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Cultural Heritage Protection in Indonesia: Community Rights, Preservation, and Commercial Interests

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Abstract

Indonesia protects cultural heritage through overlapping legal regimes governing tangible heritage, cultural advancement objects, traditional cultural expressions, and communal intellectual property. This study examines whether those regimes provide a coherent legal balance among preservation, community rights, commercial utilization, and emerging digital uses. A normative-doctrinal method combines statutory, conceptual, comparative, and policy analysis of Law No. 11 of 2010, Law No. 5 of 2017, Law No. 28 of 2014, Government Regulations No. 1 and No. 56 of 2022, and relevant UNESCO, United Nations, and WIPO instruments. The analysis finds that Indonesian law has moved beyond a purely state-centered preservation model by recognizing community participation, origin attribution, prior informed approval, protection of sensitive communal intellectual property, and benefit sharing for specified commercial uses. Nevertheless, protection remains fragmented because community authority, consent requirements, benefit-sharing mechanisms, and enforcement pathways differ across legal categories. Digital platforms, large-scale reproduction, and artificial-intelligence reuse also expose gaps in existing authorization structures. The study proposes a community-centered governance model based on cumulative classification, transparent representation, proportional consent, attribution, negotiated benefit sharing, cultural-integrity safeguards, digital provenance, and reviewable inter-agency oversight. This model enables lawful economic use while preserving community authority, cultural continuity, and equitable participation in heritage governance in Indonesia.

Keywords: *Commercialization, Community Rights, Cultural Heritage, Indonesia, Legal Protection.*

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INTRODUCTION

Cultural heritage law is no longer concerned only with preventing physical destruction, but increasingly determines who may define cultural value, who may authorize its use, who receives economic benefits, and whose interests prevail when preservation encounters tourism, branding, digital reproduction, and cultural industries. At the global level, heritage governance has increasingly moved from object-centered preservation toward approaches that connect conservation with community participation, sustainable development, cultural identity, and responsible utilization (Brooks et al., 2023). This development is particularly significant for Indonesia because its constitutional framework recognizes the advancement of national culture while also acknowledging traditional communities and their cultural identities (Republic of Indonesia, 1945). Indonesia is also situated within an international heritage regime through its participation in the 1972 World Heritage Convention, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO, 2003). The breadth of the Indonesian heritage landscape demonstrates that protection cannot be confined to monuments and physical sites because cultural value is also embedded in living traditions, knowledge, rituals, artistic practices, and community identities. Digital transformation has further expanded the possibilities for documenting, reproducing, circulating, and commercializing cultural expressions beyond the geographical boundaries of their originating communities (Buragohain et al., 2024). The resulting legal challenge concerns how preservation, community authority, public access, technological innovation,

and economic utilization can be reconciled without weakening the cultural and social contexts that sustain heritage.

Indonesia's national framework is correspondingly plural because cultural heritage protection is distributed across several legal instruments with different objects, regulatory techniques, and conceptions of community participation. Law No. 11 of 2010 on Cultural Heritage regulates objects, buildings, structures, sites, and areas of cultural significance, while Government Regulation No. 1 of 2022 provides a more operational framework for national registration and preservation, including protection, management, incentives, compensation, supervision, and funding (Republic of Indonesia, 2022a). For living cultural heritage, Law No. 5 of 2017 on the Advancement of Culture adopts a broader scope that includes oral traditions, manuscripts, customs, rites, traditional knowledge, traditional technology, arts, languages, folk games, and traditional sports (Republic of Indonesia, 2017). A further layer is established through Law No. 28 of 2014 on Copyright, particularly Article 38, which places copyright over traditional cultural expressions in the state while requiring the state to inventory, safeguard, and maintain such expressions and requiring their use to respect the living values of supporting communities (Republic of Indonesia, 2014). Government Regulation No. 56 of 2022 on Communal Intellectual Property subsequently provides mechanisms concerning originating communities, recording, attribution, cultural identity, community permission, and benefit sharing in the utilization of communal intellectual property (Republic of Indonesia, 2022b). The coexistence of these instruments demonstrates an effort to regulate both preservation and utilization, yet their different legal concepts may create uncertainty concerning authority when a cultural expression simultaneously possesses characteristics of cultural heritage, an object of cultural advancement, a traditional cultural expression, and communal intellectual property. The central issue is therefore not simply the quantity of legal protection available, but the coherence of the relationships among these regulatory regimes and their capacity to produce clear rights and responsibilities at the community level.

Previous scholarship identifies a persistent tension between state-based protection and the communal character of traditional cultural expressions. Safitri (2022) argues that traditional cultural expressions occupy a legal position that extends beyond conventional intellectual property categories because their existence is closely connected to communities, cultural practices, and collective identity. The state-ownership model established for traditional cultural expressions has consequently generated questions about the extent to which communities possess meaningful authority over cultural resources that originate from and remain embedded within their social practices (Kurniawan, 2023). Studies of specific Indonesian expressions, including Patingtung art, Ngajat Lesung dance, and Perang Ketupat, demonstrate that formal copyright protection does not by itself resolve issues concerning cultural identity, preservation, documentation, and community interests (Dwisvimiar et al., 2023). Research on communal intellectual property in Bali further indicates that effective protection requires coordination among multiple actors because cultural resources are embedded within social, governmental, academic, and economic relationships (Kasih et al., 2024). Evidence from heritage preservation in Medan similarly emphasizes the importance of community participation in sustaining cultural heritage beyond formal regulatory recognition (Banjarnahor et al., 2024). International research also indicates that authenticity, cultural identity, attachment, and perceived responsibility influence how local residents engage with heritage conservation (Yi et al., 2024). These findings reveal that the principal difficulty lies in converting formal recognition into effective community authority, institutional accountability, and sustainable protection across different forms of cultural heritage.

The regulatory challenge becomes more pronounced when cultural heritage generates commercial value because utilization can simultaneously support community welfare and create pressure on cultural integrity. Indonesian law expressly permits cultural advancement objects to be developed into products that contribute to community welfare while requiring the preservation of cultural values and establishing conditions for certain forms of commercial utilization (Republic of Indonesia, 2017). Heritage tourism research indicates that commercialization can create economic opportunities and incentives for cultural continuity while also changing how authenticity is produced, represented, and experienced by visitors (Cao et al., 2025). Research on intangible cultural heritage further shows that heritage labeling can function as a destination-marketing mechanism, making cultural recognition increasingly connected to tourism consumption and economic value (Qiu & Zuo, 2023). From the perspective of local communities, participation and cultural attachment can contribute to conservation, but these social dimensions require institutional arrangements that enable communities

to exercise meaningful influence over heritage management (Khadijah et al., 2024). Indonesian research has also identified limitations arising from restricted community knowledge of registration mechanisms and fragmented institutional coordination in heritage protection (Banjarnahor et al., 2024). The commercialization question therefore cannot be reduced to whether cultural heritage should or should not enter the market, because its legal implications depend on authorization, attribution, control, preservation obligations, and the distribution of resulting benefits. This tension becomes increasingly important as cultural utilization expands through digital platforms and technological forms that can reproduce cultural expressions without the physical and social proximity traditionally associated with heritage use.

