



Cultural Heritage Zoning System of Otanaha Fort Gorontalo City: Its Implementation in Regional Regulations

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Abstract: The purpose of this study is to determine and analyze the implementation of the zoning system in the cultural heritage of Fort Otanaha in Gorontalo Province. This research uses a type of normative-empirical (applied) research, which is research that examines the implementation or implementation of positive legal provisions (legislation) and written documents in *action* (factual) on a certain legal event that occurs in society. Based on the results of the study, it was concluded that in the application of the zoning system in accordance with the mandate of applicable laws and regulations, it is necessary to have a legal umbrella, namely a derivative regulation that can become a legal umbrella and become an extension to realize the mandate stated in the Cultural Heritage Law so that the cultural heritage of Fort Otanaha can be preserved and passed down from generation to generation.

Keywords: Implementation; Zoning System; Heritage.

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1. Pendahuluan

Culture is the result of human thoughts and works in completing their daily needs. According to *Koentjaraningrat*, culture is all systems of ideas, feelings, and actions, as well as human works that are created in people's lives by studying them themselves.¹

Culture itself is regulated in Article 32 of the Constitution of the Republic of Indonesia Year 1945 Amendment IV which consists of two verses, namely:

- (1) The State promotes Indonesian national culture in the midst of world conflict by guaranteeing the freedom of the community to preserve and develop its cultural values.
- (2) The State respects and maintains regional languages as national cultural property.²

Based on the mandate of the 1945 Constitution above, the state must take an important and active role in carrying out the agenda of promoting national culture. One of the government's steps in implementing the mandate of the 1945 Constitution is by issuing a Law on Cultural Heritage, namely Law of the Republic of Indonesia No. 11 of 2010. Cultural Heritage is a tangible cultural property of the nation (*tangible*) which is widely spread in remote parts of the archipelago, both moving and immovable.³

In accordance with Article 1, Paragraph (1) of Law of the Republic of Indonesia No. 11 of 2010 concerning Cultural Heritage, that:

"Cultural heritage is material in the form of Cultural Heritage Objects, Cultural Heritage Buildings, Cultural Heritage Structures, Cultural Heritage Sites, and Cultural Heritage Areas on land and/or in water that needs to be preserved because they have important value for history, science, education, religion, and/or culture through the determination process".

Cultural heritage is not an area or area that is natural, but the result of human culture in the form of relics of the past.⁴ Cultural heritage is also an important role because it is a cultural resource that has fragile, unique, rare, limited, and non-renewable properties. Therefore, in the face of the development of human life or society, cultural heritage needs to be preserved.⁵

¹ Kuserdyana, R. "Pengertian Budaya, Lintas Budaya, dan Teori yang Melandasi Lintas Budaya." *Pemahaman Lintas Budaya SPAR4103/MODUL 1.1* (2020): 1-63.

² Simamora, Janpatar. "Tafsir Makna Negara Hukum dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945." *Jurnal Dinamika Hukum* 14.3 (2014): 547-561.

³ Hosein, Zainal Arifin. "Peran negara dalam pengembangan sistem ekonomi kerakyatan menurut UUD 1945." *Jurnal Hukum Lus Quia Iustum* 23.3 (2016): 503-528.

⁴ Harjiyatni, Francisca Romana, and Sunarya Raharja. "Perlindungan Hukum Benda Cagar Budaya Terhadap Ancaman Kerusakan di Yogyakarta." *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 24.2 (2012): 345-356.

⁵ Mulyantari, Enny. "Pengembangan Objek Wisata Budaya: Taman Prasejarah Leang-Leang, Maros, Sulawesi Selatan." *Media Wisata* 16.1 (2018).

Cultural Heritage Preservation is an effort to maintain the existence of Cultural Heritage and its value by protecting, developing and utilizing it.⁶ The understanding of preservation has now developed from before which only focused on aspects of protection, but now aspects of development and utilization are also required. This is due to the fact that aspects of preservation are interrelated and influence each other.

