



Laporan Riset

## Banjar Laba Nangga, Identifying Stakeholders for Cultural Heritage Management at a Prehistoric Site in North Bali

Rodney Westerlaken\*

Stenden University, Netherlands

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### Abstract

Cultural Heritage Management (CHM) defines how stakeholders should deal with their inheritance, whether coming directly from their bloodline, or give by ancestors 2000 years ago. To be able to understand the implications of cultural heritage management one must identify the different stakeholders.

In this article a description is given of this process of identifying and all the issues that may rise while identifying stakeholders. Values, beliefs and traditions of different stakeholders and subsequently with different interests get mixed with emotions. This subsequently leads to a loss of scientific research and a just interpretation of what has been found, as in the described case study of *Banjar Laba Nangga*.

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### 1. Introduction

Excavations find place all over Indonesia on a regular basis as Indonesia's soil is still thought to be full with (pre)historic artefacts. Fortunately, cultural resource management is gaining importance in Indonesia. For instance, in 1996 a convention was held in Yogyakarta focusing on tourism and heritage management [1].

Also, in the book *Archaeology: Indonesian perspective* as many as four different scholars (Edy Sedyawati, Jesus T. Peralta, Bambang Sulistyanto and Novida Abbas) wrote articles about cultural resource management [2].

Several scholars specialized in Bali's prehistoric artefacts, as I Wayan Ardika, Hauser Schäublin and Soejono, wrote extensively about their archaeological excavations in Bali.

Nonetheless, none of these experts considered the implications of their discoveries for the community. What is the perception of the indigenous communities? How do they experience the impact of the discoveries? How has the Indonesian law on cultural heritage been implemented?

In this article I wish to propose answers to these questions. I focus on an excavation in *Banjar Laba Nangga*, where four sarcophagi and a number of interesting grave goods were found.

I will discuss the values and stakeholders, the implications of the Indonesian law on cultural heritage, and the perception of the indigenous communities.

Finally, I will suggest an archaeological approach that will, in my opinion, work best for all stakeholders. This archaeological approach, that of indigenous archaeology, starts from the assumption that the recent findings, and also the artefacts that might be still waiting to be discovered, will be maintained and taken care of to the satisfaction of most stakeholders.

### 2. Excavation Site

In 2009, I first visited the excavation site of four sarcophagi in *Banjar Laba Nangga*, Pangkung Paruk, Buleleng, Bali. When I visited the site, it became clear to me that the owner of the land, Wayan Sudiarjana, did not want to share his findings with a museum or research institute.

This was caused by an earlier disagreement with the local institution for the archaeology of Bali, *Balai Arkeologi* in Denpasar, after the first discovery of two sarcophagi and grave goods. This awakened my interest for the rights of the indigenous people of Bali in this matter.

When he found the first sarcophagus and realized that he had found something special, Wayan Sudiarjana notified *Balai Arkeologi*. The staff of *Balai Arkeologi* came to the site instantly, but the owner of the land did not allow the staff of *Balai Arkeologi* to take any artefacts. I received access to the

\* Corresponding author: Rodney Westerlaken. Stenden University, Netherlands email: info@rodneywesterlaken.nl

site because I knew people from the neighboring village, people who Wayan Sudiarjana trusted.

Therefore, I got full cooperation of Wayan Sudiarjana to do research on the actual site. This site became the case study for this MA thesis, on which this article is based. The site is considered prehistoric, because sarcophagi were found there, remnants that are considered typical for prehistoric times.

Many authors who have written about prehistorical Indonesia, have documented and analysed various prehistoric artefacts [3,4,5,6,7,8] but none of them has discussed any legal aspects or archaeological methods related to these prehistoric finds.

Abbas, an Indonesian archaeologist, states that stakeholders can be divided into three main groups, namely private sectors, community and government [2]. In the case of *Banjar Laba Nangga* the private sector plays a minor role, which makes the community and the government the major stakeholders.

Important stakeholders in the community are Wayan Sudiarjana and Wayan Sineare, inhabitants of *Banjar Laba Nangga*, who both found archaeological artefacts on their land. Other important community based stakeholders are the inhabitants of *Banjar Laba Nangga* and Balinese people from Chinese descent who consider the artefacts to be objects of worship.

Besides the Republic of Indonesia and the Ministry of Culture and Tourism, as parties responsible for the law on cultural heritage, there are two other stakeholders that need further introduction, namely *Balai Arkeologi* and *Pusat Penelitian dan Pengembangan Arkeologi Nasional*. *Pusat Penelitian dan Pengembangan Arkeologi Nasional*, abbreviated to *PusLit ArkeNas* is the implementer of the Indonesian law on cultural heritage.

Its headquarters are in Jakarta. *Balai Arkeologi* is a branch office of *Pusat Penelitian dan Pengembangan Arkeologi Nasional*. One of its branch offices is located in Denpasar. This office is responsible for all matters related to archaeology in the provinces of Bali, Nusa Tenggara Barat and Nusa Tenggara Timur.

It is the responsibility of *Balai Arkeologi* to explore, assess, and present the cultural treasures of the past for the benefit of the society. *Balai Arkeologi* states that empowerment of material culture is not just for the sake of pure science in the formal institutions of archaeology, but it is expected to contribute to community life.

