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-1-

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**REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF
INDONESIA NUMBER 71 OF 2014**

CONCERNING

PEAT ECOSYSTEM PROTECTION AND MANAGEMENT

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

Whereas to implement the provisions of Article 11, Article 12, Article 21 paragraph (3) letter f and paragraph (5), Article 56, Article 57 paragraph (5), Article 75, and Article 83 Law Number 32 of 2009 concerning Environmental Protection and Management, it is necessary to stipulate Government Regulation 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).

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-2-

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HAS DECIDED:

To Stipulate:

GOVERNMENT REGULATION CONCERNING PEAT ECOSYSTEM
PROTECTION AND MANAGEMENT.

CHAPTER I
GENERAL PROVISIONS
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 Ecosystems which includes planning, utilization, controlling, maintaining, supervision and law enforcement.
2. Peat shall be naturally formed organic materials of plant residues decomposed imperfectly and accumulates in swamps.
3. Peat Ecosystem shall be the order of Peat elements constituting one 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.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-3-

[SWORN TRANSLATION]

5. Minister shall be the minister who conducts government affairs in the field of environmental protection and management.

Article 2

- (1) The environmental protection and management shall include the protection and management of the following ecosystems:
- a. soil for biomass production;
 - b. Coral reefs;
 - c. mangrove;
 - d. seagrass beds;
 - e. peat;
 - f. karst; and / or
 - g. others in accordance with the development of science.
- (2) This Government Regulation shall only govern Peat Ecosystem Protection and Management.
- (3) The provisions on the ecosystem protection and management as referred to in paragraph (1) a, b, c, d, f and g shall be governed by a separate Government Regulation.

Article 3

The Peat Ecosystem Protection and Management as referred to in Article 2 paragraph (2) shall include:

- a. planning;
- b. utilization;

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-4-

[SWORN TRANSLATION]

- c. control;
- d. maintenance;
- e. supervision; and
- f. administrative sanctions.

CHAPTER II PLANNING

Part One General Provisions Article 4

The planning for the Peat Ecosystem Protection and Management shall be done through the following stages:

- a. Peat Ecosystem inventory;
- b. Peat Ecosystem function determination; and
- c. Peat Ecosystem Protection and Management plan preparation and stipulation.

Part Two Peat Ecosystem Inventory Article 5

- (1) The Peat Ecosystem Inventory as referred to in Article 4 letter a shall be implemented through:
 - a. satellite imagery; and / or

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-5-

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- b. aerial photos.
- (2) The implementation of the inventory as referred to in paragraph (1) shall be conducted by considering the indicative map of the national peat ecosystem distribution as contained in the Appendix which shall be an integral part of this Government Regulation.
- (3) The Peat Ecosystem Inventory as referred to in paragraph (1) shall be implemented by the Minister.

Article 6

- (1) The satellite imagery and / or aerial photo as referred to in Article 5 paragraph (1) shall be interpreted by the stages as follows:
 - a. delineating radiometrically and geometrically corrected radiographic and satellite imagery and / or aerial photos to determine the location and boundary of the Peat Hydrological Unity; and
 - b. transferring the delineation of the satellite imagery and / or aerial photos into a tentative map of the Peat Ecosystem Hydrological Unit with a minimum scale of 1: 250,000.
- (2) The results of satellite image and / or aerial photograph interpretation as referred to in paragraph (1) shall be verified through field survey activities.
- (3) The field survey as referred to in paragraph (3) shall be conducted to verify :
 - a. the presence of the Peat Hydrological Unity; and
 - b. characteristics of the Peat ecosystem.
- (4) The verification results as referred to in paragraph (3) shall be evaluated to obtain a final map of the Peat Hydrological Unity.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-6-

[SWORN TRANSLATION]

- (5) The final map of the Peat Hydrological Unity as referred to in paragraph (4) shall be presented on a minimum scale of 1: 250,000.

