



Authority of the aceh Besar regency government in management of Indra Patra fort cultural heritage objects

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Abstract

Article 26 paragraph (1) of Law Number 11 of 2010 concerning Cultural Heritage states, "The government is obliged to search for objects, buildings, structures and/or locations suspected of being Cultural Heritage, and in Article 99 Paragraph (1) states that the Government and the Regional Government is responsible for the supervision of Cultural Heritage Preservation by its authority. In the legal system, laws and regulations in Indonesia require every cultural heritage to be identified to determine the status of the cultural heritage. Determining the status of cultural heritage will have an impact on the authority to maintain and preserve the cultural heritage. These provisions are regulated in Article 35 of Government Regulation No. 1 of 2022 which mandates the classification of cultural heritage sites in Indonesia. Based on the recommendations of the cultural heritage expert team which was formed through the Decree of the Regent of Aceh Besar number 102 of 2022 concerning the formation of a cultural heritage expert team for the Aceh Besar district, it was determined that the cultural heritage status of the Lamuri Kingdom Area is a cultural heritage of the Aceh Besar Regency. One of the cultural heritage sites in the Lamuri kingdom area is Indra Patra Fort. Determining the ranking of the Indra Patra Fort Cultural Heritage Site has resulted in a dualism of authority in its management and maintenance, so the author is interested in researching this problem further. This research aims to explain the authority that the Aceh Besar Regency Government has in managing the cultural heritage of Indra Patra Fort and the efforts that must be made by the Aceh Besar Regency Government to manage cultural heritage objects of Indra Patra Fort. The approach method used in preparing this research is the method Normative Juridical. This research uses a literature approach, legislation, conceptual approach, and a field case approach. Data was collected through library research and was also supported by data obtained through the interview process based on the results of the research, the authority for management and maintenance of the Indra Patra Fort Cultural Heritage Site is currently still imbalance because two agencies are responsible for its management.

Keywords: Cultural heritage site, mandatory government Affairs

Introduction

The Indonesian state is a state based on law (*rechstaat*), not based on mere power (*machtsstaat*). As a country of law, Indonesia accepts law as an ideology to create order, security, justice, and prosperity for its citizens. Therefore, the law works by providing instructions about behavior, and therefore the law is in the form of norms. ^[1] Article 32 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that "the state promotes Indonesian national culture amid world civilization by guaranteeing people's freedom to maintain and develop their cultural values" so that Indonesian culture needs to be lived by all citizens.

Based on the mandate of the laws and regulations above, the government must implement policies to promote culture as a whole for the greatest prosperity of the people. Cultural heritage is a form of cultural heritage that is material, besides that, there is also non-material cultural heritage. Efforts to realize the preservation of cultural heritage require human historical awareness. Therefore, it is the responsibility of archaeologists to preserve, protect, safeguard, maintain, and save existing cultural heritage. ^[2] To protect cultural heritage from the threat of physical development, both in urban, and rural areas and in the water environment, a firm policy from the government is needed to guarantee its existence.

Fatwa of the Aceh Ulema Consultative Council Number 5 of 2020 concerning the Maintenance of Historical Sites and Cultural Heritage in the Perspective of Islamic Sharia explains that cultural heritage is a site that has important value for history, science, education, religion, and culture that needs to be maintained and preserved. The maintenance and preservation of historical sites and cultural heritage is the responsibility of the government, religious leaders, traditional leaders, and the community. ^[3]

Article 26 Paragraph (1) of Law Number 11 of 2010 concerning Cultural Heritage states, "The government is obliged to search for objects, buildings, structures and/or locations suspected of being Cultural Heritage, and Article 99 Paragraph (1) states that the Government and The Regional Government is responsible for supervising Cultural Heritage Preservation by its authority. However, in reality, there are still locations that are thought to be cultural heritage sites that are not protected. ^[4]

The implementation of Acehese culture aims to foster and develop the cultivation of the Acehese people, to realize their dignity as Acehese people, who have a patriotic spirit, are qualified, have personality, have self-respect and can face the developments of the times. The cultural heritage in Aceh which is spread across many regions is an invaluable cultural heritage of the nation. This heritage is not only a historical witness as evidence of Aceh's cultural work in the past, but also a reflection of the glory of the Acehese

people during their time. However, on the other hand, the current situation is an opposite reflection, where many existing cultural heritage sites are not maintained as they should be.^[5]

There are 276 cultural heritage sites in Aceh Besar Regency based on the type of site, period, and historical background. However, not all of these cultural heritage objects are preserved and receive attention from the Aceh Besar Regency Government. Several cultural heritage objects that have not received attention from the Aceh Besar Government are Indrapatra Fort (Lamuri Royal Fort), Krueng Raya, Baitussalam District, and Aceh Besar Regency.

