

## **EXPORT PROHIBITION ON CULTURAL HERITAGE OBJECTS IN NIAC: STUDY OF TANGERANG CITY UNDER HUMANITARIAN LAW**

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### ***Abstract***

*Protecting cultural heritage during non-international armed conflicts remains a significant challenge for the enforcement of International Humanitarian Law, especially given the rising instances of intentional or accidental destruction of cultural sites in recent decades. This study aims to explore the role of national legal mechanisms and analyzes the legal consequences of cultural heritage preservation, emphasizing its economic aspects. This research applies normative legal methods to analyze a range of international instruments, including the 1954 Hague Convention, the 1999 Second Protocol, and UN Security Council Resolution 2347 (2017), along with soft law sources such as Customary IHL and the 2024 Joint Declaration. The study's results indicate that applying international rules to the Indonesian national legal framework, particularly regarding the prohibition on exporting cultural heritage objects, can serve as a crucial preventive measure. However, at the national level, the Regulation still needs to be strengthened through more technical operational mechanisms, inter-agency cooperation, and the participation of individuals and indigenous peoples, based on international provisions that the world community has accepted.*

**Keyword:** *Cultural Heritage, International Humanitarian Law, National Regulation, Non-International Armed Conflict.*

### **A. INTRODUCTION**

Indonesia is well-known for its abundant cultural heritage, encompassing a wide array of cultural artifacts and historical relics. This cultural richness is evident across nearly all regions of the country, including

Tangerang City in Banten, Indonesia. Based on the Tangerang City Regional Regulation Number 3 of 2018, cultural heritage areas and buildings in Tangerang City are areas and buildings that have met specific requirements, such as being over 50 years old, without any changes, having historical values, and can be used as a means of education and knowledge for the community.

Tangerang City has twenty-four cultural heritage sites, including twelve new ones that have been administratively processed. These new sites are represented by moving objects within the Beon Tek Bio Temple, a cultural heritage building. Meanwhile, other cultural heritages are still undergoing a review process.<sup>1</sup> Certain cultural heritage objects are still undergoing administrative assessment and research, maintaining the status of Objects Suspected of Cultural Heritage, which reflects the vast richness of cultural assets. Consequently, such heritage must be safeguarded under all circumstances, whether in times of peace or during internal armed conflicts (Non-International Armed Conflicts/NIAC).

In the context of NIAC, or internal armed conflicts occurring in various countries over recent decades, cultural heritage has repeatedly suffered as a victim while simultaneously serving as a silent witness to historical events. The eradication or damage of cultural heritage represents a profound loss to humanity. For instance, the destruction of the Mausoleum in Timbuktu, Mali, is regarded as a major loss not only for the local community of Timbuktu but also for Africa as a whole and the global community. Similarly, the destruction of other cultural heritage that occurred in various NIAC or internal armed conflicts in many countries has a similar loss for humanity value.

**Table 1.** Cultural Heritage destruction during the internal armed conflict (NIAC)

Location, Year	Cultural Objects affected	Status of Parties to the main Treaties <sup>2</sup>	Parties in NIAC
Timbuktu, Mali (2012-2013) <sup>3</sup>	15th-century Mausoleum, Sidi Mahmoud, Sidi El Mokhtar	HC & Protocol I 1954 Protocol II 1999 Rome Statute 1998	Ansar Dine / Al Qaeda in the Islamic Maghreb (AQIM) vs. the Malian Government
Mosul Museum, Iraq	Archaeological sites: Nimrud, Khorsabad, Niniveh, Hatra	HC & Protocol I 1954 Protocol II 1999	ISIS vs Iraqi Government

<sup>1</sup> Aditya. "Ini Daftar 24 Cagar Budaya Di Kota Tangerang." *Banten Kita*, July 7, 2022. Retrieved in July 24, 2025 from <https://bantenkita.com/2022/07/07/ini-daftar-24-cagar-budaya-di-kota-tangerang/>. See too, Benjamin R. Farley, and Alka Pradhan, "Establishing a practical test for the end of non-international armed conflict," *International Review of the Red Cross* 106, no. 927 (2024): 1163.

<sup>2</sup> ICRC, "States Party to the Following International Humanitarian Law and Other Related Treaties as of 12-August-2025," IHL Databases, 2025, [https://ihl-databases.icrc.org/public/refdocs/IHL\\_and\\_other\\_related\\_Treaties.pdf](https://ihl-databases.icrc.org/public/refdocs/IHL_and_other_related_Treaties.pdf).

<sup>3</sup> Al Jazeera, "Ansar Dine Fighters Destroy Timbuktu Shrines," *News Agencies*, 2012. Retrieved in July 24, 2025 from [https://www.aljazeera.com/news/2012/7/1/ansar-dine-fighters-destroy-timbuktu-shrines?utm\\_source=chatgpt.com](https://www.aljazeera.com/news/2012/7/1/ansar-dine-fighters-destroy-timbuktu-shrines?utm_source=chatgpt.com).

Location, Year	Cultural Objects affected	Status of Parties to the main Treaties <sup>2</sup>	Parties in NIAC
(2014-2017) <sup>4</sup>			
Palmyra, Syria (2015-2017) <sup>5</sup>	Arch of Triumph in Ancient Palmyra	HC & Protocol I 1954	ISIS vs Syrian Government
Sana'a, Yemen (2015) <sup>6</sup>	Old city of Sana'a	HC & Protocol I 1954 Protocol II 1999	Houthi vs the Coalition of Saudi Arabia's Leader
Old City of Aleppo, Yemen (2012-2016) <sup>7</sup>	Old City of Aleppo, National Museum		NSAG vs Syrian Government
Axum, Tigray, Ethiopia (2020-2021) <sup>8</sup>	Axum	HC & Protocol I 1954	Tigray Forces vs Ethiopian Government
Khartoum, Sudan (2023) <sup>9</sup>	National Museum, Artefact Nubia	HC 1954	NSAG vs Sudan Armed Forces (SAF)
Benghazi, Libya (2014-2023) <sup>10</sup>	Historical buildings, old city	HC & Protocol I 1954 Protocol II 1999	NSAG vs Libyan National Army (NSA)
Mariupol, Ukraine (2022-2025) <sup>11</sup>	Saint Sophia Cathedral (UNESCO World Heritage), lost of Neolithic buffalo.	HC & Protocol I 1954 Protocol II 1999	Russian Federation vs Ukraine; Ukraine vs Separatist troops pro-Russia
Port-au-Prince, Haiti	Art works & art documents, Centre d'Art	HC & Protocol I 1954	Haitian National Police vs Armed Alliance Group (G9, G-Pep)

<sup>4</sup> Archeologie Culture, "The Destruction of Archaeological Sites." *Mosul Cultural Museum*, 2017. Retrieved in July 24, 2025 from <https://archeologie.culture.gouv.fr/mosoul-museum/en/destruction-archaeological-sites>.

