
Determination of Ex-Colonial Buildings as Cultural Heritage Buildings and Means of Protection from Acts of Vandalism



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ABSTRACT: This research aims to examine the establishment of ex-colonial buildings as cultural heritage buildings and efforts to protect cultural heritage buildings from acts of vandalism in Law Number 11 of 2010 concerning Cultural Heritage by knowing the problems of existing cultural heritage buildings based on previous research. This research is based on the concept of cultural heritage criteria in Law Number 11 of 2010 concerning Cultural Heritage by comparison with Law Number 5 of 2017 concerning the Promotion of Culture. With a conceptual approach method that aims to describe the government's determination and its problems. The results of this study when associated with public policy do need to be evaluated in the establishment policy ranging from registration to assessment so that the establishment of cultural heritage buildings is in accordance with the intent and purpose of the Preservation of Cultural Heritage. Utilization of cultural heritage buildings for the greatest prosperity of the surrounding community and society in general. There are many problems and also acts of vandalism against cultural heritage buildings so that policy analysis is needed from various disciplines including professionals and entrepreneurs and evaluation in cultural heritage building policies.

KEYWORDS: ex-Colonial Buildings; Cultural Buildings; Vandalism

I. INTRODUCTION

Cultural Heritage Buildings are built arrangements made using natural objects and/or human creations in order to fulfill the need for space to have walls or not have walls to have a roof. Conservation efforts can aim to protect it, develop it, and use it. It seeks to preserve by looking at the balance of academic, ideological and economic interests. The noble values reflected in Indonesian culture must be preserved for national identity, to elevate national honor and dignity, and to strengthen bonds of a sense of oneness and oneness to achieve Indonesia's goals in the future.

Preservation of cultural heritage in Indonesia after being carried out since the Dutch colonial period, which is based on many research results and findings conducted by Dutch researchers and archaeologists on objects of antiquity. The Dutch government then formed a temporary agency in 1901 with the name *Comissie In Nederlandsch – Indie Voor Oudheidkundig Onderzoek op Java en Madoera* which aims to be able to carry out research, supervision and protection of ancient heritage in Indonesia at that time. Then the organization was replaced with *Oudheidkundige Dienst In Nederlandsch* which has a focus on handling the preservation of ancient relics, then the Dutch Government issued *Monumenten Ordonantie No. 19 of 1931* which is used as the legal basis for the protection of ancient objects as a form of Preservation of Cultural Heritage Objects.¹

During the regional autonomy period, the preservation of cultural heritage had a paradigm shift to later in terms of the authority of the provincial government as an autonomous region, because the central government's authority over the preservation of cultural heritage located in the area was given a mandate to the provincial government. The use of Law Number 5 of 1992 and Government Regulation Number 10 of 1993 is no longer as fit again. In Law Number 5 of 1992 concerning Cultural Heritage Objects, special authority only belongs to the Central Government. So that it was replaced with Law Number 11 of 2010 concerning Cultural Conservation. In accordance with developments, demands and legal needs in society in the era of regional autonomy, Law Number 5 of 1992 concerning Cultural Conservation Objects is no longer appropriate.²

Currently scattered in Indonesia are Colonial-style buildings that are adapted to the climate and conditions in Indonesia. Several studies have been carried out related to colonial buildings. The fusion occurred between the Dutch architectural style and local elements so that it became contextual with the city of Cirebon (Agara Dama Gapura, 2019) representing a transitional style

¹ Hidayat Syarif dan Rusman A., *Perlindungan Hukum Cagar Budaya*, Seminar Nasional "Implementasi Hukum: Era Industri 4.0 dan Sosial 5.0, Pascasarjana Program Studi Magister Ilmu Hukum Universitas Surya Kencana, Cianjur, 2022, Volume 1, h. 143-144.

² *ibid.*

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and Indo-European style seen in the building designed by F.D. Cuypers & Hulswit is an example of a colonial building adapted to the climate and conditions in Indonesia.³

Various in condition. Cultural heritage buildings at this time, because they are used and cared for, some are still in good condition, some are in poor condition even though they are used, and some are in bad/damaged condition because they are no longer used. The factors that affect the condition of cultural heritage buildings in the Old City area are very diverse, including the concern of stakeholders and the community. Building function and use and status of building ownership, natural conditions and disaster vulnerability.⁴

From the several buildings that have been identified, the existing problems can be grouped as follows:

- a. Not in use/Empty building.
- b. Abandonment of the building by the owner (don't care/don't know the owner).
- c. Utilization of buildings with conservation principles is not appropriate.
- d. Demolition/restore with inappropriate preservation rules.
- e. New development on vacant land.⁵

The new paradigm for the preservation of cultural heritage in the future will be adjusted to be oriented towards area management, community participation, government decentralization, development and legal requirements as well as demands within society. Legal protection is needed so that it can reduce the threat of damage and extinction of cultural heritage objects, cultural heritage is material cultural heritage in the form of cultural conservation objects, cultural heritage buildings, cultural heritage structures, cultural heritage sites, and cultural heritage areas both on land and/or in water whose existence needs to be preserved because it has important values for history, science, education, religion, and/or culture through a determination process.

Based on the Decree of the Mayor of Surabaya Number 188.45/251/402.1.04/1996 and the Mayor's Decree Number 188.45/004/402.1.04/1998, the Bubutan area is contained as a cultural heritage environment, there are the Kraton Village, Wireman Village, Contong Square, Baliwerti Village, Tumenggungan Site, and Kepatihan Village. But it seems at this time, these villages have changed face. Lurah Alun-Alun Contong Moch. Amin admitted that some of the buildings in his historic area were being eroded by the changes. Remodel not only simply, some of the old buildings were completely demolished. Development Usually done in one package with the creation of a new building.⁶

A strategic step is needed in the form of advancing Culture through Protection, Development, Utilization and Guidance in order to realize Indonesian society in accordance with the "Trisakti" principle conveyed by Ir. Soekarno as the founder of the Unitary State of the Republic of Indonesia in a speech on August 17, 1964, that is politically sovereign, economically independent, and has a personality in culture.⁷

Objects, buildings or structures may be proposed as Cultural Conservation Objects, Cultural Conservation Aged Buildings, or Cultural Conservation Structures if they meet the following criteria:

- a. 50 (fifty) years or more;
- b. represents the shortest style period of 50 (fifty) years;
- c. has a special meaning for history, science, education, religion, and/or culture; and
- d. has cultural values for the strengthening of the nation's personality.

