



The Protection of Nieuw Victoria Fort as a Historical Site in Accordance with the Cultural Heritage Law

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Abstract. The protection of world cultural heritage in terms of international and national law case studies in Ambon City stand Indonesian military fort cavalry 5/Blc Kodam XVI/Pattimura that does not comply with Ambon City Regulation No, 24 of 2012. Formulation of the problem of this research is: how do legal protection of cultural property Indonesian government in terms of internasional and national law, what do city government in protecting the heritage area of the fort. This research is description analysis. Conclusion Rules and the principle of protection of cultural heritage in the perspective of international law carried out in two forms, the first establishment of international cooperation, the second international aid. National legal protection stipulated in law No, 10 of 2010 on the cultural heritage. Explicitly UNESCO convention establishes the principles of cultural heritage among other state obligations to maintain the heritage area. Protection of cultural heritage area has been done by the city is to make local regulations on the regional spatial plan year 2011 to 2031 making fort as a national strategies area in accordance with local regulation the form of popular tourist destination. Limiting factor is the conservation. Solution taken by the government which make local regulations on cultural heritage, provide the budget for the heritage area and realize the national museum.

Keywords: The Legal Protection Cultural Property · Nieuw Victoria Fort

1 Introduction

The rapid development of socio-culture in Indonesia today needs to adapt to the development of the demands of society ideologically, academically, ecologically, and economically in order to improve the people's uneven welfare. This stems from the history of the Dutch colonial era in Indonesia. To find out more about historical heritage sites and cultural heritages, especially about *Nieuw Victoria* fort in Ambon, it is a form of activities to preserve historical sites of colonial heritage and maintenance of cultural heritage in Ambon which is set forth in writing to strive for the preservation of historical sites of colonial heritage.

The purpose of this paper is that the existence of historical sites and cultural heritage are maintained optimally, which are basically the nation's cultural wealth. Legal

protection through cultural development is the fostering and protection of historical and cultural heritage sites in accordance with the mandate in Law Number 11 of 2010 concerning cultural heritage. In this paper the author focuses on the development of historical objects, especially historical and cultural heritage of Nieuw Victoria fort.

2 Methods

The research method used is descriptive method. It is a research method that shows the characteristics of the population or phenomenon being studied, focusing on explaining the object of research and answering events or phenomena that occur.

3 Background

During the Dutch colonial era, several forts had been built throughout Indonesia. These forts protect the Dutch from military attacks while also objectify Dutch presence and influence in the archipelago. These forts still stand until today. One of these forts is the fort of *Nieuw Victoria* in Ambon [1]. With the issuance of Law Number 11 of 2010 concerning Cultural Heritage by the government, we have come to refer to Convention on Protection of the World Cultural and Natural Heritage 1972 (UNESCO), the function and use could not be a place of defense against enemy attacks. Currently all cultural heritage throughout Indonesia is under the supervision of the Ministry of Culture and Tourism of the Republic of Indonesia. The fort of *Nieuw Victoria* is also included in the regulation. Unfortunately, the regulation had done only little changes to the Fort of *Nieuw Victoria*. Efforts to change the purpose of the fort have been known to be ineffective and inefficient because of a series of problems.

During the trade, it was also followed by the making of symbols and inscriptions on the walls of cultural heritage structures in Ambon, Maluku [2]. On the basis of concern and a sense of being responsible for preserving the existence of the fort's cultural heritage objects in Ambon which was actually occupied by the Dutch colonial government, then this form of writing can become authentic evidence that can be known by future generations of the nation to be studied continuously by making this journal, the author wants to mention the importance of changing the purpose of the fort from a military base to an educational infrastructure. The author also wants to point out the problems with the current efforts made by the authorities in changing the fort into an educational infrastructure [2].

Efforts to trace historical journeys, especially Ambon city and Maluku province, were generally carried out by the writer to translate the writings in the historical inscriptions on the back door of the *Nieuw Victoria* fort cultural heritage area which is now the Headquarters of the 5-B1c Cavalry Detachment at the XVI/Pattimura Military Regional Command [3]. Jl. Brigadier General (Ret) *Ignatius Slamet Riyadi*, in Ambon Maluku. It can be told briefly that during the Hongi voyage the Portuguese sailor s in Ambon had built a fort around 1575 to secure the spice trade route in the eastern region. This is recorded in the inscription found at the entrance to the arsenal of the Cavalry Detachment headquarters which reads.