<sup>5</sup> Kareem Shaheen, "ISIS Blows up Arch of Triumph in 2,000-Year-Old City of Palmyra," *The Guardian*, 2015, Retrieved in July 24, 2025 from [https://www.theguardian.com/world/2015/oct/05/isis-blows-up-another-monument-in-2000-year-old-city-of-palmyra?utm\\_source=chatgpt.com](https://www.theguardian.com/world/2015/oct/05/isis-blows-up-another-monument-in-2000-year-old-city-of-palmyra?utm_source=chatgpt.com).

<sup>6</sup> UNESCO News, "The Director General of UNESCO Condemns the Destruction of Historic Buildings in the Old City of Sana'a, Yemen." *World Heritage Convention*, 2015. Retrieved in July 24, 2025 from <https://whc.unesco.org/en/news/1295#:~:text=News-,The Director General of UNESCO condemns the destruction of historic,City of Sana'a%2C Yemen&text=In the early hours of,were destroyed%2C causing human casualties>.

<sup>7</sup> BBC News, "Syria Civil War: Bomb Damages Aleppo's Ancient Citadel," *Middle east*, 2015, Retrieved in July 24, 2025 from <https://www.bbc.com/news/world-middle-east-33499609>. See too, Cordula Droege, and Eirini Giorgou, "How international humanitarian law develops," *International Review of the Red Cross* 104, no. 920 (2022): 1798.

<sup>8</sup> Ayenat Mersie, "Ethiopia's War Also Takes Toll on Its Cultural Heritage," *Reuters*, 2021, retrieved in July 23, 2025 from <https://www.reuters.com/world/africa/ethiopias-war-also-takes-toll-its-cultural-heritage-2021-11-02/>.

<sup>9</sup> James Copnall, "From Prized Artworks to Bullet Shells: How War Devastated Sudan's Museums," BBC Newsday, 2025. Retrieved in July 24, 2025 from <https://www.bbc.com/news/articles/c5y4lxxj055o>. See too, Elliot Winter, "The Geographical Reach of International Humanitarian Law in Transnational Armed Conflict," *Nordic Journal of International Law* 90, no. 3 (2021): 298.

<sup>10</sup> Giovanni Viga, "Libya: Demolition of Italian-Era Buildings in Benghazi Seen as Attack on City's Heritage," *Middleeasteye.net*, 2023. Retrieved in July 24, 2025 from <https://www.middleeasteye.net/news/libya-italy-buildings-demolition-benghazi-controversy>.

<sup>11</sup> UNESCO, "Kyiv: UNESCO Is Deeply Concerned about Threats to World Heritage in Ukraine's Capital," *News*, 2025, Retrieved in July 24, 2025 from <https://www.unesco.org/en/articles/kyiv-unesco-deeply-concerned-about-threats-world-heritage-ukraines-capital?>

Location, Year	Cultural Objects affected	Status of Parties to the main Treaties <sup>2</sup>	Parties in NIAC
(July, 2025) <sup>12</sup>			

Table 1 illustrates various cases of cultural heritage destruction that occurred during non-international armed conflicts in different countries. Each case demonstrates how historic sites, monuments, and culturally significant artifacts became casualties of warfare, bombardments, or deliberate acts of destruction.

Between 2012 and 2013 in Mali, the extremist groups Ansar Dine and Al-Qaeda in the Islamic Maghreb (AQIM) destroyed several 15th-century mausoleums in Timbuktu, including Sidi Mahmoud and Sidi El Mokhtar. Despite Mali having ratified the 1954 Hague Convention, its First and Second Protocols (1999), and the Rome Statute (1998), these acts occurred, leading to a historic ruling when the International Criminal Court (ICC) convicted the perpetrator for war crimes against cultural heritage. A comparable incident took place in Iraq between 2014 and 2017, when ISIS systematically demolished ancient archaeological sites such as Nimrud, Khorsabad, Nineveh, and Hatra. Even though Iraq was also a signatory to the Hague Convention and its Protocols, these international legal safeguards proved insufficient to prevent the widespread destruction of cultural heritage.

In Syria, cultural devastation reached several globally significant heritage sites, including the Arch of Triumph in Palmyra (2015–2017), the Old City of Aleppo, and the National Museum (2012–2016), all of which sustained severe destruction amid conflicts between non-state armed factions and government forces. Similarly, in Yemen, the 2015 airstrikes and clashes between Houthi rebels and the Saudi-led coalition inflicted major damage on the Old City of Sana’a, a site recognized as a UNESCO World Heritage Site.

The conflict in Ethiopia between Tigray forces and the national government (2020–2021) led to the devastation of the sacred city of Axum, a key emblem of ancient African civilization. In Sudan, the 2023 clashes between non-state armed groups and the Sudan Armed Forces (SAF) caused severe damage to the National Museum and numerous Nubian artifacts. Likewise, Libya experienced extensive cultural destruction during its 2014–2023 conflict, where historic structures in Benghazi’s old city were heavily damaged amid fighting between non-state actors and the Libyan National Army (LNA).

In Ukraine, the ongoing war from 2022 to 2025 has caused extensive damage to cultural heritage, notably impacting the Saint Sophia Cathedral, a UNESCO World Heritage Site, and resulting in the destruction of Neolithic

<sup>12</sup> Sarah Cascone, “Police Rescue Thousands of Artworks From Haitian Museum Amid Violence The City of Port-Au-Prince Has Been Roiled by Gang Violence.,” *Art World*, 2025, Retrieved in July 24, 2025 from <https://news.artnet.com/art-world/haitian-museum-police-rescue-artworks-from-gangs-2669538>.

artifacts in Mariupol. The conflict involved the Russian Federation and Ukraine, as well as pro-Russian separatist troops. Most recently, in July 2025, violent clashes in Port-au-Prince, Haiti, between the Haitian National Police and armed alliance groups (G9, G-Pep) damaged artworks and cultural archives at the Centre d'Art.

