

LAW CONCERNING ANIMAL, FISH AND PLANT QUARANTINE

CHAPTER 1 GENERAL PROVISIONS

Article 1. - As used in this Law:

1. Quarantine means place of isolation and/or the act of isolating in the effort to prevent the introduction into, the dissemination from one area to another within, or the exportation from, the territory of the Republic of Indonesia of pests and diseases;
2. Animal, fish, and plant quarantine means actions in the effort to prevent the introduction into, the dissemination from one area to another within, or the exportation from, the territory of the Republic of Indonesia of pests and diseases of animals, fish, and plants;
3. Pests and diseases of animals, fish, and plants means all organisms capable of doing damage to, undermining the health of, or causing death of animals, fish and plants;
4. Quarantine pests and diseases of animals means all pests and diseases of animals designated by the Government to be prevented from being introduced into, disseminated within, and exported from, the territory of the Republic of Indonesia;
5. Quarantine pests and diseases of fish and plants means all pests and diseases of fish and plants designated by the Government to be prevented from being introduced into and disseminated within, the territory of the Republic of Indonesia;
6. Carrier of quarantine pests and diseases of animals, fish, and plants means animal, material of animal origin, product of material of animal origin, fish, plant and parts thereof, and other article capable of carrying quarantine pests and diseases of animals, fish and plants;
7. Animal means all terrestrial animals, both wild and reared;
8. Material of animal origin means material originated from animal which can be processed further;
9. Product of material of animal origin means material of animal origin that has been processed;
10. Fish means all aquatic biota, the life-cycle of which takes place wholly or partly in water, whether alive or dead, including parts thereof;
11. Plants means all species of plants, whether living or dead, both unprocessed and processed;
12. Place of entry and place of export means seaport, river port, ferry port, airport, post office, frontier post, or any other place deemed necessary which has been designated as the place through which importation and exportation of carriers of pests and diseases of animals, fish and plants are allowed;
13. Animal, fish, and plant quarantine officers means certain government employees charged with the task of carrying out quarantine actions under this Law.

Article 2. - Animal, fish and plant quarantine is based on the principle of continuity-in-existence of animals, fish and plants.

Article 3. - The objectives of animal, fish and plant quarantine are:

- (a) To prevent the introduction of quarantine pests and diseases of animals, fish and plants into the territory of the Republic of Indonesia;
- (b) To prevent the dissemination of quarantine pests and diseases of animals, fish, and plants from one area to another within the territory of the Republic of Indonesia;
- (c) To prevent the concomitant exportation of quarantine pests and diseases of animals from the territory of the Republic of Indonesia in the exportation of animals;
- (d) To prevent the concomitant exportation of certain pests and diseases of fish and plants from the territory of the Republic of Indonesia in the exportation of fish and plants, if so required by the country of destination.

Article 4. - The scope of animal, fish and plant quarantine regulations includes:

- (a) Quarantine requirements;
- (b) Quarantine actions;
- (c) Quarantine area;
- (d) Kinds and species of pests and diseases, and carriers of pests and diseases;
- (e) Places of entry and export/exit.

CHAPTER 11 QUARANTINE REQUIREMENTS

Article 5 - Any carrier of quarantine pests and diseases of animals, fish, or plants imported into the territory of the Republic of Indonesia shall be:

- (a) Accompanied by a health certificate from the country of origin and the country in which the carrier was landed and from which it was later reconsigned, for animal, material of animal origin, product of material of animal origin, fish, plant, or parts of plant, except carrier classified as other article;
- (b) Through the designated place of entry;
- (c) Notified and presented to the quarantine officer at the place of entry for quarantine actions.

Article 6. - Any carrier of quarantine pests and diseases of animals, fish or plants to be moved from one area to another within the territory of the Republic of Indonesia shall be:

- (a) Accompanied by a health certificate from the area of origin for animal, material of animal origin, product of material of animal origin, fish, plant, or parts of plants, except carrier classified as other article;
- (b) Through the designated place of entry and place of exit;
- (c) Notified and presented to the quarantine officer at the places of exit and entry for quarantine actions.