According to the Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Conservation, it must be registered before entering the process of designation as cultural heritage. Determination is the granting of Cultural Conservation status to objects, buildings, structures, locations, or geographical space units carried out by Regency/City Governments based on the recommendation of the Cultural Conservation Expert Team.

When some cultural heritage is discovered, it cannot function in the life of its supporting community (living society). It is sufficiently evident that many are used in the new role or remain as before. Clear arrangements are needed regarding the use of Cultural Conservation which are in nature as dead monuments and those which are living monuments in nature. In an effort to protect the Cultural Conservation from the threat of physical development, whether in urban, rural areas, or in the water environment, strict policies from the Government are needed to guarantee its existence.

From the past until now, there have been many acts of vandalism against cultural heritage buildings in Indonesia. Vandalism can be said as a form of social action committed in the destruction of various types of other people's property or public property.

³ Ardiana Yuli Puspitasari dan Eppy Yuliani, *Konsep Pemanfaatan Bangunan Cagar Budaya di Kawasan Kota Lama Semarang*, Jurnal Planotologi, E-ISSN: 2615-5257 P-ISSN: 1829-9172, Vol. 16 No. 1 April 2019, h. 121-135.

⁴ *loc. cit.*

⁵ *ibid.*

⁶ Volare Amanda Wirastari dan Rimadewi Suprihardjo, *Pelestarian Kawasan Cagar Budaya Berbasis Partisipasi Masyarakat (Studi Kasus: Kawasan Cagar Budaya Bubutan, Surabaya)*, Jurnal Teknik ITS, ISSN: 2301-9271, Vol. 1 No. 1, Surabaya, 2012, h. 63.

⁷ Penjelasan Umum Undang-Undang No 5 Tahun 2017 tentang Pemajuan Kebudayaan.

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Even some cases of graffiti as public art, while others consider it as vandalism. It is on this basis that when there is destruction of public or private property, we are said to have committed a crime of vandalism on purpose.

II. FORMULATION OF THE PROBLEM AGE

Based on the above description, the above research is based on the following problem formulation: First, what are the criteria for determining ex-colonial buildings as cultural heritage buildings according to Law no. 11 Year 2010? and What are the efforts to protect cultural heritage buildings from acts of vandalism?

III. RESEARCH METHODS

In this study using a conceptual approach or conceptual approach which is a type of research method by examining literature or secondary data. Peter Mahmud argues that, normative legal research is a way to find a rule of law, legal principles, and legal doctrines to get an answer to a legal issue at hand.⁸

In conducting normative legal research, usually only secondary data sources are used, namely books, journals, literature, laws and regulations, court decisions, legal theories and opinions of legal experts.⁹

IV. DISCUSSION

Criteria for Cultural Heritage Buildings According to Law Number 11 of 2010 concerning Cultural Conservation

Cultural Conservation Building is a built arrangement made of natural objects or man-made objects to meet the needs of walled and/or non-walled spaces, and roofed. Cultural Heritage Buildings can:

- a. Single or multiple elements. The single element in question is a building made of one type of material and cannot be separated from its unit, while the multi-element is a building made of more than one type of material and can be separated from its unit.
- b. Free standing is a building that is not tied to natural formations, except for the one on which it is located. Merging with natural formations merging with natural formations are structures made on the ground or in other natural formations, both the entire structure and the buildings.

Provisions in Article 36 state: Objects, buildings, structures, locations, or geographical space units that have special meaning for the Indonesian people or nation as referred to in Article 11 can be designated as Cultural Conservation with a Ministerial Decree or Governor Decree after obtaining a recommendation from the Cultural Conservation Expert Team according to with the level.

Provisions on the criteria for cultural heritage buildings whose contents do not comply with what is meant by "principle of order and legal certainty" is that each content material of laws and regulations must be able to create order in society through guarantees of legal certainty. What is meant by "principle of balance, harmony, and harmony" is that every material content of laws and regulations must reflect balance, harmony, and harmony, between the interests of individuals and society and the interests of the nation and state. Unclear arrangements provide opportunities for abuse of power.

In the registration of the national register of cultural heritage, the Regency/Municipal Government cooperates with everyone free of charge who owns and/or controls the obligation to register even though they do not own or control objects, buildings, structures and locations suspected of being cultural heritage. In carrying out the registration, everyone can participate. . In accordance with the level of authority for cultural heritage whose owner is unknown or controlled by the state Regency/city governments carry out registration, representatives of the Republic of Indonesia abroad carry out registration of cultural heritage abroad, the description and documentation must be completed as intended, the government and local government can take over from those who own or control those whose owners are not registered as cultural heritage. Digitally and non-digitally the formation of a cultural heritage registration network system is facilitated by the government.

Assessment as cultural conservation or not as cultural conservation results of registration is submitted to the Cultural Conservation Expert Team for the purpose of the study to identify and classify objects, buildings, structures, locations and geographical units proposed as cultural conservation. Locations found or registered, protected and treated as cultural heritage during the process of assessing objects, buildings, structures. The cultural heritage expert team can be assisted by regional apparatus units or technical implementing units responsible for the field of cultural heritage in carrying out the assessment. Stipulated by a Regent/Mayor decision for the Regency/City level, a Governor's decision for the provincial level and a Ministerial decision for the national level. The results of the stipulation are conveyed by the Regency/City Government to the provincial government and forwarded to the government.

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi, Cet. 13, Kencana, Jakarta, 2017, h. 55.

⁹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Tinjauan Singkat*, Rajawali Pers, Jakarta, 2006, h. 13.