### 3. Discoveries in *Banjar Laba Nangga*

#### 3.1. *Banjar Laba Nangga*, the first discovery

*Banjar Laba Nangga* is one of the five districts of Pangkung Paruk. It has 334-kepala keluarga and 1.110

registered inhabitants. Pangkung Paruk has 1.927-kepala keluarga and 6.454 registered inhabitants. Pangkung Paruk is located on plain land about two kilometers from the seaside. The land is fertile and it has volcanic soil, which is very suitable for agriculture [9].

Since the people can only get water throughout the rainy season, dry field agriculture is the only kind of agriculture possible [9]. The fertility of the land and its strategic location near the shore could explain why this place was inhabited already a long time ago. Archaeological artefacts found in the area prove this.

According to *Balai Arkeologi*, it is very likely that there are more archaeological artefacts to be found in the surroundings of this site. Wayan Sudiarjana discovered two sarcophagi while he was digging for a septic tank on April 5, 2009.

His wife had seen in her dreams a man, dressed in an old-fashioned way, pointing with a *keris* at a certain spot on their property. Wayan Sudiarjana decided thereupon, caused by curiosity upon hearing of the dreaming of his wife, to dig a hole for his septic tank on that spot. Then his spade stuck something hard.

When he realized what he had found, he notified the local Balinese institution for archaeology, *Balai Arkeologi* in Denpasar, who came to the site instantly. The research team of *Balai Arkeologi* consisted of the head of *Balai Arkeologi* Drs. I Wayan Suantika, Drs. I Dewa Kompiang Gede, Drs. Citha Yuliati, Ketut Puja, Nyoman Suwena and two members of staff of *Balai Arkeologi* [9].

The excavation started with a process to secure the archaeological site by digging a wider trench than the one that was made by Wayan Sudiarjana. The trench was dug in a north-south orientation with a size of 180 x 200 cm. At first, a burial without sarcophagus was investigated.

This burial was found northwest from the first sarcophagus discovered by Wayan Sudiarjana. The grave contained human remains, a pot, some pottery fragments, and an incense pot [9].

Wayan Sudiarjana had taken the bones from the grave, so it was not excavated professionally. The staff of *Balai Arkeologi* investigated the bones after their arrival on the excavation site. Consequently, the gender of the human remains could not be identified [9].

After the excavation of the grave, one sarcophagus was made free of soil, investigated and lifted from the trench.

According to I Dewa Kompiang Gede [9] it contained various beads and one bronze mirror.



Figure 1. One of the findings in the second (illegal) 'excavation'; one of the four ear ornaments, possibly of Indian origin (Photo Rodney Westerlaken January 13, 2010)



Figure 2. Lifting of the sarcophagus out of the trench (Photo: Balai Arkeologi April 6, 2009)



Figure 3. Mirror suggested to be from the Xin dynasty (Photo Rodney Westerlaken January 13, 2010)

Next step was the excavation of a second sarcophagus for which purpose the trench needed to be enlarged. This trench was now 190 x 240 cm and 105 cm deep when the cover of the sarcophagus was found.

To uncover the sarcophagus, the trench needed to be dug 216 cm deep. It was located 90 cm from the sarcophagus that already had been excavated. This sarcophagus contained a human body with the legs bent like a baby in the womb with the head towards the hillside (Southeast) and the feet towards the sea (Northwest).

It contained a brass body with cones meant as headwear, one miniature *nekara* and various beads. Fragments of pottery were found in the direct surrounding of the sarcophagus [9].

Forty centimeters south of the second sarcophagus, another burial was found. The skeleton was found in the same position as the skeleton inside the sarcophagus: the head towards the hillside, the feet towards the seaside, with the legs bent, and the hands folded on the chest [9]. The grave contained a bronze spiral and various beads [9].

Research of the forehead and the hip lead to the conclusion that these remain belonged to a woman [9]. I Dewa Kompiang Gede states that she must have been of a high status in her society, as it was very difficult to find materials to make bronze in those times [9].

In between the second sarcophagus and the burial a pestle and mortar were found [9]. The sarcophagi's model is simple. I Dewa Kompiang Gede describe them as 'when face up like a boat or facedown like a turtle'. The sarcophagi do not have any inscription. There is one bulge on the front side and two bulges on the narrower backside.

The bulges have round shapes [9]. In his report I Dewa Kompiang Gede informs us that the research ended on April 5, 2010, because *terbatasnya waktu*, restricted time [9]. Therefore, *Balai Arkeologi* asked permission from Wayan Sudiarjana, the owner of the land, to take the artefacts to the office in Denpasar for further investigation.

Wayan Sudiarjana did not permit this, due to the fact that his wife had dreamed about those findings before the excavation, which made him believe that it was his ancestors who were buried there. For that reason, Wayan Sudiarjana did not want the findings to be removed from his property.

### 3.2. Banjar Laba Nangga, The Second Discovery

A few weeks after the excavation by *Balai Arkeologi*, the wife of Wayan Sudiarjana started dreaming again of a man who was pointing at a certain spot on their land with a *keris*. Wayan Sudiarjana started digging on that spot and found a third and a fourth sarcophagus. Due to the earlier disagreement with *Balai Arkeologi*, he chooses not to report his findings. No listings are made of this second (illegal) 'excavation'. Based upon the notes of I Dewa Kompiang Gede [9] and the findings that are still on the site now, I compiled a list of findings from the third and fourth sarcophagus. Unfortunately, for obvious reasons, I could not differentiate between findings of the third and the fourth sarcophagus.

