

PROVINCIAL GOVERNMENT OF YOGYAKARTA SPECIAL REGION

REGIONAL REGULATION OF YOGYAKARTA SPECIAL REGION

NUMBER 6 OF 2012

ON

PRESERVATION OF CULTURAL HERITAGE AND REGISTERED CULTURAL HERITAGE

WITH THE GRACE OF GOD THE ALMIGHTY

GOVERNOR OF YOGYAKARTA SPECIAL REGION

Considering:

- a. that Yogyakarta Special Region has a culture-based entity and governance, as well as local identities in the form of religious values, spiritual values, philosophical values, aesthetic values, struggle values, historic values, and cultural values which define the specialness of Yogyakarta, which therefore shall be preserved;
- b. that the existence of Cultural Heritage and Registered Cultural Heritage within the territory of Yogyakarta Special Region posit a cultural richness endowed with the values of local wisdom which serve as the base on which to build personality, self-identity, and socio-cultural endurance for the society of Yogyakarta Special Region, so that the obligation to preserve them falls on all parties;
- c. that with the promulgation of Act Number 11 of 2010 on Cultural Heritage, the provisions in Regional Regulation Number 11 of 2005 on Management of Areas of Cultural Heritage and and Artifacts of Cultural Heritage are no longer suitable with the said Act as well as with the necessary needs of Preservation so that they shall be replaced;
- d. that considering point a, point b, and point c mentioned above, it has been deemed necessary to establish a Regional Regulation on the Preservation Conservation of Cultural Heritage and Registered Cultural Heritage.

Observing:

1. Article 18 section (6) of the Constitution 1945 of Republic Indonesia;
2. Act No. 3 of 1950 on the Establishment of Yogyakarta Special Region (State Gazette of Republic Indonesia of 1950 Number 3), which has been amended by Act Number 9 of 1955 on Amendment to Act Number 3 in conjunction with Number 19 of 1950 on the Establishment of Yogyakarta Special Region

(State Gazette of Republic Indonesia of 1955 Number 43, Supplement to State Gazette of Republic Indonesia Number 827);

3. Act Number 32 of 2004 on Regional Government (State Gazette of Republic Indonesia of 2004 Number 125, Supplement to State Gazette of Republic Indonesia Number 4437) as amended with Act Number 12 of 2008 on Second Amendment to Act Number 32 of 2004 on Regional Government (State Gazette of Republic Indonesia of 2008 Number 59, Supplement to State Gazette of Republic Indonesia Number 4844);
4. Act Number 11 of 2010 on Cultural Heritage (State Gazette of Republic Indonesia of 2010 Number 130, Supplement to State Gazette of Republic Indonesia Number 5168);
5. Government Regulation Number 31 of 1950 on the Imposition of Acts Number 2, 3, 10, and 11 of 1950 (State Gazette of Republic Indonesia of 1950 Number 58);
6. Government Regulation Number 38 of 2007 on the distribution of administrative affairs between the Government, Provincial Government, Regency/Municipal Government (State Gazette of Republic Indonesia of 2005 Number 108, Supplement to State Gazette of Republic Indonesia Number 4737);
7. Regional Regulation of the Province of Yogyakarta Special Region Number 4 of 2011 on the Administration of Cultural Values (Regional Gazette of the Province of Yogyakarta Special Region of 2011 Number 4 Series Supplement to Regional Gazette Number 4).

With the Joint Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES

OF THE PROVINCE OF YOGYAKARTA SPECIAL REGION

and

THE GOVERNOR OF YOGYAKARTA SPECIAL REGION

Has decided

To Issue: REGIONAL REGULATION ON THE PRESERVATION OF CULTURAL HERITAGE
AND REGISTERED CULTURAL HERITAGE

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation,

1. Cultural Heritage means artifacts of cultural heritage, buildings of cultural heritage, structures of cultural heritage, sites of cultural heritage, areas of cultural heritage on land and/or in water, which shall be preserved because of their significance to history, scientific knowledge, religion, and/or culture, which have been registered in the Registry of Regional Cultural Heritage.
2. Cultural Heritage means physical Cultural Heritage in the form of Cultural Heritage Artifacts, Buildings, Structures, and Areas on land and/or in water, which shall be preserved because of their significance to history, knowledge, education, religion, and/or culture by means of designated processes.
3. Artifact of Cultural Heritage means a natural object and/or man-made object, mobile or immobile, in units or in groups, parts of it, or remnants of it, which are closely related to the culture and history of man's civilization.
4. Cultural Heritage Buildings means cultivated structures made from natural objects or man-made objects intended to satisfy the need for walled and/or unwallled space, and with a roof on it.
5. Structure of Cultural Heritage means cultivated structure made from natural objects or man-made objects intended to satisfy the need for working space, which blends with nature, means and infrastructures intended to satisfy human needs.
6. Site of Cultural Heritage means location on land and/or in water which contains Artifact of Cultural Heritage, Building o Cultural Heritage, and/or Site of Cultural Heritage that result from human activities or or serve as evidence of past activities.
7. Area of Cultural Heritage means a unit of geographic space which contains two or more Sites of Cultural Heritage situated in close proximity and/or exhibiting special characteristics.
8. Registry of Regional Cultural Heritage means the document which contains data of Cultural Heritage, which has been made by Regency/Municipal Government.
9. Council of Cultural Heritage Preservation, hereafter referred to as Dewan Warisan Budaya, means the non-structural agency appointed by the Governor with the duty to provide counsel to the Governor about presrvation policies of Cultural Heritage and Registered Cultural Heritage.
10. Registration means the listing of artifacts, buildings, structures, locations, and/or units of geographic space which will be proposed for designation as Cultural Heritage to Regency/Municipal Government, to be subsequently entered into the Regional and National Registries of Cultural Heritage.
11. Ownership means the strongest and fullest right on Cultural Heritage or Cultural Heritage which respects social functions without neglecting the obligation for preservation.

12. Authorization means the giving of authority from owner to the Government, Regional Government, or every person to manage Cultural Heritage or Cultural Heritage in ways that respect social functions without neglecting the obligation for preservation.
13. Conveyance means the conveyance of ownership and/or authority of Cultural Heritage or Cultural Heritage from one individual to another or to the State.
14. Compensation means reward in the form of money and/or non-money from the Government or Regional Government.
15. Incentive means support in the form of advocacy, aid, or non-financial others to encourage Preservation of Cultural Heritage and Registered Cultural Heritage from the Government or Regional Government.
16. Cultural Heritage Expert Team, hereafter called Expert Team, means a group of preservation experts from various fields of science who have acquired the necessary competence certificates to recommend designation, grading, and revocation of Cultural Heritage.
17. Preservation Experts, hereafter called Experts, mean persons of special competence and/or in possession of the necessary certificates in the Protection, Development, or Utilization of Cultural Heritage and Registered Cultural Heritage.
18. Preservation means the dynamic efforts to protect, develop, and utilize Cultural Heritage and Registered Cultural Heritage as well as their values by protecting, developing, and utilizing them.
19. Management means concerted efforts to protect, develop, and utilize Cultural Heritage and Registered Cultural Heritage by means of planning, administration and supervision policies for the best possible welfare of society.
20. Protection means efforts to prevent and deal with deterioration, destruction, or demolition of Cultural Heritage and Registered Cultural Heritage by means of Salvage, Safeguard, Zoning, Maintenance, and Renovation.
21. Salvage means efforts to prevent and/or deal with the deterioration, destruction, or demolition of Cultural Heritage and Registered Cultural Heritage.
22. Safeguard means efforts to keep safe Cultural Heritage and Registered Cultural Heritage from threats and/or harm.
23. Warden means technician with the requisite ability, knowledge, and skills in maintaining Cultural Heritage.
24. Zoning means the establishment of spatial boundary for Cultural Heritage and Areas of Cultural Heritage in accordance with necessity.
25. Maintenance means efforts to keep safe and maintain the physical conditions of Cultural Heritage and Registered Cultural Heritage for purposes of preservation.
26. Renovation means efforts to restore the physical conditions of deteriorated Cultural Heritage and Registered Cultural Heritage to the authentic materials, forms, arrangements, and/or working techniques for purposes of Preservation.
27. Development means efforts to increase the potential values, information, and promotion of Cultural Heritage and Registered Cultural Heritage as well as their Utilization by means of researches, revitalisation, and adaptation in sustainable ways and in accordance with the principles of Preservation.

