

CONTROL OVER AIR POLLUTION

(Regional Regulation of the Province of Jakarta Capital Special Region No. 2/2005 dated February 4, 2005)

BY GRACE OF GOD THE ALMIGHTY,

THE GOVERNOR OF THE PROVINCE OF
JAKARTA CAPITAL SPECIAL REGION,

Jakarta Capital Special Region (Statute Book of 1999
No. 146, Supplement to Statute Book No. 3878);

Considering:

- a. that air pollution in the Province of Jakarta Capital Special Region has reached an alarming level thus downgrading the quality of air and environmental supporting power;
- b. that substances, energy and/or other components as a result of by products and waste of an activity can downgrade the quality of the environment so as to finally be able to cause air pollution;
- c. that in connection with the matters in letters a and b, as well as in a bid to preserve and maintain the quality of the environment, particularly air, it is necessary to stipulate control over air pollution by a regional regulation;

7. Law No. 10/2004 (BN No. 7169 pages 14A - 21A) on the enactment of legislation (Statute Book of 2004 No. 53, Supplement to Statute Book No. 4389);

8. Law No. 32/2004 on regional administration (Statute Book of 2004 No. 125, Supplement to Statute Book No. 4437);

9. Government Regulation No. 41/1999 (BN No. 6378 pages 1A - 4A and so on) on control over air pollution (Statute Book of 1999 No. 86, Supplement to Statute Book No. 3853);

10. Government Regulation No. 19/2003 (BN No. 6944 pages 30A - 32A and so on) on cigarette security for health (Statute Book of 2003 No. 36, Supplement to Statute Book No. 4276);

11. Regional Regulation of the Province of Jakarta Capital Special Region No. 6/1999 on layout plan of Jakarta Capital Special Region (Jakarta Regional Book of 1992 No. 23);

12. Regional Regulation of the Province of Jakarta Capital Special No. 3/2001 on organizational structures and working arrangements of regional apparatuses and secretariat of the Jakarta Provincial Legislative Council (Jakarta Regional Book of 2001 No. 66);

In view of:

1. Law No. 5/1984 on industry (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
2. Law No. 14/1992 (BN No. 5289 pages 14A - 17A and so on) on traffic and land transport (Statute Book of 1992 No. 49, Supplement to Statute Book No. 3480);
3. Law No. 23/1992 (BN No. 5320 page 16A and so on) on health (Statute Book of 1992 No. 100, Supplement to Statute Book No. 3495);
4. Law No. 23/1999 (BN No. 6092 pages 19A - 21A) on environmental management (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
5. Law No. 8/1999 (BN No. 6321 pages 1A - 7A and so on) on consumer protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
6. Law No. 34/1999 on the provincial administration of

With the joint approval of
THE JAKARTA PROVINCIAL LEGISLATIVE COUNCIL

And

THE GOVERNOR OF THE PROVINCE OF
JAKARTA CAPITAL SPECIAL REGION

D E C I D E S :

To stipulate :

THE REGIONAL REGULATION OF THE PROVINCE OF
JAKARTA CAPITAL SPECIAL REGION ON CONTROL OVER
AIR POLLUTION

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this regional regulation as:

1. Region is the Province of Jakarta Capital Special Region.
2. Regional Government is the Governor and regional apparatuses as regional administrators.
3. Governor is the Governor of the Province of Jakarta Capital Special Region.
4. Institution in responsible is the institution within the organization of the Jakarta Provincial government in charge of environmental affairs.
5. Body is a business entity covering limited liability company, company, other limited liability company, state-owned enterprise, regional administration-owned enterprise in whatever kind and form, partnership, group, firm, joint venture, cooperative, foundation or similar organization, pension fund, permanent establishment as well as other business entity.
6. Air Pollution is the entry or inclusion of other substances, energy, and/or components into ambient air by human activities so that the quality of ambient water downgrades to a certain level making ambient air unable to fulfill its function.
7. Air Pollution in Closed Space is air pollution in buildings and public transport as a result of exposure of pollutant medically affecting the people.
8. Control Over Air Pollution is efforts to prevent and/or overcome air pollution as well as restore the quality of air.
9. Ambient Air is free air in the earth surface at troposphere layer within the jurisdiction of the Republic of Indonesia, which is needed and influences human health.
10. The quality of ambient air is the content of other substances, energy and/or components in free air.
11. Status of Ambient Air Quality is the condition of air quality in a place upon making inventory.
12. Standard of Ambient Air Quality is the limit or content of substances, energy and/or components, which are available or should be available and/or tolerable pollutant in ambient air.
13. Protection of Ambient Air Quality is efforts to enable the ambient air to fulfill its function accordingly.
14. Emission is other substances, energy and/or components resulting from activity, which come into and/or are included into ambient air having and/or not having potential as pollutant.
15. The quality of emission is emission, which can be released by an activity to ambient air.
16. Source of emission is every business and/or activity releasing emission from movable source, specific movable source, immovable source and specific immovable source.
17. Source of Pollutant is every business and/or activity releasing pollutant to air that makes air unable to function accordingly.
18. Movable source is a source of movable or non-fixed emission in a place, which comes from motor vehicle.
19. Immovable source is source of fixed emission in a place.
20. The emission quality standard of immovable source is the maximum limit and/or content allowed to come or be included into ambient air.
21. Tolerable limit of disposed gas emission of motor vehicle is the maximum limit of substances or pollutant, which can be released directly from gas emission pipe of motor vehicle.
22. Source of disturbance is source of pollutant using air or solid media for distribution, originating from movable source, specific movable source, immovable source or specific immovable source.

