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# Indonesian EIA Laws & Regulations: Some On-the-Ground Challenges in Environmental Monitoring



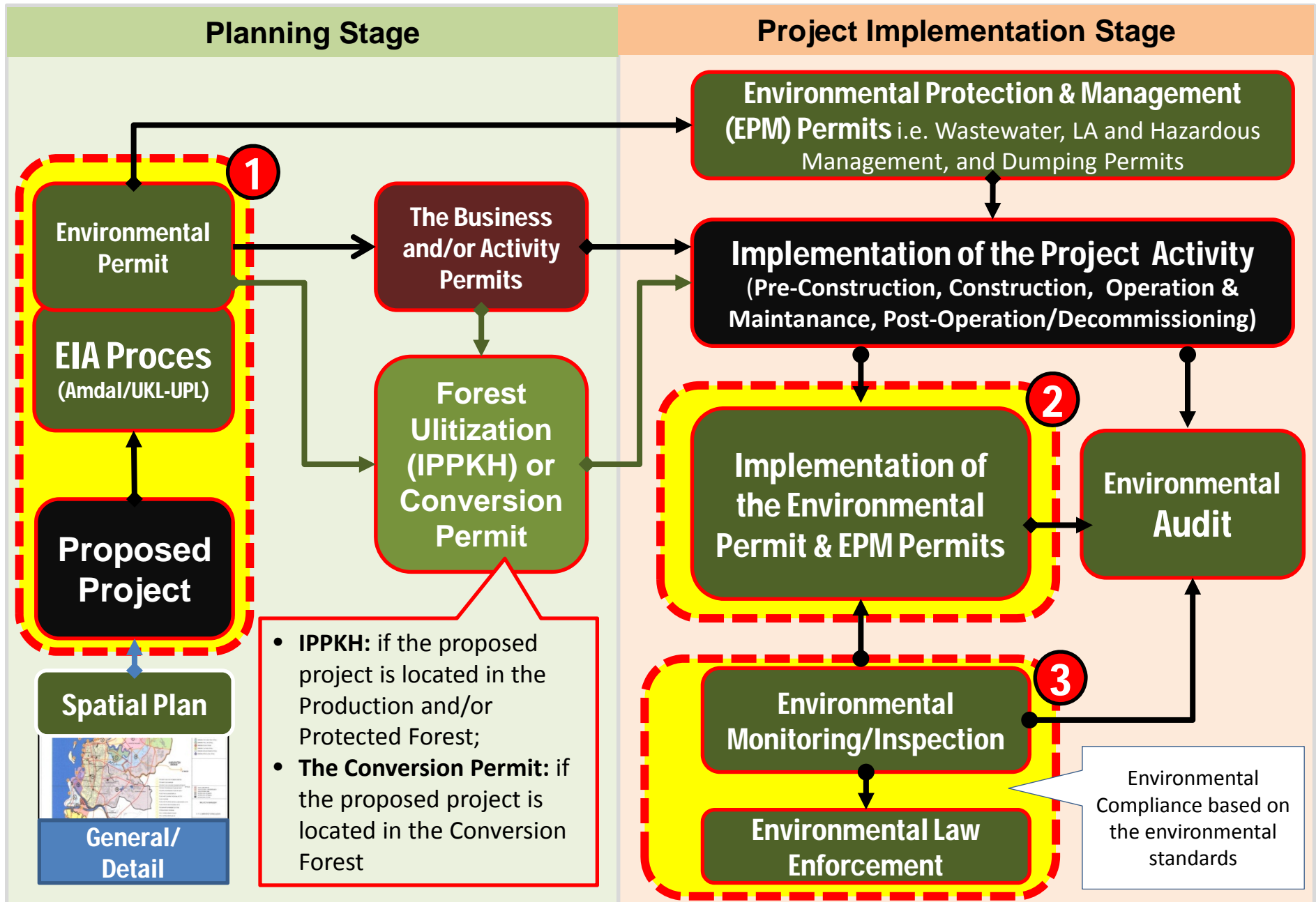
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DG for Forestry and Environmental Planning  
Directorate for Environmental Impact Prevention  
of Business and Activity**

# Environmental Permit Governance in Indonesia



# The Project Implementation & Environmental Monitoring Systems

## Implementation Stage



**Pre-Construction, Construction, Operation-Maintenance & Post Operation**

## Environmental Impacts:

The environmental changes result from businesses and/or activities

**Compliance with:**  
1. Environmental Laws & Regulations  
2. Environmental Permit & EMPs

### The Project Proponent/ Permit Holder implements:

1. The requirements and obligations of EP and EPM Permits;
2. Environmental Management Plan;
3. Environmental Monitoring Plan ;
4. Continuous Improvement.

