

# THE PREVENTION AND ERADICATION OF FOREST DESTRUCTION

(Law No. 18/2013 dated August 6, 2013)

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

- a. forests as a gift from the God Almighty to the Indonesian nation are wealth controlled by the state for the benefit of mankind and that the Indonesian nation must thank God for the forests, manage and use the forests optimally and conserve the forests for the greatest possible prosperity of the people as stipulated in the 1945 Constitution of the Republic of Indonesia;
- b. forests must be utilized and used in an appropriate and sustainable way by considering ecological, social and economic functions and ensuring the continuity of forests for the present and future generations;
- c. there has been forest destruction caused by the utilization and use of forest land in breach of the law and regulation;
- d. forest destruction particularly illegal logging, illegal mining and illegal plantations has inflicted state losses, disrupted social and cultural life, destroyed the environment, and raised global warming which now becomes national, regional and international issues;

- e. forest destruction has become an organized and transnational crime which has an extraordinary impact, is committed through sophisticated modus operandi and has threatened the continuity of public life so that a firm legal basis for effective law enforcement is needed to prevent and eradicate forest destruction effectively and give deterrent effects;
- f. the existing law and regulation are far from adequate to eradicate organized forest destruction effectively; and
- g. based on considerations in letters a, b, c, d, e and f, it is necessary to enact law on the protection and eradication of forest destruction;

In view of :

1. Article 20, Article 21, Article 28H paragraph (1), and Article 33 paragraph (3) of the 1945 Constitution; and
2. Law No. 41/1999 on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) as already amended by Law No. 19/2004 on the Passage of Government Regulation in lieu of Law No. 1/2004 on Amendment to Law No. 41/1999 on Forestry into Law (Statute Book of 2004 No. 86, Supplement to Statute Book No. 4412).

With Joint Approval from  
 THE HOUSE OF REPRESENTATIVES OF  
 THE REPUBLIC OF INDONESIA  
 and  
 THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDES :

To stipulate :

LAW ON THE PREVENTION AND ERADICATION OF  
 FOREST DESTRUCTION.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Law as :

1. Forest is a unit of ecosystem in the form of expanse of land containing biological natural resources and dominated by trees in the community of natural environment which cannot be separated from one to another.
2. Forest land is a certain area stipulated by the government to maintain it as permanent forest.
3. Forest destruction is a process, method or act of destroying forest through illegal logging, illegal use of forest land, or use of permit contradicting the purpose and aim of the permit in forest land decided, appointed or being processed by the government.
4. Illegal logging is all activities to use forest product in the form of wood in an illegal and organized

manner.

5. Illegal use of forest land is an organized activity carried out in forest area for plantation and/or mining without receiving a permit from the minister.
6. Organized activity is an activity carried out by a structured group consisting of 2 (two) persons or more, who act together in a certain time with the aim of destroying forest, excluding a group of persons living in and around the forest land and conducting traditional farming and/or cutting trees for own interests rather than for commercial purposes.
7. Prevention of forest destruction is every effort made to eliminate any activity of destroying forest.
8. Eradication of forest destruction is every effort made to take legal steps against any body destroying forest directly, indirectly or through other relevant activity.
9. Use of forest is activity to utilize forest land, environmental services, wood and non-wood forest products, and to collect wood and non-wood forest products optimally and fairly to promote the living standard of people by preserving the environment.
10. Use of wood forest products is activity to use and exploit wood forest products through felling, rejuvenation, transportation, processing and marketing without destroying the environment and reducing the main function of forest.

11. Wood forest product utilization permit is a permit issued by the Minister to use wood forest products in production forest through harvesting or felling, enrichment, maintenance and marketing.
12. Letter of forest product legality is a document serving as legal evidence of forest product in each segment of activity in the management of forest products.
13. Wood forest product is forest product in the form of log, small log, processed wood, or plat originating from forest land.
14. Tree is a tree which has wood trunk with a diameter of 10 (ten) centimeters or more measured at a height of 1.50 (one point fifty) meters above the land surface.
15. Forestry police are certain officials at the central and/or regional forestry agency who according to the characteristics of their job organize and/or conduct forest protection efforts and by the proxy of law are given special police authority in the forestry field and the conservation of biological natural resources and their ecosystem in a unit of command.
16. Official is a person who is ordered or a person who ex officio has the authority with a certain task and responsibility.
17. Civil servant investigator, hereinafter abbreviated into PPNS, is an certain civil servant official at the central and regional forestry agency who by law is given special authority to conduct investigation in the fields of forest and conservation of biological natural resources and their ecosystem.
18. Witness is a person who can give information for the purpose of investigation, indictment and trial about a criminal case that he/she has heard, seen and experienced himself/herself.
19. Reporter is a person who informs alleged, ongoing or recent forest destruction to the authorized official.
20. Informant is a person who informs secretly alleged, ongoing or recent forest destruction to the authorized official.
21. Everybody is an individual and/or corporation that commits forest destruction in an organized way in the jurisdiction of Indonesia and/or having a legal consequence in the jurisdiction of Indonesia.
22. Corporation is an organized group of persons and/or assets either in the form of legal entity or not.
23. Central government, hereinafter called the government, is the President of the Republic of Indonesia holding government power of the Republic of Indonesia as referred to in the 1945 Constitution.
24. Regional government is governor, regent or mayor and regional apparatuses as the executor of the regional government.
25. Minister is the minister in charge of forestry affairs.

## CHAPTER II

### PRINCIPLE, AIM AND SCOPE

#### Article 2

The prevention and eradication of forest

destruction shall be based on the principles of :

- a. justice and legal certainty;
- b. continuity;
- c. state responsibility;
- d. public participation;
- e. Vicarious liability;
- f. priority; and
- g. integrity and coordination.

#### Article 3

The prevention and eradication of forest destruction is aimed at:

- a. giving legal certainty and deterrent effect to people involved in forest destruction;
- b. ensuring the sustainability of forest by conserving forest without destroying the environment and surrounding ecosystem;
- c. optimizing the management and use of forest products by considering the balance of forest function to create public welfare; and
- d. improving the capability and coordination of law enforcement officers and relevant parties in the prevention and eradication of forest destruction.

#### Article 4

The scope of prevention and eradication of forest destruction covers:

- a. prevention of forest destruction;
- b. eradication of forest destruction;
- c. institution;
- d. public participation;

- e. international cooperation;
- f. protection of witnesses, reporters and informants;
- g. financing; and
- h. sanctions.

### CHAPTER III

#### PREVENTION OF FOREST DESTRUCTION

##### Article 5

The government and/or regional governments have the obligation to prevent forest destruction.

##### Article 6

- (1) To prevent forest destruction, the government shall make policies in the form of :
- a. cross-sectoral coordination in preventing and eradicating forest destruction;
  - b. fulfilling the need for apparatuses to safeguard forests;
  - c. incentives for parties who have contributed to forest conservation;
  - d. directory map of forest areas and/or geographical coordinate as a judicial basis of forest borders; and
  - e. fulfilling the need for facilities and infrastructures to prevent and eradicate forest destruction.
- (2) The government and regional governments shall according to their respective authority designate alternative wood sources by encouraging the development of productive timber estate and processing technology.

(3) In addition to the policies as referred to in paragraph (1), efforts to prevent forest destruction are made through the elimination of chances by promoting public participation.

(4) Further provisions on the designation of alternative wood sources as referred to in paragraph (2) are to be provided for in a ministerial regulation

Article 7

The prevention of forest destruction shall be done by the public, legal entities, and/or cooperatives obtaining forest utilization permits.

CHAPTER IV

ERADICATION OF FOREST DESTRUCTION

Part One

General

Article 8

(1) The government and regional governments have the obligation to eradicate forest destruction.

(2) The eradication of forest destruction is done by taking legal measures against culprits of forest destruction, directly, indirectly, or by other related means.

(3) The legal measures as referred to in paragraph (2) cover preliminary investigation, investigation, indictment and examination in court session.

Article 9

The preliminary investigation, investigation, indictment and examination in court session in forest

destruction criminal offenses are done based on the code of penalty, except otherwise stipulated by this Law.

Article 10

The cases of forest destruction shall be given priority over other cases to be brought to justice to settle them as quickly as possible.

Part Two

Provisions on Forest Destruction Acts

Article 11

(1) The forest destruction acts as referred to in this Law covers illegal logging and/or illegal use of forest land done in an organized way.

(2) Organized forest destruction acts are acts taken by a structured group of 2 (two) people or more who act joint in a certain time with the aim of destroying forests.

(3) The structured group as referred to in paragraph (2) does not include a group of people living in and around forest land and conducting traditional farming and/or felling trees outside conservation forest land and protected forest for own interest and not for commercial purposes.

(4) The people living in and around forest land and felling trees outside conservation forest land and protected forest for own interest and not for commercial purposes shall secure a permit from the authorized official according to the law and regulation.

- (5) Provisions on the felling of trees outside conservation forest land and protected forest for own interest and not for commercial purposes are to be provided for in a government regulation.

Article 12

Anybody is banned from :

- a. felling trees in forest land in breach of a forest utilization permit;
- b. felling trees in forest land without holding a permit issued by the authorized official;
- c. felling trees in forest land illegally;
- d. loading, unloading, releasing, transporting, controlling and/or possessing the result of felling in forest land without a permit;
- e. transporting, controlling or possessing wood forest product without a permit of legality of forest product;
- f. carrying tools usually used to fell, cut or divide trees in forest land without a permit from the authorized official;
- g. bringing heavy duty equipment and/or other equipment usually or allegedly used to transport forest products in forest land without a permit from the authorized official;
- h. using wood forest products believed to have come from illegal logging;
- i. circulating wood from illegal logging by land, sea or air;
- j. smuggling wood out or in the territory of the Unitary Republic of Indonesia by river, land, sea or

air;

- k. receiving, buying, selling, receiving exchange of, receiving the custody of, and/or possessing forest products believed to have originated from illegal logging;
- l. buying, marketing, and/or processing wood forest products illegally taken or collected from forest land; and/or
- m. receiving, selling, receiving exchange of, receiving custody of, keeping and/or possessing wood forest products illegally taken or collected from forest land.

