

**PROCEDURE FOR THE IMPOSING, DUNNING, AND
PAYMENT OF CONTRIBUTION OF FOREST UTILIZATION
BUSINESS PERMIT OF PRODUCTION FORESTS
(Forestry Minister Regulation RI No. P.12/MENHUT-II/2010,
dated February 17, 2010)**

WITH THE BLESSING OF THE ONE AND ONLY GOD
FORESTRY MINISTER OF
THE REPUBLIC OF INDONESIA,

Considering :

- a. that based on Article 79 paragraphs (2), (3), and (7) of Government Regulation No. 6 Year 2007 concerning Forest Order and Compilation of Forest Management Plan and Forest Utilization, it is stipulated that Contribution of Forest Utilization Business Permit (IUUPH = Iuran Izin Usaha Pemanfaatan Hutan) imposed to holders of forest utilization business permit shall be based on the width of forest set forth in a permit and collected once at the time of issue of a forest utilization business permit;
- b. that in the context of accelerating the increase of Non-Tax State Income (PNBP = Penerimaan Negara Bukan Pajak) in the form of IUUPH, and in the context of exercising provisions referred to in letter a, it is necessary to stipulate a regulation of the Forestry Minister concerning procedure on the imposing, dunning, and payment of contribution of forest utilization business permit of production forests.

In view of :

1. Law No. 20 Year 1997 (BN No. 6017 pgs 1B-6B)

concerning Non-Tax State Income (State Gazette of the Republic of Indonesia Year 1997 No. 43; Supplement to State Gazette of the Republic of Indonesia No. 3687);

2. Law No. 25 Year 1999 (BN No. 6334 pgs 13B-16B etc) concerning Balance of Finance between the Central Government and Regional Governments (State Gazette of the Republic of Indonesia Year 1999 No. 84; Supplement to State Gazette of the Republic of Indonesia No. 3759);
3. Law No. 41 Year 1999 (BN No. 6400 pgs 1B-8B etc) concerning Forestry (State Gazette of the Republic of Indonesia Year 1999 No. 167, Supplement to State Gazette No. 3888) having been amended with Law No. 19 Year 2004 (BN No. 7140 pgs 31B-32B) concerning Stipulation of Government Regulation In lieu of Law No. 1 Year 2004 (BN No. 7034 page 9B) concerning Amendment to Law No. 41 Year 1999 concerning Forestry to become a Law (State Gazette of the Republic of Indonesia Year 2004 No. 86, Supplement to State Gazette No. 4412);
4. Law No. 32 year 2004 (BN No. 7152 pgs 9B-18B etc) concerning Regional Governments (State Gazette of the Republic of Indonesia Year 2004 No. 125, Supplement to State Gazette of the Republic of Indonesia No. 4437) having been amended

