

The Safeguarding of Living Person of Heritage from the Perspectives of National Heritage Act 2005 (Act 645)



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Abstract- *The objective of this research is to identify the relevancy of National Heritage Act 645 (Act 645) in the efforts of protecting the living person of heritage and disseminating the knowledge and skills of intangible cultural heritage in Malaysia. This recognized living persons also are listed under the NHA 2005, called Living Person Heritage Program (LPHP). The living persons or cultural practitioners who were once actively engaged in traditional performing arts were decreasing due to lack of successors or apprentice after they have passed away or unable to continue the performance. This situation is disturbing because it gives a great loss to the country because of the talent, skills, ability and knowledge possessed by this living person will disappear without having an opportunity to pass it down to younger people. This descriptive research applied a case study method which gives more in-depth information on the subject by an individual or small group of individuals. Expert Interviews and Document Review were the main tools applied in collecting data. The findings indicated that although NHA 2005 do provides a proper protection to these living persons. This is essential because the living persons or cultural practitioners will remain protected as a heritage and tourism product that indirectly will generate income for the country. This study can contribute to the formulation of national policies regarding safeguarding heritage.*

Index Terms: — National Heritage Act 2005, safeguarding, intangible heritage, performing arts, living persons, heritage.

I. INTRODUCTION

Cultural heritage all around the world are currently facing a critical problems and challenges of rapid modernization and extremely vulnerable to harsh environment. Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural heritage is often expressed as either Tangible or Intangible Cultural Heritage [1] and is a part of human creativity that produces cultural values, beliefs, rituals and traditions, lifestyles.

Tangible heritage consists of built and natural environment; for example historical buildings, townscapes, archeological remains, rural landscapes, coasts and shorelines, agricultural heritage or artefacts whereas for intangible cultural heritage includes of traditions or living expressions inherited from ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe and traditional crafts [2].

Although both types of cultural heritage are critically threatened, this study, however focus on the intangible cultural heritage (ICH). Apart from it receives a less attention in an academic world, it is also because the ICH is the soul for the physical cultural heritage and a vital factor in maintaining cultural diversity in the fast pace of rapid globalization. An understanding of the ICH of different communities helps with intercultural dialogues, and encourages mutual respects for other ways of life [2]. The viability of intangible heritage practices relies on the ongoing transmission of the special knowledge and skills that are essential for their enactment or embodiment. For ICH, safeguarding means ensuring its viability among today's generations and its continued transmission to tomorrows. Communities and groups of practitioners and other tradition bearers everywhere in the world have developed their own systems for transmitting their knowledge and skills, which more often than not depend – or, unfortunately, depended on orally rather than on written texts. This oral transmission system led to the extinction of the knowledge and skills of ICH when the cultural practitioners or the knowledge bearer died without having an opportunity to transmit it to next generation.

Safeguarding ICH in Malaysia is currently considered new, but ever since the National Heritage Act 2005 (Act 645) is gazetted on 2005, it has recognized and protected up to 20 prominent living persons or cultural practitioners from various background of cultural heritage's practices, such as dance, theatre, music, performing arts, oral tradition [3]. All of these prominent living persons are officially recognized by the Government of Malaysia, under the ACT 645 as 'Living Person of Heritage (LPH)' or in Malay it is called as 'Warisan Kebangsaan Orang Hidup (WAKOH)'. This protection program has given a new perspectives and proper channel for this LPH to continue the practices and transmits the knowledge and skills of ICH possessed by them to younger generation.

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They are also given rewards or one-off incentives as a motivation to practice their knowledge and skills to the community.

Although the concept of safeguarding stated in the NHA 2005 (Act 645) is interpreted generally as the identification, protection, conservation, restoration, renovation, maintenance, documentation and revitalization of historic or traditional matter, artefact, area and their environment, it is still suitable to be applied for the protection of this LPH.

UNESCO has given an in-depth definition of safeguarding ICH in order to avoid confusion or misinterpretation when any State Parties embark into safeguarding activities.

It is because the notion of conservation sometimes is used interchangeably to describe safeguarding activities. According to [2], safeguarding means measures or action aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

For NHA 2005, the safeguarding of ICH do not have a comprehensive or proper jurisdiction of how to manage ICH in Malaysia, where in the current context, it falls under the concept of conservation. [4] suggested that it takes a different methods and approaches to manage ICH, especially law and policy of the matter. The objective of this research is to identify the relevancy of National Heritage Act 645 (Act 645) in the efforts of protecting the living person of heritage and disseminating the knowledge and skills of intangible cultural heritage in Malaysia.