Article 13

- (1) The illegal felling of trees in forest land as referred to in Article 12 letter c is the felling of trees in forest land within a radius or distance of up to :
- a. 500 (five hundred) meters from the side of dam or lake;
  - b. 200 (two hundred) meters from the side of water source and the right and left side of river in swampy area;
  - c. 100 (a hundred) meters from the left and right side of river;
  - d. 50 (fifty) meters from the left and right side of tributary;
  - e. 2 (two) times the depth of ravine from the side of ravine; and/or
  - f. 130 (a hundred and thirty) times the difference between the highest tide and the lowest tide from the coastside.

(2) The felling of trees in forest land as referred to in paragraph (1) letter a is excepted to activities which have strategic goals and cannot be avoided by securing a special permit from the Minister.

#### Article 14

Anybody is banned from:

- a. falsifying a statement of legality of wood forest product; and/or
- b. using a fake statement of legality of wood forest product.

#### Article 15

Anybody is banned from abusing a wood forest product transport document issued by the authorized official.

#### Article 16

Anybody transporting wood forest product shall hold a document serving as a statement of legality of forest product according to the law and regulation.

#### Article 17

- (1) Anybody is banned from :
  - a. bringing heavy duty equipment and/or other equipment usually or allegedly used to conduct plantation activities and/or carry mining products in forest land without a permit from the Minister;
  - b. conducting mining activities in forest land

without a permit from the Minister;

- c. carrying and/or receiving the custody of mining products from mining activities in forest land without a permit;
- d. selling, controlling, possessing, and/or keeping mining products from mining activities in forest land without a permit; and/or
- e. buying, marketing and/or processing mining products from mining activities in forest land without a permit.

(2) Anybody is banned from :

- a. bringing heavy duty equipment and/or other equipment usually or allegedly used to conduct mining activities and/or carry plantation products in forest land without a permit from the Minister;
- b. conducting plantation activities in forest land without a permit from the Minister;
- c. carrying and/or receiving the custody of plantation products from plantation activities in forest land without a permit;
- d. selling, controlling, possessing, and/or keeping plantation products from plantation activities in forest land without a permit; and/or
- e. buying, marketing and/or processing plantation products from plantation activities in forest land without a permit.

#### Article 18

- (1) Besides criminal sanctions, legal entities or corporations violating provisions as referred to in

Article 12 letters a, b, and c, Article 17 paragraph (1) letters b, c, and e, and Article 17 paragraph (2) letters b, c, and e are subject to administrative sanctions in the form of :

- a. government coercion;
- b. penalty payment; and/or
- c. revocation of permit.

(2) The mechanism and procedure of imposing administrative sanctions as referred to in paragraph (1) are provided for in a government regulation.

#### Article 19

Anybody who is in or outside the Indonesian territory is banned from:

- a. ordering, organizing, or mobilizing illegal logging and/or illegal use of forest land;
- b. taking part or assisting in illegal logging and/or illegal use of forest land;
- c. engaging in a conspiracy to conduct illegal logging and/or illegal use of forest land;
- d. funding illegal logging and/or illegal use of forest land directly or indirectly;
- e. using fund believed to have originated from illegal logging and/or illegal use of forest land;
- f. altering the status of wood from illegal logging and/or illegal use of forest land as if the wood was legal, or from legal use of forest land for sale to third parties in the domestic or foreign market;
- g. utilizing wood from illegal logging by altering the shape, and size including the use of waste;
- h. placing, transferring, paying, spending, granting,

donating, placing for custody, bringing abroad, and/or exchanging money or other securities and other wealth found or believed to come from illegal logging and/or illegal use of forest land; and/or

- i. concealing or disguising the origin of wealth found or believed to originate from illegal logging and/or illegal use of forest land as if the wealth was legal wealth.

#### Article 20

Anybody is banned from preventing, obstructing and/or foiling directly or indirectly any effort of eradicating illegal logging and/or illegal use of forest land.

#### Article 21

Anybody is banned from using the result of illegal logging and/or illegal use of forest land from conversion forest.

#### Article 22

Anybody is banned from obstructing and/or foiling preliminary investigation, investigation, indictment or examination in a court session of criminal offense related to illegal logging and/or illegal use of forest land.

#### Article 23

Anybody is banned from intimidating and/or threatening the safety of officers tasked with pre-



venting and eradicating illegal logging and/or illegal use of forest land.

Article 24

Anybody is banned from:

- a. falsifying a permit for the use of wood forest product and/or the use of forest land;
- b. using a fake permit for the use of wood forest product and/or the use of forest land; and/or
- c. signing or selling a permit issued by the authorized official except with approval from the minister.

Article 25

Anybody is banned from destroying forest protection facilities and infrastructures.

Article 26

Anybody is banned from destroying, removing or eliminating the outer boundary poles of forest land, function borders of forest land, or borders of forest land touching state borders that may lead to a change in the shape and/or area of forest land.

Article 27

Any official who knows the acts as referred to in Articles 12, 13, 14, 15, 16, 17, and 19 shall take action according to their authority.

Article 28

Any official is banned from :

- a. issuing a permit to use wood forest products and/or forest land within forest land which is not relevant to their authority;
- b. issuing a permit to use wood forest products and/or forest land which is not relevant to the law and regulation;
- c. harboring the culprits of illegal logging and/or illegal use of forest land;
- d. taking part or assisting in illegal logging and/or illegal use of forest land;
- e. conducting a conspiracy leading to illegal logging and/or illegal use of forest land;
- f. issuing a statement of legality of forest products without right;
- g. ignoring tasks deliberately; and/or
- h. ignoring tasks.

Part Three

Investigation, Indictment and Examination at Court Session

Paragraph 1

Investigation and Indictment

Article 29

In addition to investigators of the Indonesian National Police, PPNS are given special authority as investigators as referred to in the Penal Code.

Article 30

PPNS as referred to in Article 29 have the authority to :

- a. check the truth of report or information on forest

destruction criminal offenses;

- b. question persons or corporate bodies believed to have committed forest destruction criminal offenses;
- c. ask for information and evidence from persons or corporate bodies in connection with forest destruction criminal offenses;
- d. audit financial accounts, records and other documents related to forest destruction criminal offenses;
- e. conduct an audit in certain places believed to keep evidence, financial accounts, records and other documents and seize materials and goods resulting from criminal offenses that can be used as evidence in forest destruction criminal offenses;
- f. make arrest, detention, search and confiscation
- g. ask for assistance from expert in investigating forest destruction criminal offenses;
- h. stop investigation in case of no evidence related to forest destruction criminal offenses;
- i. summon people to be questioned and investigated as suspects or witnesses;
- j. make and sign official reports and other letters related to investigation of forest destruction criminal offenses; and
- k. take pictures of and/or record people, goods, transport means, or anything else that can be used as evidence of criminal offenses related to forest, forest land and forest products by means of camera and/or tape recorder.

#### Article 31

The jurisdiction of PPNS as referred to in Article 29 covers the entire territory of the Unitary Republic of Indonesia including customs areas.

#### Article 32

PPNS as referred to in Article 29 shall notify public prosecutors of the start of investigation and convey the results of investigation to the public prosecutors after coordinating with investigators of the Indonesian National Police.

#### Article 33

To obtain adequate preliminary evidence, investigators can use reports from the community and/or relevant agencies.

#### Article 34

(1) Based on the adequate preliminary evidence as referred to in Article 33, investigators have the authority to ask the communication executing agency to:

- a. open, check and seize letters or parcels sent by mail or other courier services related to illegal logging being investigated; and/or
- b. ask for information on talks by phone or other communication means believed to have been used to prepare, plan and commit forest destruction.

(2) The acts as referred to in paragraph (1) letter b

can only be taken by securing a permit from the chief of the relevant district court at the request of investigators for a maximum period of 1 (one) year.

- (3) The chief of the relevant district court shall issue a permit to ask for information as referred to in paragraph (2) no later than 7 (seven) working days after receiving the request from investigators.
- (4) The acts as referred to in paragraphs (1) and (2) are reported and accounted for to the superior of the investigators.

Article 35

- (1) For the purposes of investigation, indictment or examination at court sessions, investigators, public prosecutors or judges have the authority to ask for information from banks about the financial condition of suspects or defendants.
- (2) The request for information from banks as referred to in paragraph (1) is filed to the leadership of the Financial Service Authority.
- (3) The leadership of the Financial Service Authority shall meet the request as referred to in paragraph (2) no later than 3 (three) working days after receiving the request.
- (4) Investigators, public prosecutors or judges have the authority to ask banks to block the accounts of suspects or defendants believed to have originated from illegal logging while investigation, indictment and/or examination are going on.

- (5) If no evidence is obtained from the investigation of suspects or defendants, at the request of investigators, public prosecutors or judges, the leadership of banks shall revoke the blockade of the accounts.

Article 36

For the purposes of investigation, indictment or examination at court sessions, investigators, public prosecutors or judges have the authority to:

- a. ask for data of wealth and data of taxation of suspects or defendants from the relevant working unit;
- b. ask for help from the Financial Transaction Reports and Analysis Center to investigate the financial data of suspects;
- c. ask the relevant agency to impose an overseas travel ban on suspects;
- d. name persons as suspects and put them on the wanted list; and/or
- e. ask the leadership or superior of suspects to suspend them from their posts.

Article 37

The instruments used to investigate instruments to commit forest destruction cover:

- a. evidence as referred to in the Penal Code; and/or
- b. other evidence in the form of :
  - 1. electronic information;
  - 2. electronic documents; and/or
  - 3. map.

## Article 38

- (1) Investigators arrest people who are strongly believed to have committed forest destruction criminal offenses based on adequate preliminary evidence within 2x24 (two times twenty-four) hours.
- (2) If the period of time to conduct investigation as referred to in paragraph (1) is not enough, the next superiors of investigators can issue a permit to extend the arrest period to 3 x 24 (three times twenty-four) hours.

## Article 39

To expedite the settlement of forest destruction cases:

- a. investigators shall complete and convey dossiers of the cases to public prosecutors no later than 60 (sixty) days after the start of investigation and the period of time can be extended to a maximum of 30 (thirty) days;
- b. if the results of investigation are not complete, public prosecutors shall conduct investigation for a maximum of 20 (twenty) days and the period of time can be extended to a maximum of 30 (thirty) days;
- c. public prosecutors shall delegate cases to court no later than 25 (twenty-five) days after the investigation has been completed;
- d. in areas which are difficult to reach due to natural and geographical factors or poor transportation

and the high cost of safeguarding and securing evidence, evidence in the form of wood shall be separated by making an official report of separating evidence; and

- e. forestry technical agency shall appoint wood testing and measuring officers at the request of investigators by considering speed to conduct investigation.

