

MPR DECREE NUMBER IX/MPR/2001
On
Agrarian Reform and Management of Natural Resources

By the Grace of Almighty God

The MPR,

[‘Whereas’, ‘in accordance with and ‘having regard to’ clauses omitted]

HEREBY RESOLVES:

To enact:

DECREE OF THE PEOPLE'S CONSULTATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA CONCERNING AGRARIAN REFORM AND MANAGEMENT OF NATURAL RESOURCES

Article 1

This Decree of the MPR concerning Agrarian Reform and Management of Natural Resources is the basis of the legislation and regulations concerning agrarian reform and management of natural resources.

Article 2

Agrarian reform shall be a process that is sustainable in relation to the restructuring of the control, ownership, utilisation, and exploration of agrarian resources. It shall be conducted in a context of attaining certainty and legal protection as well as justice and prosperity for the whole of the people of Indonesia.

Article 3

The management of natural resources whether located on land, in the sea or in the airspace shall be conducted in an optimal, fair, sustainable and environment-friendly manner.

Article 4

The conduct of agrarian reform and management of natural resources shall be based on the following principles:

- a. protecting and maintaining the unity of the Unitary State of the Republic of Indonesia;
- b. respecting and revering human rights;
- c. respecting the supremacy of the law by accommodating diversity in legal unification;
- d. providing prosperity to the people, particularly by increasing the quality of the human resources of Indonesia;
- e. developing democracy, obedience of the law, transparency and the optimal participation of the people;

- f. attaining justice, including gender equality, in the control, ownership, utilisation, and cultivation of agrarian resources/natural resources;
- g. cultivating sustainability that can provide optimum benefits, both for present generations and future generations, by continuously considering the accommodating capacity and supporting capacity of the environment;
- h. holding social functions, preservation, and ecological functions based on the condition of the local social culture;
- i. enhancing the integrity and coordination among development sectors and among regions in the implementation of agrarian reform and management of natural resources;
- j. recognising, respecting, and protecting the legal customary rights of the society and the diversity of the national culture over agrarian resources/natural resources;
- k. making efforts to balance the rights and obligations of the state, government (central, provincial, kabupaten/kota, and village or equivalent), community and individuals; and
- l. implementing decentralisation by dividing authority in relation to the allocation and management of agrarian/natural resources between the national, provincial, kabupaten/kota and village or equivalent levels.

Article 5

(1) The policy directions on agrarian reform are:

- a. To review various legislation and regulations related with agrarian questions in the context of harmonisation of inter-sectoral policies in order to formulate legislation and regulations based on the principles stated in Article 4 of this Decree.
- b. To restructure the control, ownership, use, and benefits of land reform fairly by considering land ownership for the people.
- c. To gather data on lands by conducting an inventory and making a registration of the control, ownership, use and benefits of lands comprehensively and systematically in the framework of implementing land reform.
- d. To settle existing conflicts related to agrarian resources and at the same time to anticipate potential conflicts in the future to guarantee the enforcement of the law based on the principles stated in Article 4 of this Decree.
- e. To strengthen institutionalisation and authority related to the implementation of agrarian reform and the resolution of existing conflicts related to agrarian resources.
- f. To make real efforts to obtain funds to implement agrarian reform and settle existing conflicts.

(2) The policy directions on the management of natural resources are:

- a. To review the legislation and regulations related with the management of natural resources in the context of harmonising inter-sectoral policies based on the principles stated in Article 4 of this Decree.
- b. To obtain optimum benefits in the use of natural resources by identifying and conducting an inventory on the quality and quantity of natural resources that have potential for national development.
- c. To expand the access to information of society concerning the potential of the natural resources in each area and to push for the creation of social responsibility

leading to the use of technology that is environment friendly, including traditional technology.

- d. To pay attention to the nature and characteristics of different types of natural resources and to make efforts to increase the added value of the products of these natural resources.
- e. To settle existing conflicts over the management of natural resources and at the same time to anticipate potential conflicts in the future in order to guarantee the enforcement of the law based on the principles stated in Article 4 of this Decree.
- f. To make efforts to restore ecosystems that have been destroyed because of excessive exploitation of natural resources.
- g. To formulate strategies for the use of natural resources based on obtaining optimum benefits by considering resource potential, contributions, the interests of society, and the local and national situation.

Article 6

The DPR and the President of the Republic of Indonesia are tasked to immediately regulate further the implementation of agrarian reform and management of natural resources and to revoke, amend and/or revise all laws, rules and regulations that are not in conformity with this Decree.

Article 7

The President of the Republic of Indonesia is tasked immediately to implement this Decree of the MPR concerning Agrarian Reform and Management of Natural Resources and to report on its implementation to the Annual Session of the MPR.

Article 8

This Decree shall take effect on the date of its enactment.

Enacted in Jakarta
on 9 November 2001