

PRESIDENT OF THE REPUBLIC OF INDONESIA

EXPLANATION

ON

GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA

NUMBER 15 YEAR 2010

CONCERNING

THE IMPLEMENTATION OF SPATIAL PLAN

I. GENERAL

Law Number 26 Year 2007 on the Implementation of Spatial Plan is the comprehensive legal basis in implementing the spatial plan on national scale in order to realize (materialize) a safe, comfortable, productive, and sustainable territory (space) of Nusantara; and as stipulated under the law there is a necessity to fix an implementing regulation that can be used as an operational tool to put into practice any of the stipulations under the Law.

The Implementing Regulation comprises 18 (eighteen) substances on the aspects of spatial plan; it is regulated under a Government Regulation (PP). In effort to synchronize and coordinate policies on the implementation of spatial plans, it is quite necessary to enact a Government Regulation (PP) on the implementation of spatial plans; under which are incorporated all the substances that have yet to be positively regulated under the Law, and there is a mandate to further stipulate the substances into a legitimate regulation and this regulation can be used as a legal basis in implementing any of the spatial plans throughout the country.

The necessity to further regulate the implementation of spatial plans in the country shall be based on the considerations as follows:

First, the Territory of the Unitary State of the Republic of Indonesia is currently challenged with harsh complexity as follows:

- a. it is located in an evolving region between the Pacific Ocean rim and the Indian Ocean rim and it is hard-pressed to possess economic competitiveness;
- b. it is located in a region at the junction of 3 (three) tectonic plates and the country's territory is prone to geologic disasters and as highly demanded there has to be a priority from interrelated aspects to mitigate the casualties of disasters.
- c. the mounting intensity of activities in utilizing the spaces for exploitation of natural resources will unquestionably threaten the preservation of environment whereas to generate risks of global warming; and

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- d. the deterioration of settlement quality and escalation of uncontrollable changes of spatial functions will trigger a high disparity between regions.

Second, the implementation of spatial plan shall remain in obstacles as proved from the lack of regulations on spatial plans, ineffective and not optimal implementation and guidance on spatial plans, and the leniency of monitoring the spatial plans. In that regard it is quite necessary to enact a regulation conducive to the implementation of spatial plans all over the country; and in details such a confirmatory regulation can be used as a tool to overcome various challenges and issues as long as all policies are applied in coordination, harmony, balance, efficiency, and effectiveness.

Third, the steps forward of ways of thinking and growing awareness of the people (public) in improving the implementation of spatial plans are directly related to the living condition of the people (public), particularly in regard of the current escalation of disasters such as floods and landslides; also, to make things worse are the traffic congestion, the emergence of slums, the shrinkage of public spaces such as open green spaces in urban zones, the inadequate capacity of zones in metropolitan due to increasing population, and the imbalance of development between rural and urban zones. That's why; there is a prompt need to enact a meticulous and explicit regulation on the implementation of spatial plans based on the direct aspects of life of people (public).

Under this Government Regulation (PP) are regulated some policies (rules) on spatial plans such as the execution of spatial plan, utilization of spaces, control of utilized spaces, and monitoring of spatial plan all over the territory of the Unitary State of the Republic of Indonesia. In materializing this comprehensive regulation on spatial plan effectively and applicably, this Government Regulation (PP) shall include policies that will regulate the implementation of spatial plans throughout the country's territory as follows:

- a. The regulation on spatial plan shall include rules that oblige all the governments on every level to apply them in order to create a strong legal basis in implementing any of the spatial plans.
- b. The guidance (directives) on the implementation of spatial plan shall be aimed to standardize all types and procedures of spatial plans; the directives are given by the Government to the local governments and the people (public); from the local government of province to the local government of regencies/towns and the people (public), and from the local governments of regencies/towns to the people (public). The guidance on spatial plans is aimed to improve and grow the capability and self-dependence of the local governments and the people (public) in implementing any of the spatial plans.
- c. In implementing the spatial plans are also regulated the ways of preparing and determining a spatial plan of territory and a spatial plan of zones including strategic, urban, and rural zones. There is also a procedure on how to fix and implement a good-quality spatial plan.

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- d. In implementing spatial plans are also regulated a policy on how to prepare and carry out a program on spatial plan including its budgeting. The implementation of spatial plans shall be synchronized under a long-term development plan, midterm development plan, and annual development program as in accordance with a national development planning system; any development shall be implemented under the respective spatial plan.
- e. The control of utilized spaces is aimed to create orderliness and all the spaces are regulated under a zoning regulation; this zoning regulation is to regulate all spaces used for activities as well as the imposition of incentives, disincentives, and sanctions. This regulation is indeed a tool to materialize a good spatial plan and to prevent violations against the plan.
- f. The monitoring of spatial plan shall include supervision, evaluation and reporting and these all are aimed to maintain synchronization between policies on spatial plans and other policies in compliance with the prevailing laws and regulations; these all are applicable to the Government, the local governments, and the people (public).

Apart from the substances of regulation, as referring to in the Law Number 26 Year 2007 on Spatial Plan it is indeed necessary to promptly enact such an implementing regulation that will cover all types, procedures, roles of the public (people), accurate maps under spatial plans, utilized spaces of land, air and sea, and utilized natural resources; these all shall be regulated under a separate Government Regulation (PP).