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Defined as a national cultural heritage located in 2 (two) provinces or more cultural heritage sites or cultural heritage areas. Entitled to receive compensation that has been designated as cultural heritage objects, cultural heritage buildings, and/or cultural heritage structures who found the objects, buildings and/or cultural heritage structures. Based on valid evidence, the owner of the cultural heritage in the form of a certificate of ownership and certificate of cultural heritage status has the right to obtain legal guarantees after being registered in the national register of cultural heritage. Appropriate as a reserve declaring objects, buildings, structures, locations and/or geographic units registered, recommendations from the Regent/Mayor Cultural Conservation Expert Team issue a cultural heritage designation no later than 30 (thirty) days. Based on this, the authority possessed by the Cultural Conservation Expert Team which provides recommendations for the determination of Cultural Conservation has very broad authority and convoluted bureaucracy. Abuse of authority and various irregularities can occur.

After obtaining the recommendation from the Cultural Conservation Expert Team according to the level, objects, buildings, structures, locations, or geographical space units that have special meaning for the Indonesian people or nation as stated in Article 11 of Law Number 11 of 2011 concerning Cultural Conservation can be designated as Cultural Conservation with Ministerial Decree or Governor Decree.

Registration managed by the Regency/Municipal Government and the Provincial Government against the National Register of Cultural Conservation is carried out by the Government. It is the responsibility of the Provincial and Regency/Municipal Governments according to their level. Management of the National Register in the regions. It is the responsibility of the Minister whose data comes from Government agencies, Regional Governments and Foreign Affairs for the management of the National Cultural Conservation Register. In the National Register of Cultural Conservation objects, buildings, structures and geographical units that have been designated as cultural conservation must be recorded. To record cultural heritage data, the government has established a National Cultural Conservation Register system. In accordance with the provisions of the Law while still paying attention to the security and confidentiality of data deemed necessary, the Government and Regional Governments make active efforts to record and disseminate information about Cultural Conservation.

Colonial architecture is an architecture that combines Western and Eastern cultures. This architecture comes through the work of Dutch architects and is intended for the Dutch who lived in Indonesia, in the pre-independence era.¹⁰

Objects for the Advancement of Culture in Law Number 5 of 2017 concerning the Advancement of Culture, include among others: traditional technology; What is meant by "traditional technology" is all means of providing goods or methods needed for the continuity or convenience of human life in the form of products, skills, and community skills as a result of real experience in interacting with the environment, continuously developed and inherited. in the next generation. Traditional technologies include architecture, rice processing equipment, transportation equipment, and irrigation systems.¹¹

Arrangements are needed to guarantee its existence in the context of protecting cultural heritage from threats to physical development, both in urban, rural and water areas. Cultural Conservation as a cultural resource is fragile, unique, rare, limited and non-renewable.

The state promotes Indonesian national culture in the midst of world civilization by guaranteeing the freedom of the people to maintain and develop their cultural values. These provisions are contained in Article 32 of the 1945 Constitution. Promoting the nation's Cultural Heritage objects to the international community, increasing people's welfare, strengthening national identity, Increasing the dignity through cultural heritage and preserving objects of cultural heritage and objects of human nature is the goal of preserving cultural heritage.

The Government and Regional Governments can rank Cultural Conservation based on their importance into national rankings, provincial rankings, and district/city rankings based on the recommendation of the Cultural Conservation Expert Team, in accordance with the provisions of Article 41 of Law Number 11 of 2010.

Important examples of traditional settlement areas, cultural landscapes and/or distinctive spatial uses that are threatened with extinction, evidence of the evolution of national civilization and cross-country and cross-regional cultural exchanges, both those that have become extinct and those that are still living in the community, very rare cultural heritage types, unique in design and few in number in Indonesia, a noble work that reflects the uniqueness of the culture of the Indonesian nation and a form of national unity and integrity can be designated as a National-ranked Cultural Conservation if it fulfills these requirements.

As evidence of the evolution of national civilization and cultural exchange across districts/cities, both extinct and still alive in the community and/or associated with ongoing traditions, rare in kind, unique in design and few in number in the province, representing creative works that are unique to the region province, and represents the interests of the preservation of cross-district/municipal Cultural Conservation Areas. It can be determined to become a provincial-ranked Cultural Conservation if it fulfills these requirements.

¹⁰ *ibid.*

¹¹ Penjelasan Umum Undang-Undang No. 5 Tahun 2017.

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The number is limited, the species are few, the level of threat is high, it represents a unique style period and as Cultural Conservation which is prioritized to be preserved in the Regency/City area, it can be determined to be a Cultural Conservation ranking Regency/Municipality if it fulfills these requirements.

There has been a paradigm shift in the preservation of cultural heritage in the era of regional autonomy which was marked by the enactment of Law Number 22 of 1999 concerning Regional Government along with Government Regulation Number 25 of 2000 concerning Government Authorities and Provincial Authorities as Autonomous Regions.

Law Number 5 of 1992 and Government Regulation Number 10 of 1993 concerning Implementation of Law No. 5 of 1992 concerning Cultural Heritage Objects is no longer relevant, because the authority of the central government in preserving cultural heritage in the regions has been handed over to the provincial government.

In Law Number 5 of 1992 concerning Cultural Heritage Objects, the authority to preserve cultural heritage only belongs to the central government, so that the regions only become an extension of the government in managing it. However, in the era of regional autonomy, the government considered Law Number 5 of 1992 concerning Cultural Heritage Objects to be no longer in accordance with developments, demands and legal needs in society, so it was replaced with Law Number 11 of 2010 concerning Cultural Conservation.¹²

Determination of the granting of Cultural Conservation status to buildings is carried out by the district/city government based on the recommendation of the Cultural Conservation Expert Team. Buildings declared as cultural heritage buildings must go through various stages, namely:

- a. Reports or searches from authorized parties under the law.
- b. The results of the report or search are submitted to the cultural heritage team if appropriate, then a Decree of the Head of Service is issued in the form of a Decision Letter on Alleged Cultural Conservation.
- c. The cultural heritage team then reviews things that can be declared as cultural heritage buildings
- d. If it is proven that the building is a cultural heritage building, a Decree will be issued.

