

**PROCEDURE FOR GRANT OF LICENSE FOR COLLECTION OF FOREST TIMBER
PRODUCT OR FOREST NON-TIMBER PRODUCT IN PRODUCING FOREST
(Regulation of the Minister of Forestry of RI Number P.46/Menhut-II/2009,
dated July 22, 2009)**

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

Considering:

a. that Article 45 paragraph (1) Government Regulation Number 6 Year 2007 concerning Forest System and Structure of Forest Management Program and Forest Utilization, states that license for collection of forest timber product in

natural producing forest (IPHHK-HA) is granted for fulfillment of development of the local community public facilities requirement, with the provision that the maximum volume is 50 (fifty) cubic meters and not intended for trade;

b. that Article 45 paragraph (2) states that IPHHK-HA is granted for fulfillment of the individuals need for maximum 20 (twenty) cubic meters but not intended for trade;

- c. that Article 46 paragraph (1) and Article 47 paragraph (1) state that collection of forest timber product (HHBK) in natural forest or cultivated forest resulting from rehabilitation in producing forest is granted for fulfillment of own need and may be traded;
- d. that Article 45 paragraph (3), Article 46 paragraph (4), and Article 47 paragraph (5), state that further provision on collection of forest product shall be further governed in Regulation of the Minister;
- e. that based on the above consideration, it is necessary to stipulate Procedure for Granting License for Collection of Forest Timber Product or Forest Non-Timber Product in Producing Forest, based on Regulation of the Minister of Forestry;

In view of:

1. Law Number 5 Year 1990 concerning Preservation of Biologic Natural Resource and its Ecosystem (Statute Book of the Republic of Indonesia Year 1990 Number 49, Supplement to Statute Book of the Republic of Indonesia Number 3419);
2. Law Number 41 Year 1999 (*BN No. 6412 pages 1A-6A and so forth*) concerning Forestry (Statute Book of the Republic of Indonesia Year 1999 Number 167, Supplement to Statute Book 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 to become Law (Statute Book of the Republic of Indonesia Year 2004 Number 86, Supplement to Statute Book Number 4412);
3. Law Number 32 Year 2004 (*BN No. 7183 pages 1A-11A and so forth*) concerning Regional Government (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book of the Republic of Indonesia Number 4437) as amended by Law Number 8 Year 2005 concerning Stipulation of Government Regulation in Lieu of Law Number 3 Year 2005 (*BN No. 7218 pages 20A-21A*) concerning Amendment to Law Number 32 Year 2004 concerning Regional Government to become Law (Statute Book of the Republic of Indonesia Year 2005 Number 108, Supplement to Statute Book of the Republic of Indonesia Number 4548);
4. Law Number 25 Year 2007 (*BN No. 7509 pages 11A-27A*) concerning Capital Investment (Statute Book of the Republic of Indonesia Year 2007 Number 67; Supplement to Statute Book of the Republic of Indonesia Number 4724);
5. Government Regulation Number 27 Year 1999 (*BN no. 6442 pages 10A-12A and so forth*) concerning Analysis on Environmental Impact (Statute Book of the Republic of Indonesia Year 1999 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 3838);
6. Government Regulation Number 44 Year 2004 concerning Forestry Planning (Statute Book of the Republic of Indonesia Year 2004 Number 146, Supplement to Statute Book of the Republic of Indonesia Number 4452);

