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DIGITAL DOCUMENTATION TO CONSERVE ORAL TRADITION IN INDONESIA, THE CASE OF TARUNG INDIGENOUS VILLAGE IN INDONESIA AFTER THE WILDFIRE

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ABSTRACT

This article examines the efforts to conserve the oral tradition-based cultural heritage of Tarung Village, an indigenous community in Indonesia. The case of Tarung village emphasizes the urgency in preserving such tradition, in a wake of a wildfire in 2017 which blazed throughout the village. Despite the rebuilding process of the village being finished in 2020, several problems remain unresolved.

The objective of this article is to show the importance of digital documentation to conserve the oral tradition-based cultural heritage for legal purpose. The legal purpose is to provide a defensive protection mechanism by setting up an official digital documentation of the heritage, even when the general legal system is a written law system, exemplified by the heritage in Tarung Village vis-à-vis with the civil law system in Indonesia.

Using qualitative data collected from field research between 2017 and 2020, this article exhibits an explanatory method to describe the Marapu spiritual belief of Sumba and how its local wisdom inspired the Tarung villagers to cope with the disaster. Marapu values manifest through many aspects of the Tarung villagers' lives, including the landscape, the construction of

traditional houses, megalithic tombstones, rituals, and the resilience of Tarung villagers to rebuild their village after the wildfire. Legal complexities appeared in the conservation efforts.

Research results in this article show the importance of the Marapu oral tradition to maintain the social cohesion of Tarung villagers. Thus, this tradition should also be properly conserved in conjunction with conserving the tangible cultural heritage of the village by conducting digital documentation. In this regard, the Indonesian Government must boost conservation efforts to defend the rights of indigenous communities subsisted in their heritage by making the digital documentation official.

INTRODUCTION

Tarung, the ancestral village

In Indonesia, an adat village is an indigenous village whose inhabitants observe and practice customary laws and protocols. The Tarung Village, also known as the Paraingu of Tarung in the Sumbanese language (Keane, 1997), is one of the Indonesian adat villages on Sumba Island. The village situates in the Sobawawi administrative village of Loli district, Waikabubak capitol regency, West Sumba regency, East Nusa Tenggara province, Indonesia (Mross, 2000). Sumba Island inhabits by the Sumbanese tribe, which divide into sub-tribes or clans called Kabisu. There are 11 Kabisu living in Tarung Village, namely: We'e Lowo, We'e Bole, We'e Nawi, We'e Dia, We'e Neibi, Ana Wara, Wanno Kalada, Natara Watu, Tanabi, Tuoku Yangu, and Mamodo. Each Kabisu is lead by a highly respected man of the clan called Rato. Tarung Village is communally led by a group of Rato-Rato.

Like other adat villages in Sumba Island, The situation of Tarung Village is on a highland. The village's landscape, traditional houses, and way of living are all associated with gigantic megalithic tombstones built by the village's founders (Adams & Kusumawati, 2010). These megalithic tombstones locate at the very centre of the village. The villagers place more importance on the afterlife than mortal life, so they worship and depend on their ancestors. They also believe that the spirits of their ancestors are still alive in a different dimension to protect, guard, and inspire them in their daily lives (López et al., 2015).

According to Article 18B (2) of the 1945 Indonesian Constitution, tribes categorize as adat societies embodying traditional rights. Traditional rights are the rights of indigenous communities and local kingdoms that existed long before Indonesia's independence in 1945. Indonesia has approximately 1300 indigenous communities bearing traditional rights under the 1945 Indonesian Constitution, including the Sumbanese tribe and various Kabisu. The Tarung Village is particularly notable because the indigenous villagers still observe and adhere to their ancestral megalithic traditions (Adams, 2011).

Concept of Marapu

Marapu is a Sumbanese word that translates to ancestor. However, the term Marapu has been instilled with many meanings by the Sumbanese people who still live in adat villages (Mross, 2000). Marapu can also be interpreted as a

hidden, unseen, and unspeakable being (Vel, 2008). Marapu is a divine self (Keane, 1997). The villagers believe that if they have finished their mortal life, they will remain alive in the village of spirits called Prai Marapu, where they continue to guide their offspring in the mortal world. Some Sumbanese people also attach the word Marapu as the name of the holy spirits that guide their clans. There are also legends about magical and familial connections between a particular clan's ancestors and the natural objects surrounding them. Rice, for example, is believed to have first grown out of the body of a female Tarung villager. The term Marapu can also refer to the eternal powers or spirits in specific stones, plants, or animals.

A wide variety of customary laws and protocols in different Kabisu in Sumba originates from and disseminate by oral traditions. These oral traditions bear many forms, including the storytelling of legends and myths, lament singing, sacred poems, and sacred spellings (Kumar & Raman, 2021). The stories describe how the Kabisu's ancestors had successfully dealt with various events in their lives and developed their decent livelihoods by maintaining a close connection with their environment. These stories teach the Kabisu's members about their ancestors' local wisdom and how it should be reflected in daily life. In this respect, the Sumbanese customary laws and protocols can also regard as adat Marapu or the Marapu customary laws and protocols. Furthermore, as wisdom also includes guidance about properly worshipping ancestors and conducting rituals. Some experts use the term Marapu to name the Sumbanese native belief system (Ambrosius, 2014).

As a native belief system, Marapu does not use a holy book as a centre of spiritual guidance. Most Marapu teachings cannot be written down on a piece of paper. This is coupled with the fact that this ancient belief system and its traditions have been passed down orally from generation to generation. Instead of reading holy texts, Marapu devotees are encouraged to develop their skill to comprehend the whole universe by the purity of their sense and understand their ancestors' messages as the messengers of the Creator. Marapu devotees also refuse to give a name to the Creator to preserve its eternal and sacred nature. Instead, they worship their Marapu as the medium of the Creator by conducting rituals and daily activities in good manners.

