


Addressing the Protection of the Surosowan Palace in  
Wartime through the 1954 Hague Convention

Mokhamad Gisa Vitrana<sup>1</sup>, Afriman Oktavianus<sup>2</sup>,  
Amiratul Aulia Hanifah<sup>3</sup>, Pryanka Ceza Oktrian<sup>4</sup>

<sup>1,2,3,4</sup>Faculty of Law Universitas Sultan Ageng Tirtayasa, Serang, Indonesia

✉ corresponding email: [mogisavitrana@untirta.ac.id](mailto:mogisavitrana@untirta.ac.id)

Article	Abstract
<p><b>Keywords:</b> Blue Shield Emblem; Cultural Heritage; the 1954 Hague Convention; Surosowan Palace.</p> <p><b>Article History</b> Received: Aug 12, 2025; Reviewed: Feb 19 2025; Accepted: 3 Mar 2025; Published: 11 Mar 2025.</p>	<p>Deliberate destruction of cultural heritage with outstanding universal value during war is an international crime. While efforts to protect cultural heritage in wartime have been coordinated through the 1954 Hague Convention with its Blue Shield Emblem, numerous cultural sites have still been destroyed in the last decade. This issue is compounded by the varying implementation of these prtections among states. Despite Indonesia ratifying the Convention in 1966, it has struggled to properly implement the Blue Shield Emblem for its cultural heritage sites. No country is entirely safe to the risk of war, especially given the increasing conflicts in recent years. This research examines the challenges of applying the Blue Shield Emblem to the Surosowan Palace, a significant cultural heritage site in Serang City, Indonesia. The Surosowan Palace holds historical value as a symbol of the Indonesian national identity, particularly as the Banten Kingdom was a vital trading hub in Southeast Asia from the 14th to the 17th centuries. This study uses a socio-legal method, drawing on data from interviews with key informants, to explore the barriers and gaps in protecting Surosowan Palace. This research highlights Indonesia's need for regulatory adjustments to implement the 1954 Hague Convention and</p>

---

emphasizes the inclusion of Surosowan Palace as a Blue Shield Emblem cultural heritage site.

---



Copyright ©2025 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions. (How to Cite: "Vitran, M. G., Oktavianus, A., Hanifah, A. A., Oktrian, P. C. Addressing the Protection of the Surosowan Palace in Wartime through the 1954 Hague Convention, *Hang Tuah Law Journal*, 9(1), 59-85. <https://doi.org/10.30649/htlj.v9i1.256>")

---

## Introduction

War brings destruction to life, the environment, and human civilization, causing endless suffering. History shows that cultural heritage sites have been repeatedly destroyed during wars. The Old City of Dubrovnik, Croatia, was devastated in October 1991 during the war in the former Yugoslavia.<sup>1</sup> Previously, the status of Dubrovnik's Old Town was designated as a cultural heritage site by UNESCO and was listed as a World Heritage Site in 1979. Due to the war, Dubrovnik's Old Town was included on the List of World Heritage in Danger from 1991 to 1998.<sup>2</sup> Then, the event that shocked the world was the destruction of the Old Bridge (Stari Most) in Bosnia and Herzegovina in 1993.<sup>3</sup> These two events marked the first time that individuals were tried by an international court and subsequently found guilty of a specific type of war crime: the intentional destruction of cultural heritage buildings recognized as World Heritage sites. The International Criminal Tribunal for the Former Yugoslavia (ICTY) charged Slobodan Milosevic with international crimes for the destruction of the Old Bridge of Stari Most<sup>4</sup> and Pavle Strugar for the devastation of Dubrovnik's Old Town.<sup>5</sup> The escalation of conflicts between nations leading to war has had a significant impact on the destruction of cultural heritage within the international community today, as seen in the Ukraine-Russia conflict that began in 2022. Ironically, UNESCO has recorded that approximately 260 cultural heritage buildings, including museums, monuments, libraries,

---

<sup>1</sup> The George Wright Forum, "Dubrovnik's Old City: The Destruction of a World Heritage Cultural Site," *George Wright Society*, Vol. 11, No. 1 (1994): 11-15, <https://www.jstor.org/stable/i40143367>.

<sup>2</sup> UNESCO World Heritage Centre, "Old City of Dubrovnik," 2024, available online: <https://whc.unesco.org/en/list/95/>.

<sup>3</sup> Helen Walasek, *Bosnia and the Destruction of Cultural Heritage* (Surrey: England: Ashgate Publishing, 2015). pp.50.

<sup>4</sup> The International Criminal Tribunal for the Former Yugoslavia, Case No. IT-02054-T: The Prosecutor Of The Tribunal Against Slobodan Milosevic: Amended Indictment (2002). Par. 42. pp.10 .

<sup>5</sup> International Criminal Tribunal the former Yugoslavia, Judgement in the Case the Prosecutor v. Pavle Strugar: Case No. IT-01-42-T (2005). Par. 446. pp.186.

religious sites, and other historical and artistic structures, have been destroyed due to the Ukraine-Russia war.<sup>6</sup>

In wartime, parties often do not realize that buildings or objects within the area of attack are protected cultural heritage sites. Hostile parties tend to invoke the doctrine of Military Necessity, which stems from Just War Theory. This theory justifies war within a moral framework, requiring conditions to be met before, during, and after the conflict, known as *jus ad bellum*, *jus in bello*, and *jus post bellum*.<sup>7</sup> In the classical understanding of Just War Theory, Augustine outlined three conditions: a just cause for war, a formal declaration by legitimate authority, and the right intention—to restore order and lasting peace. The dynamics of the international community have led to the development of justifications for war that extend beyond the original three conditions. John W. Lango, citing the report of the High-Level Panel (HLPR), describes the justification under Just War Theory in relation to the UN Security Council's authority for military action as follows: first, the presence of a serious threat; second, a clear objective; third, the use of force as a last resort; fourth, proportional means; and fifth, clear consequences of success.<sup>8</sup> The concept of restricting war within Just War Theory is rooted in moral questions to warfare.<sup>9</sup>

Hostile parties often target the destruction of all buildings within enemy territory, rarely considering specific public civilian objects that are legally protected from military targeting, including cultural heritage sites. In this context, respect for *jus in bello*—a norm regulating the conduct of parties during warfare—becomes disrupted. It is logical that a region may be targeted in war, except when it is known to be a cultural heritage area.<sup>10</sup> Specifically, the legal instruments governing the protection of cultural property from the effects of war are the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two

<sup>6</sup> UNESCO, “In the Face of War, UNESCO’s Action in Ukraine,” 2023. pp.1-20.

<sup>7</sup> Amaya Amell, “The Theory of Just War and International Law: From Saint Augustine, through Francisco de Vitoria, to Present,” *Hispanic Journal* 38, no. 1 (2017): pp.63–76, <https://www.jstor.org/stable/26535329>.


