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Architect's Liability in Alleged Malpractice on the Construction of the Majapahit Information Center at the Trowulan Site

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ABSTRACT

Architectural projects undertaken within cultural heritage sites require professional accountability that balances development objectives with the preservation of historical and archaeological resources. The controversy surrounding the construction of the Majapahit Information Center at the Trowulan Site raised questions regarding architects' legal and ethical responsibilities in cases of alleged professional malpractice. This study examined the legal and ethical accountability of the architect involved, focusing on professional obligations, decision-making authority, and evidence establishing a causal connection between architectural services and reported damage to archaeological heritage. A normative juridical research method was employed through a literature-based examination of legislation, professional codes of ethics, scholarly publications, and relevant documentary records. The legal materials were analyzed qualitatively using grammatical, systematic, and teleological methods of legal interpretation. The findings indicated that Baskoro Tedjo's documented involvement primarily concerned the preparation of an alternative architectural design within an existing government-established master plan. The reviewed evidence was insufficient to demonstrate that his design directly caused the reported archaeological damage or that all requisite elements of civil liability had been established. His reported request to suspend construction was also relevant to evaluating his professional conduct and the extent of his responsibility. The analysis further identified fragmented institutional responsibilities and inadequate coordination among stakeholders involved in project planning and implementation. The study concluded that the available evidence did not sufficiently establish individual professional negligence or civil liability on the part of the architect. Strengthening the allocation of professional responsibilities, integrating archaeological consultation into project planning, and establishing heritage-sensitive architectural guidelines were recommended to prevent similar disputes. The assessment also emphasized the importance of distinguishing legal provisions applicable at the time of the events from regulations enacted subsequently.

INTRODUCTION

Architects are professionals responsible for planning and designing buildings and their surrounding environments, as well as performing supervisory functions within the scope of

their professional appointments (Erol & Şenyurt, 2026; Freestone, 2026). Under Article 1, point 2, of Law No. 6 of 2017 concerning Architects (Republik Indonesia, 2017b), architectural practice encompasses professional activities related to the planning, design, supervision, and assessment of buildings and their environments, including activities associated with spatial and urban planning. In performing their professional duties, architects are expected not only to produce aesthetically appropriate and functional designs but also to consider building safety, environmental sustainability, public welfare, and the potential consequences of their work for surrounding communities.

Architects' responsibilities toward society and the environment constitute fundamental principles of professional ethics. These responsibilities extend beyond technical design requirements to include the protection of public interests, the preservation of environmental quality, and respect for the social and cultural contexts in which architectural projects are undertaken. Professional integrity, honesty, fairness, and accountability should guide architectural decision-making throughout project planning and implementation. Accordingly, architects are expected to exercise professional judgment that considers both the immediate requirements of their clients and the broader implications of their work for society and the environment (Fauzan, 2020).

Environmental responsibility also requires architects to consider the potential impacts of their designs, including material sustainability, energy efficiency, resource conservation, and compatibility with surrounding environmental conditions (Pane & Suryono, 2012). These obligations are not limited to the physical characteristics of buildings but also encompass their relationships with users, neighboring communities, and the surrounding landscape. In culturally significant areas, architectural responsibility additionally involves sensitivity to historical settings, archaeological resources, and heritage preservation requirements. Consequently, architectural quality should be assessed not only in terms of functionality and aesthetic value but also through its contribution to environmental sustainability, cultural continuity, and social well-being (Tya & Susilowati, 2021).

In professional practice, architects are subject to ethical obligations governing their conduct and relationships with relevant stakeholders. These obligations generally encompass five areas: general professional responsibilities, responsibilities toward society, responsibilities toward the profession, responsibilities toward clients, and responsibilities toward professional colleagues. Failure to fulfill applicable ethical obligations may constitute professional misconduct, depending on the nature of the conduct and the relevant provisions of the professional code of ethics. In particular, architects are expected to demonstrate professional competence, exercise due care, and avoid conduct that could compromise public safety, cultural heritage, or professional integrity (Puspita et al., 2025; Tirta, 2022).

Potential violations of professional ethical obligations may arise when architects undertake projects in historically or culturally significant areas without adequately considering applicable preservation requirements. Such conduct may include designing buildings without appropriately assessing the historical and cultural significance of their locations, disregarding known risks to protected heritage structures or archaeological resources, assigning professional responsibilities to personnel without appropriate qualifications or experience, or providing professional services in a discriminatory manner based on ethnicity, religion, race, or gender.

