

THE GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
No. 45/2004

ON
FOREST PROTECTION

PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering :

that in frame of further implementation of the provision of Article 46 up to Article 51, Article 77 and Article 80 of Law No. 41/1999 on Forestry, then it is required to specify the Government Regulation on forest protection.

In view of :

1. Article 5 paragraph (2) and Article 33 paragraph (3) of the Constitution 1945 as amended by the Four Amendment of Constitution 1945;
2. Law No. 5/1960 on Basic Regulations of Agrarian (State Gazette of the Republic of Indonesia 1960 No. 104, Supplement to the State Gazette No. 2034);
3. Law No. 5/1990 on Conservation of Biological Natural Resource and Its Ecosystem (State Gazette of the Republic of Indonesia 1990 No. 49, Supplement to the State Gazette No. 3419);
4. Law No. 24/1992 on Space Lay-out (State Gazette of the Republic of Indonesia 1992 No. 115, Supplement to the State Gazette No. 3501);
5. Law No. 23/1997 on Environment Management (State Gazette of the Republic of Indonesia 1997 No. 68, Supplement to the State Gazette No. 3699);
6. Law No. 41/1999 on Forestry (State Gazette of Republic of Indonesia 1999 No. 167, Supplement to the State Gazette No. 3888) as have been amended by the Law No. 19/2004 on Stipulating Government Regulation of Substitute of Law No. 1/2004 on Amendment of Law No. 41/1999 on Forestry to become Law (State Gazette of the Republic of Indonesia 2004 No. 86, Supplement to the State Gazette No. 4412);
7. Law No. 18/2001 on Special Autonomy for Special Region of Aceh province as Nanggroe Aceh Darussalam Province (State Gazette of the Republic of Indonesia 2001 No. 114, Supplement to the State Gazette No. 4134);
8. Law No. 21/2001 on Special Autonomy for Papua province (State Gazette of the Republic of Indonesia 2001 No. 135, Supplement to the State Gazette No. 4151);
9. Law No. 32/2004 on Regional Governance (State Gazette of the Republic of Indonesia 2004 No. 125, Supplement to the State Gazette of No. 4437);

CHAPTER I
PROVISIONS

Part One
Definition

Article 1

In this Governmental Regulation, meant by:

1. Forest protection is an effort to prevent and control forest damage, forest areas and forest products, because of human being deed, livestock, fire, natural disaster, pest and disease, and to maintain and take care of the state rights, community and individual for the forest, forest area, forest products, investment and apparatus deal with forest management.
2. Forestry police is certain functionary in the scope of central and regional forestry institution in accordance with the characteristics of its work, carrying out and or executing the forest protection efforts, in which by the power of law is given the authority of special police in the field of forestry and conservation of biological natural resource and its ecosystem.
3. Investigating Officer of Forestry Civil Servant is a certain civil servant officer in the scope of central and regional forestry institution in which by the law is given special authority of investigation in the field of forestry and conservation of biological natural resource and its ecosystem.
4. Forest Security Unit is an organic officer who is appointed by the companys management holding the permit of forest exploitation business or an officer established by community of customary law to carry out the security duty at the forest area becoming its responsibility.
5. Community is individual, a group of people, including customary law community of Legal Entity.
6. Government is the Central Government.
7. Local Government is the Head of Region together with the other Autonomous Area Apparatus acting as the Regional Executive Board.
8. The Minister is the Minister given the tasks and responsibilities in the field of forestry.

Part Two General

Article 2

- (1) Forest protection is a part of forest management activity.
- (2) Forest protection activity as referred to paragraph (1) shall be executed at forest areas in the form of Conservation Forest Management Union or Unit (KPHK), Protected Forest Management Union or Unit (KPHL), and Production Forest Management Union or Unit (KPHP).

Article 3

- (1) Forest protection as referred to Article 2 shall become the authority of Central Government and/or Regional Government.
- (2) Forest protection Activity as referred to paragraph (1), at certain areas and for certain activity, may be delegated by the Government to State Own Enterprises (BUMN) running in the field of forestry.

