

REGULATION OF THE GOVERNMENT OF THE R.I.
NUMBER: 33 YEAR 2014
CONCERNING
THE TYPE AND TARIFF ON THE TYPE OF NON-TAX STATE REVENUE
FROM THE USE OF FOREST AREA FOR THE INTEREST OF
DEVELOPMENT OTHER THAN FORESTRY ACTIVITIES WHICH PREVAILS
AT THE MINISTRY OF FORESTRY

BY THE GRACE OF THE ONE GOD ALMIGHTY

THE PRESIDENT OF THE R.I.,

- Considering
- a. that for controlling the use of forest area to support development other than forestry activities and to adjust the type and tariff on the type of Non-Tax State Revenue from the use of Forestry Area for the interest of development other than forestry activities which prevails at the Ministry of Forestry as regulated in Government Regulation No.2 Year 2008 concerning the Type and Tariff on the Type of Non-Tax State Revenue from the use of Forestry Area for the interest of Development other than Forestry Activities which prevails at the Ministry of Forestry, it is necessary to regulate again the type and tariff on the Type of Non-Tax State Revenue from the use of Forest Area for the interest of development other than forestry activities which prevails at the Ministry of Forestry;
 - b. that based on considerations as referred to in letter a and to implement the provision of Article 2 sub-article (2) and sub-article (3) and Article 3 sub-article (2) of Law No.20 Year 1997 concerning Non-Tax State Revenue, it is necessary to establish the Government Regulation concerning the Type and Tariff on the Type of Non-Tax State Revenue from the Use of Forest Area for the interest of Development other than

Forestry Activities which Prevails at the Ministry of Forestry;

- In view of
1. Article 5 sub-article (2) of the 1945 Constitution of the R.I.
 2. Law No.20 Year 1997 concerning Non-Tax State Revenue (State Gazette of the R.I. of 1997 No.43, State Gazette Supplement of the R.I. No.3687);
 3. Government Regulation No.22 Year 1997 concerning the Type and Depositing of Non-Tax State Revenue (State Gazette of the R.I. of 1997 No.57, State Gazette Supplement of the R.I. No.3694) as amended with Government Regulation No.52 Year 1998 concerning the Amendment to Government Regulation No.22 Year 1997 concerning the Type and Depositing of Non-Tax State Revenue (State Gazette of the R.I. of 1998 No.85, State Gazette Supplement of the R.I. No.3760);
 4. Government Regulation No.24 Year 2010 concerning the Use of Forest Area (State Gazette of the R.I. of 2010 No.30, State Gazette Supplement of the R.I. No.5112) as amended with Government Regulation No.61 Year 2012 (State Gazette of the R.I. of 2012 No.140, State Gazette Supplement of the R.I. No.5325);

HAS DECIDED

To establish: THE GOVERNMENT REGULATION CONCERNING THE TYPE AND TARIFF ON THE TYPE OF NON-TAX STATE REVENUE FROM THE USE OF FOREST AREA FOR THE INTEREST OF DEVELOPMENT OTHER THAN FORESTRY ACTIVITIES WHICH PREVAILS AT THE MINISTRY OF FORESTRY.

Article 1

- (1) In this Government Regulation the Type of Non-Tax State Revenue refers to Non-Tax State Revenue from the use of forest area for the interest of development other than forestry activities the size of which is over 30% (thirty percent) of the size of watershed, island and/or province.
- (2) Non-Tax State Revenue as referred to in sub-article (1) is imposed on the entire forest area lent and borrowed and the entire agreement area of borrow and use of forest area which is still valid in accordance with the criteria of its allotment.
- (3) The criteria of using forest area as referred to in sub-article (2) comprised of:
- a. L1 refers to the forest area used in hectare unit for non-active mine, supporting means and infrastructure of permanent in nature and development area and/or buffer area to safeguard activities, which constitute a part of the plan compiled in a baseline of the use of forest area;
 - b. L2 refers to a used forest area in hectare unit is temporary in nature, which technically can be reclaimed , which constitutes a part of the plan compiled in a baseline of the use of forest area;
 - c. L3 refers to a used forest area in hectare unit of permanent damage, which on certain parts after having been reclaimed but was unable to be carried out optimally, which constitutes a part of the plan compiled in a baseline of the use of forest area.
- (4) The Tariff of Non-Tax State Revenue (PNBP) as referred to in sub-article (1) is calculated based on the following formula:
- $$\text{PNBP} = \{(L1 \times 1 \times \text{tariff}) + (L2 \times 4 \times \text{tariff})\} \text{ Rp/year.}$$

