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Protection and Repatriation of Cultural Heritage – Country Report: Indonesia

Abstract: This article provides a broad overview of Indonesia's current post-independence legislation and practice with respect to cultural heritage protection and repatriation. We highlight several challenges that hamper the effective implementation and enforcement of this framework, particularly in relation to repatriation processes of foreign-held cultural objects. We furthermore explore how the State-centric discourse that surrounds Indonesia's cultural heritage protection and repatriation policies impede locally-led activism related to cultural heritage, particularly in relation to value production and sense of ownership. Overall, we highlight the importance of co-creation in knowledge production processes and crime-prevention methods concerning cultural heritage to maximize effectiveness. Agency, access, and ownership were violently removed through the colonial looting of Indonesian cultural heritage, so the first step towards restorative justice should be reinstating this to the communities of origin, or to the Indonesian government when the rightful origin community cannot be identified. This concerns not only the cultural objects themselves, but also their digital and physical lives, i.e. the knowledge and expertise created based on these objects.

Keywords: Indonesia, cultural heritage, antiquities, repatriation, heritage protection

Introduction

The Indonesian archipelago is home to a rich diversity of cultural and natural heritage. Cultural heritage, or *pusaka*, concerns objects passed down through generations, and plays a central role in the identity construction of their owners.[1] Both natural and human-made disasters have threatened the cultural and natural heritage of this island nation for centuries. Colonialism, political instability, and lax legislation have in particular caused many of Indonesia's cultural objects to end up

[1] W. Martowikrido, *Heirlooms of the Outer Islands*, in: H. Soebadio, J. Miksic (eds.), *Art of Indonesia: Pusaka*, The Vendome Press, New York 1992, pp. 129-132.

in public and private collections abroad.[2] Today, Indonesia's cultural heritage continues to be stolen, looted, and trafficked to satisfy the national and global demand for these (in)valuable objects.

One of the core weaknesses in Indonesia is the absence of official reporting mechanisms and of a centralized data survey and information distribution system between archaeologists, policymakers, law enforcement, and local communities. Consequently, there is an overall lack of available data on the causes and consequences of the trafficking of cultural objects, creating further challenges to their protection and repatriation. In this article we explore contemporary issues in Indonesia's cultural heritage management and repatriation, assessing the historical, legal, and socio-political foundations of the challenges involved. We also highlight recent activism efforts surrounding Indonesia's cultural heritage preservation.

In this summarizing country report, we first examine Indonesia's current, post-independence legal framework for cultural heritage preservation. In doing so we highlight several challenges to effective implementation and enforcement. We then show how these challenges impact the current repatriation and return processes of foreign-held cultural objects. In this analysis we use the terms "repatriation" and "return" interchangeably to refer to the process by which cultural objects from Indonesia – the ownership and possession of which is claimed by the Indonesian government or original owners – were taken abroad by way of looting, (colonial) exploitation or otherwise and have ended up in private and public collections abroad.[3] We employ the term "looting" to cover all manners by which cultural objects were illegally or exploitatively removed from Indonesia. We continue with an exploration of the State-centric discourse that surrounds Indonesia's cultural heritage protection and repatriation, and how this impedes locally-led activism related to cultural heritage, particularly in terms of value production and sense of ownership. Overall, we highlight the importance of co-creation in knowledge production processes and crime-prevention methods concerning cultural heritage to maximize effectiveness.

Indonesia's Legal Framework for the Protection of Cultural Heritage

Indonesia's legal and practical frameworks for the management, protection, ownership, and repatriation of cultural heritage are marked by its colonial history. A comprehensive legal framework for Indonesian cultural heritage was implement-

[2] P. Ardiyansyah, *Object Repatriation and Knowledge Co-Production for Indonesia's Cultural Artefacts*, "LSE Blog", 4 November 2021, https://blogs.lse.ac.uk/seac/2021/11/04/object-repatriation-and-knowledge-co-production-for-indonesias-cultural-artefacts/ [accessed: 24.10.2022].

[3] For a more thorough review of this terminology, see P. Losson, *The Return of Cultural Heritage to Latin America: Nationalism, Policy, and Politics in Colombia, Mexico and Peru*, Routledge, London 2022.

ed in 1931 with the Monument Ordinance[4] when Indonesia was still known as the "East Indies" and under the colonial rule of the Netherlands.[5] This act established governmental ownership of objects of antiquity from the East Indies and regulated compensation claims of monuments and sites on private property, especially when such objects and sites were listed in governmental inventories. In short, this act was designed with the intention to protect, conserve, preserve, and to restore Indigenous peoples' cultural heritage.[6] However, these efforts were predominantly based on colonial governmental regulations, with little focus on community involvement. Marieke Bloembergen and Martijn Eickhoff[7] label this "colony-based pride": archaeology was an essential pillar to formulate socio-cultural measures and symbols of governmental reform, and therefore became a political instrument for rivalries between the colonizing powers at the time. In this way, cultural heritage was used as a soft power tool to create a political narrative of the legitimacy of domination.[8] The Dutch colonial quest centred around the preservation of East Indies culture, which they viewed as a "primitive living museum" mirroring Dutch feudal society in the Middle Ages; such a culture had to be protected from the impact of modern Western civilization.[9]

With Indonesian independence on 17 August 1945, the government promulgated a Constitution which acknowledged the importance of preserving and promoting Indonesian "culture", primarily referring to tangible heritage.[10] The 1931 Law remained applicable until replaced in 1992 with Law No. 5 on Cultural Heritage Objects, which nationalized cultural heritage.[11] The concept of cultural heritage is further explained in the 2010 Law No. 11 Concerning Cultural Conservation.[12] This law, still applicable today, grants ownership of tangible cultural heritage – whether discovered or undiscovered/unexcavated – to the Government of Indo-

4 *Monumenten Ordonnantie Tahun 1931*.

5 VOC (Vereenigde Oostindische Compagnie in Dutch); see I. Fitri, Y. Ahmad, Ratna, *Cultural Heritage and Its Legal Protection in Indonesia Since the Dutch East Indies Government Period*, "Advances in Social Science, Education and Humanities Research" 2016, Vol. 81, pp. 127-134.

6 See E. Sedyawati, P. ter Keurs, *Scholarship, Curiosity and Politics*, in: E.S. Hardiati, P. ter Keurs (eds.), *Indonesia: The Discovery of the Past*, KIT Publishers, Leiden 2005, pp. 20-32; P.H. Pott, A. Sutaarga, *Arrangements Concluded or in Progress for the Return of Objects: the Netherlands-Indonesia*, "Museum International" 1979, Vol. 31(1), pp. 38-42.

7 M. Bloembergen, M. Eickhoff, *A Wind of Change on Java's Ruined Temples: Archaeological Activities, Imperial Circuits and Heritage Awareness in Java and the Netherlands (1800-1850)*, "Low Countries Historical Review" 2013, Vol. 128(1), pp. 81-104.