Article 7

- (1) The final map of the Peat Hydrological Unity shall at least contain data and information on the following:
- a. location, existence and area of the Peat Hydrological Unity;
 - b. Physical, chemical, biological, hydrotopographic, and sedimentary characteristics beneath the Peat covering the following:
 1. point or coordinate location;
 2. land elevation;
 3. ground water, puddles, or floods;
 4. land cover, land use, and condition;
 5. existence of protected flora and fauna;
 6. natural and artificial drainage conditions;
 7. water quality;
 8. type of overflow;
 9. Peat thickness;
 10. proportion of weight of peat material;
 11. development of peatland conditions or level of damage;
 12. Characteristics of the Substrate beneath the Peat layer and
 13. soil characteristics and pyrite layer depth.
- (2) The final map of the Peat Hydrological Unity as referred to in paragraph (1) shall be used as reference to determine the Peat Ecosystem function.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-7-

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Article 8

Further provisions on the procedures for carrying out an inventory of the Peat Ecosystem shall be regulated by a Ministerial Regulation.

Part Three

Determination of Peat Ecosystem Function

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 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 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 and located at the peak of a Peat Dome and its surroundings.

ANANG FAHKCRUDIN
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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-8-

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- (4) In case that beyond the 30% (thirty percent) of the total area of the Peat Hydrological Unity as referred to in paragraph (3) still remind the followings :
- a. Peat with a thickness of 3 (three) meters or more;
 - b. specific and / or endemic germplasm;
 - 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 the Peat ecosystem protection functions area.
- (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 peat ecosystem cultivation functions.

Article 10

- (1) The Peat Ecosystem functions determined by the Minister as a 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.
- (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;

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-9-

[SWORN TRANSLATION]

- b. Provincial map of the Peat Ecosystem functions presented with a minimum scale of 1:100.000; and
- c. Regency/city map of the Peat Ecosystem functions presented with a minimum scale of 1:50.000.

Article 11

- (1) A peat ecosystem with cultivations functions can be converted into a Peat Ecosystem with protection functions.
- (2) The changes of the functions of the Peat Ecosystem as referred to in paragraph (1) shall be:
 - a. done by the Minister; or
 - 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 ecological urgency to undertake measures to prevent or restore environmental damage to and / or around the Peat Ecosystem and/or;
 - c. there is ecological urgency to make measures to reserve Peat Ecosystem in province or regency / city.
- (4) The changes of the functions of the Peat Ecosystem as referred to in paragraph (1) and paragraph (2) shall be determined by the Minister after coordinating with:
 - a. the minister who administers governmental affairs in the field of forestry and minister who conducts government affairs in the field of water resources, in case the changes of the function of

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-10-

[SWORN TRANSLATION]

- the Peat Ecosystem which has been determined is located in a forest area;
- b. the minister who administers government affairs in the field of water resources, in case that the changes ~~to~~ of the functions of the Peat Ecosystem which has been determined is located outside a forest area; and
 - c. the governor and / or regent / mayor according to their authority.
- (5) In implementing the coordination as referred to in paragraph (3), the Minister may form a assessment team for the changes of the Peat Ecosystem functions.
- (6) Further provisions concerning the procedures for forming the assessment team of the Peat Ecosystem function and procedures for proposing changes to the functions of Peat the Ecosystem by the governor or regent / mayor shall be governed by a Ministerial Regulation.

Article 12

The peat ecosystems which has been determined as the protection or cultivation functions shall be used as materials of the preparation and review of spatial plans and their detailed plans.

Article 13

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-11-

[SWORN TRANSLATION]

Further provisions on the procedures for determining the functions of the Peat Ecosystem shall be governed by the Ministerial Regulation upon coordination with the relevant minister.

Part Four
Preparation and Stipulation of Peat Ecosystem Protection and
Management Plans
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 a shall be prepared for the protection and management of peat ecosystems within the territory of a province.
- (4) The regency/city peat ecosystem protection and management plans as referred to in paragraph (1) letter a shall be prepared for the protection and management of peat ecosystems within the territory of a regency/city.

Article 15

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-12-

[SWORN TRANSLATION]

- (1) The national peat ecosystem protection and management plans as referred to in Article 14 paragraph (1) letter a shall be prepared based on the national peat ecosystem function map as referred to in Article 10 paragraph (2) letter a.
- (2) The provincial peat ecosystem protection and management plans as referred to in Article 14 paragraph (1) letter b shall be prepared based on:
 - a. The national peat ecosystem protection and management plans as referred to in paragraph (1); and
 - b. the Provincial map of the functions of the Peat Ecosystem as referred to in Article 10 paragraph (2) letter b.
- (3) The regency/city peat ecosystem protection and management plans as referred to in Article 14 paragraph (1) letter c shall be prepared based on:
 - a. The national peat ecosystem protection and management plans as referred to in paragraph (1);
 - b. The provincial peat ecosystem protection and management plans as referred to in paragraph (2); dan
 - c. The city/regency peat ecosystem protection and management plans as referred to in Article 10 paragraph (2) letter c.