The form of preservation of cultural heritage is material, one of which is through legal protection in the form of a study of the material cultural heritage so that it can be designated as a Cultural Heritage.⁷ As mandated by laws and regulations regarding Cultural Heritage, namely in Article 1 Paragraph (1) which very clearly confirms that Cultural Heritage is a material cultural heritage that has been determined. In line with Asmunandar's opinion which suggests that, after being studied and determined, its status has become a Cultural Heritage so it must be preserved.⁸

The existence of legal guarantees can have implications for the preservation of the material cultural heritage so that it can be utilized and developed for the common interest (community and state). Legal protection of Cultural Heritage is urgently needed so as to reduce the threat of destruction and extinction.

Based on the main thoughts and considerations of Law of the Republic of Indonesia No. 11 of 2010 concerning Cultural Heritage, considering that cultural heritage is the cultural property of a nation as a form of human thought and behavior in the life of society, nation, and state, which has significance for the development of history, science, and culture.⁹

According to legal and academic perspectives, Cultural Heritage, which includes objects, buildings, structures, sites, and areas, has important values for history, science, education, religion, and culture in the life of society, nation, and state. Due to its fragile and perishable nature, Cultural Heritage must be managed in order to provide useful benefits to the people of Indonesia. Material Cultural Heritage contains informational and historical values, which are important for understanding the past and shaping the national identity of the future. Therefore, Cultural Heritage is an important element in the process of forming banga culture.¹⁰

⁶ Zain, Zairin. "Strategi Perlindungan Terhadap Arsitektur Tradisional Untuk Menjadi Bagian Pelestarian Cagar Budaya Dunia." *NALARs* 13.1 (2014).

⁷ Arifin, Hafidz Putra. "Politik Hukum Cagar Budaya Dalam Perlindungan Identitas Bangsa Indonesia." *Veritas et Justitia* 4.2 (2018): 470-492.

⁸ Pasaribu, Yosua Adrian. "Permasalahan Pendaftaran dan Penetapan Cagar Budaya di Tingkat Pemerintah Daerah; Kinerja Program Pendukung Pendaftaran dan Penetapan Cagar Budaya Direktorat Pelestarian Cagar Budaya dan Permuseuman Hingga September 2016." *Borobudur* 10.1 (2016): 64-69.

⁹ Mahdayeni, Mahdayeni, Muhammad Roihan Alhaddad, and Ahmad Syukri Saleh. "Manusia dan Kebudayaan (Manusia dan Sejarah Kebudayaan, Manusia dalam Keanekaragaman Budaya dan Peradaban, Manusia dan Sumber Penghidupan)." *Tadbir: Jurnal Manajemen Pendidikan Islam* 7.2 (2019): 154-165.

¹⁰ Prasetyo, Bagus. "Efektifitas Pelestarian Cagar Budaya dalam Undang-Undang Nomor 11 Tahun 2010 Tentang Cagar Budaya." *Jurnal Legislasi Indonesia* 15.1 (2018): 69-78.

Cultural Heritage in addition to being an element of cultural formation and national identity can also be used as an advantage in the tourism sector, as mandated by the 1945 NKRI Constitution that the state promotes national culture. The development of the tourism sector in a region, both on a local, regional and national scale, is related to the economic development of the region or country.¹¹

One of the cultural heritage that is an attraction in the tourism sector is the Otanaha Fort Site located in Dembe Village, Gorontalo City, Gorontalo Province, with coordinates 0°32'53.7" N, 123°00'30.3" E (Figure 1).¹² The site of Otanaha Fort consists of 3 fortress structures, namely Otanaha Fort, Otahiya Fort and Ulupahu Fort. The three fortified structures that stand firmly on the top of Dembe hill, have been preserved and managed by the Central Government and Local Government.¹³

