

# I . Safeguarding system & policy

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## 1. National Law

### A. Definition of intangible cultural heritage

Indonesia has ratified the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. Accordingly, Indonesia has accepted the definition of Intangible Cultural Heritage mentioned in the Convention, namely: “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity...consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development”.

### B. Title of law

- Article 32 of the 1945 Constitution, which states that the State shall advance Indonesia’s national culture amongst world civilization, guaranteeing freedom of the community to maintain and develop their cultural values;
- Act No. 5 of the year 1992 concerning the Cultural Property;
- Presidential Regulation of the Republic Indonesia No. 78 of the year 2007 concerning Acceptance of the Convention for the Safeguarding of the Intangible Cultural Heritage;
- Memorandum of Understanding between the Department of Culture and Tourism and the Department of Justice and Human Rights No.

PKS.46/KS.001/MKP/07 and No. M-12.UM.06.07 concerning Safeguarding, Development and Utilization of Intellectual Property of Traditional Cultural Expressions of the Indonesian Nationals; and

- Joint Ministers' Declaration of the Ministry of Home Affairs and the Ministry of Culture and Tourism No. 42 and No. 40 of the year 2009 concerning Guidelines on the Safeguarding of Culture.

#### C. Section/Division in charge

- Coordinating Ministry for People's Welfare (Fokal Point)
  - Deputy Minister for Coordination in the Fields of Culture, Tourism, Youth and Sports, Assistant Deputy for Cultural Affairs
- Ministry of Foreign Affairs
  - Directorate General for Multilateral Affairs
  - Directorate for Social and Cultural Affairs and International Organizations for Developing Countries
- Ministry of Culture and Tourism
  - Directorate General for Cultural Values, Arts and Film
  - Directorate of Traditions
  - Directorate of Arts
  - Direktorat for Belief in the One Supreme God
  - Technical Executive Units, Offices for Safeguarding of History and Traditional Values
  - Directorate Jeneral for History and Archeology
  - Directorate for Historical Values
  - Resources Development Board for Culture and Tourism
  - Centre for Research and Development of Culture

#### D. Amendments

There has been no amendment on these regulations yet.

#### E. Particular article(s) related to ICH

In general, it can be said that there has been no regulation yet directly mentioning the term intangible cultural heritage. Up to now, all of the regulations abovementioned implicitly categorize the intangible cultural heritage under terms of "cultural property", "culture", or "traditional cultural expressions". However, there is a notion to establish a specific regulatory measure on intangible cultural heritage. A research activity concerning this issue is under consideration.

F. Responsible organization/department

- Directorate General of Cultural Values, Arts and Film
- Directorate General of History and Archaeology
- Resources Development Board for Culture and Tourism
- Centre for Research and Development of Culture

G. Contact details

- Please note. We have given below the contact details for the main departments responsible for technical matters related to intangible cultural heritage.

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2) DIRECTOR GENERAL OF HISTORY AND ARCHEOLOGY, MINISTRY OF  
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3) RESOURCES DEVELOPMENT BOARD FOR CULTURE AND TOURISM

- Name: Deputy Minister Dr. Ir. I Gde Pitana, M.Sc
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4) Centre for Research and Development of Culture

- Name : Director, Drs. Harry Waluyo, M.Hum
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5) Information sources

- Position: Directorate General for Cultural Values, Arts and Film
- Name : Basuki Antariksa, SH (Researcher)
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Drs. Harry Waluyo (see contact information above).

## 2. Cultural Policy

### Policy for Development in the Field of Culture (2004-2009)

#### A. Purpose

The direction of policy in development of national culture for 2005 – 2009 is as follows.

- To push the creation of a conducive climate for development of culture.
- To increase effectiveness in the government's role as regulator and facilitator in development of culture.
- To solidify collaboration both locally and overseas in the field of culture.
- To solidify management of development of culture.

#### B. Duration: 2004 – 2009

#### C. Relevant projects

Please provide as much detailed information as possible

Note: All of the following programmes are executed by the Ministry of Culture and Tourism and its various sections and technical execution units all over Indonesia. These programmes in some cases may involve other ministries and local government, and of course the communities concerned. The beneficiaries are the people of Indonesia, and specifically communities of intangible cultural heritage.

#### 1) PROGRAMME FOR DEVELOPMENT OF CULTURE

The objective of this programme is to increase understanding and appreciation of the people of Indonesia regarding cultural values which have developed in all districts, as a basis for culture-conscious development to be carried out among others through the following basic activities:

- Increase of development of character and humanitarian action of the nation
- Increase in safeguarding of traditions
- Development of customs and traditions of communities
- Execution of policies of development of cultural values in all parts of Indonesia
- Support for development of local cultural values

- Execution of coordination, technical and administrative service for development of cultural values.

## 2) PROGRAM OF MANAGEMENT OF CULTURAL DIVERSITY

This programme is mainly aimed at increasing the participation and appreciation of the public in the field of safeguarding, development and utilization of arts and film through the following basic activities:

- Development and Conservation of the Arts
- Development of Film
- Development of the National Gallery
- Support for the holding of local festivals/cultural events  
Pendukung
- Support for the development of diversity of local culture
- Execution of coordination, technical and administrative services for management of cultural diversity.

## Policy Direction of Development of Culture (2010-2014)

### A. Purpose

In order to carry out the policy direction of Increasing Awareness and Understanding of Identity and Character of Our Nation, the following strategy will be carried out:

- Increasing internalization of cultural values which support development of character and humanitarian action of our nation
- Increase of revitalization and reactualization of cultural values
- Increase of empowerment of communities of traditional customs
- Increase in internalization of history and national awareness.

### B. Duration: 2010-2014

### C. Relevant projects

#### 1) INCREASING PUBLIC AWARENESS OF DIVERSITY AND CREATIVITY OF CULTURAL VALUES, ARTS AND FILM

In order to carry out the policy direction of Increasing Public Awareness of Diversity and Creativity of Cultural Values, Arts and Film, the following strategy will be carried out:

- Increasing facilities for development, deep study and performance of arts and culture in big cities and district capitals
- Increasing attention and participation of the government in programmes of art and culture initiated by communities, and pushing the development of appreciation of pluralism of culture
- Increase of appreciation of works of art, culture and film
- Increase of creativity and productivity of the practitioners of arts, culture and film
- Increase in the quality of management of the National Gallery
- Increase in the quality and quantity of services of the Film Sensor Institute
- Increase in utilization of the results of research into traditional history.

Intangible cultural heritage may be said as economically less feasible to be seriously managed in a developing country for there are enormous problems that must be overcome in a short term period, such as poverty, physical infrastructure, health problems etc. Nevertheless, for the long term interests, and particularly to ensure a sustainable development goal, a priority should be put on the preservation and promotion of intangible cultural heritage. There may be two effective means to achieve this objective. First, school curriculum should add more space for intangible cultural heritage education. It will enable people to absorb the importance of their cultural values since early ages. A research has shown that the highest level of capacity to absorb values of a person is up to 10 years old. It means that cultural education is a critical issue in elementary school. Second, a rather costly but also very important is to encourage a development of “cultural funds” that would stimulate people to learn or develop intangible cultural heritage and to provide a reward for maestros or “living human treasures” to preserve, promote and develop intangible cultural heritage. Sources of the funds could be shared by companies through CSR (Corporate Social Responsibility) mechanism or government budget.