

LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 27 OF 2007  
ON  
MANAGEMENT OF COASTAL ZONE AND SMALL ISLANDS

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that Coastal Zone and Small Islands are part of the natural resources that are bestowed by the Almighty God and are controlled by the State, which need to be preserved and used for the greatest benefit of the people, either the present or next generation;
  - b. that Coastal Zone and Small Islands have a high diversity of resource potentials, and are very important for the social, economic, cultural, and environmental developments, and to uphold national sovereignty; therefore it is necessary to be managed in a sustainable manner with global vision, by taking into account public aspiration and participation, and national values based on national legal norms;
  - c. that based on the considerations as referred to in point a and point b, it is necessary to establish Law on Management of Coastal Zone and Small Islands;
- Observing :
- Article 20, Article 21, Article 25A, and Article 33 section (3) and section (4) of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of  
THE HOUSE OF REPRESENTATIVES  
and  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON MANAGEMENT OF COASTAL ZONE AND  
SMALL ISLANDS.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Law:

1. Management of Coastal Zone and Small Islands means a process of planning, exploitation, surveillance, and control of Coastal and Small Island Resources among sectors, between the Government and Local Government, between the land and sea ecosystems, as well as between science and management, to promote people's welfare.
2. Coastal Zone means the transitional area between land and sea Ecosystem influenced by the changes at the land and sea.
3. Small Island means an island with an area of less or equal to 2,000 km<sup>2</sup> (two thousand square kilometers) along with its unit of Ecosystem.
4. Coastal and Small Island Resources mean living resources; non-living resources; artificial resources, and environmental services; living resources consist of fish, coral reef, sea grass beds, mangroves and other marine biota; non-living resources consists of sand, sea water and seabed minerals; artificial resources consist of sea infrastructures related to maritime affairs and fisheries; and environmental services in the form of natural scenery, the seabed surface as the place of underwater installations related to marine and fisheries as well as sea waves energy found in Coastal Zone.

5. Ecosystem means a community unit of plants, animals, organisms and other non-organism as well as the process linking them to form balance, stability and productivity.
6. Bioecoregion means a landscape found in an expanse of ecological unity determined by natural borders, such as river basin area, bay, and currents.
7. Coastal Waters mean sea bordering on land covering waters as far as 12 (twelve) nautical miles measured from the coastline, waters linking coasts and islands, estuary, bay, shallow waters, salt marshes, and lagoon.
8. Area means part of the Coastal Zone and Small Islands which has particular functions determined on the criteria of its physical, biological, social and economic characteristics to maintain its existence.
9. Public Utilization Area means part of the Coastal Zone in which appropriation is determined for various sectoral activities.
10. Particular National Strategic Area means Area related to State sovereignty, environmental control, and/or world heritage sites, in which development is prioritized for national interests.
11. Zone means space in which utilization is jointly agreed between various stakeholders and whose legal status has been determined.
12. Zoning means a form of technical engineering to use space by determining functional borders according to potential resources and carrying capacity as well as ecological processes as a unit of coastal Ecosystem.
13. Strategic Plan means a plan containing the direction of cross-sectoral policies for a Development planning Area by determining broad purposes, targets and strategies, as well as implementing targets with proper indicators to monitor national plans.
14. Zoning Plan means a plan determining direction in use of resources from each unit of plan by determining spatial structure and pattern in planning Area containing permissible and impermissible activities, and activities that may be carried out after obtaining permit.

15. Management Plan means a plan containing framework of policies, procedures, and responsibilities to coordinate decision making among various government institutions/agencies on the agreement to use resources or development activities in the determined zone.
16. Action Plan means a follow up to a management plan for Coastal and Small Island Resources which contain purposes, targets, budget, and timeline for one or several years ahead in a coordinated way to carry out various activities needed by Government institutions, Local Governments, and other stakeholders to achieve the results of the management of coastal and small islands resources in each planning Area.
17. Detailed Zoning Plan means a detailed plan in 1 (one) Zone based on managerial directives in the Zoning Plan by observing the carrying capacity of the environment and applied technology as well as the availability of facilities which in turn indicate types and number of permits issued by the Local Government.
18. Right to Undertake Business in Coastal Waters (*Hak Pengusahaan Perairan Pesisir*) hereinafter referred to as HP-3, means a right in particular parts of the coastal waters to carry out marine and fisheries business, and other types of undertaking related to the exploitation of Coastal and Small Islands Resources, which includes surface waters and waters superjacent to the seabed in particular limited extent.
19. Conservation of Coastal Zone and Small Islands means efforts on the protection, preservation and utilization of Coastal Zone and Small Island including their ecosystems to guarantee the existence, supply and sustainability of Coastal and Small Islands Resources, through the preservation and improvement of its quality and diversity.
20. Conservation Area in Coastal Zone and Small Islands means the coastal zone and small islands with particular characteristics which is protected to realization of sustainable management of the Coastal Zone and Small Islands.

21. Coastal Setback means land area along the coast with a width proportional to the shape and physical condition of the coast, at a minimum of 100 (one hundred) meters from the highest tide level toward the land area.
22. Rehabilitation of Coastal and Small Islands Resources means restoration and improvement of the ecosystem or population condition which has been degraded even though the result is different from the original condition.
23. Reclamation means an activity carried out by a Person for the purpose to improve the use of the terrain viewed from the environment and socio-economic aspects, by piling, draining or drainage.
24. Carrying Capacity of Coastal Zone and Small Islands means the capacity of Coastal Zone and Small Islands to support human habitation and other living organism.
25. Disaster Mitigation means an effort to reduce risk disaster, structurally as well as physically through the natural-physical and/or artificial development, also non-structurally or non-physically by increasing the capacity to deal with disaster threat in the Coastal Zone and Small Islands.
26. Coastal Disaster means natural or Person-induced incidence which triggers a change of coastal physics and/or living characteristics and resulted in the loss of life, property, and/or damage to the Coastal Areas and Small Islands.
27. Massive Effect means the incidence effecting negative changes in the function of the environment at large scale and long intensity, which is triggered by a business undertaking and/or activity in the Coastal Zone and Small Islands.
28. Coastal Pollution means the introduction of living organism, substance, energy, and/or other components to the coastal environment, induced by Person's activity resulting in the reduction of coastal environment quality to a certain level, and causing the coastal environment not to function in accordance with its allocation.

29. Accreditation means a recognition procedure for an activity which has consistently meets the required standard for system of Management of Coastal Zone and Small Islands that includes appraisal, valuation, and incentive for management programs carried out voluntarily by the public.
30. Primary Stakeholders mean users of Coastal and Small Islands Resources who have a direct interest in the optimum utilization of the Coastal and Small Island Resources, such as traditional fishermen, modern fishermen, fish farmer, tourism industry, fishing industry, and Coastal Communities.
31. Public Empowerment means efforts to provide facilities, endorsement or assistance to the Coastal Community to enable them to make the best option in the utilization of Coastal and Small Island Resources.
32. Public means people consisting of Indigenous People and Local Community living in the Coastal Zone and Small Islands.
33. Indigenous People means a group of Coastal Communities which for generations have live in particular geographic area because they are bound by root ancestors, and has a strong bond with the Coastal and Small Island Resources, together with the existence of value systems which determines the economic, politic, social and legal institutions.
34. Local Community means a group of people which practice daily living based on customs which have been accepted as public values, however, not depending entirely on particular Coastal and Small Island Resources.
35. Traditional Community means traditional fishery community whose traditional rights in fishing activities or any legitimate rights are still recognized in particular areas within the archipelagic waters in accordance with international law of the sea.
36. Local Wisdom means high values that are still valid in the community living system.

37. Class Action means a claim in the form of a right of small group member of the community to bring a claim of a large amount on behalf of the public based on similar issues, legal facts, and compensation claim.
38. Person means an individual and/or a corporate/legal entity.
39. House of Representatives, hereinafter referred to as DPR, means the House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
40. Central Government, hereinafter referred to as the Government, means the President of the Republic of Indonesia having the power to carry out the government of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
41. Local Government means governors, regents or mayors, and local officials being elements of the local government administration.
42. Local Governance means the exercise of government by the Local Government and the Regional House of Representatives, in accordance with the principles of autonomy and auxiliary, with extensive principles of autonomy in a system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
43. Marine Partnership means a network of stakeholders in the Management of Coastal Areas and Small Islands, in the empowerment of the capacity of human resources, institutions, education, extension, partnership, training, applied research, and the development of recommended policies.
44. Minister means the Minister who is responsible for marine affairs and fisheries.

## Article 2

The scope of the regulations on the Coastal Zone and Small Islands includes the transitional area between the land and marine area ecosystems which are influenced by the changes at

land and sea; landward includes the administrative area of a sub district and seaward up to 12 (twelve) nautical miles measured from the coastline.

## CHAPTER II PRINCIPLES AND PURPOSES

### Article 3

The management of Coastal Areas and Small Islands is carried out under the principles of:

- a. sustainability;
- b. consistency;
- c. integration;
- d. legal certainty;
- e. partnership;
- f. equality;
- g. public participation;
- h. transparency;
- i. decentralization;
- j. accountability; and
- k. fairness.

### Article 4

Management of Coastal Zone and Small Islands is carried out with the purpose of:

- a. protecting, conserving, rehabilitating, utilizing, and enriching Coastal and Small Islands Resources and their ecological system in a sustainable manner;
- b. creating harmony and synergy between the Government and the Local Government in the management of Coastal and Small Islands Resources;
- c. strengthening community and government agencies participation, and motivate community initiative in the management of Coastal and Small Islands Resources in order to obtain fairness, balance, and sustainability; and
- d. increasing the social, economic and cultural values of the community through Public participation in the exploitation of Coastal and Small Islands Resources.