Digitalization introduces a further dimension because technological systems can transform cultural heritage from locally situated practices into data, digital representations, immersive experiences, and widely distributable cultural content. Research on digital heritage demonstrates that metaverse applications can strengthen documentation, accessibility, education, and engagement while simultaneously creating challenges concerning contextual integrity and the control of digital cultural representations (Buragohain et al., 2024). The emergence of artificial intelligence further complicates the legal landscape because traditional cultural expressions may be incorporated into technological systems capable of generating new outputs whose relationship with community-originated cultural materials is difficult to determine (Dharmawan et al., 2023). At the international level, the 2024 WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge represents a significant development in international intellectual property law by introducing disclosure-related obligations concerning genetic resources and associated traditional knowledge (Samsithawrati et al., 2024). The treaty nevertheless does not establish a comprehensive international framework governing every aspect of traditional cultural expressions, leaving substantial responsibility with domestic legal systems to determine questions of consent, attribution, control, and benefit distribution. This limitation is particularly relevant to Indonesia because the effectiveness of cultural protection depends not only on substantive legal rules but also on the administrative institutions responsible for registration, preservation, supervision, and coordination. Recent Indonesian research on the Regional Cultural Preservation Office VIII illustrates that administrative authority is itself an important component of cultural heritage management and can affect the practical operation of legal protection (Safitri et al., 2026). The interaction between statutory pluralism, community authority, commercialization, digitalization, and administrative implementation therefore exposes a gap that cannot be adequately addressed through isolated analysis of individual legal instruments.

This research positions Indonesian cultural heritage protection as a problem of inter-regime legal coherence rather than as a collection of independent sectoral rules. The analysis examines the interaction among cultural heritage law, cultural advancement law, copyright, communal intellectual property, community participation, and relevant international norms in order to identify how preservation duties and community rights are distributed across the existing framework. Particular attention is given to the relationship between legal recognition and actual authority over cultural use, because registration or statutory protection does not necessarily establish who can authorize utilization or claim benefits generated from cultural resources. Commercialization and digitalization are treated as forms of utilization that require legally defined safeguards rather than as developments that are inherently incompatible with preservation. The study examines how Indonesian law allocates preservation responsibilities and community rights across different categories of cultural heritage, how commercial utilization and benefit sharing are regulated, and which regulatory gaps prevent these arrangements from functioning as a coherent community-centered system. The theoretical contribution lies in integrating cultural heritage protection, cultural advancement, intellectual property, communal rights, and community governance into a single analytical framework concerning the relationship between preservation, authority, and utilization. The methodological contribution lies in applying statutory, conceptual, comparative, and case-oriented doctrinal analysis to evaluate the consistency of the existing regulatory framework and its capacity to provide clear legal mechanisms for community-centered cultural heritage protection.

RESEARCH METHODS

This study adopts a non-empirical normative-doctrinal legal research design using statutory, conceptual, comparative, and policy-oriented approaches. The primary legal materials comprise the

1945 Constitution of the Republic of Indonesia, Law No. 27 of 2022 on Personal Data Protection, Law No. 1 of 2024 amending the Electronic Information and Transactions Law, Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions, Presidential Regulation No. 95 of 2018 on Electronic-Based Government Systems, and Presidential Regulation No. 39 of 2019 on One Data Indonesia. Law No. 27 of 2022 is treated as the central normative instrument because it establishes principles, data-subject rights, processing obligations, controller and processor responsibilities, cross-border transfers, administrative sanctions, institutional arrangements, dispute resolution, and criminal provisions within a unified personal-data protection framework (Republic of Indonesia, 2022). Government Regulation No. 71 of 2019 is examined to contextualize the obligations of public-sector electronic-system providers within Indonesia's broader digital-government architecture (Republic of Indonesia, 2019). Secondary legal materials consist of peer-reviewed legal scholarship, policy studies, official regulatory documents, institutional reports, and comparative literature concerning data protection, digital government, public-sector accountability, and information governance. International reference materials are used comparatively, particularly the General Data Protection Regulation and relevant international principles concerning privacy, lawful processing, transparency, accountability, and data-subject rights.

The analysis proceeds through normative rule mapping, doctrinal interpretation, inter-regime comparison, and regulatory-gap identification to evaluate whether Indonesia's legal framework provides a coherent accountability structure for personal-data processing in digital public services. Each relevant legal instrument is examined according to the categories of lawful processing, purpose limitation, data minimization, transparency, data-subject rights, controller and processor obligations, security safeguards, institutional responsibility, breach response, sanctions, and available remedies. The statutory provisions are interpreted through a combination of textual, systematic, conceptual, and teleological reasoning so that individual provisions are assessed within the broader architecture of constitutional rights, administrative governance, and digital public-service delivery. Comparative analysis is employed to identify points of convergence and divergence between Indonesian regulation and established international data-protection principles without treating foreign regulatory models as automatically transferable to the Indonesian legal context. The validity of the doctrinal findings is strengthened through triangulation across legislation, subordinate regulations, judicial materials, official policy documents, and peer-reviewed scholarship, with conflicting or incomplete normative provisions subjected to cross-source verification. A regulatory gap is identified where a legal obligation lacks a sufficiently clear institutional duty, where overlapping rules create uncertainty concerning accountability, or where the expansion of digital public-service processing produces risks that are insufficiently addressed by existing safeguards.

RESULTS AND DISCUSSION

Fragmented Legal Architecture and the Classification of Heritage

Indonesian cultural heritage protection is constructed through a layered normative architecture in which constitutional guarantees, heritage legislation, cultural advancement law, copyright law, and communal intellectual-property regulation protect different dimensions of cultural interests (Republic of Indonesia, 1945). Article 32 paragraph (1) of the 1945 Constitution requires the state to advance national culture while guaranteeing the freedom of society to maintain and develop its cultural values (Republic of Indonesia, 1945). Article 28I paragraph (3) further recognizes cultural identity and traditional community rights as constitutional interests that must be respected in accordance with social and civilizational development (Republic of Indonesia, 1945). Article 18B paragraph (2) complements that protection by recognizing customary-law communities and their traditional rights insofar as they remain alive and compatible with the constitutional structure of the Republic of Indonesia (Republic of Indonesia, 1945). These provisions indicate that heritage governance cannot be reduced to state ownership because constitutional protection also extends to communities that maintain cultural identity across generations (Kusmaningtyas et al., 2023). The statutory consequence is a plural legal structure in which physical heritage, living traditions, traditional cultural expressions, and communal knowledge may simultaneously attract different forms of legal protection (Agustianto et al., 2024).

