



Business Law Perspective in The Protection of The Old City as A Cultural Reserve Area

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ABSTRACT

Kota Tua is a cultural heritage area that needs conservation. This area has old buildings that need protection and preservation. Protection and preservation of old buildings in the Old City of Jakarta is the responsibility of the Department of Tourism and Culture of DKI Jakarta as stipulated in Local Regulation No. 10 of 2008 concerning Regional Device Organization in Article 62 paragraph (2), concerning the task of organizing tourism and cultural affairs. The purpose of writing this law is to know how the local government in protecting old buildings and to know the problems and efforts of the local government in protecting old buildings in the Old City area of Jakarta. The authors in his study used normative juridical methods to collect data by reviewing or analyzing secondary data. while the data processing techniques used are by qualitative methods. Conservation is an effort made by the Department of Tourism and Culture of DKI Jakarta in protecting and preserving old buildings in the Old City area of Jakarta. The Implementation Unit of the Activity as the executor of the service function is difficult to execute conservation activities so it must work with the Private Consortium Company and the Restoration Council Team to still be able to participate in the implementation.

Keywords: Conservation; Cultural Heritage Objects; Cultural Heritage Areas.



INTRODUCTION

Indonesia is a former colony. At that time, many buildings, parks, statues, churches were built with Dutch colonial architecture. The heritage building has become part of the history of the Indonesian nation with historical value and aesthetic value.¹ The physical remains of the colonial era (buildings and environment) that still exist today are sufficient to color the architecture in Indonesia today, and need to be considered as cultural heritage that needs to be preserved.² If they can be properly preserved, the physical remains of the colonial era can bring economic benefits to the Indonesian state, because they can be used as tourist attractions.

As stipulated in Law Number 11 of 2010 concerning Cultural Heritage in Article 3 concerning the Purpose of Preserving Cultural Heritage, namely preserving the nation's cultural heritage and human heritage, old buildings are objects that are included in the category of cultural heritage objects that must receive preservation and protection. Old buildings that become cultural heritage objects are national cultural heritage which has important meaning in the civilization and history of a nation. Based on Law no. 11/2010 concerning Cultural Conservation, Article 1 states that Cultural Conservation is a material cultural heritage in the form of Cultural Conservation, Cultural Conservation Buildings, Cultural Conservation Structures, Cultural Heritage Sites, and Cultural Conservation Areas on land and / or in water that need to be preserved. because it has important values for history, science, education, religion, and / or culture through a process of determination.

Preservation and protection of old buildings that have been designated as cultural heritage objects and are now widely used as tourist attractions need conservation, for example the Jakarta Old Town Area.³ The Kota Tua area is one of the main tourist attractions in Jakarta and has been designated as a Cultural Heritage area according to the Decree of the Governor of DKI No. 475 of 1993 concerning the Designation of Historical

¹ Handinoto, *Arsitektur dan Kota-Kota di Jawa Pada Masa Kolonial*, Yogyakarta: Graha Ilmu, 2010, page 1.

² Mukhlis Paeni, *Sejarah Kebudayaan Indonesia*, Jakarta: PT RajaGrafindo, 2009, page 325

³ Zaenuddin HM, *Asal-Usul Kota-Kota di Indonesia Tempo Doeloe*, Jakarta: PT Zaytuna Ufuk Abadi, 2013, page 191



Buildings in DKI Jakarta as Cultural Heritage Objects. In Law Number 11 of 2010 concerning Cultural Conservation in Article 95 paragraph (1) concerning the Government's Duties that Regional Governments participate in the Protection, Development and Utilization of Cultural Heritage. The government has an obligation to preserve historical buildings in Indonesia.

Autonomy is the handover of affairs by the government to local governments to regulate and manage government affairs themselves according to legislation. However, in the implementation of autonomy, there are government affairs which fall under the authority of the regional government consisting of mandatory and optional affairs. Preserving cultural values is one of the regional obligations in implementing autonomy.

