

**LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 32 YEAR 2009  
CONCERNING  
PROTECTION AND MANAGEMENT OF ENVIRONMENT**

**BY THE GRACE OF GOD ALMIGHTY  
PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering

- a. that a good and healthy environment shall become the fundamental right to every citizen of Indonesia as cited in Article 28H of the 1945 Constitution of the Republic of Indonesia;
- b. that the national economic development as mandated by the 1945 Constitution of the Republic of Indonesia shall be organized based on the principles of sustainable and environmentally-friendly development;
- c. that the spirit of regional autonomy of the governance of the Republic of Indonesia has brought changes of relationship and authority between the central and local governments, including in regard of environmental protection and management;
- d. that in considering the environmental quality that is currently declining and has threatened the survival of life of humans and other living things and there is a need of protection and environmental management on a serious and consistent basis by all the stakeholders;
- e. that the global warming is increasing to result a climate change that is exacerbating the environmental degradation therefore it is necessary to conduct the protection and management of environment;
- f. that in order to ensure the legal certainty and the protection of the right of every person to earn a good and healthy living environment as part of the overall protection of the ecosystem, it shall be necessary to amend Law Number 23 Year 1997 on Environmental Management;
- g. that based on the considerations as cited in paragraphs a, b, c, d, e, and f, it shall be necessary to enact a Law on Protection and Management of Environment.

Referring to in

Articles 20, 21, 28H paragraph (1) and Article 33 paragraphs (3) and (4) of the 1945 Constitution of the Republic of Indonesia and with a joint approval from Indonesian People's House of Representatives (DPR), President of the Republic of

Indonesia:

DECIDES

To Enact

LAW ON PROTECTION AND MANAGEMENT OF ENVIRONMENT.

**CHAPTER I  
GENERAL PROVISION**

**Article 1**

In this Law what is meant by:

1. Environment shall be an integral space with all the things, resources, condition, and living creatures including humans and their behaviors that affect the nature and the continuity of livelihood and the welfare of human beings and other living creatures.
2. Protection and Management of Environment shall be a systematic and integrated effort to preserve the environment and prevent pollution and/ or damage to environment, of which includes planning, utilization, control, maintenance, supervision, and enforcement of laws.
3. Sustainable Development shall be a consciously planned effort that combines the environmental, social, and economic aspects into developmental strategies in order to ensure the environmental integrity and safety, capability, welfare, and quality of life of the present generation and future generations.
4. Plan on Protection and Management of Environment, hereinafter referring to RPPLH, shall be a written plan that includes potentials, environmental issues, as well as protection and management of environment in a certain period of time.
5. Ecosystem shall be the orderliness of the elements of environment in entire and complete interactions of all units that create the balance, stability, and productivity of the environment.
6. Preservation of environmental functions shall be a series of efforts to maintain the carrying and holding capacities of the environment.
7. Carrying Capacity of Environment shall be the ability of the environment to support humans, other living beings, and the balance between them.
8. Holding Capacity of Environment shall be the ability of environment to absorb

substances, energy, and/or other components incorporated into it naturally or intentionally.

9. Natural Resources shall be environmental elements such as biological and non-biological resources that overall create a unified ecosystem.
10. Strategic Environmental analysis, hereinafter referring to KLHS, shall be a series of analyses on a systematic, entire and participatory basis to ensure that the principles of sustainable development have become an integrated basis of development in region and/or in policy, plan and/or program.
11. An Analysis about Environmental Impact, hereinafter referring to AMDAL, shall be a study of significant impact of undertakings and/or activities to the environment based on a plan that needs a process of decision-making on how to carry out such undertakings and/or activities.
12. Effort or program of environmental management and environmental monitoring, hereinafter referring to UKL-UPL shall be the management and monitoring of the operations and/or the activities that do not have significant impacts to the environment and it also is necessary for a process of decision making in regard of such undertakings and/or activities.
13. Standard of Environmental Quality shall be the threshold limit or level of living creatures, substances, energy, or components that are existing or have to be existing and/or pollutant elements that are still tolerable in a certain resource as an element of environment.
14. Environmental Pollution shall be the inclusion of living creatures, substances, energy, and/or other components naturally or intentionally into the environment because of human activities, of which has exceeded the environmental quality standard as set up.
15. Criteria of Environmental Damage shall be the measurement of the limit of physical, chemical and/or biological changes in environment that can be tolerated by the environment in preserving its function.
16. To Damage Environment shall be an act of people who pose direct or indirect changes of physical, chemical and/or biological conditions of environment that exceed the standardized criteria of environmental damage.
17. Environmental Damage shall be a direct and/or indirect change of physical, chemical and/or biological condition of environment that goes beyond the standardized criteria of environmental damage.
18. Conservation of Natural Resources shall be the management of natural

resources to ensure astute utilization and sustained availability while maintaining and improving the quality and diversity of the environment.

19. Climate Change shall be the change of climate that is attributable directly or indirectly by human activities that cause changes in the composition of global atmosphere and in addition there are also changes of the natural climate variability as observed in a comparable period of time.
20. Waste shall be the residue from undertakings and/or activities.
21. Hazardous and toxic material, hereinafter referring to B3 shall be the substance, energy, and/or other component in regard of the nature, concentration, and/or amount can either directly or indirectly pollute and/or damage the environment, and/or endanger the environment, health, and survival of humans and other living beings.
22. Waste of hazardous and toxic material or substance, hereinafter referring to B3 Waste shall be the remnant (residue) from undertakings and/or activities that contain B3 substance.
23. Management of B3 Waste shall be an activity that involves the reduction, collection, storage, transport, use, process, and/or landfill of wastes.
24. Dumping (disposal) shall be the activity of discharging, placing, and/or entering waste and/or material in certain amount, concentration, time, and area of site with specific requirements into a media of environment.
25. Environmental Dispute shall be a dispute between two or of more parties arising from the activities that have a potential impact and/or have an existing impact to the environment.
26. Environmental Impact shall be the effect of changes in environment caused by undertakings and/or activities.
27. Environmental Organization shall be a group of people organized and formed based on their own intention with the objectives of activities related to environment.
28. Environmental Audit shall be the evaluation conducted to assess the compliance of those who are responsible for the undertakings and/or activities with the legal and policy requirements as set up by the government.
29. Ecoregion shall be a geographic region that has common characteristics, climate, soil, water, native flora, and fauna as well as patterns of human interaction with the nature that describe integrity of natural and

environmental systems.

30. Local Wisdom shall be the noble values that are applicable in the life of local community in order to protect and manage the environment on a sustainable basis.
31. Indigenous or Traditional Community shall be a group of people that have historically settled in a particular geographical area because of their ties to the origins of ancestors, strong relationship with environment, and value system that determine their economic, politic, social, and legal systems.
32. Every Individual or Citizen shall be an individual or business entity of either legal establishment (based on laws) or not.
33. Economic Instrument of Environment shall be a set of economic policies to encourage the Government, local government, or any individual to sustain the environment functions.
34. Serious Threat shall be a threat in a wide range of impacts to the environment that causes a social unrest.
35. Environmental Permit shall be a permit granted to any individual in doing undertakings and/or activities that are obliged to provide AMDAL or UKL-UPL in regard of the environmental protection and management as a prerequisite to obtain a permit of undertakings and/or activities.
36. Permit of Undertakings and/or activities shall be the permit issued by a technical agency in regard of the undertakings and/or activities.
37. Central Government, hereinafter referring to Government, shall be the President of the Republic of Indonesia who holds the power of governance of the Republic of Indonesia as cited in the 1945 Constitution of the Republic of Indonesia.
38. Local Government shall be the Governor, Regent or Mayor, and the officials of local government.
39. Minister shall be the Minister who is in charge of governmental affairs in the protection and management of environment.

## **CHAPTER II PRINCIPLE, OBJECTIVE, AND SCOPE**

### **Part One**

## **Principle**

### **Article 2**

Protection and Management of Environment shall be implemented based on the principle as follows:

- a. State's responsibility;
- b. Sustainable Preservation;
- c. Harmony and Balance;
- d. Integration;
- e. Benefit;
- f. Prudence;
- g. Justice;
- h. Ecoregions;
- i. Biodiversity;
- j. Polluter subject to paying;
- k. Participation;
- l. Local Wisdom;
- m. Good Governance; and
- n. Regional Autonomy.

## **Part Two Objective**

### **Article 3**

Protection and Management of Environment shall be aimed as follows:

- a. to protect the territory of the Republic of Indonesia from pollution and /or damage of the environment;
- b. to ensure the safety, health, and life of humans;
- c. to guarantee the continuity of the life of living creatures and the preservation of ecosystems;
- d. to preserve the environmental functions;
- e. to achieve harmony, synchronization, and balance of environment;
- f. to guarantee justice (fairness) for the sake of the present and future generations;

- g. to ensure the compliance with and the protection of rights to environment as part of human rights;
- h. to control the use of natural resources on a wise basis;
- i. to realize a sustainable development; and
- j. to anticipate any of global issues on environment.