8 Ibidem.

9 T. Sudarmadi, *Between Colonial Legacies and Grassroots Movements: Exploring Cultural Heritage Practice in the Ngadha and Manggarai Region of Flores*, PhD dissertation, Vrije Universiteit Amsterdam, 2014, p. 14.

10 *Undang-undang Dasar Negara Republik Indonesia Tahun 1945* [Constitution of the Republic of Indonesia of 1945], Art. 32(1-2).

11 *Undang-Undang No. 5 Tahun 1992 tentang Benda Cagar Budaya*, Art. 4(1).

12 *Undang-Undang No. 11 Tahun 2010 tentang Cagar Budaya.*

nesia. The law dictates that cultural heritage is anything over 50 years old, with significance to history, science, education, religion, and/or culture, and has cultural value in the promotion of national identity.[13] A national registry is maintained by both central and regional governments. Any newly-discovered cultural object that authorities decide is not rare or unique, or is already well-represented in the national registry, can then be owned by their finder. However, much confusion exists around the classification and categorization of cultural heritage, particularly when extended to natural resources such as fossils, flora, and fauna.[14]

In addition to the aforementioned 2010 Law No. 11, the country has numerous laws and policies in place to regulate the protection, conservation, extraction, trade, and export of underwater cultural heritage. It has also ratified or accepted a number of international agreements, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;[15] the 1972 UNESCO World Heritage Convention;[16] and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.[17] Crucially, Indonesia has not ratified the primary international agreements related to the protection, trade, and conservation of movable cultural heritage, namely the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property[18] and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.[19] Indonesia may not have ratified these conventions yet because of limited resources, overlapping or inadequate legislation, or limited interest in restitution claims outside of the Netherlands and Australia.[20]

Today, Indonesia is widely criticized for its current legal framework regarding cultural heritage protection, trade, and conservation.[21] The lack of regulations regarding the protection of cultural heritage, particularly against illicit trade, pre-

13 Ibidem, Art. 5/12(1).

14 I. Fitri, Y. Ahmad, F. Ahmad, *Conservation of Tangible Cultural Heritage in Indonesia: A Review*, "Procedia – Social and Behavioral Sciences" 2015, Vol. 184, pp. 71-78.

15 249 UNTS 240.

16 Convention for the Protection of the World Cultural and Natural Heritage, 16 November 1972, 1037 UNTS 151.

17 17 October 2003, 2368 UNTS 3.

18 14 November 1970, 823 UNTS 231.

19 24 June 1995, 34 ILM 1322.

20 See M.M.H. Ridlo, M.F. Alfian, *Posisi Indonesia Dalam Rezim UNESCO Perlindungan Cagar Budaya Bawah Air: Pencurian Bangkai Kapal Milik Asing di Laut Indonesia* [Indonesia's Position in UNESCO's Regime of Underwater Cultural Heritage Protection: Theft of Foreign-Owned Shipwrecks in Indonesian Seas], "Journal of International Relations" 2021, Vol. 7(2), pp. 66-76; L.D. Larosasari, S.C.H. Pattipeilohy, *Kebijakan Luar Negeri Indonesia Menyangkut Ketidakikutsertaan Dalam Ratifikasi* [Indonesia's Foreign Policy Regarding Non-Participation in Ratification], "Journal of International Relations" 2019, Vol. 5(4), pp. 678-685.

21 See A.S. Adinugrah, *The Rights and Obligations of the State in the Restoration of Cultural Heritage: A Review on International Law and the Practice of Indonesia*, "Indonesian Journal of International Law" 2016, Vol. 13(4), p. 513; I. Fitri, Y. Ahmad, F. Ahmad, op. cit., pp. 71-78; I. Fitri, Y. Ahmad, Ratna, op. cit., pp. 127-134.

cipitates a lack of enforcement, as well as practical and procedural uncertainties. In addition, Indonesia still needs to develop clear guidelines to manage the repatriation of Indonesian cultural objects that are held abroad. These loopholes open up avenues for ongoing looting and trafficking of Indonesia's cultural objects to meet the continuous national and global demand for these objects.[22] A lack of sustainable alternative livelihoods also makes looting and trafficking a viable option.[23] Little is known about the stakeholders and networks involved in the looting, trafficking, and trade of Indonesian cultural objects, as academic research into this topic is overall lacking. News and social media therefore play an important role in increasing public awareness with respect to the need to counter the illicit trade in cultural objects and the general importance of cultural heritage.[24] However, this can also have an opposite effect. For example, when news media published the location of a newly-discovered Majapahit Kingdom site, this led to the widespread looting of coins, jewellery, ceramics, and other cultural objects from the site.[25]

The looting of and trafficking in Indonesia's cultural objects extends to underwater cultural heritage, due to the overall lack of effective enforcement of the relevant legal provisions to protect underwater cultural heritage; underreporting

[22] For the looting of Javanese cultural items, see *Historic Javanese Art Treasures Victims of Looting*, "Forbes", 3 April 2002, https://www.forbes.com/2002/04/03/0403hot.html?sh=52edf33975f6 [accessed: 19.10.2022]. For looting of cultural objects in Sumatra, see *Forest Fire in Sumatra Sparks Hunt for Srivijayan Treasure*, "Southeast Asian Archaeology", 30 October 2019, https://www.southeastasianarchaeology.com/2019/10/30/forest-fire-in-sumatra-sparks-hunt-for-srivijayan-treasure/ [accessed: 01.10.2022]. For incapability of Indonesia to stop looting, see A. Renaldi, *Indonesia Can't Stop Its Illegal Treasure Hunters*, "Vice", 20 November 2017, https://www.vice.com/en/article/zmzyva/indonesia-cant-stop-its-illegal-treasure-hunters [accessed: 11.03.2021]; *Lambang dalam Pusaran Mafia Purbakala* [Coat of Arms in the Vortex of the Antiquities Mafia], "Tempo", 29 September 2008, https://majalah.tempo.co/read/investigasi/128323/lambang-dalam-pusaran-mafia-purbakala [accessed: 25.10.2022]; L. Harris, *Indonesian Antiquities Thefts Show No Sign of Abating*, "The Art Newspaper", 1 June 2009, https://www.theartnewspaper.com/2009/06/01/indonesian-antiquities-thefts-show-no-sign-of-abating [accessed: 25.10.2022].

[23] A. Renaldi, op. cit.

[24] The crucial role that social media plays in raising awareness about these topics was recognized by the Indonesian Ministry of Culture and Education in a recent campaign; see *Ministry Encourages Cultural Preservation Through Social Media Campaign*, "Antara News", 10 August 2022, https://en.antaranews.com/news/243713/ministry-encourages-cultural-preservation-through-social-media-content [accessed: 15.11.2022]. See also S. De Ascaniis, C. Della Monica, L. Cantoni, *A Social Media Campaign to Raise Awareness about Violent Heritage Destruction: The Case of #faces4heritage*, HTHIC2017 – Heritage, Tourism and Hospitality, Pori (Finland), 27-29 September 2017.