Given the important role of Cultural Heritage objects in the field of science, religion and as a local and international tourist destination, requires the government to carry out the maintenance and preservation of buildings that become Cultural Conservation objects through conservation. Conservation is one of the efforts / efforts made to maintain the preservation of buildings that are old or have a long life. The conservation effort of old buildings is to maintain the shape of the buildings, historical values, and national culture. This research makes Kota Tua Jakarta the object of research because Kota Tua is a cultural heritage located in the capital city of Indonesia. It is hoped that Kota Tua is located in the country's capital city to serve as an example for other regions in Indonesia to conserve cultural heritage in their respective regions. The main problem with the preparation of this research is How do local governments conserve the Kota Tua Jakarta Area? And what are the problems and efforts of the local government in the conservation of old buildings in the Kota Tua Jakarta area?

RESEARCH METHODE

The method is a way or a way to solve problems that exist in the present by collecting, compiling, clarifying and interpreting these data. ⁴ Research according to Kerlinger is a process of discovery that has systematic, controlled, empirical characteristics and is based

⁴ Muhammad Nazir, *Metode Penelitian*, Jakarta, Ghalia Indonesia, 1985, page 1



on theories and hypotheses or temporary answers.⁵ Thus research is a person's effort that is carried out systematically, controlled, and based on existing theories and is strengthened by existing symptoms. The method used in this research is the juridical normative method, namely by reviewing or analyzing the articles in the laws and regulations that govern the problem, because the library review is legal norms.⁶ The data taken is secondary data from written materials, such as laws, books, law magazines, articles, journals, bibliographies, catalogs, directories and libraries. Techniques for processing and analyzing data, namely by using qualitative methods to achieve clarity on the issues to be discussed.

RESULTS AND DISCUSSIONS

All Indonesians must be familiar with Jakarta. DKI Jakarta is the capital city of the Republic of Indonesia. Jakarta is located in the north of Java Island, at the estuary of Ciliwung, Jakarta Bay. The Betawi tribe is a native of Jakarta. Jakarta is the center of the national government as well as the provincial government of DKI Jakarta which regulates finance, business, becomes the center of politics and economy. Jakarta has captivated the hearts of many people from all aspects of life, namely being the center of Indonesian music, creative industries, shopping centers with branded goods, and tourist attractions.

Jakarta is one of the tourist destinations in Indonesia, for example historical tourism such as those in the Old City Area. Historical tourism in the Kota Tua area provides a different atmosphere for us when visiting there, because there are heritage buildings from the Dutch colonial era. Kota Tua Jakarta or also known as Old Batavia was founded in 1527 by Fatahillah, now an area that used to function as the center of government, trade center throughout Asia, services and services and mixed with housing.⁷ After the completion of the Japanese occupation, in 1972, the Governor of Jakarta, Ali Sadikin, issued an order to officially make the Kota Tua area a heritage site for Indonesian history.

⁵ *Ibid*, page 4

⁶ Nico Ngani, *Metodologi Penelitian dan Penulisan Hukum*, Yogyakarta, PT Buku Seru, 2012, page 176

⁷ <http://akar-media.com/kota-tua-situs-kerajaan-batavia-berikut-adalah-akar-dari-jakarta> diunduh tanggal 24/07/2015 pukul 12.19AM



The Kota Tua area was originally an area of 846 hectares, but after the issuance of Governor Regulation No. 36 of 2014 concerning the Old Town Area Master Plan, the area is 335 Ha. Ownership of buildings in this area is divided into 3 (three), namely, by Local Government, Private and Sawasta / BUMN. Local government only has about 2% ownership of cultural heritage buildings in this area, the rest is owned by private and private or BUMN.