The third and the fourth sarcophagus have the same model as the two earlier found sarcophagi, and are found approximately five meters east from the earlier dig. Wayan Sudiarjana stated that in total six skeletons have been found, so the latter two sarcophagi did not have graves without sarcophagi in their surroundings.

The third and the fourth sarcophagus contained one bronze wrist protector, eight bronze mirror fragments (one with Chinese inscriptions, two bronze *gentar*, one fragment of a *nekara*, four bronze bracelets, one iron lance, two sets of golden ear ornaments, various beads, brass body with cone shape as headwear, one iron dagger and potsherds.

At present, Wayan Sudiarjana states that he found the second set of sarcophagi in May 2010. This cannot be true, as on my first visit on 16 august 2009 there were already four sarcophagi. In May 2010 there was an investigation led by Agustiyanto and A.A. Fadhila from *Pusat Penelitian dan Pengembangan Arkeologi Nasional* (Jakarta), the national archaeological service of which *Balai Arkeologi* is the representative in Bali.

According to Wayan Sudiarjana, *Pusat Penelitian dan Pengembangan Arkeologi Nasional* made a complete registration of all the findings and noted May 2010 as the date of finding. This is consistent with the information of A.A. Gede Oka Astawa from *Balai Arkeologi*.

### 3.3. Condition and Background

I Dewa Kompiang Gede states that the burial gifts in *Banjar Laba Nangga*, (both in the sarcophagi as in the burials without sarcophagi) are in good condition and are good examples of techniques that were already used approximately 2000 years ago.

The variety of colours shapes and materials tell us that the people that were buried in the sarcophagi must have had a high status and high social level in their society. I Dewa Kompiang Gede describes that it must have been very difficult in those times to make a sarcophagus.

Therefore, the people who were buried in the sarcophagi must have been highly respected and may have been leaders (and the families of those leaders) of a tribe [9].

The artefacts tell us that *Banjar Laba Nangga* and its surroundings must have been in contact with places outside Bali and even outside present day Indonesia. Extremely interesting in this case is that some of the grave goods in *Banjar Laba Nangga* are of Chinese origin.

The mirror, found in the first sarcophagus, is suggested to come from the Xin dynasty (King Wang Mang (8-23

AD)), which was a very short lasting dynasty between Western Han and Eastern Han (25 AD). Found ear ornaments are of possibly Indian origin. In addition, the bronze artefacts (spiral, headwear, and beads) show us that there must have been trade with places outside Bali, as there is no copper or tin found on the island of Bali [9].

I Dewa Kompiang Gede write in his report that burial gifts were only given to the dead as a safeguard for the journey of their soul to afterlife. There was a correlation between the wealth of the family and the size of the grave [9]. Until today, five sarcophagi have been found in *banjar Laba Nangga*. Four on the land of Wayan Sudiarjana and one on the land of Wayan Sineare in 1996 [9].

### 3.4. Current Situation

The management of the cultural resources in *banjar Laba Nangga* is not yet carried out well. The condition of the sarcophagi deteriorates. The colour is fading; cracks are appearing or getting bigger. People with Chinese background are praying on the site and placing candles on the sarcophagi bulges. This results in suet covering the bulges.

The artefacts and human remains are stored in a room that is especially built for the artefacts, but in this room, the artefacts are mainly placed on top of each other. The golden objects are kept separately after an earlier burglary, but can be seen upon request. One artefact, an iron lance, is kept under very harmful conditions. It stands for 1/3 (from the point) in a pot with holy water.

A.A. Gede Oka Astawa and I Dewa Kompiang Gede of *Balai Arkeologi* were not aware of this current situation, but, being both Balinese, could appreciate the actions of Wayan Sudiarjana in terms of Balinese ancestor cult.

## 4. Stakeholders and Values

More and more archaeologists are beginning to realize that a found object is not just an archaeological artefact having value for them but that the artefact also has values for other stakeholders [10].

It is even said that cultural resource management is more about managing people than about managing sites [11]. I realized that the findings in *Banjar Laba Nangga* were unlocking emotions among various stakeholders. These emotions are connected to the values this heritage has for each group of different stakeholders. In this chapter, I will explain more about those values in relation to stakeholders.

### 4.1. Stakeholders and Values in a Global Context

Zimmerman, an anthropological expert, give a clear description of what a stakeholder is: a stakeholder is a

group or individual with an interest or 'stake' in an archaeological record [10].

Zimmerman also describes the complexity of being or becoming a stakeholder. The commitment of the stakeholder to 'win' an issue over other issues is very important to be considered when an archaeologist is making an inventory of stakeholders [10, 12].

Mason [13] states that the widening of the circle of stakeholders involved in an archaeological project, improves both the process and the outcome. Therefore, the identification of stakeholders is an important task. In addition, cooperation with stakeholders can give archaeologists vital information about locations and the use of found artefacts [10, 12].

An archaeological artefact can have multiple stakeholders who are all contending for its ownership. This ownership can be merely the possession of the artefacts, control for the very nature of the past or how stories about it are told [10].

Each stakeholder has a different stake, and no case is the same. A good example is the case of the Elgin marbles, which are displayed in the British Museum and cause disturbance on high political level between the British government who sees itself as rightful owner and the government of Greece who equally sees itself as rightful owner [10].