<sup>8</sup> John W. Lango, “Just War Theory,” in *The Ethics of Armed Conflict* (Edinburgh University Press, 2014), pp. 18–47, <https://www.jstor.org/stable/10.3366/j.ctt9qdrf3.5%0AJSTOR>.

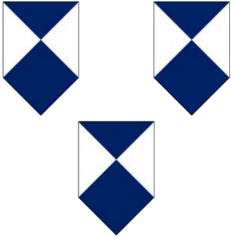

<sup>9</sup> Anthony Coates, “Just War,” in *Political Concepts*, ed. Richard Bellamy and Andrew Mason (Manchester University Press, 2003), pp. 211–24, <https://www.jstor.org/stable/j.ctt155jbcx.21>.

<sup>10</sup> Roger O’Keefe, *The Protection of Cultural Property in Armed Conflict*, 1st ed. (New York: Cambridge University Press, 2006). pp. 64.

Additional Protocols: Protocol I (1954) and Protocol II (1999). According to the 1954 Hague Convention, the effectiveness of cultural property protection is ensured through national and international efforts during peacetime, with all possible measures needed to be taken to safeguard cultural heritage. One protective measure is the use of a distinctive emblem for identification. This identification effort is carried out during peacetime by the member states of the 1954 Hague Convention. Article 16 of the Convention provides the basis for the distinctive emblem, which is a downward-pointing shield in blue, with one of its corners forming the tip of the shield and triangular white sections on both sides. This configuration of shape and color is known as the blue shield emblem. There are three types of blue shield emblems according to the 1954 Hague Convention and Protocol II (1999). Each emblem has a different scope of identification for cultural property: (1) general protection, (2) special protection, and (3) enhanced protection, as shown in Table 1 below.

**TABLE 1.** Various forms of Blue Shield Emblem and the Funtions

No.	The form of <i>Blue Shield Emblem</i>	The use of Identification	The nature of protection
1.	Blue Shield Emblem used alone 	<ol style="list-style-type: none"><li>1. Cultural heritage not under special protectionl</li><li>2. The persons who have control in terms of execution of the Convention</li><li>3. Personnel engaged in the protection</li><li>4. The identity cards</li></ol>	In All cultural heritage sites under General Protection. The immunity of cultural property from military attacks is relatively low.

<p>2. Blue Shield Emblem repeated three times</p>		<ol style="list-style-type: none"> <li>1. Immovable, transport and improvised refuges of cultural heritages.</li> <li>2. Located in areas not likely to be affected by bombing.</li> <li>3. Improvised refuges</li> </ol>	<p>Special Protection. It should be requested by state parties. Cultural Heritages must be protected from military use.</p>
<p>3. Blue Shield Emblem with Red Frame</p>		<ol style="list-style-type: none"> <li>1. Cultural heritages that the greatest importance for humanity.</li> <li>2. Also protected by national law and holds extraordinary cultural and historical value.</li> <li>3. Cultural heritages that declared to be free from military use</li> </ol>	<p>Enhanced protection. Immunity can be revoked only by orders from high-level authorized commanders.</p>

Sources: the 1954 Hague Convention and Second Protocol 1999.<sup>11</sup>

The use of a single blue shield emblem is not mandatory, but for cultural property under the special protection category, the blue shield

<sup>11</sup> The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999; Committee for the Protection of Cultural Property in the Event of Armed Conflict, "Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict," UNESCO Headquarters § (2012).

emblem must be displayed in three instances.<sup>12</sup> However, the use of the blue shield emblem is crucial to prevent unnecessary damage and to serve as a determining factor that an attack was not targeting military objectives during wartime.<sup>13</sup> The 1954 Hague Convention and its two Additional Protocols mandate that marking cultural property during peacetime by states is a principle in the protection of cultural heritage during wartime.

As a country that ratified the 1954 Hague Convention through Presidential Decree Number 234 of 1966 (Keppres 234/1966), Indonesia acknowledges and understands the importance of efforts to protect cultural heritage from the impact of war.<sup>14</sup> Indonesia has at least 66,513 cultural heritage sites, including both movable and immovable heritage.<sup>15</sup> Between 2015 and 2019, the number of cultural heritage sites in Indonesia increased by 1,928, with one additional site in Banten.<sup>16</sup> According to data from the Indonesia Cultural Heritage Preservation Center Regional VIII, there are 74 immovable cultural heritage sites in Serang City, 35 of which have been officially recognized either by the Minister's or the Regent's decree, one of which is the Surosowan Palace site.<sup>17</sup> A fascinating fact not widely known by the Indonesian public is that Banten was the first place the Dutch arrived in the Nusantara in 1596.<sup>18</sup> Surosowan Palace has a significant part of the history of Dutch colonialism in Indonesia. Surosowan Palace was designated as a cultural heritage site by Ministerial Decree Number 139/M/1998 (Ministerial Decree 139/M/1998) and reinforced by Serang Regent's Decree Number 430/Kep.459-Huk/2006 (Regent's Decree 430/2006). Surosowan Palace is one of

---

<sup>12</sup> Jan Hladik, "Marking of Cultural Property with the Distinctive Emblem of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict," *Revue Internationale de La Croix-Rouge/International Review of the Red Cross*, Vol.86, No. 854 (2004): pp.379, doi:10.1017/s1560775500180873.

<sup>13</sup> UNESCO, *Distinctive Marking of Cultural Property: Rules and Practices*, 2021. pp.1-16.

<sup>14</sup> Taufik Rachmat Nugraha, "Urgensi Perlindungan Benda Bersejarah Di Indonesia Berdasarkan HHI," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, Vol. 31, No. 3 (2019): pp. 384–401, <https://jurnal.ugm.ac.id/jmh/article/view/46446/26911>.

<sup>15</sup> Nugraha.

<sup>16</sup> Indonesia Ministry of Education and Cultural's, "Potret Cagar Budaya Di Indonesia," 2020: pp. 27.

<sup>17</sup> Indonesia Center of Regional Cultural Preservation VIII, "Daftar Inventarisasi CB-ODCB BPK Wilayah VIII" (Banten, 2024): pp. 1-24.

<sup>18</sup> the Dutch came for the second to Banten in 1598. Afif Khoirul M, "Peristiwa Kedatangan Orang Belanda Di Banten, Justru Disambut Hangat Oleh Sultan Pada 27 Juni 1596," *Intisari Online*, 2023, August, 8, 2024. Available online <https://intisari.grid.id/read/033823674/peristiwa-kedatangan-orang-belanda-di-banten-justru-disambut-hangat-oleh-sultan-pada-27-juni-1596?page=all>.

the palaces that played an important role in the history of Indonesia<sup>19</sup>, and Banten was one of the centers for the spread of Islamic power in the western part of Java.<sup>20</sup>

The cultural heritage site of Surosowan Palace is a cornerstone of the nation's identity, embodying high cultural and social values that have had a profound influence on the lives of the Indonesian people today. This is evident from the site's role as a pilgrimage destination for people, even from outside the Banten region. Over the past five years, the Banten Government has undertaken revitalization efforts in the area as part of the ongoing efforts to protect, develop, and utilize this national cultural heritage.<sup>21</sup> The implementation of the Blue Shield Emblem at the Surosowan Palace site will aid in its development and preservation. Additionally, it serves as a measure to protect the site from extinction, including from the impacts of war. This is crucial because the occurrence of war, the parties involved<sup>22</sup>, and the duration of the conflict are inherently unpredictable.<sup>23</sup> The contemporary situation shows that Indonesia, as the largest archipelagic and multicultural country with a strategic geographic position, faces challenges in maintaining security and peace, particularly in Southeast Asia.