- 23. Standard of Disturbance Level is the limit of maximum content of source of disturbance allowed to come into air and/or solid substance.
- 24. Smell is stimulus or substance received by sense of smelling.
- 25. Smell Quality is the unexpected smell in certain content and kind that can affect human health and environmental convenience.
- 26. Smell Quality Standard is the tolerable maximal limit of smell in air, which does not affect human health and environmental convenience.
- 27. Noisiness is the unexpected sound from business or activity in certain level and time, which can affect human health and environmental convenience.
- 28. Noisiness Level is indicator of sound energy stipulated in Decibel unit, abbreviated to Db.
- 29. Noisiness Level Standard is the tolerable maximal limit of noisiness which can be disposed to the environment from business or activity thus not affecting human health and environmental convenience.
- 30. Standard of Vibration Level is the tolerable maximum limit of vibration of business or activity from solid media thus not disturbing convenience and health as well as the totality of building.
- 31. Environmental organization is a group of people established on the basis of the intention and willingness in the society with the goal and activity in the environmental sector.
- 32. Green Open Space is a region or area of land surface dominated by plants, which are fostered for protecting certain habitat and/or city/environmental facilities and/or securing infrastructure network and/or agricultural cultivation.

CHAPTER II

GOAL, OBJECTIVE AND TARGET

Article 2

(1) Air pollution is controlled by principles of responsibility,

participation, sustainability and justice as well as benefit with a view of enhancing the degree and protecting public health in the form of the development of human resource totally and communities development, believing and devoting to God The Almighty.

(2) The targets of control over air pollution are:

- a. guaranteeing the safety, conservation of environmental and public service functions;
- b. realizing public behavior aware of the environment so as to achieve harmony, suitability and equilibrium between the human and environment;
- c. controlling the exploitation of resources wisely;
- d. controlling sources of pollutant so that the quality of air meets the medical requirements for the human and other creature.

CHAPTER III

PROTECTION OF AIR QUALITY

Part One

General

Article 3

(1) Protection of ambient air quality is based on the quality standard of ambient air, status of ambient air quality, emission quality standard, tolerable limit of disposed gas emission, standard of disturbance level, tolerable limit of noisiness and Air Pollutant Standard Index.

(2) Protection of air quality inside the space is based on the same standard as the protection of quality of ambient air as meant in paragraph (1).

Part Two

Quality Standard of Ambient Air

Article 4

(1) The quality standard of the regional ambient air as meant in Article 3 paragraph (1) is stipulated by the governor on the basis of consideration about the status of ambient air quality by observing the national quality standard of ambient air.

(2) The quality standard of ambient air as meant in paragraph (1) is reviewed every 5 (five) years.

Part Three

Status of Ambient Air Quality

Article 5

- (1) The status of ambient air quality is stipulated on the basis of inventory and/or study about the quality of ambient air, potential of air pollution source, meteorological and geographical conditions as well as land allocation.
- (2) If the status of ambient air quality as meant in paragraph (1) is above the quality standard of ambient air, the Governor stipulates and declares the status of ambient air quality as polluted air.
- (3) In the case of the Governor stipulating and declaring the status of ambient air quality as meant in paragraph (2), the Governor is obliged to overcome and restore the quality of ambient air.

Part Four

Quality Standard of

Emission and Tolerable Limit of Disposed Gas Emission

Article 6

- (1) The quality standard of emission of immovable sources and tolerable limit of disposed gas emission of motor vehicle effective in the region are stipulated by the Governor with the provision that the quality and limit are the same or tighter than the national quality standard of emission of immovable sources and the national tolerable limit of disposed gas emission of motor vehicle.
- (2) The quality standard of immovable sources and tolerable limit of disposed gas emission of motor vehicle as meant in paragraph (1) are reviewed every 5 (five) years.

