

PROCEDURE FOR CHANGING FUNCTION OF FOREST ZONE

(Regulation of the Minister of Forestry of RI Number P.34/Menhut-II/2010, dated July 29, 2010)

WITH THE BLESSING OF THE ONE AND ONLY GOD
MINISTER OF FORESTRY OF
THE REPUBLIC INDONESIA,

Considering:

That to implement the provision in Article 43 paragraph (3) of Government Regulation Number 10 Year 2010 concerning Procedure for Changing Allocation and Function of Forest Zone, it is necessary to stipulate Regulation of the Minister of Forestry on Procedure for Changing the Function of Forest Zone.

In view of:

1. Law Number 5 Year 1990 (BN No. 5000 pages 1B-12B) concerning Preservation of Biological Natural Resources and its Ecosystem (Statute Book of the Republic of Indonesia Year 1990 Number 49, Supplement to Statute Book Number 3419);
2. Law Number 41 Year 1999 (BN No. 6400 pages 1B-8B and so forth) concerning Forestry (Statute Book of the Republic of Indonesia Year 1999 Number 167, Supplement to Statute Book of the Republic of Indonesia Number 3888) as amended by Law Number 19 Year 2004 (BN No. 7140 pages 31B-32B) concerning Stipulation of Government Regulation in Lieu of Law Number 1

Year 2004 (BN No. 7034 pages 9B) concerning Amendment to Law Number 41 Year 1999 concerning Forestry to become Law (Statute Book of the Republic of Indonesia Year 2004 Number 86, Supplement to Statute Book of the Republic of Indonesia Number 4412);

3. Law Number 32 Year 2004 (BN No. 7152 pages 9B-18B and so forth) concerning Regional Government (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book of the Republic of Indonesia Number 4437), as amended several times and lately amended by Law Number 12 Year 2008 (BN No. 7661 pages 11B-18B and so forth) concerning Second Amendment to Law Number 32 Year 2004 concerning Regional Government (Statute Book of the Republic of Indonesia Number 59, Supplement to Statute Book of the Republic of Indonesia Number 3844);
4. Law Number 26 Year 2007 (BN No. 7556 pages 13B-22B and so forth) concerning Space Layout (Statute Book of the Republic of Indonesia Year 2007 Number 68, Supplement to Statute Book of the Republic of Indonesia Number 4725);
5. Law Number 32 Year 2009 (BN No. 7880 pages 6B-18B and so forth) concerning Protection and Management of Living Environment (Statute Book

- of the Republic of Indonesia Year 2009 Number 140, Supplement to Statute Book of the Republic of Indonesia Number 5059);
6. Government Regulation Number 68 Year 1998 concerning Natural Sanctuary Zone and Natural Preservation (Statute Book of the Republic of Indonesia Year 1998 Number 132, Supplement to Statute Book of the Republic of Indonesia Number 3776);
 7. Government Regulation Number 44 Year 2004 concerning Forestry Planning (Statute Book of the Republic of Indonesia Year 2004 Number 146, Supplement to Statute Book of the Republic of Indonesia Number 4452);
 8. Government Regulation Number 26 Year 2008 (BN No. 7685 pages 19B-24B and so forth) concerning Space Layout System of National Territory (RTRWN) (Statute Book of the Republic of Indonesia Year 2008 Number 48, Supplement to Statute Book of the Republic of Indonesia Number 4833);
 9. Government Regulation Number 38 Year 2007 (BN No. 7576 pages 1B-6B) concerning Distribution of Governmental Affairs between the Government, Regional Government of Province, and Regional Government of Regency/Municipality (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
 10. Government Regulation Number 10 Year 2010 (BN No. 7923 pages 21B-30B) concerning Procedure for Changing Allocation and Function of Forest Zone (Statute Book of the Republic of Indonesia Year 2010 Number 15, Supplement to Statute Book of the Republic of Indonesia Number 5097);
 11. Government Regulation Number 15 Year 2010 (BN No. 7930 pages 20B-30B and so forth) concerning Implementation of Space Layout (Statute Book of the Republic of Indonesia Year 2010 Number 21, Supplement to Statute Book of the Republic of Indonesia Number 5103);
 12. Regulation of President of the Republic of Indonesia Number 47 Year 2009 (BN No. 7927 pages 2B-12B) concerning Establishment and Organization of the State Ministry;
 13. Regulation of President of the Republic of Indonesia Number 24 Year 2010 concerning Capacity, Duty and Function of the State Ministry and Organizational Structure, Duty and Function of Echelon I;
 14. Decree of President of the Republic of Indonesia Number 84/P Year 2009 (BN No. 7875 pages 13B-14B) concerning Establishment of Indonesia Bersatu Cabinet II;
 15. Regulation of Minister of Forestry Number P.13/Menhut-II/2005 concerning Organization and Work Procedure of the Department of Forestry as amended several times, and lately amended by Regulation of the Minister of Forestry Number P.64/Menhut-II/2008 (State Gazette of the Republic of Indonesia Year 2008 Number 80);

