

REGENT OF SUKOHARJO
REGIONAL REGULATION OF SUKOHARJO REGENCY
NUMBER 6 OF 2013

ON
ENVIRONMENTAL PROTECTION AND MANAGEMENT

BY THE GRACE OF GOD ALMIGHTY
THE REGENT OF SUKOHARJO,

Considering :

- a. that in accordance with the mandate of Article 28H of the 1945 Constitution of the Republic of Indonesia, a good and healthy environment is a fundamental right of every Indonesian citizen;
- b. that various environmental issues arising from human activities and natural events in Sukoharjo Regency have the potential to cause environmental pollution and/or degradation, leading to a decline in the carrying capacity and sustainability of the environment, which ultimately threatens the survival of humans and other living beings, thereby necessitating comprehensive and integrated environmental control measures;
- c. that global warming has resulted in climate change, which further deteriorates environmental quality, making it necessary to implement environmental protection and management efforts in Sukoharjo Regency;
- d. that with the enactment of Law Number 32 of 2009 on Environmental Protection and Management, it is necessary to update Regional Regulation of Sukoharjo Regency Number 9 of 2009 on Environmental Control;
- e. that based on the considerations as referred to in points (a), (b), (c), and (d), it is necessary to establish a Regional Regulation on Environmental Protection and Management.

Remember :

- 1. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia;
- 2. Law Number 13 of 1950 on the Establishment of Regencies within the Province of Central Java;
- 3. Law Number 8 of 1981 on Criminal Procedure Law (State Gazette of the Republic of Indonesia of 1981 Number 76,

- Supplement to the State Gazette of the Republic of Indonesia Number 3209);
4. Law Number 5 of 1984 on Industry (State Gazette of the Republic of Indonesia of 1984 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 3274);
 5. Law Number 5 of 1990 on the Conservation of Biological Resources and Their Ecosystems (State Gazette of the Republic of Indonesia of 1990 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3419);
 6. Law Number 5 of 1994 on the Ratification of the United Nations Convention on Biological Diversity (State Gazette of the Republic of Indonesia of 1994 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 3556);
 7. Law Number 6 of 1994 on the Ratification of the United Nations Framework Convention on Climate Change (State Gazette of the Republic of Indonesia of 1994 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3557);
 8. Law Number 7 of 2004 on Water Resources (State Gazette of the Republic of Indonesia of 2004 Number 32, Supplement to the State Gazette of the Republic of Indonesia Number 4377);
 9. Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as amended several times, most recently by Law Number 12 of 2008 on the Second Amendment to Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
 10. Law Number 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
 11. Law Number 14 of 2008 on Public Information Disclosure (State Gazette of the Republic of Indonesia of 2008 Number 61, Supplement to the State Gazette of the Republic of Indonesia Number 4846);
 12. Law Number 18 of 2008 on Waste Management (State Gazette of the Republic of Indonesia of 2008 Number 69, Supplement to the State Gazette of the Republic of Indonesia Number 4851);
 13. Law Number 32 of 2009 on Environmental Protection and Management (State Gazette of the Republic of Indonesia

- of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059);
14. Law Number 36 of 2009 on Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
 15. Law Number 12 of 2011 on the Formation of Laws and Regulations (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
 16. Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1983 Number 36, Supplement to the State Gazette of the Republic of Indonesia Number 3258), as amended by Government Regulation Number 58 of 2010 on the Amendment to Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia of 2010 Number 90, Supplement to the State Gazette of the Republic of Indonesia Number 5145);
 17. Government Regulation Number 18 of 1999 on the Management of Hazardous and Toxic Waste (State Gazette of the Republic of Indonesia of 1999 Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 3815), as amended by Government Regulation Number 85 of 1999 on the Amendment to Government Regulation Number 18 of 1999 on the Management of Hazardous and Toxic Waste (State Gazette of the Republic of Indonesia of 1999 Number 190, Supplement to the State Gazette of the Republic of Indonesia Number 3910);
 18. Government Regulation Number 41 of 1999 on Air Pollution Control (State Gazette of the Republic of Indonesia of 1999 Number 86, Supplement to the State Gazette of the Republic of Indonesia Number 3853);
 19. Government Regulation Number 54 of 2000 on Institutions Providing Services for the Settlement of Environmental Disputes Outside the Court (State Gazette of the Republic of Indonesia of 2000 Number 113, Supplement to the State Gazette of the Republic of Indonesia Number 3982).
 20. Government Regulation Number 74 of 2001 on the Management of Hazardous and Toxic Substances (State Gazette of the Republic of Indonesia of 2001 Number 138, Supplement to the State Gazette of the Republic of Indonesia Number 4153);
 21. Government Regulation Number 82 of 2001 on Water Quality Management and Water Pollution Control (State

- Gazette of the Republic of Indonesia of 2001 Number 153, Supplement to the State Gazette of the Republic of Indonesia Number 4161);
22. Government Regulation Number 79 of 2005 on Guidelines for the Supervision and Guidance of Regional Government Administration (State Gazette of the Republic of Indonesia of 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4593);
 23. Government Regulation Number 38 of 2007 on the Distribution of Governmental Affairs Between the Central Government, Provincial Governments, and Regency/Municipal Governments (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);
 24. Government Regulation Number 42 of 2008 on Water Resource Management (State Gazette of the Republic of Indonesia of 2008 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4858);
 25. Government Regulation Number 27 of 2012 on Environmental Permits (State Gazette of the Republic of Indonesia of 2012 Number 48, Supplement to the State Gazette of the Republic of Indonesia Number 5285);
 26. Presidential Regulation Number 1 of 2007 on the Ratification, Promulgation, and Dissemination of Laws and Regulations;
 27. Regional Regulation of Central Java Province Number 20 of 2003 on Water Quality Management and Cross-Regency/Municipality Water Pollution Control in Central Java Province (Regional Gazette of Central Java Province of 2003 Number 132);
 28. Regional Regulation of Central Java Province Number 6 of 2010 on the Regional Spatial Plan of Central Java Province for 2009–2029 (Regional Gazette of Central Java Province of 2010 Number 7, Supplement to the Regional Gazette of Central Java Province Number 28);
 29. Regional Regulation of Central Java Province Number 10 of 2004 on Wastewater Quality Standards (Regional Gazette of Central Java Province of 2010 Number 6 Series E), as amended by Regional Regulation of Central Java Province Number 5 of 2012 on Amendments to Regional Regulation of Central Java Province Number 10 of 2004 on Wastewater Quality Standards (Regional Gazette of Central Java Province of 2012 Number 5, Supplement to the Regional Gazette of Central Java Province Number 41);
 30. Regional Regulation of Sukoharjo Regency Number 1 of 2008 on Governmental Affairs Under the Authority of

- Sukoharjo Regency (Regional Gazette of Sukoharjo Regency of 2008 Number 1, Supplement to the Regional Gazette of Sukoharjo Regency Number 155);
31. Regional Regulation of Sukoharjo Regency Number 4 of 2008 on the Organization and Work Procedures of Regional Technical Institutions, Civil Service Police Units, and the Integrated Licensing Service Office of Sukoharjo Regency (Regional Gazette of Sukoharjo Regency of 2008 Number 4, Supplement to the Regional Gazette of Sukoharjo Regency Number 158), as amended several times, most recently by Regional Regulation of Sukoharjo Regency Number 11 of 2011 on the Second Amendment to Regional Regulation of Sukoharjo Regency Number 4 of 2008 on the Organization and Work Procedures of Regional Technical Institutions, Civil Service Police Units, and the Integrated Licensing Service Office of Sukoharjo Regency (Regional Gazette of Sukoharjo Regency of 2011 Number 11, Supplement to the Regional Gazette of Sukoharjo Regency Number 190);
 32. Regional Regulation of Sukoharjo Regency Number 14 of 2011 on the Regional Spatial Plan of Sukoharjo Regency for 2011–2031 (Regional Gazette of Sukoharjo Regency of 2011 Number 14, Supplement to the Regional Gazette of Sukoharjo Regency Number 192);
 33. Regional Regulation of Sukoharjo Regency Number 16 of 2011 on Waste Management (Regional Gazette of Sukoharjo Regency of 2012 Number 1, Supplement to the Regional Gazette of Sukoharjo Regency Number 193);
 34. Regional Regulation of Sukoharjo Regency Number 17 of 2011 on Groundwater Management (Regional Gazette of Sukoharjo Regency of 2012 Number 2, Supplement to the Regional Gazette of Sukoharjo Regency Number 194);
 35. Regional Regulation of Sukoharjo Regency Number 18 of 2011 on Non-Metallic and Rock Mineral Mining (Regional Gazette of Sukoharjo Regency of 2012 Number 3, Supplement to the Regional Gazette of Sukoharjo Regency Number 195).