Law No. 11 of 2010 establishes the principal object-oriented regime for cultural heritage by regulating cultural objects, buildings, structures, sites, and cultural heritage areas through designation, registration, protection, development, and utilization (Republic of Indonesia, 2010). Article 3 connects

preservation with the protection of national heritage, reinforcement of national identity, improvement of public welfare, and promotion of national cultural heritage to the international community (Republic of Indonesia, 2010). Article 85 paragraph (1) permits cultural heritage to be utilized for religious, social, educational, scientific, technological, cultural, and tourism purposes, demonstrating that preservation does not legally require the complete exclusion of utilization (Republic of Indonesia, 2010). Article 86 subjects potentially harmful utilization to prior study, research, or environmental-impact analysis, which introduces a preventive legal standard into heritage management (Republic of Indonesia, 2010). Article 87 also requires governmental authorization for specified forms of utilization and recognizes the relevance of customary-law communities where protected heritage remains under their ownership or control (Republic of Indonesia, 2010). Government Regulation No. 1 of 2022 subsequently strengthens the registration and preservation regime through more detailed rules concerning administration, management, incentives, compensation, supervision, and funding (Republic of Indonesia, 2022a).

Table 1. Core Legal Architecture for Cultural Heritage Protection in Indonesia

Instrument	Regulatory Focus and Protection Mechanism	Community Position	Utilization and Commercial-Use Rule
Constitution of 1945	National culture, cultural identity, and traditional communities protected through constitutional recognition and state duties	Traditional communities recognized as constitutionally protected rights-bearing communities	Establishes the normative foundation without prescribing detailed transaction rules
Law No. 11/2010	Cultural objects, buildings, structures, sites, and areas protected through designation, registration, protection, development, and utilization	Community participation incorporated into preservation and management	Utilization permitted subject to conservation standards, licensing, and preventive controls
Government Regulation No. 1/2022	National registration, preservation, management, incentives, compensation, supervision, and funding	Participatory preservation and shared implementation responsibilities	Utilization remains subject to administrative control and preservation requirements
Law No. 5/2017	Objects of cultural advancement protected through protection, development, utilization, and guidance	Communities function as cultural bearers and stakeholders	Large-industry and foreign commercial use requires permit, prior informed approval, benefit sharing, and origin attribution
Law No. 28/2014, Article 38	Traditional cultural expressions protected through state-held copyright, inventory, safeguarding, and maintenance	Use must respect the living values of supporting communities	Article 38 does not establish an independent comprehensive benefit-sharing system
Government Regulation No. 56/2022	Traditional cultural expressions, traditional knowledge, and other communal intellectual property protected through recording and utilization rules	Origin communities expressly recognized within the communal-IP structure	Attribution, respect for community values, authorization for sensitive uses, and benefit considerations govern utilization

Law No. 5 of 2017 creates a different normative structure because its objects of protection consist largely of living cultural practices that are reproduced through social interaction rather than preserved solely as designated physical objects (Republic of Indonesia, 2017). The statute organizes cultural advancement through protection, development, utilization, and guidance, thereby conceptualizing cultural continuity as an ecosystem rather than merely as the conservation of isolated cultural property (Republic of Indonesia, 2017). Article 37 paragraph (1) requires large industries and foreign parties that commercially utilize objects of cultural advancement to obtain a utilization permit from the responsible Minister (Republic of Indonesia, 2017). Article 37 paragraph (2) conditions such authorization on prior informed approval, benefit sharing, and attribution of the origin of the cultural object concerned (Republic of Indonesia, 2017). The incorporation of benefit sharing transforms cultural utilization into a distributive legal issue because economic gains generated from cultural objects must be connected to the sustainability of the cultural ecosystem (Widiarsa & Mayasari, 2024). This approach differs from purely conservation-oriented regulation because it expressly recognizes that preservation and economically productive use may coexist when community interests and cultural integrity remain legally protected (Shakya & Vagnarelli, 2024).

The intellectual-property framework introduces another classification layer by protecting traditional cultural expressions and communal knowledge according to origin, identity, integrity, and conditions of reuse (Safitri, 2022). Article 38 paragraph (1) of Law No. 28 of 2014 provides that copyright over traditional cultural expressions is held by the state, while paragraph (2) requires the state to inventory, safeguard, and maintain those expressions (Republic of Indonesia, 2014). Article 38 paragraph (3) nevertheless requires every utilization of traditional cultural expressions to respect the living values of the supporting community, thereby restricting an interpretation of state control that ignores communal cultural authority (Republic of Indonesia, 2014). Government Regulation No. 56 of 2022 further regulates traditional cultural expressions, traditional knowledge, genetic resources, indications of origin, and potential geographical indications within a communal intellectual-property framework (Republic of Indonesia, 2022b). The origin-community concept is significant because it links legal protection to the group that creates, maintains, safeguards, or develops communal intellectual property across generations (Kasih et al., 2024). The coexistence of state-held copyright and community-based cultural authority nevertheless leaves unresolved questions concerning licensing power, legal standing, authorization, and the distribution of benefits from commercial exploitation (Kurniawan, 2023).

Table 2. Heritage Classification and the Legal Interests That Require Protection

Heritage Form	Legal Category and Protected Interest	Required Community Control	Typical Legal Risk
Monument, building, archaeological site	Cultural heritage under Law No. 11/2010; physical integrity, historical significance, setting, and public value	Consultation, participation, and stewardship, particularly where community use remains integral	Alteration, neglect, incompatible development, overtourism
Ritual, ceremony, oral tradition	Object of cultural advancement and potentially intangible heritage; continuity, transmission, meaning, and community practice	High authority because cultural bearers determine meaning, disclosure, and modes of transmission	Staging, decontextualization, loss of ritual authority
Traditional motif, music, dance, or performance	Traditional cultural expression and communal IP; origin, identity, integrity, and collective cultural value	Strong control for sacred or secret expressions, with attribution protection for broader uses	Misappropriation, unauthorized adaptation, false origin, AI reuse
Traditional knowledge and skills	Cultural advancement object and communal IP;	Strong authority where knowledge is restricted,	Extraction, uncredited