Article 4

- (1) In frame of forestry research, development, education and training importance, culture and religion, The minister shall specify forest protection with a special objective.
- (2) Forest protection at the forest area with the special objective as referred to paragraph (1) for the activities of:

- a. research and development may be passed to an institution executing the research and development activities;
 - b. education and training may be passed to an institution executing the education and training activities;
 - c. culture and religion may be passed to an institution executing the security and culture activities.
- (3) Forest protection with special objective as referred to paragraph (2) shall be specified by the Minister.
- (4) Further provisions on forest protection with special objective as referred to paragraph (1) and paragraph (2) shall be specified by the Minister.

Part Three

The Objectives and Principles of Forest Protection

Article 5

Forest protection is conducted to take care of forest, forest products, forest areas and its environmental, in order to reach optimal and everlasting protective function, conservation function, and production function.

Article 6

Forest protection principles cover:

- a. preventing and controlling forest damage, forest areas and forest products, because of human being, livestock, fire, natural disaster, pest and disease;
- b. maintaining and taking care of the state, community, and individual rights for forest, forest area, forest products, investment and apparatus deal with forest processing.

CHAPTER II

FOREST PROTECTION IMPLEMENTATION

Part One

Preventing and Controlling Forest Damage, Forest Area and Forest Products Because of Human Being

Paragraph 1

General

Article 7

To prevent, control and maintain as well as to take care of the forest as referred to Article 6 letter a and letter b because of human being, then the Government, Regional Government and the Communities shall:

- a. Conduct socialization and counseling of law and regulation in the field of forestry;
- b. Conduct problems inventorying;
- c. Support productivity improvement of the community;
- d. Facilitate the establishment of community institution;
- e. Improve communitys participation in the forest management activity;
- f. Conduct cooperation with the permit or rights holders;

- g. Improve effectiveness of forest protection activity coordination;
- h. Support creating alternative community occupation;
- i. Improve effectiveness reporting of forest security disturbances;
- j. Take the first action needed to the forest security disturbances; and or
- k. Give the sanction toward a transgression.

Article 8

- (1) Forest protection for the forest areas that its management is delegated to BUMN in the field of forestry, shall be executed and become responsibility of its manager.
- (2) Forest protection for forest area which have become work areas of exploitation permit holder, business permit of environmental service exploitation, business permit of forest products exploitation, forest products collection permit, and the holder of borrowing and utilizing forest area permit shall be executed and become responsibility of the pertinent permit holder.
- (3) Forest protection Activity at the forest area with special objective shall be executed and become responsibility of its organizer.
- (4) Forest Protection as referred to paragraph (1), paragraph (2) and paragraph (3) shall cover:
 - a. securing its working area concerning forest, forest area and forest products including flora and fauna;
 - b. preventing forest damage of human being and livestock, forest fire, pest and disease and natural disasters;
 - c. taking the first action needed toward the disturbance of forest security at the working areas;
 - d. reporting each transgression in its working area to the nearest forestry institution;
 - e. providing medium and infrastructure, and forest security staffs in accordance with requirements/needs.
- (5) Further provisions on Forest Protection as referred to paragraph implementation (4) shall be regulated by the Minister.

Article 9

- (1) Forest Protection for the forest area which its management is delegated to the customary law communities, shall be executed and become responsibility of the customary law communities.
- (2) Forest Protection as referred to paragraph (1) shall be submitted to the customary law community, shall be executed by pursuant to the traditional norms which are effective in the community of the pertinent customary law which the advisory of the Government, province Government and/or Regional Government of regency/city.

Article 10

- (1) Forest Protection at the rights forest, shall be executed and become responsibility of the rights holder.
- (2) Forest Protection as referred to paragraph (1) covering activity among other:
 - a. preventing disturbance from other party that has no business;
 - b. preventing, extinguishing and handling fire impact;

- c. providing personnel and media and infrastructure of forest protection;
- d. maintaining and looking after water sources;
- e. conducting cooperation with the owner of forest concession rights, forest area management, forest exploitation permit holder, collection permit holder, and the public communities.

Article 11

The Central Government, the Province Government and or the Regency/City Government shall conduct facilitation, tuition, guidance, supervision toward forest protection activity as referred to Article 8, Article 9, and Article 10.