[25] See Z. Arifin, *Modus Pemalsuan Harta Benda Peninggalan Majapahit* [The Mode of Forgery of Majapahit Heritage], "Liputan 6", 14 March 2019, https://www.liputan6.com/regional/read/3915477/modus-pemalsuan-harta-benda-peninggalan-majapahit [accessed: 27.10.2022]; A. Hartik, *Situs Purbakala Ditemukan di Lokasi Proyek Jalan Tol Pandaan-Malang* [Archaeological Site Found at the Pandaan-Malang Toll Road Project Site], "Kompas", 8 March 2019, https://foto.kompas.com/photo/read/2019/03/08/1552043331ab7/situs.purbakala.ditemukan.di.lokasi.proyek.jalan.tol.pandaanmalang [accessed: 27.10.2019]; E. Widianto, *Benda Cagar Budaya Peninggalan Majapahit "Dijarah"* [Majapahit Heritage Objects Are "Looted"], "Terakota", 11 March 2019, https://www.terakota.id/benda-cagar-budaya-peninggalan-majapahit-dijarah [accessed: 27.10.2022].

of looting incidents; and a lack of collaboration with local communities.[26] This lack of harmony and clarity in the regulations and policies governing underwater cultural heritage and their implementation makes it difficult for local, regional, and national stakeholders to protect underwater cultural heritage, particularly against looting.[27] Due to Indonesia's vast sea territory, which accounts for 84% of the archipelago's national territory,[28] the securitization of sites becomes nearly impossible and looting continues almost unabated. For example, earlier this year dozens of ships dredged the bottom of the Batanghari river in Jambi, where several archaeological sites from Muaro Jambi and East Tanjung Jabung are located. The crews looted a wide variety of archaeological objects, including porcelain, coins, metal and gold artefacts, which are believed to have been sold abroad.[29] Local activists called attention to the looting on social media, but law enforcement has yet to respond.

Whereas the large-scale looting and trafficking of Indonesia's land-based cultural heritage is primarily tied to colonial times, the looting and trafficking of its underwater cultural heritage has increased dramatically with the rapid technological innovations available to fishermen and scuba divers in recent decades.[30] Earlier this year the Australian government, in applying Australia's Protection of Movable Cultural Heritage Act, repatriated 333 Chinese ceramic objects to the Indonesian government from the 19th-century wreck of the Chinese cargo ship Tek Sing.[31]

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26 See e.g. J. Marbun, *An Advocacy Approach on Underwater Heritage in Indonesia, Case Study: An Auction on Underwater Heritage from Cirebon Waters in 2010*, http://www.themua.org/collections/files/original/b4d3ef18e9639823a6c4243b9eeb09d0.pdf [accessed: 18.10.2022].

27 For an assessment of the legal aspects of underwater heritage, see A.M. Batubara, *Pelindungan Cagar Budaya Bawah Air dalam Kajian Analisis Hukum* [Protection of Underwater Cultural Heritage in the Study of Legal Analysis], "Jurnal Konservasi Cagar Budaya Borobudur" 2014, Vol. 8(1), pp. 48-57. For legal aspect overview of auction for underwater heritage, see V. Pretylia, *Tinjauan Hukum Pelelangan Benda Berharga Muatan Kapal Tenggelam (BMKT)* [Legal Review of the Auction of Valuable Objects of Sinking Vessels (BMKT)], "University of Bengkulu Law Journal" 2017, Vol. 2(2), pp. 165-184.

28 See S.T. Sulistiyono, Y. Rochwulaningsih, *Contest for Hegemony: The Dynamics of Inland and Maritime Cultures Relations in the History of Java Island, Indonesia*, "Journal of Marine and Island Cultures" 2013, Vol. 2(2), pp. 115-127.

29 T. Suratno, I.J. Rizal, *40 Kapal Jarah Barang Cagar Budaya di Sungai Batanghari Jambi* [40 Boats Loot Cultural Heritage Objects in Jambi's Batanghari River], "Metro Jambi", 13 September 2022, https://www.metrojambi.com/read/2022/09/13/73419/40-kapal-jarah-barang-cagar-budaya-di-sungai-batanghari-jambi [accessed: 02.10.2022].

30 N.C. Chin, *Heartbreak as Large-scale Salvagers Loot Southeast Asia's WWII Shipwrecks, War Graves*, "Channel News Asia", 3 June 2021, https://www.channelnewsasia.com/cnainsider/heartbreak-salvage-loot-southeast-asia-wwii-shipwreck-war-graves-1829531 [accessed: 20.10.2022].

31 See *Michael Hatcher Si Pemburu Harta Karun Kapal Tek Sing di Perairan Baangka Belitung* [Michael Hatcher – The Treasure Hunter of the Tek Sing Ship in Bangka Belitung Waters], "Wow Babel", 22 August 2022, https://www.wowbabel.com/nasional/pr-5984234927/michael-hatcher-si-pemburu-harta-karun-kapal-tek-sing-di-perairan-bangka-belitung [accessed: 02.10.2022]; Australian Embassy Indonesia, *Treasures of the Tek Sing to Return to Indonesia*, 18 August 2022, https://indonesia.embassy.gov.au/jakt/MR22_036.html [accessed: 02.10.2022].

The repatriation occurred exactly 200 years after Tek Sing's sinking in 1822. Since its discovery by renowned British salvage diver Michael Hatcher, most of its cargo – totalling more than 350,000 artefacts – was sold abroad.[32] Tony Burke, the Australian Minister for the Arts, noted that "returning these items to Indonesia – where they belong – is about righting a wrong. These items should have never left Indonesia or been offered for sale. They belong with Indonesian cultural authorities so they can be properly preserved".[33] At the same time however, Indonesia's protection and salvage laws are complex and inconsistent, and Indonesia is not a State Party to the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.[34]

In addition to the trafficking of cultural heritage, natural heritage is also continuously at risk from looters, poachers, traders, and other stakeholders in the global trade of Indonesia's cultural and natural resources. This risk has exacerbated due to the recent COVID-19 pandemic. For example, when local authorities of the Ciletuh Geopark in West Java discovered the large-scale trafficking of Megalodon teeth during the pandemic, they initiated stricter legislation and management of the fossils, made possible because the fossils are included in the 2010 Law No. 11 Concerning Cultural Conservation. Based on an interview with a Ciletuh Geopark management officer in August 2021, Geopark management set up a museum as part of the preservation programme, in which they collaborate with local stakeholders to link the fossils to human development (one of the requirements under the 2010 Law). They jointly organize workshops to highlight the importance of cultural heritage preservation, raising awareness about the illegal fossil trade. However, this raises new questions regarding land use regulations and practices in this area.