### Implementation of EIA (Environmental Permit & EPM Permits)

**The Government &  
Local Governments:**  
Environmental Monitoring,  
Compliance Inspection  
and Law Enforcement

### The EIA Infrastructures for the effective implementation:

1. Laws and Regulations;
2. Technical Guidelines;
3. Institutions responsible for environmental monitoring;
4. Resources i.e. Human resources, Technologies financial resources ;
5. Public Participation and Information Disclosure ;

# Obligations of Environmental Permit Holders

Environmental Permit Holders have responsibilities to:

- a. Comply with the requirements and obligations contained the **Environmental Permit** and **Environmental Protection and Management Permit**;
- b. **Create and submit report** on the implementation of the requirements and obligations in the permit to the Minister of Environment, the Governor, or regent / mayor → the report must be delivered periodically **every 6 months**, and
- c. Provide **a guarantee fund** for the restoration of environmental functions in accordance with the regulations

# The Authority of Environmental Inspectors in Indonesia



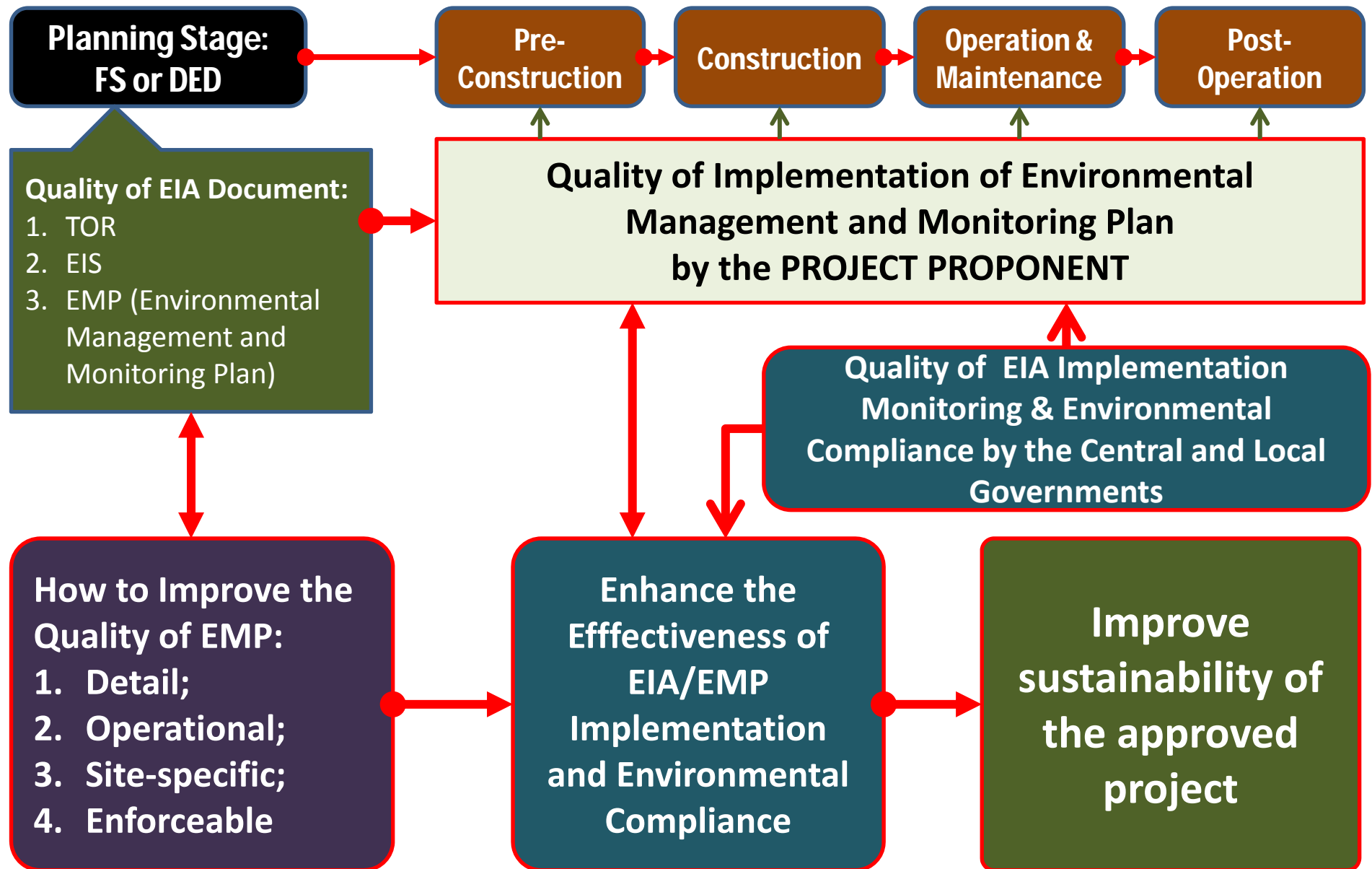
According to Article 74 of EPMA 32/2009, **The environmental Inspector** has the **authority** to:

