

## FOREST REHABILITATION AND RECLAMATION

(Government Regulation Number 76 Year 2008, dated December 16, 2008)

WITH THE BLESSING OF THE ONE AND ONLY GOD  
PRESIDENT OF REPUBLIC OF INDONESIA,

DECIDES:

**Considering:**

That to implement the provision in Article 42 paragraph (3), Article 44 paragraph (3) and Article 45 paragraph (4) of Law Number 41 Year 1999 concerning Forestry, it is necessary to stipulated Government Regulation on Forest Rehabilitation and Reclamation;

**In view of:**

1. Article 5 paragraph (2) of the 1945 Constitution of the State of the Republic of Indonesia (*BN No. 7152 page 14A*);
2. Law Number 41 Year 1999 (*BN No. 6412 pages 1A-6A and so forth*) concerning Forestry (Statute Book of the State of the Republic of Indonesia Year 1999 Number 167, Supplement to Statute Book of the State of the Republic of Indonesia Number 3888), as amended by Law Number 19 Year 2004 (*BN No. 7143 pages 26A-29A*) concerning Stipulation of Government Regulation In Lieu of Law Number 1 Year 2004 (*BN No. 7036 pages 9A-10A*) concerning Forestry to become Law (Statute Book of the Republic of Indonesia Year 2004 Number 86, Supplement to Statute Book of the Republic of Indonesia Number 4412);

**To stipulate:**

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA CONCERNING FOREST REHABILITATION AND RECLAMATION

CHAPTER I

GENERAL PROVISIONS

Article 1

In this government regulation is:

1. Forest rehabilitation and land shall be effort to recover, maintain, and improve the function of forest and land so as to support productivity and its role to kep supporting the pillar of living.
2. Forest reclamation shall be effort to improve or recover the land and damaged forest vegetation in order to function to optimum according to its acclocation.
3. Revegetation shall be effort to improve and recover damaged vegetation by means of replanting and maintenance of the land which was formerly used as forest zone.
4. River Flow Area hereinafter referred to as DAS shall be land area that constitutes one unit of rivers and its

- brook, which functions to accommodate, store, and flow the water originating from rainfall to the lake or to the sea naturally, which border of land is the topographical partition and bordering the sea up to the water areas still affected by activities of the land.
5. DAS management shall be effort of human being that governs common relationship between natural resources and human resource at the DAS area with all its activities, for accomplishment of preservation and harmony in the ecosystem and to continuously improve beneficial natural resources to human being.
  6. Critical forest and land shall be forest and land existing within and out of the forest zone which no longer function as media for water system and productivity element of the land causing disruption to DAS ecosystem proportion.
  7. Forest zone shall be certain area designed and/or determined by the Government to maintain its existence as permanent forest.
  8. Reforestation shall be effort to plant type of forest trees in damaged forest zone such as empty land, full of solid weeds, or underbrush in order to regain the forest function.
  9. Greening shall be effort to recover critical land out of the forest zone in order to regain the forest function.
  10. Enriching vegetation shall be activities in reproducing varieties by utilizing seedling spot to the optimum by planting trees.
  11. Forest maintenance shall be activities to maintain, safeguard, and improve the quality of vegetation resulting from the reforestation, greening types of vegetation, and enriching the vegetation.
  12. Use of forest zone in the interest of development out of forestry activities hereinafter referred to as use of forest zone shall be utilization for unavoidable strategic objectives, such as, mining activities, electric network construction, telephone, water installation, and for religious interest and in the interest of security defense.
  13. Central Government hereinafter referred to as President of the Republic of Indonesia who holds power over the government of the State of the Republic of Indonesia as referred to in the 1945 Constitution of the State of the Republic of Indonesia.
  14. Regional Government shall be Governor, Regent, Mayor, and regional instrument as regional administration operating elements.
  15. Minister shall be minister assigned the duty and responsibility in forestry matter.

16. Technical Minister shall be minister assigned the duty and responsibility in energy and mineral resources matters.

17. Relevant Minister shall be minister assigned the duty and responsibility in agriculture, living environment, and/or domestic affairs.

#### Article 2

Rehabilitation and reclamation shall constitute part of forest management.

#### Article 3

To carry out forest rehabilitation and reclamation general pattern, criteria, and standard of forest rehabilitation and reclamation need to be stipulated.

#### Article 4

(1) General pattern of forest rehabilitation and reclamation referred to in Article 3, shall contain:

- a. principle of forest rehabilitation and reclamation; and
- b. approach to implementation of forest rehabilitation and reclamation.

(2) The principle referred to in paragraph (1) letter a covers:

- a. incessant operating system (multi years);
- b. clarity of authority;
- c. perception of tenurial system;

- d. cost sharing;
- e. application of incentive system;
- f. empowerment of the community and institutional capacity;
- g. approach of participation; and
- h. transparency and accountability.

(3) The approach referred to in paragraph (1) letter b covers the following:

- a. political aspect;
- b. social aspect;
- c. economical aspect;
- d. ecosystem; and
- e. institutional and organization.

#### Article 5

(1) Criteria and stand for forest rehabilitation and reclamation referred to in Article 3 covers the following:

- a. zonal aspect;
- b. institutional aspect; and
- c. technology.

(2) Zonal aspect covers assurance in zonal handling as determined by analysis of planning based on DAS ecosystem, clarity of status of control over the land, and based on zonal function.

(3) Institutional aspect covers competent human resources, effective organization based on the framework of the respective authority and work relation system.

(4) Technology . . . . .

- (4) Technology aspect covers application of technology as determined by justification of the land or the location site, level of the community participation, and provision of sufficient data.

#### Article 6

Forest reclamation, other than using the criteria and standard referred to in Article 5 must use the criteria and standard below:

- a. characteristic of the location of activities;
- b. type of activities;
- c. land layout;
- d. erosion and waste control;
- e. revegetation; and
- f. social-economy development.