---

<sup>19</sup> R. Cecep Eka Permana, "Kajian Arkeologi Mengenai Keraton Surosowan Banten Lama, Banten," *Makara Human Behavior Studies in Asia*, Vol.8, No. 3 (2004): 112–119, <https://doi.org/10.7454/mssh.v8i3.101>.

<sup>20</sup> Budi Sulisty and Gita Vemilya Many, "Revitalisasi Kawasan Banten Lama Sebagai Wisata Ziarah," *Jurnal Planesa* Vol. 3, No. 1 (2012): 1–8, <https://ejournal.esaunggul.ac.id/index.php/planesa/article/view/561>.

<sup>21</sup> Badan Penghubung Daerah Provinsi Banten, "Revitalisasi Banten Lama Tahap II Tata Keraton Kaibon, Speilwijk Dan Masjid Pacinan," *Bantenpron:Go.Id*, 2019, August, 8, 2024. <https://penghubung.bantenprov.go.id/berita/revitalisasi-banten-lama-tahap-ii-tata-keraton-kaibon-speilwijk-dan-masjid-pacinan>.

<sup>22</sup> Russia's invasion of Crimea and Ukraine in the last decade has created uncertainty regarding global peace and security. British Prime Minister Winston Churchill even stated that World War II was "the unnecessary war." Donald Kagan, "The End of Wars as the Basis for a Lasting Peace: A Look at the Great Wars of the Twentieth Century," *Naval War College Review*, Vol. 53, No. 4 (2000): pp. 11.

<sup>23</sup> The Gulf War in the 1990s should have ended quickly, as Iraq was considered to have been defeated in terms of military strength, yet it lasted for an extended period. Eliot A. Cohen, "Beware the False Prophets of War: Why Have the Experts Been so Persistently Wrong?," *The Atlantic*, 2023, August, 3, 2024. Available Online <https://www.theatlantic.com/ideas/archive/2023/09/false-prophets-iraq-afghanistan-ukraine-war/675279/>; Also see: Maria Kunti Atika Putri and Keanu Abinuno Wattimena, "Conceptual and Juridical Review of the Destruction of Cultural Objects in the Ukraine - Russia War," *Jurnal Suara Hukum* 6, no. 1 (2024): pp. 178–96.

The formation of the Australia, United Kingdom, and United States Strategic Defense Alliance (AUKUS), for instance, is considered by Indonesia as a threat to peace and security in Southeast Asia.<sup>24</sup> This concern is further heightened by the deteriorating international relations between China and Australia, which impacts the Indo-Pacific geopolitics, where Indonesia is one of the driving forces behind regional cooperation. These factors closely influence the potential for conflict, which could escalate into war in Southeast Asia, including Indonesia.

Therefore, applying the principle of *jus in bello* within just war theory is crucial in determining the extent to which concrete efforts to protect cultural heritage during peacetime can prepare for wartime situations, particularly regarding the Surosowan Palace cultural heritage site. Additionally, it is important to consider the potential obstacles and challenges in implementing the Blue Shield Emblem at Surosowan Palace.

## Method

This research employs the socio-legal method that construct the normative aspects of the 1954 Hague Convention and Indonesian laws, including regional regulations regarding the protection of cultural heritages with the needs or issues identified in the field<sup>25</sup>, particularly in Surosowan Palace. The research data is also supplemented by interviews with sources from the regional delegation of the Indonesia-Timor Leste International Committee of the Red Cross (ICRC) and the Cultural Heritage Preservation Center Region VIII. A legislative approach and a case study approach are used in this research to provide comprehensive answers in identifying the obstacles

---

<sup>24</sup> Annisa Putri Nindya and Rifqy Alief Abiyya, "Pengaruh AUKUS Terhadap Stabilitas Indo-Pasifik Dan Sikap Indonesia," *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* Vol. 13, No. 1 (2022): pp. 67–84, doi:10.22212/jp.v13i1.2917.

<sup>25</sup> Darren O'Donovan, "Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls," *Legal Research Methods: Principles and Practicalities* 1 (2016): pp. 1–31; Linda Mulcahy and Rachel Cahill O'Callaghan, "Introduction: Socio-Legal Methodologies," *Journal of Law and Society* 48, no. 1 (2021): pp. 1–11, <https://doi.org/https://doi.org/10.1111/jols.12336>.



and challenges in implementing the Blue Shield Emblem at Surosowan Palace.

## Results and Discussion

### A. The Blue Shield Emblem in Just War Theory

The protection of cultural heritage during wartime has become a legal principle enshrined in the Hague Conventions of 1899 and 1907, the Roerich Pact of 1933, and the Washington Pact of 1935.<sup>26</sup> These conventions are categorized under *jus in bello*. *Jus in bello* refers to the laws governing conduct during war for all parties involved in the conflict, whether nations or soldiers.<sup>27</sup> *Jus in bello* is one of the legal guidelines in just war theory, which now includes guidelines for the legitimacy of the initiation of war (*jus ad bellum*), the laws governing the end of war (*jus ex bello*), and the laws applicable after the war has ended (*jus post bellum*).<sup>28</sup> In addition to its role in the 'legal guidelines' of warfare, *jus in bello* is theoretically extended as a protection law for the victims of war.<sup>29</sup> Just war theory originated from the teachings of ancient Greece and Rome, and it continues to be used today to legitimize the actions of states during and in preparation for war.

The Hague Convention of 1954, with its system for the protection of cultural heritage, is a concept related to the ethical conduct of warfare. The protection of cultural heritage during wartime must be respected by the parties involved, to avoid unnecessary and excessive destruction when it can be prevented. This concept embodies the principles of military necessity and proportionality, with the main goal of war being to restore peace.

---

<sup>26</sup> In between 1914 to 1954, marked by two extraordinary events, World War I and World War II, became the culmination of the physical destruction of countries' infrastructures, including cultural heritage sites. O'Keefe, *The Protection of Cultural Property in Armed Conflict*.

<sup>27</sup> Teguh Sulistia, "Pengaturan Perang Dan Konflik Bersenjata Dalam Hukum Humaniter Internasional," *Indonesian Journal of International Law* Vol. 4, No. 3 (2021): pp. 526–55, doi:10.17304/ijil.vol4.3.157.