Indrapatra Fort is a historical site left by the Lamuri Kingdom.^[6] However, the reality on the ground that is currently visible is that these historical sites are not managed well by the local government. In some parts of the embankment walls which are still relatively intact, there is no visible plaster that can prevent water capillaryization, they are hundreds of years old, and the damage is also caused by the influence of natural processes, namely inundation with sea water during high tide, the influence of the surrounding environment, other factors are caused by natural, human and animal factors as well as unstable soil conditions. The physical condition of most of the two sides of the talus has generally been damaged, such as collapsing, breaking, being buried, sinking, or even shifting from its original position. In several parts, you can also see the rocks that make up the embankment walls being separated from their bonds.

Based on the background that the author has explained above, the author is interested in researching the authority of the Aceh Besar Regency Government in managing the cultural heritage objects of Fort Indra Patra.

Research Method

This research is normative empirical and normative juridical research.^[7] The research stages carried out to collect data, including primary data, secondary data, and tertiary data in this research, were in the form of interviews *and* documentation stages. The legal materials used are primary legal materials, secondary legal materials, and tertiary legal materials. The instruments and materials used in data collection were field and library research techniques. The location of the research that will be carried out by researchers is in the Aceh Besar area considering that the data to be researched is in Aceh Besar. The population of this research is the Aceh Besar Regency Government, the Aceh Besar Regency Education and Culture Office, government legal experts, archaeologists, community organizations working in the field of cultural heritage preservation, and cultural heritage object experts. The sampling in this research was *purposive*. From the research population, several samples will be selected that represent the entire population, consisting of respondents and informants. Data obtained from field research and literature research were analyzed using a qualitative approach.

Results and Discussions

The word "system" comes from the word "*system*" which is adapted from Greek and means "as a whole consisting of various parts". Life will become orderly and certainty in society will be created with the existence of a legal system.^[8] The law can be used in society if the

implementation instrument is equipped with authorities in the field of law enforcement. Law is composed of legal sub-systems, namely, legal structure, legal substance, and legal culture. Elements of the legal system or sub-system are determining factors for whether a legal system can work well or not.

Authority is formal power that comes from law, while authority itself is a specification of authority which means whoever here is a legal subject who is given authority by law, then the legal subject has the authority to do something within the authority because of the order of the law invite. Authority or authority is legal power and the right to command or act, the right or legal power of public officials to comply with legal rules within the scope of carrying out public obligations.^[9]

Manan stated that authority in legal language is not the same as power or match. Power only describes the right to do or not do. In law, authority simultaneously means rights and obligations or *rechten en lichen*. Regarding regional autonomy, rights imply the power to self-regulate *zelfregelen*, while horizontal obligations mean the power to organize government as it should. Vertical means the power to run the government in an orderly manner with the government of the country as a whole. Regarding the nature of government authority, namely that it is bound, facultative, and independent, especially about the authority to make and issue decisions or *besluiten* and decrees or *beschikkingen* by government organs, it is known that there are decisions that are bound and free.

Authority is bound, which occurs when the basic regulations determine when and under what circumstances the authority can be used or the basic regulations more or less determine the content and decisions that must be taken. There are two types of authority, namely facultative authority and discretionary authority. Facultative authority is authority that occurs if the relevant state administrative agency or official is not obliged to exercise its authority or more or less still has a choice, even though that choice can only be exercised in certain cases or circumstances as determined in its basic regulations, whereas discretionary authority is authority that occurs when the basic regulations give freedom to state administrative bodies or officials to determine for themselves the content of the decisions they will issue or the basic regulations provide a scope of freedom to the state administrative officials concerned.

Indonesia is a rule-of-law country that places law as the highest value in the state. In realizing a rule of law, the government's role is very important in realizing the ideals of law based on justice article 1 Paragraph (3) of the 1945 Constitution contains the issue of the Indonesian state as a rule of law which implies that all arrangements in national, social and state life are based on applicable law.

