

REGULATION OF THE PROVINCE OF WEST KALIMANTAN
NUMBER 8 OF 2019
ON
FORESTRY MANAGEMENT

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF WEST KALIMANTAN,

- Considering :
- a. that forest is a grant and gift from the Almighty God having extremely important functions and benefits for people in aspects such as ecology, economy, or socio-culture, so that its management must be done continually and kept its functional preservation for people's welfare;
 - b. that the forest is necessary to be managed optimally and continually by considering aspects of ecology, economy, culture and local wisdom;
 - c. that Law Number 23 of 2014 on Local Government as amended several times and last by Law Number 9 of 2015 provides authority for provincial government to manage forest;
 - d. that based on considerations as referred to in point a, point b, and point c, it is necessary to establish Regional Regulation on Forestry Management;
- Observing :
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 25 of 1956 on Establishment of Autonomous Regions of the Provinces of West Kalimantan, South Kalimantan and East Kalimantan (State Gazette of the Republic of Indonesia of 1956 Number 65, Supplement to

- the State Gazette of the Republic of Indonesia Number 1106);
3. Law Number 41 of 1999 on Forestry (State Gazette of the Republic of Indonesia of 1999 Number 167, Supplement to the State Gazette of the Republic of Indonesia Number 3888) as amended by Law Number 19 of 2004 on Enactment of Government Regulation in Lieu of Law Number 1 of 2004 on Amendment to Law Number 41 of 1999 on Forestry to Become Law (State Gazette of the Republic of Indonesia of 2004 Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4401):
 4. Law Number 12 of 2011 in Legislation Making (State Gazette of the Republic of Indonesia Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
 5. Law Number 18 of 2013 on Prevention and Elimination of Deforestation (State Gazette of the Republic of Indonesia of 2013 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5432);
 6. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times and last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
 7. Law Number 37 of 2014 in Water and Land Conservation (State Gazette of the Republic of Indonesia of 2014 Number 299, Supplement to the State Gazette of the Republic of Indonesia Number 5608);
 8. Government Regulation Number 44 of 2004 on Forestry Planning (State Gazette of the Republic of Indonesia of 2004 Number 146, Supplement to the State Gazette of the Republic of Indonesia Number 4452);

9. Government Regulation Number 45 of 2004 on Forest Protection (State Gazette of the Republic of Indonesia of 2004 Number 147, Supplement to the State Gazette of the Republic of Indonesia Number 4453) as amended by Government Regulation Number 60 of 2009 on Amendment to Government Regulation Number 45 of 2004 on Forest Protection (State Gazette of the Republic of Indonesia of 2009 Number 137, Supplement to the State Gazette of the Republic of Indonesia Number 5056);
10. Government Regulation Number 6 of 2007 on Forest Management, Forest Management Planning Formulation, as well as Forest Utilization (State Gazette of the Republic of Indonesia of 2007 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 4696) as amended by Government Regulation Number 3 of 2008 on Amendment to Government Regulation Number 6 of 2007 on Forest Management, Forest Management Planning Formulation, as well as Forest Utilization (State Gazette of the Republic of Indonesia of 2008 Number 16, Supplement to the State Gazette of the Republic of Indonesia Number 4814);
11. Government Regulation Number 37 of 2012 on River Flow Management (State Gazette of the Republic of Indonesia of 2012 Number 62, Supplement to the State Gazette of the Republic of Indonesia Number 5292);
12. Regulation of the Minister of Home Affairs Number 80 of 2015 on Regional Legal Products Making as amended by Regulation of the Minister of Home Affairs Number 120 of 2018 on Amendment to Regulation of the Minister of Home Affairs Number 80 of 2015 on Regional Legal Products Making (State Bulletin of the Republic of Indonesia of 2018 Number 157);
13. Regional Regulation Number 3 of 2014 on Protection and Management of Environment (Regional Gazette of the Province of West Kalimantan of 2014 Number 1, Supplement to the Regional Gazette of the Province of West Kalimantan Number 1);

14. Regional Regulation Number 10 of 2014 on Spatial Plan of the Province of West Kalimantan 2014-20134 (Regional Gazette of the Province of West Kalimantan of 2014 Number 10, Supplement to the Regional Gazette of the Province of West Kalimantan Number 8);

With the Joint Approval of
THE PROVINCIAL HOUSE OF REPRESENTATIVES
And
THE GOVERNOR OF WEST KALIMANTAN

HAS DECIDED:

To issue : REGIONAL REGULATION ON FORESTRY MANAGEMENT.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Province of West Kalimantan.
2. Local Government means the Governor as an administrator element of Local Government leading government affairs as the authority of West Kalimantan Provincial Government.
3. Governor means the Governor of West Kalimantan.
4. Forestry Office hereinafter referred to as the Office means the local instrument administering government affairs in the field of forestry.
5. Local Technical Implementing Unit (*Unit Pelaksana Teknis Daerah*) hereinafter abbreviated as UPTD means an operating technical unit carrying out certain technical programs in the field of forest management.
6. Forest means an ecosystem unit in the form of vast area having living natural resources dominated by trees in the surrounding environment, one and the others cannot be separated.

