

The Existence Of Community Ancestral Graves Which Are Cultural Heritage In The Banyuwangi Area

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Abstract

Indonesia is an archipelagic country with ethnic and ethnic groups with a long cultural history and the condition of the country and its people as a country that is still classified as a developing country. Its diverse cultural heritage makes Indonesia a country that has a variety of unique cultures, so it is necessary to protect the culture that exists in Indonesia. Ancestral graves are Cultural Heritage which are closely related to Indigenous Peoples. There are several ancestral graves spread across various regions in Indonesia. Indigenous peoples have rights that must be respected, protected and fulfilled by every country where these communities are located. Indigenous communities globally are characterized by the establishment of international standards regarding indigenous peoples. Ancestral graves have deep meaning for indigenous peoples. Therefore, it is necessary to consider ancestral graves in cultural heritage regulations in Indonesia.

Keywords: Ancestral Graves, Indigenous Peoples, Cultural Heritage.

INTRODUCTION

Its diverse cultural heritage makes Indonesia a country that has a variety of unique cultures, so it is necessary to protect the culture that exists in Indonesia. Culture as objects created by humans is cultural heritage. The work of society produces technology and material culture or physical culture that is needed by humans to master the natural surroundings so that their strengths and results can be immortalized for the needs of society.¹ Archaeological investigations that have been carried out so far show that Indonesia is a country that is very rich in diverse cultural heritage, both in form and function.

Law Number 11 of 2010 concerning Cultural Heritage Cultural Heritage is material cultural heritage. Furthermore, there are 5 classifications of Cultural Heritage objects, namely:

¹ Jacobus Ranjabar, *Sistem Sosial Budaya Indonesia*, Suatu Pengantar (Bogor : GHalua Indonesia, 2006), hlm 21.

1. Cultural Heritage Objects
2. Cultural Heritage Building
3. Cultural Heritage Structure
4. Cultural Heritage Site
5. Cultural Heritage Area

Objects, buildings or structures can be proposed as Cultural Heritage Objects, Cultural Heritage Buildings or Cultural Heritage Structures if they meet the following criteria:

- a. aged 50 (fifty) years or more;
- b. represents the shortest style period of 50 (fifty) years;
- c. has special meaning for history, science, education, religion, and/or culture; And
- d. has cultural value for strengthening the nation's personality.

Ancestral graves are cultural heritage that are closely related to society. Banyuwangi Regency is located at the eastern tip of Java Island and is a district within the province of East Java. The area of Banyuwangi Regency is quite diverse, from lowlands to mountains.

Banyuwangi's population is quite diverse. The majority are Osing tribes, but there are quite significant Madurese tribes (Muncar, Wongsorejo, Kalipuro, Glenmore and Kalibaru districts) and Javanese tribes, as well as minorities of Balinese, Mandar and Bugis tribes. Many Balinese people live in villages in Rogojampi sub-district. Even in Patoman village, Rogojampi District, it is like a miniature Balinese village on the island of Java. The Osing tribe is native to Banyuwangi district and can be considered a sub-tribe of the Javanese tribe. They use the Osing language, which is known as one of the oldest varieties of Javanese.

There are ancestral graves in Banyuwangi district, namely:

1. Grave of Wongso Karyo's great-grandfather, Cungking Banyuwangi's ancestor
2. Tomb of King Tawang Alun
3. Wali Allah's Tomb

There are several ancestral graves spread across Banyuwangi Regency. The people of Banyuwangi have rights that must be respected, protected and fulfilled. Ancestral graves have a deep meaning for the people of Banyuwangi. Therefore, it is necessary to protect ancestral graves in cultural heritage regulations in Indonesia. Cultural Heritage Regulations in Indonesia are in Law Number 11 of 2010 concerning Cultural Heritage, however there are more specific regulations in the Banyuwangi area regarding cultural heritage. The method used in this research is a normative juridical legal research method. Next, use a statutory regulation approach and a concept approach.

