

**LAW OF THE REPUBLIC OF INDONESIA**

**NUMBER 11 OF 2010**

**CONCERNING CULTURAL**

**CONSERVATION**

**BY THE MERCY OF THE ONE SUPREME GOD**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

- Considering :
- a. that the cultural conservation is the nation cultural richness as the materialization of thought and behavior of the human being having the important meaning for the historical, science, and cultural understanding and development in the community's, nation's and state's life, therefore, it is necessary to appropriately conserve and manage through the protection, development, and utilization program to improve the national culture for the people's greatest prosperity;
  - b. that to preserve cultural conservation, the State shall be responsible for regulation of the cultural conservation protection, development, and utilization;

- c. that the cultural conservation in form of object, building, structure, sites and areas should be managed by the government and regional government by enhancing the community's participation to protect, develop, and utilize the cultural conservation;
- d. that the change of cultural conservation preservation paradigm requires the balance of ideology, academic, ecology, and economic aspects to improve the people's welfare;
- e. that the Law Number 5 of 1992 concerning Cultural Conservation Object has no longer according to the development, demand, and legal need in the community, therefore it is necessary to replace the same;
- f. that based on the considerations as referred to in items a, b, c, d, and e, it is necessary to establish the Law on Cultural conservation;

Recalling : Article 20, Article 21, Article 32 (1), and Article 33 (3) of the Constitution of the Republic of Indonesia of 1945;

At Joint Approval of  
THE HOUSE OF PEOPLE'S REPRESENTATIVES OF  
THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To Stipulate: LAW ON CULTURAL CONSERVATION.

## CHAPTER I GENERAL

### PROVISIONS

#### Article 1

In this Law by:

1. Cultural Conservation shall mean the cultural Heritage that is immaterial in nature in form of Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, Cultural Conservation Site and Cultural Conservation on land and/or water that their existence should be preserved since they have significant value for the history, science, education, religion, and/or culture through the stipulation process.
2. Cultural Conservation object shall mean the natural object and/or human made object, movable or immovable, in terms of unit or group, or parts thereof, or their remnants

having close relation to the culture and history of the human being development.

3. Cultural Conservation Building shall mean the built structure made of the natural object or human made object to fulfill the need for walled and/or non walled, and roofed space.
4. Cultural Conservation Structure shall mean the built arrangement made the natural object and/or human made object to fulfill the activity space integrated to the nature, facility, and infrastructure to accommodate the human being's needs.
5. Cultural Conservation Site shall mean the location on land and/or water containing the Cultural Conservation Object, Cultural Conservation Building, and/or Cultural Conservation Structure as the result of human being activity or evidence of events in the previous era.
6. Cultural Conservation Area shall mean the geographical space unit having two Cultural Conservation sites or more located adjacent to and/or showing the typical spatial characteristic.

7. Ownership shall mean the strongest and fullest right to Cultural Conservation by remaining take into account the social function and obligation to preserve it.
8. Control shall mean the provision of authority from the owner to the Government, Regional Government, or anyone to manage the Cultural Conservation by remaining take into account the social function and obligation to preserve it.
9. Controlled by State shall mean the highest authority owned by the State in carrying out the legal act regulation relating to the Cultural Conservation preservation.
10. Transfer shall mean the process of transfer of ownership and/or control rights of Cultural Conservation from every person to any other persons or to the State.
11. Compensation shall mean the compensation in form of cash and/or not cash from the Government or Regional Government.
12. Incentive shall mean the support in form of advocacy, assistance or other form of non budget in nature to encourage the Cultural Conservation preservation from the Government or Regional Government.

13. Cultural Conservation Expert Team shall mean a group of preservation expert from various sciences having competency certificate to provide the recommendation on stipulation, ranking, and removal of Cultural Conservation.

14. Cultural Conservation Expert shall mean the people who due to his special expertise competence and/or having certificate in the Cultural Conservation Protection, Development, or Utilization sectors.

15. Curator shall mean a person who due to his expertise competency shall be responsible in the museum collection management.

16. Registration shall mean the program to record the object, building, structure, locations, and/or geographical space unit for being proposed as the Cultural Conservation to the regency/municipal government or the Indonesian representative overseas and then put the same in the Cultural Conservation National Register.

17. Stipulation shall mean the provision of Cultural Conservation status to the object, building, structure, location, or geographical space unit made by the

Regency/municipal government based on the recommendation of the Cultural Conservation Expert Team.

18. National Register of Cultural Conservation shall mean the official register of state's cultural wealth in terms of Cultural Conservation in the home country and overseas.

19. Removal shall mean the act to remove the Cultural Conservation status from the Register of National Cultural Conservation.

20. National Cultural Conservation shall mean the Cultural Conservation of the national ranking stipulated by the Minister as the national priority.

21. Management shall mean the integrated program to protect, develop, and utilize the Cultural Conservation through the policy on regulation of planning, implementation, and supervision for the maximum people's welfare.

22. Preservation shall mean the dynamic program to maintain the existence of Cultural Conservation and its value by protecting, developing, and utilizing it.

23. Protection shall mean the program to prevent and overcome from the damage, destruction,

or obliteration by Salvation, Safeguarding, Zoning, Maintenance, and Restoration of Cultural conservation.

24. Salvation shall mean the program to avoid and/or overcome the Cultural Conservation from the damage, destruction, or obliteration.

25. Safeguarding shall mean the program to maintain and prevent the Cultural Conservation from threat and/or disturbance.

26. Zoning shall mean the determination of the spatial boundaries of the Cultural Conservation and Cultural Conservation Areas according to the need.

27. Maintenance shall mean the program keep and care in order that the physical condition of Cultural Conservation remains stable.

28. Restoration shall mean the program to return the physical condition of the damaged Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure according to the originality of materials, shape, layout, and/or working technique to extend the age.

29. Development shall mean the increase in potential value, information, and promotion



of Cultural Conservation as well as its utilization through Research, Revitalization, and Adaptation sustainably and not contradictory to the objective of Preservation.

30. Research shall mean the scientific activities carried out according to the systematic norm and method to obtain the information, data, and remarks in the interest of Cultural Conservation Preservation, science, and cultural development.

31. Revitalization shall mean the development activities aimed at re-growing the important values of Cultural Conservation with adjustment of new function space that is not contradictory to the principles of preservation and community's cultural values.

32. Adaptation shall mean the program to develop the Cultural Conservation for activities that are more appropriate to the current need by making limited changes that will not render the deterioration of its important value or damage to the critical value part.

33. Utilization shall mean the utilization of Cultural Conservation for the benefit of the

maximum people's welfare by remaining maintaining its sustainability.

34. Propagation shall mean the direct duplication activity to the Cultural Conservation Object, Cultural Conservation Building or Cultural Conservation Structure, entirely or parts thereof.

35. Every person shall mean individual, group of people, community, business entity with legal entity, and/or business entity without legal entity.

36. Central Government, hereinafter referred to as Government shall mean the President of the Republic of Indonesia having the government power of the Republic of Indonesia as referred to in the Constitution of the Republic of Indonesia of 1945.

37. Regional Government shall mean the governor, regent, or mayor, and regional instrument as the element of regional administration.

38. Minister shall mean the minister carrying out the government affairs in cultural sector.

## CHAPTER II

## **PRINCIPLE, OBJECTIVE, AND SCOPE**

### **Article 2**

The Cultural Conservation Preservation shall be based on the principles of:

- a. Pancasila;
- b. Unity in Diversity;
- c. archipelago;
- d. justice;
- e. order and legal certainty;
- f. expediency;
- g. sustainability;
- h. participation; and
- i. transparency and accountability.

### **Article 3**

Cultural Conservation Preservation shall be aimed at:

- a. preserving the national heritage and human being heritage;
- b. improving the nation dignity through the Cultural Conservation;
- c. strengthening the national identity;
- d. improving the people's welfare and
- e. promoting the nation's cultural heritage to the international community.

### **Article 4**

The scope of Cultural Conservation Preservation shall cover the Protection, Development and Utilization of Cultural conservation on land and in water.