7. Forest Management means an activity of forest management, forest management planning formulation, forest utilization, and forest area utilization, rehabilitation, forest reclamation as well as forest protection and nature conservation.
8. Forest Area means a certain area determined to be preserved as permanent forest by the Government.
9. Forest out of the Area means a forest in other utilized area.
10. Forest Area with Certain Purposes (*Kawasan Hutan Dengan Tujuan Khusus*) hereinafter abbreviated as KHDTK means a forest area specifically for interests of forestry research and development, forestry education and training as well as religious and culture.
11. Production Forest means a forest area having main function to produce forest products.
12. Protection Forest means a forest area having main function to protect life supporting system to manage water system, prevent floods, restrain erosion, prevent sea water intrusion, and maintain soil fertility.
13. Forest Product means any living, non-living materials and their derivation as well as services from the Forest.
14. Wood Forest Product (*Hasil Hutan Kayu*) hereinafter abbreviated as HHK means any living materials in the form of wood forest products derived from natural forest products.
15. Non-Wood Forest Product (*Hasil Hutan Bukan Kayu*) hereinafter abbreviated as HHBK means any living forest products either plant or animal including their derivation and culture unless wood deriving from the forest.
16. Forest Management means any program to plan and build forest management unit, including program to group forest resources in accordance with their ecosystem types and potentials in them with the purpose of gaining benefit for people.
17. Forest Management Plan means any plan in UPTD containing all aspects of forest management, formulated

based on results of forest management and forestry plan, and by considering aspiration, participation and cultural value of the community as well as environmental condition in managing forest intensively to gain more benefit.

18. Forest Utilization means any activity to utilize forest are, utilizing environmental service, utilizing wood and non-wood forest products as well as collecting wood and non-wood forest products optimally and justly for people's welfare by keeping its preservation.
19. Area Utilization means any activities to utilize growing area so that there are environmental benefits, social benefits and economic benefits optimally by not decreasing its main function.
20. Forest Area Utilization means utilization of partly forest area for the interest of development out of forestry activities without changing its function and purposes.
21. Forest Park (*Taman Hutan Raya*) hereinafter referred to as TAHURA means a nature conservation area for the purpose of plantation and/or animal collection either natural or not natural, natural species and/or not natural species, utilized for the interest of research, knowledge, education, cultural support, cultural, tourism, and recreation.
22. River Flow Area (*Daerah Aliran Sungai*), hereinafter abbreviated as DAS means a land area as a unit of river and its creeks that contain, keep, and stream water from rainfall to lakes or sea naturally. The border of DAS in land is the topographic separator and the border of DAS in sea to the waters area that is still affected by land activities.
23. DAS Management means a process to manage and integrate activities in several sectors in Government cooperate with either private or community in planning, executing, fostering and empowering as well as controlling river flow area starting from upstream to downstream for the interest of development to increase people's prosperity and welfare by preserving the ecosystem of area.

24. Environmental Service Utilization means any activities to utilize environmental service potential by not damaging environment and decreasing its main functions.
25. HHK Utilization means any activities to utilize and exploit wood forest products by not damaging environment and not decreasing its main function.
26. HHBK Utilization means any activities to utilize and exploit non-wood forest products by not damaging environment and not decreasing its main function.
27. HHK and/or HHBK Clearance means any activities for gathering forest products either wood or non-wood with a certain time limit, wide and/or volume.
28. Rehabilitation means any efforts to restore, preserve, and increase forest's functions and areas so that the carrying capacity, productivity and role in encouraging life supporting system that are carried out by the government, private, and/or community.
29. Certain area means a forest area of which its situation and condition have not yet interested the third parties to develop its utilization and not in domain of forest area utilization and use permit.
30. Forest Utilization Permit means a permit issued by an authorized official that consists of business permit for environmental service utilization, permit for non-wood forest product clearance in determined forest area, and permit for wood utilization.
31. Business Permit for Environmental Service Utilization (*Izin Usaha Pemanfaatan Jasa Lingkungan*), hereinafter abbreviated as IUPJL means a business permit issued to utilize environmental service.
32. Permit for Non-Wood Forest Product Clearance (*Izin Pemungutan Hasil Hutan Bukan Kayu*), hereinafter abbreviated as IPHHBK means a permit for gathering non-wood forest product in protection forest and/or production forest such as rattan, honey, latexes, medicinal plants, for a certain period and volume.

33. Permit for Wood Utilization (*Izin Pemanfaatan Kayu*), hereinafter abbreviated as IPK means a permit to utilize wood and/or non-wood out of forest area having granted purpose permit.
34. Silviculture System means a system of forest treatment or forest planting technique system starting from choosing plant seeds, raising seeds, planting, maintaining plants and harvesting.
35. Industrial Plants Forest (*Hutan Tanaman Industri*) hereinafter abbreviated as HTI means any plantation forest in produce forest established by a forestry industry group to increase potential and quality of produce forest by applying silviculture in fulfilling industry raw materials of forest products.
36. People's Plant Forest (*Hutan Tanaman Rakyat*), hereinafter abbreviated as HTR means a plant forest in a production forest made by a community group to increase production forest potential and quality by applying silviculture in ensuring forest resource preservation.
37. Community Forest means a state forest of which its main utilization is aimed at empowering community.
38. Village Forest means a state forest of which not having permit/rights yet, and managed by the village and utilized as village welfare.
39. Customary Forest means a forest laying in a customary law community.

