

Indonesian Government Policy and The Importance of Protection of Cultural Heritage for National Identity

Dewi M Djukardi¹, I Gusti Ayu Ketut Rachmi H², Endang Sumiarni³

¹*Student of Law Science Doctoral Program at Sebelas Maret University of Surakarta, Indonesia*

dmdjukardi2@gmail.com

²*Faculty of Law, Sebelas Maret University, Surakarta, Indonesia.*

ayu_igk@yahoo.com

³*Faculty of Law, Atmajaya University, Yogyakarta, Indonesia.*

dmdjukardi@yahoo.com

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Abstract: The background of this research is the diversity of cultures in Indonesian Government, cultural heritage including tangible, and not physical (intangible) which occurs because of the long journey of the history of the Indonesian people. and is very important in shaping the values and pride of the nation through science, education and culture through the information contained in it. Efforts to preserve the heritage of Indonesian assets are a tiring process, the main cause of which is a lack of understanding and synchronous unity and harmonious legislation between the government and local government, there are also intentions, ignorance, related institutions / institutions, so that the perpetrators and also involving practitioners, academics, society do not understand about the meaning of preservation (protection, utilization, cultivation). This preservation is the realization of the mandate of the Pancasila - Bhinneka Tunggal Ika and the 1945 Constitution of the Republic of Indonesia four Amendment to safeguard the wealth stored on land, water and air. so it is the government's obligation to make efforts to protect, develop and use it for Indonesian nation identity.

1 INTRODUCTION

The Unitary State of the Republic of Indonesia an islands country, covering thousands of islands spread from Sabang to Merauke, there are a variety of ethnic, language and culture, plurality (pluralism and multiculturalism) (Graham, Ashworth and Tunbridge, 2000). An understanding of cultural diversity should be imparted to as the nation's next generation, so that the noble values of the national culture is not eroded, because one day can be lost over time.

The aim of the Republic of Indonesia contained in paragraph 4 (four) Opening Act of 1945 is to promote the general welfare, educating the nation, and participate in implementing world order based on freedom, lasting peace and social justice slogan but be culture-based nation-building strategy (Keraf, 1996).

It is worthy to know that Indonesia has abundant cultural richness due to its ethnical varieties and history. This cultural potential is closely associated with the locality of each region and cannot be separated from values perceived

by local people and traditional philosophy. This situation leads to a question of how the generic concept of cultural heritage is compatible with this locality. Culture is a means of work, taste and creativity of society and into local wisdom of local culture as a form of a long journey of history and a cultural heritage of Indonesia (Tanudirjo, 2003).

The discourse of architectural heritage by exploring the process of cultural heritage formulation in Indonesia and expanding to theoretical perspectives regarding the global and local context of cultural heritage because we have regulations invitation law that must be obeyed is Pancasila and the 1945 Constitution.

Pancasila as the basis and ideology of the state is a political agreement of the founding fathers when the Indonesian state was established (Loulanski, 2006). Law Act 1945 Amendment to four in Article 32 paragraph (1) formulate that "the State promote national culture of Indonesia in the middle of the civilized world, with freedom of the public in maintaining and developing cultural values". Culture used by humans to adapt itself, so that there is

something in the community very closely and is determined by its culture.

The public has the freedom to preserve and develop cultural values, resulting in a diversity of cultures known in Indonesia with the slogan 'unity in diversity that needs to be preserved, despite the diversity of cultures but still one in the Republic of Indonesia. The questions this article tries to answer are: how is the Indonesian Government's policy in protecting the cultural heritage as national identity and why Indonesian government do regulations of laws to protect the cultural heritage?

2 THEORETICAL

Culture is one characteristic of humans. Other creatures do not have a culture. Culture is an indicator of human or human user. If a community has a lower culture. The size of the high and low culture becomes relative and difficult to measure, because understanding the culture or the culture is very diverse.

