

# EQUIPMENT PERMIT FOR THE ACTIVITY OF BUSINESS PERMIT ON THE EXPLOIT OF WOOD FOREST (IUPHHK) AT NATURAL FOREST OR ACTIVITY OF WOOD EXPLOIT PERMIT (IPK) OR AUCTION RESULT

(Regulation of the Minister of Forestry Number P.54/MENHUT-II/2007 dated December 4, 2007)

THE MINISTER OF FORESTRY,

Considering:

- a. that according to Article 50 sentence 3 letter j and k of Law Number 41 Year 1999 mentioned that each person was prohibited to bring heavy tools that was common to be used to transport the wood production and common tools that was used to fell, cut, or split the tree in the forest area without a permit from an authorized officer;
- b. that according to Article 71 letter h of Regulation of the Government Number 6 Year 2007 mentioned that each the Holder of Business Permit of Forest Exploit was obliged to use the exploit equipment on forest production that was according with the effective provision;
- c. that according to mentioned above needs to stipulate the Equipment Permit for Activity of Business Permit on the Exploit of Wood Forest Production (IUPHHK) at Natural Forest or Activity of Wood Exploit Permit (IPK) or Auction Result with Regulation of the Minister of Forestry;

In view of:

1. Law Number 5 Year 1990 regarding Conservation on Biological Natural Resource and its Ecosystem;
2. Law Number 23 Year 1997 **(BN Number 6092 pages**

**19A-21A and so on)** regarding Management on Life Environment;

3. Law Number 41 Year 1999 **(BN Number 6412 pages 1A-6A and so on)** regarding Forestry jo. Number 19 Year 2004;
4. Law Number 32 Year 2004 **(BN Number 7183 pages 1A-11A and so on)** regarding Regional Administration;
5. Regulation of the Government Number 35 Year 2002 **(BN Number 6838 pages 2A-10A and so on)** regarding Reforestation Fund jo. Regulation of the Government Number 58 Year 2007 **(BN Number 7675 pages 1A-2A)**;
6. Regulation of the Government Number 44 Year 2004 regarding Forestry Planning;
7. Regulation of the Government Number 6 Year 2007 **(BN Number 7529 pages 1A-21A and so on)** regarding Wood Procedure and Plan Compilation for Forest Management, also Forest Exploit;
8. Regulation of the Government Number 38 Year 2007 regarding Distribution on Governmental Matter Among Government, Regional Government of Province, and Regional Government of Sub-District/Town;
9. Decision of the President Number 187/M Year 2004 **(BN Number 7128 pages 30A-31A)** regarding Establishment of United Indonesia Cabinet as already amended several times and the latest with Number 31/P Year 2007;

10. Regulation of the President Number 9 Year 2005 (***BN Number 7175 pages 2A-23A***) regarding Position, Duty, Function, Authority, Organization Chart and Working Procedure of State Ministry of Republic of Indonesia, as already amended several times and the latest with Number 90 Year 2006;
11. Regulation of the President Number 10 Year 2005 regarding Organization Unit and Duty of Echelon I of State Ministry of Republic of Indonesia as already amended several times and the latest with Number 17 Year 2007;
12. Regulation of the Minister of Forestry Number P.13/Menhut-II/2005 regarding Organization and Working Procedure of the Department of Forestry, as already amended several times and the latest with Number P.17/Menhut-II/2007;
13. Regulation of the Minister of Forestry Number P.6/Menhut-II/2007 regarding Working Plan and Annually Working Plan of Exploit Business on Wood Forest Production in the Natural Forest at Production Forest jo. Number P.40/Menhut-II/2007;
14. Regulation of the Minister of Forestry Number P.20/Menhut-II/2007 regarding Procedure for Giving the Business Permit on the Wood Forest Production Exploit in the Natural Forest at Production Forest through Application.