Part Five

Standard of

Disturbance Level and Tolerable Limit of Noisiness

Article 7

- (1) The standards of disturbance level of immovable sources consists of:
 - a. standard of noisiness level;
 - b. standard of vibration level;
 - c. standard of smell quality;
 - d. standard of other disturbance level.

- (2) The regional standards of disturbance level of immovable sources effective in as meant in paragraph (1) are stipulated by the Governor by:
 - a. referring to the national standards of disturbance level of immovable sources;
 - b. considering aspect of convenience for human and/or aspects of safety of physical facilities as well as conservation of buildings.
- (3) The tolerable limit of noisiness of motor vehicle in the region is stipulated by the Governor:
 - a. referring to the national tolerable limit of noisiness of motor vehicle;
 - b. considering aspect of convenience for human and/or aspect of technology.
- (4) The standard of disturbance level of immovable sources and tolerable limit of motor vehicle as meant in paragraphs (2) and (3) are reviewed every 5 (five) years.

Part Six

Air Pollutant Standard Index

Article 8

- (1) The head of the institution in responsible stipulates Air Pollutant Standard Index in the region.
- (2) The head of the institution in responsible announces Air Pollutant Standard Index in the region, which is obtained from the operation of air quality monitoring station, to the public.
- (3) The Air Pollutant Standard Index as meant in paragraph (1) is stipulated by considering the quality standard of air for the health of human, animal, plants, building and aesthetic values.
- (4) The Air Pollutant Standard Index as meant in paragraph (2) is obtained from the operation of ambient-air quality monitoring station automatically and continually.
- (5) The stipulation of the Air Pollutant Standard Index can be used for:
 - a. substances of information for the public about the

- quality of ambient air in certain locations and periods;
- b. substances of consideration of the central and regional governments in controlling air pollution.

Article 9

- (1) If the result of evaluation of the air pollutant standard index shows unhealthy category, the Governor is obliged to take efforts to control air pollution.
- (2) If the result of monitoring shows that the air pollutant standard index is 300 (three hundred) or more, meaning that the air is in the dangerous category, the governor stipulates and announces an emergency state of air pollution through printed and electronic media.

CHAPTER IV CONTROL OVER AIR POLLUTION

Article 10

- (1) The scope of control over air pollution covers:
- control over ambient-air pollution;
 - control over air pollution inside the space.
- (2) The control over ambient-air pollution and air pollution inside the space as meant in paragraph (1) consists of:
- prevention of air pollution;
 - settlement of air pollution;
 - restoration of air quality.

CHAPTER V PREVENTION OF AIR POLLUTION

Article 11

- (1) Pollution of ambient air and air inside the space is prevented through efforts consisting of:
- stipulation of the quality standard of ambient air, status of ambient-air quality, quality standard of emission, tolerable limit of disposed gas emission, standard of disturbance level, tolerable limit of noisiness, quality standard of air inside the space and air pollutant standard index;
 - stipulation of policies on air pollution controlling.
- (2) Before the stipulation as meant in paragraph (1) is set forth, the governor makes inventory, study or

analysis which will be used as the basis for the formulation of the stipulation.

- (3) The inventory, study or analysis as meant in paragraph (2) includes:
- making inventory and/or studying the quality of ambient air, potential of air pollution sources, meteorological and geographical conditions as well as land allocation;
 - assessment of the quality standard of emission of immovable sources and tolerable limit of disposed gas emission of motor vehicle;
 - assessment of the standard of disturbance level of immovable sources and tolerable limit of noisiness of motor vehicle;
 - calculation and stipulation of air pollutant standard index in the region.

Article 12

- (1) Everybody undertaking business and/or activity releasing emission and/or disturbance to ambient air and inside the space is obliged:
- to abide by the quality standard of ambient air, quality standard of emission, and standard of disturbance level stipulated for the said business and/or activity;
 - to prevent and/or overcome air pollution attributable to the said business and/or activity;
 - to provide true and accurate information for the public in the framework of controlling air pollution within the scope of the business and/or activity.
- (2) Everybody undertaking business and/or activity of immovable sources releasing emission and/or disturbance is obliged to meet the requirements for the quality of emission and/or disturbance stipulated in license to undertake the said business and/or activity.
- (3) Every business and/or activity obliged to have environmental impact analysis is prohibited from disposing emission with the quality exceeding the provision already stipulated for the said business and/or activity in the license to undertake the business and/or activity.