Paragraph 2 Forest Protection for Forest Products

Article 12

- (1) Anybody transporting, controlling or owning forest products is obliged to be completed with the certificate of forest products validity.
- (2) Included in to definition of forest products which are not completed by the certificate of forest products validity are:
 - a. origin of forest products and transportation destination are not conformed to those as contained in the certificate of forest products validity;
 - b. if physical condition, both species, number and volume of forest products to be transported, controlled or possessed partially or entirely are not conformed to the content as contained in the certificate of forest products validity;
 - c. at the same time and place are not completed with the legal letter as evidences;
 - d. The certificate of forest products validity has been expired;
 - e. Forest products have not marks as the legal forest products.
- (3) Further provisions concerning certificate of forest products validity shall be regulated according to prevailing law and regulations.

Article 13

- (1) Protection of forest products is conducted to avoid forest exploitation redundantly and or illegally.
- (2) Protection of forest result as referred to paragraph (1) shall be executed through the activities of guidance, observation and order.

Article 14

- (1) Forest Exploitation and forest area use may only be conducted if it has owned permit from the competent authorities.
- (2) Included into the illegal forest exploitation activities are:
 - a. permit holder conducts forest exploitation outside the permitted areas;
 - b. permit holder conducts forest exploitation exceeding the permitted volume target;
 - c. permit holder conducts capturing/collecting flora and fauna exceeding the target/quota which have been specified;
 - d. permit holder conducts forest exploitation in the radius from certain location prohibited by law.

- (3) Further provisions concerning forest exploitation and forest area use shall be regulated according to the prevailing law and regulations.

Part Two Forest Protection from Livestock Disturbance

Article 15

- (1) To prevent and control forest damage as referred to Article 6 letter a from livestock disturbance, at the production forest area may be specified a location for livestock shepherding.
- (2) Stipulating location for livestock shepherding as referred to paragraph (1) shall be conducted by the head of forest management unit.
- (3) For the interest of conservation and rehabilitation, of forest, land and water, forest management unit head may close location of livestock shepherding as referred to paragraph (2).
- (4) Further provisions on stipulating location for livestock shepherding in the production forest area as referred to paragraph (1), shall be regulated based on Decree of the Minister.

Part Three Forest Protection from Natural Disaster

Article 16

- (1) To prevent and control forest damage as referred to Article 6 letter a because of Natural Disaster in the form of :
- a. Volcano eruption shall be conducted by:
 - 1. having cooperation with the related institutions in order to monitor the volcano, forecasting the damage which is possible occurred and the effort to minimize them;
 - 2. protecting and monitoring natural process supporting the forest rehabilitation which are damaged due to volcano eruption;
 - 3. normalization of cold lava channel/flow.
 - b. Landslide shall be conducted by:
 - 1. making permanent or semi permanent terrace at steep or oblique land;
 - 2. planting trees having high transpiration power and have deep and wide roots at the steep or oblique land.
 - c. Floods shall be conducted by:
 - 1. having cooperation among the institutions in charge in the water resource problem handling especially in the case of monitoring river water behavior, floods forecasting and the resulted damage and river stream normalization;
 - 2. making reforestation of critical hydrologic lands with a fast growing trees or crop species by observing conformity between species and place of growing.
 - d. Storm shall be conducted by:
 - 1. protecting forest upright especially young forest upright that has high economic value from the storm threat by dividing upright into blocks which is one and another separated by wind detention lines;
 - 2. planting trees as tighter windbreak lines which have layers coronet at the forest edge bordered with opened land.

- e. Drought shall be conducted by:
 - 1. protecting water sources and water catchments areas;
 - 2. making check dam, pool, basin;
 - 3. making fire ditch at the forest that is fire sensitive.
 - f. Earthquake shall be conducted by:
 - 1. identifying earthquake sensitive location and impact risk;
 - 2. providing earthquake sensitive map at forest area including natural asylum area of natural conservation area;
 - 3. avoiding permanent facility and infrastructure development at the earthquake sensitive area.
- (2) The efforts to prevent and control forest damage because of nature disaster in the form of volcano eruption, landslide, earthquake, storm, floods and draught shall be executed by:
- a. monitoring environment bio-physic which have potency to generate natural disaster;
 - b. making map of disaster crisis location;
 - c. developing technical civil buildings;
 - d. conducting guidance of awareness and counseling to the community;
 - e. taking care of forest value and function conservation and environment;
 - f. taking care of quality, values and usefulness of forest products.
- (3) Further provisions on forest protection from Natural Disaster as referred to paragraph (1) shall be regulated by the Minister.