1. Conduct environmental monitoring;
2. Ask for information;
3. Make copy of relevant documents;
4. Enter certain places;
5. Take photographs;
6. Make audio-video recording;
7. Take environmental samples;
8. Inspect equipments;
9. Inspect installations and/or transportation equipments, and/or
10. Stop certain environmental violations

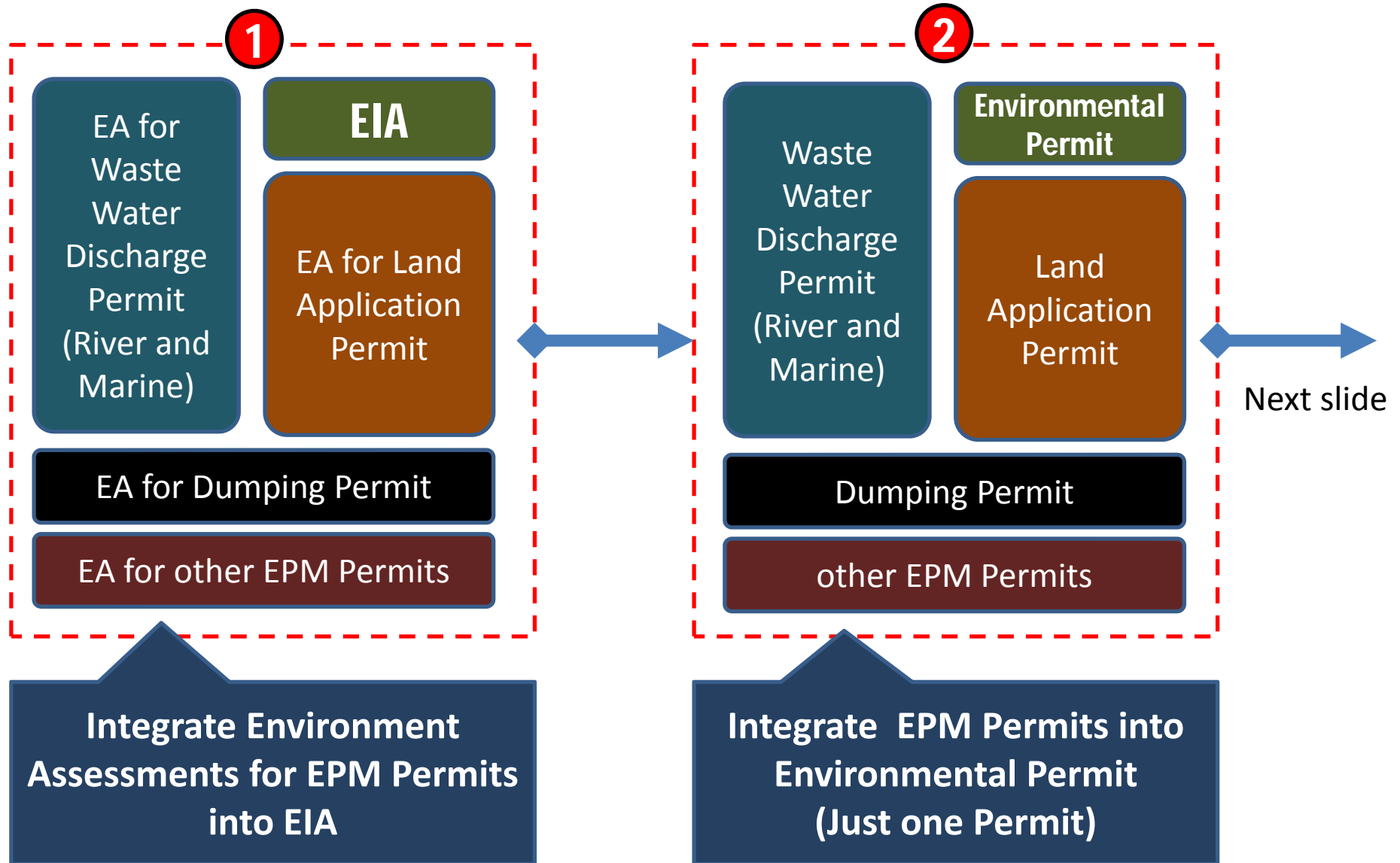
# Some On-the-Ground Challenges in Environmental Monitoring

