ICH must be pursued by the officials and indigenous people together. In this study, the agents or communities used as samples are the Kutai and Dayak indigenous people. In doing so, the research uses the Dominant Structure to see indigenous people in sustaining their culture organically. Dominant structure refers to resources in the form of power (Authority) and goods (Allocative) (Whittington, 2015; Chatterjee, Kunwar and Den Hond, 2019). The Dominance Structure is used in this research to see the power (Authority) of agents (agencies related to indigenous peoples) in the practice of cultural protection to become the ICH documentation. This is also done to see the mastery of goods to support the practice of ICH safeguarding. Thus, the research interviewed the Kutai and Dayak indigenous people to find out their organic ways of protecting their culture.

The research also made a comparison of the government regulations of the Republic of Indonesia applied by the agents of the Education and Culture Office with indigenous people. Each existing rule has a Legitimacy Structure. Legitimacy structure refers to the norms or rules that govern the social actions in a culture (Whittington, 2015; Chatterjee, Kunwar and Den Hond, 2019). The Legitimacy Structure is used in this research to see the actions of agents (Cultural and Indigenous People) in running a social system to support the practice of ICH safeguarding. In this context, the social system in the form of documenting ICH is carried out to safeguard ICH.

In Depth-Interviews

As mentioned, in-depth interviews are conducted with twenty-six respondents. Six respondents from the government with 2 respondents from each office. This aims to find out the mechanism of ICH documentation carried out by the government. The twenty respondents from the indigenous community consisted of 10 Dayaks and 10 Kutai people. Interviews with indigenous people are conducted to find out specifically their practices in safeguarding ICH.

Field Observations

Field studies are employed to achieve the visual and photographic data at the location of the study. The location has been determined based on two study populations. The first research population are the Directorate General of the Ministry of Culture of Jakarta City, the Education and Culture Office of East Kalimantan Province in Samarinda City, the Education and Culture Office of Mahakam Ulu and Kutai Kartanegara Regencies. The four locations are chosen because they are the sources of policy and implementation of the ICH laws. The second research population are as follows.

- The Dayak community in Jahab Village, Kutai Kartanegara Regency and
- Long Tuyuq Village, Mahakam Ulu Regency.
- The Kutai community in Tenggarong City, Kutai Kartanegara Regency.

Document Survey

The document Survey is the foundation of this study to gather the historical texts, academic writing, and published research focused on the indigenous culture of East Kalimantan. A list of all the documents examined is provided in the table below.

Table 1: List of Documents Examined

Source: Authors

Types of Literature	Title of The Books/Journals	Authors	Year	Key Focus of Discussion
Book	Kitab Hukum Adat Dayak Mahakan Ulu	Dewan Adat Dayak Mahakam Ulu	2019	Pernjelasan semua hukum adat dari Suku Dayak di Kabupaten Mahakam Ulu
Book	Upacara Adat Nemlaai Lung Gelaat	Belareq, B. Blawing.		Proses ritual Nemlaai
Book	Transmisi, Kesenambungan, dan Ekosistem Kunci Musik Tradisi: Fakta Menarik dan Informatif tentang Klentangan di Kalimantan Timur	Irawati, Eli.	2001	Dinamika masyarakat Dayak Benuaq dan Peran alat musik klentangan pada proses Ritual Beliatn Sentiu di Kalimantan Timur
Book	Mosaik Ritus Tradisi Kabupaten Kutai Kartanegara	Masrur, et.al.	2022	Memaparkan banyak ritus yang ada di Kabupaten Kutai Kartanegara, salah satunya mengenai Ritual Beliatn Sentiu
Book	Identitas Dayak: Komodifikasi dan Politik Kebudayaan	Maunati, Yekti.	2004	Melacak konstruksi- konstruksi identitas budaya Dayak sampai komodifikasi kebudayaan
Book	Dilema Transformasi Budaya Dayak	Widjono, Roedy Haryo.	2016	Transformasi budaya Dayak dianggap sebagai bentuk budaya baru dan proses perubahan yang dihasilkan oleh budaya Dayak
Book	Warisan Budaya Kalimantan Timur	Surya, Satyawati, et.al.	2022	Penjelasan mengenai ICH yang dimiliki Kalimantan Timur, salah satunya Beliatn Sentiu
Journal	Membaca Praktik Musik Mamanda Kutai Lewat Ekosistem Musikal	Vivian, Yofi Irvan, et.al.	2022	Melihat kesenian Mamanda Kutai dari ekosistem musikal, yaitu sistem belajar, musisi dan komunitas, konteks dan konstruk, infrastruktur dan regulasi, dan meida atau industri musik
Journal	Mamanda Kutai: Karakteristik Ladon pada Lirik dan Musik Karya Mamanda Panji Berseri	Vivian, Yofi Irvan, at.al.	2022	Penjelasan mengenai Ladon dengan pendekatan musikologi. Ladon merupakan sebuah pantun yang dinyanyikan dengan diirini biola, kendang, dan gong.