Repatriation of Indonesia's Foreign-Held Cultural and Natural Heritage

Indonesia's current legal framework focuses on scientific methods for the inventory, excavation, collection, conservation, and preservation of tangible heritage, as evidenced in for example the 2010 Law No. 11. It does not contain detailed provisions regarding the potential return and repatriation of cultural objects.[35] Indone-

[32] R. Wirayudha, *Repatriasi Artefak Indonesia dan Virus Dekolonisasi* [Repatriation of Indonesian Artifacts and the Virus of Decolonization], "Historia.id", 13 March 2020, https://historia.id/kultur/articles/repatriasi-artefak-indonesia-dan-virus-dekolonisasi-PzdlE [accessed: 28.09.2022].

[33] Australian Embassy Indonesia, op. cit.

[34] 2 November 2001, 2562 UNTS 45964. See N. Pearson, *At What Cost: The Impact of Indonesia's Omnibus Law on Underwater Cultural Heritage*, "New Mandala", 12 March 2021, https://www.newmandala.org/at-what-cost-the-impact-of-indonesias-omnibus-law-on-underwater-cultural-heritage/ [accessed: 20.10.2022].

[35] A.S. Adinugrah, op. cit., p. 513.

sia's failure to date to ratify the 1970 UNESCO Convention further demonstrates that the protection and repatriation of cultural heritage has not yet been a priority for the Government of Indonesia.[36] However, times seem to be changing. Since 2019 several scholarships for provenance research into museum objects, including how they are relevant to Indonesia's national identity, have been provided by the Indonesian government.[37] Moreover, Indonesia established a return committee in 2021 to research selected objects important to the history of the nation, in close cooperation with museums in the Netherlands, with the aim of ultimately effectuating return.[38] Nonetheless, the limited involvement of non-state organizations and local communities in the repatriation management processes leaves space for criticism as to whose needs are prioritized in the decision-making processes surrounding the protection and repatriation of cultural heritage; and in particular whether this makes the discourse around Indonesia's cultural heritage ownership and protection processes even more State-centric.

Since the 1950s, i.e. shortly after its independence, Indonesia has prioritized the commercialization of heritage for the purposes of tourism, for example through World Heritage sites; as well as for political purposes, e.g. to promote national social cohesion.[39] UNESCO's "universalist" approach to heritage paved the way for bringing Indonesian cultural heritage into the political discourse of international cooperation.[40] For example, the restoration and preservation of the Borobudur and Prambanan temple compounds provided a perfect opportunity for nation building and representing the Indonesian nation State in the international political arena, particularly as linked to international cultural organizations such as UNESCO.[41]

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36 For an overview regarding the State's rights and obligations in the restoration of cultural heritage, see ibidem. For the development of State's role in cultural heritage protection since the Dutch East Indies Government period, see I. Fitri, Y. Ahmad, Ratna, op. cit.

37 D. Maulipaksi, *Repatriasi*, *Upaya Indonesia Kembalikan Benda Cagar Budaya dari Belanda* [Repatriation, Indonesia's Efforts to Return Cultural Heritage Objects from the Netherlands], 11 January 2021, https://www.kemdikbud.go.id/main/blog/2021/01/repatriasi-upaya-indonesia-kembalikan-benda-cagar-budaya-dari-belanda [accessed: 29.09.2022].

38 P. Ardiyansyah, op. cit.; J.M. Daniels, *New York Returns Historical Relics to RI*, "Bali Discovery", 26 July 2021, https://www.balidiscovery.com/new-york-returns-historical-relics-to-ri/ [accessed: 24.10.2022].

39 C. Silver, *Tourism*, *Cultural Heritage*, *and Human Rights in Indonesia: The Challenges of an Emerging Democratic Society*, in: H. Silverman, D. Fairchild Ruggles (eds.), *Cultural Heritage and Human Rights*, Springer, New York 2007, pp. 78-91; J.P. Siregar, *Heritage and the Change of Meaning: Understanding the Urban Heritage in Yogyakarta*, *Indonesia*, "IOP Conference Series: Earth and Environmental Science" 2019, Vol. 340(1), pp. 12-25; D.A. Tanudirjo, *Islands in Between: Prehistory of the Northeastern Indonesian Archipelago*, PhD dissertation, Australian National University, 2001.

40 W.S. Logan, *Closing Pandora's Box: Human Rights Conundrums in Cultural Heritage Protection*, in: H. Silverman, D. Fairchild Ruggles (eds.), *Cultural Heritage and Human Rights*, Springer, New York 2002, pp. 33-52.

41 For an overview of the importance of traditional knowledge promotion in the global conservation context, see S. Bahkri, *Promoting Traditional Knowledge in Conservation: The Role of the Borobudur Conservation Office*, "AICCM Bulletin" 2020, Vol. 41(2), pp. 95-105. For an overview of heritage tourism and local community empowerment, see M. Nagaoka, *Revitalization of Borobudur: Heritage Tourism Promotion and Local*

Another example is the Balinese culture, which is being exploited as a trademark attraction for tourism development, therefore transforming it into the cultural capital of the nation.[42] However, such tourism has also led to cultural appropriation and looting, as seen in the case of the Toraja people of southern Sulawesi, whose unique traditions and material culture have been exploited for decades.[43]

Tangible cultural heritage is often seen as a form of national capital inherited from predecessors.[44] As a result, those in power control the representation of the national past and the institutionalization of collective memory.[45] This extends to Indonesia's strategies on the repatriation of foreign-held cultural and natural heritage, which since the 1950s has focused on developing social cohesion and pride as part of its post-colonial nation building.[46] Practically, this has meant that Indonesia has made limited demands surrounding the return of colonial-looted objects with the Netherlands, as it has tried to maintain and balance its precarious diplomatic relations with its former colonizer. This in turn has left space for the Netherlands to create a narrative of "good faith repatriation", in which the repatriation of cultural objects symbolizes the Dutch desire to right past colonial wrongs. In contrast, Indonesia has pushed for a narrative that demonstrates the looting and trafficking of cultural objects from Indonesia during colonial times was illegal to begin with, so keeping these objects in the Netherlands would be a continuation of colonial violence.[47]

Community Empowerment in Cultural Industries, ICOMOS, Paris 2011, http://openarchive.icomos.org/id/eprint/1271/1/III-3-Article1_Nagaoka.pdf [accessed: 18.10.2022].

42 M. Picard, *Cultural Heritage and Tourist Capital: Cultural Tourism in Bali*, in: M.-F. Lanfant, J.B. Allcock, E.M. Bruner (eds.), *International Tourism: Identity and Change*, SAGE, London 1995, pp. 44-66.