II. Article by Article

Article 1

Clear enough

Article 2

Clear enough

Article 3

Clear enough

Article 4

Paragraph (1)

Point a

Clear enough.

Point b

Clear enough.

Point c

Guidance (directive) on spatial plan shall include the technical standards and manuals of spatial plan.

Paragraph (2)

Point a

Clear enough.

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Point b

Gubernatorial regulation (provincial bylaw) on permits shall include the determination on the types and mechanism of permits. The gubernatorial regulation shall also include the combination of substances of permits, incentives, disincentives, and administrative sanctions. Each substance can also be regulated under a separate bylaw (gubernatorial regulation).

Paragraph (3)

Point a

Clear enough.

Point b

The regulation (bylaw) of Regent/Mayor on permits shall include the types and mechanism of permits. The regulation (bylaw) of Regent/Mayor shall also include the combination of substances on permits, incentives, disincentives, and administrative sanctions. Each substance can also be regulated under a separate bylaw (Regent/Mayor's regulation).

Article 5

Paragraph (1)

What are meant by "the laws and regulations" shall refer to the Government Regulation (PP) on Governmental Duties between the Government and the local government of province and the local government of regency/town.

Paragraph (2)

Clear enough.

Article 6

Clear enough

Point a

Clear enough.

Point b

The stakeholders shall include the Government, the local government of province, the local government of regency/town and the people (public).

Point c

Clear enough.

Point d

Clear enough.

Article 7

Clear enough

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Article 8

Clear enough

Article 9

Clear enough

Article 10

Paragraph (1)

Coordination in the implementation of spatial plan is aimed to realize (materialize) synchronization of the implementation of spatial plans in all governmental levels and in inter-levels of governments.

The coordination in the implementation of spatial plans means that the plans are integrated, the programs are synchronized, and the implementations are coordinated.

Paragraph (2)

Coordination within an administrative territory is an inter-institutional coordination within an administrative territory.

Coordination of inter-region (territory) is the coordination carried out by more than one province or regency/town.

Coordination of inter-governmental level is the coordination between the Government and the local government and between the local government of province and the local government of regency/town.

Paragraph (3)

The function of coordination on the implementation of spatial plan is aimed to solve the problems (issues) on the implementation of spatial plan such as the conflicts in the utilization of spaces, the conflicts of authorities, and the tackling of national-scale disasters that are implicated to the process of spatial plan.

The function of coordination on the implementation of spatial plan shall be conducted by holding various forums and meetings on coordination.

Paragraph (4)

Clear enough.

Article 11

Clear enough

Paragraph (1)

The socialization (familiarizing) of the laws and regulations and the guidance on the implementation of spatial plan is aimed to create understanding (insight) to the stakeholders about the substances of the regulation on spatial plan.

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Paragraph (2)

Socialization by means of direct communications in persons such as dialogs (interviews), seminars, workshop, and/ or discussions.

Socialization by means of electronic media such as broadcasting on radio, and/ or television and rubric of QA (question and answer) by media of internet.

Article 12

Paragraph (1)

Guidance, supervision and consultation on the implementation of the spatial plan are aimed to process the approval on the substances of the draft bylaw on spatial plan.

Paragraph (2)

Clear enough.

Article 13

Paragraph (1)

Education and training are aimed to improve the knowledge (know-how), skills, and behaviors of people (human resources) in implementing the spatial plan.

Paragraph (2)

Point a

Clear enough.

Point b

Clear enough.

Point c

Clear enough.

Point d

The result of evaluation is used for the improvement of performance and the education and training on spatial plan.

Article 14

Paragraph (1)

The research and development are carried out by the institute of researches and the public (people).

The research and development are aimed to find solution and make anticipation on the needs for science and development and technology on spatial plan.

The research and development shall be carried out by means of experiments, case study, and technology assessment on spatial plan.

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Paragraph (2)

The results of research and development are used as references on formulating policies and strategies on spatial plan.

Article 15

Paragraph (1)

The development of the system of information and communications on spatial plan is aimed to improve the capacities of services on information and communications and to realize the existence of public culture on information and communications on spatial plan.

Paragraph (2)

The effort to provide the basis of data and information is made by a means of collection, storage (filing), analysis, process, and grant access to data and information on spatial plan.

Article 16

Paragraph (1)

Dissemination of information on spatial plan to the public (people) shall be regarded as the implementation of principles on transparency of information.

Paragraph (2)

Dissemination of information through media of information such as the spreading of pamphlets/ brochures, posters, banners, billboards, and/ or exhibitions.

Dissemination of information through print media such as the distribution of the copies of the laws and regulations and guidance on spatial plan, bulletins, and other print materials.

Article 17

Paragraph (1)

The effort to grow the awareness and responsibility of the people (public) is made in order to increase the roles of the people (public) in the implementation of spatial plan.

Paragraph (2)

Clear enough.