(5) In case in the result of verification there was an L3 area, the tariff of Non-Tax State Revenue as referred to in sub-article (1) is calculated based on the following formula:

$$\text{PNBP} = \{(L1 \times 1 \times \text{tariff}) + L2 \times 4 \times \text{tariff} + (L3 \times 7 \times \text{tariff})\} \text{Rp/year.}$$

(6) The Type and Tariff on the Type of Non-Tax State Revenue as referred to in sub-article (2) and sub-article (3) is as determined in the Appendix of this Government Regulation.

(7) Further provision concerning mine opening, supporting means and infrastructure of permanent in nature and development area and/or buffer area for safeguarding of activities and the used area of forest area of temporary in nature and permanent damage as referred to in sub-article (3) are regulated in the Regulation of the Minister of Forestry.

Article 2

(1) As regards the use of forest area for the interest of development other than forestry activities of non-commercial in nature is imposed with the tariff of Rp0.00 (nil rupiah).

(2) The provision concerning the use of forest area for the interest of development other than forestry activities of non-commercial in nature as referred to in sub-article (1) is further regulated in the Regulation of the Minister of Forestry.

Article 3

The entire Non-Tax State Revenue as referred to in Article 1 should be directly deposited immediately to the State treasury.

Article 4

At the time this Government Regulation becomes effective:

1. The user of forest area for development other than forestry activities who had completed his/her obligation of land compensation prior to the putting into effect this Government Regulation, is not imposed with the tariff of Non-Tax State Revenue as referred to in Article 1.
2. The implementing regulation of Government Regulation No.2 Year 2008 concerning the Type and Tariff on the Type of Non-Tax State Revenue from the Use of Forest Area for the Interest of Development Other Than Forestry Activities which Prevails at the Ministry of Forestry (State Gazette of the R.I. of 2008 No.15, State Gazette Supplement of the R.I. No.4813) is declared to remain valid as long as it is not in contradiction to the provision in this Government Regulation.

Article 5

At the time this Government Regulation becomes effective, Government Regulation No.2 Year 2008 concerning the Type and Tariff on the Type of Non-Tax State Revenue from the Use of Forest Area for the Interest of Development Other Than Forestry Activities which prevails at the Ministry of Forestry (State Gazette of the R.I. of 2008 No.15, State Gazette Supplement of the R.I. No.4813) is revoked and declared inapplicable.

Article 6

This Government Regulation becomes effective 90 (ninety) days as of the date of its promulgation.

In order that it may be known to all, this Government Regulation is ordered to be published in the State Gazette of the R.I.

Established in Jakarta

On May 16, 2014

PRESIDENT OF THE R.I.

signed

Dr.H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On May 21, 2014

MINISTER OF JUSTICE AND HUMAN RIGHTS
OF THE R.I.

Signed

AMIR SYAMSUDIN

STATE GAZETTE OF THE R.I. YEAR 2014 No. 107

For Copy Conform

THE MINISTRY OF STATE SECRETARIAT
OF THE R.I.

Deputy of Laws and Regulations

Economic Division,

Signed

Lydia Silvana Djaman

**EXPLANATION
ON
GOVERNMENT REGULATION OF THE R.I.
NUMBER 33 YEAR 2014
CONCERNING**

TYPE AND TARIFF ON THE TYPE OF NON-TAX STATE REVENUE FROM THE USE OF FOREST AREA FOR THE INTEREST OF DEVELOPMENT OTHER THAN FORESTRY ACTIVITIES WHICH PREVAILS AT THE MINISTRY OF FORESTRY.