### **CHAPTER III**

#### **CRITERIA OF CULTURAL CONSERVATION**

##### **Part One**

##### **Object, Building, and Structure**

##### **Article 5**

The Object, building, or structure can be proposed as the Cultural Conservation Object, Cultural Conservation Building, or Cultural Conservation structure if fulfilling the following criteria:

- a. at age of 50 (fifty) years or more;
- b. representing the style of minimum age of 50 (fifty) years;
- c. having special meaning for history, science, education, religion, and/or culture; and
- d. having cultural value for the strengthening of national identity.

##### **Article 6**

Cultural Conservation Object can be:

- a. in form of natural object and/or human made object utilized by the human being, as well as the remnants of biota that can be correlated to the human being activities and/or human being history;
- b. having movable or immovable characteristics; and
- c. constituting entity or group.

#### **Article 7**

Cultural Conservation Building may:

- a. have single or multiple elements, and/or
- b. free standing or united to the natural formation.

#### **Article 8**

Cultural Conservation Structure may:

- a. have single or multiple elements, and/or
- b. partially or entirely integrated to natural formation.

### **Part Two**

#### **Site and Area**

#### **Article 9**

The location can be stipulated as Cultural Conservation Site if:

- a. containing Cultural Conservation Object, Cultural Conservation Building, and/or Cultural Conservation Structure; and
- b. storing the information on the human being activity in the previous era.

#### **Article 10**

The geographical space unit can be stipulated as the Cultural Conservation Area if:

- a. containing 2 (two) Cultural Conservation Sites or more adjacent to each other;
- b. in terms of cultural landscape as the result of formation of human being at age of at least 50 (fifty) years;
- c. having a pattern indicating the space function in the previous era at age of at least 50 (fifty) years;
- d. indicating the human being influence in the previous era in the utilization process of large-scale space;
- e. indicating the evidence of formation of cultural landscape, and
- f. having buried soil layer containing the evidence of human being activity or fossil deposit.

### **Article 11**

The object, building, structure, location, or geographical space unit that based on the research having special meaning for the community or the Indonesian nation, but fails to fulfill the criteria of Cultural Conservation as referred to in Articles 5 to 10 may be proposed as Cultural Conservation.

## **CHAPTER IV OWNERSHIP**

### **AND CONTROL**

### **Article 12**

- (1) Anyone may have and/or control the Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, and/or Cultural conservation Site by remaining take into account its social function as long as not contradictory to the provisions herein.
- (2) Anyone may have and/or control the Cultural Conservation Object if the number and type of the Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, and/or Cultural Conservation have fulfilled the state's need.

(3) The ownership as referred to in paragraphs (1) and (2) can be obtained through inheritance, donating, exchange, gift, purchase, and/or court's judgment or order, except those controlled by the State.

(4) The owner of Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, and/or Cultural Conservation Site having no heirs or fails to deliver it to the other persons based on the will, grant, or gift after he passes away, the ownership shall be taken over by the State according to the provisions of legislation.

#### **Article 13**

The Cultural Conservation Area can only be owned and/or controlled by the State, except those owned on hereditary basis by the indigenous people.

#### **Article 14**

(1) The foreigner and/or foreign legal entity cannot have and/or control the Cultural Conservation, except for foreigner and/or foreign legal entity living and staying



permanently in the territory of the Republic of Indonesia.

- (2) The Foreigner and/or foreign legal entity as referred to in paragraph (1) shall not carry the Cultural Conservation, entirely or partly, exit from the territory of the Republic of Indonesia.

#### **Article 15**

The Cultural Conservation of which the ownership is unknown shall be controlled by the state.

#### **Article 16**

- (1) The ownership of Cultural Conservation owned by every person can be transferred to the state or any other persons.
- (2) The State as referred to in paragraph (1) shall be prioritized for the transfer of ownership of Cultural Conservation.
- (3) The transfer of ownership as referred to in paragraph (1) can be made by inheritance, assignment, exchange, gift, sale, compensation, and/or court's stipulation or verdict.
- (4) The Cultural Conservation already owned by the State cannot be transferred.
- (5) Further provisions on the transfer of ownership of Cultural Conservation as

referred to in paragraphs (1), (2), and (3) shall be stipulated in the Government Regulation.

#### **Article 17**

- (1) Anyone shall not transfer the ownership of Cultural Conservation with national ranking, provincial ranking, or regency/municipal ranking, entirely or partly, except at the consent of the Minister, Governor, or Regent/mayor according to their level.
- (2) Further provisions on issue of permit as referred to in paragraph (1) shall be stipulated in the Government Regulation.

#### **Article 18**

- (1) The movable Cultural Conservation Object, Cultural Conservation Building, and/or Cultural Conservation Structure owned by the Government, Regional Government, and/or anyone can be stored and/or cared in the museum.
- (2) Museum as referred to in paragraph (1) shall constitute the institutions with function to protect, develop, utilize the collection in terms of object, building, and/or structure already stipulated as Cultural Conservation

or not, and communicate the same to the public.

- (3) The Protection, Development and Utilization of the museum collection as referred to in paragraph (2) shall be under the responsibility of the museum management.
- (4) In the implementation of responsibility as referred to in paragraph (3), the museum shall have Curator.
- (5) Further provisions on museums shall be regulated by the Government Regulation.

#### **Article 19**

- (1) Every person having and/or controlling the Cultural Conservation, maximum 30 (thirty) days as of identification of damage, loss, or destruction to his Cultural Conservation shall report to the competent agency in the Cultural sector, Indonesian National Police, and/or relevant agencies.
- (2) Anyone failing to report the damage to Cultural Conservation owned and/or controlled to the competent agency in Cultural sector, Indonesian National Police, and/or relevant agencies within not later than 30 (thirty) days as of its

identification may be subjected to taking over of its management by the Government and/or Regional Government.

#### **Article 20**

The returning of Cultural Conservation from Indonesia available outside the territory of the Republic of Indonesia shall be conducted by the Government according to the ratified international agreement, bilateral agreement, or delivered directly by the owner, unless agreed otherwise as long as not contradictory to the provisions of the legislation.

#### **Article 21**

- (1) It is prohibited to destroy or sell by auction, the Cultural Conservation or object, building, structure, location, or geographical space unit presumed as Cultural Conservation sequestrated by the enforcer.
- (2) The Cultural Conservation or object, building, structure, location, or geographical space unit presumed as Cultural Conservation sequestrated as referred to in paragraph (1) shall be protected by the law enforcer according to the provisions herein.

- (3) In carrying out the protection as referred to in paragraph (2), the law enforcer may solicit for assistance to the agency competent in cultural sector.

#### **Article 22**

- (1) Every person having and/or controlling the Cultural Conservation shall be entitled to the compensation if already performed his obligation to protect the Cultural Conservation.
- (2) The Incentives in terms of land and building tax and/or income tax deduction can be granted by the Government or Regional Government to the owner of Cultural Conservation who already made the Cultural Conservation protection according to the provisions of the legislation.
- (3) Further provisions on provision of compensation and incentive as referred to in paragraphs (1) and (2) shall be regulated in the Government Regulation.

### **CHAPTER V DISCOVERY**

#### **AND SEARCH**

## **Part One**

### **Discovery**

#### **Article 23**

- (1) Anyone discovered the object presumed of Cultural Conservation Object, building presumed of Cultural Conservation Building, structure presumed of Cultural Conservation Structure, and/or location presumed of Cultural Conservation Site shall report the same to agency competent in cultural sector, Indonesian National Police, and/or relevant agencies within not later than 30 (thirty) days as of the discovery.
- (2) The invention as referred to in paragraph (1) failed to report by the inventor may be subjected to taking over by the Government and/or Regional Government.
- (3) Based on the report as referred to in paragraph (1), the agency competent in the cultural sector shall carry out study on the invention.

#### **Article 24**

- (1) Anyone shall be entitled to obtain the compensation if the object, building,

structure, or location he found is stipulated as Cultural Conservation.

(2) If the invention already stipulated as Cultural Conservation as referred to in paragraph (1) is extremely rare species, unique design, and few in number in Indonesia, it shall be controlled by the State.

(3) If the invention already stipulated as Cultural Conservation as referred to in paragraph (1) is not a rare type, not unique design, and the number has fulfilled the state's need, it can be owned by the inventor.

#### **Article 25**

Further provisions on discovery of Cultural Conservation and its compensation shall be regulated in the Government Regulation.

#### **Part Two**

#### **Searching**

#### **Article 26**

(1) The Government shall carry out the searching of object, building, structure, and/or

location presumed of as Cultural Conservation.