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 who administers government affairs in the field of forestry; and

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TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-13-

[SWORN TRANSLATION]

- b. the minister who administers government affairs in the field of water resources and spatial planning.
- (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.
- (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.
- (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 obtain a technical recommendation from the Minister.

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;
 - 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. population distribution;
 - c. distribution of potential natural resources;
 - d. local wisdom;
 - e. public aspirations;

ANANG FAHKCRUDIN
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TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-14-

[SWORN TRANSLATION]

- f. climate change; and
 - g. regional spatial plans.
- (3) The Peat Ecosystem Protection and Management Plans shall be part of the environmental protection and management plans.

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 plan 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 shall receive a technical recommendation from the Minister.

Article 19

Further provisions on the procedures for the preparation, determination and amendment of the Peat Ecosystem Protection and Management Plans shall be governed by a Ministerial Regulation after coordination with the relevant minister.

CHAPTER III UTILIZATION Article 20

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-15-

[SWORN TRANSLATION]

- (1) The utilization of the Peat Ecosystem shall be carried out under the national and provincial and regency / city peat ecosystem protection and management plans as referred to in Article 16.
- (2) The utilization of the Peat Ecosystem as referred to in paragraph (1) may be carried out on a Peat ecosystem with protection functions and cultivation functions.
- (3) The utilization of the peat ecosystem as referred to in paragraph (2) shall be carried out by maintaining the hydrological functions of the peat.

Article 21

- (1) The utilization of the Peat Ecosystem at a Peat Ecosystem with protection functions as referred to in Article 20 paragraph (2) may be limited to the following activities:
 - a. research;
 - b. Science;
 - c. education; and / or
 - d. environmental services.
- (2) A Peat ecosystem with cultivation functions can be utilized for all activities in accordance with The Peat Ecosystem Protection and Management Plans.

CHAPTER IV CONTROL Part One General Provisions

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-16-

[SWORN TRANSLATION]

Article 22

- (1) Peat ecosystem damage control shall be carried out under the national, provincial and regency/city peat ecosystem protection and management plans as referred to in Article 16.
- (2) The Peat Ecosystem damage control shall consist of the following:
 - a. prevention of the Peat Ecosystem damage;
 - b. mitigation of the Peat Ecosystem damage; and
 - c. recovery of the Peat Ecosystem damage.

Part Two

Prevention of Peat Ecosystem Damage

Article 23

- (1) Peat Ecosystem Damage may occur at the following:
 - a. Peat ecosystems with protection functions; and
 - b. Peat ecosystem 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 prescribed protective 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 prescribed protection functions.
- (3) A Peat ecosystem with cultivation functions shall be declared damaged if it meets the damage criteria as follows:
 - a. the groundwater level at the Peat land is more than 0.4 (zero point four) meters beneath the Peat surface; and / or
 - b. exposure of pyrite and / or quartz sediments beneath the Peat layer.

ANANG FAHKCRUDIN
SWORN & AUTHORIZED
TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-17-

[SWORN TRANSLATION]

Article 24

- (1) The provisions on the standard criteria for Peat Ecosystem damage as referred to in Article 23 paragraph (3) shall be exempted for the Peat Ecosystem with a thickness less than 1 m (1 meter) at a Peat ecosystem with cultivation functions.
- (2) The standard criteria for Peat Ecosystem damage with a thickness less than 1 m (one meter) at a Peat ecosystem with the cultivation functions as referred to in paragraph (1) shall be stipulated in the environmental permit.

Article 25

- (1) The responsible business and/or activities utilizing peat ecosystem with cultivation functions that obliged to have environmental impact analysis or environmental management measures and environmental monitoring measures shall obtain environmental permit from the Minister, governor and / or regent / mayor according to their authority.
- (2) The requirements and procedures for the application for the environmental permit as referred to in paragraph (1) shall be implemented in accordance with the provisions of the legislations.

