

GUIDELINES ON RESERVATION OF MINING AREAS
(Decree of the Minister of Energy and Mineral Resources No. 1603 K/40/MEM/2003
dated December 24, 2003)

THE MINISTER OF ENERGY AND MINERAL RESOURCES,

Considering:

- a. that in order to implement the provisions in Articles 6 and 9 of Government Regulation No. 25/2000 on the authority of provinces as autonomous regions, standards, norms, criteria, procedures and guidelines on the execution of public administration tasks in the general mining sector are needed;
- b. that based on the consideration as meant in letter a, and to prevent mining areas from overlapping, it is necessary to stipulate guidelines on reservation of mining areas in a decree of the Minister of Energy and Mineral Resources;

In view of:

1. Law No. 11/1967 (Statute Book of 1967 No. 22, Supplement to Statute Book No. 2831);
2. Law No. 22/1999 (Statute Book of 1999 No. 60, Supplement to Statute Book No. 3839);
3. Government Regulation No. 10/2000 (Statute Book of 2000 No. 20, Supplement to Statute Book No. 3934);
4. Government Regulation No. 25/2000 (Statute Book of 2000 No. 54, Supplement to Statute Book No. 3952);
5. Government Regulation No. 75/2001 (Statute Book of 2001 No. 141, Supplement to Statute Book No. 4154);
6. Government Regulation No. 45/2003 (Statute Book of 2003 No. 96, Supplement to Statute Book No. 4314);
7. Decree of the Minister of Mining and Energy No. 134.K/2001/MPE/1996 dated March 20, 1996;

D E C I D E S :

THE DECREE OF THE MINISTER OF ENERGY AND MINERAL RESOURCES CONCERNING GUIDELINES ON RESERVATION OF MINING AREAS.

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this decree as:

- a. Reservation of Mining Areas is a process of application and service for obtaining mining areas in the framework of applications for Mining Concession (KR), Working Contract (KK), Working Agreement On Coal Mining Exploration (PKP2B), Regional Mining License (SIPD) and Smallholder Mining License (SIPR).
- b. Mining Area is a mining business area stipulated in the form of KP, KK, PKP2B, SIPD and SIPR.
- c. Basic Map of Mining Area is the basic map as meant in Government Regulation No. 10/2000, accompanied by information on borders of mining areas.
- d. Map of Mining Area is a map containing data and information on borders of a mining area used as attachment to KR, KK, PKP2B, SIPD and SIPR.

CHAPTER II
BASIC PRINCIPLES OF
RESERVATION OF MINING AREAS

Article 2

- (1) Service for reservation of mining area is done by using a nationally integrated mining area information system.
- (2) The mining area information system as meant in paragraph (1) aims at harmonizing:
 - a. coordinate system;
 - b. basic map of mining areas;

- c. maps of mining areas;
- d. procedures for reserving areas.

CHAPTER III

MINING AREA INFORMATION SYSTEM (SIWP)

Article 3

- (1) SIWP constitutes a mining area database system containing information on all mining areas, areas of ex-Preliminary Inquiry Permit (SIPP), KP, PKP2B, SIPD and SIPR, status of areas and general description of regional situation.
- (2) SIWP as meant in paragraph (1) is implemented by applying technology of a universal geographic information system (SIG).
- (3) Format of data needed in SIWP is as contained in Attachment I to this decree.

Article 4

- (1) Basic Map of Mining Areas is used as the basis for testing and mapping general mining business areas.
- (2) The basic map of mining areas as meant in paragraph (1) constitutes a digital map of SIWP referring to the landscape/topographic map and numbering system of national map sheets in an adequate scale.

Article 5

- (1) Mining areas must be restricted by lines parallel to latitude and longitude with a denominator of one tenth second (0.1") as well as using a geographic coordinate system.
- (2) Maps of mining areas must describe borders and size of mining areas, administrative location, date of issuance of map, kind of licensing/model of agreement, information on status of land as well as accompanied by list of coordinate of regional borders.
- (3) The regional situation mentioned in the basic map of mining area and maps of mining areas constitutes a general description of areas and borders of areas in force on the basis of the coordinates mentioned in the list of coordinates.

Article 6

- (1) The coordinate system of mining area mapping uses Na-

tional Geodetic Datum 1995 (DGN-95) having the same value of parameter as the parameters of Ellipsoid World Geodetic System 1984 (EWGS84).

- (2) DGN-95 as meant in paragraph (1) is realized in the form of National Horizontal Control Network (JKHN) of zero order and its resolution frame.

CHAPTER IV

PROCEDURES FOR RESERVATION OF MINING AREAS

Article 7

- (1) Applications for reservation of mining areas are submitted to the Minister or governors or regents/mayors in accordance with their respective scopes of authority.
- (2) Service for reservation of mining area must apply the first application system already fulfilling requirement, securing first priority to obtain mining area (first come first served).

Article 8

Every application for reservation of mining area of KP, KK, PKP2b, SIPD, SIPR is submitted by using the form of application as contained in Attachment II to this decree.

Article 9

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority after receiving the applications as meant in Article 8 gives up evidence of receipt of application for reservation of mining areas to applicants with a copy made available to:
 - a. the minister, in the case of the area requested for reservation being located in inter-provincial region and sea territory outside 12 nautical miles;
 - b. governor, in the case of the area requested for reservation being located in inter-regency/city region and sea territory outside one-third and sea border of provincial region;
 - c. regent and mayor in the case of the are requested for reservation being located in regency/city and sea territory up to one third of the sea border of provincial region.
- (2) Minister or governor or regent/mayor conveys copy of receipt of application for reservation of areas as meant in paragraph (1) through e-mail, facsimile or other instruments not later than 1 x 24 hours after the receipt

of application for reservation of area is given to the applicant.