AL Kroebe and C. Kluckhohn, had collected 60 definitions of culture (Marbun and Mahfud MD, 1987). The diversity of cultural understanding can not be separated from the frame of the philosophical thought of those who use it. According to PJ Zoetmulder, the word "culture" comes from Sanskerta "Buddhayah" is the plural of "buddhi", which means "mind" or "reason". Thus the "culture" can be interpreted with matters concerned with the intellect. There are other scholars who investigated the "culture" as the development of the compound "cultivation" which means "power of the mind"¹ thus there is a difference between "culture" with "cultivation". "Cultivation" is the power of the mind in the form of creativity, initiative, and flavor, while "cultivation" is the result of creativity, initiative and a sense of it.

In English "cultivation" is equated with "cultivation". On the other hand culture is derived from "Colere" (Latin), which means the process or work (nature) from this same root word, created the term Cultivate better reflect the effort or the human capacity to manage and nature so that they can survive. So, it will be measured from the high culture of human ability managing and mastering nature (aspect materialist).

Culture is the embodiment of man's ability to actively adapt to its environment. Kebudayaan essentially a real behavior and were not real (tangible and intangible) acquired and inherited through the learning process through symbols. Understanding culture as a covering material aspects, while the essence of ideas and cultural values are an abstraction of the experience of the following supporters who dominate attitudes and behavior of their supporters (Jxoetmulder, 1951). Cultural property as to the culture that is material (tangible) includes the old and original culture that includes cultural heritage as a relic of the past.

3 METHODOLOGY

The type of research used is doctrinal or normative law research, with approaches historical approach, secondary data sources and primary data sources, secondary sources consisting of primary law materials, secondary law materials and tertiary law materials, data analysis method of normative qualitative, carried out by discussing law norms, doctrines with data obtained from research objects that have been inventoried. Then conclusions will be deductively drawn.

4 DISCUSSION

4.1. Definition, Type and Rating of Heritage

Based on Indonesian dictionary, cultural heritage tangible and Intangible is defined as the survival of local communities and existence protected by law from the danger of extinction. The word is the cultural heritage protection to preserve the plants, animals, and etc.

Besides cultural heritage there are other terms that wear relatively similar meanings such as: cultural heritage, cultural heritage, and cultural resources. In perpestif science, cultural heritage is essentially cracked the cultural power that has significance for the value of science and a history resource, so it needs to be preserved (Jxoetmulder, 1951).

Based on Article 1 paragraph 1 of Law No. 11 of 2010 on Heritage, cultural heritage given understanding as cultural heritage is a vehicle in the form of heritage cultural, heritage buildings cultural structure of reserves cultural, heritage sites cultural, and the heritage cultural on land and / or in the existence of water that needs to be preserved because of significance for the history, science, education, religion and / or culture through setting process.

Laws and Government Regulations Related to Cultural heritage Law below :

1. Law of the 1945 Constitution of the Republic of Indonesia
2. Law Act. No. 28 of 2002 regarding Bangunan Gedung
3. Law Act. No. 26 of 2007 regarding Spatial Planning.
4. Law Act. No. 10 of 2009 regarding Tourism
5. Law Act. No. 32 of 2009 regarding Environmental Protection
6. Law Act. No. 11 of 2010 regarding Cultural Heritage
7. Law Act. No 1 of 2011 regarding Housing and Settlement Areas
8. Law Act. No 12 of 2011 regarding Establishment of Legislation
9. Law Act. No 23 of 2014 regarding Regional Government

10. Law Act. No. 5 of 2017 regarding Culture (Intangible),

Based on the understanding of cultural heritage is important that it has a value of the information content and the meanings attached to the object of co-paid protection. Preservation of cultural heritage is related to maintaining the information contained on matters contained with its role in society (social) background belief (ideology) and the ability to make it.