WITH THE JOINT APPROVAL OF

THE REGIONAL PEOPLE’S REPRESENTATIVE COUNCIL OF SUKOHARJO
REGENCY

AND

THE REGENT OF SUKOHARJO

DECIDES:

To enact: REGIONAL REGULATION ON ENVIRONMENTAL PROTECTION
AND MANAGEMENT.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation, the following terms are defined as:

1.	Region refers to Sukoharjo Regency.
2.	Regent refers to the Regent of Sukoharjo.
3.	Local Government refers to the Regent and the Regional Apparatus as the elements of local government administration.
4.	Environment refers to a unit of space with all objects, forces, conditions, and living creatures, including humans and their behavior, which affect the environment itself, the continuity of life, and the well-being of humans and other living creatures.
5.	Environmental Protection and Management refers to systematic and integrated efforts undertaken to preserve the function of the environment and prevent pollution and/or environmental damage, including planning, utilization, control, maintenance, supervision, and law enforcement.
6.	Sustainable Development refers to a conscious and planned effort to integrate environmental, social, and economic aspects into development strategies to ensure the integrity of the environment and the safety, capacity, welfare, and quality of life for both current and future generations.
7.	Environmental Protection and Management Plan, abbreviated as RPPLH, refers to a written plan containing the potential, environmental issues, and efforts for their protection and management within a specific period.
8.	Ecosystem refers to an arrangement of environmental elements that form a complete, interconnected unit and influence each other to create balance, stability, and productivity in the environment.

9.	Conservation of Environmental Functions refers to a series of efforts to maintain the sustainability of the environmental carrying capacity and the environment's ability to absorb.
10.	Environmental Carrying Capacity refers to the ability of the environment to support the life of humans, other living creatures, and the balance between both.
11.	Environmental Capacity refers to the ability of the environment to absorb substances, energy, and/or other components that enter or are introduced into it.
12.	Natural Resources refers to environmental elements consisting of both biotic and abiotic resources that collectively form an ecosystem.
13.	Strategic Environmental Assessment, abbreviated as KLHS, refers to a series of systematic, comprehensive, and participatory analyses to ensure that the principles of sustainable development have become the foundation and are integrated into the development of a region and/or policies, plans, and/or programs.
14.	Environmental Impact Analysis, abbreviated as Amdal, refers to a study of the significant impacts of a planned business and/or activity on the environment, necessary for decision-making in the implementation of such business and/or activities.
15.	Environmental Management and Environmental Monitoring Efforts, abbreviated as UKL-UPL, refer to the management and monitoring of business and/or activities that do not have significant impacts on the environment, necessary for decision-making regarding the implementation of such business and/or activities.
16.	Environmental Quality Standards refer to the limits or levels of living organisms, substances, energy, or components that exist or should exist and/or pollutant elements that are allowed within a specific resource as an environmental element.
17.	Environmental Pollution refers to the entry or introduction of living organisms, substances, energy, and/or other components into the environment due to human activities, exceeding the established environmental quality standards.
18.	Criteria for Environmental Damage Standards refer to the boundary limits of changes in the physical, chemical, and/or biological properties of the environment that can be tolerated by the environment to maintain its functions.
19.	Environmental Destruction refers to actions by individuals that cause direct or indirect changes to the physical, chemical, and/or biological properties of the environment, exceeding the criteria for environmental damage.
20.	Environmental Damage refers to direct and/or indirect changes to the physical, chemical, and/or biological properties of the environment that exceed the criteria for environmental damage.
21.	Conservation of Natural Resources refers to the management of natural resources to ensure their wise use and the continuity of their availability while maintaining and enhancing their quality, value, and biodiversity.
22.	Climate Change refers to changes in the climate caused directly or indirectly by human activities that result in global atmospheric

	composition changes, as well as changes in natural climate variability observed over comparable periods.
23.	Waste refers to the residuals of a business and/or activity.
24.	Hazardous and Toxic Materials, abbreviated as B3, refers to substances, energy, and/or other components that, due to their properties, concentration, and/or quantity, either directly or indirectly, may pollute and/or damage the environment, and/or endanger the environment, health, and the survival of humans and other living creatures.
25.	Hazardous and Toxic Waste, abbreviated as Limbah B3, refers to waste from a business and/or activity containing B3.
26.	Management of Hazardous and Toxic Waste refers to activities that include reduction, storage, collection, transportation, utilization, processing, and/or disposal.
27.	Dumping refers to the act of disposing, placing, and/or introducing waste and/or materials in specific amounts, concentrations, times, and locations with particular requirements into certain environmental media.
28.	Environmental Dispute refers to a conflict between two or more parties arising from activities that have the potential or have already impacted the environment.
29.	Environmental Impact refers to the effect of changes in the environment caused by a business and/or activity.
30.	Environmental Organization refers to a group of individuals that is organized and formed voluntarily, with goals and activities related to the environment.
31.	Environmental Audit refers to an evaluation conducted to assess the compliance of the business and/or activity operator with the legal requirements and policies established by the government.
32.	Ecoregion refers to a geographical area with similar characteristics in climate, soil, water, native flora and fauna, and patterns of human interaction with nature, which represents the integrity of natural systems and the environment.
33.	Local Wisdom refers to noble values that apply in the social life of a community, including those that protect and manage the environment in a sustainable manner.
34.	Everyone refers to an individual or a business entity, whether a legal entity or not.
35.	Environmental Economic Instruments refers to a set of economic policies aimed at encouraging the Government, Local Government, or any individual towards environmental function preservation.
36.	Serious Threat refers to a threat that has a wide impact on the environment and causes public unrest.
37.	Environmental Permit refers to a permit granted to any individual or entity conducting a business and/or activity that requires Amdal or UKL-UPL, for the purpose of environmental protection and management as a prerequisite for obtaining a business and/or activity permit.
38.	Business and/or Activity Permit refers to a permit issued by a technical authority to conduct business and/or activities.

39.	Community refers to all parties, whether citizens or residents as individuals, groups, or legal entities, who are involved in environmental protection and management, either directly or indirectly.
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CHAPTER II

PRINCIPLES, OBJECTIVES, AND SCOPE

Section One

Principles

Article 2

Environmental protection and management are carried out based on the following principles:

- a. Responsibility;
- b. sustainability and continuity;
- c. harmony and balance;
- d. integration;
- e. benefit;
- f. precaution;
- g. justice;
- h. ecoregion;
- i. biodiversity;
- j. polluter pays;
- k. participation;
- l. local wisdom;
- m. good governance;
- n. regional autonomy; and
- o. legal certainty.

Section Two

Objectives

Article 3

The objectives of environmental protection and management are:

- a. to protect regional areas from pollution and/or environmental damage;
- b. to ensure the safety, health, and lives of humans;
- c. to ensure the continuity of life for living creatures and the preservation of ecosystems;
- d. to preserve the environmental functions;
- e. to achieve harmony, alignment, and balance in the environment;
- f. to ensure justice for current and future generations;
- g. to guarantee the fulfillment and protection of the right to a healthy environment as part of human rights;
- h. to control the utilization of natural resources wisely;
- i. to achieve sustainable development; and
- j. to anticipate global, national, regional, and local environmental issues.

Section Three

Scope

Article 4

Environmental protection and management includes:

- a. planning;
- b. utilization;
- c. control;
- d. maintenance;
- e. supervision; and
- f. law enforcement.

CHAPTER III

PLANNING

Article 5

- (1) Environmental protection and management planning is carried out through the following stages:
 - a. environmental inventory;
 - b. designation of ecoregion areas; and
 - c. preparation of the RPPLH.
- (2) The environmental inventory and designation of ecoregion areas referred to in paragraph (1) letters a and b are determined by the Minister of Environment after coordinating with the relevant agencies.

Article 6

- (1) The RPPLH referred to in Article 5 paragraph (1) letter c is the regional RPPLH.
- (2) The RPPLH referred to in paragraph (1) is prepared based on:
 - a. the provincial RPPLH; and
 - b. the ecoregion-level inventory

Article 7

- (1) The RPPLH referred to in Article 6 is prepared by the Regent.
- (2) The preparation of the RPPLH referred to in paragraph (1) takes into account:
 - a. ecological diversity and functions;
 - b. population distribution;
 - c. distribution of natural resource potential;
 - d. local wisdom;
 - e. community aspirations; and
 - f. climate change.
- (3) The RPPLH referred to in paragraph (1) is regulated by regional regulations.

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 - b. population distribution;
 - c. distribution of natural resource potential;
 - d. local wisdom;
 - e. community aspirations; and
 - f. climate change.
- (3) The RPPLH referred to in paragraph (1) is regulated by regional regulations.
- (4) The RPPLH contains plans for:
 - a. the utilization and/or reservation of natural resources;
 - b. the maintenance and protection of the quality and/or functions of the environment;
 - c. the control, monitoring, utilization, and preservation of natural resources; and
 - d. adaptation and mitigation of climate change.
- (5) The RPPLH serves as the basis for the preparation and is included in the Long-Term

Regional Development Plan (RPJPD) and the Medium-Term Regional Development Plan (RPJMD).