Article 2

Forestry Management regulated in this regional regulation is based on the principles of benefit, preservation, democracy, justice, cooperation, openness and integrity.

Article 3

This Regional Regulation aims for being guidance of Local Government in:

- a. ensuring forest existence with the sufficient area and proportional spread;

- b. optimizing various forest functions covering conservation function, protection function, production forest, and forest out of area to reach benefits of environment, social, culture, and economy that is balance and preserved;
- c. increase carrying capacity of river flow area;
- d. lessen greenhouse gas emission and climate change;
- e. increase ability to develop community's capacity and empowerment participatively, justly, and environmentally so that they are able to create social and economic resilience as well as resilience against external change; and
- f. ensure distribution of benefits that are just and continual.

Article 4

The scope of this Regional Regulation covers:

- a. forest management;
- b. forest management utilization and management planning formulation;
- c. forest utilization;
- d. rehabilitation out of forest area;
- e. forest protection;
- f. HHK and HHBK management;
- g. KHDTK management for religious purposes;
- h. protection, conservation, and preserved utilization of TAHURA;
- i. wild plants and animals' protection;
- j. management of important ecosystem and buffer zone of nature reserve and nature preserve area;
- k. forestry counseling;
- l. community empowerment; and
- m. DAS management.

CHAPTER II FOREST MANAGEMENT

Article 5

The Local Government is authorized to implement forest management covering:

- a. Protection Forest;
- b. Production Forest; and
- c. Forest out of the Area.

Article 6

The protection forest utilization as referred to in Article 5 point a may be carried out through the following activities:

- a. Area utilization;
- b. Environmental service utilization; and
- c. HHBK clearance.

Article 7

Production Forest as referred to in Article 5 point b consists of:

- a. limited production forest;
- b. regular production forest; and
- c. converted production forest.

Article 8

- (1) The non-area forest utilization as referred to in Article 5 point c is carried out for forest laying on other utilization area.
- (2) The utilization as referred to in section (1) is carried out through:
 - a. Environmental service utilization;
 - b. HHBK clearance; and
 - c. HHK clearance.

Article 9

- (1) The forest management under Region authorization is technically carried out by the office.
- (2) The forest management under Region authorization is operationally carried out by the UPTD.
- (3) The UPTD establishment as referred to in section (2) is in accordance with the provisions of legislation.

CHAPTER III
FOREST MANAGEMENT EXECUTION AND
MANAGEMENT PLAN FORMULATION

Part One
Forest Management

Article 10

- (1) Forest management in managing forest is executed by the UPTD for gaining better and more preserved benefits.
- (2) The forest management as referred to in section (1) covers territorial division of UPTD based on ecosystem, type, function, and plan of forest management.

Part Two
Forest Management Plan Formulation

Article 11

- (1) Forest management plan formulation is executed based on forest management result.
- (2) The forest management plan formulation as referred to in section (1) is guided by:
 - a. Regional forestry plan;
 - b. spatial plan of the area of Region and regency/municipality;
 - c. integrated river flow area management plan; and
 - d. considering aspiration, local cultural value, environmental condition, and continuity.

CHAPTER IV
FOREST UTILIZATION

Part One
General

Article 12

- (1) The forest utilization is carried out with the purpose of gaining benefits of forest result and service optimally, justly, and preserve for people's welfare.

- (2) The forest utilization as referred to in section (1) is carried out in forests having forest management function as referred to in section (5).

Article 13

The forest utilization is carried out through activities covering:

- a. forest area utilization;
- b. non-area forest utilization;
- c. HHBK collection; and
- d. environmental service utilization.

Part Two

Forest Area Utilization

Article 14

- (1) The forest area utilization in Protection Forest as referred to in Article 13 point a is carried out through the following business activities:
 - a. medicinal plants cultivation;
 - b. ornamental plants cultivation;
 - c. mushroom cultivation;
 - d. beekeeping;
 - e. animal rehabilitation; or
 - f. forage farming.
- (2) The business activities of forest area utilization in Protection Forest as referred to in section (1) are carried out with the following conditions:
 - a. not decreasing, changing or depriving its main functions;
 - b. limited land management;
 - c. not inflicting negative impacts against biophysics and socio-economy;
 - d. not using mechanical and heavy equipment; and/or not establishing means and infrastructures changing the lay-off.

Article 15

- (1) The forest area utilization in Production Forest as referred to in Article 13 point a is carried out through the following activities:
 - a. area utilization business;
 - b. environmental service utilization business;
 - c. HHK inside natural forest utilization business;
 - d. HHK inside plantation forest utilization business;
 - e. HHBK inside natural forest utilization business;
 - f. HHBK inside plantation forest utilization business;
 - g. HHK clearance inside natural forest;
 - h. HHBK clearance inside natural forest; and/or
 - i. HHBK clearance inside plantation forest.
- (2) Further provisions regarding procedure for forest area utilization in Production Forest as referred to in section (1) are regulated by a Governor Regulation.

