

REGULATION OF THE REGENCY OF BANYUWANGI  
NUMBER 14 OF 2017  
ON  
PRESERVATION OF CULTURAL HERITAGE AND CUSTOM IN BANYUWANGI

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF BANYUWANGI,

- Considering :
- a. that regional culture is an identity of the regions, nations and countries that must be preserved, developed and edified based on the crystallization of cultural values growing and developed and upheld by public as a nobility, value, and norms based on Pancasila;
    1. that to preserve and develop cultural heritage and Custom in Banyuwangi is necessary to have a systematic planning, integrated and scalable planning;
    2. that the planning is more focused and provides legal certainty then a governing law product is needed and protects the preservation of cultural heritage and Custom in Banyuwangi;
    3. that based on the considerations as referred to in point a, point b, and point c, it is necessary to establish a Regional Regulation on Preservation of Cultural Heritage and Custom in Banyuwangi;
- Observing :
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 12 of 1950 on Establishment of Regencies within East Java Province (State Gazette Republic of Indonesia of 1950 Number 41) as amended by Law Number 2 of 1965 (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement State Gazette of the Republic of Indonesia Number 2730);
3. Law Number 19 of 2002 on Copyright (State Gazette of the Republic of Indonesia 2002 Number 85, Supplement to the Gazette of the Republic of Indonesia Number 4220);
4. Law No. 28 of 2002 on Buildings (State Gazette of the Republic Indonesia of 2002 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4247);
5. Law Number 20 of 2003 on National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);
6. Law Number 11 of 2005 on Ratification of the International Covenant on Economic, Social, and Cultural Rights (State Gazette of the Republic of Indonesia of 2005 Number 118, Supplement to the State Gazette of the Republic of Indonesia Number 4557);
7. Law Number 43 of 2007 on Libraries (State Gazette of the Republic Indonesia of 2007 Number 129, Supplement to the State Gazette of the Republic of Indonesia Number 4774);
8. Law Number 10 of 2009 on Tourism (State Gazette of the Republic of Indonesia of 2009 Number 11, Supplement to the State Gazette of the Republic of Indonesia Number 4966);
9. Law Number 24 of 2009 on National Flag, Language and Emblem, as well as National Anthem (State Gazette of the Republic of Indonesia 2009 Number 109, Supplement to the Gazette Republic of Indonesia Number 5035);
10. Law Number 33 of 2009 on Film (State Gazette of the Republic of Indonesia 2009 Number 141, Supplement to the Gazette of the Republic of Indonesia Number 5060);
11. Law Number 11 of 2010 on Cultural Conservation (State Gazette of the Republic of Indonesia of 2010 Number 130, Supplement of the State Gazette of the Republic of Indonesia Number 5168);

12. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
13. Law Number 23 of 2014 on Local Government (State Gazette of the Republic Indonesia of 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587), as amended twice by Law Number 9 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 5679);
14. Government Regulation Number 12 of 2017 on Guidelines for Fostering and Supervision of Local Government Administration (State Gazette Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);
15. Presidential Regulation No. 78/2007 on Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage (Convention for Protection of Intangible Cultural Heritage), (State Gazette of the Republic of Indonesia of 2007 Number 81);
16. Presidential Regulation Number 87 of 2014 on Implementing Regulation of Law Number 12 2011 on Legislation Making.
17. Regulation of the Minister of Home Affairs Number 52 of 2007 on Guidelines for Conservation and Development of Custom and Social Values Community Culture;
18. Joint Regulation of the Minister of Home Affairs and Minister of Culture and Tourism Number 42 of 2009 and Number 40 of 2009 on Guidelines for Cultural Preservation;
19. Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 10 of 2014 on Guidelines for Preservation of Custom.
20. Regulation of the Minister of Home Affairs Number 80 of 2015 on the Establishment of Regional Legal Products;

With the joint approval of  
THE HOUSE OF REPRESENTATIVES OF  
THE REGENCY OF BANYUWANGI  
and  
THE REGENT OF BANYUWANGI

HAS DECIDED:

To issue : REGIONAL REGULATIONS ON PRESERVATION OF CULTURAL  
HERITAGE AND CUSTOMS IN BANYUWANGI.

CHAPTER 1  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Banyuwangi.
2. Local Government means the Government of the Regency of Banyuwangi.
3. Regent is the Regent of Banyuwangi.
4. Regional House of Representatives, hereinafter referred to as DPRD means the House of Representatives of the Regency of Banyuwangi.
5. Regency Culture and Tourism Office means the Culture and Tourism Office of the Regency of Banyuwangi.
6. Regional Apparatus of the Regency means Regent's assistant and DPRD administering Government Affairs which become the authority of the regency.
7. Culture means the whole idea, behavior, and humans' work and/or human groups work developed through the learning process and adaptation to its functioning environment as a guideline for public, nation, and state life.
8. Custom means a series of institutionalized behavior and tradition in society which functions to realize social values of culture into everyday life.
9. Regional Culture means the culture in Banyuwangi and new culture arising from the interaction among cultures for social life in accordance with identity and noble values of Banyuwangi community.