In addition, private citizens have a stake. Found artefacts show evidence of their heritage and can be seen as proof of ancestral narratives. In several countries, like in the U.S.A. artefacts found on private land (except human remains) are considered property of the landowner. [10]. Furthermore, the private sector also has its stake.

Antiquities dealers, collectors and looters are stakeholders. Some of them even make their living directly from the acquisition and the sales of artefacts. Finally, museums and other archaeological organizations have concerns about what happens to archaeological artefacts and the interpretations of them [10].

The recognition by archaeologists of the rights of stakeholders and the complexities of the past has taken decades [10]. The pressure for the recognition of the rights of stakeholders came primarily from indigenous people and started with the demands of the return of human remains and sacred objects.

Some of the demands of 'indigenous people' or 'descendent communities' even became government regulations [10].

This recognition of the rights of indigenous people was seen as a threat by a number of scholars in the U.S.A. In the early 1980's it led so far that some archaeologists even went to court to stake their claims [10].

Initially, local state and provincial governments in the U.S.A. responded to demands of indigenous people. In 1989 the first national laws on this topic were enacted in the U.S.A.

The Native American Graves Protection and Repatriation Act (NAGPRA) required the inventory of all the human remains of native Americans, grave goods and sacred objects, notification of those remains to possible genetic or cultural descendants, and repatriation where possible for all federal agencies and any organization that received federal funds or permits [10,14,15].

The NAGPRA act empowered the community as stakeholder in archaeology. Such movements are also clearly seen in Australia and Canada [10, 14, and 15].

Nowadays cultural resource management is a developing field of studies that is finding its ways into the thinking pattern of archaeologists. More and more archaeologists become aware of the positive effects of consulting all stakeholders.

A good recent example of including stakeholders into archaeological research is the work of Professor Ian Hodder from Stanford University in Çatalhöyük, Turkey. He received an honoree doctorate from the University of Leiden for his work on February 8th, 2011.

The university praised Hodder because he closely involved the public in his excavation work. In Hodder's work both archaeologists and the local communities have the opportunity to be part of the interpretation process.

Stakeholders claim their stake because a found object or location has a certain value to them. Heritage values can be diverse. Values need to be kept in mind by archaeologists when they investigate the stakeholders at a site or for a particular object.

Values give certain objects cultural significance over others. A heritage value is a token of appreciation, interest, respect or price given by each stakeholder to a piece or site of cultural heritage.

In other words, an assigned value is the appreciation, interest, respect or price that unlocks emotions by the various stakeholders. Values attributed to cultural heritage, give these objects of cultural heritage a cultural significance that sets them apart from other objects.

As the values of indigenous people are incorporated into the structure of heritage management, a different picture of cultural resource management is established. Where the original Western mode of archaeology is predicated on ideas of the public trust, the indigenous stewardship is more often concerned with the care of living history [12].

Assigning custody of heritage based on indigenous values respects the "traditionally, or historically, legitimate cultural or spiritual responsibility for the cultural property at hand" and infuses stewardship with a duty of familial or communal care. The differences between the "public trust" school of archaeological thought, and the "cultural legacy" perspective of Indigenous thought have cognitive implications: the former isolates history, failing to link it with other people, places or times, while the latter binds the studied past with the present and future.

The distinction can be as simple a matter as considering an archaeological skeletal specimen as object or ancestor [12, 16].

To distinguish this skeletal specimen as an historical object or the heritage of ancestor values of all stakeholders need to be examined. There is no standard list including all heritage values. The Getty Conservation Institute published a research report on heritage values that can be seen as a guideline.

It states that in the field of cultural heritage conservation, values are critical to decide what to conserve. In the report, different values are mentioned, namely: artistic and aesthetic values; cultural values; economical values; historical values, personal values; social values and scientific values.

The identification and ordering of values is important for the decisions to be made about what is the best way to preserve heritage values in the physical conservation of the object or location. The typologies of different scholars and disciplines vary; no specific charts of values are present.

For example, T. Williams determined eleven typologies of values during a guest lecture at Leiden University on October 11, 2010 based on Riegl [17], English Heritage [18], Lipe [19], Frey [20], Burra charter, Mason and Avarami [13].

Heritage is valued in myriad and sometimes conflicting ways. These different means of attributing value influence negotiations among various stakeholders and thus those values are an important factor influencing discussions about decision making in the field of heritage management.

According to the Burra Charter, conservation must integrate the assessment of these values in its work and more effectively facilitate such negotiations in order for cultural heritage conservation to play a productive role in civil society.

#### 4.2. Stakeholders and Values in Indonesian Perspective

Not much is written about cultural resource management in Indonesia. Abbas [21] wrote an article named 'Partnership in cultural resource management: Empowering the stakeholders' in 2006 which gives a good survey of cultural resource management in contemporary Indonesia.

Indonesia has around 6.000 registered sites of cultural heritage. This large number suggests a relatively large potential of cultural resources. Abbas states that only 28% of these sites are managed well.

She states that if those resources were managed soundly and appropriately, they certainly would initiate benefits for the stakeholders and ultimately extend the age of the heritage itself, making sustainable use possible [21].

Abbas states that in Indonesia, there is a widespread view that government attention, control and maintenance towards cultural resources is weak.