Research conducted by the authors has proposed several solutions to protect cultural objects, such as McClelland and Marina Lostal et al.<sup>13</sup> This resulted in recommendations for the armed groups not to commit illegal actions in relation to cultural objects in NIAC situations. Giulia Baj<sup>14</sup> proposed international cooperation that refers to the guarantee of protection from the perspective of the human rights clause. Based on the cultural rights linked to armed conflicts, it is concluded that the norms are bound to the ANSA/NSG. Mark Dunkley emphasized the need for adaptations made by the military in the face of the threat of ANSA/NSAG and the potential destruction of cultural heritage objects.<sup>15</sup> Meanwhile, Emtseva<sup>16</sup> stated that ANSA/NSAG must be held responsible for the violations committed. However, until the NIAC in Libya in 2023, the objects considered as cultural heritage objects were still being destroyed, looted, or stolen. Table 1 demonstrates that cultural objects continue to suffer as silent victims, even in states that have ratified the 1954 Hague Convention and its Protocols.

Recognizing the practical realities of NIAC and Indonesia's rich cultural heritage, this study examines whether national legislation conforms to international norms and effectively protects cultural heritage from destruction, especially in the context of internal armed conflicts. This study is normative, analyzing the norms in Indonesian national legislation in the NIAC situation from the perspective of humanitarian law. The authors use Lawrence Friedman's legal effectiveness assessment framework, which highlights the role of legal structures (institutions), legal substance (regulatory content), and

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<sup>13</sup> Marina Lostal, Kristin Hausler, and Pascal Bongard, "Armed non-state actors and cultural heritage in armed conflict," *International Journal of Cultural Property* 24, no. 4 (2017): 414. See too, Allison McClelland, "International Law and the Protection of Cultural Property in Non-International Armed Conflict: Applicability to Non-State Armed Groups in the Syrian Conflict," In *The Asian Yearbook of Human Rights and Humanitarian Law*, pp. 61-91. Brill Nijhoff, 2021.

<sup>14</sup> Giulia Baj, "Beyond resolution 2347 (2017): The search for protection of cultural heritage from armed non-state groups," *Const. Rev.* 7, no. 2 (2021): 153. See too, Karolina Aksamitowska, "Traditional Approaches to the Law of Armed Conflict: Disseminating IHL Through the Receptor Approach," *Journal of International Humanitarian Legal Studies* 11, no. 1 (2020): 19.

<sup>15</sup> Dunkley Mark, "Culture, Conflict and Armed Non-State Actors: Cultural Heritage Protection in a Changing Operating Environment," *Journal of Cultural Heritage Management and Sustainable Development* 13, no. 2 (2023): 370. See too, Fikire Tinsae Birhane, "Targeting of children in non-international armed conflicts," *Journal of Conflict and Security Law* 26, no. 2 (2021): 385.

<sup>16</sup> Julia Emtseva, "Destruction and Looting of Cultural Property in Yemen's Civil War: Legal Implications and Methods of Prevention." In *The Asian Yearbook of Human Rights and Humanitarian Law*, pp. 92-110. Germany: Brill Nijhoff, 2021.

legal culture (awareness and behavior).<sup>17</sup> This research relies on both primary and secondary legal sources, employing qualitative content analysis of laws and regulations. The purpose is to assess whether existing national legislation sufficiently safeguards cultural heritage within Tangerang City, Banten, Indonesia.

## B. RESEARCH METHODS

This study employs a normative legal methodology, conceptualizing law as a normative framework composed of principles, legislative statutes, court decisions, international agreements, and academic doctrines.<sup>18</sup> This study examines the legal framework governing the protection of cultural heritage in non-international armed conflicts (NIAC) and the restrictions on their export, utilizing secondary data derived from primary and secondary legal materials.<sup>19</sup> The primary legal references consist of key international treaties on the protection of cultural property during NIACs, notably the 1954 Hague Convention along with its 1954 and 1999 Protocols. In addition, the study refers to other broadly relevant international agreements, including the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, particularly regarding the prohibition of exporting, importing, or transferring ownership of cultural heritage. Besides legally binding “hard-law” instruments, this research also refers to “soft-law” sources, such as the 2024 Joint Declaration and the principles of Customary International Humanitarian Law. Secondary legal materials are derived from various writings on related topics published in reputable international journals and nationally accredited journals concerning the topic. This study uses the descriptive-analytical approach. It means that the legal norms analyzed were not only as stated in books, but also examined in action, especially from concrete cases and court judgments. The analysis of both types of legal materials was conducted qualitatively<sup>20</sup> to address the issues raised in this study. The process of understanding and analyzing primary legal material was carried out simultaneously with the secondary legal materials. This study was concluded using deductive reasoning, where the

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<sup>17</sup> Lawrence M Friedman, *The Legal System. A Social Science Perspective* (New York: Russell Sage Foundation, 1975). See too, Raphael Van Steenberghe, “The impacts of human rights law on the regulation of armed conflict: A coherency-based approach to dealing with both the “interpretation” and “application” processes,” *International Review of the Red Cross* 104, no. 919 (2022): 1353.

<sup>18</sup> Mukti Fajar Achmad dan Yulianto, *Dualisme Penelitian Hukum Normatif Dan Empiris*, 4th ed. Yogyakarta: Pustaka Pelajar, 2017. See too, Giulio Bartolini, and Sofia Pouloupoulou, “Reporting activities under international humanitarian law,” *International Review of the Red Cross* (2025): 23.

<sup>19</sup> Soerjono Soekanto, *Pengantar Penelitian Ilmu Hukum* (Depok: UI-Press, 2021): 53. See too, I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif: Dalam Justifikasi Teori Hukum*, 2nd ed. (Jakarta: PT Fajar Interpratama Mandiri, 2017), 141.

<sup>20</sup> I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif: Dalam Justifikasi Teori Hukum*, 2nd ed. (Jakarta: PT Fajar Interpratama Mandiri, 2017), 142. See too, Thibaud de La Bourdonnaye, “Greener insurgencies? Engaging non-State armed groups for the protection of the natural environment during non-international armed conflicts,” *International Review of the Red Cross* 102, no. 914 (2020): 586.

researcher analyzes the legal principles, theories, or norms of a general nature ("law in abstracto"), and then applies them to the specific events ("law in concreto"). According to Soerjono Soekanto<sup>21</sup>, the deductive method is a way of thinking that proceeds from general matters to specific ones, while Achmad and Yulianto<sup>22</sup> stated that deductive reasoning is used in normative legal research by starting from written legal norms (general) to analyze their application to particular cases (specific).

