

Hak dan kewajiban negara dalam pengembalian benda cagar budaya tinjauan terhadap hukum internasional dan praktik Indonesia = The rights and obligations of the state in restoration of cultural heritage a review on international law and the practice of Indonesia

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Abstrak

The regulations regarding the Restoration of Cultural Heritage were established from the restriction of its removal. The main treaty providing the norm to restore the removed Cultural Heritage from the State of origin is 1970 UNESCO Convention on the Means of Prohibiting Illicit Import, Export, and Transfer of Ownership of Cultural Property. Through this convention, State, as a subject in international law, was given a set of Rights and Obligations to claim for its Restoration. Indonesia as a developing State has its own interest in the Restoration of Cultural Heritage after its independence, including from Netherlands. Through this thesis, the author analyses the practice in the case of the Restoration from Netherlands to Indonesia, Indonesian Law No. 11 of 2010 on Cultural Heritage, and the urgency of Indonesia to become a State party to 1970 UNESCO Convention on the Means of Prohibiting Illicit Import, Export, and Transfer of Ownership of Cultural Property.

<hr>Ketentuan mengenai Pengembalian Benda Cagar Budaya muncul dari ketentuan pelarangan pemindahan atasnya. Perjanjian Internasional yang terutama dalam mengatur Pengembalian Benda Cagar Budaya kepada Negara asal adalah 1970 UNESCO Convention on the Means of Prohibiting Illicit Import, Export, and Transfer of Ownership of Cultural Property. Dalam konvensi tersebut Negara sebagai subyek hukum internasional yang diberikan seperangkat Hak dan Kewajiban untuk mengajukan klaim Pengembalian. Indonesia sebagai Negara berkembang memiliki kepentingan Pengembalian Benda Cagar Budaya dari Negara-Negara maju pasca kemerdekaan, salah satunya dari Belanda. Penulisan ini melakukan analisis terhadap praktik Pengembalian yang selama ini telah dilakukan oleh Belanda ke Indonesia, UU Cagar Budaya No. 11 Tahun 2010, dan kepentingan Indonesia menjadi Negara peserta Konvensi 1970 UNESCO Convention on the Means of Prohibiting Illicit Import, Export, and Transfer of Ownership of Cultural Property.