Article 18

Clear enough

Article 19

Principally the implementation of spatial plan shall include the stages such as the preparation of the materials on spatial plan based on the technical and academics reviews, the involvement of people (public) in preparing the spatial plan in order to accommodate the aspirations of the people in implementing the spatial plan, and the determination on spatial plan.

Article 20

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Point a
Clear enough.

Point b
The involvement of the roles of the people (public) in preparing the spatial plan can be conducted by garnering the public opinions, holding the forums of discussions and public consultations.

Point c
Clear enough.

Article 21

Paragraph (1)
Point a
Clear enough.

Point b
The data shall be the data and information needed for the preparation of the spatial plan.

Point c
What is meant by “to process and analyze the data for the preparation of spatial plan” is to review (evaluate) the existing spatial plans.

Point d
Clear enough.

Point e
Clear enough.

Paragraph (2)
Clear enough.

Paragraph (3)
Clear enough.

Article 22

What is meant by “the inter-governmental institution” is the sectoral governmental institution that is involved in preparing the spatial plan.

Article 23

Clear enough

Article 24

Paragraph (1)
Spatial Plan of National Territory is a plan on policy and strategy of the Spatial Plan of

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National Territory. Spatial Plan of Provincial Territory is the interpretation of the Spatial Plan of National Territory; in which is depicted the plan on the operational policy of the Spatial Plan of National Territory and the strategy to develop the territory of province.

Spatial Plan of Territory of regency/ town is the interpretation of the Spatial Plan of Provincial Territory; in which is depicted the regulation on designated spaces of the regency/ town.

Paragraph (2)

Before conducting the preparation of the general spatial plan, a technical review shall be made.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 25

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the roles of the people (public) in preparing the Spatial Plan of National Territory can be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on national scale.

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

What are meant by “physiographic data” is the data that depict the physical and geographic condition. In general the physiographic data shall include the data and maps of topography, heights, geology, hydrology, types of soil (land), and geographic locations.

The data on the availability of infrastructures and facilities shall include the data of housing compounds and areas of settlements.

What are meant by “data on utilization of spaces” is the data on the coverage of spaces within a territory, of which the size of areas can be measured.

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What are meant by “data on designated spaces” is the data and information on the utilization of spaces for activities including sea and air spaces under the spatial plan.

Point c

Clear enough.

Point d

In formulating the conception of the Spatial Plan of National Territory, the spatial plan of Island/ archipelago (islands) and the spatial plan of national strategic spaces shall be taken into account the previous spatial plan of Island/ archipelago (islands) and the previous spatial plan of national strategic spaces.

Point e

Clear enough.

Article 26

Clear enough

Article 27

Clear enough

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of people on provincial level in preparing the Provincial Spatial Plan shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on provincial scale

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

Clear enough.

Point c

Clear enough.

Point d

What is meant by “refer to the Spatial Plan of National Territory” is to refer to the Spatial Plan of Island/ archipelago (islands) and the Spatial Plan of the national strategic zones

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that are related to the said province.

Point e

Clear enough.

Article 28

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s). The Minister shall monitor and evaluate the process of determining the provincial bylaw on the provincial spatial plan.

Point c

Clear enough.

Point d

Clear enough.

Point e

The provincial bylaw on the provincial spatial plan, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Article 29

Clear enough

Article 30

Clear enough

Article 31

Clear enough

Article 32

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the spatial plan of regency shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regency scale.

Point c

Clear enough.

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Paragraph (2)
Point a
Clear enough.

Point b
Clear enough.

Point c
Clear enough.

Point d
What is meant by “refer to the Spatial Plan of National Territory” is to refer to the Spatial Plan of Island/ archipelago (islands) and the Spatial Plan of the national strategic zones that are related to the said province

In case that the strategic review of environment has been made, the analysis of the capacity and load of environment shall no longer be necessary because it has been included under the strategic review of environment.

Point e
Clear enough.

Article 33

Point a
Clear enough.

Point b
The Minister who will approve the substance shall coordinate with other related Minister(s). The Minister shall monitor and evaluate the process of determining the bylaw of regency on the spatial plan of regency.

Point c
Clear enough.

Point d
Clear enough.

Point e
The bylaw of regency on the spatial plan of regency, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Article 34

Clear enough

Article 35

Paragraph (1)

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Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the spatial plan of town (municipality) shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on town (municipality) scale.

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

Clear enough.

Point c

Clear enough.

Point d

What is meant by “refer to the Spatial Plan of National Territory and the Spatial Plan of Provincial Territory” is to refer to the Spatial Plan of Island/ archipelago (islands) and the Spatial Plan of the national strategic zones, and the Spatial Plan of strategic zones of the said province.

In case that the strategic review of environment has been made, the analysis of the capacity and load of environment shall no longer be necessary because it has been included under the strategic review of environment.

What are meant by “the infrastructures and facilities” is the need of infrastructures and facilities to carry out the function of the territory of town (municipality) as the hub (center) of social and economic activities and regional development.

Point e

Clear enough.

Article 36

Paragraph (1)

The plan to provide and utilize the open and green space for the public shall be conducted based on the hierarchy of services in town, designated spaces, and need for particular function.

