



ACT OF THE REPUBLIC
OF INDONESIA
NO. 5 OF 1990
CONCERNING
CONSERVATION OF LIVING
RESOURCES AND THEIR
ECOSYSTEMS



MINISTRY OF FORESTRY
OF
THE REPUBLIC OF INDONESIA



PRESIDEN
REPUBLIC INDONESIA

ACT OF THE REPUBLIC OF
INDONESIA

NO.5 OF 1990

CONCERNING

CONSERVATION OF LIVING
RESOURCES AND THEIR
ECOSYSTEMS

With The Blessing of God Almighty

The President of The Republik of
Indonesia

Considering :

- a. That Indonesia's living resources and their ecosystem, which are bestowed by God Almighty and have an important role for human life, need to be managed and utilized sustainably harmoniously and in line with, as well as in a balanced way for the welfare of present and future generations of human beings in general and Indonesians in particular;
- b. That the development of living resources and their ecosystems are generally an integral part of sustainable national

Translator's Note

This is a translation from the Indonesian Language into English of Act of the Republic of Indonesia Number 5 of 1990 Concerning Conservation of Living Resources and Their Ecosystems. In the execution of this translation, every effort has been made to stay as close as possible to the Indonesian text. This English language version is made as readable and understandable as possible and is meant for those who do not understand the Indonesia language. Where any doubt exists, reference should be made to the original legislation. In matters of interpretation the law as written in Indonesia will always be the final authority.

- development base upon "Pancasila" (Their Five Principles);
- c. That all elements of living resources and their ecosystems basically are inter-dependent and inter influencing, so that, deterioration and extinction of one element leads to damaging, ecosystems as a whole;
 - d. That conservation efforts are necessary to promote the sustainable utilization of living resources and their ecosystems, so that, living resources and their ecosystems are always maintained and able to create a balance and be integrate in development;
 - e. That the existing laws and regulation wich are legal products of the Dutch Colonial Government, are not comprehensive, so that, they must be revoked because they are not suitable with the existing legal development and national policy;
 - f. That the existing national laws and regulations now in effect do not yet comprehensively accommodate and regulate conservation of living resources and their ecosystems;
 - g. That in relation to the above considerations, it is deemed necessary to enact legislation concerning conservation of living resources and their ecosystems in an Act;

Recalling :

1. Article 5 Paragraph (1), article 20 paragraph (1), and article 33 of the Constitution of 1945 ;
2. Act No.5 of 1967 Concerning Basic Provisions for Forestry (State Gazette of 1967-number 8, supplement to State Gazette- number 2823) ;
3. Act No 4 of 1982 concerning Basic Provisions for The Management of the Living Environment (State Gazette of 1982 number 12, Supplement to State Gazette-number 3215) ;
4. Act no. 20 of 1982 concerning Basic Provisions for State Defense and Security of the Republic of Indonesia (State Gazette of 1982-number 51, supplement to State Gazeite-number 3234) as revised by Act number 1 of 1988 (State Gazette of 1988-number 3, Supplement to State Gazette-number 3368) ;
5. Act number 9 of 1985 concerning Fishery (State Gazette of 1985-number 46, supplement to State Gazette number 3299).

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

Decides to enact the:

**ACT OF THE REPUBLIC OF
INDONESIA ON CONSERVATION
OF LIVING RESOURCES AND
ECOSYSTEMS.**

**Chapter I
GENERAL PROVISIONS**

Article I

As defined under this Act :

1. Living resources shall be elements in nature consisting of living plant and animal resources which together with surrounding non-living elements constitutes and ecosystem.

2. Conservation of living resources shall mean the management of living resources whose wise utilization will ensure their maintaining and improving their value and variety.

3. An ecosystem shall be the inter-dependencies relationship of all interacting natural elements of both living and non living resources.

4. A plant refers to any species of the plant kingdom either living in a terrestrial or aquatic environment

5. An animal is any species of the animal kingdom either living in a terrestrial, and/or aquatic, and/or aerial environment

6. A wild plant is a plant living either in the wild environment or under cultivation, which still possesses the genuine- characteristics of its species.

7. A wild animal is an animal, living either in the wild environment or in captivity, which still possesses wild features.

8. A habitat is an environment in which plants and animals are able to live and develop naturally.

9. A sanctuary reserve shall be a specific terrestrial or aquatic area having sanctuary as its main function preserving bio diver-

sity plant and animal as well as an ecosystem which also acts as a life support system.

10. A strict nature reserve shall be a sanctuary reserve area having a characteristic set of plants, animals and ecosystems, which must be protected and allowed to develop naturally.