Data collected is grouped into two parts: data related to indigenous people and data related to the government. Both data are transcribed and translated to correlate with cultural phenomena in the field according to the observations. Data was analyzed using Anthony

Giddens' structural theory to address the research problem. The analysis results are presented in a qualitative descriptive format using words, narratives, and images.

Case Study 01: Mamanda Kutai

Mamanda Kutai is a traditional theater that has developed in Kutai Kartanegara. Mamanda "Panji Berseri" is the name of Mamanda group involved in this case study. It is located in Jahab village, Kutai Kartanegara. According to Rusli (68 years old), Chairman of the Mamanda Panji Berseri Group, Mamanda Kutai has been growing for three generations. Mamanda Kutai was originally an exclusive "elite show", because the only the nobility enjoyed it. Over time, the elite show has turned into a folk show (interview: October 20, 2022).

The performance of Mamanda Kutai, at a glance, appears similar to Mamanda Banjar in South Kalimantan. Historically, Mamanda came from South Kalimantan, then developed in Kutai because Kutai was one of the areas that was once controlled by the Sultanate of Banjarmasin around 1636 (Vivian et al., 2022). There are several differences in Mamanda belonging to South Kalimantan and Mamanda Kutai belonging to East Kalimantan.

Ahmad Rusli (67 years old) as the leader of the Mamanda Panji Berseri group stated that Mamanda Kutai underwent acculturation that was actualized in the performance which presented the traditional art of Kutai in performance. The notable differences, beside the language, include the performance stage, the content of the stories, the musical instruments, *ladon* (the musicalization of *pantun*), the transitions of the performers, and the *Jepen* dance.

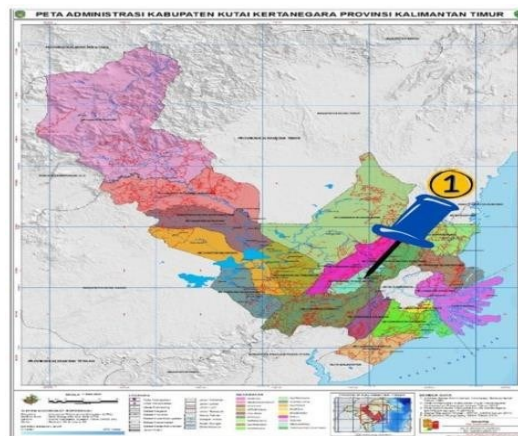


Fig. 1: Research location

Source: petatematikindonesia, 2014

Case Study 02: Beliatn Sentiu Ritual

The Beliatn Sentiu is traditional healing ritual of the Dayak tribe in East Kalimantan. It is, etymologically, derived from Dayak Benuaq language. The word "Beliatn" means shamanistic ritual characterized by twisting the body, reciting incantation, serving ritual offering to ward off misfortune, prevent evil spirits, and heal illness. The word "Sentiu" comes from "nyenteyau" meaning an investigation into disease. Thus, Beliatn Sentiu is a shamanistic ritual aimed at healing illness and warding off misfortune through reciting the mantra and serving the ritual offerings accompanied by dance and music. The dance serves as a medium for the ritual leader (*pembeliatn*) to enter the spiritual realm, while music serves as a bridge between the human world and the supernatural realm (Irawati, 2018; Nussy and Rokhim, 2020).