- (2) The searching of Cultural Conservation or those presumed of as Cultural Conservation can be made by everyone by digging, diving, and/or removal on the land and/or in water.
- (3) The searching as referred to in paragraphs (1) and (2) can only be done through the research by remaining take into account the proprietary right and/or location control.
- (4) Anyone shall not carry out the searching of Cultural Conservation or those presumed of as Cultural Conservation by digging, diving, and/or removal on the land and/or in the water as referred to in paragraph (2), except at the consent of the Government or Regional Government according to their authorities.
- (5) Further provisions on issue of permit as referred to in paragraph (4) shall be stipulated in the Government Regulation.

#### **Article 27**

Further provisions on the Searching of Cultural Conservation or those presumed of as Cultural



Conservation shall be stipulated in the Government Regulation.

## **CHAPTER VI**

### **REGISTER OF NATIONAL CULTURAL CONSERVATION**

#### **Part One**

#### **Registration**

##### **Article 28**

The Regency/municipal Government shall enter into cooperation with every person in making registration.

##### **Article 29**

- (1) Every person having and/or controlling the Cultural Conservation shall register the same to the Regency/municipal Governments free of charge.
- (2) Anyone may take part in making the registration of object, building, structure, and location presumed of as Cultural Conservation although it is not under his ownership or control.
- (3) The Regency/municipal Government shall make the registration of the Cultural Conservation controlled by the State or

those whose owner is unknown according to their authority level.

(4) The registration of Cultural Conservation overseas shall be carried out by representatives of the Republic of Indonesia overseas.

(5) The registration result as referred to in paragraphs (1), (2), (3), and (4) shall be equipped with its description and documentation.

(6) Cultural Conservation as referred to in paragraph (1) that is not registered by the owner can be taken over by the Government and/or Regional Government.

### **Article 30**

The government shall facilitate the establishment of the digital and/or non digital Cultural Conservation Registration system and network.

### **Part Two**

#### **Study**

### **Article 31**

(1) The result of registration shall be delivered to the Cultural Conservation

Expert Team for feasibility study as Cultural Conservation or not Cultural Conservation.

(2) The study as referred to in paragraph (1) shall be aimed at conducting identification and classification of object, building, structure, location, and geographical space unit proposed to be stipulated as Cultural Conservation.

(3) Cultural Conservation Expert Team as referred to in paragraph (1) shall be stipulated by:

a. The Decree of Minister for national level;

b. Decision of Governor for provincial level, and

c. Decision of Regent/Mayor for Regency/municipal level.

(4) In carrying out the study, the Cultural Conservation Expert Team may be assisted by a technical unit or work unit of the regional instrument be responsible for Cultural Conservation sector.

(5) During the study process, the object, building, structure, or location as the result of invention or registered shall be

protected and treated as Cultural Conservation.

### **Article 32**

The study on museum collection registered shall be made by the Curator and then submitted to the Cultural Conservation Expert Team.

### **Part Three**

#### **Stipulation**

### **Article 33**

(1) The Regent/mayor shall issue the stipulation of Cultural Conservation status within not later than 30 (thirty) days after the receipt of recommendation from the Cultural Conservation expert team stating that the object, building, structure, location, and/or geographical space unit registered is feasible as Cultural Conservation.

(2) After being registered in the Register of National Cultural Conservation, the owner of Cultural Conservation shall be entitled to obtain legal assurance in form of:

- a. Cultural Conservation status certificate;
- and

b. Certificate of ownership based on valid evidence.

(3) The inventor of object, building, and/or structure already stipulated as Cultural Conservation Object, Cultural Conservation Building, and/or Cultural Conservation Structure shall be entitled to obtain compensation.

#### **Article 34**

(1) The Cultural Conservation Site or Cultural Conservation Area located in 2 (two) regency/towns or more shall be stipulated as provincial Cultural Conservation.

(2) The Cultural Conservation Site or Cultural Conservation Area located in 2 (two) provinces or more shall be stipulated as national Cultural Conservation.

#### **Article 35**

The Regency/municipal governments shall submit the result of stipulation to the provincial government and then forwarded to the Government.

#### **Article 36**

The object, building, structure, location, or geographical space unit having special meaning

for the community or the Indonesian nation as referred to in Article 11 can be stipulated as Cultural Conservation by the Decree of Minister or Decision by Governor after obtaining the recommendation from the Cultural Conservation Expert according to its level.

#### **Part Four**

#### **Recording**

#### **Article 37**

- (1) The Government shall establish the National Cultural Conservation Register system to record the data on Cultural Conservation.
- (2) The object, building, structure, location, and geographical space unit already stipulated as Cultural Conservation shall be recorded in the Register of National Cultural Conservation.

#### **Article 38**

The Museum collection fulfills the criteria as Cultural Conservation shall be recorded in the Register of National Cultural Conservation.

#### **Article 39**

The Government and Regional Government shall carry out the active program to record and

disseminate the information on Cultural Conservation by remaining take into account the security and confidentiality of data considered necessary according to the legislation.

#### **Article 40**

- (1) The management of the Register of National Cultural Conservation of which the data are from the Government's, Regional Government's agencies, and overseas shall become the Minister's responsibility.
- (2) The management of the Register of National Cultural Conservation according to its level shall become the responsibility of the Provincial and Regency/municipal governments.
- (3) The Government shall carry out the supervision and building of the Register of National Cultural Conservation managed by the provincial government.
- (4) The provincial government shall carry out control and supervision toward the Register of National Cultural Conservation managed by regency/municipal government.

#### **Part Five**

##### **Rating**

#### **Article 41**

The Government and Regional Government may carry out the rating of Cultural Conservation based on its interest to become the national ranking, provincial ranking, and regency/municipal ranking based on the recommendation of the Cultural Conservation Expert Team.

#### **Article 42**

The Cultural Conservation may be stipulated to become the Cultural Conservation of national ranking if fulfilling the requirements as:

- a. materialization of nation unity and integrity;
- b. valuable work reflecting the Indonesian national culture uniqueness;
- c. Cultural Conservation with very rare species, unique design, and few in number in Indonesia;
- d. evidence of civilization evolution and cross countries and cross regions cultural exchange, both those already extinct and still living in the community; and/or
- e. important examples of the traditional settlement area, cultural landscape, and/or



typical space utilization that are endangered.

#### **Article 43**

Cultural Conservation can be stipulated to become the Cultural Conservation of the provincial ranking if fulfilling the following requirements:

- a. representing the interest of cross regency/municipals Cultural Conservation preservation;
- b. representing the special creative work in the provincial area;
- c. rare species, unique design, and few in number in the province;
- d. as evidence of evolution of nation civilization and cross regency/municipals cultural exchanges, both already extinct and still living in the community; and/or
- e. associated to the tradition that is still ongoing.

#### **Article 44**

The Cultural conservation can be stipulated to become the Cultural conservation of the regency/municipal ranking if fulfilling the following requirements:

- a. as the Cultural Conservation prioritized to be preserved in the regency/municipal area;
- b. representing the distinctive style;
- c. has high threatening level;
- d. few in number of type, and/or
- e. limited in number.

#### **Article 45**

Cultural Conservation ranking as referred to in Article 41 for national level shall be stipulated by the Decree of Minister, the provincial level by the Decision of Governor, or the Regency/municipal level by the decision of the Regent/Mayor.

#### **Article 46**

Cultural Conservation of national rankings already stipulated as the National Cultural Conservation may be proposed by the Government to become the world cultural conservation.

#### **Article 47**

The ranking of Cultural Conservation no longer fulfills requirements for stipulation as the national ranking, provincial ranking, or regency/municipal ranking can be corrected based

on the recommendation of the Cultural Conservation Expert Team in every level.

#### **Article 48**

The Cultural Conservation ranking may be revoked if the Cultural Conservation is:

- a. destroyed;
- b. loses its original form and shape;
- c. lost most part of its elements; or
- d. no longer in accordance with the requirements as referred to in Articles 42, 43, or 44.

#### **Article 49**

Further provisions on Cultural Conservation rating shall be regulated in the Government Regulation.

### **Part Six**

#### **Removal**

#### **Article 50**

- (1) The Cultural Conservation already recorded in the National Register can only be removed by the Decree of Minister based on the recommendation of the Cultural Conservation Expert Team in the Government level.