**Part Three**  
**Scope**

**Article 4**

Protection and Management of Environment shall include a scope as follows:

- a. planning;
- b. utilization;
- c. control;
- d. maintenance;
- e. supervision; and
- f. law enforcement.

**CHAPTER III**

**PLANNING**

**Article 5**

Planning on the protection and management of environment shall be conducted through stages as follows:

- a. inventorying the environment;
- b. zoning the eco-region; and
- c. preparing RPPLH.

**Part One**  
**Inventorying the Environment**

**Article 6**

- (1) Inventorying the environment as cited in Article 5 letter a shall include the inventorying of environment as follows:
- a. On a National level;
  - b. On a level of island/islands (archipelago); and
  - c. on a level of area of ecoregion.
- (2) Inventorying the environment shall be conducted in order to collect data and information of natural resources, of which to include:
- a. potential and availability;
  - b. types to be utilized;
  - c. form of control;
  - d. knowledge of management;
  - e. type of damage; and
  - f. conflict and causes of conflict arising from the management.

**Part Two**  
**Zoning the Eco-region**

**Article 7**

- (1) Inventorying the environment as cited in Article 6 paragraph (1) letters a and b shall be the basis of zoning the eco-region and be implemented by Minister after coordinating with relevant agencies.
- (2) Zoning the eco-region as cited in paragraph (1) shall be implemented by taking into account the similarities of:
- a. landscape characteristics;
  - b. watershed;
  - c. climate;
  - d. flora and fauna;
  - e. socio-cultural condition;
  - f. economy;
  - g. community institutions; and



h. result of environmental inventory.

#### **Article 8**

Inventorying the environment on a level of eco-region as cited in Article 6 paragraph (1) letter c shall be undertaken in order to determine the carrying capacity and loading capacity as well as the reserves of natural resources.

#### **Part Three**

#### **Preparation of Plan on Management and Protection of Environment**

#### **Article 9**

(1) RPPLH as cited in Article 5 letter c shall consist of:

- a. RPPLH on a national basis;
- b. RPPLH on a provincial basis; and
- c. RPPLH on a basis of regency/ municipality.

(2) RPPLH on a national basis as cited in paragraph (1) letter a shall be prepared based on national inventorying.

(3) RPPLH on a provincial basis as cited in paragraph (1) letter b shall be prepared by referring to:

- a. RPPLH on a national basis;
- b. inventorying on the level of island/ islands; and
- c. inventorying on the level of area of ecoregion.

(4) RPPLH on a basis of regency/ municipality as cited in paragraph (1) letter c shall be prepared by referring to:

- a. RPPLH on a provincial basis;
- b. inventorying on the level of island/ islands; and
- c. inventorying on the level of area of ecoregion.

#### **Article 10**

(1) RPPLH as cited in Article 9 shall be prepared by Minister, Governor or Regent/Mayor based on the authority.

(2) The preparation of RPPLH as cited in paragraph (1) shall consider as follows:

- a. the diversity of characters and ecological functions;
- b. population distribution;
- c. potential distribution of natural resources;
- d. local wisdom;
- e. aspirations of people or community; and
- f. climate change.

(3) RPPLH shall be regulated by as follows:

- a. government regulations for RPPLH on a national basis;
- b. provincial regulations for RPPLH on a provincial basis; and
- c. local regulations of Regency/ Municipality for RPPLH on a basis of regency/ municipality.

(4) RPPLH shall include as follows:

- a. the plan on utilization and/or reserves of natural resources;
- b. the plan on maintenance and protection of quality and/ or function of environment;
- c. the plan on controlling, monitoring and utilizing as well as conserving the natural resources; and
- d. the plan on adaptation to and mitigation of climate changes.

(5) RPPLH shall become the basis of preparing the plans on long-term and medium-term development.

#### **Article 11**

Further provisions concerning the environmental inventory as cited in Article 6, the determination of eco-region as cited in Articles 7 and 8, and RPPLH as cited in Articles 9 and 10 shall be regulated under a Government Regulation.

#### **CHAPTER IV Utilization**

#### **Article 12**

- (1) Utilization of natural resources shall be based on RPPLH.
- (2) In case that RPPLH as cited in paragraph (1) has yet to be finally prepared, the utilization of natural resources shall be conducted based on the carrying capacity and the holding capacity of environment by taking into account:
  - a. the continuity of process and the sustainability of environmental functions;
  - b. the sustainability of environmental productivity; and
  - c. the safety, quality of life and welfare of community.
- (3) The carrying capacity and the holding capacity of environment as cited in paragraph (2) shall be determined by:
  - a. Minister for the carrying capacity and the loading capacity of environment on a national basis and on a basis of island / islands;
  - b. Governor for the carrying capacity and the holding capacity of environment on a provincial basis and on a basis of ecoregion of inter-regencies/inter-municipalities; or
  - c. Regent/Mayor for the carrying capacity and the holding capacity of environment on a basis of regency/ municipality and on a basis of area of ecoregion in a regency/municipality.
- (4) Further provisions on procedures for determining the carrying capacity and the holding capacity of environment as cited in paragraph (3) shall be regulated under a government regulation.

**CHAPTER V  
CONTROL**

**Part One  
General**

**Article 13**

- (1) The control of pollution and/or damage of environment shall be conducted for the sake of environmental conservation.
- (2) the control of pollution and/or damage of environment as cited in paragraph (1) shall include:

- a. prevention;
  - b. solution (overcoming); and
  - c. recovery.
- (3) the control of pollution and/or damage of environment as cited in paragraph (1) shall be conducted by Government, Local Government, and those who are in charge of the undertakings and/or activities based on the authorities, roles and responsibilities.

**Part Two  
Prevention**

**Article 14**

Instruments to prevent the pollution and/or damage of environment shall include:

- a. KLHS;
- b. spatial plan;
- c. standard quality of environment;
- d. standard criteria of environmental damage;
- e. AMDAL;
- f. UKL-UPL;
- g. permits;
- h. environmental and economic instruments;
- i. laws and regulations on environment;
- j. budget for environment;
- k. analysis of environmental risks;
- l. environmental audit; and
- m. other instruments as per needs and/or based on the advancement of sciences.

**Section 1  
Strategic Review of Environment**

## **Article 15**

- (1) Government and Local Government shall be obliged to prepare KLHS to ensure that the principles of sustainable development have been made as the basis and integration of development in region and/or as the basis of policies, plans and/or programs.
- (2) Government and Local Government shall be obliged to implement KLHS as cited in paragraph (1) in the preparation or evaluation of:
  - a. the spatial plan (RTRW) along with the details of plan, the long-term plan of development (RPJP), and the medium-term plan of development (RPJM) on national basis and on the bases of province and regency/municipality; and
  - b. policies, plans and/or programs that could potentially impact and/or cause risk to environment.
- (3) KLHS shall be conducted based on a mechanism as follows:
  - a. review or assessment of the effect of policies, plans, and/or programs to environmental conditions in region;
  - b. alternative formulation for the improvement of policies, plans and/or programs; and
  - c. recommendations for the improvement of decision-making, plan, and/or program that integrate the principles of sustainable development.

## **Article 16**

KLHS shall include the review or assessment of:

- a. carrying capacity and holding capacity of environment for the sake of development;
- b. estimation of the impacts and risks of environment;
- c. performance of ecosystem services;
- d. efficient use or utilization of natural resources;
- e. level of vulnerability and adaptive capacity to climate change; and
- f. level of resilience and potential of biodiversity.

### **Article 17**

- (1) The result of KLHS as cited in Article 15 paragraph (3) shall become the basis of policy, plan, and/or program of development in region.
- (2) In case that the result of KLHS as cited in paragraph (1) states that the carrying capacity and holding capacity have been exceeded,
  - a. the policy, plan, and / or program of development shall be corrected as in accordance with the recommendation of KLHS; and
  - b. any undertakings and/or activities that have exceeded the carrying capacity and holding capacity shall no longer be allowed.

### **Article 18**

- (1) KLHS as cited in Article 15 paragraph (1) shall be implemented by involving the community and stakeholders.
- (2) Further provisions concerning the procedures for the implementation of KLHS shall be regulated under a Government Regulation.

### **Section 2**

#### **Spatial**

### **Article 19**

- (1) To maintain the sustainability of environment and the safety of people, any spatial plan shall be based on KLHS.
- (2) Spatial plan of territory as cited in paragraph (1) shall be made by taking into account the carrying capacity and holding capacity of environment.