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	continuity, attribution, secrecy, and equitable utilization	medicinal, sacred, or livelihood-related	commercialization, loss of confidentiality
Cultural landscape or living settlement	Cultural heritage combined with community living space; spatial character, resident continuity, and cultural practice	Shared governance where preservation affects property, housing, livelihood, or customary practice	Displacement, touristification, restrictive conservation without community benefit
Digitized heritage representation	Digital derivative intersecting heritage, copyright, communal-IP, and cultural governance; context, provenance, integrity, and access	Authorization proportionate to sensitivity, scale, and downstream use	Mass copying, context collapse, platform commercialization, synthetic reuse

The overlap identified in Table 2 should be resolved through cumulative protection because different statutes frequently protect different legal interests embedded in the same cultural element (Dwisvimiar et al., 2023). A ritual conducted at a designated heritage site may simultaneously require physical conservation under Law No. 11 of 2010, protection as a living cultural practice under Law No. 5 of 2017, and protection of its expressive elements under Article 38 of Law No. 28 of 2014 (Republic of Indonesia, 2017). The principle of *lex specialis derogat legi generali* should therefore not automatically eliminate parallel protection where the relevant legal instruments regulate different objects, interests, authorities, and consequences (Safitri, 2022). A systematic interpretation permits heritage law, cultural advancement law, and communal intellectual-property law to operate concurrently where each regime protects a legally distinct dimension of cultural continuity (Samsithawrati et al., 2024). Digitalization makes cumulative protection particularly important because recordings, three-dimensional models, databases, and immersive representations can remove cultural expressions from the spatial and communal context in which their use was previously controlled (Buragohain et al., 2024). Legal classification must consequently precede digitization, licensing, commercial exploitation, or institutional transfer so that an actor cannot select the least restrictive legal category while disregarding additional obligations arising from another applicable regime (Zhang et al., 2024).

The principal doctrinal implication is that classification constitutes a prior juridical determination that directly structures authority, consent, preservation obligations, attribution, benefit sharing, and remedial pathways (Agustianto et al., 2024). The legal architecture summarized in Table 1 demonstrates that Indonesia possesses extensive substantive protection even though that protection is distributed among instruments with different regulatory objectives and institutional mandates (Safitri et al., 2026). The object-centered Cultural Heritage Law provides the strongest framework for physical integrity and formally designated sites, whereas the Advancement of Culture Law is more responsive to living cultural ecosystems and productive utilization (Hermawati et al., 2024). Copyright and communal intellectual-property rules are comparatively more suitable for addressing provenance, collective expression, culturally sensitive information, and conditions imposed on reproduction or commercial use (Karlina, 2023). Heritage governance is therefore more sustainable when classification also accounts for authenticity, local identity, participatory capacity, and the continuing relationship between communities and the cultural resources they maintain (Yi et al., 2024). A coherent interpretation should consequently recognize cumulative legal protection and identify both the relevant cultural object and its associated community before preservation, utilization, commercialization, or digital reuse is legally authorized (Xie et al., 2024).

Community Rights, Participation, and Preservation Authority

The legal position of communities within Indonesian cultural heritage governance cannot be reduced to passive participation because constitutional and statutory norms recognize communities as holders of cultural interests that may require substantive decision-making authority (Republic of Indonesia, 1945). Article 18B paragraph (2) of the 1945 Constitution recognizes customary-law

communities and their traditional rights as long as they remain alive and consistent with constitutional requirements, providing a constitutional basis for community authority over culturally embedded practices (Republic of Indonesia, 1945). Article 28I paragraph (3) strengthens that position by requiring respect for cultural identities and traditional community rights, which prevents administrative heritage governance from disregarding the communities that maintain cultural continuity (Republic of Indonesia, 1945). Article 32 paragraph (1) also guarantees society the freedom to maintain and develop cultural values, indicating that cultural advancement cannot legally be monopolized by state institutions (Republic of Indonesia, 1945). Law No. 11 of 2010 incorporates community participation into the preservation and management of cultural heritage, although participation under this regime does not automatically amount to an unrestricted right of consent over every form of use (Republic of Indonesia, 2010). This distinction is important because Indonesian heritage law recognizes communities at different levels of legal authority depending on whether the issue concerns conservation, cultural transmission, commercial utilization, or control over culturally sensitive knowledge (Hariansah, 2024).

Community participation should therefore be distinguished from community authorization because the legal consequences of information, consultation, co-management, consent, and benefit sharing are materially different (Khadijah et al., 2024). Information merely requires public authorities to disclose a decision or activity, whereas consultation requires community views to be actively obtained before the authority reaches or implements a decision (Xie et al., 2024). Co-management goes further by allocating defined governance functions to community representatives and public institutions, thereby converting participation into an institutionalized share of preservation authority (Banjarnahor et al., 2024). Consent represents a stronger legal position because it gives the relevant community a capacity to authorize or refuse a specified cultural use when legislation or the cultural sensitivity of the object requires such authority (Agustianto et al., 2024). Benefit sharing adds a distributive dimension by requiring economic or non-economic value derived from cultural utilization to return to the community or cultural ecosystem that sustains the protected object (Widiarsa & Mayasari, 2024). Indonesian law already contains examples of these stronger mechanisms through Article 37 of Law No. 5 of 2017 and the origin-community orientation of Government Regulation No. 56 of 2022 (Republic of Indonesia, 2017).

Table 3. Community Rights Across Indonesia's Heritage and Communal-IP Framework

Community Interest	Law No. 11/2010 and PP No. 1/2022	Law No. 5/2017	Copyright Law and PP No. 56/2022
Participation in Preservation	Community involvement recognized within preservation and heritage management	Government must provide mechanisms for stakeholder participation in cultural advancement	Origin communities recognized in the identification and protection of communal intellectual property
Authority Over Cultural Meaning	Indirectly protected through preservation, customary interests, and community involvement	Cultural values and wisdom must remain protected during development and utilization	Utilization must preserve value, meaning, identity, and respect for the supporting or origin community
Prior Consent or Approval	Not imposed universally for every cultural heritage use	Article 37 requires prior informed approval for specified large-industry and foreign commercial utilization	Community permission is particularly relevant for sacred, secret, or culturally restricted communal intellectual property
Attribution of Origin	Not the central organizing principle of the heritage regime	Origin attribution required within the Article 37 commercial-utilization framework	Origin community and cultural provenance form central elements of communal-IP utilization

Benefit Sharing	May arise through management, incentives, compensation, or local arrangements	Expressly required for specified commercial utilization under Article 37	Monetary or non-monetary community benefits may form part of commercial-use arrangements
Challenge to Misuse	Heritage enforcement may proceed through administrative, civil, or criminal mechanisms	Permit violations may trigger administrative consequences	Remedies depend on characterization as copyright, communal IP, or another protected cultural interest