These examples illustrate the importance of professional competence, nondiscrimination, and respect for public interests in architectural practice (Wiriantari, 2021).

Nevertheless, professional obligations are not always fulfilled in practice. Errors, omissions, or departures from applicable professional standards during architectural planning, design, or supervision may give rise to allegations of professional negligence or malpractice when they result in legally recognizable harm. In architectural practice, such allegations may concern failures to consider building safety requirements, noncompliance with relevant technical standards, or inadequate attention to legal restrictions governing construction in historically and culturally significant areas (Fauzan, 2020; Republik Indonesia, 2002, 2017a). However, an unfavorable project outcome or the occurrence of damage does not automatically establish architectural malpractice. Determining professional liability requires an assessment of the architect's specific duties, the applicable standard of care, the conduct attributable to the architect, and the causal relationship between that conduct and the alleged harm.

The potential legal consequences of architectural malpractice in Indonesia may be examined through civil, criminal, administrative, and professional ethical frameworks. From a civil law perspective, Article 1365 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata, KUHPerdata) (Republik Indonesia, 1847) provides a basis for liability arising from an unlawful act that causes damage to another party, subject to the fulfillment of the applicable legal elements. Criminal liability may arise when an architect's conduct satisfies the elements of an offense established under legislation applicable at the time of the alleged conduct, including relevant cultural heritage protection provisions. Administrative and professional ethical consequences may also arise under applicable architectural regulations and professional codes of conduct. Law No. 6 of 2017 concerning Architects provides a regulatory framework for architectural practice, including professional registration and administrative sanctions, while professional ethical violations may be examined through the relevant mechanisms of the Indonesian Institute of Architects (Ikatan Arsitek Indonesia, IAI) (Ikatan Arsitek Indonesia, 2022). However, the applicability of these provisions must be assessed according to their effective dates, particularly when the alleged conduct occurred before the legislation was enacted.

To examine these issues within a specific institutional and historical context, this study focused on the controversy surrounding the construction of the Majapahit Information Center (Pusat Informasi Majapahit, PIM) at the Trowulan archaeological site. Public controversy emerged in December 2008 following concerns that the proposed construction activities were incompatible with the historical and cultural significance of Trowulan as an important archaeological landscape associated with the Majapahit Kingdom. The controversy raised questions about the adequacy of heritage protection measures, the responsibilities of the institutions involved, and the professional accountability of individuals participating in the project. Baskoro Tedjo, the architect associated with preparing an alternative design for the building, was reportedly commissioned by the Ministry of Culture and Tourism in early March 2008 as part of an official government assignment rather than through an independently initiated project (Hepta Desain, 2009b; Nurcahyo, 2009).

The controversy raised an important legal and ethical question concerning whether Baskoro Tedjo's documented professional conduct could be classified as architectural malpractice and, if so, what forms of liability might legally arise. This issue required careful

consideration of the distinction between architectural design responsibilities, project implementation authority, and institutional obligations concerning archaeological preservation. It also highlighted the importance of applying legal provisions according to their temporal validity, given that the controversy occurred before the enactment of Law No. 11 of 2010 concerning Cultural Heritage, Law No. 6 of 2017 concerning Architects, and Government Regulation No. 15 of 2021 implementing the Architects Law. Consequently, these subsequent regulations could provide relevant perspectives on the development of professional and heritage protection standards but could not automatically serve as the legal basis for imposing liability for conduct occurring in 2008 (Kompas.com, 2009a).

Research specifically examining architects' professional accountability in Indonesian cultural heritage construction disputes remains an important area for further legal analysis (Hendri et al., 2023; Napitupulu & Haryanto, 2024). This study therefore aimed to examine the legal and ethical dimensions of alleged architectural malpractice in the construction of the Majapahit Information Center at the Trowulan Site. The analysis considered Article 1365 of the Indonesian Civil Code, the legal framework applicable during the relevant events, subsequent developments under Law No. 11 of 2010 concerning Cultural Heritage, Law No. 6 of 2017 concerning Architects, Government Regulation No. 15 of 2021, and the IAI Code of Ethics. Particular attention was given to the architect's documented scope of professional responsibility, the authority of government institutions involved in project implementation, and the evidentiary requirements for establishing unlawful conduct, fault, damage, and causation. By distinguishing historical legal obligations from subsequent regulatory developments, the study sought to provide a more precise assessment of individual professional accountability and contribute to discussions on the governance of architectural projects in cultural heritage areas.