### **Section 3**

#### **Standard Quality of Environment**

### **Article 20**

- (1) Determination on the pollution of environment shall be measured based on the standard quality of environment.
- (2) Standard quality of environment shall include:
  - a. standard quality of water;

- b. standard quality of waste water;
  - c. standard quality of sea water ;
  - d. ambient air quality standard;
  - e. standard quality of emissions;
  - f. standard quality of disturbance; and
  - g. another standard quality based on the advancement of science and technology.
- (3) Everyone shall be allowed to dispose wastes into the environment with the following requirements:
- a. to meet the standard quality of environment; and
  - b. to obtain a permit from Minister, Governor or Regent/Mayor based on the authority.
- (4) Further provisions on the standard quality of environment as cited in paragraph (2) letters a, c, d, and g shall be regulated under a Government Regulation.
- (5) Further provisions on the standard quality of environment as cited in paragraph (2) letters b, e, and f shall be regulated under a Ministerial Decree.

**Section 4**  
**Criteria on Standard of Environmental Damage**

**Article 21**

- (1) To determine the damage of environment there shall be the criteria on the standard of environmental damage.
- (2) The criteria on the standard of environmental damage shall include the criteria on the standard of ecosystem damage and the standard of damage caused by climate change.
- (3) Criteria on the standard of ecosystem damage shall include:
- a. criteria on the standard of damage of land of biomass production;
  - b. criteria on the standard of damage of coral reefs;
  - c. criteria on the standard of environmental damage related to forest fire

and/or land fire;

d. criteria on the standard of damage of mangrove;

e. criteria on the standard of damage of sea grass beds;

f. criteria on the standard of damage of peat land;

g. criteria on the standard of damage of karst; and / or

h. criteria on the standard of damage of other ecosystems as in accordance with the advancement of science and technology.

(4) Criteria on the standard of damage caused by climate change shall be based on parameters as follows:

a. rise of temperature;

b. rise of sea level;

c. storm; and/or

d. drought.

(5) Further provisions on the criteria of the standard of damage of environment as cited in paragraphs (3) and (4) shall be regulated under a Government Regulation.

## **Section 5**

### **Amdal**

## **Article 22**

(1) Any undertakings and/or activities that have significant impacts to the environment shall be subject to the preparation of AMDAL.

(2) Significant impact shall be determined based on the following criteria:

a. the large number of residents who will be affected by the undertakings and/or activities;

b. the size of area of impact;

c. the intensity and duration of impact;

d. many of other environmental components that will be affected;



- e. the cumulative nature of effects;
- f. the reversibility or irreversibility of the impact; and / or
- g. other criteria as in accordance with the advancement of science and technology

### **Article 23**

(1) Criteria of the undertakings and/or activities that have significant impacts and are subject to AMDAL shall include as follows:

- a. the changing of patterns of land and landscape;
- b. the exploitation of natural resources, both of renewable and non-renewable sources;
- c. any of the processes and activities that can potentially cause pollution and/or damage to environment and also it is considered as a waste of natural resources and a decline of utilization;
- d. any of the processes and activities that may affect the natural environment, nurtured environment as well as the social and cultural surroundings;
- e. any of the processes and activities that will affect the preservation of natural resource conservation and/or the protection of cultural heritage;
- f. the introduction of species of plants, animals, and microorganisms;
- g. the manufacture and use (utilization) of biological and non-biological materials;
- h. the activities that have a high risk and/or affect the system of defense of the country; and / or
- i. the application of technology that is predicted to have a great potential of affecting the environment.

(2) Further provisions on the type of undertakings and/or activities that are subject to the completion of AMDAL as cited in paragraph (1) shall be regulated under a Ministerial Decree.

### **Article 24**

Document of AMDAL as cited in Article 22 shall be the basis of determining the

environmental feasibility.

#### **Article 25**

AMDAL document shall include:

- a. review or assessment of the impact of undertakings and/or activities based on the plan;
- b. evaluation of activities around the location of undertakings and/or activities based on the plan;
- c. feedbacks or inputs and responses from the community (local people) in regard of the plan on the undertakings and/or activities;
- d. forecasts of the magnitude and nature of significant impacts that might occur when carrying out the undertakings and/or activities based on the plan;
- e. holistic evaluation of the impacts that may occur in order to determine the environmental feasibility or infeasibility; and
- f. plan on the environmental management and monitoring.

#### **Article 26**

- (1) Document of AMDAL as cited in Article 22 shall be prepared by the initiator or instigator by involving the local community.
- (2) The involvement of local community shall be based on the principles of transparency by providing complete information and notification prior to the implementation of project.
- (3) The local community as cited in paragraph (1) shall include:
  - a. the would-be affected people;
  - b. environmentalists; and/or
  - c. the people who will be affected by any decision in the process of AMDAL.
- (4) Local community as cited in paragraph (1) shall be allowed to express a complaint or protest against the document of AMDAL.

#### **Article 27**

In preparing the document of AMDAL, the initiator or instigator as cited in Article

26 paragraph (1) shall be allowed to ask for assistance from another party.

#### **Article 28**

- (1) The initiator or instigator of AMDAL as cited in Article 26 paragraph (1) and Article 27 shall have a certificate of competency in preparing AMDAL.
- (2) The criteria for obtaining a certificate of competency in preparing AMDAL as cited in paragraph (1) shall include:
  - a. mastery of methodology in preparing AMDAL;
  - b. ability to undertake scoping, forecasting, and evaluating impacts and making decision; and
  - c. the ability of preparing a plan on the management and monitoring of environment.
- (3) Certificate of competency in preparing AMDAL as cited in paragraph (1) shall be issued by a certification agency for competency in preparing AMDAL as determined by Minister and in compliance with the prevailing laws and regulations;
- (4) Further provisions on the certification and criteria of competency in preparing AMDAL shall be regulated under a Ministerial Decree.

#### **Article 29**

- (1) Document of AMDAL shall be assessed by Commission for AMDAL Assessment created by Minister, Governor or Regent/Mayor based on the authority.
- (2) Commission for AMDAL Assessment shall possess a license from Minister, Governor or Regent/ Mayor based on the authority.
- (3) Requirements and procedures for licensing as cited in paragraph (2) shall be regulated under a Ministerial Decree.

#### **Article 30**

- (1) Members of Commission for AMDAL Assessment as cited in Article 29 shall consist of representatives from:
  - a. environmental agency;
  - b. relevant technical agency;
  - c. expert in the knowledge of types of undertakings and/or activities that

- are being assessed;
- d. expert in the knowledge of the impacts of the undertakings and/or activities that are being assessed;
  - e. representative(s) of local communities that are potentially affected; and
  - f. environmental organizations.
- (2) In conducting the duties the Commission for AMDAL Assessment shall be assisted by a technical team made up of independent experts who will conduct technical studies and a secretariat that is created for such a purpose.
- (3) Independent expert(s) and the secretariat as cited in paragraph (3) shall be determined by Minister, Governor or Regent/Mayor based on the authority.

#### **Article 31**

Based on the assessment by the Commission for Amdal Assessment, Minister, Governor or Regent/Mayor based on the authority shall determine the feasibility or infeasibility of environment.

#### **Article 32**

- (1) Government and Local Government shall assist the preparation of AMDAL for undertakings and/or activities for the category of low economy, of which has significant impact to the environment.
- (2) The assistance for the preparation of AMDAL as cited in paragraph (1) shall be in form of facilitation, cost, and/or process of preparing AMDAL.
- (3) The criteria of the undertakings and/or activities in the category of low economy shall be regulated as in compliance with the prevailing laws and regulations.

#### **Article 33**

Further provisions on AMDAL as cited in Articles 22 through 32 shall be regulated under a Government Regulation;

#### **Section 6 UKL-UPL**

#### **Article 34**

- (1) Any of undertakings and/or activities that are not included in the criteria and are subject to preparation of AMDAL as cited in Article 23 paragraph (1) shall be obligatory to possess UKLUPL.
- (2) Governor or Regent/Mayor shall determine the type of undertakings and/or activities that are required to be equipped with UKL-UPL.

#### **Article 35**

- (1) Undertakings and/or activities that are not required to be equipped with UKL-UPL as cited in Article 34 paragraph (2) shall be equipped with a statement on the capability of environmental management and monitoring.
- (2) Determination of the type of undertakings and/or activities as cited in paragraph (1) shall be based on the criteria as follows:
  - a. not included in the category of significant impact as cited in Article 23 paragraph (1); and
  - b. activities of micro and small enterprises.
- (3) Further provisions on UKL-UPL and statement of statement on the capability of environmental management and monitoring shall be regulated under a Ministerial Decree.

#### **Section 7 Permit**

#### **Article 36**

- (1) Any of the undertaking and/or activities that are required to possess AMDAL or UKL-UPL shall be obliged to obtain an environmental permit.
- (2) Environmental permit as cited in paragraph (1) shall be issued based on the determination of environmental feasibility as cited in Article 31 or based on the recommendation of UKL-UPL.
- (3) The environmental permit as cited in paragraph (1) shall obligatorily include the requirements based on the determination of environmental feasibility or recommendation of UKL-UPL.
- (4) The environmental permit shall be issued by Minister, Governor or Regent/Mayor based on the authority.