#### DECIDES :

To stipulate:

REGULATION OF THE MINISTER OF FORESTRY REGARDING EQUIPMENT PERMIT FOR THE ACTIVITY OF BUSINESS PERMIT ON THE EXPLOIT OF WOOD FOREST (IUPHHK) AT NATURAL FOREST OR ACTIVITY OF WOOD EXPLOIT PERMIT (IPK) OR AUCTION RESULT.

## CHAPTER I

### GENERAL PROVISION

#### Article 1

In this Regulation which means with:

1. Business permit for exploit of wood forest production which is next mentioned with IUPHHK is a business permit that was given to use the forest production in the form of wood in the natural forest at production forest through permanent activity or felling of trees, richness, maintenance and marketing.
2. Annually Working Plan (RKT) of Exploit Business on Wood Forest Production in Natural Forest at Production Forest is a working plan with time period in 1 (one) year that was as the implementation from RKUPHHK.
3. Working Chart (BK) of Exploit Business on Wood Forest Production in the Natural Forest at Production Forest is a working plan that is still effective at the longest for 12 (twelve) months and given to the permit holder that has not owned RKUPHHK I (first).
4. Wood Exploit Permit (IPK) is a permit as a cause from the conservation implementation at the Area of Conversion Production Forest Area (HPK) or at Cultivation Area of Non Forestry (KBNK) or Other Usage Area (APL) for the necessity of development non forestry or a cause from leasehold of forest area.
5. Working area is area that was burden with IUPHHK at natural forest or burden with IPK.
6. Permit for entrance and usage for equipment is a permit for equipment that shall be entered and used in the working area of IUPHHK-HA or IPK or Auction Result.

7. Permit Holder is Business Board that was given the Business Permit for the Exploit of Wood Forest Production (IUPHHK) at natural forest and or Permit for Wood Exploit (IPK).
8. Opening of Forest Area (PWH) is an activity for forest opening to prepare the felling of trees operational on first year.
9. Director General is a Director General that was handed over the duty and responsibility at sector of forestry production development.
10. Director is a Director that was handed over the duty and responsibility at sector of natural forest development.
11. Province Department is a Department that was handed over the duty and responsibility at forestry sector at the area of Province.
12. Sub-District/Town Department is department that was handed over the duty and responsibility at forestry sector at the area of Sub-District/Town.
13. Unit of Technical Executor (UPT) is a unit of technical executor that was under and responsible to the Director General of Forestry Production Development.
14. Auction winner is Business Board or Personal according to regulation and law that is having an ownership right on the wood forest production.

## CHAPTER II

### TYPE OF EQUIPMENT AND TYPE OF EQUIPMENT PERMIT

#### Part One

#### Type of Equipment

##### Article 2

Type of equipment that shall obtain a permit for the IUPHHK activity at natural forest, IPK activity or auction winner, shall be:

- a. tractor, grader, dump-truck, shovel, skidder, excavator, skyline, log-loader, logging truck, crane, locomotive, and helicopter.
- b. Tools that were used to fell, cut, or split the tree like chainsaw.

#### Part Two

#### Type of Equipment Permit

##### Article 3

Type of equipment permit is:

- a. Entrance permit and equipment usage;
- b. Lengthen the permit for equipment usage; or
- c. Permit for equipment movement.

##### Article 4

The applicant that shall propose the application for equipment permit as referred in Article 3 shall be:

- a. Holder of IUPHHK at Natural Forest (IUPHHK-HA);
- b. Permit holder of Wood Exploit (IPK); or
- c. Auction winner according with the effective provision.

## CHAPTER III

### REQUIREMENT AND APPLICATION PROCEDURE FOR EQUIPMENT PERMIT

#### Part One

#### Application Requirement For IUPHHK

##### Article 5

1. Application requirement for the applicant as referred in Article 4 letter a, were:
  - a. Decision of approval/legalization on RKT/BK UPHHK at Natural Forest;

b. Explanation . . . .