CHAPTER IV

UTILIZATION

Article 8

- (1) The utilization of natural resources is carried out based on the RPPLH.
- (2) If the RPPLH referred to in paragraph (1) has not been prepared, the utilization of natural resources shall be carried out based on the environmental carrying capacity and absorption capacity, with consideration of:
 - a. the sustainability of environmental processes and functions;
 - b. the sustainability of environmental productivity; and
 - c. the safety, quality of life, and well-being of the community.
- (3) The determination of environmental carrying capacity and absorption capacity as referred to in paragraph (2), as well as the ecoregion in the regional area, shall be determined by the Regent according to their authority.

CHAPTER V

CONTROL

Section One

General

Article 9

- (1) Pollution and/or environmental damage control is carried out for the purpose of preserving environmental functions.
- (2) Pollution and/or environmental damage control referred to in paragraph (1) includes:
 - a. prevention;
 - b. mitigation; and
 - c. recovery.
- (3) Pollution and/or environmental damage control, as referred to in paragraph (1), shall be carried out by the Regional Government and those responsible for businesses and/or activities in accordance with their respective authorities, roles, and responsibilities.

Section Two

Prevention

Paragraph 1

General

Article 10

Instruments for preventing pollution and/or environmental damage consist of:

- a. Strategic Environmental Assessment (KLHS);
- b. spatial planning;
- c. environmental quality standards;
- d. environmental damage criteria standards;
- e. Environmental Impact Assessment (Amdal);
- f. Environmental Management and Monitoring Efforts (UKL-UPL);
- g. permits;

- h. environmental economic instruments;
- i. environmental-based legislation;
- j. environmental-based budgeting;
- k. environmental risk analysis;
- l. environmental audit; and
- m. other instruments as needed and/or based on scientific advancements.

Paragraph 2

Strategic Environmental Assessment

Article 11

- (1) The Regional Government is required to develop a Strategic Environmental Assessment (KLHS) to ensure that the principles of sustainable development serve as the foundation and are integrated into regional development and/or policies, plans, and/or programs.
- (2) The Regional Government is required to implement the KLHS, as referred to in paragraph (1), into the formulation or evaluation of:
 - a. The Regional Spatial Plan (RTRW) of Sukoharjo Regency, along with its detailed plans, the Regional Long-Term Development Plan (RPJPD), and the Regional Medium-Term Development Plan (RPJMD); and
 - b. Policies, plans, and/or programs that have the potential to cause environmental impacts and/or risks.

Article 12

The Strategic Environmental Assessment (KLHS) includes studies on:

- a. the carrying capacity and assimilative capacity of the environment for development;
- b. estimates of environmental impacts and risks;
- c. the performance of ecosystem services;
- d. the efficiency of natural resource utilization;
- e. the level of vulnerability and adaptive capacity to climate change; and
- f. the resilience level and potential of biodiversity.

Article 13

- (1) The results of the KLHS, as referred to in Article 11 paragraph (3), serve as the basis for regional development policies, plans, and/or programs.
- (2) If the KLHS results, as referred to in paragraph (1), indicate that the carrying capacity and assimilative capacity have been exceeded, then:
 - a. the relevant policies, plans, and/or development programs must be revised in accordance with KLHS recommendations; and
 - b. any business and/or activities that exceed the carrying capacity and assimilative capacity of the environment shall no longer be permitted.

Article 14

The Strategic Environmental Assessment (KLHS), as referred to in Article 11 paragraph (1), shall be conducted with the involvement of the public and stakeholders.

Paragraph 3

Spatial Planning

Article 15

- (1) To preserve environmental functions and ensure public safety, the Strategic Environmental Assessment (KLHS) serves as the basis for regional spatial planning.
- (2) Regional spatial planning, as referred to in paragraph (1), shall be established by considering the carrying capacity and assimilative capacity of the environment.

Paragraph 4

Environmental Quality Standards

Article 16

- (1) The determination of environmental pollution is measured based on environmental quality standards.
- (2) Environmental quality standards include:
 - a. water quality standards;
 - b. wastewater quality standards;
 - c. ambient air quality standards;
 - d. emission quality standards;
 - e. disturbance quality standards; and
 - f. other quality standards in accordance with scientific and technological advancements.
- (3) Any individual is permitted to discharge waste into the environmental media, provided that:
 - a. it complies with environmental quality standards as stipulated by laws and regulations; and
 - b. it obtains a permit from the Regent in accordance with their authority.

Paragraph 5

Environmental Damage Quality Standards

Article 17

- (1) The determination of environmental damage shall be based on environmental damage quality standards in accordance with applicable laws and regulations.
- (2) Environmental damage quality standards include ecosystem damage quality standards and damage quality standards due to climate change.
- (3) Ecosystem damage quality standards include:
 - a. soil damage quality standards for biomass production;
 - b. environmental damage quality standards related to forest and/or land fires;
 - c. karst damage quality standards; and/or
 - d. other ecosystem damage quality standards in accordance with scientific and technological advancements.
- (4) Damage quality standards due to climate change are based on parameters such as:
 - a. temperature rise;
 - b. sea level rise;
 - c. storms; and/or
 - d. drought.

Paragraph 6

Environmental Impact Assessment (Amdal)

Article 18

- (1) Any business and/or activity with significant environmental impacts must have an Environmental Impact Assessment (Amdal).
- (2) Significant impacts are determined based on the following criteria:
 - a. the number of people affected by the planned business and/or activity;
 - b. the extent of the area affected;
 - c. the intensity and duration of the impact;
 - d. the number of other environmental components affected;
 - e. the cumulative nature of the impact;
 - f. whether the impact is reversible or irreversible; and/or
 - g. other criteria in accordance with scientific and technological advancements.

Article 19

- (1) Categories of businesses and/or activities with significant impacts that must be accompanied by an Amdal include:
 - a. alteration of landforms and landscapes;
 - b. exploitation of natural resources, whether renewable or non-renewable;
 - c. processes and activities that have the potential to cause environmental pollution and/or damage, as well as waste and degradation of natural resources;
 - d. processes and activities whose outcomes may affect the natural environment, the built environment, and the social and cultural environment;
 - e. processes and activities that may impact the conservation of natural resource areas and/or the protection of cultural heritage;
 - f. introduction of new plant species, animals, and microorganisms;

- g. production and use of biotic and abiotic materials;
 - h. activities with high risks and/or implications for national defense; and/or
 - i. application of technologies that are expected to have a significant impact on the environment.
- (2) The types of businesses and/or activities with significant impacts that require an Amdal, as referred to in paragraph (1), shall be determined based on regulations issued by the Minister of Environment.

Article 20

The Amdal document, as referred to in Article 18, serves as the basis for determining environmental feasibility decisions.

Article 21

The Amdal document includes:

- a. an assessment of the impacts of the planned business and/or activity;
- b. an evaluation of activities surrounding the location of the planned business and/or activity;
- c. public input and feedback on the planned business and/or activity;
- d. predictions regarding the magnitude and significance of the impacts if the planned business and/or activity is carried out;
- e. a comprehensive evaluation of the impacts to determine environmental feasibility or infeasibility; and
- f. an environmental management and monitoring plan.

Article 22

- (1) The Amdal document, as referred to in Article 18, shall be prepared by the proponent with public involvement.
- (2) Public involvement must be conducted based on the principles of transparent and comprehensive information disclosure and must be communicated before the activity is carried out.
- (3) The public, as referred to in paragraph (1), includes:
 - a. those affected by the project;
 - b. environmental advocates; and/or
 - c. those impacted by any decisions made in the Amdal process.
- (4) The public, as referred to in paragraph (1), may raise objections to the Amdal document.

Article 23

- (1) In preparing the Amdal document, the proponent, as referred to in Article 22 paragraph (1), may seek assistance from other parties.
- (2) Amdal preparers must hold a certification of competence in Amdal preparation.

Article 24

- (1) The Amdal document shall be assessed by the Regional Amdal Assessment Commission, which is established by the Regent.
- (2) The Regional Amdal Assessment Commission must be licensed by the Regent.
- (3) The issuance of the license, as referred to in paragraph (2), must be based on the recommendation of the Governor.
- (4) The membership of the Regional Amdal Assessment Commission, as referred to in

paragraph (1), consists of representatives from:

- a. the environmental agency;
- b. relevant technical agencies;
- c. experts in fields related to the type of business and/or activity being assessed;
- d. experts in fields related to the impacts arising from the business and/or activity being assessed;
- e. representatives of communities potentially affected; and
- f. environmental organizations.

(5) In carrying out its duties, the Amdal Assessment Commission is assisted by a technical team composed of independent experts conducting technical assessments and a secretariat established for this purpose.

(6) The technical team and secretariat, as referred to in paragraph (5), shall be appointed by the Regent.

Article 25

Based on the assessment of the Amdal Assessment Commission, the Regent shall determine the environmental feasibility or infeasibility decision.

