

Optimization of Legal Protection for the Leato Wreck Site: Discourse on Cultural Heritage Law and Maritime Conservation Law

Jufryanto Puluhulawa, Fenty U. Puluhulawa, Vifi Swarianata, Amanda Adelina Harun, Irlan Puluhulawa

Cultural heritage regulations and maritime conservation area regulations intersect and overlap in terms of legal protection, and nowhere is this more obvious than at the Leato underwater site/Japanese cargo ship wreck, referred to as the Leato wreck site in this paper. This legal issue later became a stumbling block in optimizing the legal protection of the Leato/Japanese cargo wreck underwater site. The study used two approaches: the statute approach and the conceptual approach. Analysis: a shipwreck can be defined as a catastrophic event that occurred in the past, with potential socio-economic benefits in the future, contingent upon optimal efforts to conserve history and culture, with great socio-economic potential if its exploitation is successfully optimized, with an eye to conservation efforts. The combination of these legally binding regulations is the key to optimizing the legal protection of the Leato underwater site. The maritime conservation area regulations safeguard the shipwreck's location as an integrated and interconnected ecosystem. By contrast, cultural heritage regulations protect the core zone of the Leato underwater site as a maritime cultural heritage from potential natural or human-caused damage. Other important issues that need to be considered are the empowerment of local communities in realizing a sustainable environment and cooperation between institutions in maintaining and preserving underwater cultural heritage.

KEY WORDS

- ~ Cultural heritage law
- ~ Legal protection
- ~ Leato wreck site
- ~ Maritime conservation law
- ~ Optimization

¹ Universitas Negeri Gorontalo, Faculty of Law, Gorontalo, Indonesia.
e-mail: jufryantopuluhulawa@ung.ac.id
doi: 10.7225/toms.v13.n02.009

Received: 3 May 2023 / Revised: 23 Jul 2024 / Accepted: 1 Oct 2024 / Published: 21 Oct 2024

This work is licensed under



1. INTRODUCTION

Indonesia is a country whose sea surface is greater (two-thirds) than its land surface (Darusman, 2018), which makes it the largest archipelago in the world (Arianto, 2020). Of course, this makes the ocean an important part of Indonesia. As part of Indonesia, the Gorontalo Province is surrounded by oceans, and owing to its strategic position between the Sulawesi Sea to the north and Tomini Bay to the south, it has abundant marine resources, as demonstrated by the business results of capture fisheries in the Gorontalo Province in 2017, with the volume of 134,889 tons and the production value of 3,047,677,665 (BPS Provinsi Gorontalo, 2020). Moreover, according to Article 4, paragraphs (3) and (4) of the Gorontalo Provincial Regulation Number 4 of 2018 on Zoning Plans for Coastal Areas and Small Islands of the Gorontalo Province in 2018–2038 (Perda Gorontalo No. 4 of 2018), the Gorontalo Province has the coastline approximately 903.7 km long, and territorial sea surface of approximately 9,638.44 km². Marlenny Sirait further clarified that coral reefs in the waters of the Gorontalo Province take up 24,910.96 ha, spreading across five regencies and one city, which is a type of a fringing reef (Bouty, 2015). This certainly adds to the underwater potential of the Gorontalo Province.



Figure 1. The location of the Gorontalo Province on the map of Indonesia is marked by a blue dot (Google Maps, May 11, 2024)

Coral reef width makes Gorontalo rich in underwater biota, with some locations, such as Bolihutuo Beach with its panoramic views, Botubarani Beach with its whale sharks, Saronde Island with its white sand beaches, and Olele Marine Park with the charm of Salvador Dali Sponge, which can only be found in Gorontalo, plus the urban attractions of Gorontalo City, becoming tourist attractions for local and foreign tourists alike. Gorontalo has become a hidden tourist paradise on the island of Sulawesi (Dai *et al.*, 2023).

Indonesia is an archipelagic country composed of thousands of islands and islets, possibly the biggest in the world (Cribb and Ford, 2009). This makes the oceans vitally important to the country, with numerous shipwrecks from different periods. The Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia believes there are 463 shipwrecks from different periods in Indonesian waters (Ridlo and Alfian, 2021). This figure still has the potential to increase by thousands considering that Indonesia has vast water surfaces and is famous for its rich history of shipwrecks (Ardiwidjaja, 2017).

Shipwrecks, according to the 2007 Nairobi International Convention on the Removal of Shipwrecks, are defined as:

- 1) sunken or stranded ships; or
- 2) any part of a sunken or stranded ship, including any object that is or has been on board such a ship; or
- 3) any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
- 4) a ship that is about, or may reasonably be expected, to sink or strand, where effective measures to assist the ship or any property in danger are not already being taken.

Apart from the already existent well-managed tourist sites that have received support from the Regional Government, the Gorontalo Province, and especially Gorontalo City, have other, no less interesting underwater attractions, namely the Leato underwater site, also known as the sinking ship site, the Japanese cargo wreck, which will be referred to as the Leato wreck site (LWS) in this paper.