<sup>28</sup> Daniel Statman, "Ending War Short of Victory? A Contractarian View of *Jus Ex Bello*," *Ethics* Vol. 125, No. 3 (2015): pp. 720–50, doi:<https://doi.org/10.1086/679561>.

<sup>29</sup> Sulistia, "Pengaturan Perang Dan Konflik Bersenjata Dalam Hukum Humaniter Internasional."

By examining the provisions in various conventions related to the law of war, one can easily determine the extent to which these conventions are applicable. The scope of when the Hague Convention of 1954 and its Additional Protocols apply is clearly stated in Article 18 of the Convention, which essentially comes into effect at the beginning of a conflict: *“Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by, one or more of them.”* However, the effort to affix the blue shield emblem to protect cultural heritage from the impact of war is carried out during peacetime, as stated in Article 3 of the Hague Convention of 1954: *“The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.”*

In her writing, Lonneke Peperkamp reveals that there is a concept of *jus ante bellum*, which refers to norms applicable in peacetime, though it differs from *jus ad bellum*. Furthermore, *jus ante bellum* pertains to the realization of two objectives: comprehensive preparation for or prevention of war. George Lucas, as discussed by Lonneke Peperkamp, states that *jus ante bellum* and *jus post bellum* complement the scope of understanding within just war theory.<sup>30</sup> While *jus ad bellum* critiques the principles that form the legal foundation for waging war, *jus ante bellum* consists of general norms governing the preparation for war, including military policies such as the education and training of combatants. In this context, military combatants must be trained to prepare for war in a highly proportional manner, ensuring that battles are conducted fairly and that the ideal objectives of war are achieved.

---

<sup>30</sup> Lonneke Peperkamp, “The Blurry Boundaries Between War and Peace: Do We Need to Extend Just War Theory?,” *ARSP: ARCHIV FÜR RECHTS- UND SOZIALPHILOSOPHIE* Vol.102, No. 3 (2016): pp. 315–32, <https://www.jstor.org/stable/45175323>.

The system for the protection of cultural heritage under the Hague Convention of 1954, with the concept of the blue shield emblem in just war theory, should be viewed more broadly as a tool to encourage society to recognize cultural heritage as part of human civilization's development. This is not only a moral obligation but also a legal duty, requiring conflicting parties to protect cultural heritage as they would uphold human dignity and honor.

## **B. Legal Framework for Applying the Blue Shield Emblem in Indonesia**

The Hague Convention of 1954 and Additional Protocol I have been ratified by Indonesia through Presidential Decree 234/1966, while Additional Protocol II of 1999 has not yet been ratified by Indonesia.<sup>31</sup> The Hague Convention of 1954 and Additional Protocol I provide the basis for using the single Blue Shield Emblem and the three-time repetition emblem for General Protection and Special Protection of cultural heritage. Additional Protocol II of 1999 regulates the use of the Blue Shield Emblem with a Red Frame for Enhanced Protection of cultural heritage. Therefore, normatively, Indonesia can only mark and designate its cultural heritage for General Protection and Special Protection using either the Blue Shield Emblem used alone or repeated three times.

The categorization of cultural heritage for each of the three Blue Shield Emblems is regulated by the Hague Convention of 1954 and Additional Protocol II of 1999, specifying categories only for cultural heritage within the special protection system and enhanced protection system. Article 8 of the Hague Convention of 1954 uses the term ‘...*cultural property of very great importance*’ to categorize the Blue Shield Emblem within the special protection system. Additionally, Article 10 of Additional Protocol II of 1999 uses the term ‘...*cultural heritage of the greatest importance for humanity*’ to categorize cultural heritage that can be included in the enhanced protection system.<sup>32</sup> These two criteria

---

<sup>31</sup> UNESCO, “States Parties to the 1954 Hague Convention and Its Two (1954&1999) Protocols,” *Unesco.Org*, 2024, August, 5, 2024. Available Online <https://www.unesco.org/en/heritage-armed-conflicts/convention-and-protocols/states-parties?hub=415>.

<sup>32</sup> O’Keefe, *The Protection of Cultural Property in Armed Conflict*.

are considered *qui pro quo*, serving as objective criteria for cultural heritage to qualify for either the special protection system or the enhanced protection system. Meanwhile, for cultural heritage within the general protection system, the scope is defined negatively based on Article 17, paragraph 2(a) of the Hague Convention of 1954, using the term ‘...*cultural property not under special protection*,’ which refers to cultural heritage not under special protection.

The Noticeable differences are also evident in each category of the Blue Shield Emblem. The Blue Shield Emblem with three repetitions must first be registered with the international body known as the International Register of Cultural Property under Special Protection the (Register). The Register is overseen by the Director-General of UNESCO and has the authority to determine whether the submitted cultural heritage is eligible for inclusion in the special protection category. Cultural heritage using the Blue Shield Emblem with three repetitions must be under the control of the international body, and states cannot exempt themselves from this requirement. The same mechanism applies to cultural heritage using the Blue Shield Emblem with a Red Frame within the enhanced protection system. There is a committee responsible for this, known as The Committee for the Protection of Cultural Property in the Event of Armed Conflict, established under Article 24 of Additional Protocol II of 1999.<sup>33</sup> Cultural heritage identified with the single Blue Shield Emblem does not need to be registered with international authorities; it is sufficient for it to be recognized by the national authorities of each country.

Indonesia, as a signatory to the Hague Convention of 1954 since 1967, only began to affix the Blue Shield Emblem to Borobudur Temple and Prambanan Temple in 2021, as shown in Figure 1.

---

<sup>33</sup> This committee consists of 12 Protocol Member States, which are selected at the Participant States Meeting forum held every two years. Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999.

FIGURE 1. Blue Shield Emblem in Prambanan Temple



Source: Maximus Nostramabus, 2021.<sup>34</sup>

However, the affixation was incorrect, as it used the Blue Shield Emblem with three repetitions, which is for the enhanced protection system, without prior registration with the Register. This reflects a lack of capacity within government institutions for the implementation of the Blue Shield Emblem. The Standing Committee on the Implementation and Research (PANTAP) of International Humanitarian Law then reviewed the affixation of the Blue Shield Emblem at Prambanan Temple and Borobudur Temple<sup>35</sup>, and as a result, the Blue Shield Emblem was changed to the single form, or within the general protection system.

### C. A Concept of Using the Blue Shield Emblem at the Surosowan Palace

The Blue Shield Emblem in Prambanan Temple can serve as a good example for broader implementation on cultural heritage sites in Indonesia. The urgency of using the single Blue Shield Emblem as a means of identifying cultural heritage at the Surosowan Palace is conceptually divided into three aspects: Social-Historical, Normative, and Political Policy.

<sup>34</sup> Maximus Andrianus Nostramabus, "Yogyakarta," 2021, August, 7, 2024. Available Online <https://www.miumiu-unesco-cities.com/post/yogyakarta>.