## C. RESULTS AND DISCUSSION

### 1. The trajectory of cultural heritage protection regulations before 1954

The legal framework for protecting cultural heritage in NIACs dates back over two centuries, starting with the 1863 Lieber Code, which outlined guidelines for the United States Armed Forces.<sup>23</sup> According to Articles 35-36, cultural heritage such as antique art objects, libraries, and scientific collections must be protected from destruction, and can be moved to a safer place even when located in the vicinity of the battle site.

Efforts to safeguard cultural heritage during armed conflicts initially emerged through soft-law instruments, exemplified by the 1874 Brussels Declaration,<sup>24</sup> which began to include legal sanctions for those who damage cultural heritage objects. This declaration focuses on the protection of tangible objects such as monuments, and also works of art (Article 8). Another instrument, the Oxford Manual of 1880,<sup>25</sup> which prohibited the confiscation of cultural heritage (Article 53).

The subsequent development is the international treaties, which have more binding legal consequences for the state party. This hard law rule is contained in the Hague Regulations 1899 and 1907 (Article 27), Hague Convention IX 1907, which begins to include the obligation to use distinctive marks or symbols for cultural heritage; likewise, the Hague Rules of Air

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<sup>21</sup> Soerjono Soekanto, *Pengantar Penelitian Ilmu Hukum* (Depok: UI-Press, 2021): 53. See too, I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif: Dalam Justifikasi Teori Hukum*, 2nd ed. (Jakarta: PT Fajar Interpratama Mandiri, 2017), 134. See too, Rogier Bartels, "The classification of armed conflicts by International Criminal Courts and Tribunals," *international criminal law review* 20, no. 4 (2020): 599.

<sup>22</sup> Mukti Fajar Achmad dan Yulianto, *Dualisme Penelitian Hukum Normatif Dan Empiris*, 4th ed. Yogyakarta: Pustaka Pelajar, 2017. See too, Giulio Bartolini, and Sofia Pouloupoulou, "Reporting activities under international humanitarian law," *International Review of the Red Cross* (2025): 23.

<sup>23</sup> ICRC, "Instructions for the Government of Armies of the United States in the Field (Lieber Code). 24 April 1863," *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/liebercode-1863?activeTab>. See too, Krismiyarsi Krismiyarsi, "Study of Penal Policy on Chemical Castration Sanction on Child Sexual Crimes Cases in Indonesia," *Indonesian Journal of Criminal Law Studies* 3, no. 2 (2018): 121.

<sup>24</sup> ICRC, "Project of an International Declaration Concerning the Laws and Customs of War. Brussels, 27 August 1874," *IHL Treaties*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/brussels-decl-1874>.

<sup>25</sup> ICRC, "The Laws of War on Land. Oxford, 9 September 1880," *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/oxford-manual-1880>.

Warfare 1922/23,<sup>26</sup> which stipulated that in air strikes, military commanders must distinguish and not attack cultural heritage. The only exception in these Rules states that the protection may be waived when the objects are used for military purposes. The Hague Rules of Air Warfare have also listed the need for a protected area around cultural heritage (Articles 25-26). The acknowledgment of museums as essential custodians of cultural heritage artifacts prompted the creation of the 1935 Roerich Pact. This agreement presented a unique symbol a red circle enclosing three red spheres against a white background to identify and safeguard cultural heritage locations, such as monuments. This protective symbol was subsequently replaced by a new emblem, as outlined in Article 16 of the 1954 Hague Convention.<sup>27</sup>

## **2. The Development of Cultural Heritage Protection Regulations After 1954**

The protection of cultural heritage in armed conflicts was further reinforced by the 1954 Hague Convention and its Protocol I.<sup>28</sup> The Convention also applies to NIACs and permits parties to form special agreements to implement its provisions. Nonetheless, a significant limitation is that it does not address economic aspects, such as the looting, theft, or illegal trade of cultural heritage items.

With the addition of the new system, the 1954 Hague Convention was then amended by Protocol II of 1999, which also stated its applicability to the NIAC (Article 22).<sup>29</sup> Protocol II specifies a better protection system, namely an improved system of cultural heritage protection (Article 10). Immunity for cultural heritage with enhanced protection, including cases when cultural heritage is lost (Articles 12-13). Protocol II additionally governs the allocation of funds for the preservation of cultural heritage during peacetime, throughout armed conflicts, and in post-conflict periods to restore cultural heritage objects.

Efforts to protect cultural heritage from destruction due to war have faced another challenge, as there are many illegal sales of cultural heritage to finance wars, leading to the establishment of the UNESCO Convention in 1970. This treaty explicitly forbids the illicit transfer of cultural heritage objects via

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<sup>26</sup> ICRC, "Rules Concerning the Control of Wireless Telegraphy in Time of War and Air Warfare. Drafted by a Commission of Jurists at the Hague, December 1922 - February 1923," *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/hague-rules-1923>.

<sup>27</sup> ICRC, "Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact). Washington, 15 April 1935." *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/roerich-pact-1935?activeTab=default>.

<sup>28</sup> ICRC, "Convention for the Protection of Cultural Property in the Event of Armed Conflict. *The Hague*, 14 May 1954," *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-1954>.

<sup>29</sup> ICRC, "Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict," *The Hague*, 26 March 1999, *IHL Databases* § (2025). Retrieved in July 24, 2025 from [https://ihl-databases.icrc.org/public/refdocs/IHL\\_and\\_other\\_related\\_Treaties.pdf](https://ihl-databases.icrc.org/public/refdocs/IHL_and_other_related_Treaties.pdf). See too, Siti Mariyam, "Regulasi Konten Ilegal Pada Media Berbasis Teknologi Informasi." *Cita Hukum Indonesia* 1, no. 2 (2022): 109.



international markets, addressing gaps left by earlier instruments in combating smuggling. Brodie's research indicates that between 1990 and 2015, the greatest damage to cultural heritage resulted from theft from museums, cultural institutions, and archaeological sites. Brodie also concluded that illegal trade is not directly related to military activities, but rather a commercial activity, which requires supervision to prevent the theft or looting of cultural heritage.<sup>30</sup> According to Hart and Chilton<sup>31</sup>, "theft is the unlawful transfer of certain cultural objects that are documented as private collections or public collections" for example, museums, archives, libraries, or religious institutions. Meanwhile, looting is the transfer of archaeological objects that is carried out scientifically, and generally occurs on objects found underground or under the sea.

