

REGULATION OF THE SPECIAL REGION OF YOGYAKARTA
NUMBER 3 OF 2017
ON
CULTURAL PRESERVATION AND DEVELOPMENT

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF THE SPECIAL REGION OF YOGYAKARTA,

Considering : that in order to implement the provisions of Article 31 section (2) of Law Number 13 of 2012 on Privileges of the Special Region of Yogyakarta, it is necessary to establish a Special Regional Regulation on Cultural Preservation and Development;

Observing:

1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 3 of 1950 on Establishment of the Special Region of Jogjakarta (State Gazette of the Republic of Indonesia Number 3 of 1950) as last amended by Law Number 9 of 1955 on Amendment to Law Number 3 in conjunction with Law Number 19 of 1950 on Establishment of the Special Region of Jogjakarta (State Gazette of the Republic of Indonesia Number 43 of 1955, Supplement to the State Gazette of the Republic of Indonesia Number 827);
3. Law Number 13 of 2012 on Privileges of the Special Region of Yogyakarta (State Gazette of the Republic of Indonesia Number 170 of 2012, Supplement to State Gazette of the Republic of Indonesia Number 5339);
4. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia Number 244 of 2014,

5. Supplement to the State Gazette of the Republic of Indonesia Number 5587) as last amended by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia Number 58 of 2015, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
6. Law Number 5 of 2017 on Advancement of Culture (State Gazette of the Republic of Indonesia Number 104 of 2017, Supplement to the State Gazette of the Republic of Indonesia Number 6055);
7. Government Regulation Number 31 of 1950 on Enforcement of Law Number 2 of 1950 on Establishment of the Province of East Java, Law Number 3 of 1950 on Establishment of the Special Region of Jogjakarta, Law Number 10 of 1950 on Establishment of the Province of Central Java, and Law Number 11 of 1950 on Establishment of the Province of West Java (State Gazette of the Republic of Indonesia of 1950 Number 58);
8. Regulation of the Special Region of Yogyakarta Number 1 of 2013 on Procedures for Regional Regulation Making of the Special Region of Yogyakarta (Regional Gazette of the Special Region of Yogyakarta Number 1 of 2013, Supplement to Regional Gazette of the Special Region of Yogyakarta Number 1) as amended by Regulation of the Special Region of Yogyakarta Number 2 of 2015 on Amendment to Regulation of the Special Region of Yogyakarta Number 1 of 2013 on Procedures for Regional Regulation Making of the Special Region of Yogyakarta (Regional Gazette of the Special Region of Yogyakarta Number 2 of 2015, Supplement to the Regional Gazette of the Special Region of Yogyakarta Number 2);
9. Regulation of the Special Region of Yogyakarta Number 1 of 2013 on Authority in the Special Affairs of the Special Region of Yogyakarta (Regional Gazette of the Special Region of Yogyakarta Number 9 of 2013, Supplement to the Gazette of the Special Region of Yogyakarta Number 9), as amended by the Regional Regulation of the Special Region

of Yogyakarta Number 1 of 2015 on Amendments to Special Regulation of the Special Region of Yogyakarta Number 1 of 2013 on Authority in Special Affairs of the Special Region of Yogyakarta (Regional Gazette of the Special Region of Yogyakarta Year 2015 Number 3, Supplement to the Regional Gazette of the Special Region of Yogyakarta Number 3);

With the joint approval of
THE REGIONAL HOUSE OF REPRESENTATIVES OF THE SPECIAL REGION
OF YOGYAKARTA
THE GOVERNOR OF SPECIAL REGION OF YOGYAKARTA

HAS DECIDED:

To issue: REGULATION OF THE SPECIAL REGION OF YOGYAKARTA ON
CULTURAL PRESERVATION AND DEVELOPMENT.

CHAPTER 1
GENERAL PROVISIONS

Article 1

In this Special Regional Regulation:

1. Culture means anything related to creativity, taste, initiative, and works resulted from a learning process that is rooted in the people of the Special Region of Yogyakarta.
2. Cultural objects mean the result of creativity, taste, initiative, and the works of the people of the Special Region of Yogyakarta.
3. Cultural Preservation means an effort to preserve Cultural Objects in the cultural system of the people of the Special Region of Yogyakarta.
4. Cultural Development means an effort to give new meanings and functions to Cultural Objects to suit the demands of nature and the times in order to improve the quality of life of the present and future.
5. Cultural Protection means an effort to provide a clear legal status and/or to take actions to save, secure, and maintain to prevent any damage, destruction, or extinction of

Cultural Objects.

6. Reinforcement means providing support and facilities for the Preservation and Development of Cultural Objects.
7. Utilization means an effort to utilize Cultural Objects for certain interests aimed at realizing the welfare of the people while maintaining their sustainability.
8. Guidance means an effort to empower cultural human resources, cultural institutions, and cultural institutions in increasing and expanding the active role and initiatives of the community.
9. The General Framework for Cultural Preservation and Development Policy means a document that contains the main ideas and strategies of regional culture to realize the cultural goals of the Special Region of Yogyakarta.
10. The Master Plan for the Cultural Preservation and Development means a document that serves as a guideline for the implementation of the General Framework for the Policy of Cultural Preservation and Development for the Local Government and regency/municipal governments as well as village/kelurahan governments in implementing Cultural Preservation and Development.
11. Every Person means any individual, group of people, community organization, and/or business entity in the form of a legal entity or a non-legal entity.
12. Central Government, hereinafter referred to as the Government, means the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
13. Special Region of Yogyakarta, hereinafter abbreviated as DIY, means a provincial area that has privileges in administering government affairs within the framework of the Unitary State of the Republic of Indonesia.
14. DIY Local Government, hereinafter referred to as Local Government, means an element of government administration consisting of the Governor of DIY and regional apparatus.