43 See e.g. T.A. Volkman, *Visions and Revisions: Toraja Culture and the Tourist Gaze*, "American Ethnologist" 1990, Vol. 17(1), pp. 91-110; K.M. Adams, *The Politics of Indigeneity and Heritage: Indonesian Mortuary Materials and Museums*, "Museum Worlds" 2020, Vol. 8, pp. 68-87.

44 D. Byrne, *Heritage as a Social Action*, in: G. Fairclough et al. (eds.), *The Heritage Reader*, Routledge, London–New York 2008, pp. 149-173.

45 W. Sushartami, R.R. Ristiawan, *The Well of Truth: Managing Authenticity in the Pancasila Sakti Monument*, "Asian Journal of Tourism Research" 2018, Vol. 3(1), pp. 188-208.

46 M.C. Ricklefs, *A History of Modern Indonesia Since c. 1200*, Palgrave Macmillan, New York 2008; A. Vickers, *A History of Modern Indonesia*, Cambridge University Press, New York 2005; R.E. Elson, *The Idea of Indonesia: A History*, Cambridge University Press, New York 2008; M.D. Poesponegoro, N. Notosusanto, *Sejarah Nasional Indonesia* [National History of Indonesia], Vol. 6, Departemen Pendidikan dan Kebudayaan, Direktorat Sejarah dan Nilai Tradisional, Proyek Inventarisasi dan Dokumentasi Sejarah Nasional, Jakarta 1983; T. Sudarmadi, *Between Colonial Legacies…*

47 C. Wijaya, *Indonesia-Belanda: Ratusan ribu benda bersejarah Indonesia dimiliki Belanda, akankah segera dikembalikan?* [Indonesia–the Netherlands: Thousands of Historical Objects from Indonesia are Owned by the Dutch, Will They Be Returned?], "BBC News", 13 March 2020, https://www.bbc.com/indonesia/indonesia-51749544 [accessed: 21.09.2022]; I. Widyanuratikah, *Proses Repatriasi Cagar Budaya Butuh Hingga Empat Tahun* [Repatriation Process of Cultural Heritage Needs up to Four Years], "Republika", 11 January 2021, https://www.republika.co.id/berita/qmrkf7428/proses-repatriasi-cagar-budaya-butuh-hingga-empat-tahun [accessed: 21.09.2022].

Indeed, negotiations with the Dutch government to return colonial looted cultural objects have been ongoing since Indonesia's independence. As part of these negotiations, the Indonesian government has admonished the Netherlands and has insisted that the country has an obligation to return the thousands of colonial looted Indonesian cultural objects that are kept in Dutch museums. In response to a cultural agreement between the two countries in 1966, the Dutch undertook multiple studies and negotiations, which concomitantly delayed the repatriation of documents, manuscripts and cultural objects and did not involve the original owners, i.e. the communities of origin.[48] In the following decades, the two governments agreed on the return of several objects of national importance, which provided a useful tool for the Indonesian government to glorify its past and build social cohesion post-independence.[49] These included the saddle and spear of Prince Diponegoro, a Javanese prince hailed as a national hero who led a five-year campaign against Dutch colonial rule in the 19th-century.[50] But it was not until 2015 that Prince Diponegoro's sceptre was returned to Indonesia by the descendant of the Governor-General of the Dutch East Indies in 1833-1834.[51] Furthermore, as a gesture of goodwill, Prince Diponegoro's gold-inlaid *keris* (dagger) was returned ahead of a Dutch royal state visit only in 2020.

However willing the Dutch government may be to right colonial wrongs, its recent repatriation efforts seem to also be motivated by practical considerations. For example, in 2020 the Netherlands finally repatriated 1,500 colonial-looted objects to Indonesia that were part of the bankrupted Nusantara Museum collection. The country had originally offered to return around 12,000 objects, but Indonesia's Ministry of Culture decided to only accept 1,500 objects after researching

[48] For an overview of Dutch government cultural policy in the post-colonial period, see S. Legêne, E. Postel-Coster, *Isn't It All Culture? Culture and Dutch Development Policy in the Post-Colonial Period*, in: J.A. Nekkers, P.A.M. Malcontent (eds.), *Fifty Years of Dutch Development Cooperation 1949-1999*, SDU Publishers, The Hague 2000, pp. 271-288.

[49] The first post-independence return case in 1977, involving several cultural objects from Lombok to the Museum Pusat (now the Indonesian National Museum), shows that progress was slow. For an overview of the Netherlands-Indonesia cooperation development in repatriation of cultural objects, see P.H. Pott, A. Sutaarga, op. cit., pp. 38-42; J. van Beurden, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, Sidestone Press, Leiden 2017, pp. 123-153.

[50] S. Legêne, E. Postel-Coster, op. cit., pp. 271-288.

[51] For an overview of the Diponegoro heirlooms' repatriation process, see E. Priherdityo, *Setelah 183 Tahun*, *Pusaka Diponegoro Kembali ke Tanah Air* [After 183 Years, the Diponegoro's Heritage Returns to the Homeland], "CNN Indonesia", 6 February 2015, https://www.cnnindonesia.com/hiburan/20150206081535-241-30092/setelah-183-tahun-pusaka-diponegoro-kembali-ke-tanah-air [accessed: 27.09.2022]. For an overview of the repatriation process of Diponegoro's *keris*, see A. Setiawan, *Keris Pangeran Diponegoro Tiba di Tanah Air* [Prince Diponegoro's *Keris* Arrives in Indonesia], "Historia.id", 5 March 2020, https://historia.id/kultur/articles/keris-pangeran-diponegoro-tiba-di-tanah-air-v22Y3 [accessed: 28.09.2020].

their significance.[52] To this end, the National Museum of Indonesia constructed new storage facilities to welcome home the repatriated objects, and the Government of Indonesia set up a repatriation committee.[53]

To support its former colony in safeguarding its cultural heritage, the Dutch Foreign Affairs Minister has offered to assist in improving museum storage conditions and staff expertise through joint research and knowledge exchange, as well as to return colonial-looted cultural objects.[54] However to date these promises have not fully materialized. Instead, Indonesian claims related to the return of colonial-looted cultural objects have generally been met by reluctance from the Dutch side, and negotiations have been dragged out.[55] For example, a special Advisory Committee on the National Policy Framework for Colonial Collections advised the Dutch Government in 2020 that they should be ready to unconditionally return colonial looted items when claimed.[56] Yet no further return cases have taken place to date, although there are plans for a Dutch "independent commission" to research the provenance of claimed objects from December 2022 onwards and assess return requests.[57] In the meantime, other countries have been more proactive in their return of looted cultural objects to Indonesia, whether looted during colonial times or more recently.[58]

French President Emmanuel Macron's speech at the University of Ougadougou in 2017, wherein he stated that cultural heritage from the former French colony should be returned, sparked a renewed sense of hope among former colonized nations with respect to the potential return of their looted cultural heritage from

52 T. Dafoe, *For the First Time in Its History, the Netherlands Is Returning an Enormous Trove of Artifacts to Its Former Colonial Territory of Indonesia*, "Artnet News", 8 January 2020, https://news.artnet.com/art-world/netherlands-returns-indonesia-artifacts-1748376 [accessed: 24.10.2022].