Part Four Forest Protection from Pest and Disease

Article 17

- (1) To prevent and control damage as referred to Article 6 letter a, because of pest and disease, the Government and or local government shall:
- a. carry out research of pest and disease of flora and fauna;
 - b. carry out quarantine of flora and fauna;
 - c. control population of flora and fauna and its habitat; and/or
 - d. control pest and disease on biologic, mechanical, chemical and or integrated methods.
- (2) Further provisions on forest protection from pest and disease by the Government and/or local Government as referred to paragraph (1), shall be regulated by the Minister.

CHAPTER III FOREST PROTECTION FROM FIRE

Part One General

Article 18

- (1) Forest protection from fire as referred to Article 6 letter a, is to avoid forest damage which is because of:
- a. human being;

- b. natural disaster.
- (2) Human being action as referred to paragraph (1) letter a, among other are:
 - a. conducting forest fire without permit; or
 - b. throwing away object that may cause fire.
- (3) Natural disaster as referred to paragraph (1) letter b, among other are as an effect of thunder, volcano, natural reaction and or earthquake.

Article 19

- (1) Anybody is prohibited to burn forest.
- (2) Exclusion of prohibition to burn forest as referred to paragraph (1) is permitted to be conducted under control for the special purpose or condition that could not be avoided, covering:
 - a. forest fire control;
 - b. pest and disease eradication;
 - c. flora and fauna habitat guidance.
- (3) Forest burning implementation for the special purpose or condition that could not be avoided as referred to paragraph (2) has to get permit from the competent authorities.
- (4) Forest burning for the special purpose or condition that could not be avoided as referred to paragraph (2) shall be further regulated by the Minister.

Part Two Fire Control

Paragraph 1 General

Article 20

- (1) To prevent and control forest damage that is because of fire as referred to Article 6 letter a, shall be conducted control, covering:
 - a. prevention;
 - b. extinguishing;
 - c. control after the fire.
- (2) Control activity of forest fire shall be conducted at the level of:
 - a. national;
 - b. province;
 - c. regency/city;
 - d. forest management union or unit.
- (3) Forest fire control at the national level shall be conducted and become responsibility of the Minister.
- (4) Forest fire control at the level of province shall be conducted and become responsibility of the Governor
- (5) Forest fire control at the level of regency/city shall be conducted and become responsibility of the Regent/Major.

(6) Forest fire control at the level of forest management unit shall be conducted and become responsibility of the Head of forest management unit.

Article 21

- (1) At the national level, the Minister shall specify the program of Forest fire control at the national level.
- (2) At the province level, the Governor shall specify the program of Forest fire control at the province level.
- (3) At the regency/city level, the Regent/Major shall specify the program of forest fire control plan.
- (4) At the forest management unit level, the Head of forest management unit shall specify a plan of forest Fire control.

Article 22

- (1) In carrying out forest fire control, the Government shall establish an institution of forest fire control at the central, province, regency and unit levels of forest management unit level.
- (2) The institution of forest fire control as referred to paragraph (1) shall be referred to as forest fire control brigade.
- (3) Forest fire control brigade as referred to paragraph (2), shall have the tasks to arrange and execute the forest fire control programs.
- (4) Coordination and working relation of forest fire control brigade shall be regulated based on Decree of the Minister.

Paragraph 2 Prevention

Article 23

- (1) In order to prevent forest fire as referred to Article 20 paragraph (1) letter a, shall be conducted by activities:
 - a. At national level, among other are:
 1. making map of forest fire crisis;
 2. developing information system of forest fire;
 3. specifying partnership pattern with the community;
 4. specifying standard of forest fire control equipments;
 5. arranging counseling program and fire control campaign;
 6. specifying pattern of fire prevention training; and
 7. executing guidance and supervision.
 - b. At province level, among other are:
 1. making map of forest fire crisis at province level;
 2. making counseling models;
 3. training of forest fire prevention;
 4. making implementation guidance of forest fire extinguishing;
 5. providing forest fire extinguishing equipments; and
 6. executing guidance and supervision.

