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**REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF
INDONESIA NUMBER 57 OF 2016**

CONCERNING

**AMENDMENT TO GOVERNMENT REGULATION NUMBER 71 OF 2014
CONCERNING PEATLAND ECOSYSTEM PROTECTION AND
MANAGEMENT**

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. whereas peat is a vulnerable ecosystem and has been damaged by forest and land fires by 2015, so intensive efforts should be made to protect and manage it;
- b. that the Government Regulation Number 71 Of 2014 concerning Peat Ecosystem Protection and Management needs to be improved in accordance with the development and public legal needs;
- c. whereas based on the considerations as referred to in letters a and b, it is necessary to stipulate a Government Regulation concerning

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Amendment to Government Regulation Number 71 Of 2014 concerning Peat Ecosystem Protection and Management.

In view of:

1. Article 5 paragraph (2) of the 1945 Constitution of the State of the Republic of Indonesia;
2. Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);
3. Government Regulation Number 71 of 2014 concerning Peat Ecosystem Protection and Management (State Gazette of the Republic of Indonesia of 2014 Number 209, Supplement to the State Gazette of the Republic of Indonesia Number 5580)

HAS DECIDED:

To stipulate:

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GOVERNMENT REGULATION CONCERNING AMENDMENT TO
GOVERNMENT REGULATION NUMBER 71 OF 2014 CONCERNING PEAT
ECOSYSTEM PROTECTION AND MANAGEMENT.

Article I

Several provisions of Government Regulation Number 71 of 2014 on Peat Ecosystem Protection and Management (State Gazette of the Republic of Indonesia Of 2014 Number 209, Supplement to State Gazette of the Republic of Indonesia Number 5580), shall be amended as follows:

1. The provisions of point 2 of Article 1 shall be amended so as to read as follows:

Article 1

Referred to herein as:

1. Peat Ecosystem Protection and Management shall be a systematic and integrated measure undertaken to preserve the functions of Peat Ecosystems and prevent the destruction of the Peat Ecosystem which includes planning, utilization, controlling, maintaining, supervision and law enforcement

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2. Peat shall be naturally formed organic materials of plant residues decomposed imperfectly with a thickness of 50 (fifty) centimeters or more and accumulates in swamps
 3. Peat Ecosystem shall be the order of Peat elements which shall be a single entity that influences each other in forming balance, stability, and productivity
 4. Peat Hydrological Unity shall be a Peat Ecosystem located between 2 (two) rivers, between a river and a sea, and / or at a swamp
 5. Minister shall be the minister who conducts government affairs in the field of environmental protection and management.”
2. the provision paragraph (3) Article 9 shall be amended to read as follows:

Article 9

- (1) The determination of the Peat Ecosystem Function as referred to in Article 4 letter b shall be undertaken by the Minister after coordinating with
 - a. The minister who administers governmental affairs in the field of forestry and the minister who administers government

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affairs in the field of water resources and spatial planning, in case that the peat ecosystem which has been determined is located in a forest area; and

- b. The minister who administers government affairs in the field of water resources and spatial planning, in case that the Peat Ecosystem which has been determined is located outside a forest area
- (2) The Peat Ecosystem functions as referred to in paragraph (1) shall include:
 - a. protection functions of the peat ecosystem; and
 - b. cultivation functions of the Peat ecosystem.
 - (3) The Minister shall determine the protection function of the Peat Ecosystem of at least 30% (thirty percent) of the total area of the Peat Hydrological Unity which shall be located starting from 1 (one) or more Peat Dome peaks.
 - (4) In case that beyond the 30% (thirty percent) of the total area of the Peat Hydrological Unity as referred to in paragraph (3) there are:
 - a. Peat with a thickness of 3 (three) meters or more;
 - b. specific and / or endemic germplasm;

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- c. protected species in accordance with the laws and regulations;
and / or
 - d. Peat ecosystem located in a protected area as defined in the spatial plan, protected forest area, and conservation forest area, the Minister shall determine it as protection functions of the Peat ecosystem
- (5) The area of the Peat Hydrological Unity as referred to in paragraph (3) and paragraph (4) shall be based on the final map of the Peat Hydrological Unity as referred to in Article 7
- (6) In case that Peat Ecosystem does not meet the provisions referred to in paragraph (3) and paragraph (4), the Minister shall determine it as the cultivation functions of the peat ecosystem.”
3. The provisions of paragraph (2) letter b of Article 10 shall be amended and letter c shall be deleted so that Article 10 shall read as follows:

Article 10

- (1) The functions of the Peat Ecosystem determined by the Minister as protection functions and cultivation functions of the peat ecosystem as referred to in Article 9 shall be presented as a map of Peat ecosystem functions.