## Article 40

- (1) Investigators confiscating evidence of forest destruction criminal offenses, either evidence of finding or confiscation, shall seal the evidence and make an official report of confiscation on the day of confiscation containing at least:
  - a. name, type group, characteristics and quantity;
  - b. place, hour, day, date, month and year of confiscation;
  - c. information on the owner of wood or the person controlling wood from illegal logging; and/or
  - d. signatures and full identities of investigators conducting the confiscation.
- (2) Investigators shall be responsible for keeping the evidence as referred to in paragraph (1) under their control.
- (3) Investigators confiscating the evidence as referred to in paragraph (1) shall :
  - a. report and ask for a confiscation permit;
  - b. ask for appropriation permit from the chair-

man of the local district court within 3 x 24 (three times twenty-four) hours after the confiscation is conducted; and

- c. send a copy to the chief of the local public prosecutor's office.

(4) Investigators confiscating the evidence of confiscation as referred to in paragraph (1) shall:

- a. report and ask for a confiscation permit;
- b. ask for an auction permit for perishable goods from the chief of the local district court within 3 x 24 (three times twenty-four) hours after the confiscation is conducted; and
- c. send a copy to the chief of the local public prosecutor's office.

(5) The deadline for reporting as referred to in paragraph (4), for areas which are difficult to reach due to natural or geographical factor or poor transportation can be extended to a maximum of 14 (fourteen) days.

(6) The chief of the district court shall issue or refuse to issue a permit/approval of confiscation applied for by investigators within 2 x 24 (two times twenty-four) hours after the application is received.

#### Article 41

The chief of the local district court shall decide appropriate use of evidence no later than 7 (seven) days after receiving an application from investigators as referred to in Article 40 paragraph (3).

#### Article 42

Any official who does not carry out the obligation as referred to in Articles 39, 40, and 41 is subject to administrative sanctions according to the law and regulation.

#### Article 43

Appropriate use of evidence as referred to in Article 41 is intended :

- a. to meet the need to prove cases;
- b. to serve the interest of scientific development;
- c. to be destroyed; and/or
- d. to serve the public or social interests.

#### Article 44

- (1) Evidence of wood from illegal logging and/or illegal use of forest land for conservation forest is destroyed, except it will be used to prove cases and conduct researches.
- (2) Evidence of wood finding from illegal logging outside conservation forest is used to serve public or social interests.
- (3) Evidence of confiscated wood from illegal logging outside conservation forest can be auctioned according to the law and regulation because it can easily be damaged or the cost of keeping it is too high.
- (4) Proceeds from the auction of confiscated wood as referred to in paragraph (3) shall be kept in government banks as evidence of cases at court.
- (5) The appropriation of evidence of cases as re-

ferred to in paragraph (4) is done according to the court's verdict which has fixed legal force.

#### Article 45

- (1) Evidence of finding of plantation crops and/or mining product along with supporting facility and infrastructure from criminal offenses through illegal use of forest land can be auctioned and proceeds of the auction can be used to serve public or social interests.
- (2) Evidence of confiscated plantation crops and/or mining product along with supporting facility and infrastructure from criminal offenses through illegal use of forest land can be auctioned because it can easily be damaged or the cost of keeping it is too high.
- (3) Proceeds from the auction of evidence of confiscated plantation crops and/or mining product along with supporting facility and infrastructure as referred to in paragraph (2) are kept in government banks as evidence of case in court.
- (4) The appropriation of evidence of cases as referred to in paragraph (3) is done according to the court's decision which has fixed legal force.

#### Article 46

- (1) Evidence of plantation and/or mining concession from illegal use of forest land which has received the court's decision with fixed legal force shall constantly be returned to the government to be reforested according to its function.

(2) Evidence of plantation as referred to in paragraph (1) shall be used for a maximum of 1 (one) cycle until forest land restoration process has been completed.

(3) If evidence of plantation is used as referred to in paragraph (2) the government can assign state-owned companies engaged in the plantation sector.

(4) Evidence of mining concession as referred to in paragraph (1) can be given permits according to the law and regulation.

#### Article 47

- (1) In the interest of investigation related to the quantity of evidence aboard ship or other water transport means, load capacity survey method, ship scale reading inspection method or other method commonly used in the shipping sector can be used.
- (2) The methods as referred to in paragraph (1) are conducted by qualified institutions according to the law and regulation.

#### Article 48

Provisions on the procedure of keeping evidence of forest destruction confiscated as referred to in Article 40 paragraph (2) and the procedure of earmarking evidence as referred to in Articles 44, 45 and 46 are to be provided for in a ministerial regulation.

Article 49

- (1) Investigators shall apply to the chief of the local district court for the auction of confiscated evidence in the form of wood from illegal logging as referred to in Article 44 paragraph (3) and found evidence and confiscated evidence in the form of plantation crops and/or mining products and their supporting facility and infrastructure from illegal use of forest land as referred to in Article 45 paragraphs (1) and (2).
- (2) The auction of evidence as referred to in paragraph (1) is done by the State Auction Board no later than 14 (fourteen) working days.
- (3) The auction of evidence as referred to in paragraph (2) is done by the State Auction Board transparently after examination, calculation and pricing of evidence is completed by the institution.
- (5) Parties affiliated to a suspect in a forest destruction case are banned from taking part in the auction as referred to in paragraph (3).
- (6) The examination, calculation or pricing of evidence as referred to in paragraph (3) shall be done by persons who have competence and certificates from accredited institution.

Article 50

Compensation for losses caused by forest destruction does not eliminate the sentence of culprits of forest destruction.

Paragraph 2

Examination in Court Session

Article 51

- (1) If defendants have been summoned legally but do not show up in a court session without legal reasons, the case can be examined and decided without the presence of the defendants.
- (2) The verdict meted out without the presence of defendants shall be announced by the public prosecutor on the announcement boards at the court, the office of regional government, and/or informed to the defendants or their proxies.
- (3) Defendants or their proxies can propose a legal effort to challenge the verdict as referred to in paragraph (1) no later than 14 (fourteen) days after the verdict is meted out, announced, or notified to the defendants who are not present.

Article 52

- (1) The cases of forest destruction shall be examined and decided by the district court no later than 45 (forty-five) working days after receiving the delegation of the cases from public prosecutors.
- (2) In case of appeal against the court's verdict as referred to in paragraph (1), the cases of forest destruction shall be examined and decided no later than 30 (thirty) working days after the appellate court has received dossiers of the cases.
- (3) In case of appeal against the appellate court's verdict, the cases of illegal logging shall be examined and decided no later than 50 (fifty) working

days after the Supreme Court has received the dossiers of the cases.

Article 53

- (1) The examination of cases of forest destruction as referred to in Article 52 paragraph (1) at district court is done by a panel of 3 (three) judges consisting of one career judge at the local district court and two ad hoc judges.
- (2) The ad hoc judges as referred to in paragraph (1) are appointed by the President at the proposal of the Chairman of the Supreme Court of the Republic of Indonesia.
- (3) After this Law comes into force the Chairman of the Supreme Court shall propose ad hoc judge candidates to be appointed through a Presidential Decree to examine the cases of forest destruction.
- (4) In proposing ad hoc judge candidates as referred to in paragraph (3), the Chairman of the Supreme Court shall announce them to the public.
- (5) To become ad hoc judges, the following qualifications shall be met:
  - a. Indonesian citizen;
  - b. to be devout to the God Almighty;
  - c. aged at least 40 (forty) years at the time of appointment;
  - d. graduating from the school of law or other graduates having expertise and experience for at least 10 (ten) years in the forestry field;
  - e. never being sentenced to imprisonment based

on a court verdict with fixed legal force for committing a criminal offense carrying a sentence of 5 (five) years or more in jail;

- f. never involved in a disgraceful act;
- g. be smart, honest and having high moral integrity and good reputation;
- h. not being a member of the executive board of political party; and
- i. abandoning structural post and other posts while they are ad hoc judges.

CHAPTER V

FOREST DESTRUCTION PREVENTION AND ERADICATION INSTITUTION

Article 54

- (1) To prevent and eradicate forest destruction, the President shall form an institution in charge of preventing and eradicating forest destruction.
- (2) The institution as referred to in paragraph (1) is seconded and responsible to the President.
- (3) The institution as referred to in paragraph (1) consists of:
  - a. element of the Forestry Ministry;
  - b. element of the Indonesian National Police;
  - c. element of the Attorney General's Office; and
  - d. other related elements.
- (4) The tasks of the institution as referred to in paragraph (1) are carried out based on this Law.

Article 55

- (1) The institution is led by a chairman assisted by a



secretary and several deputies.

- (2) The secretary as referred to in paragraph (1) comes from government element and is tasked with organizing administrative support to the execution of the institution's tasks and responsibilities.
- (3) The deputies as referred to in paragraph (1) are in charge of:
  - a. prevention;
  - b. legal action;
  - c. law and cooperation; and
  - d. internal audit and public complaints.
- (4) To carry out its tasks and authority, the institution can form a task force as an executing element.
- 5) The task force eradicates strategic forest destruction starting from investigation to indictment throughout the Unitary State of the Republic of Indonesia including customs areas at the instruction of the chief and/or deputies of the institution.
- 6) Further provisions on the formation, organizational structure and work mechanism of the institution are to be provided for in a presidential regulation.

#### Article 56

- ) The institution in charge of preventing and eradicating forest destruction as referred to in Article 54 paragraph (1) is tasked with:
  - a. conducting preliminary investigation and investigation of forest destruction criminal of-

fenses;

- b. administering preliminary investigation and investigation of forest destruction criminal offenses;
  - c. conducting anti-forest destruction campaigns;
  - d. building and developing an information system to prevent and eradicate forest destruction in an integrated way;
  - e. empowering the public in an effort to prevent and eradicate forest destruction;
  - f. establishing cooperation and coordination among law enforcement agencies in eradicating forest destruction;
  - g. announcing the execution of tasks and authority periodically to the public according to the law and regulation; and
  - h. issuing permits to use evidence in the form of wood found in the eradication of forest destruction from outside conservation forest for social interests.
- (2) Further provisions on the execution of tasks as referred to in paragraph (1) are to be provided for in a presidential regulation.

#### Article 57

In preventing and eradicating forest destruction, the institution shall report the results of its work to the House of Representatives of the Republic of Indonesia at least once in 6 (six ) months.