- c. At regency/city level, among other are:
 1. conducting evaluation of forest fire sensitive location;
 2. counseling;
 3. making technical guidance of forest fire extinguishing implementation;
 4. providing forest fire equipments; and
 5. executing guidance and supervision.
- d.
 1. At production forest management unit level, protected forest management unit, forest exploitation permit, forest area and forest right utilization permit, among other are:
 - a) inventorying forest fire sensitive location;
 - b) inventorying fire cause factors;
 - c) prepare fire brigades;
 - d) arranging fixed procedures of forest fire extinguishing;
 - e) providing forest fire extinguishing facilities; and
 - f) making fire partition
 2. At conservation forest management unit level, among other are:
 - a) inventorying forest fire sensitive location;
 - b) inventorying fire cause factors;
 - c) prepare fire brigades;
 - d) arranging fixed procedure of forest fire extinguishing;
 - e) providing forest fire extinguishing facilities; and
 - f) making fire partition.

(2) Further provisions on forest fire prevention activity as referred to paragraph (1) shall be regulated by the Minister.

Paragraph 3 Extinguishing

Article 24

- (1) In the frame of forest fire extinguishing as referred to Article 20 paragraph (1) letter b, then each permit holder of forest exploitation, forest area use, the owner of forest concession rights and or the head of forest management unit, are obliged to take extinguishing action by:
 - a. conducting detection on the occurrence of forest fire;
 - b. empowering all existing resources;
 - c. making fire partition in order to localize fire;
 - d. mobilizing community to accelerate extinguishing.
- (2) The permit holder of forest exploitation, forest area use, forest concession right owner or the head of forest management unit shall conduct:
 - a. coordination with the related institution and elite figure in order to accelerate extinguishing, evaluation, litigation and disaster prevention;
 - b. reporting to the Regent/Major on forest fire and its extinguishing action.
- (3) Pursuant to the report as referred to paragraph (2) letter b, the Regent/Major shall:
 - a. detect the forest fire occurrence;

- b. mobilize fire extinguishing brigade and coordinate related institution and elite figures;
 - c. Forwarding report to the Governor and Minister on forest fire occurrence, the actions which are and will be taken.
- (4) Pursuant to the information and report as referred to paragraph (3), The Governor shall:
- a. detect the forest fire occurrence;
 - b. mobilize fire extinguishing brigade and coordinate related institution and elite figures;
 - c. Forwarding report to the Governor and Minister on forest fire occurrence, the actions which are and will be taken.
- (5) Pursuant to the information and report as referred to paragraph (3) and paragraph (4), the Minister shall:
- a. detect the forest fire occurrence;
 - b. coordinate and mobilize personnel, media and infrastructures of forest fire.
- (6) In the frame of coordination and mobilization as referred to paragraph (5) letter b, the Minister shall establish Operational Control Center for Forest Fire.

Article 25

Coordination and working relations of fire extinguishing as referred to Article 24 shall be regulated based on the Decree of the Minister.

Article 26

To control wide-spreading forest fire and to accelerate fire extinguishing, anybody residing in and around the forest is obliged to:

- a. report forest fire occurrence to the local Village Chief, forestry worker, Head of forest management unit, forest exploitation permit holder, forest concession rights owner or forest area use permit holder;
- b. assist fighting the forest fire.

Paragraph 4 Post Fire Handling

Article 27

In order to handle post forest fire as referred to Article 20 paragraph (1) letter c, shall be conducted the activities covering:

- a. identification and evaluation;
- b. rehabilitation;
- c. law enforcement.

Article 28

(1) Head of forest management unit, permit holder of forest exploitation, permit holder of forest area use or the owner of forest concession rights shall conduct identification and evaluation as referred to Article 27 letter a.

(2) The identification and evaluation as meant at paragraph (1), in the form of:

- a. collecting data and information of fire occurrence;
- b. measurement and sketch of fire report;
- c. analysis of damage level and recommendation.

- (3) Further provisions concerning identification and evaluation as referred to paragraph (2), shall be regulated by the Minister.

Article 29

- (1) Pursuant to the activity results as referred to Article 28 paragraph (2), shall be conducted a rehabilitation.
- (2) The rehabilitation shall be conducted by the Head of forest management unit, permit holder of forest exploitation, permit holder of forest area use, or the owner of forest concession rights.
- (3) The rehabilitation activity shall be regulated in a separated Government Regulation.