- (4) Every person or body undertaking business and/or activity resulting in and/or marketing products potential to cause emission and disturbance to ambient air is obliged to abide by the standards and/or specifications of materials stipulated.

Article 13

- (1) Public place, medical facilities, workplace and places specifically stipulated as learning place, arena of children activity, worship place and public transport are stipulated as no-smoking area.
- (2) Leaders of personnel in responsible for public place and workplace must provide special place for smoking as well as air inhaler thus not disturbing the health of non-smoking persons.
- (3) Special place for smoking can be provided in public transport with the provision that:
 - a. location of special place for smoking is separated physically/not mixed with non-smoking area in the same public transport;
 - b. the special place for smoking must be furnished with air inhaler or have air circulation system fulfilling the requirements stipulated in the legislation in force.

Article 14

Every body or person is prohibited from burning garbage causing air pollution in the open space.

CHAPTER VI

Part One

General

Article 15

- (1) Everybody or personnel in charge of business and/or activity causing air pollution and/or disturbance is obliged to take efforts to overcome air pollution.
- (2) The overcoming efforts as meant in paragraph (1)

follow guidelines stipulated by the Governor.

Part Two

Immovable Source

Article 16

Efforts to overcome air pollution of immovable sources cover supervision over the arrangement of emission quality standard already stipulated, monitoring of emission coming out of activity and quality of ambient air around the location of activity and inspection of arrangement of provisions on technical requirements for controlling air pollution.

Article 17

- (1) Every personnel in responsible for business and/or activity of immovable source releasing emission is obliged to abide by the quality standard of ambient air, quality standard of emission and standard of disturbance level.
- (2) Every personnel in responsible for business and/or activity of immovable source releasing emission is obliged to abide by provisions on technical requirements.

Part Three

Movable Source

Article 18

Efforts to overcome air pollution from movable sources cover supervision over the arrangement of tolerable limit of disposed gas emission, inspection of disposed gas emission of motor vehicle, maintenance of disposed gas emission of motor vehicle, monitoring of quality of ambient air around road, inspection of disposed gas emission of motor vehicle in the road and provision of environmentally sound fuel.

ARTICLE 19 (TO BE CONTINUED)

====(E)====

CONTROL OVER AIR POLLUTION

(Regional Regulation of the Province of Jakarta Capital Special Region No. 2/2005
dated February 4,2005)

[*Continued from Business News No. 7189 pages 29A - 34A*]

Article 19

- (1) Motor vehicle is obliged to meet the tolerable limit of disposed gas emission of motor vehicle.
- (2) The motor vehicle as meant in paragraph (1) is obliged to attend an emission test every 6 (six) months at the minimum.
- (3) Motor vehicle declared successful in the emission test as meant in paragraph (2) is given certificate of success in emission test.
- (4) The emission test as meant in paragraph (2) can be executed by the institution in charge of traffic and road transport affairs and/or private parties having general workshops already fulfilling the requirements.
- (5) Result of the emission test of motor vehicle as meant in paragraph (3) constitutes part of the requirements for paying motor vehicle tax.

Article 20

- (1) Public transport and operation vehicle of the regional government are obliged to use fuel gas as effort to control the disposed gas emission of motor vehicle.
- (2) The obligation to use the fuel gas as meant in paragraph (1) is further regulated by a regulation of the Governor.

Part Four

Source of Disturbance

Article 21

Efforts to overcome air pollution from activities of disturbance sources cover supervision over the arrangement of the standard of disturbance level, monitoring of disturbance coming out of their activities and inspection of arrangement of provisions on technical requirements for controlling air pollution.

Article 22

- (1) Every personnel in responsible for business and/or activity of immovable source releasing disturbance is obliged to abide by provisions on the standard of disturbance level.
- (2) Every personnel in responsible for business and/or activity of immovable source releasing disturbance is obliged to abide by provisions on technical requirements.

Article 23

- (1) Motor vehicle releasing noisiness is obliged to meet the tolerable limit of noisiness.
- (2) The motor vehicle as meant in paragraph (1) is obliged to attend noisiness test.
- (3) Motor vehicle declared successful in the noisiness test as meant in paragraph (2) is given certificate of success in the noisiness.
- (4) The noisiness test as meant in paragraph (2) is executed by the institution in charge of traffic and land transport affairs and/or private parties having general workshops already fulfilling the requirements.