- b. Explanation letter regarding the originality of the tools that was proved with invoice of equipment buying if the equipment was belong to himself or proof of explanation letter regarding rent or loan if the equipment was not belong to himself;
  - c. Technical consideration from the Department Head of Province that was filled with type of tool, amount of tool, specification of tool (chassis number, machine number, manufactured year) and consideration result on the optimal necessity of equipment;
  - d. Explanation letter regarding
2. For a new IUPHHK holder, requirement as referred at sentence 1 letter d, does not effective.
  3. For IUPHHK holder that had been executed the PHAPL judgment with well and good performance, requirements as referred at sentence 1, does not effective.
  4. In case the requirements as referred at sentence 1 did not complete, the Director shall return the application to be completed.

#### Article 6

Application for the Entrance Permit and Equipment Usage as referred in Article 3 letter a, was proposed by the applicant to the Director General cq. the Director with carbon copy to:

- a. Department Head of Province;
- b. Department Head of Sub-District/Town.

#### Article 7

1. The Director is executing the judgment on the requirement fulfillment as referred in Article 5 and calculation on the optimal necessity of equipment as referred at the enclosure of this Regulation, for 15 (fifteen) working days since the acceptance of the application.

2. In time period of judgment as referred at sentence 1, the applicant completed the administrative requirement that has not yet been fulfilled.
3. The Director on behalf of the Director General published a Decision of Entrance Permit and Equipment Usage, with its copy was submitted to:
  - a. Department Head of Province;
  - b. Department Head of Sub-District/Town;
  - c. UPT Head.

#### Article 8

1. Entrance permit and equipment usage for time period 5 (five) years and ended on December 31, on the fifth year.
2. The lengthen of entrance permit and equipment usage as referred at sentence 1 was given by Forestry Department of Province for time period 2 (two) years and ended on December 31, on the seventh year since the permit was given by the Director on behalf of Director General.

#### Article 9

1. At least 10 (ten) working days since the copy accepted of the giving decision for Entrance Permit and Equipment Usage as referred in Article 7, the permit holder shall report to Department Head of Province that the equipment had been entered into its working area.
2. Department Head of Province established a Team to check the amount and equipment type that had been entered and the result poured into the Minutes of Meeting of Checking Result.

3. Minutes of Meeting of Checking Result on the Equipment Entrance as referred at sentence 2 was reported by the Department Head of Province to the Director General cq. the Director.
  4. If according to the result on equipment checking as referred at sentence 3, in fact the amount or equipment type that was entered much bigger and or did not suitable with the mentioned in the permit, than the equipment exceeding removed from the working area of permit holder, that was along with the Minutes of Meeting that was known by the Department Head of Province.
  5. In case in the inappropriateness as referred at sentence 4 was related with specification (chassis number, machine number, manufactured year) the applicant proposed the revision to the Director and Director on behalf of the Director General published the Revision Decision on the Entrance Permit and Equipment Usage.
  6. If according to the result on equipment checking as referred at sentence 3, in fact the amount or equipment type was less than the mentioned in the permit, than the Entrance Permit and Equipment Usage shall be effected.
2. Application on the permit lengthen as referred at sentence 1 proposed by the applicant to Department Head of Province at least 2 (two) months before the permit was ended with carbon copy to:
    - a. Director;
    - b. Department Head of Sub-District/Town;
    - c. UPT Head.
  3. Application for the permit lengthen as referred at sentence 2 was completed with:
    - a. Decision on the approval/legalization on RKT/ BKUPHHK at natural forest;
    - b. Decision regarding the giving on Entrance Permit and Equipment Usage;
    - c. Payment Proof for all obligations on the payment of PSDH and DIR.