7. Government Regulation Number 45 Year 2004 concerning Forest Protection (Statute Book of the Republic of Indonesia Year 2004 Number 147, Supplement to Statute Book of the Republic of Indonesia Number 4453);
8. Government Regulation Number 6 Year 2007 (*BN No. 7529 pages 1A-21A and so forth*) concerning Forest System and Structuring Forest Management and Forest Utilization (Statute Book of the Republic of Indonesia Year 2007 Number 22, Supplement to Statute Book of the Republic of Indonesia Number 4696) as amended by Government Regulation Number 3 Year 2008 (*BN No. 7630 pg. 17B-20B and so forth*) (Statute Book of the Republic of Indonesia Year 2008 Number 16, Supplement to Statute Book of the Republic of Indonesia Number 48140);
9. Government Regulation Number 38 Year 2007 concerning Distribution of Governmental Administration Between Central Government, Regional Government of Province and Regional Government of Regency/Municipality (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
10. Decree of President of the Republic of Indonesia Number 187/M Year 2004 (*BN No. 7128 pages 30A-31A*) concerning Establishment of Indonesia Bersatu Cabinet, as amended several times and lately amended by Presidential Decree Number 31/P Year 2007;
11. Regulation of President of the Republic of Indo-

nesia Number 9 Year 2005 (*BN No. 7184 pages 2A-23A and so forth*) concerning Capacity, Duty, Function, Organizational Structure and Work Procedure of the State Ministry of the Republic of Indonesia, as amended several times and lately amended by Presidential Regulation Number 20 Year 2008;

12. Regulation of President of the Republic of Indonesia Number 10 Year 2005 (*BN No. 7220 pg. 8B-12B and so forth*) concerning Organizational Unit and Duty of Echelon I of the State Ministry of the State of the Republic of Indonesia as amended several times and lately amended by Presidential Regulation Number 50 Year 2008;
13. Regulation of the Minister of Forestry Number P.13/Menhut-II/2005 concerning Organization and Work Procedure of the Department of Forestry as amended several times and lately amended by P.64/Menhut-II/2008 (State Gazette Year 2008 Number 80);

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF FORESTRY CONCERNING PROCEDURE FOR GRANTING LICENSE FOR COLLECTION OF FOREST TIMBER PRODUCT OR FOREST NON-TIMBER PRODUCT IN PRODUCING FOREST.

CHAPTER I

CLOSING PROVISION

Article 1

What is meant in this Decision by:

1. License for Collection of Forest Timber Product hereinafter referred to as IPHHK shall be as mentioned in Article 1 point 16 of Government Regulation Number 6 Year 2007 in conjunction with Government Regulation Number 3 Year 2008.
2. License for Collection of Forest Non-Timber Product hereinafter referred to as IPHHBK shall be as mentioned in Article 1 point 17 Government Regulation Number 6 Year 2007 in conjunction with Government Regulation Number 3 Year 2008.
3. Individual shall be any member of the local community (domiciled around the forest being requested for) that is qualified to act by law and is Indonesian citizen.
4. Cooperatives shall be any business entity which members comprise individual person or cooperatives legal entity which activities are based on cooperatives principle and at the same time constituting as people economic motivator based on mutual cooperation principle;
5. Core tree shall be young trees of commercial type with minimum diameter 20 (twenty) cm that will form the main stem that will be felled in the next felling rotation;
6. Protected trees shall be types of trees or cultivation in the forest specified as protected trees;
7. Trees that may be felled shall be trees as specified in the license for felling;
8. Master trees shall be trees resulting from selection among the forest stands that are maintained for the purpose of constituting as producer of seeds or seedlings;
9. Producing Forest for the purpose of Special Objection (HPTK) shall be forest area allocated for stand nursery garden, research, trial and development garden, wild animal breeding place, education and training forest, where building or construction for religious activity and cultural activity or local protection construction exist.
10. Minister shall be Minister assigned the duty and responsibility on Forestry matters;
11. Service Office of Province shall be Service Office assigned the duty and responsibility on Forestry matter in Provincial area;
12. Service Office of Regency/Municipality shall be Service Office assigned the duty and responsibility on Forestry in Regency/Municipality area;
13. Director General shall be Director General assigned the duty and responsibility on Management of Forest Product;
14. UPT shall be Technical Operating Unit of the Directorate General of Management Forest Product.