Article 7. - (1) Any carrier of quarantine pests and diseases of animals to be exported from the territory of the Republic of Indonesia shall be:

- (a) Accompanied by a health certificate for animal, material of animal origin, or product of material of animal origin, except carrier classified as other article;
- (b) Through the designated place of export;
- (c) Notified and presented to the quarantine officer at the place of export for quarantine actions.

(2) The requirements referred to in section (1) shall apply equally to carrier of pests and diseases of fish and plants to be exported from the territory of the Republic of Indonesia, if so required by the country of destination.

Article 8. - In certain cases, owing to the nature of the pests and diseases of animals, fish or plants, the Government may impose other requirements in addition to the ones referred to in article 5, article 6, and article 7.

CHAPTER III QUARANTINE ACTIONS

Article 9. - (1) Any carrier of quarantine pests and diseases of animals imported into, or destined to be moved from one area to another within, or to be exported from, the territory of the Republic of Indonesia shall be subjected to quarantine actions.

(2) Any carrier of quarantine pests and diseases of fish or plants imported into, or destined to be moved from one area to another within, the territory of the Republic of Indonesia shall be subjected to quarantine actions.

(3) Carrier of quarantine pests and diseases of fish or plants to be exported from the territory of the Republic of Indonesia shall not be subjected to quarantine actions unless required by the country of destination.

Article 10. - Quarantine actions performed by the quarantine officers are:

- (a) Inspection;
- (b) Isolation;
- (c) Observation;
- (d) Treatment;
- (e) Detention;
- (f) Refusal;
- (g) Destruction;
- (h) Release.

Article 11. - (1) Inspection referred to in article 10 letter *a* shall be performed to determine the presence of required documents, to verify the particulars given therein, and to detect quarantine pests and diseases of animals, fish and plants.

(2) Inspection of animals, materials of animal origin, products of materials of animal origin, and fish can be performed coordinately with the agency authorized to deal with quarantine diseases that affect human health.

Article 12. - For further detection of certain quarantine pests and diseases of animals, fish or plants which, due to their nature, require an indefinitely long period, special facilities, and controlled environmental conditions, the carrier of pests and diseases that has been inspected as mentioned in article 11 may be detained in isolation for observation.

Article 13. - (1) Carrier of quarantine pests and diseases of animals, fish and plants shall be treated to free it from infestation or infection by quarantine pests or diseases of animals, fish and plants.

(2) The treatment referred to in section (1) shall be performed if after inspection or detention in isolation for observation, it becomes evident that:

- (a) The carrier is infested/infected or suspected of being infested/infected by quarantine pests and diseases of animals and fish; or
- (b) The carrier is not free or suspected of being not free from quarantine pests and diseases of plants.

Article 14. - (1) Carrier of quarantine pests and diseases of animals, fish and plants shall be detained if after inspection as mentioned in article 11, it becomes evident that the requirement (as regards quarantine documents) for the importation into, or for the movement into an area from another, within the territory of the Republic of Indonesia has not yet been fully complied with.

(2) The Government shall stipulate the period within which the requirement referred to in section (1) shall be complied with.

Article 15. - Carrier of quarantine pests and diseases of animals, fish and plants imported into, or moved into an area from another, within the territory of the Republic of Indonesia, shall be refused entry if it becomes evident that:

- (a) After inspection on board the means of conveyance, the carrier is infested or infected by certain quarantine pests or diseases of animals, fish and plants designated by the Government, or is in a dying/decaying condition, or damaged, or belongs to those species the importation of which is prohibited; or
- (b) The requirement referred to in article 5, article 6, and article 8 (regarding quarantine documents) has not been fully complied with; or
- (c) After detention referred to in article 14 section (1) the requirement (in respect of quarantine documents) cannot be fully complied with within the stipulated period; or
- (d) After treatment on board the means of conveyance the carrier cannot be freed from infestation or infection by quarantine pests or diseases of animals, fish and plants.