The Government and/ or the local governments based on their respective authorities shall realize the plan to provide the open and green space for the public by doing as follows:

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a. to re-utilize the abandoned public spaces, to restore the functions of open spaces, and to provide land areas;

b. to gradually allocate budgets for the implementation of providing the open and green spaces for the public, and

c. to make cooperation in partnership with the people (public) in providing the open and green spaces for the public.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 37

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s). The Minister shall monitor and evaluate the process of determining the bylaw of town on the spatial plan of town.

Point c

Clear enough.

Point d

Clear enough.

Point e

The bylaw of town on the spatial plan of town, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Article 38

Clear enough

Article 39

Paragraph (1)

Clear enough.

Paragraph (2)

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Before preparing the detailed spatial plan, a technical review shall be made (conducted).

Paragraph (3)
Clear enough.

Article 40
Clear enough

Article 41
Clear enough

Article 42
Clear enough

Article 43
Paragraph (1)
Point a
Clear enough.

Point b
The involvement of the people (public) on regional scale of Island/ archipelago (islands) in preparing the spatial plan of Island/ archipelago (islands) shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regional scale of Island/ archipelago (islands).

Point c
Clear enough.

Paragraph (2)
Point a
Clear enough.

Point b
Clear enough.

Point c
What is meant by “bio-ecoregion” is a natural setting within a unit of ecology, of which are determined the natural boundaries such as the watershed of rivers, inlets, and streams.

Point d
Clear enough.

Point e
Clear enough.

Article 44

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Clear enough

Article 45

Clear enough

Article 46

Clear enough

Article 47

Clear enough

Article 48

What are meant by “economic activities” is the whole of activities of economy by the people (public) within a zone, either some exclusive (separate) activities or some other activities in economy.

Point a

Clear enough.

Point b

Clear enough.

Point c

Clear enough.

Point d

The supports given by the housing estates of settlement that are equipped with network of infrastructures and utilities as well as governmental facilities, of which can support the economic activities, shall be aimed to provide the houses to the people/ workers in the mainstay sector as the economic locomotive to the zone.

Point e

Clear enough.

Point f

Clear enough.

Point g

Clear enough.

Article 49

Clear enough.

Article 50

What is meant by “aero technology” is anything related to the efforts and activities of human beings to utilize or make the most of use of aero spaces.

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Aero spaces are the spaces around or the spaces that cover the Earth and all inside, to unlimited areas from the surface of Earth and the spaces are divided into air (atmosphere) space and outer space, of which are considered as territories, spaces of activities, media for living, and (explorative) resources for human life.

Article 51

Clear enough.

Article 52

Paragraph (1)

The aspect of externality is of the impact because of the existence of strategic zones. The aspect of accountability is of the responsibility to the public for the management (handling) of strategic zones. The aspect of efficiency is of the capability of managing the strategic zones efficiently and effectively.

Paragraph (2)

The determination of the national strategic zones to become the strategic zones of province or the strategic zones of regency/town can be the whole or the part of the national strategic zones.

The determination of the national strategic zones to become the strategic zones of province or the strategic zones of regency/town shall be based on the aspect of concerns of the province and regency/ town based on the respective authorities.

Paragraph (3)

The determination of the provincial strategic zones to become the strategic zones of regencies/towns shall be based on the aspect of concerns of the regencies/towns based on the respective authorities.

Paragraph (4)

Clear enough.

Article 53

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the spatial plan of national territory shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on national scale.

Point c

Clear enough.

Paragraph (2)

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Point a

Clear enough.

Point b

Clear enough.

Point c

The technical analysis in regard of strategic values of zone shall be viewed from the concerns on security and defense, economic, social and cultural development, utilization of natural resources, high technology, and/ or the capacity and load of environment as determined by a strategic review of environment.

Point d

Clear enough.

Point e

Clear enough.

Article 54

Article 55

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the spatial plan of provincial strategic zones shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on provincial scale.

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

Clear enough.

Point c

The technical analysis in regard of strategic values of zone shall be viewed from the concerns on security and defense, economic, social and cultural development, utilization of natural resources, high technology, and/ or the capacity and load of environment as

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determined by a strategic review of environment

Point d

Clear enough.

Point e

Clear enough.

Article 56

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

The provincial bylaw on the provincial spatial plan, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Article 57

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the spatial plan of regency shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regency/ town scale.

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

Clear enough.

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Point c

The technical analysis in regard of strategic values of zone shall be viewed from the concerns on security and defense, economic, social and cultural development, utilization of natural resources, high technology, and/ or the capacity and load of environment as determined by a strategic review of environment.

Point d

Clear enough.

Point e

Clear enough.

Article 58

Paragraph (1)

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Paragraph (2)

Clear enough.

Article 59

Paragraph (1)

Clear enough.

Paragraph (2)

The spatial plan of strategic zones can be in form of a detailed spatial plan.

Paragraph (3)

For a territory of town which is entirely *urbanized*, the detailed spatial plan shall be prepared for the whole territory of the town.

Paragraph (4)

Clear enough.

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Paragraph (5)

The zones included under the detailed spatial plan and prioritized as *high control zones*, are the zones designated for settlements and ready to be developed by investors.

