



PRESIDENT OF THE REPUBLIC OF INDONESIA

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 5 OF 2017**

**REGARDING
ADVANCEMENT OF CULTURE**



**MINISTRY OF EDUCATION AND CULTURE
REPUBLIC OF INDONESIA**



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REGARDING
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BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that the State advances the Indonesian National Culture among the world civilizations and makes Culture as an investment to build the future and the civilization the nation in order to achieve the national goals mandated by the 1945 Constitution of the State of the Republic of Indonesia;
- b. that the diversity of Cultures is the nation's asset and identity that are indispensable to the advancement of the National Culture among the dynamics of the development of the world;
- c. that to advance the National Culture, strategic measures in the forms of efforts in Advancement of Culture through Protection, Development, Utilization and Capacity Building/Empowerment are required to achieve a politically sovereign, economically independent, and cultured Indonesian society;
- d. that to date there has not been any sufficient legislation that acts as a comprehensive and integrated guideline for Advancement of the Indonesian National Culture;
- e. that based on the considerations referred to in letter a, letter b, letter c, and letter d, it is necessary to establish Law regarding Advancement of Culture;

In view of:

Article 20, Article 21, and Article 32 of the 1945 Constitution of the State of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

BE IT HEREBY RESOLVED

To stipulate: LAW REGARDING ADVANCEMENT OF CULTURE.

CHAPTER I
GENERAL PROVISIONS

Article 1

As intended herein, the following terms shall have the corresponding meaning as referred to hereunder:

1. Culture is anything pertaining to human creation, sensibility, motivation, and the work of the community.
2. National Culture is the overall processes and results of inter-Cultural interaction living and developing in Indonesia.
3. Advancement of Culture is the effort to improve cultural resilience and Indonesian cultural contribution to the development of world civilizations through Cultural Protection, Development, Utilization, and Capacity Building/Empowerment.
4. Protection is the effort to preserve the sustainability of Culture through inventORIZATION, safeguarding, sustentation, salvage, and publication.
5. Development is the effort to vitalize the ecosystems of Culture and to improve, enrich, and propagate Culture.
6. Utilization is the effort to use Objects of Advancement of Culture to strengthen national ideology, politics, economy, social life, culture, defence, and security in achieving the national goals.
7. Capacity Building/Empowerment is the effort to empower Cultural Human Resources, organizations, and institutions in order to improve and expand the community's active roles and initiatives.
8. Objects of Advancement of Culture are the Cultural elements that are the main targets of Advancement of Culture.
9. Cultural White Papers are documents containing reports on the factual conditions, problems faced by the regions, and proposed solutions regarding their Advancement of Culture's efforts.
10. Cultural Strategy is a document on the direction of Advancement of Culture to achieve national goals based on the potential, situation, and condition of the Indonesian Culture.
11. Advancement of Culture Master Plan is a guideline for the Central Government in Advancement of Culture's program implementation.
12. Integrated Database on Culture is a system of primary data on Culture that integrate all data from various sources.

13. Cultural Human Resources are every person who is active in, work, and/or produce works in fields relevant to the Objects of Advancement of Culture.
14. Any Person is an individual, a group of individuals, a community organization, and/or a business entity in the form of a legal entity or a non-legal entity.
15. Central Government is the President of the Republic of Indonesia who holds power over governing the state of the Republic of Indonesia assisted by the Vice President and ministers as intended by the 1945 Constitution of the Republic of Indonesia.
16. Regional Government is the head of the region as an element that conducts regional administration within the authority of an autonomous region.
17. Minister is the minister responsible for Cultural affairs.

Article 2

Advancement of Culture is implemented on the basis of Pancasila, the 1945 Constitution of the State of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and *Bhinneka Tunggal Ika* (Unity in Diversity).

Article 3

Advancement of Culture's principles are:

- a. tolerance;
- b. diversity;
- c. locality;
- d. inter-territorial;
- e. participation;
- f. benefits;
- g. sustainability;
- h. freedom of expression;
- i. integration;
- j. equality; and
- k. *gotong royong* (mutual cooperation).

Article 4

Advancement of Culture is aimed at:

- a. developing the nation's virtues;
- b. enriching cultural diversity;
- c. strengthening the nation's identity;
- d. strengthening the nation's unity and integration;
- e. improving the intellectual life of the people;
- f. improving the image of the nation;
- g. achieving a civil society;
- h. advancing general welfare;
- i. preserving the nation's cultural heritage; and
- j. contributing to the enrichment of the world's civilizations,

and thus Culture shall direct the course of national development.

Article 5

Objects of Advancement of Culture include:

- a. oral traditions;
- b. manuscripts;
- c. customaries;
- d. rites;
- e. traditional knowledge;
- f. traditional technology;
- g. arts;
- h. languages;
- i. folk games; and
- j. traditional sports.

CHAPTER II

ADVANCEMENT

Part One

General

Article 6

Advancement of Culture is coordinated by the Minister.

Article 7

The Central Government and/or Regional Government execute the mainstreaming of Culture through education system to achieve the objectives of Advancement of Culture.