Article 16. - Carrier of quarantine pests and diseases of animals, fish and plants imported into, or moved into an area from another within, the territory of the Republic of Indonesia shall be destroyed, if it becomes evident that:

- (a) After discharge from the means of conveyance and subsequent inspection, the carrier is infested or infected by certain quarantine pests or diseases of animals, fish and plants designated by the Government, or is in a dying/decaying condition, or damaged, or belongs to those species the importation or movement of which is prohibited;

- (b) After refusal of entry as mentioned in article 15, the carrier is not moved out of the territory of the Republic of Indonesia or out of the territory of destination by its owner within the stipulated period; or
- (c) After observation in isolation, the carrier is not free from infestation or infection by certain quarantine pests or diseases of animals, fish and plants designated by the Government; or
- (d) After discharge from the means of conveyance and subsequent treatment, the carrier cannot be freed from infestation or infection by quarantine pests or diseases of animals, fish, and plants.

(2) In case of destruction as mentioned in section (1) the owner of the carrier of quarantine pests and diseases of animals, fish and plants shall not be entitled to any compensation.

Article 17. - Carrier of quarantine pests and diseases of animals, fish and plants imported into, or moved into an area from another, within the territory of the Republic of Indonesia, shall be released if it becomes evident that:

- (a) After inspection, as mentioned in article 11, the carrier is free from infestation or infection by quarantine pests or diseases of animals, fish and plants; or
- (b) After observation in isolation, as mentioned in article 12, the carrier is free from infestation or infection by quarantine pests or diseases of animals, fish and plants; or
- (c) After treatment, as mentioned in article 13, the carrier can be freed from infestation or infection by quarantine pests or diseases of animals, fish and plants; or
- (d) After detention, as mentioned in article 14, the requirement (concerning quarantine documents) has been fully complied with.

Article 18. - Subject to the provisions referred to in article 6, article 7, and article 8, carrier of quarantine pests and diseases of animals, fish and plants to be exported from, or to be moved from one area to another within the territory of the Republic of Indonesia, shall be released if it becomes evident that:

- (a) After having been inspected as mentioned in article 11, the carrier is free from infestation or infection by quarantine pests and diseases of animals, fish and plants; or
- (b) After having been observed in isolation as mentioned in article 12, the carrier is free from infestation or infection by quarantine pests and diseases of animals, fish and plants; or
- (c) After having been treated as mentioned in article 13, the carrier can be freed from infestation or infection by quarantine pests and diseases of animals, fish and plants.

Article 19. - (1) The release referred to in article 17 shall be accompanied by the granting of a certificate of release.

(2) The release referred to in article 18 shall be accompanied by the granting of a certificate of health.

Article 20. - (1) Quarantine actions referred to in article 10 shall be performed by the quarantine officers at the places of entry and export, either inside or outside the quarantine establishments.

(2) In certain cases quarantine actions referred to in section (1) may be performed outside the places of entry and export, either inside or outside the quarantine establishments.

(3) Provisions regarding quarantine actions outside the places of entry and export referred to in section (2) shall be set forth by the Government.

Article 21. - Consistent with the provision referred to in article 9, quarantine actions may be imposed on persons, means of conveyance, equipment, water, or packing which is found to carry or suspected of carrying quarantine pests or diseases of animals, fish or plants.

Article 22. - (1) Any person or body making use of the services provided or facilities made available by the Government in the performance of quarantine actions on animals, fish and plants may be required to pay quarantine fees and charges.

(2) Provisions regarding the collection of quarantine fees and charges referred to in section (1) shall be set forth in Government Regulations.

CHAPTER IV QUARANTINE AREA

Article 23. - (1) In case a quarantine pest or diseases of animal, fish, or plant is found to be present or suspected of being present in an area previously known to be free from such a pest or disease, the Government may proclaim such an area to be a quarantine area until further notice.

(2) The movement of the carriers of said quarantine pest or disease into or out of the quarantine area referred to in section (1) shall be regulated by the Government.

CHAPTER V KINDS OF PESTS AND DISEASES AND THEIR CARRIERS

Article 24. - The Government shall designate:

- (a) The kind of quarantine pests and diseases of animals, fish and plants;
- (b) The kinds of carriers of quarantine pests and diseases of animals, fish and plants;
- (c) The kinds of carriers of quarantine pests and diseases of animals, fish and plants, the importation of which into, or the movement of which from one area to another within, the territory of the Republic of Indonesia is prohibited.