Part Three

Forest Out of Area Utilization

Article 16

- (1) The forest out of the area utilization as referred to in Article 13 point b is carried out through the following activities:
 - a. environmental service utilization business;
 - b. HHK utilization business; and/or
 - c. HHBK utilization business.
- (2) Further provisions regarding procedure for forest out of the area utilization as referred to in section (1) are regulated by a Governor Regulation.

Part Four

HHBK Clearance

Article 17

- (1) The HHBK clearance in forest area as referred to in Article 13 point c is such as in the form of:

- a. rattan;
 - b. honey;
 - c. latex;
 - d. fruits;
 - e. resin;
 - f. mushrooms; and/or
 - g. other associated forest products.
- (2) The HHBK clearance in Protection Forest is carried out with the following conditions:
- a. HHBK as the results of reforestation and/or provided naturally;
 - b. not damaging the environment; and
 - c. not decreasing, changing or depriving its main functions.
- (3) The HHBK clearance in Protection Forest can only be carried out by the community surrounding the forest.
- (4) In protection forest, it is prohibited from:
- a. gathering HHBK with the amount more than its preserve productivity ability; and/or
 - b. gathering various forest products types protected under the law.

Part Five

Environmental Service Utilization

Article 18

- (1) The environmental service utilization in Protection Forest as referred to in Article 13 point d is carried out such as through the following business activities:
- a. waterflow utilization;
 - b. water utilization;
 - c. nature tourism;
 - d. biodiversity protection; or
 - e. Environmental protection and saving.
- (2) The business activity of environmental service utilization in Protection Forest is carried out with the provisions of not:

- a. decreasing, changing or depriving its main functions;
- b. changing the lay-off; and
- c. damaging environmental balance.

Part Six

Procedure for Utilization and Permitting

Article 19

The Forest Utilization may be carried out through:

- a. self-management; and/or
- b. cooperation.

Article 20

- (1) The utilization through self-management as referred to in Article 19 point a is carried out by the UPTD.
- (2) The forest utilization as referred to in section (1) is carried out in stages of planning, execution, control, monitoring and evaluation.
- (3) The forest utilization as referred to in section (1) and section (2) is carried out by involving community surrounding forest.

Article 21

- (1) The cooperation for forest utilization is carried out through cooperation agreement between the Local Government and other parties covering:
 - a. state-owned enterprises;
 - b. local-owned enterprises;
 - c. private enterprises;
 - d. cooperatives;
 - e. village-owned enterprises;
 - f. individuals; and/or
 - g. universities.
- (2) The cooperation agreement as referred to in section (1) at least contains:
 - a. subject and object;
 - b. scope;
 - c. type of activities;

- d. location of activities;
 - e. rights and obligations of the parties;
 - f. period of agreement; and
 - g. dispute settlement.
- (3) Further provisions regarding procedure for and requirements of cooperation of forest utilization are regulated by a Government Regulation.

Article 22

- (1) The permits of forest utilization consist of:
- a. IUPJL;
 - b. IPHHBK; and
 - c. IPK.
- (2) The utilization permits as referred to in section (1) is granted by the Governor.
- (3) Further provisions regarding procedures for granting business permit of forest utilization as referred to in section (1) are regulated by a Governor Regulation.

CHAPTER V

REHABILITATION OUT OF FOREST AREA

Article 23

- (1) Rehabilitation out of the forest area is intended to restore, keep, and increase forest functions so that its carrying capacity, productivity, and role in encouraging life supporting system.
- (2) The rehabilitation as referred to in section (1) is carried out through the following activities:
- a. reforestation;
 - b. maintenance;
 - c. plant enrichment; or
 - d. Application of land conservation technique in vegetative and technical civil, in critical and unproductive lands.
- (3) The rehabilitation is carried out based on biophysical specific condition.

- (4) The rehabilitation is prioritized through participative approach in developing potentials and empowering community.

Article 24

- (1) The application of land rehabilitation in technical civil way as referred to in Article 23 section (2) point d is carried out through reclamation intending to repair or restore the damaged forest vegetation so that it functions optimally in accordance with its purposes.
- (2) The reclamation as referred to in section (1) covers location inventory, location designation, planning, and execution of reclamation.

Article 25

- (1) The land use out of forest area resulting in forest damage is required to do reclamation and/or rehabilitation in accordance with the patterns determined by the government.
- (2) In former mining area, the reclamation is required to be executed by the permit holder of mining in accordance with the stages of mining.
- (3) The party exploiting area for interests aside from forestry activities resulting in change in landscape and land covering is obligated to pay reclamation and rehabilitation guarantee funds.
- (4) The reclamation as referred to in section (1) to section (3) is executed in accordance with the provisions of legislation.

