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Legal analysis of Government Law No. 2022 Concerning the Equitable Law Use of Borobuldu Temple

Jonathan Kwik

Faculty of Law, Sultan Agung Islamic University Semarang, Indonesia

* Corresponding Author: **Jonathan Kwik**

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Abstract

His research aims to analyze the legal issues and problems encountered in the use of Borobuldu Temple, Indonesia's historical and cultural heritage, in accordance with Government Law No. 650. In the research, Pancasila's theory of justice is used as the main theory, law theory as the central theory, and responsibility theory and law theory as the method. Research methods include postpositivist and constructivist research paradigms, legal/historical and sociological approaches, descriptive and document analysis, and data collection methods through interviews. The findings show that the existing legal framework, such as Law No. 11 of 2010, Presidential Decree No. 1 of 1992, and Government Decree No. 1 of 1992, does not protect the rights and interests of Borobuldu Temple Buddhists. and funding religious beliefs is unfair and unnecessary. Therefore, the study recommends amending the relevant provisions contained in the above-mentioned laws and regulations in order to eliminate unnecessary discrimination issues for the devotees of Borobuldu Temple and comply with the law.

Keywords: Government Law, Equitable, Concerning

Introduction

Presidential Decree No. 1 of 1992 clarifies that the management (Persero) of Borobuldu Temple Tourist Park and Prambanan Temple Tourist Park and all their areas, built according to the National Memorial Park Development Master Plan determined by the government, is carried out by PT. company. Borobdur and Prambanan Temple Tourist Park. The announcement that the President is responsible for tourism is also based on the decisions of other politicians. In this case, the administration is controlled by the policies of the President. Borobdur Temple was based on the religious beliefs of the time. Of course, to strengthen religious belief, worship, meditation, education, etc. are held at Borobuldu Temple. You can do religious activities and practices such as and build trust and respect for the temple. Rules need to be established regarding the use of various activities. Study or practice. Religious use includes annual special prayers (Vesak Day, Asada, etc.) organized by religious organizations / schools / assemblies, with the participation of thousands of believers in Indonesia and even abroad, by doing this work, they help to maintain and preserve it. Promoting the spirit of unity and pride in the community in Indonesian ethnic culture, According to Wiwit Kasiyati, Superintendent of Boroburken Conservation Center, the structures of Borobuldu temple were destroyed at that time (Kompas.com, 2022) [4] He said that the authenticity of Borobuldu temple, which is a part of the world heritage, should be preserved . According to him, the threat of destruction arises not only from the burden imposed by the number of tourists visiting the temple every day, but also from natural factors such as temperature and rain that affect rocks and stones. Up to 0.175 cm of wear is experienced on the stair stones and floors per year, and 3.95 cm is accumulated, that is, the value taken from 1984 is almost 4 cm. < br> On the other hand, the behavior of tourists is also the reason why the temple is damaged due to tourists' violation of rules. According to the research of Aan Wahyuni Lestari (2018) [1], the most common crime is climbing the stupa (19.1%), and the most common crime is climbing the stupa (19.1%). The least common is lion riding (3.8%). Tourist regulations prohibit sitting, standing, confiscating and climbing inside the temple and its railings. Illegal behaviors such as sitting in the temple 11.3%, sitting at the gate 8.2%, standing in the temple 7.2%, standing on the railings 7.8%, placing hands on the temple and holding Buddha statues were revealed. It constituted 9.6%. 8.2% are in temples, 18.4% are carrying Buddha statues in open-air pagodas, 19.1% are climbing pagodas, 6.5% are climbing railings, and 3.8% are climbing lions.