CHAPTER II

PROCEDURE AND REQUIREMENTS

FOR APPLICATION

Article 2

- (1) Applicant that may submit application for IPHHK-HA shall be:
 - a. individual as evidenced by statement from the Chief of the local Village;
 - b. Cooperatives.
- (2) Location that may be applied for IPHHK-HA shall be:

- a. license-free producing forest; and/or
- b. not located within preserved zone, and Producing Forest for the purpose of Special Objective (HPTK).

(3) Location that may be used for IPHHBK in Natural Forest (IPHHBK-HA) or IPHHBK in Cultivated Forest (IPHHBK-HT) or IPHHBK in Cultivated Forest Resulting from Rehabilitation (IPHHBK-HTHR) in Producing Forest shall be:

- a. free-license producing forest; and/or
- b. if the location applied for is charged with license, written approval must be obtained from the license holder concerned;
- c. Cultivated Forest Resulting from Rehabilitation;
- d. the location referred to in letter b may exist within preserved forest, and Producing Forest with the purpose of Special Objection (HPTK)

Article 3

- (1) Application for IPHHK-HA or IPHHBK-HA or IPHHBK-HT or IPHHBK-HTHR must be submitted by the applicant to the Head of Service Office of Regency/Municipality.**
- (2) Blank application form as specified in Attachment 1 to this Regulation.**

Article 4

The application referred to in Article 3 must comply with the requirements:

- a. recommendation from the local Village Chief or equivalent official;

- b. photocopy of Resident Identity Card or other identity recognized by the local Village Chief for individual applicant or Deed of Establishment and its amendments for Cooperatives;
- c. sketch of area location applied for recognized by the local Village Chief;
- d. list of names, type of equipment to be used in conducting collection of forest product.

CHAPTER III

PROCEDURE FOR EVALUATION OF APPLICATION AND GRANT OF LICENSE

Article 5

- (1) Based on the application submitted referred to in Article 3 paragraph (1), the license grantor shall evaluate:**
- (2) the application for license based on compliance with requirements referred to in Article 4.**

Article 6

- (1) If the requirements referred to in Article 4 are complied with, the grantor of IPHHK-HA or IPHHBK-HA or IPHHBK-HT or IPHHBK-HTHR license in Producing Forest shall grant to the applicant in blank format as specified in Attachment 2 to this Regulation.**
- (2) If the requirements referred to in Article 4 are not complied with, the Head of Service Office of Regency/Municipality shall issue rejection letter supported by the reasons for rejection to the applicant.**

CHAPTER IV

GRANT OF PERMITIS

Article 7

- (1) IPHHK-HA for individual purpose originating from felling shall be provided maximum 20 (twenty)**

- cubic meters for a term of maximum one (1) year and shall be non-extenable.
- (2) IPHHK-HA for the purpose of construction of public facilities shall be granted maximum 50 (fifty) cubic meters for a term of maximum one (1) year and shall be non-extenable.
- (3) IPHHBK-HA, IPHHBK-HT or IPHHBK-HTHR shall be maximum 20 (twenty) tons for the respective Head of Family and may be traded for a term of maximum one (1) year and may be extended.

CHAPTER V

OBLIGATIONS AND PROHIBITION

Article 8

- (1) The holder of IPHHK-HA or IPHHBK-HA or IPHHBK-HT or IPHHBK-HTHR shall be obliged to:
- prepare and submit report on IPHH activities periodically every month to the license grantor;
 - the license grantor referred to in letter a must report to the Regent with copy to the Head of Service Office of Province and the Director General;
 - protect the forest from damage resulting of illegal logging and destroying forest, husbandry and fire;
 - pay Commission for Forest Resource (PSDH) in accordance with the prevailing statutory regulation;
 - replant at least five (5) trees for each tree being felled with the same type.
- (2) The holder of IPHHK-HA shall be obliged to conduct inventory/marketing of the forest timber product to be felled / collected.

- (3) The holder of IPHHK-HA or IPHHBK-HT or IPHHBK-HTHR shall be prohibited from felling any tree under protection.
- (4) Other than the prohibition referred to in paragraph (2), for collection activity of forest product, it is prohibited from using mechanic tools/ heavy tools like tractor, bulldozer, loader, skider, grader, wheel loader, excavator and truck.
- (5) Transportation of forest product truck may used.

