



**Act of the  
Republic of Indonesia**

**No. 4 of 1982**

**concerning**

**Basic Provisions for the Management  
of the Living Environment**

**ACT OF THE  
REPUBLIC OF INDONESIA  
NO. 4 OF 1982**

**CONCERNING**

**BASIC PROVISIONS FOR THE  
MANAGEMENT OF THE LIVING  
ENVIRONMENT**

**WITH THE BLESSINGS OF  
GOD THE ALMIGHTY**

**THE PRESIDENT OF THE  
REPUBLIC OF INDONESIA**

This translation is not a legal  
document.  
The Indonesian text is binding.

**Considering:**

a. that the living environment, which is bestowed by God the Almighty upon the people of Indonesia, constitutes the living space of the Indonesian people, in all its aspects and dimensions in accordance with the *Wawasan Nusantara* (Archipelagic Concept);

b. that in the effective use of natural resources for the advancement of general welfare as stipulated in the Constitution of 1945 and the attainment of happiness based upon *Pancasila*, it is necessary to sustain the capability of the harmonious and balanced living environment to support continued development by means of an integrated and comprehensive national policy with due consideration of the needs of present and future generations;

**OFFICE OF THE MINISTER OF STATE  
FOR DEVELOPMENT SUPERVISION  
AND  
THE ENVIRONMENT**

c. that a policy of protecting and developing the living environment in relation to life among nations is in accordance and compatible with the growing awareness of mankind's living environment;

d. that for the management of the living environment, which is based on an integrated and comprehensive national policy, it is necessary to enact legislation containing basic provisions as the basis for the management of the living environment.

**Recalling:**

1. Article 5 Paragraph (1), Article 20 Paragraph (1) and Article 33 of the Constitution of 1945;

2. The Decree of the People's Consultative Assembly No. IV/MPR/1978 concerning the Guidelines of State Policy.

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

**DECIDES**

**to enact:**

**ACT ON BASIC PROVISIONS FOR  
THE MANAGEMENT OF THE LI-  
VING ENVIRONMENT.**

**SECTION I  
GENERAL PROVISIONS**

**Article 1**

As defined under this Act:

1. The living environment is the

spatial entity with all objects, potentials, conditions and living organisms, including man and his behaviour, which influence the continuance of the life and welfare of man and other living organisms.

2. The management of the living environment is an integrated effort in the utilization, regulation, conservation, supervision, control, restoration and development of the living environment.

3. An ecosystem is the comprehensive, total system of all interacting elements of the living environment.

4. Carrying capacity of the environment is the capability of the environment to support human life and that of other living organisms.

5. Resources are elements of the living environment consisting of human resources, organic natural resources, inorganic natural resources, and man-made resources.

6. An environmental quality standard is the limit or standard for living organisms, matters, energy, existing or necessary components and/or pollutants, the existence of which is tolerated in certain resources as elements of the living environment.

7. Environmental pollution is the entry or introduction of living organisms, matters, energy and/or other components into the environment, and/or change in the environmental system due to man's activities

or natural processes resulting in the decline of the environmental quality to such a level which causes the environment to function insufficiently or to lose its proper functions.

8. Environmental damage is an action which directly or indirectly affects the physical and/or organic characteristics of the environment which causes the environment to function insufficiently or to lose its proper functions in supporting continued development.

9. Environmental impact is a change in the environment caused by an activity.

10. An analysis of environmental impact is a study of the impact of a planned activity on the living environment needed for decision-making process.

11. Conservation of natural resources is the management of natural resources which ensures their wise utilization and, in the case of renewable natural resources, ensures their continued supply by constantly maintaining and improving their value and variety.

12. A self-reliant community institution is an organization which develops in a self-reliant manner, on the basis of its own initiative and desire, within the community, and is concerned with and active in the field of the living environment.

13. Development with environmental consideration is a conscious and planned endeavour to utilize and manage resources wisely in continued development to improve the quality of life.