This weak positioning causes damage to cultural heritage or even lets it vanish away [21]. In order to overcome this situation concerned parties have applauded partnership to strengthen the management of cultural sites and resources [21].

Different stakeholders with different values, or, as Abbas states, different parties with different objectives, should be involved in the management simultaneously.

It is expected that through this approach, which wishes to consult and involve stakeholders, problems and challenges facing the efforts to manage cultural sites and resources can be resolved and addressed, hence conflicts do not necessarily appear and effective management can be achieved [21].

Abbas [21] states that in Indonesia there are three major stakeholders in archaeological sites: the government, the community and private sectors. This corresponds to similar distinctions of cultural resource management in its global context. Abbas gives a model, which shows the relationship of these major stakeholders to come to a sustainable use of cultural resources [21].

Sustainable use of cultural resources is best achieved when all relevant stakeholders are actively involved.



Abbas has grouped the stakeholders under three headings. Under private sector Abbas groups culture activities developers and tourism developers.

Under community she groups public (particularly those linked or directly affected by cultural resource management related activities), NGO's, professional organizations, academia and universities and other public.

Finally, under government she groups ministries and national centers for research in archaeology [21]. To achieve sustainable use of cultural resources, involvement of these stakeholders is necessary.

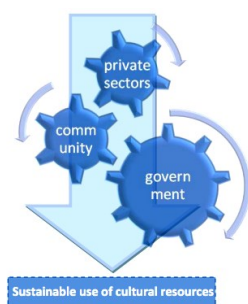


Figure 4. Partnership framework for achieving sustainable use of cultural resources through cultural resource management. Based on a figure by Abbas (Simanjuntak et al.2006: 589)

Chapter 5 of the Indonesian law on cultural heritage guarantees this by stating that management of cultural heritage objects and sites is the responsibility of the government and those communities, groups, or individuals are able to participate in the management of cultural heritage objects and sites [22].

When the main stakeholders are identified, the degree of involvement has to be defined. This is done in the Indonesian law on cultural heritage. The law states that cultural heritage can be used for religious, social, and cultural purposes and for tourism, education and science.

It is not allowed to use cultural heritage solely for personal gain and/or the gain of a group [22]. Abbas states that in any case, irrespective of purpose, the utilization of cultural resources must benefit all and ultimately lead to their sustainability [21].

Abbas states that the partnership of stakeholders refers to the concept of 'people working together to achieve goals that are meaningful to them' [21]. These partnerships are arrangements that are voluntary, mutually and beneficial. [21].

Sustainable use of cultural resources has two functions. On the one hand, to unite all stakeholders to collaborate in managing cultural resources. On the other hand, to impose a binding common platform which will enable

each stakeholder to consider other stakeholders when negotiating roles and responsibilities in partnership [21].

That cultural resource management can be very difficult in Indonesia and especially in Bali, like in the case study of this article appears from an article by Schoenfelder and Bacus [23].

They experienced that a young leader of an irrigation society told them that old bracelets were found in the forest. According to the account of the irrigation society leader those who wore these bracelets became sick if they neglected to pray, and therefore they returned the bracelets to the forest.

At least one bracelet wearer was said to have lost his or her life. The discovery of the bracelets involved trance, though it is unclear whether that was a precondition or an effect of the discovery. As these bracelets were brought back to the forest there has not been an opportunity to investigate the findings.

#### 4.3. Stakeholders in *Banjar Laba Nangga*

I divided the stakeholders for *Banjar Laba Nangga* in the earlier mentioned tripartite division: government, community and private sectors. The government is the most influential stakeholder. Bambang Sulistyanto states that the huge influence of government regulations on the management of cultural heritage makes management of the cultural heritage for other stakeholders difficult [24].

In the governmental group I include the Republic of Indonesia as legal owner and the Ministry of Culture and Tourism as promoter of the law on cultural heritage. Archaeological research centers are responsible for the implementation of the Indonesian law on cultural heritage and museums are displaying artefacts that are similar to those found in *Banjar Laba Nangga*. Archaeological research centers and museums are the implementers of the law on cultural heritage.

In the community part I include the discoverer and owner of the land on which the sarcophagi were found and the discoverer and owner of the other plot of land where another sarcophagus was found in 1996. They believe that the graves belong to their ancestors.

As Balinese usually do not move from their ancestral land also the community of *Banjar Laba Nangga* is included as an important stakeholder. The Balinese in general may see the discoveries as Balinese heritage and as a chance to get more information about ancient Bali.

Another group of stakeholders is Balinese with Chinese background. Due to a misunderstanding about the grave goods during the excavation, a Chinese community

nearby got the impression that those who were buried there were Chinese. Weekly they come to pray near the sarcophagi.

To conclude, I also include the Balinese Udayana University among this group of stakeholders. It wishes to conduct research in cooperation with *Balai Arkeologi*.

Finally, there is a small private sector consisting of tourism developers, who might be interested in the findings, as tourism in the North of Bali is developing and art dealers are willing to trade the found artefacts.

## 5. The Government as Stakeholder

Laws in Indonesia can only be established by the People's Representative Council or DPR. The President can propose a bill to the DPR. During the process of establishing a bill into a law, the DPR will create a small taskforce to discuss the bill with the corresponding ministries.