#### Article 7

Further provision on the structuring general pattern, criteria, and standard of forest rehabilitation and reclamation referred to in Article 3 through Article 6 shall be governed in Regulation of the Minister.

### CHAPTER II

#### REHABILITATION

##### Part One

##### General

#### Article 8

- (1) Rehabilitation activities may be conducted within and out of the forest zone.

- (2) Rehabilitation activities within the forest zone may be conducted in all forest zone except preserved forest and national park.

- (3) Rehabilitation activities out of forest zone shall be conducted in all critical areas.

#### Article 9

- (1) All forests, forest zones, and critical areas referred to in Article 8 paragraphs (2) and (3) existing in several areas within the DAS environment.

- (2) Rehabilitation activities referred to in Article 8 shall be conducted using DAS as management unit.

- (3) The DAS referred to in paragraph (2) shall be based on the DAS area with priority.

#### Article 10

- (1) DAS with priority referred to in Article 9 paragraph (3) shall be determined by the Minister based on the criteria that at least contain:

- a. biophysical specific condition;
- b. social economy;
- c. critical land in upstream of the DAS; and
- d. forest area potential to climate change.

- (2) DAS with priority referred to in paragraph (1) shall be determined by the Minister after having coordinated with the relevant Minister.

Article 11

- (1) Rehabilitation of forest and land shall be conducted in phases:
  - a. planning; and
  - b. implementing.
- (2) Rehabilitation of forest and land referred to in paragraph (1) shall be conducted based on general pattern, criteria, and standard of rehabilitation of forest and land as referred to in Article 3.

Part Two

Planning

Paragraf 1

General

Article 12

Planning of forest and land rehabilitation referred to in Article 11 paragraph (1) letter a, consists of:

- a. Technical planning for rehabilitation of forest and land within River Flow Area (RTKRHL-DAS);
- b. Management Planning of forest and (RPRHL) land rehabilitation; and
- c. Annual Plan of forest and (RTnRHL),rehabilitation.

Paragraf 2

Technical Planning for Rehabilitation of Forest and (RPRHL) land

Article 13

- (1) RTKRHL-DAS referred to in Article 12 letter a, for each management of DAS area shall be compiled and determined by the Minister.

- (2) RTKRHL-DAS referred to in paragraph (1) shall be compiled by referring to:

- a. national forestry plan;
- b. space layout plan; and
- c. integrated DAS management and water resource management plan.

- (3) RTKRHL-DAS shall at least contain:

- a. forest and land recovery plan;
- b. control of erosion and sedimentation;
- c. development of water resource; and
- d. institutional.

- (4) In structuring the RTKRHL-DAS as referred to in paragraph (1), the Minister may coordinate with the relevant agencies.

- (5) Further provision on the procedure for structuring RTKRHL-DAS shall be governed in Regulation of the Minister.

Paragraf 3

Forest and Land Rehabilitation Management Plan

Article 14

- (1) Forest and Land Rehabilitation Management Plan referred to in Article 12 letter b shall be structured based on:

- a. RTKRHL-DAS;
- b. administrative area;
- c. forest management plan; and
- d. potentially available resources, such as manpower, facilities, infrastructure, and finance.

(2) Forest and land rehabilitation management plan consists of:

- a. Rehabilitation Management Plan in the RPRH forest zone; and
- b. Rehabilitation Management Plan in the RPRL area.

#### Article 15

(1) The RPRH referred to in Article 14 paragraph (2) letter a shall at least contain the policy and strategy, the location, type of activity, institutional, finance, and time schedule.

(2) The RPRH in producing forest and preserved forest shall be determined by the Regent/Mayor.

(3) The RPRH in national park forest shall be determined by the Minister.

(4) Further provision on the procedure for structuring RPRH shall be governed in Regulation of the Minister.

#### Article 16

(1) The RPRL referred to in Article 14 paragraph (2) letter b shall at least contain policy and strategy, location, type of activity, institutional, finance and time schedule.

(2) The RPRL shall be determined by the Regent/Mayor.

(3) Further provision on the procedure for structuring RPRL shall be governed in Regulation of the Minister.

#### Paragraf 4

#### Annual Plan for Forest and Land Rehabilitation

#### Article 17

(1) Annual Plan for Forest and Land (RTnRHL) Rehabilitation Plan referred to in Article 12 letter c shall be structured based on the RPRHL.

(2) The RTnRHL referred to in paragraph (1) shall contain forest and land rehabilitation activities plan, details of the location and volume of physical activities, financial need, time schedule, institutional, management, training, assistance, information, monitoring and evaluation.

#### Article 18

(1) Annual Plan for Rehabilitation in (RTnRH) forest bearing rights or permits shall be structured by the right holder or permit holder.

(2) RTnRH not bearing right or permits yet shall be structured by the Minister.

#### Article 19

Annual Plan for Rehabilitation of land (RTnRL) shall be determined by the Regent / Mayor.

Article 20

Further provision on procedure for structuring RTnRHL referred to in Articles 17 through 19 shall be governed in Regulation of the Minister.

Part Three

Implementation

Paragraf 1

GENERAL

Article 21

- (1) Forest and land rehabilitation referred to in Article 11 paragraph (1) letter b shall be carried out on:
  - a. forest zone; and/or
  - b. the land.
- (2) In carrying out forest and land rehabilitation activities referred to in paragraph (1) supporting rehabilitation of forest and land be conducted.
- (3) Forest and land rehabilitation may be implemented by the Government, provincial government, regional/municipality government, and/or by the holder of right or permit.

Article 22

- (1) forest rehabilitation shall be conducted according to the RTnRH;
- (2) land rehabilitation shall be conducted according to the RInRL

Paragraf 2

Forest Rehabilitation

Article 23

Forest rehabilitation referred to in Article 21 paragraph (1) letter a shall be conducted by means of the activities below:

- a. reforestation;
- b. vegetation maintenance;
- c. enriching vegetation; or
- d. application of land preservation technology.