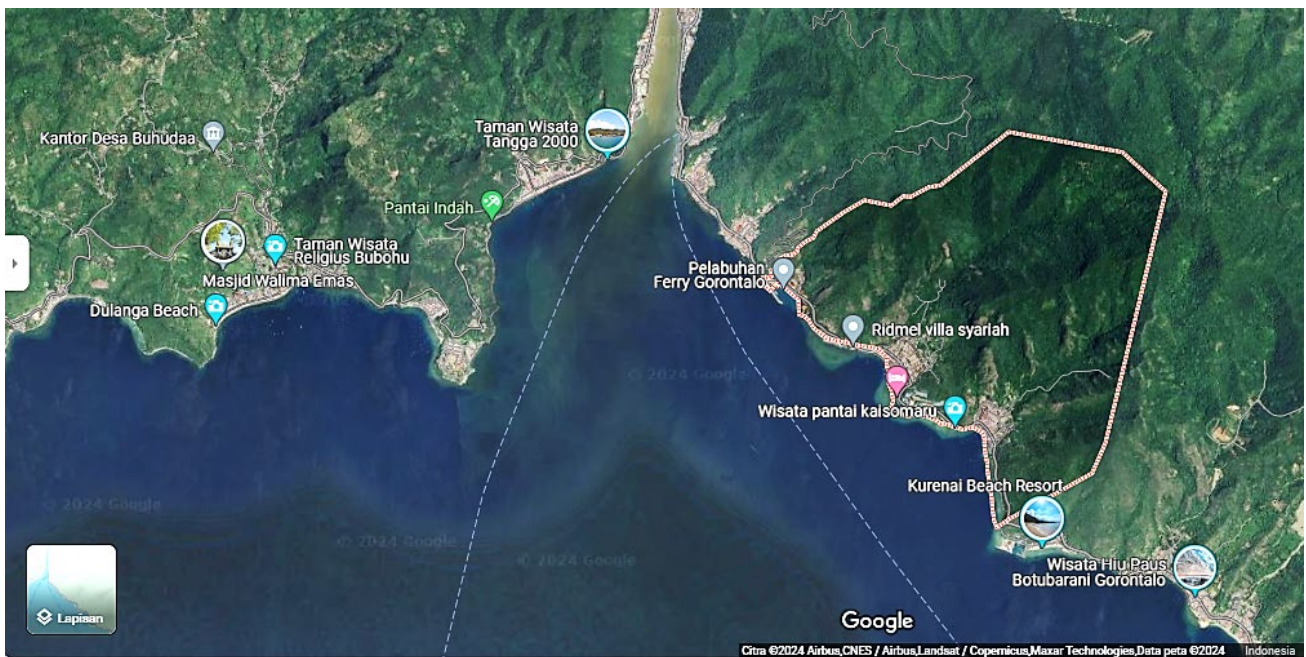


Figure 2. The location of LWS in the Gorontalo Province is marked by a red dot (Google Maps, 2024b)

LWS is located at Leato Beach, Leato Village, Gorontalo City, precisely at coordinates $0^{\circ}29'9''$ LU $123^{\circ}4'58''$ BT, at the depth of 25-54 meters, with a diversity of marine biota, such as Black Diadema Urchin, Yellowback Fusilier, Blue Anthias, Clark's Anemofish, Clearfin Lionfish, Blue Sea Star, and various types of coral reefs, namely Funnel Coral, Brain Coral, Fine Table Coral, Blue Coral, and Mushroom Coral (Bouty, 2015). The tourist site is conveniently close to the city center, approximately 10 km away, with the trip time of about 30 minutes by car, the proximity adding to its affordability and appeal.

Furthermore, all of these factors contribute to the attractiveness and charm of the Leato wreck site, which has always been valuable due to its rich history and designation as a maritime conservation area, as detailed in the following table:

Article 29, paragraph (2)	Perda Gorontalo No. 4 of 2018	The Leato maritime conservation area, also known as KKM-01, is a sunken shipwreck area located in Gorontalo City.
Article 1, paragraph (21)	The Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number PER.17/MEN/2008 on Conservation Areas in Coastal Areas and Small Islands (Permen KKP No.17 of 2008)	Maritime conservation areas protect maritime customs and culture with historical archaeological value. Specifically, these areas include maritime historical sites and religious or customary ritual venues, and their nature aligns with efforts to conserve coastal and small islands.
Article 1, paragraph (23)	Permen KKP No.17 of 2008	It also emphasizes the maritime cultural protection area as a protected location containing historical relics and/or sites of religious or customary rituals related to maritime culture.

Table 1. Maritime conservation regulations

Article 8, paragraph (2), items a) and b) of the Permen KKP No.17 of 2008 stipulates the requirements for a maritime conservation area to become a maritime cultural protection area. According to these rules, a maritime cultural protection area must be located on the site of a shipwreck of special archaeological-historical and maritime value, that needs to be protected to survive and be used to promote national culture. The underwater Leato/Japanese cargo wreck site meets all these criteria.

Article 26 of Perda No.4 of 2018 explains the legal effects of the LWS being a maritime conservation area on the protection and use of maritime customs and culture in coastal communities and small islands. This regulation deals with policies that protect the diversity of coastal and marine biological species.

As for the expiry of laws and regulations in Indonesia, the following three criteria apply:

- a) the period for which the law was adopted has expired,
- b) the situation or matter with respect to which the law was passed no longer exists,
- c) the law was expressly revoked by the agency that adopted it or a higher agency.

If either of these three criteria is not met, the legislation remains in force and effect. Therefore, as long as all three aforementioned criteria are not met, this regulation will continue to protect maritime conservation areas, specifically the Leato wreck site.

Furthermore, according to the interview with Kusbian Indradi from the Department of Maritime Affairs and Fisheries of the Gorontalo Province, the Department of Maritime Affairs and Fisheries of the Gorontalo Province has requested that the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia (KKP RI) determine the status of the Japanese cargo wreck. However, the name of the site used by the KKP RI and the Cultural Conservation Preservation Center (BPCB) differs.¹

The BPCB Gorontalo, which still conducts maritime archeology studies by identifying historical and archaeological data at the site concerned, confirms this discrepancy in naming. They can still not confirm that the sunken ship is indeed cargo ship *Kyosei Maru* from the Japanese fleet, as reported by the KKP RI. This naming discrepancy also stems indirectly from the fact that Indonesia's vast underwater archaeological data remain unexplored. Currently, the world's largest archipelago's underwater archaeological activities prioritize the exploration of underwater 'treasures' over archaeological research. This is undoubtedly a challenge in and

¹ Indradi, K. (2020, Juli 24). Status Cagar Budaya Bawah Air *Japanese Cargo Wreck*. (J. Puluwulawa, Interviewer)

of itself, as are the lack of trained personnel, budget, limited equipment for the removal of underwater artifacts, and the risk of accidents at work (Siswanto, 2010).