10. Cultural Elements means part of a cultural system with different properties related to each other and form one unit.
11. Cultural Management means an effort to preserve culture done through planning, organizing, developing and evaluating for the purpose of civilization progress and public welfare.
12. Preservation means a dynamic effort which includes protection, development, utilization, maintenance, guidance and supervision.
13. Protection means an effort to prevent and overcome things that can cause damage, loss, or extinction of culture and Custom in the form of ideas, cultural behavior and work including dignity and cultural rights caused by human actions or nature processes.
14. Development means an effort to work, make it possible that there is a refinement of ideas, behavior and cultural works in the form of changes, additions, or replacements according to the order and norms that apply to the community of the owner without sacrificing authenticity.
15. Utilization means an effort to use cultural works and Custom for the purposes of education, religion, social, economy, technology, science and culture purposes of itself:
16. Cultural right means a right adhering to every person as a cultured human.
17. Multiculturalism means the orientation and/or understanding in it containing the principle of respect and appreciation for a difference made consciously and actively to realize spirit of togetherness.
18. History means a past event of the human along with all its aspects that surround it, considered important, actually happened, good written or unwritten, and can be proven true.
19. Cultural Heritage means the entire cultural heritage having historical importance, science and technology, and/or art.
20. Cultural institution means an association of people who has major activities related to culture.
21. Cultural Human Resources, hereinafter referred to as Culture HR mean the human potential to pour and develop ideas into action in order to achieve welfare.

22. Cultural Infrastructures and Means mean supporting facilities of the implementation of cultural activities and the cultural process.
23. Everyone means an individual, a group of people, or a business entity, both incorporated and non-incorporated.
24. Indigenous people mean communities who have values or habits that continue and are carried out for generations.
25. Customary institution means a good social institution either formed deliberately or naturally grown and developed in community history or in a certain customary law with jurisdictions and rights to assets within such customary law, as well as the right and authority to regulate, take care and solve various life problems relating to applicable custom and referring to customs and customary law.
26. Customary Dispute Resolution means a process of resolving differences of opinion or problems related to indigenous peoples through procedures agreed upon by the parties namely by using customary law and/or in accordance with the principles of local wisdom of indigenous people.
27. Local Language means a language spoken in a region in a country, the nationality of a small area, province, or a wider region.
28. Osing language means a language that has regional characteristics inherited and maintained from generation to generation to develop along with the growth of the embryo of the people of Banyuwangi.
29. Regional Art means an element of art that are part of public life in a certain clan/tribe/nation.

## CHAPTER II SCOPES

### Article 2

The scopes of the preservation of regional cultural heritage and custom include:

- a. protection;
- b. development;
- c. utilization;

- d. maintenance; and
- e. guidance and supervision.

### Article 3

The preservation of cultural heritage and custom as referred to in Article 2, is aimed at the following aspects:

- a. art;
- b. archeology, museum and history;
- c. language and literature;
- d. traditional clothes;
- e. Banyuwangi Makeup, Clothing and Traditional Wedding Ceremonies;
- f. Building architecture;
- g. literature and ancient manuscripts;
- h. culinary/typical Banyuwanginese food.

## CHAPTER III PURPOSES AND PRINCIPLES

### Article 4

The preservation of cultural heritage and custom aims to:

- a. protect and secure cultural heritage and local custom so that they are not extinct or recognized as culture and custom by other regions/countries;
- b. maintain and develop traditional values which constitute identity and as a symbol of local multicultural community pride of Banyuwangi;
- c. increase public understanding and awareness of heritage culture;
- d. increase awareness, awareness and aspirations of society towards regional cultural
- e. heritage;
- f. arousing the spirit of patriotism, nationalism and patriotism;
- g. motivate, inspire, and expand repertoire for the community in working in the cultural field; and
- h. develop cultural heritage and custom to strengthen regional and national cultural identities.

#### Article 5

The preservation of cultural heritage and custom is carried out based on the principles of:

- a. Pancasila;
- b. Unity in Diversity;
- c. legal certainty;
- d. alignments;
- e. accountability; and
- f. continuity.