## CHAPTER III

### MANAGEMENT PROCESS OF COASTAL AREAS AND SMALL ISLANDS

#### Article 5

The management of Coastal Zone and Small Islands consists of the activities of planning, exploitation, surveillance and control of human interactions in the exploitation of Coastal and Small Islands Resources and the natural process in a sustainable way, in the effort towards promoting the people's welfare and in guarding the Unitary State of the Republic of Indonesia.

#### Article 6

The management of Coastal Zone and Small Islands as referred to in Article 5 is required to be carried out by integrating the following activities:

- a. between the Government and the Local Government;
- b. among the Local Governments;
- c. among sectors;
- d. between the Government, industry, and the Public;
- e. between land Ecosystem and marine Ecosystem; and
- f. between science and the principles of management.

## CHAPTER IV

### PLANNING

#### Part One

#### General

#### Article 7

- (1) The Management Plan for Coastal Zone and Small Islands as referred to in Article 5, consists of:
  - a. Strategic Plan for Coastal Zone and Small Islands (*Rencana Strategis Wilayah Pesisir dan Pulau-Pulau Kecil*), hereinafter referred to as RSWP-3-K;

- b. Zoning for Coastal Areas and Small Islands (*Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil*), hereinafter referred to as RZWP-3-K;
  - c. Management Plan for Coastal Areas and Small Islands (*Rencana Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*), hereinafter referred to as RPWP-3-K; and
  - d. Action Plan for the Management of Coastal Areas and Small Islands (*Rencana Aksi Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*), hereinafter referred to as RAPWP-3-K.
- (2) The norms, standards and guidelines for the formulation of plan for the Management of Coastal Zone and Small Islands are further regulated by a Ministerial Regulation.
  - (3) The Local Government is obligated to formulate all plans as referred to in section (1) in accordance with its respective authority.
  - (4) In the formulation of Management plan for Coastal Zone and Small Islands, the Local Government involves public based on the norms, standards and guidelines as referred to in section (2).
  - (5) The Regency/Municipal governments formulate detailed Zoning Plans for each Zone of the Coastal Zone and Small Islands within their jurisdiction.

## Part Two

### Strategic Plan for Coastal Zone and Small Islands

#### Article 8

- (1) RSWP-3-K is an integral part of long term development plan for every Local Government.
- (2) The RSWP-3-K as referred to in section (1) takes into account the interests of the Government and the Local Government.
- (3) The duration of RSWP-3-K of the Local Government is 20 (twenty) years and may be reviewed at least every 5 (five) years.

Part Three  
Zoning Plan for Coastal Zone and Small Islands

Article 9

- (1) RZWP-3-K is the direction for the exploitation of resources within the Coastal Zone and Small Islands of the provincial and/or regency/municipal governments.
- (2) RZWP-3-K is harmonized, synchronized, and balanced with Area Spatial Plan of provincial and/or regency/municipal government.
- (3) The planning for RZWP-3-K is carried out, by considering:
  - a. harmonization, synchronization, and balance with the carrying capacity of the ecosystem, the functions of exploitation and protection, space and time dimensions, socio-cultural and technological dimensions, and the security and defense functions;
  - b. integration of various exploitation of resources, functions, environmental aesthetic, and the quality of the coastal lands; and
  - c. obligation to allocate space and public access in the exploitation of Coastal Zone and Small Islands that have social and economic functions.
- (4) The duration of RZWP-3-K is 20 (twenty) years and may be reviewed every 5 (five) years.
- (5) RZWP-3-K is established by a Regional Regulation.

Paragraph 1

Zoning Plan for Coastal Zone and Small Islands within Province

Article 10

The Provincial RZWP-3-K as referred to in Article 9 consists of:

- a. space allocation within the Public Utilization Area, Conservation Area, Particular National Strategic Area, and sea routes;
- b. the interconnection between land Ecosystem and marine Ecosystem within a Bioecoregion;
- c. the establishment of maritime space utilization; and

- d. the establishment of prioritized sea Area for conservation, socio-cultural, economic, sea-transportation, strategic industry as well as security and defense purposes.

#### Paragraph 2

#### Zoning Plan for Coastal Zone and Small Islands within Regency/Municipality

#### Article 11

- (1) RZWP-3-K of the Regency/Municipality contains the directives for:
  - a. space allocation within the Public Utilization Area Plan, Conservation Area plan, Certain National Strategic Area plan, and sea-lanes plan;
  - b. the interconnection among the ecosystems of the Coastal Zone and Small Islands within a Bioecoregion.
- (2) The formulation of RZWP-3-K as referred to in section (1) is required to follow and integrate with the Government and Local Government's plan by taking into account Area, Zone, and/or Sea Routes which have been established in accordance with the legislation.

#### Part Four

#### Management Plan for Coastal Zone and Small Islands

#### Article 12

- (1) RPWP-3-K contains:
  - a. policy on regulation and administrative procedure for the exploitation of permitted and prohibited resources;
  - b. the priority scale for the exploitation of resources in accordance with the characteristics of the Coastal Zone and Small Islands;
  - c. a guaranteed accommodation of public considerations in the decision of the purposes of the management of the Area and revision of the determination of purposes and licensing;

- d. an organized and systematized report mechanism to guarantee the availability of accurate and accessible data and information; and
  - e. the availability of trained human resources to implement the policy and its procedures.
- (2) RPWP-3-K is valid for 5 (five) years and may be reviewed at least once.

#### Part Five

### Action Plan for the Management of Coastal Zone and Small Islands

#### Article 13

- (1) RAPWP-3-K is implemented by directing Management and Zoning Plans as an effort to implement the strategic plan.
- (2) RAPWP-3-K is valid for 1 (one) up to 3 (three) years.

#### Part Six

### Mechanism for Formulation of Plan

#### Article 14

- (1) Proposal for the formulation of RSWP-3-K, RZWP-3-K, RPWP-3-K, and RAPWP-3-K is carried out by the Local Government and the industry.
- (2) Mechanism for the formulation of the provincial, regency/municipal governments RSWP-3-K, RZWP-3-K, RPWP-3-K, and RAPWP-3-K is carried out by including Public.
- (3) The Local Government has the obligation to disseminate the drafts for RSWP-3-K, RZWP-3-K, RPWP-3-K, and RAPWP-3-K to get feed-back, comments and suggestions for revision.
- (4) The regent/mayor brings the final draft plan for the Management of Coastal Zone and Small Islands of the regency/municipality to the knowledge of the governor and the Minister.
- (5) The Governor submits the final draft of the plan for the Management of Coastal Zone and Small Islands of the

province to the Minister and regents/mayors of the provincial areas in question.

- (6) The Governor or Minister gives a comment and/or suggestions to the final draft plan for the Management of Coastal Zone and Small Islands within 30 (thirty) work days.
- (7) In the event that such comment and/or suggestions as referred to in section (6) is not given, the final draft plan for the Management of Coastal Zone and Small Islands will definitively enter into force.

## Part Seven

### Data and Information

#### Article 15

- (1) The Government and the Local Government are obligated to manage data and information on Coastal Zone and Small Islands.
- (2) The updating of data and information are carried out by the Government and the Local Government periodically and are officially documented and published, as a public document, in accordance with the legislation.
- (3) Data and information as referred to in section (1) may be utilized by every Person and/or primary stakeholders by taking into account the interests of the Government and the Local Government.
- (4) Every Person exploiting the Coastal Zone and Small Islands Resources as referred to in section (2) is obligated to submit data and information to the Government and/or the Local Government at least 60 (sixty) days since the commencement of the exploitation.
- (5) Any changes in data and information as referred to in section (1) can only be carried out with the consent of the Government and/or the Local Government.
- (6) The guidelines for the management of data and information concerning the Coastal Zone and Small Islands are regulated in a Ministerial Regulation.

CHAPTER V  
UTILIZATION

Part One

Right to Undertake Business in Coastal Waters

Article 16

- (1) Business undertaking in coastal waters is given in the form of HP-3.
- (2) The HP-3 as referred to in section (1) includes business undertaking on the sea surface, water column down to the seabed.

Article 17

- (1) HP-3 is issued for a particular area and duration.
- (2) The issuance of HP-3 as referred to in section (1) takes into account the importance of the preservation of Coastal Zone and Small Islands Ecosystems, the Indigenous People, and national interests as well as the rights of innocent passage for foreign vessels.

Article 18

HP-3 may be issued to:

- a. Person with Indonesian citizenship;
- b. Legal entity incorporated under Indonesian law; or
- c. Indigenous People.

Article 19

- (1) HP-3 is issued for the duration of 20 (twenty) years.
- (2) The duration as referred to in section (1) may be extended for the first phase up to a period of 20 (twenty) years.
- (3) The duration as referred to in section (2) may be extended for the second phase in accordance with the legislation.

Article 20

- (1) HP-3 may transfer, be transferred, and used as collateral by being borne with collateral rights.

- (2) HP-3 is issued in the form of a certificate of HP-3.
- (3) HP-3 is terminated because:
  - a. the duration has come to an end and is not extended;
  - b. is being neglected; or
  - c. is being revoked for public interest.
- (4) The procedure for the issuance, registration, and revocation of HP-3 is further governed by a Government Regulation.