Article 25. - Other carriers conveyed by a means of conveyance and discharged at the place of entry shall be destroyed by the owner of the means of conveyance under the supervision of the quarantine officer.

CHAPTER VI PLACES OF ENTRY AND EXPORT

Article 26. - The Government shall designate the places of entry and export of carriers of quarantine pests and diseases of animals, fish and plants.

Article 27. - Provisions regarding means of conveyance which brings carriers of quarantine pests and diseases of animals, fish and plants into the territory of the Republic of Indonesia on a transit scheme shall be set forth in Government Regulations.

CHAPTER VII
DEVELOPMENT OF QUARANTINE-MINDEDNESS

Article 28. - The Government is responsible for generating the awareness of the public concerning animal, fish and plant quarantine.

Article 29. - The participation of the public in animal, fish and plant quarantine shall be encouraged and directed by the Government through various efficient and effective activities.

CHAPTER VIII
INVESTIGATION

Article 30. - (1) In addition to the officers of the Police Force of the Republic of Indonesia, certain government employees of the Ministry responsible for animal, fish and plant quarantine may be given special authority, such as that of the investigators referred to in Law No. 8 of 1981 on Procedure for Criminal Offenses, to investigate punishable acts in the field of animal, fish and plant quarantine.

(2) The authority of the investigators referred to in section (1) shall not diminish the authority of the investigators referred to in Law No. 9 of 1985 concerning Fisheries and Law No. 5 of 1990 concerning Conservation of Biotic Natural Resources and their Ecosystem¹.

(3) The investigator referred to in section (1) is authorized:

- (a) To verify reports or information on punishable acts in the field of animal, fish and plant quarantine;
- (b) To summon a person for interrogation, whether as a suspect or as a witness in a punishable act in the field of animal, fish and plant quarantine;
- (c) To search and seize any thing that serves as proof of a punishable act in the field of animal, fish and plant quarantine;
- (d) To demand information and evidence material from a person or body in connection with a punishable act in the field of animal, fish and plant quarantine;
- (e) To draw up and sign an official report;
- (f) To discontinue an investigation when no sufficient evidence concerning a suspected punishable act in the field of animal, fish and plant quarantine is found.

(4) The investigator referred to in section (1) shall inform the public prosecutor of the commencement of an investigation through the investigator of the Police Force of the Republic of Indonesia in accordance with the provision of article 107 of Law No. 8 of 1961 on Procedure for Criminal Offenses.

CHAPTER IX
PENALTY PROVISION

Article 31. - (1) Any person who wilfully violates the provisions referred to in article 5, article 6, article 7, article 9, article 21 and article 25, shall be punishable by a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 150 000 000 00 (one hundred fifty million rupiahs).

¹ *Ed. note:* This Act was published in *FAO Food and Agricultural Legislation*, Volume XXXVI, No. 1, p. 105.

(2) Any person who due to negligence violates the provisions of article 5, article 6, article 7, article 9, article 21, and article 25, shall be punishable by a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 50 000 000 00 (fifty million rupiahs).

(3) The punishable act referred to in section (1) shall be a crime, and the punishable act referred to in section (2) shall be an offence.

CHAPTER X TEMPORARY PROVISION

Article 32. - All existing executive regulations under the laws regarding animal quarantine, fish quarantine and plant quarantine, so long as they are not in contravention of this Law, shall remain in force pending the issuance of new executive regulations under this Law.

CHAPTER XI CLOSING PROVISION

Article 33. - At the time this Law comes into effect, the following shall be invalid;