11. A wildlife sanctuary shall be a sanctuary reserve area having a high value of species diversity and/or a unique animal species, in which habitat management may be conducted, in order to assure their continue and existence.

12. A biosphere reserve shall be an area of native, unique, and/or degraded ecosystems, where all natural components need to be protected and sustained for its importance research and education.

13. A nature conservation area shall be a specific terrestrial or aquatic area whose main function are to preserve diversity of plant and animal species, as well as to provide a sustainable utilization of living resources and their ecosystems.

14. A national park shall be a nature conservation area which possesses native ecosystems, and which is managed through a zoning system utilized which facilitates research, science, education, breeding enhancement, recreation and tourism purposes.

15. A grand forest park shall be a nature conservation area intended to provide a variety of indigenous and/or introduced plants and animals for research, science, education, breeding enhancement, culture, recreation and tourism purposes.

16. A nature recreation park shall be a nature conservation area mainly intended for recreation and tourism purpose.

Article 2

Conservation of living resources and their ecosystems shall be based on the principle of harmonious and balanced sustainable utilization of living resources and their ecosystems.

Article 3

Conservation of living resources and their ecosystems is intended to sustain living resources and balance ecosystem in order to enhance of human welfare and quality of human life.

Article 4

Conservation of living resources and their ecosystems shall be the responsibility and obligation of the government and the people.

Article 5

Conservation of living resources and their ecosystems shall be brought about through the following activities :

- a. Protection of life support systems ;
- b. Preservation of plant and animal species diversity and their ecosystems;
- c. Sustainable utilization of living resources and their ecosystems.

Chapter II

PROTECTION OF LIFE SUPPORT SYSTEMS

Article 6

A life support system is a natural process of various elements of both living and non living resources which ensures the continued existence of living organisms.

Article 7

The protection of life support systems is intended to maintain ecological processes which support continued existence of living organisms for enhancing human welfare and the quality of human life.

Article 8

(1) To realize the objective pertaining to Article 7, the government shall enact :

- a. certain areas as a life support system protection area.
- b. basic guidelines for regulating a life support system protection area.
- c. procedures for utilization of life support system protection areas.

(2) Further provisions pertaining to paragraph (1) shall be regulated by a Government Regulation.

Article 9

(1) Every holder of land rights or rights over aquatic areas within a life support system area shall be responsible for maintaining and obliged to ensure the continuity of the protected function of the area.

(2) In undertaking protection of life support system areas, the Government shall regulate and conduct law enforcement of land management and utilization, and con-

cession rights to aquatic areas within life support system protection areas, pertaining to article 8.

(3) Law enforcement pertaining to paragraph (2) shall be conducted based upon legislative regulation in effect.

Article 10

Degradation within a life support system area due to natural processes or unwise utilization or other causes, shall be followed by planned and continuous rehabilitation efforts.

Chapter III

PRESERVATION OF PLANT AND ANIMAL SPECIES DIVERSITY INCLUDING THEIR ECOSYSTEMS.

Article 11

The preservation of plant and animal species diversity including their ecosystems shall be conducted through the following activities :

- a. preservation of plant and animal diversity within their ecosystems.
- b. preservation of plant and animal species in an individual sense.

Article 12

The preservation of plant and animal diversity and their ecosystems shall be implemented by maintaining the integrity of natural sanctuary reserves in their original condition.

Article 13

(1) The preservation of plant and animal species shall be implemented both inside and outside natural sanctuary areas.

(2) The preservation of plant and animal species within sanctuary reserves shall be conducted without interference so that the population plant and animal shall be in natural balance within their habitats.

(3) The preservation of plant and animal species outside the sanctuary reserves shall be conducted by protection and promoting breeding efforts of the species to avoid their extinction.

Chapter IV

SANCTUARY RESERVES

Article 14

Sanctuary reserves, pertaining to article 12, shall consist of:

- a. Strict nature reserve
- b. Wildlife sanctuaries

Article 15

Besides having their main role as areas for preservation of plant and animal species diversity, sanctuary reserves shall also act as life support system protection areas pertaining to paragraph (1) of Article 8.

Article 16

(1) The management of sanctuary reserves shall be implemented by the Govern-

ment as an effort to preserve plant and animal species diversity and their ecosystems.

(2) Subsequent Government Regulation shall regulate the provisions for gazetting and utilization of a sanctuary reserve and its adjacent area as a buffer zone.

Article 17

(1) Activities for research and development, science, education, and other activities supporting enhanced breeding are permitted within the strict nature reserves.

(2) Activities research and development, science, education, limited recreation, and other activities supporting enhanced breeding are permitted within the wildlife sanctuary.