Otanaha Fort is a Cultural Heritage that has been registered on the National Registration Portal with national registration number RNCB.20080523.04.000927 and has gone through a process of designation as a Cultural Heritage Site determined by the Mayor of Gorontalo on the recommendation of the results of the study of Cultural Heritage Experts (TACB) of Gorontalo City, and has been raised in rank by TACB Gorontalo Province with Ranking Decree Number 194/ 9/ VII/ 2020 dated July 22, 2020, then it was proposed in 2021 as a National level CB, but until now, the results have not yet come out as a National Level Cultural Heritage. Previously, in 2008, referring to Law of the Republic of Indonesia Number 5 of 1992 concerning Cultural Heritage Objects, Fort Otanaha had been designated as Cultural Heritage Objects by the Ministry of Culture and Tourism with the Decree of Determination of Permenbudpar No: PM.30 / PW.007 / MKP.2008. Therefore, Fort Otanaha needs to be protected.

Picture.1 Top view of Otanaha Fort Area



(Source: BPCB Gorontalo Documentation, Year 2021)

¹¹ Hapsari, Pradnya Paramita, Abdul Hakim, and Irwan Noor. "Pengaruh pertumbuhan usaha kecil menengah (UKM) terhadap pertumbuhan ekonomi daerah (studi di pemerintah kota batu)." *Wacana Journal of Social and Humanity Studies* 17.2 (2014): 88-96.

¹² Butulipu, Dwi Randayani, Ivan Taslim, and Ahmad Syamsu Rijal. "Pengembangan Secara Spasial Benteng Otanaha Di Kawasan Cagar Budaya Gorontalo." *Jurnal Sains Informasi Geografi (J SIG)* 1.1 (2018): 8-16.

¹³ Sakti, Gede Taji Iswara, I. Kadek Adi Mahardika, and I. Putu Ekamai Pradana. "WBD Catur Angga Batukaru Dan Pelanggaran Tata Ruang Cagar Budaya Di Kawasan Daya Tarik Wisata Subak Jatiluwih." 78.

Protection of Cultural Heritage is carried out to prevent and deal with all forms of destruction, destruction, or extinction of Cultural Heritage.¹⁴ Based on Law No. 11 of 2010, the Protection of Cultural Heritage is terdoro from the Rescue, Security, Maintenance, Restoration, and Zoning of Cultural Heritage. Rescue is carried out to prevent and/or overcome Cultural Heritage from destruction, destruction or destruction; Security measures are in place to safeguard and prevent Cultural Heritage from threats or disturbances; Maintenance is carried out to maintain and maintain the physical condition of the Cultural Heritage remains sustainable; Restoration is carried out to restore the physical condition of damaged cultural heritage with the aim of extending its life, restoration is usually carried out on Cultural Heritage Buildings and Cultural Heritage Structures; Zoning is carried out to determine the spatial boundaries of Cultural Heritage Sites and Areas according to needs.¹⁵

One of the actions that can be taken in protecting cultural heritage is to make a Cultural Heritage Zoning which is preceded by the delineation or determination of regional boundaries.¹⁶ Cultural Heritage Zoning is very important, because it is one way to protect cultural heritage and as a means of controlling development around the cultural heritage area.¹⁷

Otanaha Fort carried out a zoning study in 2015, but until now there has been no follow-up from the local government in determining the results of the zoning study, in accordance with the mandate of Law Number 11 of 2010 in article 72 paragraph (2) letter (b) which explains that the results of the zoning study are determined by the Governor if the Cultural Heritage has been determined and ranked provincial. Then it is strengthened in Government Regulation Number 1 of 2022 in article 87 which states that based on the results of the zoning study, the Minister, Governor, or Regent / Mayor in accordance with their authority determines the Cultural Heritage Zoning system. The regulatory directive mandates the provincial government to be able to conduct and determine the results of zoning studies both in the form of decrees or governor and regional regulations so that they can be used according to their designation.