<sup>35</sup> Adriansah Hariwardana, "Implementasi Hukum Humaniter Internasional Di Indonesia" (Serang: Seminar Nasional Peluang dan Tantangan Diseminasi Hukum Humaniter Internasional, Fakultas Hukum Untirta, 2024).

First, from a social-historical perspective, the Surosowan Palace was built during the reign of Sultan Maulana Hasanuddin between 1552 and 1570 M.<sup>36</sup> It served as the royal center, the residence of the Sultan of Banten and his family, and was later used by the Dutch as Fort Diamant, a defensive fortification.<sup>37</sup> From a cosmological-religious perspective, the Surosowan Palace, like other palaces, is a center of mystical power with significant meaning for Indonesian traditions.<sup>38</sup> The Surosowan Palace has undergone several physical destructions. In the 1680s, it was destroyed by the Dutch but was subsequently restored by Sultan Haji. It was destroyed for the second time by the Dutch under Daendels from 1808 to 1832.<sup>39</sup> To this day, the Surosowan Palace remains in an incomplete state, as shown in Figure 2.

**FIGURE 2. Inside of the Surosowan Palace**



**Source:** Documentation of Research Team, taken on 28 April 2024, Serang, Banten.

<sup>36</sup> Hoirun Anisah et al., "Banten Lama Sebagai Daya Tarik Wisata Bersejarah Di Kabupaten Serang," *Jurnal Dinamika Sosial Budaya* Vol. 25, No. 2 (2023): pp. 67–75, doi:10.26623/jdsb.v25i3.4690.

<sup>37</sup> Indonesia Center of Regional Cultural Preservation VIII, "Database Cagar Budaya Di Kota Serang" (Serang, 2016).

<sup>38</sup> Direktorat Pelestarian Cagar Budaya dan Permuseuman, "Masterplan Pelestarian Kawasan Cagar Budaya Banten Lama" (Jakarta, 2017).

<sup>39</sup> Permana, "Kajian Arkeologi Mengenai Keraton Surosowan Banten Lama, Banten."

The current normative perspective shown that the Surosowan Palace has been designated as cultural heritage through Ministerial Decree 139/M/1998, and this designation was reinforced by Regent Decree 430/2006. Additionally, according to Governor of Banten Decree No. 437/Kep.160-Huk/2018 on the Zoning of the Banten Sultanate Cultural Heritage Area (Old Banten) (Governor Decree 437/2018), the Surosowan Palace is included as a Core Area along with other cultural heritage sites: Banten Mosque, Kaibon Palace, Banten Spellwijk, Karangantu Port, Situ Tasikardi, and Avalokitesvara Temple. The affixation of the Blue Shield Emblem to the Surosowan Palace is part of the efforts to preserve cultural heritage, based on Law No. 11 of 2010 on Cultural Heritage (Law 11/2010), Government Regulation No. 1 of 2022 on the National Register and Preservation of Cultural Heritage (PP 1/2022), and Regional Regulation of Serang City No. 6 of 2021 on the Preservation of Cultural Heritage (Perda 6/2021). The provision addressing the context of protecting cultural heritage during war is found in Article 57 of Law No. 11/2010, concerning the preservation of cultural heritage in emergency situations or when urgent action is required.<sup>40</sup> The scope of such emergency conditions includes situations that threaten the preservation of cultural heritage, including in the event of war.

Political policies from the government, particularly at the regional level, also play a significant role in the efforts to preserve cultural heritage. The Surosowan Palace has been part of the cultural heritage revitalization efforts by the Banten Provincial Government through the Department of Tourism since 2014.<sup>41</sup> This revitalization policy is also supported by the Central Government through the Directorate of Cultural Heritage and Museums Preservation, as well as the Banten Provincial Government in the 2017 Master Plan for the

---

<sup>40</sup> According to the Indonesia Law on Cultural Heritage, Preservation is a dynamic effort to maintain the existence of Cultural Heritage and its value by protecting, developing, and utilizing it. Indonesia Law Number 11 Year 2010 on Cultural Heritage,” Pub. L. No. 11 Tahun 2010 (2010).

<sup>41</sup> Revitalization is a policy aimed at reactivating an area that previously held strategic vitality values and significant potential for the region. Aluh Shiba Hizmiakanza and Dian Rahmawati, “Strategi Revitalisasi Kawasan Banten Lama,” *Jurnal Teknik ITS* Vol. 7, No. 2 (2018): pp. 99–105, doi:10.12962/j23373539.v7i2.33833.

Preservation of the Old Banten Cultural Heritage Area. The revitalization of the Surosowan Palace area, which is also part of the Old Banten Area, has been physically completed since 2020. Research conducted by Andini Ayu Lestari *etc.* shows that the impact of this revitalization policy has significantly affected, at least, tourist visits to the Surosowan Palace area.<sup>42</sup>

Another aspect that needs attention regarding the affixation of the single Blue Shield Emblem to the Surosowan Palace, as demonstrated with Prambanan Temple previously, is the method of affixation. Article 20 of the Hague Convention of 1954 specifies that the affixation of the Blue Shield Emblem is entrusted to the competent authorities of each signatory country. However, there are basic placement guidelines: the Blue Shield Emblem, when used on transport vehicles or at the entrance of cultural heritage sites, must be visible during the day. Indonesia currently does not have specific regulations detailing the affixation of the Blue Shield Emblem to cultural heritage sites within the country. Figure 3 shows an abstract concept that can be used to illustrate how the Blue Shield Emblem should be affixed at the main entrance of the Surosowan Palace. The Emblem was printed using a 30 x 42 cm sheet of paper and photographed from approximately 60 meters.

---

<sup>42</sup> Andini Ayu Lestari, Ahmad Sururi, and Rethorika Berthanilla, "Pengaruh Revitalisasi Kawasan Banten Lama Terhadap Tingkat Kunjungan Wisatawan Kawasan Wisata Religi Keraton Kesultanan Banten Di Kecamatan Kasemen Kota Serang," *Jurnal Ilmu Politik Dan Pemerintahan* 7, no. 1 (2021): 1–13, <https://doi.org/10.37058/jipp.v7i1.2242>.



**FIGURE 3. An Abstract concept of Blue Shield Emblem in Surosowan Palace**



**Source:** Documentation of Research Team, taken on 28 April 2024, Serang, Banten.

In the context of affixing the Blue Shield Emblem to the Surosowan Palace, despite its significant shortcomings, it can be done based on the regulations for marking cultural heritage buildings specified in Articles 18 and 19 of Regional Regulation No. 6/2021.<sup>43</sup> The core substance of these articles is that every owner, occupant, or manager of cultural heritage has the obligation to install signage in the form of prohibition boards and informational boards. The Blue Shield Emblem can be placed as part of these prohibition and informational boards, as outlined in the articles.<sup>44</sup> The scope of the current Presidential Decree only pertains to the executive institution, namely the president and his officials, and does not have a general widespread effect. PANTAP had taken concrete steps in the effort to implement the blue shield emblem by drafting the Bill on the Protection of Cultural Heritage Objects in time of war.