#### **Article 37**

- (1) Minister, Governor or Regent/Mayor based on the authority shall reject the application for environmental permit if the application for permit is not equipped with AMDAL or UKL-UPL.
- (2) The environmental permit as cited in Article 36 paragraph (4) shall be canceled if:
  - a. the fulfillment of requirements of the application for the permit contains legal deflection, error, abuse, untruth and/or falsification of data, documents, and/or information;
  - b. the issuance is not equipped with the fulfillment of requirements as stated in the decision by the Commission for Environmental Feasibility or in the recommendation of UKL-UPL; or
  - c. the obligations as stated in the document of AMDAL or UKL-UPL are not fulfilled or implemented by the individual who is in charge of the undertakings and/or activities.

#### **Article 38**

In addition to the provisions as cited in Article 37 paragraph (2) the environmental permit can also be canceled by a verdict from an administrative court.

#### **Article 39**

- (1) Minister, Governor or Regent/Mayor based on their respective authorities shall be obliged to announce any of the applications for environmental permits and the decisions on them.
- (2) The announcement as cited in paragraph (1) shall be conducted in a simple way that the public can easily access to it.

#### **Article 40**

- (1) The environmental permit shall become a requirement for obtaining a permit of the undertakings and/or activities.
- (2) In case that the environmental permit is revoked, the permit of undertakings and/or activities shall be canceled.
- (3) In case that the undertakings and/or activities undergo some changes, the individual in charge of the undertakings and/or activities shall be obliged to renew the environmental permit.

#### **Article 41**

Further provisions on the permits as cited in Articles 36 through 40 shall be regulated under a Government Regulation.

## **Section 8**

### **Economic Instrument of Environment**

#### **Article 42**

- (1) In order to preserve the function of environment, Government and Local Government shall be obliged to develop and implement economic instruments of environment.
- (2) Economic instruments of environment as cited in paragraph (1) shall include:
  - a. the planning on development and economic activity;
  - b. the funding of environment; and
  - c. the granting of incentives and/or imposing disincentives.

#### **Article 43**

- (1) Instrument of planning on development and economic activities as cited in Article 42 paragraph (2) letter a shall cover as follows:
  - a. the balances of natural and environmental resources;
  - b. the preparation of gross domestic product (GDP) and gross domestic product in region that includes depletion of natural resources and degradation of environment;
  - c. the mechanism of compensation/reward of environment between regions; and
  - d. the internalization of environmental costs.
- (2) The instrument of environmental funding as cited in Article 42 paragraph (2) letter b shall include:
  - a. the guarantee of environmental fund for restoration;
  - b. the fund for pollution prevention and/or damage and restoration of environment; and
  - c. trust fund/ aid for conservation.
- (3) Incentives and/or disincentives as cited in Article 42 paragraph (2) c shall be

granted to and imposed on:

- a. the procurement of goods and services that are environmentally-friendly;
  - b. the application of taxes, levies and subsidies for environment;
  - c. the development of system of financial institutions and capital market on an environmentally-friendly basis;
  - d. the development of system of permit for the transaction of waste disposal and/or emissions;
  - e. the development of system of payment for environmental services;
  - f. the development of environmental insurance;
  - g. the development of system of environmentally-friendly labeling; and
  - h. the system of awards for performances in regard of environmental protection and management.
- (4) Further provisions on economic instruments of environment as cited in Article 42 and Article 43 paragraphs (1) through (3) shall be regulated under a Government Regulation.

## **Section 9**

### **Environment-based Laws and Regulations**

#### **Article 44**

In drafting the laws and regulations on both national and regional levels it shall be necessary to take into account the protection of environmental functions and the principles of protection and management of environment as in compliance with the provisions of this Law.

## **Section 10**

### **Environment-based Budget**

#### **Article 45**

- (1) Government and People's House of Representatives (DPR) of the Republic of Indonesia and Local Government and local house of representatives (DPRD) shall allocate a sufficient budget to finance as follows:



- a. the activities for the protection and management of environment; and
  - b. the programs on environment-based development.
- (2) Government shall allocate sufficient funds for special budgets of environment to be given to regions that have good performance on the protection and management of environment.

#### **Article 46**

In addition to the provisions as cited in Article 45 and in order to restore the condition of environment, of which the quality has been degrading because of pollution and/or damage at the time of the enactment of this Law, Government and Local Government shall allocate funds for the restoration of the environment.

#### **Section 11**

##### **Environmental Risk Analysis**

#### **Article 47**

- (1) Any of the undertakings and/or activities that can potentially generate significant impact to environment and threats to ecosystems and life, and/or to human health and safety shall be subject to conducting environmental risk analysis.
- (2) The analysis of environmental risks as cited in paragraph (1) shall include:
- a. the assessment of risk;
  - b. the management of risk; and / or
  - c. the communication of risk.
- (3) Further provisions on environmental risk analysis shall be regulated under a Government Regulation.

#### **Section 12**

##### **Environmental Audit**

#### **Article 48**

Government shall encourage the individual in charge of undertakings and/or activities to conduct environmental audit in order to improve the performance of environment.

#### **Article 49**

- (1) Minister shall impose the obligations on environmental audit to:
  - a. the individual who is in charge of the undertakings and/or activities with high risk to environment; and/or
  - b. the individual who is in charge of the undertakings and/or activities but demonstrating non-compliance with the prevailing laws and regulations.
- (2) The individual who is in charge of the undertakings and/or activities shall be obliged to conduct environmental audit.
- (3) The environmental audit shall be conducted to certain activities with high-risk on a regular basis.

#### **Article 50**

- (1) In case that the individual or person who is in charge of the undertakings and/or activities fails to fulfill the obligations as cited in Article 49 paragraph (1), Minister shall be allowed to conduct or assign an independent third party to conduct an environmental audit on the expense of the individual or person who is in charge of the undertakings and/or activities ,
- (2) Minister shall announce the result of environmental audit.

#### **Article 51**

- (1) An environmental audit as cited in Articles 48 and 49 shall be conducted by an environmental auditor.
- (2) Environmental auditor as cited in paragraph (1) shall be certified for the competency in environmental auditing.
- (3) Criteria for obtaining a certificate of competency in environmental auditing as cited in paragraph (2) shall include the abilities of:
  - a. understanding the principles, methodologies, and governance of environmental auditing;
  - b. conducting an environmental audit in the stages of planning, implementing, concluding and reporting; and
  - c. formulating some recommendations for corrective measures as a follow-up to an audit of environment.

- (4) Certificate of competency in environmental auditing as cited in paragraph (2) shall be issued by a certification agency of competency in environmental auditing as in compliance with the prevailing laws and regulations.

#### **Article 52**

Further provisions on environmental audit as cited in Articles 48 through 51 shall be regulated under a Ministerial Decree.

### **Part Three Overcoming (Solution)**

#### **Article 53**

- (1) Any person or individual who pollutes and/or damages the environment shall be obliged to overcome (solve) or tackle the pollution and/or the damage of the environment.
- (2) The activity to overcome the pollution and/or the damage to the environment as cited in paragraph (1) shall be carried out as follows:
- a. providing information and warning about the pollution and/or damage to the environment to the local community;
  - b. isolating the pollution and/or damage to the environment;
  - c. terminating the source of pollution and/or damage to the environment;  
and / or
  - d. doing another way that is in accordance with the advancement of science and technology.
- (3) Further provisions concerning the procedures to overcome (solve) the pollution and/or damage to the environment as cited in paragraph (1) shall be regulated under a Government Regulation.

### **Part Four Recovery**

#### **Article 54**

- (1) Any person or individual who pollutes and/or damages the environment shall be obliged to recover the functions of environment.
- (2) The recovery of the function of environment as cited in paragraph (1) shall be

conducted in stages as follows:

- a. terminating the source of pollution and cleaning up the substances of pollutants;
  - b. remediating;
  - c. rehabilitating;
  - d. restoring; and / or
  - e. doing another way that is in accordance with the advancement of science and technology.
- (3) Further provisions concerning the procedures for restoring the functions of environment as cited in paragraph (2) shall be regulated under a Government Regulation.

#### **Article 55**

- (1) The holder of environmental permit as cited in Article 36 paragraph (1) shall provide a guarantee fund for the restoration of environment.
- (2) The guarantee funds shall be deposited in a governmental bank as appointed by Minister, Governor or Regent/Mayor based on the authority.
- (3) Minister, Governor or Regent/Mayor based on the authority shall be allowed to assign a third party to conduct restoration of the functions of environment with the use of the guarantee fund.
- (4) Further provisions on the guarantee fund as cited in paragraphs (1) through (3) shall be regulated under a Government Regulation.

#### **Article 56**

Further provisions on the control of pollution and/or damage of environment as cited in Articles 13 through 55 shall be regulated under a Government Regulation.