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- (2) The map of the Peat Ecosystem functions as referred to in paragraph (1) shall consist of the following:
- a. National map of the Peat Ecosystem functions presented with a minimum scale of 1: 250,000;
 - b. Provincial and regency/city map of the Peat Ecosystem functions of the presented with a minimum scale of 1:50.000
 - c. Deleted.
4. The provisions of paragraph (4) of Article 11 shall be amended, paragraph (5) and paragraph (6) shall be deleted, so that Article 11 shall read as follows:

Article 11

- (1) A peat ecosystem with cultivations functions can be converted into a Peat Ecosystem with protection functions
- (2) The changes to the functions of the Peat Ecosystem as referred to in paragraph (1) shall be:
 - a. done by the Minister; or

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- b. based on the proposal of the governor or regent / mayor in accordance with their authority to the Minister.
- (3) The changes of the function of the Peat Ecosystem as referred to in paragraph (1) may be made in case that:
- a. the peat ecosystem meets the provisions referred to in Article 9 paragraph (4) letter c and letter d;
 - b. there is of ecological urgency to undertake measures to prevent or restore environmental damage to and / or around the Peat Ecosystem; and/or
 - c. there is of ecological urgency to make measures to reserve Peat Ecosystem in province or regency / city.
- (4) The changes to the functions of the Peat Ecosystem as referred to in paragraph (1) shall be stipulated by the Minister after coordinating with the minister that administers government affairs in the field of water resources, the minister that administers government affairs in spatial planning, relevant minister, governor and / mayor according to their authority
- (5) Deleted.
- (6) Deleted.

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5. The provisions of (3) Article 14 shall be amended to read as follows:

Article 14

- (1) The preparation of the Peat Ecosystem Protection and Management plans as referred to in Article 4 letter c shall include the following
 - a. national peat ecosystem protection and management plans;
 - b. provincial peat ecosystem protection and management plans; and
 - c. regency/city peat ecosystem protection and management plans
- (2) The national peat ecosystem protection and management plans as referred to in paragraph (1) letter a shall be prepared for cross-provincial protection and management of peat ecosystems
- (3) The provincial peat ecosystem protection and management plans as referred to in paragraph (1) letter b shall be prepared for cross-regency/city protection and management of peat ecosystems
- (4) The regency/city peat ecosystem protection and management plans as referred to in paragraph (1) letter a shall be prepared for

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the protection and management of peat ecosystems within the territory of a regency/city.

6. The provisions of paragraph (1), paragraph (2), paragraph (3) and paragraph (4) Article 16 shall be amended to read as follows:

Article 16

- (1) The national peat ecosystem protection and management plans as referred to in Article 15 paragraph (1) shall be prepared and stipulated by the Minister after coordinating with:
- a. the minister that administers government affairs in the field of spatial planning;
 - b. the minister that administers government affairs in the field of water resources;
 - c. the minister that administers government affairs in the field of national planning and development; and
 - d. other related ministers.

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- (2) The provincial peat ecosystem protection and management plans as referred to in Article 15 paragraph (2) shall be prepared and stipulated by the governor in accordance with his authority.
 - (3) The city/regency peat ecosystem protection and management plans as referred to in Article 15 paragraph (3) shall be prepared and stipulated by the regent/mayor in accordance with his authority.
 - (4) The stipulation of the Peat Ecosystem Protection and Management plans by the governor or regent / mayor as referred to in paragraph (2) and paragraph (3) shall first be technically consulted and approved by the Minister.
7. The provisions of paragraph (2) Article 17 shall be amended to read as follows:

Article 17

- (1) The Peat Ecosystem Protection and Management Plans shall at least contain the following plans:
 - a. utilization and / or reserve of the Peat Ecosystem;
 - b. maintenance and protection of quality and / or function of the Peat Ecosystem;

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- c. control, monitoring and utilization and conservation of the Peat Ecosystem; and
 - d. adaptation and mitigation to climate change
- (2) The Peat Ecosystem Protection and Management Plans as referred to in paragraph (1) shall pay attention to the following:
- a. diversity of character and ecological functions;
 - b. distribution of potential natural resources;
 - c. climate change;
 - d. population distribution;
 - e. local wisdom;
 - f. people's aspirations;
 - g. regional spatial plans and
 - h. Peat Ecosystem damage recovery measures.
- (3) The Peat Ecosystem Protection and Management Plans shall be part of the environmental protection and management plans.”
8. The provisions of paragraph (2) Article 18 shall be amended to read as follows:

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Article 18

- (1) In case that a peat ecosystem with cultivation functions is converted into a peat ecosystem with protection functions as referred to in Article 11, the Peat Ecosystem Protection and Management plans as referred to in Article 16 shall be amended.
- (2) The change of the Peat Ecosystem Protection and Management Plans undertaken by the governor or regent / mayor must first be technically consulted and be approved by the Minister”

9. Between Article 22 and Article 23 shall be inserted 1 (one) article, namely Article 22A that reads as follows:

Article 22A

1. The prevention of the Peat Ecosystem damage as referred to in Article 22 paragraph (2) letter a shall be conducted by the following measures:
 - a. preparation of technical regulations;
 - b. early detection system development;
 - c. strengthening of government institutions and community resilience;

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- d. increased legal awareness of the people; and / or
 - e. security of fire-prone and fire-prone areas.
2. The preparation of the technical regulations as referred to in paragraph (1) letter a shall include the following:
- a. application of the Peat Hydrological Unity as referred to in Article 7;
 - b. determination of the function of protection and function of cultivation especially Peat Hydrological Unity as referred to in Article 9 through Article 12; and
 - c. implementation of evaluation and audit of permit for peat land use.
3. The development of the early detection system as referred to in paragraph (1) letter b shall include the following measures:
- a. installation of instantaneous and continuous air quality monitoring devices and utilization of various early detection technologies;
 - b. information processing from various sources including reports from public; and
 - c. notification to the public regarding the potential for land and forest fires.

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4. The strengthening of government institutions and community resilience as referred to in paragraph (1) letter c shall include the following measures:
 - a. strengthening of central and regional coordination as regulated in the legislations;
 - b. institutional strengthening of site-level Forest Management Units (KPH) management agency;
 - c. inclusion of elements of the society, including fire-caring community, village community groups, community organizations, and volunteers in accordance with the provisions of the legislation;
 - d. institutional strengthening of schools in areas prone to land and forest fires with the formation of groups of environmental caring students fostered by local governments; and
 - e. training, mentoring, access to public information, and partnership patterns and building innovative social and environmental responsibility utilization mechanisms in order to improve public economy.”

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10. The provisions of paragraph (3) sub-paragraph a of Article 23 shall be amended and supplemented by 3 (three) paragraphs namely paragraph (4), paragraph (5), and paragraph (6), so that Article 23 shall read as follows:

Article 23

- (1) Peat Ecosystems Damage may occur at:
 - a. Peat ecosystems with protection functions; and
 - b. Peat ecosystems with cultivation functions.
- (2) A peat ecosystem with protection functions shall be declared to be damaged when it exceeds the damage criteria as follows:
 - a. there is artificial drainage in the Peat Ecosystem with determined protection functions;
 - b. exposure of pyrite and / or quartz sediments beneath the Peat layer; and / or
 - c. reduction in the area and / or volume of land cover in the Peat Ecosystem with determined protection functions.
- (3) A Peat ecosystem with cultivation functions shall be declared damaged if it meets the damage criteria as follows:

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- a. the groundwater level at the Peat land is more than 0.4 (zero point four) meters beneath the Peat surface at the compliance point; and / or
 - b. exposure of pyrite and / or quartz sediments beneath the Peat layer
- (4) The groundwater measurement as referred to in paragraph (3) letter a shall be carried out at the compliance points which have been determined.
 - (5) The determination of the compliance points as referred to in paragraph (4) shall be based on land characteristics, topography, water management zone, canal and / or water building.
 - (6) The provisions concerning the procedures for measuring the water level at the compliance point shall be regulated in a Ministerial Regulation.”
11. The provisions of letter a and letter c of Article 26 shall be amended and supplemented with 1 (one) paragraph namely paragraph (2), so that Article 26 shall read as follows:

Article 26

- (1) Any person shall be prohibited from:

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- a. land clearing until the establishment of zoning for protection functions and cultivation functions in the Peat Ecosystem area for certain crops;
 - b. making drainage channels that causing drought the Peat;
 - c. burning Peatland and / or ignoring the the burning; and / or
 - d. doing other activities resulting in exceeding the standard criteria of the Peat Ecosystem damage as referred to in Article 23 paragraph (2) and paragraph (3).
- (2) Further provisions on certain crops as referred to in paragraph (1) letter a shall be governed by a Ministerial Regulation.”
12. The provisions of paragraph (3) dan paragraph (4) Article 30 shall be amended to read as follows:

Article 30

- (1) The responsible business and/or activity that utilizing Peat Ecosystem causing damage to the Peat Ecosystem inside or outside the business and / or activity area shall perform recovery according to the obligations in the environmental permit
- (2) The recovery inside and outside the business area and / or activity as referred to in paragraph (1) shall be executed by the

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responsible business and/or activity for the damage as referred to in Article 27 paragraph (2)

- (3) The Recovery shall be carried out by:
- a. natural succession;
 - b. rehabilitation;
 - c. restoration; and / or
 - d. other ways in accordance with the development of science and technology.
- (4) Further provisions on the criteria for recovering the functions of the Peat Ecosystem shall be governed by a Ministerial Regulation.

