

# THE PREVENTION AND ERADICATION OF FOREST DESTRUCTION

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

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

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

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

In view of :

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

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

D E C I D E S :

To stipulate :

LAW ON THE PREVENTION AND ERADICATION OF  
 FOREST DESTRUCTION.

#### CHAPTER I

#### GENERAL PROVISIONS

#### Article 1

Referred to in this Law as :

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

manner.

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

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

## CHAPTER II

### PRINCIPLE, AIM AND SCOPE

#### Article 2

The prevention and eradication of forest

destruction shall be based on the principles of :

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

#### Article 3

The prevention and eradication of forest destruction is aimed at:

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

#### Article 4

The scope of prevention and eradication of forest destruction covers:

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

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

### CHAPTER III

#### PREVENTION OF FOREST DESTRUCTION

##### Article 5

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

##### Article 6

(1) To prevent forest destruction, the government shall make policies in the form of :

- a. cross-sectoral coordination in preventing and eradicating forest destruction;
- b. fulfilling the need for apparatuses to safeguard forests;
- c. incentives for parties who have contributed to forest conservation;
- d. directory map of forest areas and/or geographical coordinate as a judicial basis of forest borders; and
- e. fulfilling the need for facilities and infrastructures to prevent and eradicate forest destruction.

(2) The government and regional governments shall according to their respective authority designate alternative wood sources by encouraging the development of productive timber estate and processing technology.

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

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

Article 7

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

CHAPTER IV

ERADICATION OF FOREST DESTRUCTION

Part One

General

Article 8

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

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

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

Article 9

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

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

Article 10

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

Part Two

Provisions on Forest Destruction Acts

Article 11

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

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

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

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

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

Article 12

Anybody is banned from :

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

air;

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

Article 13

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

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

Article 14

Anybody is banned from:

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

Article 15

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

Article 16

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

Article 17

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

without a permit from the Minister;

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

(2) Anybody is banned from :

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

Article 18

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

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

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

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

#### Article 19

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

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

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

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

#### Article 20

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

#### Article 21

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

#### Article 22

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

#### Article 23

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