#### Article 21

- (1) The issuance of HP-3 follows after the fulfillment of technical, administrative and operational requirements.
- (2) The technical requirements as referred to in section (1) include:
  - a. conformity with the Zone plan and/or Management Plan for Coastal Zone and Small Islands;
  - b. the result of public consultation is compatible with the size and volume of its exploitation; and
  - c. consideration of the result of an analysis of various alternative proposals or activities having the potential to damage Coastal and Small Islands Resources.
- (3) The administrative requirements as referred to in section (1) include:
  - a. submission of administrative documents;
  - b. formulation of plan and implementation of the exploitation of Coastal and Small Islands Resources compatible with the carrying capacity of the ecosystem;
  - c. the establishment of a system of surveillance and reporting of its result to the agency that issue the HP-3; and
  - d. in the event of the HP-3 directly bordering the coastline, the applicant is obligated to have property right over the land.
- (4) The operational requirements as referred to in section (1) include:
  - a. empowering the Public around the location of the activities;



- b. recognizing, respecting, and protecting rights of the Indigenous People and the Local Community;
  - c. taking into account the Public rights to obtain access to the coastal setback and estuary; and
  - d. rehabilitating damaged resources within the location of HP-3.
- (5) Rejection of an application for an HP-3 is required to be accompanied with any of the following reasons:
- a. there is a serious threat to the preservation of the Coastal Zone;
  - b. it is not supported by scientific evidence; or
  - c. there is potential for damage which is predicted to happen cannot be restored.
- (6) The issuance of an HP-3 as referred to in section (1) is carried out by an open notification.

#### Article 22

The HP-3 cannot be issued for Conservation Area, fisheries sanctuary, sea lanes, port area, and public beaches.

#### Part Two

#### Exploitation of Small Islands and Waters Surrounding Them

#### Article 23

- (1) The exploitation of Small Islands and waters surrounding them is carried out based on a comprehensive and integrated ecological and economical unity with the nearby large island.
- (2) The exploitation of Small Islands and waters surrounding them takes priority for one or more of the following interests:
- a. conservation;
  - b. education and training;
  - c. research and development;
  - d. mariculture;
  - e. tourism;

- f. sustainable marine and fishery business and fishing industry;
  - g. organic agriculture; and/or
  - h. animal husbandry.
- (3) Except for the purposes of conservation, education and training, as well as research and development, the exploitation of Small islands and waters surrounding them is required to:
- a. fulfill the requirements for the management of the environment;
  - b. take into account the capacity of the local water management system; and
  - c. apply environment friendly technology.
- (4) The exploitation of Small Islands and waters surrounding them as referred to in section (2) that fulfills the requirements of section (3) is required to have an HP-3 that is issued by the Government or Local Government in accordance with their respective authorities.
- (5) For the exploitation of Small Islands and waters surrounding them which has been used for Public habitation purposes, the Government or the Local Government issues HP-3 only after having consulted it with the local Community in question.
- (6) The regent/mayor facilitates a mechanism for consultation as referred to in section (5).
- (7) The utilization of Small Islands and waters surrounding them by foreign Person requires consent of the Minister.

#### Article 24

Small Island, sandbar, atoll, and coral reefs which have been determined as base points for the measurement of the Indonesian waters are established as protected areas by the Minister.

#### Article 25

The exploitation of Small Islands and waters surrounding them for the purposes of observation, research and data collection for

scientific development is required to include the participations of relevant institutions and/or agencies and/or local experts.

#### Article 26

Further regulations regarding exploitation of Small islands and waters surrounding them as referred to in Article 23, Article 24 and Article 25, are regulated by a Ministerial Regulation.

#### Article 27

- (1) The utilization of the outermost Small islands is carried out by the Government in cooperation with the Local Government in an effort to safeguard the sovereignty of the Unitary State of the Republic of Indonesia.
- (2) The utilization of the outermost Small Islands as referred to in section (1) is further governed by a Government Regulation.

### Part Three

#### Conservation

#### Article 28

- (1) The conservation of Coastal Zone and Small Islands is carried out for the purposes of:
  - a. protecting the preservation of the Ecosystems of Coastal Zone and Small Islands;
  - b. protecting the migration channels of fish and other biota;
  - c. protecting the habitat of marine biota; and
  - d. protecting traditional cultural sites.
- (2) For the purposes of conservation as referred to in section (1), parts of the Coastal Zone and Small Islands may be established as Conservation Area.
- (3) Conservation Area as referred to in section (2) which has a special characteristic as one unitary Ecosystem, is established for the protection of:
  - a. fish resources;
  - b. transit place and/or migration channels of other marine biota;

- c. area under the regulation of particular custom (*adat*), such as *sasi*, *mane'e*, *panglima laot*, *awig-awig*, and/or other terminology of particular customs; and
  - d. a unique Coastal Zone ecosystem and/or which is vulnerable to changes.
- (4) Conservation Area within the Coastal Zone and Small Islands is established by a Ministerial Regulation.
- (5) The Management of the Conservation Area as referred to in section (2) is carried out by the Government or the Local Government based on authority in accordance with the legislation.
- (6) To achieve the purposes as referred to in section (1), the Minister determines:
- a. the category of Conservation Area;
  - b. National Conservation Area;
  - c. pattern and methods of management for the Conservation Area; and
  - d. other things considered to be important for the achievement of such purposes.
- (7) Proposals for a Conservation Area as referred to in section (3) may be submitted by individuals, communal groups, and/or the Government/Local Government based on the special characteristic of the Region supported by data and scientific information.

#### Article 29

Conservation area as referred to in Article 28 section (2) is divided into three Zones, as follows:

- a. core Zone;
- b. limited utilization Zone; and
- c. other Zones relevant to the allocation of the Area.

#### Article 30

The change of status of a core Zone as referred to in Article 29 for utilization activities which may bring large impact, is determined by the Government or Local Government taking into account considerations of the DPR.

### Article 31

- (1) The Local Government determines the boundary of the Coastal Setback which is based on the topographical, biophysical, coastal hydro-oceanography characteristics, economic interests, and other provisions.
- (2) The determination of the boundary of the Coastal Setback is in conformity with the provisions on:
  - a. the protection against earthquake and/or tsunami;
  - b. the protection of the coast against erosion or abrasion;
  - c. the protection of coastal artificial resources from storm, flooding, and other natural disasters;
  - d. the protection of coastal ecosystems, such as wetlands, mangrove, coral reef, seagrass beds, sand banks, estuary, and delta;
  - e. the regulation of public access; and
  - f. the regulation for canal and waste.
- (3) The boundary of the Coastal Setback as referred to in section (2) is further regulated by a Presidential Regulation.

### Part Four

#### Rehabilitation

### Article 32

- (1) The rehabilitation of Coastal Zone and Small Islands is carried out by taking into account the balance of the Ecosystem and/or the local biodiversity.
- (2) Rehabilitation as referred to in section (1) is carried out by:
  - a. enrichment of the living resources;
  - b. improvement of the habitat;
  - c. the protection of marine biota species to enable them to grow and develop naturally; and
  - d. environment friendly.

### Article 33

- (1) The rehabilitation as referred to in Article 32 is carried out by the Government and/or the Local Government and/or any Person who directly or indirectly is benefitted from the Coastal Zone and Small Islands.

- (2) Further provisions on Rehabilitation are regulated by a Presidential Regulation.

Part Five  
Reclamation

Article 34

- (1) Reclamation of the Coastal Zone and Small Islands is carried out within the framework to enhance the benefit and/or additional value of the Coastal Zone and Small Islands viewed from technical, environmental, and socio-economic aspects.
- (2) Reclamation as referred to in section (1) protects and takes into account:
  - a. sustainability of habitation and livelihood of the Public;
  - b. balance between utilization and preservation of the environmental functions of the Coastal Zone and Small Islands; and
  - c. technical requirements for mining, dredging, and piling up of materials.
- (3) The planning and execution of Reclamation are further regulated by a Presidential Regulation.

Part Six  
Prohibition

Article 35

In the exploitation of Coastal Zone and Small Islands, any Person directly or indirectly is prohibited from:

- a. mining the coral reef that is damaging to the Ecosystem of the coral reef;
- b. collect coral reef from the conservation Area;
- c. use explosives, toxic substances, and/or other substances that is damaging to the Ecosystem of the coral reef;
- d. use instruments, means, and other methods that is damaging to the Ecosystem of the coral reef;

- e. use means and methods that is damaging to the Ecosystem of mangrove which is inappropriate for the characteristic of Coastal Zone and Small Islands;
- f. carry out the conversion of the mangrove Ecosystem within the Area or Zone for mariculture which do not take into account the sustainability of the ecological function of the Coastal Zone and Small Islands;
- g. cut off mangrove from the conservation area for industrial activity, settlement, and/or other activities;
- h. use means and method which is damaging to the sea-grass beds;
- i. mining of sand in an area which is technically, ecologically, socio and/or culturally may cause damage to the environment and/or causing pollution to the environment and/or detrimental to the local Community;
- j. mining of oil and gas in an area which from the technical, ecological, social and/or cultural aspects is damaging to the environment and/or causing pollution to the environment and/or detrimental to the local Community;
- k. mining of minerals which from the technical, ecological, social and/or cultural aspects resulting in the damage to the environment and/or causing pollution to the environment and/or detrimental to the local Community; and
- l. carry out physical construction which is damaging to the environment and/or detrimental to the local Community.

CHAPTER VI  
SURVEILLANCE AND CONTROL

Part One  
General

Article 36

- (1) To guarantee the execution of an integrated and sustainable Management of Coastal Zone and Small Islands, there is surveillance and/or control of the implementation of

provisions regarding the Management of Coastal Zone and Small Islands, by particular officials which have the mandates in the management of Coastal Zone and Small Islands, in accordance with the characteristic of his/her functions and have been given special policing authority.

- (2) The surveillance and/or control as referred to in section (1) are carried out by particular civil servants officials who have the function in the management of Coastal Zone and Small Islands in accordance with the characteristics of his/her job.
- (3) The particular civil servant officials as referred to in section (2) have the authority to:
  - a. exercise patrol within the Coastal Zone and Small Islands or within their jurisdiction; and
  - b. receive reports regarding damage to the Coastal ecosystem, Conservation Area, Public Utilization Region, and Particular National Strategic Area.
- (4) The authority of the Officials as referred to in section (3) is regulated by a Ministerial Regulation.
- (5) In the execution of surveillance and control of the Coastal Zone and Small Islands as referred to in section (1), the Government and the Local Government are obligated to monitor, carry field observation, and/or evaluate the plan and its implementation.
- (6) The Public may participate in the surveillance and control of the Coastal Zone and Small Islands as referred to in section (1)

## Part Two Surveillance

### Article 37

Surveillance on the planning and implementation of the management of Coastal Zone and Small Islands is carried out in a coordinative way by the relevant institution in accordance with its authority.