Based on this background, the study addressed the following research question: What forms of legal and professional ethical accountability, if any, could be attributed to the architect involved in the Majapahit Information Center construction controversy at the Trowulan Site, considering the applicable Indonesian legal framework, the architect's documented professional responsibilities, and the relevant standards of professional conduct?.

METHOD

Research Specifications

This study employed a normative juridical research method with a descriptive qualitative approach. The research involved a document-based examination of secondary legal materials, including statutory provisions, relevant court decisions, legal theories, and scholarly opinions. These materials were analyzed to assess the applicable legal framework and professional accountability of architects in cases of alleged malpractice, particularly in the context of cultural heritage preservation (Muhaimin, 2020).

Approach Method

The descriptive approach is used to systematically describe the legal facts found in the research, while the qualitative approach focuses on an in-depth analysis of legal and empirical data without using numerical or statistical quantitative emphasis.

Research Stage

This research is carried out in three continuous stages. First, the preparation stage, including the selection of topics, the identification of legal problems, the preparation of research frameworks, and the collection of initial legal materials. Second, the implementation stage, includes the inventory of primary and secondary legal materials, the search for laws and regulations, the study of scientific literature, and the analysis of legal facts in the case of the construction of the Majapahit Information Center in Trowulan. Third, the completion stage, namely the systematic preparation of research results in the form of scientific articles based on the juridical analysis that has been carried out.

Data Collection Techniques

The data collection technique used is library research, which is a data collection technique by searching, reading, recording, and analyzing legal materials sourced from primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations directly related to the object of research. Secondary legal materials include law textbooks, scientific journals, and relevant articles. Tertiary legal materials include legal dictionaries and encyclopedias that are used to provide additional explanations of technical terms.

Data Collection Tools

The data collection tool used is a literature study by inventorying legal materials using manual recording and electronic devices in the form of laptops to type and compile the necessary materials into structured research documents.

Data Analysis

Data analysis was carried out using qualitative juridical analysis, namely the processing of legal materials through legal reasoning without statistical calculations. The analysis was carried out in a descriptive-analytical and prescriptive manner to describe the positive legal provisions that govern the architect profession and analyze its suitability with practice in the case of PIM Trowulan. The analysis process uses legal syllogism by connecting the major premise in the form of applicable legal rules with minor premises in the form of legal events in the case, to obtain a conclusion in the form of legal accountability that should be applied. In addition, grammatical, systematic, and teleological legal interpretations are used to understand the meaning of norms contextually.

RESULTS AND DISCUSSION

Analysis of Unlawful Acts in the Baskoro Tedjo Case at the Trowulan Site

The analysis of the Baskoro Tedjo case in the polemic of the construction of the Majapahit Information Center at the Trowulan Site was carried out by referring to the provisions of Article 1365 of the Civil Code related to unlawful acts. Law Number 11 of 2010 concerning Cultural Heritage, and Law Number 6 of 2017 concerning Architects as a basis for assessing the form of legal liability that can be imposed.

Based on the legal facts found, Baskoro Tedjo did not play a role as the main master plan for the development of Majapahit Park. The masterplan for the area has been prepared by the Ministry of Culture and Tourism Team since 2004 and completed in 2007, referring to the 1986 masterplan. Baskoro Tedjo was only involved in early March 2008, when the Minister of Culture and Tourism asked him to make an alternative design for the Majapahit

Information Center building in zone L in the existing masterplan (Hepta Desain, 2009a). This condition shows that the design made did not come from a personal initiative, but was a professional act based on an official state assignment.

The polemic that develops in the community is basically influenced by media reports that do not confirm Baskoro Tedjo directly. This condition gives rise to certain public perceptions due to the limited accurate information about the actual problem. Based on these conditions, legal liability cannot be determined only based on public perception, but must be based on proving all legal elements required in accordance with applicable provisions (Hasanah, 2015).