#### CHAPTER VI

PUBLIC PARTICIPATION

Article 58

(1) The public have the right to :

- a. good and healthy environment including the quality of the environment produced by forests;
- b. the use of forests according to the law and regulation;
- c. efforts to empower the public; and
- e. counseling on the importance of forest conservation and negative impact of forest destruction.

(2) In addition to the right as referred to in paragraph (1), to prevent and eradicate forest destruction, the public also have the right to:

- a. find and obtain information on alleged forest destruction;
- b. receive services in finding, obtaining and providing information on alleged forest destruction and alleged abuse of permits to law enforcers;
- c. find and obtain information on permits issued by the relevant regional government to manage forests;
- d. give suggestions and views in a responsible way to law enforcers; and
- e. receive legal protection in :
  1. exercising their rights as referred to in letters a, b, and c; and
  2. the process of preliminary investigation, investigation, and trial as reporting wit-

nesses, witnesses or expert witnesses according to the law and regulation.

Article 59

The public have the obligation to :

- a. keep and maintain the conservation of forests; and
- b. process forests according to the law and regulation.

Article 60

The public have the obligation to provide oral or written information to the authorized party if they know or find an indication of forest destruction.

Article 61

The public participate in the prevention and eradication of forest destruction by :

- a. forming and building anti-forest destruction movement social networks;
- b. involving and becoming partners of forest destruction eradication institution in the prevention and eradication of forest destruction;
- c. promoting the awareness of the importance of conserving forests and mitigating the negative impact of forest destruction;
- d. providing oral or written information to the authorized party related to the prevention and eradication of forest destruction;
- e. participating in the effort to supervise the law enforcement in the eradication of forest destruction

and/or

- f. carrying out other activities aimed at preventing and eradicating forest destruction.

Article 62

The institution in charge of eradicating forest destruction shall establish partnership with organizations or non-governmental organizations engaged in the forestry sector or the environmental sector as well as social organizations in providing liaison, service and support to the public..

Article 63

The rights and obligations as referred to in Article 58 up to Article 60 shall be executed by sticking to the principles or provisions in the law and regulation.

CHAPTER VII

INTERNATIONAL COOPERATION

Article 64

- (1) The government can establish international cooperation with other countries in preventing and eradicating forest destruction by considering and safeguarding national interests.
- (2) The international cooperation in preventing and eradicating forest destruction can be in the form of :
  - a. bilateral cooperation;
  - b. regional cooperation; or
  - c. multilateral cooperation.

Article 65

- (1) The cooperation as referred to in Article 64 can be done based on an agreement.
- (2) In case of no agreement as referred to in paragraph (1), the cooperation can be done based on good relations under reciprocal principles.

Article 66

- (1) The government establishes international cooperation to prevent illegal wood trading and/or washing.
- (2) The government has the obligation to make an effort to recover funds from the losses of forest destruction criminal offenses.
- (3) The effort to recover funds from the losses as referred to in paragraph (1) is made by :
  - a. blocking or freezing temporarily wealth with the aim of preventing any effort to convert or transfer the wealth in order that certain people or all people do not have business with the wealth obtained or likely obtained from forest destruction activities; and/or
  - b. confiscating the right to the wealth or profit obtained or likely obtained from forest destruction activities based on a court verdict in Indonesia or foreign country.

Article 67

- (1) International cooperation to prevent forest destruction can be done to :

- a. manage forests in a sustainable way;
- b. conserve and restore forest land;
- c. empower people; and
- d. strengthen the internationally-recognized system of verifying and certifying wood legality.

(2) The international cooperation as referred to in paragraph (1) is aimed at reducing deforestation as a result of forest destruction as well as at conserving forests.

#### Article 68

The government shall encourage international cooperation in terms of funding from the international community and international private investment to prevent forest destruction.

#### Article 69

(1) To carry out international cooperation in preventing and eradicating illegal logging as referred to in Article 64, the Minister can act for and under the name of the Government of the Republic of Indonesia to establish international cooperation with other countries, international organizations, and/or foreign financial institutions, particularly to eradicate illegal logging.

(2) The international cooperation as referred to in paragraph (1) is carried out according to the law, convention and generally-accepted international practices.

#### Article 70

Within the framework of preliminary investigation, investigation, indictment and court examination of forest destruction cases, the government can establish regional and international cooperation through bilateral or multilateral forum according to the law and regulation.

#### Article 71

International cooperation within the framework of investigation as referred to in Article 70 covers:

- a. identities and activities of anybody, national or foreign, accused of involvement in forest destruction;
- b. transfer of criminal gains or wealth originating from forest destruction;
- c. transfer of wealth, equipment or other instruments used or intended to be used in forest destruction;
- d. all chains of criminal offenses ranging from illegal wood washing to money laundering;
- e. identities and activities of countries washing illegal wood from forest destruction in Indonesia; and/or
- f. tracing, freezing, seizing and recovering assets resulting from forest destruction criminal offenses.

#### Article 72

Cooperation within the framework of investigation as referred to in Article 70 is done through cooperation with Interpol in each country.

## Article 73

The government can sign accords or agreements with foreign countries to obtain compensation for costs and share gains from the use of wood from forest destruction.

## CHAPTER VIII

## FINANCING

## Article 74

The expenses needed to implement this Law shall be borne by the state budget.

## Article 75

Plan and proposal for budget to eradicate forest destruction shall be made by the institution as referred to in Article 54.

## CHAPTER IX

## PROTECTION OF WITNESSES, REPORTERS AND INFORMANTS

## Article 76

- (1) Anybody who becomes a witness, reporter, and informant in the prevention and eradication of illegal logging shall be given special protection by the government.
- 2) The special protection as referred to in paragraph (1) is aimed avoiding possible threat to the lives and/or wealth of witnesses, reporters and informants including their families and is given according to the law and regulation.

## Article 77

The protection of witnesses, reporters and informants covers:

- a. the protection of their lives, families and wealth, and the state of being free from threat related to reports and information they will provide, are providing or have provided;
- b. the provision of information on court's verdict; and/or
- c. notification in case the convict is set free.

## Article 78

- (1) Reporters and informants cannot be sued legally, either by the penal code or civil code, for the reports and testimonies they will provide, are providing or have provided.
- (2) Legal protection does not apply to reporters and informants providing information without good intention.

## Article 79

A witness who is also a suspect in the same case cannot be freed from a criminal charge if he/she is lawfully or convincingly proven guilty but his/her testimonies can be considered by judge to reduce sentence to be meted out.

## Article 80

The mechanism of providing legal protection of reporters and informants:

- a. reporters and informants receive legal protection by considering the following conditions:
  - 1. the important characteristics of information from the reporters and informants;
  - 2. the level of threat to the lives of the reporters and informants;
  - 3. the results of analysis conducted by the medical team or psychologist on the reporters and informants; and
  - 4. the track record of crimes ever committed by the reporters and informants.
- b. the procedure of providing protection to the reporters and informants, either at their own initiatives or at the request of the authorized official, is done by filing a written application according to the law and regulation.
  - a. the reporters and informants ask for a stop to the protection of the reporters and informants if the application is filed at their own initiatives;
  - b. at the request of the authorized official if the request for the protection of the reporters and informants is based on the request from the authorized official;
  - c. the reporters and informants violate provisions in the agreement;
  - d. the authorized agency opines that the reporters and informants no longer need protection based on convincing evidence; or
  - e. the security protection of reporters and informants must be stopped in writing.

#### Article 81

- (1) The authorized official shall provide full protection to reporters and informants including their families since the statement of readiness is signed.
- (2) The security protection of reporters and informants is stopped for the following reasons :

(S)

CHAPTER X  
to be continued

# THE PREVENTION AND ERADICATION OF FOREST DESTRUCTION

(Law No. 18/2013 dated August 6, 2013)

[Continued from Business News No. 8589 page 27-48]

## CHAPTER X

### CRIMINAL PROVISIONS

#### Article 82

(1) Any individual who knowingly :

- a. cuts trees in forest land by violating a forest utilization permit as referred to in Article 12 letter a;
- b. cuts trees in forest land without holding a permit issued by the authorized official as referred to in Article 12 letter b; and/or
- c. cuts trees in forest land illegally as referred to in Article 12 letter c, shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) If the criminal offense as referred to in paragraph (1) is committed by an individual living in and/or around forest land, the culprit shall be sentenced to a minimum of 3 (three) months and a maximum of 2 (two) years in jail and/or be fined a minimum of Rp500,000.00 (five hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).

(3) Any corporation which :

- a. cuts trees in forest land by violating a forest utilization permit as referred to in Article 12 letter a;
- b. cuts trees in forest land without holding a permit issued by the authorized official as referred to in Article 12 letter b; and/or
- c. cuts trees in forest land illegally as referred to in Article 12 letter c, shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 83

(1) Anybody who knowingly :

- a. loads, unloads, releases, transports, controls, and/or possesses the result of cutting in forest land without a permit as referred to in Article 12 letter d;
- b. transports, controls, or possesses wood forest products without being equipped with a letter of legality of forest products as referred

to in Article 12 letter e; and/or

- c. uses wood forest products believed to have originated from illegal logging as referred to in Article 12 letter h shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) Anybody who because of his/her negligence:

- a. loads, unloads, releases, transports, controls, and/or possesses the result of cutting in forest land without a permit as referred to in Article 12 letter d;
- b. transports, controls, or possesses wood forest products without being equipped with a letter of legality of forest products as referred to in Article 12 letter e; and/or
- c. uses wood forest products believed to have originated from illegal logging as referred to in Article 12 letter h shall be sentenced to a minimum of 8 (eight) months and a maximum of 3 (three) years in jail and be fined a minimum of Rp10,000,000.00 (ten million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).

(3) If the criminal offense as referred to in paragraph (1) letter c and paragraph (2) letter c is committed by an individual living in and/or around forest land, the culprit shall be sentenced to a minimum of 3 (three) months and a maximum of 2

(two) years in jail and/or be fined a minimum of Rp500,000.00 (five hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).

(4) Corporation which :

- a. loads, unloads, releases, transports, controls, and/or possesses the result of cutting in forest land without a permit as referred to in Article 12 letter d;
- b. transports, controls, or possesses wood forest products without being equipped with a letter of legality of forest products as referred to in Article 12 letter e; and/or
- c. uses wood forest products believed to have originated from illegal logging as referred to in Article 12 letter h shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 84

(1) Anybody who knowingly carries tools commonly used to fell, cut or divide trees in forest land without a permit from the authorized official as referred to in Article 12 letter f shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp5,000,000,000.00



(five billion rupiah).