Article 38

Surveillance by the public is carried out through the submission of report and/or claim to the competent agency.

Article 39

Further provisions regarding surveillance on the planning and implementation of the Management of the Coastal Zone and Small Islands as referred to in Article 37 and Article 38 is regulated by a Ministerial Regulation.

Part Three

Control

Paragraph 1

Accreditation Program

Article 40

- (1) In the implementation of control as referred to in Article 39, the Government is obligated to carry out accreditation on the program for the Management of Coastal Zone and Small Islands.
- (2) In the event that the execution of accreditation as referred to in section (1) the Government may delegate its authority for the execution of accreditation to the Local Government.
- (3) Standard and Guidelines for Accreditation as referred to in section (1) includes:
  - a. the relevance of priority issues;
  - b. public consultation process;
  - c. positive impact to the preservation of the environment;
  - d. impact to the improvement of Public prosperity;
  - e. appropriate implementation capacity; and
  - f. support of policy and program of the Government and Local Government.
- (4) The Government and/or the Local Government give incentives to the program manager of the Management of Coastal Zone and Small Islands which have been accredited, in the forms of:

- a. program assistance in accordance with the capacity of the Government which can be directed toward optimizing the accreditation program; and/or
  - b. technical assistance.
- (5) The Governor has the competence to formulate and/or submit proposal for the accreditation of program for the Management of Coastal Zone and Small Islands which is within his/her authority to the Government in accordance with the standards and guidelines as referred to in section (3).
  - (6) The regent/mayor has the competence to formulate and/or submit proposal for the accreditation program for the Management of Coastal Zone and Small Islands within his/her authority to the governor and/or the Government in accordance with the standards and guidelines as referred to in section (3).
  - (7) Public Organization and/or Public group may formulate and/or submit proposal for the accreditation of program for the Management of Coastal Areas and Small Islands to the Government and/or the Local Government in accordance with the standards and guidelines as referred to in section (3).
  - (8) Further provisions regarding the program for accreditation are regulated by a Ministerial Regulation.

## Paragraph 2

### Marine Partnership

#### Article 41

- (1) In an effort to increase the capacity of the stakeholders in the Management of Coastal Zone and Small Islands, a Marine Partnership is established as a forum for cooperation between the Government, the Local Government, universities, non-governmental organizations, professional organizations, prominent Public figure, and/or the industry.

- (2) Marine Partnership as referred to in section (1) is facilitated by the Government, the Local Government, and/or the industry.
- (3) Activities of the Marine Partnership are concentrated in:
  - a. assistance and/or extension;
  - b. education and training;
  - c. applied research; and
  - d. policy recommendation
- (4) Further provisions regarding the activities of Marine Partnership as referred to in section (3) are regulated by a Ministerial Regulation.

## CHAPTER VII RESEARCH AND DEVELOPMENT

### Article 42

- (1) To improve the quality of planning and implementation of the Management of Coastal Zone and Small Islands, the Government carries out research and development of science and technology, and the development of human resources in the field of the management of a sustainable Coastal Zone and Small Islands.
- (2) The Government regulates, encourages, and/or carries out research and development of the Management of Coastal Zone and Small Islands, to produce the necessary science and technology for the management of Coastal Zone and Small Islands, to make it more effective, efficient, economic, highly competitive and environment friendly, while respecting traditional wisdom or local culture.

### Article 43

Research and development of the Management of Coastal Zone and Small Islands may be carried out by the Government, the Local Government, universities, non-governmental organizations, private research and development institutions, and/or individuals in accordance with the legislation.

Article 44

Research results are open to any party, except for particular research results that has been proclaimed by the Government as being not for publication.

Article 45

- (1) Any foreign person who carries out research within the Coastal Zone and Small Islands is obligated to obtain a permit from the Government.
- (2) Research conducted by a foreign person and/or foreign legal entity as referred to in section (1) must include participation by Indonesian researchers.
- (3) Any foreign person conducting research in the Coastal Zone and Small Islands must submit his/her research results to the Government.

Article 46

Further provisions regarding the execution of research and development within Coastal Zone and Small Islands as referred to in Article 42, Article 43, Article 44 and Article 45 are regulated by a Presidential Regulation.

CHAPTER VIII

EDUCATION, TRAINING, AND EXTENSION

Article 47

The Government carries out education, training, and extension on the Management of Coastal Zone and Small Islands to enhance human resource development in the field of Management of Coastal Zone and Small Islands in accordance with the legislation.

Article 48

In implementing education, training, and extension on the Management of Coastal Zone and Small Islands, the Government may cooperate with various parties, both at the national, or international levels.

Article 49

Further provisions regarding the implementation of education, training, and extension on the Management of Coastal Zone and Small Islands as referred to in Article 47 and Article 48 are regulated by a Presidential Regulation.

CHAPTER IX  
AUTHORITY

Article 50

- (1) The Minister has the authority to issue HP-3 for the Coastal Waters located in the inter-province areas and in Particular National Strategic Area.
- (2) The Governor has the authority to issue HP-3 for the Coastal Waters up to 12 (twelve) nautical miles measured from the coastline toward the high seas and/or the archipelagic waters, and in the inter-regency/inter-municipal Coastal Waters.
- (3) The regent/mayor has the authority to issue HP-3 for Coastal Waters of 1/3 (one-third) of the areas within the provincial jurisdiction.

Article 51

- (1) The Minister has the authority to determine:
  - a. HP-3 for the Particular National Strategic Area;
  - b. Permit for the exploitation of Small Islands which have a large impact to the environmental changes, and
  - c. Change in the status of the core Zone within the Conservation Areas of the national Waters.
- (2) The determination of HP-3 as referred to in section (1) is carried out after taking into account the consideration of the DPR.
- (3) Procedure for the determination as referred to in section (1) is further governed by a Government Regulation.

Article 52

- (1) The management of Coastal Zone and Small Islands is carried out by the Government and the Local Government.

- (2) To improve the effectiveness of the Management of Coastal Zone and Small Islands, the Government may provide assistance to the Local Government in the formulation and implementation of Action Plan for the Management of Coastal Zone and Small Islands.
- (3) Within the framework for the enhancement of the exercise of regional autonomy in the Coastal Zone and Small Islands, when necessary, the Government may establish a technical implementation unit for the management of Coastal Zone and Small Islands.

#### Article 53

- (1) The Management of Coastal Zone and Small Islands at the national level is carried out in an integrated way under the coordination of the Minister.
- (2) Types of activities that are coordinated as referred to in section (1) cover:
  - a. evaluation of each proposal for plan of activities in each subsector in accordance with the plan for an integrated Management of Coastal Zone and Small Islands;
  - b. planning of subsector, region and industry which have characteristic of inter-province and particular area;
  - c. national accreditation program;
  - d. recommendation for permit for activities in accordance with the Government institutions authorities; and
  - e. supply of data and information for the Management of Coastal Zone and Small Islands which has characteristic of inter-province and particular Area having strategic purposes.
- (3) Implementation of the activities as referred to in section (2) is regulated by a Presidential Regulation.

#### Article 54

- (1) The Management of Coastal Zone and Small Islands at the provincial level is carried out in an integrated way through the coordination by government office in the field of marine affairs and fisheries.

- (2) The types of activities that are coordinated as referred to in section (1) include:
  - a. evaluation of proposal of activities from each autonomous government office or agency, in accordance with the planning of the Provincial Management of Coastal Zone and Small Islands;
  - b. the planning of each local agency, inter-regency/municipality, and the industry;
  - c. accreditation at the scale of province;
  - d. the recommendation for activity permit in accordance with the authority of the vertical local institution, autonomous local government office, or local government agency; and
  - e. provision of data and information for the provincial Management of Coastal Zone and Small Islands.
- (3) The execution of activities as referred to in section (2) is regulated by the governor.

#### Article 55

- (1) The Management of Coastal Zone and Small Islands at the regency/municipal level is carried out in an integrated way which is coordinated by the local government office in the field of marine affairs and fisheries.
- (2) The types of activities that are coordinated as referred to in section (1) include:
  - a. the evaluation of plan of activity of every stakeholder in accordance with the plan for the integrated Management of Coastal Zone and Small Islands;
  - b. planning of inter-institution, industry and public;
  - c. accreditation program at the scale of regency/municipality;
  - d. the recommendation for activity permit in accordance with the respective authorities of each autonomous government office or local agency; and
  - e. provisions of data and information for the Management of Coastal Zone and Small Islands at the scale of regency/municipality.

- (3) Implementation of the activities as referred to in section (2) is regulated by the regent/mayor.

## CHAPTER X DISASTER MITIGATION

### Article 56

In the formulation of an integrated management and exploitation plans for Coastal Zone and Small Islands, the Government and/or the Local Government include and implement parts on disaster mitigation for Coastal Zone and Small Islands in accordance with its type, level, and zones.

### Article 57

Disaster mitigation for Coastal Zone and Small Islands is carried out by involving the responsibilities of the Government, the Local Government and/or the Public.

### Article 58

The execution of disaster mitigation of Coastal Zone and Small Islands as referred to in Article 57 is carried out by taking into account the following aspects:

- a. social, economy, and culture of the Public;
- b. preservation of the living environment;
- c. benefit and effectiveness; and
- d. scope of size of the zone.

### Article 59

- (1) Any person who lives in the Coastal Zone and Small Islands is obligated to carry out disaster mitigation against activities which have the potential to cause damage to the Coastal Zone and Small Islands.
- (2) Disaster mitigation as referred to in section (1) is carried out through structural/physical and/or non-structural/non-physical activities.
- (3) The choice of activity as referred to in section (1) is determined by the competent institution.