The study of the application of law in the field of Cultural Heritage has not been widely discussed in Indonesia and in Gorontalo Province in particular. In addition to the lack of public awareness about the importance of maintaining cultural heritage, the legal system that oversees it is also inadequate. There is only a legal basis from Law No. 11 of 2010 concerning Cultural Heritage and its derivative regulations that

¹⁴ Wala, Viali. "Perlindungan Hukum dan Pelestarian Cagar Budaya Menurut Undang-Undang Nomor 11 tahun 2010 tentang cagar budaya." *Lex administratum* 10.6 (2022).

¹⁵ Prasadha, I. Nyoman Teguh, and Kiki Kunthi Lestari. "Penanganan Pelestarian Bangunan Cagar Budaya Masjid Agung Sang Cipta Rasa Cirebon." *Jurnal Hirarchi* 19.02 (2022): 34-42.

¹⁶ Syahadat, Ray March. "Review Of Visual And Cultural Landscapes Conservation In Tourism Development: Case Study Of Wakatobi Regency, Southeast Sulawesi Province." *Jurnal Infrastruktur* 7.2 (2021): 103-110.

¹⁷ Tuppong, Karen Angela Batara. "Perlindungan Hukum Terhadap Hak Cipta Benda-Benda Bersejarah Menurut Undang-Undang Nomor 11 Tahun 2010 Tentang Cagar Budaya." *Lex Et Societatis* 7.7 (2020).

have only been issued after 12 years, namely Government Regulation of the Republic of Indonesia Number 1 of 2022, which only confirms the Registration and Determination of Cultural Heritage and regulates, in general, the preservation of Cultural Heritage, without any other legal umbrella that supports and accompanies it, especially in the Gorontalo Province area.

Looking based on what should be the law as a legal fact in the form of ideals to be implemented, then based on the law on cultural heritage, that there needs to be other derivatives to follow up the Law at the regional level such as regional regulations and the like that can expressly include the zoning regulation system in an effort to protect, maintain and care for the condition of each cultural heritage in Gorontalo Province to remain preserved, especially Otanaha Fort Cultural Heritage.

Based on the background described earlier, the author is interested in studying the implementation of the zoning system according to Law of the Republic of Indonesia No. 11 of 2010 concerning Cultural Heritage in Gorontalo Province, especially Otanaha Fort Cultural Heritage, with the title Otanaha Fort Cultural Heritage Zoning System Gorontalo City: Its Implementation in Regional Regulations.

2. Research Methods

The term methodology is derived from the word *meted* which means path. But in general, methods are described as the possibilities of a type used in the assessment and assessment process.¹⁸ The research consists of research methods, namely normative (doctrinal) research whose research focuses on literature (*library research / legal research / legal research induction*) using the Law approach and empirical research (nondoctrinal) or commonly called *Socio-Legal Research* by using another approach in conducting legal research, namely by using a legal reality approach (*empirical*). In the opinion of Soerjono Soekanto and Sri Mamudji, normative and empirical legal research can be carried out separately or jointly.¹⁹ The research used is Normative – Empirical legal research. This normative-empirical legal research method is essentially a combination of normative legal approaches (laws) on every particular legal event that occurs in society. The approach used in this study is the case approach, statute *approach*, and conceptual approach. In this approach, researchers examine legal issues related to regulations that are the subject of reference for the study.²⁰

Descriptive analysis according to Sugiyono is a method that serves to document the description of the object under study using data or samples collected and draw

¹⁸ Soekanto, Soerjono, and Sri Mamudji. "Penelitian Hukum Normatif Suatu Tinjauan Singkat, cet. 16." *Rajawali Pers, Jakarta* (2014).

¹⁹ Soerjono, Soekanto, and Sri Mamudji. "Penelitian Hukum Normatif suatu tinjauan singkat." (1995): 13-14.