Figure 3. LWS signboard²

The positive news is that BPCB Gorontalo has officially recorded the Leato underwater site, assigning it data registration number BPCB GTO.75.71/ODCB.2015.10.06/00019, under the name Leato shipwreck, and national registration number PO2017071800005, under the name Leato underwater site. Following its official recognition, the Leato/Japanese cargo wreck underwater site has moved to the next stage of registration and determination. Based on interviews with officials in charge, such as Faiz from BPCB Gorontalo and the editor-in-chief of the information media for cultural heritage preservation, "Umulolo" reveals that despite the registration and recognition of the Leato underwater site, it has the same treatment as other cultural heritage objects. However, we suspect that their classification as objects qualifies them for cultural heritage.³

According to Indonesian law, a site, including a shipwreck, can be considered cultural heritage if it meets the criteria stipulated in Law No. 11 of 2010 on Cultural Heritage (Law No. 11 of 2010), one of the important time-related criteria being the age of the site. Article 5 of Law No. 11 of 2010 stipulates that an object can be considered to be cultural heritage if it is:

- a) at least 50 years old,
- b) represents a stylistic period at least 50 years old,
- c) has special historical, scientific, educational, religious or cultural significance.

The implication is that the Leato/Japanese cargo wreck underwater site must still be protected and receive legal guarantees as mandated by UU No. 11 of 2010, which is why this study focuses on the legal protection of the Leato/Japanese cargo wreck underwater site from the legal perspective in Indonesia.

The research problem is practical implementation, given that legal rules intersect and overlap in terms of legal protection, especially in the case of Leato/Japanese Cargo wreck underwater site, namely UU No. 11 of 2010 with Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands (UU No. 27 of 2007) and derivative regulations, namely the Permen KKP No. 17 of 2008 and Perda Gorontalo No. 4 of 2018.

Simply put, the conservation of maritime areas emphasizes maintaining and preserving the quality of the environment in coastal and marine areas, particularly to safeguard the diversity of coastal and marine biological species. Therefore, the protection of the underwater biodiversity present at the LWS and its

² Author's documentation

³ Faiz. (2020, Juli 27). Status Situs Bawah Air Leato. (J. Puluwulawa, Interviewer)

surrounding areas is of utmost importance. On the other hand, the cultural heritage regulations mandate the removal of this underwater biodiversity from the LWS site, as it could disrupt the underwater cultural heritage site and result in its deterioration. This legal issue later became a stumbling block in optimizing the legal protection of the Leato/Japanese cargo wreck underwater site, drawing the author's attention to the issue.

2. METHOD

The research method used is the “statute approach, which focuses on legislation as basic reference material to examine the legal issues at hand concerning this paper; it focuses on the study of UU No. 11 of 2010 with UU No. 27 of 2007 and its derivative regulations, namely the Permen KKP No.17 of 2008 and Perda Gorontalo No. 4 of 2018. Additionally, the research also applied the conceptual approach that relies on legal science doctrines and theories as the foundation for constructing legal arguments to address the cases studied.”(Irwansyah, 2020)

3. MAIN DIRECTION OF ANALYSIS OR DISCUSSION

N.N. Ridwan explained that the Leato underwater site, also known as the Japanese cargo wreck or, in this paper as the Leato wreck site, is a maritime historical site in the form of a shipwreck dating from the Second World War, between mid-1942-1945 (Puluhulawa, Towadi and Swarianata, 2020). If we successfully optimize its utilization while also paying attention to its conservation efforts, a shipwreck can be defined as a catastrophic event that occurred in the past, that provides future benefits due to its history and culture, and has great socio-economic potential. This aligns with the United Nations Environment Programme, which emphasizes that marine potential has strategic meaning for national development and therefore provides opportunities for developing countries to conserve and protect ecosystems and species through the utilization of marine areas (marine and underwater) and for the benefit of sustainable tourism (Ardiwidjaja, 2017).

However, shipwrecks, specifically the Leato wreck site, warrant protection due to their potential to either generate socio-economic benefits if conserved properly or suffer damage and result in the loss of cultural value if neglected. As the site is located in the vicinity of urban areas, it is likely to be affected by urbanization and modernization, which lead to the loss of cultural heritage values, as explained by Baharak Seyedashrafi, Michael Kloos, and Carola Neugebauer:

“Cultural heritage, which serves as a key element of identity, is essential for preserving the connection between historical and future generations. However, rapid urbanization and modernization, which are common in both developing and developed nations, often pose significant threats to these heritage sites, potentially leading to irreversible damage. So, in terms of sustainability, there is a need for a heritage impact assessment to balance cultural heritage protection and urban development needs”(Seyedashrafi, Kloos and Neugebauer, 2021).