Article 24

- (1) Reforestation referred to in Article 23 letter a shall be conducted in the zones cited below.
  - a. preserved forest;
  - b. producing forest; or
  - c. conservation forest.
- (2) Reforestation in preserved zone is meant to recover the main function as protection for lives supporting system to organize water system, prevent floods, control erosion, prevent sea water intrusion and maintain fertility of the land.
- (3) Reforestation in producing forest is meant to improve productivity in the producing forest zone.
- (4) Reforestation in conservation forest zone is meant to preserve the habitat and to improve the various biological resources.

(5) The reforestation referred to in paragraph (1) shall cover seedling activities, planting, vegetation maintenance, safeguarding, and supporting activities.

#### Article 25

(1) Maintenance of vegetation referred to in Article 23 letter b shall be conducted by:

- a. the Government for national park;
- b. regency/municipality government or Forest Management Unit for producing forest zone and preserved forest;
- c. provincial government or regency/municipality government for national park forest according to their respective authority; or
- d. the holder of right or permits for forest zone bearing the right or permits.

(2) Source of fund for maintenance will be charged to:

- a. the Government for conservation forest zone;
- b. the regional/municipality government or Forest Management Unit for producing forest and preserved forest;
- c. provincial government or regional/municipality government for national park forest according to their respective authority; or
- d. the holder of right or permits for forest zone bearing the right and permits.

(3) Maintenance of vegetation in producing forest and preserved forest shall be financed by the Government and conducted since the first year until the third year.

(4) Maintenance of vegetation in producing forest and preserved forest after the third year shall be assigned by the Government to regional/municipality government or Forest Management Unit.

(5) Maintenance of vegetation referred to in paragraph (1) shall be conducted by means of:

- a. maintenance; and
- b. control of pest and disease.

#### Article 26

(1) Vegetation enrichment referred to in Article 23 letter c is meant to improve forest productivity.

(2) Vegetation enrichment referred to in paragraph (1) shall be conducted using growing space to the optimum by multiplying the number of and variety types of vegetation.

(3) Vegetation enrichment shall be conducted in swamp land, either in producing forest, protected forest, or conservation forest, except natural preserved forest and national core vegetation zone



(4) *Vegetation enrichment shall cover seedling, planting, vegetation maintenance and safeguarding.*

**Article 27**

(1) *Application of land preservation technology referred to in Article 23 letter d shall be conducted by means of civilian technology.*

(2) *Other than land preservation civilian technology referred to in paragraph (1), application of land technical preservation may be conducted by chemical technology.*

**Paragraf 3**

**Rehabilitation of Land**

**Article 28**

*Rehabilitation of land referred to in Article 21 paragraph (1) letter b shall be conducted by means of:*

- a. *greening;*
- b. *vegetation maintenance;*
- c. *vegetation enrichment; or*
- d. *application of land preservation vegetative technology with civilian technology on critical land.*

**Article 29**

(1) *The greening action referred to Article 28 letter a,*

*conducted out of forest zone is meant to recover and improve land productivity which condition is damaged in order to function again the optimum.*

(2) *Greening shall be conducted by developing forest bearing right, urban forest, or environmental greening.*

(3) *Greening shall cover seedling/nursery, planting, vegetation maintenance, and safeguarding.*

**Article 30**

(1) *Vegetation maintenance referred to in Article 28 letter b, shall be conducted by regional/municipality government or the holder of right.*

(2) *Vegetation maintenance referred to paragraph (1) shall be conducted by means of:*  
a. *maintenance; and*  
b. *control of pest and disease.*

Article 31.....

( To be continued )

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## **FOREST REHABILITATION AND RECLAMATION**

(Government Regulation Number 76 Year 2008, dated December 16, 2008)

[Continued from Business News No. 7847 pages 28A-36A]

### **Article 31**

- (1) Vegetation enrichment referred to in Article 28 letter c is meant to improve land productivity.
- (2) Vegetation enrichment referred to in paragraph (1) shall be conducted by utilizing the growing space to maximum by multiplying the number and variety types of vegetation.
- (3) Vegetation enrichment shall be conducted on land bearing right.
- (4) Vegetation enrichment shall cover seedling/nursery, planting, vegetation maintenance and safeguarding activities.

### **Article 32**

- (1) Application of land preservation technology referred to in Article 28 letter d shall be conducted by means:
  - a. vegetative; and/or
  - b. civilian technology.
- (2) Other than by vegetative and civilian technology referred to in paragraph (1), application of land preservation technology may be conducted with chemical technology.

### **Article 33**

Further provision on the procedure for forest and land rehabilitation referred to in Articles 21 up to 32 shall be governed in Regulation of the Minister.

### **Paragraf 4**

Forest and Land Rehabilitation Supporting Activities

### **Article 34**

- (1) To support forest and land rehabilitation activities referred to in Article 21 paragraph (2) the following activities shall be conducted covering:
  - a. seedling development;
  - b. forest and land rehabilitation technology;
  - c. prevention and control of forest and land fire;
  - d. information;
  - e. training;
  - f. empowerment of the community;
  - g. management and/or
  - h. supervision.
- (2) Further provision on forest and land rehabilitation supporting activities referred to in paragraph (1) shall be governed in Regulation of the Minister.

## Paragraf 5

## Forest and Land Rehabilitation Operator

## Article 35

- (1) Forest rehabilitation in preserved forest shall be conducted by the Government except national park forest.
- (2) Forest rehabilitation in national park forest shall be conducted by provincial government or regional/municipality government according their respective authority.
- (3) Forest rehabilitation in preserved forest referred to in paragraphs (1) and (2) shall be conducted on the conditions:
  - a. plant the original type of vegetation locally;
  - b. plant vegetation according to the local habitat; and
  - c. plant various types of forest vegetation.