Fort *Nieuw Victoria* was first built by the Portuguese on March 25, 1575 with *Nosa Senhora da Annunciada*. The Indigenous people called this fort by the name fort Kota Laha which means fort in the bay. On 23 February 1605, through a battle this fort was controlled by the Dutch trading company *Verenigde Oost Indische Compagnie* under the leadership of Admiral *Steven van der Haggen* and then renamed Kasteel Victoria which means Castle of Victory [3]. Through upheaval and fighting in Ambon which resulted in quite severe damage to the fort, but on the initiative of Petrus Albertus van der Parra as Governor General of the Dutch East Indies at that time, it was completed repairing it in 1770. Furthermore, the construction was continued by establishing an arsenal of weapons, munitions and a spice warehouse, the spices that will be brought to Europe. In the context of securing the spice trade route in Ambon, the Portuguese had concerns about divisions. It was proven that in 1649 another Dutch fort building, namely Fort Amsterdam at Hila Ambon, had been destroyed due to the war over the trade agreement in the eastern region. The inscription on the wall of the cultural heritage object of fort contains the following.

At that time, because the Portuguese suffered defeat due to war and had many unpaid debts, the construction of the fort could not be completed, so they had to move to Laran-tuka Timor and fully surrender the assets to the VOC Dutch Trading Company through the Dutch East Indies Colonial Government. Furthermore, the fort was completed in 1770 named *Nieuw Victoria*. During the trade, it was also followed by changes between the first Governor General officials being handed over to the next Governor General which can be proven until now by the presence of symbols and inscriptions on the entrance walls of the fort's cultural heritage buildings in Ambon.

During World War II, on 17 February 1942 this fort was controlled by the Japanese army, then in 1946 the Dutch who rode the NICA army to control the fort. Early in 1950 this fort was used as a defense for the rebel forces of the Republic of South Maluku, but in November 1950 this fort was successfully controlled by the TNI. Furthermore, in 1979 the Minister of Defense/ABRI Commander General TNI Mochammad Yusuf rebuilt the fort and erected a monument to commemorate the operation of the suppression of the Republic of South Maluku which resulted in the death of the nation's son, Lieutenant Colonel *Ignatius Slamet Riyadi*, while stopping shooting between TNI troops and the RMS rebellion group. In front of *Nieuw Victoria* fort, there is another historical monument, the place of *Kapitan Pattimura's* tragic death on the gallows on December 18, 1817.

The development of the current socio-cultural situation has affected its sustainability because there will be damage caused by natural conditions and lack of attention from related parties, which can lead to the extinction of the existence of cultural heritage sites, namely exposure to heat and rain and the rapid construction of new buildings that make the consequence of the demands of time progress and population growth has resulted. It is hoped that in the future there will be a motivation for a sense of care and a sense of responsibility by the wider community to understand the preservation of the existence of the fort site built by the Dutch colonial [4].

There are some conditions that caused cultural conservation located behind the upper fort was not maintained. The upper fort has a memorial monument for the death of ten

VOC soldiers led by Lieutenant Colonel MLF Bajetto who was seriously injured. The followings are the causes:

- The roots of garden plants on the right and left sides up to the back damage the building;
- The area made for dumping and burning waste at the back of every house in the military dormitory damages the building environment;
- The cage or the place for livestock at the back of the garden ruins the view of the building;
- The ornament written on the wall in front of the entrance is heavily damaged due to being easily grabbed and held by irresponsible people. The ornament is about the handover from the first General Dutch Governor until the sixth General Dutch Governor-who previously lived in the fort;
- The exposure of rain and heat towards the fort causes the building damaged and eroded by weather and natural conditions; and
- Restricted and limited access to fort for public entrance has caused not many research papers reveal the history of fort establishment. This limited access to the area is due to its same location of military basis, installations and dormitories at the headquarters of Den kav 5/Blc Kodam XVI/Pattimura.