Every indigenous village in Sumba has their Marapu and distinct Marapu customary laws and protocols. The Marapu in each adat village in Sumba commonly refers to more than one ancestor, as throughout history, more and more ancestors joined Marapu through death. In Tarung Village, the most respected Marapu from the forbidden house of Uma Mawinne are Lado Regi Tera, Leba Ari and Dangumanu. Their tombstones are situated at the centre of the village.

Tarung villagers also believe that their Marapu reincarnate their characters into their offspring through tamo. Tamo is a system of kinship in Tarung Village where a newborn baby goes through a special ritual to choose one of the clan's ancestors' names as their name. In this ritual for naming a baby or Pangarana, the baby will cry when hearing inappropriate names but be at ease when hearing

to the most suitable name. This system means that one name held by a highly regarded ancestor can be used by many offspring simultaneously.

Tarung Village has officially been acknowledged as the source of the Marapu ancient tradition of Indonesia. In 2005, Tarung Village was formally endorsed as a tourist village. Additionally, in September 2017, the Indonesian Government elected the Tarung Village to receive the Award of Culture and Appreciation for Traditional Arts Maestro in the community category (Steimer-Herbet, 2018). This award and many endorsements serve as recognition for the Tarung villagers' consistency in preserving Wulla Poddu. This Marapu holy month ritual has been conducted annually for more than 400 years.

Wildfire in Tarung Village

On Saturday, the 7th of October 2017, a wildfire devastated Tarung Village. It was widely speculated that a short circuit caused the wildfire within the poorly arranged electricity system in the village. This wildfire was the largest fire disaster in the village's history, destroying all traditional houses in Tarung. No less than 28 vernacular forbidden houses in the village were destroyed, with only several scorched pillars remaining. Additionally, approximately 68 tombstones and their dolmens from the first ring of the most sacred soil called Natara Poddu were also damaged.

Research Questions

There are two questions this article attempts to answer. First, how was Marapu oral tradition manifested through the landscape, vernacular forbidden houses, megalithic tombstones, the villagers' way of life, and the villagers' response to the catastrophic wildfire in 2017? Second, how should the government act to defend and conserve the Marapu oral tradition of Tarung villagers using digital documentation?

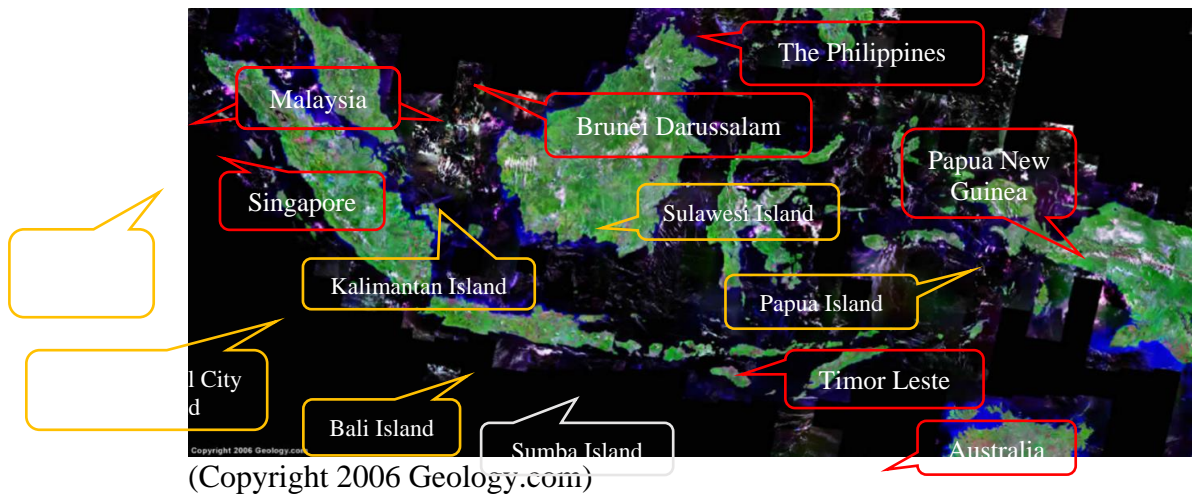
METHODS

The qualitative data was obtained directly from short participatory action research conducted from October 2017 to October 2020. This short participatory research used a combination of direct observation, in-depth interviews and involved safeguarding actions. Desk research was also utilized to collect and analyze legal documents concerning the re-establishment of the village by Tarung villagers. This article used the legal anthropology approach to analyze the best legal bases possible for the renovation process and safeguard the re-established megalithic culture in Tarung Village. Explanatory descriptions and legal analysis methods were used to compose this article.

Results of the Research: Living Cultural Heritage in Tarung Village

Sumba Island, where Tarung Village was situated, was a borderline island in the southern part of Indonesia's archipelagic territory.

Figure I. The map of Indonesia, its significant islands and Sumba Island



Stories about Tarung, the Sacred Village of Sumba Island

Tarung Village neighbours Waitabar Village. Waitabar Village is located on the slope of the same hill as Tarung Village. Practically, Tarung Village can only be accessed by going through Waitabar Village. The heads of Kabisu We'e Lowo, Tanabi and Ana Wara narrated that hundreds of years ago, conflicts between different Kabisu occurred frequently. In this regard, Waitabar was built by villagers from the same kinship as Tarung villagers, and thus Waitabar villagers acted as the guardians of Tarung villagers. The Kabisu located in Waitabar established their houses on the slope of the hill and served as Tarung's defenders from possible attacks by their common enemies.

Figure II. Tarung Village from the centre of Waitabar Village



Stories about Marapu Pinna, Marapu Wanno and Kaboko

Tarung and Waitabar villagers believed that their villages were not only guarded by humans. At each entrance of Waitabar and Tarung Villages, there was a sacred stone named Marapu Pinna. Anytime villagers took sacred lumber to renovate their forbidden houses, the head of the villagers' clan conducted a special communication ritual first in front of the stone. They believed that the spirit of the rock was their ancestor too, so they needed to get permission from the spirit to take lumber to enter the village. Until now, Marapu Pinna and the rituals associated with the stone are still present.