<sup>43</sup> Walikota Serang Provinsi Banten, “Peraturan Daerah Kota Serang Nomor 6 Tahun 2021 Tentang Pelestarian Cagar Budaya,” Pub. L. No. 6 Tahun 2021 (2021).

<sup>44</sup> Jimly Asshiddiqie, *HUKUM ACARA PENGUJIAN UNDANG-UNDANG*, ed. Rofiq et al., III (Jakarta: Konstitusi Press, 2006).

#### D. Obstacles and Challenges in Implementing the Blue Shield Emblem

At least three factors serve as both obstacles and challenges in the implementation of the Blue Shield Emblem on the cultural heritage of the Surosowan Palace. First, Indonesia lacks specific regulations for the implementation of the Hague Convention of 1954. Presidential Decree 234/1966, as the legal instrument ratifying the Hague Convention of 1954, is an individual and concrete legal norm, meaning it is purely an administrative determination (*beschikking*). At that time, Presidential Decrees had two functions: regulation (*regeling*) and determination (*beschikking*).<sup>45</sup> The scope of the current Presidential Decree only pertains to the executive institution, namely the president and his officials, and does not have a general widespread effect. PANTAP had taken concrete steps in the effort to implement the blue shield emblem by drafting the Bill on the Protection of Cultural Heritage Objects During Armed Conflicts<sup>46</sup>, but this initiative was halted. An achievable approach at present is through the revision of Law No. 11/2010 by including a provision that regulates the implementation of the Protection of Cultural Heritage during War. Regional Regulation No. 6/2021 cannot be directly tasked with implementing the 1954 Hague Convention, especially in terms of general protection systems or the use of a single blue shield emblem.

The second factor, in the context of institutional frameworks, is the presence of relevant institutions that could be involved in implementing the blue shield emblem. However, the multitude of potential institutions also poses a challenge because, to this day, there is no host institution dedicated to the protection of cultural heritage during wartime. In peacetime, PANTAP serves as the coordinator for the dissemination of the 1954 Hague Convention. Even at the regional level, there appears to be insufficient knowledge about the

---

<sup>45</sup> PANTAP consists of the Ministry of Law and Human Rights, the Ministry of Defense, the Ministry of Home Affairs, the Indonesian Red Cross, the Ministry of Social Affairs, the Indonesian National Army, the Ministry of Foreign Affairs, the Ministry of Education and Culture, the ICRC, as well as academics from Higher Education Institutions. *Ibid*.

<sup>46</sup> Nugraha, "Urgensi Perlindungan Benda Bersejarah Di Indonesia Berdasarkan HHI."

blue shield emblem. The Banten Provincial Government, Serang City Government, and Serang Regency Government, as stakeholders in the management of the Banten Lama area<sup>47</sup>, they don't enough sufficient understanding of the identification of cultural heritage with the blue shield emblem. Although there were efforts to revitalize the Surosoan Palace area within the framework of the Banten Lama area, no policies have been found that address the protection of cultural heritage using the blue shield emblem. For the continued protection of cultural heritage during wartime, the role of Non-Governmental Organizations (NGOs) is also crucial. NGOs often have easier access to cultural heritage sites in conflict situations compared to government institutions.<sup>48</sup> Collaboration between government authorities and NGOs becomes essential to obtain accurate information regarding the condition of cultural heritage during wartime.

Third, the policy for ranking cultural heritage under Law No. 11/2010 tends to be top-down in practice. Article 41 of Law No. 11/2010 states: *"The Government and Regional Governments may rank cultural heritage based on its significance into national, provincial, and regency/municipal levels according to the Cultural Heritage Expert Team."* Furthermore, to be eligible for the blue shield emblem, a cultural heritage site must be ranked as national rather than at a lower level.<sup>49</sup> The designation for national-level cultural heritage is set by a Ministerial Decree, for provincial-level by a Governor's Decree, and for regency/municipal-level by a Regent/Mayor's Decree. This creates rigidity in the implementation of the 1954 Hague Convention in Indonesia. The criteria for a cultural heritage site to be classified at the national level are outlined in Article 42 of Law No. 11/2010, which specifies that it must be: a manifestation of national unity and integration; a significant cultural work of the Indonesian nation; rare, unique, and in limited quantity; evidence of the evolution of culture

---

<sup>47</sup> Robi Agmadhori Manura, "Kawasan Banten Lama Kini Dikelola Bersama," *PPID Pemkot Serang*, 2022, August, 9, 2024. Available Online <https://ppid.serangkota.go.id/detailpost/kawasan-banten-lama-kini-dikelola-bersama>.

<sup>48</sup> committee For The Protection Of Cultural Property In The Event Of Armed Conflict, "Final Report: Committee For The Protection Of Cultural Property In The Event Of Armed Conflict. CLT-13/8.COM/CONF.203/Report" (Paris, 2014).

<sup>49</sup> Hariwardana, "Implementasi Hukum Humaniter Internasional Di Indonesia."

across nations and regions; or an important example of traditional settlement areas, cultural landscapes, and/or distinctive spatial uses that are threatened with extinction.

Before the enactment of Law No. 11/2010, Law No. 5 of 1992 on Cultural Heritage did not regulate the ranking of cultural heritage sites. Therefore, based on Law No. 11/2010, the Surosowan Palace, designated as cultural heritage under Ministerial Decree No. 139/1998, needs to be re-registered for ranking. This re-registration process requires a long time and expertise from various parties, necessitating a substantial budget. Adequate budget preparation and the involvement of various experts in the re-registration process are crucial. In the context of cultural heritage knowledge, it is primarily the local community and their local government who tend to have a deep understanding of the historical values of their cultural heritage.

Another obstacle and challenge are the socialization of the cultural heritage protection system using the blue shield emblem. Both the public and local governments need to understand the importance of protecting cultural heritage during wartime and the implementation of the blue shield emblem. The government and the public are still trapped in the paradigm that protecting cultural heritage from the effects of war is not a current priority, as the country is not in a state of war emergency. Efforts to implement the use of the blue shield emblem as a protective identifier for cultural heritage sites must be prepared in advance of critical situations.

## E. Collaboration of Various Sectors

The need for collaboration between government and non-government institutions has become crucial in the implementation of the 1954 Hague Convention. Therefore, sectoral egos must be diminished, and the alignment of cultural heritage protection paradigms should be expanded and developed by also utilizing international legal protection efforts.<sup>50</sup> This is as explicitly stated in the

---

<sup>50</sup> Francesco Francioni, "Public and Private in the International Protection of Global Cultural Goods," *The European Journal of International Law* 23, no. 3 (2012): pp. 725, <https://doi.org/10.1093/ejil/chs039>.