28. Revitalisation means Development activities intended to recuperate important values of Cultural Heritage and Registered Cultural Heritage adapted to new spatial functions in accordance with the principles of Preservation and socio-cultural values.
29. Utilization means efforts to make use of Cultural Heritage and Registered Cultural Heritage for the best possible welfare of society while preserving their existence.
30. Propagation means efforts to directly duplicate Artifacts of Cultural Heritage, Buildings of Cultural Heritage, or Structures of Cultural Heritage either in wholes or in parts.
31. Regional Registry means the official record of the nation's cultural wealth in the form of Cultural Heritage situated in the Region.
32. Preservation Ethics of Cultural Heritage means the social norms manifested in moral standards which guide the behaviors of every person in the Preservation of Cultural Heritage.
33. Everyone means any person, group of people, community, incorporated company, and/or unincorporated company.
34. The Central Government, hereafter called the Government, means the President of Republic Indonesia who holds the governing power of the Unified State of Republic Indonesia as referred to in the Constitution of 1945 Republic Indonesia.
35. Region means the Province of Yogyakarta Special Region.
36. Regional Government means the Governor and Regional Officials as administrators of government in the Province of Yogyakarta Special Region.
37. Governor means the Governor of Yogyakarta Special Region.
38. Regency/Municipal Government means the the Government of Sleman, Kulon Progo, Gunungkidul, and Bantul Regencies as well as of the Yogyakarta Municipality.

Article 2

- 1) This Regional Regulation is intended to manage the preservation of Cultural Heritage and Registered Cultural Heritage.
- 2) The Preservation Management as referred to in section 1) aims:
 - a. to secure the cultural wealth of important values in the Region;
 - b. to reassure the image and self-identity of the Region as a centre of culture;
 - c. to improve socio-cultural endurance on the basis of local wisdom;
 - d. to contribute to the aesthetics and uniqueness of the Region's wealth of visual and physical properties;
 - e. to keep safe the cultural linkage of the past and the present and to contribute to the direction of future Preservation efforts;
 - f. to utilize Cultural Heritage and Registered Cultural Heritage to satisfy the needs of religion, socio-economy, tourism, education, scientific knowledge, and/or culture.

Article 3

The scope of this Regional Regulation covers:

- a. preservation, which covers:
 - 1. protection;
 - 2. development; and
 - 3. utilization.
- b. management, which covers:
 - 1. planning;
 - 2. implementation; and
 - 3. supervision.

CHAPTER II

DUTIES AND AUTHORITIES

Part One

Regional Government

Article 4

(1) The Regional Government has the duty:

- a. to inculcate, cultivate, develop, and propagate awareness of and accountability for rights and responsibilities within the society in connection with the Preservation of Cultural Heritage and Registered Cultural Heritage;
- b. to develop and implement pertinent policies to secure the protection and utilization of Cultural Heritage and Registered Cultural Heritage;
- c. to undertake research and Development of Cultural Heritage;
- d. to provide information on Cultural Heritage and Registered Cultural Heritage to the public;
- e. to promote Cultural Heritage;
- f. to facilitate everyone involved in the Utilization and promotion of Cultural Heritage;
- g. to take emergency measures in the mitigation of disasters in order to safeguard Cultural Heritage and Registered Cultural Heritage and to provide support to regions that sustain disasters;
- h. to undertake supervision, observation, and evaluation on the Preservation of Cultural Heritage and Registered Cultural Heritage;

- i. to allocate funding for the Preservation of Cultural Heritage and Registered Cultural Heritage.

(2) The Regional Government has the authority:

- a. to form a Council of Cultural Heritage;
- b. to form an Expert Team of Cultural Heritage;
- c. to accept artifacts, buildings, structures, locations, and units of geographic space from Regency/Municipality to be designated as Cultural Heritage;
- d. to request registration in the Central Government for artifacts, buildings, structures, locations, and units of geographic space of Cultural Heritage;
- e. to coordinate inter-sectoral and inter-regional Preservation of Cultural Heritage and Registered Cultural Heritage;
- f. to collect data on Cultural Heritage and Registered Cultural Heritage;
- g. to classify Cultural Heritage;
- h. to establish and revoke the status of Cultural Heritage;
- i. to establish regulations concerning the Management of Cultural Heritage and Registered Cultural Heritage;
- j. to conduct collaborations in the Preservation of Cultural Heritage and Registered Cultural Heritage;
- k. to investigate cases of legal offense;
- l. to manage Cultural Heritage and Registered Cultural Heritage;
- m. to establish and dissolve technical units in the fields of Preservation, research, and museum;
- n. to develop human resource policies in preservation;
- o. to bestow awards to anyone who has undertaken Preservation of Cultural Heritage and Registered Cultural Heritage;
- p. to move and/or hold Cultural Heritage and Registered Cultural Heritage for the purposes of Safekeeping;
- q. to establish clusters of Cultural Heritage on the basis of degrees of importance at the provincial level;
- r. to establish spatial boundary for Cultural Heritage, sites of Cultural Heritage, and areas of Cultural Heritage;
- s. to discontinue processes of spatial Utilization or processes of development that may cause Cultural Heritage and Registered Cultural Heritage to deteriorate, disappear, or perish, either in wholes or in parts;
- t. to establish ethics that pertain to the Preservation of Cultural Heritage.

Part Two

Regency/Municipal Government

Article 5

(1) Regency/Municipal Government in conducting the Preservation of Cultural Heritage and Registered Cultural Heritage has the duty to implement provisions as prescribed by law.

(2) Regency/Municipal Government has the authority:

- a. to implement provisions as prescribed by law;
- b. to establish Council of Cultural Heritage;
- c. to form Expert Team of Cultural Heritage;
- d. to accept and register Cultural Heritage and Registered Cultural Heritage;
- e. to collect data on Cultural Heritage and Registered Cultural Heritage;
- f. to classify Cultural Heritage;
- g. to establish and revoke the status of Cultural Heritage;
- h. to establish regulations of the Preservation of Cultural Heritage and Registered Cultural Heritage;
- i. to conduct collaborations in the Preservation of Cultural Heritage and Registered Cultural Heritage;
- j. to investigate cases of legal offense;
- k. to manage Cultural Heritage and Registered Cultural Heritage;
- l. to establish and dissolve technical units in the fields of Preservation, research, and museum;
- m. to develop human resource policies in preservation;
- n. to bestow awards to anyone who has undertaken Preservation of Cultural Heritage and Registered Cultural Heritage;
- o. to move and/or hold Cultural Heritage and Registered Cultural Heritage for the purposes of Safekeeping;
- p. to establish clusters of Cultural Heritage on the basis of degrees of importance at the provincial level;
- q. to establish spatial boundary for Cultural Heritage, sites of Cultural Heritage, and areas of Cultural Heritage;
- r. to discontinue processes of spatial Utilization or processes of development that may cause Cultural Heritage and Registered Cultural Heritage to deteriorate, disappear, or perish, either in wholes or in parts;
- s. to establish ethics that pertain to the Preservation of Cultural Heritage.

CHAPTER III

AGENCY

Part One

Council of Cultural Heritage

Article 6

- (1) Regional Government forms the Council of Cultural Heritage.
- (2) Council of Cultural Heritage as referred to in section (1) is obliged to provide counsel to the Governor in developing policies for the Preservation of Cultural Heritage and Registered Cultural Heritage.
- (3) Council of Cultural Heritage consists of 7 (seven) members, who come from the regional government, institutions of higher education, non-government organizations, and professional associations.
- (4) Members of the Council of Cultural Heritage serve for a 4-year term and are eligible for reappointment for the next term.
- (5) Further provisions on the mechanism and working procedures of the Council of Cultural Heritage are determined by Gubernatorial Regulations.