Article 26

Any person shall be prohibited from:

- a. land clearing in the Peat Ecosystem with protection functions;
- b. making drainage channels that causing drought to the Peat;
- c. burning peatlands; and / or

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SWORN & AUTHORIZED
TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-18-

[SWORN TRANSLATION]

- d. doing other activities resulting in exceeding the standard criteria for Peat Ecosystem damage as referred to in Article 23 paragraph (2) and paragraph (3).

Part Three

Peat Ecosystem Damage ~~Mithation~~ Mitigation

Article 27

- (1) The responsible business and/or activity utilizing Peat Ecosystem which causes damage to the Peat Ecosystem within or outside the business and / or activity area shall perform mitigation as per the obligation indicated in the environmental permit.
- (2) The mitigation of Peat Ecosystem damage as referred to in paragraph (1) shall be carried out by the responsible business and/or activity for the damage caused by:
- occurrence of peat fires;
 - exposure of pyrite and / or quartz sediments;
 - drainage construction causing drought to the Pea; and / or
 - land clearing in the Peat Ecosystem.
- (3) The mitigation of Peat Ecosystem damage as referred to in paragraph (2) shall be done by:
- fire fighting;
 - isolation of the areas in which the pyrite and / or quartz sediment is exposed;
 - building block or water control; and / or
 - other ways that do not have any negative impact to the Peat Ecosystem.

Article 28

ANANG FAHKCRUDIN
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TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-19-

[SWORN TRANSLATION]

In case that the responsible business and/or activity mitigate the damage as referred to in Article 27 within a period of 24 (twenty four) hours from the date of detection, the Minister, the governor or regent / mayor in accordance with their authority shall assign a third party to mitigate the damage to the Peat Ecosystem at the expense of the responsible business and/or activity.

Article 29

- (1) In case that the responsible business and/or activity perform mitigation, the cost charged to the responsible business and/or activity as referred to in Article 28 shall be considered as environmental losses.
- (2) The amount of the environmental losses as referred to in paragraph (1) shall be determined by an agreement between the Minister, the governor or the regent / mayor with the responsible business and/or activity.

Part Four

Recovery

Article 30

- (1) The responsible business and/or activity 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 within and outside the business area and / or activity as referred to in paragraph (1) shall be executed by the responsible

ANANG FAHKCRUDIN
SWORN & AUTHORIZED
TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-20-

[SWORN TRANSLATION]

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

- (3) Recovery shall be carried out by:
 - a. rehabilitation;
 - b. restoration; and / or
 - c. 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 regulated by a Ministerial Regulation.

Article 31

In case that the responsible business and/or activity does not restore the function of the Peat Ecosystem as referred to in Article 30 within 30 (thirty) days since the date of detection of the damage, the Minister, the Governor or the Regent / Mayor in accordance with their authority shall designate a third party to recover the functions of the Peat Ecosystem at the expenses of the responsible business and/or activity.

Article 32

- (1) In case that the responsible business and/or activity does not perform the recovery, the cost charged to the responsible business and/or activity as referred to in Article 31 shall be calculated as environmental losses.
- (2) The amount of environmental losses as referred to in paragraph (1) shall be determined by an agreement between the Minister, the governor or the regent / mayor and the business and/or activity.

ANANG FAHKCRUDIN
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TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-21-

[SWORN TRANSLATION]

CHAPTER V
MAINTENANCE
Article 33

The maintenance of the Peat Ecosystem as referred to in Article 17 paragraph (1) letter b shall be done through the measures as follows:

- a. Peat Ecosystem reservation; and / or
- b. preservation of peat ecosystem functions as a controlling of climate change impact.

Article 34

- (1) the peat ecosystem reservation as referred to in Article 33 letter a shall be conducted by the Minister, governor or regent / mayor.
- (2) the peat ecosystem reservation as referred to in paragraph (1) shall be done through the stipulation of peat ecosystem which cannot be managed within a certain period of time.
- (3) The peat ecosystems which cannot be managed for a certain period of time as referred to in paragraph (2) shall include:
 - a. Peat ecosystems with protection functions of less than 30% (thirty percent) from the area of the Peat Hydrological Unity within a province or regency / city;
 - b. Peat ecosystems with cultivation functions with 50% (fifty percent) of the area that have been granted business and / or activity permit beyond the standard damage criteria as referred to in Article 23.