At the centre of Tarung Village, a sacred stone also had a particular function to guard the village against the inside named Marapu Wanno. Marapu Wanno was placed side by side with the holiest house and tree of the village called Uma Kabubu and Lakara Tree. Uma Kabubu was an empty house that could only be entered by the highest priest of the Marapu belief system: the Rato Rumata. Lakara Tree meant the tree of life.

Another myth in Tarung and Waitabar Villages told of a giant snake named Kaboko living inside the sacred caves underneath the Tarung hill for a hundred years. The snake guarded the source of groundwater inside the holy caves in the dry area of West Sumba. Villagers believe that the snake is still alive now. It sometimes appears at night and may attack people who try to sneak into the caves or enter the villages with bad intentions.

Stories about the Forbidden Houses

The villagers believed that the forbidden houses in Tarung Village were living beings. So, the houses were given names in the same way human beings had personal names. Legends about the forbidden houses said that people could see the personified appearance of the homes on certain nights, like lumbering personal bodies with their faces and characters. On the top of Tarung Hill, the first circle of forbidden houses consisted of nine Uma (Ambrosius, 2014) or vernacular houses: Uma Mawinne, Uma Wara, Uma Jaga Wogu, Uma Rato, Uma Madieta, Uma Dara, Uma Marapu Manu, Uma Ana Wara and Uma Roba Delo. On the backside of the circle, sloping down from the hilltop, five other forbidden houses named Uma We'e Kada, Uma Wano Kalada, Uma We'e Bole, Uma Kaka and Uma Kabatana were located. Together, they made up the forbidden houses of Tarung Village. The forbidden house of Tarung Village was divided into three parts. The upper part consisted of the rooftop and the tower, symbolizing a human head. The middle part was the body of the house, representing a human body. The lower part was the space underneath, between the house's stilts, symbolizing the lower parts of a human body, including the feet (Reny et al., 2018).

Female custodians of Umma Mawinne forbidden house explained that the upper part of a forbidden house was the most sacred place because inside it was the compartment where they kept sacred heirlooms as well as rice harvested from sacred rice fields. Offerings for Marapu were placed on the wooden rings of the

main pillars, which were close to the entrance of the upper part. It was believed that if the Marapu so desires, they would sit in the tower and vibrated their holiness from there. The middle part of a forbidden house was where the members of a clan spent their daily lives. The right-hand side of this part was the place to conduct elders meetings or personal rituals, whereas the left-hand side was the space where women prepared their foods and nurtured their children. Foods were cooked on a sacred furnace at the centre of this part. This site was also the place where a special terracotta bowl named Padalu was stored. Padalu always had to be fulfilled by clean water for the Marapu of the house. The lower part of a forbidden house was used to keep cattle, which were considered as living heirlooms. Unlike most Sumbanese cattle that were able to live freely in the garden and savana, living heirlooms spent most of their lives in this space to serve their owners as transportation tools, breeder animals, and pets. Living heirlooms were prohibited from being sold nor become objects of trade and barter.

Stories about the Sacred Pillars

The forbidden house of Tarung Village took the form of a house on stilts and was made of wood and thatch rooftops. The wood making up the house was only stuck together by wood fibres without nails. This construction made the house could resist small earthquakes that sometimes happened on Sumba Island. The thatch rooftops that slope upward were called towers. A forbidden house required four main pillars to be made from very special timbers that could only be found and harvested in the protected forests of Sumba. The wood from which the timbers had been sourced was called sacred or forbidden woods because outsiders were prohibited from handling them. If the wrong person were to place their hands on these woods, detrimental consequences would occur. The traditional names given to this timber were Masiela, Kawisu, Lapale and Mapodu. A story of Masiela, Kawisu, Lapale and Mapodu told by the female custodians of Uma Mawinne forbidden house explained that these timbers were two couples of husband and wife. The spirits of the timbers would hold the living being of the house altogether as the children of the house. The pillars were also the tools to connect the Marapu with the extended families in the house. Some forbidden houses of Tarung Village had smaller traditional houses on the backside of their garden called child house or children houses those were not regarded as sacred or forbidden houses. A child house was built based on the vernacular design yet had no sacred heirlooms. In a child house, the house members could conduct Nobba or a ritual for a personal interest. However, all sacred heirlooms were kept in the forbidden house and not in the child house. In Marapu spiritual belief system, the “self” was contemplated as a communal self. Wherever they went, members of a tribe considered themselves as coming from the same womb. So, they would regularly return to their forbidden house in their ancestral village, especially during Wulla Poddu ritual, to strengthen their oneness. Therefore, a forbidden house for Tarung villagers was not only a shelter, but also a symbol of a sacred womb, a holy origin, a centre of life, and most importantly, a house of worship.

Marapu Rituals, Tombstones and the Sacred Soil

Marapu believers, especially in Tarung Village, always participated in Marapu rituals and spiritual ceremonies, namely: Wulla Poddu (literally translating to a bitter month, but has a special meaning as a holy month), Nobba (praying), Yaiwo (calling of spirits), Urata (ceremony), Gollu Uma (celebrating three months of pregnancy), Pangarana (naming of a child), Kawuti (cutting of the first hair), Kapoke (circumcision) and Patane (burial). The rituals usually used water, several herbs particularly betels, areca nuts, tobacco, coconut fruits, and rice, woven clothes, machetes and spears, and last but not least: cattle. Personal rituals often used chicken and porks. In some big rituals, buffaloes, horses, and sometimes dogs were used. The cattle were either used as gifts or were sacrificed and consumed. Significant and big Marapu rituals were always conducted on the most sacred place in the village. This sacred place was situated on the village's hilltop and centred at a small hut named Uma Kabubu. Entry to Uma Kabubu was prohibited for anyone except the highest Marapu priest Rato Rumata. Uma Kabubu had a garden in the form of a piece of soil called Natara Poddu. Natara Poddu was regarded as the most sacred soil in Tarung Village and surrounded by 36 ancient tombstones of the highly regarded ancestors of the villagers. Almost all of the tombstones were used as collective burials. Consequently, one tombstone was usually used to enfold more than one corpse, commonly the corpses of a couple of members of an extended family. Of the 36 tombstones, 7 of them had names.

