

G E N E R A L

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

THE GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NUMBER 28 YEAR 1985 DATED JUNI 7, 1985

R E

FOREST PROTECTION

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provision of Article 15 of Law Number 5 Year 1967 on Forestry Principal Provisions (State Gazette Year 1967 Number 8, Supplement to the State Gazette Number 2823), it is considered necessary to issue a Government Regulation re Forestry Protection;

In view of : 1. Article 5, paragraph (2) of the 1945 Constitution;  
2. Law Number 5 Year 1967 on Forestry Principal Provisions (State Gazette Year 1967 Number 8, Supplement to the State Gazette Number 2823);

HAS DECIDED :

To stipulate : GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA RE FORESTRY PROTECTION.

CHAPTER I

GENERAL PROVISION

Article 1

Besides the understanding as referred to in the Law Number 5 Year 1967 on Forestry Principal Provisions, meant by in this Government Regulation are :

1. Right holder of Forest Undertaking shall be an Indonesian corporate body who is granted a right for forest undertaking by the Minister;
2. Border arrangement shall be an activity, covering border projection, border signal sticking into, measuring, mapping, and making an official document/minutes of the border arrangement;
3. Forest product collection shall be an activity to collect wood and other forest produces, and transport them to the collecting lot ;
4. Competent authority shall be an authority who based on the provisions of prevailing legislative regulation has competence to give licence;
5. Minister shall be the Minister who will be responsible in field of forestry.

## Article 2

The objective of forest protection is to keep forest preservation, so that it can fulfill its function.

## Article 3

To achieve the objective as referred to in Article 2, all efforts, activities and measures shall be done to prevent and restrict forest and forest produce damages caused by the human performance, cattles, fire, natural power, plant pest and diseases, and to maintain and safeguard the State rights over forests and forest produces.

## CHAPTER II

### REGIONAL PROTECTION OF FOREST, RESERVE FOREST, AND OTHER FORESTS

#### Article 4

- (1) The border arrangement shall be performed towards every forest area which has been appointed as a forest area/region in accordance with the prevailing legislative regulation.
- (2) Except with a legitimate competence, in accordance with the prevailing legislative regulation, every one shall be prohibited to cut, to move, to damage or depriving the border signs of forest area.

#### Article 5

- (1) The forest area utilization, in accordance with its function and allocation as stipulated in Article 3 and 4 of the Law Number 5 Year 1967.
- (2) The forest area utilization, deviating from the provision of paragraph (1) one should get an approval from the Minister.

#### Article 6

- (1) The forest area and reserve forest shall be prohibited to be cultivated or inhabited, unless one has a permit from the Minister.
- (2) Other forest shall be cultivated by the authorized people, in accordance with the directives of the Minister.

## CHAPTER III

### PROTECTION OF FOREST LAND

#### Article 7

- (1) The exploration and exploitation activities, intended to take minerals performed in the forest area or reserve forest shall be given by the competent agency after getting an approval from the Minister.
- (2) In the case the area fixation concerned as the forest area is executed after the granting of exploration and exploitation permit, further implementation of said exploration and exploitation should be in accordance with the directives of the Minister.

- (3) In the forest area and reserve forest, one shall be prohibited to undertake forest produce collection by using means, not being suitable with the condition of land and field, or to perform another action which might inflict damages to the land and field.
- (4) The provision as referred to in paragraphs (1) and (2) shall be further regulated by the Minister by observing other concerned sectors' interest.

#### Article 8

- (1) The preservation of water resource in the forest area, the reserve forest, and other forests should be maintained.
- (2) Anybody shall be prohibited to fell trees in a certain radius/distance from a spring, edge of a ravin, dam/reservoir, river, and stream, locating in the forest area, reserve forest, and other forests.
- (3) The provision as referred to in paragraph (2) shall be further regulated by the Minister, responsible in field of irrigation.

#### CHAPTER IV

#### PROTECTION TOWARDS FOREST DAMAGE

#### Article 9

- (1) Other than the forestry officers or those who due to their tasks or interests are allowed to stay in the forest area, every body shall be prohibited to bring tools which are usually used to cut, to fell and to cleave trees in the forest area.
- (2) Everyone shall be prohibited to fell trees in the forest without having any permit from the competent authority.
- (3) Everybody shall be prohibited to take/collect any forest produce without getting any permit from the competent authority.