RESULTS AND DISCUSSION

The Existence of Cultural Heritage in Banyuwangi Regency

Historical heritage and archeology are basically not different, because both are interconnected with each other, the only slight difference is the time limit. The historical relics in question are in the form of moving objects and immovable objects as a result of creativity, intention and work of past times. The clear similarity is that, shown by its use, it is to reconstruct the history of past community life.²

² Uka Tjandrasmita, 1982, Pencegahan Terhadap Pencemaran Peninggalan Sejarah dan Kepurbakalaan Sebagai warisan Budaya Nasional, Jakarta: Palem Jaya, Hal 111

Historical events from the past are researched and compiled based on data or evidence that comes to the research. There is written and unwritten evidence. This evidence is often referred to as historical sources of various kinds, such as: inscriptions, manuscripts, sagas, treaties, objects, buildings, equipment and so on.³ This historical evidence provides aspects about the life of society in the past, such as social, political, economic or cultural aspects, the types of which can be divided based on the period, namely since the results of human actions in the development of society until some time ago. We can also call this evidence or sources historical relics.

The history of Cultural Heritage began with awareness of the importance of regulating cultural heritage since Indonesia was under the rule of the Dutch East Indies, which was demonstrated by the issuance of Monumenten Ordonnantie No. 19 of 1931 (Staatsblad of 1931 No. 238). Monumenten Ordonnantie Staatblad 238 in 1931 is a legal regulation made by the Dutch East Indies Government, which aims to protect ancient objects or relics in the Dutch East Indies territory. After some time had passed, it was changed to Monumenten Ordonnantie No. 21 of 1934 (Staatsblad of 1934 No. 515) which contained regulations regarding the recording, ownership and control by the state of objects deemed to have important value for prehistory, art history and paleoanthropology. (so the time is limited to ancient objects) in addition to the prohibition on carrying out actions (committing vandalism, moving, changing shape, exporting, or other actions) which could threaten the preservation of Cultural Heritage Objects.

Before Indonesia established statutory regulations regarding cultural heritage (Law Number 5 of 1992 concerning Cultural Heritage Objects), the regulations used in the context of preserving cultural heritage, including Borobudur Temple, Mendut Temple and Pawon Temple, were to use this regulation Monumenten Ordonnantie No. 21 of 1934 (Staatsblad of 1934 Number 515). This Ordinance is the only statutory regulation dealing with historical and ancient heritage which was in force until the 1990s. In line with the development of the era, the ordinance was no longer able to accommodate existing problems and this became its weak point.

In 1992, after Indonesia became independent, cultural heritage was regulated in the Law of the Republic of Indonesia Number 5 of 1992 concerning Cultural Heritage Objects. Indonesian President Soeharto on 21 March 1992 in Jakarta ratified Law of the Republic of Indonesia Number 5 of 1992 concerning Cultural Heritage Objects (State Gazette of the Republic of Indonesia of 1992 Number 27, Supplement to the State Gazette of the Republic of Indonesia Number 3470). This law emphasizes that cultural heritage objects are the nation's cultural assets which are important for the understanding and development of history, science and culture, so they need to be protected and preserved for the sake of awareness of national identity and national interests. Furthermore, in order to preserve cultural heritage objects, this regulation requires regulatory steps for control, ownership, discovery, search, protection, maintenance, management, utilization and supervision of cultural heritage objects.

³ Dyah Permata, 2018, "Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional Di Daerah Istimewa Yogyakarta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, Journal of Intellectual Property, Vol. 1, No. 1

The Decree of the People's Consultative Assembly Number II/MPR 1988 concerning Outlines of State Policy is still in effect and further emphasizes that "Indonesian culture, which reflects the noble values of the nation, must be maintained, fostered and developed in order to strengthen the appreciation and practice of Pancasila, improve the quality of life, strengthen national personality, strengthening the sense of self-esteem and national pride, strengthening the spirit of national unity and unity and being able to become a driving force for the realization of the nation's ideals in the future." Based on this mandate, the Government is obliged to take all steps in an effort to advance the nation's culture.

Cultural heritage objects have an important meaning for national culture, especially for fostering a sense of national pride and strengthening awareness of national identity. After 18 years had passed, on November 24 2010 it was ratified by President DR. H. Susilo Bambang Yudhoyono Law Number 11 of 2010 concerning Cultural Heritage (State Gazette of the Republic of Indonesia of 2010 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5168). This Law comes into force on the date of promulgation.

