

**MECHANISM FOR
HANDLING ENVIRONMENTAL POLLUTION IN DKI JAKARTA PROVINCE**
(Decision of Governor of DKI Jakarta Province No. 58/2004 dated April 30, 2004)

GOVERNOR OF DKI JAKARTA PROVINCE,

Considering:

- a. that, fast development will arise more impact to the environment and it requires control so that development can be implemented constantly;
- b. that, *public complaint* on environmental pollution or damage increases in line with the fast growing development and increase of people's awareness on their entitlement to a healthy and good environment;
- c. that, one of the most important efforts in controlling environmental impact is to process the complaint on environmental pollution and damage;
- d. that, in relation to the matters as set forth in paragraphs a, b, and c and in the framework of improving of effectiveness and efficiency in environmental treatment, it is necessary to stipulate Mechanism for Handling Environmental Pollution in DKI Jakarta Province.

In view of:

1. Law No. 11/1974 on Irrigations;
2. Law No. 5/1984 on Industrial Affairs;
3. Law No. 5/1990 on Conservation of Biological Resources and Their Ecosystem;
4. Law No. 23/1997 (BN No. 6092 pages 19A-21A and so forth) on Environmental Treatment;
5. Law No. 22/1999 (BN No. 6361 pages 1A-5A and so forth) on Regional Administration;
6. Law No. 34/1999 on Administration of Province of DKI Jakarta as Capital City of the Republic of Indonesia;
7. Government Regulation No. 18/1999 (BN No. 6427 pages 1A-6A and so forth) on Treatment of Hazardous and Toxic Materials;
8. Government Regulation No. 41/1999 (BN No. 6378 pages 1A-4A and so forth) on Air Pollution Control;
9. Government Regulation No. 85/1999 (BN No. 6441 pages 2A-6A) on Amendment to Government Regulation No. 18/1999 on Treatment of Hazardous and Toxic Materials;
10. Government Regulation No. 74/2001 on Treatment of Hazardous and Toxic Materials;
11. Government Regulation No. 82/2001 on Water Pollution Control;
12. Decree of State Minister for the Environment No. 17/2001 (BN No. 6657 pages 2A-17A) on Types of Business and/or Activity Plans That Must Be Completed with Environmental Impact Analysis Document;
13. Decree of State Minister of the Environment No. 86/2002 (BN No. 6894 pages 9A-12A) on Guidelines for the Implementation of Environmental Treatment Efforts and Environmental Monitoring Efforts;
14. Regional Regulation of DKI Jakarta Province No. 3/2001

on Form of Structures of Organization and Work Rules of Regional Apparatuses and Secretariat of the Regional House of Representatives of DKI Jakarta Province;

15. Decision of Governor of DKI Jakarta Province No. 189/2002 (BN No. 6775 pages 23A-31A) on Types of Businesses/Activities That Must Be Completed with UPL and IPL in DKI Jakarta Province;

16. Decision of Governor of DKI Jakarta Province No. 2333/2002 on Types of Businesses/Activities That Must Be Completed With Environmental Treatment Statement (SPPL) in DKI Jakarta Province.

D E C I D E S :

To stipulate:

DECISION OF GOVERNOR OF DKI JAKARTA PROVINCE ON MECHANISM FOR HANDLING ENVIRONMENTAL POLLUTION IN DKI JAKARTA PROVINCE.

CHAPTER I GENERAL PROVISIONS

Article 1

Hereinafter referred to as:

1. Governor is the Governor of DKI Jakarta Province.
2. Regional Environmental Treatment Agency, which is hereinafter shortened to "BPLHD", is the Regional Environmental Treatment Agency of DKI Jakarta Province.
3. Territorial Environmental Treatment Agency is the Territorial Environmental Treatment Agency of DKI Jakarta Province;
4. Authorized Institution is an institution granting license to perform business and/or activity.
5. Complaint Receiving Institution is an Institution of Development of existing industry/business, amongst others, Public Works Agency, Industry and Trade Agency, Health Agency, Tourism Agency, BPLHD and Territorial BPLHD.
6. Complaint Receiving Official is District Head, Sub-District

Head, Mayor/Regent of the Thousand Island Administrative Region, Regional Government's Activity Institutions in the relevant Provinces, Governor of DKI Jakarta Province.

7. Environmental Pollution is the entrance or introduction of living creatures, substances, energies, and/or other components into the environment by human activities so that the quality is declining up to a certain level causing the environment not being able to function properly.
8. Waste is residue of a business and/or activity.
9. Environmental Case is the problem arising as a result of assumption of occurrence of environmental pollution and/or damage.
10. Reporting Party is a person, group of societies, either in the form of legal entity or non-legal entity submitting environmental complaint.
11. Verification is an inspection into the verity of environmental complaint, via the phone or by inspection on location of pollution and/or harming.
12. Expert is a person with special expertise, either based on formal education or work experience in the necessary field in the framework of assisting the conveyance of the truth of an event of polluting and/or harming of the environment.
13. Environmental Dispute is a dispute between two or more parties arising as a result of the existence or assumption of pollution and/or harming to the environment.
14. Environmental Treatment Technical Development is the efforts to give guidance on how to treat the environment according to the types of activities.
15. Enforcement of Administrative Law is the efforts to achieve compliance with environmental laws and requirements, which are applicable for public and individual persons through environmental supervision and application of threat of facility.