²⁰ Nurhayati, Yati, Ifrani Ifrani, and M. Yasir Said. "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia* 2.1 (2021): 1-20.

conclusions that apply to the public.²¹ In other words, the descriptive analysis of this research focuses on the problems that occur when the research is carried out, the results of the study are then processed and analyzed to draw the right conclusions.

3. Zoning System

A material cultural heritage can be said to be a cultural heritage if it has been established. The proposed process of determining Cultural Heritage can be done if the cultural heritage in the form of objects, buildings and structures has met the criteria for cultural heritage as stipulated in Law Number 11 of 2010 in Article 5, namely the objects, buildings, and structures have a minimum age of 50 years and represent styles with a minimum period of 50 years.²² Not only that, these objects, buildings, and structures can be proposed to determine if they have special meaning for history, science, education, religion and culture and have cultural value for strengthening the nation's personality. Similarly, Sites and Areas can be designated as cultural heritage if they contain Cultural Heritage Objects, Cultural Heritage Buildings and/or Cultural Heritage Structures, and store information on past human activities, as described in Article 9 of Law Number 11 of 2010, but article 11 confirms that, if objects, buildings, structures, locations or geographical space units do not meet the criteria for Cultural Heritage referred to in article 5 and article 10 but on the basis of research has special significance for the people or nation of Indonesia can be proposed as Cultural Heritage.²³

Cultural Heritage Protection is not only limited to the determination process but needs further protection as a step to prevent everything that threatens its sustainability, namely by providing inspection limits or in other words zoning.²⁴ Zoning can be interpreted as an effort to determine Cultural Heritage Sites and Areas by determining their spatial boundaries, and regulating their use for protection purposes in order to maintain their sustainability. Zoning is established to anticipate activities that are not in accordance with conservation interests. The determination of the area and its surroundings is an effort to control various activities that have the potential to damage sustainability and its surroundings.

According to the Directorate of Cultural Protection (2016) in its review on an online channel entitled "About the Utilization of Cultural Heritage That You Must Know", there are several principles that must be considered in the use of cultural heritage, namely:

1. It must be done with due regard to the principle of preservation and

²¹ Soekanto, Soerjono, and Sri Mamudji. "Penelitian Hukum Normatif Suatu Tinjauan Singkat, cet. 16." *Rajawali Pers, Jakarta* (2014).

²² Simanjuntak, Yoan Nursari, J. M. Krustiyati, and Hwian Christianto. "Study and Evaluation of Pancasila Values in the Laws and Regulations of Bondowoso Regency Regional Regulation No. 4 of 2011 concerning the Preservation of Cultural Heritage." (2019).

²³ Amboro, Kian. "Analisis Signifikansi Taman Merdeka Kota Metro sebagai Objek Struktur Cagar Budaya." *Warisan: Journal of History and Cultural Heritage* 2.3 (2021): 69-80.

²⁴ Hartatik, Hartatik. "Eksistensi Rumah Rumah Adat Banjar Dalam Pembangunan Berkelanjutan." *Naditira Widya* 10.2 (2016): 145-158.

- maintaining the values of the cultural heritage.
- 2. must provide benefits to society.
- 3. Must pay attention to order, security, and people's lives.
- 4. Must be in accordance with international agreements on world cultural heritage and laws and regulations on cultural heritage and its derivatives
- 5. must respect customary laws, beliefs, and customs as well as community norms.²⁵

In addition to the five utilization principles described by the Directorate of Cultural Protection earlier, according to him, they must also pay attention to several utilization policies, namely:

1. Core Zone utilization must meet several conditions:
 - a) Mandatory to maintain the authenticity of Cultural Heritage
 - b) It is forbidden to damage the Cultural Heritage and its values
 - c) It is forbidden to change the function unless it retains aspects of cultural heritage preservation
 - d) Commercial use is prohibited unless it meets its eligibility
 - e) It is forbidden to build new facilities except for parks, protective and security facilities
 - f) It is forbidden to create an activity space that is contrary to the beliefs of the surrounding community.
2. Buffer Zone utilization must meet several conditions:
 - a) Aims to protect Core zones
 - b) Commercial use is prohibited unless it meets its eligibility
 - c) It is forbidden to build new facilities except for parks, protective and security facilities
 - d) Can be used for activity space in accordance with the rules and aspects of preservation.
3. Development Zone utilization is based on the criteria:
 - a) Can be used for public facilities
 - b) Can be used as a residential area and supporting facilities as well as commercial interests while maintaining and maintaining environmental and cultural values.
4. Utilization of Supporting Zones
 The utilization of supporting zones is aimed at placing supporting facilities and infrastructure, commercial activities, and public recreation, taking into account the area utilized.

The purpose of preservation refers to aspects of the use of Cultural Heritage in Yadi Mulyadi's opinion:

"The purpose of preservation can be directed to achieve *use value*, *optional value*,

²⁵ Wahanisa, Rofi, and Septhian Eka Adiyatma. "Konsepsi Asas Kelestarian Dan Keberlanjutan Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Dalam Nilai Pancasila." *Jurnal Bina Hukum Lingkungan* 6 (2021).

and *existence value*. In this case, the value of benefits is more intended for the use of cultural heritage at this time, both for science, history, religion, identity, culture, and economy through tourism whose benefits *can* be felt by the current generation. What needs to be well understood is that this economic benefit is not the main goal in the use of cultural heritage as a tourist attraction, but is a positive impact of the successful use of cultural heritage in tourism".²⁶

Based on Law No. 11 of 2010 in Article 73, the zoning system is used to regulate the function of Cultural Heritage space vertically and horizontally to the environment and cultural heritage located on land or in water. This zoning system consists of Core, Buffer, Developer, and/or Supporting Zones. Furthermore, PP RI No. 1 of 2022 concerning National Registration and Preservation of Cultural Heritage in article 83 Paragraphs (2) – (5) confirms this as follows:

"..... (2) the Core Zone, which is the main Protection area to safeguard the most important part of the Cultural Heritage Site and/or Area; (3) Buffer Zone, an area protecting the Core Zone, (4) Development Zone is an area designated for the development of Cultural Heritage potential; (5) The Supporting Zone is an area intended for the placement of supporting facilities and infrastructure and supporting commercial and recreational activities".

The establishment of Cultural Heritage Zoning is a strategic step to provide direct protection to cultural heritage and its environment. The search that has been carried out shows that the cultural heritage in Gorontalo Province, especially the Otanaha Fort Cultural Heritage, has been carried out a zoning study, but has not received approval or legality by the Regional Government in accordance with its ranking in the form of regulations or determinations so that the zoning system has legal force. Although on the other hand, Cultural Heritage has significant importance and high threat.

In addition, according to the mandate of Law Number 11 of 2010 concerning Cultural Heritage Article 72 Paragraph (2) explains that;

"The Zoning System referred to in paragraph (1) shall be determined by: (a) the Minister if it has been designated as a National Cultural Heritage or covers two or more Provinces; (b) The Governor if it has been designated as a Provincial Cultural Heritage or includes two or more Districts/Municipalities; (c) Regents/Mayors in accordance with the extent of Cultural Heritage Sites or Cultural Heritage Areas in the Regency / City area".

Considering that the Otanaha Fort Cultural Heritage in Gorontalo Province is only up to the Provincial level, this analysis is carried out to provide recommendations to the Regional Government, in this case, the Governor to determine the results of the zoning study of the Otanaha Fort cultural heritage site in Gorontalo Province, this really needs to be done as a preventive measure and as an effort to minimize abuse and

²⁶ Arianto, Bismar, Oksep Adhayanto, and Winata Wira. "Urgensi Peraturan Daerah Dalam Pelestarian dan Pengelolaan Cagar Budaya di Provinsi Kepulauan Riau." *1st World Islamic Social Science Congress (WISSC)*. 2015.

mishandling and management in the future forthcoming.