Preamble of the 1954 Hague Convention, namely: "...such protection cannot be effective unless both national and international measures have been take to organize it in time of peace". There are several key aspects in building collaboration for the implementation of the 1954 Hague Convention in Indonesia, including in the context of protecting the Surosowan Palace, such as:

1. Policy Development. The central government, in creating derivative regulations of the 1954 Hague Convention, cannot simply impose norms to be enforced by lower-level regulations. It's beyond that, the social, cultural, and economic aspects with local value become key factors in strengthening the protection of cultural heritage. Local communities have a close relationship with the heritage buildings in their area, so all policy planning must begin with local aspects. In this regard, comprehensive policy development on cultural heritage needs to involve regional government institutions such as the Department of Education and Culture and the Department of Tourism.
2. Organization.<sup>51</sup> As we know that the UNICEF is the main actor in the international community in terms of the protection of cultural heritages that have universal values. In national level, the Ministry of Culture plays a key role in coordinating the needs for cultural heritage protection during wartime. PANTAP, Universities, and the ICRC can assist in research and the dissemination of Indonesia's policies, and the 1954 Hague Convention related to cultural heritage protection during war. Furthermore, BPK VIII and the local government of Serang City<sup>52</sup> have a role in facilitating the management of cultural heritage protection.

---

<sup>51</sup> Karim Peltonen, "Implementation of the 1954 Hague Convention and Its Additional Protocols in Finland," in *Protection of Cultural Property in the Event of Armed Conflict* (California: Law Library Collections at Santa Clara Law Digital Commons, 2007), pp. 9, <http://digitalcommons.law.scu.edu/cultprop/17>.

<sup>52</sup> Article 5 (1), Regional Regulation of Serang City No. 6 of 2021 on the Preservation of Cultural Heritage.

The culmination of these collaborative efforts will result in an Indonesian National Action Plan for implementing the 1954 Hague Convention, with various measurable action plans.

## Conclusion

The Surosowan Palace has historical significance in the formation of Indonesian national identity; therefore, the use of the single blue shield emblem in the General Protection System category under the 1954 Hague Convention should be implemented for the Surosowan Palace. The application of the blue shield emblem represents a reinforcement of just war theory, serving as a norm in both *jus in bello* and *jus ante bellum*. Therefore, the effort to apply the blue shield emblem to the Surosowan Palace should be carried out during peacetime, as it is part of the cultural heritage preservation efforts under Law No. 11/2010 and Perda No. 6/2021, particularly to protect it from the impacts of war. Collaboration among stakeholders, including state actors, local society, NGOs, and international authorities, is crucial for the implementation of the blue shield emblem on cultural heritage sites in Indonesia. In this regard, the Banten Provincial Government, Serang City Government, and Serang Regency Government can take the initiative, such as incorporating the blue shield emblem into the policy for the Revitalization of the Banten Lama area. Such a step could also significantly impact overcoming the obstacles and challenges in implementing the 1954 Hague Convention in Indonesia.

## References

- Amell, Amaya. "The Theory of Just War and International Law: From Saint Augustine, through Francisco de Vitoria, to Present." *Hispanic Journal* 38, no. 1 (2017): 63-76. <https://www.jstor.org/stable/26535329>.
- Anisah, Hoirun, Ifah - Nurhafifah, Iis - Fitriani, Enggar Utari, and Ika Rifqiawati. "Banten Lama Sebagai Daya Tarik Wisata Bersejarah Di Kabupaten Serang." *Jurnal Dinamika Sosial Budaya* 25, no. 2 (2023): 67-75. <https://doi.org/10.26623/jdsb.v25i3.4690>.
- Asshiddiqie, Jimly. *HUKUM ACARA PENGUJIAN UNDANG-UNDANG*. Edited by Rofiq, Mardian, Kuntjoro, and Faiz. III. Jakarta: Konstitusi Press, 2006.

- Banten, Badan Penghubung Daerah Provinsi. "Revitalisasi Banten Lama Tahap II Tata Keraton Kaibon, Speilwijk Dan Masjid Pacinan." bantenprov.go.id, 2019. <https://penghubung.bantenprov.go.id/berita/revitalisasi-banten-lama-tahap-ii-tata-keraton-kaibon-speilwijk-dan-masjid-pacinan>.
- Banten, Walikota Serang Provinsi. Peraturan Daerah Kota Serang Nomor 6 Tahun 2021 Tentang Pelestarian Cagar Budaya, Pub. L. No. 6 Tahun 2021 (2021).
- Coates, Anthony. "Just War." In *Political Concepts*, edited by Richard Bellamy and Andrew Mason, 211–24. Manchester University Press, 2003. <https://www.jstor.org/stable/j.ctt155jbcx.21>.
- Cohen, Eliot A. "Beware the False Prophets of War: Why Have the Experts Been so Persistently Wrong?" *The Atlantic*, 2023. <https://www.theatlantic.com/ideas/archive/2023/09/false-prophets-iraq-afghanistan-ukraine-war/675279/>.
- Conflict, Committee For The Protection Of Cultural Property In The Event Of Armed. "Final Report: Committee For The Protection Of Cultural Property In The Event Of Armed Conflict. CLT-13/8.COM/CONF.203/Report." Paris, 2014.
- Cultural's, Indonesia Ministry of Education and. "Potret Cagar Budaya Di Indonesia," 2020.
- Forum, The George Wright. "Dubrovnik's Old City: The Destruction of a World Heritage Cultural Site." *George Wright Society* 11, no. 1 (1994): 11–15.
- Francioni, Francesco. "Public and Private in the International Protection of Global Cultural Goods." *The European Journal of International Law* 23, no. 3 (2012): 719–30. <https://doi.org/10.1093/ejil/chs039>.
- Hariwardana, Adriansah. "Implementasi Hukum Humaniter Internasional Di Indonesia." Serang: Seminar Nasional Peluang dan Tantangan Diseminasi Hukum Humaniter Internasional, Fakultas Hukum Untirta, 2024.
- Hizmiakanza, Aluh Shiba, and Dian Rahmawati. "Strategi Revitalisasi Kawasan Banten Lama." *Jurnal Teknik ITS* 7, no. 2 (2018): 99–105. <https://doi.org/10.12962/j23373539.v7i2.33833>.
- Hladik, Jan. "Marking of Cultural Property with the Distinctive Emblem of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict." *Revue Internationale de La Croix-Rouge/International Review of the Red Cross*