CHAPTER II S C O P E Article 2

The scope of mechanism for handling of environmental pollution includes:

- a. Handling of environmental pollution by normal ways;
- b. Early handling of environmental pollution (emergency);
- c. Main performer/main actor in this activity is in the Municipal/Regental level of the Seribu Island Administrative Region.

Article 3

- (1) The handling of environmental pollution by normal ways, as referred to in Article 2 paragraph a, is conducted through coordination between institutions for the environment in the municipal/regental area of the Seribu Island Administrative Region.
- (2) The early handling of environmental pollution (emergency), as referred to in Article 2 paragraph b, is by direct actions in case of massive danger and causing death.

CHAPTER II PUBLIC COMPLAINT Article 4

- (1) Public complaint on environmental affairs, as referred to in Article 2, may be local in nature and cross municipality/regency in the Seribu Island Administrative Region.
- (2) Public complaint in environmental affairs can be classified as local in nature if the location of activity and/or business and the environmental impact is in municipal/regental area of the Seribu Island Administrative Region.
- (3) Public complaint in environmental affairs is classified as cross municipality/regency and the environmental impact covers two or more municipalities/regencies of the Seribu Island Administrative Region.
- (4) Public complaint in environmental affairs is classified into cross municipality/regency in the Seribu Island Administrative Region or in Provincial level if fulfilling the following elements:

a. Environmental

- a. Environmental pollution and/or harming that have occurred and resulted in death;
- b. Environmental pollution and/or harming and the impact is cross Provincial border;
- c. Environmental pollution and/or harming which is caused by hazardous and toxic materials;
- d. Environmental pollution and/or harming 4-12miles off the sea.

CHAPTER IV
COMPLAINT RECEIVING INSTITUTION

Article 5

- (1) Complaint receiving institutions are:
- a. Governmental institution for environmental treatment in Provincial Government level;
 - b. Governmental institution for environmental treatment in Municipal/Regental Government level of the Seribu Island Administrative Region.
- (2) Local Complaint Receiving Officials of the complaint receiving institutions, as referred to in paragraph (1) in the region are:
- a. District Head, in the district where environmental pollution is assumed to have occurred;
 - b. Sub-District Head, in the sub-district where environmental pollution is assumed as to have occurred;
 - c. Head of Regional Industry and Trade Agency;
 - d. Head of Regional Tourism Agency;
 - e. Head of Regional Health Agency;
 - f. Head of Irrigation of Regional Public Works Agency;
 - g. Head of Road Affairs of Regional Public Works Agency;
 - h. Head of Regional Animal Husbandry, Fishery, and Marine Agency;
 - i. Head of Regional Mining Agency;
 - j. Head of Regional Cleaning Agency;
 - k. Head of Regional Housing Agency;
 - l. Head of Regional City Arrangement Agency;
 - m. Head of Regional P2B Agency;
 - n. Head of Regional BPLHD;
 - o. Municipality/Regency of the Seribu Island Administrative Region or Head of Governmental Institution for Environmental Treatment in the Municipality/Regency of the Seribu Island Administrative Region.

(3) The Complaint Receiving Officials in Provincial level are:

- a. Governor of DKI Jakarta Province;
- b. Head of BPLHD of DKI Jakarta Province;
- c. Head of Industry and Trade Agency of DKI Jakarta Province;
- d. Head of Tourism Agency of DKI Jakarta Province;
- e. Head of Health Agency of DKI Jakarta Province;
- f. Head of Irrigations of Public Works Agency of DKI Jakarta Province;
- g. Head of Road Affairs of Public Works Agency of DKI Jakarta Province;
- h. Head of Animal Husbandry, Fishery, and Marine Agency of DKI Jakarta Province;
- i. Head of Mining Agency of DKI Jakarta Province;
- j. Head of Cleaning Agency of DKI Jakarta Province;
- k. Head of Housing Agency of DKI Jakarta Province;
- l. Head of City Arrangement Agency of DKI Jakarta Province;
- m. Head of P2B Agency of DKI Jakarta Province;
- n. Head of ASP Bureau of DKI Jakarta Province.

(4) Complaint receiving officials, who are cross Municipality/Regency of the Seribu Island Administrative Region of the complaint receiving institutions, as referred to in paragraph (1), are the Governor or Head of governmental institution for environmental treatment in the Provincial area for public complaint on environmental affairs.