Article 37 of Law No. 5 of 2017 provides the clearest statutory example of community-related authorization because commercial utilization by large industries and foreign parties must satisfy prior informed approval, benefit sharing, and origin attribution (Republic of Indonesia, 2017). The requirement of prior informed approval indicates that community interests may operate before the commercial transaction rather than merely providing compensation after utilization has occurred (Dwisvimiar et al., 2023). Government Regulation No. 56 of 2022 strengthens this preventive logic by recognizing origin communities and attaching particular importance to permission when communal intellectual property is sacred, secret, or culturally restricted (Republic of Indonesia, 2022b). The regulatory distinction between ordinary cultural material and sensitive communal material demonstrates that Indonesian law already applies differentiated levels of community control according to cultural risk (Samsithawrati et al., 2024). Such differentiation is consistent with the legal principle of proportionality because the degree of community authority should correspond to the potential impact of the proposed use on identity, secrecy, cultural integrity, and economic interests (Safitri, 2022). A community-centered interpretation should therefore avoid treating consultation as sufficient where the governing legal regime specifically requires authorization or where disclosure could irreversibly damage culturally restricted knowledge (Karlina, 2023).

The legal justification for stronger community authority is reinforced by empirical heritage research showing that meaningful participation contributes directly to preservation outcomes (Xie et al., 2024). Xie et al. found from 1,075 questionnaires that perceived behavioral control had the strongest positive influence on conservation intention and behavior, indicating that communities are more likely to support preservation when they perceive meaningful capacity to act (Xie et al., 2024). Yi et al. similarly found that localized identity and cultural self-improvement strengthened heritage responsibility, demonstrating that preservation commitment is closely connected to residents' sense of cultural belonging (Yi et al., 2024). Research in Ciletuh Palabuhanratu shows that social capital and culturally embedded local values can support collective participation in sustainable heritage tourism development (Hermawati et al., 2024). Evidence from the Kesawan heritage area likewise indicates that community participation functions as an operational component of heritage preservation rather than merely as administrative consultation (Banjarnahor et al., 2024). These findings support a legal interpretation in which community participation should be designed as a preservation mechanism capable of influencing decisions rather than as a procedural formality without consequences for governance (Khadijah et al., 2024).

Table 4. Proposed Participation-to-Authority Ladder for Heritage Decisions

Decision Type	Minimum Community Role	When Stronger Authority Is Required	Required Legal or Administrative Record
Emergency conservation or disaster stabilization	Information and rapid consultation where feasible	Intervention affects sacred spaces, rituals, or continuing cultural practices	Technical necessity record, community contact record, and restoration plan

Routine conservation planning	Structured consultation and co-management	Management affects livelihood, access, customary practice, or community use	Consultation minutes, response matrix, and allocation of management responsibilities
Research or documentation for public purposes	Consultation and culturally appropriate participation	Material is sacred, secret, restricted, or non-public	Research scope, access conditions, repository terms, and attribution protocol
Tourism interpretation or cultural performance	Co-design and community benefit arrangements	Interpretation changes ritual meaning or generates substantial commercial revenue	Interpretive protocol, remuneration or benefit terms, and review mechanism
Commercial product development	Prior authorization proportionate to the cultural object and user	Large industry, foreign party, sacred material, or identity-sensitive use	Consent or permit, attribution terms, benefit-sharing agreement, and duration
Digital platform, AI, or mass-reproduction use	Specific consultation and use-limited authorization	Use is high-scale, synthetic, irreversible, or involves model-training reuse	Dataset description, downstream-use restrictions, attribution terms, benefit provisions, and takedown mechanism

The community-rights framework must also address the problem of representation because cultural communities are rarely internally homogeneous legal actors (Zhang et al., 2024). Customary leaders, performers, artisans, women, youth, landholders, religious custodians, and local tourism operators may possess different forms of cultural authority over the same heritage element (Hermawati et al., 2024). Government recognition of an origin community under the communal-intellectual-property framework therefore does not by itself resolve the separate question of who may legitimately communicate community consent in a particular transaction (Agustianto et al., 2024). The risk becomes greater where a cultural expression is shared by several villages, ethnic groups, or customary communities whose claims to origin and custodianship overlap (Kusmaningtyas et al., 2023). Digital-participation research also shows that younger community members require deliberate institutional inclusion because heritage authority inherited through conventional structures does not automatically guarantee meaningful youth participation (Zhang et al., 2024). Legally valid community authorization should consequently be supported by transparent representation procedures that identify the relevant community, the authorized representatives, the scope of their mandate, and the manner in which internal disagreement is recorded (Kasih et al., 2024).

A proportional model of community authority offers the strongest reconciliation between public preservation duties and collective cultural rights because it avoids both unrestricted governmental discretion and an inflexible community veto (Safitri, 2022). Emergency stabilization of a damaged monument may justify rapid public action, while commercialization of sacred traditional knowledge requires a substantially higher authorization threshold because the cultural and economic risks are fundamentally different (Hachmeyer, 2024). Routine conservation may therefore rely on consultation or co-management, whereas identity-sensitive commercial utilization should require documented consent, attribution, benefit sharing, and reviewable conditions (Widiarsa & Mayasari, 2024). Table 4 operationalizes this distinction by linking the intensity of community authority to the cultural sensitivity, economic scale, irreversibility, and social consequences of the proposed activity (Samsithawrati et al., 2024). Such an approach is compatible with the 2003 UNESCO Convention because intangible cultural heritage depends upon communities that recognize, recreate, transmit, and sustain cultural practices across generations (UNESCO, 2003). Indonesian cultural heritage governance should consequently interpret community participation as a graduated legal authority whose strength increases as the proposed use becomes more culturally sensitive, commercially extractive, or difficult to reverse (Shakya & Vagnarelli, 2024).

Preservation, Commercialization, and Benefit Sharing

Indonesian cultural heritage law does not construct commercialization as inherently incompatible with preservation because Law No. 5 of 2017 expressly places utilization alongside protection, development, and guidance within the architecture of cultural advancement (Republic of Indonesia, 2017). Article 32 of Law No. 5 of 2017 permits the utilization of objects of cultural advancement to strengthen ideology, politics, economy, society, culture, defense, and security while maintaining cultural values as the normative basis of such use (Republic of Indonesia, 2017). Article 37 paragraph (1) nevertheless subjects commercial utilization by large industries and foreign parties to ministerial authorization, indicating that economic scale and the identity of the user alter the applicable legal threshold (Republic of Indonesia, 2017). Article 37 paragraph (2) requires prior informed approval, benefit sharing, and attribution of origin as cumulative safeguards for the relevant commercial utilization (Republic of Indonesia, 2017). These statutory conditions demonstrate that lawful commercialization depends not merely on obtaining access to cultural material but also on respecting cultural provenance and distributing economic value beyond the commercial user (Widiarsa & Mayasari, 2024). The resulting legal structure rejects both absolute commercialization and absolute preservation by requiring productive use to remain compatible with cultural continuity and community welfare (Shakya & Vagnarelli, 2024).