The international community has a foundation for international maritime law, namely the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982). UNCLOS 1982 provides a legal framework for regulating all uses of the oceans and the entire international sea, as well as overlapping territorial sea, EEZ, and continental shelf claims (Wartini, 2017). Law Number 17 of 1985 implemented UNCLOS into Indonesia's legal system. In addition, shipwrecks are regulated by several international and Indonesian legal instruments, outlined in the following table:

International legal instruments		National legal instruments in Indonesia	
Articles 95 & 96 of UNCLOS 1982	<p>“Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.</p> <p>Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.”</p>	Law Number 11 of 2010 on Cultural Conservation	which is specifically intended to protect cultural heritage;
The United Nations Convention on the Law of the Sea, Article 303	"States must protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose."	Government Regulation No. 5 of 2010 on navigation and its derivatives.	
1989 Convention on Salvage, Article 4	“...this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.”	Regulation of the Minister of Transportation No. 71 of 2013, in conjunction with the Regulation of the Minister of Transportation No. 33 of 2016, in conjunction with the Regulation of the Minister of Transportation No. 38 of 2018 on Salvage and/or Underwater Works	regulates the cleaning of the ship's skeleton and its cargo, which is considered to interfere with shipping lanes
Convention on Underwater Cultural Heritage 2001 Article 1 & 2 (8)	“State vessels and aircraft mean warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of the sinking, only for governmental non-commercial purposes, that are identifiable as such, and that meet the definition of underwater cultural heritage.”	Presidential Decree Number 19 of 2007 on the National Committee for the Lifting and Utilization of Valuable Artifacts from Shipwrecks	where the cargo of the ship has historical and cultural value, is older than 50 years, and has economic value
Convention on the Removal of Wreck 2007 Article 4	“This Convention shall not apply to any warship or other ship owned or operated by a State and used, for the time being, only on Government non-commercial service, unless that State decides otherwise. “Where a State Party decides to apply this Convention to its warships or other ships as described in paragraph 2, it shall notify the Secretary-General, thereof, specifying the terms and conditions of such application.”	Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands and its derivative regulations, namely the Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number PER.17/MEN/2008 on Conservation Areas in Coastal Areas and Small Islands, and Regional Regulation of the Gorontalo Province Number 4 of 2018 on Zoning Plans for Coastal Areas and Small Islands in the Gorontalo Province in 2018-2038	which mainly regulates maritime conservation areas, as well as the scope of protection of maritime customary and cultural areas of historical and archaeological value

Table 2. International legal instruments and national legal instruments related to shipwrecks

Out of these four conventions, Indonesia has only ratified UNCLOS. The decision not to join the conventions was attributed to its impact which was not beneficial for the state (Widiasa, 2021). According to

Zhen Lin, international law is insufficient to protect sunken WWII warships. The protection of WWII shipwrecks largely depends on national laws and policies of coastal states (Lin, 2020). Likewise, although Indonesia is not a party to the 2001 Convention on the Protection of Underwater Cultural Heritage, it is a party to the Law of the Sea Convention (LOC) and is bound by the LOC's provisions obligating it to protect and preserve underwater cultural heritage (Puspitawati and Wardana, 2023). However, Indonesia has demonstrated commitment to the protection of underwater cultural heritage by passing national legislation on the protection of underwater sites (Sulistyo and Afriansyah, 2021). Interestingly, in the context of national law, there are overlaps between UU No. 11 of 2010, UU No. 27 of 2007 and its derivative regulations Permen KKP No.17 of 2008 and Perda Gorontalo No. 4 of 2018, that have the potential to cause legal conflicts if not appropriately resolved, due to the different interpretations by related agencies which have jurisdiction over such regulations, and the primary task and function to protect and preserve underwater objects of historical and archaeological value, in this case KKP RI represented by the Department of Marine Affairs and Fisheries of the Province of Gorontalo and the Ministry of Education and Culture of the Directorate General of Culture of the Republic of Indonesia represented by the Regional Office of the BPCB Gorontalo.

On the other hand, Article 1, paragraph (23) of UU No. 11 of 2010 defines protection as an effort to prevent and cope with damage or destruction through methods such as saving, securing, zoning, maintaining, and restoring cultural heritage. Article 58, paragraph (1) of UU No. 11 of 2010 explains that rescue efforts are carried out to prevent damage due to human and/or natural factors that affect authenticity and related values. Article 73 of UU No. 11 of 2010 on Cultural Conservation divides the zoning system into three core zones: buffer zones, development zones, and support zones. The marine environment, particularly coral reefs, requires protection as coral reefs serve as habitats for marine life and are natural resources in Indonesia (Trimirza, Ramlan and Harahap, 2021). This is another area where legislation overlaps.

Currently, the central area of the Leato underwater site is inhabited by various marine organisms, such as coral reefs, as illustrated in the following Figure:

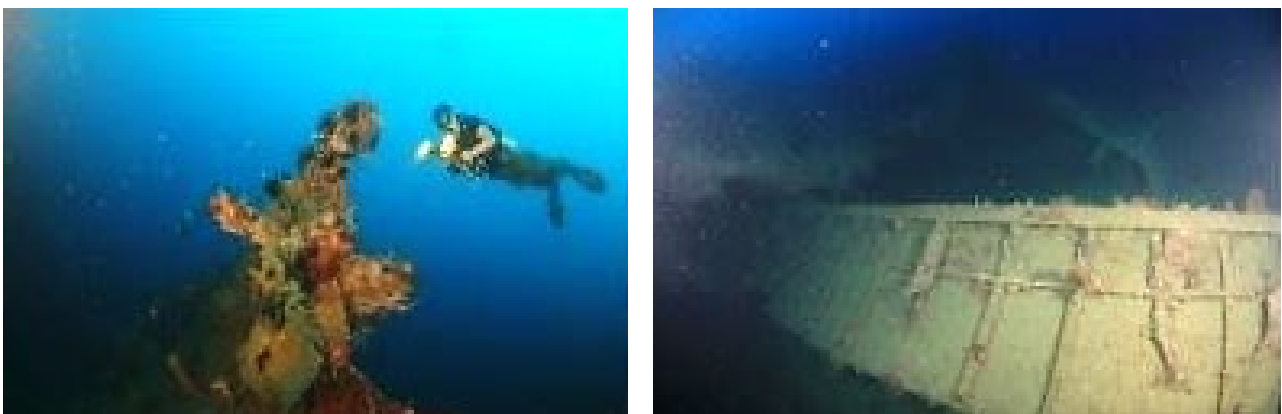


Figure 3. Condition of the shipwreck at LWS (Ridwan, 2014b)

According to Faiz, a Cultural Conservation Preservation Reviewer at BPCB Gorontalo, this is where the difference in perception sets in. The maritime conservation regulation considers marine life to be an ecosystem that requires protection. On the other hand, the cultural heritage regulation highlights that the presence of marine life in the buffer zone could potentially harm the core zone of the Leato underwater site, specifically the shipwreck, as marine biota start to engulf parts of the ship. The ultimate result could be the loss of the original shape and form of the Leato underwater site, including most of its elements, which could potentially trigger the revocation of its cultural heritage status, as outlined in Article 48 of UU No. 11 of 2010.