53 For an overview of the challenges of Indonesian cultural heritage repatriation processes, see C. Wijaya, op. cit. For the importance of co-creating knowledge of cultural heritage in repatriation processes, see P. Ardiyansyah, op. cit.

54 *Netherlands Advised to Return Art Looted During Colonial Era*, "NLTimes", 7 October 2020, https://nltimes.nl/2020/10/07/netherlands-advised-return-art-looted-colonial-era [accessed: 19.10.2022].

55 J. van Beurden, op. cit., pp. 123-153; C. Drieënhuizen, *Mirrors of Time and Agents of Action: Indonesia's Claimed Cultural Objects and Decolonisation, 1947-1978*, "Low Countries Historical Review" 2018, Vol. 133(2), pp. 91-104.

56 Raad voor Cultuur, *Advies over de omgang met koloniale collecties*, Raad voor Cultuur, Den Haag 2020, https://www.raadvoorcultuur.nl/documenten/adviezen/2020/10/07/advies-koloniale-collecties-en-erkenning-van-onrecht [accessed: 19.10.2022].

57 K.K. Ho, *Indonesia Calls For Return of 'Java Man,' and Countless Art and Natural Historical Objects, From Netherlands*, "ARTnews", 20 October 2022, https://www.artnews.com/art-news/artists/indonesia-return-java-man-natural-history-netherlands-1234643776/ [accessed: 20.10.2022].

58 J.M. Daniels, op. cit. For an interesting example of a repatriation involving community-based negotiations, see the ongoing case of a stolen effigy to the Torajans: H. Higgins, *How a Sacred Indonesian Artifact Ended Up on the Fourth Floor of Mundelein*, "Loyola Phoenix", 26 October 2022, https://web.archive.org/web/20221026132215/https://loyolaphoenix.com/2022/10/how-a-sacred-indonesian-artifact-ended-up-on-the-fourth-floor-of-mundelein/ [accessed: 29.12.2022].

European colonizers.[59] This arguably inspired the current wave of repatriation activism around the world, in which origin communities are finding their voice in demanding the return of material culture; monetary compensation; and other pathways toward restorative justice. It seems as if this wave has finally reached Indonesia, as its government formally requested the return of multiple large collections of material culture and natural history from the Netherlands in July 2022.[60] These include the remains famously known as the "Java Man" – the first known example of the species *Homo erectus* – and other samples collected by Dutch paleoanthropologist Dubois in the 19th-century. Previously, Indonesian authorities asserted that repatriation claims would only focus on cultural objects that aid in building Indonesian national identity, rather than emptying out European museums.[61] However, historian Bonnie Triyana, a member of the Indonesian repatriation committee that made the most recent repatriation claim, stated that while "the main purpose is to return the items and produce knowledge", this claim "is a sign of a much bigger event".[62]

Activism Around Cultural Heritage Protection and Repatriation

Repatriation is typically motivated by a concern for restorative justice and human rights.[63] However, this raises further concerns beyond mere property rights: To whom should access, agency, and ownership be restored? Who is responsible for the protection and conservation of repatriated cultural objects, and where will such repatriated objects be located after their return? For example, in its most recent repatriation claim Indonesia has made clear that if the requested items are returned, they will be owned and managed by the central government, thereby potentially contradicting ownership claims from local stakeholders.[64] Historically, the ownership of and caring duties over cultural heritage have varied according to the customs of the respective Indonesian ethnic groups, often arranged via both

59 R. Wirayudha, op. cit.

60 K.K. Ho, op. cit.; M. van Nuland, *Indonesië eist Java-mens en andere topstukken terug van Nederland*, "Trouw", 18 October 2022, https://www.trouw.nl/binnenland/indonesie-eist-java-mens-en-andere-topstukken-terug-van-nederland~be6860e9 [accessed: 18.10.2022].

61 For an overview of the importance of repatriation processes for national identity building, see C. Wijaya, op. cit. For information regarding the long process of research to repatriate cultural objects, see I. Widyanuratikah, op. cit.

62 *Indonesia Seeks Return of 'Looted' Artefacts from Netherlands*, "Aljazeera", 21 October 2022, https://www.aljazeera.com/news/2022/10/21/indonesia-seeks-return-of-looted-artefacts-from-netherlands [accessed: 21.10.2022].

63 See A. Breske, *Politics of Repatriation: Formalizing Indigenous Repatriation Policy*, "International Journal of Cultural Property" 2018, Vol. 25(3), pp. 347-373; C. Colwell, *Can Repatriation Heal the Wounds of History?* "The Public Historian" 2019, Vol. 41(1), pp. 90-110.

64 S. Konniger, *Balinese vorst hoort als laatste van Indonesische eis tot teruggave roofkunst*, "NRC", 18 October 2022.

matrilineal and patrilineal inheritance.[65] For example, in Java the *keris* was owned by all members of the nuclear family of the grandfather: it could not be sold, and was held in custody of the eldest male of the grandfather's nuclear family, who was endowed by the ancestral spirit powers.[66] In contrast, in Ngadha, Flores immovable heritage and land were inherited by the family of the first female founding ancestor.[67] Removing heritage from these communities would disrupt the living heritage that surrounds it.

A State-centric repatriation approach frequently favours national governmental ownership over local ownership. This is particularly problematic due to Indonesia's political and cultural diversity. For example, looted cultural objects from the Klungkung Kingdom are part of a living heritage, and so repatriating them to the National Museum would contravene the continuation of the intangible heritage surrounding these objects. Similarly, repatriating looted regalia and jewellery from the Sultanate of Banjarmasin – like the well-known Banjarmasin Diamond on display at the Rijksmuseum in the Netherlands – to the Indonesian national government would deny ownership to the rightful heirs of the dispossessed owners: the descendants of the Sultanate.[68] As Rodney Westerlaken[69] argues in his letter to the Dutch Council for Culture, the Indonesian State did not exist in its current form at the time the colonial looting took place. Instead, cultural objects were looted directly from the Klungkung Kingdom or Sultanate of Banjarmasin collections, to whose descendants they should be returned. At present, Indonesian governmental policy does not leave space for such local repatriation. In addition, while the repatriation committee currently tasked with researching and effectuating repatriation claims in Indonesia consists of a panel of experts from various disciplines, it lacks local community stakeholders.[70] Moreover, although the Dutch Advisory Committee report[71] states that explicit agreements would need to be made concerning colonial cultural items that belong to a specific community, no further practical arrangements have been proposed to this end, in essence therefore submitting to the dominant national ownership provisions.