Table I. Names of Uodi or megalithic tombstones in Tarung Village

No.	Name of Uodi	Size (cm)
1	Uodi Wara	120 x 200 x 25
2	Uodi Jaga Wisi	150 x 250 x 25
3	Uodi Rugu Riega	120 x 250 x 30
4	Uodi Sangieri Ngaba	150 x 250 x 25
5	Uodi Kali Bulle	150 x 250 x 25
6	Uodi Nanguba	80 x 120 x 20
7	Uodi Ubu Dangu	120 x 170 x 35

The slab of Uodi Wara was used as a pedestal for Rato Rumata of Tarung Village to stand on when he lifted the most sacred spear of the village and spelt a sacred 'out of body experience' prayer in the holy month of Wulla Poddu. Uodi Jaga Wisi was used as a pedestal for Rato of Waitabar Village to stand on and conduct sacred talks with the Rato Rumata of Tarung Village during the holy month. Uodi Kali Bulle was regarded as the throne of the Rato Rumata, as it was where the Rumata sat and sang a sacred spelling specialized for Wulla Poddu named Atsu Lawiti.

Figure III. Uodi Sangieri Ngaba before the 2017 wildfire.



Uodi Sangieri Ngaba was the burial place of the highest regarded ancestor's corpse in Tarung Village named Lado Regi Tera. It was the only tombstone encapsulated one corpse, as Lado Regi Tera refused to be buried even with his dearest wife. Sangieri Ngaba was accentuated with a stone statue on the top of its dolmen. This statue was very sacred. A legend said that once upon a time, a foreigner came to the village and tried to steal the statue but failed. On the way home, the foreigner got into an accident and met immediate death. This Uodi was the only tombstone that suffered minor damage in the 2017 wildfire.

Figure IV. Aerial photography of broken Uodi in Tarung Village after the 2017 wildfire (Santo, Sastranegara, et al., 2018).



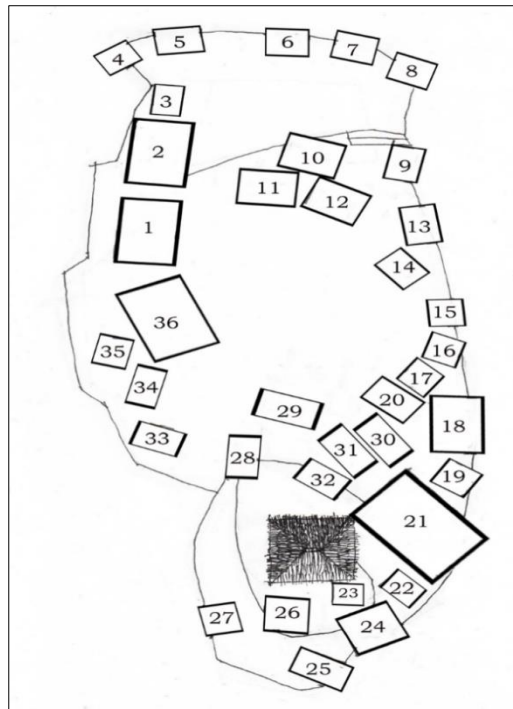


Figure V. Broken Uodi Kali Bulle



Uodi Kali Bulle was the Uodi worst damaged in the 2017 wildfire. This picture was taken two months after several temporary forbidden houses as the picture's background had been built.

Critical Decision after the Wildfire

Gotong-Royong

After the wildfire, the group of Rato of Tarung Village conducted rituals to decide the best steps to be taken. They decided to build temporary forbidden houses as temporary housing and temples to welcome the Wulla Poddu holy

month. Wulla Poddu was approaching in three weeks, and all tribes from Tarung Village, Waitabar Village, including other islands and even several foreign countries, handed down their help or sent donations. This was an action called gotong-royong. Gotong-royong (Sedayu et al., 2021) was a local wisdom that underlines working together to reach a communal target (Shirleyana et al., 2018). Together, they successfully rebuilt 28 temporary forbidden houses in Tarung only within two and a half weeks.

The group of Rato in Tarung agreed to start the re-establishment of the village as a whole as close as possible to its original forms. This decision was rarely happened in other indigenous villages in the region. Many indigenous villages in Indonesia met their ends following the destruction caused by natural disasters (Kusumasari & Alam, 2012), because it was more practicable for the villagers to move on from their trauma by becoming 'modernized' people in other places. Alternatively, if they stayed, they usually built a new village in a cheaper and technically easier way that was completely modernized.

But what happened in Tarung was unique. Although many Tarung villagers had been modernized by electricity, they still decided to stay, rebuilt their temporary houses traditionally, conducted Wulla Poddu, and responded to the wildfire as if it were happened and had been successfully overcome by their ancestors. They also decided to re-establish the original conditions of the village. This was a proof that the megalithic cultural heritage in Tarung Village remained alive. As a megalithic cultural heritage still living is very rare now in the world, conserving living megalithic cultural heritage in Tarung village is beyond question.

Increasing International Recognition for the Documentation of Oral Traditions

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has acknowledged that oral traditions owned by indigenous communities are under threat of extinction by various factors, including rapid urbanization, large-scale migration, industrialization and environmental degradation (Jagielska-Burduk et al., 2021). In this regard, the Convention for the Safeguarding of the Intangible Cultural Heritage 2003 was concluded to safeguard and preserve intangible cultural heritage worldwide. Part III of the UNESCO Convention provides surface-level guidance for national governments to achieve the goals of the Convention. Blake (Blake, 2017) notes that Part III "is devoted to measures to be taken at the national level to ensure the safeguarding of intangible cultural heritage, especially that which is not inscribed on the international list". The primary obligation of the State Parties under Part III is contained in Article 12(1), which provides that each state party shall enact and maintain inventories of the intangible cultural heritage present in its territory.