CHAPTER VI FOREST PROTECTION

Article 26

- (1) The forest protection is aimed to keep the forest, forest products, forest area and its surrounding, so that the function of protection and production are reached optimally and preserved.

- (2) The forest protection is carried out by forestry administrator.
- (3) The principles of forest protection cover:
 - a. to prevent and limit damage of forest, forest area and forest products, resulted from human act, livestock, fire, natural force, pest, and disease; and
 - b. to hold and keep rights of state, people, and individuals for forest, forest area, forest products, investment as well as instruments relating to forest management.
- (4) In protecting forest, the Local Government facilitates human resources, infrastructure and means provisions of forest protection.

Article 27

- (1) The Local Government is required to prevent, limit, hold, and keep the forest from damage caused by human act, the Local Government and/or public.
- (2) The prevention, limitation, holding and keep the forest as referred to in section (1) are carried out through:
 - a. dissemination and counseling of legislation in the field of forestry;
 - b. problems inventory;
 - c. supporting community productivity development;
 - d. facilitating community organization;
 - e. developing community participation in forest management;
 - f. developing effectiveness of coordination of forest protection;
 - g. encouraging alternative of community living;
 - h. encouraging effectiveness of reporting of forest safety breach;
 - i. take first necessary measurement against forest safety breach; or
 - j. subjecting sanction against law breaking.

CHAPTER VII
HHK AND HHBK CULTIVATION

Article 28

- (1) The HHK and HHBK cultivation is carried out with the purpose of increasing value, competition and provision of work opportunity.
- (2) The HHK cultivation as referred to in section (1) is carried out for production capacity < 6000 m³/year.

Article 29

- (1) The HHK and HHBK cultivation as referred to in Article 28 section (1) may be carried out by:
 - a. local-owned enterprises;
 - b. private enterprises;
 - c. cooperatives;
 - d. village-owned enterprises; and
 - e. Individuals.
- (2) The forest products cultivation by the state-owned enterprises/local-owned enterprises/private enterprises as referred to in section (1) point a, point b, and point c is carried out in accordance with the provisions of legislation.
- (3) Further provisions regarding procedure for cultivate HHK and HHBK are regulated by a Governor Regulation.

CHAPTER VIII
KHDTK MANAGEMENT FOR RELIGIOUS INTEREST

Article 30

- (1) The KHDTK management for religious interest is carried out for religious activities by keeping and preserving forest function by considering history of community development, customary organization, and preservation and ecosystem.

- (2) Further provisions regarding procedures for managing KHDTK for religious interest as referred to in section (1) are regulated by a Governor Regulation.

CHAPTER IX
PROTECTION, CONSERVATION, AND PRESERVED
UTILIZATION OF TAHURA

Article 31

Protection of TAHURA is carried out with the purpose of keeping TAHURA area and its surrounding through these following activities:

- a. protection and guarding physical borders of the area;
- b. identification of disturbance-prone areas;
- c. setting-up of prohibition signs in strategic places;
- d. regular and continual patrols;
- e. community participation through self-initiative security;
- and
- f. security posts.

Article 32

Conservation of TAHURA is carried out with the purposes of keeping and ensuring the existence of TAHURA area covering:

- a. management of plant and animal species along with their habitat;
- b. determination of wildlife corridors;
- c. ecosystem restoration; and
- d. land closure.

Article 33

Preserved utilization of TAHURA is carried out through the following activities:

- a. research and development of knowledge and technology;
- b. education and awareness development of conservation;
- c. collection of biodiversity resources;
- d. saving and/or absorption of carbon, utilization of water

- along with the water energy, heat energy, and wind power as well as nature tourism;
- e. utilization of wild plants and animals in supporting cultivation in the form of germ plasm provision;
 - f. traditional utilization by local community; and/or
 - g. Population fostering through captivity in breeding animals or propagating plants in artificial way inside semi-natural environment.

Article 34

Further provisions regarding procedure for protection, conservation and preserved utilization of TAHURA as referred to in Article 31 to Article 33 are regulated by a Governor Regulation.

CHAPTER X

PROTECTION OF WILD PLANTS AND ANIMALS

Article 35

- (1) Protection of wild plants and animals is carried out by considering conservation, utilization living natural resources and condition of animal population in nature and in community are reached optimally and preserve.
- (2) Principles of protection of wild plants and animals cover:
 - a. preventing and limiting damage of forest, forest area, and forest products caused by human acts, fire, natural force, pests, and diseases;
 - b. hold and keep rights of State, community, and individual to forest, forest area, forest products, investment, and instruments relating to forest management; and
 - c. maintain the existence of Regional characteristic wild plants and/or animals.
- (3) The Local Government conducts research of Regional characteristic wild plants and/or animals.
- (4) In conducting research as referred to in section (3), the Local Government may cooperate with research and

development institution in accordance with the legislation.

CHAPTER XI
MANAGEMENT OF IMPORTANT ECOSYSTEM
AND BUFFER ZONE OF NATURE RESERVE
AND NATURE PRESERVE AREA.