Part Two

Expert Team of Cultural Heritage

Article 7

- (1) Regional Government forms the Expert Team of Cultural Heritage.
- (2) Expert Team of Cultural Heritage as referred to in section (1) has the duty to provide recommendations on the establishment, classification, and revocation of Cultural Heritage.
- (3) Expert Team of Cultural Heritage consists of 7 (seven) members, of which 2 (two) coming from formal agencies and 5 (five) from non-formal agencies.
- (4) Members of Expert Team of Cultural Heritage serve for a one-year term, which can be extended for a maximum of 3 (three) times.
- (5) Further provisions on the mechanism and working procedures of the Expert Team of Cultural Heritage are determined by Gubernatorial Regulation.

Part Three

Technical Implementation Unit

Article 8

- (1) The Regional Government forms an Technical Implementation Unit in the field of Preservation, Research and Development, to optimize the Preservation and Management of Cultural Heritage and Registered Cultural Heritage.
- (2) Further provisions on the job description of the Technical Implementation Unit as referred to in section (1) is determined by Gubernatorial Regulations.

CHAPTER IV

PRESERVATION OF CULTURAL HERITAGE AND REGISTERED CULTURAL HERITAGE

Part One

Rights and Obligations

- (1) Any person who owns and/or holds Cultural Heritage and Registered Cultural Heritage is entitled:
 - a. to receive information on the Preservation of Cultural Heritage and Registered Cultural Heritage;
 - b. to utilize Cultural Heritage and Registered Cultural Heritage;
 - c. to receive an award from the Regional Government; and/or
 - d. to receive facilitation from the Regional Government.
- (2) Any person who owns and/or holds Cultural Heritage and Registered Cultural Heritage is obliged:
 - a. to register any artifact, building, structure, location, and/or geographic spatial unit presumed to be of Cultural Heritage;
 - b. to notify any artifact presumed to be of Cultural Heritage;
 - c. to preserve Cultural Heritage and Registered Cultural Heritage;
 - d. to secure and maintain Cultural Heritage and Registered Cultural Heritage;
 - e. to safeguard Cultural Heritage and Registered Cultural Heritage in times of emergency and/or disasters; and/or
 - f. to report any disappearance, deterioration, and utter destruction of Cultural Heritage and Registered Cultural Heritage to institutions in charge of culture, the police, and/or related agencies.
- (3) Any person who discovers an artifact, building, structure, location, and/or geographic spatial unit presumed to be of Cultural Heritage is obliged to report the finding to agencies in charge of culture, the police, and/or related agencies.

Part Two
Coordination of Preservation

Article 10

- (1) Regional Government coordinates the Preservation of Cultural Heritage and Registered Cultural Heritage among all parties involved to pursue a unified Preservation of Cultural Heritage and Registered Cultural Heritage.
- (2) The coordination as referred to in section (1) is conducted in:
- a. establishing boundary for sites and Areas of Cultural Heritage;
 - b. constructing infrastructure in sites and Areas of Cultural Heritage;
 - c. devising directions for the Preservation of Cultural Heritage and Registered Cultural Heritage;
 - d. devising Master Plan for the Preservation of Cultural Heritage and Registered Cultural Heritage;
 - e. salvaging Cultural Heritage and Registered Cultural Heritage in times of emergency or disasters.

Part Three
Ethics of Preservation of Cultural Heritage

Article 11

- (1) Regional Government establishes the ethics of Preservation of Cultural Heritage.
- (2) The ethics of Preservation of Cultural Heritage as referred to in section (1) covers:
- a. honesty in stating the real conditions of pertinent Cultural Heritage in terms of significance, authenticity, and/or wholeness of Cultural Heritage;
 - b. reverence to the values of religion, customs, culture, as well as society's perception;
 - c. forthrightness to Regional Government, Regency/Municipal Government, and the public in providing information on Cultural Heritage;
 - d. determination not to get involved in illegal trading of Cultural Heritage;
 - e. safeguarding confidentiality of informants when necessary;
 - f. reviewing any previous studies;
 - g. pursuing the principles of justice, equality, cultural diversity, local wisdom, and special image of the Region;
 - h. vigor in pursuing the interests of society;
 - i. safeguarding and improving the qualities of the environment; and

- j. displaying standard or well-established quality of academic research in accordance with pertinent fields of study.

Part Four

Registering Cultural Heritage and Registered Cultural Heritage

Paragraph 1

Registering Cultural Heritage

Article 12

- (1) Cultural Heritage is determined on the basis of the following criteria:
 - a. having special importance or value; and
 - b. invigorating the image of the Area of Cultural Heritage;
- (2) The special importance or value as referred to in section (1) point a, pertains to:
 - a. an historical event or historical figure;
 - b. a particular style or design; and/or
 - c. usefulness to scientific knowledge, education, religion, and/or culture.

Article 13

- (1) Any person who knows of any artifact which is presumably of Cultural Heritage is obliged to report it to the agency in charge of culture at the Regency/Municipal Government;
- (2) In the event a person has not yet known that the artifact he or she owns and/or holds is presumably of Cultural Heritage, the agency in charge of culture at Regency/Municipal Government is obliged to tell that person to report it.
- (3) The report as referred to in section (1) shall be:
 - a. oral, in which case a record of report shall be made; or
 - b. written, in which case a receipt of report shall be made.
- (4) The report as referred to in section (3) must at the least contain:
 - a. location;
 - b. information on criteria;
 - c. conditions; and
 - d. identity of reporter.

Article 14

- (1) The agency in charge of culture at Regency/Municipal Government is obliged to clarify and verify reports.
- (2) Results of report clarification and verification as referred to in section (1) must be notified to the reporter, owner and/or holder.

Article 15

- (1) In the event that the artifact as referred to in Article 13 section (1) satisfies the criteria of Cultural Heritage, the Council of Cultural Heritage shall recommend it for inclusion in the Regional Registry of Cultural Heritage.
- (2) Cultural Heritage which has been recorded in the Regional Registry of Cultural Heritage shall thereafter be administered as Cultural Heritage.
- (3) Regency/Municipal Government is obliged to facilitate the registration processes of Cultural Heritage which has been recorded in the Regional Registry of Cultural Heritage as referred to in section (1) to classify it as Cultural Heritage.

Paragraph Two

Registering Cultural Heritage

Article 16

Registering Cultural Heritage can be done in the following stages:

- a. pre-registration;
- b. registration;
- c. clarification; and
- d. verification.

Article 17

Pre-registration as referred to in Article 16 point a is done by:

- a. describing and documenting the presumed artifact of Cultural Heritage in terms of age, rarity of type, uniqueness of design, limitation in quantity, and/or value to society;
- b. collecting data on the presumed artifact of Cultural Heritage, which covers: name, shape, type, size, material, color, dimensions, jurisdiction, owner/holder, Utilization, and other descriptive items;

- c. the collection of data on the location and jurisdiction of the presumed artifact of Cultural Heritage must be done by putting into consideration:
 - 1. characteristics of the artifact, building, or structure, either mobile or immobile;
 - 2. historical relationship between the artifact, building, or structure, which indicates human activities of the past, either within a singular period or over several different periods;
 - 3. density and sprawl of the artifact, building, or structure; and
 - 4. need for space for purposes of Preservation.

Article 18

- (1) Registration as referred to in Article 16 point a shall be conducted by the Regional Government, Regency/Municipal Government, or society.
- (2) Registration as referred to in section (1) shall be submitted to the Regency/Municipal Government.
- (3) Registration of an artifact, building, or structure which is situated within 2 (two) Regency/Municipal jurisdictions or more shall be submitted to the Regional Government.