#### Article 10

- (1) Everyone shall be prohibited to set fire on the forest, except with a legitimate competence.
- (2) The people around the forest shall have the duty to participate in making efforts to prevent and put out any forest fire.
- (3) The provisions on the forest fire preventions and extinguishing shall be regulated with a Government Regulation of the First Grade Region by observing the directives/instructions of the Minister.

#### Article 11

- (1) The cattle grazing in the forest, grass taking, and other cattles feed and offal/garbage in the forest can be only done at places designated especially for said need by the competent authority.
- (2) The provisions as referred to in paragraph (1) shall be regulated with a Government Regulation of the First Grade Region by observing the directives of the Minister.

## Article 12

The attempts to prevent and restrict damage of forests and forest produce caused by the natural power, plant disease and other diseases shall be further regulated by the Minister.

## CHAPTER V

### PROTECTION OF FOREST PRODUCE

#### Article 13

- (1) In order to protect the state rights dealing with forest produce, the measurement and testing should be made towards the forest produce.
- (2) The result of measuring and examining/testing towards the forest produce shall be the fixation calculating base of the state levy amount imposed to it.
- (3) The provision on the measurement and examination of the forest produce shall be further regulated by the Minister.

#### Article 14

- (1) To prove the legalization of forest produce and fulfillment of the state levy duties imposed to it so that it can be used and transported, said forest produce should have a legalization certificate of forest produce.
- (2) The provisions with respect to legalization certificate of forest produce and procedure to get it shall be regulated by the Minister.

## CHAPTER VI

### IMPLEMENTATION OF FOREST PROTECTION.

#### Article 15

- (1) The forestry agencies in the First Grade Region shall be responsible on the forest protection, both inside and outside the forest area.
- (2) Without prejudicing the competence of Forestry Agency in field of forest protection, the Forest Undertaking Right Holder shall be responsible for the forest protection in their respective area of forest undertaking right.

#### Article 16

- (1) Certain Civil Government Servant Officers in the circle of the Forestry Agencies shall be granted competence as a Special Police referred to in Article 18 of the Law Number 5 Year 1967.
- (2) The Officers who are given a competence as the Special Police as referred to in paragraph (1) shall have the authorities :
  - a. to conduct patrol/night watch in the forest area and its vicinity;
  - b. To check the letters or documents linking with forest produce transportation in the forest area or in its vicinity and other places which are by the Regional Government stipulated as the competence areas of said Officers to investigate forest produce ;

- c. to receive any report on the occurrence of a criminal action connecting with forest and forestry;
  - d. to detect/look for information and evidence of criminal action in field of forestry;
  - e. in the case that someone is caught red-handed, they have to capture the suspected to be submitted to the Indonesian Police investigators;
  - f. to prepare and sign the report on the occurrence of criminal action in field of forestry.
- (3) The organizational Unit and work arrangement of the certain government civil servant officers as referred to in paragraph (1) shall be further regulated by the Minister together with the Commander of Armed Forces, in this case, the Head of Police of the Republic of Indonesia.

#### Article 17

- (1) A part of the Officers as referred to in Article 16 paragraph (2) are the identifying officers of certain government civil servants in field of Forestry as referred to in Article 6, paragraph (1) letter b of the Law Number 8 Year 1981 on the Criminal Law, jo. Article 2 of the Government Regulation Number 27 Year 1983 re the Criminal Code Book Implementation, who due to their duties shall have the authorities :
- a. to receive reports or claims on the criminal action occurrence, connecting with forests and forestry;
  - b. to stop and investigate one's identity card, being in the forest area and its vicinity;
  - c. to perform a raid and seizure of the criminal action evidence in field of forestry;
  - d. to call someone for his information and to be examined/ investigated as the suspected or witness on the criminal action in field of forestry;
  - e. to prepare and sign the Official Documents;
  - f. to stop investigation/identification when there are no strong evidences on the existence of criminal action in field of forestry;
  - g. to ask for identifying directives and assistances to the Indonesian Police investigators/identifiers.
- (2) The appointment procedure of certain Government Civil Servant Officers as referred to in paragraph (1) shall be regulated in accordance with the provision of prevailing legislative regulation.