13. Between Article 30 and Article 31 shall be inserted 1 (one) article, namely Article 30A, so that it shall read as follows:

Article 30A

- (1) The Restoration as referred to in Article 30 paragraph (3) letter c shall be conducted by the following measures:
- a. application of restoration techniques includes regulation of water level at site level;

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- b. construction work, operation and maintenance which includes the arrangement of Peat rewetting infrastructure; and / or
 - c. application of cultivation according to local wisdom.
- (2) The restoration as referred to in paragraph (1) shall be carried out by considering research and development by taking into account and following the development of science and international perspectives.
- (3) The provisions concerning technical guidelines for the implementation of activities as referred to in paragraph (1) shall be governed by a Ministerial Regulation.”
14. Between Article 31 and Article 32 shall be inserted 2 (two) articles, namely Article 31A and Article 31B that read as follows:

Article 31A

In case that the recovery as referred to in Article 31 shall be the result of fire and the responsible business and/or activity does not conduct the recovery of the function of the Peat Ecosystem as referred to in Article 30 within 30 (thirty) days since the occurrence of the fire, the Minister, Governor, and regent / mayor shall coordinate the recovery

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of the function of Peat Ecosystems at the expense of the responsible business and/or activity with regard to the field implementation.

Article 31B

- (1) In case of peat burning in the business and / or activity permit area, the Government shall take rescue action and temporarily takeover the fire area.
- (2) The temporary takeover of the fire area shall be carried out for verification by the Minister.
- (3) The verification results can be:
 - a. further measures by the responsible business and / or activity; and
 - b. reduction of the business and / or activity permit area.
- (4) The provisions concerning the procedure for expropriation of the area of fire by the Government as referred to in paragraph (1) shall be governed by a Ministerial Regulation.”

15. Between Article 32 and Article 33 shall be inserted 1 (one) article, namely Article 32A that reads as follows:

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Article 32A

- (1) The recovery of the ecosystem functions of a land and peat forest in areas other than those referred to in Article 30 shall be the responsibility of the Government.
- (2) The recovery of the ecosystem functions of a land and peat forest in other use areas shall be the responsibility of the regional Government.
- (3) The recovery of the ecosystem functions of a peat land and forest owned by indigenous communities and or tribal peoples shall be the responsibility of indigenous communities or tribal peoples.”

16. The provisions of paragraph (1) Article 44 shall be amended to read as follows:

Article 44

- (1) The responsible business and/or activity utilizing Peat Ecosystem and violates the provisions of Article 30, Article 31 and Article 31A shall be subject to administrative sanctions in the form of government coercion as referred to in Article 40 paragraph (3).

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- (2) In case that the responsible business and/or activity conducting the utilization of the Peat Ecosystem does not perform the government coercion as referred to in paragraph (1), the Minister, governor or regent / mayor shall impose administrative sanctions in the form of suspension of the environmental permit.
- (3) In case that the responsible business and/or activity utilizing Peat Ecosystem does not comply with the provisions in the suspension of environmental permit as referred to in paragraph (2), the Minister, governor or regent or mayor in accordance with their authority shall impose administrative sanction in the form of revocation of the environmental permit.
- (4) Further provisions on the criteria and duration of compliance with the provisions of government coercion, suspension of environmental permit and revocation of environmental permit shall be governed by a Ministerial Regulation.”

Article II

This Government Regulation shall come into force as of its stipulation date.

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For public cognizance, hereby ordering the promulgation of this Government Regulation by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta on December 2,
2016

THE PRESIDENT OF THE REPUBLIC
OF INDONESIA,

Signed

JOKO WIDODO

Promulgated in Jakarta,
On December 6, 2016

THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

Signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER
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AMENDMENT TO GOVERNMENT REGULATION NUMBER 71 OF 2014 CONCERNING PEAT ECOSYSTEM PROTECTION AND MANAGEMENT

I. GENERAL

As of October 2015, forest and land fires in Indonesia has reached an area of 1.7 (one point seven) million hectares. One of the causes of forest and land fires is errors in the management of peatlands for business activities.