- (2) Anybody who because of his/her negligence carries tools commonly used to fell, cut or divide trees in forest land without a permit from the authorized official as referred to in Article 12 letter f shall be sentenced to a minimum of 8 (eight) months and a maximum of 2 (two) years in jail and be fined a minimum of Rp10,000,000.00 (ten million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).
- (3) If the criminal offense as referred to in paragraphs (1) and (2) is committed by an individual living in and/or around forest land, the culprit shall be sentenced to a minimum of 3 (three) months and a maximum of 2 (two) years in jail and/or be fined a minimum of Rp500,000.00 (five hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).
- (4) Any corporation which carries tools commonly used to fell, cut or divide trees in forest land without a permit from the authorized official as referred to in Article 12 letter f shall be sentenced to a minimum of 2 (two) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp2,000,000,000.00 (two billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 85

- (1) Anybody who knowingly brings heavy duty equipment and/or other equipment commonly used or

believed to be used to transport forest products in forest land without a permit from the authorized official as referred to in Article 12 letter g shall be sentenced to a minimum of 2 (two) years and a maximum of 10 (ten) years in jail and be fined a minimum of Rp2,000,000,000.00 (two billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).

- (2) Any corporation which brings heavy duty equipment and/or other equipment commonly used or believed to be used to transport forest products in forest land without a permit from the authorized official as referred to in Article 12 letter g shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 86

- (1) Anybody who knowingly :
- a. circulates wood from illegal logging by land, waters, or air as referred to in Article 12 letter i; and/or
  - b. smuggles wood from or into the territory of the Unitary State of the Republic of Indonesia by river, land, sea, or air as referred to in Article 12 letter j shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of

Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) Any corporation which :

- a. circulates wood from illegal logging by land, waters, or air as referred to in Article 12 letter i; and/or
- b. smuggles wood from or into the territory of the Unitary State of the Republic of Indonesia by river, land, sea, or air as referred to in Article 12 letter j shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5.000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

### Article 87

(1) Anybody who knowingly :

- a. receives, buys, sells, receive exchange of, receive custody, and/or possesses forest products believed to have originated from illegal logging as referred to in Article 12 letter k;
- b. buys, markets, and/or processes wood forest products originating from forest land taken or collected illegally as referred to in Article 12 l; and/or
- c. receives, sells, receives exchange of, receive custody of, keeps, and/or possesses wood forest products originating from forest land taken or collected illegally as referred to in

Article 12 letter m shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) Anybody who because of negligence:

- a. receives, buys, sells, receive exchange of, receive custody, and/or possesses forest products believed to have originated from illegal logging as referred to in Article 12 letter k;
- b. buys, markets, and/or processes wood forest products originating from forest land taken or collected illegally as referred to in Article 12 letter l; and/or
- c. receives, sells, receives exchange of, receive custody of, keeps, and/or possesses wood forest products originating from forest land taken or collected illegally as referred to in Article 12 letter m shall be sentenced to a minimum of 8 (eight) months and a maximum of 3 (three) years in jail and be fined a minimum of Rp250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).

(3) If the criminal offense as referred to in paragraphs (1) and (2) is committed by an individual living in and/or around forest land, the culprit shall be sentenced to a minimum of 3 (three) months and a maximum of 2 (two) years in jail and/or be fined a minimum of Rp500,000.00 (five

hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).

(4) Any corporation which :

- a. receives, buys, sells, receive exchange of, receive custody, and/or possesses forest products believed to have originated from illegal logging as referred to in Article 12 letter k;
- b. buys, markets, and/or processes wood forest products originating from forest land taken or collected illegally as referred to in Article 12 letter l; and/or
- c. receives, sells, receives exchange of, receive custody of, keeps, and/or possesses wood forest products originating from forest land taken or collected illegally as referred to in Article 12 letter m shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5.000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 88

(1) Anybody who knowingly :

- a. transports wood forest products without document serving as a letter of the legality of forest products according to the law and regulation as referred to in Article 16;
- b. falsifies a letter of the legality of wood forest products and/or uses a fake letter of the legality of wood forest products as referred to in

Article 14; and/or

- c. abuses wood forest product transport document issued by the authorized official as referred to in Article 15 shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) Any corporation which :

- a. transports wood forest products without document serving as a letter of the legality of forest products according to the law and regulation as referred to in Article 16;
- b. falsifies a letter of the legality of wood forest products and/or uses a fake letter of the legality of wood forest products as referred to in Article 14; and/or
- c. abuses wood forest product transport document issued by the authorized official as referred to in Article 15 shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5.000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 89

(1) Anybody who knowingly :

- a. conducts mining activities in forest land without a permit from the Minister as referred to in Article 17 paragraph (1) letter b; and/or
  - b. brings heavy duty equipment and/or other equipment commonly used or believed to be used to conduct mining activities and/or transport mining products in forest land without a permit from the Minister as referred to in Article 17 paragraph (1) letter a
- shall be sentenced to a minimum of 3 (three) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp1,500,000,000.00 (one billion, five hundred million rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).

(2) Any corporation which :

- a. conducts mining activities in forest land without a permit from the Minister as referred to in Article 17 paragraph (1) letter b; and/or
  - b. brings heavy duty equipment and/or other equipment commonly used or believed to be used to conduct mining activities and/or transport mining products in forest land without a permit from the Minister as referred to in Article 17 paragraph (1) letter a
- shall be sentenced to a minimum of 8 (eight) years and a maximum of 20 (twenty) years in jail and be fined a minimum of Rp20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp50,000,000,000.00 (fifty billion rupiah).

### Article 90

- (1) Anybody who knowingly transports and/or receives the custody of mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter c shall be sentenced to a minimum of 3 (three) years and a maximum of 10 (ten) years in jail and be fined a minimum of Rp1,500,000,000.00 (one billion, five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).
- (2) Any corporation which transports and/or receives the custody of mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter c shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

### Article 91

- (1) Anybody who knowingly :
  - a. sells, controls, possesses and/or keeps mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter d; and/or
  - b. buys, markets and/or processes mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter e

shall be sentenced to a minimum of 3 (three) years and a maximum of 10 (ten) years in jail and be fined a minimum of Rp1,500,000,000.00 (one billion, five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

(2) Any corporation which :

- a. sells, controls, possesses and/or keeps mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter d; and/or
  - b. buys, markets and/or processes mining products originating from mining activities in forest land without a permit as referred to in Article 17 paragraph (1) letter e
- shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 92

(1) Anybody who knowingly :

- a. conducts plantation activities without a permit from the Minister in forest land as referred to in Article 17 paragraph (2) letter b; and/or
- b. brings heavy duty equipment and/or other equipment commonly used or believed to be used to conduct plantation activities and/or transport plantation products in forest land

without a permit from the Minister as referred to in Article 17 paragraph (2) letter a shall be sentenced to a minimum of 3 (three) years and a maximum of 10 (ten) years in jail and be fined a minimum of Rp1,500,000,000.00 (one billion, five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

(2) Any corporation which :

- a. conducts plantation activities without a permit from the Minister in forest land as referred to in Article 17 paragraph (2) letter b; and/or
- b. brings heavy duty equipment and/or other equipment commonly used or believed to be used to conduct plantation activities and/or transport plantation products in forest land without a permit from the Minister as referred to in Article 17 paragraph (2) letter a shall be sentenced to a minimum of 8 (eight) years and a maximum of 20 (twenty) years in jail and be fined a minimum of Rp20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp50,000,000,000.00 (fifty billion rupiah).

#### Article 93

(1) Anybody who knowingly :

- a. transports and/or receives the custody of plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter c;

- b. sells, controls, possesses and/or keeps plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter d; and/or
  - c. buys, markets and/or processes plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter e
- shall be sentenced to a minimum of 3 (three) years and a maximum of 10 (ten) years in jail and be fined a minimum of Rp1,500,000,000.00 (one billion, five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

(2) Anybody who because of negligence:

- a. transports and/or receives the custody of plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter c;
  - b. sells, controls, possesses and/or keeps plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter d; and/or
  - c. buys, markets and/or processes plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter e
- shall be sentenced to a minimum of 1 (one) year and a maximum of 3 (three) years in jail and be fined a minimum of Rp100,000,000.00 (one hundred million rupiah) and a maximum

of Rp1,000,000,000.00 (one billion rupiah).

(3) Any corporation:

- a. transports and/or receives the custody of plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter c;
  - b. sells, controls, possesses and/or keeps plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter d; and/or
  - c. buys, markets and/or processes plantation products from plantation activities in forest land without a permit as referred to in Article 17 paragraph (2) letter e
- shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 94

(1) Anybody who knowingly :

- a. orders, organizes, or encourages illegal logging and/or illegal use of forest land as referred to in Article 19 letter a;
- b. conducts a conspiracy to commit illegal logging and/or illegal use of forest land as referred to in Article 19 letter c;
- c. funds illegal logging and/or illegal use of forest land, either directly or indirectly, as

referred to in Article 19 letter d; and/or

- d. alters the status of wood from illegal logging and/or illegal use of forest land as if it was legal wood or legal use of forest land to be sold to third parties, either in the domestic or foreign market as referred to in Article 19 letter f
- shall be sentenced to a minimum of 8 (eight) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp10,000,000,000.00 (ten billion rupiah) and a maximum of Rp100,000,000,000.00 (one hundred billion rupiah).

(2) Any corporation which :

- a. orders, organizes, or encourages illegal logging and/or illegal use of forest land as referred to in Article 19 letter a;
- b. conducts a conspiracy to commit illegal logging and/or illegal use of forest land as referred to in Article 19 letter c;
- c. funds illegal logging and/or illegal use of forest land, either directly or indirectly, as referred to in Article 19 letter d; and/or
- d. alters the status of wood from illegal logging and/or illegal use of forest land as if it was legal wood or legal use of forest land to be sold to third parties, either in the domestic or foreign market as referred to in Article 19 letter f
- shall be sentenced to a minimum of 10 (ten) years in jail and a maximum of life sentence and

be fined a minimum of Rp20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp1,000,000,000,000.00 (one trillion rupiah).