Under the provisions of Article 5 to Article 11 of Chapter III of Law No. 11 Year 2010 on Heritage, set basis of the special criteria about cultural heritage, as follows (Gosh, 2002). Similarly, the concept of criteria for cultural heritage designation as mentioned in the Article 5 to be defined as narrowly and clearly illustrates that the act is still focused on antiquities and archaeological objects because of must have the age of 50 (fifty) years or more.

Therefore, it makes sense if Tanudirjo mentions CB Law as Law on the Antiquities things or archaeological object of Indonesia. Besides, it is noteworthy of the CB Law that has included the category of underwater cultural heritage, even though there is no explicit definition and description of it. It seems that the conservation of the underwater cultural heritage treatment equated with the protection of cultural heritage in the land.

Culture heritage preservation is an attempt to maintain the heritage of the nation cultural spread in the territory of Indonesia and who are abroad (Kroeber and Kluckhohn, 2001). Preservation is the realization of the mandate of the Constitution of the Republic of Indonesia Year 1945 amendment IV to guard the wealth stored on land, water, and air. Preservation originally narrowly conceived only as a safeguard, now expanded not just only for such purposes but also related to efforts pengembangan and pemanfaatan. The expansion of this understanding is motivated by the fact that none of the sense of preservation for the stand-alone, melainkan of a unity which affect each other without inseparable.

Cultural heritage as cultural resources have fragile nature, unique, rare, limited and non-renewable, efforts should utilization forward-preservation. This means that conservation efforts in the sense of protection, development, and utilization must be balanced between the interests academic, ideology, and economic.

Glittering order to the preservation of cultural heritage protection from the threat of physical development, both urban and rural region, required a clear and unequivocal policy of the government in order to ensure its sustainability. To give authority to the government and the rights and obligations of the communities in the management of the reserve cultural, required managerial system in the planning, implementation, and evaluation related to the protection, development, and pemanfaatan cultural heritage as an asset of cultural resources both for academic interest, ideology, and economic. The implementation of a democratic system and globalisasi.

Conservation efforts are the responsibility of both the Government and Local Government with the support of every person and of indigenous peoples. Against this, the necessary supervision. Preservation of cultural heritage by everyone dan./atau indigenous and tribal peoples are important and need to be honored (Tanudirjo, 2007).

Developments in the field, and the paradigm so that conservation efforts are carried out can lead to the use of general interest, as well as the utilization do run without disturbing the conservation efforts of the object in use. In the decision-making related to the preservation of cultural heritage, the government and local authorities must act properly according to law. There is a possibility decisions taken by the local government mapun government considered inappropriate and cause harm to the interests of individuals and private legal entities. In conditions like that is most Justice State Administration can be used as an instrument to protect the interests perirangan. State Administrative Court (administration) have a prominent role is as a control or supervisory institution that legal action from government action is still running on the rails of law, as well as protection of the rights of citizens against the abuse of power or abuses-abuses by government officials.

4.2 Determination of Cultural Heritage

To preserve cultural resources that have not been listed as a cultural heritage, as well as reserve cultural properly protected. This protection is given by taking into account the fact that not all people are not aware of the object, building, structure, or location of his or around it can be designated as reserved cultural. The role of experts make observations on cultural resources are needed to speed up the registration process at the end the objects listed can be defined as a cultural heritage by ministers, governors, regents or mayors in accordance with their respective authorities using accurate data. Cultural heritage is lost if found to be registered again, that the number of cultural wealth at the national or regional level can continuously be known.

Determination of cultural heritage is a process that begins from the suspected cagara cultural, Registration, datan Management Studies by the Expert Team Heritage, on the determination by a team of experts to official reserves cultural appropriate authority. Registration results handed over to a team of experts to study the feasibility of cultural heritage as a cultural heritage or not the cultural heritage. The assessment aims to identify and clarify the object, building, structure, location, and satua geographical space is proposed to set up as objects of cultural heritage. During the assessment process, object, building, structure, or location of the findings or registered, protected and treated as a cultural heritage (Avrami, and Torre, 2000). The results of the study by a team of experts in cultural heritage is recommended to set with:

- a. If the Minister has been designated as a national cultural preservation or includes two (2) or more provinces;

- b. when the governor has been designated as Heritage province or include two (2) districts / cities or more; or
- c. regent / mayor in accordance with the breadth of the heritage or cultural preservation in the district/city.