### **CHAPTER VI MAINTENANCE**

#### **Article 57**

- (1) Maintenance of environment shall be conducted by ways of:
  - a. conservation of natural resources;

- b. reserves of natural resources; and/or
  - c. preservation of the function of atmosphere.
- (2) Conservation of natural resources as cited in paragraph (1) letter a shall cover the activities of:
- a. protecting the natural resources;
  - b. preserving the natural resources; and
  - c. sustaining the natural resources.
- (3) Preserving the natural resources as cited in paragraph (1) letter b shall be of the natural resource that cannot be managed in a certain period of time.
- (4) Sustaining the function of atmosphere as cited in paragraph (1) letter c shall include:
- a. the mitigation and adaptation to climate change;
  - b. the protection of ozone layer; and
  - c. the safeguard against acid rain.
- (5) Further provisions on the conservation and reserves of natural resources and the preservation of the function of atmosphere as cited in paragraph (1) shall be regulated under a Government Regulation.

**CHAPTER VII**  
**MANAGEMENT OF HAZARDOUS AND TOXIC (B3) SUBSTANCES AND WASTES**

**Part One**  
**Management of Hazardous and Toxic (B3) Substances**

**Article 58**

- (1) Every person who imports to the territory of the Republic of Indonesia, produces, transports, distributes, stores, utilizes, removes, processes, and / or stockpiles B3 substances shall be obliged to conduct a management of B3 substances.
- (2) Further provisions on the management of B3 substances as cited in paragraph (1) shall be regulated under a Government Regulation.

**Part Two**

## **Management of Hazardous and Toxic (B3) Wastes**

### **Article 59**

- (1) Every person who generates B3 wastes shall conduct a management of B3 wastes.
- (2) In case that B3 substances as cited in Article 58 paragraph (1) have expired, the substances shall be subject to a management of B3 wastes.
- (3) In case that the person or individual is unable to self-manage the B3 wastes, the management shall be delegated to another party.
- (4) The management of B3 wastes shall be equipped with a permit issued by Minister, Governor or Regent/ Mayor based on the authority.
- (5) Minister, Governor or Regent/ Mayor shall include the environmental requirements that have to be fulfilled and the obligations to be complied with as cited in the permit of management of B3 wastes.
- (6) The decision to grant a permit shall obligatorily be announced.
- (7) Further provisions on the management of B3 wastes shall be regulated under a Government Regulation.

### **Part Three**

#### **Dumping**

### **Article 60**

Every person or individual shall be prohibited to dump the wastes and/or substances to environmental medium without permission.

### **Article 61**

- (1) Dumping as cited in Article 60 shall be allowed with an approval from Minister, Governor or Regent/ Mayor based on the authority.
- (2) Dumping as cited in paragraph (1) shall be conducted in a predetermined location.
- (3) Further provisions concerning the procedures and requirements for dumping the wastes or substances shall be regulated under a Government Regulation.

## **CHAPTER VIII**

### **INFORMATION SYSTEM**

### **Article 62**

- (1) Government and Local Government shall develop an information system on environment in order to support the implementation of environmental policy and the management of environment.
- (2) The information system on environment shall be coordinated and integrated and it has to be published to the public.
- (3) The system of information on environment shall at least contain the information about the status of environment, the map of environmental hazard, and other environmental information.
- (4) Further provisions on the system of environmental information shall be regulated under a Ministerial Decree.

## **CHAPTER IX**

### **DUTIES AND AUTHORITIES OF GOVERNMENT AND LOCAL GOVERNMENT**

### **Article 63**

- (1) In regard of the protection and management of environment, Government's duties and authorities shall be as follows:
  - a. to make national policies;
  - b. to set up norms, standards, procedures, and criteria;
  - c. to make and implement national policies on RPPLH;
  - d. to make and implement policies on KLHS;
  - e. to make and implement policies on AMDAL and UKL-UPL;
  - f. to conduct inventorying of national natural resources and emission of greenhouse gas;
  - g. to develop a standard of cooperation;
  - h. to coordinate and conduct the control of pollution and/or damage of environment;
  - i. to make and implement policies on natural bio resources and non-bio resources, biodiversity, genetic resources, bio-safety and genetically modified products;

- j. to make and implement policies on the control of impacts of climate change and the protection of ozone layers;
- k. to make and implement policies on B3, wastes, and B3 wastes;
- l. to make and implement policies on the protection of marine environment;
- m. to make and implement policies on pollution and/or damage of environment across the national borders;
- n. to guide and monitor the implementation of national policies, local regulations, and regulations of region heads;
- o. to guide and monitor the compliances of the person or individual in charge of the undertakings and/or activities with the environmental permit as well as the prevailing laws and regulations;
- p. to develop and apply the environmental instruments;
- q. to coordinate and facilitate cooperation, to settle disputes between regions and to solve the disputes;
- r. to develop and implement policies in regard of public complaints;
- s. to set up a minimum standard of services;
- t. to make policies on the procedures of recognition of the customs of indigenous people, local wisdom, and indigenous rights in regard of the protection and management of environment;
- u. to manage the national information on environment;
- v. to coordinate, develop, and disseminate the use of environmental-friendly technologies;
- w. to provide education, training, coaching, and awards;
- x. to develop a means of and a standard of environmental laboratory;
- y. to issue environmental permits;
- z. to determine area of eco-region; and
- aa. to enforce environmental laws.

(2) In the protection and management of environment, the provincial



government's duties and authorities shall be as follows:

- a. to make policies on provincial level;
- b. to make and implement KLHS on provincial level;
- c. to make and implement policies of RPPLH on provincial level;
- d. to make and implement policies of AMDAL and UKL-UPL;
- e. to conduct inventorying of natural resources and greenhouse-gas emissions on provincial level;
- f. to develop and implement cooperation and partnerships;
- g. to coordinate and implement the activities to control pollution and/or damage of environment in inter-regency/ municipality;
- h. to conduct guidance and monitoring of the implementation of policies, local regulations, and regulations of heads of regency/ municipality;
- i. to guide and monitor the compliances of the person or individual in charge of the undertakings and/or activities with the environmental permit as well as the prevailing laws and regulations;
- j. to develop and implement the environmental instruments;
- k. to coordinate and facilitate cooperation and to settle disputes of inter-regencies/ inter-municipalities and to find solution of the disputes;
- l. to conduct guidance, technical assistance and monitoring of regencies/municipalities over the programs and activities;
- m. to implement a minimum standard of services;
- n. to make policies on the procedures of recognition of the customs of indigenous people, local wisdom, and indigenous rights in regard of the protection and management of environment on provincial level;
- o. to manage environmental information on provincial level;
- p. to develop and socialize the application of environmentally-friendly technologies;
- q. to provide education, training, guidance (coaching), and awards;
- r. to issue environmental permits on provincial level; and

s. to enforce or uphold the environmental laws on provincial level.

(3) In regard of protection and management of environment, the local government of regency/municipality shall conduct the duties and authority as follows:

a. to make policies on the level of regency/ municipality;

b. to prepare and implement KLHS on the level of regency/ municipality;

c. to make and implement policies of RPPLH on the level of regency/ municipality;

d. to make and implement policies of AMDAL and UKL-UPL;

e. to conduct inventorying of natural resources and greenhouse-gas emissions on the level of regency/ municipality;

f. to develop and implement cooperation and partnerships;

g. to develop and implement environmental instruments;

h. to facilitate and settle disputes;

i. to guide and monitor the compliances of the person or individual in charge of the undertakings and/or activities with the environmental permit as well as the prevailing laws and regulations;

j. to implement a minimum standard of services;

k. to implement policies on the procedures of recognition of the customs of indigenous people, local wisdom, and indigenous rights in regard of the protection and management of environment on the level of regency/ municipality;

l. to manage environmental information on the level of regency/ municipality;

m. to develop and implement policies on the system of environmental information on the level of regency/ municipality;

n. to provide education, training, coaching, and awards;

o. to issue environmental permits on the level of regency/ municipality;  
and

p. to enforce or uphold the environmental laws on the level of regency/ municipality.

#### **Article 64**

The duties and authority of Government as cited in Article 63 paragraph (1) shall be conducted and/or coordinated by Minister.

### **CHAPTER X RIGHT, RESPONSIBILITY AND PROHIBITION**

#### **Part One Right**

#### **Article 65**

- (1) Everyone shall be entitled to a good and healthy environment as part of human rights.
- (2) Everyone shall have the right to environmental education, access to information, access to participation and access to justice in fulfilling the right to a good and healthy environment.
- (3) Everyone shall have the right to giving advice and/or objecting to a plan of undertakings and/or activities that may lead to an increase of environmental impacts.
- (4) Everyone shall have the right to participating in environmental protection and management as in compliance with the prevailing laws and regulations.
- (5) Everyone shall be entitled to expressing complaints against an alleged pollution and/or damage of environment.
- (6) Further provisions concerning the procedures of complaints as cited in paragraph (5) shall be regulated under a Ministerial Decree.

#### **Article 66**

Everyone who fights for the right to a good and healthy environment shall not be prosecuted based on criminal and civil lawsuits.