Article 8

Advancement of Culture is guided by:

- a. Regency/municipal Culture White Papers;
- b. Provincial Culture White Papers;
- c. Cultural Strategy; and
- d. Advancement of Culture Master Plan.

Article 9

Regency/municipal Culture White Papers, Provincial Culture White Papers, Cultural Strategy, and Advancement of Culture Master Plan are a set of documents prepared in stages.

Article 10

- (1) Regency/municipal Culture White Papers are the core materials of and are included in the Provincial Culture White Papers.
- (2) Provincial Culture White Papers are the core materials of Cultural Strategy.
- (3) Cultural Strategy is the core materials of Cultural Advancement Master Plan.
- (4) Advancement of Culture Master Plan is the core material of and is included in the state's long-term development plan and medium-term development plan.

Article 11

- (1) The drafting of Regency/municipal Culture White Papers is made by the Regency/Municipal Governments by involving the community as represented by cultural experts who have the competence and credibility in Objects of Advancement of Culture in the said Regency/municipality.
- (2) Regency/municipal Culture White Papers as referred to in section (1) contain:
 - a. identification of the current condition of the development of Objects of Advancement of Culture in the said Regency/municipality;
 - b. identification of Cultural Human Resources, Cultural organizations, and Cultural institutions in the said Regency/municipality;
 - c. identification of Cultural facilities and infrastructures in the said Regency/municipality;
 - d. identification of potential problems in Advancement of Culture; and
 - e. analysis of and recommendation for the execution of Advancement of Culture in the said Regency/municipality.
- (3) The budget for the drafting of Regency/municipal Culture White Papers is imposed upon the Regency/municipal budget.
- (4) Regency/municipal Culture White Papers are stipulated by the Decree of the Regent/Mayor.
- (5) Further provisions regarding the drafting procedures of regency/municipality Culture White Papers as referred to in section (1) until section (4) are regulated by Presidential Regulation.

Article 12

- (1) The drafting of Provincial Culture White Papers is made by the Provincial Government by involving the community, as represented by representatives of cultural experts involved in the drafting of regency/municipality Culture White Papers in the said province, and/or stakeholders.
- (2) Provincial Culture White Papers as referred to in section (1) contain:
 - a. regency/municipality Culture White Papers within the territory of the said province;
 - b. identification of the current condition of the development of Objects of Advancement of Culture in the said province;

- c. identification of the Cultural Human Resources, Cultural organizations, and Cultural institutions in the said province;
 - d. identification of Cultural facilities and infrastructures in the said province;
 - e. identification of potential problems of Advancement of Culture; and
 - f. analysis of and recommendation for the execution of Advancement of Culture in the said province.
- (3) The budget for the drafting of provincial Culture White Papers is imposed upon the provincial budget.
 - (4) Provincial Culture White Papers are stipulated by the Decree of the Governor.
 - (5) Further provisions regarding the drafting procedures of Provincial Culture White Papers as referred to in section (1) until section (4) are regulated by Presidential Regulation.

Article 13

- (1) Cultural Strategy is drafted by the Central Government by involving the community as represented by cultural experts who have the competence and credibility in Objects of Advancement of Culture.
- (2) Cultural Strategy contains:
 - a. abstracts of provincial Culture White Papers, regency/municipality Culture White Papers, and other documents on Culture in Indonesia;
 - b. a twenty-year vision of Advancement of Culture ;
 - c. strategic priority issues to expedite the implementation of the vision referred to in letter b; and
 - d. formulation of primary processes and methods for the execution of Advancement of Culture.
- (3) Cultural Strategy as referred to in section (2) are equipped with:
 - a. mapping of the development of Objects of Advancement of Culture throughout the Indonesian territory;
 - b. mapping of the development of cultural factors external to the Objects of Advancement of Culture;
 - c. mapping of Cultural Human Resources, organizations, and institutions throughout the Indonesian territory;
 - d. identification of Cultural facilities and infrastructures throughout the Indonesian territory;
 - e. mapping of problems in Advancement of Culture throughout the Indonesian territory; and
 - f. analysis of problems in Advancement of Culture throughout the Indonesian territory.
- (4) The drafting of Cultural Strategy is undertaken by:
 - a. using a comprehensive approach;
 - b. drawing up multidisciplinary studies; and
 - c. considering the interrelated, interconnected, and interdependent nature among Cultures in Indonesia.
- (5) The budget for the drafting of Cultural Strategy is imposed upon the state budget.
- (6) Cultural Strategy is stipulated by the President.
- (7) Further provisions regarding the drafting procedures of Cultural Strategy as referred to in section (1) until section (6) are regulated by Presidential Regulation.

Article 14

- (1) Advancement of Culture Master Plan is drafted by the Minister in coordination with relevant ministries/agencies.
- (2) Advancement of Culture Master Plan contains:
 - a. vision and mission of Advancement of Culture;
 - b. aims and objectives;
 - c. planning;
 - d. distribution of authority; and
 - e. achievement indicator.
- (3) Advancement of Culture Master Plan is drafted for a period of 20 (twenty) years and may be reviewed every 5 (five) years.
- (4) Further provisions regarding Advancement of Culture Master Plan as referred to in section (1), section (2), and section (3) are regulated by Government Regulation.