14. Minister is the Minister whose duty is the management of the living environment.

## Article 2

The Indonesian living environment, based upon the Archipelagic Concept, encompasses the space where the Republic of Indonesia holds sovereignty and exercises sovereign rights and jurisdiction.

## SECTION II PRINCIPLES AND OBJECTIVES

### Article 3

The management of the living environment is based upon the sustenance of the capability of the harmonious and balanced environment to support continued development for the improvement of human welfare.

### Article 4

The objectives of the management of the living environment are:

- a. to achieve harmonious relations between man and the living environment as an objective of the development of the Indonesian individual in his totality;
- b. to control wisely the utilization of natural resources;

- c. to develop the Indonesian individual as a proponent of the living environment;
- d. to implement development with environmental considerations for the interest of present and future generations;
- e. to protect the nation against the impact of activities outside the State's territory which causes environmental damage and pollution.

### SECTION III RIGHTS, OBLIGATIONS AND AUTHORITIES

#### Article 5

(1) Every person has the right to a good and healthy living environment.

(2) Every person has the obligation to maintain the living environment and to prevent and abate environmental damage and pollution.

#### Article 6

(1) Every person has the right and obligation to participate in the management of the living environment.

(2) The participation as stated in Paragraph (1) of this Article shall be established by legislation.

#### Article 7

(1) Every person engaged in an enterprise has the obligation to maintain the sustenance of the capability of the harmonious and balanced living environment to support continued development.

(2) The obligation as stated in Paragraph (1) of this Article shall be entered into every operating license issued by authorized agencies.

(3) Provisions governing the obligation as referred to in Paragraph (1) and Paragraph (2) of this Article shall be established by legislation.

#### Article 8

(1) The Government shall establish policies and take measures designed to encourage promotion of the efforts to sustain the capability of the living environment to support continued development.

(2) The Government policies and measures as stated in Paragraph (1) of this Article shall be established by legislation.

#### Article 9

The Government has the obligation to cultivate and develop the public's awareness of its responsibility in the management of the living environment by means of information, guidance, education and research in the field of the living environment.

#### Article 10

(1) Natural resources are controlled by the State and utilized for the maximum welfare of the people.

(2) The utilization of man-made resources which affect the livelihood of the general public shall be regulated by the State for the maximum welfare of the people.

(3) The right to control and regulate by the State, as stated in Paragraph (1) and Paragraph (2) of this Article, gives authority to:

- a. regulate the allocation, development, use, reuse, recycling, provision, management and supervision of resources as stated in Paragraph (1) and Paragraph (2) of this Article;
- b. regulate legal actions and legal relations between persons and/or other legal subjects pertaining to resources as stated in Paragraph (1) and Paragraph (2) of this Article;
- c. regulate environmental taxes and retribution.

(4) Further provisions pertaining to Paragraph (3) of this Article shall be established by legislation.

#### SECTION IV PROTECTION OF THE LIVING ENVIRONMENT

##### Article 11

Provisions on the protection of inorganic natural resources shall be established by an act.

##### Article 12

Provisions on the conservation of organic natural resources and its ecosystem shall be established by an act.

##### Article 13

Provisions on the protection of man-made resources shall be established by an act.

##### Article 14

Provisions on the protection of cultural heritage shall be established by an act.

##### Article 15

The protection of the living environment shall be based on environmental quality standards established by legislation.

##### Article 16

Every plan which is considered likely to have a significant impact on the environment must be accompanied with an analysis of environmental impact, carried out according to government regulations.

##### Article 17

Provisions on the overall and sectoral prevention and abatement of damage and pollution of the living environment and its control shall be established by legislation.

#### SECTION V INSTITUTIONS

##### Article 18

(1) The management of the living environment on the national level shall be carried out in the integrated manner by means of institutional mechanism headed by a Minister and established by legislation.

(2) The management of the living environment, in relation to the integrated implementation of the national policy pertaining to the management

of the living environment, shall be carried out sector-wise by departments and non-departmental institutions in accordance with their respective functions and responsibilities.

(3) The management of the living environment, in relation to the integrated implementation of the national policy pertaining to the management of the living environment, shall be carried out on the regional level by Regional Governments in accordance with the existing legislation.