II. METHODOLOGY

This study applied a case study approach in collecting information needed for this topic. Literature search was conducted in obtaining information or data in order to gain a comprehensive understanding and clarification for the next step of data collection. All the data collected through literature search was then refined to get only the relevant and useful data to support the whole research. This is important in order to develop a fieldwork research design later.

Fieldwork research was conducted by applying two relevant methods;- non participant observation and in-depth interview with the selected respondents. This qualitative study required the researcher to be at particular place within a particular time setting based on the research design. The researcher was at the Department of National Heritage (*Jabatan Warisan Negara*) for almost three weeks in order to obtain relevant information, such as reviewing restricted documents on acts, policy and procedures, guidelines, and books related to this topic. For non-participant observation, the researcher was invited to attend the activities and art performance by the living person heritage (LPH) in the effort of disseminating skills and knowledge of ICH to the society. However, this observation was limited to only a few selected LPH and currently following the program or activities implemented by the Department of National Heritage.

An in-depth interview is applied in order to obtain direct information from the respondents. Two techniques used when conducting the interview, which are focus and group interview. Both techniques were useful in supporting the data obtained during the observation literature search, previously. Focused interview methods were conducted for the heritage officers at the Department of National Heritage and are directly involved in the cultural heritage management in Malaysia. An in-depth interview with the LPH was also conducted in getting into their perspectives of the topic. Generally, the focused interview method is performed in a small group within a short time given and concise. All the data received were refined accordingly before it was analysed.

III. RESULT AND DISCUSSION

The findings of this research identified a few elements that are important to be focus in order of protecting intangible cultural heritage (ICH).

Table 1: Analysis of elements

Elements of ICH	Objectives	Analysis/Critics
Transmission of ICH	To adapt to the changing globalization.	Some cultural practices are difficult to learn and to transmit. The nature of ICH manifestations such as dance, performing arts, crafts, rituals, oral tradition, or music is non-documented and most of the time is passed down from one generation to another. The risks of elderly are dying without transmit it to the younger generations contribute to the cultural extinction
Funding Mechanism	To cover the cost of preserving ICH.	Preserving cultural heritage is costly and managing ICH forms cannot be the same way that tangible heritage has been managed because the nature of ICH form is they are changing frequently and evolving as well

Interest and Convenience	To overcome an issue of interest and convenience that influenced the involvement of the respondents in ICH	Some respondents were inconvenience to communally involve in ICH due to school and working hours while some effortlessly involved in ICH as ICH embedded in their everyday routine. Interest and convenience contributed by professional field and working hours influenced the awareness and availability of the members to be involved in ICH manifestations.
Personal preference of popular culture over local culture	To ensure The continuation of ICH.	The analysis discovered that the youth respondents were unlikely to feel involved in ICH than respondents of retirement age. Since youths often perceived as the prey of westernization and popular cultures.

Below is a more detailed discussion of ICH elements. There are also has a few of view from previous researchers.

a) Transmission of ICH: Conventional over Indigenous knowledge

It is difficult for the traditional knowledge or practices to survive in the age of globalization without any proper mechanism to protect it. Some cultural practices are difficult to learn and to transmit. The nature of ICH manifestations such as dance, performing arts, crafts, rituals, oral tradition, or music is non-documented and most of the time is passed down from one generation to another. The risks of elderly are dying without transmit it to the younger generations contribute to the cultural extinction. Apart from that, youth are increasingly becoming more disconnected from their traditional communities without an interest, or in most cases access to these knowledge systems and also contemporary way of thinking cannot adapt with traditional cultural practices or beliefs. Some of the respondents claim that their younger generation is only able to understand ethnic language but fail to reply in the same ethnic language.