When this Law came into force, Law Number 5 of 1992 concerning Cultural Heritage Objects (State Gazette of the Republic of Indonesia of 1992 Number 27, Supplement to the State Gazette of the Republic of Indonesia Number 3470) was revoked and declared invalid. Furthermore, all statutory regulations which are implementing regulations of Law Number 5 of 1992 concerning Cultural Heritage Objects (State Gazette of the Republic of Indonesia of 1992 Number 27, Supplement to the State Gazette of the Republic of Indonesia Number 3470) are declared to still be valid as long as they do not conflict with the provisions in this law.

Law Number 11 of 2010 concerning Cultural Heritage exists because of a change in the paradigm of preserving cultural heritage, requiring a balance of ideological, academic, ecological and economic aspects in order to improve people's welfare. Furthermore, Law Number 5 of 1992 concerning Cultural Heritage Objects is no longer in accordance with developments, demands and legal needs in society so it needs to be replaced.

Banyuwangi Regency is located at the eastern tip of Java Island and is a district within the province of East Java. Has Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs in Banyuwangi and Banyuwangi Regent Regulation Number 61 of 2012 concerning Cultural Heritage Management.

Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs in Banyuwangi was stipulated in Banyuwangi on December 29 2017 by the Regent of Banyuwangi H. Abdullah Azwar Anas. Subsequently, it was promulgated in Banyuwangi on December 29 2017 by the Regional Secretary of Banyuwangi Regency, Djadjat Sudrajat. Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs Article 2 Scope of Preservation of regional cultural heritage and customs includes:

- a. protection;
- b. development;
- c. utilization;
- d. maintenance; And
- e. guidance and supervision.

The preservation of cultural heritage and customs as intended is aimed at the following aspects:

- a. art
- b. antiquities, museums and history
- c. language and literature;
- d. traditional clothes;
- e. Banyuwangi Bridal Make-up, Fashion and Traditional Ceremonies;
- f. Building architecture;
- g. ancient literature and manuscripts;
- h. Banyuwangi culinary/special food.

Preserving cultural heritage and customs aims to:

- a. protect and secure regional cultural heritage and customs so that they do not become extinct or are recognized as culture and customs by other regions/countries;
- b. maintaining and developing traditional values which constitute identity and as a symbol of the pride of the multicultural Banyuwangi regional community;
- c. increasing public understanding and awareness of cultural heritage;
- d. increasing public concern, awareness and aspirations for regional cultural heritage;
- e. awaken the spirit of love for the country, nationalism and patriotism;
- f. arouse motivation, enrich inspiration, and expand society's repertoire of work in the field of culture; And
- g. developing cultural heritage and customs to strengthen regional and national cultural identity.

The preservation of cultural heritage and customs is carried out based on the principles:

- a. Pancasila: What is meant by "Pancasila principles" is the preservation of culture and customs carried out based on the values of Pancasila.
- b. Bhinneka Tunggal Ika: What is meant by the "principle of Bhinneka Tunggal Ika" is the preservation of culture and customs, always taking into account the diversity of the population, religion, ethnicity and group, special regional conditions and culture in the life of society, nation and state.
- c. Legal certainty: Museums are a system regarding various matters relating to the organization and management of museums.
- d. Partisanship: What is meant by the "principle of Partisanship" is that every preservation of culture and customs prioritizes continuity, preservation and protection of culture and customs.
- e. Accountability: What is meant by the "principle of accountability" is that the preservation of Banyuwangi culture and customs is accountable to the community in a transparent and open manner by providing correct, honest and non-discriminatory information.
- f. Sustainability: What is meant by "principle of sustainability" is that the implementation of culture is a systematic and planned effort which is an inseparable part of the principles and process of national development by taking into account long-term interests including the interests of future generations.

The duties and authorities of the Regional Government in preserving cultural heritage and customs are:

- a. carry out data collection on cultural heritage and customs originating and/or still living in the Banyuwangi community;

- b. facilitate, develop and implement the preservation of cultural heritage and customs in Banyuwangi;
- c. create synergy with the community and business world in efforts to manage regional culture;
- d. coordinating the implementation of cultural management with the surrounding area.
- e. formulate and establish policies and strategies for preserving cultural heritage and customs based on regional policies;
- f. carry out the preservation of cultural heritage and customs in accordance with the principles/norms, standards, procedures and criteria of the type of culture or customs concerned and/or as determined by the Regional Government;
- g. carry out inter-regional cooperation, partnerships and networks in cultural management;
- h. provide guidance and supervision of the implementation of the preservation of cultural heritage and customs in Banyuwangi; i. designate cultural heritage areas and regional customs; And
- i. facilitating and/or resolving disputes in preserving cultural heritage and customs in the region.