Paragraph 7

Environmental Management Efforts –
Environmental Monitoring Efforts

Article 26

- (1) Any business and/or activity that does not fall under the mandatory Amdal criteria, as referred to in Article 19, must have an Environmental Management and Monitoring Effort (UKL-UPL).
- (2) Further provisions regarding the types of businesses and/or activities required to have UKL-UPL shall be regulated by a Regent Regulation.

Article 27

- (1) Businesses and/or activities that are not required to have UKL-UPL must submit a Statement of Commitment to Environmental Management and Monitoring (SPPL).
- (2) The determination of the types of businesses and/or activities, as referred to in paragraph (1), shall be based on the following criteria:
 - a. not classified as having significant impacts, as referred to in Article 19; and
 - b. categorized as micro and small enterprises.

Article 28

- (1) The Regional Government may facilitate the preparation of Amdal for economically disadvantaged businesses and/or activities that have significant environmental impacts.
- (2) Further provisions regarding the facilitation of Amdal and/or UKL-UPL preparation by the Regional Government, as referred to in paragraph (1), shall be regulated by a Regent Regulation.

Paragraph 8

Licensing

Article 29

- (1) Every business and/or activity that is required to have an Amdal or UKL-UPL must obtain an Environmental Permit.
- (2) The Environmental Permit, as referred to in paragraph (1), shall be issued based on the environmental feasibility decision, as referred to in Article 25, or the UKL-UPL recommendation.
- (3) The Environmental Permit, as referred to in paragraph (1), must include the conditions stated in the environmental feasibility decision or the UKL-UPL recommendation.
- (4) The Environmental Permit shall be issued by the Regent in accordance with their authority.

Article 30

- (1) The Regent must reject an Environmental Permit application if the application is not accompanied by an Amdal or UKL-UPL.
- (2) The Environmental Permit, as referred to in Article 29 paragraph (4), may be revoked if:
 - a. the application requirements contain legal defects, errors, misuse, inaccuracies, and/or falsification of data, documents, and/or information;
 - b. the permit was issued without fulfilling the conditions stated in the commission's decision on environmental feasibility or the UKL-UPL recommendation; and/or
 - c. the obligations set forth in the Amdal or UKL-UPL documents are not carried out by the business and/or activity responsible party.

Article 31

In addition to the provisions referred to in Article 30 paragraph (2), an Environmental Permit may also be revoked by a decision of the Administrative Court.

Article 32

- (1) The Regent must announce every Environmental Permit application and decision.
- (2) The announcement, as referred to in paragraph (1), must be made in a manner that is easily accessible to the public.

Article 33

- (1) The Environmental Permit is a requirement to obtain a business and/or activity permit.
- (2) If the Environmental Permit is revoked, the business and/or activity permit shall be canceled.
- (3) If a business and/or activity undergoes changes, the business and/or activity responsible party must update the Environmental Permit in accordance with the regulations governing Environmental Permits.

Article 34

Further provisions regarding the mechanism for issuing Environmental Permits, as referred to in Article 29, shall be regulated by a Regent Regulation.

Paragraph 9

Environmental Economic Instruments

Article 35

- (1) In order to preserve environmental functions, the Regional Government is required to develop and implement environmental economic instruments.

- (2) The environmental economic instruments referred to in paragraph (1) include:
 - a. planning for development and economic activities;
 - b. environmental financing; and
 - c. incentives and/or disincentives.

Article 36

- (1) The development planning and economic activity instruments, as referred to in Article 35 paragraph (2) letter a, include:
 - a. natural resource and environmental balance sheet;
 - b. preparation of regional gross domestic product, which includes the depletion of natural resources and environmental damage;
 - c. compensation/environmental services mechanism; and
 - d. internalization of environmental costs.
- (2) Environmental financing instruments, as referred to in Article 35 paragraph (2) letter b, include:
 - a. environmental recovery guarantee funds;
 - b. funds for pollution and/or environmental damage mitigation and recovery; and
 - c. trust funds/grants for conservation.
- (3) Incentives and/or disincentives, as referred to in Article 35 paragraph (2) letter c, are applied in the form of:
 - a. procurement of environmentally friendly goods and services;

- b. implementation of environmental taxes, levies, and subsidies;
- c. development of environmentally friendly financial institutions;
- d. development of a waste and/or emission permit trading system;
- e. development of an environmental services payment system;
- f. development of environmental insurance;
- g. development of an environmentally friendly label system; and
- h. performance award systems in environmental protection and management.

Article 37

Further provisions regarding environmental economic instruments, as referred to in Articles 35 and 36, shall be regulated by a Regent Regulation.

Paragraph 10

Environment-Based Budgeting

Article 38

The Regional Government and the Regional People's Representative Council are required to allocate sufficient budgets to finance:

- a. environmental protection and management activities; and
- b. environmentally sustainable development programs.

Article 39

In addition to the provisions referred to in Article 38, in order to restore the environmental

conditions that have been polluted and/or damaged at the time this Regional Regulation is enacted, the Regional Government is required to allocate a budget for environmental recovery.

Paragraph 11

Environmental Risk Analysis

Article 40

- (1) Every business and/or activity that has the potential to cause significant environmental impacts, threats to ecosystems and life, and/or risks to human health and safety must conduct an environmental risk analysis.
- (2) The environmental risk analysis referred to in paragraph (1) includes:
 - a. risk assessment;
 - b. risk management; and/or
 - c. risk communication.
- (3) Further provisions regarding the procedure for environmental risk analysis, as referred to in paragraph (1), shall be regulated by a Regent Regulation.

Paragraph 12

Environmental Audit

Article 41

- (1) The Regional Government encourages the responsible parties of businesses and/or activities to conduct environmental audits to improve environmental performance.
- (2) Environmental audits are mandatory for:

- a. businesses and/or activities that pose a high environmental risk; and/or
 - b. responsible parties of businesses and/or activities that demonstrate non-compliance with laws and regulations.
- (3) The responsible parties of businesses and/or activities are required to carry out environmental audits.
- (4) Environmental audits for certain high-risk activities shall be conducted periodically.

Section Three

Mitigation

Article 42

- (1) Any person who causes pollution and/or environmental damage must take corrective actions to address the pollution and/or environmental damage.
- (2) The mitigation of pollution and/or environmental damage, as referred to in paragraph (1), must include:
- a. providing pollution and/or environmental damage warning information to the public;
 - b. isolating pollution and/or environmental damage;
 - c. halting the source of pollution and/or environmental damage; and/or
 - d. other methods consistent with the development of science and technology.

Section Four

Recovery

Article 43

- (1) Any person who causes pollution and/or environmental damage must undertake the restoration of environmental functions.

- (2) The restoration of environmental functions, as referred to in paragraph (1), shall be carried out in the following stages:
- a. halting the source of pollution and removing the pollutants;
 - b. remediation;
 - c. rehabilitation;
 - d. restoration; and/or
 - e. other methods in accordance with the development of science and technology.

Article 44

- (1) The holder of an Environmental Permit, as referred to in Article 29, paragraph (1), is required to provide a guarantee fund for the restoration of environmental functions.
- (2) The guarantee fund shall be deposited in a government-designated bank, as appointed by the Regent.
- (3) The Regent may designate a third party to carry out the restoration of environmental functions using the guarantee fund.

CHAPTER VI

MAINTENANCE

Article 45

- (1) Environmental maintenance shall be carried out through the following efforts:
 - a. conservation of natural resources;
 - b. reservation of natural resources; and/or
 - c. preservation of atmospheric functions.
- (2) The conservation of natural resources, as referred to in paragraph (1) letter a, includes the following activities:

- a. protection of natural resources;
 - b. conservation of natural resources; and
 - c. sustainable utilization of natural resources.
- (3) The reservation of natural resources, as referred to in paragraph (1) letter b, refers to natural resources that cannot be managed for a certain period.
- (4) The preservation of atmospheric functions, as referred to in paragraph (1) letter c, includes:
- a. efforts for climate change mitigation and adaptation;
 - b. protection of the ozone layer; and
 - c. protection against acid rain.

CHAPTER VII

MANAGEMENT OF HAZARDOUS AND TOXIC SUBSTANCES AND HAZARDOUS AND TOXIC WASTE

Section One

Management of Hazardous and Toxic Substances (B3)

Article 46

Any person who produces, transports, circulates, stores, utilizes, disposes, processes, and/or accumulates hazardous and toxic substances (B3) is required to manage the B3.

Section Two

Management of Hazardous and Toxic Waste

Article 47

- (1) Any person who generates hazardous and toxic waste (B3) is required to manage the B3 waste they produce.
- (2) If the B3, as referred to in Article 46, has expired, its management shall follow the provisions for hazardous and toxic waste management.
- (3) If a person is unable to manage their own B3 waste, the management of the waste can be entrusted to another party.
- (4) Activities involving temporary storage and collection of B3 waste in the region require a permit from the Regent.
- (5) The Regent must include the environmental requirements that must be met and the obligations that must be followed by the B3 waste manager in the permit.
- (6) The decision to grant the permit must be announced.
- (7) Further provisions regarding the granting of permits for temporary storage and collection of B3 waste are regulated by the Regent's Regulation.