Part Five

Management of The Quality of Air Inside The Space

Article 24

- (1) Managers of public buildings are responsible for the quality of air inside the space becoming public area.
- (2) Managers of public buildings are obliged to control air pollution inside the parking space of motor vehicle.
- (3) The forms of responsibility and obligation to the man-

agers of public buildings as meant in paragraphs (1) and (2) are stipulated by a regulation of the governor.

CHAPTER VII

RESTORATION OF AIR QUALITY

Part One

General

Article 25

- (1) Every party or personnel in responsible for business and/or activity causing air pollution and/or disturbance is obliged to restore the quality of air.
- (2) The restoration of air quality as meant in paragraph (1) follows the guidelines stipulated by a regulation of the Governor.

Part Two

Development of Green Open Space

Article 26

- (1) Everybody or personnel in charge of business and/or activity is obliged to take efforts to develop green open space.
- (2) The development of green open space as meant in paragraph (1) follows the guidance stipulated by a regulation of the Governor.

Part Three

Free Motor Vehicle Day

Article 27

- (1) In the framework of restoring the quality of air, free motor vehicle day in certain areas is stipulated.
- (2) The free motor-vehicle day in the certain areas as meant in paragraph (1) is minimally once in one month.
- (3) Provisions on stipulation of the free motor-vehicle day in the certain areas as meant in paragraphs (1) and (2) are further stipulated by a regulation of the Governor.

CHAPTER VIII

LICENSING

Article 28

- (1)Everybody or agency whose activity releases emission is obliged to have emission disposal license from the Governor.
- (2)Application for securing the license as meant in paragraph (1) must be submitted in writing to the Governor in this case the institution in charge.
- (3)Requirements and procedures for securing the emission disposal license are stipulated by a regulation of the Governor.
- (4)The emission disposal license applies as long as the business activity is underway and evaluated periodically.

CHAPTER IX
OVERCOMING AND RESTORING COST
Article 29

- (1)Everybody or agency whose activity causes air pollution is obliged to bear the cost of settlement of air pollution as well as the cost of restoration.
- (2)The calculation of the costs of settlement of air pollution and restoration as well as procedures for the payment are stipulated by a regulation of the Governor.

CHAPTER X
COMPENSATION
Article 30

- (1)Everybody or agency whose activity inflicts loss on the other party, which causes air pollution is obliged to pay compensation for the affected party.
- (2)The calculation of compensation and procedures for the payment as meant in paragraph (1) are stipulated by a regulation of the Governor.

CHAPTER XI
RETRIBUTION
Article 31

Service for the issuance of emission disposal license of immovable sources as meant in Article 28 is

subjected to retribution with the amount stipulated by a regulation of the Governor.

CHAPTER XII
PUBLIC PARTICIPATION
Part One
General
Article 32

- (1)Communities have the equal and broadest opportunity in the management of the quality of air.
- (2)The provision as meant in paragraph (1) is implemented by means of:
 - a. enhancing community independence, potential and partnership;
 - b. building community capability and pioneer;
 - c. building the quick response of communities to undertake social supervision;
 - d. providing recommendation, opinion and appreciation;
 - e. conveying information and report.

Part Two
Right of Communities and
Environmental Organizations To File Lawsuit
Article 33

- (1)Communities are entitled to file class action to the court and/or report to law enforcement apparatuses air pollution inflicting loss on the life of the communities.
- (2)If communities are ascertained to suffer because of air pollution in such a way so as to influence the basic life of the communities, the Governor can act for interests of the communities.
- (3)In the framework of executing responsibility for the management of air quality in accordance with the partnership model, environmental organizations are entitled to file lawsuit for interest of air function conservation.
- (4)Procedures for exercising the litigation right and/or reporting as meant in paragraphs (1) and (2) refer to the legislation in force.

CHAPTER XIII
FOSTERING AND SUPERVISION

Part One
Fostering
Article 34

- (1) Regional governments in cooperation with communities foster and accompany persons or bodies whose business activities are potential to cause air pollution.
- (2) The fostering and accompanying as meant in paragraph (1) consists of:
- socialization of policies on the prevention, settlement of air pollution and accompanying in efforts to restore the quality of air;
 - organization of education and training for controlling air pollution.
- (3) Procedures for the fostering as meant in paragraph (2) are stipulated by a regulation of the Governor.

Article 35

- (1) The fostering of control over air pollution can be done through the provision of incentive for executors of businesses and/or activities abiding by the regulation on air pollution controlling.
- (2) The incentive as meant in paragraph (1) is stipulated by a regulation of the Governor.