3.1 The Existence of Historical Sites and Cultural Heritage

Based on the mandate of the 1945 Constitution of the Republic of Indonesia, the government has the obligation to implement policies to promote culture as a whole for the greatest possible prosperity of the people. In connection with all the works of the Indonesian, both in the past, present and future needs to be used as development capital, Indonesian culture which has noble values must be preserved to strengthen the practice of Pancasila, improve the quality of life, strengthen the national personality and national pride, strengthening national unity, and improving community welfare as the direction of the nation's life.

Article 32 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that "The state advances Indonesian national culture in the midst of world civilization by guaranteeing the freedom of society to maintain and develop its cultural values", so that Indonesian culture reflects those values. The nobility of the nation must be preserved in order to strengthen the national identity, enhance the dignity of the nation, and strengthen the bonds of a sense of unity and unity for the realization of the aspirations of the nation in the future, it is necessary to live up to all citizens [5]. Factors that influence the existence of cultural heritage are:

Internal Influence. The issuance of Law Number 11 of 2010 concerning Cultural Heritage, the Maluku Regional Government, in this case the Tourism Office, has been legally mandated to be in charge of preserving and maintaining the existence of the Nieuw Victoria fort. For the sake of the continuity and existence of cultural heritage. Then the military bases and installations within the fort cannot be maintained. Therefore, the TNI must support the prevailing laws and regulations. With the existence of this fort which will later be fully held by the Maluku Tourism Office, the existence of bases, dormitories and military installations inside must be moved to another place or out of

the cultural heritage area. For this reason, it is hoped that there will be a settlement between the Maluku Regional Government and the XVI/Pattimura Regional Military Command.

Changes in the dynamics of the community environment will affect the situation and conditions that continue to develop. The rapid development of the current situation in Ambon, the existence of a fortress cultural heritage site with inscriptions and symbols has affected its sustainability because there will be damage caused by nature and a lack of attention to care by related parties so that it can lead to extinction.

External Influences. External influencing factors, namely the demands of the era of reform and globalization in the fields of democracy, human rights and the environment which guarantee information disclosure and fulfillment of the welfare standards of the people who want to know, research and study cultural heritage sites and cultural heritage objects of Dutch colonial history [6].

Based on humanitarian law taken from the Geneva Convention of 12 August 1949, civilian objects are not military targets or targets of attack, namely places of worship, houses for residents, schools, cultural objects, historical monuments, cultural heritage, and objects of value culture [7]. Based on historical facts that made the fortress once controlled by rebel soldiers of the Republic of South Maluku, then in 1950 TNI troops succeeded in seizing the fort which was neither the result of occupation or the result of land grabbing so that until now the TNI was still trusted to occupy it as a military installation, military bases and military dormitories.

Provisions for restoring historical and cultural heritage sites are regulated by Law Number 11 of 2010 in Article 77:

- (1) Restoration of damaged cultural conservation buildings and cultural conservation structures is carried out to restore their physical condition by means of repairing, strengthening, and/ or preserving them through reconstruction, consolidation, rehabilitation and restoration works.
- (2) The restoration of cultural heritage as referred to in paragraph (1) must take into account:
 - a. The authenticity of the material, shape, layout, style and/or technology of work;
 - b. The original condition with the smallest possible rate of change;
 - c. Use of non-destructive techniques, methods and materials;
 - d. Executor 's competence in restoration.
- (3) Restoration must allow adjustments in the future by taking into account the safety of the community and the safety of cultural heritage.
- (4) Restoration that has the potential to cause negative impacts on the social and physical environment must be preceded by an analysis of environmental impacts in accordance with the provisions of laws and regulations.
- (5) Exposure of cultural heritage buildings and structures of cultural heritage must obtain government or regional government permits in accordance with their respective authorities.

(6) Further provisions regarding the restoration of cultural heritage are regulated in a government regulation.

The consequences and obligations that must be carried out against the fort are in accordance with Article 78:

“Development of Cultural Heritage is carried out by taking into account the principles of utilization, safety, maintenance, authenticity and the values attached to it”.

The criminal provisions contained in Article 105:

“Every person who deliberately destroys the cultural heritage as meant in Article 66 paragraph (1) shall be sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 15 (fifteen) years and/or a fine of at least Rp. 500.000.000 (five hundred million rupiah) and a maximum of Rp. 5.000.000.000 (five billion rupiah)”.