65 T. Sudarmadi, *Between Colonial Legacies…*

66 Ibidem.

67 T. Sudarmadi, *An Ethnoarchaeological Study of the Ngadha: A Megalithic Culture in Central Flores Indonesia*, MA thesis, University of New England, 1999.

68 See e.g. K. Stutje, *Provenance Report Regarding The Banjarmasin Diamond*, March 2022, https://pure.knaw.nl/ws/portalfiles/portal/488924995/RAP_PPROCEprovenanceReport_13_BanjarmasinDiamond_NG_C_2000_3_v10_202203.pdf [accessed: 19.10.2022]; M. Nayar, *The Netherlands Has Chosen to Publicly Acknowledge Its Bloody Past*, "The Week", 26 June 2022, https://www.theweek.in/theweek/cover/2022/06/18/the-netherlands-has-chosen-to-publicly-acknowledge-its-bloody-past.html [accessed: 19.10.2022].

69 Westerlaken Foundation, *Letter for the Raad voor Cultuur*, 21 October 2020, https://www.westerlakenfoundation.org/post/letter-for-the-raad-voor-cultuur [accessed: 23.10.2022].

70 D. Maulipaksi, op. cit.

71 Raad voor Cultuur, op. cit.

Thus discourses around the protection and repatriation of cultural heritage are dominated by formal state and elite institutions, such as private institutions under local Kingdom authority in the aforementioned case of the Klungkung. This creates shortcomings in local awareness regarding the potential to repatriate foreign-held cultural objects and pathways to improve heritage preservation.[72] Furthermore, civil activism surrounding cultural heritage ownership, protection, and repatriation in Indonesia is notably less when compared to other Asian nations, or even when compared to the activism surrounding natural heritage in Indonesia.[73] This however does not mean such activism is completely absent: for example, there are several social media groups, such as *Bol Brutu*, that promote online connections combined with offline interaction activities to engage with Indonesian heritage and are critical of the government's lack of support in this area.[74] Furthermore, when tourists disrespected Torajan culture by mishandling sacred mortuary objects and human remains in 2018, social media activism led to calling out the tourists and support for Torajan culture, ultimately resulting in traditional Indigenous punishment.[75] Social media can therefore play an important role in spreading awareness of and promoting engagement with heritage; asserting cultural identities; and effecting the accountability of those in power in the process.

It is also worth noting that the politicization of heritage protection and repatriation – as effectuated through the government's approach to defining what cultural heritage is and who gets to own/interpret/restore/engage with it – has been met with grassroots opposition from civil society. For example, Vilory M. Prameswari et al.[76] explored high school students' perception of the authenticity of Monument Pancasila Sakti, a governmental memorial to recall and remember the struggle of revolution heroes who fought to defend the state ideology of the Republic of Indonesia. The high school students criticized the governmental framing of the historical events and the way they are represented through monuments. This study exemplifies how a top-down approach to heritage induces

[72] A.H. Wijaya, *Masyarakat Diminta Berperan Aktif Lestarikan Cagar Budaya* [Public is Asked to Play Active Role in Preserving Cultural Heritage], "Valid News", 10 January 2022, https://validnews.id/kultura/masyarakat-diminta-berperan-aktif-lestarikan-cagar-budaya [accessed: 24.10.2022].

[73] See e.g. R. Bociaga, *Thailand's Art Repatriation and the Power of Netizens*, "Asia Media Centre", 14 December 2021, https://www.asiamediacentre.org.nz/features/thailands-art-repatriation-and-the-power-of-netizens/ [accessed: 24.10.2022]; A. Mozaffari, T. Jones (eds.), *Heritage Movements in Asia*, Berghahn Books, New York 2020; Z. Small, *Citizen Activists Lead the Hunt for Antiquities Looted from Nepal*, "The New York Times", 29 October 2021.

[74] E. Wijoyono, *Pusaka dalam Genggaman* [Heritage on the Hand], 1 July 2014, https://elantowow.wordpress.com/2014/07/01/konservasi-pusaka-dalam-genggaman/#more-600 [accessed: 25.10.2022]; T. Jones, T. Riomandha, H. Salim, *The Past is Always New: A Framework for Understanding the Centrality of Social Media to Contemporary Heritage Movements*, in: A. Mozaffari, T. Jones (eds.), op. cit., pp. 56-79.

[75] K.M. Adams, op. cit., pp. 68-87.

[76] V.M. Prameswari, W. Sushartami, R.R. Ristiawan, *Perceived Authenticity of the Pancasila Sakti Museum by High School Students*, "International Journal of Tourism Anthropology" 2021, Vol. 8(3), pp. 254-275.

less sense of ownership of cultural heritage and negates community engagement and knowledge exchange, reducing local communities to mere spectators excluded from heritage narratives.[77] Further examples from across Indonesia include a lack of community consultation regarding the fate of built heritage, resulting in destruction[78] and in post-disaster heritage reconstruction,[79] thus demonstrating how community expertise and local forms of heritage are consistently excluded and ignored.

Overall it may be concluded that the narratives surrounding Indonesian cultural heritage protection have been predominantly based on national desires for identity-building; that knowledge production processes surrounding cultural objects have been dominated by the State;[80] and that in cases where cultural heritage becomes entangled with national political interests this can potentially prevent local stakeholder involvement in the protection of cultural heritage. As outlined above, Indonesia has uncritically adopted the dominant "Authorized Heritage Discourse"[81] (or *Pengelolaan Warisan Budaya oleh Pemerintah dan untuk Pemerintah*, i.e. "cultural heritage in service of the State") inherited from Dutch heritage policy, in which cultural heritage is a static concept to be protected from destruction and loss.[82] This has impacted the way authority over and expertise with respect to cultural heritage are recognized: as Cut Dewi et al.[83] explain, disciplinary experts such as architects and archaeologists are afforded a privileged position as stewards of heritage, while local entanglements of heritage – its social, cultural, and political contexts and uses – are often neglected or negated.

While political interest in the repatriation of foreign-held cultural objects is growing, criticism on social media regarding the lack of governmental support in protecting and securitizing cultural heritage that remains in Indonesia is also

77 W. Sushartami, R.R. Ristiawan, op. cit., pp. 188-208.

78 See e.g. E. Widianto, *Nasib Rumah Bung Tomo* [The Fate of Bung Tomo's House], "Terakota", 15 October 2019, https://www.terakota.id/nasib-rumah-bung-tomo/ [accessed: 24.10.2022]; *Warga Persoalkan Pembongkaran Bangunan Kuno Kotabaru Yogyakarta* [Residents Question the Demolition of Kotabaru Ancient Building in Yogyakarta], "Antara News", 7 March 2018, https://jogja.antaranews.com/berita/353456/warga-persoalkan-pembongkaran-bangunan-kuno-kotabaru-yogyakarta [accessed: 19.10.2022].