Part Two
Supervision
Article 36

- (1) The Governor supervises the compliance of personnel in responsible for businesses and/or activities disposing emission and/or disturbance.
- (2) In order to undertake the supervision as meant in paragraph (1), the Governor can stipulate officials authorized to undertake supervision.
- (3) In executing their tasks, the supervisors as meant in paragraph (2) are authorized to monitor, ask information, make copy of documents and/or make necessary records, enter certain places, take samples of

quality of ambient air and/or emission, inspect equipment and installation, as well as ask information from the parties in responsible for businesses and/or activities.

- (4) The parties in responsible for businesses and/or activities asked to give information as meant in paragraph (3) are obliged to fulfill the requests from supervisors in accordance with the legislation in force.
- (5) Every supervisor is obliged to show letter of assignment and/or identity card as well as to observe the situation and condition of the supervision location.

Article 37

Every personnel in responsible for business and/or activity is obliged:

- to permit supervisors to enter the working environment and help implement the supervisory task;
- to give true information verbally or in writing if supervisors ask;
- to give up documents and/or data needed by supervisors;
- to permit supervisors to take sample of emission air and/or ambient air and/or others needed by supervisors;
- to permit supervisors to take picture and/or undertake photography in the working location.

Article 38

- (1) Results of inventory and monitoring of quality standard of ambient air, quality standard of emission, standard of disturbance level and air pollutant standard index carried out by the supervisors as meant in Article 36 paragraph (2) must be stored and disseminated to the public.
- (2) Everybody or personnel in responsible for business and/or activity is obliged to convey report on results of monitoring of control over air pollution already executed to the Governor.
- (3) In the framework of supervision, communities can monitor the quality of ambient air.

- (4) Results of the monitoring by the communities as meant in paragraph (2) can be used by the Governor as substance of consideration about stipulation of control over air pollution.

CHAPTER XIV
ADMINISTRATIVE SANCTION

Article 39

- (1) Activities violating the provision in Article 28 are liable to administrative sanctions in the form of:
- a. written warning;
 - b. revocation of license.
- (2) Technical procedures for imposition of the administrative sanctions as meant in paragraph (1) are stipulated by a regulation of the Governor.

CHAPTER XV
INVESTIGATION

Article 40

- (1) In addition to investigators of the Indonesian Police assigned to investigate crimes, the criminal investigation as meant in this regional regulation can be executed by investigators of Civil Servant (PNS) within the regional government with the appointment stipulated in accordance with the legislation in force.
- (2) In executing the investigative task, the investigators as meant in paragraph (1) are authorized:
- a. to receive report or complain from someone about crime;
 - b. to take first action at the same time in the scene and inspect;
 - c. to ask suspect to stop and examine identity card of the suspect;
 - d. to confiscate materials and/or letters;
 - e. to take finger print and photograph someone;
 - f. to summon someone for testifying and interrogation as suspect or witness;
 - g. to invite necessary experts in connection with the examination of case;
 - h. to discontinue investigation after securing directive that the evidence is not sufficient or the event is not crime and subsequently notify it to public prosecutor, suspect or his/her family;

- i. to take other actions legally accountable.

- (3) In executing the task, investigators are not authorized to arrest, detain and/or raid.
- (4) Investigators make account of every action related to:
- a. interrogation of suspect;
 - b. entering house;
 - c. confiscation of material;
 - d. examination of letters;
 - e. interrogation of witness;
 - f. on-site inspection; and
 - g. dispatch of dossier to public prosecutors through investigator of the Indonesian Police.

CHAPTER XVI
PENAL PROVISION

Article 41

- (1) Everybody violating the provisions in Article 15 paragraph (1) and Article 25 paragraph (1) is sentenced in accordance with the provisions of the law in force.
- (2) Everybody violating the provisions in Article 12, Article 13, Article 14, Article 17, Article 19 paragraphs (1) and (2), Article 20 paragraph (1), Article 22, Article 23 paragraphs (1) and (2), Article 24 paragraphs (1) and (2), Article 26 paragraph (1), and Article 26 paragraph (1) is sentenced to imprisonment for 6 (six) months or subjected to a fine of Rp 50,000,000 (fifty million rupiahs) at the maximum.
- (3) The operational cost of law enforcement can be imposed on the violation as meant in paragraph (2).
- (4) The amount of the law enforcement cost as meant in paragraph (3) is stipulated by a regulation of the Governor.

CHAPTER XVII
TRANSITIONAL PROVISION

Article 42

Decision of the Governor regulating the quality standard of ambient air and standard of noisiness level, quality standard of emission of motor vehicle, quality

standard of emission of immovable sources and inspection of emission and maintenance of private passenger-vehicle remain effective until they are amended on the basis of this regulation.