Increased attention has also been raised concerning the need for the protection of ICH under intellectual property law. Following this concern, the World Intellectual Property Organization established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional

Knowledge and Folklore (WIPO ICIPGRTKF) in 2001. The mandate of the WIPO ICIPGRTKF is to address critical issues relating to intellectual property and the protection of genetic resources, traditional knowledge (TK) and traditional cultural expressions (TCE) (Blake, 2017) with the final goal of finalizing a legal instrument. As of 2020, the WIPO ICIPGRTKF has only formed draft articles on the protection of TCEs, and a legally binding instrument is yet to be finalized and agreed upon.

The draft articles developed by the WIPO ICIPGRTKF (2014) define TCEs as: “any form of [artistic and literary], [creative and other spiritual] expression, tangible or intangible, or a combination thereof, such as actions, materials, music and sound, verbal and written [and their adaptations], regardless of the form in which it is embodied, expressed or illustrated [which may exist in written/codified, oral or other forms]. (Annex, p. 5).”

The WIPO ICIPGRTKF has recognized the importance of documentation in creating a legal framework for protecting TK and TCEs (WIPO, 2011). The Marapu tradition, as the spiritual expression of the Tarung villagers, which is passed down orally from generation to generation, should qualify as a TCE under the WIPO ICIPGRTKF Draft Articles (WIPO, 2014). The objective for the documentation and inscription of the Tarung villager’s oral tradition is two-fold: safeguarding and legal protection. Without documentation, the Tarung villagers would have immense difficulty proving their tradition as prior art under the conventional intellectual property law due to its unwritten nature (Abdul Ghani Azmi, 2017).

Protection of Oral Tradition in the Indonesian Legal System

The Indonesian legal system mainly uses Civil Law or the European Continental Legal system. This system primarily relies on the availability of written laws and regulations that should be implemented based on the hierarchy of laws. Lack of implementing regulation may make a law’s provision unenforceable. Protection and development of the Indonesian culture are impliedly regulated in the 1945 Constitution of the Republic of Indonesia, particularly in Articles 18, 28c, 28i and 32 of the 1945 Constitution. Regarding culture, 2017 was a notable year when Law Number 5 the Year 2017 on Development of Culture was enacted. This law is the first law specialized for culture in Indonesian legal history. Oral tradition is clearly stated in article 5 (a) of the law as cultural development objects.

The abovementioned protections are also strengthened by Law Number 11 the Year 2010 on Cultural Heritage, highlighting the importance of preserving megalithic tombstones and traditional sacred houses of Tarung Village as tangible cultural heritages. Furthermore, Presidential Regulation Number 78 Year 2011 on the Ratification of UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003 is directly related to the importance of rebuilding the village towards its original form. Law Number 28 Year 2014 on Copyrights with its sui generis articles about traditional cultural expressions, Law Number 13 Year 2016 on Patent with its sui generis article about innovations that are based on genetic resources and traditional knowledge, and

Law Number 20 Year 2016 on Trademarks and Geographical Indications with its articles about geographical indications for communal holders form the legal bases to preserve, protect, and optimize the economic benefits of traditional knowledge and traditional cultural expressions associated with the tombstones and traditional houses of Tarung Village. The legal jurisdiction of the articles as mentioned above is extended by article 25 of Law Number 11 Year 2008 on Law on Information Technology and Electronic Transaction and its amendment to protect intellectual properties in cyberspace.

2017 was also the year Indonesia endorsed the first legal basis of a defensive protection mechanism for communal intellectual property objects, including traditional cultural expressions. This endorsement took the form of implementing regulation of Intellectual Property laws that is the Minister of Justice and Human Rights' Regulation Number 13 Year 2017 on Data of Communal Intellectual Property. In this regulation, oral tradition is not explicitly mentioned but implicitly inferred in article 4 of the law that mentions 'verbal textual' expressions in the scope of traditional cultural expressions, which are further explained as either oral or written expressions (Winthrop, 2002). Rituals, traditional architecture and landscape are also included in the scope of traditional cultural expressions substantiated in this regulation. Whilst 2017 was also the year Tarung Village was destroyed by the wildfire, implementing the abovementioned 2017 Law Number 5 and 2017 Minister of Justice and Human Rights' Regulation Number 13 were immediately tested.

Discussion: The Challenges of Conservation in Tarung Village

The Problem of Acknowledging the Marapu Indigenous Belief System

According to the Preamble of the 1945 Indonesian Constitution, being an Indonesian citizen without religion or spiritual belief is prohibited. As such, in 2016-2017, Sumba's indigenous communities submitted a claim to the Indonesian courts with the aim that Marapu believers could identify themselves as Marapu believers on the Indonesian identification card. Previously, Marapu could not be regarded as a national religion due to the lack of a written holy book. Consequently, as Indonesian citizens, Marapu devotees were required to convert their indigenous belief into one of the State-approved religions to obtain a valid identification card. If the religion section of their identification card remained empty, they could not access all the essential services and facilities provided by the State (Patten, 2020). This essentially meant that, under Indonesian law, Marapu believers did not exist.

Fortunately, the legal efforts were successful. Several months before the 2017 wildfire, Tarung villagers were able to identify themselves as believers on their identification cards. This made it easier for the Regent of West Sumba to endorse a Decree on establishing Indigenous Institution of Tarung Ancestral Site Village a week after the wildfire. Furthermore, the Director of Indigenous Beliefs (Patton, 2019) and Traditions under the Directorate General of Culture of the Indonesian Ministry of Education and Culture also indicated their strong commitment to assist the revitalization of Tarung traditional houses by

endowing the villagers with funding to rebuild 50% of the devastating traditional homes (Chakravarty & Mahajan, 2010).

The Problem of Accommodating Tarung Customary Institution

However, in the attempt to provide the Director of Indigenous Beliefs and Traditions with a complete list of documents, there was still a problem justifying the custodianship of Tarung Village. The West Sumba Regent's Decree of Tarung 2017 was still not enough. The Ministry required a notary document as a legal basis of the existence of the Tarung indigenous community institution. So, the group of Rato of Tarung Village decided to ask a local public notary to draft a deed to legalize their communal custodianship over the village.