#### Article 19

Self-reliant community institutions shall perform a supporting role in the management of the living environment.

### SECTION VI COMPENSATION AND RESTORATION

#### Article 20

(1) Whosoever damages and/or pollutes the living environment is liable for payment of compensation to victims whose rights to a good and healthy living environment have been violated.

(2) Procedures for the submission of complaints by victims, procedures for the investigation by a team of the type, kind, and extent of damages, and procedures for seeking compensation shall be established by legislation.

(3) Whosoever damages and/or pollutes the living environment is liable

for payment to the State of the costs of the restoration of the living environment.

(4) Procedures for the determination and payment of the costs of the restoration of the living environment shall be established by legislation.

#### Article 21

In certain activities pertaining to specific kinds of resources, strict liability rests on those causing the damage and/or pollution of the living environment at the time of the occurrence of the damage and/or pollution, which shall be stipulated in relevant legislation.

### SECTION VII PENALTIES

#### Article 22

(1) Whosoever intentionally does an action which causes damage or pollution of the living environment under the provisions of this and other acts shall be liable to punishment of imprisonment to a maximum of 10 years and/or a fine to a maximum of Rp.100,000,000.00.

(2) Whosoever, through negligence, does an action which causes damage or pollution of the living environment under the provisions of this and other acts shall be liable to punishment of imprisonment to a maximum of one year and/or a fine to a maximum of Rp.1,000,000.00.

(3) Actions as stated in Paragraph (1) of this Article constitute a crime and actions stated in Paragraph (2) of this Article constitute a misdemeanor.

#### SECTION VIII TRANSITIONAL PROVISIONS

##### Article 23

At the time this Act takes effect, all other regulations pertaining to the living environment shall remain in effect, insofar as they do not conflict with this Act.

#### SECTION IX CONCLUDING PROVISIONS

##### Article 24

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.

Done in Jakarta  
On March 11, 1982

THE PRESIDENT OF THE  
REPUBLIC OF INDONESIA

SOEHARTO

Promulgated in Jakarta  
On March 11, 1982

THE MINISTER/  
STATE SECRETARY OF THE  
REPUBLIC OF INDONESIA

SUDHARMONO. S.H.

STATE GAZETTE OF THE  
REPUBLIC OF INDONESIA  
YEAR 1982 NUMBER 12.

ELUCIDATION  
OF  
THE ACT OF THE REPUBLIC OF  
INDONESIA  
NO. 4 OF 1982  
CONCERNING  
BASIC PROVISIONS FOR THE  
MANAGEMENT OF THE LIVING  
ENVIRONMENT

A. GENERAL

1. The living environment of Indonesia, which is bestowed by God the Almighty upon the Indonesian nation and people, is a blessing from Him, and its capability must be developed and sustained so that it can continue to serve as a life source and support for the Indonesian nation and people and other beings for the sake of the continuance and the improvement of the quality of life itself. *Pancasila* as the foundation and the philosophy of the State is a whole and complete unity which gives the Indonesian nation and people the conviction that happiness shall be attained if it is based upon harmony and balance in the life of man as individuals, in his relationship with his fellowman, in his relationship with nature, in his relationship with God the Almighty, as well as in his pursuit of worldly progress and spiritual contentment. There are interlocking relationships between man, his community and his living environment, which must always

be cultivated and developed so that they continue to be in harmonious and dynamic balance. The Constitution of 1945 stipulates that natural resources must be used for the maximum welfare of the people. This welfare must be available to both present and future generations.

The Guidelines of State Policy state that development aims not only at bringing about prosperity or spiritual contentment but also at achieving a balance between the two. Therefore, the utilization of natural resources must be in equilibrium with the harmony and balance of the living environment.

2. The living environment, in ecological terms, recognizes no areal boundaries, either state or administrative. However, if the living environment is to be related to its management, the boundaries of areas of authority of management must be clearly defined.