A significant gap exists between these two main issues, as the Hague Convention, its Protocols, and related international treaties on armed conflict do not clearly link armed conflict with the illegal transfer of cultural heritage objects.<sup>32</sup> The UNESCO Convention and other similar treaties do not provide strict norms when theft and looting occur in armed conflict. The regulatory vacuum caused by these two problems has led to various efforts being made at the international level through world bodies. Integrating human rights law with cultural heritage law seeks to harmonize the cultural rights of minority communities with state interests.<sup>33</sup>

In 2017, the United Nations Security Council issued Resolution No. 2347 (2017),<sup>34</sup> In line with the systematic destruction, looting, smuggling, and systematic campaign of illegal excavation of cultural heritage objects by ISIL (Da'esh) and Al-Qaida, as war crimes. Regrettably, the resolution primarily emphasizes terrorism in connection with the devastation of cultural heritage.<sup>35</sup>

Although "hard-law" instruments were designed to be legally binding on participating states, in practice, cultural heritage continues to suffer damage, theft, and destruction during armed conflicts. In response, the ICRC initiated a study to examine the norms of Customary International Humanitarian Law

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<sup>30</sup> Neil Brodie, "Protection not prevention: the failure of public policy to prevent the looting and illegal trade of cultural property from the MENA region (1990–2015)," In *The Routledge companion to cultural property*, pp. 89-107. Routledge, 2017. See too, Nathan. Derejko, "A Forever War? Rethinking the Temporal Scope of Non-International Armed Conflict," *Journal of Conflict and Security Law* 26, no. 2 (2021): 353.

<sup>31</sup> Elizabeth S Chilton Siobhan M Hart, "Digging and Destruction: Artifact Collecting as Meaningful Social Practice," *International Journal Heritage Studies* 21, no. 4 (2015): 318.

<sup>32</sup> Aristide Evouna Evouna, "Special agreements in non-international armed conflicts: Lessons from the practice," *International Review of the Red Cross* (2025): 27.

<sup>33</sup> Patty Gerstenblith, "The disposition of movable cultural heritage," In *Intersections in international cultural heritage law*. 2020.

<sup>34</sup> UNSC, "UN Security Council S/RES/2347" (2017), Retrieved in July 24, 2025 from <https://docs.un.org/en/S/RES/2347> (2017).

<sup>35</sup> UNSC, "UN Security Council S/RES/2347" (2017), Retrieved in July 24, 2025 from <https://docs.un.org/en/S/RES/2347> (2017).

(Customary IHL).<sup>36</sup> Although it is non-legally binding, this instrument is flexible due to the material and psychological elements of a norm integrated into the national legal system of each country. Rule 38 of the Customary IHL stipulates that the disputing parties must take special care to avoid the destruction of cultural objects. In addition, cultural objects that are considered world heritage must not be attacked. Therefore, Rule 39 reaffirms that cultural heritage objects shall not be used for military purposes. Because it is a soft law, those rules are generally contained in the national legislation of countries, including in the Military Manual of the Armed Forces. For example, Indonesia's Air Force Manual on The Basics of IHL in Air Warfare in 1990, contains a prohibition on attacks and aerial bombing targets against cultural heritage objects, unless their status is no longer a civilian object.

In addition to the Customary IHL, the latest instrument formulated at the international level is the Joint Declaration formulated by several organizations. These organizations comprise the body responsible for collecting archives, specifically the International Council on Archives (ICA). In addition, those who are responsible for the museums (International Council of Museums or ICOM), as well as those who are responsible for the monuments and sites (International Council on Monuments and Sites or ICOMOS), and the International Federation of Library Associations and Institutions or IFLA, have agreed to formulate the declaration on May 30, 2024.<sup>37</sup> The Declaration affirms the protection of cultural and documentary heritage as an essential element of cultural rights, and calls on parties to conflicts to protect such cultural heritage, as well as the work of professionals in the fields of monuments, libraries, and archives.

### **3. Economic Dimensions of Cultural Heritage Protection**

When discussing cultural heritage, its economic dimension cannot be overlooked. World heritage assets possess significant value, which can be privatized or exploited to fund various activities, including warfare.<sup>38</sup> Therefore, restrictions on the export of cultural heritage objects are crucial. Several international treaties regulate the prohibition of exporting cultural heritage, starting with the 1954 Hague Convention. Article 1(2) of the Hague Convention Protocol requires that each state party take measures to prevent

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<sup>36</sup> ICRC, "Rule 38, Attacks Against Cultural Property," *IHL Databases*, 2025. Retrieved in July 24, 2025 from <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule38>.

<sup>37</sup> ICA, ICOM, ICOMOS, IFLA, Declaration on the protection of archives, libraries, museums and heritage places during armed conflicts and political instability (2024). Retrieved in July 24, 2025 from [https://icom.museum/en/news/declaration-on-the-protection-of-archives-libraries-museums-and-heritage-places-during-armed-conflicts-and-political-instability/?utm\\_source=chatgpt.com](https://icom.museum/en/news/declaration-on-the-protection-of-archives-libraries-museums-and-heritage-places-during-armed-conflicts-and-political-instability/?utm_source=chatgpt.com).

<sup>38</sup> Saeed Bagheri, "The legal limits to the destruction of natural resources in non-international armed conflicts: Applying international humanitarian law," *International Review of the Red Cross* 105, no. 923 (2023): 885.

the export of cultural heritage from occupied territories during armed conflicts.<sup>39</sup>

Furthermore, there is the 1970 UNESCO Convention,<sup>40</sup> which stipulates a ban on the illegal export of cultural heritage objects, and illegal acts in relation to cultural heritage objects (Article 3). These activities include the import, export, or transfer of ownership of cultural heritage items. Additionally, participating states are required to enact national regulations to prevent the illicit export of such goods. The Convention requires that participating states prohibit the export of cultural heritage objects lacking official certification. Furthermore, Article 7(b)(ii), in conjunction with Article 6(b), obliges states to return stolen or illegally exported cultural heritage items to their country of origin.

The 1995 UNIDROIT Convention, complementing the 1970 UNESCO Convention, similarly regulates the ban on exporting cultural heritage items.<sup>41</sup> The UNIDROIT Convention outlines the measures states must take regarding the illegal import, export, or transfer of ownership of cultural heritage objects. It allows participating countries to request the restitution of items unlawfully removed and mandates that states incorporate prohibitions on illegal exports into their national legislation [Article 5 paragraphs (1-3)].

Based on the legal position on the agreement, Indonesia signed the “open for signature” process on December 24, 1954. This action was strengthened by the ratification of the 1954 Hague Convention, as well as its Protocol I, with Presidential Decree (Presidential Decree Number 234 of 1966). This ratification document was then sent back to the Depository of the Hague Convention on July 26, 1967.<sup>42</sup> Regrettably, Indonesia has yet to ratify the UNESCO and UNIDROIT Conventions. Nevertheless, it is important to examine whether Indonesian national laws or regulations enforce a ban on the export of cultural heritage.