Government Regulation No. 56 of 2022 reinforces this conditional model by regulating utilization of communal intellectual property through requirements concerning origin, cultural values, identity, and the position of the origin community (Republic of Indonesia, 2022b). The regulation is particularly significant for traditional cultural expressions and traditional knowledge because commercial exploitation may affect not only economic interests but also secrecy, sacredness, collective reputation, and cultural meaning (Agustianto et al., 2024). Uses involving sacred or secret communal intellectual property require a higher degree of community control because disclosure itself may constitute irreversible cultural harm even where no physical heritage object is damaged (Hariansah, 2024). Attribution also performs a substantive protective function because identification of the origin community reduces the risk that commercial products will detach traditional expressions from their social and historical provenance (Syahnakri & Kurniawan, 2023). Benefit sharing adds a distributive layer by requiring the economic consequences of commercialization to be assessed in relation to communities that preserve and transmit the cultural resource rather than exclusively in relation to the legal user (Kasih et al., 2024). The coexistence of the Cultural Advancement Law and the communal-intellectual-property regime therefore produces an emerging access-and-benefit framework, although the triggering conditions remain fragmented across different legal classifications (Dharmawan et al., 2023).

Table 5. Commercial-Use Controls under Indonesian Cultural Heritage and Communal-IP Law

Use Scenario	Primary Legal Concern	Authorization and Benefit Requirement	Preservation and Integrity Control
Local community cultural enterprise	Community autonomy and continuity	Community-led authorization; sectoral permits may still apply; benefits generally remain within the community	Must respect conservation obligations and living cultural values
Domestic small-scale third-party use	Misrepresentation and cultural integrity	Authorization depends on the legal category; sacred or secret KIK requires permission; attribution remains relevant	No damage to protected objects and no distortion of cultural meaning
Large domestic industry	Commercial extraction at scale	Ministerial permit, prior informed approval, benefit sharing, and attribution under Law No. 5/2017	Cultural values and ecosystem continuity must be maintained

Foreign commercial user	Cross-border appropriation and enforcement	Ministerial authorization and applicable KIK permission, accompanied by attribution and benefit-sharing obligations	Documentation and enforceable contractual safeguards become particularly important
Sacred or secret KIK	Disclosure and violation of customary norms	Origin-community permission is required and use may be restricted or prohibited	Highest sensitivity; confidentiality and cultural protocol govern use
Digital platform distribution	Scale, permanence, context loss, and secondary reuse	Authorization depends on legal classification and sensitivity; downstream attribution and benefit terms should be specified	Metadata, access control, integrity safeguards, and takedown mechanisms
AI or synthetic reuse	Non-transparent ingestion and derivative cultural outputs	Existing attribution and benefit norms provide partial guidance but no comprehensive operational rule	Dataset provenance, exclusion mechanisms, output control, and cultural review are required

Commercialization must be assessed through the legal concept of cultural integrity because formally lawful economic use may still weaken the authenticity that gives heritage its social and normative value (Cao et al., 2025). Research involving 618 visitors to Langzhong Ancient City found that commercialization could positively influence several dimensions of perceived authenticity and tourist satisfaction under particular conditions (Zhang et al., 2021). This finding indicates that commercial activity cannot automatically be classified as contrary to preservation when cultural meaning and visitor perceptions of authenticity remain protected (Zhang et al., 2021). A later multi-study analysis found that high levels of commercialization could reduce satisfaction and loyalty through declining object-based and existential authenticity (Cao et al., 2025). Evidence from Phuket Old Town similarly shows that commercialization may support the economic viability of a heritage district while excessive commodification can erode the authenticity on which cultural distinctiveness depends (Shi & Fuchs, 2026). The legal implication is that statutory obligations to preserve cultural values should operate as substantive limits on the intensity and form of commercialization rather than as symbolic policy statements without regulatory consequences (Dai & Zhang, 2024).

The economic significance of authenticity further demonstrates that preservation standards should not be treated as barriers to productive cultural utilization (Zhu et al., 2025). A study involving 360 heritage tourists found that perceived authenticity significantly strengthened entertainment, aesthetic, educational, and escapist experiences and contributed to visitor satisfaction (Zhu et al., 2025). Research involving 646 visitors to the Emperor Qinshihuang Mausoleum Site Museum likewise identified authenticity and destination image as important pathways influencing heritage consumption and visitor behavior (Chi et al., 2024). Intangible-cultural-heritage labeling has also been shown to affect destination image and visit intention, indicating that recognized cultural identity possesses measurable economic relevance (Qiu & Zuo, 2023). Perceived cultural authenticity can additionally strengthen destination attachment and support for heritage tourism development when local communities regard cultural sustainability as credible (Uslu et al., 2023). These findings support a teleological interpretation in which legal protection of cultural integrity serves both preservation objectives and the long-term economic sustainability of heritage-based activities (Yang et al., 2023).

The distributive dimension of commercialization requires separate legal attention because culturally respectful utilization may still produce inequitable outcomes when economic benefits are concentrated outside the heritage community (Fitriaty et al., 2025). Monetary benefit sharing may take the form of royalties, licensing fees, revenue shares, direct remuneration, or community preservation funds when commercial value is generated from protected cultural resources (Widiarsa & Mayasari, 2024). Non-monetary benefits may include training, conservation infrastructure, equipment, market access, documentation assistance, scholarships, technological support, or the return of research outputs to communities (Shakya & Vagnarelli, 2024). Government Regulation No. 56 of 2022 provides a

normative basis for connecting the utilization of communal intellectual property with the interests of origin communities and the conditions attached to economic use (Republic of Indonesia, 2022b). Evidence from Bali indicates that protection of communal intellectual property becomes more effective when government, communities, academic institutions, businesses, and other actors participate in collaborative governance (Kasih et al., 2024). A legally effective benefit-sharing arrangement should therefore identify beneficiaries, forms of benefit, distribution procedures, duration, reporting obligations, and preservation contributions before commercialization begins rather than attempting to reconstruct fairness after a dispute occurs (Mulhimmah & Olagunju, 2022).