Section Three

Dumping

Article 48

It is prohibited for any person to dump waste and/or substances into environmental media without permission.

Article 49

- (1) Dumping, as referred to in Article 48, may only be done with permission from the Regent, in accordance with their authority.

- (2) Dumping, as referred to in paragraph (1), may only be carried out at a designated location.
- (3) Further provisions regarding the procedure for granting permission for dumping of waste and/or substances are regulated by the Regent's Regulation.

CHAPTER VIII

ENVIRONMENTAL INFORMATION SYSTEM

Article 50

- (1) The Regional Government develops an environmental information system to support the implementation and development of environmental protection and management policies.
- (2) The environmental information system shall be integrated and coordinated and must be published to the public.
- (3) The environmental information system must, at a minimum, include information on environmental status, environmental hazard maps, and other environmental information.

CHAPTER IX

DUTIES AND AUTHORITY

Article 51

- In environmental protection and management, the Regional Government has the duty and authority to:
- a. Establish regional policies related to environmental protection and management;
 - b. Establish and implement Strategic Environmental Assessments (KLHS);

- c. Establish and implement regional policies regarding the Regional Environmental Action Plan (RPPLH);
- d. Establish and implement policies on Amdal and UKL-UPL;
- e. Conduct an inventory of natural resources and greenhouse gas emissions;
- f. Develop and implement cooperation and partnerships;
- g. Develop and apply environmental instruments;
- h. Facilitate the resolution of environmental disputes in the region;
- i. Supervise and guide compliance by business and/or activity operators with environmental licensing requirements and regulations;
- j. Implement minimum service standards in environmental matters;
- k. Implement regional policies regarding the recognition of community-based environmental care initiatives;
- l. Manage regional environmental information;
- m. Develop and implement policies on environmental information systems;
- n. Provide education, training, guidance, and awards in the field of environmental protection;
- o. Issue Environmental Permits; and
- p. Enforce environmental law.

CHAPTER X

RIGHTS, OBLIGATIONS, AND PROHIBITIONS

Section One

Rights

Article 52

Every person has the right to:

- a. Obtain a good and healthy environment as part of human rights;
- b. Receive environmental education, access to information, access to participation, and access to justice in fulfilling the right to a good and healthy environment;
- c. Submit proposals and/or objections to business and/or activity plans that are expected to cause environmental impacts;
- d. Participate in the protection and management of the environment in accordance with the laws and regulations; and
- e. File complaints regarding suspected environmental pollution and/or damage in the region.

Article 53

Any person who advocates for the right to a good and healthy environment shall not be subject to criminal prosecution or civil lawsuits.

Section Two

Obligations

Article 54

Every person has the obligation to preserve and maintain the sustainability of environmental functions and to control environmental pollution and/or damage.

Article 55

Any person who conducts business and/or activities has the obligation to:

- a. Provide information related to environmental protection and management in a truthful, accurate, open, and timely manner;
- b. Maintain the sustainability of environmental functions; and
- c. Comply with environmental quality standards and/or criteria for environmental damage.

Section Three

Prohibitions

Article 56

Every person is prohibited from:

- a. Committing acts that cause environmental pollution and/or damage;
- b. Disposing of wastewater into the environment exceeding the wastewater quality standards set by laws and regulations;
- c. Disposing of gas waste or emissions into the environment exceeding the standards set by the authorized official based on legal regulations;
- d. Disposing of hazardous and toxic waste (B3) and/or B3 waste into the environment;
- e. Dumping, storing, piling, processing, and transporting B3 waste and/or processed products or business and/or activities, whether solid or liquid, without authorization from the authorized official;
- f. Releasing genetically engineered products into the environment in contradiction with laws and regulations or Environmental Permit;
- g. Compiling an Environmental Impact Assessment (Amdal) without holding a certified Amdal compiler competency certificate;

- h. Providing false, misleading, or incomplete information, damaging information, or giving incorrect statements;
- i. Engaging in illegal logging, altering, or damaging forest areas and green open spaces designated by the region as natural resource conservation areas;
- j. Catching fish or other biota in water bodies and rice fields using poison, electricity, or explosives;
- k. Utilizing, altering, or damaging water source areas and areas that are water source protection zones; and
- l. Hunting, breeding or capturing, trading, and/or consuming rare or protected animals without authorization from the competent official.

CHAPTER XI

THE ROLE OF THE COMMUNITY

Article 57

- (1) The community has the right and equal opportunity to actively participate in environmental protection and management in the region.
- (2) The role of the community may include:
 - a. Social supervision;
 - b. Providing suggestions, opinions, proposals, objections, and complaints; and/or
 - c. Reporting or providing information related to environmental protection and management.
- (3) The community's role is aimed at:
 - a. Raising awareness and concern in efforts to protect and manage the environment;

- b. Enhancing the independence, empowerment, and partnership of the community in environmental protection and management;
- c. Fostering community capabilities and leadership;
- d. Encouraging prompt action and social monitoring; and
- e. Developing and preserving values, culture, and local wisdom in environmental protection and management efforts.

CHAPTER XII

SUPERVISION AND ADMINISTRATIVE SANCTIONS

Section One

Supervision

Article 58

- (1) The Regent must carry out supervision over the compliance of business and/or activity responsible parties with environmental permits and laws and regulations in the field of environmental protection and management.
- (2) In carrying out supervision as referred to in paragraph (1), the Regent may delegate their authority to the officials/technical agencies responsible for environmental protection and management or appoint regional environmental supervision officers.

Article 59

Further provisions regarding the duties, authority, and work procedures of regional environmental supervision officers, as referred to in Article 58 paragraph (2), are regulated by the Regent's Regulation.

Section Two

Administrative Sanctions

Article 60

- (1) The Regent shall impose administrative sanctions on the responsible party of the business and/or activity if, during supervision, a violation of the Environmental Permit is found.
- (2) Administrative sanctions consist of:
 - a. Written warning;
 - b. Government coercion;
 - c. Suspension of environmental permits; or
 - d. Revocation of environmental permits.

Article 61

Administrative sanctions as referred to in Article 60 do not exempt the business and/or activity responsible party from the responsibility for environmental recovery and criminal liability.

Article 62

The imposition of administrative sanctions in the form of suspension or revocation of Environmental Permits as referred to in Article 60 paragraph (2) letters c and d shall be carried out if the responsible party does not implement the government coercion.

Article 63

- (1) Government coercion as referred to in Article 60 paragraph (2) letter b includes:
 - a. Temporary cessation of production activities;
 - b. Relocation of production facilities;

- c. Closure of wastewater/emission disposal channels;
 - d. Order for demolition;
 - e. Seizure of goods or equipment that may cause violations;
 - f. Temporary cessation of all activities; or
 - g. Other actions aimed at halting violations and restoring environmental functions.
- (2) Government coercion may be imposed without prior warnings if the violations:
- a. Pose a very serious threat to humans and the environment;
 - b. Cause greater and wider impacts if pollution and/or environmental damage are not immediately stopped; and/or
 - c. Cause greater environmental harm if pollution and/or environmental damage are not immediately stopped.

Article 64

Each business and/or activity responsible party who fails to implement government coercion may be fined for each delay in the implementation of the government coercion sanctions.

Article 65

- (1) The Regent has the authority to compel the business and/or activity responsible party to carry out environmental recovery due to pollution and/or environmental destruction caused by them.
- (2) The Regent has the authority to or may appoint a third party to carry out the environmental recovery due to pollution and/or environmental destruction caused by them, at the expense of the business and/or activity responsible party.

Article 66

Further provisions regarding the procedures for the imposition of administrative sanctions are regulated by the Regent's Regulation.

Chapter XIII

Environmental Dispute Resolution

Section One

General

Article 67

- (1) Environmental disputes can be resolved through the court or out-of-court processes.
- (2) The choice of environmental dispute resolution shall be made voluntarily by the parties involved in the dispute.
- (3) A lawsuit through the court can only be pursued if the out-of-court dispute resolution chosen is declared unsuccessful by one or both parties involved in the dispute.

Section Two

Out-of-Court Environmental Dispute Resolution

Article 68

- (1) Out-of-court environmental dispute resolution is aimed at reaching an agreement on:
 - a. The form and amount of compensation;
 - b. Actions for recovery due to pollution and/or destruction;
 - c. Specific actions to ensure that pollution and/or destruction will not recur; and/or

- d. Actions to prevent negative impacts on the environment.
- (2) Out-of-court dispute resolution does not apply to environmental criminal acts as regulated in this Regional Regulation.
- (3) In the out-of-court environmental dispute resolution, the use of mediators and/or arbitrators may be employed to help resolve the environmental dispute.

Article 69

- (1) The community can establish institutions that provide services for the resolution of environmental disputes that are independent and impartial.
- (2) The local government may facilitate the establishment of institutions that provide services for the resolution of environmental disputes that are independent and impartial.