Article 15

- (1) Minister establishes an Integrated Database on Culture to support the execution of Advancement of Culture.
- (2) The Integrated Database on Culture contains data on:
 - a. Objects of Advancement of Culture;
 - b. Cultural Human Resources, organizations, and institutions;
 - c. Cultural facilities and infrastructures; and
 - d. other relevant data on Culture.
- (3) The data as referred to in section (2) managed by the ministries or agencies are linked to the Integrated Database on Culture.
- (4) The data as referred to in section (2) collected in the Integrated Database on Culture are used as the primary data reference in Advancement of Culture.
- (5) The Integrated Database on Culture must be accessible to Any Person.
- (6) The management of the Integrated Database on Culture must take into account the national sovereignty, security, and resilience.
- (7) Further provisions regarding the Integrated Database on Culture as referred to in section (1) until section (6) are regulated by Government Regulation.

Part Two

Protection

Paragraph 1

Inventorization

Article 16

- (1) Inventorization of Objects of Advancement of Culture consists of the following stages:
 - a. recording and documenting;

- b. stipulating; and
 - c. data updating.
- (2) Inventorization of Objects of Advancement of Culture is conducted through Integrated Database on Culture.

Article 17

The Central Government and/or Regional Government in accordance to their authority must record and document Objects of Advancement of Culture.

Article 18

- (1) Any Person may record and document Objects of Advancement of Culture.
- (2) The Central Government and/or Regional Government facilitate Any Person that records and documents Objects of Advancement of Culture referred to in section (1).
- (3) Further provisions regarding the facilitation as referred to in section (2) are regulated by Government Regulation.

Article 19

- (1) The Minister stipulates the results of the recording and documentation of Objects of Advancement of Culture.
- (2) The stipulation as referred to in section (1) must be conducted through the stages of verification and validation.
- (3) In conducting the verification and validation as referred to in section (2), the Minister coordinates with the ministries/agencies and involves experts in the relevant fields.

Article 20

- (1) The Central Government and/or Regional Government must update data of Objects of Advancement of Culture that have been stipulated.
- (2) Any Person may update data of Objects of Advancement of Culture.
- (3) Updates of data of Objects of Advancement of Culture must be verified and validated by the Minister.
- (4) Updates of data of Objects of Advancement of Culture must be conducted periodically and continuously.

Article 21

Further provisions regarding the Inventorization of Objects of Advancement of Culture as referred to in Article 16 until Article 20 are regulated by Government Regulation.

Paragraph 2

Safeguarding

Article 22

- (1) The Central Government and/or Regional Government must safeguard Objects of Advancement of Culture.
- (2) Any Person may take an active role in the safeguarding of Objects of Advancement of Culture.
- (3) Safeguarding of Objects of Advancement of Culture is conducted to prevent a foreign party from claiming the intellectual property rights of Objects of Advancement of Culture.
- (4) The safeguarding of Objects of Advancement of Culture is conducted by:
 - a. continually updating the data in the Integrated Database on Culture;
 - b. inheriting Objects of Advancement of Culture to the next generation; and
 - c. promoting Objects of Advancement of Culture as world cultural heritage.

Article 23

Further provisions regarding the safeguarding of Objects of Advancement of Culture as referred to in Article 22 are regulated by Government Regulation.

Paragraph 3

Sustentation

Article 24

- (1) The Central Government and/or Regional Government must sustain Objects of Advancement of Culture.
- (2) Any Person may play an active role in the sustentation of Objects of Advancement of Culture.
- (3) Sustentation of Objects of Advancement of Culture is conducted to prevent damage, losses, or obliteration of Objects of Cultural Advancement.
- (4) Sustentation of Objects of Advancement of Culture is conducted by:
 - a. preserving the noble values and wisdom of Objects of Advancement of Culture;
 - b. applying Objects of Advancement of Culture in daily life;
 - c. preserving the diversity of Objects of Advancement of Culture;
 - d. vitalizing and preserving the Cultural ecosystem of any Object of Advancement of Culture; and
 - e. inheriting Objects of Advancement of Culture to the next generation.

Article 25

Further provisions regarding the sustentation of Objects of Advancement of Culture as referred to in Article 24 are regulated by Government Regulation.

Paragraph 4

Salvage

Article 26

- (1) The Central Government and/or Regional Government must salvage Objects of Advancement of Culture.
- (2) Any Person may take an active role in the salvage of Objects of Advancement of Culture.
- (3) The salvage of Objects of Advancement of Culture is conducted through:
 - a. revitalization;
 - b. repatriation; and/or
 - c. restoration.

Article 27

Further provisions regarding the salvage of Objects of Advancement of Culture as referred to in Article 26 are regulated by Government Regulation.

Paragraph 5

Publication

Article 28

- (1) The Central Government and/or Regional Government must publicize information relevant to the inventorization, safeguarding, sustentation, and salvage of Objects of Advancement of Culture.
- (2) Any Person may take an active role in publicizing information relevant to the inventorization, safeguarding, sustentation, and salvage of Objects of Advancement of Culture.
- (3) Publication is made to disseminate information to the public through various forms of media, both domestically and internationally.