(3) Further provisions pertaining to paragraph (1) and (2) of this article shall be regulated by a Government Regulation.

Article 18

(1) Sanctuary reserves as well as other particular areas can be established as biosphere reserves in the framework of international conservation activities especially for activities defined in article 17.

(2) Further provisions for establishing a biosphere reserve shall be regulated by a subsequent Government Regulation.

Article 19

(1) Any and all persons are prohibited from doing any activity which leads to a change of natural integrity of a sanctuary reserve.

(2) The provision defined in paragraph (1) of this article shall not include prohibition of habitat management activities conducted for maintaining wildlife populations within wild life sanctuaries.

(3) A Change of nature integrity of a sanctuary reserve as defined in paragraph (1) shall include decreasing or deteriorating of function and area of a sanctuary reserve, as well as introduction of exotic plant and animal species.

Chapter V

PRESERVATION OF PLANT AND ANIMAL SPECIES

Article 20

(1) Plants and animal are classified into :

- a. Protected plant and animal species.
- b. Unprotected plant and animal species.

(2) Protected plant and animal species, pertaining to paragraph (1), are classified into :

- a. Endangered species
- b. Rare species

(3) Further provisions pertaining to paragraph (2) shall be regulated by a Government Regulation.

Article 21

(1) Any and all persons are prohibited to :

- a. Take, fell, keep, destroy, exterminate, care for, transport, and trade in

protected plant or parts thereof in live or dead condition.

- b. Transfer protected plants or parts thereof in live or dead condition from one place to another, within or outside Indonesia.

(2) Any and all persons are prohibited to :

- a. Catch, injure, kill, keep, possess, care for, transport, and trade in a protected animal in live condition.
- b. Keep, possess, care for, transport, and trade in a protected animal in dead condition.
- c. Transfer a protected animal from one place to another, within- or outside Indonesia.
- d. trade, keep or possess skin, bodies or other parts of a protected animal, or goods made of parts of the animal, or transfer from one place in Indonesia to another, within or outside Indonesia.
- e. Take, destroy, exterminate, trade, keep, or possess an egg and /or a nest of a protected animal.

Article 22

(1) Any exception from the prohibition pertaining to Article 21 can only be permitted for purposes of research, science, and/or safeguarding those plants or animals.

(2) Safeguarding efforts pertaining to paragraph (1) shall include delivering or exchanging a plant or animal species with

foreign institutions, with permit from the Government.

(3) An exception to the prohibition to catch, to injure, or to kill a protected animal can only be permitted in case the animal endangers human life.

(4) The further provisions pertaining to paragraph (1), paragraph (2), and paragraph (3) shall be regulated by a Government Regulation.

Article 23

(1) Should it be necessary, it is permitted to introduce exotic wild species both plant and animal into Indonesian Territory.

(2) Further provisions as defined in paragraph (1) shall be regulated by a Government Regulation.

Article 24

(1) The Government shall confiscate any protected wild species both plant and animal resulting from violation to the provisions of Article 21.

(2) The confiscated wild species is to be returned to its habitat or be handed over to institutions dealing with wildlife conservation except in the situation that its condition is such that it is not likely to be useful, then it should be destroyed.

Article 25

(1) Protected species preservation both plant and animal may only be carried out in the form of human care or breeding in captivity and by designated institutions.

(2) Further provisions pertaining to paragraph (1) shall be established by Government Regulation

Chapter VI

SUSTAINABLE UTILIZATION OF LIVING RESOURCES AND THEIR ECOSYSTEMS

Article 26

The sustainable utilization of living resources and their ecosystem shall be accomplished by the following activities:

- a. Utilization of the environmental condition of nature conservation area itself.
- b. Utilization of wild species of plant and animal.

Article 27

Utilization of the nature conservation area itself shall take place with strict maintenance of the conservation function of the area.

Article 28

Utilization of wild species both of plant and animal shall be take place in accordance with their long-term survival, carrying capacity, and species diversity.

Chapter VII

NATURE CONSERVATION AREAS

Article 29

(1) Nature Conservation Areas as defined as in Article 1 Recital 13 consist of

the following areas :

- a. National Park
- b. Grand Forest Park
- c. Natural Recreation Park

(2) Further provisions regarding the designation procedure for Nature Conservation Areas and their buffer zones shall be regulated by a subsequent Government Regulations.

Article 30

The function of a Nature Conservation Area is the protection of life support system, preservation of species diversity, and sustainable utilization of living resources and their ecosystems.

Article 31

(1) Activities relating to research, education, breeding enhancement, culture and nature recreation are allowed in a National Park, Grand Forest Park and Natural Recreation Park.