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- several times, lastly by Law No. 12 Year 2008 (BN No. 7661 pgs 11B-18B etc) concerning Second Amendment to Law No. 32 Year 2004 (BN No. 7152 pgs 9B-18B etc) concerning Regional Governments (State Gazette of the Republic of Indonesia Year 2008 No. 59, Supplement to State Gazette of the Republic of Indonesia No. 4844);
5. Government Regulation No. 22 Year 1997 (BN No. 6031 pgs 30B-32B) concerning Types and Depositing of Non-Tax State Income (State Gazette of the Republic of Indonesia Year 1997 No. 57, Supplement to State Gazette of the Republic of Indonesia No. 3694), having been amended by Government Regulation No. 52 Year 1998 (BN No. 6154 page 1B) (State Gazette of the Republic of Indonesia Year 1998 No. 85, Supplement to State Gazette of the Republic of Indonesia No. 3760);
 6. Government Regulation No. 59 Year 1998 concerning Tariff of Non-Tax State Income Types applicable in the Forestry and Estate Department (State Gazette of the Republic of Indonesia Year 1998 No. 94, Supplement to State Gazette of the Republic of Indonesia No. 6767), having been amended several times, lastly by Government Regulation No. 92 Year 1999 (State Gazette of the Republic of Indonesia Year 1999 No. 201, Supplement to State Gazette of the Republic of Indonesia No. 3914);
 7. Government Regulation No. 45 Year 2004 concerning Forest Protection (State Gazette of the Republic of Indonesia Year 2004 No. 147, Supplement to State Gazette of the Republic of Indonesia No. 4453);
 8. Government Regulation No. 6 Year 2007 (BN No. 7487 pgs 12B-16B etc) concerning Forest Order and Compilation of Forest Management Plan, and Utilization of Forest (State Gazette of the Republic of Indonesia Year 2007 No. 22, Supplement to State Gazette of the Republic of Indonesia No. 4696) having been amended by Government Regulation No. 3 Year 2008 (BN No. 7630 pgs 17B-20B etc) (State Gazette of the Republic of Indonesia Year 2008 No. 16, Supplement to State Gazette of the Republic of Indonesia No. 4814);
 9. Presidential Decree No. 84/P Year 2009 (BN No. 7875 pgs 13B-14B) concerning Establishment of Indonesia United Cabinet II;
 10. President Regulation No. 10 Year 2005 (BN No. 7220 pgs 8B-12B etc) concerning Organization Units and Duties of Echelon-I elements of State Ministries of the Republic of Indonesia having been amended several times, lastly by President Regulation No. 20 Year 2008;
 11. President Regulation of the Republic of Indonesia No. 47 Year 2009 (BN No. 7927 pgs 2B-12B) concerning Establishment and Organization of State Ministries;
 12. Forestry and Estate Minister Decision No. 700/Kpts-II/1999 concerning Re-stipulation of Amount of Contribution of Forest Utilization Right (IHPH = Iuran Hak Pengusahaan Hutan) all over Indonesia;
 13. Finance Minister Decision No. 109/KMY.06/2004 concerning Procedure on the Depositing of Non-Tax State Income from the Sector of Forestry Resources;

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14. Forestry Minister Regulation No. P.13/Menhut-II/2005 concerning Organization and Work Procedure of the Forestry Department, having been amended several times, lastly by No. P.64/Menhut-II/2008 (State Gazette of the Republic of Indonesia Year 2008 No. 80);
15. Forestry Minister Regulation No. P.39/Menhut-II/2008 (BN No. 7719 pgs 1B-11B) concerning Procedure for the Imposing of Sanction on Holders of Forest Utilization Business Permit (State Gazette of the Republic of Indonesia Year 2008 No. 14).

DECIDES :

To stipulate:

FORESTRY MINISTER REGULATION ON PROCEDURE FOR THE IMPOSING, DUNNING, AND PAYMENT OF CONTRIBUTION OF FOREST UTILIZATION BUSINESS PERMIT IN PRODUCTION FORESTS.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regulation, what is meant by:

1. State forest is a forest existing on land not borne with right thereto.
2. Forest with right/People's Forest is forest existing on land borne with right thereto.
3. Natural forest is a field where trees grow naturally constituting a biological natural life unity with the surrounding environment.
4. Industrial Estate Forest, hereinafter abbreviated HTI (Hutan Tanaman Industri) is an estate forest in a production forest developed by a group of forestry industries to increase the potentials and quality of production forests by applying silviculture in the context of meeting requirements on raw material.
5. People's Estate Forest, hereinafter abbreviated HTR (Hutan Tanaman Rakyat) is an estate forest in production forests developed by community groups to improve the potentials and quality of production forests by applying silviculture in the context of guaranteeing the preservation of forest resources.
6. Plantation Forest Product of Rehabilitation, hereinafter abbreviated HTHR (Hutan Tanaman Hasil Rehabilitasi) is a plantation forest in a production forest developed through activities on the rehabilitation of land and forest in a production forest zone to recover, maintain, and improve the functions of land and forest in the context of maintaining its supporting power, productivity, and role as life support system.
7. Contribution of Forest Utilization Business Permit on Production Forests, hereinafter abbreviated IU-UPH (Iuran Izin Usaha Pemanfaatan Hutan pada Hutan Produksi), is a collection imposed to holders of Forest Utilization Business Permit on Production Forests in a certain forest zone carried out once at the time the permit was issued.
8. Forest Utilization Business Permit, hereinafter abbreviated IUPH (Izin Usaha Pemanfaatan Hutan), is a permit issued by the official having the authority consisting of Business Permit for Zone Utilization (IUPK = Izin Usaha Pemanfaatan Kawasan),