Paragraph (6)

Clear enough.

Article 60

Clear enough.

Article 61

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the people (public) in preparing the detailed spatial plan shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regency/ town scale

Point c

Clear enough.

Paragraph (2)

Point a

Clear enough.

Point b

The intensity of constructions (buildings) shall necessitate a basic coefficient of constructions (buildings) and a coefficient of area (measurement) size of constructions (buildings).

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Article 62

Paragraph (1)

Point a

Clear enough.

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Point b

The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Paragraph (2)

Clear enough.

Article 63

Clear enough.

Article 64

Paragraph (1)

An urban zone is a town, which is administratively self-governing.

Paragraph (2)

Before conducting the preparation of spatial plan, a technical review shall be made.

Article 65

Paragraph (1)

The criteria on urban zone (town) shall be based on the category of size (dimension) of town; this is in order to find out the comprehensiveness of analysis in preparing the spatial plan of urban zones (town).

The criteria on urban zone (town) shall be based the total population, dominant functions of economic activities, the availability of infrastructures and facilities of town (urban zones).

Paragraph (2)

The zone of small town can become a capital of regency or a capital of sub district.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

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Paragraph (5)
Clear enough.

Paragraph (6)
Clear enough.

Article 66
Clear enough

Article 67
Paragraph (1)
Point a
Clear enough.

Point b
The involvement of the roles of the people (public) in preparing the Spatial Plan of urban zones (town) shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regency scale.

Point c
Clear enough.

Paragraph (2)
Clear enough.

Article 68
Paragraph (1)
Point a
Clear enough.

Point b
The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c
Clear enough.

Point d
Clear enough.

Point e
Clear enough.

Paragraph (2)
Clear enough.

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Article 69

Clear enough

Article 70

Paragraph (1)

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

The provincial bylaw on the spatial plan of urban zones (town) covering 2 (two) or more areas of regencies/ towns within a province, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Paragraph (2)

Clear enough.

Article 71

Clear enough

Article 72

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Before preparing the spatial plan of rural zones, a technical review shall be made (conducted).

Article 73

Clear enough

Article 74

Clear enough

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Article 75

Paragraph (1)

Point a

Clear enough.

Point b

The involvement of the roles of people (public) in preparing the spatial plan of rural zones as part of the regency shall be conducted by a means of garnering the public opinions, holding the forums of discussions and public consultations on regency scale

Point c

Clear enough.

Paragraph (2)

Clear enough.

Article 76

Paragraph (1)

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Paragraph (2)

Clear enough.

Article 77

Clear enough.

Article 78

Paragraph (1)

Point a

Clear enough.

Point b

The Minister who will approve the substance shall coordinate with other related

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Minister(s).

Point c

Clear enough.

Point d

Clear enough.

Point e

The provincial bylaw on the spatial plan of rural zones covering 2 (two) or more areas of regencies within a province, of which the substance has yet to be approved by the Minister, can be annulled by the Minister of Home Affairs.

Paragraph (2)

Clear enough.

Article 79

Clear enough.

Article 80

Clear enough.

Article 81

Review of detailed spatial plan shall refer to the results of review of spatial plans.

Article 82

Paragraph (1)

Clear enough.

Paragraph (2)

Point a

What is meant by “massive (large scale) natural disaster” is a national disaster by referring to the prevailing laws and regulations as indicated by the claim of total lives of victims, losses of properties, damages of infrastructures and facilities, coverage of areas hit by the disaster, and the social and economic impacts of disaster.

Point b

What is meant by “the alteration of the boundaries of State’s territory” is the alteration of land, sea, and air dimensionalities (dimensions).

Point c

What is meant by “the alteration of the boundaries of region” is of the results of the split of region (territory) or the merger (mingling) of regions (territories) as in compliance with the laws and regulations.

Article 83

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Clear enough.

Article 84

Clear enough.

Article 85

Clear enough.

Article 86

Review of the spatial plan and the realization of utilized spaces shall consider the harmony between natural environment and nurtured (man-made) environment on the spot (field), coordination in utilizing natural resources and non-natural resources by considering the availability of human resources, and the protection of environment from negative use (disadvantageous utilization) of spaces.

Evaluation is a process to evaluate the data and information by carrying out activities as follows:

- a. collecting the data and maps on appropriate utilization of spaces based on the structure and pattern of spaces as regulated under the spatial plan.
- b. collecting and reviewing the internal and external policies; and
- c. reviewing the spatial plan and the implementation of space utilization.

The evaluation of data and information shall be connected with:

- a. the improvement of quality and validity of the spatial plan; and
- b. the problems of space utilization such as the irregularities in utilizing (using) the spaces from the spatial plan, of which needs to be reviewed.

Article 87

Clear enough.

Article 88

The Spatial Plan of National Territory shall be revised in order to develop the territory and some sectors on large scale and/ or to carry out the activities of other significant development that are not accommodated based on the structure and pattern of spaces under the existing spatial plan and there is an urgent need for the adjustment of the spatial plan to the condition in the field.

Article 89

Clear enough.

Article 90

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Clear enough.