Part Three Crime and Civil Responsibility

Article 30

- (1) Forest exploitation permit holder, forest concession rights owner or forest area use permit holder shall be responsible for the occurrence of forest fire at its working area.
- (2) The responsibility as referred to paragraph (1) covers:
- a. crime responsibility;
 - b. civil responsibility;
 - c. compensation; and
 - d. administration sanction.

Article 31

Law enforcement toward criminal action of forest fire shall be executed according to the prevailing law and regulations.

CHAPTER IV FORESTRY POLICE, FORESTRY CIVIL SERVANT INVESTIGATOR AND FORESTRY SECURITY UNIT

Part One Forestry Police

Article 32

- (1) To guarantee its well organizing of forest protection, then to certain forestry functionary according to its working characteristics is given a special police authority in its field.
- (2) The certain forestry functionary having special police authority as referred to paragraph (1) covers:
- a. civil servant appointed as functional functionary of Forestry police;
 - b. Officer of Indonesia Forestry Public Company (Perum Perhutani) appointed as the Forestry police;
 - c. Structural functionary of Central and Regional Forestry Institution in accordance with its duty and function have the authority and responsibility in the field of forest protection.

Article 33

- (1) To be appointed as a Forestry police , somebody has to fulfill certain conditions.
- (2) Conditions and procedures of appointment as referred to paragraph (1) shall be further regulated by the Minister.

Article 34

- (1) For implementation of forestry police duty, it shall be specified standard of personnel organizational structure and standard of Forestry police equipments.
- (2) Standard of personnel organizational structure and standard of Forestry police equipment as referred to paragraph (1) shall be further regulated by the Minister.

Article 35

In order to perform its duty according to Forest protection principles as referred to Article 6, forestry police has the authority to execute its duty in its jurisdiction.

Article 36

- (1) The authority of Forestry police as referred to Article 32 shall cover the activities and actions of special police in the field of forestry having the characteristics of preventive, administration action and repressive operation.
- (2) The authority as referred to paragraph (1) shall cover:
 - a. performing patrol in the forest area or its jurisdiction territory;
 - b. checking letters or documents related to transportation of forest products in the forest area or its jurisdiction territory;
 - c. accepting report on the occurrence criminal action concerning forest, forest area, and forest products;
 - d. collecting information and evidences on the occurrence criminal action concerning forest, forest area, and forest products;
 - e. in the case of caught by hand, the suspected is obliged to be delivered to the competent authorities; and
 - f. to arrange report and sign the report on the occurrence criminal action concerning forest, forest area, and forest products.
- (3) Forestry police upon the command of the authoritative leader is entitled to conduct investigation, and to arrest the suspected.

Article 37

Forestry police who has met the requirements may be appointed to be Investigating Officer of forestry civil servant.

Part Two Investigating Officer of Civil Servant

Article 38

- (1) Investigating Officer of Forestry Civil Servant is a civil servant in the scope of Central and Regional Forestry Institution, who is based on and on the power of law has special authority as an investigator as referred to Law No. 5/1990 on Conservation of Biological Natural Resource and Its Ecosystem and Law No. 41/1999 on Forestry.

- (2) Jurisdiction territory or working areas of Investigating Officer of civil servant of Central and Regional Forestry Institution as referred to paragraph (1) according to the region of public administration both in the Central and Regional Level.
- (3) Appointment of civil servant of forestry institution to be appointed as an Investigating Officer of civil servant shall be carried out by the Minister or Regent/Major according to status of its officer.
- (4) Pursuant to appointment, the Investigating Officer of civil servant as referred to paragraph (3) shall be proposed by the Minister according to prevailing law and regulations to the competent authorities to be appointed as an Investigating Officer of Civil Servant.
- (5) Placement of Investigating Officer of civil servant who has been appointed as referred to paragraph (4) shall be specified based on the Decree of the Minister or Governor or Regent according to the status of its officer.