(2) The Decision as referred to in paragraph (1) shall be followed up by the Regional government.

#### **Article 51**

(1) Removal of the Cultural Conservation from the Register of National Cultural Conservation as referred to in Article 50 shall be done if the Cultural Conservation is:

- a. destroyed;
- b. lost and could not be found within the period of 6 (six) years;
- c. experienced change of form and style therefore it lost its authenticity; or
- d. in the future, it is identified that its status is not Cultural Conservation.

(2) The removal of Cultural Conservation as referred to in paragraph (1) shall be made by not removing the data in the Register of National Cultural Conservation and the accompanying documents.

(3) In case the lost Cultural Conservation as referred to in paragraph (1) item b is found again, the Cultural Conservation shall be

re-recorded in the Register of National Cultural Conservation.

#### **Article 52**

Further provisions on the Register of National Cultural Conservation shall be regulated in the Government Regulations.

### **CHAPTER VII**

#### **PRESERVATION**

##### **Part One**

##### **General**

#### **Article 53**

- (1) The Cultural Conservation Preservation shall be made based on the feasibility study result that is accountable academically, technically, and administratively.
- (2) The Cultural Conservation Preservation Activity shall be carried out or coordinated by the Preservation Expert by taking into account the preservation ethic.
- (3) The Procedure of Cultural Conservation Preservation shall take into account the possibility of returning of early condition as previous preservation activity.

(4) The Cultural Conservation Preservation shall be supported by the documentation before the activity that may render the change of its authenticity.

#### **Article 54**

Anyone shall be entitled to obtain the technical support and/or expertise from the Government or Regional Government for the preservation program of Cultural Conservation it has and/or controlled.

#### **Article 55**

No one shall intentionally prevent, inhibit, or thwart the Cultural Conservation Preservation program.

#### **Part Two**

#### **Protection**

#### **Article 56**

Anyone may take part in carrying out the Cultural Conservation Protection.

#### **Paragraph 1**

#### **Salvation**

#### **Article 57**

Anyone shall be entitled to carry out the Salvation of Cultural Conservation owned or controlled in emergency condition or that forcing the salvation act.

#### **Article 58**

(1) The Cultural Conservation Salvation shall be carried out to:

- a. prevent the damage due to the human being and/or natural factors rendering the change of its authenticity and values; and
- b. prevent the removal and transfer of ownership and/or control of Cultural Conservation contradictory to the provisions of the legislation.

(2) The salvation as referred to in paragraph (1) item a shall be made in emergency and unusual conditions.

#### **Article 59**

(1) The Cultural Conservation threatened to be damaged, destroyed, or demolished can be removed to other safe place.

(2) The removal of Cultural Conservation as referred to in paragraph (1) shall be carried out by using the procedure ensuring

its unity and safety under the coordination of the Preservation Expert.

- (3) The Government, Regional Government, or anyone carrying out the Salvation shall keep and maintain the Cultural Conservation from theft, weathering, or new damage.

#### **Article 60**

Further provisions on the Cultural Conservation Salvation shall be regulated in the Government Regulation.

#### **Paragraph 2**

#### **Safeguarding**

#### **Article 61**

- (1) The safeguarding shall be carried out to maintain and prevent the Cultural Conservation from loss, damage, destroy, or demolish.
- (2) The Cultural conservation Safeguarding shall constitute the obligation of its owner and/or controller.

#### **Article 62**

- (1) The Cultural Conservation Safeguarding as referred to in Article 61 can be made by maintenance personnel and/or special police.



(2) Special Police as referred to in paragraph

(1) shall be authorized to:

- a. carry out patrol in the Cultural Conservation Area according to its legal territory;
- b. examine the letter or document relating to the development and utilization of Cultural Conservation;
- c. receive and prepare the report on occurrence of crime relating to the Cultural Conservation as well as forward the same to the agency competent in cultural sector, the Indonesian National Police, or relevant agencies; and
- d. arrest the suspects for delivery to the Police of the Republic of Indonesia.

#### **Article 63**

The community may take part in as well as carry out the Safeguarding Cultural conservation.

#### **Article 64**

The Cultural Conservation Safeguarding as referred to in Articles 61 and 62 shall take into account its utilization for social, education, science development, religion, culture, and/or tourism purposes.

#### **Article 65**

Cultural Conservation Safeguarding can be made by providing the protection, keeping, and/or placing them at an area free from natural and human disturbances.

#### **Article 66**

- (1) No one shall be allowed to damage the Cultural Conservation, entirely or partly, from its unity, group, and/or location of origin.
- (2) No one shall be allowed to steal the Cultural Conservation, entirely or partly, from its unity, group, and/or location of origin.

#### **Article 67**

- (1) No one shall be allowed to remove the Cultural Conservation of national ranking, provincial ranking, or regency/municipal ranking, entirely or partly, except at the consent of the Minister, governor, or Regent/mayor according to its level.
- (2) No one shall be allowed to separate the Cultural Conservation of national ranking, provincial ranking, or regency/municipal

ranking, entirely or partly, except at consent of the Minister, governor, or Regent/mayor according to its level.

- (3) Further provisions on issue of permit as referred to in paragraphs (1) and (2) shall be stipulated in the Government Regulation.

#### **Article 68**

- (1) Cultural Conservation, entirely or partly, can only be taken out from the territory of the Republic of Indonesia in the interests of research, cultural promotion, and/or exhibition.
- (2) No one shall be allowed to bring the Cultural Conservation as referred to in paragraph (1), except at consent of the Minister.

#### **Article 69**

- (1) Cultural Conservation, entirely or partly, can only be taken out from the provincial or regency/municipal area in the interest of research, cultural promotion, and/or exhibition.
- (2) No one shall be allowed to bring the Cultural Conservation as referred to in paragraph (1), except at consent of the

governor or Regent/mayor according to their authorities.

#### **Article 70**

Further provisions on issue of permit as referred to in Articles 68 and 69 shall be regulated in the Government Regulation.

#### **Article 71**

Further provisions on Cultural Conservation Safeguarding shall be regulated in the Government Regulation.

#### **Paragraph 3**

##### **Zoning**

#### **Article 72**

(1) Cultural Conservation Protection shall be made by stipulating its boundaries and space utilization through the Zoning system based on the study finding.

(2) Zoning System as referred to in paragraph (1) shall be stipulated by:

- a. The Minister if already stipulated as national Cultural Conservation or covering 2 (two) provinces or more;
- b. The governor if already stipulated as provincial Cultural Conservation or

covering 2 (two) regency/municipals or more; or

c. the Regent/mayor according to the space area of the Cultural Conservation Site or Cultural Conservation Area in the regency/municipal area.

(3) The zone utilization in Cultural Conservation can be made for recreation, education, appreciative, and/or religion purposes.

#### **Article 73**

(1) The Zoning System shall regulate the space function in the Cultural Conservation, vertically or horizontally.

(2) Zoning Regulation on vertical basis can be made to the environment on the Cultural Conservation on land and/or in the water.

(3) The Zoning System as referred to in paragraph (1) may consist of:

- a. core zone;
- b. buffer zone;
- c. development zone and/or
- d. supporting zone.

(4) The determination of area, layout, and function of zone shall be determined based

on study finding by giving priority to the opportunity to increase the people's welfare.

#### **Article 74**

Further provisions on the procedure of stipulation of zoning system shall be stipulated in the Government Regulation.

#### **Paragraph 4**

#### **Maintenance**

#### **Article 75**

- (1) Anyone shall maintain the Cultural Conservation owned and/or controlled.
- (2) The Cultural Conservation abandoned by the owner and/or controller can be controlled by the State.

#### **Article 76**

- (1) The maintenance shall be made by caring for the Cultural Conservation to prevent and overcome the same from damage as the consequence of natural and/or human action influence.
- (2) The maintenance of Cultural Conservation as referred to in paragraph (1) can be performed at the original location or

elsewhere, after firstly completing the documentation.

- (3) The maintenance as referred to in paragraph (1) shall be made by cleaning, preservation, and repair of damage by taking into account the authenticity of form, layout, style, material, and/or technology of Cultural Conservation.
- (4) The maintenance of Cultural Conservation as referred to in paragraph (3) originating from the water shall be made started from lifting process until its storage place by using special procedure.
- (5) The Government and Regional Government may appoint or place the maintenance personnel to carry out the maintenance of Cultural Conservation.
- (6) Further provisions on the Maintenance of Cultural Conservation shall be regulated in the Government Regulation.