15. Sultanate of Ngayogyakarta Hadiningrat, hereinafter referred to as Sultanate, means the nation's cultural heritage that has been passed down from generation to generation and led by Ngarsa Dalem Sampeyan Dalem Inkgang Sinuwun Kanjeng Sultan Hamengku Buwono Senapati Ing Ngalaga Ngabdurrakhman Sayidin Panatagama Kalifatullah, hereinafter referred to as Sultan Hamengku Buwono.
16. Duchy of Pakualaman, hereinafter referred to as Duchy, means the nation's cultural heritage which has been passed down from generation to generation and is led by Kanjeng Gusti Pangeran Adipati Arya Paku Alam, hereinafter referred to as Adipati Paku Alam.
17. Regency/Municipal Government means the Regents of Sleman, Bantul, Gunungkidul, and Kulon Progo, and Mayor Yogyakarta City along with their Regional Apparatus as elements of Local Government administration.
18. Village Government or other designations, hereinafter referred to as Village Government, means Village Heads and Village Apparatuses or other designations as elements of village administration.
19. Cultural Village/Kelurahan or other designations means a village/kelurahan that maintains and develops the Cultural Objects that it owns, including cultural values, knowledge and technology, language, customs, noble traditions, objects, and art.

Article 2

Arrangements for Cultural Preservation and Development are carried out based on the following principles:

- a. openness to other cultures;
- b. ability to cultivate culture;
- c. dialogical awareness;
- d. strong personality;
- e. continuity; and
- f. independent cultural unity.

Article 3

Cultural Preservation and Development Arrangements are aimed at:

- a. strengthening the character and identity of the community;
- b. realizing the preservation of cultural values of DIY in the life of the community, institutions, and government;
- c. developing DIY culture to increase cultural resilience and contribution of DIY culture in the midst of world civilization;
- d. realizing equal access to cultural activities and increasing appreciation of arts and creativity in cultural works; and
- e. improving community welfare.

Article 4

The scope of regulation in this Special Regional Regulation includes:

- a. cultural Objects;
- b. planning;
- c. preservation;
- d. development;
- e. management;
- f. duties and authorities;
- g. appreciation;
- h. roles and responsibilities of the Sultanate and the Duchy;
and
- i. community roles and responsibilities.

CHAPTER II

CULTURAL OBJECTS

Article 5

- (1) Cultural Objects include:
 - a. cultural values;
 - b. knowledge and technology;
 - c. language;
 - d. custom;
 - e. noble tradition;
 - f. articles; and
 - g. art.

- (2) Cultural objects as referred to in section (1) originate from the Sultanate, the Duchy, and the community.

Article 6

- (1) Cultural values as referred to in Article 5 section (1) point a include cultural values and norms.
- (2) Knowledge and technology as referred to in Article 5 section (1) point b has the following types:
 - a. folk games;
 - b. sports;
 - c. traditional calendar;
 - d. weapons;
 - e. art tools;
 - f. clothing and make-ups;
 - g. fabric;
 - h. culinary;
 - i. herbs;
 - j. agriculture;
 - k. irrigation system;
 - l. economic system;
 - m. architecture;
 - n. means of transportation; and
 - o. wisdom about nature.
- (3) The language as referred to in Article 5 section (1) point c has types, including oral traditions, oral expressions, and manuscripts.
- (4) The custom as referred to in Article 5 section (1) point d have the following types:
 - a. environmental governance;
 - b. dispute resolution procedures;
 - c. rituals; and
 - d. traditional ceremonies, that exist and develop in the DIY community.
- (5) The Noble Traditions as referred to in Article 5 section (1) point e originating from the Sultanate and the Duchy include:
 - a. the philosophical values of *hamemayu*

- hayuningbawana* (beautify the beauty of the world), *sangkan paraning dumadi* (knowledge of where a man came from and where he will return), *manunggaling kawula gusti* (the union of the leader with the people);
- b. *pawukon* (a traditional calculation system that is popular in agrarian societies based on the traditional Javanese calendar system);
 - c. *batik* motifs;
 - d. *grebeg*, *labuhan*, and *sekaten* ceremonies;
 - e. *joglo* and *limasan* architecture; and
 - f. *serimpi* dance and *macapat* songs.
- (6) The articles as referred to in Article 5 section (1) point f have the following types:
- a. articles categorized as tangible and intangible cultural heritage; and
 - b. articles not categorized as tangible and intangible cultural heritage yet having cultural values.
- (7) Art as referred to in Article 5 section (1) point g has the following types:
- a. performing arts;
 - b. fine arts;
 - c. literary arts;
 - d. film;
 - e. music; and
 - b. media art.

