

**PRESIDENTIAL DECREE
NUMBER : 196/1998 DATED NOVEMBER 26, 1998**

R E

THE AGENCY FOR CONTROL OF ENVIRONMENTAL IMPACTS

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering : that to guarantee the establishment of administrative order in the government and the development in the area of control over environmental impacts, it is deemed necessary to improve the position, tasks, functions, organizational structure and working procedure of the Agency for Control of Environmental impacts.

Bearing in mind :

1. Article 4 Paragraph (1) of the Constitution of 1945;
2. Law No.5/1974 on the Principles of Administration in the Regions (State Gazette of No. 38/1974, Supplement to State Gazette No. 3037);
3. Law No. 24/1992 on Spatial Layout Arrangement (State Gazette No. 115/1992, Supplement to State Gazette No. 3501);
4. Law No. 5/1994 on the Ratification of the United Nations Convention on Biological Diversity (State Gazette No. 41/1994, Supplement to State Gazette No. 3556);

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5. Law No. 6/1994 on the Ratification of the United Nations Framework Convention on Climate Change (State Gazette No.42/1994, Supplement to State Gazette No. 3557);
6. Law No. 23/1997 on Environmental Management (State Gazette No. 68/1997, Supplement to State Gazette No. 3699);
7. Government Regulation No. 20/1990 on Water Pollution Control (State Gazette No. 24/1990, Supplement to State Gazette no. 3409);
8. Government Regulation No. 51/1993 on the Study of Environmental Impacts (State Gazette No. 84/1993, Supplement to State Gazette No. 3538);
9. Government Regulation No. 19/1994 on the Management of Hazardous and Toxic Waste (State Gazette No. 26/1994, Supplement to State Gazette No. 3551), as already amended by Government Regulation No. 12/1995 (State Gazette No. 24/1995, Supplement to State Gazette No. 3595);
10. Presidential Decree No. 101/1998 on the Position, Tasks, Functions, Organizations Structure and Working Procedure of State Ministers;
11. Presidential Decree No. 136/1998 on the Organizational Principles of Non-Ministerial Government Institutes.

HAS DECIDED :

To stipulate **THE PRESIDENTIAL DECREE ON THE AGENCY FOR CONTROL OF ENVIRONMENTAL IMPACTS.**

**CHAPTER I
POSITION, TASKS AND FUNCTIONS
Article 1**

The Agency for Control of Environmental Impacts, hereinafter referred to in this Presidential Decree as Bapedal, shall be a Non-Ministerial Government Institute which is under and accountable to the President and whose operational tasks shall be coordinated by the State Minister of Environmental Affairs.

Article 2

Bapedal shall be assigned the tasks of performing general governmental and developmental tasks on the sector of control over environmental impacts, which shall encompass prevention and management of environmental pollution and damage and the restoration of environmental quality in the formulation of technical policies and programs on the control of environmental impacts pursuant to the prevailing laws.

Article 3

In carrying out the tasks as meant in Article 2, Bapedal shall perform the following functions:

- a. Assessing and Formulating National Technical Policies in the area of Control Of Environmental Impacts;
- b. Stipulating of Technical Policies in the area of control of environmental impacts in accordance with the general policy stipulated by the President and the Guideline of the Minister of Environmental Affairs and the Prevailing Laws :

- c. Coordinating of Functional Activities in performing the tasks of Bapedal;
- d. Monitoring, Providing Counseling on and Fostering of the activities of Government Agencies and the Community in the area of Control of Environmental Impacts pursuant to the prevailing laws;
- e. Promoting the Institutional Capacity and Human resources;
- f. Implementing and controlling environmental damage and/or controlling environmental pollution and restoring the quality of the environment;
- g. Implementing Supervision of Law Enforcement and Development of the Analysis of Environmental Impacts (Amdal);
- h. Managing Bapedal Resources for the Implementation of the Tasks of Bapedal Efficiently and Effectively;
- i. Planning and Implementing Education and Training and Developing Facilities for the control over Environmental Impacts;
- j. Developing a system of Information and Information Services to the Community in the Framework of the Implementation of the Taks of Bapedal;
- k. Developing of Facilities for control over environmental impacts;
- l. Coordinating foreign cooperation in the area of control of environmental impacts;
- m. Supervision in the framework of environmental control.

CHAPTER II ORGANIZATIONAL STRUCTURE

First Part Organization

Article 4

The organizational structure of Bapedal shall be made up of :

- a. The Head;
- b. The Deputy Head;
- c. The Chief Secretariat;
- d. Deputy in Charge of Control of Environmental Damage;
- e. Deputy in Charge of Control of Environmental Pollution;
- f. Deputy in Charge of Promotion of Institutional Capacity and Human Resources;
- g. Deputy in Charge of Law Enforcement and Analysis of Environmental Impacts.