#### **Part Two Responsibility**

#### **Article 67**

Everyone shall be obliged to preserve the functions of environment and to control

the pollution and/or damage of environment.

#### **Article 68**

Everyone who is in charge of undertakings and/or activity shall do as follows:

- a. to provide information in regard of the protection and management of environment on a correct, accurate, transparent, and timely basis;
- b. to maintain and sustain the environmental functions; and
- c. to comply with the regulations on the standard of environmental quality and/or the standard of criteria on environmental damage.

#### **Part Three Prohibition**

#### **Article 69**

(1) Everyone shall be prohibited:

- a. to carry out activities that cause pollution and/or damage of environment;
- b. to bring B3 that is prohibited by the prevailing laws and regulations into the territory of the Republic of Indonesia;
- c. to bring wastes from outside the territory of the Republic of Indonesia to the media of environment within the territory of the Republic of Indonesia ;
- d. to bring B3 wastes into the territory of the Republic of Indonesia;
- e. to dispose waste into the environment;
- f. to dispose B3 and B3 waste into the environmental media;
- g. to release genetically modified products to the environmental media that are contrary to the prevailing laws and regulations or the environmental permit;
- h. to conduct land clearing with a method of slashes and burns;
- i. to prepare AMDAL without possessing a certificate of competency in preparing AMDAL; and/or
- j. to provide false and misleading information, to lose information, to spoil

information, or to give incorrect information.

- (2) The provisions as cited in paragraph (1) letter h shall include the serious attention to the local wisdom in the respective regions.

**CHAPTER XI  
ROLE OF PEOPLE**

**Article 70**

- (1) The people shall have rights and equal opportunities to playing an active role in the protection and management of environment.

- (2) The role of people shall be in form of:

- a. social monitoring;
- b. giving advice, opinion, suggestion, objection and complaint; and/or
- c. giving information and/or submitting a report.

- (3) The people shall play their respective roles for the sake of:

- a. raising the awareness of the management and protection of environment;
- b. increasing self-reliance, empowering the community and improving the partnerships;
- c. developing the capacity and initiative of the community;
- d. increasing the community responsiveness to social monitoring; and
- e. developing and maintaining the culture and local wisdom in order to sustain the functions of environment.

**CHAPTER XII  
MONITORING AND ADMINISTRATIVE SANCTION**

**Part One  
Monitoring**

**Article 71**

- (1) Minister, Governor or Regent/Mayor based on the authority shall monitor or supervise the compliances of those who are in charge of undertaking and/or

activities with the prevailing laws and regulations on environmental protection and management.

- (2) Minister, Governor or Regent/Mayor shall be allowed to delegate the authority of monitoring (supervising) to official/ agent who is in charge of the protection and management of environment.
- (3) In conducting the monitoring, Minister, Governor or Regent/Mayor shall assign a functional official for environmental monitoring.

#### **Article 72**

Minister, Governor or Regent/Mayor based on the authority shall monitor or supervise the compliances of those who are in charge of the undertaking and/or activities with the environmental permit.

#### **Article 73**

Minister shall be allowed to monitor or supervise the compliances of those who are in charge of the undertaking and/or activities whose environmental permits are issued by Local Government in case that Government considers there have been serious violations to the protection and management of environment.

#### **Article 74**

- (1) The official for environmental monitoring as cited in Article 71 paragraph (3) shall be authorized for as follows:
  - a. monitoring;
  - b. requesting information;
  - c. making copies of documents and/or making necessary records;
  - d. entering certain places;
  - e. taking pictures;
  - f. making audio-visual recordings;
  - g. taking samples;
  - h. checking tools and equipment;
  - i. checking the installation and/or a means of transport; and / or
  - j. stopping certain violations.

- (2) In conducting the duties the official for environmental monitoring shall be allowed to coordinate with civil servants as the officials of investigation.
- (3) The person or individual who is in charge of the undertakings and/or activities shall be prohibited from impeding the implementation of duties of the official for the sake of environmental monitoring.

#### **Article 75**

Further provisions on the procedure for the assignment of official for environmental monitoring and the procedure for the implementation of monitoring as cited in Article 71 paragraph (3), Articles 73 and 74 shall be regulated under a Government Regulation.

### **Part Two Administrative sanction**

#### **Article 76**

- (1) Minister, Governor or Regent/Mayor shall impose an administrative sanction against the person in charge of the undertakings and/or activities in case that during the monitoring is found a violation to environmental permit.
- (2) Administrative sanction shall include:
  - a. written warning;
  - b. compulsion by Government;
  - c. suspension of environmental permit; or
  - d. revoke of environmental permit.

#### **Article 77**

Minister shall impose an administrative sanction against the person in charge of the undertakings and/or activities in case that Government considers that Local Government has deliberately not imposed an administrative sanction against any serious violation in regard of the protection and management of environment.

#### **Article 78**

The administrative sanction as cited in Article 76 shall not relieve the person in charge of the undertakings and/or activities from any obligation and criminal punishment.

### **Article 79**

The administrative sanction such as suspension or revoke of environment permit as cited in Article 76 paragraph (2) letters c and d do shall be imposed upon in case that the person in charge of the undertakings and/or activities fails to accomplish the compulsion by Government.

### **Article 80**

(1) Compulsion by Government as cited in Article 76 paragraph (2) letter b shall be in form of:

- a. temporary suspension of production activities;
- b. relocation of production facilities;
- c. shutting the sewage or waste disposal;
- d. demolition;
- e. seizure of goods or equipment that can potentially cause violation;
- f. temporary suspension of all activities; or
- g. Other measures aimed to stop the violation and to restore the environmental functions.

(2) Compulsion by Government shall be imposed without any prior warning in case that the violation may cause:

- a. a very serious threat to humans and environment;
- b. greater impact in wider scope if the pollution and/or damage is not immediately stopped; and/or
- c. greater losses to the environment if the pollution and/or damage is not immediately stopped.

### **Article 81**

Any person in charge of the undertakings and/or activities, who fails to accomplish the compulsion by Government, shall be subject to a fine for any delay of the execution of the sanction in form of compulsion by Government.

### **Article 82**

(1) Minister, Governor or Regent/Mayor shall be authorized to compel the person in charge of the undertakings and/or activities to restore the environment



from the pollution and/or damage.

- (2) Minister, Governor or Regent/Mayor shall be authorized to assign a third party to conduct the restoration of environment from the pollution and/or damage, of which the expense shall be borne by the person in charge of the undertakings and/or activities

### **Article 83**

Further provisions concerning the administrative sanction shall be regulated under a Government Regulation.

## **Chapter XIII**

### **SETTLEMENT OF ENVIRONMENTAL DISPUTE**

#### **Part One**

#### **General**

### **Article 84**

- (1) Environmental disputes shall be settled at court or outside the court.
- (2) The option on how to settle an environmental dispute shall be voluntarily decided by the parties in dispute.
- (3) A lawsuit filed at Court shall be allowed if the option to settle the dispute out of the Court has been declared unsuccessful by one or both parties in dispute.

#### **Section Two**

#### **Environmental Dispute to be Settled outside the Court**

### **Article 85**

- (1) Environmental dispute shall be settled outside the Court in order to reach a deal on:
  - a. the type and amount of compensation;
  - b. the recovery action in regard of the pollution and/or damage;
  - c. specific action to ensure there is no reoccurrence of pollution and/or damage; and/or
  - d. action or measure to prevent negative impacts to environment.

- (2) The dispute settled outside the Court shall not be allowed for any environmental crime as regulated under this Law.
- (3) In regard of the settlement of dispute outside the Court it shall be allowed to use the services of mediator and/or arbitrator to help resolve the environmental dispute.

#### **Article 86**

- (1) The people shall be allowed to create an agency of services on how to settle the environmental disputes and the agency shall be independent and impartial.
- (2) Government and Local Government shall be allowed to facilitate the creation of such an independent and impartial agency of services for the settlement of environmental disputes.
- (3) Further provisions on the agency of services for the settlement of environmental disputes shall be regulated under a Government Regulation.

#### **Part Three**

#### **Settlement of Environmental Disputes at Court**

#### **Section 1**

#### **Compensation and Recovery of Environment**

#### **Article 87**

- (1) Every person or individual in charge of the undertakings and/or activities who commits any illegal action in regard of pollution and/or damage of environment that can cause harm to other humans or environment shall be obliged to pay compensation and/or take specific actions.
- (2) Every person or individual who commits wrongdoings that breach the laws such as handing over and changing the nature and form of the undertakings and/or activities shall not make the entity free from any legal charge and/or obligation that might be imposed on the entity.
- (3) The Court shall be allowed to determine the compulsory payment (fine) upon any delay of the execution of the Court verdict.
- (4) The amount of money for the compulsory payment (fine) shall be based on the prevailing laws and regulations.

#### **Section 2**

## **Absolute Responsibility**

### **Article 88**

Everyone whose action, undertakings and/or activities that use B3, produce and/or manage B3 wastes, and/or pose a serious threat to environment shall be absolutely responsible for the losses incurred without previously proving the types of faults.