I. GENERAL

For optimizing Non-Tax State Revenue to support national development, Non-Tax State Revenue from the use of Forest Area for the interest of development other than forestry activities which prevails at the Ministry of Forestry as one of the sources of State revenue needs to be managed and utilized for the enhancement of services to the community.

The Ministry of Forestry has owned the tariff on the type of Non-Tax State Revenue from the use of Forest Area for the interest of development other than forestry activities which prevails at the Ministry of Forestry as regulated in Government Regulation No.2 Year 2008 concerning Type and Tariff on the Type of Non-Tax State Revenue from the Use of Forest Area for the Interest of Development Other Than Forestry Activities which Prevails at the Ministry of Forestry. However, for controlling the use of forest area to support development other than forestry activities and to adjust the type and tariff on the type of Non-Tax State revenue from the use of Forest Area for the interest of development other than forestry activities which prevails at the Ministry of Forestry, it is necessary to impose tariff toward the entire forest area used and re-regulate the type and tariff on the type of Non-Tax State Revenue from the use of Forest Area

for the interest of development other than forestry activities which prevails at the Ministry of Forestry with Government Regulation.

II. ARTICLE BY ARTICLE

Article 1

Sub-article (1)

Self explanatory

Sub-article (2)

Self explanatory

Sub-article (3)

L1 area is comprised of 2 (two) criteria, namely:

1. For active mine opening and supporting means and infrastructure of permanent in nature. Using this area is imposed with the tariff in accordance with figure 1 (one) in the table of tariffs;
2. Included in the supporting means and infrastructure are i.a. processing plant, washing plant, tailings collecting means, workshop, stockpile, slag piling place, port/pier/jetty, road, office, employees housing, processing means, supporting installations, storage and other borrow and use objects; and
3. For development and/or buffer areas for safeguarding activities the tariff imposed is in accordance with figure 2 (two) and/or figure 3 in the table of tariffs.

L2 area is comprised of the piling area of top soil, waste dump/disposal, sediment pond, and L1 area no longer used, and technically should be reclaimed.

L3 area should be reclaimed, refilled, after endeavors had been made maximally, but at certain parts reclamation/.revegetation cannot be done or cannot be refilled optimally, endeavors should be made so that said parts is left in an ecologically/envronmentally safe condition, economically safe and socially safe.

Sub-article (4)

Calculation of PNBPN based on formula with the following example:

a. The use of industrial forest area for open pit mining activities and its supporting means and infrastructure as well as development/buffer area:

1) The total area of agreement is 50,000 ha of mining operations in the years from 2008 to 2036, the area of permit for borrow-to-use forest within production forest in the years 2008-2011 as identified is 12,500 ha.

- 2) The area to be used as planned will be as follows:
- a) the active open-pit mine (LI) is 1,400 ha
 - b) infrastructure and facility (roads, housing) (LI) is 800 ha
 - c) material stockpile/ waste dump (L2) is 2,400 ha
 - d) Area of Development/ Buffer (LI) is 7,900 ha

Open-pit mine that cannot be reclaimed shall be determined in the year 2035 during the mine closure.

3) Calculation of State's non-tax revenues in the first year: $(LI \times 1 \times \text{rate}) + (L2 \times 4 \times \text{tariff})$

No	Criteria of Use	area (Ha)	Tariff (Rp)	Amount (Rp)
I	LI			
1.	Active open-pit mine	1,400	1x3.500,000.00	4,900,000,000.00

2.	Infrastructure and facility	800	1x3,500,000.00	2,800,000,000.00
3.	Area of development /buffer	7,900	Lx1,750,000.00	13,825,000,000.00
	Total LI	10,100		21,525,000,000.00
II	L2			
1.	Sediment pond	2,00	4x3,500,000.00	33,600,000,000.00
	Total L2	2,400		33,600,000,000.00
Total PNBP PKH				55,125,000,000.00

- 4) Calculation of State's non-tax revenue (PNBP) after three years of planting in the first reclamation that is declared successful shall be as follows:

The reclamation is successfully carried out on a total area of 100 ha. The second additional area of open-pit mine is 200 ha, thus the total area of open-pit mine shall be 1400 ha - 100 ha + 200 = 1500 ha. Additional infrastructure and facility of mine and L3 not available yet.