CHAPTER III PLANNING

Article 7

- (1) Planning for Cultural Preservation and Development is based on:
- a. General Framework for Cultural Preservation and Development Policy; and
 - b. Master Plan for Cultural Preservation and Development.
- (2) The General Framework for Cultural Preservation and

Development Policy as referred to in section (1) point a at least contains:

- a. the main idea of Culture including factual conditions and problems encountered in the effort to manage Culture and the proposed solution;
 - b. inventory and identification of the current state of the development of Cultural Objects including:
 1. Cultural human resources, cultural institutions, and cultural system;
 2. Cultural facilities and infrastructure; and
 3. Cultural management issues and analysis with recommendations for the implementation of Cultural management.
 - c. Cultural Preservation and Development strategies including the direction of Cultural management based on the potential, situation, and condition of Culture;
 - d. abstract from the main idea document of Culture;
 - e. vision of Cultural management within a period of 20 (twenty) years;
 - f. strategic issues that become a priority scale to accelerate the achievement of the vision; and
 - g. the formulation of the process of the main method of implementing the management of Culture.
- (3) The Master Plan for Cultural Preservation and Development as referred to in section (1) letter b at least contains:
- a. the vision and mission of the DIY Culture;
 - b. goals and objectives;
 - c. planning;
 - d. division of tasks; and
 - e. achievement measurement tools.
- (4) The Master Plan for Cultural Preservation and Development as referred to in section (1) point b is stipulated for a period of 20 (twenty) years and can be reviewed every 5 (five) years.

Article 8

- (1) The General Framework for Cultural Preservation and Development Policy as referred to in Article 7 section (1)

point a becomes the basis for the preparation of the Master Plan for Cultural Preservation and Development.

- (2) The Master Plan for Cultural Preservation and Development as referred to in section (1) is part of the preparation of the Regional Long-Term Development Plan and the Regional Medium-Term Development Plan.

Article 9

Further provisions regarding the procedures for the planning of Cultural Preservation and Development as referred to in Article 7 and Article 8 are regulated in a Governor Regulation.

CHAPTER IV PRESERVATION

Part One

General

Article 10

Preservation of Cultural Objects is carried out through:

- a. granting legality; and/or
- b. Protection.

Part Two

Legality Grant

Article 11

- (1) Granting legality of Cultural Objects can be in the form of:
 - a. register or registration mark; and
 - b. intellectual property rights.
- (2) The register as referred to in section (1) point a is given by the Local Government through the determination of the status and/or the granting of a register number through the following stages:
 - a. inventory and documentation;
 - b. assessment; and
 - c. establishment

- (3) Intellectual property rights as referred to in section (1) point b are proposed in accordance with the provisions of the laws and regulations governing intellectual property rights.

Part Three

Protection

Article 12

- (1) The Local Government carries out the Protection of Cultural Objects as referred to in Article 10 point b through the efforts of:
 - a. rescuing;
 - b. securing; and/or
 - c. maintenance.
- (2) The efforts to save Cultural Objects as referred to in section (1) point a include:
 - a. rehabilitation;
 - b. restoration;
 - c. reconstruction; and/or
 - d. repatriation.
- (3) The efforts to secure Cultural Objects as referred to in section (1) point b include:
 - a. continuous updating of data;
 - b. inheritance of Cultural Objects to future generations;
 - c. transfer of Cultural Objects; and/or
 - d. storage of Cultural Objects.
- (4) The efforts to maintain Cultural Objects as referred to in section (1) point c include:
 - a. conservation; and
 - b. preservation.

Article 13

The protection of Cultural Objects as referred to in Article 12 is based on the technical guidelines established by the Local Government.

Article 14

- (1) The Local Government prepares a plan document for the Protection of Cultural Objects.
- (2) The preparation of the plan document for the Protection of Cultural Objects as referred to in section (1) is preceded by a feasibility study and a technical study.
- (3) The Feasibility study and technical study of Protection as referred to in section (2) must consider:
 - a. social, environmental, technical, and economic conditions;
 - b. the importance of the privileges of DIY; and/or
 - c. benefits for public welfare.

Article 15

Further provisions regarding the guidelines and procedures for the Preservation of Cultural Objects as referred to in Article 10 to Article 14 are regulated in a Governor Regulation.

CHAPTER V
DEVELOPMENT

Part One

General

Article 16

- (1) Development of Cultural Objects includes:
 - a. Reinforcement; and/or
 - b. Utilization.
- (2) The development of Cultural Objects as referred to in section (1) must consider:
 - a. benefits to the public;
 - b. public participation;
 - c. public presentations;
 - d. public education; and/or
 - e. conflict resolution.

Article 17

The development of Cultural Objects as referred to in Article 16 is carried out through:

- a. the efforts to present important values of tangible and intangible cultural heritage that become the real evidence of DIY's cultural values;
- b. facilitation of the enculturation process through education;
- c. strengthening exemplary conduct;
- d. facilitation of cultural institutions;
- e. providing space for cultural innovation and creativity; and
- f. maintenance and development of the culture of Yogyakarta as well as the protection and facilitation of various cultures of other local communities in DIY.

Part Two

Reinforcement

Article 18

- (1) Reinforcement of Cultural Objects as referred to in Article 16 section (1) point a is carried out through:
 - a. dissemination;
 - b. research;
 - c. diversity enrichment;
 - d. revitalization;
 - e. adaptation;
 - f. re-actualization;
 - g. engineering;
 - h. enculturation; and/or
 - i. internalization.
- (2) The reinforcement of Cultural Objects as referred to in section (1) is carried out by considering:
 - a. level of importance;
 - b. continuity;
 - c. threats; and
 - b. development of science and technology.

