

**FIFTH AMENDMENT TO DECISION OF THE MINISTER OF FORESTRY
NUMBER 292/KPTS-II/1995 CONCERNING FOREST ZONE EXCHANGE**

(Regulation of the Minister of Forestry of RI Number P.16/Menhut-II/2009,

Dated March 6, 2009)

**WITH THE BLESSING OF THE ONE AND ONLY GOD
MINISTER OF FORESTRY,**

Considering:

- a. that based on Decision of the Minister of Forestry Number 292/Kpts-II/1995 that has been amended several times and lately amended by Regulation of the Minister of Forestry Number P.38/Menhut-II/2008; provision on forest zone exchange has been governed;
- b. that with the stipulation of Decision of the Minister of

Forestry Number 292/Kpts-II/1995 in conjunction with Regulation of the Minister of Forestry Number P.38/Menhut-II/2008, there are several other activities on forest zone use that have not been accommodated in the provision on forest zone exchange;

- c. that based on the consideration referred to in letters a and b above, it is necessary to stipulate Regulation of the Minister of Forestry concerning Fifth Amendment to Decision of the Minister of Forestry Number 292/Kpts-II/1995 concerning Forest Zone Exchange;

In view of:

1. Law Number 5 Year 1990 concerning Conservation of Biological Natural Resources and its Ecosystem (SB of R.I. Year 1990 Number 49, SSB of R.I. Number 3419);
2. Law Number 23 Year 1997 (**BN No. 6092 pages 19A-21A and so forth**) concerning Living Environmental Management (SB of R.I. Year 1997 Number 68, SSB of R.I. Number 3699);
3. Law Number 41 Year 1999 (**BN No. 6412 pages 1A-6A and so forth**) concerning Forestry (SB of R.I. Year 1999 Number 167, SSB of R.I. Number 3888), as amended by Law Number 19 Year 2004 (**BN No. 7143 pages 26A-29A**) concerning Stipulation of Government Regulation in Lieu of Law Number 1 Year 2004 concerning Amendment to Law Number 41 Year 1999 concerning Forestry into Law (SB of R.I. Year 2004 Number 86, SSB of R.I. Number 4412);
4. Law Number 32 Year 2004 (**BN No. 7183 pages 1A-11A and so forth**) concerning Regional Administration (SB of R.I. Year 2008 Number 125, SSB of R.I. Number 4437), that has been amended several times and lately amended by Law Number 12 Year 2008 (**BN No. 7676 pages 26A-32A and so forth**) (SB of R.I. Year 2008 Number 59, SSB of R.I. Number 4844);
5. Law Number 26 Year 2007 concerning Space Layout (SB of R.I. Year 2007 Number 68, SSB of R.I. Number 4725);
6. Government Regulation Number 44 Year 2004 concerning Forestry Planning (SB of R.I. Year 2004 Number 146, SSB of R.I. Number 4452);
7. Government Regulation Number 45 Year 2004 concerning Forest Protection (SB of R.I. Year 2004 Number 147, SSB of R.I. Number 4453);
8. Government Regulation Number 6 Year 2007 (**BN No. 7529 pages 1A-21A and so forth**) concerning Forest Layout and Compilation of Forest Management Plan, and Forest Utilization (SB of R.I. Year 2007 Number 22, SSB of R.I. Number 4696), as amended by Government Regulation Number 3 Year 2008 (**BN No. 7676 pages 10A-25A and so forth**) (SB of R.I. Year 2008 Number 16, SSB of R.I. Number 4814);
9. Government Regulation Number 26 Year 2008 (**BN No. 7685 pages 18A25A**) concerning Space Layout of National Region (TRWN) (SB of R.I. Year 2008 Number 48, SSB of R.I. Number 4833);
10. Presidential Decree Number 187/M Year 2004 that has been amended several times and lately amended by Presidential Decree Number 31/P Year 2007 concerning Establishment of Indonesia Bersatu Cabinet;
11. Decision of the Minister of Forestry Number 292/Kpts-II/1995 concerning Forest Zone Exchange that has been amended several times and lately amended by Regulation of the Minister of Forestry Number P.38 /Menhut-II/2008;
12. Decision of the Minister of Forestry Number 32/Kpts-II/2001 concerning Criteria and Standard of Forest Zone Authorization;
13. Decision of the Minister of Forestry Number 70/Kpts-II/2001 concerning Forest Zone Authorization, Amendment to Status and Function of Forest Zone that has been amended by Decision of the Minister of Forestry Number SK. 48/Kpts-II/2004;
14. Regulation of the Minister of Forestry Number P. 13/ Menhut-II/2005 concerning Organization dan Working Procedure of the Department of Forestry that has been amended several times and lately amended by Regulation of the Minister of Forestry Number P.64/Menhut-II/2008.