There is an issue of conventional and indigenous knowledge that influenced the involvement of the community in safeguarding ICH. Some highly educated members were successful with conventional education input, but the conventional education pay less attention to the learners' local context [5]. Thus, it is a doubt if they were able to adapt the knowledge in their native social context. Vice versa, low educated members who were more involved in ICH and were likely thrived with indigenous knowledge; they were unqualified to teach in the conventional education system.

b) Funding Mechanism

It is undeniable that preserving cultural heritage is costly and managing ICH forms cannot be the same way that tangible heritage has been managed because the nature of ICH form is they are changing frequently and evolving as

well. According to [6], ICH is often not expressed in a permanent physical form where every performances or expressions of intangible heritage are different. Changes can, however, be documented and communities can be encouraged to continue practising and passing on the traditions. Heritage only retains its significance through performance or use. However, majority of the community interviewed claimed that issues of resources to produce and manifest the culture are expensive is the main reason that lead to lack of participation in generating the resources. Apart from that, issues of small financial encouragement by the public or authority, lack of support from the public and authority, expensive cultural equipment and practice of certain culture is costly play a role in hindering the transmission of ICH to be safeguarded among the community. [7] claimed that economic incentives to safeguard intangible heritage will probably play the largest role of all in encouraging transmission and re-enactment of intangible heritage and stressed that simply creating a heritage product for sale to outsiders, however, will not necessarily safeguard intangible heritage or be economically sustainable.

c) Interest and Convenience

Cultural practices are time-consuming and nowadays people are busy with other life priorities such as careers and businesses. There exists an issue of interest and convenience that influenced the involvement of the respondents in ICH. Some respondents were inconvenience to communally involve in ICH due to school and working hours while some effortlessly involved in ICH as ICH embedded in their everyday routine. Interest and convenience contributed by professional field and working hours influenced the awareness and availability of the members to be involved in ICH manifestations.

Respondents who were government employees, housewives and retirees, were more likely to feel involved in ICH than respondents of the remaining occupations. Housewives unintentionally manifested most of their local cultures in everyday tasks such as indigenous culinary skills, hereditary tips and childcare [8,9]. Similarly, the retirees manifested most of their local cultures in everyday routine such as spending time with family and friends, hobbies, volunteer work and communal activities. [10] asserted that government employees were more interested in communal benefits, which indirectly value the ICH instead of personal benefits such as advancement opportunities. On the other hand, the students, private employees, sole traders and partnerships were professionally occupied in the working environment.

d) Personal preference of popular culture over local culture

The continuation of cultural heritage is depending on the interest of future generation to practice the heritage. However, the preference between adapting the popular culture over the local ones in everyday life, especially the youth is indeed contributes to the dissemination and continuation of their cultural heritage.

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The analysis discovered that the youth respondents were unlikely to feel involved in ICH than respondents of retirement age. Since youths often perceived as the prey of westernization and popular cultures [11], it was inevitable to imply that the youths of the cultural communities experienced the same pattern of culture preferences. Most of the respondents claimed that their younger generation, especially the youth are no longer interested and also do not believe in the traditional cultural beliefs. The youth has overlooked and are ignorant of cultural values. Many of them (youth) have no talent of traditional craftsmanship and also the modern lifestyle with superficial activities has taken over traditional lifestyle of profound cultural values. Apart from that, new and better style of performing arts, certain cultural products are no longer produced in a traditional ways and cultural practices are not suited for modern lifestyle especially for the young generation are among the justification of why it is a big challenge in safeguarding ICH. Others claimed that technology is taking over traditional methods, contemporary way of living cannot adapt with traditional cultural practices and beliefs and some cultural beliefs are nonsense and unbelievable in the present days. The most important factors are elderly experts passed away without successfully transmitting the cultural legacy and the descendants of elderly experts cannot continue the legacy.

There exists an issue of preference of popular cultures over traditional cultures, which influenced the community involvement of the respondents in ICH, particularly the youths. Additionally, the middle age respondents who vary between 40 to 60 years old were either too occupied with work commitment or increasingly uninterested to be involved in ICH. On the other hand, the small number of retired community members with most experiences and skills in indigenous cultures were slowly decreasing.

IV. CONCLUSION

In conclusion, one of the biggest threats to the viability of intangible cultural heritage (ICH) is posed by declining numbers of practitioners of traditional craftsmanship, music, dance or theatre, and of those who are in position to learn from them. An effective way to safeguard ICH sustainably is to ensure that the bearers of that heritage continue to transmit their knowledge and skills to younger generations, with the proper mechanism of guiding and protecting those recognized LPH. With the existence of NHA 2005 acted as the 'protector' of ICH, still it requires the authority to revise and update more comprehensive policy that covers both heritage, tangible and intangible heritage for the future generation. For the next study, there will be another elements that can be look at such as social capital, mental health or quality of life that might be related to cultural element [12, 13, 14]. This study can contribute to the formulation of national policies regarding safeguarding heritage.

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