The deed drafted by the local public notary took the legal form of a modern foundation in accordance with Law Number 16 Year 2001 junto Law Number 28 Year 2004 about Foundation. The organizational standard of the Foundation was utterly different from the organic structure of the indigenous community, which had been inter-generationally established based on Marapu unwritten customary laws and protocols. Yet, this structural problem seemed to be ignored as long as the formal document was presented. Based on the deed, the Ministry endowed funding to rebuild fourteen traditional houses in Tarung under the Ministry's revitalization program. Yet very helpful, this formalistic approach indicated the danger of destroying the native structures for financial purposes.

Then, another problem arose. The twenty-eight broken traditional houses of Tarung Village, especially the sacred ones, required the usage of four types of lumbers from Sumba's sacred forests. As previously mentioned, they were lumbers only found in protected forests. Article 4(3) of Indonesia's Law Number 41 Year 1999 about Forestry demands the State's authority on forests to acknowledge the rights of indigenous and local communities as long as they truly exist, are legally recognized, and do not behave against national interest. However, the acknowledgement of this article does not denote that the Government may make an exception for indigenous and local communities to enter protected forests for particular purposes.

Rato Rumata explained their local wisdom to treat the lumbers and woods from which they came from sacredly. This meant that they would take responsibility, not only to collect the lumbers with respect and use them strictly only to rebuild their forbidden houses, but also to maintain the sustainability of the trees by planting the seeds of the trees after the collection. However, this local wisdom could not be used as a legal justification for the collection within the forbidden forests. Therefore, the permit could not be obtained.

The Downside of the Implementation of Infrastructure in the Tarung Village

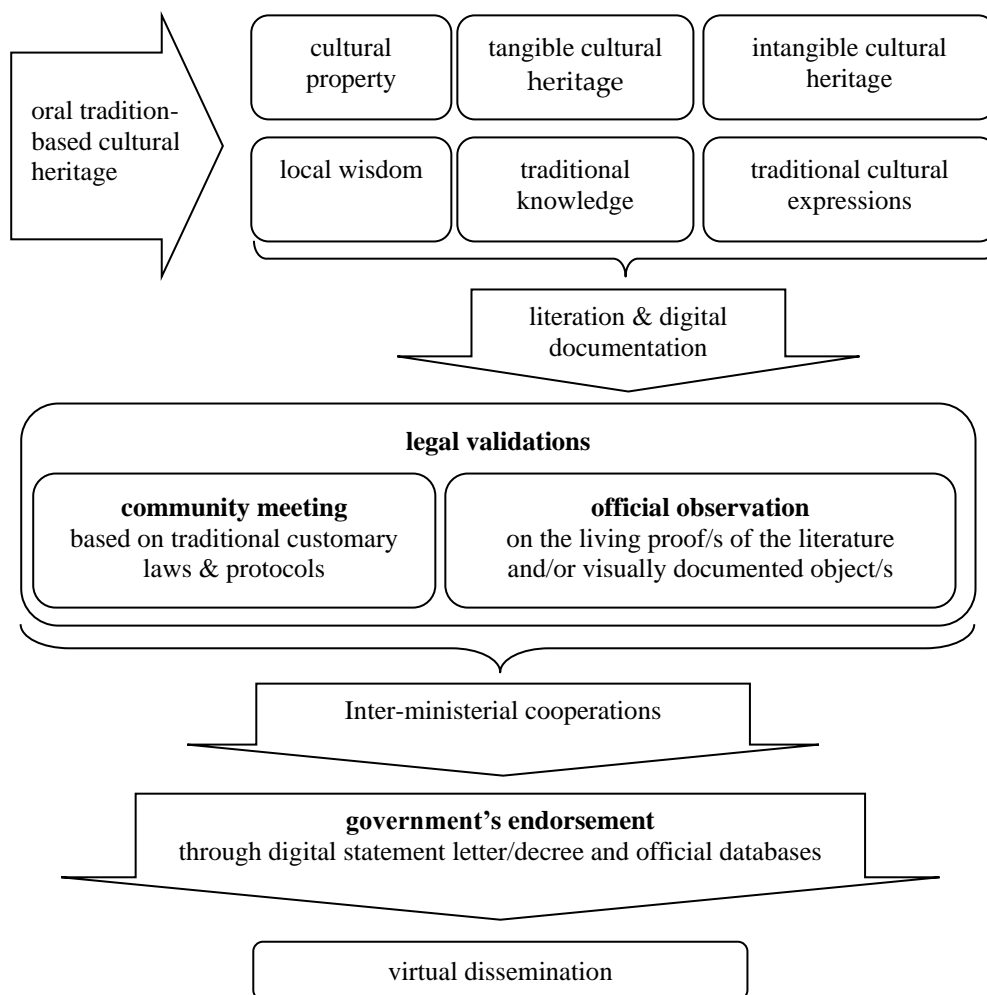
Over time, electricity poles and water towers have been erected throughout Tarung Village. Those electricity poles were efforts from the State-Owned Electricity Company to help the village with its electricity infrastructure. However, the placement of these poles disrupted the landscape of Tarung Village (Maffi & Dilts, 2017). Although the improvements to infrastructure had

been helpful, the Government failed to consider cultural considerations and interests. One major complaint lodged by the indigenous communities was that the water tower stood taller than the traditional houses, which could be seen as disrespectful to the spiritual existence and traditions of the Tarung villagers. However, the group of Rato were unable to deny nor negotiate the implementation of such infrastructure since they and their communities were becoming too dependent on electricity and water.

The Procedure of Obtaining Legal Effect for Oral Tradition

Learning from what has been happening in Tarung Village after the 2017 wildfire, the following figure drafts the system to establish the legal development of inscriptions and visual documentation of oral tradition-based cultural heritage and properties in a predominant written legal tradition like Indonesia.