Article 36

- (1) Management of important ecosystem and buffer zone of nature reserve and nature preserve area is carried out with the purposes of increasing additional value, competition development, and provision of work opportunity.
- (2) The management of important ecosystem as referred to in section (1) is outside forest area.
- (3) The management of important ecosystem and buffer zone of nature reserve and nature preserve area as referred to in section (1) is formulated based in review of ecological, technical, economic, and socio-cultural aspects.
- (4) Further provisions regarding management plan of important ecosystem and buffer zone of nature reserve and nature preserve area as referred to in section (1) and section (2) are regulated by a Governor Regulation.

CHAPTER XII
FORESTRY COUNSELING

Article 37

- (1) Forestry counseling is carried out by a functional position of forestry counsellor and Civil Servants of the Office in accordance with their respective qualifications.
- (2) The forestry counseling as referred to in section (1) covers Region area adjusted with spatial patterns.
- (3) The Local Government facilitates the functional position of forestry counsellor capacity building.

- (4) Further provisions regarding forestry counseling as referred to in section (1) are regulated by a Governor Regulation.

CHAPTER XIII COMMUNITY EMPOWERMENT

Article 38

- (1) Community empowerment is aimed to gain forest resources benefit optimally and justly through capacity building and access granted in increasing their welfare.
- (2) The Local Government is obligated to empower community surrounding the forest.
- (3) The community empowerment as referred to in section (2) is technically carried out by the UPTD.

Article 39

The empowerment of community surrounding the forest as referred to in Article 38 section (1) may be carried out through:

- a. village forest;
- b. community forest;
- c. HTR;
- d. partnership; and
- e. customary forest management.

Article 40

The village forest as referred to in Article 39 point a may be located in Protection Forest and/or Production Forest in accordance with their main functions.

Article 41

- (1) The local community empowerment through village forest is carried out by granting management rights for village institution.
- (2) The rights to village forest management as referred to in section (1) cover spatial plan, area management plan formulation, forest utilization as well as forest rehabilitation and protection.

- (3) The village forest utilization as referred to in section (2) is located in:
 - a. Protection Forest, covering activity of area utilization, environmental service utilization and HHBK clearance; and
 - b. Production Forest, covering activity of area utilization, environmental service utilization, HHK and HHBK utilization, HHK and HHBK clearance.

Article 42

The community forest as referred to in Article 39 point b may be granted to Protection Forest and/or Production Forest.

Article 43

- (1) The local community empowerment through community forest as referred to in Article 42 is carried out by granting business permit of community forest utilization.
- (2) The business permit of community forest utilization as referred to in section (1) is in:
 - a. Protection Forest, covering activity of area utilization, environmental service utilization and HHBK clearance.
 - b. Production Forest, covering activity of area utilization, environmental service utilization, HHK and HHBK utilization, HHK and HHBK clearance.

Article 44

- (1) The HTR as referred to in Article 39 point c can only be provided for Production Forest.
- (2) The HHK and HTR utilization as referred to in section (1) can only be carried out through one or more silviculture system, in accordance with the characteristic of forest resource and its environment.

Article 45

- (1) The empowerment of community surrounding forest through partnership as referred to in Article 39 point d, in the event that:

- a. forest area concerned has been provided with permit of forest utilization; or
 - b. forest area concerned has been provided with permit of forest utilization to state-owned enterprises, private enterprises and local-owned enterprises in the field of forestry.
- (2) The permit holder and UPTD carry out local community empowerment through forestry partnership.
 - (3) The Governor may facilitate the partnership between local community and holder of business permit of forest utilization or holder of forest management rights.

Article 46

- (1) The partnership as referred to in Article 45 is carried out based on agreement between holder of business permit of forest utilization or holder of forest management rights and community around forest.
- (2) The community around forest empowerment through partnership does not change the obligation of holder of permit of forest utilization or holder of management rights towards community around forest.

Article 47

- (1) The community around forest empowerment through customary forest management as referred to in Article 39 point e is aimed to provide opportunity to the community to enforce customary law.
- (2) The community around forest empowerment through customary forest management is carried out in accordance with the provisions of legislation.

Article 48

Further provisions regarding facilitation and community empowerment are regulated by a Governor Regulation.

CHAPTER XIV
DAS MANAGEMENT

Article 49

- (1) DAS management is DAS management inter-regencies/municipalities and in a regency/municipality within 1 (one) province.
- (2) To reach purposes of DAS management, the following activities are carried out:
 - a. coordination, integration, synchronization and synergy among parties in managing nature resources and DAS environment;
 - b. realize DAS water management optimally covering its debit, quality and distribution;
 - c. realize condition of productive lands based on their carrying capacity and capacity of DAS area; and
 - d. realize people's welfare.

Article 50

DAS management is resources management in DAS starting from upstream to downstream entirely, covering planning, DAS management, institutional, DAS information system, education, training, counseling, research and development, public role and empowerment, rights and obligations, as well as monitoring and evaluation.

Article 51

Further provisions regarding DAS management are regulated in separated regional regulation.