The element of the act as referred to in Article 1365 of the Civil Code is indeed fulfilled because there is an act of designing a building in a cultural heritage area. However, the unlawful element cannot be proven expressly because there is no direct violation of the provisions of the physical maintenance of the Trowulan Site that can be charged to the architect. The Minister of Culture and Tourism himself admitted that there was a mistake and carelessness in the excavation process that damaged parts of the historical site, which indicates that the responsibility for physical damage is more appropriately addressed to the implementing party and the project decision-maker, not to the alternative architect and designer. The incompatibility of the design with historical value is basically an aesthetic and cultural criticism, not a violation of material law. The element of loss in the form of financial or physical damage to the site also cannot be proven through a valid document or official report that directly attributes the design of Baskoro Tedjo as the cause.

The polemic that emerged was more of a public rejection and criticism from architectural academics, not the result of real losses that could be sued civilly. The causal relationship between Baskoro Tedjo's design and the loss was also not formed because the final decision to build rested with the government as the owner of the project authority, not with the architect as the designer (Napitupulu & Haryanto, 2024). Thus, the elements of unlawful acts in Article 1365 of the Civil Code are not met cumulatively, so the case cannot be qualified as architectural malpractice from a civil law perspective.

Form of Architect Accountability in the Case of the Majapahit Information Center

The analysis of the form of accountability of architects in this case was carried out by referring to the provisions of Law Number 6 of 2017 concerning Architects, Government Regulation Number 15 of 2021, Law Number 11 of 2010 concerning Cultural Heritage, as well as the parameters of professional responsibility in architectural practice.

Based on Article 12 Paragraph (1) and Article 17 of Law Number 6 of 2017, architects are obliged to meet competency standards, code of ethics, and are responsible for the impact of their designs on the environment and society. However, the accountability system in positive law requires the fulfillment of the element of real loss as the basis for the application of sanctions. Because in the polemic of the Majapahit Information Center, there is no evidence of material loss or physical damage to the site directly caused by Baskoro Tedjo's design, legal liability cannot be applied to him. Consequently, administrative sanctions as affirmed in Article 26 of the Architect Law cannot be imposed either.

The position of architects in government projects needs to be considered because in practice architects are often in a less advantageous position than project owners. IAI West Java stated that in various cases, architects have limited authority so it is not appropriate if all

responsibilities are imposed on them, especially if their involvement only covers a small part of the master plan that has been determined (Kompas.com, 2009b). This condition shows that the determination of accountability needs to consider the authority structure and decision-making hierarchy that applies in government construction projects (Napitupulu & Haryanto, 2024).

Law Number 11 of 2010 concerning Cultural Heritage prohibits any act that damages or destroys cultural heritage without a permit. The application of these criminal provisions requires the existence of an element of intentionality or negligence that can be proven (Republik Indonesia, 2010). In this case, Baskoro Tedjo worked on the basis of an official government assignment and in his capacity as an alternative designer, not a construction implementer. When he visited the site and learned that the excavation had been carried out and indications of a site were found, Baskoro Tedjo actually asked the contractor to stop the construction activities and submitted the request to the Ministry of Culture and Tourism so that there would be no further damage (Hepta Desain, 2009a). This action shows good faith and attention to efforts to preserve cultural heritage, so that criminal liability cannot be imposed on him.

Accountability Based on the IAI Code of Ethics and STRA Mechanism

The study of the accountability of architects in this case not only looks at positive legal provisions, but also pays attention to the rules that govern the architect profession. The Indonesian Code of Ethics for Architects established by IAI and the STRA mechanism are used as a basis for assessing the responsibility of the architect profession as stipulated in Law Number 6 of 2017 and Government Regulation Number 15 of 2021 (Republik Indonesia, 2017b, 2021).

IAI's Code of Ethics for Architects requires every architect to pay attention to historical, cultural, and environmental values in every design process, especially in projects located in cultural heritage areas. IAI West Java stated that the alleged violations committed by Baskoro Tedjo in the design of the Majapahit Information Center have not been ascertained and still require further clarification through coordination between IAI West Java and IAI Central. If it is proven that there is a violation of professional ethics, sanctions can be given in the form of revocation of architectural certificates so that the person concerned can no longer practice (Kompas.com, 2009b). However, the application of ethical sanctions by IAI also requires violations that can be procedurally proven through the Ethics Council. In the case of Baskoro Tedjo, his involvement in the preparation of alternative designs on official government assignments limits the scope for the formal application of IAI ethical sanctions.