Section Three

Resolution of Environmental Disputes through the Court

Paragraph 1

Compensation and Environmental Restoration

Article 70

- (1) Every person responsible for a business and/or activity that commits an unlawful act causing pollution and/or environmental destruction that results in damage to others or the environment must pay compensation and/or take specific actions.
- (2) Every person who transfers, alters the nature and form of a business, and/or activities from a legal entity that has committed an unlawful act does not relieve the legal entity of its legal responsibility and/or obligations.

- (3) The court may impose a daily fine for each day of delay in executing the court's decision.
- (4) The amount of the daily fine is determined based on applicable laws and regulations.

Paragraph 2

Strict Liability

Article 71

Every person whose actions, business, and/or activities use hazardous and toxic materials (B3), generate and/or manage B3 waste, and/or cause serious threats to the environment is strictly liable for the damages that occur without the need to prove fault.

Paragraph 3

Statute of Limitations for Filing Claims

Article 72

- (1) The statute of limitations for filing a claim to the court follows the time limits stipulated in the provisions of the Civil Code, calculated from the moment the pollution and/or environmental damage is discovered.
- (2) The provisions regarding the statute of limitations do not apply to pollution and/or environmental damage caused by businesses and/or activities that use and/or manage B3, as well as generate and/or manage B3 waste.

Paragraph 4

Right of the Regional Government to Sue

Article 73

The institution responsible for environmental affairs has the authority to file a lawsuit for compensation and specific actions against businesses and/or activities that cause pollution and/or environmental damage resulting in environmental harm.

Paragraph 5

Right of the Community to Sue

Article 74

- (1) The community has the right to file a class action lawsuit for their own interests and/or the interests of the community if they suffer harm due to pollution and/or environmental damage.
- (2) The lawsuit can be filed if there is a similarity of facts or events, legal basis, and the type of claim between the group representative and its group members.
- (3) The provisions regarding the community's right to sue shall be carried out in accordance with applicable laws and regulations.

Paragraph 6

Right to Sue for Environmental Organizations

Article 75

- (1) In order to fulfill the responsibility for the protection and management of the environment, environmental organizations have the right to file lawsuits in the interest of preserving environmental functions.
- (2) The right to file a lawsuit is limited to demands for specific actions without requesting compensation, except for actual costs or expenditures.

(3) Environmental organizations can file a lawsuit if they meet the following requirements:

- a. It is a legal entity;
- b. It explicitly states in its articles of association that it was established for the purpose of preserving environmental functions; and
- c. It has carried out activities in accordance with its articles of association for at least two years.

Paragraph 7

Administrative Lawsuits

Article 76

- (1) Any person may file a lawsuit against an administrative decision if:
 - a. A government agency or official issues an Environmental Permit to a business and/or activity that requires an Environmental Impact Assessment (Amdal) but is not accompanied by an Amdal document;
 - b. A government agency or official issues an Environmental Permit to an activity that requires an Environmental Management and Monitoring Plan (UKL-UPL) but is not accompanied by a UKL-UPL document; and/or
 - c. A government agency or official issues an Environmental Permit for a business and/or activity that requires an Amdal or UKL-UPL but is not accompanied by the relevant Environmental Permit.
- (2) The procedure for filing a lawsuit against an administrative decision refers to the Administrative Court Procedure Law.

BAB XIV

INVESTIGATION AND EVIDENCE

Section One

Investigation

Article 77

- (1) In addition to investigators from the Indonesian National Police, certain civil servant officials in government agencies with duties and responsibilities in the field of environmental protection and management are given authority as investigators in accordance with Criminal Procedure Law to conduct investigations into environmental crimes.
- (2) Civil servant investigators are authorized to:
 - a. examine the truth of reports or statements related to criminal acts in the field of environmental protection and management;
 - b. examine any person suspected of committing a criminal act in the field of environmental protection and management;
 - c. request statements and evidence from anyone related to an environmental crime;
 - d. examine books, records, and other documents related to environmental crimes;
 - e. conduct examinations in certain places suspected of containing evidence, books, records, and other documents;
 - f. seize materials and goods resulting from violations that could be used as evidence in environmental criminal cases;
 - g. request expert assistance in carrying out the tasks of investigating environmental crimes;
 - h. stop the investigation;
 - i. enter specific places, take photographs, and/or create audiovisual recordings;
 - j. conduct searches of bodies, clothing, rooms, and/or other places suspected of being

locations where criminal acts have occurred;
and/or

- k. arrest and detain perpetrators of environmental crimes.
- (3) When civil servant investigators make arrests and detentions as referred to in paragraph (2) letter k, they shall coordinate with investigators from the Indonesian National Police.
 - (4) If a civil servant investigator conducts an investigation, they shall notify the investigators from the Indonesian National Police, who will provide assistance for the smooth progress of the investigation.
 - (5) The civil servant investigator shall inform the public prosecutor when an investigation has started, with a copy to the investigators from the Indonesian National Police.
 - (6) The results of the investigation conducted by the civil servant investigator shall be submitted to the public prosecutor.

Article 78

- (1) In the enforcement of law against perpetrators of environmental crimes, integrated law enforcement may be conducted between Civil Servant Investigators, the police, and the prosecutor's office under the coordination of the Regent.
- (2) The provisions regarding the implementation of integrated law enforcement are regulated by a Regent's Regulation.

Section Two

Evidence

Article 79

Valid evidence in the prosecution of environmental crimes consists of:

- a. witness statements;
- b. expert testimony;
- c. documents;
- d. indications;
- e. defendant's statements; and/or
- f. other evidence, including evidence regulated in relevant laws and regulations.

BAB XV

CRIMINAL PROVISIONS

Article 80

- (1) Any person proven to have violated the provisions as regulated in Article 23 paragraph (2), Article 29 paragraph (1), Article 30 paragraph (1), Article 46, Article 47, Article 48, Article 55, and Article 56 letters a to h shall be sentenced according to the laws and regulations governing Environmental Protection and Management.
- (2) Any person proven to have violated the provisions as regulated in Article 42 paragraph (1) and Article 43 paragraph (1) shall be sentenced to imprisonment for a maximum of 3 (three) months and/or a fine of up to Rp 50,000,000 (fifty million rupiah).
- (3) Any person proven to have violated the provisions as regulated in Article 56 letters i to l shall be sentenced to imprisonment for a maximum of 3 (three) months and/or a fine of up to Rp 50,000,000 (fifty million rupiah).
- (4) The criminal offenses as referred to in paragraph (2) and paragraph (3) are classified as violations.

BAB XVI

CLOSING PROVISIONS

Article 81

At the time this Regional Regulation comes into effect, the Sukoharjo Regency Regional Regulation Number 9 of 2009 concerning Environmental Control (Sukoharjo Regency Gazette of 2009 Number 9, Additional Sukoharjo Regency Gazette Number 168) is repealed and declared no longer applicable.

Article 82

This Regional Regulation shall come into effect on the date of promulgation. To ensure that all parties are informed, the promulgation of this Regional Regulation is ordered through its publication in the Sukoharjo Regency Gazette.

Established in Sukoharjo

on July 30, 2013

REGENT OF SUKOHARJO,

ttd.

WARDOYO WIJAYA

Promulgated in Sukoharjo

on September 7, 2013

SECRETARY OF SUKOHARJO

REGENCY,

ttd.

AGUS SANTOSA

REGIONAL GAZETTE OF

SUKOHARJO REGENCY

2013, NUMBER 6

EXPLANATION

OF THE SUKOHARJO REGENCY REGULATION
NUMBER 6 OF 2013
ON ENVIRONMENTAL PROTECTION AND MANAGEMENT

I. GENERAL

In essence, regional development is part of national development, which aims for sustainable and environmentally conscious growth to achieve prosperity and welfare for the people of Sukoharjo Regency. Sustainable development can be ensured if supported by natural resources and an environment that remains intact. The utilization of natural and environmental resources, both biotic and abiotic, greatly affects the environmental condition and threatens the balance and continuity of ecosystems, which in turn threatens human survival.

The environmental issues in Sukoharjo Regency include a decline in environmental carrying capacity. This problem has emerged due to the low awareness of some people regarding the importance of environmental control. It is triggered by factors such as: changes in the function and order of the environment, a decline in the function and quality of the environment, lack of integration in the management of human resources, natural resources, and man-made resources in environmental control between various parties, suboptimal land use in the Regency, and environmental pollution caused by industrial activities, household activities, and motor vehicle traffic.

The high level of exploitation of natural resources and the environment has had a side effect, putting pressure on the environment's ability to accept waste burdens, including solid waste, liquid waste, and emissions.

Some specific environmental problems in Sukoharjo Regency include: 1) degradation of forest resources due to deforestation, land contraction, and fires; 2) water crises during the dry season; 3) damage to natural resources due to mining and exploitation that disregards the sustainability of the environment; 4) inconsistency in spatial planning policies; 5) the conversion of productive agricultural land for development purposes, threatening food security; and 6) the declining air quality in certain areas.