4.3 Region Cultural Heritage

Cultural heritage is a cultural richness that is important to the understanding and development of history, science, and culture, so it needs to be protected and preserved for fertilization awareness of national identity and national interests can dimanfaatkan for the sake of social, religious, and tourism. According to article 1, item 6 of Law No. 11 of 2010 on Heritage. Cultural Heritage Region is a unit that has a geographic space of the heritage of two or more adjacent and / or exhibit characteristics typical layout. Furthermore, Article 5 contains provisions on the criteria cultural reserve if they meet the criteria:

- a. aged 50 (fifty) years or more;
- b. represents the most short style of the age of 50 (fifty) years;
- c. has a special meaning for history, science, education, religion and / or culture; and
- d. cultural values for the strengthening of the national identity.

To obtain legal certainty a cultural reserve to meet the criteria in article 5 of the intention of the article 10 contains geographic space certainty that the unit can be set as the heritage if:

- a. contains two (2) of the heritage or more adjacent;
- b. in the form of human cultural landscape formations result be at least 50 (fifty) years;
- c. has a pattern that shows the function of the room in the past, be at least 50 (fifty) years;
- d. shows past human influence on the process of large-scale space utilization;
- e. show evidence of the formation of the cultural landscape; and
- f. have a soil layer sets that contain evidence of human activity or fossil deposits.

Management must dipanda heritage as a cultural heritage management effort wisely by considering the interests of many parties that are often contradictory. Management of the heritage is oriented on the best effort to find a way out so that the interests of various parties as much as possible to terakomondasi. The interests of the various parties to a conflict which, according to Lacey, the conflict is the presence of two or more different needs that each attract different direction. David Tarnudirdjo argued that in the management of cultural heritage has proved to be the difference in the needs and views of the value or utilization of cultural heritage in society tenga. One conflict was the difference in seeing the importance of a cultural heritage. Layton stated that not only the experts who can appreciate arkiologi relics of the past, but many also were awarded although in different ways due to differences in perception

of the values contained therein. Differences in the importance of cultural heritage can be divided into: utility value, option value, and existence value.

Heritage management model that has been there and is one-way with a policy pattern down from top to bottom, especially with the regional autonomy. The management model provides a role that is too large for the government to determine ways arkiologi resource utilization, and often ignore the needs of the community. Peoples excluded from decision-making. According mecleod heritage management ideally involves three parties concerned, namely the public, akademisim, and the government.

Pursuant to Article 1 paragraph 21 of Law Number 11 Year 2010 on Heritage, "Management is an integrated effort to protect, develop, and utilize Heritage through regulatory policy planning, implementation, and oversight for the welfare of the people. According to Article 97 of Law Number 11 Year 2010 on Heritage:

- a. Government and Local Government facilitate the management of the Cultural Heritage Region.
- b. management as referred to in paragraph (1) shall not be contrary to the public interest against the Cultural Heritage and social life.
- c. Heritage Management referred to in paragraph (1) conducted by the governing body established by the Government, local government, and / or customary law communities.
- d. Management Board referred to in paragraph (3) can be made up of government and / or local government, businesses, and communities.
- e. Further provisions on the Cultural Heritage Management in Government Regulations.

Based on a teleological interpretation of Article 97 or the purpose of the formulation of the management of the heritage carried out by the governing body. The management body established by the government, local government and / or indigenous peoples. Element management board may consist of government and / or local governments, businesses, and communities. Management of cultural heritage can be made by various parties. Therefore, conservation efforts should also consider and pay attention to professional ethics so that conservation efforts be applied consistently and done by those who have competence in the field of preservation.

