

**AMENDMENT TO REGULATION OF THE MINISTER OF FORESTRY NUMBER:
P.4/MENHUT-II/2009 CONCERNING TEMPORARY SETTLEMENT OF
RIGHT TO EXPLOIT INDUSTRIAL CULTIVATED FOREST**

**(Regulation of the Minister of Forestry RI Number P.49/Menhut-II/2009,
Dated July 27, 2009)**

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

Considering:

- a. that based on Regulation of the Minister of Forestry Number: P.4/Menhut-II/2009 a provision on Temporary Settlement of Right to Exploit Industrial Cultivated Forest has been stipulated;
- b. that based on Regulation of the Minister of Forestry referred to in letter a, only governs Right to Exploit Joint Industrial Cultivated Forest, and not governing Pure Private Temporary Industrial Cultivated Forest yet;
- c. that to provide business certainty to company holding the Right to Exploit Temporary Pure Private Industrial Cultivated Forest, it is necessary to amend Regulation of the Minister of Forestry Number: P.4/Menhut-II/2009 concerning Settlement of Right to Exploitation of Temporary Industrial Cultivated Forest;

In view of:

1. Law Number 41 Year 1999 (*BN No. 6412 pages 1A-6A and so forth*) concerning Forestry (Statute Book Republic of Indonesia Year 1999 Number 167, Supplement to Statute Book Republic of Indonesia 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 (*BN No. 7036 pages 9A-10A*) 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 of the Republic of Indonesia Number 4412);
2. 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);
3. Government Regulation Number 35 Year 2002 (*BN No. 6838 pages 2A-10A*) concerning Reforestation Fund (Statute Book of the Republic of Indonesia Year 2002 Number 67, Supplement to Statute Book Republic of Indonesia Number 4207), as amended by Government Regulation Number 58 Year 2007 (*BN No. 7675 pages 1A-2A*) (Statute Book of the Republic of Indonesia Year 2007 Number 131, Supplement to Statute Book of the Republic of Indonesia Number 4776);
4. 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);
5. 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);
6. Government Regulation Number 6 Year 2007 (*BN No. 7529 pages 1A-21A and so forth*) concerning Forest System and Compilation of Forest Management Plan, 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 (Statute Book of the Republic of Indonesia Year 2008 Number 16, Supplement to Statute Book of the Republic of Indonesia Number 4814);
7. Presidential Decree 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;
8. Presidential Regulation Number 9 Year 2005 (*BN No. 7184 pages 2A-23A and so forth*) concerning Capacity, Duty, Function, Organizational Structure and Working System of State Ministry of the State of the Republic of Indonesia, as amended several times and lately amended by Presidential Regulation Number 20 Year 2008;
 9. Presidential Regulation Number 10 Year 2005 concerning Organizational Unit and Duty of Echelon I of State Ministry of the State of the of Indonesia, as amended several times and lately amended by Presidential Regulation Number 50 Year 2008;
 10. Joint Decision of the Minister of Forestry and Minister of Finance Number 446/Kpts-II/1994 and Number 533/KMK.017/1994 concerning Provisions on Capital Participation by the State of the Republic of Indonesia and Loan Originating from Reforestation Fund in the Development of Industrial Cultivated Forest;
 11. Decision of the Minister of Forestry Number 375/Kpts-II/1996 in conjunction with Number 098/Kpts-II/1998 concerning Procedure for Distribution of Reforestation Fund in the context of Capital Participation of the State of the Republic of Indonesia and Loan for the Development of Industrial Cultivated Forest by Venture Companies;
 12. Decision of the Minister of Forestry Number 4896/Kpts-II/2002 (*BN No. 6811 pages 3A-5A*) in conjunction with Number 8679/Kpts-II/2002 (*BN No. 6850 pages 1A-2A*) concerning Treatment of Venture HTI Company and State-Owned Enterprise HTI Company;
 13. Decision of the Minister of Finance Number SK.46/Menhut-II/2004 concerning Increased Private Capital Participation in Company holding Business License for Exploitation of Forest Timber Crop in Cultivated Forest / the Right to Exploitation of Venture Industrial Cultivated Forest Company;
 14. Regulation of the Minister of Forestry Number P.13/Menhut-II/2005 concerning Organization

- and Working Procedure of the Department of Forestry, as amended several times and lately amended by Regulation of the Minister of Forestry Number P. 64/Menhut-II/2008 (State Gazette of the Republic of Indonesia Year 2008 Number 80);
15. Regulation of the Minister of Forestry Number: P. 4/Menhut-II/2009 concerning Temporary Settlement of Right to Exploit Industrial Cultivated Forest (State Gazette of the Republic of Indonesia Year 2009 Number 12);

D E C I D E S :

To stipulate:

AMENDMENT TO REGULATION OF THE MINISTER OF FORESTRY NUMBER: P.4/MENHUT-II/2009 CONCERNING TEMPORARY SETTLEMENT OF THE RIGHT TO EXPLOIT INDUSTRIAL FOREST.

Article I

Some provisions in Regulation of the Minister Forestry Number: P. 4/Menhut-II/2009 concerning Temporary Settlement of the Right to Exploit Cultivated Forest (State Gazette of the Republic of Indonesia Year 2009 Number: 12), has been amended as follows:

1. Provision in Article 1 point 1 has been amended so as to read as follows:

Article 1

1. Temporary Right to Exploit Cultivated Forest hereinafter referred to as HPHTI-S shall be temporary right granted to private company and/or holder of Right to Exploit Industrial Cultivated Forest (HPH) either by means of transmigration pattern or pure private pattern.
2. Insert one (1) new Article in between Article 6 and Article 7, that is Article 6A that reads as follows:

Article 6A

The provisions in this Regulation of the Minister of Forestry also apply to holder of Temporary Right to Exploit Industrial Cultivated Forest by Pure Private company.

Article II

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 27, 2009
MINISTER OF FORESTRY OF THE
REPUBLIC OF INDONESIA,
sgd.
H. M.S. KABAN**

**Enacted in Jakarta
On July 29, 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 220**

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