ANANG FAHKCRUDIN
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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-22-

[SWORN TRANSLATION]

- c. Peat ecosystems determined for moratorium utilization under the regulations of law; and / or
 - d. Peat ecosystems with cultivation functions that have been determined its function changes to be protection functions by the Minister as referred to in Article 11 paragraph (3) letter c.
- (4) The stipulation of peat ecosystems that cannot be managed for a certain period of time as referred to in paragraph (2) shall be included in the national and provincial and regency / municipal peat ecosystem protection and management plans.

Article 35

- (1) The Preservation of peat ecosystem functions to control the climate change impact as referred to in Article 33 letter b shall be done through the following measures:
- a. climate change mitigation; and
 - b. adaptation to climate change.
- (2) The Climate change mitigation and adaptation measures as referred to in paragraph (1) shall be conducted in accordance with the regulation of the law.

CHAPTER VI SUPERVISION Part One Supervision Article 36

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-23-

[SWORN TRANSLATION]

- (1) The Minister, governor or regent / mayor in accordance with their authority shall supervise the compliance of the –responsible business and / or activity of utilization of a Peat Ecosystem with regard to the following:
 - a. provisions on the use, control and maintenance of the peat ecosystems; and
 - b. requirements and obligations in the environmental permit.
- (2) The minister, governor, or regent / mayor may delegate the authority of the supervision to technical officer / agency in charge of environmental protection and management.
- (3) In conducting supervision, the Minister, governor, or regent / mayor shall assigned an environmental supervisory officer who shall be a functional official.

Article 37

- (1) The environmental supervisory officer as referred to in Article 36 paragraph (3) shall be authorized as follows:
 - a. to conduct monitoring;
 - b. to ask for information;
 - c. to make copies of documents and / or to make necessary notes;
 - d. to enter a certain place;
 - e. to take photos;
 - f. to make audio visual recordings;
 - g. to take sample;
 - h. to check equipment;
 - i. to inspect the installation and / or means of transportation; and / or
 - j. to stop certain offenses.

ANANG FAHKCRUDIN
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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-24-

[SWORN TRANSLATION]

- (2) In performing duties, the environmental supervisor may coordinate with civil servant investigators.
- (3) The responsible business / activity shall be prohibited from impeding the execution of the duties of the environmental supervisory officer.

Article 38

- (1) The environmental supervisory officer shall be a civil servant who meets with the minimum rank and class of office of junior administrator level IIIa.
- (2) In addition to the rank requirement as referred to in paragraph (1), the civil servant must have passed the environmental supervisor training program.

Article 39

The provisions on environmental supervisor shall be governed by or based on a regulation of the minister that administers government affairs in the field of state apparatus and bureaucratic reform.

CHAPTER VII ADMINISTRATIVE SANCTIONS

Article 40

- (1) The minister, governor, or regent / mayor in accordance with their authority shall impose administrative sanctions.

ANANG FAHKCRUDIN
SWORN & AUTHORIZED
TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-25-

[SWORN TRANSLATION]

- (2) The administrative sanctions as referred to in paragraph (1) shall consist of:
- a. written warning;
 - b. government coercion;
 - c. suspension of environmental permit; or
 - d. revocation of environmental permit.
- (3) The Government coercion as referred to in paragraph (2) letter b shall include:
- a. temporary suspension of activities;
 - b. relocation of activity facilities;
 - c. drainage closure;
 - d. demolition;
 - e. seizure of potentially infringing goods or devices;
 - f. suspension of all activities; and / or
 - g. other measures aimed at stopping violations and restoring environmental functions.

Article 41

Any person violating Article 26 shall be subject to the government coercion as referred to in Article 40 paragraph (3).

Article 42

- (1) In case that violation to the provisions of Article 26 is committed by the responsible business and/or activity, the Minister, governor or regent / mayor in accordance with their authority shall impose

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TRANSLATOR

SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-26-

[SWORN TRANSLATION]

administrative sanction in the form of governmental coercion as referred to in Article 40 paragraph (3).