#### Article 95

(1) Anybody who knowingly :

- a. uses wood from illegal logging by altering its shape, size including the use of its waste as referred to in Article 19 letter g;
- b. places, transfers, pays, spends, grants, donates, deposits, brings abroad and/or exchanges money or other securities and other wealth found or believed to be the result of illegal logging and/or illegal use of forest land as referred to in Article 19 letter h; and/or
- c. conceals or disguises the source of wealth found or believed to have originated from illegal logging or illegal use of forest land as if it was legal wealth as referred to in Article 19 letter i

shall be sentenced to a minimum of 8 (eight) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp10,000,000,000.00 (ten billion rupiah) and a maximum of Rp100,000,000,000.00 (one hundred billion rupiah).

(2) Anybody who because of negligence :

- a. uses wood from illegal logging by altering its shape, size including the use of its waste as referred to in Article 19 letter g;

b. places, transfers, pays, spends, grants, donates, deposits, brings abroad and/or exchanges money or other securities and other wealth found or believed to be the result of illegal logging and/or illegal use of forest land as referred to in Article 19 letter h; and/or

c. conceals or disguises the source of wealth found or believed to have originated from illegal logging or illegal use of forest land as if it was legal wealth as referred to in Article 19 letter i

shall be sentenced to a minimum of 2 (two) years and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

(3) Any corporation which :

a. uses wood from illegal logging by altering its shape, size including the use of its waste as referred to in Article 19 letter g;

b. places, transfers, pays, spends, grants, donates, deposits, brings abroad and/or exchanges money or other securities and other wealth found or believed to be the result of illegal logging and/or illegal use of forest land as referred to in Article 19 letter h; and/or

c. conceals or disguises the source of wealth found or believed to have originated from illegal logging or illegal use of forest land as if it was legal wealth as referred to in Article 19 letter i

shall be sentenced to a minimum of 10 (ten) years in jail and a maximum of life sentence and be fined a minimum of Rp20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp1,000,000,000,000.00 (one trillion rupiah).

#### Article 96

(1) Anybody who knowingly :

a. falsifies a permit to use wood forest products and/or forest land as referred to in Article 24 letter a;

b. uses a fake permit to use wood forest products and/or forest land as referred to in Article 24 letter b; and/or

c. transfers or sells a permit issued by the authorized official , except with approval of the Minister as referred to in Article 24 letter c shall be sentenced to a minimum of 1 (one) year and a maximum of 5 (five) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000.00 (two billion, five hundred million rupiah).

(2) Any corporation:

a. falsifies a permit to use wood forest products and/or forest land as referred to in Article 24 letter a;

b. uses a fake permit to use wood forest products and/or forest land as referred to in Article 24 letter b; and/or



- c. transfers or sells a permit issued by the authorized official, except with approval of the Minister as referred to in Article 24 letter c shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 97

##### (1) Anybody who knowingly :

- a. destroys forest protection facility and infrastructure as referred to in Article 25; and/or
- b. destroys, removes or eliminates the poles of outer borders of forest land, the border of forest land function, or the border of forest land touching state borders leading to a change in the shape and/or area of forest land as referred to in Article 26 shall be sentenced to a minimum of 1 (one) year and a maximum of 3 (three) years in jail and be fined a minimum of Rp200,000,000.00 (two hundred million rupiah) and a maximum of Rp1,500,000,000.00 (one billion, five hundred million rupiah).

##### (2) Anybody who because of negligence :

- a. destroys forest protection facility and infrastructure as referred to in Article 25; and/or
- b. destroys, removes or eliminates the poles of outer borders of forest land, the border of for-

est land function, or the border of forest land touching state borders leading to a change in the shape and/or area of forest land as referred to in Article 26

shall be sentenced to a minimum of 8 (eight) months and a maximum of 2 (two) years in jail and be fined a minimum of Rp10,000,000.00 (ten million rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).

##### (3) Any corporation which :

- a. destroys forest protection facility and infrastructure as referred to in Article 25; and/or
- b. destroys, removes or eliminates the poles of outer borders of forest land, the border of forest land function, or the border of forest land touching state borders leading to a change in the shape and/or area of forest land as referred to in Article 26 shall be sentenced to a minimum of 4 (four) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp4,000,000,000.00 (four billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 98

- (1) Anybody who knowingly takes part or assists in illegal logging and/or illegal use of forest land as referred to in Article 19 letter b shall be sentenced to a minimum of 1 (one) year and a maxi-

imum of 3 (three) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp1,500,000,000.00 (one billion five hundred million rupiah).

- (2) Anybody who because of negligence takes part or assists in illegal logging and/or illegal use of forest land as referred to in Article 19 letter b shall be sentenced to a minimum of 8 (eight) months and a maximum of 2 (two) years in jail and be fined a minimum of Rp200,000,000.00 (two hundred million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).
- (3) Any corporation which takes part or assists in illegal logging and/or illegal use of forest land as referred to in Article 19 letter b shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 99

- (1) Anybody who knowingly uses funds believed to have originated from illegal logging and/or illegal use of forest land as referred to in Article 19 letter e shall be sentenced to a minimum of 8 (eight) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp100,000,000,000.00 (one hundred billion rupiah).

- (2) Anybody who because of negligence uses funds believed to have originated from illegal logging and/or illegal use of forest land as referred to in Article 19 letter e shall be sentenced to a minimum of 1 (one) year and a maximum of 3 (three) years in jail and be fined a minimum of Rp200,000,000.00 (two hundred million rupiah) and a maximum of Rp1,500,000,000,000.00 (one billion five hundred million rupiah).
- (3) Any corporation which uses funds believed to have originated from illegal logging and/or illegal use of forest land as referred to in Article 19 letter e shall be sentenced to a minimum of 10 (ten) years in jail and a maximum of life imprisonment and be fined a minimum of Rp20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp1,000,000,000,000.00 (one trillion rupiah).

#### Article 100

- (1) Anybody who knowingly prevents, obstructs and/or foils directly or indirectly an effort to eradicate illegal logging and illegal use of forest land as referred to in Article 20 shall be sentenced to a minimum of 1 (one) year and a maximum of 10 (ten) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).
- (2) Any corporation which prevents, obstructs and/or foils directly or indirectly an effort to eradicate illegal logging and illegal use of forest land as

referred to in Article 20 shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 101

- (1) Anybody who knowingly uses wood from illegal logging and/or illegal use of forest land from conservation forest as referred to in Article 21 shall be sentenced to a minimum of 1 (one) year and a maximum of 3 (three) years in jail and be fined a minimum of Rp200,000,000.00 (two hundred million rupiah) and a maximum of Rp1,500,000,000.00 (one billion five hundred million rupiah).
- (2) If the criminal offense as referred to in paragraph (1) is committed by an individual living in and/or around forest land, the culprit shall be sentenced to a minimum of 3 (three) months and a maximum of 1 (one) year in jail and/or be fined a minimum of Rp500,000.00 (five hundred thousand rupiah) and a maximum of Rp500,000,000.00 (five hundred million rupiah).
- (3) Any corporation which uses wood from illegal logging and/or illegal use of forest land from conservation forest as referred to in Article 21 shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion ru-

piah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 102

- (1) Anybody who knowingly obstructs and/or foils preliminary investigation, investigation, indictment and/or examination in the trial of criminal offenses related to illegal logging and illegal use of forest land as referred to in Article 22 shall be sentenced to a minimum of 1 (one) year and a maximum of 10 (ten) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).
- (2) Any corporation which obstructs and/or foils preliminary investigation, investigation, indictment and/or examination in the trial of criminal offenses related to illegal logging and illegal use of forest land as referred to in Article 22 shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

Article 103

- (1) Anybody who knowingly intimidates and/or threatens the safety of an officer in charge of preventing and eradicating illegal logging and illegal use of forest land as referred to in Article 23 shall be sentenced to a minimum of 1 (one)

year and a maximum of 10 (ten) years in jail and be fined a minimum of Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

- (2) Any corporation intimidates and/or threatens the safety of an officer in charge of preventing and eradicating illegal logging and illegal use of forest land as referred to in Article 23 shall be sentenced to a minimum of 5 (five) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp5,000,000,000.00 (five billion rupiah) and a maximum of Rp15,000,000,000.00 (fifteen billion rupiah).

#### Article 104

Any official who knowingly lets illegal logging as referred to in Article 12 up to Article 17 and Article 19, but does not take an action as referred to in Article 27 shall be sentenced to a minimum of 6 (six) years and a maximum of 15 (fifteen) years in jail and be fined a minimum of Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp7,500,000,000.00 (seven billion five hundred million rupiah).

#### Article 105

Any official who :

- a. issues a permit to use wood forest product and/or forest land in forest land in breach of his/her authority as referred to in Article 28 letter a;
- b. issues a permit to use wood forest product and/or forest land in forest land in breach of the law and

regulation as referred to in Article 28 letter b;

- c. harbors a culprit of illegal logging and/or illegal use of forest land as referred to in Article 28 letter c;
- d. takes part or assists in illegal logging and/or illegal use of forest land as referred to in Article 28 letter d;
- e. conducts a conspiracy in illegal logging and/or illegal use of forest land as referred to in Article 28 letter e;
- f. issues a letter of the legality of forest products without right as referred to in Article 28 letter f; and/or
- g. knowingly lets illegal logging and/or illegal use of forest land while carrying out task as referred to in Article 28 letter g shall be sentenced to a minimum of 1 (one) year and a maximum of 10 (ten) years in jail and be fined a minimum of Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).

#### Article 106

Any official who neglects his/her tasks as referred to in Article 28 letter h shall be sentenced to a minimum of 6 (six) months and a maximum of 5 (five) years in jail and be fined a minimum of Rp200,000,000.00 (two hundred million rupiah) and a maximum of Rp1,000,000,000.00 (one billion rupiah).

Article 107

If illegal logging and/or illegal use of forest land as referred to in Article 12 up to Article 17 and Article 20 up to Article 26 involves an official, the sentence shall be increased by 1/3 (one-third) of the main criminal threat.

Article 108

In addition to the criminal sanctions as referred to in Article 82, Article 84, Article 94, Article 96, Article 97 letter a, Article 97 letter b, Article 104, Article 105, or Article 106, compensation shall be imposed, and if it is not met the defendant shall be sentenced to jail without exceeding the maximum threat of main crime according to this law and the period of sentence has been decided in a court session.

Article 109

- (1) If logging, harvest, collection, control, transport and circulation of wood from illegal felling is done by or under the name of corporation, indictment and/or sentence is done to corporation and/or its management board.
- (2) Logging, harvest, collection, control, transport and circulation of wood from illegal felling is done by corporation if the criminal offense is committed by individual based on either work relations or other relations, acting within the corporation, either individually or jointly.
- (3) If criminal charge is leveled to a corporation, the corporation shall be represented by the executive board.