Article 43

In the case of businesses and/or activities already operating before having license to dispose emission to the environmental media, they are obliged to secure license to dispose emission from the Governor in one year as from the date of stipulation of this regulation.

CHAPTER XVIII

CONCLUSION

Article 44

The implementation of this regulation must have been stipulated not later than one year as from the date of promulgation of this regulation.

Article 45

The regional regulation comes into force as from the date of promulgation.

For public cognizance, the regional regulation shall be promulgated by placing it in Regional Book of Jakarta Capital Special Region.

Stipulated in Jakarta

On February 4,2005

THE GOVERNOR OF THE PROVINCE OF JAKARTA
CAPITAL SPECIAL REGION

Sgd

SUTIYOSO

Promulgated in Jakarta

On February 16,2005

THE REGIONAL SECRETARY OF THE PROVINCE OF
JAKARTA CAPITAL SPECIAL REGION

Sgd

H. RITOLA TASMAYA

REGIONAL BOOK OF
JAKARTA CAPITAL SPECIAL REGION YEAR 2005 NO. 4

ELUCIDATION

ON REGIONAL REGULATION OF THE PROVINCE OF JAKARTA CAPITAL SPECIAL REGION NO. 2/2005 CONCERNING CONTROL OVER AIR POLLUTION

I. GENERAL ELUCIDATION

Air is very crucial for the life of human and other creature. As a natural resource badly needed for the life, the decrease in the quality of air will affect seriously the continuation of the life of human and other creature so that the quality of air must be maintained continuously.

The ongoing development brings about positive and negative impacts. Negative impacts arising from activities of the development can be in the form of the decrease in the quality of air. The quality of air is heavily influenced by content and kind of pollutant sources such as activities of industries, transportation and others. The respective sources of pollutants result in different pollutants in terms of quantity, kind and influence on the life. Air pollution is heavily determined by the quality of the used fuel, adopted technology as well as applied supervision.

Protection of the quality of ambient air is absolutely needed for ensuring the continuous life of human in the current and next generation. The protection aims at maintaining the quality of air so as to remain in the safe level for the life, which is based on the quality standard of ambient air and status of ambient air quality.

In order to protect the quality of ambient air, it is necessary to take efforts to control air pollutant sources useful for preserving the environmental function, controlling the wise exploitation of resources to achieve the quality of air fulfilling the requirements for the health of human and other creature. Control over air pollution is executed inside and outside the space, covering efforts to prevent and overcome pollution as well as to restore the quality of air and efforts to prevent sources of pollutants.

Efforts to control air pollution are also executed through programs for the fostering of personnel in responsible for businesses and/or activities with a view of enhancing their performance. The fostering is realized through the compliance to regulations on air pollution controlling as well as law enforcement, provision

of incentives and disincentives as well as through education and training.

Important factors supporting the realization of control over air pollution are supervision and monitoring of activities potential to pollute air. Supervision is applied to compliance of regulations on air pollution controlling and/or requirements mentioned in license to dispose air waste.

The environmental management law stipulates that everybody is entitled to a good and healthy environment, but on the other side, there is also an obligation to preserve the environment function as well as prevent and overcome environmental pollution and damage. Therefore, everybody plays role in efforts to control air pollution and preserve as well as maintain the conservation of environment functions in a broader sense.

In relation thereto, it is necessary to regulate provisions on control over air pollution stipulated by a regional regulation.

II. ELUCIDATION ON ARTICLE BY ARTICLE

Article 1

Point 1 up to point 12

Sufficiently clear

Point 13

The ambient air able to function accordingly means ambient air outside working environment, which is healthy and clean and safe for the health and safety of human and other creature.

Point 14 up to point 21

Sufficiently clear

Point 22

Using an air or solid media for distribution means:

- a. through air media for source of noisiness and smell disturbance;
- b. through solid media for vibration disturbance.

Point 23 up to point 32

Sufficiently clear

Article 2

Paragraph (1)

The government is responsible for controlling air pollution to protect the existing natural resources so as to be usable maximally for the current and next genera-

tion by involving participation of all components of the society as well as considering the existing components so as to benefit all parties.

Paragraph (2)

Letter a up to letter d

Sufficiently clear

Article 3 up to article 6

Sufficiently clear

Article 7

Paragraph (1)

Sufficiently clear

Paragraph (2)

Letters a and b

Sufficiently clear

Paragraph (3)

Letters a and b

Sufficiently clear

Paragraph (4)

Sufficiently clear

Article 8

Paragraph (1)

Sufficiently clear

Paragraph (2)

Parameters of the Air Pollutant Standard Index cover:

- a. Particulate (PM10);
- b. Carbon monoxide (CO);
- c. Sulfur dioxide (SO2);
- d. Nitrogen dioxide (NO2);
- e. Ozon (O3).