Article 7 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. In carrying out the duties and authority as intended, the Regional Government shall prepare a Regional Action Plan for the preservation of cultural heritage and customs within a period of 5 (five) years. The Regional Action Plan as referred to at least contains:

- a. direction, policies and strategies in achieving targets for preserving cultural heritage and customs;
- b. targets to be achieved in efforts to preserve cultural heritage and customs;
- c. development of cooperation, partnerships and active participation of society and the business world; And
- d. the need to provide financing borne by the Regional Government and the community.

Article 9 of Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning Preservation of Cultural Heritage and Customs and Rights of Regional Government, namely:

1. Realize cultural rights in the ideological, political, economic and social fields;
2. control the preservation of cultural heritage and customs in Banyuwangi by establishing an independent Banyuwangi Customs and Customs Preservation Council which aims to:
 - a. Overcoming negative impacts on culture;
 - b. Optimizing the management of cultural heritage and customs preservation;
 - c. Development of multicultural regional culture.
3. obtain data and information on preserving cultural heritage and customs as widely as possible from the community;
4. transferring ancient manuscripts related to regional cultural heritage to be preserved and utilized;

Article 10 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. Membership elements of the Council for the Preservation of Cultural Heritage and Customs in Banyuwangi consist of:

- a. Religious leaders;
- b. Cultural Figures;
- c. Traditional Figures;

- d. Public figure;
- e. Academics; And
- f. Human Rights Activist.

Article 12 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. The Obligations of the Regional Government are:

- a. facilitate the registration of intellectual property rights for regional cultural values whose implementation is in accordance with the provisions of laws and regulations;
- b. develop data and information on cultural preservation that at least includes, among other things, types of art, history, museums, language and literature, traditional values, data and other information needed for cultural preservation.
- c. facilitate the protection of traditional works of art and/or works of cultural art whose creators are unknown in accordance with statutory regulations;
- d. facilitate the registration of intellectual property rights for traditional works of art and/or works of cultural art;
- e. carry out arts preservation activities that prioritize traditional arts, arts that are considered endangered or rare that have regional characteristics, contemporary arts and new creations that are in harmony with regional cultural values;
- f. inventory and collect ancient manuscripts owned by people in Banyuwangi and outside Banyuwangi;
- g. reproduce ancient manuscripts related to Banyuwangi.

Article 13 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning Preservation of Cultural Heritage and Customs In preserving cultural heritage and customs in Banyuwangi, the community has the right to:

- a. use all aspects of cultural heritage and customs according to their principles and functions;
- b. provide input to the Regional Government in efforts to preserve cultural heritage and regional customs;
- c. selecting aspects of existing cultural heritage and customs for the purposes of expressing local wisdom values.

Article 14 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. The community is obliged to participate in the preservation of cultural heritage and customs in Banyuwangi. The forms of community obligations as intended are prioritized in:

- a. participate in maintaining and preserving regional cultural heritage and customs;
- b. participate in inventory activities to excavate history, cultural heritage and regional customs;
- c. participate in activities to increase cultural heritage and customs preservation activities;
- d. participate in socialization activities and publication of cultural heritage values and regional customs; And
- e. participate in facilitation activities for developing the quality of human resources in preserving cultural heritage and regional customs.

To achieve the goal of preserving cultural heritage and customs as intended, the community participates in regional cultural preservation activities. Community participation can be carried out through individuals, cultural community organizations and/or cultural communication forums. Article 16 Banyuwangi Regency Regional Regulation Number 14 of

2017 concerning Preservation of Cultural Heritage and Customs. Community participation includes:

- a. active in instilling an understanding of diversity, strengthening regional and national identity, fostering regional and national pride, and strengthening national unity;
- b. play an active role in developing regional culture through dialogue, cultural gatherings, workshops, and so on; And
- c. provide input and assist the Regional Government in preserving culture.

