

(Statute 1931 No. 238, Decree of the Governor General of 13 June 1931 No.19)

Report of Indonesia
to the General
Conference
1958

In the name of the Queen
The Governor General of Indonesia

Announces

That he considers desirable to take measures for the protection of goods which have to be deemed of great interest for the prehistory, history, art or palaeontology; → paleoanthropology
Having heard the Council of Indonesia and in concurrence with the Body Representative, has approved and decided

Firstly:

To cancel art 528 of the Penal Code for Indonesia

Secondly:

To enact the following provisions pertaining to the protection of goods, which for the prehistory, history, art or palaeontology have to be considered of great interest

Article 1

- (1) By monument in this ordinance are understood:
 - (a) immovables or movables, parts or groups of goods as well as remnants of some which came into being by human hands and in substance are older than 50 years or belong to an at least 50 years old style and which are considered of great interest to the prehistory, history or art;
 - (b) goods which from palaeontological point of view are considered of great interest;
 - (c) areas, about which there are well-founded indications that they contain goods as meant sub a and b, and as far as they have been tentatively or definitely registered in a record to be kept for that purpose and maintained by the care of the archaeological service.
- (2) Movables or immovables which by their original or present destination belong to the goods meant sub a in the preceding paragraph as well as areas of which the cultivation, the construction or the general condition is or can be of immediate interest to the goods meant sub a in the preceding paragraph, are equalized with those goods and consequently simultaneously registered.

Article 2

- (1) On an intended registration of goods belonging to or which are under control of the State or autonomous communities the Minister of Education consults with the authority which has the goods under control.
- (2) Registration of goods belonging to private persons can take place with or without request. In the last case the Minister of Education notifies the owner or titleholder by registered post or if need be by cable or - as far as Java and Madura are concerned - by intermediary of the Bupati concerned and elsewhere of the local Government Official, of the intended registration, against which the person concerned can offer resistance with the Minister mentioned within three months as of the date of notification. In case the owner or titleholder has no wellknown in Indonesia and no attorney or if he is not known, the notification occurs by summons in the State's Gazette and one or more newspapers, if possible in the territory wherein the good is situated. The summons occurs twice with an interim of at least one month. In this last case resistance must be entered within three months as of the date of

- (3) If resistance is entered within the term stipulated, the Minister of Education applies for advice of the Chairman of the Archaeological Committee, which advice is submitted to the Government, in case the decision in first instance or appeal rests with same.
- (4) Such advice is also applied for and likewise submitted to the Government, in case the Head of the Archaeological service or the Minister of Education considers there is no reason to grant the request for registration.
- (5) If in the opinion of the Minister of Education there is danger that the condition of the goods concerned will considerably deteriorate during the time of consideration of a proposal or a request for registration, he can order the tentative registration in the public central monuments record. This applies for a term of three months, which term can be extended twice with the same duration.
The tentative registration and the extension of the term are immediately notified to the authority which has the good under control or to the owner or titleholder.
- (6) Definite registration occurs by order of the President (?), as far as immovables are concerned, inclusive all things considered to belong to same, and otherwise by order of the Minister of Education. The definite registration is immediately announced in the State's Gazette; it is also notified to the authority which has the control of the good or of the owner or titleholder.
- (7) During a term of one year the owner or titleholder can file a request with the President (?) for the nullification of a decision taken by the Minister of Education on the base of one of the provisions of this article
- (8) In case on the good a deed of ownership exists, the definite registration is recorded - free of charge - on the minute and as much as possible also on the grosse of that deed by the registrar or other official in charge of keeping of the minute meant, who for that purpose is advised of every registration by the head of the archaeological service.

Article 3

- (1) Deletion of a tentative registration in the public central monuments record occurs by order of the Minister of Education in case such has been ordered by him, otherwise by order of the President (?)
- (2) In respect of the deletion the directives sub (2), (3), (4), (6), (7) and (8) of the preceding article are of corresponding applicability.