(2) Activities pertaining to Paragraph 1 must be carried out without diminishing the specified function for each area.

Article 32

A National Park is managed through a zoning system which may consist of Core Zone, Utilization Zone, and other zones depending on necessity.

Article 33

(1) Any and all persons are prohibited to

do activities which may modify the natural integrity of the National Park's Core Zone.

(2) Activities considered as modifying the natural integrity of the Core Zone pertaining to Paragraph (1) include to diminish or to degrade, the function and area of the Core Zone, as well as introduce exotic species of plants and animals.

(3) Any and all persons are prohibited to do activities which are inconsistent with the function of utilization and other zones of the National Park, Grand Forest Park and Natural Recreation Park.

Article 34

(1) Management of the National Park, Grand Forest Park and Natural Recreation Park is carried out by the Government.

(2) Tourism facilities may be developed in the Utilization Zone of the National Park, Grand Forest Park and Natural Recreation Park, based on the management plan.

(3) For tourism and recreation activities, the government may grant concession rights in Utilization Zone of National Park, Grand Forest Park, and Natural Recreation Park. The rights holder should promote public participation.

(4) Further provisions pertaining to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by a Government Regulation.

Article 35

Under certain conditions and when clear-

ly necessary for the purposes of maintaining or rehabilitating natural resource and their ecosystem, the government may halt utilization activities and shut off National Park, Grand Forest Park and Natural Recreation Park.

CHAPTER VIII

WILD SPECIES UTILIZATION

Article 36

(1) Utilization of wild species of plants and animals may be carried out in the following forms :

- a. Species analyzing, research and development;
- b. Breeding;
- c. Hunting;
- d. Marketing;
- e. Exhibition; f. Species Exchange; g. Culture of medicinal plants; h. Hobby.

(2) Further provisions pertaining to Paragraph (1) shall be regulated by a Government Regulation.

Chapter IX

CITIZEN PARTICIPATION

Article 37

(1) The government will lead and mobilize its citizen to participate in conservation of living resources and their ecosystems through an efficient and effective manner.

(2) In pursuing the matter pertaining to Paragraph (1) the government will encourage and develop conservation awareness, in living resources and their ecosystem, through education and extension programs.

(3) Further provision pertaining to paragraph (1) and paragraph (2) shall be regulated by a government regulation.

Chapter X

EXECUTIVE DELEGATION OF DUTY AND TASK ASSISTANCE

Article 38

(1) In accordance with Act Number 5 of 1974 concerning Local Government, the government, in implementation of conservation of living resources and their ecosystems, may delegate part of the duties and tasks to the local government.

(2) Further provisions pertaining to Paragraph (1) shall be regulated by a government Regulation.

Chapter XI

INVESTIGATION

Article 39

(1) As stated in the Act number 8 of 1981 concerning Criminal Justice, a designated Civil Servant whose duty is related to the management of conservation of living resources and their ecosystems, in addition to the police investigator of the Republic of Indonesia, is allowed to investigate

criminal action regarding conservation of living resources and their ecosystems.

(2) The duty and tasks of investigator pertaining to Paragraph (1) is Executed in accordance with the provision on the duty and task of the investigator pertaining to the Act number 5 of 1983 of the Exclusive Economic Zone and Act number 9 of 1985 concerning Fishery.

(3) The investigator pertaining to Paragraph (1) is authorized :

- a. to examine and to confirm reports of allegedly criminal activity concerning conservation of living resources and their ecosystems.
- b. to investigate persons who have allegedly done criminal action regarding conservation of living resources and their ecosystems.
- c. to examine any identification card belonging to persons caught in Sanctuary Reserve and Nature Conservation Area.
- d. to search for and confiscate evidence related to criminal action regarding conservation of living resources and their ecosystems.
- e. to acquire information and evidence from persons or institutions regarding the criminal action related to conservation of living resources and their ecosystems.
- f. to prepare and to sign the record of the investigation.
- g. to stop the investigation should there not

be enough evidence to prove the criminal case.

(4) The investigator pertaining to Paragraph (1) will report the process of examination as well as the result to the Prosecutor through the Police Investigator Official of the Republic of Indonesia (refer to the Act number 8 of 1981 concerning Criminal Justice).

CHAPTER XII

PROVISION OF CRIMINAL PUNISHMENT

Article 40

(1) Whosoever intentionally violates the provisions pertaining to Paragraph (1) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 10 years and a fine up to a maximum of Rp. 200.000.000,00.

(2) Whosoever intentionally violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 5 years and a fine up to a maximum Rp. 100.000.000,00.