### CHAPTER IV DUTIES AND AUTHORITY

#### Article 6

Duties and authority of local governments in preserving cultural heritage and custom are:

- a. to carry out data collection on cultural heritage and custom originating from and/or still living in the community of Banyuwangi;
- b. to facilitate, develop and implement heritage preservation culture and custom in Banyuwangi;
- c. to synergize with the community and the business world in an effort regional cultural management;
- d. to coordinate the implementation of cultural management with the surrounding region.
- e. to formulate and establish policies and strategies for conservation cultural heritage and custom based on regional policies;
- f. to carry out the preservation of cultural heritage and custom in accordance with rules/norms, standards, procedures, and criteria by the type of culture or custom concerned and/or according to those determined by the Local Government;
- g. to carry out cooperation among regions, partnerships, and deep networks in cultural management;
- h. to carry out guidance and supervision of the implementation of preservation cultural heritage and custom in Banyuwangi;



- i. to determine the area of cultural heritage and local custom; and
- j. to facilitate and/or resolve disputes in preservation cultural heritage and customs in the area.

#### Article 7

- (1) In carrying out the tasks and authority as referred to in Article 6, the local Government prepares a Regional Action Plan for the preservation of cultural heritage and custom within 5 (five) years.
- (2) The Regional Action Plan as referred to in section (1), at least contains:
  - a. direction, policies, and strategies in achieving implementation targets preservation of cultural heritage and custom;
  - b. targets to be achieved in efforts to preserve cultural heritage and custom;
  - c. development of cooperation, partnerships, and active participation society and the business world; and
  - d. needs for providing financing borne by the local Government and community.

#### Article 8

Further provisions regarding the Regional Action Plan for Heritage Conservation culture and Custom as referred to in Article 5 are regulated by a Regent Regulation.

### CHAPTER V

#### RIGHTS AND OBLIGATIONS OF LOCAL GOVERNMENT

#### Article 9

The rights of Local Government are:

- 1. realizing the right to culture in the fields of ideology, politics, economy, and social;
- 2. controlling the preservation of cultural heritage and custom in Banyuwangi by forming the Independent Custom Preservation Council of Banyuwangi which aims to:

- a. Handle negative impacts on culture;
  - b. Optimize the management of the preservation of cultural heritage custom;
  - c. Develop local culture with multiculturalism.
3. obtaining data and information on the preservation of cultural heritage and custom as widely as possible from the community;
  4. transferring ancient manuscripts related to regional cultural heritage to be preserved and utilized;
    - a. Religious leaders;
    - b. Cultural Figures;
    - c. Traditional Figures;
    - d. Public figure;
    - e. Academics; and
    - f. Human Rights Activists.

#### Article 10

Elements of Membership of the Council for the Preservation of Cultural Heritage and Custom in Banyuwangi consist of:

#### Article 11

Further provisions regarding the formation, organizational structure, duties, and the authority of the Conservation Council of Cultural Heritage and Custom in Banyuwangi are further regulated by a Regent Regulation.

#### Article 12

The obligations of Local Government are:

- a. facilitating registration of intellectual property rights values regional culture of which implementation is in accordance with the provisions legislation;
- b. developing data and information on cultural preservation at least containing, among other things, types of art, history, museum, language and literature, traditional values, data and other information needed in cultural preservation.
- c. facilitating the protection of traditional works of art and/or works of art a culture whose creator is not yet known in accordance with the regulations legislation;

- d. facilitating registration of intellectual property rights to works of traditional arts and/or cultural arts;
- e. carrying out the art preservation activities that are prioritized on traditional arts, arts that are considered almost extinct or rare which has regional characteristics, contemporary arts and new creations which are in line with regional cultural values;
- f. inventoring and collecting ancient manuscripts that are possessed by people in Banyuwangi and outside of Banyuwangi;
- g. reproducing ancient manuscripts related to Banyuwangi.

## CHAPTER VI RIGHTS AND OBLIGATIONS OF THE COMMUNITY

### Article 13

In preserving the cultural heritage and custom in Banyuwangi, the community has the rights to:

- a. use all aspects of cultural heritage and custom based on norms and its function;
- b. provide input to the Local Government in an effort in preservation of regional cultural heritage and local custom;
- c. choose aspects of the cultural heritage and custom that are exiting for the importance of disclosing the value of local wisdom.

### Article 14

- (1) The community is obligated to participate in the implementation of culture heritage preservation and custom in Banyuwangi.
- (2) The form of community's obligations as referred to in section (1), prioritized on:
  - a. participating in maintaining and preserving cultural heritage and local custom;
  - b. participating in the inventory of historical excavations, regional culture heritage and local custom;

- c. participating in activities to enhance the preservation of culture heritage and custom;
- d. participating in the socialization and publication of regional culture heritage values and local custom; and
- e. participating in facilitation activities for the development of human resources quality in the preservation of cultural heritage and local custom.

#### Article 15

- (1) To achieve the goal of preserving cultural heritage and custom as referred to in Article 2, the public participates in activities of preserving local culture.
- (2) The public participation as referred to in section (1) can be carried out through individuals, field community organizations in culture and/or cultural communication forum.