Article 4

- (1) Damage suffered by the owner or titleholder as immediate consequence of the registration of a good in the public central monument record is compensated by the state.
- (2) In case damage as meant in the preceding paragraph is suffered by the owner or titleholder, immediately after the registration the President orders to offer a compensation to the party interested. If this offer does not occur within three months, or the party interested is not content with what is offered, the compensation is fixed by three experts, of which each of the parties appoints one and the so designated experts together appoint the third one.

- (1) The owner or administrator of a monument is obliged to maintain this in good condition.
- (2) Upon negligence he can be ordered by the Minister of Education to perform the work required for the maintenance within a term to be fixed by said Minister; he is obliged to follow there upon the directives given by or on behalf of the Head of the Archeological Service.
- (3) In case the owner or administrator fails to perform the works meant in paragraph (2), these works can be carried out by the state, after which the cost can be entirely or partly recovered from that owner or administrator.
- (4) If the purpose of a monument causes damage or danger to that monument, it can in behalf of the state be expropriated, also without previous notice that public interest claims expropriation.
- (5) In this case the Head of the Archeological Service can immediately order the occupancy of the monument; soonest thereafter he submits a proposal of expropriation with the President (?)
- (6) The President (?) orders or refuses the expropriation after consulting the Minister of Education.
- (7) In case expropriation is ordered the President(?) orders to offer indemnification to the owner or titleholder. If this offer has not been made within three months, or the party interested is not content with what is offered, the indemnification is determined by three experts, of which each parties appoints one and the so designated experts together appoint the third one.
- (8) If the expropriation is refused, the monument is immediately put back at the disposal of the owner or titleholder and the latter is indemnified for the damage directly suffered by him by the occupancy of the monument. The provision in the preceding paragraph on the offer and the determination of the indemnification is of corresponding applicability.

Article 6

- (1) Without licence of the Head of the Archeological Service it is prohibited to export from Indonesia goods which have been tentatively or definitely registered in the public central monuments record or, under article 8 par (2) are considered to be tentatively registered therein, as well as goods dating back from the prae-Mohammaden period, even if they have not been registered in said record.
- (2) Without licence of the Head of the Archeological Service it is prohibited to repair or destroy a monument, to alter the appearance shape or purpose of same, to withdraw immovables from a monument as well as to convey to another place movables belonging to or constituting a monument.
- (3) To the licence conditions can be attached by the Head of service mentioned.
- (4) The supervision of the performance for which a licence is granted rests with the Archeological Service.
- (5) At a request in writing or by cable of the head of the Archeological Service as far as Java and Madura are concerned, the Assistant Resident, and elsewhere the Head of the Local Government administration gives an order, if need be for account of the violaters, to take away, prevent or carry out what has been performed, undertaken or neglected without licence of said service head or in contravention of the conditions imposed in virtue of par (3). Except in urgent cases this does not take place before the owner, titleholder or administrator by or on behalf of the service head mentioned has been warned.

- (6) ~~The~~ head of the Archeological Service is entitled to order that monuments which have been or are conveyed to another place in contravention of the provision in par (1) or (2), be held up and brought back to the place of origin.
- (7) The owner, administrator or titleholder of a monument grants the head of the Archeological Service, the official of his Service appointed by him as well as other persons furnished with a written authorization of the service head, admission to the monument. If such admission after a written request is refused, the person concerned can let provide himself with admission, as far as Java & Madura are concerned, by the Assistant Resident in charge, and elsewhere by the head of the local Government administration, except to those parts the set foot on which is forbidden according to religious precepts or generally accepted religious conceptions.
- (8) At request or on behalf of the head of the Archeological Service the owner or administrator or titleholder of a monument renders his cooperation in having this measured, sketched, described and photographed. Upon refusal the help of the strong arm can be called for in order to enable the performances desired.
- (9) The President (?) decides upon as to whether or not agriculture or silviculture may be exercised on the areas designated to monument.