- (4) Provisions regarding disaster and damage mitigation to the Coastal Zone and Small Islands are further governed by a Government Regulation.

## CHAPTER XI

### PUBLIC RIGHTS, OBLIGATIONS, AND PARTICIPATION

#### Article 60

- (1) In the Management of Coastal Zone and Small Islands, the Public has the rights to:
- a. obtain access to the waters which has been determined by HP-3;
  - b. obtain compensation resulting from the loss of access to the Coastal and Small Islands Resources which has been their working field to fulfill the need resulting from the issuance of HP-3 in accordance with the legislation;
  - c. carry out activity in the management of Coastal and Small Islands Resources in accordance with existing customs (*adat*) law and not in contrary with the legislation;
  - d. obtain benefit from the implementation of the Management of Coastal Zone and Small Islands;
  - e. obtain information with regard to the Management of Coastal Zone and Small Islands;
  - f. submit a report and claim to the authority for the loss he/she suffered related to the implementation of the Management of Coastal Zone and Small Islands;
  - g. state his/her objection to the management plan which has been announced at a particular period of time;
  - h. report to the law enforcer of a pollution and/or damage to the Coastal Zone and Small Islands;
  - i. submit a claim to the court of any problems related to the Coastal Zone and Small Islands; and
  - j. obtain compensation.
- (2) In the Management of Coastal Zone and Small Islands, the Public is obligated to:

- a. provide information on the Management of Coastal Zone and Small Islands;
- b. guard, protect, and maintain the preservation of Coastal Zone and Small Islands;
- c. submit report on the existence of danger, pollution, and/or environmental damage within the Coastal Zone and Small Islands;
- d. monitor the implementation of Management plan for Coastal Zone and Small Islands; and/or
- e. carry out the agreed program for the Management of Coastal Zone and Small Islands at the village level.

#### Article 61

- (1) The Government recognizes, respects and protects the rights of the Indigenous People, Traditional Community, and Local Wisdom with regard to Coastal Zone and Small Islands which has been exploited for generations.
- (2) The recognition of the rights of the Indigenous People, Traditional Community, and Local Wisdom as referred to in section (1) is used as a guidance in the sustainable Management of Coastal Zone and Small Islands.

#### Article 62

- (1) The Public has the equal opportunity to participate in the planning, implementation, and surveillance of the Management of Coastal Zone and Small Islands.
- (2) Provisions regarding public participation in the Management of Coastal Zone and Small Islands as referred to in section (1) are further regulated by a Ministerial Regulation.

### CHAPTER XII PUBLIC EMPOWERMENT

#### Article 63

- (1) The Government and the Local Government are obligated to empower the Public in order to improve their prosperity.

- (2) The Government is obligated to promote public business activities through various activities in the field of efficient and effective Management of Coastal and Small Islands Resources.
- (3) In an effort to empower the Public, the Government and the Local Government materialize, grow, and improve consciousness and responsibility in the:
  - a. decision making;
  - b. implementation of management;
  - c. partnership between the public, the industry and the Government/Local Government;
  - d. development and implementation of national policy in the field of living environment;
  - e. development and implementation of preventive and proactive efforts to prevent the degeneration of carrying and accommodating capacities of the Coastal Zone and Small Islands;
  - f. the utilization and development of environment friendly technology;
  - g. provisions and dissemination of environmental information; and
  - h. reward for person who has given commendable services in the field of the Management of Coastal Zone and Small Islands.
- (4) Provisions regarding the guideline for Public Empowerment are further regulated by a Ministerial Regulation.

### CHAPTER XIII SETTLEMENT OF DISPUTES

#### Article 64

- (1) The settlement of disputes in the management of Coastal Zone and Small Islands is settled through litigation and/or non-litigation.
- (2) The settlement of disputes through non-litigation as referred to in section (1) is not valid for criminal acts in the Management of Coastal Zone and Small Islands under this Law.

Article 65

- (1) The settlement of disputes through non-litigation is carried out by the disputing parties in accordance with the legislation.
- (2) The settlement of disputes through non-litigation is carried out to reach an agreement on the type and amount of compensation and/or on particular action to prevent the occurrence or recurrence of substantial impact as a result of the non-implementation of the Management of Coastal Zone and Small Islands.
- (3) In the settlement of disputes through non-litigation as referred to in section (1) third party services may be employed, whether of those that have or do not have decision-making competence to assist in the settlement of disputes.
- (4) The agreement derived from the settlement of disputes through non-litigation is put in writing and is binding to the parties.

Article 66

- (1) Any Person and/or those responsible for illegal activities and resulted in the destruction of Coastal Zone and Small Islands as referred to in this Law is obligated to pay compensation to the State and/or carry out particular action based on court decisions.
- (2) Particular action as referred to in section (1) is the obligation to carry out rehabilitation and/or recovery of the condition of the Coastal Zone and Small Islands.
- (3) Agent of destruction as referred to in section (1) is under the obligation to pay rehabilitation costs of Coastal Zone and Small Islands environment to the State.
- (4) Besides the burden of an obligation to carry out particular acts as referred to in section (2), the judge may decide on property seizure and the amount of fine to secure payment (*dwangsom*) for each day of failure to pay.

Article 67

- (1) Any Person and/or those responsible for action for the management of Coastal Zone and Small Islands directly and immediately at the time the pollution and/or destruction occurs, is responsible to fulfill the obligation to give compensation resulting from his/her act.
- (2) Manager of Coastal Zone and Small Islands may be exempted from the obligation to pay compensation as referred to in section (1) if he/she can prove that the pollution and/or destruction of the Coastal Zone and Small Islands environment is a result of any of the following grounds:
  - a. natural disaster;
  - b. war;
  - c. force majeure; or
  - d. act of a third party.
- (3) In the event that there is intentional harm by a third party as referred to in section (2) point d, the third party is liable to pay compensation.

CHAPTER XIV  
CLASS ACTION

Article 68

The Public has the right to file class action through a court in accordance with the legislation.

Article 69

- (1) Within the framework of the implementation of liability in the Management of Coastal Zone and Small Islands, public organization has the right to file class action for the purpose of preserving the environmental functions.
- (2) The public organization as referred to in section (1) must meet the requirements:
  - a. is an official organization in that area or a national organization;
  - b. is a legal entity;

- c. has a statute which explicitly stated the purpose of its establishment is for the preservation of the environment; and
  - d. has carried out activities in accordance with its statute and bylaws.
- (3) The right to file class action as referred to in section (1) is limited to a claim to carry out certain acts without any claim for compensation except replacement for any cost or expenditure which is actually spent.

## CHAPTER XV INVESTIGATION

### Article 70

- (1) Besides the investigating officer of the Indonesian National Police, particular civil servant officers whose scope of mandate and responsibility in the field of Management of Coastal Zone and Small Islands, may be given a special competence as investigator as referred to in the Law on Criminal Procedure.
- (2) The particular civil servant as referred to in section (1) is the civil servant investigators.
- (3) The civil servant investigators as referred to in section (2) have the authority to:
- a. receive a report or complaint from a person of an existence of criminal acts in marine affairs and fisheries within the Coastal Zone and Small Islands;
  - b. carry out inspection on the credibility of the report or information on the existence of criminal acts in the Management of Coastal Zone and Small Islands;
  - c. summon a person for examination and inspection as a witness or a suspect in a criminal acts in the Management of Coastal Zone and Small Islands;
  - d. inspect the facilities of the Coastal Zone and discontinue instruments that are suspected to have been used for criminal acts in the Management of Coastal Zone and Small Islands;

- e. confiscate and/or seize any substance or instruments used for criminal acts in the Management of Coastal Zone and Small Islands as evidence;
  - f. bring the necessary Experts in relation to criminal acts in the Management of Coastal Zone and Small Islands;
  - g. write and sign investigation report;
  - h. stop the investigation; and
  - i. carry other measures in accordance with the law.
- (4) The civil servant investigators inform the commencement of investigation to the investigation officer of the Indonesian National Police.
- (5) The civil servant investigators submit the result of their investigation to the public prosecutor through the investigation officer of the Indonesian National Police.

## CHAPTER XVI ADMINISTRATIVE SANCTION

### Article 71

- (1) Violation against the requirements as referred to in the HP-3 is imposed by administrative sanctions.
- (2) The administrative sanctions as referred to in section (1) are in the forms of warning, temporary freezing, administrative fine, and or revocation of HP-3.
- (3) Further provisions regarding the administrative fine as referred to in section (2) are regulated by a Ministerial Regulation.

### Article 72

- (1) In the event that the program for the Management of Coastal Zone and Small Islands is not carried out consistent with the planning documents, the Government may discontinue and/or withdraw the incentive that has been given to the Local Government, the businessman, and the Public that has received Accreditation.
- (2) The Local Government, the businessman, and the Public are obligated to improve the inconsistency between the

management program and the planning document as referred to in section (1).

- (3) In the event that the Local Government, the businessman, and the Public do not carry out the improvement regarding the inconsistency in section (2), the Government may:
- a. temporarily freeze the assistance through the Accreditation; and/or
  - b. permanently revoke the Accreditation program.