- (2) In case that the responsible business and/or activity perform the government coercion as intended in paragraph (1), the Minister, governor or regent / mayor in accordance with their authority shall impose administrative sanction in the form of suspension of environmental permit.
- (3) In case that the responsible business and/or activity does not comply with the provisions in the suspension of environmental permit as referred to in paragraph (2), the Minister, governor or regent / 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 governmental coercion provisions, suspension of environmental permit, and revocation of environmental permit shall be governed by a Ministerial Regulation.

Article 43

- (1) The responsible business and/or activity utilizing a Peat Ecosystem and violates the provisions of Article 27 and Article 28 shall be liable subject to administrative sanctions in the form of government coercion as referred to in Article 40 paragraph (3).
- (2) In case that the responsible business and/or activity utilizing of the Peat Ecosystem perform the government coercion as intended 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 a Peat Ecosystem does not comply with the provisions in the suspension of

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SWORN & AUTHORIZED
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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-27-

[SWORN TRANSLATION]

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 44

- (1) The responsible business and/or activity conducting the utilization of the Peat Ecosystem and violates the provisions of Article 30 and Article 31 shall be subject to administrative sanctions in the form of government coercion as referred to in Article 40 paragraph (2) letter b.
- (2) In case that the 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 a 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 ~~regulated~~ governed by a Ministerial Regulation.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-28-

[SWORN TRANSLATION]

**CHAPTER VIII
TRANSITIONAL PROVISIONS
Article 45**

At the time this Government Regulation takes effect:

- a. business and / or activity permits to utilize the Peat Ecosystem at Protection functions of a Peat Ecosystem issued before the entry into force of this Government Regulation and have been in operation shall be declared to remain in effect until the expiration of the permit.
- b. With regard to the activity of utilizing a Peat Ecosystem with protection functions which has obtained business permit with no activity at the location, the business permit shall remain valid with the obligation to maintain the hydrological function of the peat.
- c. in case that the permit holder perform the obligation to maintain the hydrological function of the Peat as referred to in letter b for 2 (two) years, the business permit shall be revoked by the party granting the permit.

**CHAPTER IX
CLOSING PROVISIONS
Article 46**

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PRESIDEN
REPUBLIK INDONESIA

-29-

[SWORN TRANSLATION]

- (1) The Minister shall establish the Peat Hydrological Unity map no longer than 2 (two) years as from the stipulation date of this Government Regulation.
- (2) The Minister shall stipulate the protection functions and cultivation functions of the Peat ecosystems no later than 2 (two) years since the designation of the Peat Hydrological Unity final map.

Article 47

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

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 September 12, 2014
THE PRESIDENT OF THE REPUBLIC OF
INDONESIA,

Signed.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta,
On September 15, 2014

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-30-

[SWORN TRANSLATION]

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

Signed.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2014
NUMBER 209

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-31-

[SWORN TRANSLATION]

**ELUCIDATION TO
REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF
INDONESIA
NUMBER 71 OF 2014**

CONCERNING

PEAT ECOSYSTEM PROTECTION AND MANAGEMENT

I. GENERAL

Peat has unique characteristics, other than as a component of wetlands, component of terrestrial space, it is also an environmental component located within the sovereign territory of the Republic of Indonesia. With such characteristics, Peat has various functions in the life of the Indonesian nation, among others as natural resources such as germplasm and wood commodities, as a place for fish to live, and as a storehouse of carbon so that it acts as a climate balancer.

To prevent changes to the function of peat, every State has the same importance to maintain and improve the functions of Peat so that peat as natural resources and climate balancer can be utilized as much as possible for the welfare of the people, both for the current and future generations, as well as to the national and global society. In order for Peat to be of sustainable benefit to the desired quality level, Peat Ecosystem Protection and Management shall be fundamentally important.

The Peat Ecosystem Protection and Management provides for the planning, utilization, control, maintenance, and administrative sanctions. Planning includes inventory of the Peat Ecosystem,

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-32-

[SWORN TRANSLATION]

determination of the Peat Ecosystem, as well as drafting and establishment of the Peat Ecosystem Protection and Management plans. The peat utilization shall be determined based on the Peat Ecosystem Protection and Management plans. The damage control of the Peat Ecosystem shall be carried out by determining the standard criteria for damage to the Peat Ecosystem and application of environmental permit instruments to businesses and / or activities utilizing the Peat Ecosystem which shall be required to have environmental impact analysis and environmental management efforts as well as environmental monitoring efforts. This Peat Ecosystem Protection and Management is accompanied by the Peat Maintenance, administrative sanction implementation, and supervision of the compliance of the responsible business and / or activity with this Government Regulation and the environmental permit.