Therefore, to provide clarity in the direction of environmental management policies and to prevent a decline in environmental quality to support the sustainability of regional development, and in the spirit of contributing to global warming prevention efforts, the establishment of a Regional Regulation that governs environmental protection and management is necessary.

This Regional Regulation on Environmental Protection and Management in Sukoharjo Regency serves as the foundation and legal basis for environmental

management in the region, ensuring that the environment remains preserved, maintained, and its sustainability guaranteed.

II. ARTICLE BY ARTICLE

Article 1

Clear enough.

Article 2

Letter a

The "principle of state responsibility" is defined as:

- a. The state guarantees that the utilization of natural resources will provide maximum benefits for the welfare and quality of life of the people, both for the present and future generations.
- b. The state guarantees the citizens' right to a good and healthy environment.
- c. The state prevents activities that utilize natural resources which lead to pollution and/or environmental damage.

Letter b

The "principle of sustainability and continuity" means that everyone bears the obligation and responsibility for future generations and for their fellow contemporaries by making efforts to preserve ecosystem carrying capacity and improve the quality of the environment.

Letter c

The "principle of harmony and balance" means that the utilization of the environment must consider various aspects, such as economic, social, cultural interests, and the protection and preservation of ecosystems.

Letter d

The "principle of integration" means that environmental protection and management must integrate various elements or synergize the related components.

Letter e

The "principle of benefit" means that all efforts and/or development activities should be aligned with the potential of natural resources and the environment to enhance the welfare of the community and the dignity of human beings in harmony with their environment.

Letter f

The "precautionary principle" means that uncertainty about the impact of an effort and/or activity due to the limitations of knowledge and technology is not an excuse to delay actions to minimize or avoid threats of pollution and/or environmental damage.

Letter g

The "principle of justice" means that environmental protection and management must reflect proportional justice for every citizen, whether across regions, generations, or genders.

Letter h

The "principle of ecoregion" means that environmental protection and management must consider the characteristics of natural resources, ecosystems, geographical conditions, local culture, and local wisdom.

Letter i

The "principle of biodiversity" means that environmental protection and management must consider integrated efforts to maintain the existence, diversity, and sustainability of biological natural resources, including plant and animal resources, which together with non-biological elements form an ecosystem.

Letter j

The "polluter pays principle" means that every person responsible for an enterprise and/or activity that causes pollution and/or environmental damage is required to bear the costs of environmental recovery.

Letter k

The "participatory principle" means that every member of society is encouraged to play an active role in the decision-making process and implementation of environmental protection and management, both directly and indirectly.

Letter l

The "principle of local wisdom" means that environmental protection and management must consider the noble values that apply in the societal life framework.

Letter m

The "principle of good governance" means that environmental protection and management must be guided by the principles of participation, transparency, accountability, efficiency, and justice.

Letter n

The "principle of regional autonomy" means that the government and local governments regulate and manage their own environmental protection and management affairs, taking into account the uniqueness and diversity of regions within the framework of the Unitary State of the Republic of Indonesia.

Letter o

The "principle of legal certainty" means the principle that emphasizes the foundation of laws, propriety, and justice in every state administration policy.

Article 3

Clear enough.

Article 4

Clear enough.

Article 5

Clear enough.

Article 6

Clear enough.

Article 7

Paragraph (1)

Clear enough.

Paragraph (2)

The local wisdom in this paragraph includes customary rights that are recognized by the Regional People's Representative Council (DPRD).

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 8

Clear enough.

Article 9

Paragraph (1)

The term "control of pollution and/or environmental damage" includes, among others, the control of:

- a. Water, air, and sea pollution; and
- b. Ecosystem damage and damage due to climate change.

Paragraph (2)

Letter a

Clear enough.

Letter b

Clear enough.

Paragraph (3)

Clear enough.

Article 10

Clear enough.

Article 11

Paragraph (1)

The term "region" refers to a geographical unit along with all related components, the boundaries and system of which are determined based on administrative and/or functional aspects.

Paragraph (2)

Letter a

Clear enough.

Letter b

The environmental impact and/or risks referred to include:

- a. Climate change;
- b. Damage, deterioration, and/or extinction of biodiversity;
- c. Increased intensity and coverage of flood, landslide, drought, and/or forest and land fires;
- d. Decreased quality and abundance of natural resources;
- e. Increased land use conversion in forest areas and/or land;
- f. Increase in the number of impoverished people or the sustainability of livelihoods of certain groups of people being threatened; and/or
- g. Increased risks to human health and safety.

Paragraph (3)

Clear enough.

Article 12

Clear enough.

Article 13

Clear enough.

Article 14

Community involvement is carried out through dialogue, discussions, and public consultations.

Article 15

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Article 16

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

The term "Water Quality Standards" refers to the threshold or concentration of living organisms, substances, energy, or components present or required to be present and/or pollutants that are allowed in the water.

Letter b

The term "Wastewater Quality Standards" refers to the threshold or concentration of pollutants allowed to be discharged into water media.

Letter c

The term "Ambient Air Quality Standards" refers to the threshold or concentration of substances, energy, and/or components that should be present, and/or pollutants that are allowed in ambient air.

Letter d

The term "Emission Quality Standards" refers to the threshold or concentration of pollutants allowed to be released into the air.

Letter e

The term "Disturbance Quality Standards" refers to the threshold of pollutants allowed in the environment, covering elements like vibration, noise, and odor.

Letter f

Clear enough.

Article 17

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Letter a

The term "biomass production" refers to the utilization of land resources to produce biomass.

The term "soil damage criteria for biomass production" refers to the threshold of acceptable changes in the fundamental properties of soil related to biomass production activities.

The criteria for soil damage for biomass production include agricultural land, cultivated land, and forests.

Letter b

The term "environmental damage related to forest and/or land fires" refers to the impact of changes in the environment, such as damage and/or pollution caused by forest and/or land fires resulting from certain efforts and/or activities.

Letter c

Clear enough.

Letter d

Clear enough.

Paragraph (4)

Clear enough.

Article 18

Clear enough.

Article 19

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Letter f

The term "introduction of plant, animal, and microbial species" refers to the intentional or unintentional introduction of a species of animal or plant into a new habitat. Microorganisms in this context also include genetically engineered products.

Letter g

Clear enough.

Letter h

Clear enough.

Letter i

Clear enough.

Article 20

Clear enough.

Article 21

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Letter f

The environmental management and monitoring plan aims to avoid, minimize, mitigate, and/or compensate for the impacts of certain efforts and/or activities.

Article 22

Paragraph (1)

Community involvement is carried out through public announcements and consultations to gather suggestions and responses.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 23

Paragraph (1)

The term "other parties" includes institutions that prepare Environmental Impact Assessments (AMDAL) or consultants.

Paragraph (2)

Clear enough.

Article 24

Clear enough.

Article 25

Clear enough.

Article 26

Clear enough.

Article 27

Clear enough.

Article 28

Clear enough.

Article 29

Paragraph (1)

Clear enough.

Paragraph (2)

UKL-UPL recommendations are assessed by the Technical Team of the Environmental Agency.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 30

Clear enough.

Article 31

Clear enough.

Article 32

Paragraph (1)

The announcement in this article is an implementation of transparency. This announcement allows community participation, especially for those who have not used the objection procedures, hearings, and others in the decision-making process for permits.

Paragraph (2)

Clear enough.

Article 33

Paragraph (1)

The term "business and/or activity permit" in this paragraph includes permits that are called by other names such as operational permits and construction permits.

Paragraph (2)

Clear enough.

Paragraph (3)

The changes referred to in this paragraph include changes in ownership, technology, increases or decreases in production capacity, and/or changes in the location of the business and/or activity.

Article 34

Clear enough.

Article 35

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

The term "economic instruments in development planning" refers to efforts to internalize environmental aspects into the planning and implementation of development and economic activities.

Letter b

The term "environmental funding" refers to a system and mechanism for gathering and managing funds used to finance efforts for environmental protection and management. Environmental funding comes from various sources, such as levies, grants, and others.

Letter c

Incentives refer to efforts to provide financial and/or non-financial encouragement or incentives to individuals or local governments to carry out activities that positively impact natural resource reserves and the quality of environmental functions.

Disincentives refer to the imposition of financial and/or non-financial burdens or threats on individuals or local governments to discourage activities that negatively affect natural resource reserves and the quality of environmental functions.

Article 36

Paragraph (1)

Letter a

The term "natural resource balance" refers to a description of the reserves of natural resources and their changes, both in physical and monetary units.

Letter b

The term "gross domestic product" refers to the value of all goods and services produced by a country during a specific period.

The term "gross regional domestic product" refers to the value of all goods and services produced by a region during a specific period.

Letter c

The term "compensation/environmental service payments between regions" refers to the compensation/payment methods carried out by individuals, communities, and/or local governments as users of environmental services to the providers of these environmental services.

Letter d

The term "internalization of environmental costs" refers to including the costs of environmental degradation and/or damage in the calculation of production costs or the costs of a business and/or activity.