79 C. Dewi et al., *Negotiating Authorized Heritage Discourse (AHD) in Banda Aceh after Reconstruction*, "Journal of Architectural Conservation" 2019, Vol. 25(3), pp. 211-227.

80 See C.P. Kubontubuh, W. Martokusumo, *Meeting the Past in the Present: Authenticity and Cultural Values in Heritage Conservation at the Fourteenth-Century Majapahit Heritage Site in Trowulan, Indonesia*, "International Journal of Heritage Studies" 2020, Vol. 26(5), pp. 469-479; S. Bahkri, *Promoting Traditional Knowledge…*, pp. 95-105, for overviews regarding the importance of local knowledge in heritage cultural value in supporting the national identity building. For an overview how physical appearance of cultural heritage can invoke sense of belonging and identity, see I. Fitri, Y. Ahmad, F. Ahmad, op. cit., pp. 71-78; see also M. Bloembergen, M. Eickhoff, op. cit., pp. 81-104.

81 L. Smith, *Uses of Heritage*, Routledge, London 2006.

82 C. Dewi, *Reclaiming Cultural Heritage after Disasters in Indonesia*, "International Institute for Asian Studies Newsletter" 2018, No. 80, https://www.iias.asia/the-newsletter/article/reclaiming-cultural-heritage-after-disasters-indonesia [accessed: 26.10.2022].

83 C. Dewi et al., op. cit., pp. 211-227.

increasing.[84] For example, between 2010 and 2020 at least 11 cases of museum thefts were reported, generating widespread public outcry over the inability of the national government to protect its cultural heritage.[85] Although in-depth research into this topic is lacking, Yogi Ishabib[86] concludes that Indonesia's museums are generally not ready to accommodate, store, conserve, and protect returned cultural objects due to a lack in expertise, funding, and security measures. In addition, many objects in museum collections are not yet registered in local and national databases as cultural heritage, making them more susceptible to be stolen and traded.[87] It is therefore imperative that local stakeholders are involved in the repatriation and securitization efforts vis-à-vis cultural heritage in Indonesia, so as to create more effective, community-based heritage engagement and crime prevention.

Conclusion

This article has provided a broad overview of the relevant legislation and practice pertaining to Indonesia's cultural heritage. Repatriation – and by extension the way heritage is used, interpreted, and engaged with – can be a decolonizing tool for post-colonial countries such as Indonesia. Although it is encouraging to see how Indonesia is finally finding its voice in demanding the return of its foreign-held cultural objects, particularly those looted during the colonial era, this also raises significant questions regarding the in-country arrangements of ownership, access, and agency. Unless local stakeholders are finally offered a seat at the table, the discrepancies between State-centric heritage policies in Indonesia and local priorities will only increase as more cultural objects are repatriated. This also implies that local interests (versus central government interests) should be taken into account in the repatriation procedures by former colonial powers.

Culture, and by extension cultural heritage, are not static concepts. Cultural heritage is entangled with different sets of knowledge, histories, and uses. Improving our understanding of the intricacies of the different contextualities in which the looting and trafficking of cultural heritage took and still takes place will benefit the development of more effective countermeasures, in particular those that

84 A. Adzkia, *Merawat Cagar Budaya*, *Mencatat Peradaban* [Caring for Cultural Heritage, Documenting Civilization], "Beritagar", 24 November 2018, https://beritagar.id/artikel/berita/merawat-cagar-budaya-mencatat-peradaban [accessed: 24.10.2022].

85 See e.g. E. Priherdityo, *Catatan Kelam Kehilangan Warisan Leluhur Indonesia* [The Dark Record of Losing Indonesia's Ancestral Heritage], "CNN Indonesia", 26 August 2017, https://www.cnnindonesia.com/hiburan/20170825122202-241-237227/catatan-kelam-kehilangan-warisan-leluhur-indonesia [accessed: 25.10.2022]; *Kisah di balik pencurian ratusan koleksi Museum Sulawesi Tenggara* [The Story Behind the Theft of Hundreds of Objects from the Southeast Sulawesi Museum], "BBC News", 9 February 2021, https://www.bbc.com/indonesia/majalah-55970339 [accessed: 25.10.2022].

86 Y. Ishabib, *The Sad State of Indonesian Museums*, "The Jakarta Post", 23 February 2021, https://www.thejakartapost.com/life/2021/02/23/sad-state-of-indonesian-museums.html [accessed: 01.04.2022].

87 *Warga Persoalkan Pembongkaran…*; *Kisah di balik pencurian…*

build on the collective efficacy of local communities to protect cultural heritage. Such an endeavour should start with the decentralization of knowledge creation surrounding heritage and its repatriation, preservation, and management. Instead of cultural "spectacularization of everyday life",[88] through which heritage becomes a static and potentially stereotyped concept to be commercialized, culture and heritage should be positioned as something we live in and for in the here and now.

Agency, access, and ownership were violently removed during the colonial looting of Indonesian cultural heritage, so the first step towards restorative justice should be reinstating and transferring these concepts and principles to the communities of origin, or to the Indonesian government when the rightful origin community cannot be identified. This concerns not only the cultural objects themselves, but also their digital and physical lives: the knowledge and expertise created based on these objects.

Any efforts to strengthen the protection and repatriation of Indonesian cultural heritage should involve Indigenous communities. Clear pathways to identify the rightful owners of looted cultural objects – as well as determining how communities of origin wish to approach the ownership and protection of looted cultural objects – should be identified and established by the Indonesian government, as they may vary within and between communities. Legislation regarding the protection and preservation of cultural heritage during the Dutch colonial era included Indigenous communities to some extent, but this focus has been lost in recent decades. There are currently no clear pathways to repatriate looted cultural heritage to Indonesia from former colonizers,[89] let alone ensure that this process involves and prioritizes communities of origin in the decisions. This is all the more regrettable given that the form and function that repatriation and restorative justice should take depends mostly on the rights, needs, and desires of the communities of origin.

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[88] B. Dicks, *Culture on Display: The Production of Contemporary Visitability*, McGraw-Hill Education, Maidenhead 2004.

[89] For example, one option would be to employ the UN Declaration on the Rights of Indigenous Peoples (2 October 2007, UN Doc. A/RES/61/295), which Indonesia has adopted and implemented through an amendment in its Constitution. However, the concept of "Indigenous" is highly contested in the Indonesian context, and so the recognition and protection of Indigenous communities' rights continues to be fundamentally challenging. See e.g. A. Tyson, *Being Special, Becoming Indigenous: Dilemmas of Special Adat Rights in Indonesia*, "Asian Journal of Social Science" 2011, Vol. 39(5); C. Fay, H.M. So Denduangrudee, *Emerging Options for the Recognition and Protection of Indigenous Community Rights in Indonesia*, in: J.F. McCarthy, K. Robinson (eds.), *Land and Development in Indonesia*, ISEAS Publishing, Singapore 2016, pp. 91-112.

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