Article 91

The spatial plan shall be a spatial plan as regulated and decided as in compliance with Law Number 26 Year 2007 on Spatial Plan.

What is meant by “the violation against the implementation on the utilization (usage) of spaces” is the space utilization not in accordance with the spatial plan.

Article 92

Clear enough.

Article 93

Point a

Clear enough.

Point b

What is meant by “development in synchronization” is a development that is carried out by taking into account the concerns of sector, region and people (public).

Article 94

Paragraph (1)

The implementation of development as reflected from the implementation of program on space utilization shall be synchronized (coordinated), particularly in zones ready for development and in separate environment ready for development, and there should also be land consolidation, rehabilitation and revitalization of zones.

Paragraph (2)

Clear enough.

Article 95

Clear enough.

Article 96

Paragraph (1)

The program to be prepared is divided into two i.e. physical and non-physical programs. The physical program shall include the activities to develop basic infrastructures and facilities and other buildings. The non-physical program shall include the activities of planning, research, socialization and training.

Paragraph (2)

Clear enough.

Paragraph (3)

Synchronizing and coordinating the programs in coordination shall be conducted inter-sector on central level, between central sector and local sector, inter-sector on local level,

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between the Government and the local government and people (public).

Paragraph (4)
Clear enough.

Paragraph (5)
Clear enough.

Article 97

Paragraph (1)
Point a
Clear enough.

Point b
Clear enough.

Point c
Clear enough.

Point d
Clear enough.

Point e
Clear enough.

Point f
The program of sectoral development shall at least include the program of strategic development of sector and other supporting programs of sector in order to realize the plan on space structure and space pattern as further implemented under the program of sectoral development.

The sectoral plan is a plan made or prepared by the sectoral institution, of which is aimed to formulate the programs of activities based on the respective authorities per sector.

Point g
Clear enough.

Paragraph (2)
The inclusion of the program on space utilization into the long-term development plan, the midterm development plan, and into the budgeting (financing) of programs, shall be of inseparable documents of the long-term development plan and the midterm development plan.

What are meant by “the laws and regulations” is the stipulations under the law on the national system of development plan.

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Article 98

Paragraph (1)
Clear enough.

Paragraph (2)
What is meant by “. the standard of environmental quality” is the standard of environment and criteria on environmental standard. The process to consider the standard of environmental quality is conducted based on the analysis on environmental impact (AMDAL) and the analysis on traffic impact. The implementation of monitoring the program of spaces shall be economically beneficial and financially feasible.

Paragraph (3)
Clear enough.

Paragraph (4)
The utilization of spaces in coordination can be conducted on a basis of inter-sector or inter-region.

The implementation of development in coordination shall be conducted by carrying out new development, redevelopment, preservation, revitalization, and/ or renewal.

What is meant by “redevelopment” is the activity to reconstruct the buildings, and infrastructures and facilities in a zone.

What is meant by “renewal” is the effort to increase the value of space/ zone by redeveloping the zone and improving function of zone, or modifying the function of zone from its previous function.

What is meant by “revitalization” is the effort to increase the value of space/ zone by redeveloping the zone so that it can make the function of zone better than its previous function.

Article 99

Paragraph (1)
Clear enough.

Paragraph (2)
The cooperation under this stipulation is in sorts of public private participation, privatizing, ruilslag, and *turn key*.

Paragraph (3)
Clear enough.

Article 100

Paragraph (1)
Clear enough.

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Paragraph (2)

The estimation of budget (cost) shall include the estimation of cost and estimation of sources of funding the program on space utilization.

The estimation on funding the program on space utilization shall be computed based on the estimation of applicable prices in the year when implementing the plan and the estimation is denominated in Rupiah.

.The estimation of sources of funding the program on space utilization shall be calculated by considering the available budgets of the Government/ the local government and the financial capability of the people (public), and by considering the opportunity to find other legitimate sources of funding as in compliance with the laws and regulations.

Paragraph (3)

Clear enough.

Article 101

Clear enough.

Article 102

Clear enough.

Article 103

Clear enough.

Article 104

Clear enough.

Article 105

Clear enough.

Article 106

Clear enough.

Article 107

Clear enough.

Article 108

Clear enough.

Article 109

Clear enough.

Article 110

Clear enough.

Article 111

Clear enough.

Article 112

Clear enough.

Article 113

Clear enough.

Article 114

Clear enough.

Article 115

Clear enough.

Article 116

Clear enough.

Article 117

Clear enough.

Article 118

Clear enough.

Article 119

Clear enough.

Article 120

Clear enough.

Article 121

Clear enough.

Article 122

Clear enough.

Article 123

Paragraph (1)

The program to develop national strategic zones is resulted from the synchronization and coordination of inter-sectoral developments.

Paragraph (2)

Clear enough.

Article 124

Clear enough.

Article 125

Clear enough.

Article 126

Clear enough.

Article 127

Clear enough.

Article 128

Clear enough.

Article 129

Clear enough.

Article 130

Clear enough.

Article 131

Clear enough.

Article 132

Clear enough.

Article 133

Clear enough.

Article 134

Clear enough.

Article 135

Clear enough.

Article 136

Clear enough.