Example of worship at Borobudur Temple, Law No. 11 of 2010, Government Law No. 2010. Presidential Regulation No. 1 of 2022 on National Registration and Protection of Cultural Heritage, Borobudur Tourism Area Authority 2017. 46, Presidential Decree No. 1 of 1992, MoU- 3/MBU/02, on the management of Borobudur Temple Tourist Park and Prambanan Temple Park and environmental management of the area and Ministry of Religion, Ministry of Education, Culture, Research and Technology, Ministry of State Economic Enterprises /2022 No.: NK/3 /HK.07/MK/2022 No.: 119/1959 No. 450/006/2022 Concerning the Use of Prambanan Temple, Borobudur Temple, Mendu Temple and Pawang Temple for Indonesia and Hindus and Buddhists provide religious beliefs to the world. In light of this, in this newsletter, we speak the potential dangers of the development, switch and use of AWS by means of shifting our focus far from the nation and toward organised non-country armed companies ('NSAG'). More specifically, we discuss how these guns may have an effect on legal compliance to the regulation of armed warfare ('LOAC') in internal struggles, along with insurgencies and rebellions. Commonly talking, insurgencies take longer, are messier, and involve extra LOAC violations in evaluation to traditional nation-against-nation wars (Bakke 2013), 4 probably making AWS a further demanding thing. A higher information of this highly ignored class of capability customers could be to the benefit of the general AWS debate and will allow stakeholders, governments and inter-kingdom organizations to make greater timely and knowledgeable coverage decisions each on the national and international level.

The modern paper engages in a preliminary exam of this crossroads between AWS era and insurgent businesses. Because of the confined present scholarship on this subject, the aim of this newsletter is on the whole exploratory: to pick out core dynamics and challenges related to those subjects and spark further dialogue. The analysis in this article attracts from an prolonged literature review of existing fashionable theories regarding guns transfers to NSAGs, and such corporations' violation propensities. From these baselines, we then broaden prognostics on how those dynamics may change in an age in which AWS are greater prolific. As it's far hard to predict exactly what shape self-sufficient technologies will take within the future (Boddens Hosang 2021; Schuller 2017), maximum of our findings will take the form of knowledgeable hypotheses, drawing from current systems and current tendencies,⁵ which, nevertheless, may be used to suggest destiny debate, international relations and coverage.

This newsletter proceeds as follows. In phase 2, we in short talk the technology in query and sure technical components which can probably effect legal compliance through NSAGs, and why the focus on NSAGs is crucial. Then, we speak the capacity impact in the direction of LOAC compliance from awesome, however no longer entirely unrelated, perspectives. First, in phase 3, we talk the capacity ability of NSAGs to access the generation and the viable routes thru which they are able to collect it. That is an essential attention, as NSAGs clearly cannot misuse era which isn't of their possession, and policy can be followed focused on groups' ability to cozy such systems. 2nd, in section four, we look at the situation where NSAGs already are in ownership of such technologies: here, we explore various factors which could doubtlessly lead NSAGs to apply the technology unlawfully. on this section, we begin from more popular concept

concerning the exclusive causes of LOAC violations with the aid of insurgents, earlier than transferring to more precise analysis of ways AWS-particular characteristics can increase (or lessen) this tendency. We pick out 4 fashionable methods NSAGs can misuse AWS technology: deliberately, due to organisational elements, due to the fact the gadget itself is problematic, and because of problems in expertise the era. As with the purchase phase, centered coverage selections (along with technical sensibilisation efforts) may be made to cope with each aspect when they were greater simply understood. We finish, in Sections five and 6, with a few tips for States, stakeholders and the international network to mitigate the risks recognized on this paper. Intriguingly, we find that States can doubtlessly be persuaded into adopting several of the endorsed measures in simple terms for strategic motives, i.e., although the nation isn't always specifically interested by improving LOAC compliance according to se. This increases the motion area available for companies aiming to foyer for such measures to be carried out, such as NGOs and the ICRC. For clarity, whilst we speak AWS in the context of this paper, we're regarding weapon structures which pass beyond easy hand-crafted drones or mechanisms; as a substitute, we're relating to extra state-of-the-art styles of modern self-sustaining systems which require some funding and manufacturing capability to fabricate, which includes independent armed drones (Boddens Hosang 2021), swarms (Safi 2019), lively protection systems (Scharre and Horowitz 2015), or loitering munitions (Gettinger and Arthur 2017). We are, therefore, taking a barely narrower view than some popular definitions of AWS, including that provided with the aid of ICRC. The cause for this is that an overly wide definition may want to probably include any rudimentary mechanism that autonomously fires a shot every time its AI notices a few motion through its digicam (Scharre 2018). Such means of warfare, while technically also 'independent' underneath sure definitions (e.g., (Sartor and Omicini 2016; Scharre and Horowitz 2015)), are excluded from this dialogue for the same reason boobytraps and tripwires are excluded from arms-manage and hands-trade studies: they may be nearly not possible to trace and to accumulate statistics for in a subject already struggling with transparency and information collection (Smith and Tasiran 2005). As such, we will restriction the evaluation of this article to weapon sorts and weapon systems normally covered in palms-change research, but which might be superior by means of AI.