To assess whether Indonesia’s national legislation addresses the export ban for cultural heritage protection, it is necessary to review Law Number 11/2010 on Cultural Heritage, which serves as the principal statute in this domain. Law Number 11 of 2010 on Cultural Heritage includes various

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<sup>39</sup> UNESCO, “Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict,” *Legal Affairs*, 2025, Retrieved in July 24, 2025 from <https://www.unesco.org/en/legal-affairs/protocol-convention-protection-cultural-property-event-armed-conflict>.

<sup>40</sup> UNESCO, “Basic Texts of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 2025 Editio,” *Digital Library*, 2025. Retrieved in July 24, 2025 from <https://unesdoc.unesco.org/ark:/48223/pf0000393474>.

<sup>41</sup> UNESCO, “UNIDROIT Convention (1995),” *Legal Affairs*, 2025. Retrieved in July 24, 2025 from <https://www.unesco.org/en/node/66421?hub=416>.

<sup>42</sup> UNESCO, “Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict,” *Legal Affairs*, 2025, Retrieved in July 24, 2025 from <https://www.unesco.org/en/legal-affairs/protocol-convention-protection-cultural-property-event-armed-conflict>. See too, Ben Saul, “From conflict to complementarity: Reconciling international counterterrorism law and international humanitarian law,” *International Review of the Red Cross* 103, no. 916 (2021): 187.

provisions regulating the export, import, and ownership transfer of cultural heritage objects. This law states that foreigners and/or foreign legal entities cannot own and/or control cultural heritage, unless they live and settle in the territory of the Republic of Indonesia (Article 14), so there is a prohibition on bringing cultural heritage, both in whole and in parts, outside the territory of the Republic of Indonesia. The law further prohibits the transfer of ownership of cultural heritage objects. The law stipulates the prohibition of theft of cultural heritage, either in whole or in parts, from units, groups, and/or from the location of origin (Article 66 paragraph 2). The law stipulates the prohibition of moving or separating cultural heritage at the national, provincial, or district/city level; prohibition of bringing cultural heritage outside the territory except with the permission of the authorized officials if it is brought outside the territory of the province or district/city (Article 67 juncto 68 paragraph (2)). The law also prohibits the commercialization or exploitation of cultural heritage without permission (Articles 92-93). The law specifies explicitly criminal sanctions for people who carry out such exports illegally (Articles 101-115), with prison sentences ranging from three months to fines of up to ten billion rupiahs. Based on the provisions related to the economic aspects of cultural heritage in the Cultural Heritage Law, actions to move cultural heritage, including exporting outside the territory of the Republic of Indonesia, are prohibited.

Government Regulation Number 1 of 2022 on National Registration and Preservation of Cultural Heritage was issued to implement the Cultural Heritage Law. This Regulation regulates the transfer of ownership of cultural heritage from every person, indigenous people, local and central governments, either by way of inheritance, grant, exchange, gift, sale, or compensation. However, this can only be done on the condition that the authorized officials have already issued the permission. The permit is not required when the determination is decided by a court decision (Articles 52-55).

The prohibition on the export of cultural heritage objects is also contained in the Ministerial Regulation, namely the Regulation of the Minister of Trade (Permendag) Number 22 of 2023. This Regulation stipulates a list of reserve goods that are prohibited for export, which has been in effect since July 17, 2023. This Regulation is amended by Permendag Number 10 of 2024 and Permendag Number 20 of 2024, respectively, concerning the first amendment and the second amendment to Permendag Number 22 of 2023 concerning Goods Prohibited for Export; each comes into effect on May 30, 2024, and August 26, 2024, respectively.

The types of cultural heritage goods that are prohibited from being exported are contained in the Attachment to the Minister of Trade No. 22/2023. The Attachment is an integral part of the content, especially in Article 2, paragraph 2e, and is binding in nature. In accordance with the Attachment to the Minister of Trade Regulation Number 22/2023, reserve goods that are prohibited for export are contained in Attachment V, which determines the cultural heritage items as follows:

**Table 2.** Prohibition on the export of cultural heritage goods  
(Attachment to the Minister of Trade No. 22/2023)

Yes	Post-Tariff/HS	Item Description	Information
	<b>97.05</b>	Collections and collectors' items of zoology, botany, mineralogy, anatomy, historical, archaeology, paleontology, ethnography, or numismatics,	With the criteria: 1. Age 50 years or older 2. Represents a style period of at least 50 years 3. Has a special meaning of history, science, education, religion, and/or culture; and
385	Ex 9705.10.00	Collections and collectors' items of archaeological, ethnographic, or historical interest	4. Have a cultural background for strengthening the nation's personality.
		Collections and collectors' items of zoology, botany, rhythmology, anatomy, or paleontology interest	
386	Ex 9705.21.00	Human specimens and their parts	
387	Ex 9705.22.00	Extinct or near-extinct species and their habitats	
388.	Ex 9705.29.00	Other	
		Collections and collectors' items of numismatic interest	
389	Ex 9705.31.00	Over 100 years old	
390	Ex 9705.39.00	Other	
	97.06	Antiquities that are more than 100 years old	With the criteria: 1. Represents a style period of at least 50 years 2. Has a special meaning of history, science, education, religion, and/or culture; and 3. Have cultural value for strengthening the nation's personality.

Table 2 illustrates the range of cultural heritage items whose export is prohibited and highlights advancements in their protection, as Minister of Trade Regulation Number 22 of 2023 adds eight additional categories of cultural heritage objects to the export ban, from three types of cultural heritage that were prohibited by the previous Trade Regulation, namely Trade

Regulation Number 45 of 2019 and Trade Regulation Number 18 of 2021 which are currently declared invalid.

The ban on exporting or transferring ownership of cultural heritage objects is regulated by Indonesia's national legislation and upheld through judicial enforcement. In the Decision of the Supreme Court of the Republic of Indonesia No. 1643 K/Pdt/2022 dated June 28, 2022,<sup>43</sup> The Panel of Judges ruled that a piece of land and buildings left by the late Muhammad Yamin, a National Hero, are included in the Cultural Heritage that cannot be auctioned, and stated that the Citation of Auction Deed No. 43/28/2020 for the piece of land is legally defective and has no legal force. With this decision, the land and buildings, which were initially the object of cultural heritage, were returned to the holders of the Certificate of Ownership.