Article 137

Clear enough.

Article 138

Clear enough.

Article 139

Clear enough.

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Article 140

Clear enough.

Article 141

Clear enough.

Article 142

Clear enough.

Article 143

Clear enough.

Article 144

Clear enough.

Article 145

Clear enough.

Article 146

Clear enough.

Article 147

Clear enough.

Article 148

Clear enough.

Article 149

Zoning regulation shall consider the economic values of spaces and social and cultural values and efficiency of activities in every zone.

Point a

Clear enough.

Point b

Clear enough.

Point c

Zoning regulation in regency/town shall follow the guidance (directives) on zoning under the national system and the guidance (directives) on zoning under the provincial system and general policy of zoning under the spatial plan of regency/town. .

Article 150

Zoning regulation shall also include the stipulations on the management of development impacts, and institutional and administrative issues.

Article 151

Paragraph (1)

The preparation of the guidance on zoning under the national system shall be aimed to:

- a. guarantee the security and sustainability of the functions of the national system in support to the continuation of social and economic activities on national scale; and
- b. guarantee the maintenance of the quality of environment in support to the national development at present and in future.

Paragraph (2)

Guidance on zoning under the national system shall be aimed to utilize the space in zone under the national system and the implementation shall be conducted effectively, efficiently and sustainably. .

Paragraph (3)

The zone under the national system is a space utilized and impacted and/ or to impact the function of the system of national space structure and development plan

Paragraph (4)

Clear enough.

Paragraph (5)

Point a

The national urban system is the configuration of the hubs (compounds) of settlements, of which the regulation (policy) is under the authority of the Government.

Point b

Clear enough.

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Point f

Clear enough.

Point g

Clear enough.

Paragraph (6)
Clear enough.

Article 152

Paragraph (1)
Clear enough.

Paragraph (2)

The preparation on the directives on Zoning Regulation under the Provincial System shall be aimed to:

- a. guarantee the function of the provincial system, which is very vital to support the continuation of social and economic activities on provincial scale; and
- b. guarantee the maintenance of environmental quality in support to the provincial development at present and in future.

Paragraph (3)

Zone under the provincial system is a space utilized and impacted and/ or to impact the function of space structure under the provincial system and development plan.

Paragraph (4)
Clear enough.

Paragraph (5)

Point a

The provincial urban system is the configuration of the hubs (compounds) of settlements, of which the regulation (policy) is under the authority of the provincial government.

Point b

Clear enough.

Point c

Clear enough.

Point d

Clear enough.

Point e

Clear enough.

Point f

Clear enough.

Point g

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Clear enough.

Paragraph (6)
Clear enough.

Article 153

Paragraph (1)

The preparation of zoning regulation of regency/ town shall be aimed to:

- a. improve the health, safety, environmental comfort, and morality of people (public);
- b. create certainty and justice (fairness) in space utilization that is oriented in the people's welfare; and
- c. guarantee the roles of people (public) in controlling the utilization of spaces in regency/ town.

Paragraph (2)
Clear enough.

Paragraph (3)
Clear enough.

Article 154

Paragraph (1)
Clear enough.

Paragraph (2)
Clear enough.

Paragraph (3)
Point a

This stipulation is intended as:

- a. technical requirement as prerequisite in granting a permit;
- b. requirement in determining a zone, which is subject to incentive and disincentive; and requirement on technical details of implementation;
- c. basis to impose administrative sanction; and
- d. guideline to revise a zoning regulation.

Point b

Requirement on maximal height of building is a requirement concerning the height of building that is allowed (permitted) because of, say, being prone to earthquake.

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Point c

Clear enough.

Point d

What is meant by “other stipulation” is a sectoral stipulation applied in a zone for sectoral activities.

Paragraph (4)

Clear enough.

Article 155

Clear enough.

Article 156

Directives on Zoning Regulation under the National System for space structure under the Spatial Plan of National Territory and directives on zoning regulation under the provincial system for space pattern under the spatial plan of provincial territory shall be used as references in determining (deciding) a zoning regulation of regency/ town.

Article 157

Paragraph (1)

Zoning text shall include technical regulation on zoning in a zone for certain activity/space utilization that depicts the intensity of constructions (buildings) and the mass dimension of buildings.

Zoning map is a map that illustrates zoning codes in blocks and sub blocks as delineated in the spatial plan.

Paragraph (2)

Clear enough.

Article 158

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

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Paragraph (5)

Zoning regulation of regency/town that is determined (decided) in coincidence with the determination on spatial plan of regency/town or the detailed spatial plan of regency/town shall be regarded as an inseparable attachment to the spatial plan.

Zoning regulation of regency/town that is separately determined (decided) from the determination on spatial plan of regency/town or the detailed spatial plan of regency/town shall be regarded as a complement to the spatial plan.

Article 159

Clear enough.

Article 160

Clear enough.

Article 161

Clear enough.

Article 162

Paragraph (1)

Clear enough.

Paragraph (2)

The retribution for the permit of space utilization shall be regarded as the administrative fee for the permit on space utilization, and in that regard the imposition of retribution for the permit shall not be categorized as a source of local revenues. In that regard the local government is not necessary to set up a target of retribution from the permits of space utilization.