- 86, no. 854 (2004): 379.  
<https://doi.org/10.1017/s1560775500180873>.
- Indonesia Law Number 11 Year 2010 on Cultural Heritage, Pub. L. No. 11 Tahun 2010 (2010).
- Kagan, Donald. "The End of Wars as the Basis for a Lasting Peace: A Look at the Great Wars of the Twentieth Century." *Naval War College Review* 53, no. 4 (2000): 11.
- Lango, John W. "Just War Theory." In *The Ethics of Armed Conflict*, 18-47. Edinburgh University Press, 2014.  
<https://www.jstor.org/stable/10.3366/j.ctt9qdrf3.5%0AJSTOR>
- Lestari, Andini Ayu, Ahmad Sururi, and Rethorika Berthanilla. "Pengaruh Revitalisasi Kawasan Banten Lama Terhadap Tingkat Kunjungan Wisatawan Kawasan Wisata Religi Keraton Kesultanan Banten Di Kecamatan Kasemen Kota Serang." *Jurnal Ilmu Politik Dan Pemerintahan* 7, no. 1 (2021): 1-13.  
<https://doi.org/10.37058/jipp.v7i1.2242>.
- M, Afif Khoirul. "Peristiwa Kedatangan Orang Belanda Di Banten, Justru Disambut Hangat Oleh Sultan Pada 27 Juni 1596." *Intisari Online*, 2023.  
<https://intisari.grid.id/read/033823674/peristiwa-kedatangan-orang-belanda-di-banten-justru-disambut-hangat-oleh-sultan-pada-27-juni-1596?page=all>.
- Manura, Robi Agmadhori. "Kawasan Banten Lama Kini Dikelola Bersama." PPID Pemkot Serang, 2022.  
<https://ppid.serangkota.go.id/detailpost/kawasan-banten-lama-kini-dikelola-bersama>.
- Mulcahy, Linda, and Rachel Cahill O'Callaghan. "Introduction: Socio-Legal Methodologies." *Journal of Law and Society* 48, no. 1 (2021): 1-11.  
<https://doi.org/https://doi.org/10.1111/jols.12336>.
- Nindya, Annisa Putri, and Rifqy Alief Abiyya. "Pengaruh AUKUS Terhadap Stabilitas Indo-Pasifik Dan Sikap Indonesia." *Jurnal Politica Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 13, no. 1 (2022): 67-84.  
<https://doi.org/10.22212/jp.v13i1.2917>.
- Nostramabus, Maximus Andrianus. "Yogyakarta," 2021.  
<https://www.miumiu-unesco-cities.com/post/yogyakarta>.
- Nugraha, Taufik Rachmat. "Urgensi Perlindungan Benda Bersejarah Di Indonesia Berdasarkan HHI." *Mimbar Hukum - Fakultas*



- Hukum Universitas Gadjah Mada* 31, no. 3 (2019): 384-401.  
<https://jurnal.ugm.ac.id/jmh/article/view/46446/26911>.
- O'Donovan, Darren. "Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls." *Legal Research Methods: Principles and Practicalities* 1 (2016): 1-31.
- O'Keefe, Roger. *The Protection of Cultural Property in Armed Conflict*. 1st ed. New York: Cambridge University Press, 2006.
- of Cultural Property in the Event of Armed Conflict, Committee for the Protection. Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, UNESCO Headquarters § (2012).
- Peltonen, Karim. "Implementation of the 1954 Hague Convention and Its Additional Protocols in Finland." In *Protection of Cultural Property in the Event of Armed Conflict*, 1-10. California: Law Library Collections at Santa Clara Law Digital Commons, 2007.  
<http://digitalcommons.law.scu.edu/cultprop/17>.
- Peperkamp, Lonneke. "The Blurry Boundaries Between War and Peace: Do We Need to Extend Just War Theory?" *ARSP: ARCHIV FÜR RECHTS- UND SOZIALPHILOSOPHIE* 102, no. 3 (2016): 315-32. <https://www.jstor.org/stable/45175323>.
- Permana, R. Cecep Eka. "Kajian Arkeologi Mengenai Keraton Surosowan Banten Lama, Banten." *Makara Human Behavior Studies in Asia* 8, no. 3 (2004): 112-19.  
<https://doi.org/10.7454/mssh.v8i3.101>.
- Permuseuman, Direktorat Pelestarian Cagar Budaya dan. "Masterplan Pelestarian Kawasan Cagar Budaya Banten Lama." Jakarta, 2017.
- Putri, Maria Kunti Atika, and Keanu Abinuno Wattimena. "Conceptual and Juridical Review of the Destruction of Cultural Objects in the Ukraine - Russia War." *Jurnal Suara Hukum* 6, no. 1 (2024): 178-96.
- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999 (1999).
- Statman, Daniel. "Ending War Short of Victory? A Contractarian View of Jus Ex Bello." *Ethics* 125, no. 3 (2015): 720-50.  
<https://doi.org/https://doi.org/10.1086/679561>.
- Sulistia, Teguh. "Pengaturan Perang Dan Konflik Bersenjata Dalam Hukum Humaniter Internasional." *Indonesian Journal of International Law* 4, no. 3 (2021): 526-55.  
<https://doi.org/10.17304/ijil.vol4.3.157>.

- Sulistyo, Budi, and Gita Vemilya Many. "Revitalisasi Kawasan Banten Lama Sebagai Wisata Ziarah." *Jurnal Planesa* 3, no. 1 (2012): 1-8.
- the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (n.d.).
- the former Yugoslavia, International Criminal Tribunal. Judgement in the Case the Prosecutor v. Pavle Strugar: Case No. IT-01-42-T (2005).
- UNESCO. *Distinctive Marking of Cultural Property: Rules and Practices*, 2021.
- . "In the Face of War, UNESCO's Action in Ukraine," 2023. <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco?hub=66116>.
- . "States Parties to the 1954 Hague Convention and Its Two (1954&1999) Protocols." [unesco.org](https://www.unesco.org/en/heritage-armed-conflicts/convention-and-protocols/states-parties?hub=415), 2024. <https://www.unesco.org/en/heritage-armed-conflicts/convention-and-protocols/states-parties?hub=415>.
- VIII, Indonesia Center of Regional Cultural Preservation. "Daftar Inventarisasi CB-ODCB BPK Wilayah VIII." Banten, 2024.
- . "Database Cagar Budaya Di Kota Serang." Serang, 2016.
- Walasek, Helen. *Bosnia and the Destruction of Cultural Heritage*. Surrey: England: Ashgate Publishing, 2015.
- World Heritage Centre, UNESCO. "Old City of Dubrovnik," 2024. <https://whc.unesco.org/en/list/95/>.
- Yugoslavia, The International Criminal Tribunal for the Former. Case No. IT-02054-T: The Prosecutor Of The Tribunal Against Slobodan Milosevic: Amended Indictment (2002).

**Acknowledgment**

The authors express gratitude to LPPM of Universitas Sultan Ageng Tirtayasa for their support and funding this research. Additionally, the authors extend gratitude to ICRC and Balai Pelestarian Kebudayaan Wilayah VIII for their assistance in providing research data.

**Funding Information**

This research was funded by the 2024 Internal Research Grant Program from LPPM of Universitas Sultan Ageng Tirtayasa.

**Conflicting Interest Statement**

There is no conflict of interest in the publication of this article.

**Publishing Ethical and Originality Statement**

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.