According to the author, this legal issue can be clarified by studying the hierarchy of laws and regulations outlined in Article 7, paragraph 1 of Law Number 12 of 2011 on the Establishment of Legislation (UU No. 12 of 2011), as amended by Law Number 15 of 2019 on Amendment to Law Number 12 of 2011 on the Establishment of Legislation (UU No. 15 of 2019).

Legislation types and hierarchy are as follows:

- a) The 1945 Constitution of the Republic of Indonesia;
- b) Decree of the People's Consultative Assembly;
- c) Laws/Government regulations instead of laws;
- d) Government regulations;
- e) Presidential decree;
- f) Provincial regulations; and
- g) Regional regency/city regulations.

In addition to the above mentioned laws and regulations, other regulations also apply and must be complied with, as stated in Article 8 of UU No. 12 of 2011 *juncto* UU No. 15 of 2019, *inter alia*. If the *Lex Superior Derogat Legi Inferior* principle is applied, which stipulates that a higher-order law overrides a lower-order law (Siagian, 2021), UU No. 11 of 2010 is of higher order than Permen KKP No. 17 of 2008, which explicitly regulates conservation areas, and Perda Gorontalo No. 4 of 2018 which serves as the basis for identifying the maritime conservation area for the Leato underwater site.

Under the *Lex Specialis Derogat Legi Generali* principle, which pertains to cultural heritage regulations, cultural heritage regulations take precedence over those governing coastal areas and small islands.

Circumstances are a part of reality and are inseparable from an order in the whole of reality (Kelsen, 2012). Implementation is not as elegant as theoretical romanticism, nor as good as the idealistic romantic constructs. However, stakeholders must wisely address and resolve this issue, according to Howard Zehr, by answering the age-old questions of what to do about the past and what will happen in the future (Albariansyah, Santoso and Achjani, 2022).

Under the sea of Gorontalo lies a paragon with extraordinary potential that can be optimally utilized for the welfare of the region, providing stakeholders manage to negotiate a shared vision of how to optimize this potential. Remember, cultural heritage serves the common good regardless of ownership, and we hope that stakeholders will create room for discussion and reach a consensus (Alatalu, 2021), as representatives of the will of the community (Yunus, 2020).

Most importantly, the current legislation bridges the issue of the optimum protection, preservation and management of Leato's underwater potential, aiming to ensure the greatest benefits for the region, rather than create obstacles that hinder the process. This is consistent with the purpose of the law itself, which, according to Jeremy Bentham in his book *Introduction to Morals and Legislation*, asserts that the law aims to provide the greatest happiness to the people, to the maximum extent possible (Halim, 2005).

The law serves as a tool for improving a community's prosperity (Swarianata *et al.*, 2023), but it's crucial to remember that environmental sustainability is equally important for future generations. This is in line with Law Number 32 of 2009 on Environmental Protection and Management, which stipulates that "a good and healthy environment is a human right of every Indonesian citizen as mandated in Article 28H of the 1945 Constitution of the Republic of Indonesia." Additionally, when compared to Australia, the Melbourne court stated that Australia's minister of environment has an obligation to future generations when making planning decisions (Aust, 2022). The Gorontalo Provincial Government hopes to apply this jurisprudence, despite being in different legal jurisdictions. Especially under UNCLOS 1982, each country, by honoring the rights of other countries in the conduct of all activities and the right to freedom in the international seas in keeping with the principles outlined

by conventions and other provisions of international law, practices protection and does not harm waters and living natural resources (Zainal Abdul Aziz Hadju, 2021).

The combination of these two legally binding regulations optimizes the legal protection of the LWS. The maritime conservation area regulation safeguards the shipwreck's location as an integrated and interconnected ecosystem, while the cultural heritage regulation safeguards the core zone of the LWS, as a maritime cultural heritage, from potential natural or human-caused damage. This protection is necessary to ensure the long-term sustainability of the maritime cultural object. On the other hand, in the context of these two pieces of legislation working together, attention must also be paid to *in situ* conservation and preservation of underwater cultural heritage by reference to Law No. 17 of 2008 on Shipping which regulates the obligations of ship owners to mitigate and deal with the impacts of ship accidents, including hazardous material spills, and Government Regulation No. 21 of 2010 on Maritime Environmental Protection which stipulates the steps that must be taken to protect the marine environment from pollution, including those caused by shipwrecks. If a wreck has the potential to pollute the environment, Law Number 32 of 2009 on Environmental Protection and Management also applies.

Regulatory collaboration creates multi-layered protection for maritime cultural heritage at Leato Beach, which, in the context of legal protection, allows the law to ensure protection that is not only adaptive and flexible but also predictive and anticipatory (Benuf and Azhar, 2020). Concrete manifestations of this legal protection function are existentialism in environmental law, and legal ethics which expand responsibility and accountability, while offering a more inclusive, democratic, and sustainable paradigm (Imran *et al.*, 2024).