Article 19

- (1) Registration stage as referred to in Article 16 point b shall be done by the following procedures:
 - a. the applicant submits to the clerk in charge of registration the documents which state data on the presumed object of Cultural Heritage, identity of the applicant, or the applicant's power of attorney; and
 - b. the clerk in charge of registration clarifies the documents in terms of description, classification, and completeness.
- (2) The applicant may leave the presumed object of Cultural Heritage at the agency in charge of culture for safekeeping.
- (3) The clerk in charge of registration may return the documents stating data on the presumed object of Cultural Heritage in the event that there are shortcomings in the data as referred to in section (1) point a.

Article 20

- (1) The presumed object of Cultural Heritage which has been registered as referred to in Article `18 must be verified by the Expert Team.
- (2) Verification as referred to in section (1) shall be done in terms of:
 - a. data of the presumed object of Cultural Heritage;
 - b. its authenticity;
 - c. its history of ownership; and
 - d. manner of its acquisition.
- (3) Results of the verification as referred to in section (2) shall be written down in the verification report, which is an indispensable part of the registration documents.

Article 21

- (1) Assessment of verification results as referred to in Article 20 section (3) shall be conducted by Expert Team to procure a recommendation on the status and rate of Cultural Heritage.
- (2) Assessment as referred to in section (1) covers:
 - a. identification and classification of Cultural Heritage;
 - b. appraisal on the status of Cultural Heritage; and
 - c. appraisal on the rate of Cultural Heritage.

Article 22

- (1) Assessment as referred to in Article 21 section (2) points a and b is intended to determine the status of Cultural Heritage on the basis of the following criteria:
 - a. 50 (fifty) years of age and/or more;
 - b. representing a characteristic style which has lasted for 50 (fifty) years at the very least;
 - c. having a particular meaning to history, knowledge, education, religion, and/or culture;
 - d. having a cultural value which invigorates national identity;
 - e. having an important value which invigorates the image and specialness of the Region;
 - f. having an authenticity value; and
 - g. having a utility value.
- (2) Results of assessment as referred to in section (1) shall be written down in an assessment report approved upon deliberative consensus by the Expert Team.
- (3) In the event the assessment concludes that it would be justifiable to give the status of Cultural Heritage to the object under assessment, the Expert Team shall submit a letter of recommendation to the Governor or Regent/Mayor for the granting of such status.

- (4) In the event the assessment concludes that it would not be justifiable to give the status of Cultural Heritage to the object under assessment, the Expert Team shall notify the Applicant about this via the Registration Clerk.

Article 23

- (1) Assessment as referred to in Article 21 section (2) point c shall be conducted on:

- a. appraisal of status;
- b. proposal from Regency/Municipal Government.

- (2) Assessment as referred to in section (1) covers:

- a. specialness of the Region;
- b. inter-Regency/Municipal Government's interest in the Preservation of Cultural Heritage and Registered Cultural Heritage;
- c. distinctive creative works in the Region;
- d. rarity of type, uniqueness of design, and existing number in the Region;
- e. evidence of the evolution of national civilization and cultural exchange across Regency/Municipal regions, either extinct or still living in the society; and/or
- f. association with current living traditions.

- (3) Results of assessment as referred to in section (2) shall be written down in an assessment report approved upon deliberative consensus by the Expert Team.

- (4) Assessment report as referred to in section (3) shall be submitted in the form of recommendation letter to the Governor or Regent/Mayor for the granting of rate.

Part Five

Determination

Article 24

- (1) On the basis of the letter of recommendation from the Expert Team as referred to in Article 22 section (3), the Governor or Regent/Mayor determines the status of Cultural Heritage.

- (2) The status of Cultural Heritage as referred to in section (1) is determined with Decision of the Governor or Decision of the Regent/Mayor.

Article 25

- (1) On the basis of the letter of recommendation from the Expert Team as referred to in Article 23 section (4), the Governor or Regent/Mayor determines the rate of Cultural Heritage.

- (2) The rate of Cultural Heritage as referred to in section (1) is determined with Decision of the Governor or Decision of the Regent/Mayor.

Part Six

Preservation Directives

Article 26

- (1) Any person who owns and/or holds Cultural Heritage and Registered Cultural Heritage shall comply with the directives of Preservation.
- (2) The directives of Preservation as stipulated in section (1) state matters to be considered in the Preservation of Cultural Heritage and Registered Cultural Heritage.

Article 27

The Preservation of Cultural Heritage and Registered Cultural Heritage shall consider:

- a. shape; and
- b. characteristics and conditions of the object of Cultural Heritage and Registered Cultural Heritage.

Article 28

The Preservation of Cultural Heritage and Registered Cultural Heritage shall consider:

- a. rate and category of the Building of Cultural Heritage;
- b. authenticity of the building (architectural shape/type/style, material, layout, structure, workmanship);
- c. conditions of the building; and
- d. ownership, fitness with the environment, location, type, and quantity.

Article 29

The Preservation of Cultural Heritage and Registered Cultural Heritage shall consider:

- a. authentic characteristics;
- b. shape; and/or
- c. structural facade.

Article 30

The Preservation of Cultural Heritage and Registered Cultural Heritage shall consider:

- a. utilization;
- b. carrying capacity;
- c. space capacity;
- d. capability to invigorate important values and identity; and

- e. site's image.

Article 31

The Preservation of Cultural Heritage and Registered Cultural Heritage shall consider:

- a. architectural design (langgam arsitektur) with cultural nuances that distinguish the area's image;
- b. building facade at main street;
- c. appropriation of the area;
- d. area's major constituents, which include:
 - 1. spatial plan;
 - 2. road map;
 - 3. neighborhood plan;
 - 4. skyline;
 - 5. street/outdoor furniture;
 - 6. flora; and
 - 7. infrastructure.
- e. markers of village toponym;
- f. building, structure, and site of Cultural Heritage and Registered Cultural Heritage which occupies an area to be prioritized for preservation;
- g. delineation and zoning of the area;
- h. revitalization of the area; and
- i. original features of the cultural landscape and/or Cultural Heritage Area and Cultural Heritage Area before adaptation.

Article 32

Further provisions on the directives of the Preservation of Cultural Heritage and Registered Cultural Heritage are determined with Gubernatorial Regulation.

Part Seven

Protection

Article 33

- (1) Every person is obliged to protect Cultural Heritage and Registered Cultural Heritage.
- (2) The protection as referred to in section (1) shall be conducted by the following methods:
 - a. salvaging;
 - b. safeguarding;
 - c. zoning;
 - d. maintenance; and
 - e. renovation.

Article 34

Salvaging as referred to in Article 33 section (2) point a is conducted on Cultural Heritage and Registered Cultural Heritage either in times of emergency or exegency or in ordinary times.

Article 35

- (1) Safeguarding as referred to in Article 33 section (2) point b is conducted by collecting items in a shelter, devising protective coverings, erecting fences, and/or establishing buffer space.
- (2) In times of emergency Safeguarding of Cultural Heritage and Registered Cultural Heritage shall be done by constructing reinforcement and temporary safety devices.

Article 36

- (1) Regional Government and/or regency/Municipal Government may move and/or hold artifact, building, and structure of Cultural Heritage and Registered Cultural Heritage for purposes of Safeguarding.
- (2) Safeguarding as referred to in section (1) is intended to secure Cultural Heritage and Registered Cultural Heritage and to prevent loss, damage, destruction, or demolition.
- (3) Safeguarding Cultural Heritage and Registered Cultural Heritage as referred to in section (1) and section (2) shall take society's interest, education, knowledge development, religion, culture, and/or tourism into consideration.

Article 37

- (1) Zoning as referred to in Article 33 section (2) point c shall be conducted by determining boundary and spatial Utilization based on the results of studies and consensus between Regional Government, Regency/Municipal Government, and the owner or holder of Cultural Heritage.
- (2) Studies as referred to in section (1) shall at the least cover the features, characteristics, conditions, size, and environs of the site or area of Cultural Heritage.
- (3) Site and area zone consists of:
 - a. core zone;
 - b. buffer zone;
 - c. development zone; and or
 - d. support zone.

Article 38

- (1) Zones as referred to in Article 37 section (3) are categorized into intensive and extensive.