In a rule of law, the use of authority or power by state authorities or government authorities cannot be separated from the restrictions set out in law, because the use of authority departs from the concept of division of power which is the characteristic or character of a rule of law.^[10] Law is supreme in a rule of law state which places the law in the highest position for society to obey. In this way, every citizen receives legal protection and is treated equally if they violate the law. The term *equality before the law* in a rule-of-law state means that every citizen must be treated fairly by law enforcement officials and the government to create justice, benefit, and legal certainty.

The theory of legal responsibility is a theory that analyzes the responsibility of legal subjects or perpetrators who have committed unlawful acts or criminal acts to bear costs or losses or carry out crimes for their mistakes or negligence. Responsibility can be interpreted as a situation where you are obliged to bear everything if something happens, you can be sued, blamed, sued, or also a right that functions to accept burdens as a result of other people's attitudes.^[11]

In the legal system, legislation in Indonesia requires every cultural heritage to be identified to determine the status of the cultural heritage. Determining the status of cultural heritage will have an impact on the authority to maintain and preserve the cultural heritage. These provisions are regulated in Article 35 of Government Regulation No. 1 of 2022 which mandates the classification of cultural heritage sites in Indonesia. Article 26 paragraph (1) of Law Number 11 of 2010 concerning Cultural Heritage states, "The government is obliged to search for objects, buildings, structures and/or locations suspected of being Cultural Heritage, and in Article 99 Paragraph (1) states that the Government and the Regional Government is responsible for the supervision of Cultural Heritage Preservation by its authority. However, in reality, there are still locations that are thought to be cultural heritage sites that are not protected."^[12]

To protect cultural heritage from the threat of physical development, both in urban, and rural areas and in the water environment, a firm policy from the government is needed to guarantee its existence. When discovered, cultural heritage generally no longer functions in people's lives. By the mandate of PP Number 27 of 2014 concerning Management of State Property (BMN), the management of certain state assets is regulated in Minister of Finance Regulation Number 234/PMK.01/2015 concerning the Organization and Work Procedures of the Ministry of Finance, one of the scopes of which is cultural heritage. Cultural Heritage Objects (BCB) as one of the assets controlled by the state must of course provide benefits to the people according to their relevance, such as as a medium for education and Indonesian historical tourism for cultural heritage types such as museum collections, outdoor collections, or sites. Meanwhile, cultural heritage in the form of buildings can be used as public facilities such as schools, hospitals, places of worship, or even government offices, which of course need to be maintained using special mechanisms.^[13]

Issues have been regulated in various laws and regulations, including Law Number 11 of 2010 and Government Regulation of the Republic of Indonesia Number 1 of 2022 concerning the National Register and Preservation of Cultural Heritage which regulates the management and management of Cultural Heritage in Indonesia as a whole. comprehensive. Not only does it regulate the protection process appropriately academically, but also ideologically and pay attention to the principles of its use as a whole. This is different from the previous Law on Cultural Heritage Objects, namely the Law of the Republic of Indonesia number 5 of 1992, which was more oriented towards academic management and the rules that apply in protection, without paying attention to the principle of benefit.

Cultural heritage remains are the work of past ancestors that are unique and rare. Because of its uniqueness and rarity, among other things, cultural heritage needs to be preserved. In carrying out preservation there is a name called

maintenance, maintenance of Cultural Heritage Objects (BCB) is one of the priority activities every fiscal year to maintain the condition and maintainability of cultural heritage objects and their sites and is an inseparable part of overall preservation activities. These activities need to be carried out continuously considering the importance of cultural heritage objects. Cultural Heritage objects are never free from the process of degradation, this process is what causes objects made from organic and non-organic materials to experience weathering and damage, because of this it is necessary to preserve them so that the important value of the cultural heritage itself is maintained.^[14]

Based on the results of an interview with Mr. Toto Harryanto, who is an archaeologist at the Region I Cultural Preservation Center, he stated that the authority of each cultural heritage site is different depending on the level of the cultural heritage. The levels of cultural heritage have been regulated in Government Regulation No. 1 of 2022 which mandates the classification of cultural heritage sites in Indonesia. Determining the ranking of cultural heritage must be based on research from a team formed through the competent government. This is of particular concern because determining the ranking of cultural heritage sites will also determine the authority in managing them.