Beliatn Sentiu is a non-medical (supernatural) treatment carried out today by the Dayak Benuaq tribe in the Jahab Village, Kutai Kartanegara Regency as an alternative treatment. The ritual is followed by *Pembeliatn* (shamans or people who treat), *Pengugu* (*Pembeliatn*'s assistant), *Penu'ung* (musicians), and *Rotatn* (patients) (Vivian, 2022; Vivian, Arifin and Wahyuni, 2022; Vivian, Tawakal and Arrazaq, 2022).



Fig. 2: Research location
Source: petatematikindonesia, 2014

Case Study 03: Nemlaai Ritual

Nemlaai is a ritual that is exclusively participated only by men of Dayak Bahau in Long Tuyuq Village. Long Tuyuq is located in Mahakam Ulu regency, the northernmost district of East Kalimantan, bordering Sarawak, Malaysia. The village is predominantly inhabited by the Dayak Bahau Busang tribe. The residents live along the Mahakam River, primarily engaging in farming, agriculture, and hunting.

Nemlaai ritual, in the past, according to Blawing Blareq as the chief of Lung Gelaat tribe in Long Tuyuq, was performed after *ngayau* (beheading humans). Performing Nemlaai is the symbol of a boy growing to be a man. Nemlaai performance today has changed from the past as the *Ngayau* practice can no longer be carried out due to its violation of human rights. Blawing Blareq (80 years old) stated that,

"Nowadays, the Dayaks are no longer fooled, so being successful now [means] being able to be successful and succeed [achieve] in school, work, college, or whatever they consider a success, they need to participate in the [ritual] of nemlaai. The Nemlaai ritual is carried out every 5 years in Long Tuyuq."

Interview: June 19, 2024

Thus, it can be understood that the nemlaai ritual today is performed after success in their work, college, and duties. The nemlai ritual is only carried out once every five years as an initiation.

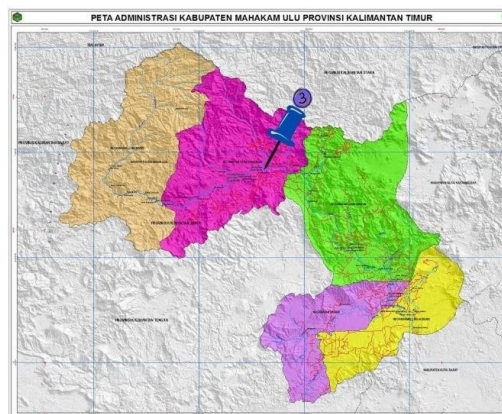


Fig. 3: Research location
Source: Petatematikindonesia, 2014

Findings and Discussion

The Practices of Indigenous People in Safeguarding ICH

Indigenous people (agents) have an organic way to maintain and protect their ICH. This is because indigenous people have facilities for production and execution processes from various resources. The use of power in social interaction involves the use of dominance structures mediated through facility modalities (Loyal, 2003). In the Kutai tribe's agents in the art of Mamanda Kutai, they have an organic way to maintain this art. Ahmad Rusli (69 years old), the Chairman of the Mamanda Panji Berseri Group, explains that:

"I, as the third generation of Mamanda Kutai, will continue to maintain Mamanda Panji Berseri because Mamanda Kutai belongs to the Kutai people. My grandfather taught my father and me; now all my family is Mamanda Kutai players. If others want to learn, we are open to anyone. Later my children will teach Mamanda Kutai to my grandchildren, and it will always be like that. This Mamanda used to be often staged for the Sultan of Kutai, this is Kutai culture. So yes we have to play Mamanda Kutai and take care of her."

Interview: November 23, 2023

The statement above explains that the artists of Mamanda Kutai maintain Mamanda Kutai because they believe that this is the art of Kutai Kartanegara that has been passed down from generation to generation. The indigenous people maintain Mamanda Kutai by providing lessons to families and people who are willing to learn. To sustain interest of the Mamanda traditional performance which is increasingly overshadowed by modern and digital shows, the artists of Mamanda organize the festival of "Bensamar". The festival revives two previously dormant Mamanda groups.