## Article 36

- (1) Rehabilitation in producing forest and protected forest which right to management thereof is delegated to State-owned Business Entity, or granted the permit to utilize the forest, or permit to use the forest zone shall be conducted by the holder of right or permits.
- (2) Rehabilitation in producing forest zone and protected forest not bearing right or permits shall be conducted by regional/municipality government:

- (3) The rehabilitation of producing forest and protected forest referred to in paragraphs (1) and (2) shall be exercised based on the provisions below.
  - a. type of vegetation planted must be consistent with the hydrological function;
  - b. the vegetation planted may be in the form of monoculture or mixture thereof; and
  - c. prevent as far as possible type of exotic or unfamiliar plants.

## Article 37

- (1) Rehabilitation of forest in forest zone managed by institution that is granted the right to manage forest zone with special objective shall be conducted by the developer.
- (2) Rehabilitation in forest zone managed by the customary community as customary forest shall be conducted by the customary community concerned.

## Article 38

- (1) Rehabilitation of land shall be conducted by regional/municipality government.
- (2) Rehabilitation of land bearing right to the land shall be the obligation and responsibility of the right holder.

## Article 39

- (1) The right holder or permit holder in implementing the forest and/or land referred to in Articles 36, 37 and 38

paragraph (2) may request assistance, service, and support from the Government, provincial government, regional/municipality government, and/or community own self-initiative.

- (2) The assistance, service, and support of the Government, provincial government or regional/municipality government referred to in paragraph (1) granted for forest and land rehabilitation activities with the objective for preservation and conservation.

Article 40

- (1) For successful rehabilitation activities, the Government, provincial government, regional/municipality government may grant incentive, either in the form of facilities or award.
- (2) Further provision on the grant of incentive referred to paragraph (1) shall be governed in Regulation of the Minister.

Paragraf 6

Utilization of Forest and Land Rehabilitation Result

Article 41

- (1) Utilization of rehabilitation result financed by the Government, provincial government, regional/municipality government shall be governed in accordance with the provisions in the statutory regulation.

- (2) Utilization of forest rehabilitation result conducted by the right or license holder shall be governed in accordance with the provisions in the statutory regulation.
- (3) Utilization of land rehabilitation result financed by the Government, provincial government, and/or regional/municipality government shall be governed by Regulation of the Minister.

CHAPTER III

FOREST RECLAMATION

Part One

General

Article 42

- (1) Forest reclamation shall be conducted on land and forest vegetation that have encountered a change in the land surface and a change on the land cover.
- (2) The change to land surface and land cover referred to in paragraph (1) may occur as the result of:
  - a. use of forest zone; or
  - b. natural disaster.

Article 43

- (1) Forest reclamation shall cover the activities below:
  - a. inventory of the location;
  - b. stipulation on the location;
  - c. planning; and
  - d. reclamation.

(2) Forest reclamation may be conducted on land from former mining, electric network construction, telephone and water installation, construction in the interest of religious matter, defense of religious activities, or natural disaster.

(3) With respect to forest reclamation activities referred to in paragraph (2) in former mining zone, this must be conducted consistent with the phases of mining activities.

(4) The forest reclamation referred to in paragraph (1) shall be conducted by holder of license for use of forest zone for activities other than for forestry activities.

#### Part Two

##### Inventory of Location

###### Article 44

(1) Inventory of the location referred to in Article 43 paragraph (1) letter a, shall constitute data and information collecting activities over the entire forest zone that shall encounter disturbances and/or interruption from the forest zone utilization.

(2) Inventory of the location shall be conducted by survey to obtain primary data or to collect secondary data in the form of biophysics and social economic data, and work plan in the use of forest zone.

(3) Inventory activities shall produce numeric data and spatial data from the entire forest zone to be disturbed and/or interrupted as the result of utilization of forest zone.

#### Part Three

##### Determination for Location for Forest Reclamation

###### Article 45

(1) The location determination referred to in Article 43 paragraph (1) letter b, shall constitute selection and designation of location to be interrupted as the result of using forest zone ready for reclamation.

(2) The determination of location referred to in paragraph (1) shall be conducted by analysing and evaluating the spatial and numeric data obtained from the result of location inventory.

(3) Based on the result of analysis and evaluation of spatial and numeric data referred to in paragraph (2) shall determine the extent of area and location of the reclamation.

#### Part Four

##### Planning for Forest Reclamation

###### Article 46

(1) The planning referred to in Article 43 paragraph (1) letter c shall be conducted for the implementation of forest reclamation.

(2) Forest reclamation plan shall be compiled based on location inventory as referred to in Article 44 and location determination as referred to in Article 45.

(3) Forest reclamation plan referred to in paragraph (1) shall be compiled for a term of five (5) years stating:

- a. the condition of the forest zone before and after such activities;
- b. plan for forest zone opening;
- c. forest reclamation plan;
- d. technical for reclamation plan;
- e. time schedule for implementation;
- f. cost plan; and
- g. map of the location reclamation activities plan.

(4) Forest reclamation plan referred to in paragraph (3) shall be further clarified in the annual plan.

#### Article 47

(1) Reclamation plan that has been compiled referred to in Article 46 paragraph (3) shall be evaluated by the Technical Minister, the Governor or the Regent/Mayor according to their respective authority.

(2) The Technical Minister, the Governor, Regent/Mayor according to their respective authority in carrying out the evaluation of the reclamation plan referred to in paragraph (1) shall involve the Minister and may also involve the Minister in charge of the living environmental management.

(3) The Technical Minister, the Governor, Regent/Mayor according to their respective authority may grant approval to the forest reclamation plan.

#### Part Five

#### Implementation of Forest Reclamation

#### Article 48

(1) Forest reclamation referred to in Article 43 paragraph (1) ~~letter d~~ shall be implemented by the holder of license to use the forest zone based on the approved reclamation plan as referred to in Article 47 paragraph (3).

(2) Safeguard of forest reclamation result shall be responsibility of the holder of license for use of forest zone.

#### Article 49

(1) To ensure success in the implementation of forest reclamation referred to in Article 48, the holder of license for use of forest zone shall be obliged to pay reclamation security fund.

(2) The amount of reclamation security fund proposed by the holder of license and decided by the Technical Minister, the Governor, Regent/Mayor shall be based on their respective authority after obtaining consideration of the Minister.