Second Part Head

Article 5

- (1) Bapedal shall be led by a head.
- (2) The head shall be assigned the following tasks;

- a. Heading Bapedal in accordance with the tasks and functions of Bapedal already stipulated on the basis of the Prevailing Laws and the Government's Policies;
- b. Preparing National Policies and General Policies in Accordance with the tasks and function of Bapedal;
- c. Stipulating technical policies on the implementation of tasks in the area of control over environmental impacts in accordance with the general policies stipulated by the President and the guideline stipulated by the State Minister of Environmental Affairs;
- d. Fostering and implementing cooperating with other government agencies and organizations concerning the area of control over environmental impacts;
- e. fostering Bapedal apparatuses so that they shall be more professional, efficient and effective.

Third Part Deputy Head

Article 6

A deputy head shall be a leadership component under and accountable the head.

Article 7

A deputy head shall be assigned to assist the head in :

- a. heading the implementation of the tasks and functions of Bapedal in the event that the head is prevented from doing so;
- b. fostering and coordinating the implementation of operational activities in controlling environmental impacts;
- c. performing other tasks stipulated by the head in accordance with the scope of this tasks;

Fourth Part Main Secretariat

Article 8

- (1) The Main secretariat shall be a component assisting Bapedal leadership and shall be under and accountable to the head.
- (2) The Main secretariat shall be headed by a Main secretary.

Article 9

The Main secretary shall be assigned the tasks of coordinating and providing fostering and administrative services to all organizational units within Bapedal.

Article 10

In implementing the tasks as meant in Article 9, the chief secretariat shall perform the following functions:

- a. coordinating, synchronizing and integrating activities within Bapedal;
- b. coordinating, planning and formulating technical policies of Bapedal;
- c. coordinating the drawing up of laws related to the tasks of Bapedal;
- d. coordinating foreign cooperation in the area of control over environmental impacts;
- e. fostering and providing administrative services in administration, organization and management, personnel, finance, equipment and internal affairs;
- f. coordinating in the drawing up of reports;
- g. implementing other tasks stipulated by the head in accordance with the scope of his tasks.

First Part
Deputy in charge of Control of Environmental Damage

Article 11

The Deputy in charge of control of environmental damage, hereinafter referred to in this Presidential Decree as Deputy I, shall be a component executing some of the tasks and functions of Bapedal and shall be under and accountable to the head.

Article 12

Deputy I shall be assigned to assist the head in exercising control over environmental damage and restoring the quality of the environment as a result of forest fires, land damage and damage to other cultivation and non-cultivation protected areas.

Article 13

In carrying out the tasks as meant in Article 12 Deputy I shall perform the functions of :

- a. formulating technical policies in the area of control over environmental damage and restoration of environmental quality;
- b. undertaking control and supervision over environmental damage related to forest fire, land damage and the damage to protected areas;
- c. coordinating the implementation of control over environmental damage undertaken in the regions;
- d. implementing other tasks stipulated by the head in accordance with the scope of his tasks;

Sixth Part
Deputy in charge of Control over Environmental Pollution

Article 14

Deputy in charge of control over environmental pollution, hereinafter in this Presidential Decree referred to as Deputy II, shall be a component executing some of the tasks and functions of Bapedal and shall be under and responsible to the head.

Article 15

Deputy II shall be assigned the tasks of assisting the head in undertaking control over environmental pollution and the restoration of the quality of water, coastal areas and the sea, the air, the land and the management of the waste of hazardous and toxic substances.

Article 16

In executing the tasks as meant in Article 15, Deputy II shall perform the functions of :

- a. formulating technical policies in the area of control over pollution and the restoration of the quality of water, coastal areas and the sea, the air, the land and the management of hazardous and toxic substances;
- b. executing control and supervision of environmental pollution as a result of certain activities which may be in the form of water contamination and pollution of coastal area, the sea, the air and the land;
- c. coordinating the execution of control of environmental pollution undertaken in the regions;
- d. executing other tasks stipulated by the head in accordance with the scope of his tasks.

Seventh Part
Deputy in charge of Promotion of Institutional Capacity
and Human Resources

Article 17

Deputy in charge of promotion of institutional capacity and human resources, hereinafter referred to in this Presidential Decree as Deputy III, shall be a component executing some of tasks and functions of Bapedal and shall be under and responsible to the head.

Article 18

Deputy III shall be assigned the tasks of assisting the head in establishing coordination in the promotion of institutional capacity and human resources and promoting the participation of the business community and the role of the community.

Article 19

In executing the tasks as meant in Article 18, Deputy III shall perform the functions of :

- a. formulating technical policies in the institutional and human resources sector in the framework of controlling environmental impacts;
- b. implementing the promotion of institutional capacity, human resources, the participation of the business community and the role of the community in the framework of developing the program of controlling environmental impacts;
- c. promoting the participation of the business community and the role of the community;
- d. executing other tasks stipulated by the head in accordance with the scope of his tasks.