Article 19

- (1) In carrying out the Reinforcement of Cultural Objects as referred to in Article 18, the Local Government conducts Cultural Development.
- (2) The guidance as referred to in section (1) is carried out to improve the number and quality of Cultural human resources, Cultural institutions, and Cultural systems.
- (3) The improvement of quality of human resources, Cultural institutions, and Cultural systems as referred to in section (2) is carried out through:
 - a. improvement of education and training in the field of Culture; and
 - b. capacity building for the governance of Cultural institutions and Cultural systems.

Part Three

Utilization

Article 20

- (1) The Local Government and/or Any Person may make Utilize Cultural Objects.
- (2) Utilization of Cultural Objects as referred to in section (1) is carried out through multiplication and/or optimization.

Article 21

Utilization through multiplication as referred to in Article 20 section (2) is carried out in accordance with the provisions of the laws and regulations governing tangible cultural heritage and cultural promotion.

Article 22

- (1) Utilization through optimization as referred to in Article 20 section (2) is carried out to fulfill interests including:
 - a. religion;
 - b. social;
 - c. economy;
 - d. education;

- e. science and technology;
 - f. culture; and
 - g. tourism.
- (2) Optimization of Cultural Objects as referred to in section (1) is aimed at:
- a. improving the image of the privilege of DIY;
 - b. improving the character and quality of the DIY community;
 - c. developing community creative products based on DIY Cultural Objects;
 - d. improving the image of DIY tourism;
 - e. improving the welfare of the community based on the DIY Cultural Objects; and
 - f. increasing the active role and influence of DIY in national and international relations.
- (3) Utilization through optimization as referred to in section (1) is carried out among others by means of publication and/or promotion.
- (4) Materials for publication and/or promotion as referred to in section (3) must be based on clear, complete, and accurate information.

Article 23

Further provisions regarding the guidelines and procedures for the Development of Cultural Objects as referred to in Article 16 to Article 22 are regulated in a Governor Regulation.

CHAPTER VI MANAGEMENT

Article 24

- (1) The Local Government manages the Cultural Objects to support the Preservation and Development of the Cultural Objects.
- (2) In the management of Cultural Objects as referred to in section (1), the Local Government may facilitate the establishment of Cultural institutions by the community.

CHAPTER VII
DUTIES AND AUTHORITIES

Part One
Local Government

Article 25

Local Government has the duty of:

- a. coordinating Cultural Preservation and Development activities with the Sultanate, the Duchy, Regency/Municipal governments, village governments, communities, and other stakeholders;
- b. encouraging, growing, fostering, increasing awareness of the rights, obligations, and participation of the community in Cultural Preservation and Development;
- c. organizing/implementing the Preservation and Development of DIY Culture;
- d. implementing legal protection of cultural assets;
- e. facilitating the management of Culture by Everyone

Article 26

The Local Government has authorities among others in:

- a. formulating and stipulating policies for Cultural Preservation and Development;
- b. planning, organizing, supervising, and evaluating Cultural Preservation and Development;
- c. formulating and establishing a mechanism for community involvement in Cultural Preservation and Development; and
- d. formulating and establishing a mechanism for Cultural Preservation and Development

Article 27

In carrying out the authority for Cultural Preservation and Development, the Local Government may involve Regency/Municipal governments.

Part Two
Regency/City Government

Article 28

Regency/Municipal governments have the duties and authorities of Cultural Preservation and Development in accordance with the provisions of laws and regulations.

Part Three
Village/Kelurahan Government

Article 29

- (1) A village/kelurahan government carries out the Cultural Preservation and Development in its territory.
- (2) A village/kelurahan government is has the duty of:
 - a. carrying out the Preservation and Development of Cultural Objects at the village/kelurahan level; and
 - b. encouraging, growing, fostering, and increasing public awareness of the rights, obligations, and participation in Cultural Preservation and Development.
- (3) A Village/Kelurahan Government gives assistance:
 - a. to Local Government in the stage of inventorying Cultural Objects in the village/kelurahan; and
 - b. with management administration of:
 1. Cultural Village/Kelurahan; and/or
 2. cultural heritage area.

Part Four
Cultural Council

Article 30

- (1) In the context of the Cultural Preservation and Development, the Local Government establishes a Cultural Council.
- (2) The Cultural Council as referred to in section (1) consists of the following divisions:
 - a. Cultural consideration division; and

- b. Cultural curatorial divisions.
- (3) The Cultural consideration and curatorial divisions as referred to in section (2) include:
 - a. committee for intangible Cultural Objects; and
 - b. committee for tangible Cultural Objects.
- (4) The Cultural consideration division of the Cultural Council in as referred to in section (2) letter a consists of elements of the Local Government, the Sultanate, the Duchy, academics, and community.
- (5) The Cultural curatorial division of the Cultural Council as referred to in section (2) letter b consists of elements of practitioners, academics, artists, and culturists.
- (6) The term of office for the membership of the Cultural Council as referred to in section (1) is a maximum of 3 (three) years and may be re-elected for the next 1 (one) term of office.
- (7) The membership of the Cultural Council as referred to in section (1) is determined by a Governor's Decree.
- (8) Further provisions regarding the formation of the Cultural Council as referred to in section (1) are regulated in a Governor Regulation.