## CHAPTER XVII CRIMINAL PROVISIONS

### Article 73

- (1) Every person is sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 10 (ten) years and is fined for a minimum Rp2,000,000,000.00 (two billion rupiahs) and a maximum of Rp10,000,000,000.00 (ten billion rupiahs), due to:
- a. carrying out the mining of coral reefs, pick up coral reef from the conservation Area, use explosives and toxic substances, and/or other means which resulted in the damage to the coral reef ecosystem as referred to in Article 35 point a, point b, point c, and point d;
  - b. using means and methods which damage the mangrove Ecosystem, carry out the conversion of the mangrove Ecosystem, cut off mangrove for use on industrial activities and residential area, and/or other activities as referred to in Article 35 point e, point f, and point g;
  - c. using means and methods which are damaging the seagrass beds as referred to in Article 35 point h;
  - d. carrying out sand mining as referred to in Article 35 point i;
  - e. carrying out oil and gas mining as referred to in Article 35 point j;
  - f. carrying out mineral mining as referred to in Article 35 point k;



- g. carrying out physical construction which can be damaging as referred to in Article 35 point 1;
  - h. not carrying out natural and/or man-made disaster mitigation within the Coastal Zone and Small Islands resulting in the disaster, or intentionally carrying out activities which may result in the disaster vulnerability as referred to in Article 59 section (1).
- (2) In the event that the damage as referred to in section (1) is caused by negligence, it is punishable with a maximum of 5 (five) years imprisonment and a fine of a maximum of Rp1,000,000,000.00 (one billion rupiahs).

#### Article 74

Every person is sentenced with imprisonment for a maximum of 6 (six) months or is fined for a maximum of Rp300,000,000.00 (three hundred million rupiahs), due to his/her negligence of:

- a. not fulfilling the obligation for rehabilitation as referred to in Article 32 section (1); and/or
- b. not fulfilling the obligation for reclamation as referred to in Article 34 section (2).

#### Article 75

Every person is sentenced with imprisonment for a maximum of 6 (six) months or is fined for a maximum of Rp300,000,000.00 (three hundred million rupiahs) due to his/her negligence of:

- a. carrying out business undertaking within the Coastal Zone as referred to in Article 21 section (1); and/or
- b. not fulfilling the obligation as referred to in Article 21 section (4).

### CHAPTER XVIII TRANSITIONAL PROVISIONS

#### Article 76

Program for the Management of Coastal Zone and Small Islands and the institution/agency which has been designated for its execution is still valid and carries out its competence as long as it is not contrary with this Law.

Article 77

Every institution associated with the Management of Coastal Zone and Small Islands carries out the main tasks and functions as well as jurisdictions under this Law.

Article 78

All legislation relevant to the Management of Coastal Zone and Small Islands, as long as it is not contrary with this Law, remain in effect until the issuance of implementing regulation based on this Law.

CHAPTER XIX  
CLOSING PROVISIONS

Article 79

The implementing regulations of this Law must be issued, at the latest:

- a. Government Regulation mandated by this Law is completed not later than 12 (twelve) months after the entry into force of this Law.
- b. Presidential Regulation mandated by this Law is completed not later than 6 (six) months after the entry into force of this Law.
- c. Ministerial Regulation by this Law is completed not later than 3 (three) months after the entry into force of this Law.

Article 80

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
On 27 July 2007

PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta  
On 27 July 2007

MINISTER OF LAW AND HUMAN RIGHTS OF  
THE REPUBLIC OF INDONESIA

signed

ANDI MATTALATTA

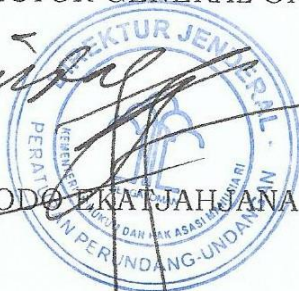
STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2007 NUMBER 84

Jakarta, 17 May 2018

Has been translated as an Official Translation  
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of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

  
WIDODO EKATJAHJANA



ELUCIDATION OF  
LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 27 OF 2007  
ON  
MANAGEMENT OF COASTAL ZONE AND SMALL ISLANDS

I. GENERAL

1. In Basic Reasoning Within this decade, there is a tendency that the vulnerable Coastal Zone and Small Islands have suffered destruction resulting from Person activities in the exploitation of its resources or from natural disaster. In addition to that, the accumulation of various exploitation activities of partial/sectoral characteristics within the Coastal Zone and Small Islands, or impacts from other activities at the upper course of the coastal zone supported by existing legislation often resulted in the destruction of the Resources of the Coastal Zone and Small Islands. Existing legislation are more oriented toward the exploitation of the Resources of the Coastal Zone and Small Islands without taking into account the preservation of those resources. Meanwhile, there is relatively lack of awareness on the strategic value of the sustainable, integrated and public based management of Coastal Zone and Small Islands. Lack of respect on the rights of the indigenous/local community in the management of the Coastal and Small Islands Resources such as *sasi*, *mane'e*, *panglima laot*, *awig-awig*, and a limited space for public participation in the management of the Coastal and Small Islands Resources shows that the principle of management of coastal and small islands has not been integrated with development activities from various agencies and local institutions. Such system of coastal management has not been able to eliminate the factors causing the damage and has not provide opportunity for the natural restoration of the living or non-living resources, substituted by other resources.

Therefore, the uniqueness of the coastal zone and small islands which is vulnerable to the development of conflict and limited access for utilization by the coastal and small islands community, has to be properly managed in order to control the impact of human activities and part of the coastal zone being reserved for conservation. The public has to be encouraged to properly manage their coastal zones and those that have succeeded should be given incentives, while those that brought damage should be imposed with sanctions. The norms for the Management of Coastal Zone and Small Islands is formulated within the scope of planning, utilization, management, control and monitoring, taking into account norms as is regulated in other legislation, such as Law Number 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia of 2007 Number 4725). The norms for the Management of Coastal Zone and Small Islands which is going to be included is concentrated on legal norms which has not been regulated in the system of existing legislation, or has a specific character compared with general regulations which has been promulgated. That norms will give roles to the Government, the public and the private sector as stakeholders, be it local, national as well as international stakeholders by means of a system of integrated management of areas. In conformity with the spirit of the Unitary State of the Republic of Indonesia as a law abiding State, the development of a system for the Management of Coastal Zone and Small Islands as part of environmentally sustainable development which has to be given clear, explicit and comprehensive legal basis, to guarantee legal certainty for efforts in the management of Coastal Zone and Small Islands. The legal basis is founded by Pancasila (the Five Principles of State Philosophy) and the 1945 Constitution of the Republic of Indonesia.

2. The purpose for the formulation of this Law is:
  - a. to prepare for regulation at the level of a Law on the Management of Coastal Zone and Small Islands, particularly relating to the planning, utilization, public rights and access, conflict handling, conservation, disaster mitigation, reclamation, rehabilitation of damaged coastal zones, and the implementation of relevant international conventions;

- b. to build synergy and mutual strengthening of intergovernmental agencies be it at the central or local levels relevant to the management of the coastal zone to build a harmonized interagency cooperation and to prevent and lessen conflicts in the exploitation and conflict of authority among activities within the coastal zone and small islands; as well as
- c. to give legal certainty and protection and improve the level of coastal zone and small islands community's prosperity through the formulation of regulations which can guarantee access and rights to the coastal community and other interested communities, including the industry.

3. Scope

This Law comes into force within the Coastal Zone and Small Islands which covers the junction between the influences of waters and land areas, landward covers the district administrative area and seaward is 12 (twelve) nautical miles measured from the coastline toward the high seas and/or toward the archipelagic waters. The scope of this Law in general is divided into three parts of planning, management, as well as monitoring, and control, with the following description:

a. Planning

Planning is carried out through an Integrated Coastal Zone and Small Islands Management approach, which integrates various planning formulated by various central and local agencies and resulting in harmony and mutual strengthening in its exploitation. The integrated Management of Coastal Zone and Small Islands is an approach providing for directions in the sustainable utilization of Coastal and Small Islands Resources through the integration of various development plans from different levels of government, between marine and land ecosystems, and between science and management. The Plan for the Management of Coastal Zone and Small Islands is carried out to harmonize economic development interests with the preservation of Coastal and Small Islands Resources while taking into account the characteristic and uniqueness of the areas.

The integrated plan is an effort in stages and is programmed for the optimum utilization of the Coastal and Small Islands

Resources, to enable it to generate sustainable economic benefit for public prosperity. The plan is accompanied with efforts to control the impact of sectoral development which may happen, and to safeguard the preservation of resources. The planning for Coastal Zone and Small Islands is divided into four stages: (i) strategic plan; (ii) zoning plan; (iii) management plan; and (iv) action plan.

b. Management

The management of the Coastal Zone and Small Islands includes the stages for regulation policy, as follows:

The exploitation and business of the coastal and small islands waters are carried out through the issuance of permits for exploitation and Right to Undertake Business in Coastal Waters (*Hak Pengusahaan Perairan Pesisir*, HP-3). Permit for exploitation is issued in accordance with legislation and respective authority of related institutions.

1. The Right to Undertake Business in the Coastal Zones (*Hak Pengusahaan Perairan Pesisir*, HP-3) is issued for the aquaculture area or waters zone for public utilization except those that has been regulated separately.
2. The regulation for the Management of Coastal Zone and Small Islands begin from the planning, utilization, implementation, control, monitoring, recognition of public rights and empowerment, authority, institutions, up to the prevention and settlement of conflicts.
3. The management of small islands is carried out within a cluster of islands taking into account ecological, economical, and socio-cultural relevances in one bioecoregion with the main island or other islands as the center of economic growth.
4. Coastal and Small Islands Resources which are relatively rich often become the center for economic growth, and are densely populated. However, most of its population are relatively poor and this poverty triggers pressure on Coastal and Small Islands Resources which is their source of living. If neglected, it will bring an implication in the increasing destruction of the coastal and small islands

Ecosystems. In addition to that, there is still the tendency that industrialization and economic development within Coastal Zone and Small Islands often resulted in the marginalization of the local population. Therefore there is a need for norms of public empowerment.