- (4) Judge can order the executive board of corporation to come to a court session in person and can also order the executive board to be brought to the court session.
- (5) Principle penalty that can be given to corporation is fines as referred to in Article 82 up to Article 103.
- (6) In addition to the penalty as referred to in Article 82 up to Article 103, the corporation can be subject to extra penalty in the form of full or partial closure of the corporation.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 110

When this Law begins to take effect:

- a. the cases of forest destruction criminal offenses that have undergone investigation, indictment, and court examination based on Law No. 41/1999 on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) as already amended by Law No. 19/2004 on the Endorsement of Government Regulation in lieu of Law No. 1/2004 on Amendment to Law No. 41/1999 on Forestry into Law (Statute Book of 2004 No. 86, Supplement to Statute Book No. 4412) shall be continued until they receive a court verdict with fixed legal force; and
- b. the cases of forest destruction in forest land designated by the Government before the Constitutional Court's Decision No. 45/PUU-

IX/2011 dated February 12, 2012 on the Test of Law No. 41/1999 on Forestry, shall be subject to provisions in this Law.

## CHAPTER XII

### CONCLUSION

#### Article 111

- (1) The institution in charge of preventing and eradicating forest destruction as referred to in Article 53 shall be formed no later than 2 (two) years after this Law is promulgated.
- (2) Since the institution as referred to in paragraph (1) is formed, the handling of all organized forest destruction criminal offenses as provided for in this Law becomes the authority of the institution in charge of preventing and eradicating forest destruction.

#### Article 112

When this Law begins to take effect:

- a. provisions in Article 50 paragraphs (1) and (3) letters a, f, g, h, j, and k; and
- b. provisions in Article 78 paragraph (1) on criminal provisions to Article 50 paragraphs (1) and (2) on criminal provisions to Article 50 paragraph (3) letters a and b, paragraphs (6), (7), (9), and (10) of Law No.41/1999 on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) as already amended by Law No. 19/2004 on the Endorsement of Government Regulation in lieu of Law No. 1/2004 on Amendment to Law

No. 41/1999 on Forestry into Law (Statute Book of 2004 No. 86, Supplement to Statute Book No. 4412) shall be revoked and declared null and void.

#### Article 113

When this Law begins to take effect, all laws and regulations serving as the implementation of Law No.41/1999 on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) dealing with forest destruction criminal offenses shall remain valid provided they do not contradict this Law.

#### Article 114

This Law shall begin to take effect on the date of promulgation.

For public cognizance, this Law shall be promulgated by placing it in the Statute Book of the Republic of Indonesia.

Endorsed in Jakarta

On August 6, 2013

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On August 6, 2013

THE LAW AND HUMAN RIGHTS MINISTER OF

THE REPUBLIC OF INDONESIA,

sgd.

AMIR SYAMSUDIN

STATUTE BOOK OF THE REPUBLIC OF INDONESIA  
OF 2013 NO. 130

ELUCIDATION

OF

LAW NO. 18/2013

ON

THE PREVENTION AND ERADICATION OF  
FOREST DESTRUCTION

I. GENERAL

The Indonesian forest as the gift given by God Almighty to the Indonesian nation is the main element of the buffer system of human life and the basic asset of national development which has real benefits from the standpoint of ecological, socio-cultural and economic benefits so that the life and livelihood of the Indonesian nation can grow in a balanced and dynamic way.

The Indonesian forest is one of the world's largest tropical forests that the continuity of nations in the world relies on it, particularly in reducing the impact of global climate change. Therefore, its utilization and use must be done in a well-planned, rational, optimum and responsible way according to the supporting capacity by considering the sustainable function and environmental balance to support the management of forest and the development of forestry sector in a sustainable way for the benefit of the people's welfare. This is in line with Article 33 paragraph (3) of the 1945 Constitution that land, water

and natural wealth contained in it must be controlled by the state and used for the greatest possible benefit of the people's welfare. As such, forest as one of the natural wealth resources of the Indonesian nation is controlled by the state.

The control of forest resources by the state gives authority to the government, (i) to regulate and manage anything related to forest, forest land and forest products; (ii) to designate forest land and/or alter the status of forest land; (iii) to control and determine legal relations between human beings and forests or forest land and forest products; and (iv) to control legal act related to forest. According to its authority, the government can issue permits to other parties qualified to carry out activities in the forestry sector. But when it comes to certain crucial things having a far-reaching impact and strategic value, the government must consider the people's aspirations through the House of Representatives of the Republic of Indonesia.

Sustainable forest development requires serious efforts as there are still various criminal offenses in the forestry sector, such as illegal logging, illegal mining, and illegal plantation. The crimes have inflicted great losses on the state, resulted in considerable damage to social and cultural life and the environment and led to global warming which has become national, regional and international issues. In recent years, forest destruction has spread and become complex. The destruction has happened not only to production forest but also to protected forest or conservation

forest. Forest destruction has evolved into a criminal offense which has an extraordinary impact, is well-organized and involves many parties, national and international. The destruction has reached an alarming level that threatens the continuity of the nation and state. Therefore, the forest destruction must be handled in an extraordinary way. Efforts to handle forest destruction have been made for a quite long time, but they have not run effectively and given optimum results. This is because the existing laws and regulations have not firmly controlled forest destruction criminal offenses committed in an organized way. Therefore, a legal umbrella in the form of law is needed to ensure that the organized forest destruction can be dealt with effectively and efficiently to give deterrent effects to culprits. Based on the aforementioned views, the efforts to eradicate forest destruction under this law are made by giving priority to the principles of justice and legal certainty, continuity, state responsibility, public participation, vicarious liability, priority, integration and coordination. In addition to repressive aspect, this law also considers restorative aspect, with the aim of :

- a. providing a firmer and more complete legal umbrella to law enforcement personnel to eradicate forest destruction so that it will be able to give a deterrent effect to culprits;
- b. increasing capability and coordination among law enforcement personnel and relevant parties through an institution in charge of preventing and eradicating forest destruction in an effort to eradicate forest destruction;
- c. increasing public participation in conserving forest particularly as a manifestation of social control in the eradication of forest destruction;
- d. developing international cooperation in eradicating forest destruction under a bilateral, regional, or multilateral scheme; and
- e. ensuring the sustainability of forest by conserving it without destroying the environment and surrounding ecosystem to create prosperous community.

The scope of this law covers (i) prevention of forest destruction; (ii) eradication of forest destruction; (iii) institution; (iv) public participation; (v) international cooperation; (vi) protection of witnesses, reporters and informants; (vii) financing; and (viii) sanctions. The scope of forest destruction referred to in this law covers process, method, or act of destroying forest through illegal logging and/or illegal use of forest land. Illegal logging is defined as all activities of using wood forest products in an illegal and organized way, while illegal use of forest land covers organized activities carried out in forest land for plantation and mining without a permit from the Minister. This law focuses on eradicating organized forest destruction, namely activity carried out by a structured group of 2 (two) people or more, acting together in a certain time with the aim of destroying forest, but it does not include a group of local residents engaged in traditional farming. Exception to traditional farming is given to the community who have lived hereditary



in the forest and have been engaged in farming by complying with rotation tradition set by their group.

The efforts to prevent forest destruction are made by issuing government and regional government policies and increasing public participation. To eradicate forest destruction, this law defines the category of organized forest destruction activity carried out directly or indirectly or other relevant activity. To eradicate forest destruction more effectively, this law is equipped with penal code covering investigation, indictment and court examination.

This law mandates the formation of an institution in charge of preventing and eradicating organized forest destruction which is seconded and responsible to the President, consisting of elements of the forestry ministry, police, and attorney general's office as well as other relevant parties such as relevant ministries, experts, and public representatives. In addition to upholding the law, this institution also has coordination and supervision functions. Since the institution in charge of preventing and eradicating forest destruction was formed, the handling of all organized forest destruction crimes as provided for in this law has become the authority of the institution in charge of preventing and eradicating organized forest destruction. Meanwhile, the handling of organized forest destruction crimes which are being legally processed is continued based on the previous law until fixed legal force is obtained.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

#### Letter a

Referred to as "justice and legal certainty" is the prevention and eradication of forest destruction done based on the law and law enforcement applies to all layers of the community.

#### Letter b

Referred to as "continuity" is that everybody shoulders obligation and responsibility to the next generation and fellow generations to conserve forest.

#### Letter c

Referred to as "state responsibility" is that the prevention and eradication of forest destruction is the responsibility of the state to ensure that forest will always be conserved.

#### Letter d.

Referred to as "public participation" is that public participation in the prevention and eradication of forest destruction plays a very significant role in conserving forest.

## Letter e

Referred to as "vicarious liability" is that evaluation of performance in the prevention and eradication of forest destruction is done by evaluating the implementation through planning made in a simple, measurable, achievable, and rational way and the activities can be scheduled.

## Letter f

Referred to as "priority" is that forest destruction is the case that must be handled immediately so that preliminary investigation, investigation or indictment must be prioritized.

## Letter g

Referred to as "integration and coordination" is that the prevention and eradication of forest destruction is done by integrating various interests of sectors and stakeholders and that coordination among sectors and interests is badly needed. The stakeholders are among others the government, regional governments and the public.

## Article 3 up to Article 5

Sufficiently clear.

## Article 6

## Paragraph (1)

Sufficiently clear.

## Paragraph (2)

The designation of alternative wood source is aimed at fulfilling domestic and international demand for wood products which usually grows when production capacity of wood processing industry is reduced. The development of productive timber estate is done by taking advantage of arid and barren land and idle land such as the former site of forest management right.

## Paragraphs (3) and (4)

Sufficiently clear.

## Article 7

Referred to as "the public" is the local community, customary community and general public. The local community is a group of people who live in and/or around forest as unit of social community based on livelihood which relies on forest, history, binding residence and public order for common life in an institution. The customary community is traditional community which is still bound in the form of association, has institution in the form of customary legal rules and instruments that are still abode by, and still collects forest products in the surrounding forest and whose existence is endorsed by bylaw. The general public is the community outside local community and customary community. The legal entities referred to in this law are state-owned company, regional government-owned company, private company and cooperative.

Article 8 up to Article 10

Sufficiently clear.

Article 11

Paragraphs (1) and (2)

Sufficiently clear.