(3) Type of reclamation security fund referred to in paragraph (1) shall be proposed by the holder of license

for use of forest zone and shall obtain approval of the Technical Minister, the Governor, Regent/Mayor according to their respective authority

- (4) Provision on the amount, type, procedure for placement, and cashing or release of reclamation fund shall be consistent with the provision in the statutory regulation.

#### Part Six

#### Evaluation of Successful Forest Reclamation

#### Article 50

- (1) Evaluation of implementation of forest reclamation shall be made by the Minister by involving the Technical Minister and the Minister in charge of living environment, the Governor, or Regent/Mayor according to their respective authority.
- (2) The evaluation referred to in paragraph (1) shall be based on the norms, standard, procedure, and criteria of forest reclamation.
- (3) The evaluation referred to in paragraph (1) shall constitute the basis for determination of the forest reclamation success
- (4) The success in forest reclamation referred to in paragraph (3) shall constitute one of the elements for evaluation of the entire obligations in restoring the forest zone from the use of it.

- (5) Further provision on evaluation on the success of forest reclamation shall be governed in Regulation of the Minister.

#### Part Seven

#### Forest Reclamation Resulting from Natural Disaster

#### Article 51

- (1) Reclamation of forest resulting from natural disaster in forest zone may occur:
- naturally; or
  - resulting from negligence of the holder of right to forest management or utilization.
- (2) Forest reclamation in natural disaster area shall be conducted in all forest zone except in the core national park.
- (3) Forest reclamation in naturally caused disaster zone as referred to in paragraph (1) letter a shall be the responsibility of the Government and regional government.
- (4) Forest reclamation in naturally caused disaster resulting from negligence of the holder of license for forest management or forest utilization in managing forest zone as referred to in paragraph (1) letter b shall be responsibility of the holder of right or license.
- (5) The Government, provincial government, and/or regional/municipality government according to their

respective authority may grant facilities in the implementation of forest reclamation conducted by the holder of right for management and/or holder of license for forest utilization.

- (6) Further provision on guideline for forest reclamation in natural disaster area shall be governed in Regulation of the Minister.

#### CHAPTER IV

##### COMMUNITY'S PARTICIPATION

###### Article 52

- (1) Rehabilitation and reclamation activities shall be implemented by involving participation of the local community.
- (2) The participation of the community in forest rehabilitation and reclamation activities may be conducted by public consultation, partnership, and provision of information.

#### CHAPTER V

##### MANAGEMENT, CONTROL AND SUPERVISION

###### Part One

###### General

###### Article 53

- (1) The Minister, Governor or Regent/Mayor according to their respective authority shall take action in:
- a. management;
  - b. control; and
  - c. supervision.

- (2) To secure order in the implementation of forest rehabilitation and reclamation, the Minister in implementing his authority shall take measures in fostering, control, and supervision in the implementation of the policy of the Governor and Regent/Mayor.

###### Part Two

##### Management and Control

###### Article 54

- (1) Management shall provide:
- a. guideline;
  - b. management;
  - c. training;
  - d. directive; and/or
  - e. supervision.
- (2) Provision of guideline referred to in paragraph (1) letter a is meant for implementation of forest rehabilitation and reclamation.
- (3) Provision of management referred to in paragraph (1) letter b is meant for preparation of procedure and working system.
- (4) Provision of training referred to in paragraph (1) letter c is addressed to the relevant parties.
- (5) Provision of directives referred to in paragraph (1) letter d shall cover compilation activities of plan, program, and other activities nationwide.



(6) The supervision referred to in paragraph (1) letter e is addressed to the implementation of forest rehabilitation and reclamation.

#### Article 55

(1) Control shall cover activities in:

- a. monitoring;
- b. evaluasi;
- c. reporting; and
- d. follow-up action.

(2) Monitoring activities referred to in paragraph (1) letter a is to obtain data and information, policy in the implementation of forest and rehabilitation and reclamation.

(3) Evaluation activities referred to in paragraph (1) letter b is meant to evaluate success in the implementation of forest rehabilitation and reclamation conducted periodically.

(4) Reporting activities referred to in paragraph (1) letter c is meant to justify performance achievement related to process of achievement of the objective and target.

(5) Follow-up action referred to in paragraph (1) letter d shall be follow-up action on the result of monitoring and evaluation for the improvement of the policy and implementation of forest rehabilitation and reclamation.

(6) Further provision on evaluation and achievement in periodical forest rehabilitation and reclamation referred to in paragraph (3) shall be governed in Regulation of the Minister.

#### Article 56

(1) Follow-up action on the result of control by the Minister, Governor and Regent/Mayor referred to in Article 55 shall be taken by the operator of forest rehabilitation and reclamation.

(2) The operator of forest rehabilitation and reclamation shall report the implementation of control to the Minister, Governor and Regent/Mayor.

#### Article 57

Further provision on guideline for management and control as referred to in Article 54 up to Article 56 shall be governed in regulation of the Minister.

### Part Three

#### Supervision

#### Article 58

Provision on supervision referred to in Article 53 paragraph (1) letter c shall be governed in separate Government Regulation.

### CHAPTER VI

#### ADMINISTRATIVE PENALTY

#### Article 59

(1) The holder of right or license that fails to implement forest and land rehabilitation referred to in Article 21

paragraph (3).

paragraph (3), and holder of license for use of forest zone that fails to implement forest reclamation referred to in Article 48 paragraph (1) shall be charged penalty in the form of:

- a. reminder, and /or
- b. revocation.

(2) The reminder referred to in paragraph (1) letter a shall be issued by the Minister, Governor, or Regent/Mayor according to their respective authority.

(3) Revocation referred to paragraph (1) letter b relating to region shall be based on the provision in the statutory regulation.

(4) Revocation referred to in paragraph (1) letter b relating license for forest utilization and/or license for borrow land use of forest zone shall be issued by the license grantor according to their respective authority.