Paragraphs (3) and (4)

Sufficiently clear

Paragraph (5)

Letters a and b

Sufficiently clear

Article 9

Paragraph (1)

Sufficiently clear

Paragraph (2)

Before air pollution is stipulated in the state of emergency, the Governor must consult with DPRD first.

Articles 10 and 11

Sufficiently clear

Article 12

Paragraph (1)

Letter a up to letter c

Sufficiently clear

Paragraph (2)

License to undertake the said business and/or activity is issued by the authorized official in accordance with the legislation in force.

Paragraph (3)

Sufficiently clear

Paragraph (4)

The products potential to cause emission and disturbance to ambient air, such as incinerator, motor vehicle and others.

Article 13

Paragraph (1)

1. Public place is facilities organized by the government, private or individuals used for activities of communities, including all buildings belonging to the Jakarta Provincial government, public office buildings, malls, shopping centers and others. Workplace means every closed, movable or permanent room where manpower works, or frequently comes in for the purpose of a business and where sources of danger exist, including buildings or factory area, space in office buildings and others.
2. Smoking means activity burning cigarette or cigar releasing smoke.

Paragraph (2)

Sufficiently clear

Paragraph (3)

Public transport is transport facility for the public, which can be in the form of land, water and air vehicle, including public bus, busway, minibus, city transport, Jakarta intra-city public transport (kopaja, kancil) and others.

Article 14

Burning garbage means incineration executed by industries and garbage processing industries as well as garbage burning bringing about serious impact to the quality of air.

Article 15 up to article 18

Sufficiently clear

Article 19

Paragraph (1) up to paragraph (3)

Sufficiently clear

Paragraph (4)

Requirements for general workshop as workshops executing the emission test refer to the legislation in force.

Paragraph (5)

If the result of the inspection stipulates that the motor vehicle fails to pass the emission test, tax on the said motor vehicle cannot be extended. Technical procedures for stipulation of the requirements for emission test related to the extension of the motor vehicle tax are further regulated by a regulation of the Governor.

Article 20 up to article 22

Sufficiently clear

Article 23

Paragraph (1) up to paragraph (3)

Sufficiently clear

Paragraph (4)

Requirements for general workshop as workshops executing the emission test refer to the legislation in force.

Article 24 up to article 26

Sufficiently clear

Article 27
 Paragraphs (1) and (2)
 Sufficiently clear

Article 28
 Paragraph (1)
 Everybody or board means immovable source of pollutant.

Paragraph (2) up to paragraph (4)
 Sufficiently clear

Article 29 up to article 31
 Sufficiently clear

Article 32
 Paragraph (1)
 Sufficiently clear

Paragraph (2)
 Letter a up to letter c
 Sufficiently clear

Letter d
 Communities can appreciate means communities can give award to self-initiative in whatever form to other people if the people have taken efforts to control air pollution. The movement is mentioned in the form of Clean Emission Appreciation Movement wherein managers of areas will give award to owners of vehicle entering the areas with the emission below the stipulated quality standard.

Letter e
 Sufficiently clear

Article 33
 Paragraph (1)
 The right to submit class action refers to Article 37 of Law No. 23/1997 on environmental management.

Paragraph (2)
 Sufficiently clear

Paragraph (3)
 The right to submit lawsuit of environmental organizations refers to Article 37 of Law No. 23/1997 on

environmental management.

Paragraph (4)
 Sufficiently clear

Article 34
 Paragraph (1)
 Sufficiently clear

Paragraph (2)
 Letter a
 The policy means, among others, the quality standard of emission of immovable sources, tolerable limit of disposed gas emission of motor vehicle, standard of smell quality, quality standard of vibration and tolerable limit of noisiness.

Letter b
 Sufficiently clear

Paragraph (3)
 Sufficiently clear

Article 35
 Sufficiently clear

Article 36
 Paragraph (1)
 Supervision means supervision over the compliance and fulfillment of the stipulated quality standards.

Paragraph (2)
 Sufficiently clear

Paragraph (3)
 Results of monitoring carried out by supervisors must be reported to the Governor by forwarding the report to DPRD.

Paragraphs (4) and (5)
 Sufficiently clear

Article 37 up to article 45
 Sufficiently clear

====(AL)=====