The living environment of Indonesia as an areal concept is a legal term. Under this interpretation, the living environment of Indonesia is none other than the area of the Archipelago, which lies at the juncture of two continents and two oceans, with a tropical climate, weather, and seasons providing natural conditions and a strategic position of great value, where the Indonesian nation and people live out their lives as a nation in all its aspects. Therefore, the concept encom-



passed in the management of the living environment of Indonesia is the Archipelagic Concept.

3. The living environment of Indonesia as an ecosystem consists of a number of areas, each of which constitutes a separate subsystem comprising socio-cultural, economic, and physical aspects, with characteristics which vary from one subsystem to another, and with different environmental carrying capacities. Cultivation and development based on the conditions of the carrying capacity of the environment will improve the harmony and balance of the subsystems, which also means enhancing the resilience of these subsystems. At the same time the cultivation and development of one subsystem will affect others, which ultimately will affect the equilibrium of the entire ecosystem. Therefore, the management of the living environment demands that a system with integratedness as its main characteristic be developed. This means that a national policy of the management of the living environment is necessary.

4. Development is a conscious effort to manage and utilise resources for the purpose of improving the quality of life of the people. At the same time natural resources are not unlimited either in quantity or in quality, while the demands for the resources increase, as a result of the increase in the total population and

the increase in their needs. Along the same line, the carrying capacity of the environment may be disturbed and the quality of the living environment may decline.

The implementation of development as an effort at increasing rates brings with it the risk of polluting and damaging the environment in such a way that the basic structure and function of the ecosystem as a life support could also be impaired. Conditions of this type are a burden on society, since ultimately it is the people and the government who will have to bear the burden of restoring the environment.

The maintenance of a good and healthy ecosystem is a responsibility which requires the participation of each member of the community in improving the carrying capacity of the environment. Therefore, a wise development must be based upon environmental considerations as a means of achieving continuity and the well-being of present and future generations.

5. Consistent with the nature of the State of the Republic of Indonesia as a constitutional state, the development of the system of the management of the living environment of Indonesia must be based upon a clear, firm, and comprehensive legal foundation in order to guarantee the legal certainty for the management effort. The legal foundation is based upon the princi-

ples of environmental law and on the obedience of everyone to these principles, all of which are in turn based upon the Archipelagic Concept.

This Act concerning Basic Provisions for the Management of the Living Environment is of the following characteristics:

- a. It is simple and yet includes the possibility of development in the future, in accordance with circumstances, time and place.
- b. It contains basic provisions as the basis for further regulations concerning its implementation.
- c. It encompasses all aspects of the living environment in order to form the basis for further regulations concerning each aspect, which shall be formulated in separate regulations.

In addition, this Act will serve as the basis for the evaluation and adjustment of all legislations containing provisions concerning aspects of the living environment heretofore valid, i.e. legislations regarding irrigations, mining and energy, forestry, protection and conservation of nature, industry, settlements, spatial organisations, land use, and so forth. In this way, all the above-mentioned legislations can be included within one system of Indonesian environmental law.

## B. ARTICLE BY ARTICLE

### Article 1

The terms formulated in this Article

are intended to provide a uniformity of understanding of this Act and its regulations for implementation:

1. Living environment here is a system comprising the organic natural environment, the inorganic natural environment, the man-made environment, and the social environment, which influences the continuity of life, and the welfare of man and other living organism.

The terms *living environment* and *environment* are used with the same meaning.

2. Self-explanatory.

3. Self-explanatory.

4. Self-explanatory.

5. Man-made resources include among others reservoirs, dams, and prime species.

6. Self-explanatory.

7. The pollution of the living environment by natural processes is included in the formulation in view of the fact that its effects must be abated. The abatement is the responsibility of the Government.

Environmental components include information.

Environmental systems are systems of natural or man-made environmental components.

8. Self-explanatory.

9. Impacts can be positive, i.e. in the form of benefits, or negative,

i.e. in the form of risks, in relation to the physical and non-physical, including socio-cultural, environment.

10. Self-explanatory.

11. Self-explanatory.

12. The term *organisations* includes social groups.

13. To utilize and manage resources wisely means to always consider the impact of an activity both on the environment and on the capability of the resources to support continued development.