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF FORESTRY ON

PROCEDURE FOR CHANGING THE FUNCTION OF FOREST ZONE.

CHAPTER I
GENERAL PROVISION

Part One

Interpretation

Article 1

What is meant in this Regulation of the Minister by:

1. Forest Zone shall be existence of particular area assigned and/or determined by the Government to be maintained as permanent forest.
2. Preserved Forest shall be forest zone with particular special characteristic, having main function for conservation of various vegetations, wildlife and its ecosystem.
3. Natural Sanctuary Zone shall be zone having particular specific characteristic, both on land and waters having the main function as conservation zone for various vegetation and wildlife and its ecosystem which also functions as an area to support living system.
4. Natural Preservation Zone shall be natural preservation zone which due to the condition of its nature has specific vegetation, wildlife and its ecosystem or specific ecosystem that must be protected so as to keep developing by nature.
5. Wildlife Preservation Zone shall be wildlife preservation zone having specific characteristic of variety and/or the unique type of wildlife and keep the lifespan of its habitat to survive.
6. Natural Preserve Zone shall be zone with specific characteristics, both on land and in waters that function to protect life supporting system, conservation of the variety of vegetations and wildlife, and keep monitoring biological natural resources and its ecosystem.
7. National Park Zone shall be natural preservation zone having original ecosystem, managed by zoning system utilized for research, science, education, cultural support, tourism and recreation.
8. Grand Forest Park Zone shall be natural preserved zone for collection of vegetation and/or natural or non-natural wildlife, original type or non-original type, utilized for research, science, education, cultural support, culture, tourism and recreation.
9. Natural Tourist Park Zone shall be natural preservation zone with the main purpose to be utilized for tourism and natural recreation.
10. Hunting Park shall be forest zone decided as hunting tourist spot.
11. Protected forest shall be forest zone that mainly function as protection for living support to organize water system, flood prevention, erosion control, sea water intrusion prevention, and maintaining the land fertility.
12. Producing forest shall be forest zone that mainly function to produce forest products.
13. Permanent Producing Forest shall be forest zone with factors such as ravine, type of soil, and rain intensity after the respective one is multiplied by multiplication point having average value below 125, out of protected forest zone, natural wildlife forest, natural preservation forest, and hunting part.

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14. Limited Producing Forest shall be forest zone with factors such as ravine, type of soil, and intensity after the respective one is multiplied by the multiplying figure with a total value between 125-174, out of protected forest, natural wildlife forest, natural preserved forest, and hunting park.

15. Convertible producing forest shall be forest zone of which space is reserved for use for development other than forestry activities.

16. Permanent forest shall be forest zone which existence is maintained as forest zone, consisting of preservation, protected forest, limited producing forest, and permanent producing forest.

17. Changed function of forest zone shall be change of part of or the entire forest function in one or in a number of groups of forest to other function of forest zone.

18. River flows area shall be any land area constituting a unit of the river or its stream bordered by topographical separator in the form of the back of a hill or mountain functioning to accommodate water originating from rainfall, keeping and flows it to the lake of sea by nature.

19. Integrated research shall be research conducted by Government Institution having competence and scientific authority (scientific authority) together with other related party.

20. Minister shall be Minister exercising governmental affairs on forestry.

21. Secretary General shall be Secretary General of the Ministry of Forestry.

22. Director General shall be Director General assigned the duty and responsibility in forestry planning.

23. Head of Service Office of Province shall be Head of Service Office assigned the duty and responsibility in forestry in the province.

24. Head of Service Office of Regency/Municipality shall be Head of Service Office assigned the duty and responsibility in forestry in regency/municipality.

Part Two

General

Article 2

(1) Forest zone function is changed to verify and optimize the function of forest zone.