(2) If RTkRHL-DAS is not compiled yet, then the existing RTkRHL-DAS in the form of Five Year Rehabilitation Program shall be considered as RTkRHL-DAS.

(3) If RPRHL is not compiled yet, then RTnRHL may refer to Five Year Rehabilitation Program.

(4) The result of forest reclamation that has been evaluated and accepted by the Government in accordance with the provisions in the statutory regulation before this Government Regulation is stipulated, shall be declared null and void.

(5) The result of forest reclamation that is not evaluated yet or that has been evaluated but not acceptable to the Government shall be governed in accordance with the provisions in the statutory regulation after it has been coordinated with the Minister.

CHAPTER VII

TRANSITIONAL PROVISION

Article 60

(1) Forest and land rehabilitation conducted in the form of Forest and Land National Faction or other forest and land rehabilitation shall survive, and further implementation must be consistent with this Government Regulation.

CHAPTER VIII

CLOSING PROVISION

Article 61

By the time this Government Regulation comes to force:

- a. Compilation of RTkRHL-DAS referred to in Article 13 should have been completed within one (1) year at the latest; and

b. Compilation

- b. Compilation of RPRHL referred to in Article 14 through Article 16 should have been completed within two (2) years at the latest.

**Article 62**

This Government Regulation shall take effect on the date it is enacted.

For public cognizance, this Government Regulation shall be announced by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On December 16, 2008

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

On December 16, 2008

THE MINISTER OF LAW AND HUMAN RIGHTS

Sgd.

ANDI MATTALATTA

STATUTE BOOK OF THE REPUBLIC OF INDONESIA

YEAR 2008 NUMBER 201

**ELUCIDATION OF GOVERNMENT REGULATION  
OF THE REPUBLIC OF INDONESIA  
NUMBER 76 YEAR 2008  
CONCERNING  
REFOREST REHABILITASI AND RECLAMATION**

**I. GENERAL**

The Indonesian nation is awarded and is conferred the mandate by the One and Only God natural assets in the form of invaluable forest asset, thereby the forest must be managed and utilized as best as possible by virtue of decency, as devotion and appreciation to the One and Only God

In the context of forest management to obtain maximum benefits from the forest zone for the welfare of the people, in principle all forests and forest zone may be managed but with due observance of the nature, characteristic, and priority thereof, as well in harmony with the main function of the forest conservation, protection and production. Therefore, in managing the forest the three functions must be maintained proportionately.

Natural resources in the form of forest, land and water are natural assets which preservation must be maintained, therefore management of natural resources by means of the DAS management unit must be implemented wisely, so as to support improvement of the welfare of the people.

To maintain continuance of the main function of forest and the condition of the forest, effort of rehabilitation and reclamation of land shall be taken, which is meant to recover, maintain and improve the function of forest and land so as to maintain supporting power, productivity, and its role in the supporting pillars of living.

Priority shall be given for implementation of forest rehabilitation and reclamation through approach of participation in the development of potentiality and empowerment of the people.

Rehabilitation shall be implemented by means of reforestation and greening as well as forest reclamation, the success of which will be determined by the volume of the people participation.

In the interest of strategic development or involving public interest that needs to use forest zone, this must be followed by effort of reclamation.

This Government Regulation governs rehabilitation conducted by means of reforestation, greening, maintenance, plants enrichment and application of land conservation technology through vegetation and civilian technology, on critical and unproductive land. Further, forest reclamation activity covers effort to repair or recover the damaged land with forest vegetation in order to be able to function to maximum according to its allocation.

In order to provide legal basis for implementation of judicious forest rehabilitation and reclamation, Government Regulation needs to be stipulated.

## II. ARTICLE BY ARTICLE

### Articles 1 through 3

Self-explanatory.

### Article 4

#### Paragraph (1)

Self-explanatory.

#### Paragraph (2)

##### Letter a

Continuous budgeting system (multi years) is meant that forest and land rehabilitation may be implemented incessantly, based on the silviculture system and the condition of the atmosphere and weather.

##### Letter b

What is meant by "clarity of authority" shall mean that rehabilitation must be supported by the operator's ready for work, level of the people's income, the policy in forest management system and institutional system.

##### Letter c

What is meant by "understanding of tenurial system" shall be assurance of the right to land.

## Letter d

What is meant by "cost sharing", shall be implementation of forest and land rehabilitation, investment belonging to the people such as workers may be counted as cost, so that effort for forest and land rehabilitation may give profit to the country and the people both individual and in group.

## Letter e

What is meant by "application of incentive system", shall mean that in the implementation of forest and land rehabilitation, the Government may provide support in the form of policy that is capable to support to motivate achievement of the purposes and objectives of the rehabilitation such as permits, market access, and appreciation.

## Letter f

What is meant by "empowerment of the people and institution" shall be implementation of forest and land rehabilitation must be able to give benefits obtained from exploitation of forest resource to the people optimally and just, through development of the capacity and providing access for their welfare.

## Letter g

What is meant by "participative approach" shall be material participation and related party in implementing forest rehabilitation and reclamation.

## Letter h

What is meant by "transparency and accountability" shall be implementation of forest and land rehabilitation from planning, preparation, implementation and control transparently and accessible by the people at large, and the result thereof is accountable.

## Paragraph (3)

## Letter a

What is meant by "political aspect" shall mean that forest and land rehabilitation accommodate global pressure constituting opportunity and obtains sufficient political support and in the implementation of rehabilitation.

## Letter b

What is meant by "social aspect" shall mean that it is expected that forest and land rehabilitation be able to give benefit to improve economy of the people.

## Letter c

What is meant by "economy aspect" shall mean that forest and land rehabilitation is intended for improvement of economy and income of the people surrounding the forest.

## Letter d

What is meant by "ecosystem aspect" shall mean that in the context of DAS management with due observance of land support power (land capability) and suitability (land suitability) and with due observance of the various types and level of sensitivity toward pest.

**Letter e**

What is meant by "institutional and organizational aspects" shall mean that forest and land rehabilitation shall require legal assurance to guarantee persistence in the use and management of land.