The cultural heritage assessment is carried out by the Cultural Conservation Expert Team, during the assessment process, objects, buildings, structures or locations discovered or registered are protected and treated as Cultural Conservation. In carrying out the study, the Cultural Conservation Expert Team is assisted by a technical implementation unit or regional work unit responsible for Cultural Conservation. Results of the Recommendations from the Expert Team as material for issuing the Decree on the Determination of Cultural Conservation in accordance with the Cultural Conservation Rating. Sudikno Mertokusumo has the view that legal certainty is a guarantee that the law must be implemented in a good way.¹³

Legal certainty requires efforts to regulate law in legislation formed by parties who have authority and authority, so that these rules have a juridical aspect that can guarantee certainty that law has a function as a rule that must be obeyed, can cause chaos. legal certainty in the course of social life and act as vigilantes and will do as they please. Such circumstances can make life in an atmosphere of "social chaos or social disorganization".¹⁴

Law Number 11 of 2010 in Article 28 to Article 30 states that the registration of Cultural Conservation is carried out at the Regency/City level. Furthermore, the results of the registration are submitted to the Cultural Conservation Expert Team to study the feasibility and be determined by the Regent/Mayor as Cultural Conservation. In stages, if the cultural heritage stipulated by the Regent/Mayor is deemed to have greater significance meaning on a provincial or national scale, the regent/mayor or governor may propose the cultural heritage to become provincial or national level.

The provisions of Law Number 32 of 2004 concerning Government Affairs in the regions mandate that the implementation of government affairs in the regions is carried out by the Regent or Mayor, while the Governor is the representative of the central government in the region. Included in the registration of government affairs in the area are those related to the management of Cultural Conservation.

Important examples of traditional settlement areas, cultural landscapes and/or distinctive spatial uses that are threatened with extinction, evidence of the evolution of national civilization and cross-country and cross-regional cultural exchanges, both those that have become extinct and those that are still living in the community, very rare cultural heritage types, unique in design and few in number in Indonesia, a noble work that reflects the uniqueness of the culture of the Indonesian nation and a form of national unity and integrity can be designated as a National-ranked Cultural Conservation if it fulfills these requirements.

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¹² Hidayat Syarif dan Rusman A., *op.cit.*, h. 143.

¹³ Asikin Zainal, *Pengantar Tata Hukum Indonesia*, Rajawali Press, Jakarta, 2012, h. 21.

¹⁴ Shidarta, *Moralitas Profesi Hukum Suatu Tawaran Kerangka Berfikir*, Revika Aditama, Bandung, 2006, h. 82-83.

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There are differences in the requirements for stipulation as a cultural heritage in the ranking of provinces and regencies and cities with a national ranking in terms of the absence of a form of national unity and unity as well as noble works that reflect the cultural characteristics of the Indonesian nation.

Regarding the procedure and process for forming regulations (*Verfahren de Ausarbeitung der Regelung*), it has been regulated in Law no. 12 of 2011 concerning Formation of Legislation. Good laws and regulations from the point of view of the science of law must meet ideal requirements. These requirements are like Philosophical, Juridical, and Sociological requirements. Substantially the contents of a positive law must reflect philosophical, historical and sociological values. In this regard, history is seen more as a juridical value.

Philosophical requirements in making good laws and regulations are important, because these conditions are related to the legal ideals of "rechtsidee". Article 2 Law no. 12 of 2011, determines that Pancasila is the source of all sources of state law. The meaning of this provision places Pancasila as a "rechtidee" for the sake of realizing certainty and justice.

Culture can be understood as "the result of the processes of human taste, intention and creativity." That way, "(humans) cultured are (humans who) work for the sake of increasing human dignity and worth, (Kistanto, 2015).¹⁵ Currently, many colonial buildings have been included in the list of cultural heritage buildings so that they can be preserved.

The main problem for the Indonesian people in the field of culture is the decline in the human dignity of the Indonesian people due to colonialism. Therefore, the cultural development program aims to revive the human dignity of the Indonesian nation.

Through legal politics, the state draws up a draft and planning for the development of national law in Indonesia. The achievement of legal development will encourage the realization of legal objectives that lead to the achievement of state goals. The purpose of the law itself is to create justice, benefit, order and legal certainty.¹⁶

According to Radbruch, these three aspects are relative, that is, they can change. In one situation justice can be more prominent and urge the other two aspects not to be more prominent in a regulation. However, at other times certainty or usefulness can be emphasized.¹⁷

Justice is based on the principle that law binds everyone, so that the justice to be achieved by law can be understood in the context of equality. The similarity referred to in this case includes the numerical similarity or value and proportional similarity. Numerical equality has the principle of equality of degree to all people before the law, and proportional equality is a gift to all people regarding what they are entitled to.

Radbruch is of the view that law as the bearer of the value of justice is a measure of the fairness or unfairness of the legal order. Not only this, the value of justice is also the basis of law as law. Therefore, justice is the basis for every dignified positive law.¹⁸

Legal expediency is very fundamental in achieving state goals. Given that legal politics itself is carried out to achieve legal goals. The purpose of the law on legal benefits can be implemented if the rules can be useful in people's lives and order in them. Benefits of law can keep away from tendencies in law enforcement, benefits of law as mandated in Article 27 paragraph (1) of the 1945 Constitution which affirms that all citizens have the same position before the law.

Formulation of designation of ex-Colonial buildings as Cultural Heritage steps that will or should be taken to achieve a goal such as the GBHN or RPJPN, namely increasing the quality and quantity of tourism in Indonesia by implementing an integrated, planned and directed system, promoting arts and traditional domestic culture as culture with historical values, prioritizing success in independent and creative creation in art and prioritizing Indonesian cultural values so that they can make maximum use of them in economic life.¹⁹

¹⁵ Amri Marzali, *Memajukan Kebudayaan Nasional Indonesia*, HUMANIORA, Volume 26 No. 3, 2014, h. 252.

¹⁶ Mia Kusuma, *Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-undangan di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (Laws and Regulations In Indonesia as The Means of Realizing The Country's Goal)*, 2015, h. 6.