- (2) Intensive category as referred to in section (1) aims to provide stringent directives to the Preservation of site or area content in terms of originality and limited allowance for alteration.
- (3) Extensive category as referred to in section (1) aims to provide amenable directives to the Preservation of site or area content while keeping harmony and appropriateness with the provisions of intensive category.

Article 39

- (1) Maintenance as referred to in Article 33 section (2) point d shall be conducted on the basis of Maintenance guidelines and procedures.
- (2) In undertaking Maintenance as referred to in section (1) the Regional Government or Regency/Municipal Government may hire and station Maintenance Steward.
- (3) Further provisions concerning guidelines and procedures of Maintenance as referred to in section (1) shall be regulated by Gubernatorial Regulation.

Article 40

- (1) Renovation as referred to in Article 33 section (2) point c shall be undertaken by means of reconstruction, rehabilitation, and restoration.
- (2) Renovation as referred to in section (1) is undertaken on Cultural Heritage and Registered Cultural Heritage which are in the form of buildings and structures.
- (3) Buildings and structures as referred to in section (2) are categorized into the following:
 - a. category I includes buildings and structures to be renovated with stringent measures and restrictions.
 - b. category II includes buildings and structures to be renovated with stringent measures but with limited allowance for alteration in layout.
 - c. category III includes buildings and structures to be renovated with quite stringent measures but with some allowance for alteration in layout and building elements.
- (4) Buildings and structures under category I as referred to in section (3) point a shall have an originality level of at least 80 (eighty) percent.
- (5) Buildings and structures under category II as referred to in section (3) point b shall have an originality level of at least 50 (fifty) percent.
- (6) Buildings and structures under category III as referred to in section (3) point c shall have an originality level of at most 50 (fifty) percent.

- (7) Categorization as referred to in section (3) shall be determined with Gubernatorial Regulation.

Article 41

- (1) Renovation of buildings and structures category I as referred to in Article 40 section (3) point a shall be undertaken on the following conditions:
- a. originality shall be kept intact; dan
 - b. in the event the buildings and structures are damaged, restoration to their original conditions shall use the same or similar components or components of the same characteristics with allowable alteration of maximum 20 % (twenty percent).
- (2) Renovation of buildings and structures category II as referred to in Article 40 section (3) point b shall be undertaken on the following conditions:
- a. alteration in the original layout is allowable;
 - b. in the event the buildings and structures are damaged, restoration or reconstruction to their original conditions shall use the same or similar components or components of the same characteristics.
 - c. alteration in the original layout and materials is allowable for a maximum of 40 % (forty percent).
- (3) Renovation of buildings and structures category III as referred to in Article 40 section (3) point c shall be undertaken on the following conditions:
- a. alteration in the original layout and building elements is allowable;
 - b. in the event the buildings and structures are damaged, restoration or reconstruction to their original conditions shall use the same or similar components or components of the same characteristics.

Article 42

- (1) Every Renovation of buildings and structures as referred to in Article 40 and Article 41 shall be coordinated by the Expert Team.
- (2) Renovation as referred to in in section (1) requires a recommendation from the Council of Cultural Heritage.

Article 43

Further provisions on the guidelines and procedures of Protection of Cultural Heritage and Registered Cultural Heritage as referred to in Articles 33 to 42 are prescribed by Gubernatorial Regulation.

Article 44

- (1) Every person is allowed to conduct development of Cultural Heritage and Registered Cultural Heritage.
- (2) Development as referred to in section (1) can be directed at expediting economic development, whose earnings shall be allocated for the maintenance of Cultural Heritage and Registered Cultural Heritage and improvement in social welfare.

Article 45

- (1) Development of Cultural Heritage and Registered Cultural Heritage shall be conducted on the basis of its type.
- (2) Development as referred to in section (1) for artifacts of Cultural Heritage and Registered Cultural Heritage shall be conducted by propagation.
- (3) Development as referred to in section (1) for buildings and/or structures of Cultural Heritage and Registered Cultural Heritage shall be conducted by adaptation.
- (4) Development as referred to in section (1) for sites and/or areas of Cultural Heritage and Registered Cultural Heritage shall be conducted by revitalization.

Article 46

- (1) Development of buildings or structures of Cultural Heritage and Registered Cultural Heritage shall be conducted by preserving:
 - a. original features of the frontage and/or facade of the buildings or structures; and
 - b. original cultural landscape and/or land surface of the sites or areas of Cultural Heritage where the buildings or structures lay.
- (2) Development as referred to in section (1) shall be conducted by taking into consideration:
 - a. important values attached to Cultural Heritage and Registered Cultural Heritage;
 - b. limited addition of facilities and infrastructures in accordance with needs;

- c. limited alteration to layout; and
 - d. original architectural style, construction, and aesthetic harmony with the surrounding environment.
- (3) Development as referred to in section (2) requires a recommendation from the Council of Cultural Heritage.

Article 47

- (1) Revitalization of Sites of Cultural Heritage, Areas of Cultural Heritage, Sites of Cultural Heritage, and Areas of Cultural Heritage shall take into consideration matters of layout, spatial planning, social functions, and original cultural landscape.
- (2) Revitalization as referred to in section (1) shall be conducted by rearranging spatial functions, cultural values, and support information on Cultural Heritage and Registered Cultural Heritage.
- (3) Revitalization as referred to in section (1) shall improve the life quality of society, respect local cultural features, and invigorate the specialness image of the Region.
- (4) Revitalization as referred to in section (1) shall be framed within a master plan under the coordination of the Expert Team and requires a recommendation from the Council of Cultural Heritage.
- (5) Revitalization with addition of new buildings, repositioning, alteration, and/or overhaul shall comply with laws and regulations.

Article 48

Further provisions on the guidelines of Development as referred to in Articles 44 to 47 shall be prescribed by Gubernatorial Regulation.

Part Nine

Utilization

Article 49

- (1) Every person is allowed to utilize Cultural Heritage and Registered Cultural Heritage for religious, social, educational, knowledge, technological, cultural, and tourism purposes.
- (2) Utilization as referred to in section (1) shall follow the criteria prescribed by the Regional Government or Regency/Municipal Government.

- (3) Utilization as referred to in section (1) requires a recommendation from the Council of Cultural Heritage.

Article 50

- (1) Regional Government or Regency/Municipal Government may facilitate the Utilization of Cultural Heritage and Registered Cultural Heritage.
- (2) Facilitation as referred to in section (1) shall be in the form of Utilization permit, expert support, financial support, and/or training.

Article 51

- (1) Cultural Heritage which at the time of discovery no longer functions as it originally shall may be utilized for certain purposes.
- (2) Utilization of Cultural Heritage as referred to in section (1) requires a permit from the Central Government or Regional Government or Regency/Municipal Government in accordance with the rate of the Cultural Heritage and/or the customary law of the owning and/or holding community.

Article 52

- (1) Regional Government and Regency/Municipal Government may pursue cooperation with various parties in the Preservation of Cultural Heritage.
- (2) Collaboration as referred to in section (1) requires a cooperation agreement in accordance with laws and regulations.

Article 53

- (1) Promotion of Cultural Heritage and Registered Cultural Heritage shall foster the preservation of Cultural Heritage and Registered Cultural Heritage and society's welfare.
- (2) Promotion as referred to in section (1) shall:
 - a. involve the surrounding community as a secondary destination or supplement;
 - b. position the Cultural Heritage and Registered Cultural Heritage as an axis and create other tourist attractions that move around the main attraction;
 - c. strive to create special-interest tourism; and
 - d. encourage tourists to participate in the preservation of Cultural Heritage and Registered Cultural Heritage.
- (3) Promotional Material as referred to in section (1) shall be based on clear, accurate, and complete information obtained from studies.

Article 54

- (1) Promotion may be conducted by every person, either individually or in cooperation with other parties.
- (2) Promotion which is conducted by the regional government or agency/municipal government shall be undertaken by agencies in charge of culture and tourism.