**Article 5**

Zonal aspect, institutional aspect, and technological aspect shall be implemented in one management system in the implementation of forest rehabilitation and reclamation.

**Article 6****Letter a**

Characteristic of the location covers information and data on the condition of the location based on biophysical and social economy required for better success of forest reclamation.

**Letter b**

Type of activities based on nature of use of forest zone.

**Letter c**

Land development among other things shall cover activities below, namely:

- a. re-filling the land formerly used as forest zone;
- b. re-grading the land surface; and
- c. placement / spreading of top soil.

**Letter d**

Control of erosion and waste shall among other things, cover construction of building for control of erosion and waste, the type, volume and quality thereof according to plan.

**Letter e**

Self-explanatory.

**Letter f**

Development social economy shall be conducted by the holder of permit for use of forest zone which activities involve and give social benefit and economy to the local people.

**Articles 7 through 12**

Self-explanatory.

**Article 13****Paragraph (1)**

Self-explanatory.

**Paragraph (2)****Letter a and letter b**

Self-explanatory.

**Letter c**

What is meant by "Integrated DAS Management Plan" shall be development concept that accommodates various statutory regulation and applied entirely and integrated in a macro plan.

Paragraphs (3) . . . . .

## Paragraphs (3) through (4)

Self-explanatory.

## Paragraph (5)

Regulation of the Minister shall govern among other things, the method, technology and procedure for preparation, evaluation and ratification and validity of RTKRHL-DAS.

## Article 14

## Paragraph (1)

RPRHL shall constitute management plan in the context of implementing forest and land rehabilitation according to the authority of the Government and regional government based on the provisions in the statutory regulation.

## Letters a and b

Self-explanatory.

## Letter c

Forest management plan as governed in Government Regulation concerning Forest System and Preparation of Forest Management and Forest Use.

## Letter d

Self-explanatory.

## Paragraph (2)

Self-explanatory.

## Articles 15 and 16

Self-explanatory.

## Article 17

## Paragraph (1)

Self-explanatory.

## Paragraph (2)

Forest and land rehabilitation activities shall constitute technical design of each type of activity planned in the RTKRHL.

## Article 18

What is meant by "right" shall be forest management.

What is meant by "permit" shall be permit to use forest and permit to use forest zone.

## Articles 19 through 24

Self-explanatory.

## Article 25

## Paragraphs (1) through (4)

Self-explanatory.

## Paragraph (5)

## Letter a

Maintenance activities shall among other things; cover:

- a. plants maintenance, in the form of enrichment, hoeing before planting, replacing dead plants and fertilizing and

b. Maintenance of construction of land conservation, in the form of repair, improvement, and maintenance of stability of construction for land conservation.

Letter b

What is meant by "pest and disease control" shall be treatment of plants from intrusion for pest and disease using selective pesticides and insecticides such as fungicide, herbicide, limited spectrum insecticide, and manual physical treatment especially for large animal pest.

Article 26

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

What is meant by "marsh forest" shall be forest having potential spreaded tree stands wherein each hectare is less than 700 (seven hundred) trees.

Paragraph (4)

Plants maintenance activities shall among other things, cover maintenance and control of pest and disease.

Article 27

Paragraph (1)

Application of land conservation technology by means of civilian technology shall among other things, conducted by building small water reservoir, closed end ditch (rorak), construction for river/da,/lake edges protection

Paragraph (2)

Chemical technology shall be conducted by giving mulsa, bitumen, chemical substance, or solid conditioner.

Articles 28 and 29

Self-explanatory.

Article 30

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Maintenance activities shall among other things cover:

a. plants maintenance in the form of weeds clearing, hoeing before planting, replacing dead plants and fertilizing; and

b. maintenance of construction for land conservation in the form of repair, improvement, maintain stability of the construction for land conservation.

Letter b

What is meant by "control of pest and disease" shall be treatment of plants from intrusion of pest and disease using selective pesticides and insecticides such as fungicide, herbicide, limited spectrum insecticide, and manual physical treatment especially for large animal pest.



Article 31

Paragraphs (1) and (2)

Self-explanatory

Paragraph (3)

What is meant by "forest with right" shall be forest existing beyond the forest zone and growing on the land bearing right to land which normally referred to as community forest.

Paragraph (4)

Plants maintenance activities shall among other things, cover maintenance and control of pest and disease.

Article 32

Paragraph (1)

Letter a

Application of vegetative land conservation technology shall be conducted by permanent vegetation, lane planting vegetation, weeds strip and mulsa, and hard core strengthening plant.

Letter b

Application of land conservation technology by civilian technology shall among other things, conducted by construction of controlling dam, restraining dam, hard core, water discharge channel, penetration well, embung, closed ended ditch (rorak) and construction of river/dam/lake edge protection.

Paragraph (2)

Chemical technology by spreading mulsa, bitumen, chemical substance, or soil conditioner.

Article 33

Self-explanatory..

Article 34

Paragraph (1)

Letter a

What is meant by "nursery development" shall be effort for tree refining, development of seed source, conservation of genetic resource, seeds production, seeds distribution and nursery.

Letter b

What is meant by "forest and land rehabilitation technology" shall be method and technology to implement rehabilitation activities including in the nursery, planting and construction of land conservation, maintenance, protection and safeguarding

Letter c

What is meant by "prevention and control of forest and land fire" shall be activities in the prevention, fire fighting, control, evaluation of the fire consequence and preparation of rehabilitation of the forest and land after they were hit by the fire.

Letters d and e

Self-explanatory.

Letter f

What is meant by "community empowerment" shall be effort to improve institutional capability of the community.

Letters g and h

Self-explanatory.

Paragraph (2)

Self-explanatory.

Articles 35 and 36

Self-explanatory.

Article 37

Paragraph (1)

Institution shall be granted the right to manage forest zone with specific objectives such as:

- a. education institution;
- b. research education; and
- c. social and religion institutions.