#### **Paragraph 5**

#### **Restoration**

#### **Article 77**

- (1) The restoration of the damaged Cultural Conservation Building and Cultural

Conservation Structure shall be made to restore the physical condition by repairing, strengthening, and/or preserving it through the reconstruction, consolidation, rehabilitation, and restoration works.

(2) The restoration of Cultural Conservation as referred to in paragraph (1) shall take into account:

- a. authenticity of material, shape, layout, style, and/or workmanship technology;
- b. original condition at rate of change as small as possible;
- c. use of non destructive technique, method, and material; and
- d. the competency of executive in restoration sector.

(3) The restoration shall allow the adjustments in the future by remaining take into account the public security and the safety of Cultural Conservation.

(4) The restoration potentially rendering the negative impact on social and physical environments shall be preceded with environmental impact analysis according to the provisions of the legislation.



(5) The restoration of Cultural Conservation Building and Cultural Conservation Structure shall obtain permit of the Government or Regional Government according to their authorities.

(6) Further provisions on restoration of Cultural Conservation shall be regulated in the Government Regulation.

### **Part Three**

#### **Development**

##### **Paragraph 1**

##### **General**

##### **Article 78**

(1) The development of Cultural Conservation shall be carried out by taking into account the utilization, safety, maintenance, authenticity principles, and values attached to it.

(2) Anyone may carry out the Cultural Conservation Development after obtaining:

- a. permit of the Government or Regional Government, and
- b. permit of the owner and/or controller of The Cultural Conservation.

(3) The Cultural Conservation Development as referred to in paragraphs (1) and (2) can be directed to support the economic development of which the results are used for the Maintenance of Cultural Conservation and improvement of public welfare.

(4) Every Cultural Conservation Building activity shall be furnished with its supporting document.

## **Paragraph 2**

### **Research**

## **Article 79**

(1) Research shall be carried out in every Cultural Conservation development plan to collect the information as well as disclose, deepen, and explain the cultural values.

(2) The research as referred to in paragraph (1) shall be made to the Cultural Conservation through:

- a. the basic research for the science development; and
- b. applied research for technology development or applicative practical purpose.

- (3) The research as referred to in paragraph (1) can be performed as part of the environmental impact analysis or independently.
- (4) The process and result of Cultural Conservation Research as referred to in paragraph (2) shall be made to increase the information and promotion of Cultural Conservation.
- (5) The Government and Regional Government, or the organizer of research shall inform and publicize the research finding to the community.

### **Paragraph 3**

### **Revitalization**

### **Article 80**

- (1) Revitalization of potential Cultural Conservation Site or Cultural Conservation Area shall take into account the space arrangement, layout, social function, and/or indigenous cultural landscape based on the study.
- (2) Revitalization as referred to in paragraph (1) shall be made by re-arrange the space

function, cultural values, and strengthening of information on Cultural Conservation.

#### **Article 81**

- (1) No one shall be allowed to change the space function of Cultural Conservation Site and/or Cultural Conservation Area of national ranking, provincial ranking, or regency/municipal ranking, entirely or partly, except at consent of the Minister, governor, or Regent/mayor according to their level.
- (2) Further provisions on issue of permit as referred to in paragraph (1) shall be stipulated in the Government Regulation.

#### **Article 82**

The Cultural Conservation Revitalization shall provide the benefits to increase the community's life quality and maintain the local cultural characteristics.

#### **Paragraph 4**

#### **Adaptation**

#### **Article 83**

- (1) The Cultural Conservation Building or Cultural Conservation Structure can be

subjected to adaptation to fulfill the current need by remaining take into account:

- a. original characteristic and/or face of the Cultural Conservation Building or Cultural Conservation Structure; and/or
- b. The original characteristics of the cultural landscape and/or land surface of the Cultural Conservation Site or Cultural Conservation Area before the adaptation.

(2) The adaptation as referred to in paragraph

(1) shall be carried out by:

- a. maintaining the values attached to the Cultural Conservation;
- b. increasing the facility according to the need;
- c. changing the space order on limited basis and/or
- d. maintaining the architectural style, original construction, and environmental aesthetic harmony in its surrounding.

#### **Article 84**

Further provisions on Cultural Conservation Development shall be regulated by the Government Regulation.

## **Part Four**

### **Utilization**

#### **Article 85**

- (1) The Government, Regional Government, and anyone may utilize the Cultural Conservation in the interest of religion, social, education, science, technology, culture, and tourism.
- (2) The Government and Regional Government shall facilitate the utilization and promotion of Cultural Conservation by anyone.
- (3) The facilitation as referred to in paragraph (2) shall be in form of utilization permit, support of Preservation Expert, financial support, and/or training.
- (4) Promotion as referred to in paragraph (2) shall be made by strengthening the cultural identity as well as improve the community's life quality and income.

#### **Article 86**

The utilization that may cause the damage shall be preceded with the study, research, and/or environmental impact analysis.

#### **Article 87**

- (1) Cultural Conservation that upon its invention has no longer function as its original can be utilized for special interest.
- (2) The Utilization of Cultural Conservation as referred to in paragraph (1) shall be made at the consent of the Government or Regional Government according to the Cultural Conservation rating and/or indigenous people owned and/or controlled the same.

#### **Article 88**

- (1) The utilization of invention location already stipulated as Cultural Conservation Site shall take into account its space function and protection.
- (2) The Government and/or Regional Government may cease the utilization or cancel the permit of Cultural Conservation utilization if the owner and/or controller is proven of committing damage or causing damage to Cultural Conservation.
- (3) The Cultural Conservation no longer uses shall be returned to its original condition before utilization.

(4) The cost for returning to its original condition shall be imposed upon those utilizing the Cultural Conservation.

#### **Article 89**

The Utilization by duplicating the Cultural Conservation Object recorded as national ranking, provincial ranking, regency/municipal ranking can only be made at consent of the Minister, governor, or Regent/mayor according to their levels.

#### **Article 90**

The Utilization by duplicating the Cultural Conservation Object owned and/or controlled by anyone or controlled by the state shall be carried out according to the provisions of the legislation.

#### **Article 91**

The utilization of collection in terms of Cultural Conservation in the museum shall be made for maximum development of education, science, culture, social, and/or tourism.

#### **Article 92**

No one shall be allowed to document the Cultural Conservation, entirely or partly for commercial



purposes without consent of the owner and/or controller.

#### **Article 93**

- (1) No one shall be allowed to utilize the Cultural Conservation of national ranking, provincial ranking, or regency/municipal ranking, entirely or partly, by duplication, except at consent of the Minister, governor, or Regent/mayor according to their level.
- (2) Further provisions on issue of permit as referred to in paragraph (1) shall be regulated in the Government Regulation.

#### **Article 94**

Further provisions on the utilization of Cultural Conservation shall be regulated in the Government Regulation.

### **CHAPTER VIII TASKS**

#### **AND AUTHORITY**

##### **Part One**

##### **Task**

#### **Article 95**

(1) The Government and/or Regional Government shall have task to Protect, Develop and Utilize the Cultural conservation.

(2) The Government and Regional Government according to their levels shall have the tasks:

- a. materialize, grow, develop, and increase the awareness of and responsibility for the community's rights and obligations in the Cultural Conservation management;
- b. develop and apply the policy that may secure the protection and utilization of Cultural Conservation;
- c. carry out research and development of Cultural Conservation;
- d. provide the information on Cultural Conservation to the community;
- e. carry out the Cultural Conservation promotion;
- f. facilitate anyone in implementing the Cultural Conservation utilization and promotion;
- g. carry out the disaster prevention in the emergency condition for the object, building, structure, site, and area already declared as Cultural

Conservation as well as provide support to the area experiencing disaster;

- h. carry out the supervision, monitoring, and evaluation of cultural heritage preservation, and
- i. allocate the fund for Cultural Conservation preservation purpose.