### CHAPTER VII CRIMINAL PROVISION

#### Article 18

- (1) Those who intentionally break/violate the provision of Article 6, paragraph (1) or Article 9 paragraph (2) in the forest being stipulated as the protected forest, and Article 10 paragraph (1) shall be punished with imprisonment of the longest 10 (ten) years or fine of at the most Rp 100,000,000.- (rupiah one hundred million).

- (2) Those who intentionally break the provision of Article, paragraph (1) or Article 9 paragraph (2) in the forest which is not the protected forest shall be punished with imprisonment of at the longest 5 (five) years or fine of at the most Rp 20,000,000.- (rupiah twenty million).
- (3) Those who :
- a. break the provision of Article 5, paragraph (2) or Article 7, paragraphs (1), (2), and (3) or Article 8 paragraph (2); or
  - b. because of their negligence, it inflicts fire to the forest, shall be punished with imprisonment of at the longest 1 (one) year or a fine at the most Rp 1,000,000 (rupiah one million).
- (4) Those who intentionally :
- a. break the provision of Article 4 paragraph (2) ;
  - b. break the provision of Article 9 paragraph (3) ;
  - c. break the provision of Article 11 paragraph (1) ;
  - d. own and/or govern and/or transport the forest produce without accompaniment of legalization certificate of forest produce as referred to in Article 14 paragraph (1), while said forest produce in the form of raw materials have been transferred from their collecting places;
- shall be punished with imprisonment of the longest 1 (one) year or a fine of at the most Rp 5,000,000.- (rupiah five million).
- (5) Those who intentionally break the provision of Article 6 paragraph (2) or Article 9 paragraph (1) shall be punished with imprisonment of at the longest 6 (six) months or a fine of at the most Rp 2,500,000 (rupiah two million and five hundred thousand).
- (6) The action as referred to in Article 18 paragraph (1), (2) and (3) is a crime, while the action as referred to in Article 18 paragraphs (4) and (5) is an infringement.
- (7) All things acquired from and all tools or objects used to perform the criminal action as referred to in this article can be seized for the State property.

#### CHAPTER VIII

#### TRANSITIONAL PROVISION

#### Article 19

When this Government Regulation has come into force, all equivalent or lower legislative regulations on forest protection shall remain effective, as long as they are not in contravention with this Government Regulation, or have not been amended or changed based on this Government Regulation.

#### CHAPTER IX

#### CONCLUDING PROVISION

#### Article 20

This Government Regulation shall come into force on the date of promulgation. For public knowledge, the promulgation of this Government Regulation should be placed in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On June 7, 1985

Enacted in Jakarta

On June 7, 1985

THE MINISTER/STATE SECRETARY  
OF THE REPUBLIC OF INDONESIA

Signed

SUDHARMONO, S.H.

THE PRESIDENT OF THE REPUBLIC  
OF INDONESIA

Signed

S O E H A R T O

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 1985 NO. 39

#### E L U C I D A T I O N

O N

THE GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA

NUMBER 28 YEAR 1985

R E

FOREST PROTECTION

#### GENERAL.

A forest is a natural resource, being the blessing of God Almighty, which has a very important function for water arrangement, preventing the danger of flood and erosion, fostering the land fertility, and preservation of living environment, so that in order to benefit it preservingly the forest should be protected from damages caused by the action of human and cattle, fire, natural powers, plant disease and other diseases.

Besides that, forests are invaluable state and nation natural properties, so that the state and nation rights on forests and their produce need fostering and preserving, in order that said forests can fulfill their functions for the state and nation interest.

The attempts to protect and safeguard the forests shall be one of the important elements for forests arrangement as referred to in Law Number 5 Year 1967 re Forestry Principal Provisions with the purpose so that they can preservingly fulfill their functions.

The forest protectional measures have been so far regulated in several legislative regulation which, besides having various types is also unsuitable to the situational growth nowadays.

Therefore, the legislative regulation on Forests Protection needs casting in a Government Regulation, as the implementation of Chapter V of the Law Number 5 Year 1967 re Forestry Principal Provisions.

As it was stipulated in Article 15 of the Law Number 5 Year 1967 on the Forestry Principal Provisions, the forests protection will include attempts :

- a. to prevent and restrict damages of forests and forest produce caused by the action of human and cattle, fire, natural powers, plant disease and other diseases;
- b. to maintain and safeguard the state rights on forests and forest produce.