### **Section 3**

#### **Deadline of Expiration to File Lawsuit**

### **Article 89**

- (1) The deadline of expiration to file a lawsuit at the Court shall follow the deadline as regulated under the provisions of Civil Law and as of the date of the findings of pollution and/or damage to environment.
- (2) The deadline of expiration shall not be applicable to the pollution and/or damage to environment that is caused by the undertakings and/or activities that use and/or manage B3 and also produce B3 wastes.

### **Section 4**

#### **Government and Local Government's Rights to Lawsuits**

### **Article 90**

- (1) Governmental Agency and Local Government in charge of environment shall be authorized to file lawsuits and claims for the compensation of damages and the compulsion of specific action against those who are in charge of undertakings and/or activities that cause pollution and/or damage of environment and environmental losses.
- (2) Further provisions on environmental losses as cited in paragraph (1) shall be regulated under a Ministerial Decree.

### **Section 5**

#### **People's Right to Class Action (Lawsuit)**

### **Article 91**

- (1) People shall have the right to filing a class action (lawsuit) for the sake of themselves or on behalf and/or for the benefit of the community in case that

there are losses caused by the pollution and/or damage of environment.

- (2) A class action (lawsuit) can be filed in case there is similarity of facts or events, and type of claims by the group or the members of group.
- (3) The provisions concerning the people's right to class action (lawsuit) shall be in compliance with the prevailing laws and regulations.

## **Section 6**

### **Environmental Organization's Right to Lawsuit**

#### **Article 92**

- (1) In regard of the implementation of the responsibility for the protection and management of environment, any of environmental organizations shall be entitled to filing a lawsuit for the sake of the sustainable functions of the environment.
- (2) The right to filing a lawsuit shall be restricted to a claim for taking certain actions without any claim for compensation, except certain cost or real spending.
- (3) Any of the environmental organizations shall be allowed to file a lawsuit based on the requirements as follows:
  - a. it is a legal entity;
  - b. it is asserted in the Statute of the environmental organization that it was founded for the sake of sustainable functions of environment;  
and
  - c. it has been carrying out its real activities based on its Statute for a period of no less than 2 (two) years.

## **Section 7**

### **Administrative lawsuit**

#### **Article 93**

- (1) Any person shall be allowed to file a lawsuit against the verdict of the State's Administrative Court, in case that:
  - a. the agency or the official of State's Administrative Court has issued an environmental permit for the undertakings and/or activities that are mandatory to prepare AMDAL but no document of AMDAL has been

- prepared yet;
- b. the agency or the official of State's Administrative Court has issued an environmental permit for the activities that require UKL-UPL, but no document of UKL-UPL has been prepared yet; and / or
  - c. the agency or the official of State's Administrative Court has issued a permit of undertakings and / or activities but not equipped with an environmental permit.
- (2) The procedures to file a lawsuit against the verdict of the State's Administrative Court shall refer to the Law on Procedures of State's Administrative Court.

**Chapter XIV**  
**INVESTIGATION AND EVIDENCE**

**Part One**  
**Investigation**

**Article 94**

- (1) In addition to investigator from the police of the Republic of Indonesia, certain official of civil servant in the government agency whose scope of duties and responsibilities are in the protection and management of environment shall be authorized to become an investigator as cited in the Procedures under the Criminal Codes and conduct an investigation over the environmental crimes.
- (2) The investigator of civil servant shall be authorized:
- a. to verify a report or information on criminal violation in regard of environmental protection and management;
  - b. to conduct an investigation of any person who is suspected of committing criminal violation in regard of environmental protection and management;
  - c. to ask for information and evidence from any person concerning the criminal violation in regard of environmental protection and management;
  - d. to conduct an investigation of books, records, and other documents concerning the criminal violation in regard of environmental protection and management;
  - e. to conduct investigation in certain places that are allegedly having

evidences, books, records, and other related documents;

- f. to confiscate the material and goods related to the violence that can be used as evidences in a criminal case in regard of environmental protection and management;
- g. to ask for assistance from expert when conducting the duties of investigation on criminal violation in regard of environmental protection and management;
- h. to cease an investigation;
- i. to enter certain places, to take pictures, and / or to make audio-visual recordings;
- j. to conduct a search of body, clothing, room, and/or other places that are suspected of being the scenes of crimes; and / or
- k. to arrest and detain the criminal violator.

(3) In conducting the arrest and detention as cited in paragraph (2) letter k, the investigator of civil servant shall coordinate with the investigator from the police of the Republic of Indonesia.

(4) In case that the investigator of civil servant is conducting an investigation, the investigator of civil servant shall notify the investigator from the police of the Republic of Indonesia and the investigator from the police of the Republic of Indonesia shall give assistance in order to succeed such an investigation.

(5) The investigator of civil servant shall notify about the commencement of investigation to a public prosecutor with carbon copy to the investigator from the police of the Republic of Indonesia.

(6) The result of investigation conducted by the investigator of civil servant shall be submitted to the public prosecutor.

#### **Article 95**

(1) In regard of law enforcement against the criminal violator of environment, it shall be suggested that integrated law enforcement be conducted by the investigator of civil servant, the investigator from the police, and the prosecutor (attorney) under the coordination by Minister.

(2) Further provisions concerning the implementation of integrated law enforcement shall be regulated based on the prevailing laws and regulations.

**Part Two  
Evidence**

**Article 96**

Valid evidences in criminal prosecution shall include as follows:

- a. statement by witness;
- b. testimony by expert;
- c. letter;
- d. clue(s)
- e. testimony by defendant; and/or
- f. others , including evidences as regulated under the prevailing laws and regulations.

**CHAPTER XV  
CRIMINAL INDICTMENT**

**Article 97**

Criminal indictment under this Law shall be considered as crimes.

**Article 98**

- (1) Any person who intentionally commits violation (wrongdoing) that exceeds the ambient limit of standard of air quality, water quality, seawater quality, or the standard criteria of environmental damage, shall be punished with imprisonment of minimum 3 (three) years and maximum 10 (ten) years and a fine of at least Rp3,000,000,000 (three billion rupiah) and at most 10,000,000,000 (ten billion rupiah).
- (2) In case that the violation as cited in paragraph (1) causes injury and/or hazard to human health, the person shall be punished with imprisonment for minimum 4 (four) years and maximum 12 (twelve) years and a fine of at least Rp4,000,000,000 (four billion rupiah) and at most Rp12,000,000,000 (twelve billion).
- (3) In case that the violation as cited in paragraph (1) causes injury or death, the person shall be punished with imprisonment of minimum 5 (five) years and maximum 15 (fifteen) years and a fine of at least Rp5,000,000,000 (five billion

rupiah) and at most Rp15,000,000,000 (fifteen billion rupiah).

#### **Article 99**

- (1) Any person because of being negligent causes the exceeding of the limit of ambient standard of air quality, water quality, seawater quality, or the standard criteria of environmental damage, shall be punished with imprisonment for minimum 1 (one) year and maximum 3 (three) years and a fine of at least 1,000,000,000 (one billion rupiah) and at most Rp3,000,000,000 (three billion rupiah).
- (2) In case that the negligence as cited in paragraph (1) causes injury and/or hazard to human health, the person shall be punished with imprisonment for minimum 2 (two) years and maximum 6 (six) years and a fine of at least Rp2,000,000,000 (two billion rupiah) and at most Rp6,000,000,000 (six billion rupiah).
- (3) In case that the negligence as cited in paragraph (1) causes injury and/or death of human, the person shall be punished with imprisonment for minimum 3 (three) years and maximum 9 (nine) years and a fine of at least Rp3,000,000,000 ( three billion rupiah) and at most Rp9,000,000,000 (nine billion rupiah).

#### **Article 100**

- (1) Any person who violates the quality standard of waste water, the quality standard of emissions or the quality standard of disturbances shall be criminally punished with maximum imprisonment of 3 (three) years and a maximum fine of Rp3,000,000,000 (three billion rupiah).
- (2) The criminal violation as cited in paragraph (1) shall be imposed in case that the administrative sanction that has been imposed is not accomplished or the violation is committed more than once.

#### **Article 101**

Every person who releases and/or distributes genetically engineered products to the media of environment, of which is contrary to the prevailing laws and regulations or the environmental permit as cited in Article 69 paragraph (1) letter g, shall be punished with imprisonment for minimum 1 (one) year and maximum 3 (three) years and a fine of at least 1,000,000,000.00 (one billion rupiah) and at most Rp3,000,000,000 (three billion rupiah).

#### **Article 102**



Every person who undertakes the management of B3 waste without a permit as cited in Article 59 paragraph (4) shall be punished with imprisonment for minimum 1 (one) year and maximum 3 (three) years and a fine of at least 1,000,000,000 (one billion rupiah) and at most Rp3,000,000,000 (three billion rupiah).