#### Article 16

The public participation as referred to in Article 16 section (2), includes:

- a. being active in instilling an understanding of diversity, strengthening regional identity and nationality, fostering regional pride, and strengthening national unity;
- b. playing an active role in developing regional culture through dialogue, cultural meeting, workshop, and so on; and
- c. providing input and assist Local Government in cultural preservation.

### CHAPTER VII

#### IMPLEMENTATION OF PRESERVATION

##### Part One

##### Arts

#### Article 17

- (1) The preservation of arts as referred to in Article 3 point a, aims to:

- a. improve the sustainability of business management, research, improving quality, disseminating artistic results, increasing power creativity and performance, as well as improving the artistic appreciation of regional arts;
  - b. increase the creativity and productivity of the artists for creating the regional arts; and
  - c. increase the positive attitude of society towards art through education and art appreciation at school and outside of school.
- (2) In order to achieve the objectives as referred to in section (1), Local Government along with the public own the following obligations of:
- a. creating an atmosphere of traditional and contemporary arts who are dynamic, ethical and characteristic;
  - b. protecting the copyright and artistic property of local artists;
  - c. improving the welfare of cultural actors and preserver;
  - d. organizing creative, responsive, proactive and dynamic arts institutions to the needs and growth of regional arts;
  - e. increasing public appreciation of regional arts; and
  - f. increasing the professionalism of regional arts organizers.
- (3) The Local Government develops programs and activities which are systematic, planned, and sustainable by involving society, artists, experts, and other concerned parties.

#### Article 18

Preservation of arts as referred to in Article 17 section (1), is directed at the norms and values of progress that are beneficial to the realization of human development who believes and pious as well have a noble character.

#### Article 19

- (1) In preserving arts as referred to in Article 18, Local Government:

- a. applies local arts in local content lessons early childhood education and basic education.
  - b. encourages and facilitates arts associations and institutions community in the preservation of regional arts;
  - c. develops a reward system; and
  - d. utilizes public spaces, art buildings, and mass media as an effort to preserve regional arts.
- (2) In carrying out the tasks as referred to in section (1), Local governments can:
- a. encourage and provide opportunities for artists to be more creative and produce more quality work;
  - b. provide art means facilities and infrastructures;
  - c. hold publications and promotions of works of art and culture;
  - d. encourage the growth of the art equipment industry;
  - e. increase public appreciation of cultural arts;
  - f. reflect and evaluate the activities of preservation art; and
  - g. conduct development of art associations.

#### Article 20

- (1) Application of regional arts in the provision of education as referred to in Article 19 section (1) point a, through activities as follows:
- a. includes integrated regional arts learning materials with arts subjects through intra curricular, co-curricular, and/or extracurricular activities;
  - b. revives regional art activities in schools;
  - c. increases the appreciation of arts to students and energy educators in schools;
  - d. prepares educators who have regional arts expertise and master the field through education and training;
  - e. improves the quality of educators and art learning materials area;
  - f. meets the facilities needed in the implementation of education regional arts; and

- g. improves the means and infrastructures for regional arts in schools.
- (2) Application of regional arts in the implementation of education as referred to in section (1), becomes the official duty and function in charge of education.

#### Article 21

In preservation, development and utilization of activities regional arts, the Local Government implements:

- a. Periodic and tiered art competitions/festivals/parades;
- b. art performances carried out at certain events;
- c. other activities as a means and medium for art appreciation; and
- d. art awarding.

#### Article 22

Further provisions regarding the types and kinds of regional arts are regulated by a Regent Regulation.

### Part Two

#### Antiquities, Museum and Historical

#### Article 23

- (1) The preservation of antiquities as referred to in Article 3 point b through the following activities:
- a. data collecting, recording, and documenting of local culture in heritage spread in the region and outside the region and/or which has been controlled by the community;
  - b. rescue of the discovery of local cultural heritage that is on and still buried/had been buried in the ground;
  - c. review of the discovery of regional local cultural heritage; and
  - d. regulation of the use of regional local cultural heritage for education and tourism.
- (2) Activities as referred to in section (1), as an effort preservation of the local regional cultural heritage, sites and the environment.

Article 24

- (1) Local Governments are obligated to carry out archaeological socialization based on archaeological technical standards to the public in a large, systematic, and directed manner.
- (2) The implementation of the obligations as referred to in section (1), is carried out by involving the public, experts, and other parties concerned.

Article 25

- (1) Findings of local cultural heritage in the form of movable and immovable objects under the control of the Local Government.
- (2) Findings of local cultural heritage in the form of immovable objects on land possessed by individuals can be freed by being given a replacement in accordance with legislation.

