

**Joint Decree of the Minister of Transmigration and the
Settlement of Forest Squatters, the Minister of Forestry
and the Minister of Agriculture No. SKB.147/MEN/1995,
No. 580/Kpts-II/1995, No. 740/Kpts/KB/530/10/1995
dated October 31, 1995**

RE

THE DEVELOPMENT OF PEOPLE'S FOREST TRANSMIGRATION

**THE MINISTER OF TRANSMIGRATION AND THE SETTLEMENT OF FOREST
SQUATTERS, THE MINISTER OF FORESTRY AND THE MINISTER OF AGRICULTURE**

Considering:

- a. that forests are a gift from God the Almighty as sources of natural wealth which generate manifold benefits, are absolutely needed by human beings and must therefore be continuously protected and utilized for people's welfare;
- b. that in the framework of forest development the community must be given opportunities to participate in the development, utilization and use of people's forests and that this participation must be concretely nurtured;
- c. that the development of people's forest transmigration as part of Regional and National Development Undertaking is geared towards the generation of benefits for the welfare of the people who are resettled and the surrounding community by maintaining the sustainability of natural resources aid the function of the environment and expanding employment and business opportunities;
- d. that in the framework of handling the problems of forest tramping/nomadic farming and in order to promote the welfare of transmigrants, efforts must be made to make optimum use of land and space for resettlement and the development of people's forest transmigration by means of developing various agricultural and other undertakings;
- e. that to this end it is necessary to stipulate a joint Decree.

Bearing in mind:

1. Act No. 5/1060 on the Basic Regulation of Agrarian Principles;
2. Act No. 5/1967 on Basic Stipulations on Forestry;
3. Act No. 3/1972 on Basic Stipulations on Transmigration;
4. Act No. 4/1982 on Basic Stipulations on the Environment;
5. Act No. 5/1990 on the Conservation of Biological Natural Resources and their Ecosystem;
6. Act No. 12/1992 on the System of Crop Cultivation;
7. Act No. 24/1992 on Spatial Layout Arrangement ;
8. Government Regulation No. 33/1970 on Forest Planning;
9. Government Regulation No. 42/1973 on the operation of Transmigration;
10. Government Regulation No. 28/1985 on Forest Protection;
11. Government. Regulation No. 51/1993 on the Analysis of Environmental Impact;
12. Presidential Decree No. 15/1984 on the organizational Structure of Ministries as has been amended the latest by Presidential Decree No.61/1995;
13. Presidential Decree No. 25/1993 on the Coordination in the operation of Transmigration and the Settlement of Forest SQUATTERS;
14. Presidential Decree No. 96/M/1993 on the Establishment of Development Cabinet VI;
15. Joint Decree of the Minister of Transmigration and the Minister of Forestry
No. SKB.057/MEN/1984
044/Kpts-II/1994

On the Guideline for the Regulation of Cooperation between the Ministry of Transmigration and the Ministry of Forestry;

16. Joint Decree of the Minister of Forestry, the Minister of Home Affairs and the Minister of Transmigration and the Settlement of Forest S Squatters No. 480/Kpts-II/1993
74/1993
SKB.69/MEN/1993

On the Handling of Forest SQUATTERS and Nomadic Farming;

17. Joint Decree of the Minister of Transmigration and the Settlement of Forest Squatters and the Minister of Forestry
No. SKB.126/MEN/1994

D E C I D E S

To stipulate:

SQUATTERS JOINT DECREE OF THE MINISTER OF TRANSMIGRATION AND THE SETTLEMENT OF FOREST SQUATTERS, THE MINISTER OF FORESTRY AND THE MINISTER OF AGRICULTURE ON THE DEVELOPMENT OF PEOPLE'S FOREST TRANSMIGRATION.

CHAPTER I GENERAL PROVISIONS

Article 1

Referred to in this Joint Decree as:

- a. A forest shall be a field on which trees grow, entirely constituting a union of biological living and that of the environment and which the Government stipulates as a forest;
- b. Transmigration shall be this transfer and or the movement of people for settlement from one region to another stipulated within the territory of the Republic of Indonesia in the interest of the country's development or owing to reasons deemed necessary by the Government;
- c. A people's forest shall be a forest which grows or which is planted on a plot of land on which there is a right of proprietorship and which can be owned by people either individually or jointly with other people or statutory bodies;
- d. A farmer's undertaking shall be an agricultural undertaking which may be implemented on a piece of land intended for a farmer's undertaking in the form of a yard, a field/garden or on another ecological base.
- e. A People's Forest Transmigration hereinafter abbreviated to Trans-HR, shall be one form of transmigration settlement development designed in an integrated manner so that the main undertakings of the transmigrants shall come from the outcome of the development of forest commodities in the form of timber and non-timber forest produce and also from farmer's undertakings which support the ecosystem of the said forest and which is economically oriented and is based on the principle of forest sustainability.
- f. People's Forest Transmigrants shall be transmigrants from Transmigrants' Regions of Origin, forest Squatters, nomadic farmers and local people around the forest who are engaged in the development of people's forest along with the executive agencies of Trans-HR development or statutory Cooperatives.

