

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

PRESIDENTIAL DECREE

NUMBER : 77 OF 1994 ; DATED : NOVEMBER 22, 1994

RE

THE ENVIRONMENT IMPACT MANAGEMENT AGENCY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in view of the increasing number of development activities and the growing need for environmental impact management either at a central or regional level, it is deemed necessary to improve Presidential Decree No. 23/1990 on the Environmental Impact Management Agency.

**Bearing
in mind**

- :**
1. Article 4 paragraph (1) of the 1945 Constitution;
 2. Law No. 5/1974 on the principles of administration in regions (State Gazette of 1974 No. 38, Supplement to State Gazette No. 3037);
 3. Law No. 4/1982 on the principles of environmental management (State Gazette of 1982 No. 12, Supplement to State Gazette No. 3237);
 4. Law No. 24/1992 on spatial layout (State Gazette of 1992 No. 115, Supplement to State Gazette No. 3501);
 5. Government Regulation No. 20/1990 on the control of water pollution (State Gazette of 1990 No. 24, Supplement to State Gazette No. 3409);
 6. Government Regulation No. 51/1993 on the environment impact analysis (State Gazette of 1993 No. 84, Supplement to State Gazette No. 3538);

7. Government Regulation No. 19/1994 on the management of hazardous and toxic waste (State Gazette of 1994 No. 26, Supplement to State Gazette No. 3551).

HAS DECIDED :

**To stipulate : PRESIDENTIAL DECREE CONCERNING THE ENVIRONMENTAL
IMPACT MANAGEMENT AGENCY**

CHAPTER I

POSITION, MAIN TASK AND FUNCTION

Article 1

- (1) The Environment Impact Management Agency, hereinafter called BAPEDAL, shall be a non-departmental state institute which is directly subordinate and responsible to the President.
- (2) BAPEDAL shall be led by a chairman

Article 2

BAPEDAL shall have the main task of helping the President control environmental impacts, including the prevention and control of environmental pollution and damage as well as the restoration of environmental quality in accordance with the law in force.

Article 3

To carry out the main tasks as meant in Article 2, BAPEDAL shall have the function of :

- a. stipulating technical policies on the prevention and control of environmental pollution and damage as well as the restoration of environmental quality;
- b. developing institution affairs and intensifying environmental impact management;
- c. controlling technical policies on the prevention and control of environmental pollution and damage as well as the restoration of environmental quality;
- d. preventing and controlling the possible occurrence of environmental pollution as a result of certain planned activities and restoring the quality of the relevant environment;

- e. providing technical guidance on the prevention and control of environmental pollution and damage and the restoration of environmental quality;
- f. managing environmental impact analysis and developing the technical capability of environmental impact management;
- g. carrying out other activities given by the President.

CHAPTER II

ORGANIZATION

Part One **Organisational Structure**

Article 4

BAPEDAL shall be made up of :

- a. Chairman;
- b. Vice Chairman;
- c. Secretary;
- d. Deputy for Institutional Affairs and Capacity Improvement;
- e. Deputy for Environmental Management;
- f. Deputy for Environmental Impact Analysis from Technical Guidance;
- g. Centre for Environmental Impact Management Facilities;
- h. Centre for Information Development and Environmental Planning;
- i. Representative office of BAPEDAL in regions.

Part Two **Chairman and Vice Chairman**

Article 5

The Chairman of BAPEDAL, hereinafter called the chairman, shall have the task of :

- a. leading BAPEDAL in accordance with the main task and function of BAPEDAL and upgrading BAPEDAL apparatuses to work efficiently and effectively;
- b. developing and implementing cooperation and coordination in the field of environmental management with other state agencies and foreign and domestic organisations in accordance with the policy and law in force.

Article 6

- (1) In carrying out his task, the chairman shall be assisted by the vice chairman who is subordinate and responsible to the chairman;
- (2) The vice chairman of BAPEDAL, hereinafter called vice chairman, shall have the task of :
 - a. representing the chairman to implement the main task and function of BAPEDAL if the chairman is absent due to unavoidable things;
 - b. helping the chairman coordinate the implementation of BAPEDAL's activities;
 - c. helping the chairman develop and control the management of office administration, personnel affairs, and finance of BAPEDAL;
 - d. carrying out other tasks given by the chairman.

Part Three S e c r e t a r i a t

Article 7

- (1) The secretariat shall be the element helping the chairman carry out and develop administrative tasks.
- (2) The secretariat shall be led by the secretary who is subordinate and responsible to the chairman.