Article 55

Further provisions on the guidelines of Utilization as referred to in Articles 49 to 54 shall be prescribed by Gubernatorial Regulation.

CHAPTER V

MANAGEMENT OF CULTURAL HERITAGE

Part One

General

Article 56

- (1) Management of Cultural Heritage shall be conducted by relevant parties and require planning, execution, and supervision in accordance with the rate and type of the object of Cultural Heritage.
- (2) Management of Area of Cultural Heritage shall be conducted by a managing agency established by Regional Government and/or customary law communities.
- (3) Managing Agency as referred to in section (2) consists of elements from Regional Government, Regency/Municipal Government, business establishment, and society.
- (4) Further provisions on the establishment of the managing agency as referred to in section (2) shall be prescribed by Gubernatorial Regulation.

Part Two

Planning

Article 57

- (1) Maintenance of Cultural Heritage shall be conducted on the basis of Preservation Plan of Cultural Heritage.
- (2) Preservation Plan as referred to in section (1) shall be composed on the basis of a feasibility study.
- (3) Preservation Plan as referred to in section (1) covers:
 - a. Preservation Plan of Object of Cultural Heritage;
 - b. Detailed technical design for building and structure of Cultural Heritage; and
 - c. Preservation Master Plan of site and area of Cultural Heritage.
- (4) Detailed technical design as referred to in section (3) point b shall be submitted in the form of a proposal which contains:
 - a. background;
 - b. intents and purposes;
 - c. alteration plan;
 - d. execution plan;
 - e. supervision plan; and
 - f. for construction drawing.
- (5) Preservation Master Plan as referred to in section (3) point c shall at the least contain:
 - a. historical background of Cultural Heritage;
 - b. description of Cultural Heritage;
 - c. problem identification in short term, medium term, and long term;
 - d. intents and purposes of Preservation of Cultural Heritage;
 - e. study of Preservation of Cultural Heritage;
 - f. concept of Preservation of Cultural Heritage;
 - g. policy in short term, medium term, and long term;
 - h. execution strategy and program;
 - i. planning management; and
 - j. executory provisions.

Article 58

- (1) Preservation Master Plan as referred to in Article 57 section (5) shall be established by Regional Regulation.
- (2) Preservation Master Plan as referred to in section (1) shall serve as the guidelines for Regency/Municipal Government.

Part Three

Execution

Article 59

- (1) Every person who undertakes Management of Cultural Heritage is obligated to submit a progress report on the Management to the agency in charge of Cultural Heritage.
- (2) Further provisions on the execution report of Management of Cultural Heritage as referred to in section (1) shall be regulated by Gubernatorial Regulation.

Part Four

Supervision

Article 60

- (1) Supervision on the preservation of Cultural Heritage is conducted in a periodic manner by the agency in charge of Cultural Heritage through monitoring and evaluation.
- (2) Further provisions on the supervisory mechanism of the Management of Cultural Heritage as referred to in section (1) shall be regulated by Gubernatorial Regulation.

CHAPTER VI

CULTURAL HERITAGE OF LOCAL PROMINENCE

Part One

Imaginary Axis and Philosophical Axis

Article 61

- (1) Imaginary Axis means the incorporeal Cultural Heritage in the form of natural and man-made landscapes between the Indonesian Ocean, the Yogyakarta Palace, and Mount Merapi.
- (2) Philosophical Axis means the incorporeal Cultural Heritage in the form of a straight line between Tugu Pal Putih, the Yogyakarta Palace, and Panggung Krapyak.

- (3) The Imaginary Axis and Philosophical Axis as referred to in section (1) and section (2) are incorporeal Cultural Heritage which have established the specialness image of Yogyakarta, which shall be preserved.
- (4) Preservation of the Philosophical Axis as referred to in section (2) is undertaken by:
- provision of certain architectural nuances on the building facades along the main street between Tugu-Kraton-Panggungraja Krapyak;
 - provision of unblocked field of view of 45 (forty-five) degrees from the central point of the Philosophical Axis;
 - provision of toponym markers to kampongs along the vicinity of Tugu-Kraton-Panggungraja Krapyak;
 - planting of certain vegetations on both sides along the main street of Tugu-Kraton-Panggungraja Krapyak;
 - arrangement of areas of Cultural Heritage at Malioboro and Kraton.
- (5) Any person who occupies, holds, and/or owns a building along the Philosophical Axis referred to in section (2) is obligated to follow the provisions referred to in section (4) point a and point b.
- (6) The Philosophical Axis section (4) point b is stated in the Supplement, which is an indispensable part of this Regional Regulation.

Article 62

The Regional Government, the Regency Government of Bantul, and the Municipal Government of Yogyakarta are obligated to preserve the Philosophical Axis referred to in Article 61 section (4).

Part Two

Architecture with Local Cultural Nuances

Article 63

- (1) Architecture and city spatial plan with the prescribed cultural nuances shall serve as guidelines for technical policies in the creation of the specialness image of the Region.
- (2) Architecture and city spatial plan as referred to in section (1) shall reflect the image of self-identity, shapes, motifs, types, nuances, characteristics, spatial planning, structures, facades, and ornaments of the Buildings of Cultural Heritage in the Region.
- (3) Architecture and city spatial plan as referred to in section (1) comply with the principles of physical architecture with important values, which include:
- capable of improving the dignity of mankind;

- b. in harmony with society's life and cultural values;
 - c. in harmony with the surrounding environment; and
 - d. committed to the Preservation of Cultural Heritage already in existence.
- (4) Architecture and city spatial plan as referred to in section (1) shall the local specific architecture which exist in the Region.
- (5) Architecture and city spatial plan as referred to in section (1) at sites and areas of Cultural Heritage shall consider each site's and area's zoning, land use, building code, and shall comply with the provisions of Preservation of Cultural Heritage.

Article 64

- (1) Architecture of new buildings within the sites and areas of Cultural Heritage shall meet the following criteria:
- a. new buildings which lie in the core zone shall use the original sustainable design or an harmonic figure design;
 - b. new buildings which lie in a buffer zone shall at the least use an harmonic figure design;
 - c. new buildings which lie in a development zone shall use a partial harmonic figure design;
 - d. new buildings which lie in a support zone shall use a partial harmonic design.
- (2) New buildings outside an area of Cultural Heritage shall use a partial harmonic design.
- (3) Guidelines for new building architecture in areas of Cultural Heritage are determined as follows:
- a. area of Cultural Heritage Malioboro shall use the Indische and Chinese architectural styles;
 - b. area of Cultural Heritage Kraton shall use the traditional Javanese and Indische architectural styles;
 - c. area of Cultural Heritage Pakualaman shall use the Javanese and Indische architectural styles;
 - d. area of Cultural Heritage Kotabaru shall use the Indische and Colonial architectural styles;
 - e. are of Cultural Heritage Kotagede shall use the traditionl and classic Javanese styles;
 - f. area of Cultural Heritage Imogiri shall use the traditional and classic Javanese styles.
- (4) Architecture of new buildings with cultural nuances shall be undertaken with specific building forms or shapes, ornamental details, coloration, spatial plan and building plan, placement of open spaces, as well as vegetation.
- (5) Further provisions on the guidelines of architecturefor new buildings with cultural nuances as referred to in section (1) and section (3) are regulated by Gubernatorial Regulation.

CHAPTER VII

PERMITS

Article 65

- (1) Any person who conducts renovation of Cultural Heritage requires a permit from Regional Government or Regency/Municipal Government in accordance with authorities.
- (2) Any person may conduct Development of Cultural Heritage after obtaining:
 - a. permit from Regional Government or Regency/Municipal Government; and
 - b. permit from the owner and/or holder of the Cultural Heritage.
- (3) Any person who violates the provisions of permits as referred to in section (1) and section (2) point a and point b are subjected to criminal sanctions and/or administrative sanctions.
- (4) Administrative sanctions as referred to in section (3) shall be in accordance with laws and regulations.
- (5) Further provisions on permits as referred to in section (1) and section (2) are regulated by Gubernatorial Regulation.

