FORESTRY

DEPARTMENT FORESTRY

Decree of the Minister of Forestry
No. 486/Kpts-II/1995 ; Dated September 13, 1995

R E

THE ADMINISTRATION OF FOREST PRODUCTS IN THE TERRITORY OF JAVA

THE MINISTER OF FORESTRY,

Considering :

a. that on the basis of the Decree of the Minister of Forestry No. 308/Kpts-II/1993 jo. Decree of the Minister of Forestry No. 813/Kpts-II/1993 a stipulation has been laid down on the Administration of Forest products in the Territory of Java;

b. that to promote order, smooth-running and effectiveness of the implementation of the administration of forest products in the territory of Java, it is deemed necessary to regulate and re-stipulate a provision on the administration of forest products in the territory of Java;

c. that in connection with the above matter, it is necessary to stipulate a Decree of the Minister of Forestry on the Administration of Forest products in the Territory of Java.

Bearing in mind :

1. Act No. 5 of 1967;

2. Government Regulation No. 22 of 1967 jo. Government Regulation No. 21 of 1980;

3. Government Regulation No. 21 of 1970 jo. Government Regulation No. 18 of 1975;

4. Government Regulation No. 28 of 1985;

5. Government Regulation No. 36 of 1986;

6. Presidential Decree No. 15 of 1984 jo. Presidential Decree No. 58 of 1993;

7. Presidential Decree No. 29 of 1990 jo. Presidential Decree No. 28 of 1991 jo. Presidential Decree No. 40 of 1993;

8. Presidential Decree No. 30 of 1990 jo. Presidential Decree No. 29 of 1991 jo. Presidential Decree No. 41 of 1993;

9. Presidential Decree No. 96/M/1993;

10. Decree of the Minister of Forestry No. 402/Kpts-II/1990 jo. Decree of the Minister of Forestry No. 525/Kpts-II/1991;

11. Decree of the Minister of Forestry No. 677/Kpts-II/1993.

HAS DECIDED :

To stipulate : THE DECREE OF THE MINISTER OF FORESTRY ON THE ADMINISTRATION OF FOREST PRODUCTS IN THE TERRITORY OF JAVA.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referredto in this decree as :

1. Perum Perhutani shall be a State Public Corporation of Forestry set up on the basis of Government Regulation No. 36 of 1986.

2. Forestry Services shall be the Forestry Services of the Special Region of Capital City of Jakarta and the Province/Special Region of Yogyakarta.

3. The Territory of Java shall be a territory encompassing the Province/First-Level Region of West Java, the Province/First-Level Region of Central Java, the Province/First -Level Region of East Java, the Special Region of Capita City of Jakarta and the Province/Special Region of Yogyakarta.

4. A land plot for felling/picking of forest products shall be part of a felling block having a particular extent and serving as the smallest management unit receiving the same silviculture treatment.

5. A forest products collection site (TP) shall be site for the collection of timber and/or non-timber forest products around the felling/forest products picking site concerned.

6. A Timber Stockpiling Site (TPK) shall be a site having the functions of receiving, stockpiling and releasing logs and/or fragmented raw materials and/or non-timber forest products.

7. Logs shall be parts of tree stems which have been cut in accordance with their use and shall comprise logs for the trade, lumbering waste and special shorts.

8. Forest products shall be biological objects yielded by a forest and the output of processing them.

9. Non-timber forest products shall be forest products other than timber such as rattan, maleleuca oil. hide and so forth.

10. A claim list shall be a list of trees to be felled in a plot of land, containing the numbers of the trees, the names/types of the trees, the circumference of the trees at a height of 130 cm from the surface of the ground and their estimated volume.

11. A list of Timber Receiver (DPK) shall be a document containing details of stems, either numbered or not, types, lengths, diameter and volume of logs or other sorts produced in a stipulated land plot for felling/forest products picking.

12. A Transportation List shall be a list containing details of stems, either numbered or not, types, lengths, and volume of logs or other sorts or non-timber forest products transported from the forest to the timber stockpiling site (TPK).

13. A Transportation Pass for Timber and forest products, abbreviated as a Transportation Pass, shall be a document for the transportation of timber or other forest products containing the recapitulation of transported timber and other forest products.

14. A Pass Attachment shall be a document containing the number of a Transportation Pass for Timber and other forest products, details of transported timber and other forest products, namely the number of timber or the quantity of timber, lengths, diameter/widths, volume and quality of timber or other forest products.