Article 39

- (1) The Investigating Officer of Forestry Civil Servant has the authority to conduct investigation toward crime action and violation as referred to Article 78 Law No. 41/1999 on Forestry.
- (2) In the frame of administration of investigation, the Investigating Officer of civil servant in the certain case may directly submit notice to the related agencies and its carbon copies to the investigator of the State Police of the Republic of Indonesia.
- (3) Appointment of civil servant of forestry institution to be appointed as an Investigating Officer of civil servant shall be carried out by the Minister or Regent/Major according to status of its officer.
- (4) Pursuant to appointment, the Investigating Officer of civil servant as referred to paragraph (3) shall be proposed by the Minister according to prevailing law and regulations to the competent authorities to be appointed as an Investigating Officer of Civil Servant.
- (5) Placement of Investigating Officer of civil servant who has been appointed as referred to paragraph (4) shall be specified based on the Decree of the Minister or Governor or Regent according to the status of its officer.

Article 40

- (1) The Investigating Officer of civil servant may conduct detention in coordination and supervision of the Investigator of State Police of The Republic Of Indonesia according to the Civil Law Code (KUHAP).
- (2) Detention by the Investigating Officer of civil servant upon the suspected in the field of forestry, must be done at the state detaining house.

Part Three Forestry Security Unit

Article 41

- (1) Forestry Security Unit shall be formed by the permit holder of forest management rights.
- (2) Member of Forestry Security Unit shall be appointed by the forest manager or the permit holder in which its number shall be adjusted with the areas and management intensity or forest exploitation or forest area use business.
- (3) The Tasks of Forest Security Unit shall be limited to the physical security of forest areas, which become its responsibility.

- (4) The forestry security unit as referred to paragraph (1) in executing its tasks shall be responsible to the company's management and under coordination of the local forestry institution.
- (5) Organization, number, personnel, equipments and operational pattern of Forestry Security Unit shall be further regulated by the Minister.

CHAPTER V CRIMINAL SANCTION

Article 42

Anybody impinging the provisions as referred to Article 12 paragraph (2), shall be menaced with imprisonment sentence at the longest 5 (five) years and fine at the most Rp. 10,000,000,000.00- (ten billion Rupiah) as referred to Article 78 paragraph (7) Law No. 41/1999 on Forestry.

Article 43

Anybody impinging the provisions as referred to Article 14 paragraph (2), shall be menaced with imprisonment sentence at the longest ten (10) years and fine at the most Rp. 5,000,000,000.00- (five billion Rupiah) as referred to Article 78 paragraph (7) Law No. 41/1999 on Forestry.

Article 44

- (1) All forest products which are not completed by certificate of validity of forest products as referred to Article 12 paragraph (2) shall be seized for the state.
- (2) Appliances including transporting equipments used to conduct crime action as referred to Article 78 Law No. 41/1999 on Forestry shall be confiscated for the state.

CHAPTER VI COMPENSATION

Article 45

- (1) Each deed impinging the law regulated in forestry law, without prejudicing crime sanction, require to the principal of the action to pay the compensation.
- (2) The compensation payment as referred to paragraph (1) shall be deposited by the principal to the State Cash.
- (3) Compensation money as referred to paragraph (2) shall be used for the rehabilitation expenses, forest condition recovery or action needed.
- (4) Further provisions concerning compensatory management and use as referred to paragraph (2) and paragraph (3) shall be regulated jointly with the Minister and The Minister in charge in the field of finance.

Article 46

- (1) The payment and amount of indemnity by the principal as referred to Article 45 paragraph (1) shall be specified by the Minister.
- (2) Stipulating the amount of indemnity which must be paid by the principal as referred to paragraph (1) shall be based on the forest damage level or the generated effect to the State.

- (3) Forest damage level or the generated effect to the State as referred to paragraph (2), shall be based on the physical change, physical characteristics, or its biology.
- (4) Further provisions on forest damage level or generated effect to the State as referred to paragraph (3) shall be regulated by the Minister.

CHAPTER VII GUIDANCE, CONTROL AND SUPERVISION

Part One General

Article 47

- (1) In order to guarantee its order of forest protection management, The Minister has the authority to conduct guidance, control and supervision toward the Governors policy.
- (2) The Governor shall conduct guidance, control and supervision to the Mayor or Regent for the implementation of Forest protection at the surrounding areas.

