

# **SECOND AMENDMENT UPON REGULATION OF MINISTER OF FORESTRY NUMBER P.4/MENHUT-II/2009 CONCERNING SETTLEMENT OF TEMPORARY CONCESSION RIGHTS FOR INDUSTRIAL PLANTATION FOREST (The Regulation of Minister of Forestry of RI Number P. 43/Menhut-II/2011, May 19, 2011)**

BY THE GRACE OF ONE AND ALMIGHTY GOD  
THE MINISTER OF FORESTRY OF  
REPUBLIC OF INDONESIA,

Considering:

- a. that based on the Regulation of Minister of Forestry Number P.4/Menhut-II/2009 concerning Settlement of Temporary Concession Rights for Industrial Plantation Forest as has been amended with Regulation of Minister of Forestry Number P.49/Menhut-II/2009, it has been stipulated the provision related to settlement of Temporary Concession Rights for Industrial Plantation Forest (HPHTI);
- b. that Regulation of Minister of Forestry as meant at point a, only regulates the settlement of Temporary HPHTI given to joint company and pure private, and does not regulate the settlement of Temporary HPHTI given to company with BUMN (Inhutani) status also has not regulated settle-

ment upon the Decision of Minister of Forestry concerning Appointment for Implementation of Industrial Plantation Forest Development;

- c. that in order to give legal assurance and business assurance for company, holder of Temporary HPHTI and holder of Decision of Minister of Forestry concerning Appointment for Implementation of Industrial Plantation Forest Development, it is considered necessary to stipulate Regulation of Minister of Forestry concerning Second Amendment of Regulation of Minister of Forestry Number P.4/Menhut-II/2009 concerning Settlement of Temporary Concession Rights for Industrial Plantation Forest;

In view of.....  
to be continued

(A)

**SECOND AMENDMENT UPON REGULATION OF MINISTER  
OF FORESTRY NUMBER P.4/MENHUT-II/2009 CONCERNING  
SETTLEMENT OF TEMPORARY CONCESSION RIGHTS  
FOR INDUSTRIAL PLANTATION FOREST  
(The Regulation of Minister of Forestry of RI  
Number P. 43/Menhut-II/2011, 19 May 2011)  
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In view of:

1. Law Number 41 Year 1999 (BN No. 6400 page 1B-8B) concerning Forestry (State Gazette of Republic of Indonesia Year 1999 Number 167, Supplementary State Gazette of Republic of Indonesia Number 3888), as has been amended with the Law Number 19 Year 2004 (BN No. 7140 page 31B-32B) concerning the Stipulation of Government Regulation in Lieu of Law Number 1 Year 2004 concerning the Amendment upon Law Number 41 Year 1999 concerning Forestry to become Law (State Gazette of Republic of Indonesia Year 2004 Number 86, Supplementary State Gazette Number 4412);
2. Government Regulation Number 27 Year 1999 (BN No. 6436 page 1B-9B) concerning Analysis on Environmental Impact (State Gazette of Republic of Indonesia Year 1999 Number 59, Supplementary State Gazette of Republic of Indonesia Number 3838);
3. Government Regulation Number 35 Year 2002 (BN No. 6815 page 19B-6B) concerning Reforestation Fund (State Gazette of Republic of Indonesia Year 2002 Number 67, Supplementary State Gazette of Republic of Indonesia Number 4207), as has been amended with the Law Number 58 Year 2007 (State Gazette of Republic of Indonesia Year 2007 Number 131, Supplementary State Gazette of Republic of Indonesia Number 4776);
4. Government Regulation Number 44 Year 2004 Concerning Forestry Planning (State Gazette of Republic of Indonesia Year 2004 Number 146, Supplementary State Gazette of Republic of Indonesia Number 4452);
5. Government Regulation Number 45 Year 2004 concerning Forest Protection (State Gazette of Republic of Indonesia Year 2004 Number 147, Supplementary State Gazette of Republic of Indonesia Number 4453), which has been amended with the Government Regulation Number 60 Year 2009 (State Gazette of Republic of Indonesia Year 2009 Number 137, Supplementary State Gazette of Republic of Indonesia Number 5056);
6. Government Regulation Number 6 Year 2007

concerning Forest Arrangement and Preparation of Forest Management Plan as well as Forest Utilization (State Gazette of Republic of Indonesia Year 2007 Number 22, Supplementary State Gazette of Republic of Indonesia Number 4696), which has been amended with Government Regulation Number 3 Year 2008 (State Gazette of Republic of Indonesia Year 2008 Number 16, Supplementary State Gazette of Republic of Indonesia Number 4814);

