

## Environmental Regulations of INDONESIA

Circular No. 03/SE/MENKLH/6/1987  
Circular of the State Minister of Population and Life  
Environment of the Republic of Indonesia No. 03/SE/MENKLH/6/1987  
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### Re Procedures on the Remediating of Life Environmental Pollution and Destruction Cases

Development with an environmental insight contains a concept that efforts to increase the people's welfare and quality shall be conducted simultaneously by preserving the environmental capability so that it can always support the endeavors of preventing and remediating life environmental pollution and destruction. This means that the implementation of an activity shall be followed by the effort of preventing and remediating life environmental pollution and destruction.

Act Number 4/1982 on the Main Provisions on the Life Environmental Management contains: provisions among others on the right of every person, on good and health environment, and the obligation of every person to maintain the life environmental capability, including endeavors of preventing and remediating pollution and or life environmental destruction.

These rights and obligations give birth to civil responsibility and penal sanctions are in accordance with Article 20 and Article 22 of Act Number 4/1982 on the Main Provisions of the Life Environmental Management as follows

1. Whoever pollutes and or destroys the life environment shall bear the responsibility with the obligation to pay:
  - a. compensation to the sufferers whose rights on good and healthy environment have been violated;
  - b. the cost for restoring the life environment to the State.
2. Whoever commits actions causing life environmental pollution or destruction of the life environment, shall be subject to penal sanctions:
  - a. if he did it intentionally, he shall be subject to imprisonment at most 10 (ten) years or a fine/penalty of at most Rp 100,000,000 (one hundred million rupiahs);
  - b. if he did it because of his negligence, he shall be subject to imprisonment at most 1 (one) year and or a fine/penalty of at most Rp 1,000,000 (one million rupiahs).

The provisions on sanctions against life environmental pollution and destruction are also found in other laws such as:

1. Act Number 5/1984 on Industries;
2. Act Number 9/1985 on **Fishery**.

With the stipulation on provisions on the civil responsibility and penal sanctions, so the stipulations of laws in the life environmental pollution and destruction cases are very relevant. The upholding of laws in the life environmental pollution and destruction cases involves the Minister of Home Affairs, the Minister of Justice, the State Minister of Population and Life Environment, Attorney General, and the Police Chief.

The five Government agencies mentioned above have agreed to stipulate Procedures on the Remediating of life environmental Pollution and destruction cases as follows:

1. Reports from the sufferers or community members on the life environmental pollution and or destruction should be submitted to the Regional Administration apparatus who are obligated to immediately forward them to the

Regent/Mayor, Head of the Second Grade Region with a copy sent to the Police Chief of R.I., whereas for DKI Jakarta (the Special Capital region of Jakarta) the report should be submitted to the Governor, Head of the Special Capital Region of Jakarta with a copy sent to the Police Chief of R.I., respectively those subordinating the location territory where the life environmental pollution and or destruction occurs;

2. The regent/Mayor, Head of the Second Grade Region or the Governor, Head of the Special Capital Region of Jakarta after receiving said report should immediately inform about the further steps to the Police Chief of R.I. on the receipt of the report.

3. After receiving said report, the Regent/Mayor, Head of the Second Grade Region, the Governor, Head of the Special Capital Region of Jakarta should immediately gather materials/information among others on:

- a. the truth of the report on the occurrence of life environmental pollution and or destruction;
- b. the level of the life environmental pollution and or destruction;
- c. the source of the life environmental pollution add or destruction;
- d. estimate on the amount of losses suffered due to the life environmental pollution and or destruction;
- e. evaluation on the possibility of preventing the life environmental pollution and destruction bases by means of consultation between the party suffering losses, the party causing the other party to suffer, and the competent authorities.

4. The above mentioned materials/information:

- a. shall be reported by the Regent/mayor, Head of the Second Grade Region to the Governor, Head of the First Grade Region with a copy sent to the Police of the R.I.;
- b. The Governor Head of the Special Capital Region of Jakarta shall submit the report to the Police of the R.I.

5. Based on the materials/information received or based on his own investigation, the Police of R.I. shall conduct an investigation in accordance with the prevailing legislative regulations;

6. Based on the investigation of the Police of R.I., legal charges should be lodged in accordance with the prevailing legislative regulations;

7. If the materials/information conclude that life environmental pollution and or destruction have occurred, then the Regent/Mayor Head of the Second Grade Region or the Governor, Head of the Special Capital region of Jakarta shall immediately act as follows:

- a. remedying the life environmental pollution and or destruction;
- b. claiming cost for the life environmental restoration in accordance with the legislative regulations;

8. The action of the Regent/Mayor or Governor Head of the Special Capital Region of Jakarta does not close the possibility of stipulating administrative sanctions according to the prevailing legislative regulations such as suspending or revoking the license of the person(s) concerned.

9. The above mentioned action does also not close the possibility of the submission of civil law suit by the interested party according to the prevailing legislative regulation.

10. Your assistance that the contents of this Circular be implemented by the respective agencies according to the prevailing provisions, would be appreciated.

The State Minister of Population and Life Environment,

sgd.

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