Part Two Guidance and Control

Article 48

- (1) Guidance as referred to Article 47 paragraph (1) covers providing:
 - a. Guidelines;
 - b. Tuition;
 - c. Training;
 - d. Instruction; and or
 - e. Supervision.
- (2) Providing guidance as referred to paragraph (1) letter a shall be directed to the management of Forest protection by local government of province and or regency or town including the responsibility, report and evaluation for accountability of Governor and Regent or Mayor performance.
- (3) Providing tuition as referred to paragraph (1) letter b shall be directed to arrange the procedures and administration.
- (4) Providing training as referred to paragraph (1) letter c shall be directed to the apparatus resources.
- (5) Providing instruction as referred to paragraph (1) letter d shall cover the activity of arranging plan, program and activities having the national characters.
- (6) Supervision as referred to paragraph (1) letter e shall be directed to the implementation of activities of forest management delegated or delivered to the Government of province or regency or city.

Article 49

- (1) Control as referred to Article 47 paragraph (1) shall cover the activities of:
 - a. Monitoring;
 - b. Evaluation; and/or

c. Follow-Up.

- (2) Activity of monitoring as referred to paragraph (1) letter a is an activity to get data and information, policy and implementation of forest protection.
- (3) Activity of evaluation as referred to paragraph (1) letter b is an activity to assess the success of forest protection implementation periodically.
- (4) Activity of follow-up as referred to paragraph (1) letter c is a follow-up of the monitoring and evaluation results in order to complete the policy and implementation of forest protection.

Further provisions on appraising the success of implementation of forest protection periodically as referred to paragraph (3) shall be regulated by the Minister.

Article 50

- (1) Control results conducted by the Governor as referred to Article 47 paragraph (2), shall be followed up by Mayor or Regent.
- (2) The Governor and Mayor or Regent shall report the follow-up results of the control operation to the Minister.

Article 51

Guidance and control as referred to Article 47 up to Article 50 shall be further regulated by the Minister.

Article 52

Supervision provisions as referred to Article 47 shall be regulated in a separate Government Regulation.

CHAPTER VIII OTHERS PROVISION

Part One Evidence Administration

Article 53

- (1) Evidences in a criminal case of forestry shall be kept or collected in a place that is available at the pertinent forestry institution, depository house of state confiscated objects, or wild flora and fauna conservation institution.
- (2) Forest products, which are quickly damaged and need high cost for its depository shall immediately be tendered.
- (3) Evidence in the form of protected flora and fauna and or those included into the Appendix I CITES could not be auctioned.
- (4) All forest products from criminal and violation results and or appliance/equipment including the transport equipment used to commit a crime and or violation shall be confiscated for the State.
- (5) Evidence used to commit a crime action shall be auctioned or returned back to the rightful claimant after having a verdict that has had permanent legal force.
- (6) Implementation of evidence administration as referred to paragraph (1), and paragraph (2) and paragraph (3) shall be further regulated by the Minister.

Part Two
Other Goods Which Can Be Auctioned

Article 54

- (1) Confiscation results which have had permanent legal force as referred to Article 78 paragraph (15) and Article 79 paragraph (1) Law No. 41/1999 on Forestry shall represent the state properties which can be auctioned.
- (2) Confiscation results as referred to paragraph (1) in the form of:
- a. Goods or equipments used to take forest products and found in the forest areas;
 - b. Goods or equipments used to transport forest products, found at a place and none that confess as its owner;
 - c. Goods or equipments used by the suspected to transport the forest products which have no valid documents;
 - d. Goods or equipments used by the suspected to take and or collect the forest products.

CHAPTER IX
TRANSITIONAL PROVISIONS

Article 55

All implementation regulations in the field of forest protection which have been existed, as long as they are not contrary with this government regulation, shall remain be effective up to the issuance of implementation regulation pursuant to this Government Regulation.

CHAPTER X
CONCLUDING PROVISIONS

Article 56

At the issuance of this Government Regulation, then the Government Regulation No. 28/1985 on Forest protection (State Gazette of the Indonesia 1985 No. 39, Supplement to the State Gazette No. 32), shall be expressed invalid anymore.

Article 57

This Government Regulation shall come into force on the enactment date.

For public cognizance, to instruct enactment of this Government Regulation by placing it in the State Gazette of the Republic of Indonesia.

Stipulated In Jakarta
On October 18, 2004

PRESIDENT OF THE REPUBLIC OF INDONESIA
Signed
MEGAWATI SOEKARNO PUTRI

Enacted in Jakarta
On 18 October 2004

STATE SECRETARY OF THE REPUBLIC OF INDONESIA
Signed
BAMBANG KESOWO