Similarly, in the case decided by the Panel of Judges at the Makassar District Court No. 220/Pdt.G/2022/Pn.Mks, dated December 27, 2022, revealed that cultural heritage objects cannot be arbitrarily dismantled without valid permission for cultural heritage buildings, structures, sites, and areas. The decision is in accordance with applicable laws and aims to preserve cultural heritage, as it holds significant value for history, science, and education. Furthermore, it considers the demolition without a valid permit to have harmed the state.<sup>44</sup>

The theft of antiquities belonging to the State is another case decided by the Tuban District Court No. 226/Pid.S/1991/PN. Tuban on June 9, 1991, which sentenced the defendant to seven months' imprisonment because it was legally proven and according to the law and belief that he had assisted in the theft committed by two or more people, and this violated Article 56 paragraph (2) of the Criminal Code. Based on this decision, the Panel of Judges ordered that the stolen antiquities be handed over to the rightful party, namely the Tuban Regency Antiquities Office.<sup>45</sup>

The search for cultural heritage objects that are unknown to the owner, in this case commonly known as treasures, by digging, diving, lifting, or any other means, which is carried out without obtaining permission from the government is a prohibited act, and a violation of Article 12 paragraph (1) of the Cultural Heritage Law Number 5 of 1992 (at the time the case occurred), and was decided by the Panel of Judges in the Supreme Court Decision No. 435/PDT/2005 dated February 24, 2006. In this case, although the excavation was carried out in the "Batu Tulis" Inscription area in Bogor City, it can

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<sup>43</sup> Supreme Court of the Republic of Indonesia, Supreme Court Decision No. 1643 K/Pdt/2022 (2022). See too, Pratik Purswani, and Adithi Rajesh, "Beyond bombs and bullets: Natural resource management in the Indo-Naxalite non-international armed conflict," *Journal of International Humanitarian Legal Studies* 16, no. 1 (2025): 183.

<sup>44</sup> Makassar District Court, Makassar District Court Decision No. 220/Pdt.G/2022/Pn.Mks (2022).

<sup>45</sup> Pengadilan Negeri Tuban, Putusan Pengadilan Negeri Tuban No. 226/Pid.S/1991/PN. Tuban (1991).

interfere with the integrity, authenticity, and preservation of cultural heritage objects and sites, as well as the environment of the "Batu Tulis" Inscription.<sup>46</sup>

Based on some of the articles reviewed from the economic aspect of Indonesia's national regulations, it can be emphasized how important it is to keep cultural heritage protected from normative aspects. These norms can protect cultural objects in times of non-international armed conflict from illegal transfer. The availability of national rules on this issue can be seen from similar rules in Malaysia and the Philippines, as follows:

Comparison of regulations regarding the prohibition of the export of cultural heritage objects in three countries: Indonesia, Malaysia, and the Philippines. In Indonesia, Law Number 11 of 2010 concerning Cultural Heritage through Article 14 paragraphs (1), 17, and 67 expressly prohibits the transfer or carrying of cultural heritage objects outside the territory of Indonesia without official permission. This prohibition is emphasized in Government Regulation Number 45 of 2019, which in Appendix V includes specific provisions regarding the prohibition of the export of cultural heritage objects. In Malaysia, similar provisions are regulated in three main legal instruments. The Antiquities Act 1976 Article 28 (6-7) prohibits the export of relics without a license or declaration at customs, with a maximum penalty of 6 months imprisonment or a fine of up to RM 5,000.

Furthermore, the National Heritage Act 2005 Article 83 (1-2, 6-7) stipulates a prohibition on the export of heritage objects without permission from the Heritage Commissioner, with a penalty of 10 years imprisonment or a maximum fine of RM 100,000. At the regional level, the Sarawak Cultural Heritage Ordinance 1993, Article 26 (4-5), also prohibits the export or attempted export of antiquities without a permit, with penalties of up to 5 years' imprisonment or a fine of up to RM20,000. Meanwhile, in the Philippines, Presidential Decree No. 374 of 1974 (Articles 10-12) prohibits exports without registration, written permission, and an official export certificate. This regulation is reinforced by Republic Act No. 10066 of 2009, Article 6, Section 23, which only allows temporary exports for scientific or exhibition purposes, and Implementing Rules and Regulations Rule VII, Section 26, which regulates the mechanism for export permits, repatriation, and refusal of permanent exports.

#### **4. Economic Dimensions of Cultural Heritage Protection**

According to Regional Regulation Number 3 of 2018 on Cultural Heritage, Tangerang City is home to diverse cultural heritage sites and objects,

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<sup>46</sup> Mahkamah Agung Republik Indonesia, Putusan Mahkamah Agung No. 435 K/Pdt/2005 (2005). See too, Miloš Hrnjaz, and Janja Simentić Popović, "Protracted Armed Violence as a Criterion for the Existence of Non-international Armed Conflict: International Humanitarian Law, International Criminal Law and Beyond," *Journal of Conflict and Security Law* 25, no. 3 (2020): 483.

including Bells, Stone Lions (Cioh Say), Thian Sin Lou, Tambur Batu, paper kilns, Sam Kai Lou Kwan Im, Hio Lou Hok Tek Sin, Hio Lou Kwan Seng Teng Kun, Hio Lou Kwam Im Hud Couw, and the Kencana Train. Several cultural heritage objects are still in the process of being studied: the tomb of the Chinese captain Oey Kiat Tjin, the telephone house on Daan Mogot Street, the sugar cane millstone A at the Tomb of the Heroes of the Cadets, the millstone of sugarcane B in the Highlands, the sugar cane millstone C and D in Neglasari, the sacred "Buyut Jenggot" in West Panunggangan, the Tjong Tek Bio 1 and 2 Temple Statue in Sewan Neglasari, The Colonial Tomb of the Women's Prison in the Highlands, the garden house of Leenhoff Weergade, the old well A and B of Leenhoff Weerhade in Batuceper.

If cultural heritage must be safeguarded and preserved during peacetime, then in the context of internal armed conflict, its protection requires even greater attention, as any damage or loss to these assets would have serious consequences, then the Tangerang City Government will suffer a double loss; in the sense that the cultural heritage in question can be lost, damaged, or destroyed due to the impact of NIAC, and also as a result of the damage will cause losses in economic, transportation, social, including tourism, and most importantly the loss of national identity.