#### Article 11

1. Department Head gave the Decision on permit lengthen as referred in Article 10 sentence 1 with prior to execute the checking at field that related with type, amount and specification on equipment and poured into the Minutes of Meeting of Checking.
2. In case the tools specification has changed like chassis number and machine number as a cause from a fixing or equipment recondition and not entrance for new equipment, permit lengthen shall be given.
3. In case founded a tool that its specification was different or its amount exceeded from the permit that was given by the Director General, shall be made Minutes of Meeting for Equipment Removal.
4. The Copy of Decision from the permit lengthen as referred at sentence 1, is submitted to:
  - a. Director:.....

#### Part Two

#### Lengthen on Usage Permit of IUPHHK Equipment

#### Article 10

1. Lengthen on the usage permit for equipment was given by the Department Head of Province for 2 years since the permit was given by the Director on behalf of the Director General as referred in Article 8 sentence 1 was ended.

- a. Director;
- b. Department Head of Sub-District/Town;
- c. UPT Head.

### Part Three

#### Removal Permit on IUPHHK Equipment

##### Article 12

1. In case the equipment that has been given a permit by the Director as referred in Article 8 sentence 1 or the permit lengthen as referred in Article 8 sentence 2 to be used outside the permit area, than the permit holder made Minutes of Meeting for the Equipment Removal and known by the Department Head of Province.
2. In case the equipment that has been given a permit by the Director as referred in Article 8 sentence 1 or the permit lengthen as referred in Article 8 sentence 2 to be used for the needs that was outside the IUPHHK activity like handling on natural disaster, shall be executed according to the application of Regional Government to local IUPHHK holder and poured into the Minutes of Meeting of Equipment Used that was known by the Department Head of Province.
3. In case the equipment that has been given a permit by the Director as referred in Article 8 sentence 1 or sentence 2 was ended, than the permit holder shall propose the application as regulated in this Regulation.

### CHAPTER IV

#### EQUIPMENT PERMIT FOR ACTIVITY OF WOOD EXPLOIT PERMIT (IPK)

##### Article 13

1. Entrance permit and equipment usage for IPK activity at Another Usage Area (APL) or Cultivation Area of Non Forestry (KBNK) regulated as follow:

a. For APL/KBNK that was according to the appointment of Minister and has been charged a right title base (HGU, gardening, transmigration) was published by the Department Head of Province that was fielding the Forestry after obtaining technical consideration on equipment from UPT.

- b. For APL/KBNK that was according to TGHK was published by the Department Head of Province that is sectoring Forestry after obtaining a confirmation on area status from Forestry Planology Board.
2. Provision regarding procedure, requirement, application judgment on the Entrance Permit and Equipment Usage, obligation and sanction for the permit holder of equipment as referred at sentence 1 was regulated by the Governor by referring to norm, standard, procedure and criteria that was stipulated by the Minister.

##### Article 14

1. Time period on the giving of Entrance Permit and Equipment Usage at IPK took effect at the longest for 1 (one) year and ended when the IPK Decision was ended.
2. In case there was still transportation activity on IPK fell result, Entrance Permit and Equipment Usage shall be lengthen by Department Head of Province Forestry that was according with the transportation needs.
3. Lengthen on the equipment usage permit at IPK shall be given by the Department Head of Province Forestry if IPK has been lengthened according with effective provision.
4. Equipment at IPK shall not be handed over out from the activity location.

**CHAPTER V**  
**REQUIREMENT AND APPLICATION PROCEDURE ON**  
**EQUIPMENT PERMIT OF AUCTION WINNER**

**Article 15**

1. In case the auctioned forest production being located in the forest area, the auction winner shall propose the Entrance Permit and Equipment Usage consisted and transport equipment to local Department Head of Province with carbon copy to:
2. Department Head according to application as referred at sentence 1 executes the judgment and giving of Entrance Customs and Equipment Usage for time period at least 30 (thirty) calendar days and may not be extended and the decision copy is submitted to Department Head of Sub-District/Town and UPT Head.