CHAPTER VIII

AWARDS

Article 31

- (1) The Local Government may give awards to any Person who has made contribution and/or outstanding achievement in Cultural Preservation and Development.
- (2) Awards in the Cultural Preservation and Development as referred to in section (1) include but among others:
 - a. incentives; and/or
 - b. compensation.
- (3) The incentives as referred to in section (2) letter a may be in the form of:
 - a. appreciation funds and/or assistance;
 - b. tax subsidies; and

- c. award certificates.
- (4) The compensation as referred to in section (2) letter b may be in the form of:
 - a. cultural subsidies;
 - b. sponsorship for cultural promotion; and
 - c. other awards.
- (5) The awards as referred to in section (1) is given through the fulfillment of:
 - a. award recipient criteria; and
 - b. procedures, assessment procedures, and award determination.
- (6) Further provisions regarding the procedures for giving the awards as referred to in section (1) are regulated in a Governor Regulation.

CHAPTER IX
ROLES AND RESPONSIBILITIES OF THE SULTANATE AND THE
DUCHY

Article 32

- (1) The Sultanate and the Duchy have roles and responsibilities in maintaining and developing the culture of Yogyakarta.
- (2) The roles and responsibilities as referred to in section (1) are carried out through the implementation of the Preservation and Development of values, knowledge and technology, custom, language, arts and objects owned, carried out and developed by the Sultanate and the Duchy that are rooted in the DIY community.
- (3) The implementation of the Preservation and Development of Cultural Objects as referred to in section (2) is facilitated by the Local Government.
- (4) The facilitation as referred to in section (3) is carried out through coordination between the Local Government and the Sultanate and the Duchy.

CHAPTER X
ROLES AND RESPONSIBILITIES OF THE COMMUNITY

Article 33

- (1) The community has roles and responsibilities in preserving and developing Cultural Objects.
- (2) The roles and responsibilities as referred to in section (1) include:
 - a. giving assistance in the preservation and development of cultural objects;
 - b. providing legal and non-binding funding assistance for the efforts to preserve and develop cultural objects;
 - c. providing temporary protection of Cultural Objects in emergencies and certain conditions;
 - d. providing advocacy, publication, and information dissemination of the efforts to preserve and develop culture together with the Local Government and/or regency/municipal governments;
 - e. providing inputs and considerations in the efforts to preserve and develop culture;
 - f. exercising supervision of the efforts to preserve and develop cultural objects; and/or
 - g. being part of the elements managing Cultural Objects together with the Local Government and/or Regency/Municipal governments.
- (3) The Local Government may provide facilitation to the community in carrying out the Preservation and Development of Cultural Objects.
- (4) The forms of facilitation to the community include:
 - a. provision of technical assistance and experts;
 - b. cultural capacity building for the community; and/or
 - c. cultural subsidies.
- (5) The facilitation as referred to in section (3) is given to the people meeting the evaluation criteria by the Cultural Council.

CHAPTER XI
FUNDING

Article 34

The funding for Cultural Preservation and Development is provided in accordance with the provisions of the applicable laws and regulations.

CHAPTER XII
TRANSITIONAL PROVISIONS

Article 35

- (1) The Cultural Council established prior to the enactment of this Special Regional Regulation continues to carry out its functions until the establishment of the Cultural Council based on this Special Regional Regulation.
- (2) The Cultural Council as referred to in section (1) must be established no later than 2 (two) years as of the promulgation of this Special Regional Regulation.

CHAPTER XIII
CLOSING PROVISIONS

Article 36

At the time this Special Regional Regulation comes into force, the Regional Regulation of the Province of the Special Region of Yogyakarta Number 4 of 2011 on Cultural Values, the Regional Regulation of the Province of the Special Region of Yogyakarta Number 5 of 2011 on Culture-Based Education, and the Regional Regulation of the Province of the Special Region of Yogyakarta Number 6 of 2012 on the Preservation and Management of Cultural Conservation remains effective as long as it is not conflicting with this Special Regional Regulation.

Article 37

This Special Region Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Special Regional Regulation by its placement in the Regional Gazette of the Special Region of Yogyakarta.