Eight Part
Deputy in charge of Law Enforcement and
Analysis of Environmental Impacts

Article 20

Deputy in charge of law enforcement and analysis of environmental impacts, hereinafter referred to in this Presidential Decree as Deputy IV, shall be a component executing some of the tasks and functions of Bapedal and shall be under and responsible to the head.

Article 21

Deputy IV shall be assigned the tasks of assisting the head in executing law enforcement, developing the analysis of environmental impacts (Amdal) and developing the technical aspect of the environmental as well as nurturing environmental laboratories.

Article 22

In executing the tasks as meant in Article 21, Deputy II shall perform the functions of :

- a. formulating policies in the areas of environmental law enforcement, Amdal development and the development of the technical aspect of the environment;
- b. implementing legal arrangement and settling environmental disputes;
- c. coordinating the implementation of Amdal and developing the technical aspect of the environment;
- d. executing other tasks stipulated by the head in accordance with the scope of his tasks.

CHAPTER III BAPEDAL REPRESENTATIVES

Article 23

- (1) Bapedal representatives, hereinafter to as regional Bapedal, shall be the components executing some of the tasks and functions of Bapedal to provide technical guidance and support in laboratory services to regional administrations in implementing the control of environmental impacts in their respective areas.
- (2) Regional Bapedal may be set up in the entire territory of the Republic of Indonesia in accordance with the need.
- (3) The establishment and stipulation of the working area of a regional Bapedal shall be stipulated by the head of Bapedal with account being taken of the environmental problems in the region and after obtaining a written approval from the Minister responsible for the reform of state's apparatuses.
- (4) A regional Bapedal shall be headed by a regional Bapedal head, who shall be under and responsible to the head.

CHAPTER IV REGIONAL BAPEDAL

Article 24

- (1) Regional Bapedal may be established in provinces or first-level regions and in district/municipalities/second - level regions.
- (2) Bapedal of a first-level region shall be a regional apparatus assigned to assist the governor/head of a first-level region in undertaking fostering and coordination of the implementation of control over environmental impacts by Bapedal of a second-level region in the territory of the province/first-level region concerned.
- (3) Bapedal of a second-level region shall be a regional apparatuses assigned to assist a district head/municipality head/head of a second-level region in undertaking control over environmental impact in the second-level region concerned.

- (4) The establishment of a regional Bapedal shall be undertaken with account being taken of the guideline stipulated by the Minister of Home Affairs after a technical consideration from the head of Bapedal and a written approval from the Minister responsible for the reform of state's apparatuses have been obtained.

CHAPTER V APPOINTMENT AND DISCHARGE

Article 25

- (1) The head and the deputy head shall be appointed and discharged by the President.
- (2) The chief secretary and the deputies shall be appointed and discharged by the president at the suggestion of the head.
- (3) Officials of echelon II and below shall be appointed and discharged by the head.

CHAPTER VI FINANCING

Article 26

- (1) Financing requiring for the performance of the tasks and functions of Bapedal shall be borne by the state's budget of expenditures under the coordination of the State's Secretariat.
- (2) Bapedal may receive funds from other parties in the framework of cooperation which may be used to develop the implementaion of the tasks and functions of Bapedal and the procedure for the receipts and spending of the funds shall be conducted pursuant to the prevailing laws.

CHAPTER VII WORKING PROCEDURE

Article 27

- (1) Bapedal shall be coordinated by the State Minister of Environmental Affairs.
- (2) The head shall submit report, suggestions and considerations in the scope of his tasks and responsibility to the President and/or the State Minister of Environmental Affairs.
- (3) In performing their tasks, every component within Bapedal shall adhere to the principle of coordination, integration and synchronization both within Bapedal and in the relationship among government agencies and/or other agencies.
- (4) Every Bapedal head shall be obligated to supervise their own subordinates and if there is any deviation they should take the necessary measures pursuant to the prevailing laws.

CHAPTER VIII OTHER PROVISIONS

Article 28

Details of tasks, functions, organizational structure and working procedure of organizational units within Bapedal shall be stipulated by Bapedal head after first obtaining a written approval from

the Minister responsible for the reform of state's apparatuses.

**CHAPTER IX
TRANSITIONAL PROVISION**

Article 29

All implementation regulations on the basis of Presidential Decree No. 77/1994 on the Agency for Control of Environmental impacts shall be declared null and void.

**CHAPTER X
CLOSING PROVISIONS**

Article 30

With the enforcement of this Presidential Decree. Presidential Decree No. 77/1994 on the Agency for Control over Environmental impact shall be declared null and void.

Article 31

This Presidential Decree shall take effect as from the date of stipulation.

Stipulated in Jakarta
On November 26, 1998

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

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BACHARUDDIN JUSUF HABIBIE

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