Figure VI. Procedure to obtain legal effect for inscriptions and digital documentation of oral tradition



Description of Figure VI

- Oral tradition-based cultural heritage includes all objects in the realms of cultural property, tangible cultural heritage, intangible cultural heritage, local wisdom, traditional knowledge and traditional cultural expressions with unwritten nature;
- Literation and digital documentation on oral tradition-based cultural heritage are made to enable the objects to meet the qualification of legal objects in the Indonesian legal system that shall be in fixation forms;
- Legal validation on the oral tradition-based cultural heritage, which has been transformed into literature and digital documented objects (Shiri et al., 2021), are conducted by: firstly, validating them in the community meeting based on the relevant traditional customary laws and protocols; and secondly, official observation on the living proof/s of the literature and/or visually documented object/s by the Government;
- The results of legal validation are submitted to the Ministry of Education, Culture, Research and Technology, the Ministry of Justice and Human Rights, and other related Ministries, or a special body representing the ministries;
- The Ministry of Education, Culture, Research and Technology, the Ministry of Justice and Human Rights, and other related Ministries endorse the results of the legal validation by uploading them in the official databases, i.e. the Database of National Cultural Heritage and/or the Database of Communal Intellectual Properties, accompanied by a digital statement letter' or a decree as a formal re-declaratory means for each uploaded object.
- The Government conducts virtual dissemination of the endorsed data.

Literation and visual documentation is the first and most crucial step to enable oral tradition-based cultural heritage to enjoy acknowledgement and legal protection. In Tarung Village, some TCEs (Taussig, 2008), such as sacred spells and rituals, cannot be thoroughly written down. Consequently, they should be documented visually by way of a documentary film. It would be even better if the community members themselves conduct the visual documentary process and make the results available to the public through the e-government's database. Several sacred traditional cultural expressions are also secret. To maintain the secrecy, the digital documentation should be done over the custodian/s of the expression instead of the expression itself. The custodian/s is regarded as the living source/s through whom the secret and sacred expressions are stored, manifested and alive.

The literation and digital documentation process aim to legitimize the customary laws and protocols of the Marapu indigenous belief system and, where possible, on the aspects of oral tradition-based cultural heritage and properties in Tarung. Before conducting the process, it is necessary to obtain the prior informed consent of the Tarung Villagers (Wilce, 2014). The process of literation and digital documentation should make the oral customary laws and protocols official in themselves, so community meetings and official observations are required to justify the process and the results. Government can

make the results of the literation and digital documentation process available to the public by uploading them to the official databases of the institution/s. If needed, decree/s of acknowledgement can also be endorsed to formalize them. However, as discussed above, there is still a problem of access towards the forbidden forests of Sumba by indigenous communities (Marshall, 2008). This unresolved problem led the Tarung villagers to substitute some main pillars of the new sacred houses with timber available in the production forests. If this compromise can be seen as a solution (Bakirtzi, 2021), Tarung villagers still face difficulties to conduct rituals in the sacred forests where some of their most ancient ancestors are buried.

Digital Documentation to Protect Oral Traditions

Cultural heritage (Kumar & Raman, 2021) is considered vital for future generations. Every heritage item conveys knowledge, and it must be regarded in the context of time and space. Conservation makes the knowledge (Hausknecht et al., 2021) viable in a more extended period and broader reach. Preservation allows cultural heritage to be preserved and globally accessible (Brennan & Savage, 2012). Actually, digital documentation has been explored for more than a decade by indigenous and tribal people in developed countries to preserve their traditions. Research show that indigenous communities, tribal people and ethnic minorities in Canada, the United States of America, European countries and Australia, have been using digital documentation to secure the archives of their material as well as immaterial cultural heritage and properties, including oral histories, traditional knowledge, traditional cultural expressions, and local wisdom embedded in storytellings (Lawrence & Paige, 2016). The archives ensure that their innate bonding with their ancestors and environment, and the proofs of their communal identity, are safeguarded and viable for their existence and future generation. For them, documentation are useful for socio-cultural, environmental, and educational purposes (Hausknecht et al., 2021). Initiatives of digital documentation have also been conducted by some indigenous communities in Latin America (Shiri et al., 2021), Africa and Asia. In developing countries like Indonesia, however, the efforts are challenging because of the lack of information technology infrastructure and human capacity (López et al., 2015). Preservation of cultural heritage on culturally critical public buildings, temples, shrines, and other artefacts initially requires listing and documentation (Peters et al., 2015). This also entails the preservation of oral tradition. Due to the importance of cultural heritage materials and practice in education, research, history, archaeology and anthropology, they need to be converted into digital forms.

Now, the abovementioned digital preservation's importance also includes legal significance to establish proofs of custodianship over a heritage. Conservation through digitization (Fernández-Llamazares & Cabeza, 2018), or converting documented data into digital formats, enables sustainability and visibility of oral tradition. The proofs are living proofs, which can only be appropriately fixed by digital instead of written documentation. Utilizing digitization, the preservation of oral tradition would also enable worldwide users to use them interactively

using various advanced multimedia for greater educational accessibility (Donzelli, 2020).

There are several other functions of digital documentation. Firstly, it promotes tourism. Digitalized pictures and videos can be used by ministry and other agencies dealing with tourism to attract foreign and domestic visitors and tourists to the cultural destinations associated with the publicly available digital pictures and videos of the heritage, and generate foreign exchange from the visits (Wilce, 2014). Secondly, it defends the embedded traditional rights in the heritage from misuse and misappropriation by outsiders or foreigners. We are documenting heritage, fixating proofs of the origin and source community of the heritage, and ensuring the culture as an intangible asset of a country (Wilce, 2014). Thirdly, digital documentation helps revitalize endangered cultural heritage or a heritage damaged by disaster (Bayo, 2021), such as what happened in Tarung Village after the 2017 wildfire. In this regard, Government, in coordination with the affected indigenous people, is responsible for providing the re-establishment process by comprehensive digital documentation as an infrastructure to rebuild the broken heritage back to its original form (Bayo, 2021). Fourthly, the digital documented heritage database can be furtherly used to increase cultural and economic values alongside with the preservation of the indigenous culture (Peters et al., 2015).