The buildings or objects that are used as Cultural Heritage in the Kota Tua Jakarta are:

1. Café Batavia, which is opposite the Jakarta History Museum on Jalan Pintu Besar Utara No.14, West Jakarta
2. The statue of Hermes, located on the east side of the Harmoni Bridge which was later moved to the Jakarta History Museum and the old place was replaced with a replica
3. Melaka Gallery Museum, located at Jalan Melaka No.7-9 Roa Malaka, Tambora, Jakarta Old Town Area
4. Bank Mandiri Archive Building, located at Pintu Besar Utara Street No.23-26 Pinangsia Village, Taman Sari District, West Jakarta
5. Jakarta Kota Post Office, right in front of the Jakarta City History Museum opposite the Taman Fatahillah Post Office and is the center of Old Jakarta or called Oud Batavia
6. Regional Office of PT Asuransi Jasa Indonesia, located at Jalan Pintu Besar Utara No. 9 Pinangsia Village, Taman Sari District, West Jakarta
7. Fine Arts and Ceramics Museum
8. The Bank Indonesia Museum or Javasche Bank, is located at Pintu Besar Utara No.3, West Jakarta
9. Bank Mandiri Museum, located at Jalan Lapangan Stasiun No.1, West Jakarta
10. The Jakarta History Museum, at Jalan Taman Fatahillah No.1, West Jakarta
11. Luar Batang Mosque, located in Kampung Luar Batang, Penjaringan, North Jakarta
12. Jakarta Kota Station



13. Jakarta History Museum
14. Kota Intan Bridge
15. Maritime Museum, located on Jalan Pasar Ikan, North Jakarta
16. The Harbormaster Tower (Uitkijk)
17. VOC shipyard, across the street from the Maritime Museum building and the Syahbandar Tower
18. The Red Shop
19. The Oriental roofed shophouse is known as the Chinatown of the Jami An-Nawier mosque or Langgar Tinggi in a multi-ethnic village.
20. Fish Market, located to the northeast of the Maritime Museum
21. Sunda Kelapa Harbor, located in Penjaringan District
22. Puppet Museum, located at Jalan Pintu Besar Utara No. 27, West Jakarta.⁸

According to Governor Regulation No. 36 of 2014 concerning the Old Town Area Master Plan, it is explained that the Old Town Area is divided into 5 (five) Zones. This zone deals with the process of structuring, developing and utilizing the Jakarta Old Town area. Currently, it covers 2 (two) areas of the Administrative City, namely West Jakarta and North Jakarta.

The division of 5 zone zones, namely:

1. Sunda Kelapa Harbor and its surroundings
2. The Old City Center Area (Taman Fatahillah) and its surroundings
3. Chinatown area
4. Multi Ethnic Village Area (Pekojan)
5. Kawasan Kota Tua Business Center (Rejuvenation).

The Kota Tua area is designated as a historical, cultural, business area as well as a tourism destination. Therefore, the Old Town Area needs an organization that can control the entire area and coordinate all activities that can be accounted for. This is reflected in the Governor Regulation No. 127 of 2007 which discusses the formation, organization and work procedures of the Old Town Planning and Development Unit of the Culture and

⁸ <http://kotatujakarta.info/category/cagar/>



Museum Office of the Province of the Special Capital Region of Jakarta which has the task of managing, organizing, conserving, developing, monitoring, controlling and publishing the Kota Tua Area.

The Kota Tua area is an area under the supervision of the UPK (Implementing Unit). As stated in the Governor Regulation No. 107 of 2009 concerning the Organization and Work Procedure of the Tourism and Culture Office, Article 72 states that the Tourism and Culture Office can have a Technical Implementing Unit to carry out service functions to the community or to carry out supporting functions for the duties and functions of the Tourism and Culture Office. So that the Old City area becomes the responsibility of the UPK (Activity Implementing Unit).

The Kota Tua Activity Implementing Unit is coordinating, meaning that the Kota Tua Activity Implementing Unit is only the party that controls and oversees every activity and cultural heritage objects within the Old Town area.

Old buildings in the Kota Tua Jakarta area are mostly buildings that are more than fifty (50) years old. The architectural style of the buildings in the Old City area is like the Dutch colonial style and oriental style buildings.