1. Improving the Quality of EIA so as to Enhance:
  - a. the Effectiveness of EMP Implementation; and
  - b. Environmental Monitoring & Compliance;
2. The Integrated System: Key for An Effective EIA Implementation Monitoring;
3. Improving the Capacity and Optimizing the Resources for Monitoring the EIA Implementation
4. Strengthen Administrative and Penal Sanctions under EPMA 32/2009;
5. Strengthen Public Participation and Information Disclosure in Monitoring the EIA Implementation

# Improving the Quality of EIA, Enhancing the Effectiveness of EMP Implementation and Environmental Compliance

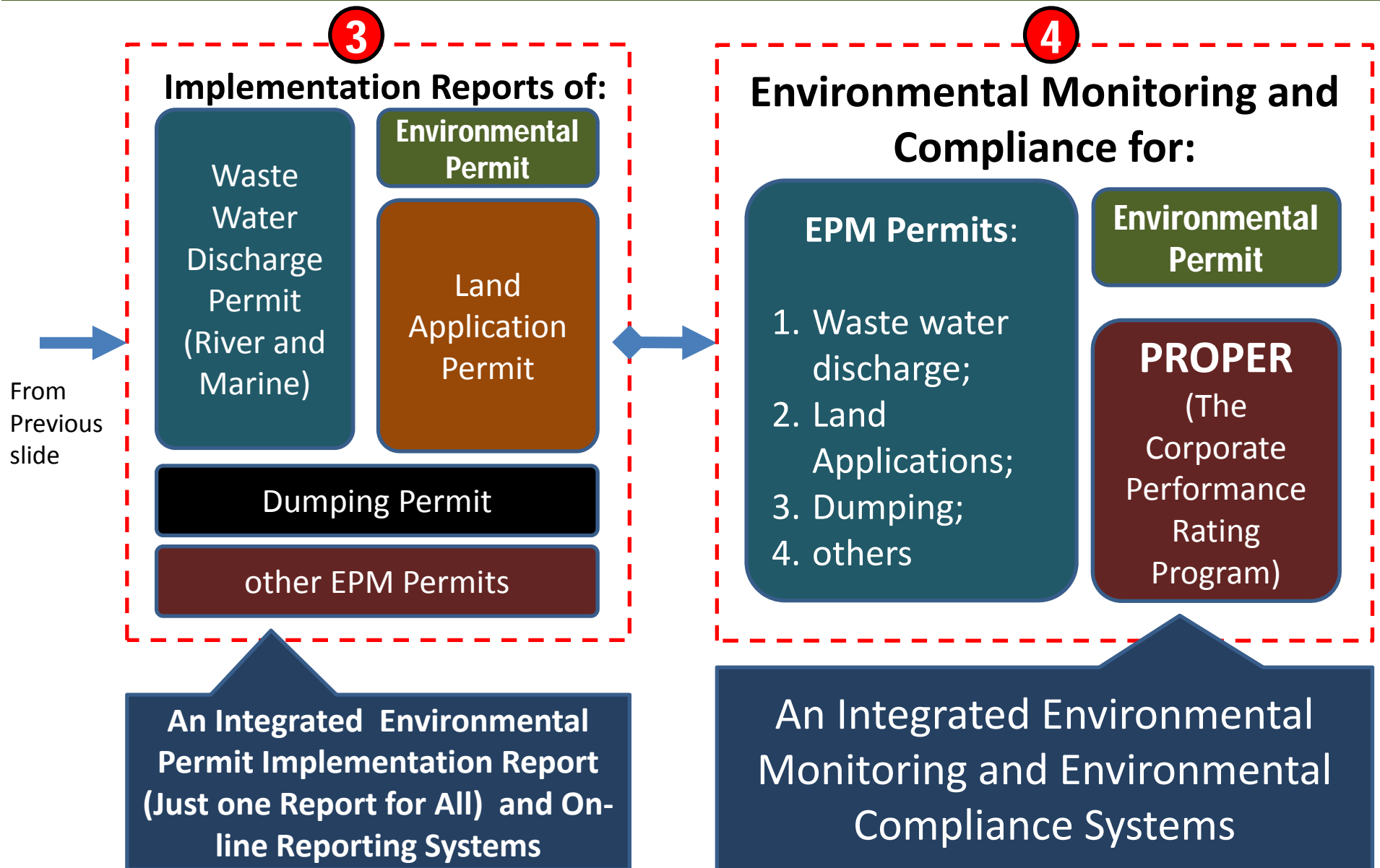


# The Integrated System: Key for An Effective EIA Implementation Monitoring (1)

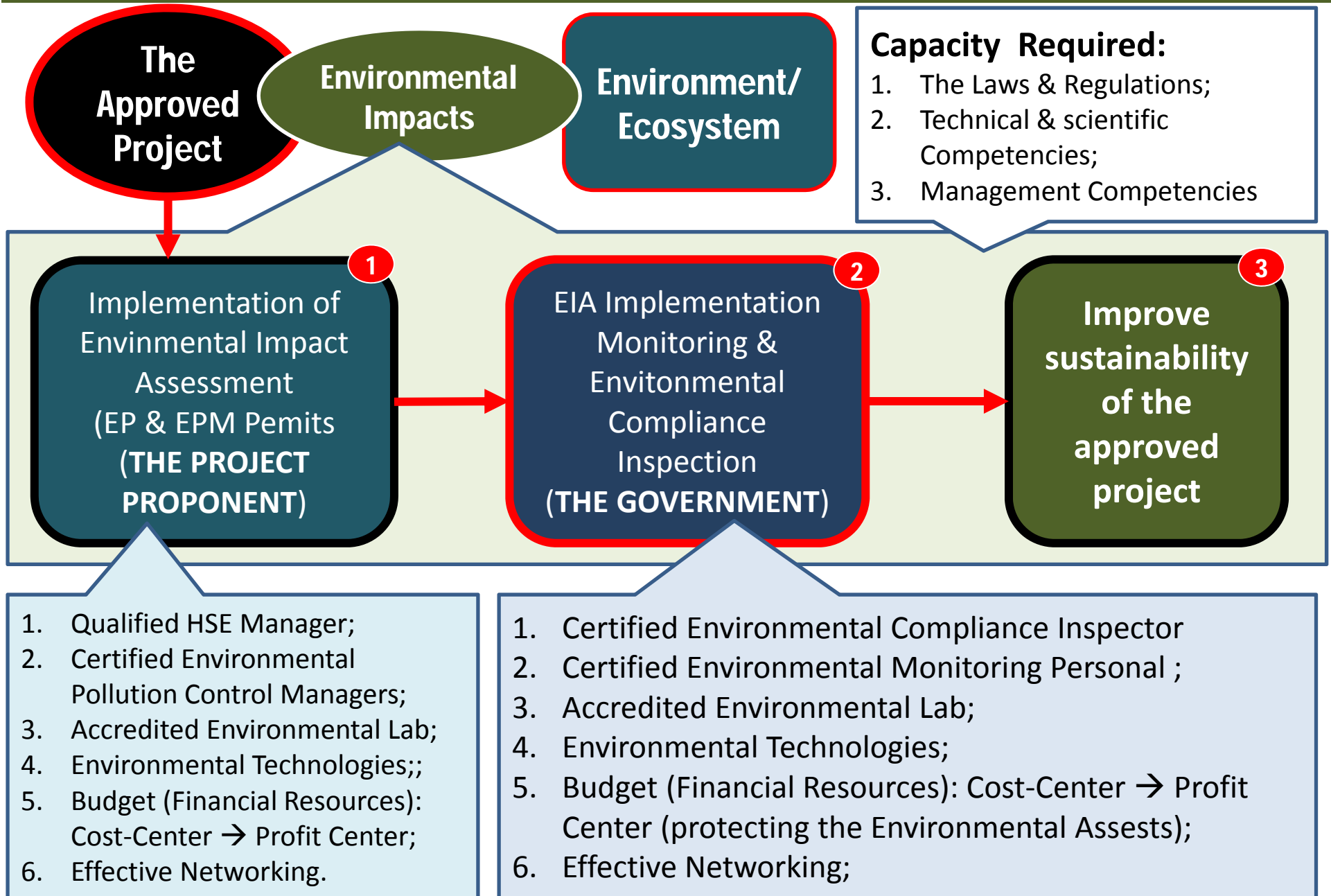




# The Integrated System: Key for Effective EIA Implementation Monitoring (2)



# Improving the Capacity and Optimizing the Resources



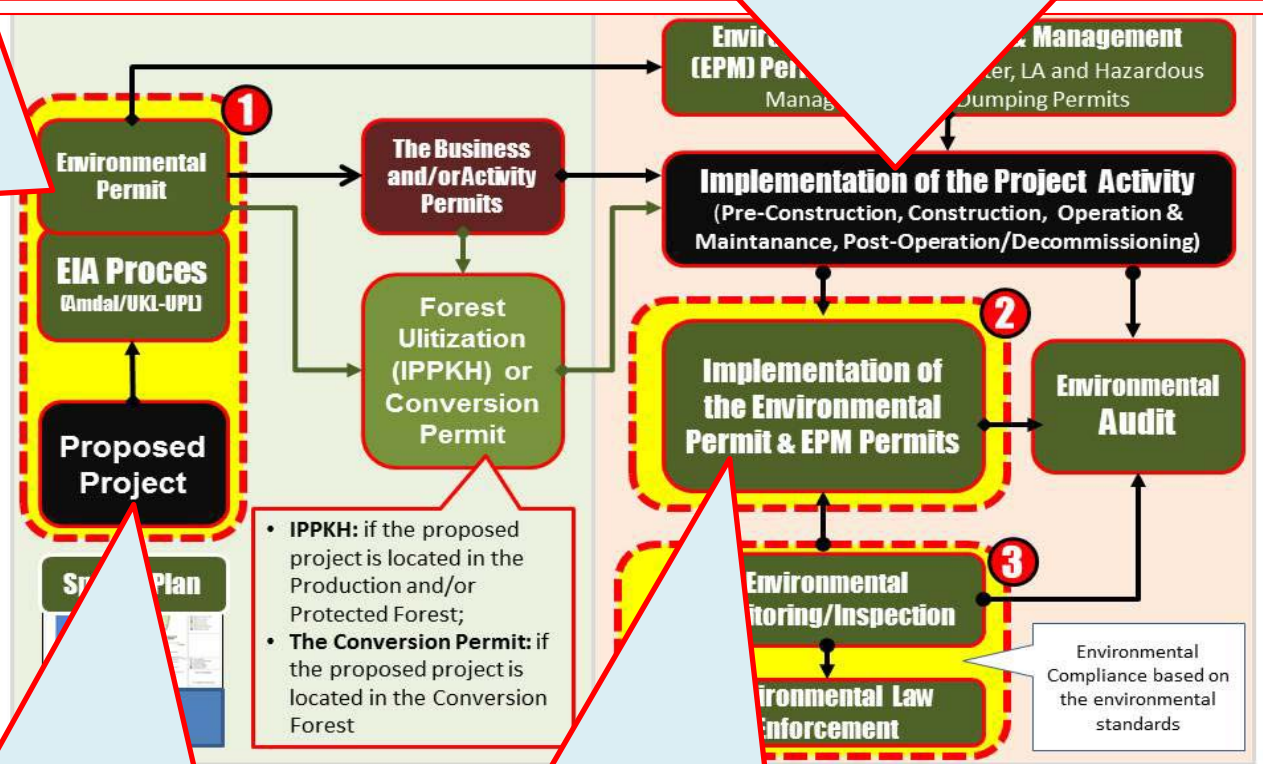
# Strengthen Administrative and Penal Sanctions under EPMA 32/2009

## Article 111 of EPMA 32/2009:

- (1) Officials: granting **environmental permit** without AMDAL: Imprisonment and fine
- (2) Officials granting business and/or activity permit without **environmental permit**: Imprisonment and fine

## Article 98-100 of EPMA 32/2009:

Violating environmental pollution standard and environmental degradation criteria → Imprisonment and fine

