

ACT OF THE REPUBLIC OF INDONESIA
NO. 4 OF 1982
CONCERNING
BASIC PROVISION FOR
THE MANAGEMENT OF THE LIVING ENVIRONMENT*)
WITH THE BLESSING OF GOD THE ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that the living environment which is bestowed by God the Almighty upon the people of Indonesian constitutes the living space of the Indonesian people in all aspects and dimension in accordance with the Wawasan Nusantara (Archipelagic Concepts)
- b. that the effective use of natural resources for the advancement of general welfare as stipulated in the constitution of 1945 and the attainment of happiness based upon Pancasila, it is necessary to sustain the capability of the harmonious and balanced by means of an integrated and comprehensive national policy with due consideration of the needs of present and future generations;
- c. that a policy of protecting and developing the living environment in relation to life among nation is in accordance and compatible with the growing awareness of mankind's living environment;
- d. that for the management of the living environment which is based on an integrated and comprehensive national policy, it is necessary to enact legislation containing basic provision as the basis for the management of the living environment.

Recalling:

1. Article 5 Paragraph (1), article 20 Paragraph (1) and article 33 of the 1945;
2. The Decree of the People's Consultative Assembly No. IV/MPR/ concerning the Guidelines of State Policy

With the approval of
the House of Representatives of
the Republic of Indonesia

DECIDES

To enact : ACT ON BASIC PROVISION FOR THE MANAGEMENT OF THE LIVING ENVIRONMENT

SECTION I

GENERAL PROVISIONS

Article 1

As defined this act:

1. The living Environment is the spatial entity with all object potential condition and living environment, including man and behavior which influence the continuance of the life and welfare of and other living organisms.
2. The management of the living environment is an integrated effort in the utilization, regulation, conservation, supervision control restoration and development of living environment.
3. An ecosystem is the comprehensive total system of all interrelated elements of the living environment.
4. Carrying capacity of the environment is the capacity of the environment to support human life and that of other living organisms
5. Resources are elements of the living environment consisting of human resources organic natural resources inorganic natural resources and man made resources
6. An environment quality standard is the limit or standard for living organism, matter energy or necessary component and/or pollutants the existence of which is tolerated in certain resources as element of the living environment.
7. Environment pollution is the entry or introduction of living organism, matter energy and/or other components into the environment, and/or change in the environmental system due to man's activities or natural processes resulting in the decline of function insufficiently or to its proper functions,
8. Environment damage is an action which directly or indirectly affects the physical and/or organic characteristics of the environment which causes the environment to function insufficiently or the loss of its proper function in supporting continued development.
9. Environmental impacts is a change in the environment caused by an activity.
10. An analysis of environmental impact is a study of the impact of a planned activity on the living environment needed for decision-making process.
11. Conservation of natural resources is the management of natural resources which ensures their continued supply by constantly maintaining and improving their value and variety.
12. A self-reliant community institution is an organization which develops in a self-reliant manner on the basis of its own initiative and desire within the community and is concerned with and active in the field of the living environment.
13. Development with environmental consideration is a conscious and planned endeavour to utilize of life.
14. Minister is the Minister whose duty is the management of the living environment.

Article 2

The Indonesian living environment, based upon the Archipelagic concept, encompasses the space where the Republic of Indonesia holds sovereignty and exercises sovereign right and jurisdiction.

SECTION II

PRINCIPLES AND OBJECTIVES

Article 3

The Management of living environment is based upon sustenance of the capability of the harmonious and balanced environment to support continued development for the improvement of human welfare.

Article 4

The Objectives of the management of the living environment are;

- a. to achieve harmonious relation between man and the living environment as an objective of the development of the Indonesian individual in his totality;
- b. to control wisely the utilization of natural resources;
- c. to develop the Indonesian individual as a proponent of the living environment;
- d. to implement development with environmental consideration for the interest of present and future generations;
- e. to protect the nation against the impact of activities outside the state's territory which causes environmental damage and pollution

SECTION III

RIGHT, OBLIGATION AND AUTHORITIES

Article 5

1. Every person has the right to a good and healthy living environment.
2. Every person has the obligation to maintain the living environment and to prevent and abate environmental damage and pollution.

Article 6

1. Every person has the right and obligation to participate in the management of the living environment
2. The participation as stated in Paragraph (1) of this Article shall be established by legislation

Article 7

1. Every person engaged in an enterprise has the obligation to maintain the sustenance of the capability of the harmonious and balanced living environment to support continued development.
2. The obligation as stated in Paragraph (1) of this Article shall be established by legislation.