The above said attempts can be distinguished into two parts, namely :

- a. the attempt of forest protection or it can be said as the attempt of forestry technical safeguarding;
- b. the attempt of forest safeguarding or it can be said as the attempt of police safeguarding towards the forests.

In order to be able to arrange protection and safeguarding/pacification towards the forests and forest produce including tourism forest and natural asylums, it is necessary to know various kinds of damages/losses caused by various kinds of disturbances.

It can be depicted/explained that the various kinds of damages/losses are the result of said disturbances which among others include :

- a. the damaging towards forests as the result of illegal land cultivation/ inhabitation and the presence of forest area utilization deviating from its function, and irresponsible under-taking of forests ;
- b. the damaging of forest land as the result of depriving stones/rocks, sand, ground, and other drilling materials, and the presence of tools utilization which is not suitable with the land/reserve condition;
- c. the damaging of forest reserve, for instance, wood stealing, felling trees without having a permit;
- d. the damaging as the result of cattle grazing in the forest and the result of a fire;
- e. the damaging of forest produce as the result of human, plant disease disturbance, diseases and natural powers.

The above said disturbances are caused by various factors which among others are the rapid accumulation of population with unevenly spreading, so decreasing of farm land accompanied with the people's socio-economic condition around the forests, the existence of moving paddy fields, the narrowness of the employment field, the insufficient awareness of the society towards the meaning and importance of forest function, etc.

With the above explanation/elucidation, we can come to a conclusion that the efforts for forest and forestry protection very much face threats, challenges, barriers and disturbances, so that the regulation of its implementation needs immediately issuing so as to take the overcoming measures.

As for said overcoming can be performed in the forms of preventive and repressive measures in accordance with the objective to be achieved with this Government Regulation.

The forest function and preservation constitutes one of the sources of the people's lives, the forest protection to achieve said objective shall not be the responsibility of the Government only, but also the responsibility of all the society, especially those who have a direct interest with the forests and forestry. Therefore, the society shall be invited/involved in the efforts of forest protection regulated with this Government Regulation.

#### ARTICLE BY ARTICLE.

##### Article 1

Letter a  
Self explanatory

Letter b  
Self explanatory

Letter c  
Self explanatory

Letter d  
Self explanatory

Letter e  
Self explanatory

Letter f  
Self explanatory

Letter g  
Self explanatory

Letter h  
Self explanatory

Letter i  
To get a Law Security on the status and forest area border, the existence of border arrangement is needed which is performed by the Border Arrangement Committee. This border arrangement shall include the work of area survey, border pole marking/planting, measuring, mapping, and official document making.

Letter j.  
Other wood and forest produce taking shall be done through various ways, beginning from an ordinary way by using axes and power saws (chain saw) up to using tractors, while for its transportation trailers and other vehicles shall be used. These taking and transporting activities should be in accordance with prevailing technical requirements.

Letter k  
Self explanatory

Letter l  
Self explanatory

Article 2  
Self explanatory

Article 3  
Self explanatory

Article 4

Paragraph (1)  
Self explanatory

Paragraph (2)  
Self explanatory

Article 5

Paragraph (1)  
Self explanatory

Paragraph (2)  
For public interest, without changing its status as a forest area, its function and allocation deviation are forced to be performed for instance, the forest area is used for public/common interest, among others for water reservoir, roads, cemeteries, and installation of "micro wave".

Article 6

Paragraph (1)  
Forest cultivating will include forest and forest land exploitation.

Paragraph (2)  
Said Minister's directives are needed so as to perform supervision on the forest function implementation concerned for the effort of land preservation, water system arrangement, and living environment.

Article 7

Paragraph (1)  
The competent agency in this paragraph shall be the agency having the right to issue a permit for digging materials exploration and exploitation. The digging materials will include sand, ground, stones, etc.

Paragraph (2)  
Self explanatory

Paragraph (3)  
The state of photography, land feature, and climate shall be included in the understanding of land and field condition. The understanding of plant reserve shall be all trees in the forest.

Paragraph (4)  
Self explanatory

Article 8

Paragraph (1)  
Self explanatory

Paragraph (2)  
The ravine to be protected shall be a slope, having the slanting position at a minimum of 45% (forty five per cent) and sufficient depth, so that the decrease of plants around it will result in a landslide in said slope.