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- Business Permit for the Utilization of Environment Services (IUPJL = Izin Usaha Pemanfaatan Jasa Lingkungan), Business Permit for the Utilization of Products of Wood Forest and/or Non-wood (IUPHHK/BK = Izin Usaha Pemanfaatan Hasil Hutan Kayu dan/atau Bukan Kayu), in a stipulated forest area.
9. Holder of Forest Utilization Business Permit, hereinafter referred to permit holder, is a business entity, cooperative, or individual issued a business permit in the aspect of forest utilization referred to in number 8.
 10. Business Permit for the Utilization of Wood Forest Products, hereinafter abbreviated IUPHHK (Izin Usaha Pemanfaatan Hasil Hutan Kayu) and/or Business Permit for the Utilization of Non-wood Forest Products, hereinafter abbreviated IUPHHBK (Izin Usaha Pemanfaatan Hasil Hutan Kayu) is business permit issued for the utilization of forest products in the form of wood and/or non-wood in natural forests in production forests through harvesting or cutting, enrichment, maintenance, and marketing activities.
 11. IUPHHK and/or IUPHHBK in a plantation forest is a business permit issued for the utilization of forest products in the form of wood and/or non-wood from a plantation forest in production forests through activities on the preparation of land, cultivation of seedlings, planting, maintenance, harvesting and marketing.
 12. Zone Utilization Business Permit, hereinafter abbreviated IUPK (Izin Usaha Pemanfaatan Kawasan) is a business permit issued for the utilization of an area in a protected forest and/or production forest.
 13. Business Permit for the Utilization of Environment Services, hereinafter abbreviated IUPJL (Izin Usaha Pemanfaatan Jasa Lingkungan), is a business permit issued for the utilization of environment services in protection forests and/or production forests.
 14. Order Letter for the Payment of Contribution of Forest Utilization Business Permit, hereinafter abbreviated SPP-IIUPH (Surat Perintah Pembayaran Iuran Izin Usaha Pemanfaatan Hutan), is a document setting forth the amount of depositing of contribution obligation of Forest Utilization Business Permit.
 15. Collecting official is the Director General or Chief of Province Service or Chief of Regency/City Service provided with the duty and authority to issue SPP-IIUPH.
 16. Minister is the Minister responsible in the aspect of forestry;
 17. Director General is the Director General with the duty and responsibility in the aspect of Forestry Production Management (Bina Produksi Kehutanan).
 18. Provincial service is a service provided with duties and responsibility in the aspect of Forestry in a province area.
 19. Regency/City Service is a service provided with duties and responsibility in the aspect of forestry in a regency/city area.
 20. Structural official is the Director General of Forestry Production Management or Chief of Provin

cial Forestry Service or Chief of Regency/City Forestry Service.

CHAPTER II

SUBJECT OF THE IMPOSING OF IIUPH

Article 2

Forest Utilization Business Permit (IIUPH) contribution is imposed to permit holders consisting of:

- a. Holder of Business Permit for the Utilization of Zone (IUPK);
- b. Holder of Business Permit for the Utilization of Environment Services (IUPJL);
- c. Holder of Business Permit for the Utilization of Products of Wood Forest In Natural Forests (IUPHHK-HA);
- d. Holder of Business Permit for the Utilization of Products of Wood Forest Ecosystem Restoration in Natural Forests (IUPHHK- Restorasi Ekosistem);
- e. Holder of Business Permit for the Utilization of Products of Wood Forest in Industrial Estate Forest (IUPHHK-HTI);
- f. Holder of Business Permit for the Utilization of Products of Wood Forest in People Plantation Forest (IUPHHK-HTR);
- g. Holder of Business Permit for the Utilization of Products of Non-wood Forest in Natural Forests (IUPHHBK-HA); and
- h. Holder of Business Permit for the Utilization of Products of Non-wood Forest in Plantation Forest (IUPHHBK-HT).