Article 29

Further provisions regarding the publication of information pertaining to the inventorization, safeguarding, sustentation, and salvage of Objects of Advancement of Culture as referred to in Article 28 are regulated by Government Regulation.

Part Three

Development

Article 30

- (1) The Central Government and/or Regional Government must Develop Objects of Advancement of Culture.
- (2) Any Person may develop Objects of Advancement of Culture.

- (3) Development of Objects of Advancement of Culture is conducted through:
 - a. propagation;
 - b. studies; and
 - c. enrichment of diversity.

Article 31

Further provisions regarding the development of Objects of Advancement of Culture as referred to in Article 30 are regulated by Government Regulation.

Part Four

Utilization

Article 32

- (1) The Central Government, Regional Government, and/or Any Person may utilize Objects of Advancement of Culture.
- (2) Utilization of Objects of Cultural Advancement is implemented for the purpose of:
 - a. building national identity/character;
 - b. improving cultural resilience;
 - c. improving the general welfare; and
 - d. increasing the active role and influence of Indonesia in international relations.

Article 33

- (1) The utilization of Objects of Advancement of Culture for building national identity and improving cultural resilience as referred to in Article 32 section (2) letter a and letter b is implemented through:
 - a. internalization of cultural values;
 - b. innovation;
 - c. improvement of adaptive abilities;
 - d. cross-culture communication; and
 - e. inter-culture collaboration.
- (2) Further provisions regarding the Utilization of Objects of Advancement of Culture for building national identity and improving cultural resilience as referred to in section (1) are regulated by Government Regulation.

Article 34

- (1) The utilization of Objects of Advancement of Culture for improving the general welfare as referred to in Article 32 section (2) letter c may be implemented through the processing of Objects of Advancement of Culture into products.
- (2) The processing of Objects of Advancement of Culture into products as referred to in section (1) is conducted while upholding the noble values and wisdom of the Objects of Advancement of Culture.

- (3) Further provisions regarding the processing of Objects of Advancement of Culture into products as referred to in section (1) and section (2) are regulated by Government Regulation.

Article 35

- (1) The utilization of Objects of Advancement of Culture for increasing the active role and influence of Indonesia in international relations as referred to in Article 32 section (2) letter d is implemented through:
 - a. cultural diplomacy; and
 - b. promoting international Cultural cooperation.
- (2) The utilization of Objects of Advancement of Culture as referred to in section (1) is conducted in accordance with the provisions of the laws and regulations.

Article 36

- (1) To support the Utilization of Objects of Advancement of Culture, the Central Government actively manages the products from the processing of Objects of Advancement of Culture as referred to in Article 34 section (1).
- (2) Further provisions regarding the management of the products as referred to in section (1) are regulated by Government Regulation.

Article 37

- (1) Major industry and/or foreign party that will Utilize Objects of Advancement of Culture for commercial purposes must have a license for the Utilization of Objects of Cultural Advancement from the Minister.
- (2) The license as referred to in section (1) must meet the following requirements:
 - a. having the approval based on informed consent;
 - b. having benefit-sharing scheme; and
 - c. acknowledging the origin of the Objects of Advancement of Culture.
- (3) The Central Government must use the shared benefits as referred to in section (2) letter b to vitalize and sustain the ecosystem related to the Objects of Advancement of Culture.
- (4) Further provisions regarding the license for the Utilization of Objects of Advancement of Culture as referred to in section (1), section (2), and section (3) are regulated by Ministerial Regulation.

Article 38

- (1) Major industries and/or foreign parties that violate the provisions as referred to in Article 37 section (1) shall be subject to administrative sanctions.
- (2) Major industries and/or foreign parties that misuse the license for the Utilization of Objects of Advancement of Culture as referred to in Article 37 section (1) shall be subject to administrative sanctions.
- (3) The administrative sanctions as referred to in section (1) and section (2) shall be in

- b. written admonition;
 - c. administrative fine;
 - d. temporary suspension of activity; and/or
 - e. revocation of license.
- (4) Further provisions regarding the procedures for the administrative sanction referred to in section (1), section (2), and section (3) are regulated by Ministerial Regulation.

Part Five

Capacity Building/Empowerment

Article 39

- (1) The Central Government and Regional Government must provide Capacity Building/Empowerment for Advancement of Culture.
- (2) Capacity Building/Empowerment is provided to increase the quantity and improve the quality of Cultural Human Resources, Cultural organization, and Cultural institution.
- (3) The quality improvement of Cultural Human Resources, Cultural organization, Cultural institution is implemented through:
 - a. improvement of education and training in Cultural fields;
 - b. standardization and certification of Cultural Human Resources in accordance with the need and demand; and/or
 - c. capacity building for Cultural institutions and Cultural institutes governance

Article 40

Further provisions regarding Capacity Building/Empowerment for Advancement of Culture as referred to in Article 39 are regulated by Government Regulation.