Therefore, pieces of legislation need to work together, taking into account the immense potential for marine tourism and special-interest tourism, like scuba diving at the shipwreck location. This is crucial because the Leato/Japanese Cargo wreck underwater site can have a significant impact on the social, economic, and cultural empowerment of Indonesian people, particularly the inhabitants of Leato Village and Gorontalo as a whole, but its protection and preservation must be ensured (Ridwan, 2014a). It is important to understand that underwater sites are designated both as nationally-protected marine conservation areas and marine heritage tourism objects. The Ministry of Maritime Affairs and Fisheries has prioritized marine heritage tourism as a strategy to leverage underwater sites as a means to reduce poverty and improve the livelihoods of nearby communities (Ridwan, 2016). This is, of course, in line with the statement by the KKP RI, in which the development of tourism and coastal development of Indonesia are both seen as essentially improving the quality of life for all members of the community (Puluhulawa, Towadi and Swarianata, 2020).

To improve the quality of life, the government of Indonesia, in general, and the government of Gorontalo, in particular, must also consider Mediterranean countries that rely on tourism as their main economic driver, for example. Rino Rivi Kolombatović, Rea Barbir, Petricija Knežić, Marko Maretić, Katarina Stegić, Dolores Štefanac, Željana Bašić, and Ivana Kružić state that:

“Annually, the Croatian Ministry of Tourism develops a strategic plan that outlines the objectives and initiatives for the subsequent two years, which includes defining specific projects and implementation strategies“. The general objective of the strategic plan is to increase the competitiveness of Croatian tourism as one of the leading international tourist destinations, while its specific aim is to improve the quality of tourism, the content of tourism products, and the affirmation of Croatia in the international tourism market through effective promotion”(Kolombatović et al., 2021).

The Gorontalo Government, in particular, can use Croatia's actions as a model to boost tourism in the Gorontalo Province and generate regional income. This, in turn, can contribute to community welfare and improve the quality of life for all inhabitants.

Last but not least, practice in many countries demonstrates that environmentally conscious behavior plays a significant role in enhancing environmental quality, preventing degradation, and making substantial contributions to efforts aimed at mitigating climate change, which has become a global environmental agenda (Schultz *et al.*, 2005), such as Germany with the world's most efficient recycling system known as Green Dot or *Grüner Punkt* (Kitagawa, 2021), Sweden with an innovative waste management policy where most solid waste is processed into energy (Finnveden *et al.*, 2013), the Netherlands with sustainable transportation (Weijermars and Wegman, 2011), Costa Rica with renewable energy use (Wilde-Ramsing and Potter, 2006), and Japan with the development of energy-saving technologies (Okazaki and Yamaguchi, 2011). Many studies have suggested that social capital, defined as intangible resources that determine individual attitudes on the reduction of environmental damage and encourage greater responsibility for environmental sustainability, is one of the factors driving environmentally-friendly behavior (Purba and Kusumawardani, 2023).

Therefore, to optimize the legal protection of the LWS, we expect the Gorontalo government to further encourage the improvement of social capital through the implementation of various joint activities in the nearby community and the dissemination of information pertaining to environmental issues. The Gorontalo Provincial Government, in optimizing the legal protection of the LWS, can combine the principles of sustainable tourism with telematics-based legal interventions. This approach aims to go beyond previous policies, utilizing technological advances, economic incentives, and legal frameworks to strengthen both community engagement and institutional collaboration. Increased awareness of the far-reaching impacts of environmental asset protection empowers local communities (Puluhulawa *et al.*, 2023).

4. CONCLUSION

Stakeholders and policymakers in the region, particularly those in the Gorontalo Province, must negotiate and draw up a memorandum of understanding to address the synergy between cultural heritage regulations and maritime conservation area regulations. This would ensure the best legal protection for maritime cultural heritage at Leato Beach. Cultural heritage regulations safeguard the primary feature of the LWS, known as maritime cultural heritage, against potential harm from both natural and human elements. While maritime conservation area regulations safeguard the area where the shipwreck occurred as a unit of interconnected and mutually supportive ecosystems, crucial for maintaining and ensuring the long-term preservation of maritime cultural objects. Long-term, the regional government, especially the Gorontalo city government, must provide additional funding for research in multiple scientific areas at the Leato wreck site. For instance, the region should conduct research on legal convergence, a field that integrates technological, economic, and legal aspects, to ensure optimal protection, development, and long-term management of the site. This way, the site could bring in money for the region through regional original income (PAD) and foreign exchange, which would foster regional economic growth. Another important issue that needs to be addressed is the empowerment of the local communities through the realization of a sustainable environment. Active involvement of local communities in site protection, such as preventive efforts to protect the ecosystem around the site, is required. (Hartono, Trisakti and Fuadiah, 2022) developed sustainable ecotourism that makes local communities play an active role in preserving the site while reaping huge economic benefits from tourism, which has the potential to encourage equitable redistribution of the welfare of the local community (Parmawati *et al.*, 2022). Reporting illegal activities such as looting, unauthorized removal of artifacts, or even activities that destroy marine ecosystems around shipwrecks, can help preserve shipwrecks as part of cultural and environmental heritage. Strong support and cooperation between the community, the government and non-governmental organizations are needed to ensure the sustainable protection of these underwater sites.