CHAPTER III

IMPOSING, COLLECTION AND

PAYMENT PROCEDURE

Article 3

- (1) Amount of imposed indebted IIUPH as meant in Article 2 letter a, b, e, f, g, and letter h, is calculated based on the width of forest area issued in a permit multiplied by the amount of IIUPH tariff.
- (2) Amount of imposed indebted IIUPH as meant in Article 2 letter c and letter d, is calculated based on the width of forest area issued in a permit multiplied by the amount of IIUPH tariff multiplied by the utilization period.

Article 4

- (1) IIUPH as meant in Article 3 is also imposed on additional width of work area and/or extension of Forest Utilization Business Permit on Production Forest.
- (2) IIUPH tariff as meant in Article 3 is stipulated based on provisions of prevailing statutory regulations.

Article 5

- (1) Collecting officials are obligated to issue Order Letter for the Payment of Contribution of Forest Utilization Business Permit (SPP-IIUPH) as basis for the payment of indebted IIUPH.
- (2) Issuance of SPP for indebted IIUPH referred to in paragraph (1) shall be made within a maximum of seven (7) work days after the copy of decision for the provision of IUPH was received by the collecting official.
- (3) Collecting officials referred to in paragraph (1) are the:

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- a. Director General for permits of business on the utilization of zone, business on the utilization of environment services, business on the utilization of products of wood forest and/or non-wood in natural forests, and business on the utilization of products of wood and/or non-wood forest in plantation forests the permit there-of was issued by the Forestry Minister;
 - b. Chief of Province Service for permits of business on the utilization of zone, business on the utilization of environment services, business on the utilization of products of non-wood forest in natural forests, and business on the utilization of products of wood and/or non-wood forests in plantation forests the permit there-of was issued by the Governor or where the authority for its permit is delegated to the Governor;
 - c. Chief of Regency/City Service for permits of business on the utilization of zone, business on the utilization of environment services, business on the utilization of products of non-wood forest in natural forests, and business on the utilization of products of wood and/or non-wood forest in plantation forests the permit there-of was issued by the Regent/Mayor or where the authority for its permit is delegated to the Regent/Mayor.
- (4) Issuance of SPP of indebted IIUPH referred to in paragraph (3) shall state the 15-digit code of reference of the permit holder as paying party in the payment of IIUPH according to the producing area, consisting of:
- a. Code of province area;
 - b. Code of regency/city area;
 - c. Code of type of permit;
 - d. Code of company initial; and
 - e. Code of year and month of dunning.
- (5) SPP of indebted IIUPH referred to in paragraph (4) with the collecting official referred to in paragraph (3) letter a, shall be made in five (5) copies allotted as follows:
- a. Copy number one for the permit holder as paying party;
 - b. Copy number two for the Minister;
 - c. Copy number three for the Secretary General of the Forestry Department;
 - d. Copy number four for the Chief of Province Service; and
 - e. Copy number five for the Chief of Regency/City Service
- (6) SPP of indebted IIUPH referred to in paragraph (4), with the collecting official referred to in paragraph (3) letter b, shall be made in five (5) copies with the following allotment:
- a. Copy number one for the permit holder as paying party;
 - b. Copy number two for the local Governor;
 - c. Copy number three for the Secretary General of the Forestry Department;
 - d. Copy number four for the Director General; and
 - e. Copy number five for the Chief of Regency/City Service.
- (7) SPP of indebted IIUPH referred to in paragraph (4), with the collecting official referred to in paragraph (3) letter c, shall be made in five (5) copies with the following allotment:

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- a. Copy number one for the permit holder as paying party;
 - b. Copy number two for the Regent/Mayor;
 - c. Copy number three for the Secretary General of the Forestry Department;
 - d. Copy number four for the Director General; and
 - e. Copy number five for the Chief of Province Service.
- (8) Forms of SPP of indebted IIUPH are set forth in Attachments 1, 2, and 3 of this Regulation.