Issued in Yogyakarta
on 28 December 2017

GOVERNOR OF THE SPECIAL REGION OF
YOGYAKARTA,

signed

HAMENGKU BUWONO X

Promulgated in Yogyakarta
on 28 December 2017

SECRETARY OF THE SPECIAL REGION OF YOGYAKARTA,

signed

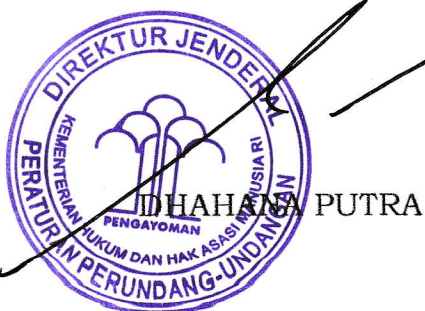
GATOT SAPTADI

REGIONAL GAZETTE OF THE SPECIAL REGION OF YOGYAKARTA NUMBER
12 OF 2017

Jakarta, 07 December 2022

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION AD INTERIM,



ELUCIDATION
OF
REGULATION OF THE SPECIAL REGION OF YOGYAKARTA NUMBER 3 OF
2017
ON
CULTURAL PRESERVATION AND DEVELOPMENT

I. GENERAL

Yogyakarta has a distinctive culture that is full of noble values. These noble values have been used as a philosophical foundation by Sultan Hamengku Buwono I when he began to build *Nagari Ngayogyakarta Hadiningrat* as an independent government, community, and region. Great philosophical values such as *Hamemayu Hayuning Bawana* (beautifying the beauty of the world), *Mangasah Mingising Budi* (sharpening the sharpness of the mind), *Memasuh Malaning Bumi* (encouragement to always preserve Mother Nature and to anticipate various calamities), *Golong Gilig* (the union of the leaders and the people), as well as chivalrous nature that adhere to the ethos of *Sawiji, Greget, Sengguh, Ora Mingkuh* (full of concentration and enthusiasm, being confident, humble, and responsible) have manifested in people's lives as well as regional spatial planning in the region known as DIY.

The noble values which are also believed to be local wisdom, besides being implemented within DIY, can also be equated as national or national cultural values. It is thus not surprising that the privileges of DIY are said to be within the framework of the Unitary State of the Republic of Indonesia.

Yogyakarta culture is understood as the noble basic values of creativity and taste that are manifested in the intentions and works that become the identity of the people of Yogyakarta.

From the history of its formation, Yogyakarta Culture was initiated and enriched by various sources, such as: the noble values of the Islamic Mataram

Kingdom in Kotagede; urban planning and governance created by Prince Mangkubumi known as associative *saujana* (associate cultural landscape) which refers to the imaginary axes of two great natural forces, namely the Southern Sea in the south and Mount Merapi in the north; elements of foreign cultures such as Colonial, Indies, and Chinese cultures. The main source that enriches Yogyakarta Culture from early of its history to present is the culture the Sultanate and the Duchy.

The culture of the Sultanate and the Duchy, which is full of initiatives and works in the form of tangible and intangible culture that characterize Yogyakarta, needs to be preserved and breathed in, both in people's daily lives and in government duties, to strengthen the identity of the community and the government, in order to create the people and government of DIY that prosper physically and mentally.

The preservation of Yogyakarta's Culture is also important as an antidote to the influx of unstoppable external values that are not necessarily in accordance with local culture, such as consumptive lifestyle, materialism, individualism, intolerance, radicalism, and many others. Therefore, it is necessary to have a comprehensive arrangement on Culture to carry out government affairs within the Privileges of DIY. The purpose of the arrangement in the Special Regional Regulation is to create policies that are comprehensive and strategic in the context of preserving the Culture in accordance with the Privileges of DIY.

All of these are aimed to preserve culture so as to strengthen the character and identity of the people of Yogyakarta, to make Yogyakarta culture one of the norms of family, community, and state life, in addition to religious norms and legal norms, and to realize community welfare.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Point a

The term "principle of openness to other cultures" means a that in the life of the nation and state, association with other cultures is inevitable. In fact, the association is needed for the growth and development of a culture. Therefore, a culture must remain open to other cultures in order to be able to adapt to nature and its era.

Point b

The term "principle of ability to cultivate culture" is a critical and selective attitude when dealing with other cultures. This means that supporters of the culture must be able to consider in advance the suitability of other cultural elements with their own culture, including the negative impacts that will occur if other cultural elements are absorbed into their own culture --they should not merely imitate, "copy", or "duplicate other's patterns". Here, the ability to cultivate foreign cultural elements that will be absorbed is very much needed so that they can be used to develop and enrich their own culture.

Point c

The term "principle of dialogical awareness" means the process of meeting between cultures must be carried out in a dialogical manner, so that no culture is more dominant than the others. It should be noted that national culture is developed from materials rooted in regional culture. On the other hand, regional culture is certainly influenced by national culture. Likewise, this dialogical relationship always occurs between rural and urban cultures, as well as central and periphery cultures. Therefore, this dialogical awareness also depends on the existence of equality and harmony in the effort to cultivate other cultures.

Point d

The term "principle of strong personality" means to be able to cultivate other cultures to suit the development of one's own culture, it requires a strong personality. Supporters of that culture must be able to decide according to their own thoughts. They must remain "free, unfettered, not pressed, not forced, not rigid, and without noise and confusion". Without noise and chaos in this context can be interpreted as culture shock.

Point e

The term "principle of continuity" means that the absorption

of other cultural elements must ensure the sustainability of the core cultural values that become the identity of that culture. Changes in cultural core values quickly or revolutionary will lead to chaos and destroy the supporters of the culture itself. Therefore, cultural change must be carried out in a controlled manner and still maintain its ties to the core cultural values that have been recognized for their nobility from the past until now.

Point f

The term "the principle of independent cultural unity" means that a dialogical meeting of cultures must be directed at the discovery and recognition of unifying elements, thus leading to cultural unity (convergence). However, each culture still stands as an independent entity that composes a complete picture of the concentric circle of cultural unity. This concept can be equated with the understanding of multiculturalism which applies the hodge-podge (salad bowl) model, where each ingredient remains in its original form, but is present in a unified taste. It can also be described as a mosaic image, where each part is not melted (can be seen as independent parts), but together creates a single image. At the national level, this concept has been formulated as *Bhinneka Tunggal Ika* (Unity in Diversity).