CHAPTER XV
PROHIBITION

Article 52

Any person is prohibited from:

- a. logging tree in forest area of which not in accordance with forest utilization permit;

- b. logging tree in forest area without holding permit granted by authorized officials;
- c. logging tree in forest area illegally;
- d. loading, unloading, bringing out, transporting, over lording, and/or possessing the logging products in forest area illegally;
- e. transporting, over lording, or possessing wood forest products that are not accompanied by legal papers of forest products;
- f. bringing normal tools for logging, cutting, or splitting trees in forest area without permit from authorized officials;
- g. bringing heavy equipment and/or other normal or common equipment expected to use for transporting forest products in forest area without permit from authorized officials;
- h. utilizing wood forest products expected from illegal-logging
- i. distributing wood of illegal-logging by land, waters, or air;
- j. smuggling wood from or to the territory of the Unitary State of the Republic of Indonesia by rivers, land, sea, or air;
- k. receiving, purchasing, selling, accepting exchange, accepting deposit, and/or possessing forest products of illegal-logging;
- l. purchasing, marketing, and/or processing wood forest product from forest area that is taken or gathered illegally;
- m. receiving, selling, accepting exchange, accepting deposit, keeping, and/or possessing HHK from forest area that is taken or gathered illegally; and/or
- n. setting forest in fire.

Article 53

Tree logging in forest area illegally as referred to in Article 52 point c means tree logging carried out in forest area with a radius or distance until:

- a. 500 (five hundred) meters from the edge of a reservoir or lake;
- b. 200 (two hundred) meters from the edge of springs and left right of river in swamp area;
- c. 100 (a hundred) meters from left and right of the edge of a river;
- d. 50 (fifty) meters from left and right of the edge of a creek;
- e. 2 (two) times of cliff depth from the edge of cliff; and/or
- f. 130 (a hundred and thirty) times of the difference between highest tide and lowest tide from the shoreline.

CHAPTER XVI
FOSTERING AND SUPERVISION

Article 54

- (1) The Governor fosters and supervises forestry management.
- (2) The fostering as referred to in section (1) covers the provisions of:
 - a. Facilitation;
 - b. Consultation;
 - c. Education and training; and/or
 - d. Research and Development.
- (3) The supervision as referred to in section (1) covers the activities of:
 - a. Monitoring;
 - b. Evaluation;
 - c. Review; and/or
 - d. Examination.
- (4) The fostering and supervision as referred to in section (1) technically are carried out by the Office.

CHAPTER XVII
FUNDING

Article 55

- (1) All necessary funding for forestry under the authority of the Local Government is sourced by Local Budget.

- (2) In addition to local budget, the funding for forestry as referred to in section (1) may source from other legal and not binding budgets in accordance with the provisions of legislation.

CHAPTER XVIII
ADMINISTRATIVE SANCTIONS

Article 56

- (1) Any person or legal entity having IUPJL, IUPHHBK, and/or IPK that violate provisions as referred to in Article 52 is subject to administrative sanctions in the form of:
 - a. written warning;
 - b. temporary business termination partly or entirely;
 - c. permit freezing;
 - d. permit revocation; and/or
 - e. compensation determination.
- (2) Further provisions regarding procedure for imposing administrative sanctions as referred to in section (1) are regulated by a Governor Regulation.

CHAPTER XIX
INVESTIGATION PROVISION

Article 57

- (1) Certain Civil Servant officials in the Local Government are given special authority as Investigators to investigate criminal acts in the field of Forestry as referred to in the Criminal Procedure.
- (2) The Investigators as referred to in section (1) are certain civil servant officials within the Local Government appointed by the authorized official in accordance with the provisions of legislation.
- (3) The authority of the Investigators as referred to in section (1) are:
 - a. receiving, searching for, collecting, and examining information or reports related to criminal acts of regional regulation violation in the field of Forestry so that the information or reports are evidential;

- b. examining, searching for, and collecting information of personal or entity regarding the truth of their actions related to criminal acts in the field of forestry;
 - c. asking for information and evidence from personal or entity related to criminal acts in the field of forestry;
 - d. examining books, notes, and other documents related to criminal acts in the field of forestry;
 - e. conducting a search for getting evidence of other bookkeeping, recording, and documenting, as well as seizure those evidences;
 - f. requesting experts' assistance in investigating criminal acts in the field of forestry;
 - g. commanding to cease and/or prohibit any person to leave the room or place at the time of examination and also examine the identities of persons, objects, and/or documents brought along;
 - h. taking picture of person related to criminal acts in the field of forestry;
 - i. summoning person whose information to be heard and to be examined as suspect or witness;
 - j. ceasing the investigation; and/or
 - k. conducting other necessary actions for continuity of investigation of criminal acts in the field of Forestry in accordance with the provisions of legislation.
- (4) The Investigators as referred to in section (1) notify the start of investigation and submit the investigation results to the Prosecutor through Indonesian Police Investigators, in accordance with the provisions in the Criminal Procedure.

CHAPTER XX CRIMINAL PROVISION

Article 58

Any person or entity violating the provision as referred to in Article 52 is subject to criminal sanction in accordance with the provisions of legislation.