The Coastal Zone and Small Islands which is vulnerable to change need to be protected through management so that it can be exploited to fulfill the community habitation and livelihood needs. Therefore, there is a need for a management policy to create a balance in the level of exploitation of the Coastal and Small Islands Resources for economic purposes without depriving the interests of future generations through the development of Conservation Areas and Coastal Belt.

c. Monitoring and Control

Monitoring and control are carried out to:

1. know when there is a deviation in the implementation of the strategic plan, zoning plan, and the implication of the deviations to the change in the quality of the coastal ecosystem;
2. encourage the exploitation of Coastal Zone and Small Islands Resources in conformity with the management plan for its coastal zones;
3. give sanction to the violator, whether an administrative sanction such as of invalidating the permit or revocation of rights, civil sanction such as compensation, or criminal sanction in the form of apprehension or imprisonment.
4. This Law on the Management of Coastal Zone and Small Islands is a basis for harmonization with provisions of other legislation.

This Law has a complementary relation with other laws, such as:

- a. law on fisheries;
- b. law on local governance;
- c. law on forestry;
- d. laws on mining, oil and gas;
- e. law on spatial planning;
- f. law on the management of the living environment;



- g. law on shipping;
- h. law on the conservation of natural resources and its ecosystem;
- i. law on basic provisions of agrarian;
- j. law on waters works;
- k. law on tourism;
- l. law on industry and trade;
- m. law on water resources;
- n. law on system for national development planning; and
- o. law on arbitration and alternative dispute resolution.

It is expected that this Law can be used as the basis for the development of coastal zone and small islands by various relevant sectors. Therefore, it is hoped that it can prevent overlapping of authority and conflict of interests.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

The scope of this Law includes the Coastal Zone, the maritime space that is still influenced by activities at land, and terrestrial space that is still influenced by the sea; and the Small Islands and its surrounding waters which form as a unity and has huge potentials, that its exploitation is based on the resources, environment and the public.

In its implementation, it has been established seaward to be 12 (twelve) nautical miles measured from the coastline as is determined by Law Number 32 of 2004 on Local Governance (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437), while landward it is to coincide with the outer limit of the district on the provincial authority.

The authority of the regency/municipal seaward is one-third that of the provincial authority as is established by Law Number 32 of 2004 on Local Governance, while landward is determined in accordance with the outer limit of the district.

### Article 3

#### Point a

The principle of sustainability is applied to:

1. the exploitation of resources is not exceed the regeneration capacity of the living resources or the pace of innovative substitution of the nonliving resources of the coastal zone;
2. the exploitation of Coastal Zone Resources at present may not forfeit (in quality and quantity) the interests of future generations of coastal resources; and
3. the exploitation of resources with unknown impact must be carried out carefully and supported with adequate scientific research.

#### Point b

The principle of consistency is consistency from various institutions and levels of government, and the process of planning, implementation, control and monitoring, in the implementation of the program for the Management of Coastal Zone and Small Islands that has received accreditation.

#### Point c

The principle of integration is developed by:

1. integrating of policy with planning of various sector of government horizontally and vertically between the government and the local government; and
2. integrating the terrestrial ecosystem with the marine ecosystem based on the scientific and technological feedback to assist in the decision making process for the Management of Coastal Zone and Small Islands.

#### Point d

The principle of legal certainty is needed to guarantee legal certainty that regulates the management of coastal and small islands resources clearly and understandably and is respected by all stakeholders, and the decision taken is based on accountable mechanism or do not marginalize the coastal and small islands community.

#### Point e

The principle of partnership is an agreement of cooperation among concerned parties related to Management of Coastal Zone and Small Islands.

Point f

The principle of equality is aimed at the economic benefit of the coastal and small islands resources which may be enjoyed by a greater part of the public.

Point g

The principle of public participation means:

1. to give the coastal and small islands community a role in the planning, implementation, up to the level of monitoring and control;
2. having open information for the government policy and have sufficient access to exploit the coastal and small islands resources;
3. guarantee the existence of public representation vote on decision making;
4. utilize the resources fairly.

Point h

The principle of transparency means there is a transparency for the public to obtain true, honest and non-discriminative information regarding the Management of Coastal Zone and Small Islands, from the stages of planning, utilization, control, up to the monitoring, while taking into account the protection of the right to privacy, community and States confidentiality.

Point i

The principle of decentralization means the delegation of governance authority from the Government to the autonomous local government to regulate and in charge of governmental business in the Management of Coastal Zone and Small Islands.

Point j

The principle of accountability means that the management of coastal zone and small islands is carried out in a transparent and accountable manner.

Point k

The principle of justice means the principle that holds on to truth, impartiality, not taking sides, and non-despotism in the exploitation of coastal and small islands resources.

Article 4

Sufficiently clear.

Article 5

Two factors that influence the sustainability of coastal and small islands resources, are:

- a. the interaction of man in the utilization of environmental resources and services, directly or indirectly, such as the development within Coastal Zone and Small Islands, destructive fisheries, land reclamation, exploitation of mangrove and marine tourism; and
- b. natural processes such as abrasion, sedimentation, waves, sea waves, currents, wind, salinity, tides, tectonic quake, and tsunami.

Article 6

The integration between science and the principles of management means an integrated management based on data and valid scientific information input to provide various alternatives and recommendations for the decision-makers considering the local conditions and characteristics of social, economic, and culture, institutions, and biogeophysical.

Article 7

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The inclusion of the public based on norms, standard, and guidelines is carried out through public consultations and/or custom consensus, be it formal or non-formal

Section (5)

Sufficiently clear

## Article 8

### Section (1)

The provincial and regency/municipal RSWP-3-K is formulated based on the actual issue of the Management of Coastal Zone and Small Islands, such as the degradation of resources, underdeveloped community, conflicts between exploitation and authority, natural disaster within Coastal Zone and Small Islands, and the assurance of legal certainty in order to achieve the goals that has been determined.

### Section (2)

The interests of the central and local government is an integration in the Management of Coastal Zone and Small Islands such as national defense, national boundary, conservation areas, international sea lanes, fisheries migration areas, and areas of international agreement in the field of maritime and fisheries.

### Section (3)

Sufficiently clear.

## Article 9

### Section (1)

Sufficiently clear.

### Section (2)

The provincial and regency/municipal RSWP-3-K is a part of the spatial planning of the province or regency/municipality in accordance with Article 5 section (4) and section (5) of Law Number 26 of 2007 on Spatial Planning.

### Section (3)

Sufficiently clear.

### Section (4)

The duration of the applicability of the provincial or regency/municipal RSWP-3-K is in conformity with the duration of the Spatial Planning of the Province and the Spatial Planning of the Regency/Municipality, that is 20 (twenty) years, as regulated in Article 26 section (4) of Law Number 26 of 2007 on Spatial Planning.

Section (5)

The Provincial RSWP-3-K which is established by a Provincial Regulation is in conformity with Article 23 section (3), and the regency/municipal RSWP-3-K which is established by a Regency/Municipal Regulation is in conformity with Article 26 section (7) of Law Number 26 of 2007 on Spatial Planning.

Article 10

The Provincial RZWP-3-K covers the planning for land area of a coastal district seaward to waters of a maximum 12 nautical miles measured from the coastline, to the high seas and/or to archipelagic waters in an interrelated space between land ecosystem and its sea waters. The scale for the map of the Zoning Plan is adjusted with the level of accuracy of the map of the provincial spatial planning, in accordance with Article 14 section (7) of Law Number 26 of 2007 on Spatial Planning.

Point a

Public utilization area which is equivalent to development area according to Law Number 26 of 2007 on Spatial Planning is an area to be used for economic and socio-cultural purposes, such as fisheries activities, sea transportation facilities, maritime industry, tourism, human settlement, and mining.

The Conservation Area with its primary function to protect the preservation of Coastal and Small Islands resources which is equivalent to protected area under Law Number 26 of 2007 on Spatial Planning.

Sea Route means waters which is being utilized, among others, as sea lanes, construction of underwater cable and pipelines, and the migration of marine biotas.

Particular National Strategic Area takes into account the following criteria: national sovereignty maritime boundaries; areas which geopolitically, national security and defense, sites of world heritage; outermost small islands which is used as base points and/or habitat for endemic and rare biota.

Point b

Sufficiently clear.

Point c

The exploitation of marine space among others, are for port, fisheries, aquaculture, tourism, industry and human settlement activities.

Point d

Sufficiently clear

Article 11

Section (1)

The regency/municipal RZWP-3-K covers land planning area of the coastal district up to 1/3 (one-third) of the waters area under the provincial jurisdiction. Detailed planning for each zone, and the level of accuracy of the scale of the planning map is adjusted with the spatial planning of the regency/municipality as regulated in Article 14 section (5), section (6), and section (7) of Law Number 26 of 2007 on Spatial Planning.

Section (2)

Sufficiently clear

Article 12

Section (1)

Point a

Exploitation of permitted resources means resource exploitation which is nondestructive to the Coastal and Small Islands ecosystems.

Exploitation of prohibited resources is the exploitation of resources which has the destructive potential to the Coastal and Small Islands Ecosystems.

Point b

The characteristic of the Coastal Zone is an area that has high living resources productivity and development intensity, and has a dynamic change of ecological character.

Small Islands means an integrated terminology one with the other, be it physical, ecological, social, cultural or economic with the following characteristics:

- a. separated from main island;
- b. vulnerable toward changes caused by nature and/or by man;
- c. have limited islands carrying capacity;
- d. if inhabited, the inhabitants have special social and cultural condition;
- e. the dependence of local economic on the economic development outside of the islands, whether the main island or the continent.

Point c

The outcome of public consultations is equivalent to transparent and democratic agreement, and is recorded in the public consultation documents.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 13

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 14

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Inputs, responses, suggestions, and corrections from various primary stakeholders, Government institutions, provincial government, and regency/municipal governments within their jurisdiction are submitted effectively through available means of communication.



Section (4)

Sufficiently clear.

Section (5)

The provincial government is obligated to improve and publish the final document of plan for the Management of Coastal Zone and Small Islands, based on the inputs, responses, and suggestions for improvement obtained from the respondents.

Section (6)

Sufficiently clear.