¹⁷ Sidharta Arief, 2007, *Meuwissen Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum dan Filsafat Hukum*, Refika Aditama, Bandung, h. 20.

¹⁸ Yovita A. Mangesti & Bernard L. Tanya, *Moralitas Hukum*, GentaPublishing, Yogyakarta, 2014, h. 74.

¹⁹ PPKN.CO.ID, GBHN adalah: <https://ppkn.co.id/gbhn-adalah/#Pengertian%20GBHN>, diakses 24 Mei 2023.

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The polemic about culture that occurred in 1935-1939 reached its peak in 1945 when culture was included as one of the main state agendas. Article 32 of the 1945 Constitution (original version) states that "The government shall advance Indonesian national culture".²⁰

William N. Dunn in his book "Introduction to Public Policy Analysis", pointing to the writings of Duncan Mac Rae Jr., said that policy analysis involves various disciplines and professions whose objectives are descriptive, evaluative and prescriptive.²¹ As an applied science discipline, policy analysis borrows not only from the social and behavioral sciences, but also from public administration, law, ethics and various branches of systems analysis and applied mathematics. Through this analysis, the following 3 (three) types of questions can be drawn: Is the value (value), which is a paradigmatic benchmark for successful performance as the basis for problem solving efforts. For example, is the "value of justice and equal distribution of prosperity" successful in efforts to eradicate poverty (poverty eradication) and reduce unemployment. Therefore, it must be adapted to the objectives of preservation itself, such as increasing the dignity of the nation, strengthening national identity, increasing people's welfare; and promote the cultural heritage of the Indonesian nation to the international community.

Facts or realities on the ground, in the form of anything that hinders destructively, or supports constructively, in the context of efforts to achieve values. In the construction of this thought, the SWOT (Strength, Weakness, Opportunity, and Threat: Strengths, Weaknesses, Opportunities, and Challenges) approach is often used.

Determination of ex-colonial buildings in their development must pay attention to their socio-economic interests so as to increase the quality of life of the local community and society in general.

Properties proposed as cultural heritage objects, according to the Operational Guidelines for the Implementation of the WHC Convention on World Heritage Objects 1/12 July 2012 by the UNESCO World Heritage Center, must contain elements of integrity and/or authenticity and sustainability use.

The condition of the property is said to have authenticity if the cultural values contained in it are appropriate as recognized by the surrounding community and are honestly and credible expressed through various attributes including: Shape and design; material and substance; function and use; traditions, techniques and management systems; location and setting; language, and other forms of cultural heritage objects; enthusiasm and feelings, as well as other internal and external factors. Furthermore, the element of integrity is the measurement of the entire property and integrity of natural and/or cultural conservation objects and their attributes.²²

Properties that are supported to become cultural heritage must also have an element of sustainability use. Property must be able to support a variety of uses that are ecologically and culturally sustainable and can contribute to the quality of life of the people in the community concerned. States parties and partners must ensure that the sustainability use or other changes do not negatively impact the universal value of the property. Legislation, policies and strategies affecting the nature of cultural heritage objects must ensure the protection of their universal value. Wider sustainable use is expected to be able to support efforts to conserve cultural and natural heritage objects. Promote and encourage the active participation of the community and stakeholders related to property. This condition is also necessary for the protection of cultural heritage objects that are sustainable and carry out conservation, management and presentation efforts.²³

Repressive, autonomous and responsive laws can be understood as three reactions to the dilemma of integrity and openness. The characteristic of repressive law is the passive and opportunistic adaptation of its institutions to its socio-political environment. Autonomous law is a reaction to absolute and indiscriminate openness. The emphasis is on maintaining institutional integrity to achieve goals. Meanwhile responsiveness is not merely open or adaptive, but rather shows that the law must have the ability to be responsible. Therefore, the adaptation is specialized and selective. Something that is important to his integrity, while thinking about the new needs that exist in his environment.

In the transition from autonomous to responsive, the decisive step is to generalize the purpose of law. Certain policies and procedures are seen as tools and can be sacrificed. Therefore, the characteristic of responsive law is the search for implicit values that exist in rules and policies.

Efforts to Protect Ex-Colonial Buildings as Cultural Heritage Against Actions of Vandalism

According to Law Number 11 of 2010 concerning Cultural Conservation Protection is an effort to prevent and deal with damage, destruction or destruction by means of Rescue, Security, Zoning, Maintenance and Restoration of Cultural Conservation. Either caused by humans or nature by: (1) Rescue, namely prevention and overcoming threats of damage or destruction of protection of objects, sites and cultural heritage areas that arise either by nature or humans technically; (2) Security, namely

²⁰ *ibid.*

²¹ William N. Dunn, 2003, *Pengantar Analisis kebijakan Publik*, Edisi II, Gajah Mada University Press, Yogyakarta, h. 97.

²² Zairin Zain, *Strategi Perlindungan Terhadap Arsitektur Traditional Untuk Menjadi Bagian Pelestarian Cagar Budaya Dunia*, Jurnal Arsitektur NALARs, Volume 13, 2014, h. 42.

²³ *ibid.*

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protection by guarding, preventing and overcoming things that can damage objects, sites and cultural heritage areas while according to Law Number 5 of 2017 concerning the Advancement of Culture, Protection is an effort to maintain cultural sustainability which is carried out by way of inventory, security, maintenance, rescue, and publication.

Safeguarding the Cultural Conservation is the obligation of the owner and/or those who control it. Security of the Cultural Conservation as intended can be carried out by caretakers and/or special police. Based on these provisions, abuse of authority and various deviations by unscrupulous government officials can occur because there are no rules, weak coordination and unclear duties and obligations.

Publication is an announcement or publication. the goal is to get suggestions and input as feedback so that problems can be solved. This means that the preservation of cultural heritage is accountable to the public in a transparent and open manner by providing correct, honest and non-discriminatory information.

Rescue is an effort to prevent and/or overcome the Cultural Conservation from damage, destruction or destruction. Security is an effort to maintain and prevent Cultural Conservation from threats and/or disturbance. Zoning is the determination of the spatial boundaries of Cultural Conservation Sites and Cultural Conservation Areas according to needs. Maintenance is an effort to maintain and care for the physical condition of the Cultural Conservation to remain sustainable.