Article 23 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning Preservation of Cultural Heritage and Customs. Implementation of antiquities preservation as intended in Article 3 letter b through activities:

- a. data collection, recording and documentation of regional cultural heritage spread across the region and outside the region and/or which has been controlled by the community;
- b. saving the discovery of regional cultural heritage that is located above and is still buried/buried in the ground;
- c. reassessment of regional cultural heritage discoveries; And
- d. regulation of the use of regional cultural heritage for education and tourism.

The activities referred to are efforts to preserve regional cultural heritage, sites and the environment. A Cultural Heritage Site is a location on land and/or in water that contains Cultural Heritage Objects, Cultural Heritage Buildings and/or Cultural Heritage Structures as a result of human activities or evidence of events in the past.

Regional governments are obliged to disseminate antiquities according to archaeological technical standards to the public in a broad, systematic and directed manner. Implementation of the obligations as intended is carried out by involving the community, experts and other interested parties.

The results of the discovery of regional cultural heritage in the form of movable and immovable objects are controlled by the Regional Government. Findings of regional cultural heritage in the form of immovable objects on land owned by individuals can be released by being compensated in accordance with statutory regulations. People who find and/or keep regional cultural heritage objects are required to register and submit them to the Regional Government.

The Head of Service documents the particulars of regional cultural heritage objects kept by the community. Regional cultural heritage can be utilized for educational, tourism and scientific activities. Article 27 Further provisions regarding the implementation of archeological preservation are regulated in a separate Regional Regulation that regulates Cultural Heritage.

Article 28 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning Preservation of Cultural Heritage and Customs. The implementation of historical preservation as intended in Article 3 letter b, is carried out through:

- a. maintenance, protection and study of historical sources as material for writing regional history;
- b. research and writing regional history objectively and scientifically as well as popular science, and regional historical literature;
- c. sorting and maintaining the results of regional history writing; And

- d. utilizing the results of regional history writing by disseminating them through primary and secondary education, mass media periodicals and other means of publication that can be accessed by all levels of society.

Regional Government facilitates the writing of regional history by the community. Further provisions regarding the implementation of historical preservation and procedures for providing writing facilitation as intended are regulated in a Regent's Regulation.

Article 40 of Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. The typical architecture of regional cultural heritage, its existence and use must be maintained and developed through methods including:

- a. use of regional distinctive architecture in public buildings and/or buildings belonging to the Regional Government; And
- b. placing ornaments typical of regional cultural heritage on the walls of gates and/or monuments which function as regional boundaries of sub-districts, sub-districts, administrative cities/districts and regions.

Article 46 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs. Every regional cultural association and/or organization must obtain legitimacy from the Regional Government. The registration procedures and procedures as intended are further regulated in a Regent's Regulation.

Community participation can be carried out through individuals, cultural community organizations and/or cultural communication forums. The Regional Government carries out guidance and supervision of the preservation of cultural heritage and customs. Further provisions regarding the guidance and supervision of the preservation of cultural heritage and customs are stipulated in a Regent's Regulation.

Funding for the implementation of cultural heritage and customs preservation activities carried out by the Regional Government can come from the Regional Revenue and Expenditure Budget and other legitimate and non-binding sources in accordance with the provisions of statutory regulations.

Disputes regarding the preservation of cultural heritage and customs between individuals, between community organizations in the field of culture, and/or cultural community communication forums are resolved by deliberation between the parties. Deliberation between the parties as intended can be carried out through mediation and reconciliation. In the event that the intended deliberation is not reached, the Regent can facilitate the dispute resolution process. In the event that the deliberations and facilitation as intended do not achieve resolution of the dispute, it can be carried out through a judicial process.

Article 54 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs paragraph 1 Every person who does not register cultural heritage objects as intended in Article 41 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) months or criminal a maximum fine of IDR 50,000,000 (fifty million rupiah). Article 54 Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs paragraph 2 Criminal acts as referred to in paragraph (1) are violations.

In Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs in Banyuwangi, the focus is to protect the preservation of cultural heritage and customs in Banyuwangi.