14. Self-explanatory.

## Article 2

Self-explanatory.

## Article 3

The term *sustenance* contains the meaning of attainment of the capability of a harmonious and balanced environment and the improvement of that capability. Only in a harmonious and balanced environment can optimal life be achieved.

## Article 4

To control wisely the utilization of resources requires that attention be paid to aspects such as economy, effectiveness, efficiency, and recycling.

## Article 5

Paragraph (1)

By *person* is meant an individual

person, a group of persons, or a legal body.

Paragraph (2)

The obligation of every person as stated in this Paragraph is not separated from his position as a member of the community, which reflects the value of man as an individual and as a social being.

## Article 6

Paragraph (1)

The right and obligation of every person as a member of the community to participate in the management of the living environment include the planning phase as well as the implementation and the evaluation phases. Through their participation, the members of the community will be strongly motivated to overcome the problems of the living environment together and to endeavor to carry out successful management of the living environment.

Paragraph (2)

Legislation as stated in this Article regulates the implementation of the participation as stated in Paragraph (1).

## Article 7

Paragraph (1)

Self-explanatory.

Paragraph (2)

With the stipulation of the obligation as one of the requirements for obtaining the license, the person engaged in an enterprise is always required to

carry out activities for the sustenance of the capability of the living environment to support continued development.

Paragraph (3)  
Self-explanatory.

#### **Article 8**

The provisions in this Article authorize the Government to take certain measures, for example in the field of taxation, as an incentive for further improving the maintenance of the environment and as a disincentive for preventing and abating environmental damage and pollution.

The policies and actions as stated in this Article can also be aimed at extending recognition to any person who renders outstanding service in the sustenance of the capability of the living environment to support continued development.

#### **Article 9**

Education to initiate and encourage awareness among the people is carried out both through formal education, from kindergarten/primary school up to institutions of higher learning and through non-formal education. Research on the living environment includes among others the development of the concept of the living environment, studies of the existing environmental conditions, tendencies of natural and man-made environmental changes, and the reciprocal

link between man's increasing needs and the organic and inorganic environment.

#### **Article 10**

Paragraph (1)  
Self-explanatory.

Paragraph (2)  
Self-explanatory.

Paragraph (3)

The regulating authority as stated in Paragraph (3) of this Article concerns among others the spatial organization, which is a system of controlling space as a conscious effort to regulate the relationships of various activities and functions for the purpose of achieving environmental harmony and balance.

Paragraph (4)  
Self-explanatory.

#### **Article 11.**

The provisions as stated in this Article include all kinds of inorganic natural resources, such as water, earth, air, anything extracted from the earth, wilderness areas, geological formations, or beautiful natural phenomena which are important for sciences.

#### **Article 12**

Conservation of organic natural resources and their ecosystems has three aspects, i.e.

- a. protection of life-support systems;
- b. conservation and maintenance of the varieties of plant and animal species and their ecosystems, in the sphere of earth, water and air;

c. sustained utilization of organic natural resources and their ecosystems.

The term *conservation* above also includes protection of animal species whose lives are not regulated by man, rare or endangered plants, and protected forests.

#### **Article 13**

Protection of important man-made resources means conservation of the functions of these resources for continued development.

#### **Article 14**

The protection of cultural heritage is aimed at conservation of cultural heritage of esteemed value.

#### **Article 15**

In order to determine whether the damage of the living environment has occurred, it is necessary to establish environmental quality standards, i.e. criteria for both the quality of the living environment and the quality of domestic or industrial waste. These criteria and standards may differ for different environments, regions or times, taking into consideration the diversity of their systems of utilization. Changes in local environmental conditions and technological development will affect the criteria and standards already established.

#### **Article 16**

In principle, development projects and

activities produce impact on the living environment. Early planning of any development effort or activity must include a consideration of its major impact on the living environment, both physical and nonphysical, including socio-cultural, so that an assessment can be made as to whether an environmental impact analysis should be carried out. This analysis will indicate more precisely the negative and positive impact of a particular activity so that steps may be prepared as early as possible in order to abate its negative impact and to develop its positive impact.