CHAPTER II AIM, OBJECTIVES AND TARGETS

Article 2

The aim of this Joint Decree shall be to bring into harmony the planning, implementation, supervision and control of the development of Trans-HR so that optimum results may be attained.

Article 3

The objectives of the development of Trans-HR shall be:

- a. To make available bigger opportunities to transmigrants and the local people to participate in forestry and agriculture in order to raise their standard of living and support the provision of forest produce raw materials.
- b. To prevent the wastage of and the damage to natural resources, in particular forests, land and water as an effort to realize the conservation of the function of the environment.

Article 4

The targets of Trans-HR shall be:

- a. The realization of Trans-HR development as the manifestation of the re-arrangement and utilization of converted production forests to expand and at the same time safeguard the sustainability of the environment.
- b. The realization of the uplifting of the standard of living of people/transmigrants in a sustainable manner.

**CHAPTER III
SCOPE OF ACTIVITIES**

Article 5

The scope of activities of the development of Trans-HR shall encompass Trans-HR development planning, the development of farmers' undertakings, the preparation of transmigrants' settlement, mobilization and placement and the nurturing of the settlement for people's forest transmigrants.

**CHAPTER IV
TASK AND RESPONSIBILITY**

Article 6

The Minister of Transmigration and the Settlement of Forest SQUATTERS shall perform the task of and assume the responsibility for counselling, selection and training in the regions of origin of transmigrants, preparing settlement, mobilization and placement and nurturing the settlement of Trans-HR.

Article 7

The Minister of Forestry shall perform the task of and assume the responsibility for preparing prospective transmigrants coming from the group of forests Squatters and providing technical nurturing of the management and the operation of people's forests.

Article 8

The Minister of Agriculture shall perform the task of and assume the responsibility for the implementation of technical nurturing of farmer's undertakings.

Article 9

Further stipulations on the implementation of Articles 6, 7 and 8 shall be coordinated by the Minister of Transmigration and the Settlement of Forest Squatters.

**CHAPTER V
OPERATION**

Article 10

- (1) The establishment of Trans-HR development shall encompass planning, implementation and supervision as well as control undertaken by each ministry in accordance with its tasks and functions, with the support of the ranks of First-Level and Second-Level. Regional Administrations in conformity with their tasks and functions.
- (2) To ensure the smooth enforcement of this Joint Decree Working Groups and Technical Teams of the Central and Regional Levels shall be set up in a stipulation laid down in a Decree of the Minister of Transmigration and the Settlement of Forest Squatters.

**CHAPTER VI
EXECUTIVE PARTIES**

Article 11

The executive parties of Trans-HR shall be responsible for the implementation of feasibility studies including the Analysis of Environmental Impact (AMDAL), the processing of licesing for the implementation of Trans-HR, the formulation of a plan for the operation of People's Forests, the development of people's forests, the development of Trans-HR farmer's undertakings, post-harvest management and marketing guarantee of forest produce and the yields of farmers' undertakings.

**CHAPTER VII
SUPERVISION AND CONTROL**

Article 12

(1) The supervision and control of all activities in the establishment of Trans-HR development shall be undertaken by each ministry in accordance with its tasks and functions and shall be under the coordination of the Chairman of Trans-HR Working Group.

(2) To ensure the success in the development of Trans-HR it is necessary for the Research and Development Agency/ Centre of each ministry to monitor, assess and analyse the operations of Trans-HR development.

**CHAPTER VIII
FINANCING**

Article 13

The costs arising as a result of the stipulation of this Joint Decree shall be financed with funds originating in the government's financial sources, state-owned companies and other financial sources.

**CHAPTER IX
CLOSING PROVISIONS**

Article 14

(1) The implementation of this joint Decree may be regulated jointly or separately in accordance with the tasks and functions of each ministry.

(2) This Joint Decree shall take effect as from the date of stipulation.

Stipulated in Jakarta
On October 31, 1995

THE MINISTER OF TRANSMIGRATION
AND THE SETTLEMENT OF FOREST SQUATTERS
sgd.
SISWONO YUDOHUSODO

THE MINISTER OF FORESTRY
sgd.
DJAMALUDIN SURYOHADIKUSUMO
THE MINISTER OF AGRICULTURE
sgd.
SJARIFUDIN BAHARSJAH