(3) Whosoever, through negligence, violates the provisions pertaining to Paragraph (1) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of one year and a fine of up to a maximum Rp. 100.000.000,00

(4) Whosoever, through negligence, violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be liable to punishment by imprisonment up to a maximum of one year and a fine of up to maximum Rp. 50.000.000,00

(5) Actions pertaining to Paragraph (1) and Paragraph (2) shall be regulated as a Criminal whereas actions pertaining to Paragraph (3) and (4) of this Article shall be established as a Violation.

CHAPTER XIII

TRANSITIONAL PROVISIONS

Article 41

Forest Sanctuary Reserves and Natural Recreation areas which have been designated and established at the time this act takes effect shall remain in effect.

Article 42

All other legislation pertaining to the conservation of living resources and their ecosystems shall remain in effect, insofar as they do not conflict with this Act.

CHAPTER XIV

CONCLUDING PROVISIONS

Article 43

At the time this Act takes effect, the following Legislation shall be abolished;

1. Jachtordonnantie 1931 Staatblad 1931 Nummer 133

2. Dierenbeschermingsordonnantie 1931
Staatsblad 1931 Nummer 134

3. Jachtordonnantie Java en Madoera
1940 Staatsblad 1939 Nummer 733

4. Natuurbeschermingsordonnantie
1941 Staatsblad 1941 Nummer 167.

Article 44

This Act shall be named as The Act on the Conservation of Living Resources.

Article 45

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.

Enacted in Jakarta

On August 10, 1990

The President of The Republic of Indonesia

Soeharto.

Promulgated in Jakarta

On August 10, 1990

The Minister/State Secretary of The Republic of Indonesia

Moerdiono

STATE GAZETTE OF THE
REPUBLIC OF INDONESIA YEAR
1990 NUMBER 49

CLARIFICATION OF
THE ACT OF THE REPUBLIC OF
INDONESIA
NUMBER 5 OF 1990
CONCERNING
CONSERVATION OF LIVING
RESOURCES AND THEIR
ECOSYSTEMS

GENERAL

Indonesia has been granted richness by God Almighty in the form of natural resources including those on the land, in the waters, and in the air as a capital base for all kinds of development. That capital base has to be protected, maintained, conserved, and utilized in optimal and sustainable form for Indonesian welfare in particular, and the quality of human life, in general. This maintenance and use must be based on assuring, harmony, and the balance of relationships between human beings and their creator, between human beings and their communities, and between human being and their ecosystems. Therefore, management of living resources and their ecosystem as a part of the capital base is an integral part of national sustainable development and an implementation of Five Principles (Pancasila).

Living resources and their ecosystems are the most important part of natural resources, which consists of fauna, flora, and natural phenomena, and each individually or collectively, have many functions and advantages which cannot be replaced. Since they cannot be replaced and have im-

portant positions and significance for human life, conservation efforts of the living resources and their ecosystems is a responsibility of every generation. Any activity resulting in damage nature reserves, and other conservation areas, or any activity contrary to regulation for conservation of protected plants and animals, will receive severe punishment either as a criminal sanction or a fine. Sanctions are necessary since the damage or extinction of one living resource element will result in great public disadvantages, whereas recovery to original conditions is impossible.

Because of its wide scope and dealing with public interest in general, conservation efforts for living resources and their ecosystems are both a government and a public responsibility. Public participation will be initiated and directed by the government through effective and efficient activities. To do that, the government has to promote public education and extension in the context of conservation awareness.

The success of a program for conservation of living resources and their ecosystems is closely related to the achievement of three conservation targets as follows :

1. to guarantee continuation of ecological processes which are the life support system for continued development and people's welfare (life buffer system protection) ;

2. to maintain genetic resources diversity and their ecosystems so as to be able to support development, science, and technology in order to satisfy human needs for utilizing

living natural resources for their welfare (germ plasm resource preservation);

3. to direct methods of utilizing living natural resources to assure their sustainability. The consequences of unwise application of science and technology, in-harmonious land utilization and uses, and failure to reach optimal conservation targets both on land and in the aquatic world can result to genetic erosion, pollution, and decreasing living natural resource potential (sustainable utilization).

Since Indonesia is a nation based on law, the management of living resources and their ecosystems must have a clear, strong and comprehensive legal basis to assure the legal aspects of resource management efforts.

Currently, the facts indicate that no State Act concerning living resources and their ecosystems has been gazetted.

Many kinds of regulation dating from the Dutch colonial times no longer correspond to current development and level of need of Indonesia.

Some changes which relate to government role, population growth, science, and the success of development at present, require State Act concerning living resources and their ecosystems which corresponds to aspiration of Indonesia.