4. Implementation of Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Heritage

The meaning of implementation according to KBBI is implementation or application (Language Development and Development Agency of the Ministry of Education and Culture, 2016). Law enforcement and application are needed anywhere and anytime. In the context of law, the most fundamental thing is its *compulsory* nature (Manan, 1999). So that in the life of the nation and state, it should implement the principles that have been legitimized in law and regulation, especially in the zoning system regulations in Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Heritage and strengthened again by its derivative Regulation Government Regulation Number 1 of 2022 concerning National Registration and Preservation of Cultural Heritage.

Along with the issuance of Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Heritage as a substitute for Law of the Republic of Indonesia Number 5 of 1992 concerning Cultural Heritage Objects. The change in law illustrates a paradigm shift in the preservation of cultural heritage from initially centralized to decentralized. This paradigm adopts the potential of cultural heritage in the region by providing a mechanism for registration and determination and ranking that has an impact on the authority of cultural heritage management in accordance with the ranking of cultural heritage. Local governments (districts/cities and provinces) play a major and important role in the preservation of cultural heritage in Indonesia.²⁷

One of the most important elements in the management of material cultural heritage is the underlying legislative apparatus and critical scientific studies that develop the field, both in the form of treaties, constitutions, laws and regulations, and their derivatives.

All forms of mandate from the Cultural Heritage Law have not been followed up by the local government, especially in further zoning arrangements on what can and cannot be done (utilization/development) in the Otanaha Fort area. The rules governing Otanaha Fort are as follows:

Table 1. Legal Basis of Zoning Regulation of Otanaha Fort Cultural Heritage Site

Laws and Regulations	Substance	Information
Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Heritage.	Provide space for zoning arrangements for cultural heritage areas	Article 72 Paragraph (1), discusses the form of protection of Cultural Heritage carried out by determining the boundaries of area and use of space based on the results of studies through the zoning system.

²⁷ Herawati, Ratna. "Implementasi Undang-Undang Nomor 11 Tahun 2010 Terhadap Pelestarian Benda Cagar Budaya Di Kecamatan Ambarawa Kabupaten Semarang." *Humani (Hukum dan Masyarakat Madani)* 6.1 (2016): 59-73.

Government Regulation of the Republic of Indonesia Number 1 of 2022 About Regnas and preservation of cultural heritage	Regulate more about the zoning system of reserve areas culture	Article 86, states the authority and obligation of Ministers, governors, regents/mayors in conducting zoning studies involving experts Article 87, states the authority of the Minister, governor, regent/mayor in determining the results of the Zoning study according to their rank.
Gorontalo Provincial Governor Regulation No. 64 of 2020 concerning the Preservation of Cultural Heritage	Listing the zoning article arrangements for Cultural Heritage areas	Article 17 Paragraph (1), states about Zoning Determination and Space Utilization based on the results of zoning studies that have been carried out
Regional Regulation No. 11 of 2016 concerning the Master Plan for Tourism Development of Gorontalo City for 2016-2026	Not set up regarding the Heritage zoning system	Article 13 Paragraph (4) discusses the Policy Direction for the Development of Tourist Attractions including the Otanaha Fort Area
Perwako Number 11 concerning RTBL Otanaha Fort Area, Gorontalo City	It does not regulate the zoning boundaries of the Otanaha Fort Cultural Heritage but only the general land allocation structure and even this is no longer relevant to the needs in the field	Chapter V contains general plans and Design Guidelines, besides that in reality on the ground there are still activities that can threaten Cultural Heritage. The weakness of the Mayor and Regional Head Regulations cannot contain criminal sanctions so the legal protection of Cultural Heritage is very weak.
Regional Regulation Number 9 of 2019 concerning RTRW Gorontalo City for 2019 - 2039	No restrictions on Otanaha Fort Heritage Zoning	Spatial Structure Plan Map; spatial pattern plan; Prone to Landslides, Floods, Earthquakes, and Tsunamis; and Sustainable Food Agriculture Area Map; and Strategic Area Plan Map