CHAPTER XXI
TRANSITIONAL PROVISION

Article 59

- a. At the time this Regional Regulation comes into force, all permits issued before this Regional Regulation enforcement are still effective until the expiry of the permits.
- b. At the time this Regional Regulation comes into force, all local policies regulating Forest Management must adjust to this Regional Regulation.

CHAPTER XXII
CLOSING PROVISIONS

Article 60

The implementing regulation of this Regional Regulation must be issued not later than 1 (one) year as of the promulgation of this Regional Regulation.

Article 61

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Provincial Gazette of West Kalimantan.

Issued in Pontianak
on 26 August 2019
GOVERNOR OF WEST KALIMANTAN,

signed

SUTARMIDJI

Promulgated in Pontianak,
on 26 August 2019
REGIONAL SECRETARY
OF THE PROVINCE OF WEST KALIMANTAN,

signed

A.L. LEYSANDRI

PROVINCIAL GAZETTE OF WEST KALIMANTAN OF 2019 NUMBER 8

Jakarta, 5 May 2020

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA

ELUCIDATION OF
REGULATION OF THE PROVINCE OF WEST KALIMANTAN
NUMBER 8 OF 2019
ON
FORESTRY MANAGEMENT

I. GENERAL

The Indonesian nation is endowed with the trust of the Almighty God in the form of natural wealth of forests that are priceless, therefore, forests must be taken care of and utilized in the most appropriate by virtue, as worship and an embodiment of gratitude to Almighty God.

Forests and forest areas have the role of a global environment to be pollination and balancing, so the international relation to the world has become very important with the national interest. For that forest must be managed continuously for the people's welfare.

In the area of protection forest and production forest can be issued permit utilization of wood/permit utilization of non-wood forest products using the provisions of the permit of the utilization of wood or non-wood forest products in natural forests as regulated in this Regional Regulation.

In forest management to obtain the optimal benefit of forest and forest areas for the community welfare, in principle all forests and forest areas must be managed while observing the nature, characteristics and are not allowed to change their functions of which are the protection and production function under the authorization of the Provincial Government. Therefore, the forest management needs to be kept in balance.

Forest condition lately is very unfortunate, characterized by increasing the rate of forest degradation, less growth in the field of forestry investment, low progress of the development of plantation forests, less-than-managed illegal logging and illegal trade, Theravada the community's economy in and around the forest, increased the area of well-managed

forest areas so that it needs strategic efforts in the form of deregulation and de-bureaucratization.

With the enactment of Law Number 23 of 2014 on Local Government, the management of protection forests and production forests is the authority of the Provincial Government, so that the Provincial Government of West Kalimantan is authorized to govern Forest Management.

Under the provisions of Law Number 23 of 2014 and with respect to forest conditions, the Provincial Government of West Kalimantan takes a policy step to formulate regional regulations on Forest Management for the purpose of Preservation of forest areas, welfare and community prosperity in West Kalimantan.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

The term “principle of benefit” means that all management efforts and/or activities carried out adapted to the potential natural resources and environment for the improvement of community’s welfare and human dignity in accordance with the environment.

The term “principle of preservation” means the management must consider to the interests of future generations.

The term “principle of democracy” means management that prioritizes the interests of people.

The term “principle of justice” means that management must reflect fairness proportionally to every citizen, whether cross-country, cross-generation, and cross-gender.

The term “principle of cooperation” means the management activities undertaken jointly for the common benefit.

The term “principle of openness” means an activity that the management process can be known by the community.

The term “principle of integrity” means that the management is done by combining various elements or synergize the various related components.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 9

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 10

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 11

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 12

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 15

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 16

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 17

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Point a

The term "preserved productivity capability" means the increase in size (volume, weight, amount) per year of the population of related non-wood forest products.

Point b

Sufficiently clear.

Article 18

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "involving community" means community involvement since the planning, implementation, supervision and evaluation of forest utilization activities.

Article 21

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 22

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 23

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 24

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 25

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 26

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 27

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 28

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 29

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 30

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Land closure is a condition of biophysical surface of the earth.

Land closure is spreading the vegetation and artificial construction that covers the surface of the land.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 36

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 37

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 38

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

The term “Head of UPTD” means the leader, authorities and person in charge for the forest management in its managed territory.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 44

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 45

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 46

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 47

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Point a

The term "forest utilization permit" means a permit to utilize forest which is the form of Environmental Service Utilization Permit, Clearance of Forest Non-Wood Permit, and Wood Utilization Permit.

Point b

The term "logging tree in forest area without holding permit" means the logging of trees carried out based on illegal use of forest permits, i.e. permit obtained from unauthorized officers issuing forest utilization permits.

Point c

Sufficiently clear.

Point d

The term "loading" means to pack into the carrying means.

Point e

Sufficiently clear.

Point f

The term "normal tools for logging, cutting, or splitting trees", not included in these provisions means tools such as *parang*, *mandau*, machetes or other similar tools brought by local communities in accordance with cultural traditions as well as local characteristics.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Point n

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 55

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 56

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 57

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

SUPPLEMENT TO THE PROVINCIAL GAZETTE OF WEST KALIMANTAN
NUMBER 6