CONFLICT OF INTEREST

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

REFERENCES

- Alatalu, R. 2021. 'Dignity of the heritage and the heritage communities', *Journal of Cultural Heritage Management and Sustainable Development*, 11(2), pp. 146–154. Available at: <https://doi.org/10.1108/JCHMSD-06-2019-0064>.
- Albariansyah, H., Santoso, T. and Achjani, E. 2022. 'Legal Protection of Work Safety Crimes Victims in Indonesia', *Sriwijaya Law Review*, 6(1), pp. 24–40. Available at: <https://doi.org/10.28946/slrev.Vol6.Iss1>.
- Ardiwidjaja, R. 2017. 'Pelestarian Tinggalan Budaya Bawah Air: Pemanfaatan Kapal Karam sebagai Daya Tarik Wisata Selam', *Amerta*, 35(2), p. 133. Available at: <https://doi.org/10.24832/amt.v35i2.251>.
- Arianto, M.F. 2020. 'Potensi Wilayah Pesisir di Negara Indonesia', *Jurnal Wilayah dan Lingkungan* [Preprint].
- Aust, H.P. 2022. 'Climate Protection Act Case, Order of the First Senate', *American Journal of International Law*, 116(1), pp. 150–157. Available at: <https://doi.org/10.1017/ajil.2021.74>.
- Benuf, K. and Azhar, M. 2020. 'Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer', *Gema Keadilan*, 7(1), pp. 20–33.
- Bouty, A.A. 2015. *Pemetaan Potensi dan Pengembangan Prototipe Sistem Informasi Pariwisata Bawah Laut di Kota Gorontalo*, Penelitian Berorientasi Pengembangan Produk. Gorontalo.
- BPS Provinsi Gorontalo 2020. *Gorontalo Dalam Angka 2020*. Gorontalo: Badan Pusat Statistik Provinsi Gorontalo.
- Cribb, R. and Ford, M. 2009. 'Indonesia as an archipelago: Managing islands, managing the seas', in ISEAS-Yusof Ishak Institute. Available at: <https://ses.library.usyd.edu.au/handle/2123/16146> (Accessed: 24 June 2024).
- Dai, S.L. et al. 2023. 'Urban Tourism: A Potential as Tourism Attraction in Gorontalo City', *International Journal of Tourism Business Research*, 2(1), pp. 15–21.
- Darusman, Y.M. 2018. 'Pengaruh Konvensi Hukum Laut Internasional Tahun 1982 Terhadap Wilayah Laut Indonesia', *Jurnal Cita Hukum*, 6(2), pp. 343–360. Available at: <https://doi.org/10.15408/jch.v6i2.8687>.
- Finnveden, G. et al. 2013. 'Policy Instruments towards a Sustainable Waste Management', *Sustainability*, 5(3), pp. 841–881. Available at: <https://doi.org/10.3390/su5030841>.
- Google Maps 2024a. Google Maps. Available at: <https://www.google.com/maps/place/Indonesia/@-1.75813,118.5734858,2792834m/data=!3m1!1e3!4m6!3m5!1s0x2c4c07d7496404b7:0xe37b4de71badf485!8m2!3d-0.789275!4d113.921327!16zL20vMDNyeW4?entry=tту> (Accessed: 11 May 2024).
- Google Maps 2024b. Google Maps. Available at: <https://www.google.com/maps/place/Leato+Sel.,+Kec.+Kota+Tim.,+Kota+Gorontalo,+Gorontalo/@0.4991409,123.0776944,6490m/data=!3m1!1e3!4m6!3m5!1s0x327f2ab22dced1b3:0xd8fa6a9fb13a5850!8m2!3d0.4979917!4d123.0873408!16s%2Fg%2F1hc0gvpfk?entry=tту> (Accessed: 11 May 2024).
- Halim, A.R. 2005. *Pengantar Ilmu Hukum Dalam Tanya Jawab*.
- Hartono, T., Trisakti, F.A. and Fuadiah, I. 2022. 'Community-based ecotourism: peran “Pokdarwis” dalam branding Siak Hijau', *Profesi Humas Jurnal Ilmiah Ilmu Hubungan Masyarakat*, 6(2), p. 154. Available at: <https://doi.org/10.24198/prh.v6i2.26018>.
- Imran, S.Y. et al. 2024. 'Existentialism and environmental destruction: Should polluters face criminal punishment or an existential crisis?', *E3S Web of Conferences*, 506, p. 06001. Available at: <https://doi.org/10.1051/e3sconf/202450606001>.
- Irwansyah 2020. *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Edited by A. Yunus. Yogyakarta: Mirra Buana Media.