Section (7)

In cases where the final document of plan for the management of coastal zone and small islands do not receive any response and/or recommendation to the time limit determined by this Law, then the document is considered to be final.

Article 15

Section (1)

Data and information mean to be accurate, accountable, recent, and in line with the need on coastal zone and small islands.

Section (2)

The official publication means among others, state bulletin at the national level, regional bulletin at the provincial and regency/municipal levels.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Section (1)

Collateral means a loan where payment is assured by collateral rights which may be in the form of existing obligation or which has been agreed in a particular amount; or an amount which may be determined at the time of application for the execution of collateral rights is submitted, and may be determined on a basis of loan agreement, or any other agreement which resulted in that loan relationship.

The collateral rights attached to HP-3 means security right which is burdened on HP-3, with or without other things that is a unity with HP-3, for payment of particular loan, which gives a state of priority to particular creditor as against other creditors.

The collateral rights may be issued for a loan derived from one legal relationship or one or more loans derived from several legal relationships.

Section (2)

Sufficiently clear.

Section (3)

Point a

Sufficiently clear.

Point b

The term “being neglected” means an act by a possessor of an HP-3 by not doing anything toward the coastal for 3 (three) years consecutively.

Point c

Sufficiently clear

Section (4)

The registration of HP-3 means a series of activities which is carried out continuously, sustainably, and in order by the Government, which covers measurement, processing,

bookkeeping, and providing as well as maintain physical and juridical data, in the form of map and a list of waters parcel, including the issuance of HP-3 certificate.

Article 21

Sufficiently clear.

Article 22

Fisheries sanctuary means a particular area of waters be it brackish waters or sea waters with particular condition and characteristic as a place for protection or breeding of particular fish species, that functioned as protective area.

Sea lanes mean part of waters natural or artificial, which from the aspects of depth, width, and other obstruction to shipping in considered to be safe to be shipped.

Port area means the environmental working area and environmental interest port area.

Public beaches mean part of the public utilization area which has been used by the public, among others, for social, cultural, tourism recreation, sport and economic activities.

Article 23

Sufficiently clear.

Article 24

Protected area means area that its existence has to be maintained from environmental destruction, be it of natural cause or as a result of human activities, to safeguard the unity of the Unitary State of the Republic of Indonesia.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section (1)

Point a

Preserving the coastal ecosystem includes all efforts to protect sandbanks, estuary, lagoon, bay, delta, mangroves, coral reefs, and seagrass beds.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Traditional cultural sites are among others: location of sunken ships which has special archaeological-historical value, maritime historical sites, and place for religious rituals or custom (*adat*).

Section (2)

Sufficiently clear.

Section (3)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Unique coastal ecosystem is for instance sandbanks along the southern coastal zones of Jogjakarta, Segara Anakan lagoon, coastal ecosystem of the Derawan islands as habitat for the laying of turtle eggs.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 29

Point a

The core zone is part of the protected Conservation Area of the Coastal Zone and Small Islands, which is intended for the protection of habitat and population of Coastal and Small Islands Resources and its exploitation is limited only for research.

Point b

Limited exploitation Zone is a part of Coastal and Small Islands Conservation zone where its utilization is only allowed for coastal aquaculture, eco-tourism, and traditional fisheries.

Point c

Sufficiently clear.

Article 30

See Elucidation for Article 50 section (1).

Article 31

Sufficiently clear.

Article 32

Section (1)

Sufficiently clear

Section (2)

Point a

The enrichment of living resources is carried out for fish species that has depleted population.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Section (1)

Reclamation in the coastal zone may only be carried out if the social and economic benefit derived is larger than the social and economic cost.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 35

Direct use is activity of individual or legal entity in the exploitation of part of the coastal zone and small islands for its main activities.

Indirect use is activity of individual or corporate entity in the exploitation of part of the coastal zone and small islands to support its main activities.

Point a

The term “coral reef mining” means the intentional extraction of coral reef to be used for construction, aquarium ornament, handicraft, coral flower (ornament), industry and other interests that resulted in the coverage of live reef of less than 50% (fifty percent) of the extracted area.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

The cutting off mangrove in the area that is already allocated for in the Management plan for Coastal Zone and Small Islands for fish-culture is allowed as long as it fulfills the conservation rules.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Article 36

Section (1)

Monitoring by special police authority means the inspector which carries out patrol activities and other police duties, outside investigation duty.

The inspectors mean civil servants of the institutions in the field of the Management of Coastal Zone and Small Islands.

Section (2)

Sufficiently clear.

Section (3)

The inspectors or civil servant investigators (*penyidik pegawai negeri sipil*, PPNS) conduct active patrols, however still accept reports from public regarding violations and destructive activities within coastal zone and small islands through a public based controlling system.

Section (4)

Sufficiently clear

Section (5)

Monitoring and control activities are carried out:

- a. to know if there is a deviation in the implementation of the strategic plan, zoning plan, management plan, and the implication of that deviation to the quality change of the coastal ecosystem;
- b. encourage so that exploitation within coastal and small islands resources is in conformity with the management plan of the coastal zone; and
- c. enforce law by giving sanction to the violators in the forms of administrative, civil and/or criminal sanctions.

Section (6)

The public has an important role in the monitoring and control of the Management of Coastal Zone and Small Islands, through:

- a. planning for management on the basis of custom and culture (*adat budaya*) and customary or existing practices within the public;
- b. the implementation of management by bringing up creativity and independence in the number and variety of management of Coastal Zone and Small Islands to enhance economic activities in areas which previously has not been exploited, therefore widening areas for monitoring and control activities.
- c. the settlement of conflicts on new provisions intentionally established by the public because of its own needs, or through facilitation by the government.

Article 37

Sufficiently clear

Article 38

Sufficiently clear

Article 39

Sufficiently clear

Article 40

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Section (4)

The types of incentive that may be offered, are:

- a. program assistance, covering :
  1. program which is adjusted to condition and need;



2. formal recognition in the form of approval or certification by the Government and/or the Local Government of the program proposed by the manager of the Program for the Management of Coastal Zone and Small Islands; and
  3. consistency of the Government and/or the Local Government in the implementation of the program.
- b. technical assistance includes support for human resources both in quality and quantity, instruments, improvement of knowledge, communication, and dissemination of the program to the public.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Section (1)

The determination of Particular National Strategic Area (*Kawasan Strategis Nasional Tertentu*, KSNT), is through the following mechanism:

- a. the Minister submit a proposal for consideration to the House of Representatives ;
- b. the House of Representatives together with the Minister have a Working Meeting for the deliberation of the proposal for consideration of point a above;
- c. the Minister establishes an integrated, independent Research Team consisting of elements of the Government, universities, scientific authority, and other relevant parties;
- d. the result of the integrated research is submitted to the House of Representatives to be used in the issuance of the consideration to the Minister.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 51

Section (1)

Point a

The particular national strategic area is established, among others for the interests of geopolitical, security and defense, area vulnerable to large disaster, the change of Core Zone within the national marine Conservation Area, outermost Small Islands, and habitat area of endemic biotas.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Section (2)

The issuance of HP-3 by the Minister at the Particular National Strategic Area (KSNT), permit to exploit small islands which can generate huge impact on the environment, the change of status of the core Zone within the National waters conservation area, is carried out through the following mechanism:

- a. the Minister submits a proposal for consideration to the House of Representatives,
- b. the House of Representatives requests the Minister to carry out integrated research by an Independent Team,
- c. the integrated research is carried out to guarantee objectivity and quality of the research result carried out by a government agency which has the competence and scientific authority together with other relevant parties,
- d. the result of the integrated research is submitted to the House of Representatives, to be used as a basis in providing consideration to the Minister.

Section (3)

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Section (1)

Mitigation is carried out to reduce disaster risk for the Coastal Zone and Small Islands Community that is vulnerable to disaster. Mitigation is carried out through structural/physical and/or non- structural/non-physical activities.

Section (2)

Structural/physical activities covers the construction of an early warning system, construction of infrastructures and/or environmental management to reduce disaster risk. Non-structural/non-physical activities covers the formulation of legislation, the drawing of map of disaster risk, the formulations of environmental impact assessment (AMDAL), spatial planning, zoning, education, extension and public awareness.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

The settlement of disputes is regulated, as follows:

1. Each dispute relating to the Management of Coastal Zone and Small Islands is pursued through a non-litigation;
2. The settlement of disputes through non-litigation is carried out by the parties through consultation, expert valuation, negotiation, mediation, conciliation, arbitration or through customs/habits/local wisdom.
3. The settlement of disputes on the management of Coastal Zone and Small Islands through litigation is intended to obtain a decision on the restoration of a right, amount of compensation, or other particular measures which has to be carried out by the defeated party in the dispute.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

The term “other particular measures”, among others means to:

1. construct or repair of waste processing unit so that the waste is in conformity with the established environmental quality standard;
2. restore the environmental function of the Coastal Zone;
3. eliminate or destroy the cause of pollution and/or environmental damage within the coastal zone.

The term “cost or actual expenditure” means real cost which can be proven that has been disbursed by the responsible institutions in the Management of Coastal Zone and Small Islands, for instance costs for material, labour and instruments for provisional measures to prevent a larger negative impact.

#### Article 70

##### Section (1)

Sufficiently clear

##### Section (2)

The Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil*, PPNS) carry out the investigation on violation of the rules in the Management of Coastal Zone and Small Islands.

##### Section (3)

1. Besides investigators from the Indonesian National Police, particular civil servant officials whose scope of duty and responsibility covers the Management of Coastal Zone and Small Islands, are given a special authority as investigator as referred to in the Criminal Law Procedural Code.
2. The investigator has the authority under this Law among other through examination of the accuracy of the report and information on crimes against the Management of Coastal Zone and Small Islands, request information and/or evidence from individual or entity in relation to crime against the Management of Coastal Zone and Small Islands.

##### Section (4)

Sufficiently clear.

##### Section (5)

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.