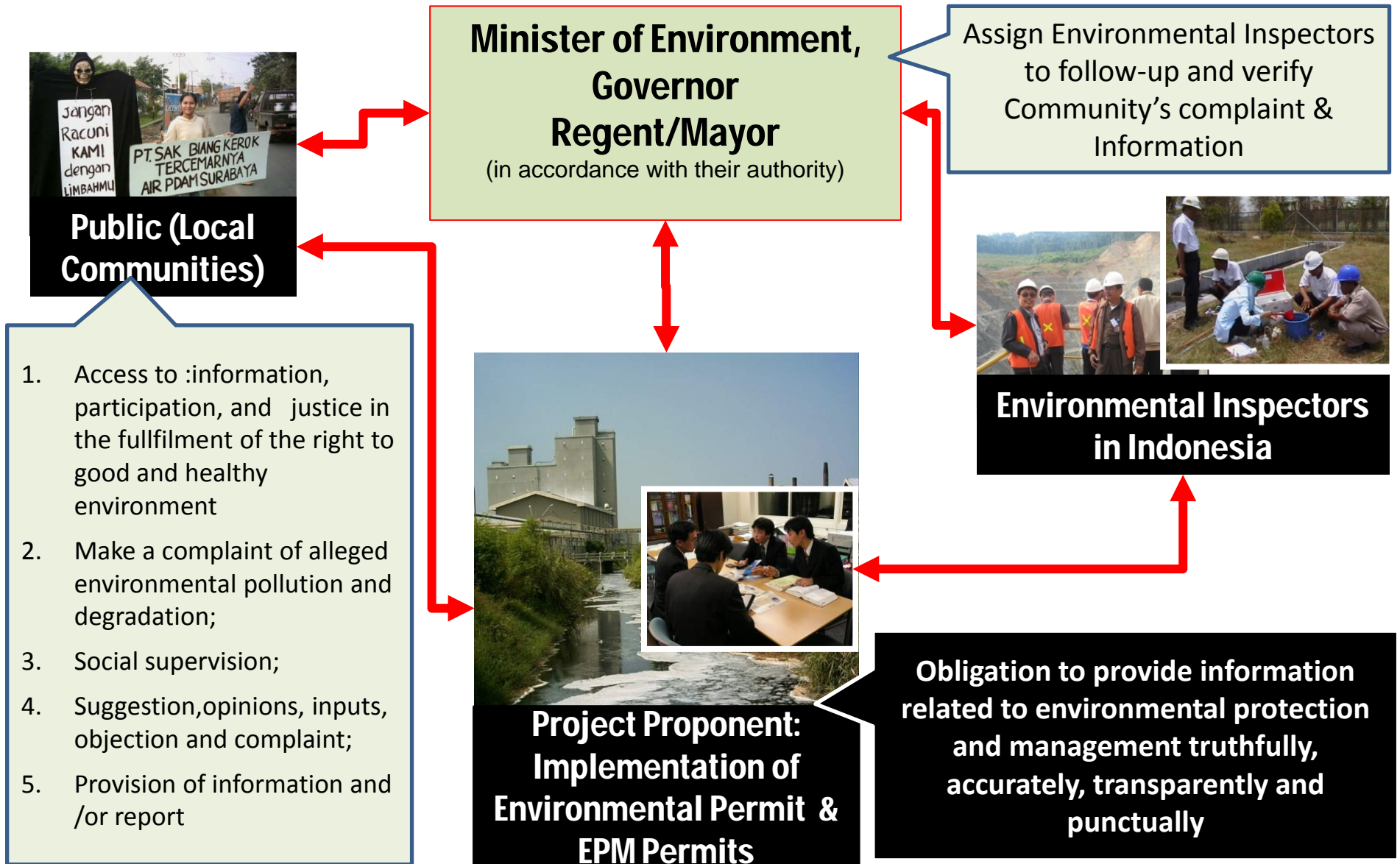


**Article 109 of EPMA 32/2009:** Without having an environmental permit: Imprisonment & Fine

## Article 71 of GR 27/2012:

- Administrative Sanction for Environmental Permit Holders do not:
- a. Comply with the **Environmental Permit** and **EMP Permit**;
  - b. **submit the report**

# Strengthen Public Participation and Information Disclosure in Monitoring the EIA Implementation



# Thank You

For Further Information, Please Contact:



**Ministry of Environment and Forestry - Indonesia**  
**Directorate General for Forestry and Environmental Planning**  
**Directorate for Environmental Impact Prevention of Business and Activity**

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