(2) The change to forest zone referred to in paragraph (1) will be made in forest which main functions are:

- a. forest preservation;
- b. protected forest; and
- c. producing forest.

(3) The change of function of forest zone referred to in paragraph (1) shall be made:

- a. partly; or
- b. for provincial area.

(4) The change of function of forest zone for provincial area referred to in paragraph (3) letter b will be governed in separate Regulation of the Minister.

Article 3

No change of function of forest zone to convertible producing forest may be made in the province where the extent of area of its forest zone is less than 30% (thirty percent).

Article 4

- (1) The partial change of function to forest zone referred to in Article 2 paragraph (3) letter a shall be made by changing the function:
 - a. inter main function of the forest zone; or
 - b. in the main function of the forest zone.
- (2) The change of function inter main function of forest zone referred to in paragraph (1) letter a, covers change of function of:
 - a. preserved forest zone to protected forest zone and/or producing forest zone;
 - b. protected forest zone to preserved forest zone and/or producing forest zone; and
 - c. producing forest zone to preserved forest zone and/or protected forest zone.
- (3) The change of function in the main function of forest zone referred to in paragraph (1) letter b, shall be made in the zone of:
 - a. preserved forest; or
 - b. producing forest.

Part Three

Change of Function Inter-Main Function of Forest Zone

Article 5

The change of function of preserved forest zone to protected forest zone and/or producing forest zone referred to in Article 4 paragraph (2) letter a must comply with the provisions below:

- a. failure to comply with all the criteria as preserved forest zone in accordance with the statutory regulation; and

- b. comply with the criteria of protected forest or producing forest in accordance with the statutory regulation.

Article 6

The change of function of protected forest zone to preserved forest zone and/or producing forest zone referred to in Article 4 paragraph (2) letter b must comply with the provisions below:

- a. failure to comply with the criteria as protected forest zone in accordance with the statutory regulation in the case that it is to be changed producing forest ; and
- b. comply with the criteria as preserved forest or producing forest in accordance with the statutory regulation.

Article 7

The change of function of producing forest zone to preserved forest zone and/or protected forest zone as referred to in Article 4 paragraph (2) letter c must comply with the criteria as preserved forest or protected forest in accordance with the statutory regulation.

Part Four

Change of Function having Main Function as Forest Zone

Article 8

- (1) The change of function in the main function as preserved forest zone as referred to in Article 4 paragraph (3) letter a, covers the change to:

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- a. natural conservation zone to wildlife conservation zone, national park, grand forest park, natural tourist park, or hunting park;
- b. wildlife conservation zone to natural conservation zone, national park, grand forest park, natural tourist park, or hunting park;
- c. national park zone to natural conservation zone, wildlife conservation, grand forest park, natural tourist park, or hunting park;
- d. grand forest park zone to natural conservation zone, wildlife conservation, national park, natural tourist park, or hunting park;
- e. natural tourist park zone to natural conservation zone, wildlife conservation, national park, grand forest park, or hunting park; or
- f. hunting park zone to natural conservation zone, wildlife conservation, national park, grand forest park, or natural tourist park.

(2) The change of function in the main preserved forest zone referred to in paragraph (1), may be made in the event that:

- a. a change to the forest zone biophysical condition is changed resulting from natural phenomenon, environment, or human being;
- b. need time to prepare for optimization of the function and benefit of forest zone;
- c. coverage of area is small and is surrounded by social environment and economy resulting from development other than forestry activities not supporting survival of natural ecology process; or
- d. comply with the criteria as function in the proposed conservation forest zone.

(1) The change of function in the main function of producing forest zone as referred to in Article 4 paragraph (3) letter b, covers change of:

- a. limited producing forest to permanent producing forest and/or convertible producing forest;
- b. permanent producing forest to limited producing forest and/or convertible producing forest; and
- c. convertible producing forest to limited producing forest and/or permanent producing forest.

(3) The change of function in the main function as producing forest zone referred to in paragraph (1), other than fails to comply with the criteria of forest zone based to the statutory regulation, can only be made if:

- a. it is to comply with the need for extent of area of optimum producing forest to support stable availability of wood processing industry; or
- b. time for preparation forest zone function.