CHAPTER VI

CONTROL AND SUPERVISION

Article 9

- (1) The Directorate General shall coordinate with the Regional-Owned Enterprise of Province that controls the license issued by the Regency/Municipality.
- (2) The Head of Service Office of Province shall exercise supervision over the holder of IPHHK-HA, IPHHBK-HT and IPHHBK-HTHR issued by the Head of Service Office of Regency/Municipality.
- (3) The Head of Service Office of Regency/Municipality shall control the implementation of license for forest product collection.

CHAPTER VII

REVOKED LICENSE

Article 10

License is revoked due to:

- expiry of the term;
- is returned to the grantor of license prior to expiry of the validity;

c. is revoked due to the license holder violates teh provisions in the prevailing regulation.

CHAPTER VIII

OTHER PROVISION

Article 11

Procedure for imposition of penalty on the license for collection of forest product in producing forest shall be governed in Regulation of the Minister Forestry tersendiri.

CHAPTER IX

TRANSITIONAL PROVISION

Article 12

License for collection of forest product granted prior to this decision is stipulated shall survive so long the right thereto is not expired yet.

CHAPTER X

CLOSING PROVISION

Article 13

(1) With this Regulation comes to force, Decision of the Minister Forestry Number 6886/Kpts-II/2002 concerning Gudieline for Grant of Right to Collection of Forest Product to the extent that it is not relating to the timber declared void.

(2) Further implementation of this Regulation shall be governed by the Regent/Mayor, Governor, and/or Minister, in accordance with the provision in Article 3 paragraph (1) of the Regulation.

Article 14

This Regulation of the Minister of Forestry takes effect on the date it is enacted.

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 July 22, 2009

**MINISTER OF FORESTRY
OF THE REPUBLIC OF INDONESIA,**

sgd.

H. M.S. KABAN

Enacted in Jakarta

On July 24, 2009

**MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,**

sgd.

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2009 NUMBER 216

ATTACHMENT 1

**Example of Application Form of License
for Collection of Forest Product**

Number :,

Attachment :

Subject : Application for License for Collection
of Forest Product in the name of:

Dear Sir,
The undersigned:
Name :
Age :
Occupation :
Address :

ATTACHMENT 2

Example of Form of License for Collection of Forest Product

License for Collection of Forest Product for: Felling/Taking Timber/Taking Forest Non-Timber Product After considering application letter Number, dated, in the name of, the grantor of license for Collection of Forest Product shall be as follows::

Name - Address - Area Location - Remarks - Term - Forest - Forest Product - Time - License

The holder of this license must comply with all prevailing regulation on Forestry.

Failure to comply with the prevailing statutory regulation, the holder of license may be charged penalty according to the prevailing law.

.....
License Grantor Official

(.....)

Hereby submits application to you to obtain license for Collection of Forest Timber Product and/ or Non-Timber Product:

- a. in the Regency/Municipality area: of Forestry Administration Region:**
- b. extent of Forest area :**
- c. for the purpose of :**
- d. duration :**
- e. type and volume of Forest Product collected:**

For your consideration, we attached here-with:

- 1. and so forth.**

We undertake to comply with all provisions in the prevailing statutory regulations.

Thank you for your kind assistance and,we hope to obtain your approval.

Yours faithfully,

Applicant,

Stamp Duty

(.....)

Copied to:

- 1. The Minister of Forestry**
- 2. The Governor of Province**
- 3. The Head of Service Office of Province assigned the duty and responsibility on Forestry in Provincial area**
- 4. The Head of Service Office of Regency/Municipality assigned the duty and responsibility on Forestry in Regency/Municipality area.**

MINISTER OF FORESTRY OF THE REPUBLIC OF INDONESIA,

sgd.

H. M.S. KABAN

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