Article 8

The secretariat shall have the task of helping the chairman provide guidance and render administrative services to support the implementation of the main task and function of BAPEDAL.

Part Four
The Deputy for Institutional Affairs and Capacity Improvement

Article 9

The deputy for institutional affairs and capacity improvement, hereinafter called deputy I, shall be the element implementing part of the tasks and function of BAPEDAL, who is subordinate and responsible to the chairman.

Article 10

The deputy I shall have the tasks of developing programmes, institutional affairs and human resources in an effort to manage environmental impacts.

Article 11

To implement the task as meant in Article 10, the deputy I shall have the function of :

- a. formulating technical policies to develop programmes, institutional affairs and human resources in an effort to manage environmental impacts;
- b. developing, analysing, and evaluating the programmes of BAPEDAL;
- c. developing institutional affairs in an effort to manage environmental impacts;
- d. developing human resources in an effort to manage environmental impacts;
- e. carrying out other activities given by the chairman.

Article 12

The deputy I shall be made up of :

- a. The directorate of programme development;
- b. The directorate of institutional affairs development;
- c. The directorate of human resources development.

Part Five
The Deputy for Pollution Management

Article 13

The deputy for pollution management, hereinafter called deputy II, shall be the element implementing part of the task and function of BAPEDAL, who is subordinate and responsible to the chairman.

Article 14

The deputy II shall have the task of helping the chairman manage the possible occurrence of pollution as a result of the plan for or the implementation of certain activities and/or restore the quality of the relevant environment, including the management of hazardous and toxic waste and the management of environmental damages in general.

Article 15

- (1) In carrying out the task as meant in Article 14, the deputy II shall have the function of :
- a. formulating technical policies on the management of water, marine and air pollution, the treatment of waste including hazardous and toxic waste and the management of environmental damages;
 - b. managing the possible occurrence of pollution as a result of the plan for or the implementation of certain activities including the control and management of hazardous and toxic waste, the control of marine pollution, and the restoration of the quality of the relevant environment;
 - c. coordinating the control of pollution conducted by regional administrations;
 - d. coordinating the control of environmental damages;
 - e. carrying out other activities given by the chairman.
- (2) The President shall decide the plan for the realization of certain activities other than those relating to the control and management of hazardous and toxic waste and the control of marine pollution as meant in paragraph (1) letter b, which are proposed by the State Minister for Environmental Affairs.

Article 16

The deputy II shall be made up of :

- a. The directorate of water and marine pollution control;
- b. The directorate of air pollution control;
- c. The directorate of hazardous and toxic waste treatment;
- d. The directorate of environmental damage control.

Part Six
The Deputy for Environmental Impact
Analysis and Technical Guidance

Article 17

The deputy for environmental impact analysis and technical guidance, hereinafter called deputy III, shall be the element implementing part of the task and function of BAPEDAL, which is subordinate and responsible to the chairman.

Article 18

The deputy III shall have the task of developing and controlling environmental impact analysis (AMDAL), developing and promoting environmental laboratories, and developing the technical capability of environmental impact management.

Article 19

In carrying out the task as meant in Article 18, the deputy III shall have the function of :

- a. formulating technical policies in environmental impact analysis (AMDAL) and technical guidance on environmental impact;
- b. developing, promoting and controlling AMDAL;
- c. developing and promoting environmental laboratories;
- d. conducting the research on the development of the technical capability of environmental impact management;
- e. carrying out tasks given by the chairman.

Article 20

The deputy III shall be made up of :

- a. The directorate of AMDAL;
- b. The directorate of environmental laboratory development;
- c. The directorate of technical development.

Part Seven
The Centre for Environmental Impact Management Facilities

Article 21

- (1) The centre for environmental impact management facilities, hereinafter called PUSARPEDAL, shall be the element supporting the implementation of the main task of BAPEDAL.

- (2) PUSARPEDAL shall be led by the head of centre who is subordinate and responsible to the chairman.

Article 22

PUSARPEDAL shall have the task of providing services relating to the use of environmental impact management facilities and reference laboratories.

Part Eight

The Centre for Information Development and Environmental Planning

Article 23

- (1) The centre for information development and environmental planning, hereinafter abbreviated to PPIL, shall be the element supporting the implementation of the main task of BAPEDAL.
- (2) PPIL shall be led by the head of centre who is subordinate and responsible to the chairman.