## **Part Two**

### **Authority**

#### **Article 96**

(1) The Government and Regional Government according to their levels shall have the authority to:

- a. establish the Cultural Conservation preservation ethic;
- b. coordinate the cross sector and area Cultural Conservation preservation;
- c. collect data on Cultural Conservation;
- d. stipulate the Cultural Conservation ranking;
- e. stipulate and revoke the Cultural Conservation status;
- f. prepare the regulation on Cultural Conservation management;

- g. enter into cooperation on Cultural Conservation preservation;
- h. carry out the investigation of illegal act;
- i. manage the Cultural Conservation Area;
- j. establish and dissolve the technical executive unit of conservation, research, and museum sectors;
- k. develop the policy on human resources in archeology sector;
- l. provide award to anyone already committing the Cultural Conservation Preservation;
- m. remove and/or store the Cultural Conservation in the interest of safeguarding;
- n. make the grouping of Cultural Conservation by its importance to the national ranking, provincial ranking, and regency/municipal ranking;
- o. establish the site and area boundary; and
- p. stop the space utilization or development process that may lead to damage, loss, or destruction of Cultural Conservation, entirely or partly.

(2) Besides the authority as referred to in paragraph (1), the Government shall be authorized to:

- a. prepare and establish the Cultural Conservation Preservation Master Plan;
- b. perform the Cultural Conservation preservation in the border area with the neighbor countries or those overseas;
- c. stipulate the Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, Cultural Conservation Site, and/or Cultural Conservation Area as the National Cultural Conservation;
- d. propose the National Cultural Conservation as the world or international Cultural Conservation; and
- e. stipulate the norm, standard, procedure, and criteria of Cultural Conservation Preservation.

#### **Article 97**

(1) The Government and Regional Government shall facilitate the Cultural Conservation Area management.

- (2) The area management as referred to in paragraph (1) shall not be contradictory to the community's interest toward the Cultural Conservation and social life.
- (3) The Cultural conservation Management as referred to in paragraph (1) shall be carried out by the managing board established by the Government, Regional government, and/or indigenous people.
- (4) The Management Board as referred to in paragraph (3) may consist of elements of the Government and/or Regional Government, business world, and community elements.
- (5) Further provisions on the Cultural Conservation management shall be regulated in the Government Regulation.

## **CHAPTER IX**

### **FUNDING**

#### **Article 98**

- (1) The Funding of Cultural Conservation Preservation shall become joint responsibility of the Government, Regional Government, and community.

(2) The funding as referred to in paragraph (1) shall be from:

- a. State Budget;
- b. Regional Budget;
- c. Cultural Conservation utilization result and/or
- d. other legitimate and not binding sources according to the regulations.

(3) The Government and Regional Government shall allocate the budget for the Protection, Development, Utilization, and Compensation of Cultural conservation by taking into account the proportional principle.

(4) The Government and Regional Government shall make available the reserve fund to salvage the Cultural Conservation in the emergency condition and discovery already stipulated as Cultural Conservation.

## **CHAPTER X SUPERVISION AND**

### **INVESTIGATION**

#### **Part One**

#### **Supervision**

#### **Article 99**

- (1) The Government and Regional Government shall be responsible for the supervision of the Cultural Conservation Preservation according to their authorities.
- (2) The Community shall take part in the supervision of the Cultural Conservation Preservation.
- (3) Further provisions on the supervision shall be regulated in the Government Regulation.

## **Part Two**

### **Investigation**

#### **Article 100**

- (1) The Civil Servant Investigator shall constitute the civil servant official with the scope of tasks and responsibilities in the Cultural Conservation preservation provided with special authority to carry out the investigation as referred to in the Criminal Law of Procedure against the Cultural Conservation crime.
- (2) The Investigator as referred to in paragraph (1) shall be authorized to:
  - a. receive the report or complaint from anyone about the existence of Cultural Conservation crime;



- b. take the first act in crime scene;
- c. instruct to stop the suspect and examine the suspect's identity;
- d. carry out search and seizure;
- e. carry out the examination and seizure of evidence of Cultural Conservation crime;
- f. take fingerprints and photograph;
- g. summon and examine the suspect and/or witnesses;
- h. bring in an expert required in relation to the case investigation;
- i. prepare and sign the minutes and
- j. cease the investigation if there is no sufficient evidence on a crime in Cultural Conservation.

(3) The Investigator as referred to in paragraph (1) in performing his tasks shall be under the coordination and supervision of the Indonesian Police investigator.

## **CHAPTER XI PENAL**

### **PROVISIONS**

#### **Article 101**

Anyone without permit transferring the ownership of Cultural Conservation as referred to in

Article 17 (1) shall be subjected to sanction in terms of imprisonment for minimum 3 (three) months and maximum 5 (five) years and/or penalty minimum Rp 400,000,000.00 (four hundred million rupiah) and maximum Rp 1,500,000,000.00 (one billion five hundred million rupiah).

#### **Article 102**

Anyone intentionally failing to report the invention as referred to in Article 23 (1) shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of maximum Rp 500,000,000.00 (five hundred million rupiah).

#### **Article 103**

Anyone who without permit of the Government or Regional Government carrying out searching of Cultural Conservation as referred to in Article 26 paragraph (4) shall be subjected to sanction in terms of imprisonment for minimum 3 (three) months and maximum 10 (ten) years and/or penalty of minimum Rp 150,000,000.00 (one hundred and fifty million rupiah) and maximum Rp 1.000,000,000.00 (one billion rupiah).

#### **Article 104**

Anyone intentionally preventing, inhibiting, or thwarting the Cultural Conservation Preservation program as referred to in Article 55 shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of minimum 10,000,000.00 (ten million rupiah) and maximum Rp 500,000,000.00 (five hundred million rupiah).

#### **Article 105**

Anyone intentionally damaging the Cultural Conservation as referred to in Article 66 paragraph (1) shall be subjected to sanction in terms of imprisonment for minimum 1 (one) year and maximum 15 (fifteen) years and/or penalty of minimum Rp 500,000,000.00 (five hundred million rupiah) and maximum 5.000,000,000.00 (five billion rupiah).

#### **Article 106**

(1) Anyone stealing the Cultural Conservation as referred to in Article 66 (2) shall be subjected to sanction in terms of imprisonment for minimum 6 (six) months and maximum 10 (ten) years and/or penalty of minimum Rp 250,000,000.00 (two hundred and fifty million rupiah) and maximum Rp

2,500,000,000.00 (two billion five hundred million rupiah).

(2) Anyone catching the theft result of Cultural Conservation as referred to in paragraph (1) shall be subjected to sanction in terms of imprisonment for minimum 3 (three) years and maximum 15 (fifteen) years and/or penalty of minimum Rp 1,000,000,000.00 (one billion rupiah) and maximum 10,000,000,000.00 (ten billion rupiah).

#### **Article 107**

Anyone who without permit of the Minister, governor, or Regent/mayor, removing the Cultural Conservation as referred to in Article 67 (1) shall be subjected to sanction in terms of imprisonment for minimum 3 (three) months and maximum 2 (two) years and/or penalty of minimum Rp 100,000,000.00 (one hundred million rupiah) and maximum Rp 1.000,000,000.00 (one billion rupiah).

#### **Article 108**

Anyone with permit of the Minister, governor or Regent/mayor, separating the Cultural Conservation as referred to in Article 67 (2) shall be subjected to sanction in terms of

imprisonment for maximum 10 (ten) years and/or penalty of minimum Rp 100,000,000.00 (one hundred million rupiah) and maximum Rp 2,500,000,000.00 (two billion five hundred million rupiah).

#### **Article 109**

- (1) Anyone who without permit of the Minister, carrying out the Cultural Conservation of the Republic of Indonesia as referred to in Article 68 paragraph (2) shall be subjected to sanction in terms of imprisonment for minimum 6 (six) months and maximum 10 (ten) years and/or penalty of minimum Rp 200,000,000.00 (two hundred million rupiah) and maximum Rp 1,500,000,000.00 (one billion five hundred million rupiah).
- (2) Anyone who without the permit or license of the governor, Regent/mayor, bringing out the Provincial or Regency/municipal Cultural Conservation as referred to in Article 69 paragraph (2) shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of minimum 1,000,000,00 (one million rupiah) and maximum Rp 100,000,000.00 (one hundred million rupiah).

#### **Article 110**

Anyone who without permit of the Minister, governor, or Regent/mayor changing the space function of Cultural Conservation Site and/or Cultural Conservation Area as referred to in Article 81 paragraph (1) shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of minimum Rp 100,000,000.00 (one hundred million rupiah) and maximum Rp 1,000,000,000.00 (one billion rupiah).