15. A Stock Book shall be a book contaaaining receipts and releases of logs and/or non-timber forest products every day at a Timber Stockpiling Site (TPK).

16. A Report on the Mutation of Timber/Non-Timber Forest products (LMK/HH) shall be a document containing the gains, use and stocks of logs and/or fragmented raw materials and/or non-timber forest products as well as the production, sale and one's own use of timber/processed product, monitoring the types, quantity and volume/weight of the said timber at the TPK of Upstream Timber Processing Industry (TPK-IPKH) every month.

Article 2

Perum Perhutani, Forestry Services, other government agencies, privately-owned companies and individuals in the territory of Java shall be obligated to implemented the administration of forest products as regulated in this Decree.

CHAPTER II

THE IMPLEMENTATION OF THE ADMINISTRATION OF FOREST PRODUCTS

Article 3

(1) Perum Perhutani and Forestry Services shall be obligated to draw up :

a. A claim list for each plot of land for felling/forest products picking where felling/forest products picking will be conducted every year.

b. A list of the receipt of timber and non-timber forest products at a collection site (TP) for the receipts of production output from land plots for felling.

c. A stock book at a stockpiling site for timber and non-timber forest products (TPK).

(2) The holder of a Permit for an Upstream Timber Processing Industry (IPHK) shall be obligated to draw up a Report on the Mutation of Timber and Non-Timber Forest products (LMK/HH) as stipulated in the Decrees of the Minister of Forestry No. 271/Kpts-II/1993 and No. 272/Kpts-II/1993.

(3) In the event of the territory of Forestry Services not conducting production activities, the obligation as referred to in paragraph (1) need not be fulfilled.

Article 4

(1) The transaction of timber and non-timber forest products, owned by Perum Perhutani or Forestry Services, from the timber stockpiling site (TPK) in the territory of Java shall be subject to the obligation to the obligation of being completed/covered with a document in the form of a Transportation List.

(2) The transportation of timber and non-timber forest produce, owned by Perum Perhutani, Forestry Services Private Companies or Individuals in the territory of Java adn from the territory of Java to outside the territory of Java shall be subject to the obligation of being completed/covered with a Transportation ass and a Pass Attachment.

(3) The transportation of timber and non-timber forest products from outside the territory of Java into the territory of Java shall be subject to the obligation of being completed/covered with SAKB and DKB documents or the SAKO dodument for processed timber/forest products.

(4) For the transportation of timber and non-timber foresty products from outside the territory of Java into the territory of Java, SAKB and DKB transportation documents or SAKO shall terminate at the place of destination of transportation as written in SAKB and DKB or SAKO.

(5) The transportation as referred to in paragraph (4) which passes a government-owned seaport and which shall be re-transported from the seaport to the place of destination of IPHK as mentioned in the SAKB or SAKO, shall be subject to the obligation of being completed/covered with a Substitute Transportation List.

(6) The Substitute Transportation List as referred to paragraph (5) shall constitute a substitute document for the transportation of timber and non-timber forest products from a seaport to the place of destination of IPKH mentioned on the SAKB or SAKO as a result of the change of the type of transportation means.

(7) The quantity, volume and type of timber and non-timber forest products as contained in the Substitute Transportation List as referred to in paragraph (5) shall accomodate part of the content of the SAKB and DKB or SAKO documents concerned.

Article 5

(1) The Transportation List, Transportation Pass and Substitute Transportation List as referred to in Article 4 paragraph (1), (2) and (5) shall be issued by an Official of Perum Perhutani or an Official of the local Forestry Service.

Article 6

(1) Perum Perhutani and other companies shall be obligated to draw up a timber mutation report (LKMD) at their ownupsstream timber processing industry containing reports of receipts/gains, use and stocks of logs and/or chip materials, sale, own use and stocks of processed timber.

(2) Apart from the obligation of implementing the stipulation in paragraph (1), a company holding an IPKH permit shall remain subject to the obligation of implementing the stipulations as referred to in the Decree of the Minister of Forestry No. 402/Kpts-II/1990 jo. the Decree of the Minister of Forestry No. 525/Kpts-II/1991.

Article 7

The Transportation List, Transportation Pass and Substitute Transportation List regulated in this Decree shall include and constitute certifications attesting to the legality of the forest products as referred to in Government Regulation No. 28 of 1985 on Forest Protection.