In spatial planning of culture heritage regulations regarding zoning becomes important, especially with efforts to control utilization of space and use of space in Kawas Heritage. This during the implementation of the spatial plan that has been prepared buan is an easy matter. Public interest and personal interest and society interest sometime conflict interest so that what has been formulated and established a spatial plan is not in line with existing development. In this condition the zoning regulations of cultural heritage as an instrument for controlling utilization of space in the Cultural Heritage Region becomes important,

because of zoning regulations can be a reference in the law Laws and Government Regulations Related to Cultural heritage Law, the application of incentives disincentives, controlling space (Gosh, 2002). Based on zoning cultural heritage It should be understood also that preservation is not just a past-oriented, by contrast, must preservation insight into the present and the future, because the value of critical value itself is intended for the benefit of present and future.

Utilization refers to the aspect of cultural heritage, Conservation objectives can directed to achieving the benefits of value (use value), the value of choice (optional value), and existence value. In this case, addressed value more benefits to science, history, religion, identity, culture, tourism that provides welfare benefits.

Things that need to be understood well is that the economic benefits have not become a major goal in the utilization of cultural heritage as a tourist attraction but a positive impact on the success utilization heritage. The value of an option, assuming cultural heritage as savings for future generations, so that the cultural heritage preserved for future generations.

Utilization options left to the next generation and the generation currently in charge of maintaining order stabilizasion cultural heritage will not experience any change at all. Preservation existence value prefers that aims to ensure that kerya culture will survive or remain (exist), while it does not feel the benefits.

Based on the description that the frame of cultural heritage preservation rests on two main aspects. first. the preservation of the cultural values of the past, the value of existing have a broad thinking and perspective, and value potential for the future. second, the preservation of material evidence that is capable of ensuring that the essential values of the past, present, and future can be appreciated by the public.

So in essence, cultural heritage preservation should be oriented towards the interests of cultural heritage that have a positive impact on society. preservation of material evidence that is capable of ensuring that the essential values of the past, present, and future can be appreciated by the public. that have a positive impact on society.

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4.4 Utilization of Cultural Heritage

Government, local government, and everyone can take advantage of the cultural heritage for the benefit of religious, social, education, science, technology, culture, and tourism. Government and local authorities to facilitate the utilization and promotion of cultural heritage which is committed by

any person also do not forget Laws and Government Regulations Related to Cultural heritage Law to protection cultural heritage. A license to use, support energy conservation experts, financial support, dam / or training. Promotion is done to strengthen the cultural identity as well as improve quality of life and incomes (Sumiarni, 2013).

Utilization which could cause damage shall be preceded by a study, research, and / or environmental impact assessment. It is forbidden to take advantage of the cultural heritage of national rankings, ranking the province, district or city or rank, all or in part-in part, by means of propagation, except with the permission of ministers, governors, regents / mayors in accordance with the levels (Anonim, 1990).

4.5 Utilization of Cultural Heritage for National Identity.

The Republic of Indonesia as at aspired by the Founding Fathers, as set out in the preamble of the constitution of 1945 and Pancasila – Bhineka Tunggal Ika. State demanded an active role in the distribution of National Identity. Principle of National Identity state as well as having a meaning that aparatumya in their policy should have to realize a welfare principle of society. Policies implemented by the government as the implementers of the State administration, namely the mandate. To realize the National Identity social welfare of the people, the State not only serves as a guard to take action in case of public disorder, but also must especially previously conducted a welfare system to realize to love Indonesian Culture. In order to achieve the social National Identity system needed a well-regulated economy, so it can be expected the economy to run smoothly and can be reached their prosperity (Byrne, 2008).

According Murbyarto, is essentially concerned with the economy being together as if to release the nature of individualism, which aims not for profit alone, but the common welfare. Economy oriented towards social economy, education dan social welfire. Everyone is eager to make his life better, then he worked hard to trade so as to create a market economy system. People can perform activities to improve their living standards even though the market has been opened wide as possible there are still people who are not able to exploit the situation (Mubyarto and Boediono, 1981). The person to fulfill his minimum.