The doctrinal balance between preservation and commercialization can be formulated through a legality test consisting of authorization, cultural integrity, attribution, equitable benefit sharing, and continuing accountability (Dwisvimiar et al., 2023). Authorization determines whether the competent public institution or relevant community has lawfully permitted the proposed use within the applicable statutory framework (Karlina, 2023). Cultural integrity requires commercial utilization to preserve the meaning, identity, and social context of the cultural expression rather than merely avoid physical damage to heritage property (Kusmaningtyas et al., 2023). Attribution protects provenance by ensuring that traditional expressions are not marketed as culturally detached commodities or falsely associated with another community of origin (Syahnakri & Kurniawan, 2023). Continuing accountability becomes particularly important in digital and artificial-intelligence environments because an initially authorized reproduction may later generate extensive downstream copying, transformation, or synthetic reuse beyond the scope of the original permission (Dharmawan et al., 2023). Indonesian cultural heritage law should therefore recognize commercialization as legitimate only when economic use remains traceable to lawful authorization, preserves cultural meaning, identifies origin, distributes appropriate benefits, and remains subject to review when the character or scale of utilization changes (Samsithawrati et al., 2024).

Regulatory Gaps and a Community-Centered Governance Model

The principal regulatory weakness in Indonesian cultural heritage protection lies not in the absence of legal instruments but in the lack of a clear coordination rule for situations in which several statutory regimes apply to the same cultural element (Safitri, 2022). Law No. 11 of 2010 governs physical cultural heritage through preservation and administrative control, whereas Law No. 5 of 2017 regulates living cultural objects through protection, development, utilization, and guidance (Republic of Indonesia, 2017). Article 38 of Law No. 28 of 2014 adds state-held copyright over traditional cultural expressions while requiring their utilization to respect the living values of supporting communities (Republic of Indonesia, 2014). Government Regulation No. 56 of 2022 introduces another layer by recognizing origin communities and regulating traditional cultural expressions, traditional knowledge, and other forms of communal intellectual property (Republic of Indonesia, 2022b). These overlapping regimes create legal uncertainty when a cultural object simultaneously constitutes protected heritage, an object of cultural advancement, a traditional cultural expression, and communal intellectual property (Agustianto et al., 2024). A systematic interpretation therefore requires cumulative application of relevant safeguards rather than allowing administrative actors or commercial users to select the least demanding regulatory regime (Samsithawrati et al., 2024).

A further legal gap arises from the unequal thresholds for community authorization across the existing statutory framework (Dwisvimiar et al., 2023). Article 37 of Law No. 5 of 2017 expressly requires prior informed approval, benefit sharing, and attribution for commercial utilization by large industries and foreign parties, but comparable requirements are not formulated uniformly for every domestic commercial user (Republic of Indonesia, 2017). Government Regulation No. 56 of 2022 provides stronger community control over sacred, secret, or culturally restricted communal intellectual property, yet ordinary traditional cultural expressions may fall within less explicit authorization procedures (Republic of Indonesia, 2022b). The consequence is that commercial scale, technological reach, or cultural risk may become substantial without necessarily triggering the strongest statutory consent mechanism (Dharmawan et al., 2023). This gap is increasingly significant where digital platforms monetize cultural material through distribution, advertising, subscriptions, or derivative content without manufacturing a conventional cultural product (Buragohain et al., 2024). A risk-based authorization model is therefore more coherent than a framework in which the degree of community

protection depends primarily on the formal identity of the user or the legal label attached to the cultural object (Widiarsa & Mayasari, 2024).

Table 6. Principal Regulatory Gaps and Their Consequences

Regulatory Gap	Current Legal Position and Practical Consequence	Required Legal Coordination
Overlapping heritage categories	Different statutes govern physical heritage, living culture, traditional cultural expressions, and communal intellectual property, allowing cumulative duties to be overlooked	Mandatory multi-regime classification before authorization or utilization
Uneven consent thresholds	Strong consent rules apply mainly to specified commercial actors or sensitive communal intellectual property, leaving intermediate uses less clearly regulated	Risk-based authorization according to sensitivity, scale, irreversibility, and commercial impact
Community representation	Origin communities are recognized, but procedures for determining legitimate representatives remain inconsistent	Documented community protocols and transparent representative authority
Fragmented benefit sharing	Benefit-sharing duties are explicit in some regimes but indirect or absent in others	Standard monetary and non-monetary benefit-sharing clauses across relevant regimes
State-held TCE copyright	The state formally holds copyright while community values must be respected, producing uncertainty over licensing and enforcement priorities	Interpretation of state authority as safeguarding rather than displacement of community interests
Digital and AI reuse	General heritage and IP principles apply, but no unified heritage-data rule regulates model training or large-scale synthetic reuse	Provenance rules, dataset authorization, downstream-use restrictions, benefit sharing, and takedown mechanisms
Institutional fragmentation	Heritage, cultural, IP, tourism, and local authorities possess partial mandates over the same cultural resource	Inter-agency referral and shared decision records for high-risk cultural uses

The relationship between state authority and origin-community authority constitutes another unresolved doctrinal problem because Article 38 paragraph (1) of the Copyright Law formally places copyright over traditional cultural expressions in the state (Republic of Indonesia, 2014). State holding was designed to prevent collectively created cultural expressions from remaining legally unprotected merely because they lack an identifiable individual author (Kurniawan, 2023). The difficulty arises when formal state ownership is interpreted as substantive control that displaces rather than safeguards the authority of the communities that maintain and transmit the protected expression (Safitri, 2022). Government Regulation No. 56 of 2022 partly corrects this problem by expressly recognizing the origin community and by attaching legal significance to cultural values, sensitivity, and community permission in particular forms of utilization (Republic of Indonesia, 2022b). Indonesian scholarship nevertheless continues to identify the need for stronger community-centered or sui generis mechanisms because conventional individualistic intellectual-property concepts remain poorly suited to intergenerational and collectively generated cultural expressions (Agustianto et al., 2024). The preferable doctrinal construction is therefore to interpret state-held copyright as a safeguarding mandate that must be exercised consistently with the cultural authority and legally protected interests of the relevant community (Kusmaningtyas et al., 2023).