Calculation of State's non-tax revenue (PNBP) is as follows: (LI x 1 x tariff) + (L2 x 4 x tariff)

No	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I	LI			
1.	Active open-pit mine	1,500	1x3,500,000.00	5,250,000,000.00
2.	Infrastructure and facility	800	1x3,500,000.00	2,800,000,000.00
3.	Area of development/ buffer	7,900	Lx1,750,000.00	13,825,000,000.00
	Total LI	10,200		21,875,000,000.00
II	L2			
1.	Waste dump	2,400	4x 3,500,000.00	53,600,000,000.00
	Total L2	2,400		33,600,000,000.00
Total PNBP PKH				55,475,000,000.00

a. The use of protected forest for underground mining activities and supporting infrastructure and facility will be as follows:

1) The total area of permit for borrow-to-use forest area is 53.11 ha for mining operations in the years from 2012 to 2020.

2) The area to be used as planned shall be as follows:

a) for portal/ gate of mine pit (LI) is 1.5 ha

b) for infrastructure and facility (roads, factories), (LI) is 36.61 ha

c) for sediment Pond (L2) is 5.00 ha

d) Area of Development / Buffer (LI) is 10.00 ha

3) Calculation of PNBP in the first year is as follows: (LI x 1 x tariff) + (L2 x 4 x tariff)

No	Criteria of use	Area (Ha)	Tariff (Rp)	Amount (Rp)
I	LI			
1.	active open-pit mine	1,5	1x4,000,000.00	6,000,000.00
2.	Infrastructure and facility	36.61	1x4,000,000.00	146,440,000.00
3.	Area of development/ buffer	10.00	1x2,000,000.00	20,000,000.00
	Total LI	48.11		172,440,000.00
II	L2			
1.	Sediment pond	5.00	4x4,000,000.00	80,000,000.00
	Total L2	5.00		80,000,000.00
	Total PNBP PKH			252,440,000.00

4) Calculation of State's non-tax revenues after three years of planting of the first reclamation as declared successful shall be as follows:

Area of successful reclamation of sediment pond is 2 ha. Additional infrastructure and facility and L3 not available yet.

Calculation of State's non-tax revenue: (LI x 1 x tariff) * (L2 x 4 x tariff)

No	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I	LI			
1.	Active open-pit mine	1,5	1x4,000,000.00	6,000,000.00
2.	Infrastructure and	36.61	1x4,000,000.00	146,440,000.00

	facility			
3.	Areal of development / buffer	10.00	1x2,000,000.00	20,000,000.00
	Total LI	48.11		172,440,000.00
II	L2			
1.	Sediment pond	3.00	4x4,000,000.00	48,000,000.00
	Total L2	3.00		48,000,000.00
	Total PNBPKH			220,440,000.00

b. The use of protected forest for oil and gas or geothermal activities and supporting infrastructure and facility shall be as follows:

- 1) The total area of agreement is 17.60 ha for mining operations in the years from 2008 to 2036; the area of permit for borrow-to-use forest within the protected forest in the years 2008-2036 as identified is 17.60 ha, with details of plan to use the forest areas shall be as follows:
 - a) for infrastructure and facility (roads, office), (LI) is 17.00 ha
 - b) for pipelines (LI) is 0.60 ha
- 2) Calculation of State's non-tax revenue: (LI x 1 x tariff) + (L2 x 4 x tariff)

No	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I.	LI			
1.	Pipelines	0.60	1x2,000,000.00	1,200,000.00
2.	Infrastructure and Facility	17	1x2,000,000.00	34,000,000.00
	Total LI	17.60		35,200,000.00
II.	L2			
I.	.	0	4x2,000,000.00	0.00
	Total L2	0		0,00
	Total PNBPKH			35,200,000.00

c. The use of productive forest for the development of telecommunications network, supporting infrastructure and facility:

- 1) The area of permit for borrow-to-use productive forest in the years 2008-2014 as identified is 0.54 ha with details of the use of forest area as planned shall be as follows:

- a) for the entrance road (LI) is 0.50 ha
- b) for tower site (LI) is 0.04 ha

2) The calculation of State's non-tax revenue is as follows: (LI x 1 x tariff) + (L2 x 4 x tariff)

No	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I.	LI			
1.	Tower site	0.04	Lx1,600,000.00	64,000.00
2.	Infrastructure and facility (road)	0.50	Lx1,600,000.00	800,000.00
	Total LI	0.54		864,000.00
II.	L2			
I.	-	0	4x1,600,000.00	0.00
	Total L2	0		0.00
Total PNBP PKH				864,000.00

d. The use of area of protected forest for power (electricity) development:

- 1) The area of permit for borrow-to-use forest within protected forest in the years 2010-2015 as identified is 7.2 ha with detail of use of forest area for power networks (LI) as follows: 72 ha = 30 m x 2,400 m.
- 2) The calculation of State's non-tax revenues: (LI x 1 x tariff) + (L2 x 4 x tariff)

No.	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I.	LI			
1.	Power network	7.2	Ix 2,000,000.00	14,400,000.00
	Total LI	7.2		14,400,000.00
II.	L2			
1.		0	4x 2,000,000.00	0.00
	Total L2	0		0.00
Total PNBP PKH				14,400,000.00

e. The use of productive forest for the development of toll road:

- 1) The area of permit for borrow-to-use forest within productive forest in the years 2011-2021 as identified is 50 ha with details of use of forest area as

planned for road (LI) will be as follows: 150 ha (100 m x 15,000 m); areas of L2 and L3 not available yet;

- 2) The calculation of State's non-tax revenues: (LI x 1 x tariff) + (L2 x 4 x tariff)

No.	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I.	LI :			
1.	Toll road	150	1x 1,600,000.00	240,000,000.00
	Total LI	150		240,000,000.00
II.	L2 :			
1.	-	0	4x 1,600,000.00	0.00
	Total L2	0		0.00
Total PNBPKH				240,000,000.00

Paragraph (5)

The calculation of State's non-tax revenue based on the formula will cover as follows: The use of productive forest for active open-pit mine as well as for supporting infrastructure and facility, and area of development or buffer zone.

a. The total area of agreement is 50,000 ha for mining operations in the years from 2008 to 2036; the area of permit for borrow-to-use forest within the productive forest in the years 2008-2011 as identified is 12,500 ha with details:

1) The area of use as planned in the first year shall be as follows:

- a) for active open-pit mine (LI) is 1,400 ha
- b) for infrastructure and facility (road, housing, facility of processing (LI) is 800 ha
- c) for stockpile of material / waste dump (L2) is 2,400 ha
- d) area of development / Buffer (LI) = 7,900 ha

2) The calculation of State's non-tax revenue at the end of mine, where the use of forest area has caused a permanent damage of L3 area of 1400 ha, and then the formula of State's non-tax revenue (PNBP) will be as follows:

$$\text{PNBP PKH} = (\text{LI} \times 1 \times \text{tariff}) + (\text{L2} \times 4 \times \text{tariff}) + (\text{L3} \times 7 \times \text{tariff})$$

No	Criteria of use	area (Ha)	Tariff (Rp)	Amount (Rp)
I	LI			
1.	Active open-pit mine	0	0 x 3,500,000.00	0.00

2.	Infrastructure and facility	800	1 x 3,500,000.00	2,800,000,000.00
3.	Area of development /buffer	7,900	1 x 1,750,000.00	13,825,000,000.00
	Total LI	8,700		16,625,000,000.00
II	L2			
1.	Waste dump	2,400	4 x 3,500,000.00	33,600,000,000.00
	Total L2	2,400		33,600,000,000.00
III	L3			
1	Open-pit mine that cannot be reclaimed	1,400	7 x 3,500,000.00	34,300,000,000.00
	Total L3			34,000,000,000.00
Total PNBPKH				84,525,000,000.00

Paragraph (6)...
Self-explanatory.

Paragraph (7)
Self-explanatory.

Article 2
Self-explanatory.

Article 3
Self explanatory.

Article 4
Self-explanatory.

Article 5
Self-explanatory.

Article 6
Self-explanatory.