The indigenous people of the Dayak tribe maintain their culture in the form of the Beliatn Sentiu ritual and the Nemlaai ritual in an organic way. In the Beliatn Sentiu ritual, the indigenous people of Dayak Benuaq believe that this belief has been passed down from generation to generation. Siti Norjanah (57 years old) as *the Ruler*, explains that:

"Our belief is a story from the past that we believe, Sentiu is the name of a person who has the ability to heal. He could cure all kinds of diseases, so he was considered great and then the Beliatn Sentiu Ritual appeared, yes for medicine. Many people who are sick, ask to be treated using the Beliatn Sentiu ritual, we believe that. Well... In Beliatn Sentiu there is an offering, every day or stage of the ritual, yes, the offering must be completed. The one who asked for the offering was *Pembeliatn* because he was the one who knew, so we followed everything that *Pembeliatn* asked."

Interview: July 23, 2023

The way the Dayak Benuaq people defend the ICH is based on belief. They believe that the Beliatn Sentiu Ritual can treat all kinds of medical and non-medical diseases. *Pembeliatn* is the most crucial agent in this ritual because it has cultural knowledge for every offering and procession of the Beliatn Sentiu Ritual.



Fig. 4: Beliatn Sentiu ritual
Source: Vivian, 2022



Fig. 5: Nemlaai ritual
Source: Vivian, 2024

The Dayak Bahau community in Long Tuyuq Village still perform the Nemlaai Ritual because it is the customary law. This customary law is still practiced today. Alexsander Ajang Blewing (48 years old) as the Head of Long Tuyuq Village, explain that:

"So men are obliged to participate in Nemlaai because we believe this distinguishes us from animals; so we as men must follow Nemlaai. It has become a customary law for men to participate in Nemlaai. If he does not participate, yes, there is usually a customary law that regulates him, at least he is seen by the community as a strange man because he does not participate in Nemlaai. For example, this year, he can't participate, yes, it's okay, but if he can do so in the next 5 years, he must participate because this is the legacy of our ancestors."

Interview: June 20, 2024

The statement above shows that the Nemlaai Ritual must be followed by Dayak men so that it is a differentiator from animals. The customary law in the Dayak community is still used as a social system to construct the Nemlaai Ritual.

Above all, the indigenous people of East Kalimantan have already maintained their cultural heritage in their origin way. Mamanda Kutai is preserved by organizing the festival and instilling belief and love for the traditions which have been passed down through generations to the youth. Beliatn Sentiu ritual is preserved by the Dayak Benuaq people by creating taboos and myths to pass down the non-medical treatments ensuring to be practiced continuously by the current generations. Nemlaai ritual is preserved by Dayak Bahau in Long Tuyuq by creating taboos (pamali), giving social treatment, and organizing mass traditional ritual celebrations every five years.

Perspectives of the Indigenous People towards ICH

Traditional preservation of ICH that has long been practiced by Indigenous communities in East Borneo seemed to gain a new momentum when the provincial Department of Education and Culture promoted an ICH documentation program. Unfortunately, this program has not reached the indigenous communities who are the custodians of the ICH. The program has stalled at the district government level, as evidenced by the interviews conducted as noted below.

Mamanda Kutai

According to Ahmad Rusli (68 years old, Chairman of the Mamanda Panji Berseri Group), none of the Kutai Mamanda artists were aware of the ICH documentation program. They were not even familiar with the term. In reality, Mamanda Kutai had been proposed to the East Kalimantan Provincial Education and Culture Office to be submitted as an ICH recognized by the Directorate General of Culture of Indonesia in 2021. However, the East

Kalimantan Provincial Education Office did not register it because Mamanda had already been recorded by the Directorate General of Culture as South Kalimantan ICH in 2016. Ironically, in the publication of South Kalimantan ICH, they used a photo of the Mamanda Kutai Panji Berseri group from East Kalimantan.



Fig. 6: Performance of Mamanda Kutai
KalimantanSource: <https://warisanbudaya.kemdikbud.go.id>



Fig. 7: Listing of Mamanda South
Source: Vivian, 2024

Cultural actors of Mamanda Kutai, on May 28, 2024, held the Bensamar Cultural Festival. This festival featured three Mamanda Kutai groups: Mamanda Panji Berseri, Mamanda Bina Seni Budaya Bensamar, and Mamanda Jembayan. Anwar Saiful (56 years old) as the Traditional Head of Tuha Bensamar Village explains that:

"We, perpetrators, have struggled to introduce Mamanda Kutai to the community. If the Education and Culture Office does not want to take care of Mamanda Kutai for ICH, then that's fine. We can still fight on our own. So in 2024, Kutai Kartanegara already has 3 Mamanda Kutai groups, this year there will be 2 more groups."