- (3) Minister or governor or regent/mayor receiving the copy of receipt of application for reservation of area as meant in paragraph (2) must give response/opinion to the application in 5 (five) working days.
- (4) The form of receipt of application for reservation of mining area is as contained in Attachment III to this decree.

Article 10

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority processes applications for reservation of mining areas as meant in Article 9 on the basis of result of test of the requested mining areas.
- (2) In the case of overlapping in reservation of area between minister or governor or regent/mayor, the applicant first received and fulfilling the requirement has a priority right to have its legitimacy processed/recognized on the basis of the principles as meant in Article 7 paragraph (2).

Article 11

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority approves or rejects application for reservation of mining areas as meant in Article 9 not later than 9 (nine) working days as from the granting of evidence of receipt of application for reservation of mining areas with a copy as meant in Article 9 paragraph (1).
- (2) In the case of the application for reservation of mining area being approved by minister or governor or regent/mayor in accordance with their respective scopes of authority, the map of mining area as meant in Article 5 is given to the applicant.

Article 12

- (1) The applicant already securing approval of reservation of mining area as meant in Article 11 paragraph (2) is obliged to fulfill other requirements for obtaining KP or KK or PKP2B or SIPD or SIPR in accordance with the law in force.

- (2) In the case of the applicant not fulfilling the requirements as meant in paragraph (1) in 5 (five) working days, reservation of mining area already approved is declared as area free and open for other applicants.

CHAPTER V
CONCLUSION
Article 13

The decree comes into force as from the date of stipulation.

Stipulated in Jakarta
On December 24, 2003

THE MINISTER OF ENERGY AND MINERAL RESOURCES
sgd
PURNOMO YUSGIANTORO

ATTACHMENT I

DECREE OF THE MINISTER OF ENERGY AND
MINERAL RESOURCES
NO. 1603.K/40/MEM/2003
DATE : DECEMBER 24, 2003

FORMAT OF
DATA ON MINING AREA INFORMATION SYSTEM

No.	Items of Data	Remarks	
1.	Code of region	KP/KK/PPK2b/SIPD*)	
2.	Name of company		
3.	Address of company		
4.	Form of company		
5.	Kind of license/contract		
6.	No. of decision		
7.	Starting effective from:		
8.	Up to		
9.	Phase of activity		
10.	Size of area		
11.	Kind of mineral		
12.	Location of mining		Village/district
13.	Regency/city		
14.	Province		

*) pick up as required

THE MINISTER OF ENERGY AND MINERAL RESOURCES
 sgd
 PURNOMO YUSGIANTORO

CC:
 The Minister of Energy and Mineral Resources/Governor/
 Regent/Mayor*)

ATTACHMENT II

DECREE OF THE MINISTER OF ENERGY AND
 MINERAL RESOURCES

NO. 1603.K/40/MEM/2003

DATE : DECEMBER 24,2003

MINING AREA APPLICATION FORM

Remark:

1. To be completed by capital letter
2. *) pick up as required

THE MINISTER OF ENERGY AND MINERAL RESOURCES
 sgd
 PURNOMO YUSGIANTORO

To:
 Minister/Governor/Regent/Mayor

.....
 in

ATTACHMENT III

DECREE OF THE MINISTER OF ENERGY AND
 MINERAL RESOURCES

NO. 1603.K/40/MEM/2003

DATE : DECEMBER 24,2003

We herewith submit application for reservation of
 mining area with information as follows:

- Full Name
- Occupation
- Company
- Address
- No. of Telephone/
- Facsimile
- New Application
- Application For Mining Concession
- Working Contract
- Cooperation Agreement on Coal
 Mining Exploration (PKP2B)
- Regional Mining Licence (SIPD)
 Smallholder Mining Are (WPR)

Location : Province
 Regency :
 Mineral Applied :

- Attachments :
1. Map of area
 2. List of coordinates of points of regional border

We appreciate your attention.

Applicant

(.....)

EVIDENCE OF
 RECEIPT OF APPLICATION FOR RESERVATION OF AREA

- Name of company :
- Location (Province/Regency/City) :

- To be completed by officer :
- No. of registration :
- Date/month/year of registration :
- Time of service :
- Attachment to List of coordinate :

No.	Longitude				Latitude				Notes
	0	'	"	E	0	'	"	N/S	

FORM DECISION OF
THE MINISTER OR GOVERNOR OR REGENT/MAYOR*)
NO.

ON
APPROVAL OF RESERVATION OF MINING AREA
THE MINISTER/GOVERNOR/REGENT/MAYOR

Reading:

Application No.date

Considering:

that the application for reservation of mining area has fulfilled the requirements as stipulated in the law in force;

In view of:

1. Decree of the Minister of Energy and Mineral Resources No. date on guidelines on reservation of mining area;
2. so on

DECIDES :

To stipulate :

First:

To approve reservation of mining area for minerals

To :

Address :

in the framework of obtaining KP or KPP or PKP2B or SIPD or SIPR*)

The list of coordinate is enclosed.

SECOND:

The company must promptly fulfill the requirements and implement obligation in the period stipulated in the licensing to obtain KP or KK or PKP2B or SIPD or SIPR*) in accordance with the provisions of the laws in force.

THIRD:

Reservation of mining area already approved as meant in Dictum First is declared null unless the company meets the requirements and obligations as meant in Dictum Second of this decree.

FOURTH:

The decree comes into force as from the date of stipulation.

Stipulated in.....

On

For THE MINISTER/GOVERNOR/REGENT/MAYOR

.....

*) pick up as required

THE MINISTER OF ENERGY AND MINERAL RESOURCES

sgd

PURNOMO YUSGIANTORO

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