CHAPTER V

PROCEDURE OF SUBMISSION OF COMPLAINT

Article 6

- (1) If the society knows or assumes the occurrence of environmental pollution and/or harming, they may complain to:
- a. The nearest government officials as referred to in Article 5 paragraph 1 for society in local level;
 - b. Government official in provincial level, as referred to in Article 5 paragraph 2 for society, which is in cross-regional level;
 - c. Government official in provincial level, as referred to in Article 5 paragraph 3 for society, which is in cross regional level.
- (2) The complaint, as referred to in paragraph (1), may be submitted verbally or in writing.

Article 7

(1) In the complaint, as referred to in Article 5 paragraph (1), the reporting party must provide clear information on the existence of pollution.

(2) If the reporting party possesses supporting data, such as photographs, maps, results of laboratory analysis, and so forth, those may be appended or attached to the complaint.

CHAPTER VI

PROCEDURE OF MANAGEMENT OF COMPLAINT

Article 8

(1) The complaint managing official of the environmental pollution complaint receiving institution will study the complaint to decide classification of the complaint.

(2) Results of classification of the complaint and steps to handle it is classified into:

- a. Non-environmental pollution complaint;
- b. After going through verification, it can be concluded that the environmental pollution complaint submitted by the society is true.

Article 9

To settle public complaint regarding environmental pollution, a Team for Handling of Environmental Pollution in Municipal/Regental Level of Seribu Island Administrative Region and Team for Handling of Environmental Pollution in Provincial level shall be assembled by virtue of Decision of Governor of DKI Jakarta Province.

Article 10

Findings of the Team for Handling of Environmental Pollution may be in the form of:

- a. Not construed as environmental case, but other social affairs, such as land dispute, social jealousy, and so forth;
- b. There is no environmental pollution and/or harming, but there have been violations against laws and/or licenses on environmental affairs;
- c. Violations causing environmental pollution and/or damage settled based on civil procedure or dispute settlement outside court;

d. Violations causing environmental pollution and/or harming have occurred so that settlement of which is assigned to the Police and civil servant investigators to be investigated.

Article 11

If from results of verification into public complaint, environmental pollution has occurred, therefore administrative actions as the following may be imposed:

- a. Reminder;
- b. Warning;
- c. Closing of waste channel;
- d. Closing of part of production equipment;
- e. Annulment of business license;
- f. Closing of business.

CHAPTER VII

PROCEDURE OF ACTIONS IN EMERGENCY

Article 12

(1) The team for handling of environmental pollution receives complaint from the public, mass media, and related institutions explaining that there is an environmental pollution classified as emergency.

(2) The team for handling of environmental pollution may solve the emergency case without the need of a coordination meeting.

(3) The team for handling of environmental pollution localizes the impact of pollution, temporarily handles and neutralizes the impact.

(4) The team for handling of environmental treatment shall report results of the actions taken in emergency within 1x24 hours to its principal.

(5) Thereafter, will be continued to handling of normal cases.

CHAPTER VIII

DISPUTE SETTLEMENT

Article 13

(1) If findings of the team for handling of environmental pollution in the form of truth of the existence of environmental pollution and/or harming that have caused damage to other persons/parties or the environment,

parties who wish for settlement of environmental dispute outside the court the complaint receiving official must pioneer, encourage, and facilitate the parties to settle disputes through mediation, negotiation, or arbitration forum.

- (2) In the framework of pioneering, encouraging, and facilitating of settlement of environmental dispute, as referred to in paragraph (1), the complaint receiving official may recommend the use of services of the environmental dispute settlement providing institution of the complaint receiving institution.
- (3) Mechanism for settlement of dispute outside the court is voluntary in nature so that the parties are not bound and have freedom to take settlement efforts through the court if no consensus is reached within the time agreed by both parties.

CHAPTER IX
FINANCING
Article 14

- (1) Financing of the team for handling of environmental pollution in municipal/regental level of the Seribu Island Administrative Region and Verification Team of the Provincial level shall be imposed on the Regional Revenues and Expenditures Budget (APBD) if the complaint receiving institution is a governmental institution in Regental/Municipal or Provincial level.
- (2) Other than those financed from the APBD, financing of the team for handling of environmental pollution in the Municipality/Regency of the Seribu Island Administrative Region may be obtained from other independent sources of fund pursuant to the applicable laws.

CHAPTER X
CLOSING PROVISION
Article 15

This Decision shall come into effect from the date of enactment.

For public cognizance this Decision shall be enacted by placing it in the Statute Book of DKI Jakarta Province.

Stipulated in Jakarta
On April 30, 2004
GOVERNOR OF DKI JAKARTA PROVINCE
Sgd
SUTIYOSO

Enacted in Jakarta
On May 10, 2004
REGIONAL SECRETARY OF DKI JAKARTA PROVINCE
Sgd
H. RITOLA TASMAYA

STATUTE BOOK OF DKI JAKARTA PROVINCE OF 2004 NO. 47

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