Paragraph (3)  
Self explanatory

## Article 9

### Paragraph (1)

The people who are due to their interest are permitted to live in the forest, for instance, the population who due to their residing places live in the forest or should pass through it.

### Paragraph (2)

Self explanatory.

### Paragraph (3)

Other forest produce are among others leaves, fire wood, rattan, charcoal, tengkawang fruit, etc.

## Article 10

### Paragraph (1)

The forest firing should be with a legitimate competence, for example, forest firing for the sake of meadow making, animals or preparation for forest trees planting

### Paragraph (2)

Forests, as properties contributing a socio economic benefit, and functioning to keep a living environment balance, the preservation of them needs safeguarding and fostering by every member of the society.

Therefore, every one and especially those living around the forest shall be obliged to help prevent and put out any forest fire.

### Paragraph (3)

Self explanatory.

## Article 11

### Paragraph (1)

The uncontrollable cattle grazing can damage a forest, both in the form of land damage and young plants damage. Therefore, it needs regulating through preparing special places pointed out by a competent forestry Officer for the need of grazing, grass collecting, and cattle's feed.

### Paragraph (2)

Self explanatory

## Article 12

Self explanatory

## Article 13

### Paragraph (1)

The Government has the interest towards forest produce contribution, the amount of which shall depend on the result of measuring and examining; besides, the measuring and examining will be also needed for the efforts of forest produce quality improvement, forest produce waste prevention and for supervising the forest undertaking provisions.

### Paragraph (2)

Self explanatory

### Paragraph (3)

Self explanatory

Article 14

Paragraph (1)  
Self explanatory

Paragraph (2)  
Self explanatory

Article 15

Paragraph (1)  
What is meant by the Forestry Agencies in the First Grade Region are those including : the Regional Office of the Ministry of Forestry, the Forestry Service Office, the National Corporation Unit of Perhutani and Technical Implementing Unit in the circle of the Ministry of Forestry.

Paragraph (2)  
Besides collecting the forest produce, the Forest Undertaking Right Holder shall be also obliged to keep the forest from its damage.

Article 16

Paragraph (1)  
Besides their tasks to damage the forest, the certain Government Civil Servant Officers in field of forestry, they also/tasks to protect forests and forest produce as referred to in Article 15 of the Law Number 5 Year 1967. Therefore, they are, in field of forestry, given Special Police competence as referred to in Article 18 of the Law Number 5 Year 1967. / have  
The Officers given said Special Police competence, besides having the duty in their work area, they can be also mobilized and controlled in accordance with the needs.  
The existence of the officers given said Special Police competence shall be very important for the forest protection implementation, because forests belong to the State property.  
The mobilization and control of said Officers to a certain forest area is quite possible because the forest area is so large with a very limited number of personnel and the field condition which is hard to reach in a usual way.

Paragraph (2)  
Self explanatory

Paragraph (3)  
Self explanatory.

Article 17

Paragraph (1)  
Based on the Law Number 8 Year 1981, the Government Civil Servant Investigators/Identifiers have the authority/competence in accordance with the Law becoming their respective legal foundation.  
In the Law Number 5 Year 1967 the competence of the Government Civil Servant Investigators in field of Forestry was not regulated, although in accordance with the elucidation of Article 18 of the Law Number 5 Year 1967, it was stated that there is an existence of Government Civil Servant Investigators in field of Forestry (Assistant Magistrate).

In connection with that, it is necessary in this Government Regulation to regulate the competence of the Government Civil Servant Investigators in a limited way.

Paragraph (2)

Meant by the prevailing legislative regulation shall be the Law Number 8 Year 1981 on the Criminal Law and the Government Regulation Number 27 Year 1983 on the Implementation of Criminal Code Book.

Article 18

Paragraph (1)

The criminal sanction and fine are sufficiently heavy, because they are intended to protect preservation of the protected forests in special, and nature preservation in general.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

Self explanatory

Paragraph (5)

Self explanatory

Paragraph (6)

Self explanatory

Paragraph (7)

Self explanatory

Article 19

With the enforcement of this Government Regulation, all of the legislative regulations with regards to the existing forests protection shall remain in effect, as long as said regulations are not in contravention with this Government Regulation, or a new legislative regulation as the implementation of this Government Regulation is not issued yet.

Article 20

Self explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 3294.

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