Digital documentation of oral traditions and other cultural treasures is also needed to modernize state-owned databases. Countries with the cultural property are obliged to protect the cultural property database (Brozio et al., 2019). As with indigenous peoples worldwide, elders and members of indigenous people are becoming increasingly concerned about the loss of cultural knowledge, so digital documentation offers a concrete solution in preventing such loss. Recording and digitization are essential because even indigenous people are now using the digital cultural heritage archives to educate their offspring and younger generations who have been entering modern education so the modern education will not alienate them from their traditions (Lawrence & Paige, 2016).

Information and communications technologies (ICT), including computerization technologies, have made digital preservation of oral tradition possible in the form of digital texts and digital sounds, pictures and videos, of which the information is easier to access and can widely available to the public. In this regard, Kováčik emphasizes that digital representations of physical objects and the knowledge associated with them must be publicly accessible (Kováčik, 2017).

Digital data recording can use various tools, such as high-resolution portable cameras, video cameras, smartphone's sound and video recorders, and other digital data recorders. The digital data will then be embedded into galleries, libraries, archives and museums, where they can be securely preserved by user restriction from direct access, if necessary (Hultgren, 2012). Although the tools are many and some are privately owned, when they are used to digitally documenting heritage, the Government should manage to establish a database where all recorded heritage can be gathered, verified and officially stored,

regardless of the tools (Levey, 2001). Therefore, it would be advisable to conduct the heritage recording activities authorized in coordination with the related local governments and ministries. The government official database is aimed to store, record and deliver the data as Indonesian cultural assets (Brennan & Savage, 2012). Unless some robust documentation is systematically conducted, the loss of priceless heritage items is deemed to happen due to their unidentifiability. Unidentified heritage may result in the disappearance of the objects even when the remainings of the heritage and its custodians are still present. As the physical material inheritance disappears, the content of knowledge associated with it, including oral tradition, will also disappear. In contrast, if the heritage has been digitally documented, permanent access to this legacy will expand opportunities for perpetual creation, communication and sharing of knowledge among different communities. This is why the protection of rights on all types of heritage and the support of the accountability of heritage management are necessary (Bakirtzi, 2021).

CONCLUSION

In the wake of the wildfires that ravaged the village in 2017, Tarung villagers chose the more difficult option of rebuilding their village and preserving their deeply-rooted culture rather than being relocated to a place outside the village. This comes as no surprise, as the villagers have developed a strong bond with their ancestors inside the tombstones whom they choose not to abandon. What's more is that the Marapu belief system had thus far provided the villagers with the necessary wisdom to protect natural resources by designating the sources as sacred places. This belief also inspired communal bonding, patience, tolerance, and organic cooperation. Those are mental qualities modern people can learn from, particularly the indigenous community's innate braveness and resilience, and their ability to embrace adversity, cultural diversity, and the mortal and immortal life as one. The tombstones provided the villagers with the communal spirit to regain the strength to rebuild the village. It was the 'deaths' of their ancestors that imbued the villagers of Tarung with the spirit to continue living with dignity. Yet, this spirit and willingness of the villagers alone will not be enough.

Modern legal culture in countries like Indonesia that is based on written laws, should be able to acknowledge and protect the oral tradition-based culture of indigenous communities as they are, not as they are supposed to be based on perceptions of those other than the community themselves. In this regard, digital documentation opens a wider possibility to conserve the oral tradition-based cultural heritage because it can digitally record the heritage not only as texts but also as high resolution sounds, pictures and videos, displayed in a form that is as close as possible with the original cultural expressions recorded.

A database consisting of digital documentation can also be used as a defensive protection mechanism that secures the rights subsisted in the heritage from negligence, misuse and misappropriation by outsiders, therefore providing a vital legal effect. However, the meaning of 'written proofs' in the written law system should also be extended to include digital sounds, pictures, videos, and any other possible digital fixations outside written texts.

The government should enhance the conservation efforts in defending the rights of indigenous communities subsisting in their heritage by making the digital documentation official. In the Indonesian context, a national *sui generis* law specialized for indigenous communities and their cultural heritage that includes the documentation of oral tradition should be in prospect.

GLOSSARY

adat: traditional customary laws and protocols of Indonesia
Atsu Lawiti: a sacred spelling of the highest priest in the holy month of Marapu native belief system
Gollu Uma: celebrating three-month pregnancy
gotong-royong: working together to reach a common target
Kabisu: clan
Kaboko: a name of a mythical giant snake that guards the waterhole underneath Tarung hill
Kapoke: circumcision
Kawuti: cutting of the first hair
Lado Regi Tera: name of a male ancestor as well as a birth name of Rato Rumata of Tarung Village (44 years)
Lakara Tree : tree of life
Marapu : ancestor/s, the hidden, the unseen, the holy spirit/s.
Marapu Pinna : guardian stone at the entrance of village
Marapu Wanno : guardian stone at the centre of village
Masiela, Kawisu, Lapale, Mapodu : traditional names of sacred timbers for main pillars of a forbidden house in Tarung Village of Sumba Island; the scientific biological names are still unknown.
Natara Poddu : the most sacred soil
Nobba : praying for personal purposes
Padalu : sacred terracotta bowl
Pangarana : naming a child
Paraingu : indigenous village
Patane : burial
Prai Marapu : village of spirits
Rato : head of a clan
Rato Rumata : the highest priest
Tamo : a name and a naming system for a baby in Tarung Village of Sumba Island by selecting the name from the baby's ancestors through a special ritual; the baby would cry if she/he does not want the name and be silent if she/he likes the name.
Uma Kabubu : the most forbidden house
Uma : house
Uodi : tombstone
Urata : ceremony
Wulla Poddu : bitter month, holy month
Yaiwo : calling of spirits

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