Sustainable use as one aspect of the conservation of living resources and their ecosystems has not been yet developed consistent with the need. Likewise, conservation areas management in the form of national

park, grand forest park, and natural recreation park which integrate the functions of life support system, preservation of plant and animal species diversity, and their ecosystems, and sustainable uses, has not be utilized as much as its need justifies.

Previous national acts related to the conservation of living resources and their ecosystems such as Act No. 5 of 1967 concerning Basic Provisions for Forestry, Act No. 4 of 1982 concerning Basic Provisions for the Management of The Living Environment, Act No. 20 of 1982 concerning Basic Provisions for the Peaceful Defense of the Republic of Indonesia that has been modified by Act No. 1 of 1988, and Act No. 9 of 1985 concerning Fishery have neither completely regulated nor fully used as a legal basis for further controlling living resource management.

A comprehensive act concerning the conservation of living natural resources and their ecosystems is necessary as a legal basis for regulating the protection of life buffer system, the preservation of plant and animal species and their ecosystems, and the sustainable use of living resources and their ecosystems in order to assure their utilization for people's welfare and improvement of the quality of life.

This act consists of basic provisions that cover all aspects of the conservation of living resources and their ecosystems, while the implementations will be regulated by Government Regulations.

ARTICLE BY ARTCLE

Article 1

Recital 1

Self-explanatory

Recital 2

Self-explanatory

Recital 3

Self-explanatory

Recital 4

Self-explanatory

Recital 5

Self-explanatory

Recital 6

Self-explanatory

Recital 7

Fish and domesticated animals are not included in the definition of wildlife but they are defined as animals.

Recital 8

Self-explanatory

Recital 9

Self-explanatory

Recital 10

Self-explanatory

Recital 11

Self-explanatory

Recital 12

Self-explanatory

Recital 13

Self-explanatory

Recital 14

Self-explanatory

Recital 15

Self-explanatory

Recital 16

Self-explanatory

Article 2

Basically, all natural resources, including living natural resources, must be taken advantage of, by and for people and human welfare consistent with their capability and function. However, their utilization must correspond to this act to assure today's and future sustainable use. Utilization and conservation as stated above must be undertaken in harmony and balance as a reflection of the conservation of living resources and their ecosystems bases.

Article 3

Living resources are ecosystem elements that can be utilized to improve people's welfare and quality of life. However, the balance of ecosystem has to be quaranted.

Article 4

Since the conservation of living resources and their ecosystems are very important in improving people's welfare and quality of life, the people themself

ves also have an obligation and responsibility to promote conservation activities.

Article 5

The conservation of living natural resources and their ecosystem is undertaken through three activities :

a. Protection of life support system

Life is a kind of system consisting of inter-dependencies and inter-affected processes which, if they should be terminated, will affect life. In order to avoid unexpected changes which severely affect humankind's capability to utilize living resources, ecological processes have to be preserved and protected. The protection of life support systems consists of efforts and activities related to protection of water springs, cliffs, river banks, lakes, preservation of forest hydrological function, beach protection, watershed management, protection of natural uniqueness and scenic beauty, and so on.

b. The preservation of diversity of wild plant and animal species including their ecosystems

Living resources and their ecosystems consist of both organism and inorganic elements (both physic and non-physic).

All of these elements are inter-related and inter-dependent. The extinction of one element cannot be replaced by another. Conservation efforts and activities to assure species diversity cover elements protection to avoid extinction

and each of them can be functioned in nature, and they can always be utilized for people welfare.

The preservation of plant and animal species may be undertaken within conservation areas (in-situ conservation) or outside (ex-situ conservation).

c. Sustainable use of living resources and their ecosystems

Basically, sustainable use of living natural resources and their ecosystems means activities of controlling/limiting living natural resource and its utilization, so that continuation of the utilization can be undertaken in to the long-term future.

Article 6

Organic elements are living things including humans, plants, animals, and micro-organisms. Inorganic elements are sunlight, water, air, and land.

The relationship between organic and inorganic elements has to be in balance as a life support system, and thus it must be protected.

Article 7

Self-explanatory

Article 8

Paragraph (1)

The protection of life support system is undertaken by assigning a designated area as a protected area. To regulate the area,

the government designates a basic pattern for managing and utilization to assure its protection and conservation functions.

Among areas for life support system protection are protection forest, watershed, river banks, beach areas, designated parts of Indonesian Economic Exclusive Zone, low and high tide areas, cliffs, steep banks, and severely polluted areas.

The utilization of the areas is limited to the legal right holders, however, in implementation of the right, they are subject to government regulation.