According to the great dictionary Indonesian general welfare interpreted as welfare for everyone. Mohammad Hatta in his speech titled Indonesian economy in the future, among other things said that the future economic base of data much ideology of individualism, but getting close to schools kolektifitisme of public welfare (Swasono, 1987).

4.6 Case Characteristics cultural with Sawahlunto, Surakarta city and Bali in Cultural Heritage.

Each city has a characteristic heritage of cultural heritage, both tangible and intangible, as each city below has its own characteristics, local wisdom and traditions that are not the same between each other city. About nature, climate, has its own characteristics culinary traditional is traditional culture characteristic yang harus di pertahankan. Example in the eyes of the world, cultural diversity which is protected by Pancasila and the 1945 Constitution.

1. Sawahlunto
2. Surakarta
3. Gianyar

Because of that diversity, we must guard it from the basis of the Pancasila – Bhineka Tunggal Ika and the constitution UUD 1945.

5 CONCLUSION

1. Indonesian government policies have to protecting cultural heritage require a policy based on the preservation of cultural heritage, juridically by ten (10) Laws and Government Regulations. Related to Cultural heritage Law, Indonesian Government Policy must be protection Cultural Heritage For Nation Identity, still synchronize and disharmony must be based on preservation of cultural heritage. lack of coordination between ministries, local government, academic dan society.
2. Of policy makers as well as policy supervisors, law enforcement officers do not understand the preservation of cultural heritage areas and community contributions in an effort to safeguard Indonesian historical and cultural values.
3. The state has given attention specifically for cultural heritage, good legal products involving the community and stakeholders which exists, Government indirectly also involves the community to care with archaeological remains available.
4. Problem Development of cultural heritage also did not escape from the government's attention. Problems cultural heritage area must also be concern to archaeologists, architecture science , urban planning Environmental science, urban landscape, law science all the sciece are required to be understood and theory and practice law, specifically written law, which is in a lot can be done for protection of cultural heritage.
5. Government Management Policies such as this is a business that can targeting people who have inheritance culture / cultural heritage. The community itself is a very important factor as government partners in preserving each existing archaeological architecture science , urban planning Environmental science, urban landscape, law science findings.

6. Public perception the cultural inheritance must have awakened completed in order for the community have connectivity between knowledge, imagination about the past, and identity its origin can be the rationale in seeing cultural heritage that is not merely seen with certain money or donations. Government policies contained in Act Number 11 of 2010 Cultural Heritage.

6 RECOMMENDATION

1. Indonesian government policy based on preservation, contained in Act Number 11 of 2010 Cultural Heritage and Law Act. No. 28 of 2002 regarding Bangunan Gedung, Law Act. No. 26 of 2007 regarding Spatial Planning, Law Act. No. 10 of 2009 regarding Tourism, Law Act. No. 32 of 2009 regarding Environmental Protection , Law Act. No. 11 of 2010 regarding Cultural Heritage, Law Act. No 1 of 2011 regarding Housing and Settlement Areas, Law Act. No 12 of 2011 regarding Establishment of Legislation, Law Act. No 23 of 2014 regarding Regional Government, Law Act. No. 5 of 2017 regarding Culture (Intangible). In order to Public perception the cultural inheritance must have awakened completed in order for the community have connectivity between knowledge, imagination about the past, and identity its origin can be the rationale.
2. The policy of a digital map of cultural heritage areas for supervision and management of cultural heritage areas requires human resources as experts in preserving cultural heritage.
3. Preservation of Indonesian culture heritage is the realization of the of the Pancasila - Bhineka Tunggal Ika and the 1945 Constitution of the Republic of Indonesia four Amendment to safeguard the wealth stored on land, water and air. so it is the government's obligation to make efforts to protect, develop and use it for Indonesian nation identity.

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