Paragraph (2)

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Paragraph (1)

Assistance shall be among other things, in the form of motivation, mediation and access in the context of institutional development.

Services shall be among other things, in the form of provision of data and information.

Support shall be among other things, in the form of technical assistance, fund, provision of information, training and provision of plant seeds according to need and capability of the Government and regional government.

Paragraph (2)

Forest and land rehabilitation activities for the purpose of protection and conservation shall be given priority due to the social benefit like control of flood and dry season, prevention of erosion, and make good use of water system.

Article 40

Paragraph (1)

What is meant by "incentive" shall be a policy instrument that enables motivation for the achievement of the purposes and objectives of forest and land rehabilitation, and at the same time able to prevent increase to damaged/degraded forest and land resource (critical land) in a DAS ecosystem.

Application of incentive depends on the specific characteristic of the area either from the potential forest and land resources point of view, institutional, social culture, and economic capability of the area that mutually affect each other, so that governing thereof shall be exercised nationwide.

**Paragraph (2)**

Regulation of the Minister contains the main provisions on incentive development of forest and land rehabilitation, such as:

- a. standard and criteria of incentive development;
- b. types of incentives; and
- c. procedure for implementing policy and stipulating incentive.

**Article 41**

Self-explanatory.

**Article 42**

**Paragraph (1)**

What is meant by "change to land surface" shall be change change in the landscape in forest zone.

Change to landscape resulting from use of forest zone such as in the form of construction of water installation, mining exploitation, or natural disaster, decreasing the forest economic quality, social and ecology ratio in the DAS ecosystem

What is meant by "change to land cover" shall be change to the types of vegetation initially exist in the forest zone.

**Paragraph (2)**

**Letter a**

Self-explanatory.

**Letter b**

What is meant by "natural disaster" shall be natural event causing change to landscape decreasing the forest economic quality, social and ecology in the ratio of DAS ecosystem.

**Article 43**

Self-explanatory.

**Article 44**

**Paragraph (1)**

Self-explanatory.

**Paragraph (2)**

Primary data collected from direct collection at the field, whereas secondary data is taken from existing data.

Biophysic condition shall at least contain the type of land, the thickness of top soil, use of land, area extent of land cover, type of flora and fauna, topography, volume of rainfalls, type of atmosphere, water system, erosion, forest function, vegetation and height of land.

Social economy condition shall at least contain the population demography, level of the community income, means of earning of living, public facilities and infrastructure, culture and community institution.

Paragraph (3)

What is meant by "numeric data" shall be data in the form of figures or figurative system.

What is meant by "spatial data" shall be data that has georeference whereby various data is located in various spatial unit.

Article 45

Self-explanatory.

Article 46

Paragraphs (1) and (2)

Self-explanatory.

Paragraph (3)

Letter a

Forest zone condition prior to and after forest zone use containing information on the initial condition, quantity and quality of the area cover in the use of the forest zone.

Qualitative and quantitative conditions shall among other things, the density of stands, type of plants, the topography, the slope, the land cover, and flora and fauna.

Letter b

Forest zone opening plan contains information on the area and location of forest zone to be used.

Letter c

Forest reclamation program shall cover preparation of forest zone, governing the type of forest zone, control of erosion and sedimentation, management of land layers, re-vegetation, and safeguard.

Preparation of forest zone shall be activities in moving or cleansing all equipment and infrastructure no longer used, discharge the waste/toxic waste/hazardous waste, discharge or bury all scraps, cover all cover all land openings, and prohibit entry to or close the entry thereto.

The nature of forest zone shall be arranged according to the topography and hydrology, covering arrangement of slopes and waste water discharge channel.

Control of erosion and sedimentation by minimizing the intruded area, limiting/reducing overflowing water velocity, improving infiltration and water processing coming out from the location previously used forest zone.

Management of soil layers shall be activities to separate the top soil from the other soil layers.

Re-vegetation shall be replanting types of plants that initially grow fast and enriched with local plants.

Re-vegetation shall be conducted in phases based on the *technical preparation plan, field preparation, seeds procurement, planting and maintenance.*

Cost plan shall constitute the basis for calculating the amount of guarantee fund for forest reclamation guarantee.

Letter g

Safeguard shall cover patrol, installation of reminder and prohibition signs, and safeguarding reclamation result

Map of the location and map of forest reclamation activities plan shall be drawn up scale 1:25,000 up to 1:10,000.

Letter d

Paragraph (4)

Technical plan of forest reclamation shall be used as reference to determine the location site.

Self-explanatory.

Paragraph (5)

The location site shall constitute the location site where reclamation shall be conducted applying certain reclamation technology.

Articles 47 and 48

Self-explanatory.

Article 49

Letter e

Paragraph (1)

Time schedule of implementation shall cover period of implementation and settlement of forest reclamation activities.

What is meant by "pay reclamation guarantee money" shall be fund placed or made available by the holder of permit as guarantee for reclamation.

Letter f

Paragraphs (2) through (4)

The cost plan shall cover overhead or indirect cost expended in the implementation of forest reclamation, as the basis for calculation of the amount of guarantee fund for forest and reclamation and rehabilitation.

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Paragraphs (1) through (4)

Self-explanatory.

Paragraph (5)

The facilities shall among other things be provided through technical management, training and provision of information.

Paragraph (6)

The guideline governed in the Regulation of the Minister shall among other things governs the planning and implementation.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "policy" shall be governing or stipulating of guideline in forest and reclamation.

Management, control and supervision shall be conducted in coordination with the Technical Minister.

Articles 54 through 58

Self-explanatory.

Article 59

Paragraph (1)

Self-explanatory.

Paragraph (2)

Reminder shall constitute initial step for the basis for correction or charge of penalty.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Permit for forest use and/or permit for lend and use of forest zone shall be be revoked if:

- a. the grant of permits is not in accordance with this Government Regulation; or
- b. the holder of permits violates the provisions in this Government Regulation.

Articles 60 through 62

Self-explanatory.

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