CHAPTER VIII

AWARD

Article 66

- (1) Any person owns and/or holds Cultural Heritage and Registered Cultural Heritage and voluntarily undertakes Preservation in a manner that is consistent and sustainable and that follows the principles of Preservation of Cultural Heritage and Registered Cultural Heritage is entitled to an award from Regional Government or Regency/Municipal Government.
- (2) Award of Cultural Heritage and Registered Cultural Heritage as referred to in section (1) shall be in the form of incentive and compensation.
- (3) Receiver of award of Cultural Heritage and Registered Cultural Heritage shall comply with the provisions determined by Regional Government or Regency/Municipal Government as stated in the rights and obligations of award receiver.
- (4) Any person owns and/or holds Cultural Heritage which has been established by Regional Government or Regency/Municipal Government and for some reason has to convey it to

Regional Government or Regency/Municipal Government is entitled to a recompense in accordance with laws and regulations.

- (5) Regional Government or Regency/Municipal Government in accordance with authorities may revoke and repossess the award that has been granted to any person.
- (6) Further provisions on the criteria, mechanism, assessment and determination procedures, as well as revocation of award are regulated by Gubernatorial Regulation.

CHAPTER IX

COMMUNITY PARTICIPATION

Article 67

- (1) Communities may participate in the Preservation of Cultural Heritage and Registered Cultural Heritage.
- (2) Community participation in the Preservation of Cultural Heritage and Registered Cultural Heritage as referred to in section (1) includes:
 - a. aiding the Protection, Development and Utilization of Cultural Heritage and Registered Cultural Heritage;
 - b. giving financial support that is legal and non-binding to the Preservation of Cultural Heritage and Registered Cultural Heritage;
 - c. conducting a temporary Safeguarding on Cultural Heritage and Registered Cultural Heritage in times of emergency and certain situations;
 - d. conducting a advocacy, publication, and socialization on efforts of Preservation of Cultural Heritage and Registered Cultural Heritage with Regional Government or Regency/Municipal Government;
 - e. providing inputs in the establishment of boundary for site and area of Cultural Heritage to the Regional Government or Regency/Municipal Government;
 - f. report to the agency in charge of Cultural Heritage in the event that Cultural Heritage and Registered Cultural Heritage is harmed, destroyed, or lost.
 - g. reporting the finding of an object that is presumably of Cultural Heritage to the agency in charge of Cultural
 - h. applying the presumed object of Cultural Heritage for registration; and
 - i. conducting surveillance on the Preservation of Cultural Heritage.

Article 68

- (1) Investigation into violations in the Preservation of Cultural Heritage may be conducted by investigators from the State Police of Republic Indonesia, or Civil Servant Investigator

with duties and responsibilities in the surveillance of Cultural Heritage and with special authorization to conduct an investigation.

(2) Investigator as referred to in section (1) has the powers to:

- a. receive report or claim from any person about the occurrence of a criminal act on Cultural Heritage;
- b. take preliminary measures at the crime scene;
- c. stop a suspect and check the person's ID;
- d. conduct a search and confiscate evidence of crime on Cultural Heritage;
- e. take fingerprints and photograph a suspect;
- f. call for and examine a suspect and/or witness;
- g. invite an expert who is needed for the probe;
- h. write and sign a record of investigation;
- i. end an investigation in the event that there is insufficient evidence of crime on Cultural Heritage.

(3) Investigator as referred to in section (1) in carrying out his duties shall be under the coordination and supervision of investigator from the State Police of Republic Indonesia.

CHAPTER XI

CRIMINAL PROVISIONS

Article 70

- (1) Any person who does not follow the guidelines of preservation of Philosophical Axis as referred to in Article 61 section (5) shall be taken to court with a threat of punishment of maximum 6 (six) months of imprisonment or a fine of not exceeding Rp.50.000.000,00 (fifty million rupiahs).
- (2) Any person who conducts Renovation and Development without permit from Regional Government or Regency/Municipal Government as referred to in Article 65 shall be taken to court with a threat of punishment of maximum 6 (six) years of imprisonment or a fine of not exceeding Rp.50.000.000,00 (fifty million rupiahs).
- (3) The criminal offense as referred to in section (1) and section (2) is violation.

CHAPTER XII

TRANSITIONAL PROVISIONS

Article 71

- (1) Cultural Heritage which has been established on the basis of Regional Regulation Number 11 of 2005 on the Management of Areas of Cultural Heritage and Registered Cultural Heritage shall meet the requirements of this Regional Regulation within not more than 2 (two) years after promulgation.
- (2) Council of Cultural Heritage shall undertake the duties and functions of Expert Team of Cultural Heritage until the establishment of Expert Team of Cultural Heritage.
- (3) The architectural nuances, building facades, angle of view, toponyms, vegetation types, and spatial arrangement which have not met the requirements referred to in Article 61 section (4) shall be adjusted to the provisions of preservation within not more than 2 (two) years after the promulgation of this Regional Regulation.

CHAPTER XIII

CONCLUDING PROVISIONS

Article 72

At the time the Regional Regulation is in effect, Regional Regulation Number 11 of 2005 the Management of Areas of Cultural Heritage and Registered Cultural Heritage (Regional Gazette of 2006 Number 6 Series E) is revoked and declared no longer in effect.

Article 73

This Regional Regulation is in effect as of the date of its promulgation.

In order that the public is informed, it is instructed that the promulgation of this Regional Regulation be entered into the Regional Gazette of the Province of Yogyakarta Special Region.

Issued in Yogyakarta

on 12 July 2012

GOVERNOR

YOGYAKARTA SPECIAL REGION

(signed)

Promulgated in Yogyakarta

on 12 July 2012

REGIONAL SECRETARY

PROVINCE OF YOGYAKARTA SPECIAL REGION

(signed)

ICHSANURI

REGIONAL GAZETTE OF THE PROVINCE OF YOGYAKARTA SPECIAL REGION OF 2012 NUMBER
6

True copy of the original

CHIEF OF LAW BUREAU

(signed)

DEWO ISNU BROTO I.S.

NIP 19640714 199102 1 001

ELUCIDATION
ON
REGIONAL REGULATION OF THE PROVINCE YOGYAKARTA SPECIAL REGION
NUMBER 6 OF 2012
ON
PRESERVATION OF CULTURAL HERITAGE AND REGISTERED CULTURAL HERITAGE

I. GENERAL

Yogyakarta Special Region has an entity or governance that is characterized by cultural basis, in addition to a local identity in the form of religious values, spiritual values, philosophical values, aesthetic values, struggle values, historic values, and cultural values that manifest the specialness of Yogyakarta that they shall be preserved.

The existence of Cultural Heritage and Registered Cultural Heritage in Yogyakarta Special Region represents a cultural richness which contains values of local wisdom which are important as a basis for the development of character, the formation of self-identity, and the reinforcement of socio-cultural endurance for the people of Yogyakarta Special Region that all parties shall be responsible for their preservation. In time, many problems have arisen in the efforts to conduct preservation. At present the conditions of Cultural Heritage and Registered Cultural Heritage in Yogyakarta Special Region have given cause for concern because of the following reasons:

1. the demands for rapid economic development have led to the alteration of many buildings of Cultural Heritage that they no longer display their original forms;
2. society is not strongly disposed to participate in the Preservation of Cultural Heritage;
3. theft and abuse to objects of Cultural Heritage are on the rise.

These problems could not be resolved with the enforcement of Regional Regulation Number 11 of 2005 on the Management of Areas of Cultural Heritage and Registered Cultural Heritage.

Act Number 11 of 2010 on Cultural Heritage has been enacted to solve the problems of Management and Preservation of Cultural Heritage in a general manner, but the problems that have appeared in Yogyakarta Special Region need to be handled with a regulation that carries a local content. This Regional Regulation not only covers objects of Cultural Heritage, but also buildings, structures, sites, as well as areas of Cultural Heritage. This Regional Regulation is formulated with the intent to harmonize and facilitate the execution of laws and regulations on Cultural Heritage. Therefore with the promulgation of Act Number 11 of 2010 on Cultural Heritage, provisions in the Regional Regulation Number 11 of 2005 on the Management of Areas of Cultural

Heritage and Artifacts of Cultural Heritage are no longer necessary and need to be replaced.

II ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Section (1)

Sufficiently clear.

Section (2)

Point a

“Nilai penting Cagar Budaya” means something that is regarded as important, valuable, given first priority, in connection with history, knowledge, education, religion, and culture.

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

“Professional associations” mean workers in the field of Preservation and Management of Cultural Heritage.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

“The authorities” include agencies in charge of culture in the Regional Government, agencies in charge of culture in Regency/Municipal Government, and the Police.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Section (1)

Point a

Sufficiently clear.

Point b

“The image of the Area of Cultural Heritage” means that Cultural Heritage becomes an important element in the reinforcement of the area’s identity.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Carrying capacity means the ability of the site of Cultural Heritage to sustain dead load or mobile load.

Space capacity means the ability of the site of Cultural Heritage to accomodate activities.

Point d

Sufficiently clear.

Article 31

Point a

“Langgam arsitektur” means architectural characteristics, types, varieties, and styles.

Elements that articulate the image of the area are building facades, forms, materials, Building Basic Coefficients, and elevation.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Number 1

Sufficiently clear.

Number 2

Sufficiently clear.

Number 3

Sufficiently clear.

Number 4

Skyline means the imaginary lines in the horizon that connect the heights of buildings.

Number 5

Street/outdoor furniture means the components that supplement a street in connection with the needs of street users. Examples: traffic signs, park benches, trash bins, street lamps, pergolas, bus stops.

Number 6

Sufficiently clear.

Number 7

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Original features mean the character that the site or area has.

Cultural landscape means the expanse of man-made area that reflect the utilization of the site or area in the past.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Times of emergency or exigency mean situations that threaten the continuance of the cultural heritage, such as earthquakes, floods, fires, riots, neglect, or the threat of uncontrolled development.

Article 35

Section (1)

Buffer space means empty space outside the boundary of Cultural Heritage intended to protect the Cultural Heritage.

Section (2)

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Section (1)

Intensive categories mean features and characteristics of spatial elements (of buildings, landscapes, utilization) that are directly connected with the features and characteristics of Cultural Heritage.

Extensive categories mean features and characteristics of spatial elements which are not directly connected with the features and characteristics of Cultural Heritage but have an important impact upon these.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Section (1)

Reconstruction means the efforts to return buildings of Cultural Heritage and structures of Cultural Heritage to their original conditions by prioritizing originality of materials, workmanship,

layout, including the use of new materials in place of the original materials.

Consolidation means improvement to buildings of Cultural Heritage and structures of Cultural Heritage with the aim to reinforce construction and prevent further deterioration.

Rehabilitation means improvement to buildings of Cultural Heritage and structures of Cultural Heritage in which activities are focused on partial handling.

Restoration means a series of efforts intended to recover the original form of the buildings of Cultural Heritage and structures of cultural in ways that can be scientifically accounted for.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Section (1)

Point a

Sufficiently clear.

Point b

Cultural landscape means the spatial corridors that have philosophical, historical, and physical uniqueness that distinguish the special cultural characteristic of an area, such as the corridor of philosophical axis Tugu-Kraton-Panggun Krapyak.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 47

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Improve the life-quality of society here means a multiplier effect for society in the form of economic benefits and cultural benefits.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Section (1)

Sufficiently clear.

Section (2)

Customary law communities here mean communities who inhabit specific geographical regions, who have in-group feelings, customary governance, customary properties, and customary laws. Example: Kraton Yogyakarta has its own rules and customs.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Section (1)

Monitoring here means scrutinizing planning, conducting field surveillance on the conditions of Cultural Heritage, accepting reports and/or claims from the public.

Section (2)

Sufficiently clear.

Article 61

Section (1)

The extent of “saujana” is as far as the eye can see.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Section (1)

Sufficiently clear.

Section (2)

Incentive and compensation can be in the form of certificate of appreciation, award, placard, trophy, provision of technical support, provision of expert counsel, renovation financing for buildings, equity capital to area developers, financial support in times of emergency, purchase of Cultural Heritage by the regional government, exemption/reduction/subsidy in land and building tax, provision of training to communities, reduction/subsidy in electricity or telephone or water bills, provision of sponsors for the Promotion of Cultural Heritage, subsidies for maintenance costs.

Section (3)

Sufficiently clear.

Section (4)

Sebab tertentu

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

SUPPLEMENT TO REGIONAL GAZETTE PROVINCE OF YOGYAKARTA SPECIAL REGION OF
2012 NUMBER 6

ENCLOSURE

REGIONAL REGULATION OF THE PROVINCE OF YOGYAKARTA SPECIAL REGION

NUMBER 6 OF 2012

ON THE PRESERVATION OF CULTURAL HERITAGE AND REGISTERED CULTURAL HERITAGE

A. PHILOSOPHICAL AXIS AND IMAGINARY AXIS

B. MIDPOINT OF IMAGINARY LINES

Elucidation on Enclosure A

In terms of spatial plan, Yogyakarta Special Region was organized in a special manner by Sri Sultan Hamengku Buwono I with a grand and meaningful concept which was visualized in the Cultural Heritage that covered Mount Merapi-Kraton-South Sea (Indonesian Ocean). This Cultural Heritage evoked an Imaginary Axis which represented the concepts of Tri Hita Karana and Tri Angga (*Parahyangan-Pawongan-Palemahan* or Upstream-Middle-Downstream and the values of Dignified-Modest-Humble).

Philosophically this imaginary axis symbolizes the harmony and balance between man and God (*hablun min Allah*), and and man (*hablun min Annas*), man and nature with its five constituents, namely fire (*dahana*) from Mount Merapi, land (*bantala*) of the Yogyakarta region, water (*tirta*) from the South Sea, wind (*maruta*) and sky (ether).

Within this Tri Hita Karana concept, the philosophy of th imaginary axis signifies three elements which constitute life, namely physique, force, and spirit. Sri Sultan Hamengku Buwono I modified this Hinduistic concept of cosmogony into a Javanese Islamic concept of *Manunggaling Kawula Gusti (Jagad Gedhe and Jagad Cilik, or Macro Cosmos and Micro Cosmos)*.

The Philosophical Axis concept of Kraton Yogyakarta is manifested in Tugu Golong Gilig/Pal Putih-Kraton-Pangung Krapyak. Tugu Golong Gilig and Pangung Krapyak symbolizes Lingga and Yoni which in turn symbolize fertility. Sri Sultan Hamngku Buwono I modified this Hindustic concept into the Javanese concept of Sangkan Paraning Dumadi (Origin and Destination of Being).

The peak of Tugu Golong Gilig is globular (*golong*), while the base is cylindrical (*gilig*). Its color is white, thus it is also called Pal Putih (White Obelisk). Tugu Golong Gilig symbolizes the Sultan's life journey, which is based on sincerity in worshipping God the Almighty, with a singular determination to pursue the people's welfare (*golong gilig*) on th basis of a holy (white) conscience. That is why Tugu Golong Gilig lies in the straight direction of the Sultan's eye view whern he is meditating in Bangsal Manguntur Tangkil at North Sitihiinggil. Philosophically the line between Pangung Krapyak to the north signifies the journey of mankind from birth to adulthood, time of marriage and of producing offsprings.

The line from Tugu Golong Gilig to the south symbolizes man's journey back to the Creator. Tugu Golong Gilig signifies the unity of mind, feeling, and will to proceed to the Creator with a holy heart.

The specialness of setting of Yogyakarta Special Region lies in the fact that the Yogyakarta Palace lies within a sanctuary area bounded by 6 (six) rivers that run symmetrically, namely River Code, River Gajah Wong, and River Opak on the eastern side, and River Winongo, River Bedhog, and River Progo on the western side, as well as by Mount Merapi at the north and the South Sea at the south.