CHAPTER III

RIGHTS AND OBLIGATIONS

Article 41

Any Person has the right to:

- a. express themselves;
- b. receive protection for the results of their cultural expressions;
- c. participate in Advancement of Culture;
- d. get access to information about Culture;
- e. utilize Cultural facilities and infrastructure; and
- f. get benefits from Advancement of Culture to improve their welfare

Any Person has the obligation to:

- a. support the efforts in Advancement of Culture;
- b. sustain diversity;
- c. encourage intercultural interactions;
- d. promote the Indonesian National Culture; and
- e. maintain Cultural facilities and infrastructure.

CHAPTER IV DUTIES AND AUTHORITY

Part One

Duties

Article 43

In Advancement of Culture, the Central Government has the duties to:

- a. ensure the freedom of expression;
- b. ensure the protection of cultural expressions;
- c. implement Advancement of Culture;
- d. sustain diversity;
- e. manage information pertaining to Culture;
- f. provide Cultural facilities and infrastructure;
- g. provide sources of funding for Advancement of Culture;
- h. encourage community's active role and initiative in Advancement of Culture;
- i. utilize Culture as a medium of international diplomacy;
- j. improve international cooperation in the field of Culture; and
- k. vitalize and maintain sustainable Cultural ecosystem.

Article 44

In Advancement of Culture, the Regional Government in accordance with its administrative territory has the duties to:

- a. ensure the freedom of expression;
- b. ensure the protection of cultural expressions;
- c. implement Advancement of Culture;
- d. sustain diversity;
- e. manage information pertaining to Culture;
- f. provide Cultural facilities and infrastructure;
- g. provide sources of funding for Advancement of Culture;
- h. establish community involvement mechanism in Advancement of Culture;
- i. encourage community's active role and initiative in Advancement of Culture; and
- j. vitalize and maintain sustainable Cultural ecosystem.

Part Two

Authority

Article 45

In implementing its duties referred to in Article 43, the Central Government has the authority to:

- a. formulate and enact policies on Advancement of Culture;
- b. plan, implement, and supervise Advancement of Culture;
- c. formulate and establish funding mechanism for Advancement of Culture; and
- d. formulate and enact norms, standards, procedures, and criteria for Advancement of Culture.

Article 46

In administering its duty as referred to in Article 44, the Regional Government in accordance with its administrative territory, has the authority to:

- a. formulate and enact policies on Advancement of Culture;
- b. plan, implement, and supervise Advancement of Culture;
- c. formulate and establish community involvement mechanism in Advancement of Culture; and
- d. formulate and establish funding mechanism for Advancement of Culture.

CHAPTER V

FUNDING

Article 47

Funding for Advancement of Culture is based on investment consideration.

Article 48

- (1) Funding for Advancement of Culture is the responsibility of the Central Government and Regional Government.
- (2) The funding referred to in section (1) comes from:
 - a. the state budget;
 - b. the regional budget;
 - c. the community; and/or
 - d. any other legal and non-binding financial sources in accordance with the provisions of the laws and regulations.

Article 49

- (1) In the context of Advancement of Culture efforts, the Central Government establishes an endowment fund for Culture.
- (2) The establishment of an endowment fund for Culture referred to in section (1) is conducted in accordance with the provisions of the laws and regulations.

CHAPTER VI
APPRECIATION

Article 50

- (1) The Central Government, Regional Government, and/or Any Person may award commensurate appreciation to any party with extraordinary achievements or contribution appropriate to its achievements and contribution in Advancement of Culture.
- (2) Provisions regarding the criteria of the party as referred to in section (1) and procedures for giving the appreciations are regulated by Government Regulation.

Article 51

- (1) In addition to Appreciation as referred to in Article 50, to enrich the National Culture of Indonesia, the Central Government and/or Regional Government provides facilities to Cultural Human Resources who contributed to and/or have extraordinary achievements in Advancement of Culture.
- (2) The facilities provided to the Cultural Human Resources who contributed to and have extraordinary achievements as referred to in section (1) are dedicated to develop their works.
- (3) Provisions regarding the criteria for the Cultural Human Resources as referred to in section (1) and the procedures for the provision of facilities as referred to in section (2) are regulated by Government Regulation.

Article 52

- (1) The Central Government and/or Regional Government may provide incentives to Any Person who contributed to Advancement of Culture.
- (2) Provisions regarding the criteria of Any Person as referred to in section (1) and procedures for the provision of incentives are regulated by Government Regulation.

CHAPTER VII
PROHIBITION

Article 53

Any Person is prohibited from unlawfully destroying, damaging, obliterating, or causing the Advancement of Culture facilities and infrastructure being unusable.

Article 54

Any Person is prohibited from unlawfully committing acts that result in the Integrated Cultural Data Collection System being dysfunctional.

CHAPTER VIII PENAL PROVISIONS

Article 55

Any Person who unlawfully destroys, damages, obliterates, or causes the Advancement of Culture facilities and infrastructure being unusable as referred to in Article 53 is shall be sentenced to imprisonment not exceeding 5 (five) years and a fine not exceeding Rp10,000,000,000 (ten billion rupiahs).