Institutional fragmentation further complicates enforcement because cultural heritage governance is distributed among heritage authorities, cultural institutions, intellectual-property bodies, tourism authorities, local governments, and other public actors (Safitri et al., 2026). Sectoral compliance does not necessarily produce substantive fairness where each institution examines only the portion of a transaction that falls within its own administrative mandate (Kasih et al., 2024). A tourism authority

may approve commercial activity while a heritage authority focuses on physical conservation and an intellectual-property institution addresses only recording or origin identification (Widiarsa & Mayasari, 2024). Digitalization intensifies this institutional fragmentation because high-resolution photographs, recordings, three-dimensional models, archives, and cultural datasets can circulate beyond the territorial and administrative setting in which their creation was initially authorized (Buragohain et al., 2024). Artificial-intelligence systems create an additional difficulty because cultural material can be incorporated into training datasets and transformed into synthetic outputs without following the conventional licensing pathway anticipated by heritage legislation (Dharmawan et al., 2023). A cross-regime coordination mechanism is therefore required so that high-risk cultural uses are assessed simultaneously for preservation, cultural integrity, community authority, intellectual-property implications, and economic benefit distribution (Samsithawrati et al., 2024).

Table 7. Community-Centered Legal Governance Model for Cultural Heritage Use

Stage	Legal Question and Decision Rule	Minimum Documentation
Classification	Identify the cultural object and apply cumulative protection where tangible, living, IP, and communal interests overlap	Heritage classification sheet and legal-basis map
Community identification	Identify the community that maintains, transmits, or culturally governs the heritage and verify legitimate representatives	Community identification and representative record
Sensitivity assessment	Determine whether the material is sacred, secret, fragile, identity-sensitive, or culturally restricted, with higher sensitivity requiring stronger controls	Cultural-sensitivity assessment
Use and user assessment	Evaluate purpose, scale, territory, medium, duration, commercial character, foreign involvement, and digital irreversibility	Use statement and risk assessment
Authorization	Apply the strongest relevant requirement among information, consultation, co-management, consent, and statutory permit	Consent or consultation record and permit or license
Value distribution	Specify monetary or non-monetary benefits that return to the community and preservation system	Benefit-sharing schedule and preservation contribution
Integrity and attribution	Protect origin, cultural context, meaning, and restrictions through attribution and integrity requirements	Attribution, metadata, and cultural-use protocol
Monitoring and remedy	Establish procedures for audit, complaint, review, suspension, correction, and takedown	Monitoring report, complaint channel, and enforcement clause

The governance model in Table 7 converts fragmented statutory principles into an integrated sequence of legal decisions without requiring the immediate creation of a new omnibus cultural-heritage statute (Safitri, 2022). Classification must occur first because the applicable legal obligations depend on whether the cultural resource is simultaneously tangible heritage, living culture, traditional cultural expression, or communal knowledge (Dwisvimiar et al., 2023). Community identification must follow because authorization cannot be legally meaningful where the relevant origin community or culturally legitimate representative has not been determined (Kasih et al., 2024). Sensitivity and use assessments then establish whether ordinary consultation is sufficient or whether consent, licensing restrictions, benefit-sharing obligations, or access prohibitions are necessary (Samsithawrati et al., 2024).

Documentation is essential because community approval, attribution obligations, benefit-sharing arrangements, and restrictions on downstream digital use become difficult to enforce when they exist only as informal understandings (Zhang et al., 2024). This staged framework therefore operationalizes principles already contained in Indonesian law while supplying the coordination mechanism that fragmented sectoral regulation currently lacks (Agustianto et al., 2024).

The resulting legal model also clarifies that commercialization should not be presumed unlawful merely because cultural heritage generates economic value (Shakya & Vagnarelli, 2024). Commercial utilization remains normatively acceptable when it follows lawful authorization, preserves cultural integrity, attributes origin, distributes appropriate benefits, and remains subject to continuing review (Fitriaty et al., 2025). A higher authorization threshold becomes necessary when the proposed use involves sacred material, foreign commercial actors, large-scale extraction, irreversible digital dissemination, or artificial-intelligence reuse because those conditions create greater risks to cultural control (Dharmawan et al., 2023). This proportional approach is more consistent with community-centered preservation than an absolute prohibition because it allows communities to derive economic and developmental benefits without surrendering authority over the cultural meanings they sustain (Hermawati et al., 2024). It also provides a doctrinal bridge between preservation law, cultural advancement law, communal intellectual-property protection, and contemporary digital governance by treating cultural risk rather than formal regulatory classification as the central determinant of legal safeguards (Buragohain et al., 2024). The principal contribution is therefore a coordinated legal framework in which state preservation duties and community cultural rights operate cumulatively, enabling cultural heritage to remain protected, socially meaningful, and economically usable without reducing communities to passive objects of administration (Yi et al., 2024).

CONCLUSION

Indonesia has a substantial legal foundation for cultural heritage protection, although its normative structure remains distributed across several regimes with different protected objects, institutional mandates, and conceptions of community authority. Law No. 11 of 2010 and Government Regulation No. 1 of 2022 establish a comprehensive administrative framework for the registration, preservation, development, and controlled utilization of tangible cultural heritage. Law No. 5 of 2017 extends protection to living cultural objects by integrating protection, development, utilization, and guidance within a broader cultural-advancement framework. Article 37 of that law provides particularly significant safeguards for specified commercial utilization through prior informed approval, benefit sharing, and attribution of cultural origin. Article 38 of Law No. 28 of 2014 complements this framework by protecting traditional cultural expressions while requiring their utilization to respect the living values of supporting communities. Government Regulation No. 56 of 2022 further strengthens community-oriented protection through origin-community recognition, cultural-integrity requirements, authorization for sensitive communal intellectual property, and benefit considerations in commercial use. These overlapping instruments demonstrate that Indonesian law does not prohibit commercialization of cultural heritage but conditions legitimate utilization on preservation, cultural integrity, community interests, and equitable distribution of value.

The principal legal weakness lies in regulatory coordination when the same cultural element simultaneously falls within heritage, cultural-advancement, copyright, and communal intellectual-property regimes. Community authority remains uneven because consent requirements, benefit-sharing obligations, attribution standards, and enforcement mechanisms vary according to the legal classification of the cultural object and the identity of the user. Digital platforms, large-scale reproduction, artificial-intelligence training, and synthetic reuse further expose regulatory gaps because these activities do not fit neatly within conventional licensing and utilization structures. A community-centered governance model can address these weaknesses through cumulative legal classification, transparent identification of legitimate community representatives, proportional authorization standards, cultural-sensitivity assessment, and documented inter-agency coordination. High-risk uses should additionally incorporate prior attribution, negotiated monetary or non-monetary benefit sharing, cultural-integrity safeguards, digital provenance requirements, downstream-use restrictions, and reviewable remedial mechanisms. Such a framework would preserve the existing statutory architecture while providing a common decision structure capable of reconciling state preservation duties, commercial interests, technological development, and community cultural authority. This approach

enables cultural heritage to generate social and economic value without reducing the communities that create, maintain, and transmit it to passive sources of cultural content.

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