#### **Article 103**

Every person who generates B3 waste and does undertake the management as cited in Article 59, shall be punished with imprisonment for minimum 1 (one) year and maximum 3 (three) years and a fine of at least 1,000,000,000 (one billion rupiah ) and at most Rp3,000,000,000 (three billion rupiah).

#### **Article 104**

Every person who undertakes the dumping of waste and/or substance to environmental media without a permit (approval) as cited in Article 60, shall be punished with imprisonment for minimum 3 (three) years and a fine of maximum Rp3,000,000,000 (three billion rupiah).

#### **Article 105**

Every person who brings waste into the territory of the Republic of Indonesia as cited in Article 69 paragraph (1) letter c, shall be punished with imprisonment for minimum 4 (four) years and maximum 12 (twelve) years and a fine of at least Rp4,000,000,000 (four billion rupiah) and at most Rp12,000,000,000 (twelve billion).

#### **Article 106**

Every person who brings B3 waste into the territory of the Republic of Indonesia as cited in Article 69 paragraph (1) letter d, shall be punished with imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and a fine of at least Rp5,000,000,000 (five billion rupiah) and at most Rp15,000,000,000 (fifteen billion rupiah).

#### **Article 107**

Every person who brings B3 into the territory of the Republic of Indonesia, of which is prohibited by the prevailing laws and regulations and as cited in Article 69 paragraph (1) letter b, shall be punished with imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and a fine of at least Rp5,000,000,000 (five billion rupiah) and at most Rp15,000,000,000 (fifteen billion rupiah).

#### **Article 108**

Every person who clears the land area based on a slash-and-burn method as cited in Article 69 paragraph (1) letter h, shall be punished with imprisonment for minimum 3 (three) years and maximum 10 (ten) years and a fine of at least Rp3,000,000,000 (three billion rupiah) and at most 10,000,000,000 (ten billion rupiah).

#### **Article 109**

Every person who conducts the undertaking and/or activities without an environmental permit as cited in Article 36 paragraph (1) shall be punished with imprisonment for minimum 1 (one) year and maximum 3 (three) years and a fine of at least 1,000,000,000 (one billion rupiah) and at most Rp3,000,000,000 (three billion rupiah).

#### **Article 110**

Every person who prepares AMDAL without having a certificate of competency in AMDAL preparation as cited in Article 69 paragraph (1) letter i, shall be punished with imprisonment for maximal 3 (three) years and a fine of at most Rp3,000,000,000 (three billion rupiah) ,

#### **Article 111**

- (1) Official in charge of the issuance of environmental permit who has issued a environmental permit but not equipped with an environmental impact analysis or UKL-UPL as cited in Article 37 paragraph (1), shall be punished with imprisonment for maximum 3 (three) years and a fine of at most Rp3,000,000,000 (three billion rupiah).
- (2) Official in charge of the issuance of permit of undertakings and/ or activities who has issued a permit of undertakings and/ or activities but not equipped with environmental permit as cited in Article 40 paragraph (1), shall be punished with imprisonment for maximum 3 (three) years and a fine of at most Rp3, 000,000,000 (three billion rupiah).

#### **Article 112**

Every governmental official based on the authority has deliberately failed to conduct the monitoring of the compliance of the person or individual in charge of the undertakings and/or activities with the prevailing laws and regulations and the environmental permit as cited in Articles 71 and 72, and of which has caused pollution and/or damage of the environment and a loss of human lives, shall be punished with imprisonment for maximum 1 (one) year or a fine of at most Rp500,000,000 (five hundred million rupiah).

### **Article 113**

Any person who provides false and misleading information, lose information, spoils information, or provides incorrect information as required for the sake of monitoring and law enforcement in regard of the protection and management of environment as cited in Article 69 paragraph (1) letter j, shall be punished with imprisonment for maximum 1 (one) year and a fine of at most 1,000,000,000 (one billion rupiah).

### **Article 114**

Each person or individual in charge of the undertakings and/or activities who does not accomplish the compulsion by Government, shall be punished with imprisonment for maximum 1 (one) year and a fine of at most 1,000,000,000 (one billion rupiah).

### **Article 115**

Any person who intentionally prevents, hinders, or disturbs the implementation of the duties of environmental monitoring by the governmental official and/or the investigation by the investigator of civil servant, shall be punished with imprisonment for maximum 1 (one) year and a fine of at most Rp500,000,000 (five hundred million rupiah).

### **Article 116**

- (1) In case that the environmental crime was committed by, for, or on behalf of an entity of undertakings, the criminal prosecution and criminal sanction shall be imposed on:
- a. the entity of undertakings; and/or
  - b. the person or individual who gave an order to commit the criminal violation or the person as the leader of the activity in committing the criminal violation.
- (2) In case that the environmental crime as cited in paragraph (1) was committed by a person, who is based on the work relation (employment) or other relation acting in a scope of the entity's undertakings, the criminal sanction shall be imposed upon the instructor or the leader in regard of criminal violation by ignoring whether the criminal violation was conducted individually or jointly.

### **Article 117**

In case that the criminal persecution will be imposed on the person who instructs (instructor) or the leader of the criminal violation as cited in Article 116 paragraph

(1) letter b, the criminal sanction in form of imprisonment and a fine shall be made one-third greater.

#### **Article 118**

In regard of the criminal violation as cited in Article 116 paragraph (1) letter a, the criminal sanction shall be imposed on the entity of undertakings as represented by the people in management who are functionally authorized to represent the entity of undertakings inside and outside the court as in compliance with the prevailing laws and regulations.

#### **Article 119**

In addition to criminal sanction as cited in this Law, the entity of undertakings shall be subject to additional criminal charges or disciplinary actions as follows:

- a. to apprehend the profits derived from the crimes;
- b. to shut or terminate all or part of the undertakings and/or activities;
- c. to conduct the repairing of the damage caused by the crime;
- d. to oblige to do what has been neglected without any right; and/or
- e. to place the entity under guardianship for no longer than 3 (three) years.

#### **Article 120**

- (1) In implementing the provisions as cited in Article 119 letters a, b, c, and d, the prosecutor in coordination with the agency in charge of the protection and management of environment shall perform the execution.
- (2) In implementing the provisions as cited in Article 119 paragraph e, the Government shall be authorized to manage the entity of undertakings that is sanctioned to be placed under guardianship in order to execute the court verdict that has a permanent legal force.

### **CHAPTER XVI TRANSITIONAL PROVISION**

#### **Article 121**

- (1) At the time of the enactment of this Law, in a period of no longer than 2 (two) years every entity of undertakings and/or activities that has obtained a permit of undertakings and/or activities but has yet to obtain the document of

AMDAL, shall be obliged to complete the environmental audit.

- (2) At the time of the enactment of this Law, in a period of no longer than 2 (two) years every entity of undertakings and/or activities that has obtained a permit of undertakings and/or activities but has yet to obtain UKL-UPL, shall be obliged to prepare the document of environmental management.

#### **Article 122**

- (1) At the time of the enactment of this Law, in a period of no later than 1 (one) year, every person who prepares the AMDAL shall be obliged to obtain a certificate of competency in preparing AMDAL.
- (2) At the time of the enactment of this Law, in a period of no later than 1 (one) year, every environmental auditor shall be obliged to obtain a certificate of competency of environmental auditor.

#### **Article 123**

All the permits for the management of environment that have been issued by Minister, Governor or Regent/Mayor based on the authority shall be integrated into a permit of environment in a period of no later than 1 (one) year as of the enactment of this Law.

### **CHAPTER XVII CLOSING PROVISION**

#### **Article 124**

At the time of the effectiveness of this Law, all the implementing regulations of Law Number 23 Year 1997 on Environmental Management (State Gazette of the Republic of Indonesia Year 1997 Number 68, Supplement to State Gazette of the Republic of Indonesia Number 3699) shall be declared to remain effective as long as not contradictory to, or having yet to be replaced by the new regulations based on this Law.

#### **Article 125**

At the time of the enactment of this Law, Law Number 23 Year 1997 on Environmental Management (State Gazette of the Republic of Indonesia Year 1997 Number 68, Supplement to State Gazette of the Republic of Indonesia Number 3699) shall be revoked and declared no longer effective.

#### **Article 126**

The implementing regulations for this Law shall be enacted or issued in a period of no longer than 1 (one) year after the enactment of this Law.

**Article 127**

This Law shall be effective as of the date of enactment. That everybody shall be made aware of, and the enactment of this Law shall be published in the State Gazette of the Republic of Indonesia.

**Stipulated in Jakarta  
Dated October 3, 2009  
PRESIDENT OF  
THE REPUBLIC OF INDONESIA**

**Signed**

**DR. H. SUSILO BAMBANG YUDHOYONO**

**Enacted in Jakarta**

**Dated October 3, 2009**

**Minister of Justice and Human Rights  
Of the Republic of Indonesia,**

**Signed**

**ANDI MATTALATTA**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2009 NUMBER 140**