Article 56

Any Person who unlawfully commits acts that result in the Integrated Cultural Data Collection System being dysfunctional as referred to in Article 54 is shall be sentenced to imprisonment not exceeding 10 (ten) years and a fine not exceeding Rp10,000,000,000 (ten billion rupiahs).

Article 57

- (1) Where criminal acts as intended are perpetrated by a corporation, in addition to imprisonment and fine for its management, a sentence that may be inflicted on such a corporation shall be in the form of a fine with a 3 (three) times aggravation increase of the fine referred to in Article 55 and Article 56.
- (2) In addition to sentence to a fine as intended by section (1), a corporation may be subject to an additional sentence in the form of:
 - a. revocation of business permits;
 - b. seizure of proceeds that are reaped from criminal acts;
 - c. revocation of legal entity status;
 - d. dismissal of members of the management ; and/or
 - e. prohibition of such members of the dismissed management from establishing a corporation engaged in the same line of business.

Article 58

The criminal acts as referred to in Article 55, Article 56, and Article 57 are classified as crimes.

CHAPTER IX CONCLUDING PROVISIONS

Article 59

Upon effectiveness of this Law, all laws and regulations concerning Objects of Advancement of Culture shall be declared to remain valid to the extent not against the provisions of this Law.

Article 60

Regulations that are ancillary to this Law must have been issued within 2 (two) year of the promulgation of this Law.

Article 61

This Law shall take effect from the date of its promulgation.

In order that every person may know of it, the promulgation of this Law is ordered by placement in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta

on the 24th day of May 2017

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

JOKO WIDODO

Promulgated in Jakarta

on the 29th day of May 2017

MINISTER OF LAW AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

Signed

YASONA H. LAOLY

ELUCIDATION
ON
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 5 YEAR 2017

REGARDING
ADVANCEMENT OF CULTURE

I. GENERAL

God Almighty has blessed the Indonesian nation with a rich diversity of ethnic groups, customaries, languages, local knowledge and technology, traditions, local wisdom and arts. This diversity is the nation's cultural heritage of noble values that form national identity amidst the dynamics of the world development.

The Preamble of the 1945 Constitution of the State of the Republic of Indonesia has mandated the national goals of the Indonesian nation, namely to protect the entire Indonesian nation and the motherland and to advance the general welfare, improve the intellectual life of the people, and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice. Furthermore, Article 32 section (1) of the 1945 Constitution of the State of the Republic of Indonesia has mandated that "The state shall advance the national culture of Indonesia among the civilizations of the world by assuring the freedom of society to sustain and develop cultural values".

The Indonesian National Culture is the overall processes and results of inter-cultural interaction living and developing in Indonesia. Such development is dynamic, which is marked by the existence of inter-cultural interaction among local cultures or with other cultures from outside Indonesia in the dynamic processes of global changes. It is in this context that the Indonesian nation encounters various problems, challenges, and opportunities in advancing the National Culture of Indonesia.

For this reason, it is necessary to make a strategic move in the form of Advancement of Culture through Protection, Development, Utilization, and Capacity Building/Empowerment in order to realize the Indonesian society that lives in accordance with the principles of "*Trisakti*" delivered by Soekarno as a founding father of the Unitary State of the Republic of Indonesia in his speech in August 1964, which envisions an Indonesia sovereign in its politics, independent in regard to its economy and distinct in its cultural character.

The strategic move of Advancement of Culture efforts should be viewed as an investment towards developing the future and the civilization of the nation, rather than as a burden of expenditure.

The advancement of the Indonesian National Culture is conducted on the basis of Pancasila, the 1945 Constitution of the State of the Republic of Indonesia, and *Bhinneka Tunggal Ika* (Unity in Diversity). The principles of the advancement of the Indonesian National Culture are tolerance, diversity, locality, inter-territorial, participation, benefits, sustainability, freedom of expression, integration, equality, and *gotong royong* (mutual cooperation). The purpose of which are to develop the nation's virtues, enrich cultural diversity, strengthen the nation's identity, strengthen the nation's unity and integration, improve the intellectual life of the people, improve the image of the nation, achieve a civil society, advance general welfare, preserve the nation's cultural heritage, and

contribution to the enrichment of the world's civilizations and thus Culture shall direct the course of national development.

In order to advance the National Culture of Indonesia, it is necessary to provide a sufficient legal umbrella that can act as a compass for comprehensive and integrated Advancement of Culture, and therefore it is imperative to establish a Law on Advancement of Culture.

The Law on Advancement of Culture in general stipulates the subject matter of General Provisions, Advancement, Rights and Obligations, Duties and Authority, Funding, Appreciation, Prohibition, Penal Provisions, and Concluding Provisions elaborated in the body of the Law on Advancement of Culture and its elucidation.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Letter a

"Principle of tolerance" means Advancement of Culture is based on mutual appreciation and respect.

Letter b

"Principle of diversity" means Advancement of Culture recognizes and maintains diversity of ethnic groups, races, religions, and faiths.

Letter c

"Principle of locality" means Advancement of Culture takes into account the local characteristics of natural resources, ecosystem, geographical conditions, community cultures, and wisdom.