Article 8

1. The Government shall establish policies and take measures designed to encourage promotion of the effort to sustain the capability of the living environment to support continued development.
2. The Government policies and measures as stated in Paragraph (1) of this Article shall be established by legislation

Article 9

The Government has the obligation to cultivate and develop the public's awareness of its responsibility in the management of the environment by means of information guidance education and research in the field of the living environment.

Article 10

1. Natural resources are controlled by the state and utilized for the maximum welfare of the people
2. The Utilization of man-made resources which effect the livelihood of the general public shall be regulated by the state for the maximum welfare of the people
3. The Right to control and regulate by the state, as stated in Paragraph (1) and Paragraph (2) of this Article gives authority to;
 - regulate the allocation development use reuse recycling provision, management and supervision of resources as stated in Paragraph (1) and Paragraph (2) of this Article;
 - regulate legal action and legal relation persons and/or other legal subject pertaining to resources as stated in Paragraph (1) and of this Article;
 - regulate environmental taxes and retribution.
4. Further provisions pertaining to Paragraph (3) of this Article shall be established by legislation.

SECTION IV

PROTECTION OF THE LIVING ENVIRONMENT

Article 11

Provisions on the Protection of inorganic natural resources shall be established by an act.

Article 12

Provisions on the conservation of organic natural resources and its ecosystem shall be established by an act.

Article 13

Provisions on the protection of man-made resources shall be established by an act

Article 14

Provisions on the protection of culture heritage shall be established by an act.

Article 15

The protection of the living environment shall be based on environmental quality standards established by legislation

Article 16

Every plan which is considered likely to have a significant impact on the environment must be accompanied with an analysis of environmental impact. Carried out according to government regulations

Article 17

Provision on the overall and sectoral prevention and abatement of damage and pollution of the living environment and its control shall be established by legislation.

SECTION V

INSTITUTIONS

Article 18

1. The Management of the living environment on the national level shall be carried out in the integrated manner by means of institution mechanism headed by a minister and established by legislation.

2. The Management of the living in relation to the integrated implementation of the national policy pertaining to the management of the living environment be carried out sector out- wise by department and non-department institution in accordance with their respective function and responsibilities.

3. The management of the living environment in relation to the untegrated implementation of the national policy pertaining to the management of the living environment shall be carried out on the regional level by Regional governments in accordance with the existing legislation.

Article 19

Self-reliant community institution shall perform a supporting role in the management of the living environment.

SECTION VI

COMPENSATION AND RESTORATION

Article 20

1. Whosoever damage and/or pollutes the living environment is liable for payment of compensation to victims whose rights to a good and healthy living environment have been violated

2. Procedures for the submission of complaints by victims, procedures for the investigation by a team type kind and extent of damages, and procedures for seeking compensation shall be established by legislation.

3. Whosoever damages and/or pollutes the living environment is liable for payment to the state of the costs of the restoration of the living environment shall be established by legislation.

4. Procedures for the determination and payment of the costs of the restoration of the living environment shall be established by legislation.

Article 21

In certain activities pertaining to specific kinds of resources strict liability rest on those causing the damage and/or pollution which shall be stipulated in relevant legislation.

SECTION VII

PENALTIES

Article 22

1. Whosoever intentionally does an action which causes damage or pollution of the living environment under the provisions of this and other act shall be liable to punishment of imprisonment to a maximum of 10 years and/or a fine to a maximum of Rp. 100.000.000.00

2. Whosoever through negligence does an action which causes damage or pollution of the living environment under the provisions of this and other acts shall be

liable to punishment to a maximum of one year and/or a fine to a maximum of Rp. 1.000.000.00

3. Action as stated in Paragraph (1) of this Article constitute a crime and Action stated in Paragraph (2) of this Article constitute a misdemeanor

SECTION VIII

TRANSACTIONAL PROVISIONS

Article 23

At the time act takes effect all other regulations pertaining to the living environment shall remain in effect. Insofar as they do not conflict with this act.

SECTION IX

CONCLUDING PROVISIONS

Article 24

This act takes effect as of the date of its promulgation

In order that the public be informed thereof it is hereby ordered that this act be promulgated by publication in the state gazette of the Republic of Indonesia.

Done in Jakarta

On March 11, 1982

THE PRESIDENT OF THE
REPUBLIC OF INDONESIA

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S O E H A R T O

Promulgated in Jakarta

on March 11, 1982

THE MINISTER/STATE SECRETARY OF THE
REPUBLIC OF INDONESIA

SUDHARMONO, SH.