Article 163

Paragraph (1)

Point a

What is meant by “principal permit” is a permit granted by the Government/the local government stating that principally an activity, or operation, is allowed.

The principal permit provides consideration on space utilization based on technical, political, social and cultural aspects and it is used as a basis of granting a location permit.

Principal permit can be in form of a document on the utilization of designated space (SPPL).

Point b

What is meant by “location permit” is a permit granted to an applicant for space in doing the activities. Location permit is used as the basis of releasing the land title in regard of the utilization of the space.

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Location permit shall be granted based on a principal permit, in particular if a bylaw (local regulation) regulates so.

Point c

Permit for the use of land (space utilization) is used as the basis of requesting for a permit on construction of building(s).

Point d

Permit on construction of building(s) is used as the basis in constructing building(s) in regard of space utilization.

Point e

Clear enough.

Paragraph (2)

Clear enough.

Article 164

Paragraph (1)

Clear enough.

Paragraph (2)

The natural resources include the natural resources from sea, land, and air territories. Natural resources in land territory are, among other, forest resources and mineral resources.

Article 165

Paragraph (1)

Principal permit cannot be used yet as the basis of carrying out the activities of space utilization.

Permit location is required for space utilization in an area of more than 1 (one) hectares for non-agricultural activities and in area of more than 25 (twenty five) hectares for agricultural activities.

Paragraph (2)

Clear enough.

Paragraph (3)

Permit to construct a building shall be granted based on the zoning regulation as the basis for the holder to construct any of the buildings based on the function as determined and based on the technical plan to construct the building as approved by the local government of regency/town.

Article 166

Paragraph (1)

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What are meant by “the laws and regulations” is the stipulations under the permits issued in the respective sectors and/ or by the authorized institutions; for instance, the stipulations on location permits for the development of housing compounds on large scales shall refer to in Law Number 5 Year 1960 on Agrarian Principles.

Paragraph (2)
Clear enough.

Article 167
Clear enough.

Article 168
Clear enough.

Article 169
Clear enough.

Article 170
Clear enough.

Article 171
Clear enough.

Article 172
Clear enough.

Article 173
Point a
The grant of incentive in sort of inter-region fiscal compensation shall be approved by the Finance Minister.

Point b
Clear enough.

Point c
Clear enough.

Point d
Clear enough.

Article 174
Clear enough.

Article 175
Clear enough.

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Article 176

Clear enough.

Article 177

Clear enough.

Article 178

Clear enough.

Article 179

Clear enough.

Article 180

Clear enough.

Article 181

Clear enough.

Article 182

Clear enough.

Article 183

Clear enough.

Article 184

Clear enough.

Article 185

Clear enough.

Article 186

Clear enough.

Article 187

Clear enough.

Article 188

Clear enough.

Article 189

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

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Paragraph (3)

Each of the letters of written warnings for 3 (three) times shall be issued in an interval of certain period of time by referring to the prevailing laws and regulations.

Paragraph (4)

Clear enough.

Article 190

Clear enough.

Article 191

Clear enough.

Article 192

Clear enough.

Article 193

Clear enough.

Article 194

Clear enough.

Article 195

Clear enough.

Article 196

Clear enough.

Article 197

Clear enough.

Article 198

Clear enough.

Article 199

Paragraph (1)

The monitoring of the spatial plan by the Government shall include the monitoring of space utilization of national territory, provincial territory, and the territories of regencies/town; as well as the implementation of spatial plan of national strategic zones, provincial strategic zones, and the strategic zones of regencies/ towns.

The monitoring of the spatial plan by the provincial government shall include the monitoring of space utilization of provincial territory, and the territories of regencies/town; as well as the implementation of spatial plan of provincial strategic zones, and the strategic zones of regencies/ towns

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The monitoring of the spatial plan by the local government of regency/ town shall include the monitoring of space utilization of territory of regency/ town, as well as the implementation of spatial plan of the strategic zones of regency/ town.

Paragraph (2)
Clear enough.

Paragraph (3)
The means of submitting the results of monitoring by the people (public) shall be the post box, *website*, and short messages (SMS).

Article 200
Clear enough.

Article 201
Paragraph (1)
Clear enough.

Paragraph (2)
The monitoring is aimed to oversee (keep an eye on) the performances of the Government/the local governments in the implementation of spatial plans and/ or to identify the problematic issues because of the violation against the implementation of the spatial plans.

Paragraph (3)
Evaluation shall be aimed to :

- a. analyze the causes of problematic issues of spatial plans;
- b. estimate the extent of impacts due to problematic issues;
- c. analyze the options in effort to take necessary actions to get rid of and/ or mitigate both the current and potential infringements and impacts; and
- d. formulate the conception on how to take further actions as necessary.

Paragraph (4)
Clear enough.

Article 202
Clear enough.

Article 203
Clear enough.

Article 204

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Clear enough.

Article 205

Clear enough.

Article 206

Clear enough.

Article 207

Clear enough.

Article 208

Clear enough.

Article 209

Clear enough.

SUPPLEMENT TO STATE'S GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 5103