**CHAPTER VI**  
**THE USAGE OF CHAINSAW**

**Article 16**

The usage of chainsaw as referred in Article 2 letter b for IUPHHK activity at natural forest or IPK was guided to Decision of the Minister of Forestry Number 531/Kpts-II/1995 dated October 4, 1995 regarding the Execution on Selling, Ownership, and the Usage of Chainsaw.

**CHAPTER VII**  
**EQUIPMENT ABOLITION**

**Article 17**

1. Each equipment, which is broken and no longer used in the activity of IUPHHK-HA, IPK, wood auction result in the forest area shall be made Minutes of Meeting of Checking by the permit holder and signed by Head of

branch/camp manager and proposed to UPT Head with carbon copy to Province Department for abolition process.

2. UPT Head undertakes site inspection and on behalf of the Director General published Abolition Decision on Usage Permit and Equipment Entrance.
3. In case the permit holder proposing application for tool exchange on the broken one as referred at sentence 1, Decision of UPT Head as referred at sentence 2 shall be enclosed in the application of entrance and equipment usage as regulated in this Regulation.

**CHAPTER III**  
**CONTROLLING**

**Article 18**

1. Director General controls the entrance and the usage of equipment, removal and equipment abolition.
2. Controlling as referred at sentence 1 shall be executed by Province Department with involving the UPT Head and gradually implicated the Management Information System (SIM) for equipment permit.

**CHAPTER IX**  
**SANCTION**

**Article 19**

1. Permit holder charged the administrative sanction in the form of temporary stop of activity at field if the tool that was entered no longer its specification or amount that was exceeding from the permit that was given as referred in Article 130 letter b of Regulation of the Government number 6 Year 2007 regarding Forest Procedure and Plan Compilation for the equipment also Forest Exploit.

2. IUPHHK holder importing and using the equipment without permit shall be liable to the criminal sanction according to Law Number 41 Year 1999.

#### CHAPTER X

##### TRANSITIONAL PROVISION

###### Article 20

1. With the stipulation of this Regulation, than the entrance permit and equipment usage that was given according to the provision of regulation and law before the stipulation of this Regulation was still effective until with the end of its permit time period.
2. The lengthen of equipment usage permit by Department Head of Province Forestry shall take effect until with dated December 31, 2008)
3. In year 2008 the IUPHHK holder is obliged to propose the application on Entrance Permit and Equipment Usage that was according to this Regulation at least dated September 30, 2008.

#### CHAPTER XI

##### CLOSING PROVISION

###### Article 21

1. With the effectiveness of this Regulation, than all provisions in Decision of the Minister of Forestry Number 482 /Kpts\_II/2003 jo. SK.401/Menhut-ii/2004, as long as did not regulate the equipment permit for IUPHHK activity at Natural Forest and IPK was cancelled and stated not effective.
2. This Regulation shall take effect on the stipulated date.

Ratified in Jakarta

On December 1, 2007

THE MINISTER OF FORESTRY,

sgd.

H.M.S. KABAN

#### ENCLOSURE ON REGULATION OF THE MINISTER OF FORESTRY

NUMBER: P.54/MENHUT-II/2007

DATED: DECEMBER 1, 2007

##### GUIDANCE FOR CALCULATING THE OPTIMAL NEED

###### FOR HEAVY EQUIPMENT

- I. Type of heavy equipment needing the calculation as a base in the permit issuance is heavy equipment (tractor/bulldozer), transportation tool (logging truck), loading tools (loader/wheel loader/track loader), excavator and locomotive.

- II. Way of calculation on each heavy equipment is as follows:

- a. Tractor

Way of stipulation and its calculation is as follows:

$$I_{\text{tractor}} = PT(m^3/\text{year}) = \dots \text{Unit}$$

$$12 \text{ months} \times \text{working days/month} \times \text{trip/day} \times K_p$$

$$(m^3/\text{tariff/unit})$$

Explanation:

Annually Production Allocation (JPT) was stipulated from the Annually Working Plan (RKT) or Working Chart (BKT) in the current year and legalized by Head of Province Forestry Department.