When a joined agreement has been reached, the President will endorse a bill into a law. When an agreement cannot be reached to enact a bill into law, the bill cannot be proposed again during the current term of the legislative members [25].

The Indonesian law *Undang Undang Republik Indonesia nomor 5, tahun 1992, tentang benda cagar budaya* deals with the mastery, ownership, discovery, search, protection, maintenance, management, utilization and oversight of the objects of cultural heritage in Indonesia.

The law is endorsed by the President and approved by the DPR (5). The Indonesian law on cultural heritage is based on the *Monumenten Ordonnantie*, a former Dutch colonial law. It was enacted, especially upon request of the *Oudheidkundige Dienst in Nederlandsch-Indië*, who encountered problems in their work because there was no legal protection for the execution of their duty at that time [26].

The *Monumenten Ordonnantie* was, however, not the first token of interest from the Dutch colonizers in Indonesian cultural heritage. Already in 1656, Rijcklof van Goens, who became Governor General in 1678, visited the *keraton* of Mataram and noted a treasure of gold. In the 17th century, the Dutch noted the Pejeng moon, a large kettledrum in Pejeng, near Ubud [26].

At the time of commencement of the current law on cultural heritage (*Undang Undang Republik Indonesia nomor 5 tahun 1992 tentang benda cagar budaya*) in 1992, the *monumenten ordonnantie* no. 19 Year 1931 (*Staatsblad* 75 year 1931 number 238), as amended with *monumenten ordonnantie* no. 21 of 1934 (*Staatsblad* year 1934 no. 515), were both declared invalid.

## 5.1. The Republik Indonesia and The Ministry of Culture and Tourism as Stakeholder

As the implementation of the law on cultural heritage is laid down by the Ministry of Culture and Tourism and approved by the DPR, the Ministry of Culture and Tourism is an important stakeholder.

Based on the provisions of law number 5 of 1992 on cultural heritage, objects of cultural heritage are stated to be owned by the State [22]. This makes the Republic of Indonesia also another important stakeholder.

Those two bodies, the Ministry of Culture and Tourism and the government of the Republic of Indonesia, are strongly connected to each other and speak through one voice, namely law number 5 of 1992 on cultural heritage.

The law on cultural heritage gives a precise view on how the Indonesian state and the Ministry of Culture and Tourism, as stakeholder, think cultural heritage should be treated.

At the start of the enactment of this law the Minister of Culture had this responsibility, but in an update of this law (which can be read in *Direktorat Peninggalan Purbakala* 2009: 99-111) this responsibility has been partly transferred to the Director-General of Culture.

The law on cultural heritage became effective on the date of promulgation, March 21, 1992 [22]. The purpose of the law on cultural heritage is to protect objects of cultural heritage, sites (within the borders of the Republic of Indonesia), objects that are suspected to be cultural heritage and valuable objects with an unknown owner.

With this law on cultural heritage the Indonesian government aims to regulate arrangements for the ownership, registration, transfer, protection, preservation, discovery, search, utilization, management, licensing and supervision [22].

In the law on cultural heritage, it is stated that objects of cultural heritage form the wealth of the Indonesian culture, which is important for the understanding and development of knowledge of history, science, and culture.

Therefore, cultural heritage needs to be protected and preserved for the sake of the nation and its identity [22].

The Indonesian law on cultural heritage provides us with information about the values attributed to cultural heritage through the eyes of the government as stakeholder. It considers cultural, historical and scientific values as most important values of cultural heritage.



To understand the implications of the law on cultural heritage better, the law provides some definitions that are used in the law and which are useful to reproduce here.

Objects of cultural heritage are: a man-made object, movable or immovable, in the form of an entity or a group, or the parts or the remains, which are at least 50 years old, or represent a distinctive style or at least represent a style of at least 50 years old, and is deemed to have significant value for history, science and culture; b natural objects, which have significant value for history, science and culture [22].

The site: The site is the location that contains or reportedly contains objects of cultural heritage including its environment that is necessary for the security of possible unfound cultural heritage [22].

Responsibility: The Minister of Culture and Education and the Director General of Culture decide who is entitled to bear responsibility for a particular piece of cultural heritage. The Director General holds a list with the entire cultural heritage of Indonesia.

In the law on cultural heritage, the Republic of Indonesia clearly claims its stake. It states that all objects of cultural heritage are held by the State, but that everyone can bear responsibility of a particular object of cultural heritage considering its social function.

The Director General of Culture appoints those who may bear responsibility over a particular piece of cultural heritage. Although ownership of cultural objects is a civil right, the Indonesian law states that, in the transfer of responsibility or control to another person, the former owner must keep heed to the provisions in the Indonesian law about objects of cultural heritage and other applicable laws.

If those objects of cultural heritage held by individuals are not being preserved well the State will take over the responsibility and take control over those objects.

Citizens of the Republic of Indonesia can only own objects of cultural heritage if these objects are owned or controlled by a hereditary or an inheritance.

Another possibility is that if an object of cultural heritage already exists in various examples and some of those are already owned by the State. Any person that has cultural heritage under his or her responsibility has to report this to the government [22].

If the implementation of the utilization of objects of cultural heritage are found to be not in accordance with permissions granted, contrary to safeguard objects of

cultural heritage or are used for seeking personal gain the Ministry of Culture and Tourism may stop the utilization of these objects [22].