CHAPTER II

PROCEDURE FOR PROPOSED CHANGE OF FOREST ZONE FUNCTION

Part One

Proposed Change of Forest Zone Function

Article 10

- (1) A change of forest zone function is proposed by:
- a. the Regent/Mayor for forest zone existing within one regency/municipality; or
 - b. the Governor for forest zone cross regency/municipality.

- (2) The proposed change of forest zone function referred to in paragraph (1) shall be submitted to the Minister with copy to:
- a. Secretary General;
 - b. Director General;
 - c. Director General of Forestry Business Management; and
 - d. Director General of Forest Protection and Natural Preservation.

Part Two

Requirement for Proposed Change of
Forest Zone Function

Article 11

- (1) The proposed change of forest zone function referred to in Article 10 must comply with the requirements below:
- a. proposed change of forest zone function on the basic map of minimum scale 1:100.000;
 - b. recommendation of the Regent/Mayor if the proposing party is the Governor or recommendation of the Governor if the proposing party is the Regent/Mayor on the basic map of minimum scale of 1:100.000;
 - c. technical consideration of the President Director of Perhutani Public Company if it is within the work area of Perhutani Public Company; and
 - d. the proposed utilization and/or use plan of forest zone against the function of forest zone.
- (2) The recommendation of the Regent/Mayor or Governor referred to in paragraph (1) letter b contains approval to the proposed change of forest

zone function, based on technical consideration of the Head of Service Office of Regency/Municipality or the Head of Service Office of Province for proposed change of function of producing forest and protected forest.

- (3) The recommendation of the Regent/Mayor or Governor referred to in paragraph (1) letter b fails to state the validity of the recommendation.
- (4) The technical consideration of the Head of Service Office of Regency/Municipality or Head of Service Office of Province referred to in paragraph (2), contains:
- a. the location, border and area extent as well as the function of the forest zone being proposed;
 - b. the biophysical condition of forest zone being proposed; and
 - c. the utilization and/or use plan of forest zone against the function of the proposed forest zone.

CHAPTER III

PROCEDURE FOR SETTLEMENT OF PROPOSED
CHANGE TO FOREST ZONE FUNCTION

Part One

Review of the Proposed Change to Forest Zone
Function

Article 12

- (1) Based on the copy of proposal referred to in Article 10 paragraph (2), the Director General of Forest Protection and Natural Forest Preservation within a period of 15 (fifteen) working days at the longest shall submit technical consideration

to the Minister through Director General, if the proposed change to forest zone function is:

- a. from preserved forest and/or protected forest to producing forest;
 - b. within protected forest located out of the work area of Perhutani Public Company; or
 - c. within the main function of preserved forest.
- (2) Based on the copy proposal referred to in Article 10 paragraph (2), the Director General of Forestry Business Management within 15 (fifteen) working days at the longest shall submit technical consideration to the Minister through the Director General, if the proposed change to forest zone function is:
- a. from producing forest to protected and/or preserved forest;
 - b. within producing forest out of the work area of Perhutani Public Company; or
 - c. within the main function of producing forest out of the work area of Perhutani Public Company.
- (3) The Director General within 60 (sixty) working days at the longest shall coordinate review of the application for proposed change of function with the relevant Eselon I as referred to in paragraph (1) and paragraph (2).
- (4) If the technical consideration referred to in paragraph (1) and paragraph (2) and the result of review referred to in paragraph (3) fails to comply with the terms, the Director General on behalf of the Minister shall be obliged to issue letter of rejection.

Part Two

Research by Integrated Team

Article 13

- (1) If the technical consideration referred to in Article 12 paragraph (1) and/or paragraph (2) and the result of review referred to in Article 12 paragraph (3) comply with the terms, the Director General shall within five (5) working days, shall be obliged to issue application letter for assistance of manpower from the agency/institution/Echelon I within the relevant scope of Ministry of Forestry to become members of Integrated Team.
- (2) The Director General shall within 15 (fifteen) working days at the longest effective as of he/she is accepted to be member of the Integrated Team from the agency/institution/Echelon I of the relevant scope of Ministry of Forestry as referred to in paragraph (1), propose issue of Decision of the Minister on the Establishment of Integrated Team in the context of Review of the Proposal to Change the Function of Forest Zone to the Secretary General.
- (3) The Secretary General shall within 15 (fifteen) working days at the longest effective as of receipt of the proposal of the Director General, submit concept of Decision of the Minister on the Establishment of Integrated Team in the context of Review of the Proposal to Change the Function of Forest Zone, to the Minister.
- (4) The Minister shall, within seven (7) working days effective as of receipt of the concept referred to in paragraph (3), issue Decision of the Minister on the Establishment of Integrated Team in the

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context of Review of the Proposal to Change the Function of Forest Zone.