Article 26

- (1) People who find and/or keep local culture inherited objects is obligated to register and submit to Regional Government.
- (2) The Head of Service documents local cultural heritage objects that are kept by the community.
- (3) The local cultural heritage can be utilized for education, tourism, and scientific activities purposes.

Article 27

Further provisions regarding the implementation of preservation of archeology are regulated in a separate Regional Regulation that regulates Cultural heritage.

Article 28

- (1) The historical preservation as referred to in Article 3 point b, is carried out through:
  - a. maintenance, protection and assessment of historical sources as regional history writing materials;
  - b. research and regional history writing objectively and scientifically as well as popular science, and regional historical literature;



- c. sorting and maintaining the results of regional history writing; and
  - d. utilization of the results of regional history writing with disseminating it through primary and secondary education, mass media periodically publication and other publication means which are accessible to all levels of public.
- (2) The Local Government facilitates the writing of regional histories done by the community.

#### Article 29

Further provisions regarding the implementation of historical preservation and procedures for granting writing facilitation as referred to in Article 28 section (1) and section (2) are regulated by a Regent Regulation.

### Part Three

#### Linguistics and Literature

#### Article 30

Local governments are responsible for carrying out maintenance, development and utilization of local languages and literature preserved by the community.

#### Article 31

- (1) The preservation of language and literature as referred to in Article 3 point c, is aimed to local language and literature preserved by community with an emphasis on Osing language and literature as identity of Banyuwangi Regency as an element of local culture and part of the national culture.
- (2) The preservation of local language and literature as referred to in section (1), is carried out through:
- a. establishing the existence and continuity of language use of local language and literature as the main supporting factors for identity and regional pride;

- b. determining the position and function of local languages as culture of the regions and one of the communication tools used by the community of Banyuwangi;
  - c. protecting, developing, empowering, and utilizing local language and literature as local cultural heritage which in turn supports national culture;
  - d. improving the quality of potential use of local languages and literature; and
  - e. Strengthen local language functions with the emphasis of Osing language as the main factor supporting Banyuwangi identity.
- (3) The scopes of the implementation of local language and literature preservation activities as referred to in section (1), are as follows:
- a. providing education in schools and outside of schools;
  - b. providing teaching materials and reading materials in local languages for schools, outside schools, and public libraries;
  - c. organizing training, upgrading, seminars, workshops, discussions, appreciation, and similar activities;
  - d. organizing competitions for students, teaching staff, and public;
  - e. conducting research and teaching systems as well disseminating the results;
  - f. holding periodically local language congresses;
  - g. awarding selected literary works, awarding as well as linguists, writers and researchers;
- (4) The preservation of Osing language and literature as Regency identity Banyuwangi needs:
- a. to disseminate the Osing language and literature preservation program;
  - b. to provide facilities for study group of the Osing language and literature;
  - c. to empower and utilize mass media, both print and electronics in local languages;

- d. to manage communication, documentation and information systems on Osing language and literature;
- e. to apply Osing language and literature in religious statements;
- f. to translate science and technology publications into foreign languages and/or into local languages and vice versa;
- g. to procure supporting technology facilities; and
- h. to publish books, articles, and research results.

#### Article 32

To achieve the goal of preserving local languages and literature as referred to in Article 31 section (1), Local Government applies:

- a. local language and literature education curriculum in the unit education as a local curriculum;
- b. good quality local language;
- c. encouragement of public appreciation of local languages and literature; and
- d. increase of community participation in maintenance efforts local language and literature.

#### Article 33

- (1) Preservation of local language and literature in educational units as referred to in Article 32 point a, implemented through:
  - a. facilitating the provision of increased competency of teaching staff in regional language and literature and its teaching materials; and
  - b. providing supporting facilities in the implementation of learning local languages and literature, such as reading materials, dictionaries, recordings various dialects, folk songs in audio-visual form.
- (2) In the event that the preservation of Osing language and literature in quality is implemented through:
  - a. facilitating and publishing Osing language and literary dictionaries officially by the Local Government;
  - b. conducting technical guidance on Osing language learning to society continuously; and

- c. encouraging and facilitating organizations and/or institutions community in the preservation of Osing language and literature.
- (3) In addition to the activities referred to in section (1) and section (2), Local governments carry out activities to use identity and regional pride for its public place, street, and building names.

#### Article 34

- (1) In the event of preserving Osing language and literature, Local Government can implement:
- a. Implement Osing language and literature education and training;
  - b. Increase the competence of educators who meet the expertise and mastering the Osing language and literature to be assigned to school; and
  - c. hold textbooks and reading books for Osing language and literature.
- (2) Efforts to preserve Osing language and literature as referred to in section (1), are conducted by:
- a. protecting the position and existence of Osing language and literature in order to stay alive and develop and avoid extinction;
  - b. applying Osing language and literature in daily life.