- Kelsen, H. 2012. *Essays in legal and moral philosophy*. Springer Science & Business Media.
- Kitagawa, S. 2021. 'German packaging waste policy: its development and significance', in T. Terao and T. Funatsu (eds) *Origins and Evolution of Environmental Policies*. Cheltenham, Inggris: Edward Elgar Publishing, pp. 149–170. Available at: <https://doi.org/10.4337/9781800378827.00015>.
- Kolombatović, R.R. et al. 2021. 'Tourist's Perception of Safety in the Republic of Croatia in 2019', *Transactions on Maritime Science*, 10(2), pp. 511–519. Available at: <https://doi.org/10.7225/toms.v10.n02.019>.
- Lin, Z. 2020. 'The protection of sunken WWII warships located in Indonesian or Malaysian territorial waters', *Marine Policy*, 113, p. 103804. Available at: <https://doi.org/10.1016/j.marpol.2019.103804>.
- Okazaki, T. and Yamaguchi, M. 2011. 'Accelerating the transfer and diffusion of energy saving technologies steel sector experience—Lessons learned', *Energy Policy*, 39(3), pp. 1296–1304. Available at: <https://doi.org/10.1016/j.enpol.2010.12.001>.
- Parmawati, R. et al. 2022. *Ekowisata: Determinan Pariwisata Berkelanjutan untuk Mendorong Perekonomian Masyarakat*. Malang: Universitas Brawijaya Press.
- Puluhulawa, F.U. et al. 2023. 'Handling Plastic Waste based on Sustainable Tourism in the Legal Framework of Telematics', *WSEAS Transactions on Environment and Development*, 20, pp. 16–25. Available at: <https://doi.org/10.37394/232015.2024.20.3>.
- Puluhulawa, J., Towadi, M. and Swarianata, V. 2020. 'Perlindungan Hukum Situs Bawah Air Leato/Japanese Cargo Wreck', *Reformasi Hukum*, 24(2), pp. 189–208.
- Purba, W.S. and Kusumawardani, D. 2023. 'Pro-Environmental Behavior and Social Capital in Indonesia 2021: A Micro Data Analysis', *International Journal of Sustainable Development and Planning*, 18(7), pp. 2107–2119. Available at: <https://doi.org/10.18280/ijstdp.180713>.
- Puspitawati, D. and Wardana, R.V. 2023. 'The Protection and Preservation of Underwater Cultural Heritage: The Practice of Indonesia', pp. 321–348.
- Ridlo, M.M.H. and Alfian, M.F. 2021. 'Posisi Indonesia Dalam Rezim UNESCO Perlindungan Cagar Budaya Bawah Air: Pencurian Bangkai Kapal Milik Asing di Laut Indonesia', *Journal of International Relations Diponegoro*, 7(2), pp. 66–76.
- Ridwan, N.H. 2016. 'Maritime Archaeology in Indonesia: Resources, Threats, and Current Integrated Research', *Journal of Indo-Pacific Archaeology*, 36, pp. 16–24. Available at: <https://doi.org/10.7152/jipa.v36i0.14911>.
- Ridwan, N.N.H. 2014a. *Kajian Sumberdaya dan Kerentanan Potensi Kawasan Konservasi Maritim Situs Kapal Tenggelam di Provinsi Gorontalo*. Padang: Pesisir Kementerian Kelautan dan Perikanan.
- Ridwan, N.N.H. 2014b. 'Potensi Wisata Selam Situs Kapal Tenggelam Japanese Cargo wreck di Pantai Leato Gorontalo', in *Konferensi Nasional (Konas) IX Pengelolaan Sumber Daya Pesisir, Laut dan Pulau-Pulau Kecil*. Surabaya: Himpunan Ahli Pengelolaan Pesisir Indonesia, p. 305.
- Schultz, P.W. et al. 2005. 'Values and their Relationship to Environmental Concern and Conservation Behavior', *Journal of Cross-Cultural Psychology*, 36(4), pp. 457–475. Available at: <https://doi.org/10.1177/0022022105275962>.
- Seyedashrafi, B., Kloos, M. and Neugebauer, C. 2021. 'Heritage Impact Assessment, beyond an Assessment Tool: A comparative analysis of urban development impact on visual integrity in four UNESCO World Heritage Properties', *Journal of Cultural Heritage*, 47, pp. 199–207. Available at: <https://doi.org/10.1016/j.culher.2020.08.002>.
- Siagian, A.H., 2021. 'Omnibus Law in the Perspective of Constitutionality and Legal Politics', *Jambura Law Review*, 3(1), pp. 93–111. Available at: <https://doi.org/10.33756/jlr.v3i1.7222>.

- Siswanto, S., 2010. 'Penelitian Arkeologi Bawah Air Di Indonesia Tantangan, Peluang, Dan Arah Kebijakan Penelitian Arkeologi Maritim', *Berkala Arkeologi*, 30(1), pp. 81–91. Available at: <https://doi.org/10.30883/jba.v30i1.393>.
- Sulistyo, A.D.A. and Afriansyah, A., 2021. 'Komitmen Indonesia Dalam Pelindungan Warisan Budaya Bawah Air Di Perairan Indonesia', *Veritas et Justitia*, 7(2), pp. 271–296. Available at: <https://doi.org/10.25123/vej.v7i2.4339>.
- Swarianata, V. et al., 2023. 'The Legality of Brushing Practices in the Viewpoint of Consumer Protection Law and Telematics Law', *Jambura Law Review*, 5(2), pp. 356–385. Available at: <https://doi.org/10.33756/jlr.v5i2.24040>.
- Trimirza, M., Ramlan, and Harahap, R.R., 2021. 'Perlindungan Terumbu Karang Menurut UNCLOS 1982 (Studi Kasus Kerusakan Terumbu Karang)', *Journal of International Law*, 2(1), pp. 106–130.
- Wartini, S., 2017. 'The Role of the Coastal States to the Protection of Marine Environment in Joint Development Agreement', *Indonesian Journal of International Law*, 14(4). Available at: <https://doi.org/10.17304/ijil.vol14.4.701>.
- Weijermars, W. and Wegman, F., 2011. 'Ten Years of Sustainable Safety in the Netherlands: An Assessment', *Transportation Research Record: Journal of the Transportation Research Board*, 2213(1), pp. 1–8. Available at: <https://doi.org/10.3141/2213-01>.
- Widiasa, R., 2021. 'Penolakan Indonesia dalam Meratifikasi Konvensi UNESCO Tahun 2001 tentang Perlindungan Cagar Budaya Bawah Air', *Indonesian Perspective*, 6(1). Available at: <https://doi.org/10.14710/ip.v6i1.37511>.
- Wilde-Ramsing, J. and Potter, B., 2006. 'Blazing the Green Path: Renewable Energy and State-Society Relations in Costa Rica', *Journal of Energy and Development*, 32, p. 69.
- Yunus, A., 2020. 'Multilayered Democracy in Papua: A Comparison of “Noken” System and Electoral College System in the United States', *Hasanuddin Law Review*, 6(3), pp. 323–329. Available at: <https://doi.org/10.20956/halrev.v6i3.2892>.
- Zainal Abdul Aziz Hadju, 2021. 'Analisis UNCLOS 1982 Terkait Permasalahan Yurisdiksi Negara dan Penegakan Hukum Atas Kapal Berbendera Negara Asing', *SASI*, 27(1), pp. 13–14. Available at: <https://doi.org/10.47268/sasi.v27i1.254>.