Article 7

- (1) In case of transfer of a monument the owner or titleholder is obliged to notify the head of the Archeological Service of his intention to transfer at least a fortnight before.
- (2) Those who lose or acquire the possession of a monument are obliged to notify same to the hand of the Archeological Service with or without intermediary of an civil servant within the term mentioned in par (1), and in case of lose, stating the circumstances in which this took place.
- (3) All changes in the possession of a monument as well as the loss of same are recorded in the public central monuments register.

Article 8

- (1) The finder of a treasure in the sense of article 587 of the Civil Code, which can reasonably be suspected to constitute a movable good as meant in par (1) such a or b or par (2) of article 1 of this ordinance, is obliged to immediately notify it, as far as Java & Madura are concerned, to the Bupati, and elsewhere to the head of the local government administration, in whose territory the finder domiciles; the official reports this notification, in urgent cases, by cable to the head of the Archeological Service, stating the details he has come to know.
- (2) Goods found as meant in the ^{previous} paragraph as well as the find-spots of which the boundaries are to be indicated as far as Java and Madura are concerned by the Bupati concerned, and elsewhere by the head of the local Government administration, are by the find itself considered to be tentatively registered in the public control monuments record.
The directives in article 2 par. 5 are likewise applicable to this.
- (3) For purpose of the definite registration the head of the Archeological Service can order the shipment of the found goods to his address at Djakarta for account and risk of the State.

- (4) The treasures meant in the first paragraph can be expropriated in behalf of the State, even without previous notice that the general interest claims expropriation. To this expropriation are applicable the provisions of article 5 par (5) up to and including (8)

Article 9

Without written licence of the Head of the Archeological Service it is prohibited to do excavations for goods as described in the first paragraph of article 1 of this ordinance sub a and b. To this licence conditions can be attached. Non-compliance with these conditions can cause cancelation of the licence.

Article 10

Objections can be raised by the party interested with the Ministry of Education against decisions taken by the head of the Archeological Service in virtue of article 6 paragraphs (1) and (2) and article 9, against the conditions made by him in virtue of art 6 par 3 and art 9, as well as against directives given by him in virtue of art 5 par (2), within four months after the date of dispatch of the relative letter of the service head mentioned. The Ministry of Education decides upon after taking advice of the Chairman of Archeological Committee.

Article II

On the implementation of this ordinance further directives are issued by Government regulation to the owners, titleholders and administrators of monuments for guaranteeing the public central monuments record.

Article 12

- (1) Infringement of the provision in art 6 par (1) or (2) or art 9, non-fulfilment of the obligation imposed by art 7 par (1) or (2) or art 8 par (1), as well as non-fulfilment of the conditions made in virtue of art 6 par (3) or art 9, is punished by custody of at the most three months or fine of at the most five hundred rupias.
- (2) In case an offence punishable under the preceding paragraph is committed by or on behalf of a body corporate, the prosecution is instituted and the sentence pronounced against the board members or representatives in Indonesia.
- (3) The goods meant in art 6 par (1), art 7 par (1) and (2), art 8 par. 1 and art 9, as far as they belong to the defendant, can be confiscated.
- (4) The offences punishable in the first paragraph are considered infringements.

Article 13

Apart from the persons who in general are commissioned to detect punishable offences, also the following officials, each within his jurisdiction, are commissioned to detect violations of the provisions of this ordinance, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

- a) the head of and the officials with the Archeological Service;
- b) the personnel of the Forestry Service as of the rank of inspector (surveyor)
- c) the officials of Public works in charge of the Supervision of work performances.

Article 14

This ordinance can be referred to under the title of "Monuments Ordinance"

Thirdly

This ordinance comes in force as of the thirtieth day after its promulgation. And in order that everyone take cognizance of same it shall be inserted in the Statute Book of Indonesia.

Enacted at Rjipanas on the
13th of June 1931

De Graef

The Secretary General
P.J. Gerke

Promulgated on 31 June 1931
The Secretary General

P.J. Gerke.