#### Article 35

The community plays a role as an actor in efforts to preserve Osing language and literature through:

- a. maintaining and developing pride as local residents which is an integral part of citizenship Indonesia;
- b. strengthening awareness that Osing language and literature is part of the national culture that strengthens the national identity in the context of national cultural diversity; and
- c. maintaining and fostering love for local culture which is a treasure of national culture.

#### Article 36

Further provisions regarding the implementation mechanism and procedure for preservation of Osing language and literature are regulated by a Regent Regulation.

#### Part Four

#### Traditional Clothes

#### Article 37

- (1) The Local Government determines traditional clothes.
- (2) Determination of traditional clothes, as referred to in section (1), as an effort to preserve the local cultural heritage that its existence can be preserved and sustainable.
- (3) The existence of traditional clothes in the region must be maintained, preserved and developed by the community.

#### Article 38

Further provisions regarding the stipulation and the use of traditional clothes as referred to in Article 37 section (1) and section (3), are further regulated with a regent regulation.

#### Part Five

#### Banyuwangi Makeup, Clothing and Traditional Wedding Ceremony

#### Article 39

- (1) Banyuwangi Make-up, Traditional Clothes and Banyuwangi Wedding Ceremony, its existence and the usage must be maintained and developed by:
  - a. The use of Banyuwangi Make-up, Clothing and Traditional Wedding Ceremonies;
  - b. Cultural Festival; and
  - d. Cultural Ambassador.
- (2) Further provisions regarding Banyuwangi make-up, clothes and Wedding ceremony are further regulated by Regulations.

Part Six  
Building Architecture

Article 40

- (1) Typical architecture of local cultural heritage, its existence and the usage must be maintained and developed through, among others:
  - a. the use of typical regional architecture in public buildings and/or buildings belonging to the Regional Government; and
  - b. placing ornaments typical of regional cultural heritage on the part of the wall at the gate and/or monument that serves as a boundary administrative villages, sub-districts, municipalities/regencies, and area.
- (2) Further provisions regarding the typical architecture of Banyuwangi buildings further regulated by a Regent Regulation.

Part Seven  
Bibliography and Ancient Manuscripts

Article 41

- (1) The community has the right to save, care for, preserve and utilizing ancient regional culture manuscripts, responsibly.
- (2) People who have ancient manuscripts as referred to in section (1), must register with the regional public library and/or national library.

Article 42

- (1) Registration of ancient manuscripts as referred to in Article 41 section (2), is submitted in writing complete with at least the following data:
  - a. owner's identity;
  - b. history of possession of ancient manuscripts; and
  - c. type, number, shape and size of ancient manuscripts.
- (2) Registration of ancient manuscripts as referred to in section (1) is implemented in accordance with the provisions of legislation.

Article 43

- (1) The community can hand over storage, maintenance and preservation of ancient manuscripts related to local cultural heritage to regional public libraries.
- (2) Submission of ancient manuscripts as referred to in section (1), The Local Government provides compensation to the owners of ancient manuscripts concerned and implemented in accordance with legislation.

Article 44

Local governments encourage and facilitate documentation cultural heritage and custom of Banyuwangi as a preservation effort.

Part Eight

Culinary/Typical Food of Banyuwangi

Article 45

- (1) The Local Government determines the culinary/specialties of Banyuwanginese food;
- (2) Determination of Banyuwangi culinary/special food, as referred to in section (1), as an effort to preserve the local cultural heritage its existence can be maintained and sustainable;
- (3) The existence of Banyuwangi culinary specialties in the area, must be maintained, preserved and developed by the community;

CHAPTER VIII  
REGISTRATION

Article 46

- (1) Every local cultural association and/or organization is obliged get the legality from the local government.
- (1) Registration procedures as referred to in section (1) are further regulated by a Regent Regulation.

CHAPTER IX  
DATA AND INFORMATION

Article 47

- (1) In the event that Development of Information on Cultural Conservation as referred to in Article 12 point b, is connected in one network nationally.
- (2) Provision of data and information on cultural preservation as referred to referred to in section (1), becomes the duty of the Head of Service who is designated and has function in the cultural sector coordinates with Regional Apparatus whose duties and functions are in the field of communication and information.

CHAPTER X  
PUBLIC PARTICIPATION

Article 48

Public participation can be carried out through individuals and organizations community in the cultural field and/or communication forum culture.

CHAPTER X  
GUIDANCE AND SUPERVISION

Article 49

- (1) Local Government carries out guidance and supervision of preservation cultural heritage and custom.
- (2) Further provisions regarding guidance and supervision preservation of cultural heritage and custom as referred to in section (1) are determined by a Regent Regulation.