#### **Article 111**

Anyone who without permit of the owner and/or controller documenting the Cultural Conservation as referred to in Article 92 shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of maximum Rp 500,000,000.00 (five hundred million rupiah).

#### **Article 112**

Anyone who intentionally utilizing the Cultural Conservation by duplication as referred to in Article 93 (1) shall be subjected to sanction in terms of imprisonment for maximum 5 (five) years and/or penalty of maximum Rp 500,000,000.00 (five hundred million rupiah).

### **Article 113**

(1) The criminal act committed by the business entity with legal entity and/or business entity without legal entity shall be imposed upon:

- a. business entity and/or
- b. people issuing order to commit the criminal act.

(2) The criminal act committed by the business entity with legal entity and/or business entity without legal entity shall be subjected to sanction in terms of imprisonment plus 1/3 (one third) of the penalty as referred to in Article 101 to Article 112.

(3) The criminal act committed by the people issuing order to commit the criminal act shall be subjected to sanction in terms of imprisonment plus 1/3 (one third) of the penalty as referred to in Article 101 to Article 112.

### **Article 114**

If the official who due to committing criminal act breaches the special obligation of his position, or when committing the crime uses the

power, opportunity, or facilities provided to him due to his position relating to the Cultural Conservation Preservation, his sanction may be increased by 1/3 (one third).

#### **Article 115**

(1) Besides the sanction as referred to herein, anyone committing criminal acts as referred to in Article 101 to Article 114 shall be subjected to the additional criminal acts in terms of:

- a. obligation to restore the material, form, layout, and/or workmanship according to the original thereof at his own expenses, and/or
- b. seizure the profits gained from crime.

(2) Besides the additional penalty as referred to in paragraph (1), the business entity with legal entity and/or business entity without legal entity shall be subjected to additional criminal act in form of revocation of business permit.

### **CHAPTER XII**

#### **TRANSITIONAL PROVISIONS**

#### **Article 116**



The Cultural Conservation Management already having permit shall adjust to the requirements hereunder within not later than 2 (two) years as of the effectiveness hereof.

### **CHAPTER XIII**

#### **CLOSING PROVISIONS**

##### **Article 117**

The implementing regulation hereof shall have been stipulated within not later than 1 (one) year as of the promulgation hereof.

##### **Article 118**

Upon the effectiveness hereof, all legislations constituting the implementing regulations of the Law Number 5 of 1992 concerning Cultural Conservation Object (Official Gazette of the Republic of Indonesia of 1992 Number 27, Supplement Number 3470) shall be declared remain effective as long as not contradictory to the provisions hereof.

##### **Article 119**

Upon the effectiveness hereof, Law Number 5 of 1992 concerning Cultural Conservation Object (Official Gazette of the Republic of Indonesia

of 1992 Number 27, Supplement Number 3470) shall be revoked and declared null and void.

**Article 120**

This Law shall become effective as of the promulgation date.

For public cognizance, it is instructed to promulgate this Law by inserting the same in the Official Gazette of the Republic of Indonesia.

Ratified in Jakarta

on November 24, 2010

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

on November 24, 2010

MINISTER OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

signed

PATRIALIS AKBAR

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2010 NUMBER 130

**ELUCIDATION TO**  
**LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 11 OF 2010**  
**CONCERNING**  
**CULTURAL CONSERVATION**

**I. GENERAL**

Article 32 (1) of the Constitution of the Republic of Indonesia of 1945 mandated that "the state shall advance the Indonesian national culture in the international civilization by securing the community's freedom in maintaining and developing their cultural values" therefore the Indonesian culture should be internalized by all citizens. Therefore, the Indonesian culture reflecting the nation noble values shall be preserved to strengthen the national identity, enhance the nation dignity, as well as strengthen the bond of unity and sense of unity for the realization of the nation ideal in the future.

Indonesian culture having the noble values shall be preserved to strengthen the practice of Pancasila, improve the life quality, strengthen the national identity and national pride, strengthen the nation unity, and improve the community's welfare as the direction of nation's life.

Based on the mandate of the Constitution of the Republic of Indonesia of 1945, the government shall have task to

implement the policy to promote the culture wholly for the greatest people's prosperity. In this respect, all work results of the Indonesian nation, both in the past, present, and in the future should be utilized as development capital. As cultural heritage work of the past, the Cultural Conservation plays important role to maintain its existence.

Tangible and Intangible Cultural Heritage having the values constitutes an integral part of culture thoroughly. The regulation of this Law emphasizes the tangible Cultural Conservation. However, it also covers the important values for the human being, such as history, aesthetics, science, ethnology, and uniqueness materialized in form of Cultural Conservation.

Not all cultural conservations when discovered has no longer function in its supporting community (living society). It is proven that it is quite significant used in the new role or remain as its previous role. Therefore, the clear regulation on utilization of Cultural Conservation with characteristic as dead monument and living monument is required. To maintain the Cultural Conservation from physical development threat, both in urban, rural areas, and those in the aquatic environment, the strict policy from the Government is required to secure its existence.

When it is found, in general, the cultural conservation was not functioning in the community's life (dead monument). However, there is also the cultural conservation that is still functioning as its original (living monument). Therefore, the clear regulation on utilization of both types of Cultural Conservation is required, especially the regulation on the utilization of dead monument provided with new function according to the current need. In addition, the regulation on the utilization of living monument shall also take into account the traditional law rules and social norm prevailing in the supporting community.

Cultural Conservation as the cultural resources has brittle, unique, rare, limited, and not renewable characteristics. To maintain the Cultural Conservation from the threat of physical construction, both in urban, rural areas, or in the aquatic environment, the regulation is required to secure its existence. Therefore, the conservation program shall cover the objective to protect, develop, and utilize the same. It means that the conservation program should take into account the balance between the academic, ideological, and economical interests.

The Cultural Conservation Preservation in the future shall adjust to the new paradigm oriented the area management, community's participation, governance decentralization,

development as well as the demand and need for law in the community.

The new paradigm encourages the preparation of Law that is not merely regulate the preservation of Cultural Conservation Object, but also the other many aspects entirely relating to the cultural relics of the previous era, such as building and structure, site and area, as well as the cultural landscape in the previous regulation fails to clearly present the same. In addition, the name of Cultural Conservation also contains the basic understanding as the protection of cultural result heritage from the previous era constituting the adjustment to the new view in science and technology.

To provide the authority to the Government and community's participation in managing the Cultural Conservation, the good planning, implementation, and evaluation managerial system relating to the protection, development, and utilization of Cultural Conservation as the cultural resources for the broadest interest is required.

## **II. ARTICLE BY ARTICLE**

Article 1

Self-explanatory.

Article 2

Item a

By "Pancasila principle" shall mean the Cultural Conservation Preservation shall be carried out based on Pancasila values.

Point b

By "Unity in Diversity principle" shall mean the Cultural Conservation Preservation shall always take into account the diversity in population, religion, ethnicity and class, special condition of the region, and culture in the society, nation and state life.

Item c

By "archipelago principle" shall mean that every Cultural Conservation preservation program shall take into account the interests of entire Indonesian territories.

Item d

By "justice principle" shall mean the Cultural Conservation Preservation shall reflect the sense of justice and equality proportionally to every Indonesian citizen.

Item e

By "orderliness and legal certainty principle" shall mean the Cultural Conservation Preservation management shall be able to create the orderliness in the community through the guarantee of legal certainty.

Item f

By "utilization principle" shall mean the Cultural Conservation preservation shall be able to be utilized in the interest of the people's welfare in the religious, social, education, science, technology, culture, and tourism aspects.

Item g

By "sustainability principle" shall mean the Cultural conservation Preservation program carried out continuously by taking into account the ecological aspect balance.

Item h

By "participation principle" shall mean every community member shall be encouraged to actively take part in the Cultural Conservation Preservation.

Item i

By "transparency and accountability principles" shall mean the Cultural Conservation Preservation shall be accountable to the community transparently and openly by providing true, honest, and not discriminative information.

Article 3

Self-explanatory.

Article 4



By "in water" shall mean sea, river, lake, reservoir, well, and swamp.