In regards to the armed agencies themselves, there may be no standardised definition of what constitutes an NSAG, and there are numerous trade phrases found in literature ('armed non-state actor', 'armed competition organization', 'rebel'). For the functions of this newsletter, they are described broadly as organised non-governmental groups who directly or circuitously have interaction in guide of non-governmental combatants (Bassiouni 2008). Notably, a criminal distinction must be made with armed organizations preventing towards colonial domination, alien occupation and racist regimes. While such organizations would possibly functionally be indistinguishable from 'wellknown' NSAGs, they legally trigger a completely wonderful framework of guidelines underneath LOAC (additional Protocol I 1977) if you want to not be addressed in this paper. This evaluation will restrict itself to legal norms relevant to non-worldwide armed conflicts ('NIAC')-conflicts geographically constrained to a single country between that country and one or greater

NSAGs, or among or extra NSAGs (ICRC 2014). To preserve generalisability, we count on that the conditions required for their category as a party to the war (Bartels 2018; Geneva convention IV 1949), inclusive of the existence of a NIAC and enough corporation, are happy. Organizations too disorganised or susceptible to offer some measure of concerted or sustained opposition are not considered, as those fall outdoor of the LOAC framework (extra Protocol II 1977; Bassiouni 2008).

Background

How AI transforms how guns work

AI is an ordinary area which lies on the heart of many conveniences we take without any consideration (Russell and Norvig 2010), and has come to be the focus of worldwide opposition (Boulainin et al. 2020). Almost all global powers have explicitly emphasized the importance of developing AI and are investing heavily in the era (Dailymail 2017; Gao 2017; Ministère des Armées France 2019; Roy 2018; Thorne 2020). The navy domain isn't any unique, and AI has been cited as rather acceptable for supplying accelerated army efficiency (Heyns 2013), imparting higher pace and precision as compared to the human soldier (protection Innovation Board 2019; Ministère des Armées France 2019), shortening the decision-making cycle (usa Air force 2009), advanced intelligence series and analysis (DoD protection technology Board 2016), and being able to feature in communications-denied environments (SIPRI 2017). In mixture with robotics, they allow pressure projection in a place without endangering pleasant employees (ICRC 2018a; Thurnher 2014). There also are practical incentives: advocates (Scharre 2011; Schmitt and Thurnher 2013; Schuller 2017) cite those systems' ease of manufacturing further to a discount in charges and logistical burdens (vis-à-vis schooling and keeping human squaddies).