Under the supervision of the Tourism and Culture Office, the Activity Implementation Unit (UPK) has the task of implementing the conservation of buildings and environment of regional cultural heritage. Old buildings that are conserved or are going to be conserved must be sealed through the Restoration Session Team, which has the task of beautifying the Old Town area, which is a cultural heritage area protected by the local government.

The maintenance and management of old buildings which have become private / state-owned and private ownership status, if there is damage to the old building, it is the responsibility of the owner. Local governments do not have the authority or rights over buildings that do not belong to them, because it is beyond their responsibility, unless the old building is not cared for and abandoned by the owner. Old buildings that are in damaged condition and neglected by their owners, if within a certain period of time they



are not handled, they will change hands and become the property of the Regional Government.

The conservation of old buildings in the Kota Tua Jakarta area is supported by various parties. The existence of cooperation in the implementation of conservation of old buildings in Kota Tua Jakarta is a consideration for the Regional Government in budgeting funds because it is part of its responsibility.

The Tourism and Culture Office as supervisor of the management of tourist attractions wants in the future to be able to promote places that have tourism potential and can generate foreign exchange. Promotion of tourist attractions with routine annual or monthly activities such as festivals will be greatly supported if there are achievements accompanied by activities so that the income from various activities can be used for repair or improvement of objects or buildings in cultural heritage areas that are used as tourist destinations.

Attracting the attention of tourists inside and outside the city is one of the goals of the Tourism and Culture Office. Places that have tourism potential support an increase in economic growth and state income. These supporting factors are one of the reasons for local governments to manage and maintain tourist areas.

Management and maintenance such as conservation is an effort to preserve cultural heritage objects from being damaged. Conservation is the maintenance and protection of something regularly to prevent damage and destruction by preserving and performing restoration.

Conservation of old buildings can be done in various ways. Conservation objectives are carried out with the following objectives:

1. Defense condition so as not to be damaged.
2. Increase strength by adding certain reinforcing agents to prevent damage to the object concerned.

So far, the conservation implementation has been carried out when the results of the Restoration Session Team meeting have been decided. The Regional Government together



with the Activity Implementation Unit and private consortium conduct direct conservation of old buildings which are categorized as eligible for renovation.

If the conservation efforts of the Old City area go well, then what will happen is an increase in the interest of domestic and foreign tourists to make Kota Tua a tourist destination. So that the large number of visitors to the Old City will have a good economic impact on the Government by getting income from the tourism sector. In addition, local people who have businesses in the Kota Tua area will also get an increase in income due to the large number of visitors to Kota Tua. This is what is expected to happen if Kota Tua conservation is carried out and runs well, namely an increase in local government revenue and the economic level of the local community.

CONCLUSION

Based on the results of research and discussion as described, the following conclusions can be drawn: the legal aspects of business that can be carried out by the Regional Government, namely the Kota Tua UPK which is in charge of conserving old buildings in the Kota Tua area only has a coordinating nature, meaning that the UPK Kota Tua only has the authority coordinating the implementation of conservation. Meanwhile, conservation implementers are carried out by the Restoration Session Team through a Consideration Meeting held by the Tourism and Culture Office and the Jakarta Old Town UPK. The problems experienced by the Regional Government, namely UPK Kota Tua as executing service functions, are difficult to execute activities that are directly related to the maintenance and preservation of cultural heritage buildings because conservation implementation activities must go through a meeting from the Cultural Heritage Restoration Council Team. The efforts of the Regional Government in the conservation of old buildings in the Kota Tua Jakarta area are to collaborate with private consortium companies and the Pemugaraan Session Team to carry out conservation of old buildings, so that during the implementation of conservation parties from UPK Kota Tua Jakarta continue to participate in implementing conservation of old buildings. If Kota Tua



conservation is carried out and runs well, namely an increase in local government revenue and the economic level of the local community.

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