In this case the Government and/or Regional Government have the task of carrying out the Protection, Development and Utilization of Cultural Conservation. The Government and Regional Governments according to their levels have the task of allocating funds for the interests of Cultural Conservation Preservation, supervising, monitoring and evaluating the preservation of cultural heritage, carrying out disaster management in emergencies for objects, buildings, structures, sites and areas that have been declared as Cultural Conservation. as well as providing support to areas experiencing disasters, facilitating everyone in carrying out the use and promotion of cultural heritage, providing information on cultural heritage to the public, conducting research and development on cultural heritage, developing and implementing policies that can ensure the protection and benefit of cultural heritage and realizing, cultivating, develop and increase awareness and responsibility for the rights and obligations of the community in managing Cultural Conservation according to their level having the task of carrying out, protecting, developing and utilizing said Cultural Conservation in this case the Government and Regional Governments.

Remains of colonial buildings today can become cultural heritage buildings in which a building has architectural, aesthetic, historical, documentation, archaeological, as well as symbolic values of a certain cultural identity.

The physical form of an architectural physical form can be a characteristic of the surrounding environment, seen in the form of design and architectural elements that describe the characteristics of colonial architecture. The entry of this colonial architecture occurred as a result of the European colonial period in Indonesia since the 16th century. During colonization, the Europeans also built various facilities such as military barracks, hospitals, churches, and residences.

This building is made as closely as possible to their country of origin with the characteristics of buildings in Europe which tend to prioritize warmth in buildings because the temperature of the subtropical climate tends to be cold. Meanwhile, buildings in Indonesia with a tropical climate prioritize good air circulation because temperatures tend to be hot and humid. The building must experience acculturation in order to adapt to Indonesia's tropical climate due to the differences in climate between Europe and Indonesia.²⁴

Referring to the provisions of Law no. 5 of 2017 concerning the Advancement of Culture which is the object of advancing Culture is Traditional Architecture. According to Rahmatia (2002), a traditional house can be said to be a traditional house, a behavior of the local community in building houses, from generation to generation having its own uniqueness or characteristics that have been maintained for a long time, traditional houses or traditional houses generally use local materials.²⁵

Strategic steps that must be taken for the protection and preservation of ex-colonial buildings to become part of the preservation of cultural heritage are to develop general policies for protection and preservation. As one of the Cultural Heritage buildings in the form of architecture, ex-colonial buildings should be preserved if necessary. Strengthen the synergy between the Government and the Regional Governments that have become their responsibility, take adequate legal, scientific, technical, administrative and financial steps, establish or develop a Center -local scientific study center for protection and preservation training as well as Determining priorities for those that deserve to be included as Cultural Heritage Buildings.

According to the Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Conservation, Preservation is a dynamic effort to maintain the existence of Cultural Conservation and its value by protecting, developing and utilizing it.

Whereas the Cultural Conservation Preservation aims to:

- a. preserving objects of national cultural heritage and objects of human nature;

²⁴ Josephine Roosandriantini, Jessica Aprilia Poernama, Ferdinard Hendra Setiawan, Krisnina Dohan Limantara, Lucia Ina Trisyanti, *Akulturasi Arsitektur Kolonial Terhadap Perbedaan Iklim di SDN Ditotruman Lumajang dan Rumah Dinas Bakorwil Madiun*, Jurnal Ilmiah Arsitektur dan Lingkungan Binaan, ISSN 2580 E-ISSN 1693, Vol. 21, 2023, h. 28.

²⁵ Prayoga Gigih Erdiansah dan Anisa, *Pendekatan Arsitektur Traditional Pada Bangunan Pendidikan Berkonsep Modern "Karol Wojtyla"*, Universitas Katolik Atma Jaya, Jakarta, 2020, h. 33.

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- b. increase the dignity of the nation through cultural heritage;
- c. strengthen national identity;
- d. improve people's welfare;
- e. promote the nation's cultural heritage objects to the international community.

The Cultural Conservation Expert Team is a group of conservation experts from various fields of knowledge who have competency certificates to provide recommendations for the establishment, ranking, and elimination of Cultural Conservation. In carrying out their duties, the Cultural Conservation Expert Team is assisted by the Cultural Conservation Registration Team which works for the Regional Government to compile documents for registration of prospective Cultural Conservation objects as a basis for the study of the Cultural Conservation Expert Team.

The Cultural Conservation Expert Team has the role of recommending the determination of objects as Cultural Conservation to the Regent/Mayor, so that it can be said that without the existence of a Cultural Conservation Expert Team in the Regency/City, the Regent/Mayor cannot designate an object as Cultural Conservation.

Whereas before thinking about an approach to conservation efforts that is adapted to new facts from the object of preservation, it is important to define an architectural preservation strategy. For that to consider the aspects that must be preserved and ways to preserve it.

Preservation is a planned and managed activity to identify and ensure that an architectural element is an important part to be kept in memory and deserves to be preserved so that it can be enjoyed by current and future generations and used as long as possible.

Utilization is the utilization of Cultural Conservation for the greatest benefit of the welfare of the people while maintaining its sustainability. Utilization of found locations that have been designated as Cultural Conservation Sites must pay attention to the function of space and its protection.

Utilization that can cause damage must be preceded by a study, research, and/or analysis of environmental impacts.

It is important for us to decide what things we should preserve from the past to pass on to future generations. Documentation is an effective way to preserve historic architecture, especially when the architecture is socially unable to improve the quality of the environment and social life, which results in the building being displeased by the local community.

Cultural Conservation as a cultural resource is fragile, unique, rare, limited and non-renewable. In order to protect the Cultural Conservation from the threat of physical development, both in urban, rural areas and those in the water environment, arrangements are needed to guarantee its existence.

Indonesian culture is the whole local culture that exists in every region in Indonesia. National culture in the view of Ki Hajar Dewantara is "the peaks of regional culture".