Interview on May 28, 2024

Beliatn Sentiu Ritual

Beliatn Sentiu Ritual is proposed as an ICH in 2021. Unfortunately, at the end of 2021, Beliatn Sentiu has not been submitted to the Directorate General of Culture of Indonesia because Beliatn Bawo had already been registered as an Indonesian ICH. Yekti Utami (57 years old), Secretary of the East Kalimantan Provincial Education and Culture Office, stated that the East Kalimantan Provincial Education and Culture Office is burdened with rejection concerns. In fact, the ICH documentation is often the same object but has different additional words. For example, there are 79 entries for cultural works on Batik (*Indonesia's Intangible Cultural Heritage*, 2022). This explains that Beliatn Sentiu can be submitted for the documentation of ICH even though Beliatn Bawo has been recorded as ICH belonging to East Kalimantan. The Dayak Benuaq people do not care whether the Beliatn Sentiu Ritual is recorded in the ICH program or not. They still carry out the Beliatn Sentiu Ritual as a treatment that has been carried out for generations.



Fig. 8: Norjanah, *Pengugu* Ritual Beliatn Sentiu Blareq
Source: Vivian, 2023



Fig. 9: Blowing
Source: Vivian, 2024

Nemlaai ritual by Dayak Bahau people.

The Nemlaai ritual has been registered by Alexander Loho (32 years old), one of the participants in this ritual, because he has a friend who works at the Mahakam Ulu Regency Education and Culture Office. Alexander Ajang Bleawing (48 years old) as the Head of Long Tuyuq Village, explains that:

"I didn't even know that I had been registered with Alex. No one reported to me, Alex or his official person. If you don't tell me, I don't even know. So far, only official people have passed by. There has been no socialization about the ICH program. Yes, it's okay, do you know if it's Cultural Heritage? We are all here to continue to do Nemlaai because this is the inheritance of our ancestors from the past and we will still do Nemlaai. Until any time because this is also customary law."

Interview: June 20, 2024

The statement of the village head of Long Tuyuq above explain that the Education and Culture Office of Mahakam Ulu Regency did not conduct socialization about ICH. Until now, the Dayak people in Long Tuyuq Village perform the Nemlaai Ritual because they believe in customary laws that distinguish them from the animals.

Almost every afternoon, the participants who participate in the Nemlaai Ritual do *tengarang* or *ngarang*, a dance together. This shows the joy of the men participating in the Nemlaai Ritual. Every man uses traditional clothes when doing *tengarang* or *nangarang*. The musical instruments used are *tuvung* and *gong*. From the beginning to the end of the nemlaai ritual, men are not allowed to talk to women. This is one of the taboo requirements in the ritual.

National Perspective toward ICH

Kutai Kartanegara Regency conducted ICH writing training with resource person Abdul Latif Bustami as the National ICH Expert Team on August 3, 2024,. This socialization was carried out well because it provided insights to the authors about the culture that will be researched for ICH. Abdul Latif Bustami (60 years old) explain that

"Indonesian government has maintained the culture that has been recorded, packaged, stored, and preserved in DAPOBUD or Basic Cultural Data"

Interview: August 3, 2024



Fig. 10: Abdul Latif Bustami
Source: Vivian, 2024



Fig. 11: Rusmiyati
Source: Vivian, 2024.

ICH protection is an activity that must be carried out every year by the Education and Culture Office in every province in Indonesia. The practice of ICH protection has been carried out by the government by combining all the data in "DAPOBUD". However, this still has shortcomings and is not perfect. Anisa Mardiyani as the Indonesian Cultural Officer of the Cultural Agency, argued that:

"The data is collected in DAPOBUD, but all is collected... for example, there is data about ICH, there is also data about Cultural Heritage. We also couldn't put the picture because the IT team said that the server was different. So if you put an image of ICH that has been recorded, it will take a long time."