II. **ARTICLE BY ARTICLE**

Article 1

Self explanatory.

Article 2

Self explanatory.

Article 3

Self explanatory.

Article 4

Self explanatory.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-33-

[SWORN TRANSLATION]

Article 5

Self explanatory.

Article 6

Paragraph (1)

Letter a

In delineating geometrically corrected satellite images, shall also be used land system, soil, river network, and digital elevation maps.

Letter b

Self explanatory.

Paragraph (2)

Self explanatory.

Paragraph (3)

Self explanatory.

Paragraph (4)

Self explanatory

Paragraph (5)

Self explanatory.

Article 7

Self explanatory.

Article 8

Self explanatory.

Article 9

Paragraph (1)

Self explanatory.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-34-

[SWORN TRANSLATION]

Paragraph (2)

Self explanatory.

Paragraph (3)

Self explanatory.

Paragraph (4)

Letter a

Self explanatory.

Letter b

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

Letter c

Self explanatory.

Letter d

Self explanatory

Paragraph (5)

Self explanatory.

Paragraph (6)

Self explanatory.

Article 10

Self explanatory.

Article 11

Self explanatory.

Article 12

Self explanatory.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-35-

[SWORN TRANSLATION]

Article 13

Self explanatory.

Article 14

Self explanatory.

Article 15

Self explanatory.

Article 16

Self explanatory.

Article 17

Self explanatory.

Article 18

Self explanatory.

Article 19

Self explanatory.

Article 20

Self explanatory.

Article 21

Paragraph (1)

Letter a

Self explanatory.

Letter b

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-36-

[SWORN TRANSLATION]

Self explanatory.

Letter c

The education in this provision does not include provision of infrastructure for education.

Letter d

The meaning of "environmental services" shall be limited tourism and carbon trading.

The meaning of "limited tourism" shall be in the forms of activities to visit, see, enjoy the uniqueness of Peat and diversity of plants and animals that exist in a Peat Ecosystem.

Paragraph (2)

Self explanatory.

Article 22

Self explanatory.

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.

ANANG FAHKCRUDIN
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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-37-

[SWORN TRANSLATION]

The meaning of "exposure of quartz sediments" shall be the exposure of quartz to the surface or the quartz is longer covered by the Peat layer.

Letter c

Self explanatory.

Paragraph (3)

Self explanatory.

Article 24

Self explanatory.

Article 25

Self explanatory.

Article 26

Letter a

Self explanatory.

Letter b

The meaning of "drainage" shall be a channel that directly drains the water out of the Peat Hydrological Unity, for example direct water flow from the Peat Hydrological Unity to a river or sea.

Letter c

Self explanatory.

Letter d

Self explanatory.

Article 27

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-38-

[SWORN TRANSLATION]

Self explanatory.

Article 28

Self explanatory.

Article 29

Self explanatory.

Article 30

Paragraph (1)

Self explanatory.

Paragraph (2)

Self explanatory

Paragraph (3)

Letter a

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

Letter b

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

Letter c

Self explanatory.

Paragraph (4)

Self explanatory.

Article 31

Self explanatory.

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-39-

[SWORN TRANSLATION]

Article 32
Self explanatory.

Article 33
Self explanatory.

Article 34
Self explanatory.

Article 35
Self explanatory.

Article 36
Self explanatory.

Article 37
Self explanatory.

Article 38
Self explanatory.

Article 39
Self explanatory.

Article 40
Self explanatory.

Article 41
Self explanatory.

Article 42

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SK. GUB KDKI Jkt. NO. 2228/2001



PRESIDEN
REPUBLIK INDONESIA

-40-

[SWORN TRANSLATION]

Self explanatory.

Article 43

Self explanatory.

Article 44

Self explanatory.

Article 45

Self explanatory.

Article 46

Self explanatory.

Article 47

Self explanatory.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF
INDONESIA NUMBER 5580**

I, **Anang Fahkrudin**, 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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