In designating an area as a life support system area, research and inventory are required both for those which have or have not yet been designated.

Paragraph (2)

In this Government Regulation, it is necessary to consider the harmonious of interests between rights holders and protection of the life support system.

Article 9

Paragraph (1)

What is meant by concession rights in the aquatic zone is a right granted by the government to utilize the areas natural resources, both of extractive and non-extractive, but not including an actual claim to the area.

What is meant by aquatic zone is Indonesia's fresh-water territory, including deep waters (rivers, lakes, reservoirs, swamps, and other still water areas), In-

Jonesian sea territory, and Indonesian Economic Exclusive Zone.

Paragraph (2)

Self-explanatory

paragraph (3)

Included in the definition of regulating land utilization and management, and aquatic zone concession rights is cancellation of land which must be undertaken based on current regulation. In case of land rights cancellation, the rights holder will be compensated based on current regulations.

Article 10

Life support system areas that have been degraded due to natural processes such as land slides, erosion, fire, and earthquake, or due to unwise human utilization, or other reasons must be rehabilitated to regain their function.

In this rehabilitation, people, particularly those who have rights over the areas, have to be involved.

Article 11

What is meant by preservation here is an effort to preserve plant and animal species diversity and their ecosystems from extinction.

Preservation outside assigned areas covers controlling permitted activities on plants and animals as regulated under Article 20 to Article 25 in this Act.

The arrangement outside assigned areas

takes the form of plant and animal species preservation.

Preservation within conservation areas is undertaken in the form of nature reserves and core zone of national park.

Article 12

Preservation efforts of plant and animal species diversity centers on the strict nature reserve, based on its main function to preserve plants and animals species and their ecosystems, so that its complexity and integrity have to be protected from any threats, in order to assure protection of its natural processes.

Article 13

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Article 14

Self-explanatory

Article 15

Self-explanatory

Article 16

Paragraph (1)

Nature reserve management is a government responsibility as a consequence of government control of natural resources

stated in Article 33 Constitution of 1945.

Paragraph (2)

What is meant by buffer zones are areas outside nature reserves, in the form of other forestlands, government lands or lands whose rights have been assigned, which are needed and able to support the reserves integrity.

Buffer zone management is reserved to the rights holder, although management methods have to be followed the Government Regulation.

Article 17

Paragraph (1)

Breeding enhancement function can be undertaken in the form of the utilization reserve's germ plasm for species genetic improvement and breeding. Germ plasm refers to genetic elements that determine species existence.

Paragraph (2)

What is meant by limited tourism are activities tourism are activities to visit, to see, and to enjoy natural beauty in the wildlife sanctuary under specific conditions.

Paragraph (3)

Self-explanatory

Article 18

Paragraph (1)

The purpose of a biosphere reserve is to provide an area for research, science, and education, as well as for observing and

evaluating the changes within the reserve. Whenever a nature reserve or other area is designated as a biosphere reserve, it becomes a part of an international conservation network.

However, the government retain full authority on deciding research, science, and education activities, as well as observing and evaluating the changes within the reserve.

Paragraph (2)

Self-explanatory

Article 19

Paragraph (1)

What is meant by changes in nature reserve integrity are destruction to the areas' unique characters and their ecosystems, in area wildlife hunting, and exotic species introduction.

Paragraph (2)

What is meant by animal habitat improvement are activities undertaken in the area aimed at promoting the animals' opportunities to survive and to grow in their nature habitats. Example of the activities are grazing area establishment, construction of drinking ponds, and so on.

Paragraph (3)

What is meant by exotic plants and animals species are plant and animal species which are never found in the area.

Article 20

Paragraph (1)

In order to preserve various species, protected plant and animal species are designated.

The objective of plant and animal species protection is to protect such plants and animals from extinction.

The designation may be modified anytime depending upon its necessity which in turn is based on the danger level of the species necessity.

Paragraph (2)

Endangered plant and animal species cover plants and animals that are almost extinct and moving toward extinction. Endemic plant and animal species are plant and animal species whose distribution are limited, whereas endangered plant and animal species are those whose population are very small and whose breeding are very slow due to habitat effects or their ecosystem.

Scarce plant and animal species means that their population are small or scarce so that their breeding are extremely difficult.

Paragraph (3)

Self-explanatory

Article 21

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Article 22

Paragraph (1)

What is meant by plant and animal species rescue is a necessary rescue activity whenever, in certain conditions, the survival of those plant and animal species is in jeopardy and if they are still in their habitat either in country or abroad.

Paragraph (2)

What is meant by grant or exchange of plants and animals to another party abroad is limited exchange between institutions related to plant and animal conservation, and gifts from the government.