(5) The Integrated Team referred to in paragraph (4) within 180 (one hundred eighty) working days as of the issue of Decision on Establishment of Integrated Team in the context of Review of the Proposal to Change the Function of Forest Function, shall submit:

- a. exposure of the result of review before the Director General and the relevant Echelon I Official within the Ministry of Forestry; and
- b. report the result of review containing recommendation of Integrated Team that has been reviewed by the Director General and the relevant Echelon I Official within the Ministry of Forestry as referred to in letter a, to the Minister through the Director General.

Article 14

- (1) The cost for conducting the review by Integrated Team referred to in Article 13 shall be charged to and managed directly by the proposer the amount of which shall be based on the statutory regulation.
- (2) Source of the finance referred to in paragraph (1) may originate from the Government, Regional Government, and/or other non-binding source of fund.

Article 15

The review conducted by the Integrated Team referred to in Article 13 shall be governed in separate Regulation of the Minister.

Part Three

Provisional Approval for Change of

Forest Zone Function

Article 16

- (1) If the recommendation by the Integrated Team referred to in Article 13 paragraph (5) letter b, partly or entirely may be taken into consideration, the Director General, within a period of ten (10) working days at the longest effective as of receipt of the recommendation of the Integrated Team, shall be obliged to submit concept of provisional approval letter for the change of forest zone function supported by the map thereof to the Minister together with the Report on the result of research conducted by the Integrated Team.
- (2) If the entire recommendation of the Integrated Team referred to in Article 13 paragraph (5) letter b, cannot be taken into consideration, the Director General on behalf of the Minister, within a period of seven (7) working days at the longest as of receipt of the recommendation of the Integrated Team, shall be obliged to issue rejection letter.
- (3) The Minister, within a period of seven (7) working days at the longest as of receipt of the concept from the Director General as referred to in paragraph (1), shall be obliged to issue provisional approval to the change of forest zone function supported by the relevant map.
- (4) The provision approval referred to in paragraph (3), must contain instruction to:
 - a. the Secretary General to prepare concept of Decision of the Minister on the Change to Forest Zone Function;

- b. the Director General to prepare map for attachment to the Decision of the Minister concerning the Change to Forest Zone Function.

Part Four

Decision for Change of Forest Zone Function

Article 17

- (1) Based on the provision approval referred to in Article 16, the Director General, within a period of 30 (thirty) working days at the longest as of the issue of provisional approval, shall submit a map to be attached to the Decision of the Minister concerning the Change to Forest Zone Function to the Secretary General.
- (2) The Secretary General within a period of seven (7) working days at the longest at referred to in paragraph (1), shall be obliged to submit concept of Decision of the Minister on the change to forest zone function and the relevant map to the Minister.
- (3) The Minister within a period of seven (7) working days at the longest as of receipt of the concept from the Secretary General, shall be obliged to make Decision on the change to forest zone function supported by the relevant map.

CHAPTER IV

TRANSITIONAL PROVISION

Article 18

By the time this Regulation of the Minister declared takes effect:

- a. any change to forest zone function that is not obtaining Decision of the Minister yet shall be processed in accordance with this Regulation of the Minister;
- b. any change of forest zone function that obtained provisional approval and/or Decision of the Minister on such change to forest zone function stipulated before this Regulation of the Minister is declared takes effect.

CHAPTER V

CLOSING PROVISION

Article 19

By the time this Regulation of the Minister is declared takes effect, the provision governing the change of function as governed in Decision of the Minister of Forestry Number 70/Kpts-II/2001 (BN No. 6911 pages 9B-11B) on Decision of Forestry Zone, Change of Status and Function of Forest Zone as amended by Decision of the Minister of Forestry Number SK.48/Menhut-II/2004, is revoked and declared null and void.

Article 20

This Regulation of the Minister of Forestry takes effect on the date it is enacted.

For public cognizance, this Regulation of the Minister of Forestry shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On July 29, 2010

MINISTER OF FORESTRY
OF THE REPUBLIC OF INDONESIA,
sgd.

ZULKIFLI HASAN

Enacted in Jakarta

On August 5, 2010

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA
sgd.

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
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