As the government sees itself as legal owner of cultural heritage, and through this ownership claims its stake, the government also claims that every person has to report to the government if an object of cultural heritage is missing and / or damaged not later than fourteen days from the loss or damage to the Indonesian national police or the nearest agency responsible for the protection of cultural heritage.

If the item is missing for more than 6 years, it will be taken off the lists of cultural heritage [22]. As owner of cultural heritage the Republic of Indonesia provides strict rules for every person who bears responsibility for cultural heritage.

Those who bear responsibility are required to protect and safeguard the objects and preserve their historical value and authenticity. Objects of cultural heritage should be protected against damage due to natural factors and/or due to human activities, transfer of ownership and bearing of responsibility by people who are not eligible, changes in the authenticity and historical value.

When those obligations are not carried out well the government will give a warning. If within 90 days since the warning is issued, no good protection efforts are carried out by the people who are responsible for the object(s) of cultural heritage, the government can take over the obligation to protect the object(s) [22].

The government decided that public participation in the conservation or management of objects of cultural heritage is possible by individuals or legal entities, foundations, associations, clubs, or other similar bodies. They may use lectures, seminars, gathering funds, and other activities to spread information and find possibilities for protection and maintenance of objects of cultural heritage [22].

## 6. The Community as Stakeholder

Ethnological field research in *Banjar Laba Nangga* is a difficult task. The *Banjar* consists of 334-*kepala keluarga*, but illiteracy is high. After a meeting with Nyoman Windra, *kepala dusun* of *Banjar Laba Nangga*, we concluded that, due to the illiteracy in the community, a result of 100 completed questionnaires was reachable.

I was not permitted to do the interviews myself. Nyoman Windra asked me to make a questionnaire that he distributed under those *kepala keluarga* who are able to write and read. People that were not from the same region never did ethnological fieldwork in *Banjar Laba Nangga*.

Nyoman Windra assured me that if he distributed and coordinated the fieldwork the outcome would be more objective and reliable. The field research was conducted from 13 till 20 January 2011. On the question if the community is aware that they live on soil that was inhabited already 2000 years ago, 53% of the respondents answered yes, 47% answered no.

I asked the people who answered 'yes' how they knew that this place was inhabited already for such a long time. For 75% of the people that answered 'yes' the archaeological findings in the community are convincing them that this area was inhabited 2000 years ago. 15% of the respondents are convinced by the archaeological findings as well as by ancestral stories. 10% of the people are only convinced by ancestral stories.

The main argument for those who said 'no' was that they do not believe their land was inhabited 2000 years ago because their ancestors said that in earlier times the place where their community is located nowadays was forest. The archaeological discoveries in the community do not convince them that the village was inhabited 2000 years ago.

I asked the villagers whether the findings should be seen from a scientific or from what I call 'mystical' point of view. 44% of the community refers to the findings as scientific. 6% of the community sees the findings of the sarcophagi as 'mystical'. 18% of the community sees the findings both scientific and 'mystical'. 32% of the respondents did not have an opinion.

On the question whether the findings should remain in *Banjar Laba Nangga* or can be stored and displayed in an archaeological institute or museum, 85% of the respondents stated that they wanted to keep the findings in the village. 11% of the community stated that the findings were better to be kept in a museum.

The most frequently heard argument for this opinion was that the community does not know how to preserve the objects. 4% of the community prefers to leave the decision to the government. 12.5% of the 85% members of the community who stated that the findings should remain in the village came up with the idea to build a museum in the community.

It may be concluded that the community of *Banjar Laba Nangga* attributes cultural, historical, social and scientific values to this cultural heritage.

### **6.1. Udayana University and Balinese People or People of Balinese Descent as Stakeholder**

Archaeology is one of the departments in the Faculty of Letters of Udayana University, Bali. The university describes archaeology "as a science that studies the

results of human culture from the past and the modern emphasis on the relationship of all cultural objects with human behavior at all times and places.

On that basis there are a number of objectives to be achieved in archaeological studies, including reconstructing the cultural history, reconstructing the ways of human life and reconstructing the cultural processes". Eighty-four important values that Udayana University, as stakeholder, attaches to cultural heritage are historical and scientific values.

Professor I Wayan Ardika states that *Balai Arkeologi* works too individually on sites and constantly is overtaken by events caused by late reports and circumstances. Although he thinks that the Indonesian law of 1992 is implemented well in Bali, he says that the implementation can be done better.

He states that local people should get more knowledge about archaeological heritage and that excavations should be planned better.

Also it takes too long before *Balai Arkeologi* or the Archaeological museum in Bedulu conduct research. A solution for this matter will be to strive for a stronger cooperation between Udayana University, *Balai Arkeologi* in Denpasar and Museum Gedung Arca in Bedulu, cooperation between a government stakeholder and a community stakeholder.

According to I Wayan Ardika, the Udayana University welcomes such cooperation. On the one hand, knowledge from local people is important and helps the process of excavating. Locals can describe earlier findings that were not registered, can tell narratives from their ancestors.

When locals are involved in the excavation process, they can tribute to their own heritage values during the excavation process. On the other hand, local people can be a danger to cultural heritage due to a lack of knowledge how to treat objects of cultural heritage.

I Wayan Ardika states that locals should have more knowledge about their cultural heritage, especially those who are living on soil that is suspected to contain cultural heritage. A good example of this lack of knowledge by local people is the site in Keramas.