The quote from this statement refers to the understanding of unity being increasingly strengthened, so that singleness is increasingly felt rather than diversity. Its form is in the form of a unitary state, national economy, national law, and national language. In general, the term preservation is a process of maintaining, protecting or protecting something of value in terms of all economic, political, social and cultural aspects so that it does not disappear. Conservation is the concept of processing a place or space or object so that the cultural meanings contained therein are well preserved.

So Conservation is a follow-up effort to protect and preserve architecture and the environment after an artifact has been decided to preserve because it has strong ties to the socio-culture of a community in the region because of its cultural meaning which contains historical, architectural, aesthetic, scientific and social values.

Since the Cultural Heritage Law was issued in 2010, acts of vandalism against cultural heritage have continued to occur, including looting and neglect as well as vandalism in various regions in Indonesia, such as in Surabaya, Malang, Jogjakarta, Semarang, and so on. Protection is an effort to prevent and deal with damage, destruction or destruction by means of saving, securing, zoning, maintaining and restoring cultural heritage. Encouraging the re-use of cultural heritage objects that have been or are almost destroyed, re-creating cultural heritage buildings that have been or are almost destroyed and extracting or studying various data on cultural heritage object buildings and or cultural heritage buildings that have been almost destroyed, the best at home and abroad can be done by means of revitalization of the Cultural Conservation Rescue Object to its original state, returning or restoring the cultural heritage building is Restoration.

The Central Government and/or Regional Governments are required to publish information related to the inventory, security, maintenance, and rescue of cultural heritage buildings. Everyone can play an active role in publishing information related to the inventory, security, maintenance, and rescue of heritage buildings. Culture, Publications are made to disseminate information to the public both domestically and abroad by using various forms of media.

Passing on cultural heritage building objects to the next generation, reviving and maintaining cultural ecosystems for each cultural heritage building object, maintaining the diversity of cultural heritage buildings, using cultural heritage building objects in daily life and maintaining the nobility and wisdom of cultural heritage building objects are ways of ways to maintain cultural heritage buildings

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The Central Government and/or Regional Governments are required to secure cultural heritage building objects. Everyone can play an active role in securing cultural heritage building objects, safeguarding cultural heritage building objects is carried out to prevent foreign parties from making claims on the intellectual property of cultural heritage building objects.

Fighting for cultural heritage building objects as world heritage, passing on cultural heritage building objects to the next generation and updating data in an integrated cultural heritage building data collection system continuously in the manner in which heritage building objects are safeguarded. Increasing Indonesia's active role and influence in international relations, improving people's welfare, increasing cultural resilience and building national character in the utilization of cultural heritage building objects.

It is carried out through intercultural collaboration, cross-cultural communication, increased adaptation to change, innovation and internalization of cultural values as meant by the use of cultural heritage building objects to build national character and increase cultural resilience as well as increase the dignity of the Indonesian nation. So that the utilization of cultural heritage building objects can improve the welfare of the community. Determination of ex-colonial buildings as cultural heritage buildings for the benefits of ideological protection, namely those that are closely related to the content to realize one of these things. By raising awareness and increasing public appreciation of archaeological resources, it will be able to foster national identity, increase national dignity so that people can be more critical of cultural heritage building resources that must be preserved.

One of the protection efforts that must be prioritized is community participation. So that public awareness increases about the importance of the existence of cultural heritage buildings so that later it will be the community who will participate more, the government will only protect and supervise so that it does not go out of the corridor of applicable laws regarding protection such as by working with professionals such as architects, entrepreneurs to develop cultural heritage area from an aesthetic and economic point of view.

Socio-cultural interests are that as a total value, social order and code of conduct for Indonesian people, they must be able to embody the Pancasila state view of life and philosophy in all aspects of national and state life. The transformation of the development of the socio-cultural system must remain Indonesian personality, embodiment of the values of Pancasila and the 1945 Constitution, must be the principle underlying the mindset, pattern of action, function, structure and process of the implemented Indonesian socio-cultural system.

Basically, Indonesian society as a unit was born long before the formal birth of Indonesian society. The youth oath incident, among others, is clear evidence. This event is a national consensus that is able to build Indonesian society on the idea of Unity in Diversity.

Based on cooperation and consensus on values as an overall system in society that is integrated and balanced as well as the sustainability of society which emphasizes elements of norms and legitimacy has a foundation on society, namely that every society has its function. Consensus is a general agreement or agreement about values, rules and norms in determining a number of goals and efforts to achieve the role that must be carried out and certain rewards in a social system. The principles of belief in God Almighty, independence, unity and unity as well as the principles of people's sovereignty and the principles of justice and prosperity are important principles. The event of the youth oath is a national consensus which has its embodiment in the Indonesian cultural system. The process of Indonesia's socio-cultural system is always related to national development where it takes place side by side with national development, sometimes it can even precede national development so that society can accept reforms as a result of national development. However, the feudal system that is still entrenched in the life of Indonesian society has a negative impact, namely in the form of mental weakness, this mental weakness can hinder national development.

Vandalism is a social act involving the intentional destruction or damage to public or private property. The term includes property damage, such as graffiti and vandalism aimed at any property without the permission of the owner. The term in its history is rooted in the view of the Age of Enlightenment that the German Vandals were uniquely destructive people. The Vandals, an ancient Germanic people, are associated with the senseless destruction resulting from the sacking of Rome under King Genserik in 455. During the Age of Enlightenment, Rome was idealized, while Goths and Vandals were blamed for its destruction.

The Vandals may have been no more destructive than other invaders of ancient times, but they did inspire English poet John Dryden to write, Till Goths, and Vandals, a rude Northern race, did all the matchless Monuments deface in 1694. However, the Vandals did deliberately damage the statues, which is why their name is associated with the vandalism of art. The term Vandalism was coined by Henri Grégoire (a bishop of Blois) to describe the destruction of works of art after the French Revolution, in 1794. The term was quickly adopted throughout Europe.

Vandalism, like any other crime, is made up of different parts, known as constituents or elements. To be convicted of vandalism, prosecutors must prove that a person has committed each of the following elements:

- a. Physical damage. Vandalism includes acts such as graffiti, "marking", engraving, sketching, and other forms of damage which are often permanent, but some are less serious causing damage to property, however, causing the property to not function properly. Placing stickers, posters, signs or other markings on the property may also cause physical damage.