CHAPTER XII  
FINANCING

Article 50

Financing the implementation of preservation activities of culture and custom heritage carried out by the Local



Government can come from the Regional Budget and other legal and not binding sources in accordance with the provisions of laws and regulation.

### CHAPTER XIII DISPUTE RESOLUTION

#### Article 51

- (1) Disputes over the preservation of cultural heritage and custom between individuals, between social organizations in the cultural field, and/or the cultural community communication forum are resolved by deliberation of the parties.
- (2) The deliberation of the parties as referred to in section (1) may be done through mediation and reconciliation.
- (3) In the event of deliberation as referred to in section (1) and section (2) not achieved, the Regent can facilitate the dispute process.
- (4) In the event that of deliberation and facilitation as referred to in section (1), section (2), and section (3), are not reached the dispute resolution can be conducted through a judicial process.

### CHAPTER XIV ADMINISTRATIVE SANCTIONS

#### Article 52

- (1) Everyone who does not implement the provisions as referred to referred to in Article 41 section (2) and Article 47 section (1) is subject to administrative sanctions.
- (2) Further provisions regarding administrative sanctions are regulated by Regent Regulation.

### CHAPTER XV INVESTIGATION

#### Article 53

- (1) In addition to investigation by investigator officers of National Police who are tasked with investigating violations

acts as referred to in this Regional Regulation, it can be conducted by Civil Servant Investigators (PPNS) within Local Government whose appointment is determined in accordance with legislation.

- (2) In carrying out investigation duties, investigator officers are PPNS as referred to in section (1), has the authority to:
  - a. receive a report or complaint from someone about the violation existence;
  - b. perform the first action at that moment at the scene and examination;
  - c. tell a suspect to stop and check for the suspect identification;
  - d. confiscate objects and/or letters;
  - e. take fingerprints and take a picture of someone;
  - f. calling people to be heard and examined as suspects or witnesses;
  - g. bring in an expert who is needed in relationship with case examination;
  - h. hold an investigation halt after receiving instructions that there is not enough evidence or the event is not it constitutes an act of violation and then informs it to the suspect's public prosecutor or his family; and
  - i. perform other actions according to the law that can accounted for.
- (3) In carrying out their duties, PPNS investigators are not authorized carry out an arrest, detention and/or search.
- (4) The investigator makes an official report for each action on:
  - a. examination of the suspect;
  - b. house searches;
  - c. confiscation of objects;
  - d. mail checking;
  - e. witness examination; and/or
  - f. inspection at the scene.

## CHAPTER XVI CRIMINAL PROVISIONS

### Article 54

- (1) Everyone who does not register cultural heritage objects as referred to in Article 41 section (2), is subject be

imprisonment for a maximum of 6 (six) months or a fine up to IDR 50,000,000 (fifty million rupiah).

- (2) The criminal act as referred to in section (1) is a violation.

## CHAPTER XVII CLOSING PROVISIONS

### Article 55

The Regent Regulation as the implementation of this Regional Regulation is mandatory issued not later than 6 (six) months as of this Regional Regulation promulgated.

### Article 57

This regional regulation comes into force on the date of its promulgation.

In order that everyone knows hereof, it is ordered to promulgate this Regional Regulation by its placement in Regency Gazette Banyuwangi Regency.

Issue in Banyuwangi  
on 29 December 2017

REGENT OF BANYUWANGI,

signed

H. ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi  
on 29 December 2017

REGIONAL SECRETARY  
OF BANYUWANGI REGENCY,

signed

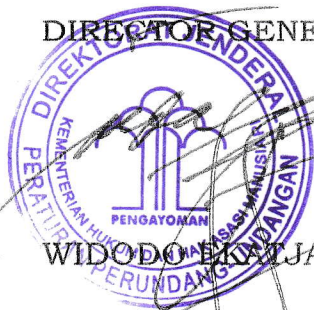
DJADJAT SUDRADJAT

REGENCY GAZETTE OF BANYUWANGI OF 2017 NUMBER 14

Jakarta, 27 November 2020

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,



WIDODO EKATJAHJANA

ELUCIDATION  
OF  
REGULATION OF THE REGENCY OF BANYUWANGI  
NUMBER 14 OF 2017  
ON  
PRESERVATION OF CULTURE AND CUSTOMS IN BANYUWANGI

I. GENERAL

The Indonesian nation is a nation that is rich culture and customs because they are motivated by their existence various ethnic and ethnic groups scattered throughout the region archipelago. This proves that the Indonesian nation is a nation which is very diverse and plural. This diversity is a gift which is not owned by all countries in this world. Diversity is a tremendous social capital realizing a sense of nationalism for the Indonesian nation. Diversity for the Indonesian nation it is invested in Bhinneka Tunggal Ika as a slogan or motto in the emblem of the State Pancasila "Garuda Bird". The meaning of Bhineka Tunggal Ika shows that the Indonesian nation is a heterogeneous nation, namely the nation which has diversity, both in the aspects of religion, culture, as well as race, ethnicity and customs.