Paragraph (3)

Referred to as "traditional farming" is farming conducted by the community who have lived hereditary in the forest area and the farming has been done by complying with rotation tradition set by their group.

Paragraphs (4) and (5)

Sufficiently clear.

Article 12

Letter a

Referred to as "forest utilization permit" is a permit to use forest in production forest in the form of land use permit, environmental service use permit, wood product use permit, non-wood product use permit, wood product collection permit or non-wood product collection permit.

Letter b

Referred to as "felling trees in forest land without a permit" is the felling of trees which is done based on a forest use permit which is obtained illegally, namely from the official who has no authority

to issue a forest use permit.

Letter c

Sufficiently clear.

Letter d

Referred to as "load" is loading something into transport means.

Letter e

Sufficiently clear.

Letter f

Referred to as "instruments commonly used to fell, cut or divide trees", excluded from this provision are tools such as machete, sword, or the like carried by local people according to the cultural tradition and characteristics of their region."

Letter g up to letter m

Sufficiently clear.

Article 13

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Referred to as "activity which has inevitable strategic goal" is activity prioritized must be done at that time because there is no other choice and the activity has an important impact on state sovereignty,

state defense and security, economic, social, cultural and/or environmental growth. For instance, the development of pier or bridge in the river flowing through forest land.

#### Article 14

Sufficiently clear.

#### Article 15

Referred to as "wood forest product transport document" includes letter of the legality of forest product, list of logs, list of processed wood, log transport invoice, and processed wood transport invoice.

#### Article 16

Transport mode is considered to have transported forest products if part or all of forest products has been loaded to the transport mode to be sent or moved to other place.

Referred to as "conducting transportation" is the process starting from the process of carrying, loading, and transporting forest products aboard transport mode and transport mode carrying forest product moving to destination place and unloading, or releasing forest products from transport mode.

In addition to forest products not accompanied by a letter of legality of forest product, transport mode, either land or water transport mode, used to transport the said forest products is seized for the state, so that the owners of transport mode also take

responsibility for the validity of the forest products transported.

#### Article 17

Sufficiently clear.

#### Article 18

##### Paragraph (1)

Referred to as "administrative sanction" is a sanction imposed on non-permit violation and permit holder. Administrative sanction imposed on non-permit violation comes in the form of compensation according to the level of damage caused to the state in the form of rehabilitation cost, forest restoration or other necessary step.

Administrative sanction imposed on permit holder comes in the form of fines, suspended activity, or revocation.

##### Letter a

Referred to as "government coercion" is a legal step taken by the government to force companies/legal entities to restore forest as a result of their activities to destroy forest because they do not meet the law and regulation.

##### Letter b

Referred to as "penalty payment" is a certain sum of money paid by legal entity or corporation violating the law and regulation as a substitute to the execution of sanction in the form of government coercion.

Letter c

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 19 up to Article 21

Sufficiently clear.

Article 22

Referred to as "obstructing" is any attempt to slow down the process, conceal the case, and deny access to data and information.

Article 23

Sufficiently clear.

Article 24

Letters a and b

Sufficiently clear.

Letter c

Referred to as "transferring" or "selling a permit" is limited to the transfer of a utilization permit from permit holder to other party through sale and purchase, but it does not include acquisition.

Article 25

Referred to as "facility and infrastructure of forest protection" include patrol road, guarding post, ban board, static communication means, transport

means, border pole, and forest safeguard means.

Article 26

Referred to as "outer pole of forest land" is a border pole in the form of border monument and buoy.

Referred to as "border pole of forest land function" is border monument or border pole.

Referred to as "border of forest land touching state border" is a border monument or border pole, and buoy touching the state border.

Article 27

Referred to as "action" includes reporting, taking legal action and stopping an act.

Article 28

Letters a and b

Sufficiently clear.

Letter c

Referred to as "harboring" is an act that can obstruct the investigation of culprit found to have been put in the wanted list, including concealing culprit.

Letter d

Referred to as "helping" is deliberately helping a crime and/or deliberately giving a chance and facility to commit an illegal logging crime.

Letter e up to letter h

Sufficiently clear.

Article 29 up to Article 36

Sufficiently clear.

Article 37

Letter a

Sufficiently clear.

Letter b

Point 1

Referred to as "electronic information" is information uttered, sent, received or stored electronically using an optic instrument or the like.

Point 2

Referred to as 'electronic document' is data, recording, or information that can be watched, read, and/or heard, and can be released with or without the help of facility, either that put on paper, any physical item other than paper, or that recorded electronically in the form of :

- a) text, sound or picture;
- b) map, draft, photograph, or the like; and/or
- c) letters, marks, figures, symbols, or perforation which has a meaning or can be understood by people who can read and understand.

Point 3

Sufficiently clear.

Article 38

Sufficiently.

Article 39

Letter a up to letter c

Sufficiently clear.

Letter d

Referred to as "area which is difficult to reach because of natural and geographical factors or transportation" is an area which geographically has transportation limitation because it can be reached more than 3 x 24 hours.

Letter e

Sufficiently clear.

Article 40

Paragraphs (1) and (2)

Sufficiently clear.

Paragraph (3)

Referred to as "found item" is evidence that is not and/or has not been known by its owner.

Paragraph (4)

Referred to as "confiscated evidence" is evidence seized from its owner and/or the person controlling it.

## Paragraphs (5) and (6)

Sufficiently clear.

## Article 41

Sufficiently clear.

## Article 42

Referred to as "the law and regulation" are the law and regulation on personnel discipline and official responsibility.

## Article 43

Sufficiently clear.

## Article 44

## Paragraph (1)

Referred to as "wood evidence" is found wood or confiscated wood.

## Paragraph (2)

Referred to as "public interest or social interest" is interest used among others as assistance in mitigating natural disaster, public infrastructure, and houses as well as facility and infrastructure for the poor.

## Paragraph (3)

Sufficiently clear.

## Paragraph (4)

Wood evidence includes item which can eas-

ily be damaged and requires high cost to keep it so that it will unlikely be kept until the court's verdict related to the case has fixed legal force.

## Paragraph (5)

Sufficiently clear.

## Article 45

Sufficiently clear.

## Article 46

## Paragraph (1)

Sufficiently clear.

## Paragraph (2)

Referred to as 1 (one) cycle is a period of time since the trees are planted until they are not productive economically.

## Paragraph (3)

Referred to as the word "can" is that the government must not necessarily assign state-owned companies to use plantation but can also conduct reforestation according to its function.

Referred to as "assignment" is authority given by the state to state-owned companies which have competency to manage plantations.

## Paragraph (4)

Sufficiently clear.

Article 47

Paragraph (1)

Referred to as "method of loading capacity survey" is a method of fixing the quantity of goods loaded onto a ship or unloaded by calculating net displacement of ship based on the Archimedes principle.

Referred to as "ship figure scale reading" is inspecting the quantity (volume and/or weight) of wood forest products on ship (on or inside the hold of a ship), except on or inside the hold of wooden motor boat.

Paragraph (2)

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Paragraph (1) up to Paragraph (3)

Sufficiently clear.

Paragraph (4)

Referred to as "affiliates" are parties that have relations/ties with the suspect because of :

- a. kinship/familial relationship by marriage and descent up to second degree, either horizontally or vertically;
- b. business and/or work relationship or party influencing the company owned by the suspect, such as employee, director, commissioner of the company owned by the suspect, or the company of which the suspect is shareholder, or commission-

er, or other parties having business relationship in wood, plantation product or mining product trading with the suspect, and/or

- c. relationship as a party providing services to the suspect, such as corporate consultant, law consultant or public accountant.

Paragraph (5)

Having skill and certificates such as scaler, grader, appraiser and accountant.

Article 50 up to Article 53

Sufficiently clear.

Article 54

Paragraphs (1) and (2)

Sufficiently clear.

Paragraph (3)

Letter a up to letter c

Sufficiently clear.

Letter d

Referred to as "other relevant elements" include relevant ministries, experts, academics and the public.

Paragraph (4)

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56



## Paragraph (1)

Letter a up to letter c

Sufficiently clear.

## Letter d

Referred to as "integrated" is that the forest destruction eradication information system can be accessed altogether by relevant law enforcement institutions with the database connected from one to another.

## Letter e

Sufficiently clear.

## Letter f

Referred to as "among law enforcement institutions" are among others the Police of the Republic of Indonesia, the Attorney General's Office, the Corruption Eradication Commission, PPNS, and the Forestry Police.

## Letters g and h

Sufficiently clear.

## Paragraph (2)

Sufficiently clear.

## Article 57

Referred to as "the House of Representatives of the Republic of Indonesia" is the unit at the body in charge of overseeing forestry affairs.

## Article 58 up to Article 60

Sufficiently clear.

## Article 61

Letter a up to letter e

Sufficiently clear.

## Letter f

Examples of other activities include assisting in the arrest of the culprits of forest destruction.

## Article 62 up to Article 64

Sufficiently clear.

## Article 65

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Referred to as "good relations based on reciprocal principles" are friendship based on national interests and principles of equality, mutual benefit, and mutual attention, either national or international law.

## Article 66 up to Article 70

Sufficiently clear.

## Article 71

Letter a up to letter e

Sufficiently clear.

Letter f

Referred to as "asset from forest destruction criminal offense" is wealth obtained directly or indirectly from forest destruction activities, including wealth converted, altered or combined with wealth produced or obtained directly from forest destruction, income, capital or other economic gains obtained from the wealth all the time since the forest destruction criminal offense is committed.

Article 72 up to Article 75

Sufficiently clear.

Article 76

Referred to as "special protection" covers security protection and legal protection.

Article 77

Sufficiently clear.

Article 78

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Providing information without good intention referred to herein includes providing false information, fake oath, and conspiracy.

Article 79 up to Article 81

Sufficiently clear.

Article 82

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Referred to as "living in and/or around forest land" is that an individual lives in and/or around forest land whose livelihood relies on forest land.

Paragraph (3)

Sufficiently clear.

Article 83 up to Article 108

Sufficiently clear.

Article 109

Paragraph (1) and (2)

Sufficiently clear.

Paragraph (3)

The criminal responsibility for the executive board of corporation is limited, provided the executive board has functional position in the organizational structure of the relevant corporation.

Paragraph (4) up to Paragraph (6)

Sufficiently clear.

Article 110 up to Article 114

Sufficiently clear.

SUPPLEMENT TO STATUTE BOOK OF THE  
THE REPUBLIC OF INDONESIA NO. 5432

(S)