Banyuwangi Regent Regulation Number 61 of 2012 concerning Cultural Heritage Management was stipulated in Banyuwangi on December 5 2012 by Banyuwangi Regent H. Abdullah Azwar Anas. Furthermore, it was promulgated in Banyuwangi on December 5 2012 by the Regional Secretary of Banyuwangi Regency Drs.H. SLAMET KARIYONO, M.Si. Banyuwangi Regent's Regulation Number 61 of 2012 concerning Cultural Heritage Management Article 2 Banyuwangi Regent's Regulation Number 61 of 2012 concerning Cultural Heritage Management Cultural Heritage Management aims to:

- a. Protect, secure and preserve Cultural Heritage;
- b. Maintain and develop traditional values which constitute identity and are a symbol of regional and community pride;
- c. Increase public understanding and awareness of regional history;
- d. Increase public awareness, awareness and appreciation of Cultural Heritage
- e. Generating motivation, enriching inspiration and increasing activities in the cultural sector.

Article 3 Banyuwangi Regent Regulation Number 61 of 2012 concerning Cultural Heritage Management. The scope of Cultural Heritage Management includes:

- a. Implementation of Cultural Heritage Registration which includes activities for registering, reviewing, determining and recording Cultural Heritage;
- b. Cultural Heritage Conservation which includes saving, securing, zoning, maintenance, restoration, development and utilization of Cultural Heritage;
- c. Storage and maintenance of Cultural Heritage in Museums;
- d. Implementation of community participation in the management of Cultural Heritage;
- e. Guidance and supervision in the management of Cultural Heritage.

Cultural Heritage preservation is carried out based on the results of a feasibility study that can be justified academically, technically and administratively. Procedures for preserving cultural heritage must consider the possibility of returning it to its initial condition as before preservation activities. The preservation of cultural heritage must be supported by documentation activities before carrying out activities that could cause changes to its authenticity.

Banyuwangi Regent Regulation Number 61 of 2012 concerning Cultural Heritage Management does not regulate a team of cultural heritage experts. Based on Article 37 of Banyuwangi Regent's Regulation Number 61 of 2012 concerning Cultural Heritage Management, matters that have not been regulated in this Regent's Regulation, as long as the technical implementation is related will be further regulated by Regent's Decree. This means that here the cultural heritage expert team's criteria and terms of office are determined by the Regent's Decree.

Ancestral graves that meet all of the above criteria are considered cultural heritage. The ancestral graves of traditional law communities are said to be sacred objects because they have sacred value and are included in the category of an object. The sacred value contained in ancestral graves can be seen from the rituals or activities carried out by traditional law communities. Ancestral graves are included in the classification of cultural heritage objects according to Law Number 11 of 2010 concerning Cultural Heritage.

Makam in the Big Indonesian Dictionary has the first meaning of grave and the second meaning of cemetery. A cemetery is an area of land where bodies are buried. Graves are of course inseparable from discussions about the end of human life's journey on this earth or what is called death. Of course, death varies in manner, time, place and occurrence depending on the human's own deeds during his or her lifetime on earth.⁴

Ancestor in the Big Indonesian Dictionary means ancestors (exalted ones). Ancestor or ancestor is a name that is normally associated with parents or ancestral parents (such as grandparents, grandchildren, and so on). Based on the meaning of the words grave and ancestor, when combined they become ancestral graves. Ancestral grave means the grave of an ancestor or parent. The emphasis on ancestral graves is the graves of ancestors or parents who have a long lineage and have built a community so that they have an identity.

Because the ancestral graves have an identity, the community pays tribute to the ancestors in the form of honoring activities. The community's activities in paying respect represent beliefs in ancestors. Each society has its own various ways of paying respect to ancestors. Respect for ancestors carried out through activities at ancestral graves is a customary law community culture. Culture itself contains moral values of belief as respect for those who created the culture and is applied in a community through tradition.⁵

Ancestral graves are closely related to the history of the Indonesian nation, this can be seen during the historical events of the Diponegoro war. The Java War or better known as the Diponegoro War was a war that lasted for five years (1825-1830) involving westerners (the Dutch) and the Yogyakarta Palace.⁶ The war involving two major powers at that time made this war a war that had a big impact on both parties. The initial phase of this war actually began when the Dutch began to disturb the order of the Yogyakarta Palace, which around 1820 had reached its peak of glory. This period occurred exactly five years before the outbreak of the Java War.