Interview: August 28, 2024

DAPOBUD is still considered less than optimal because the data presented is combined with ICH and Cultural Heritage. In addition, the government has tried to protect ICH well, but they cannot directly control the performance of the Education and Culture Office in the provinces and districts.

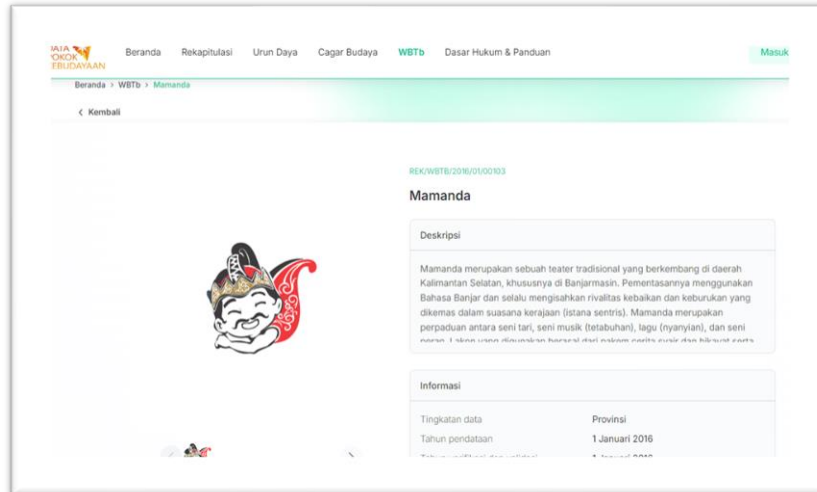


Fig. 11: DAPOBUD Display
Source: <https://dapobud.kemdikbud.go.id>

In terms of ICH protection nationally, it is quite good, but this does not always run linearly with the Education and Culture Office in the province or district. This was conveyed by Sisva Maryadi, who works at the Cultural Preservation Center (BPK) Wilayan XIV, explaining that:

"This official likes as he pleases, every year he proposes an ICH without considering the amount. For example, in 2021 it proposed 6 ICHs, in 2022 it proposed 10, then in 2023 it was only 1. It seems like they don't have a long-term plan or good mapping. If you want, in 2021 it will be 2, in 2022 it will be 3, in 2023 it will propose 4. So every year there is an improvement, so they can focus on finding references, writing, and preparing everything well. The service people in the district like to compete the most to apply for ICH, but the writing is not good. Many of them consider this to be a purely annual activity. And yes, we are not lying because not everyone knows about Intangible Cultural Heritage. They often rotate jobs, so people who are learning about ICH, are moved to another section or other office, then filled by new people. This new person learns ICH, then rotates again... like that, so many of them have not worked as much as possible have been replaced."

Interview: August 19, 2024

The transfer or rotation of employees in the provincial or district Education and Culture Office which is a problem regarding ICH protection does not work well. This was emphasized by Lucia Dyah Prasetyahrini as a person who works at the East Kalimantan Provincial Education and Culture Office explaining that:

"There must be employee rotation in all agencies, not only in the Education and Culture Office. We as servants of the state, we are transferred or rotated, yes, we follow because we are not leaders. We only follow the orders of the leadership. The drawback is that when we just wanted to learn and we could, then we were moved... We have to learn again from the beginning. The same is true for the part that takes care of ICH, it has been studying for a long time and is great, then it is transferred and replaced by a new person. This new person has to start again from the basics regarding the protection of the ICH."

Interview: August 19, 2024



Fig. 10: Sisva Maryadi and Lucia Dyah Prasetyahrini
Source: Dewi Max, 2024

People of the Education and Culture Office are still unsure about maintaining and implementing the protection of ICH. They are still stuck in an annual routine that requires ICH recording. It is thus clear that the changes in workplaces or rotations that the Education and Culture Office has resulted in them are less effective in working and protecting ICH.