The STRA mechanism acts as an instrument of professional competency assurance. Article 7 of Law Number 6 of 2017 requires every practicing architect to have a STRA as proof of passing the competency test (Republik Indonesia, 2017b). The ownership of STRA not only guarantees technical competence, but also contains a commitment to the code of ethics as a condition for its issuance. The case of the Majapahit Information Center is also a reflection of the importance of the existence of a legal umbrella in the form of an architectural law, which among other things aims to clarify the position and responsibilities of architects, considering that so far when there is a polemic over the work of architects, their accountability is often unclear. Thus, if it is proven that there are substantial ethical violations in the future,

IAI can take the administrative route in the form of giving warnings, freezing, or revoking STRA through the Professional Ethics Council (Republik Indonesia, 2017b).

This case also shows the importance of the involvement of archaeological institutions in the project planning process in historical areas. The Yogyakarta Archaeological Center, which has the task of carrying out archaeological research in the Central Java and East Java regions, is not involved in the planning of the construction of the Majapahit Information Center. This is important considering that the Majapahit Site in Trowulan is one of the objects of long-term archaeological research (Kompas.com, 2009b). The absence of the involvement of this competent institution reflects the weak coordination between stakeholders in projects that have an impact on cultural heritage areas, which should be the obligation of the government as the project organizer, not the sole responsibility of the architect (Saputri, 2020).

Based on all of the above analysis, the most relevant form of accountability in this case is not legal accountability, but ethical-professional accountability in the form of strengthening cultural awareness in the process of designing buildings in cultural heritage areas. This is in line with the principle of utility theory that requires an accountability system that is not only punitive, but also preventive and constructive for the advancement of the architectural profession in Indonesia (Hasanah, 2015). The case of the Majapahit Information Center is thus not an architectural malpractice in a positive legal perspective, but an important lesson for the architectural world regarding the need to integrate technical competence with respect for cultural and historical values in every architectural work. This case encourages the need for regulatory reform that clarifies the boundaries of architects' responsibilities, strengthens coordination between institutions in historical projects, and ensures that the architectural profession in Indonesia can develop within a fair legal framework, in the protection of the nation's cultural values (Napitupulu & Haryanto, 2024).

CONCLUSION

This study concluded that the documentary evidence examined was insufficient to establish professional negligence or architectural malpractice by Baskoro Tedjo in connection with the construction of the Majapahit Information Center at the Trowulan Site. His documented involvement was limited to preparing an alternative architectural design within an existing government-established master plan, while the available materials did not adequately demonstrate a causal relationship between his design and the reported damage to archaeological remains. Consequently, the findings did not provide sufficient grounds for attributing individual legal liability to the architect under the applicable legal framework. However, this conclusion was subject to the limitations of the available documentary evidence and did not constitute a judicial determination of liability. Nevertheless, the case underscored the importance of clearly defining and allocating responsibilities among architects, project owners, contractors, and cultural heritage authorities. It also highlighted the need to integrate archaeological assessments, heritage conservation requirements, and professional accountability mechanisms into architectural planning and construction activities within culturally significant areas.

Future research should examine original contractual agreements, architectural drawings, excavation records, construction permits, and relevant investigative or professional disciplinary findings to clarify the authority, responsibilities, and conduct of each party

involved in the project. Interviews with architects, contractors, government officials, and archaeological experts could complement documentary analysis and provide additional perspectives on disputed events and decision-making processes. Subsequent investigations should also distinguish legal provisions applicable at the time of the alleged conduct from legislation enacted afterward, while examining civil, criminal, administrative, and professional ethical liability as separate legal dimensions with distinct evidentiary requirements. Furthermore, comparative research involving architectural and construction projects at other cultural heritage sites could contribute to the development of clearer professional guidelines, more comprehensive archaeological consultation procedures, and stronger institutional coordination mechanisms to minimize the risk of heritage damage and prevent similar disputes.

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AUTHOR CONTRIBUTIONS

The author fully contributes to the formulation of the main idea, the collection of library data, the analysis and interpretation of the primary text of the character, and the preparation of the manuscript. All authors have agreed on the final version of the manuscript.

GENERATIVE AI STATEMENT

The author states that generative artificial intelligence (AI) was used in the preparation of this manuscript. The author acknowledges the use of generative AI to help improve language clarity and improve the grammatical structure of the manuscript. The use is done in compliance with the applicable ethical guidelines regarding the use and disclosure of generative AI in scientific research. Each author has made substantial intellectual contributions to this work. The entire manuscript content has been carefully reviewed to ensure its accuracy, and the author is solely responsible for the integrity and final content of the manuscript.

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