Letter d

"Principle of inter-territorial" means Advancement of Culture takes into account the local cultural dynamics without being confined by administrative regional borders.

Letter e

"Principle of participation" means Advancement of Culture is conducted by involving a direct or indirect active role of Any Person.

Letter f

“Principle of benefits” means Advancement of Culture is aimed towards future investment for optimal benefits to general welfare.

Letter g

“Principle of sustainability” means Advancement of Culture is implemented in systematic, planned, continuous, and persistent by ensuring the Cultural Human Resources regeneration and taking into account the interests of the future generations.

Letter h

“Principle of freedom of expression” means Advancement of Culture ensures the freedom of the individuals or groups in expressing their cultures within the laws.

Letter i

“Principle of integration” means Advancement of Culture is implemented in integrated and coordinated way across-sectors, across territory, and across stakeholders.

Letter j

“Principle of equality” means Advancement of Culture ensures equal position between communities with diverse Cultures.

Letter k

“Principle of *gotong royong* (mutual cooperation)” means Advancement of Culture is carried out with the sincere spirit of collective work.

Article 4

Self-explanatory.

Article 5

Letter a

“Oral traditions” are speeches that are passed down across generations by communities, such as, oral history, fairytales, chants, rhymes, and legends.

Letter b

“Manuscripts” are scripts and all the information contained in it, with cultural and historical values, such as, letters, chronicles, sagas, and codex.

Letter c

“Customaries” are custom practices based on certain values and are practiced by a community group on a continuous basis and passed down across generations, such as, sustainable environmental management and conflict resolution practices.

Letter d

“Rites” are the procedures for performing a ceremony or an activity based on certain values and are performed by a community group on a continuous basis and passed down across generations, such as, various celebrations, birthday commemorations, wedding ceremonies, funeral ceremonies, and faith-based rituals and all their paraphernalia.

Letter e

“Traditional knowledge” is the overall ideas and concepts in a community group, which contain local values as a result from real experiences in interacting with the environment, developed on a continuous basis and passed down across generations.

Traditional knowledge includes, among others, handicrafts, clothing, healing methods, herbal medicines, traditional foods and beverages, and knowledge and customary behaviors with regard to nature and the universe.

Letter f

“Traditional technology” is the overall means for providing goods or the means required for survival or amenities of human life in the forms of products, workmanship, and skills of a community as a result from real experiences in interacting with the environment, developed on a continuous basis and passed down across generations.

Traditional technology includes, among others, architecture, agriculture tools, means of transportation, and irrigation system.

Letter g

“Arts” is individual, collective, or communal artistic expressions that are based on cultural heritage or creativity expressed in various activities and/or media. Arts include, among others, performance arts, visual arts, literature, films, music, and media arts.

Letter h

“Languages” is means of communication among humans, whether it be oral, written, or signs, in Indonesian and local languages.

Letter i

“Folk games” is various games based on certain values and performed by a community group on a continuous basis and passed down across

generations, with the purpose of public entertainment, such as, marble games, *congklak*, spinning top, and *gobak sodor*.

Letter j

“Traditional sports” is various physical and/or mental activities with the purpose of having healthy body and improving bodily immunity, based on certain values, performed by a community group on a continuous basis, and passed down across generations, such as, martial arts, *pasola*, stone jump, and *debus*.

Article 6

Self-explanatory.

Article 7

“Cultural mainstreaming” is a strategy that is performed in a reasonable and systematic manner through policy planning, implementation, monitoring, and evaluation and a series of programs that are in lieu with Cultural Protection, Development, Utilization, and Capacity Building/Empowerment.

Article 8

Self-explanatory.

Article 9

“In stages” is the preparation of a set of documents in sequence from Regency/Municipality Culture White Papers, Provincial Culture White Papers Ideas, Cultural Strategy, up to Advancement of Culture Master Plan.

Article 10

Self-explanatory.

Article 11

Section (1)

“Competence” is the level of knowledge mastery, skills, and/or expertise and attitude relevant to a particular field.

“Credibility” is the quantity, capability, or the power to cause confidence as measured by one’s achievements in a particular field.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Article 12

Section (1)

Stakeholders include, among others, chieftains, community leaders, and the community.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Article 13

Section (1)

“Competence” is the level of knowledge mastery, skills, and/or expertise and attitude relevant to a particular field.

“Credibility” is the quantity, capability, or the power to cause confidence as measured by one’s achievements in a particular field.

Section (2)

Letter a

“Abstracts” is the summary of the content of a document in a very brief format or in other words a presentation or a concise description in a correct, accurate, and clear manner.

“Other Cultural documents” include, among others, cultural heritage documents, marine related documents, and environment related documents.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Section (3)

Letter a

Self-explanatory.

Letter b

“Cultural factors external to the Object of Advancement of Culture” include, among others, cultural heritage, indigenous communities, environment, and maritime data from the entire Indonesian territory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Section (6)

Self-explanatory.

Section (7)

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Section (1)

Self-explanatory.

Section (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

“Other relevant data on culture” include, among others, cultural heritage, museums, films, and books.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Section (6)

Self-explanatory.