Paragraph (2)

Letter a

The term "environmental recovery guarantee fund" refers to funds provided by a business and/or activity for the recovery of environmental quality that has been damaged by its activities.

Letter b

The term "contingency fund" refers to funds used to address pollution and/or environmental damage caused by a business and/or activity.

Letter c

The term "trust fund/grant fund" refers to funds from grants and donations for environmental conservation purposes.

Paragraph (3)

Letter a

The term "environmentally friendly procurement of goods and services" refers to procurement that prioritizes goods and services labeled as environmentally friendly.

Letter b

The term "environmental taxes" refers to levies imposed by the Government and local governments on individuals who utilize natural resources, such as taxes on groundwater extraction, taxes on fuel, and taxes on bird's nest harvesting.

The term "environmental levies" refers to charges imposed by local governments on individuals who utilize facilities provided by the local government, such as charges for wastewater treatment.

The term "environmental subsidies" refers to reductions or reliefs provided to individuals whose activities positively impact the environment.

Letter c

The term "environmentally friendly financial institution system" refers to a financial institution system that applies environmental protection and management requirements in its financing policies and practices, both for banks and non-bank financial institutions.

Letter d

The term "waste and/or emission permit trading" refers to the buying and selling of waste and/or emission quotas allowed to be disposed of into environmental media between business and/or activity operators.

Letter e

The term "environmental service payments" refers to payments or compensation made by beneficiaries of environmental services to the providers of those services.

Letter f

The term "environmental insurance" refers to insurance that provides protection in the event of pollution and/or environmental damage.

Letter g

The term "environmentally friendly labeling system" refers to the practice of affixing labels to products that are environmentally friendly.

Letter h

Clear enough.

Article 37

Clear enough.

Article 38

Clear enough.

Article 39

Clear enough.

Article 40

Paragraph (1)

The term "environmental risk analysis" refers to procedures used, among other things, to assess the release and circulation of genetically engineered products and the cleanup of hazardous waste.

Paragraph (2)

Letter a

In this provision, "risk assessment" includes the entire process, from hazard identification, interpreting the magnitude of consequences or effects, and interpreting the likelihood of undesired impacts, both on human health and the environment.

Letter b

In this provision, "risk management" includes evaluating or selecting risks that require management, identifying risk management options, choosing actions for management, and implementing the chosen actions.

Letter c

The term "risk communication" refers to the interactive process of exchanging information and opinions among individuals, groups, and institutions related to risk.

Paragraph (3)

Clear enough.

Article 41

Clear enough.

Article 42

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Article 43

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

Clear enough.

Letter b

The term "remediation" refers to efforts aimed at restoring environmental quality by improving environmental health.

Letter c

The term "rehabilitation" refers to efforts aimed at restoring the value, function, and benefits of the environment, including preventing land degradation, providing protection, and improving ecosystems.

Letter d

The term "restoration" refers to efforts aimed at returning the environment or parts of it to its original function.

Letter e

Clear enough.

Article 44

Clear enough.

Article 45

Paragraph (1)

The term "environmental maintenance" refers to actions taken to preserve the functions of the environment and prevent its degradation or damage caused by human activities.

Letter a

Conservation of natural resources includes, among others, the conservation of water resources, forest ecosystems, coastal marine ecosystems, energy, and karst ecosystems.

Letter b

Resource conservation includes natural resources that can be managed for the long term, according to needs. To implement resource conservation, the

government and individuals can establish: a. Biodiversity parks outside of forest areas; b. Green Open Spaces (RTH) covering at least 30% of the area; c. Planting and maintaining trees outside forest areas.

Letter c

Clear enough.

Paragraph (2)

Letter a

Clear enough.

Letter b

The term "preservation of natural resources" refers to efforts aimed at maintaining the integrity and authenticity of natural resources and their ecosystems.

Letter c

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Letter a

The term "climate change mitigation efforts" refers to actions taken to reduce the impact of climate change, which can occur before climate change happens, including preparedness and long-term risk reduction actions.

The term "climate change adaptation efforts" refers to adjustments in natural or human systems in response to climate change stimuli.

Letter b

Clear enough.

Letter c

Clear enough.

Article 46

The obligation to manage hazardous and toxic materials (B3) is an effort to reduce the potential environmental risks of pollution and/or environmental damage, considering that B3 has significant potential to cause negative impacts.

Article 47

Paragraph (1)

Management of B3 waste refers to a series of activities including reduction, storage, collection, transportation, utilization, and/or treatment, including the disposal of B3 waste.

Paragraph (2)

Clear enough.

Paragraph (3)

The term "other parties" refers to business entities involved in managing B3 waste who have obtained the necessary permits.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Paragraph (6)

Clear enough.

Paragraph (7)

Clear enough.

Article 48

Clear enough.

Article 49

Clear enough.

Article 50

Paragraph (1)

The environmental information system includes, among others, ecological diversity, population distribution, natural resource potential distribution, and local wisdom.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 51

Clear enough.

Article 52

Letter a

Clear enough.

Letter b

The right to environmental information is a logical consequence of the right to participate in environmental management, which is based on the principle of openness. This right to information will enhance the value and effectiveness of participation in environmental management, in addition to opening opportunities for the public to realize their rights to a healthy and well-managed environment. Environmental information as referred to in this article can include data, descriptions, or other information related to environmental protection and management that is inherently open for public knowledge, such as documents on environmental impact analysis, monitoring reports and evaluations, both compliance monitoring and changes in environmental quality, and spatial planning.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Article 53

Clear enough.

Article 54

Clear enough.

Article 55

Clear enough.

Article 56

Clear enough.

Article 57

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

Clear enough.

Letter b

Providing advice and opinions in this context includes the preparation of Strategic Environmental Assessments (KLHS) and Environmental Impact Assessments (AMDAL).

Letter c

Clear enough.

Paragraph (3)

Clear enough.

Article 58

Clear enough.

Article 59

Clear enough.

Article 60

Clear enough.

Article 61

Clear enough.

Article 62

Clear enough.

Article 63

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

The term "very serious threat" refers to a situation with the potential to seriously endanger the safety and health of many people, such that it cannot be delayed.

Letter b

Clear enough.

Letter c

Clear enough.

Article 64

Clear enough.

Article 65

Clear enough.

Article 66

Clear enough.

Article 67

Paragraph (1)

This provision is intended to protect the civil rights of the parties involved in the dispute.

Paragraph (2)

Clear enough.

Paragraph (3)

This provision is intended to prevent conflicting decisions on the same environmental dispute to ensure legal certainty.

Article 68

Clear enough.

Article 69

Clear enough.

Article 70

Paragraph (1)

This provision is an implementation of the "polluter pays" principle in environmental law. In addition to being required to pay compensation, polluters and/or environmental destroyers can also be ordered by a judge to undertake certain legal actions, such as: a. Installing or improving waste treatment units to ensure that waste meets environmental quality standards; b. Restoring environmental functions; and/or c. Eliminating or destroying pollution and/or environmental damage.

Paragraph (2)

Clear enough.

Paragraph (3)

Imposing a penalty payment for each day of delay in executing the court's order to undertake specific actions is for the benefit of environmental functions.

Paragraph (4)

Clear enough.

Article 71

"Strict liability" refers to the concept where fault does not need to be proven by the plaintiff as the basis for compensation claims. This provision is a *lex specialis* in lawsuits regarding unlawful acts in general. The amount of compensation that can be imposed on the polluter or environmental destroyer under this article can be set up to a certain limit.

The phrase "up to a certain limit" means that if a regulation requires insurance for the related business/activity or if an environmental fund has been established, the limit will be specified.

Article 72

Clear enough.

Article 73

"Environmental loss" refers to the damage caused by pollution and/or environmental degradation that is not considered private property rights.

Certain actions refer to measures for preventing and addressing pollution and/or damage as well as restoring environmental functions to ensure that negative impacts on the environment do not occur or recur.

Article 74

Clear enough.

Article 75

Clear enough.

Article 76

Clear enough.

Article 77

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

"Coordination" refers to the action of consulting to obtain assistance in terms of personnel, facilities, and infrastructure needed for the investigation.

Paragraph (4)

The notification in this article is not to announce the commencement of an investigation, but rather to clarify the coordination between the civil servant investigator and the police investigator of the Republic of Indonesia.

Paragraph (5)

Clear enough.

Paragraph (6)

Clear enough.

Article 78

Clear enough.

Article 79

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Letter f

"Other evidence" includes: information that is spoken, transmitted, received, or stored electronically, magnetically, optically, or in similar forms; and/or data, recordings, or information that can be read, seen, and heard, which can be reproduced with or without the help of a device, including but not limited

to text, voice, images, maps, designs, photos, or similar items, letters, symbols, numbers, or representations that carry meaning or can be understood or read.

Article 80

Clear enough.

Article 81

Clear enough.

Article 82

Clear enough.

ADDITIONAL REGIONAL GAZETTE OF SUKOHARJO DISTRICT NUMBER 207

Clear enough.