1. Ordinance regarding Revision of the Provisions relating to Government Supervision in Veterinary Affairs and the Veterinary Police (Herzienen van de Bepalingen omtrent het Veeartsenijkunding Staatstoezicht en de Veeartsenijkundige Politie), Government Gazette of 1912 No. 432, as far as animal quarantine is concerned;
3. Ordinance regarding Further Addition and Amendment to the Regulation concerning Government Supervision in Veterinary Affairs and the Veterinary Police in Netherlands-Indies (Nadere Aanvulling en Wijziging van het Reglement op het Veeartsenijkunding Staatstoezicht en de Veeartsenijkundige Politie in Nederlandsch-Indie), Government Gazette of 1917 No. 9;
4. Ordinance regarding Further Addition and Amendment to the Regulation concerning Government Supervision in Veterinary Affairs and the Veterinary Police in Netherlands-Indies (Nadere Aanvulling en Wijziging van het Reglement op het Veeartsenijkunding Staatstoezicht en de Veeartsenijkundige Politie in Nederlandsch-Indie), Government Gazette of 1923 No. 289;
5. Ordinance regarding Amendment and Addition to the Regulation concerning Government Control in Veterinary Affairs, and the Veterinary Police in Netherlands-Indies (Wijziging en Aanvulling van het Reglement op het Veeartsenijkunding Overheidsbemoeyenis en de Veeartsenijkundige Politie in Nederlandsch-Indie), Government Gazette of 1936 No. 205;
6. Ordinance regarding Prohibition on Transportation of Banana Fruit, Banana Plant, Banana Suckers or Parts thereof from Celebes and its Dependencies, Manado (Verbod op de Uitvoer van Pisang Vruchten, Planten, Knollen of Delen daarvan uit Celebes en Onderhoorigheden, Manado), Government Gazette of 1921 No. 532;
7. Ordinance regarding Measures for the Prevention of Introduction of Coffee berry borer into the Islands of Celebes and its Dependencies, Manado, Amboina, Bali and Lombok, Timor and its Dependencies (Maatregelen ter Voorkoming van de Invoer van de Koffiebessenboeboek op de Eilanden behorende tot Celebes en Onderhoorigheden, Manado, Amboina, Bali en Lombok, Timor en Onderhoorigheden), Government Gazette of 1924 No. 439;
8. Ordinance regarding Measures for the Prevention of the Dissemination of Sexava Grasshopper Existing in Sansihe and Talaud Islands (Maatregelen ter Voorkoming van de Verspreiding van de op

Sangihe en Talaud eilanden voorkomende Sabelsprinkhaanplaas), Government Gazette of 1924 No. 571;

9. Ordinance regarding Measures for the Prevention of the further Spread of the Potato Tuber Molt (Maatregelen om Verdere Verspreiding van de Aardappelenknolrups tegen te gaan), Government Gazette of 1925 No. 114;
10. Ordinance regarding Summary and Revision of the Rules governing the Importation of Living Plant Material to Prevent the Introduction of Plant Pests and Diseases into the Netherlands-Indies (Samenvatting en Herziening van de Regelen op de Invoer van levend Plantmateriaal strekkende tot het tegengaan van Overbrenging van Ziekten en Plagen op de Cultuurgewassen in Nederlandsch-Indie), Government Gazette of 1926 No. 427;
11. Ordinance regarding New Provisions for the Prevention and Control of Rabies in Netherlands-Indies (Nieuwe Bepalingen ter Voorkoming en Bestrijding van Hondsdolheid (Rabies) in Nederlandsch-Indie), Government Gazette of 1926 No. 451, as far as animal quarantine is concerned;
12. Ordinance regarding Amendment to the Ordinance in Government Gazette of 1926 No. 427 concerning Summary and Revision of the Rules governing the Importation of Living Plant Material (Wijziging van de Ordonnantie in Staatsblad 1926 No. 427 houdende Samenvatting en Herziening van de Regelen op de Invoer van Levend Plantenmateriaal), Government Gazette of 1932 No. 523;
13. Ordinance regarding Amendment to the Regulation governing Revision of the Provisions regarding Government Control in Veterinary Affairs, and the Veterinary Police in Government Gazette of 1912 No. 432, and to the Ordinance on New Provisions regarding Prevention and Control of Rabies in Government Gazette of 1926 No. 451 (Wijziging van het Reglement op de Veeartsenijkunding Overheidsbemoeyenis en de Veeartsenijkundige Politie en van de Hondsdolheids Ordonnantia), Government Gazette of 1936 No. 715, as far as animal quarantine is concerned;
14. Ordinance regarding Inter-island Movement of Potatoes (Ordonnantie Interinsulair Vervoer Aardappelen), Government Gazette of 1938 No. 699.

Article 34. - This Law shall come into effect on the day of publication.