In accordance with the character of peat ecosystem, Peat hydrological area shall be an area that should not be disturbed and cannot be used for utilization that interferes with the hydrological unity functions of the Peat Hydrological Unit.

The facts show that the largest fires of peat lands are found especially in South Sumatra and Central Kalimantan provinces and partly in Riau, Jambi and South Kalimantan Provinces which shows the difficult measures to put out the fire.

Based on the above, it shall be necessary to amend Government Regulation Number 71 of 2014 concerning Peat Ecosystem Protection and Management.

II. ARTICLE DEMI ARTICLE

Article I

Point 1

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Article 1

Self explanatory.

Point 2

Article 9

Paragraph (1)

Self explanatory.

Paragraph (2)

Self explanatory.

Paragraph (3)

Self explanatory.

Paragraph (4)

Letter a

Self explanatory.

Letter b

The meaning of "endemic germplasms" shall be the genetic resources that shall be only found in a region, location, specific habitat type, or a certain island, and naturally cannot be found elsewhere.

Letter c

Self explanatory.

Letter d

Self explanatory.

Paragraph (5)

Self explanatory.

Paragraph (6)

Self explanatory.

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Point 3

Article 10

Self explanatory.

Point 4

Article 11

Paragraph (1)

Self explanatory.

Paragraph (2)

Self explanatory.

Paragraph (3)

Letter a

Self explanatory.

Letter b

The meaning of "ecological urgency" includes peat ecosystem that has been burnt and damaged.

Letter c

Self explanatory.

Paragraph (4)

Self explanatory.

Paragraph (5)

Deleted.

Paragraph (6)

Deleted.

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Point 5

Article 14

Self explanatory.

Point 6

Article 16

Self explanatory.

Point 7

Article 17

Paragraph (1)

Self explanatory.

Paragraph (2)

Letter a

Self explanatory.

Letter b

Self explanatory.

Letter c

Self explanatory.

Letter d

Self explanatory.

Letter e

Self explanatory.

Letter f

Self explanatory.

Letter g

Self explanatory.

Letter h

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The meaning of "Peat ecosystem damage" shall be partly caused by forest and land fires.

Paragraph (3)

Self explanatory.

Point 8

Article 18

Self explanatory.

Point 9

Article 22A

Self explanatory.

Point 10

Article 23

Paragraph (1)

Self explanatory.

Paragraph (2)

Letter a

Self explanatory.

Letter b

The meaning of "exposure of pyrite sediments" shall be pyrite sediment protruding or exposed to the oxidation zone or is no longer submerged in water.

The meaning of "exposure of quartz sediments" shall be the exposure of quartz to the surface

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or the quartz is longer covered by the Peat layer.

Letter c

Self explanatory.

Paragraph (3)

Letter a

The meaning of "organization points" shall be the locations determined as the monitoring point of the groundwater level on peat land.

Letter b

Self explanatory.

Paragraph (4)

Self explanatory.

Paragraph (5)

Self explanatory.

Paragraph (6)

Self explanatory.

Point 11

Article 26

Paragraph (1)

Letter a

Self explanatory.

Letter b

The meaning of "drainage" shall be a channel that directly drains the water out of the Peat

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Hydrological Unity, for example direct water flow from the Peat Hydrological Unity to a river or sea.

Letter c

The imposition of sanctions on "ignoring burning" shall be applied in accordance with the provisions of the legislations.

Letter d

Self explanatory.

Paragraph (2)

Self explanatory.

Point 12

Article 30

Paragraph (1)

"Damage to the Peat Ecosystem" shall be partly caused by peat fires or natural disasters.

Paragraph (2)

Self explanatory.

Paragraph (3)

Letter a

The meaning of "natural succession" shall be recovery without human intervention.

Letter b

The meaning of Rehabilitation shall be a recovery effort to restore the function of and improve peat ecosystem through revegetation.

Letter c

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The meaning of "restoration" shall be the recovery effort to make the Peat Ecosystem function or its parts work again as before.

Letter d

Self explanatory.

Paragraph (4)

Self explanatory.

Point 13

Article 30A

Self explanatory.

Point 14

Article 31A

Self explanatory.

Article 31B

Self explanatory.

Point 15

Article 32A

Self explanatory.

Point 16

Article 44

Self explanatory.

Article II

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Self explanatory.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC
OF INDONESIA NUMBER 5957**

I, **Anang Fahkcrudin**, a sworn and authorized translator, by virtue of Jakarta Capital Territory Governor's Decree No. **2228/2011**, practicing in Jakarta, Jakarta, April 23, 2018 do solemnly and sincerely declare that the foregoing document is a true and faithful translation from Indonesian into English of the original version.

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