7. President Regulation Number 47 Year 2009 concerning Formation and Organization of State Ministry;
8. President Regulation Number 24 Year 2010 concerning Position, Duties, and Functions of State Ministry;
9. Presidential Decree Number 84/P Year 2009 concerning Formation of United Indonesia Cabinet II;
10. Regulation of Minister of Forestry Number P.39/Menhut-II/2008 concerning Procedures for Administration Sanction Imposition Upon License Holder of Forest Utilization (State Gazette of Republic of Indonesia Year 2008 Number 14);
11. Regulation of the Minister of Forestry Number P.40/Menhut-II/2010 concerning Organization and Management of Ministry of Forestry (State Gazette of Republic of Indonesia Year 2001 Number 405);
12. Collective Decision of Minister of Forestry and Minister of Finance Number 446/Kpts-II/1994 and Number 533/KMK.017/1994 concerning the

Provisions of State Capital of Republic of Indonesia and Loan Derived from Reforestation Fund in Industrial Plantation Forest Development;

13. Decision of Minister of Forestry Number 375/Kpts-II/1996 Concerning Procedure for Reforestation Fund Distribution in the Frame of State Capital Participation of Republic of Indonesia and Loan for Industrial Plantation Forest Development by Joint Company as has been amended with Number 098/Kpts-II/1998;
14. Decision of Minister of Forestry Number 4896/Kpts-II/2002 Number 8679/Kpts-II/2002 concerning Management of Joint HTI Company and State-Owned Enterprises (BUMN) HTI as has been amended with Number 098/Kpts-II/1998
15. Decision of Minister of Forestry Number SK.46/Menhut-II/2004 Concerning Acquisition of Private Capital Participation in Timber Forest Products Utilization Licensed Company in Plantation Forest/Concession Rights for Joint Industrial Plantation Forest;

#### DECIDED:

To stipulate:

REGULATION OF MINISTER OF FORESTRY CONCERNING SECOND AMENDMENT UPON REGULATION OF MINISTER OF FORESTRY NUMBER P.4/MENHUT-II/2009 CONCERNING SETTLEMENT OF TEMPORARY CONCESSION RIGHTS FOR INDUSTRIAL PLANTATION FOREST.

Article I

Some provisions in the Regulation of Minister of Forestry Number P.4/Menhut-II/2009 concerning Settlement of Temporary Concession Rights for Industrial Plantation Forest (State Gazette of Republic of Indonesia Year 2009 Number 12), as has been amended with Regulation of Minister of Forestry Number P.49/Menhut-II/2009 (State Gazette of Republic of Indonesia Year 2009 Number 220) is amended as follows:

1. Provision in Article 1 has been amended, therefore it becomes:
  1. Temporary Concession Rights for Industrial Plantation Forest, hereafter mentioned as HPHTI-S is temporary rights given to private company and or company, the holder of Concession Rights for Industrial Plantation Forest, whether it is Transmigration Pattern or pure private and BUMN appointed to carry out implementation of industrial plantation forest development from the Minister of Forestry.
2. Provision in Article 2, between number 2 and number 3 inserted a new number that is 2.a. as follows:

Article 2

- 2.a. Especially for BUMN that gets appointment for implementation of industrial plantation forest development from the Minister of Forestry and has fulfilled the requirements as at number 1 point a and d, Minister instructs

the Director General of Forestry Planology to prepare Working Area (WA) map and to submit the result to the Director General.

3. Between Article 6 and Article 7 inserted 2 (two) new articles, that is Article 6A and 6B as follows:

Article 6A

- (1) In case BUMN that gets appointment for implementation of industrial plantation forest development from the Minister of Forestry has got Working Area map, IUPHHK-HTI Decision can be issued by Minister.
- (2) The submission of IUPHHK-HTI Decision as meant at paragraph (1) is performed after the submission of IUPHHK-HTI Fee receipt.

Article 6B

IUPHHK-HTI Decision is valid for 35 (thirty-five) years since the HPHTI-S Decision is stipulated by Minister and can be prolonged accordingly to the laws and regulations.

Article II

By the promulgation of this Regulation, then the Regulation of Minister of Forestry Number P.49/Menhut-II/2009 concerning Amendment Upon Regulation of Minister of Forestry Number P.4/Menhut-

**GOVERNMENT REGULATIONS**

II/2009 concerning Settlement of Temporary Concession Rights for Industrial Plantation Forest is revoked and declared null and void.

This Regulation of Minister of Forestry starts to take effect since the promulgation date.

For everybody to acknowledge this regulation, this Regulation of Minister of Forestry is promulgated by placing it in the State Gazette of Republic of Indonesia.

Stipulated in Jakarta

on 19 May 2011

THE MINISTER OF FORESTRY OF

REPUBLIC OF INDONESIA,

Sgnd.

ZULKIFLI HASAN

Promulgated in Jakarta

on 23 May 2011

THE MINISTER OF LAW AND HUMAN RIGHTS OF REPUBLIC OF INDONESIA,

Sgnd.

PATRIALIS AKBAR

THE STATE GAZETTE OF REPUBLIC OF INDONESIA YEAR 2011 NUMBER 305

( A )