Diversity is a frequent characteristic of the Indonesian people that we are proud of but at the same time we are often concerned about. This matter because managing a heterogeneous society is much more difficult compared to organize a homogeneous society. Society which heterogeneous, of course, has aspirations, desires and hopes which is much more varied than a homogeneous society. Diversity can be a challenge or a threat, because the diversity is easy to make people different opinion which is uncontrolled, easy to grow regional feelings or tribal or violent which at times can become explosion which would

threaten integration or unity and integrity of nation. In general, this Regional Regulation contains the main material organized systematically as follows: the principles that must use in the implementation of Regional Regulations, on Conservation of Culture and Custom of Banyuwangi.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear.

### Article 3

#### Point a

The term "Pancasila principles" means Preservation Culture and customs that are carried out based on values of Pancasila.

#### Point b

The term "the principle of Unity in Diversity" means Preservation of Culture and customs always pays attention diversity of population, religion, ethnicity and class, conditions region specific, and culture in social life, nation and state.

#### Point c

Museum is a system of various things related to the operation and management museum.

#### Point d

The term "the principle of partiality" means that every preservation of Culture and customs gives priority sustainability, preservation, and protection for culture and customs.

#### Point e

The term "principle of accountability" means Preservation Banyuwangi culture and customs are accounted to the public in a transparent and open manner by providing true, honest and discriminatory information and.

#### Point f

The term "principle of sustainability" means cultural administration is a systematic effort and planned which is an

integral part of principles and national development process by considering long-term interests including next generation interests.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Point a

Art is the work of a human or group of Banyuwangi community in the form of embodied aesthetic value creativity, creativity, taste, initiative and works that can create a sense of beauty and high value in Banyuwangi community.

Point b

Archeology is all cultural relics of Banyuwangi community of the past is prehistoric, Hindu-Buddhist, Islamic and colonial.

Point c

Museums are institutions, places of storage, care, security, and use of material evidence objects of the results of human culture and nature and the environment are useful support efforts to protect and preserve wealth of the nation's culture.

Point d

History is concerned with changing events and/or regional development, heroic values, events of the struggle of the Indonesian nation, figures, politics, social, cultural and architectural values that become symbols of value history at the National and/or Regional level;

Point e

Language is an arbitrary symbol system, which is used by members of a community to cooperate, interact, and identify themselves.

Point f

Tradition value is a comprehensive system, which consists of ways, aspects and giving meaning to practice speech, ritual practice and various other types of human practice or a number of humans who act one with another.

Point g

A library is an institution that manages a collection of papers, printed works, and/or professionally recorded works with a standard system to meet educational needs, research, preservation, information, and recreation of visitors. Ancient Manuscripts are all written documents that are not printed or not reproduced by other means, either that residing at home and abroad who are aged at least 50 (fifty) years, and which has a value important for national culture, history, and science knowledge.

Point h

Filming is a variety of things related to film.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Section (1)

The term "Center for Inclusive Education Resources" means an institution established by the Regional Government for



coordinating, facilitating, strengthening and assisting the implementation of the supporting system of inclusive education in schools.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 14

Point a

The term periodically means in a planned manner done at least once a year. The term tiered means a level art competition Kelurahan, sub-district and regency.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term contemporary art means art which is a new creation from the artist contemporary art which has gained influence other cultures both from other regions and abroad.

Section (2)

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Section (1)

Sufficiently clear

Section (2)

The term documenting means efforts to collect, process, and organize inside information the form of recording in the form of writing, pictures, photographs, films, sound, or combination of these elements (multimedia)

Section (3)

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Section (1)

Cultural Heritage Sites are locations that are on land and/or in water containing Cultural Conservation Objects, Cultural Conservation Buildings and/or Cultural Conservation Structures as the result of human activities or evidence of events on past.

Section (2)

Sufficiently clear.

Article 24

Section (1)

Museum is an institution where storage, care, safeguarding and utilizing the resulting material objects human and nature and

the environment to support efforts to protect and preserve the nation's cultural wealth.

Section (2)

Museum collections are objects of material evidence of the results the culture of nature and its environment that has important value for history, science, and culture.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Section (1)

The Museum Manager is an autonomous implementing unit which has its own household administration system.

Section (2)

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

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Article 36

Sufficiently clear.

Article 37

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Article 38

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Article 39

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Article 40

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Article 41

Sufficiently clear.

Article 42

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Article 43

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Article 44

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Article 45

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Article 46

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Article 47

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Article 48

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Article 49

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Article 50

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Article 51

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Article 52

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Article 54

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Article 58

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Article 59

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Article 60

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Article 61

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Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.