This initial round of the Diponegoro War, because there were still other things that ultimately caused problems and sparked the Diponegoro War in 1825-1830. This problem came when at the end of May 1825 Smissaert, as resident of Yogyakarta at that time, took the decision to repair and upgrade small roads around Yogyakarta. The initial plan for this development was targeted from Yogyakarta towards Magelang via Muntilan, but suddenly a change was made by passing through the Tegalrejo area which was the ancestral place of Prince Diponegoro.⁷ At that time the Dutch were working hard to build a railway in the Tegalrejo area (Central Java), but during the construction process the railway to be built passed the grave of Prince Diponegoro's ancestors, which made Prince Diponegoro very

⁴ Subri, Ziarah Makam Antara Tradisi dan Praktek Kemusyikan, EDUGAMA : Jurnal Kependidikan Dan Sosial Keagamaan, Vol.02 No.01 Juli 2017, hlm 68-87

⁵ Robi Darwis, *Tradisi Ngaruwat Bumi Dalam Kehidupan Masyarakat (Studi Deskriptif Kampung Cihideung Girang Desa Sukakerti Kecamatan Cisalak Kabupaten Subang)*, Religious: Jurnal Studi Agama-agama dan Lintas Budaya 2, 1 (September 2017): 75-83

⁶ Mohamad Wildan Syamsu Dluha, Relevansi Filsafat Dialektika Hegel pada Perang Diponegoro Tahun 1825-1830, Criksetra: Jurnal Pendidikan Sejarah, Vol. 10(2), 143-158, Agustus 2021, hlm 143-158

⁷ Ginanti, N. k. (2019). Tinjauan Historis Peran Perjuangan Pangeran Diponegoro tentang Peristiwa Perang Jawa Pada Tahun 1825-1830. Palapa: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah, 1(1), 31-43.

angry.⁸ The Dutch attitude and policy of not asking for permission to carry out this construction was then added to the construction of the installation of road stakes across Prince Diponegoro's ancestral grave, making the people even more furious and wanting to attack the Dutch. The stakes that had been installed were removed again by Diponegoro's supporters, but the stakes were replaced with spears as a sign of a declaration of war. This problem was the trigger for the outbreak of war between the people of Java, especially Yogyakarta and its surroundings, against the Dutch.

Judging from the historical case of the Diponegoro War, the people really respected the graves of their ancestors, therefore when the Dutch carried out construction and evicted their ancestral graves, a conflict occurred, giving rise to a war between the people and the Dutch.

Legal protection aims to integrate and coordinate various interests in society because in a traffic of interests, protection of certain interests can only be done by limiting various interests on the other side. Legal Protection The graves of the Banyuwangi Community Ancestors are protected by Law Number 11 of 2010 concerning Cultural Heritage. With the Banyuwangi Regent's Regulation Number 61 of 2012 concerning Cultural Heritage Management, it is a regional regulation that regulates cultural heritage, one of the aims of which is to protect, secure and preserve cultural heritage. Therefore, the entire Banyuwangi community has received legal protection if ancestral graves that meet the criteria are registered as cultural heritage. Furthermore, Banyuwangi Regency Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs in Banyuwangi regarding the Preservation of cultural heritage and customs has the aim of protecting and securing regional cultural heritage and customs so that they do not become extinct or are recognized as culture and customs, and always maintaining and developing traditional values which constitute identity and as a symbol of the pride of the Banyuwangi regional community. This provides certainty and protection for the rituals carried out by the Banyuwangi community, namely the Resik Lawon ritual when welcoming Ramadan.

CONCLUSION

The ancestral graves of the Banyuwangi people are sacred objects because they have sacred value and are included in the category of an object. The sacred value contained in ancestral graves can be seen from the rituals or activities carried out by the Banyuwangi people. The ritual carried out by the people of Banyuwangi, namely the Osing Tribe, holds a Resik Lawon event to welcome Ramada. Rituals are carried out by residents to honor their ancestors known as Buyut Cungking. The ancestral grave of Buyut Cungking is included in the classification of cultural heritage objects according to Law Number 11 of 2010 concerning Cultural Heritage.

⁸ Rheviyany HS Putri, Panji Suwarno, Novky Asmoro, Muhammad Afif Al Fayed, Dampak Secara Ekonomi Akibat Perang Diponegoro Bagi Belanda, NUSANTARA: Jurnal Ilmu Pengetahuan Sosial, Vol 10 No 6 Tahun 2023 Hal. : 2982-2986

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