Paragraph (3)

Dangerous here does not mean only actually harming human life but also create threats or uncomfortable condition for humans life, or material disadvantages such as damaged land or plants or agricultural products.

Paragraph (4)

In the subsequent government regulation, some methods will be provided for managing danger, living capture, driving and translocating the animals, while elimination will only be undertaken if other methods are not effective.

Article 23

Paragraph (1)

What is meant by whenever necessary is for plant and animal species collections for zoological garden, safari park, and plants and animals species improvement.

Bringing in plant and animal species into the Republic of Indonesia's territory has to be regulated in order to avoid genetic pollution and to assure existing ecosystems stability to optimize uses for Indonesia.

Paragraph (2)

Self-explanatory

Article 24

Paragraph (1)

What is meant by being taken for the state is that beside being taken as regulated in Act No. 8 of 1981 concerning criminal law, authority is also delegated to an official assigned by the government to manage and save the plants and animals before the court process is held.

Paragraph (2)

Protected plants and animals must be protected in their habitats. Therefore, confiscated plants and animals must be released to their habitats. If releasing to its habitats is not possible since the animal or plant is no longer adapted to its habitat condition and/or it will be used as a proof in the court, the plant or animal may be stored in institution for plant and animal conservation.

If its condition is really poor such as damaged, defective, and it is not possible for it to be kept living, it is better for it to be destroyed.

Organizations in this paragraph may be government or non government organizations, for example, zoological garden,

botanical garden, herbarium, safari park and others which are designated by the government.

Article 25

Paragraph (1)

See explanation of Article 24 paragraph (2)

Paragraph (2)

Self-explanatory

Article 26

What is meant by environmental condition is the characteristic substance of an area in the form of its ecosystem, climate, natural phenomena, plant and animal uniqueness, and cultural heritages in the area.

Article 27

Self-explanatory

Article 28

Self-explanatory

Article 29

Paragraph (1)

The area of national park, grand forest park, and nature park cover lands and aquatic zones.

Paragraph (2)

See explanation of Article 16 Paragraph (2)

Article 30

Self-explanatory

Article 31

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Article 32

What is meant by a core zone is a part of a national park which has to be strictly protected and any changes due to human activities are not permitted.

What is meant by utilization zone is a part of a national park which can be developed as a recreation center and a tourist destination.

What is meant by other zones are zones other than these two which due to their function and condition may be assigned as wilderness zone, traditional use zone, rehabilitation zone, and so on.

Article 33

Paragraph (1)

See explanation of Article 19 paragraph (1)

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Article 34

Paragraph (1)

Basically, nature conservation area

management is a government responsibility as a consequence of government control of natural resources as stated in Article 33 Constitution of 1945.

In implementation activities to manage utilization zones of national parks, grand forest parks, and natural recreation parks, the government may grant rights to cooperatives, government owned companies, private companies, and individuals.

Paragraph (2)

Self-explanatory

Paragraph (3)

The definition of public involvement here, is to provide chances for surrounding people to do business.

Paragraph (4)

Self-explanatory

Article 35

What is meant by under certain conditions and really necessary is the condition or situation which might occur in nature conservation areas due to natural disasters (volcanic eruption, released poisoning gases, danger of fire), and destruction due to consecutive utilization that may harm visitors or plants and animals life.

Article 36

Paragraph (1)

Utilization of plant and wildlife species must be undertaken in consideration of the balance of population and its habitat.

Paragraph (2)

Self-explanatory

Article 37

Paragraph (1)

Public participation may be by individuals and groups of people whether organized or not. Through extension, the government has to direct and to mobilize the people by involving groups of people in order to make people actively participate in the conservation of living natural resources.

Paragraph (2)

In order to initiate and to improve conservation awareness among people, understanding and motivation about conservation has to be started as early as possible through elementary school and out-of-school channels.

Paragraph (3)

Self-explanatory

Article 38

Paragraph (1)

Central government may not only delegate certain elements of the authority in the conservation of living natural resources and their ecosystems to local government, but may also assign provincial government to deal with these elements as supporting task.

Paragraph (2)

Self-explanatory

Article 39

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 40

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Article 41

Based on Nature Protection Regulation of 1941 State Gazette of. 1941 No. 167 (Natuurbeschermingsordonantie 1941 Staatsblad 1941 Nummer 167) and Act No. 5 of 1967 concernig Basic Provisions for Forestry, nature reserve and forest park have been regulated. By gazetting this act, nature reseve and forest park are considered as have been regulated.

Article 42

Self-explanatory

Article 43

Self-explanatory

Article 44

Self-explanatory

Article 45

Self-explanatory

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