The passage of Law Number 5 of 1992 on Cultural Heritage and its Implementing Regulation Number 5 of 1992 represented a key milestone in enforcing the export ban on cultural heritage items, achieving vertical harmonization between national legislation and international conventions, as noted earlier. Consequently, this provision was reaffirmed in Cultural Heritage Law Number 11 of 2010. This law has determined the number of institutions or institutions that play an important role in protecting cultural heritage, namely the Central Government, in this case the Directorate of Cultural Protection, Regional Governments, relevant Ministers; The Directorate General of Customs and Excise, which deals with cultural heritage brought across provinces with the permission of the authorized officials; Law enforcement officials such as the Police, Prosecutor's Office and Judges. Law enforcement officers are tasked with taking action when violations occur. Additionally, the Minister of Trade plays a role in prohibiting the export of cultural heritage objects through a Regulation of the Minister of Trade (Permendag), which provides technical operational guidelines for border areas and ports, serving as the points of implementation for export and import activities. The administrative location of Tangerang City is likely to play a significant role in the context of exporting cultural heritage abroad, given its air access to Soekarno Hatta International Airport. Based on the Indonesian shipping roadmap, air transport is typically used to transport consumer goods with a light unit weight, such as food, beverages, or clothing. Meanwhile, sea



transport dominates the transport of heavy goods, from strategic mineral cargo to building materials and heavy equipment, and land transport can transport all types of goods. Tangerang City also has sea access with Tanjung Priok Port, which is the largest cargo port in Indonesia that handles around 45 million tonnes of cargo with 8 million TEUs annually, and employs over 20,000 workers. While all Indonesian ports can handle 506 million metric tons in 2022, Sunda Kelapa Port is widely used for traditional shipping, and Merak Port focuses on the Java-Sumatra Island crossing. This fact describes how important the shipping industry is, especially for export-import goods activities, as shown in the Indonesian shipping industry roadmap 2024-2029 in Table 3.

**Table 3.** The export under transportation modes in 2022

Type of transportation	Volume (thousand tons)	Volume Growth (%)	Score (US\$ million)	Volume Growth (%)
Air	150.3	-47.72	9.908.0	4.49
Sea	641.631.6	4.28	278.869.4	27.20
Land	96.7	76.27	61.7	122.26
Pipes	4.794.4	-20.26	3.043.7	7.12
Post	0.9	9.93	21.5	50.98

According to Table 3, the Regulation of the Minister of Trade requires an operational mechanism for the officials involved, for example, starting from socialization about the types of cultural heritage that are prohibited from being exported according to Appendix V, or the preparedness of officers at the port in handling illegal exports. Article 63 of the Cultural Heritage Law explicitly recognizes the role of indigenous peoples and local communities in preserving and safeguarding cultural heritage.

Several reasons underscore the importance of enforcing an export ban on cultural heritage during non-international armed conflicts (NIAC). In such a situation, the ANSA/NSAG often encounters the classic problem of limited funds to finance their movements and attacks.<sup>47</sup> Therefore, the illegal sale or smuggling of cultural heritage objects by the NSAG is the most sensible option, and this is also a fact that has happened in similar conflicts in Mali, Syria, Iraq, and so on.<sup>48</sup> The availability of rules prohibiting the illegal export of cultural heritage goods in Indonesia can serve as a preventive measure against the emergence of an international black market, which could weaken and halt the source of funding for NSAG.

<sup>47</sup> Sabine Kurtenbach Angelika Rettberg, Gabriel Rosero, and José Salguero, "Non-State Armed Actors, War Economies and Postwar Violence Examining the Connections," *World Development* no. 191 (2025): 2. See too, Jörn Grävingholt, Claudia Hofmann, Stephan Klingebiel, "Development Cooperation and Non-State Armed Groups," *Bonn*, 2007. Retrieved in July 24, 2025 from [https://www.idos-research.de/uploads/media/Studies\\_29.pdf](https://www.idos-research.de/uploads/media/Studies_29.pdf).

<sup>48</sup> UNSC, "UN Security Council S/RES/2347" (2017), Retrieved in July 24, 2025 from <https://docs.un.org/en/S/RES/2347> (2017).

The export ban rules can close illegal cross-border trade routes, especially to neighboring countries. In the context of ASEAN and international trade, Indonesia is one of the potential transit countries for international trade traffic, holding almost 40% of the industrial logistics services. The supporting factors for Indonesia as a world maritime axis dominantly lie in its geographical condition between two continents and seas.<sup>49</sup>

The existence of a common arrangement on the prohibition of the export of cultural heritage goods among ASEAN countries can be a strong basis for cooperation with relevant agencies at the international level in tracking and returning cultural heritage items lost or stolen during the occurrence of NIAC. The availability of rules on the prohibition of the illegal export of cultural heritage goods, which is the national law of Indonesia, puts the legal status of NSAG as a citizen in the national legal regime, so that the Regulation is binding and requires compliance with the NSAG. These factors also provide a guarantee of law enforcement for violators to be tried based on national laws in accordance with the jurisdiction of each country.

#### **D. CONCLUSION**

The protection of cultural heritage in times of armed conflict is not only a matter of having laws and regulations. The availability of national legal institutions is a good starting point for safeguarding cultural heritage, yet it still requires clear mechanisms and field implementation. Safeguarding cultural heritage during NIAC also demands coordinated efforts among national and international institutions, supported by active community participation. The historical development of legal frameworks from the Lieber Code to the 1954 Hague Convention and its Protocols illustrates the gradual shift from soft-law commitments to binding international obligations. Nonetheless, the ongoing destruction and illicit trade of cultural heritage reveal that legal norms alone are inadequate without effective enforcement. Indonesia's legal system, through Law Number 11 of 2010 on Cultural Heritage, Government Regulation Number 1 of 2022, and Minister of Trade Regulation Number 22 of 2023, reflects alignment with international conventions by prohibiting export, transfer, and commercialization of cultural heritage objects.

However, effective implementation requires inter-agency coordination among law enforcement, customs, and local governments, particularly in regions like Tangerang City that function as international gateways. Community awareness and capacity-building are equally essential to ensure local participation in heritage protection. Ultimately, protecting cultural heritage during NIAC is both a legal duty and a moral responsibility. It

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<sup>49</sup> Aldi Adista Juliadi, Alya Sophia Oktirellia, Galuh Chisyt Nur Fadhilah, Indira Shaffiyah, and Vina Dwiyantri, "Indonesia toll roads: Its effect on the trade routes in ASEAN," *ASEAN Journal of Science and Engineering* 3, no. 1 (2023): 59.

preserves cultural identity and prevents the misuse of heritage objects for conflict financing, reinforcing the shared commitment to uphold human dignity and collective memory even amid war.

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