#### Article 5

Item a

Self-explanatory.

Item b

By "style period" shall mean the characteristic representing certain style occurring for at least 50 (fifty) years, among others writing, essay, language usage, and house building, for example, Bank Indonesia building having the first Indonesian modern tropical architectural style.

Item c

Self-explanatory.

Item d

Self-explanatory.

#### Article 6

Item a

By "remains of biota" shall mean the part left from flora and fauna relating to a region.

Item b

By "movable" shall mean the Cultural Conservation object that due to its characteristic is easily moved, such as ceramic, statues, dagger, and batik cloth.

Item c

Self-explanatory.

Article 7

Item a

By "single element" shall mean the building made of one type of material and it is impossible to separate it from its unit.

By "many elements" shall mean the building made of more than one types of material and can be separated from its unit.

Item b

By "free standing" shall mean the building not bound with the natural formation, except those becoming the spot position.

By "united to natural formation" shall mean the structure constructed on the land or on other natural formation, both all and parts of the structure.

Article 8

Item a

By "single element" shall mean the structure made of one type of material and it is impossible to separate it from its unit.

By "many elements" shall mean the structure made of more than one types of material and can be separated from its unit.

Item b

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Item a

Self-explanatory.

Item b

By "cultural landscape" shall mean the landscape as the result of the human being formation reflecting the utilization of site or area in the previous era.

Item c

Self-explanatory.

Item d

Self-explanatory.

Item e

Self-explanatory.

Item f

Self-explanatory.

Article 11

By "special meaning for the community" shall be having significant value for certain cultural community.

By "special meaning for the state" shall be having significant value for the Indonesian state and people being the unifying symbol, national identity pride, or

constituting the extraordinary event at national or international scale.

#### Article 12

##### Paragraph (1)

By "its social function" shall mean principally, the utilization of Cultural Conservation Object, Cultural Conservation Building, Cultural Conservation Structure, and/or Cultural Conservation Site owned by anyone shall not only has function to private interest, but also in public interest, for example, in the interest of science, technology, education, tourism, religion, history, and culture.

##### Paragraph (2)

By "have fulfilled the state's need" shall mean if the state already having the Cultural Conservation Object, Cultural Conservation Building or Cultural Conservation Structure of which the quantity and type nationally has been stored in the Government's and/or regional government's museums as well as at the site as its discovery place.

##### Paragraph (3)

Self-explanatory.

##### Paragraph (4)

Self-explanatory.

Article 13

By "indigenous people" shall mean the community's group living in certain geographical area having in-group feeling, traditional governance institution, traditional assets/object, and traditional norm instrument.

Article 14

Self-explanatory.

Article 15

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

By "collection" shall mean the object as material evidence of cultural result, including manuscript, as well as natural material and its environment having significant value for the history, science, education, religion, culture, technology, and/or tourism.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 19

Paragraph (1)

By "agency competent in culture sector" shall mean the technical executive unit for central level and regional instrument work unit (SKPD) for regional level.

Paragraph (2)

Self-explanatory.

Article 20

Self-explanatory.

Article 21

Paragraph (1)

By "law enforcer", shall be among others the police, prosecutor, and judge.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Self-explanatory.

Article 26

Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

By "protected and treated as Cultural Conservation" shall mean the object, building,

structure, or location considered already  
fulfilling the criteria as Cultural Conservation.

Article 32

Self-explanatory.

Article 33

Paragraph (1)

Self-explanatory.

Paragraph (2)

Item a

Self-explanatory.

Item b

The example of "valid evidence", shall be  
among others the proprietary right to land,  
purchase receipt, and will ratified by notary  
public.

Paragraph (3)

Self-explanatory.

Article 34

Self-explanatory.

Article 35

Self-explanatory.

Article 36

Self-explanatory

Article 37

Self-explanatory.



Article 38

Self-explanatory.

Article 39

Dissemination of information on Cultural Conservation shall be made in many ways, among others through extension, printed media, electronic media, and art performance.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Item a

Self-explanatory.

Item b

By "adihulung" shall mean the Cultural Conservation containing the highest values.

Item c

Self-explanatory.

Item d

Self-explanatory.

Item e

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Item a

By "destroyed" shall mean can no longer found.

Item b

Self-explanatory.

Item c

Self-explanatory.

Item d

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

By "documenting activity" shall mean the data taking, among others text description, graphic, audio, video, photo, movie, and picture.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

By "emergency condition" shall mean the condition threatening the Cultural Conservation preservation, such as fire, flood, earthquake, and war.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

## Article 73

### Paragraph (1)

Self-explanatory.

### Paragraph (2)

Self-explanatory.

### Paragraph (3)

#### Item a

By "core zone" shall mean the main protection area to keep the most important part of Cultural Conservation.

#### Item b

By "buffer zone" shall mean the area protecting the core zone.

#### Item c

By "development zone" shall mean the area designated for the potential development of cultural conservation potency in the interest of recreation, natural environment conservation area, cultural landscape, traditional cultural life, religious, and tourism.

#### Item d

By "supporting zone" shall mean the area designated for supporting facilities and infrastructure as well as for commercial activities and general recreation.

Paragraph (4)

Self-explanatory.

Article 74

Self-explanatory.

Article 75

Self-explanatory.

Article 76

Paragraph (1)

The context of damage shall include the deterioration, namely the phenomenon of decrease in characteristic and quality of Cultural Conservation Object, whether due to the physical factors (for example water, fire, and light), mechanical (for example fracture, and crack), chemical (for example, hard acid, and hard base), as well as biological (for example fungi, bacteria, and insect).

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 77

Paragraph (1)

By "reconstruction" shall mean the program to restore the Cultural Conservation Building and Cultural Conservation Structure limited to the condition known by remaining give priority to the principles of material authenticity, construction technique, and layout, including in using the new material as the replacement of original material.

By "consolidation" shall mean the repair of Cultural Conservation Building and Cultural Conservation Structure aimed at strengthening the construction and inhibiting the further damage process.

By "rehabilitation" shall mean the program to repair and restore the Cultural Conservation Building and Cultural Conservation Structure of which the activities are focused on partial handling of the nature.

By "restoration" shall mean a series of activities aimed at restoring the form authenticity of Cultural Conservation Building, and Cultural Conservation Structure that accountable scientifically.

Paragraph (2)

Item a

Self-explanatory.

Item b

Self-explanatory.

Item c

Self-explanatory.

Item d

The competency of executive shall be determined based on the certification as expert.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Paragraph (1)



By "social function" shall be not has function for personal interest, but also for public interest, for example, for science, technology, education, tourism, religion, history, and culture interests.

Paragraph (2)

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

Self-explanatory.

Article 87

Paragraph (1)

The examples of certain interest shall mean for state ceremonies, religious, and tradition.

Paragraph (2)

Self-explanatory.

Article 88

Self-explanatory.

Article 89

Self-explanatory.

Article 90

Self-explanatory.

Article 91

Self-explanatory.

Article 92

Self-explanatory.

Article 93

Self-explanatory.

Article 94

Self-explanatory.

Article 95

Self-explanatory.

Article 96

Self-explanatory.

Article 97

Self-explanatory.

Article 98

Self-explanatory.

Article 99

Self-explanatory.

Article 100

Self-explanatory.

Article 101

Self-explanatory.

Article 102

Self-explanatory.

Article 103

Self-explanatory.

Article 104

Self-explanatory.

Article 105

Self-explanatory.

Article 106

Self-explanatory.

Article 107

Self-explanatory.

Article 108

Self-explanatory.

Article 109

Self-explanatory.

Article 110

Self-explanatory.

Article 111

Self-explanatory.

Article 112

Self-explanatory.

Article 113

Self-explanatory.

Article 114

Self-explanatory.

Article 115

Self-explanatory.

Article 116

Self-explanatory.

Article 117

Self-explanatory.

Article 118

Self-explanatory.

Article 119

Self-explanatory.

Article 120

Self-explanatory.

SUPPLEMENT TO OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA

NUMBER 5168

I, **Eko Tjahyadi Sworn & Certified Translator**, hereby declare that this document is an English translation of a document prepared in Indonesian language. In translating this document an attempt has been made to translate as literally as possible without jeopardizing the overall continuity of the text. However differences may occur in translation and if they do the original text has precedence in law.

**Jakarta, November 23, 2011**