Violation-Conducive occasions in the NSAG

Sometimes, organisational, political or prison elements create a surroundings which does not foster excessive legal compliance. Outside elements can influence the organization's compliance to LOAC circuitously. One commonplace instance is the situation where the insurgents have little expectation of responsibility for non-compliance: when the danger of enforcement is low, there is less cause to make an effort to put in force LOAC (Bassiouni 2008; Hamberg 2013). Internally, lower levels of organisation of the armed institution are regularly connected with extra violations. NSAGs regularly function in smaller, unbiased devices; lack a relevant command and control hierarchy; have little or no internal system of field; and may also be ideologically fragmented (Bassiouni 2008). As a result, they lack the social control shape present in status armies to put into effect compliance. A lack of inner employer also influences different compliance-inducing factors. It's miles a lot more hard for such organizations, for example, to provide education in LOAC to all of its participants, to standardise policies of engagement, and to save you internal war of words in phrases of the way policies are to be implemented and interpreted (Waszink 2011). (Saul 2017) and (Bellal 2016) each agree that a loss of dissemination of LOAC is one of the key elements driving the lack of prison compliance: many NSAG contributors, even at senior stages, have no or little education in LOAC, both because are definitely unaware of its existence or due to a lack of dissemination. It is for this

reason that achieving out to NSAGs and education them inside the law is quite promoted through each pupils and practitioners, as well as respectable organizations which include the UN and the ICRC (Bellal 2016; UN safety Council 2010).

Hand-Me-Down LOAC Non-compliant weapons

One specifically pertinent outside component that could make a contribution towards NSAG non-compliance relates to the state in which the AWS is produced. This is likely (however now not always) the NSAG's benefactor. In segment 4.1, we assumed that inside the absence of incentives which could result in an insurgent to adjust an AWS's behaviour to deliberately abuse LOAC, the weapon itself would characteristic according with legal requirements. Of path, this isn't necessarily so. It is as much as the manufacturer and the nation where the weapon turned into manufactured to assure that guns being evolved are LOAC-compliant: the producer on the one hand, by using programming and designing the AWS to permit use in conformity with LOAC (e.g., by making sure controlability, predictability, performance and explainability) (Fornasier 2021; Haugh et al. 2018), and the country on the alternative, with the aid of setting enough safeguards at the home arms enterprise to make certain that that is performed. The focus in particular lies with these actors, as it's far not likely that many NSAGs can have the necessary technical and prison understanding to independently check the legality and technical traits of the guns they reap, specifically if they may be technologically complicated.

Focalising Responses

based totally on our findings within the preceding sections, we are able to greater absolutely discover the focal factors in which AWS obtention by NSAGs can be influenced by using policy, international relations, or sensibilisation. First, allow us to briefly summarise Sections three and 4 chronologically, departing from the system supplier as much as its real use by the rebel organization. We shall do that with the help of figure 1, under, which illustrates our findings thus far in graphical shape.

First, in the switch part of the timeline, we discovered that States-each manufacturers and vendors-are the most probable issuer, with the opposite assets being restricted of their potential to offer this sort of era to rebel organizations. because the systems are being transported to the NSAG, it's far in all likelihood that a majority of them could be fairly at risk of what we will call 'restrictions'-any measures that restrict or block the delivery of the guns to the NSAG, which includes weapons-control treaties and embargoes (Dharia 2019; Jackson 2011)-due to their relative visibility in comparison to weapons along with small firearms. Turning then to the Use section, we decided 4 preferred elements which might also result in their misuse: planned violations, violation-conducive environments, the uncritical use of weapons whose designs are not LOAC-compliant, and technical problems associated to modern AI which require understanding to navigate and to which NSAGs likely will now not have get admission to.

Regardless of the focal point in this article on NSAGs, States continue to be the principle protagonists in efforts to lessen the danger of violations related to AWS use by NSAGs. This article furnished a preliminary framework outlining factors of interest that can be applicable for policymakers and LOAC

advocates in the close to destiny. Extra dialogue is highly advocated on the strategies and feasibility of imposing such measures, particularly inside the fields of fingers exchange and disarmament. Existing grey zones or lacunae inside the law, which include the responsibility to check guns in simple terms supposed for transfer and the availability of technical education (each to personal military and recipients of transfers) ought to be clarified and if possible elevated, as they are important to lessen the probability of AWS misuse in NIAC contexts.

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