One example of Mamanda Kutai art is the visual of the Mamanda Panji Berseri group which was used for ICH-South Kalimantan in 2016. However, until August 2024, the Education and Culture Office of Kutai Kartanegara Regency has not filed a lawsuit. This was revealed by Indra Meiliana (52 years old) as the Compiler of the Historical and Cultural Value Document who works at the Kutai Kartanegara Regency Education and Culture Office. He says that:

"We have not proposed a lawsuit regarding the photo of the Banner of Radiance by South Kalimantan. Kutai has many cultures that have not been registered as ICH. So we propose another Kutai culture. If we focus on Mamanda Kutai alone, we feel sorry for other Kutai cultures that have not been registered with the ICH. If we want to appeal to South Kalimantan, it's a very long process."

Interview: November 27, 2024

The number of cultures that will be proposed at ICH is one of the reasons why Mamanda Kutai has not handled it optimally. Muhammad Saedar (48 years old) as a person who works at the Kutai Kartanegara Regency Education and Culture Office explain that:

"For Mamanda Kutai, we asked directly to the official person from South Kalimantan when there was a meeting of the Education and Culture Office throughout Indonesia in Yogyakarta. They also don't know about this problem and they are confused about how to deal with it. So yes, we are also confused about how to act. In addition, the socialization we have done is not evenly distributed, because Kutai is big and not all cultural actors can understand ICH, let alone have to write about ICH which will be submitted to the center."

Interview: August 21, 2024

From, the two statements above, it can be understood that the people of the East Kalimantan and South Kalimantan Education and Culture Offices are both unaware of the problem regarding the photo of Mamanda Panji Berseri used as the South Kalimantan ICH. They are the people who are supposed to take care of ICH but do not know each other. In addition, familiarization of the indigenous people about ICH is minimal. This has an impact on the lack of knowledge among the indigenous people about ICH.

Discussion

Integration of National and Indigenous Community in Safeguarding ICH

The practice of safeguarding ICH carried out by the State of Indonesia (National) can be seen in the Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 106 of 2013. This Ministerial Regulation is a social system because it is a reference and the result of mutual agreement in protecting ICH in Indonesia. Social practices are carried out to strengthen the structure through social reporting to maintain its sustainability (Ibnu, 2024). ICH safeguarding needs to be carried out to maintain the sustainability of Intangible Culture owned by the indigenous people.

In fact, in the social system regarding the documenting of ICH, some agents carry it out. They are the people who work in the Education and Culture Office and the Ministry of Education and Culture of the Republic of Indonesia. In addition, indigenous people as agents also have a social system that constructs in preserving their cultural heritage. In this context, each agent equally runs the social system they have. Social systems and agents must integrate with each other in order to realize structure. Structuring refers to a dynamic and recursive production process carried out through social practices (Loyal, 2003). Safeguarding ICH is thus a dynamic process and the result of many social practices.

From the interviews with the owners and cultural actors of Kutai and Dayak, many of them, it is clear that do not know about ICH even as a term. This is due to the existence of sectoral among the Education and Culture Office of Kutai Kartanegara Regency, Mahakam Ulu Regency, and East Kalimantan Province who socialize with only the close friends. Theoretically, agents use communication in an interpretation scheme that becomes a structure of significance (Whittington, 2015). Lack of communication (socialization) is an outcome of the actions of the Education and Culture Office of Kutai Kartanegara Regency agents, Mahakam Ulu Regency, and East Kalimantan Province to the Kutai and Dayak indigenous people. This results in social practices related to the safeguarding of ICH not happening well.

Agents who run the social systems in the realm of the Kutai Kartanegara Regency Education and Culture Office, in terms of strength, however are good. This can be seen in 2023. Kutai Kartanegara Regency received 3 ICH certificates from the Ministry of Education and Culture. They are KudaGepang, Jatung Utang, and Mencaq Traditional Ceremony.

Safeguarding ICH is an activity that must be carried out annually by the Education and Culture Office in every province in Indonesia. Agents of the Education and Culture Office cannot protect culture as a whole. They must have good planning. In this realm, the significance structure owned by the Education and Culture Office agents is only competing as much as possible in proposing ICH. This was stated by Sisva Maryadi who works at the Cultural Preservation Center (BPK) Wilayan XIV, who explains that:

"This official person likes as he pleases, every year he proposes ICH without considering the number. For example, in 2021 it proposed 6 ICH, in 2022 it proposed 10, then in 2023 only 1. It looks like they don't have a long-term plan or good mapping. If you want, in 2021 it will be 2, in 2022 it will be 3, in 2023 it will propose 4. So every year there is an improvement, so they can focus on finding references, writing, and preparing everything well. Official people in the district like to compete to submit the most, but the result is that if we look at it, the writing is still a lot less. Many of them consider this to be a purely annual activity. And yes, we are not lying because not everyone knows about ICH."