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Section (1)

Point a

The term "cultural values" means a set of criteria for good and bad values that are believed by a community group which is manifested in the cultural values of DIY.

Point b

The term "knowledge and technology" means intellectual work in the field of science and technology that contains elements of characteristic cultural values that are produced, developed, and maintained by the DIY community and society.

Point c

The term "language" means a means of oral, written, or sign communication between humans that can shape the character of the community.

Point d

The term "customs" mean habits or traditions based on the cultural values of DIY and carried out by DIY community groups continuously and passed on to the next generation.

Point e

The term "noble tradition" means values, knowledge and technology, language, customs, arts, and objects that are owned, practiced, and developed by the Sultanate and Duchy which are rooted in the DIY community.

Point f

The term "articles" means material products/products of creativity, taste, and initiative that are manifested in various forms, both in the form of objects of cultural value for DIY, and cultural heritage, which include objects, buildings, structures, sites, and areas as well as museum collections owned by DIY.

Point g

The term "art" means individual, collective, or communal artistic expression, which is based on the cultural heritage of DIY or based on the creativity of new creations, which is manifested in various forms of activities and/or mediums.

Section (2)

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "oral tradition" is speech that is passed down from generation to generation by the community, including oral history, fairy tales, chants, and folklore. What is meant by "manuscript" is a manuscript and all the information contained therein which has cultural and historical value, including letters, chronicle, saga, and book.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

point a

The term "cultural heritage" means cultural heritage objects, cultural heritage buildings, cultural heritage structures, cultural heritage sites, cultural heritage areas on land and/or in water that need to be preserved because they have important values for history, science, education, religion, and/or Culture and has been recorded in the regional cultural heritage list. The term "tangible cultural heritage" is material cultural heritage in the form of cultural heritage objects, cultural heritage buildings, cultural heritage structures, cultural heritage sites, and cultural heritage areas on land and/or in the air that need to be preserved because they have important values for history, science, education, religion, and/or culture that are preserved through a determination process. Museums (buildings, collections, and all things related to objects in museums) are parts of cultural heritage/cultural heritage and/or culturally appropriate objects.

point b

The term "articles not categorized as tangible and intangible cultural heritage yet having cultural values" are objects created and containing cultural values for strengthening the identity of DIY, including *Batik* cloth, *Keris*, new buildings or non-buildings that become DIY landmarks.

Section (7)

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Section (1)

Point a

The term "register" is a list compiled in a systematic manner. The register can also take the form of the result of the registration system in the form of a decree, a certificate of determination, and a registration sign in the form of a identification number/registration number.

Point b

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 12

Section (1)

Sufficiently clear.

Section (2)

Point a

The term "rehabilitation" means an effort to restore or reinstate parts of a Cultural Object to its original condition.

Point b

The term "restoration" means to return or restore an object of Cultural Maintenance and Development to its original state.

Point c

The term "reconstruction" means to restore, compile, or redraw a Cultural Object from its existing materials and rearrange them as they were in its original occurrence.

Point d

The term "repatriation" means to return Cultural Objects that are outside the territory of the Republic of Indonesia into the territory of the Republic of Indonesia. Repatriation is carried out, among others, by purchasing Cultural Objects that are abroad, cooperation to return Cultural Objects with foreign countries, and advocacy at the international level.

Section (3)

Sufficiently clear.

Section (4)

Point a

The term "conservation" means an effort to maintain and protect or preserve Cultural Objects on a regular basis to prevent damage, value degradation, or even the extinction of Cultural Objects as they are used by the community.

Point b

The term “preservation” means an effort to maintain and protect Cultural Objects on a regular basis to prevent damage, value degradation, or even extinction of Cultural Objects which are practically not used by the community but have cultural values.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

Point a

The term "benefits to the public" means the principle that emphasizes that the maintenance and development of Cultural objects must be able to provide benefits to the wider community, in various forms of their utilization. This principle includes an understanding of the impacts that arise in its use, both positive and negative ones. The benefits obtained include socio-cultural, political, and economic benefits, through empowerment of local communities.

Point b

The term “public participation” means the principle that requires that an effort to maintain and develop cultural objects must be based on deliberation and approval of the local community and consider and respect the socio-cultural values and traditions adopted by the surrounding community. This principle

also implies the importance of community involvement in every stage of the management process, from the early stages of planning, implementation, to supervision.

Point c

The term "public presentations" means the principle of presentation which emphasizes that the public or the public has the right to obtain correct information about Cultural Objects, based on the results of a study, as well as empowering the public to be able to appreciate Cultural Objects, through learning in interpreting them.

Point d

The term "public education" means the principle which states that the Maintenance and Development of Cultural Objects must contain elements of education to change a person's attitude or behavior to have concern, responsibility, and commitment to the preservation of the natural and cultural environment.

Point e

The term "conflict resolution" means a principle that emphasizes that basically the management of Cultural Objects is an effort to manage conflicts, both those that arise from within the community itself (internally) or involving parties outside the community (externally).

Article 17

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Provision of space for cultural innovation and creativity is

intended to provide space for creation and facilitation for Cultural Objects at the local, regional, national, and international levels.