CHAPTER III

FOREST SAFEGUARDING/PROTECTION, EXAMINATION AND SUPERVISION

Article 8

(1) Perum Perhutani shall be assigned and authorized to make efforts to safeguard/protect forests, examine forest products, including its distribution in the territory of Java, with the exception of the Special Region of Capital City of Jakarta and the Province/Special Region of Yogyakarta.

(2) Forest safeguarding/protection and the examination of forest products including its distribution in the territors of the Special Region of Capital City of Jakarta and the Province/Special Region of Yogyakarta shall be conducted by Forestry Services.

Article 9

Heads of Province Offices of the Ministry of Forestry in the territory of Java shall undertake general supervision over the activities of Perum Perhutani and Forestry Services in their respective working areas.

CHAPTER IV

SANCTIONS

Article 10

(1) Whoever transports logs and/or processed timber and/or fragmented raw materials without being completed/covered with the a Transportation List or a Transportation Pass or SAKB and DKB or SAKO or a Substitute Transportation List as referred to in Article 4 :

a. shall be subject to sanctions on the basis of Article 14 paragraph (1) jo. Article 18 paragraph (4) letter d of Government Regulation No. 28 of 1985 if the transported timber comes from legal felling (HPH,HPHH, IPK, ISL);

b. shall be subject to sanctions on the basis of Article 14 paragraph (1) jo. Article 18 paragraph (4) letter d jo. Article 9 paragraph (2) of Government Regulation No. 28 of 1985 if the transported timber comes from illegal felling (with the following permits : HPH, HPHH, IPK, ISL).

(2) Whoever transports logs and/or processed timber and/or fragmented raw materials using take/forged Transportation List or Transportation Pass or SAKB and DKB or SAKO or Substitute Transportation List shall be subject to sanctions on the basis of Government Regulation No. 28 of 1985 and the Penal Code.

(3) Timber transportation shall be declared as not being completed/covered with the documents as referred to in paragraph (1) if :

a. the transported timber is in no way completed/covered with a Transportation List or a Transportation Pass or SAKB and DKB or SAKO or a Substitute Transportation List, or;

b. the number of the timber and'or the size and/or tyope and/or volume mentioned in the document are not the same as or are not compatible with the physical condition of the timber, whether individually or in bulk/lots.

(4) The stipulation as referred to in paragraph (30 shall also apply to the timber transported with the documents/certificates attesting to the legality of the forest products (a Transportation List, a Transportation Pass, SAKB and DKB, SAKO, a Substitute Transportation List) being provided later by the owner/transporter of the timber after an examination has been conducted.

(5) Whoever :

a. transports logs and/or processed timber and/or processed timber and/or chip materials resulting from legal felling and already completed/covered with a Transportation List or a Transportation Pass or SAKB and DKB or SAKO or a Substitute Transportation List

but carries out the unloading of the timber not at a place of destination of transportation as mentioned in the transportation documents concerned, or;

b. transports logs and/or processed timber and/or chip materials resulting from legal felling and already completed/covered with a Transportation List or a Transportation Pass or SAKB and DKB or SAKO or a Substitute Transportation List, with the date stipulated in the documents completeing/covering the transported timber having been exceeded while the said timber has not arrived at the stipulated place of destination, or

c. transports logs and/or processed timber and/or chip materials resulting from legal felling and already completed/covered with a Transportation List or a Transportation Pass or SAKB and DKB or SAKO or a Substitute Transportation List with the volume of the timber being five per cent higher (higher than or equal to 5%) than the timber measurement mentioned in the transoportation documents concerned.

CHAPTER V

TRANSITIONAL PROVISION

Article 11

All stipulations regulating the administration of forest products in the territory of Java and having taken effect prior to tyhe stipulation of this Decree shall remain valid as far as they do not contract what has been regulated in this Decree.

CHAPTER VI

CLOSING PROVISIONS

Article 12

Technical stipulations on implementation and other matters not sufficiently regulated in this Decree shall be further regulated by the Director General of Forest Operations.

Article 13

(1) With the enforcement of this Decree, the decree of the Minister of Forestry No. 308/Kpts-II/1993 on the Administration of Forest Products in the Territory of Java jo. the Decree of the Minister of Forestry No. 813/Kpts-II/1993 shall be declared null and void.

(2) This Decree shall take effect as from the date of stipulation.

Stipulated at J A K A R T A
On September 13, 1995
THE MINISTER OF FORESTRY

signed
DJAMALUDIN SURYOHADIKUSUMO