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b. Owned by someone else. Property that is damaged belongs to someone else and that person has not given us permission to damage his property. We cannot be said to be committing vandalism, for example when we cover our own fences with graffiti or by adding bumper stickers to cars after obtaining permission from the owner.

Security is carried out to maintain and prevent the Cultural Conservation from being lost, damaged, destroyed, or destroyed. Safeguarding the Cultural Conservation is the obligation of the owner and/or those who control it. Security of the Cultural Conservation as referred to in the provisions of the Law on Cultural Conservation can be carried out by caretakers and/or special police.

Based on the Detiknews.com news dated December 7 2021 compiled by the author, there have been acts of vandalism in Surabaya and beritajatim.com dated July 1 2019 there have been acts of vandalism in Surabaya against cultural heritage sites and vandalism has also occurred in other cities in Indonesia.

Based on the type, these graffiti can be categorized as Play vandalism, namely the type of vandalism that is done to show and demonstrate the abilities he has, and is not intended to disturb other people. Based on this, it can be concluded that visitors who want to show their existence, that he (they) have already set foot on the site. However, it is very unfortunate that the existence they show is very wrong and contradicts the applicable laws and regulations regarding the preservation of cultural heritage.

Various studies have shown that vandalism is often carried out by young people among students and students, this is motivated by several factors according to Singgih Gunarso (1989) that young people (adolescents) have anxiety because they have many desires, but are always not fulfilled so that they always feel they have not and then made him feel uncomfortable. In addition, with the conflict within himself, confusion arises for himself and is also felt by others around him. Conflicts with parents and teenagers sometimes lead to disputes and teenagers do not dare to take risks, so they want to try something new and what they don't know which sometimes has a bad impact. With challenges with their desires but also no power so that teenagers prefer to gather with fellow teenagers. The results of their fantasies and desires are sometimes channeled in the opposite direction to the social norms that exist in the environment, sometimes even damaging or harming society (Gunarso, 1989). The developmental needs of adolescents that should be met are physiological needs, safety guarantees, social needs, the desire for appreciation and opportunities for self-development. If one is not fulfilled, it will tend to be vented towards negative activities that lead to juvenile delinquency by disturbing environmental order, including vandalism (Salmah, 2015).

If we talk in the context of respect for cultural heritage, it can be said that people who like to scribble on cultural heritage buildings are people who do not respect the past. Why is that because, cultural heritage from prehistoric times, is full of values, among others, historical values, cultural values and scientific values. The act of crossing out has been categorized as a form of vandalism. If it is linked again with the rule of law, then this strikeout can be subject to sanctions in accordance with the applicable laws and regulations.

Law enforcement related to cultural heritage down to the level of court decisions in Indonesia is still rare. One new case that occurred in 2017 regarding the destruction of cultural heritage buildings in Yogyakarta.²⁶

Law enforcement and protection of cultural heritage in Indonesia which is still weak can be proven by the rampant acts of vandalism and there are still many cultural heritage buildings which are being converted under the pretext of development.

In order to protect and preserve culture, a serious attitude and commitment from the government is needed as well as support from all elements of society so that a sustainable culture can be realized so that it can be used as much as possible for the prosperity of the people.

The obligation to maintain cultural heritage is regulated in Chapter VII Article 75 of Law Number 11 of 2010 concerning Cultural Conservation. Namely, among others:

- a. Every person is obliged to maintain the cultural heritage that he owns and/or controls; And
- b. The cultural heritage that is neglected by the owners and/or those who control it is controlled by the state.

Maintenance of cultural heritage is not only borne by the regional government or central government, but also for every person or community who owns or controls cultural heritage is obliged to carry out maintenance of cultural heritage. Security is carried out to protect and prevent Cultural Conservation from being lost, damaged, destroyed, or destroyed and Security for Cultural Conservation can be carried out by caretakers and/or special police. In the context of protecting and maintaining cultural heritage buildings from natural or human threats, the provisions in these provisions should actually be implemented.

²⁶ Gendro Keling, *Penegakan Hukum Cagar Budaya di Indonesia: Studi Kasus Sma 17 Yogyakarta*, Jurnal Kebudayaan, Vol 14 Nomor 1, 2019, h. 1.

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V. CLOSING

Conclusion

Determination of ex-colonial buildings as cultural heritage buildings is carried out by the Mayor/Regent based on recommendations from the Cultural Conservation Experts Team. The criteria for designating ex-colonial buildings as cultural heritage buildings must be based on their preservation goals in Law Number 11 of 2010, namely:

1. Preserving the nation's cultural heritage and the heritage of mankind;
2. Increase the dignity of the nation through Cultural Conservation;
3. Strengthening the national identity;
4. Improve people's welfare; and
5. Promote the nation's cultural heritage to the international community.

Efforts to protect cultural heritage buildings are efforts to prevent and deal with damage, destruction or destruction by means of Rescue, Security, Zoning, Maintenance and Restoration of Cultural Conservation. The right thing to do to be protected from acts of vandalism against ex-colonial buildings is to increase security by placing caretakers and special police while also involving the participation of the local community.

Suggestion

Every policy that has been implemented by the government, of course, must be evaluated within a predetermined period of time so that the Law that has been issued is in accordance with the principles of Preservation of Cultural Conservation in Law Number 11 of 2010 concerning Cultural Conservation:

- a. Pancasila;
- b. Unity in Diversity;
- c. Archipelago;
- d. Justice;
- e. Order and legal certainty
- f. Benefits;
- g. Sustainable;
- h. Participation; And
- i. Transparency and Accountability.

Ex-colonial buildings designated as cultural heritage are scattered in cities in Indonesia, there are many problems which are also based on the results of previous studies, policy evaluation is needed from various disciplines, including professionals and entrepreneurs as well as the community. Address these matters.

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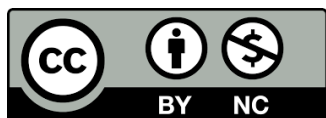
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