Point f

Sufficiently clear.

Article 18

Section (1)

Point a

The dissemination is carried out, among others, through the dissemination of cultural values abroad, cultural exchanges, exhibitions, festivals, as well as the dissemination of cultural actors and cultural identities abroad.

Point b

Research is carried out through scientific research and/or traditional study methods to explore the values of local wisdom for the development of future culture.

Point c

The diversity enrichment is carried out, among others, through cultural incorporation (assimilation), cultural adjustments according to the context of space and time (adaptation), new creations or creations resulting from the development of previous cultures (innovation), and the absorption of foreign cultures to become part of Indonesian culture (acculturation).

Point d

The term "revitalization" means reviving objects of protection through development, utilization, and fostering of culture that have been or are almost destroyed. Revitalization is carried out, among others, by:

- a. exploring or re-studying various data on objects of Cultural Protection, development, Utilization, and Promotion, and/or exploring or re-studying objects of Cultural Protection, development, Utilization, and Promotion that have been

or are nearly destroyed, which are found both at home and abroad;

- b. re-creating objects of Cultural Protection, development, Utilization, and Promotion that have been or are nearly destroyed; and
- c. encouraging to re-use objects of Cultural Protection, development, Utilization, and Promotion that have been or are nearly destroyed.

point e

The term "adaptation" means to use and utilize old Cultural objects for present and future interests with the necessary changes without having to eliminate the original importance.

Point f

The term "re-actualization" means the process, method, act of re-actualizing, as well as refreshing and renewing cultural values contained in Cultural Objects in people's lives.

Point g

The term "engineering" means the application of the principles of science to carry out the Maintenance and Development of Cultural Objects and to solve problems regarding Cultural Objects from non-existent to existing.

Point h

The term "enculturation" means a process experienced by members of a community in studying the cultural system and customs that live in the culture of the DIY community.

Point i

The term "internalization" means an effort to instill cultural values that raise awareness and belief to be manifested in attitudes and behavior.

Section (2)

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

The term "Cultural human resources" mean people who are active and working in fields related to Cultural Objects, including but not limited to cultural observers, education facilitators, cultural heritage and tangible cultural heritage experts, artists, culturists, cultural officials, curators, critics, cultural communities, and cultural activists. The term "Cultural institutions" includes for example Cultural research and development institutions, Cultural managers, and Cultural communities. The term "Cultural institutions" means a system of norms or rules relating to a community activity of a special nature.

Section (3)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Increasing the active role and influence of DIY in national and international relations is carried out among others through Cultural missions, Cultural competitions, and Cultural diplomacy.

Section (3)

The essence of publication and promotion is the provision of information to the public. Information about cultural objects can be public or limited, and it can also be used to promote the cultural objects. The forms of information on cultural objects involve:

- a. information of a public nature; information on this cultural object may be accessed by all citizens.
- b. confidential information; this cultural object information can only be accessed by those who have the authority related to the information material.
- c. promotional information; this information on cultural objects has the function of promoting cultural objects, and thus this form of information is processed and equipped with non-cultural information to support the function of promotion of these cultural objects.
- d. promotion of cultural objects; promotion of cultural objects is one of the marketing activities that aims to convey messages or images of cultural objects to everyone to create a sense of appreciation for past cultures, as well as create confidence that Indonesian national culture has values that are parallel to other nations and cultures in the world.. Promotion also considers the balance of the function of preserving the cultural object so that it will affect the promotion system implemented. Promotion is indeed needed to bring cultural appreciation, but more importantly this appreciation will be more beneficial for the preservation of cultural objects and the lives of the people around the cultural objects.

Section (4)

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

Section (1)

The term "Cultural Council" means an institution established by the Governor with the task of providing recommendations to the Governor in terms of the policy for the Maintenance and Development of the Culture of DIY. The Council consists of 2 (two) divisions, namely advisory and curatorial divisions. The advisory division is tasked with providing recommendations for consideration of the policies related to cultural issues to be taken by the Governor. While the curatorial division is tasked with providing recommendations for the selection of groups and Cultural Objects that will receive facilitation from the Regional

Government and/or Regency/Municipal governments through an assessment using the Cultural curatorial system.

Section (2)

Point a

Sufficiently clear.

Point b

The term "Cultural curatorial" means a Cultural supervision system which is carried out by observing and analyzing, considering and selecting, assessing, and determining a cultural work and/or cultural group that has/fulfills the suitability of the Cultural theme within the curatorial framework.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 31

Section (1)

The term "contribution and/or extraordinary achievement" means the act of producing great works that are beneficial for the protection, development, utilization, and promotion of culture, improving the welfare of the community, or enhancing the dignity of the nation.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 32

The affirmation of the roles and responsibilities of the Sultanate and the Duchy in the Cultural Preservation and Development of Yogyakarta is not intended as an effort to develop feudalism values and practices, but instead it is an effort to respect, maintain, and utilize local wisdom that has taken root in social and political life in Yogyakarta in the context of the present and the future.

Article 33

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Inputs and considerations in the effort to preserve and develop culture are carried out through regional planning mechanisms.

Point f

Community supervision of the efforts to maintain and develop cultural objects can be carried out through regional supervision mechanisms.

Point g

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.