Sumber: UURI No 11 Tahun 2010; PPRI No 1 Tahun 2022; Pergub Gorontalo No 4 Tahun 2020; Perda Kota Gorontalo No 11 Tahun 2016; Perwako Gorontalo No 11; Perda Kota Gorontalo No 9 Tahun 2019 (Anonim, 2010, 2016, 2019, 2020a, 2020b, 2022)

If analyzed in the table above, it is very visible that Law of the Republic of Indonesia Number 11 of 2010 along with derivatives in the form of Government Regulation Number 1 of 2022 delegates to Regional Governments to conduct zoning studies and/or determine the results of zoning studies based on their ratings. However, the local government, namely the Province, has only made a derivative regulation in the form of a Governor's Regulation which one of the articles emphasizes the determination of zoning and space utilization based on the results of zoning studies that have been carried out. But until now the Regional Government has not determined the results of the Otanaha Fort Cultural Heritage Site Zoning study which has been carried out in the form of a legality or decision that has legal force so that it

can be used in accordance with its designation.

Otanaha Fort as a Provincial Heritage Site is in dire need of legal protection through the zoning system, this is clearly seen based on the presence of the above laws and regulations that have opened up space to form a special regulation related to cultural heritage zoning in the region, while regional regulations have not accommodated until the formation and determination of the results of the Otanaha Fort Cultural Heritage zoning study based on the ranking, which is actually a determination of the spatial boundaries of the cultural heritage site of Fort Otanaha according to its needs.

5. Kesimpulan

Otanaha Fort Cultural Heritage is one of the archaeological remains that is evidence of the nation's wealth. In construction and architecture, the form of Otanaha Fort Cultural Heritage is an acculturation between European cultures adapted to the tropical climate in the archipelago. Otanaha Fort Cultural Heritage has been designated as a Cultural Heritage Site and ranked as a Provincial Cultural Heritage. Therefore, in preserving the Otanaha Fort Cultural Heritage, regulations are needed such as derivative regulations, both in the form of Pergub, Perda, and Governor's Decree which stipulates the results of the Otanaha Fort Cultural Heritage Zoning study which contains Zoning rules which *are* the legal umbrella to protect state assets that are very valuable in terms of historical history. As one of the law enforcement instruments, the regulations of Law of the Republic of Indonesia No. 11 of 2010 concerning Cultural Heritage and Government Regulation of the Republic of Indonesia Number 1 of 2022 are considered to be still general in nature and need derivative rules for their application in order to become a legal entity that can maintain and protect cultural heritage which if not protected will become folklore without any concrete evidence.

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Nurhayati, Yati, Ifrani Ifrani, and M. Yasir Said. "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia* 2.1 (2021): 1-20.

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Soekanto, Soerjono, and Sri Mamudji. "Penelitian Hukum Normatif Suatu Tinjauan Singkat, cet. 16." *Rajawali Pers, Jakarta* (2014).

Peraturan dan Undang-Undang

- Anonim. *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Perubahan IV*, 2002.
- Anonim. *Undang-Undang Republik Indonesia Nomor 11 Tahun 2010 tentang Cagar Budaya*, 2010.
- Anonim. *Peraturan Daerah Nomor 11 Tahun 2016 tentang Rencana Induk Pembangunan Kepariwisata Daerah Kota Gorontalo Tahun 2016-2026*, 2016
- Anonim. *Peraturan Daerah Nomor 9 Tahun 2019 tentang Rencana Tata Ruang Wilayah Kota Gorontalo Tahun 2019 – 2039*, 2019
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