Major impact to be considered includes, among others:

- a. the total number of people affected;
- b. the size of the area affected;
- c. the length of time during which the impact will persist;
- d. the intensity of the impact;
- e. the number of other environmental components affected;
- f. the cumulative nature of the impact;
- g. reversible or irreversible impact.

The Government can assist economically weak groups, whose fields of enterprise are suspected to lead to this type of major impact, in carrying out analyses of environmental impact.

#### **Article 17**

The provisions as stated in this Article

provide the means of enforcing the law.

Within the framework of the abatement of negative impact, the Government can assist economically weak groups, whose activities are considered to have damaged or polluted the environment.

The abatement of environmental damage and pollution caused by activities outside the State territory is carried out through agreements between countries.

#### **Article 18**

##### **Paragraph (1)**

The management of the living environment demands the development of a system with integratedness as its principal characteristic. Therefore, for the purpose of implementing the management of the living environment it is necessary to establish an integrated national policy concerning the management of the living environment, which is to include formulations, implementation, control and supervision, as part of the national development policy.

Supervision of the implementation of a national policy concerning the management of living environment is to be carried out by supervisory institutions in accordance with existing regulations. The implementation of the integrated policy requires coordination so that sectoral and regional implementation of the management

of the living environment is closely linked with the national policy of the management of the living environment, and so that there exists a uniformity of procedures and steps which will guarantee the attainment of the goals of the management of the living environment efficiently and effectively. For the purpose of coordination at the national level, an institutional mechanism headed by a minister is established.

##### **Paragraph (2)**

The sectoral implementation of the management of the living environment in the regions shall be carried out under the coordination of the head of the region in relation to the integrated implementation of the national policy pertaining to the management of the living environment.

##### **Paragraph (3)**

Self-explanatory.

#### **Article 19**

Self-reliant community institutions include among others:

- a. professional groups, who on the basis of their profession are interested in handling the problem of the environment;
- b. hobby groups, who love nature and are motivated to sustain it;
- c. interest groups, who are interested in contributing to the development of the living environment.

In performing their supporting role,

self-reliant community institutions function as a means of involving as many members of the community as possible in the effort to attain the goals of the management of the living environment.

#### **Article 20**

##### **Paragraph (1)**

These obligations constitute the duty of every person to sustain the capability of the environment for the purpose of supporting continued development.

##### **Paragraph (2)**

The form and type of loss as a result of the damage and pollution will determine the extent of the loss. The investigation of the form, type, and extent of the loss is carried out by a team established by the Government. The investigation includes ecological, medical, socio-cultural and other aspects deemed necessary. The team, which consists of the injured parties or their representatives, the polluting agents or their representatives, and government agents, is formed separately for each case. When necessary, experts may be appointed members of the team. If a unanimous agreement among the concerned parties cannot be reached within a certain period of time, the matter is taken to the court.

##### **Paragraph (3)**

Besides the obligation to compensate losses as stated in the elucidation of Paragraph (2), the damager and/or polluter of the living environment is also under the obligation to pay to the State the costs of the restoration of the environment.

The team as stipulated in the elucidation of Paragraph (2) can also be assigned the authority to determine the amount of the costs of the restoration of the living environment.

##### **Paragraph (4)**

Self-explanatory.

#### **Article 21**

Strict liability will be conferred selectively in cases to be determined by legislation, which can specify the type and category of the activities within the scope of the relevant provisions.

#### **Article 22**

Taking into account the fact that environmental damage and/or pollution can be of different kinds, this Article specifies only the maximum penalties which can be imposed. Legislation regulating aspects of the living environment can always specify penalties not exceeding those specified in this Article.

The amount of fines as stated in this Article is the nominal value at the moment when this Act takes effect.

#### **Article 23**

Self-explanatory.

**Article 24**

Self-explanatory.

SUPPLEMENT TO STATE  
GAZETTE OF THE  
REPUBLIC OF INDONESIA  
NUMBER 3215.