Due to a lack of knowledge of local people, two sarcophagi have been destroyed there and the site is not investigated properly. The excavation spot in Keramas is littered with prehistoric pottery, 11th-century Song Dynasty ceramic shards and later shards from the Ming Dynasty.

## 6.2. Minor Community Groups as a Stakeholder

As discoverer and owner of the excavation spot Wayan Sudiarjana bears responsibility for the found objects of cultural heritage. When the report and the investigation are finished, he may ask for permission to bear the responsibility.

In the case of the half sarcophagus found fifteen years ago responsibility has not been an issue, as the sarcophagus was found empty and it still lays on the land where it was found and nobody has problems with this.

Nobody really claimed the stake of owning the sarcophagus. Wayan Sudiarjana and Wayan Sineare both think that the graves belong to their ancestors. Ancestor cult is extremely important in Balinese culture.

The ancestors play an important role in the cosmos, together with gods and spirits. The general belief is that the living is closely tied to the deceased ancestors; they can help their descendants, or fail to help them and even hinder them if they do not honour their ancestors [27].

Boon describes ancestor cult as not just a simple ideological instrument for social integration, it can also aggravate rifts as well unify factions [28]. To give a practical example: Balinese usually do not move from their ancestral land and during a marriage the bride asks her ancestors for permission to leave her clan before joining that of her future husband [29].

Relics that are seen as holy or 'mystical' by Balinese inhabitants, like the ancestral findings of Wayan Sudiarjana, give the Balinese people *kesaktian* which according to Wiener can be translated as "efficacy or the ability to achieve goals, most usually those goals that are beyond human capacities" [30].

It can be seen as some kind of magic power or strength. Those relics form a connection between a person and the invisible world of Gods, spirits and ancestors. Each artefact can be seen as potential or actual vehicle of the Gods and their followers [31].

According to Hildred Geertz, "*kasaktian*" cannot properly be translated as 'power'. It cannot be used to take control over other people's actions. Sakti is used to ensure safety around oneself and those who are near [31].

Wayan Sudiarjana does not want the findings to be removed from his property. Important values which Wayan Sudiarjana and Wayan Sineare attach to the 'relics' on their land are cultural, historical, personal and social values.

Another group of stakeholders are Balinese people with a Chinese background. Due to a misunderstanding about the grave goods during the excavation, a Chinese community nearby got the impression that those who were buried there were Chinese. Weekly they come to the graves to pray.

## 7. Conclusion

There is no doubt that the discovery in *Banjar Laba Nangga* is of great scientific value. The grave goods are of great beauty and some of the found artefacts are not exhibited in museums in Bali or in Museum Nasional in Jakarta. *Balai Arkeologi* declares that the soil of *Banjar Laba Nangga* is still thought to bear prehistoric artefacts.

With my article, I did not intend to give an interpretation of the discoveries in *Banjar Laba Nangga* in its archaeological context. I did not search for answers who the people in the sarcophagi where or with whom they traded.

Abbas [21] said that, in Indonesia, there are three major groups of stakeholders, all with their own values. If those stakeholders, namely private sectors, community and government, are working together in a proper way, this cooperation can lead to sustainable use of cultural resources.

In the case of *Banjar Laba Nangga* the group of private stakeholders is very small. The community and government groups play the major roles in the development to a sustainable use of the cultural resources of *Banjar Laba Nangga*. The community group consists of the discoverers of the artefacts, the members of the community of *Banjar Laba Nangga* and its surroundings, Balinese in general, Balinese with a Chinese background and Universitas Udayana.

The government group consists of the Republic of Indonesia, the Indonesian ministry of culture and education, archaeological research centers and museums.

To distinguish the values of those groups I used seven value groups, namely artistic and aesthetic values, cultural values, economical values, historical values, personal values, social values and scientific values. One of the conclusions of my research is that the two major stakeholders in my case, the community and the government, have three common values: cultural, historical and scientific values. The community has one extra value: social values.

The frictions between the government and the community are caused by this social value. These frictions need to be solved before a sustainable use of cultural resources is possible. I hope that this friction is solved before new artefacts will be unearthed.

The Indonesian law on cultural heritage deals, among other things, with the sustainable use of cultural heritage. It gives

explanations on definitions as cultural heritage, site and responsibility. The law distinguishes values in history, science and culture of the Indonesian nation.

The law also gives definitions about ownership, maintenance, discovery, trading and moving of cultural heritage. I compared the definitions given in the law with the reality of my case study and came to the conclusion that the law was not carried out as it was intended.

This has led to frictions on both sides: the community and the government. The second excavation was carried out illegally because of earlier friction between the community and the government. The community did not get any guidance for protection procedures, maintenance and utilization of the artefacts by *Balai Arkeologi*.

By searching for objects of cultural heritage by way of excavation without the permission of the government and by not reporting the discovery of the second discovery, the discoverer risks a punishment of respectively five years of imprisonment and/or a fine of 50.000.000 rupiah for illegal excavating and one-year imprisonment and/or a fine of 10.000.000 rupiah for not reporting a discovery.

It is questionable how far archaeological education for the indigenous should go. On the one hand the indigenous can become 'too smart' as stated by I Wayan Ardika. On the other hand, it is questionable to what extent archaeological education should be given to the community... to get the indigenous people toe the line?

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