Cultural heritage is often faced with improper treatment by management that is not by statutory mandates, such as renovating or beautifying to attract visitors for personal gain. This action is wrong because it ignores the historical value of the cultural heritage site. There are even some people who buy and sell historical objects illegally, lose them, abandon them, destroy them, separate them, or move them from one region to another, so that their number continues to slowly decline in their place of origin.^[15]

Registration has an important meaning in knowing the number, type, and distribution of cultural heritage in the area. Because most of the cultural heritage is in the hands of the community, it is also necessary to ensure that the community can actively participate in registration, so that it is not entirely carried out by the Central Government or Regional Government. In this way, cultural heritage in the form of collections, discoveries, or search results can be recorded and given legal protection.

Based on the results of an interview with Mr. Toto Harryanto, who is an archaeologist with the Region I Cultural Preservation Center, he explained that the Fort Indra Patra cultural heritage site is a cultural heritage site whose level is already at the level of the Aceh Provincial Government. The level assignment is based on recommendations from a team formed by the Aceh Besar district government to the Aceh Provincial Government. However, granting this level does not invalidate the authority of the Aceh Besar government in maintaining the Fort Indra Patra cultural heritage site. However, from the recommendations of the team of cultural heritage experts formed through the Decree of the Regent of Aceh Besar number 102 of 2022 concerning the formation of a team of cultural heritage experts for the Aceh Besar district, it was determined that the cultural heritage status of the Lamuri Kingdom Area is a cultural heritage of the Aceh Besar District. However, before this determination, the team of cultural heritage experts had determined that the status of the Indra Patra cultural heritage was a cultural heritage whose level was managed under the authority of the Aceh Besar Regency Government.

Efforts to preserve Indrapatra Fort have been carried out by the Aceh Besar regional government, related governments, and local communities for the fort, such as protecting cultural heritage. Protection is carried out in the form of preventing and dealing with cultural heritage damage, destruction, and destruction which is carried out using rescue, security, zoning, maintenance, and restoration. Other activities usually aimed at protecting objects, buildings, and structures.^[16] Efforts to protect the Indrapatra Fort canal are also carried out by the Aceh Province Cultural Heritage Conservation Center such as:^[17]

1. A custodian is appointed who is someone who has the important task of looking after and caring for a cultural heritage object. The selection and placement of caretakers is an important part that is tied to government regulations. According to Law Number 11 of 2010 article 76 point 5 concerning Cultural Heritage, This means that each custodian is selected by the government and based on requirements according to applicable regulations. The policy for appointing custodians is the authority of each regional government. Regional governments have regional autonomy in managing their territory, including the potential that exists in the area.
2. The study of the techniques for making forts and canals, especially the adhesive, is to see how the technology in the past was used to make Indrapatra Fort, especially what mixtures were used to produce adhesive to bind stones to other stones.
3. Monitoring is an activity that carefully observes the condition of the Indrapatra Fort Complex by the Cultural Heritage Preservation Center, with the aim that all input data or information obtained from the observations can become the basis for making decisions and further actions that you want to take. Monitoring also takes the form of monitoring the performance or what has been done at Indrapatra Fort and anticipating problems that arise or will arise so that action can be taken as early as possible.^[18]
4. The feasibility study on the Indrapatra Fort Canal was carried out to determine the feasibility of restoration based on an assessment of the historical and archaeological values contained in the cultural heritage building as well as handling steps according to the technical conditions and maintainability of the building. The aim of carrying out feasibility study activities is to determine the feasibility of restoring the Indrapatra Fort canal based on an assessment of the historical and archaeological value contained in the building.

Developments that have been carried out by the Aceh Besar Education and Culture Service include providing information via social media in the form of Arabic, magazines, articles, reports, and so on. Development has also been carried out by holding socialization events with Aceh Besar High School students, where they were given instructions about the history of Fort Indrapatra and its preservation.^[19]

Conclusion

The authority to manage and maintain the Indra Patra Fort Cultural Heritage Site is currently still unequal. After the level rose to a cultural heritage site which is below the level of the Aceh Provincial Government, management of Fort

Indra Patra became slow and neglected. The increase in the level of the cultural heritage site should have a positive impact on the management of the Indra Patra Fort Cultural Heritage Site. Efforts to preserve Indrapatra Fort have been carried out by the Aceh Besar regional government, related governments, and local communities for the fort, such as protecting cultural heritage. Protection is carried out in the form of preventing and dealing with cultural heritage damage, destruction, and destruction which is carried out using rescue, security, zoning, maintenance, and restoration. Other activities are usually aimed at protecting objects, buildings, and structures.

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