Article 24

PPIL shall have the task of developing information system and environmental planning.

Part Nine

The Representative Offices of BAPEDAL

Article 25

- (1) The representative offices of BAPEDAL, hereinafter called territorial BAPEDAL, shall be the element carrying out part of the task and function of BAPEDAL to give technical guidance and laboratory services to regional administrations in conducting environmental impact management in their respective territory.
- (2) Three territorial BAPEDALs shall be established throughout the Republic of Indonesia.
- (3) The chairman of BAPEDAL shall determine the working area of each territorial BAPEDAL by taking into account the environmental condition of the relevant region after obtaining approval in writing from the minister in charge of state administration reforms.
- (4) The territorial BAPEDAL shall be led by the head of territorial BAPEDAL who is subordinate and responsible to the chairman.

Part Ten
The Organisational Structures of Directorate,
Secretariat and Territorial BAPEDAL

Article 26

- (1) Each directorate shall encompass at least four subdirectorates, and functional posts in each subdirectorate may be created according to the need.
- (2) The secretariat shall encompass a maximum of five departments with each department consisting of three subdepartments at the maximum.
- (3) Each centre shall encompass a maximum of four divisions with each division consisting of three subdivisions at the maximum.
- (4) Each territorial BAPEDAL shall consist of an administrative department and a maximum of four divisions with each division consisting of three subdivisions at the maximum and each department consisting of three sections at the maximum.

CHAPTER III

REGIONAL BAPEDAL

Article 27

- (1) Regional BAPEDALs shall be established in each province/first level region and municipality/regency/second level region.
- (2) The regional BAPEDAL of first level region shall be the regional apparatus helping the governor/head of the relevant region develop and coordinate the environmental impact management by BAPEDALs of second level regions in the relevant province/first level region.
- (3) The regional BAPEDAL of second level region shall be the regional apparatus helping the regent/mayor/head of the relevant region manage environmental impacts in the relevant second level region.
- (4) Regional BAPEDALs shall be established by taking into account the guidance set by the Minister of Home Affairs after obtaining technical considerations from the chairman of BAPEDAL and approval in writing from the minister in charge of state administrative reforms.

CHAPTER IV
WORKING SYSTEM

Article 28

In carrying out their tasks, all elements under the management of BAPEDAL shall apply the principles of coordination, integration and synchronization, either within BAPEDAL itself or in its relations with other state agencies for the sake of integrated actions according to their respective fields of task.

CHAPTER V
POST, PROMOTION AND DISMISSAL

Article 29

- (1) The chairman and the vice chairman shall be echelon Ia officials;
- (2) Deputies shall be echelon Ib officials;
- (3) The secretary, heads of directorates, heads of centres and heads of territorial BAPEDALs shall be echelon IIa officials;
- (4) Heads of regional BAPEDALs of first level region shall be echelon IIIA officials.

Article 30

- (1) The chairman shall be appointed and dismissed by the President;
- (2) The vice chairman and deputies shall be appointed and dismissed by the President at the advice of the chairman;
- (3) Echelon IIa officials and below shall be appointed and dismissed by the Minister/State Secretary at the advice of the chairman.
- (4) The officials filling posts in regional BAPEDALs shall be appointed and dismissed according to the law in force.

CHAPTER VI
FINANCING

Article 31

- (1) The costs required to carry out the task and function of BAPEDAL shall be borne by the state budget and the State Secretary shall coordinate the administration of the costs.

- (2) The costs required to carry out the task and function of regional BAPEDAL shall be borne by the regional budget of the relevant region.

CHAPTER VII

TRANSITIONAL PROVISIONS

Article 32

All implementation provision stipulated on the basis of Presidential Decree No. 23/1990 shall remain valid so long as they do not contradict or have not been replaced on the basis of this Presidential Decree.

CHAPTER VIII

OTHER PROVISIONS

Article 33

Details of task, function, organisational structure and working system of organisational units under the management of BAPEDAL shall be stipulated by the chairman after obtaining prior approval in writing from the minister in charge of state administrative reforms and the minister/state secretary.

CHAPTER IX

CLOSING PROVISIONS

Article 34

With the enforcement of this Presidential Decree, the President Decree No. 23/1994 on the Environmental Impact Management Agency shall be declared null and void.

Article 35

This Presidential Decree shall come into force as from the date of stipulation.

Stipulated at Jakarta
On November 22, 1994

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

S O E H A R T O