Working days/month: Amount of effective working days of operated tractor in 1 (one) month after decreased with amount of raining day, fixing of tools damage, working off, than stipulated as much as on rata-rata for 15 working days/month.



- Trip/day: Tractor movement when pulling the wood from the felling of trees place until temporary collection place/landing, stipulated for rata-rata 7 (seven) times in 1 (one) day.
- Kp: Tractor capacity (M3/Trip/Unit). Estimated 1 trip tractor shall transport 1 log; 1 long = + 5 M3/trip/unit.

#### b. Logging truck

Way of stipulation and its calculation is as follows:

Logging truck =  $JPT(m3/year) = \dots \text{Unit}$

$12 \text{ months} \times \text{working days/month} \times \text{trip/day} \times Kp$   
(m3/tariff/unit)

Explanation:

- Working days/month: Amount of effective working days of logging truck in 1 (one) month after decreased with amount of raining day, fixing of tools damage, working off, than stipulated as much as on rata-rata for 15 working days/month.
- Trip/day: Tractor movement when pulling the wood from the felling of trees place until temporary collection place/landing, stipulated for rata-rata 7 (seven) times in 1 (one) day.
- Kp: Logging truck capacity (M3/Trip/Unit). 1 (one) logging truck trailer = 31-60 M3/unit (according with the capacity which mentioned on the trademark of heavy tools that was being used). 1 (one) logging truck = 10-30 M3/unit (according with the capacity which mentioned on the trademark of heavy tools that was being used)

#### c. Wheel loader/Track loader

Way of stipulation and its calculation is as follows:

$WL = JPT(m3/year) = \dots \text{Unit}$

$12 \text{ months} \times \text{working days/month} \times \text{hour/day} \times Kp$   
(m3/tariff/unit)

Explanation:

- Working days/month: Amount of effective working days of wheel loader/track loader in 1 (one) month after decreased with amount of raining day, fixing of tools damage, working off, than stipulated as much as on rata-rata for 15 working days/month.
- Hour/day: Movement time of wheel loader/track loader in wood loading to transportation tool, stipulated for rata-rata 8 hour/day.
- Kp: Capacity of wheel loader/track loader in this matter stipulated 10 M3 per hour per unit.

#### d. Excavator

Way of stipulation and its calculation is as follows:

Exca =  $JPT(m3/year) = \dots \text{Unit}$

$12 \text{ months} \times \text{working days/month} \times \text{hour/day} \times Kp$   
(m3/tariff/unit)

Explanation:

- Working days/month: Amount of operated excavator in 1 (one) month after decreased with amount of raining day, fixing of tools damage, working off, than stipulated as much as on rata-rata for 15 working days/month.
- Hour/day: Movement time of excavator in wood loading/movement to transportation tool, stipulated for rata-rata 8 hour/day.
- Kp: Capacity of excavator in this matter stipulated amounting 10 m3/hour/unit.

#### e. Locomotive...

## e. Locomotive

Way of stipulation and its calculation is as follows:

Loco =  $JPT(m^3/year) = \dots$  Unit

$12 \text{ months} \times \text{working days/month} \times \text{trip/day} \times Kp$   
( $m^3/\text{tariff/unit}$ )

- Trip/day: Movement time of locomotive in to transportation tool, stipulated for rata-rata 5 trip/day.
- Kp: Capacity of locomotive in wood transportation was calculated amounting 50  $m^3/\text{trip/unit}$ .

## Explanation:

- Working days/month: Amount of operated locomotive in 1 (one) month after decreased with amount of raining day, fixing of tools damage, working off, than stipulated as much as on rata-rata for 15 working days/month.

THE MINISTER OF FORESTRY,

sgd.

H.M.S. KABAN

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