Article 6

Based on SPP-IIUPH as meant in Article 5, the permit holder as paying party shall pay the indebted IIUPH to the State Treasury through the Forestry Department Receiving Treasurer in the bank appointed by the Forestry Minister by setting forth a 15 digits code of reference.

Article 7

- (1) Period for the payment of indebted IIUPH is a maximum of 30 (thirty) work days accounted for from the date the SPP of indebted IIUPH was received.
- (2) If a permit holder as a paying party did not settle an indebted IIUPH up to the time limit referred to in paragraph (1), the permit holder shall be given a warning letter demanding the settlement of IIUPH constituting a requirement for the provision of IUPH Decision for three (3) times with a considerate time as of 15 (fifteen) work days for each warning.

- (3) If until the end of the third considerate time warning the permit holder as paying party did not settle the indebted IIUPH, IUPH Decision shall not be given, and the paying party shall be given a notification letter signed on behalf of the permit issuing official.

Article 8

- (1) In the event the indebted IIUPH had been settled, the permit holder as paying party shall report the realization of the IIUPH payment by delivering a proof of settlement legalized by the receiving bank to the Collecting official referred to in Article 5 paragraph (3).
- (2) Proof of IIUPH settlement legalized by the receiving bank in paragraph (1), will be used as basis for the provision of IUPH Decision.

Article 9

- (1) Provisions in a Forestry Minister/Forestry and Estate Minister Decision concerning renewal/provision of HPH/HPHTI requiring the settlement of the payment of indebted IIUPH for the remaining period at least two (2) years before the 20th year of HPH/HPHTI work term, is declared as not applicable.
- (2) Indebted IIUPH for the remaining period referred to in paragraph (1), must be settled within a maximum of 30 (thirty) work days from receiving a SPP-IIUPH.
- (3) Issuance of SPP-IIUPH referred to in paragraph (2) shall be settled within four (4) months from the enactment of this regulation.

(4) In the event of violations of provisions of paragraph (2), the holder of IUPH shall be imposed to administrative sanctions pursuant to provisions of prevailing statutory regulations.

Article 10

(1) On the Forestry and Plantation Minister/Forestry Minister Decision concerning the provision of HPH/HPHTI that had been delivered and the permit holder had paid IIUPH for a certain period, but still has an indebted IIUPH for the next cycle, the permit holder is obligated to settle the indebted IIUPH within a maximum of 30 (thirty) work days from receiving a SPP-IIUPH.

(2) Issuance of SPP-IIUPH referred to in paragraph (1) shall be settled within four (4) months from the enactment of this regulation.

(3) In the event of violations of provisions of paragraph (1), the IUPH holder shall be imposed to administrative sanctions pursuant to provisions of prevailing statutory regulations.

CHAPTER IV

CLOSING PROVISIONS

Article 11

With the stipulation of this Regulation, then:

a. Forestry Minister Regulation No. P.32/Menhut-II/2007 (BN No. 7692 pgs 11B-14B) in conjunction with Forestry Minister Regulation No. P.15/Menhut-II/2009 (BN No. 7800 pgs 7B-8B) concerning Procedure for the Imposing, Dunning, and Payment of Contribution of Forest Utilization Business Permit on Production Forests, and

b. Other provisions contradictory to this Regulation, are declared to be not applicable any more.

Article 12

This Forestry Minister Regulation commences to come to effect from the date of enactment.

For public cognizance, this Forestry Minister Regulation shall be announced in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on February 17, 2010

MINISTER OF FORESTRY
REPUBLIC OF INDONESIA,

sgd.

ZULKIFLI HASAN

Enacted in Jakarta

on February 23, 2010

MINISTER LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA,

sgd.

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2010 NO. 100

Editor's Note:

- Due to technical reasons, Attachments are not included.

(D)