

ABSTRACT

Indonesia is a country that has more than 400 underwater archaeological sites, as like those found in Tulamben Bali, Karimun Jawa, and Pongok Island. However, Indonesia does not have national legislation that specifically regulates the protection of underwater cultural heritage. Indonesia only refers to two articles of UNCLOS and the Law Number 11 Year 2010 Concerning Cultural Heritage in the set implicitly mention the protection of underwater cultural heritage, while the treatment of underwater cultural heritage and land cultural heritage is different. Indonesia has not ratified the UNESCO Convention which specifically regulates the protection of underwater cultural heritage even though Indonesia is a member of UNESCO.

The purpose of this paper is to analyze the international legal arrangements for the underwater cultural heritage, Indonesian efforts and measure to protect underwater cultural heritage, and the importance of UNESCO Convention ratification by Indonesia. This research was conducted through two approaches namely statute approach and the conceptual approach.

The results of this study suggested that the rules and principles for the protection of underwater cultural heritage in the perspective of international law generally regulated in UNCLOS, Article 149 and Article 303 and specifically regulated in the UNESCO Convention which prioritizes no commercial exploitation. Indonesian effort to protect underwater cultural heritage is still governed in general along with the land of cultural heritage in Act Number 11 of 2010 Concerning Cultural Heritage. Perspective of Indonesia over underwater ancient objects finding as a valuable treasure trove than as a reserve. The government needs to review the legislation related underwater cultural heritage because of inconsistencies and considering the ratification of the UNESCO Convention. Indonesia may not to ratify the Convention, as long underline the principles of the Convention and implemented in national law. Thus Indonesia will not bound by the obligations generated by the Convention.

Keywords: Underwater Cultural Heritage , Protection , UNESCO Convention Ratification