Section (7)

Self-explanatory.

Article 16

Section (1)

Letter a

“Recording and documenting” is efforts to record in order to describe the conditions of the Objects of Advancement of Culture whether it be their physical state or social meanings for the purpose of identifying the Objects of Advancement of Culture.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Section (2)

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Section (1)

Self-explanatory.

Section (2)

“Facilitate” is all kinds of support, whether it be financial or other resources, given to make it easier for Any Person to record and document, in accordance with the financial wherewithal of the state.

Section (3)

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

“A foreign party” is the citizen of a foreign state, a foreign organization, a foreign legal entity, a foreign corporation, or a foreign state.

Section (4)

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Self-explanatory.

Article 26

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Letter a

“Revitalization” is to revitalize the Objects of Advancement of Culture that have been destroyed or nearly vanished. Revitalization is conducted by among others:

- a. Exploring or studying the various data of Objects of Advancement of Culture and/or Objects of Advancement of Culture that have been destroyed or nearly vanished, which exist in Indonesia or outside Indonesia.
- b. Recreating the Objects of Advancement of Culture that have been destroyed or nearly vanished; and
- c. Promoting the use of Objects of Advancement of Culture that have been destroyed or nearly vanished.

Letter b

“Repatriation” is to bring back Objects of Advancement of Culture that exist outside the territory of the Republic of Indonesia into the territory of the Republic of Indonesia. Repatriation is conducted, among others, by purchasing Objects of Advancement of Culture that exist outside Indonesia, cooperating with a foreign country to repatriate Objects of Advancement of Culture, and advocacy at international level.

Letter c

“Restoration” is the act of restoring or rehabilitating Objects of Advancement of Culture to their original state.

Article 27

Self-explanatory.

Article 28

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

The types of media used for publication are tailored according to the target and the purpose of publication.

Article 29

Self-explanatory.

Article 30

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Letter a

Propagation is conducted through dissemination and diaspora. Dissemination is conducted by, among others, the deployment of cultural values overseas, cultural exchange, exhibitions, and festivals. Diaspora is conducted by, among others, the deployment of Indonesian cultural actors and cultural identity overseas.

Letter b

Studies are conducted through scientific research or traditional methods to revitalize local values and wisdom for future cultural development.

Letter c

Enrichment of diversity is conducted by, among others, assimilation (incorporations of cultures), adaptation (cultural adjustment to the context of space and time), innovation (creation of new works or works developed from existing culture), and acculturation (absorption of foreign cultures into Indonesian culture).

Article 31

Self-explanatory.

Article 32

Section (1)

Self-explanatory.

Section (2)

Letter a

Self-explanatory.

Letter b

“Cultural resilience” is the ability of a culture in preserving and developing its relevant identity, knowledge, and cultural practices.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Article 33

Section (1)

Letter a

“Internalization of cultural values” is an effort to instill cultural values that raise conscience and conviction implemented in attitude and behavior.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Section (2)

Self-explanatory.

Article 34

Section (1)

The processing of Objects of Advancement of Culture as products, among others, in trading, industry, and tourism sectors.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Section (1)

The criteria for major industry are based on the provisions of the laws and regulations regarding industry and trade.

“A foreign party” is a foreign citizen, a foreign organization, a foreign legal entity, a foreign corporation, or a foreign state.

Section (2)

Self-explanatory.

Section (3)

To vitalize and sustain the ecosystem related to the Objects of Advancement of Culture, for example in the case of woven cloth, are conducted through ensuring the availability of spinners, weavers, raw materials, skills, processing techniques, and natural dyes.

Section (4)

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

stages, galleries, art studios, public cinemas, libraries, city parks, botanical gardens, arenas, and cultural parks.

Letter f

Self-explanatory.

Article 42

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

“Cultural facilities and infrastructure” is the facilities that support the implementation of Cultural activities, such as museums, performing stages, galleries, art studios, public cinemas, libraries, city parks, botanical gardens, arenas, and cultural parks.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Section (1)

Self-explanatory.

Section (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

The forms of other legal and non-binding financial sources are, among others, foreign aids/grants from states or international agencies, national aids/grants, and community-based funding.

Article 49

Self-explanatory.

Article 50

Section (1)

“Any party with extraordinary achievements or contribution” is a party that has significant influence and gives benefits to the wider community.

Section (2)

Self-explanatory.

Article 51

Section (1)

Facilities include, among others, costs of living, material support, and/or infrastructure, in accordance with the financial capability of the state.

“Cultural Human Resources contributed to and/or have extraordinary achievements” is the Cultural Human Resources who create masterpiece that is beneficial to Advancement of Culture, improve the welfare of the community, or increase the prestige and dignity of the nation. The examples of Cultural Human Resources who contributed to and/or have extraordinary achievements are maestros and *empu* (an honorific title applied to artists and scholars in traditional context).

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Article 52

Section (1)

The examples of incentives are tax deductions and/or exemptions, deductions and/or exemptions from other levies, and temporary exemptions from import/export duties.

Section (2)

Self-explanatory.

Article 53

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 61

Self-explanatory.