Interview: August 19, 2024

The statement above explains that the agents (people from the Education and Culture Office) are still trapped in an undeveloped mindset as agents who maintain the social system in the context of safeguarding the ICH in Indonesia.

Through the case studies of the three ICH, it is evident that the government policies, both at the central and district levels, must integrate with indigenous communities to prevent misunderstandings and malpractices in the ICH documentation process. For instance, the Beliatn and Nemlaai rituals demonstrate the inadequacies. Indigenous communities (agents) have a Dominant Structure, which is why these rituals continue to be practiced to this day. The authority of Beliatn leaders and customary chiefs play a crucial role, as they possess cultural knowledge. In the allocative aspect, the agents who participate in the Beliatn Sentiu and Nemlaai Rituals have items that support the ritual well. Indigenous people (agents) have an organic way to protect the ICH through beliefs and customary laws.

On the other hand, agents from the Education and Culture Office possess a strong legitimacy structure because they are responsible for implementing and submitting ICH nominations to the Director General of Culture of Indonesia. However, these agents (those from the Education and Culture Office) have not been effective in executing social practices related to the preservation of ICH. Meanwhile, agents from the indigenous communities already have a well-established legitimacy structure, which has been built upon generations of knowledge, belief systems, and customary laws. Social structures and practices gain legitimacy so that the society can accept and maintain them (Kgoale and Phahlane, 2024).

Giddens offers explanations that involve agents and social systems. As he says, social practices will not work well when agents and social systems do not work well. Therefore, the agents from the Education and Culture Office (provincial and district) must be able to collaborate with the indigenous people. They are cultural owners who maintain their culture in an organic way. Indeed, each agent must be able to work together in running the existing social system in the community and the ICH recording process.

The social system constructed in ICH protection nationally must be able to see the organic ways carried out by the indigenous people. There are many organic ways that are carried out by the community and are rarely noticed by the agents in the national government. These methods must be collaborated with the social system in the recording ICH. This is what is called the Elevate Wave.

Elevate Wave is a high (vertical) wave. The presence of vertical high waves requires movement from the bottom up. This is the same as the social system in indigenous people which has been known only by the perpetrators. The Education and Culture Office and even the Director General of National Culture has never seen it directly. Therefore, it is argued that the government agents must blend in with the indigenous people in order to emerge a wave below (a sense of cultural belonging). When the togetherness of the agents (government) with the agents (indigenous people) is good, surely, they will be able to run the social system well. This makes ICH recording not only an annual routine of the government, but something that must be fought for together in maintaining the sustainability of ICH.

Conclusion

This article shows that the program for safeguarding ICH initiated by the UNESCO then adopted by the Indonesian government through the Minister of Education and Culture Regulation in 2013 has not reached the indigenous communities in East Kalimantan. The case study of the Kutai and Dayak Indigenous people reveals their lack of awareness of this program.

Indigenous people of East Kalimantan have recognized that modernism and globalization will gradually threaten the existence of their cultural heritage if they are not documented and passed onto the future generations. Preservation efforts have been carried out traditionally through festivals, the reinforcement of belief systems, the creation of myths, and the establishment of customary laws. In fact, these traditional methods are carried out organically, without government intervention.

It is clear that the practice of the government of ICH documentation must be aligned with indigenous people's perspectives and practices. The social system and actors within the government operate in a structural and sectoral ego manner, while actors in the indigenous communities function organically. This discrepancy results in a one-sided ICH documentation process. This paper offers a concept of bi-directional interaction intertwined in the recording of ICH. The social systems of both the government and the indigenous people must converge, accompanied by the interaction of their respective actors. This approach could inevitably foster a recording mechanism for ICH that is not executed partially but holistically, integrating structural and organic elements.

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