D E C I D E S :

To stipulate:

REGULATION OF THE MINISTER OF FORESTRY CONCERNING FIFTH AMENDMENT TO DECISION OF THE MINISTER OF FORESTRY NUMBER 292/KPTS-II/1995 CONCERNING EXCHANGE OF FOREST ZONE.

Article I

To amend several provisions in Decision of the Minister of Forestry Number 292/Kpts-II/1995 concerning Exchange of Forest Zone as amended several times and lately amended by Regulation of the Minister Forestry Number P.38 /Menhut-II/2008, as follows::

1. Amend the interpretation of Article 1 point 5 so as to read as follows:

Article 1

5. Limited public interest shall be interest of the people between the need for public roads, water duct, dam, reservoir and other water installation, cemetery, educational facilities, public safety facilities, transmigration and placement of natural disaster victims which uses are not for profit.

2. Amend the provision of Article 6 so as to read as follows:

Article 6

Application for exchange or relocation of forest zone function shall be submitted by the Management of the Ministry/Management of Non-ministry Government Institution, Governor, Regent/Mayor, Directors of Company, Chairman of Foundation to the Minister with copy to:

- a. Secretary General of the Department of Forestry;

- b. Director General of Forestry Planology;
- c. Director General of Forestry Products Management;
- d. Director General of Forest Protection and Natural Conservation;
- e. Director General of Land Rehabilitation and Social Forestry;
- f. President Director of Public Company Perhutani if the forest zone applied for is working area of the Public Company Perhutani.

3. Amend the provision of Article 13 so as to read as follows:

Article 13

The rate of exchange ratio of forest zone:

- a. for development that relates to strategic interest shall be 1 : 2;
- b. for development relating to limited public interest by government agency and regional agency shall be 1 : 1 and by the company, cooperatives and foundation shall be 1 : 2;
- c. to settle any dispute in the form of occupancy of forest zone land or enclave or to repair forest zone borders shall be 1 : 1;
- d. for activities of farming cultivation and development/ expansion of the region in province which area of its forest zone is more than 50% shall be 1 : 1;
- e. for farming cultivation activities and development/ expansion of region in province which forest zone area is between 30% and 50% shall be 1 : 2;
- f. for farming cultivation activities and development/ expansion of the region of province which forest zone area is less than 30% up to 50% shall be 1 : 3.

Article II

- (1) With the stipulation of this Regulation of the Minister Forestry, the provisions governed in Decision of the Minister of Forestry Number 292/Kpts-II/1995 in conjunction with Regulation of the Minister Forestry Number P.38/Menhut-II/2008, shall be declared remains valid to the extent that it does not contravene this Regulation.
- (2) This Regulation of the Minister of Forestry shall take effect on the date it is stipulated.

For public cognizance, this Regulation of the Minister of Forestry shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On March 6, 2009
MINISTER OF FORESTRY,
sgd.
H. M.S. KABAN

Enacted in Jakarta
On March 6, 2009
MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,
Sgd
ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
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