3.2 Solution Preservation and Maintenance of Cultural Heritage

The solution for the settlement is the issuance of Law Number 11 of 2010 concerning cultural conservation and the handing over of fort *Nieuw Victoria* by the TNI Commander, General Andika Pekasa to the Mayor of Ambon, *Richard Louhenapessy* on December 9, 2021 with the aim to make the cultural conservation site can now become more well maintained and received the attention by the Ambon City Government [8]. That the handover of the *Nieuw Victoria* fort by the TNI Commander to the people of the city of Ambon is without any request from the Mayor's official. This is evidence showing the attitude and actions of the TNI Commander which reflects obedience to the laws and regulations of Law Number 11 year 2010 concerning Cultural Conservation.

The role of the nation's future generations, especially young students, who have an interest and spirit to defend the country and love the country in an effort to preserve and maintain cultural heritage, namely providing support related to related and influential aspects to develop historical insights, should be carried out optimally, through exemplary and persuasive approaches, it is hoped that it will be able to invite the community, young students to play an active role in supporting the preservation and maintenance of cultural heritage and historical sites so as to obtain a common understanding or perception in the field of historical sites as well as collaborating with local governments; zoning of areas that must be protected (Protected zone). The writer can easy enter the fort as a soldier on duty, then had not exit permit from the regional military command [9].

Efforts made in the context of maintaining and preserving the historical sites and cultural heritage of fort are the responsibility of the Culture and Tourism Service through the Maluku Regional Government to be able to continue collaborating with related agencies in establishing synergies that are closely related and sustainable on an ongoing basis.

For the interests of science, education, learning and knowledge so that they can be studied ongoing basis, the existence of the *Nieuw Victoria fort* site in Ambon must be preserved so that in the future it can still be enjoyed, studied and in demand by the future generations of the Indonesian nation. With the issuance of Law Number 11 of 2010 concerning Cultural Heritage, it is necessary to pay special attention and handling supported by the related parties. The way this is done is by providing lecture material and counseling on the knowledge of the history of the Indonesian nation during visits to

schools or to educational institutions outside of school, namely about the importance of maintaining the resilience of a region and about the importance of increasing national unity and integrity, that cultural heritage in Indonesia is juridically protected by Constitution of the Republic of Indonesia 1945 as the constitution of the country. In article 32 number 1:

- a. Article 32 paragraph (1): the state promotes national culture Indonesia in the midst of world civilization by guaranteeing the freedom of society in nurturing in develop its cultural values.
- b. Article 32 paragraph (2): the state respects and maintains Regional Languages as a National Cultural Property

The future generations of the nation will have the opportunity to understand in preserving and maintaining the existence of the *Nieuw Victoria* fort site, whose condition is currently not fully maintained, so for this further existence it is the responsibility of the entire community. In order for the existence of the fort to remain strong in the future and stand tall in the midst of its existence which is starting to be eroded by the damage caused by weather from nature and on the verge of extinction due to neglect, community participation is now needed which is expected to generate a sense of caring motivation for continuously examine historical journey tracing, especially Ambon City and Maluku Province in general.

4 Conclusion

National laws and regulations and the principle of international cultural conservation protection combined in the perspective of International law are realized in two forms. The first is by establishing a system of international cooperation and the second is in the form international assistance. The protection of cultural conservation area of *Nieuw Victoria* fort has been carried out by the central government by bridging with the International Protocol of the 1977 Geneva Convention, issuing Law Number 11 of 2010 concerning Cultural Conservation. In realizing the matter above, the Ambon city government stipulate Regional Regulation Number 24 of 2012 concerning Spatial Planning Ambon City Region 2011 to 2031 [8].

The role of the TNI Commander reflects the obedience of law and legislation in handing over the *Nieuw Victoria* fort as a cultural conservation site. It is the answer of legal protection problem in terms of international and national law towards the implementation by the Ambon city government in protecting the cultural conservation fort area in accordance with the issuance of Law Number 11 of 2010 concerning cultural conservation, furthermore, Ambon city government stipulated Regional Regulation Number 24 of 2012 concerning the Ambon City Regional Spatial Plan from 2011 to 2031. Therefore, it can develop fort as the national strategic area which is in accordance with local regulations in the form of realizing it as at our is destination in Ambon city. The solution that can be taken by Ambon city government is to develop a plan for the cultural conservation area to become a national museum.

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