
Law Number 11 of 2010 on Cultural Properties
Illicit Traffic of Cultural Property

Focus on tangible aspects

(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

(b) Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;

(c) Products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;

(d) Elements of artistic or historical monuments or archaeological sites which have been dismembered;

(e) Antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;

(f) Objects of ethnological interest;
(a) property of artistic interest, such as:
  • pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
  • original works of statuary art and sculpture in any material;
  • original engravings, prints and lithographs;
  • original artistic assemblages and montages in any material;
(h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
(i) postage, revenue and similar stamps, singly or in collections;
(j) archives, including sound, photographic and cinematographic archives;
(k) articles of furniture more than one hundred years old and old musical instruments.
Article 7

The States Parties to this Convention undertake:

a) to take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned. Whenever possible, to inform a State of origin Party to this Convention of an offer of such cultural property illegally removed from that State after the entry into force of this Convention in both States;

b) (i) to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force of this Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;

(ii) at the request of the State Party of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no customs duties or other charges upon cultural property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.
CULTURAL PROPERTIES

The Definition

Article 1 (1) –

Cultural Property shall mean the Cultural Heritage that is immaterial in nature in form of Cultural Property Object, Cultural Property Building, Cultural Property Structure, Cultural Property Site and Cultural Property Area 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.
Article 5 –

The Object, Building, or Structure can be proposed as the Cultural Property Object, Cultural Property Building, or Cultural Property 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.
Cultural Property Object

The Definition

Article 1 (2) –
Cultural Property 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.
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<td>Court’s judgment</td>
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Article 13 –

The Cultural Property Area can only be owned and/or controlled by the State.

Article 68 –

Cultural Property, 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.
How about/with the findings that not yet stipulated as Cultural Properties?

**Article 31 (1)** - Feasibility study carried out by The Cultural Property Expert Team

**Article 31 (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 Properties.

**Article 24** – The result of discovery shall be registered and deliver for a study by The State

The Object will then be stipulated by The State, after fulfilling all criteria.
TRADE of Cultural Properties

- The Removal of Object location
- Taken out from the territory of the Republic of Indonesia

**Article 67 (1)** – No one shall be allowed to remove the Cultural Property 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.

**Article 68 (1)** – Cultural Property, 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.

**Article 14 (2)** – The Foreigner and/or foreign legal entity as referred to in paragraph (1) shall not carry the Cultural Property, entirely or partly, exit from the territory of the Republic of Indonesia.
Registration and Documentation

Article 29 (1) - Every person having and/or controlling the Cultural Property shall register the same to the Regency/municipal Governments free of charge.

Article 31 (1) –
The registration result delivered to the Expert Team for a feasibility study as Cultural Property or Not Cultural Property.

Article 29 (5) –
The registration result as referred to in paragraphs (1), (2), (3), and (4) shall be equipped with its description and documentation.

Article 37 (2) - The object, building, structure, location, and geographical space unit already stipulated as Cultural Property shall be recorded in the Register of National Cultural Property.
The Returning of Cultural Property

Law Number 11 of 2010

**Article 20** - The returning of Cultural Property 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 Property or Object, Building, Structure, Location, or Geographical space unit presumed as Cultural Property sequestrated by the enforcer.
DALAM NEGERI CONVENTION 1970

IMPORTIR

LAW NO. 11/2010
CIVIL LAW

ESKPORTIR
Article 8

The States Parties to this Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under Articles 6(b) and 7(b) above.

Article 1 (35) - Every person shall mean individual, group of people, community, business entity with legal entity, and/or business entity without legal entity.

Note: execution of the sentence and imposed administrative sanctions according to laws and regulations applicable in the respective countries
SANCTIONS

Article 106

(1) Anyone stealing the Cultural Property 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 Property 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 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 Property 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).
Thank You