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# **GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA NO.7/1999**

## **ON PRESERVING FLORA AND FAUNA SPECIES PRESIDENT OF THE REPUBLIC OF INDONESIA,**

[Attachement](#)

[Elucidation](#)

### **Considering:**

- a. that flora and fauna are parts of invaluable natural resources, so that its conservation should be maintained through an effort of species preserving;
- b. that pursuant to the above mentioned matter and as the implementation of Law No.5/1990 on Biological Natural Resource Conservation and Its Ecosystem, it is considered necessary to specify regulation a Regulation on Preserving Flora and fauna Species based on the Government Regulation.

### **In view of:**

- 1. Article 5 paragraph (2) and Article 33 paragraph (3) of the Constitution of 1945;
- 2. Law No.5/1967 on Basic Provisions of Forestry (State Gazette 1967 No.8, Supplement to the State Gazette No.2823);
- 3. Law No.9/1985 on Fishery (State Gazette 1985 No.46, Supplement to the State Gazette No.3299);
- 4. Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem (State Gazette 1990 No.49, Supplement to the State Gazette No.3419);
- 5. Law No.12/1992 on Crop Cultivation System (State Gazette 1992 No.46, Supplement to the State Gazette No.3478);

- 6. Law No.16/1992 on Fauna, Fish And Flora Quarantine (State Gazette 1992 No.56, Supplement to the State Gazette No.3482);
- 7. Law No.5/1994 on Legalization of United Nations Convention concerning Biological Diversity (State Gazette 1994 No.41, Supplement to the State Gazette No.3556);
- 8. Law No.23/1997 on Environment Management (State Gazette 1997 No.68, Supplement to the State Gazette No.3699);
- 9. Government Regulation No.13/1994 on Fauna Hunting (State Gazette 1994 No.19, Supplement to the State Gazette No.3544)
- 10. Government Regulation No.68/1998 on the Areas of Natural Conservation and Preservation (State Gazette 1998 No.132, Supplement to the State Gazette No.3776);

## **HAS DECIDED:**

### **To stipulate :**

GOVERNMENT REGULATION ON PRESERVING FLORA AND FAUNA SPECIES.

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1**

Referring to this Government Regulation:

- 1. Preserving is an effort to take care of the diversity of flora and fauna species together with their ecosystem either in and outside its habitat in order not to totally disappeared.
- 2. Preserving flora and fauna species outside its habitat is an effort to take care of diversity of flora and fauna species in order not to totally disappear.
- 3. Conservation Institution is an institution running business in the field of conservation of flora and or fauna outside its habitat (ex situ), both in the form of government agency and non government institution.
- 4. Identification of flora and fauna species is an effort to recognize species, general condition of population status and living place in its habitat.
- 5. Inventorying flora and fauna species is an effort to know the condition and status of population in more detail and its dispersion area conducted in and outside its habitat and in the conservation institution.
- 6. Flora and fauna species are the species scientifically referred to as species or naturally referred to as sub-species either in or outside its habitat.
- 7. Population is a group of certain individual from certain species at certain place which naturally and in a long term have tendency to reach a balance of population dynamically according to the condition of habitat together with its environment.
- 8. Minister is the minister who is in charge in the field of forestry.

## **Article 2**

Preserving flora and fauna species has the aims:

- a. to avoid flora and fauna species from disappearance risks;
- b. to take care of genetic purity and diversity of flora and fauna species.
- c. to maintain balance and stability of the existing ecosystem; in order to be exploited by for human being prosperity on an ongoing basis.

## **CHAPTER II PRESERVING EFFORT**

### **Article 3**

Preserving flora and fauna species shall be conducted through the efforts of:

- a. stipulating and classifying the protected and not protected species;
- b. managing flora and fauna species and its habitat;
- c. conserving and reproducing.

## **CHAPTER III STIPULATING FLORA AND FAUNA SPECIES**

### **Article 4**

(1) Flora and fauna species shall be specified on the basis of group:

- a. protected flora and fauna;
- b. not protected flora and fauna.

(2) Protected flora and fauna species as referred to paragraph (1) letter a is as enclosed in this Government Regulation.

(3) Any change from protected flora and fauna species to be not protected and reversely shall be specified by virtue of the Decree of the Minister after obtaining consideration of Scientific Authority.

### **Article 5**

(1) A flora and fauna species must be specified in protected group in case it has met the criteria:

- a. having small population;
- b. there is sharp decrease in individual number in the nature;

- c. limited dispersion area (endemic).

(2) To the flora and fauna species fulfilling the criteria as referred to paragraph (1) must be conducted preservation effort.

## **Article 6**

A protected flora and fauna species can be changed its status to be not protected, if its population has reached certain growth level, so that the pertinent species does not longer include into the flora and fauna category as referred to Article 5 paragraph (1).

# **CHAPTER IV MANAGING FLORA AND FAUNA SPECIES AND ITS HABITAT**

## **Part One General**

### **Article 7**

Managing flora and fauna species as regulated in these Government Regulation provisions shall not prejudice the provisions on managing flora and fauna species at natural asylum area and natural conservation area as regulated in the Government Regulation regulating the natural asylum area and natural conservation area.

### **Article 8**

(1) Preserving flora and fauna species shall be conducted through management activity in its habitat (in situ).

(2) In supporting the activity as referred to paragraph (1), it shall be conducted management activity outside its habitat (ex situ) to increase and recover the population.

(3) Managing flora and fauna species in its habitat (in situ) shall be conducted in the form of activity:

- a. Identification;
- b. Inventorying;
- c. Monitoring;
- d. Directing habitat and its population;
- e. Conserving species;
- f. Study, research and development.

(4) Managing flora and fauna species outside its habitat (ex situ) shall be conducted in the form of activity:

- a. Conservancy;
- b. Reproduction;
- c. Study, research and development;
- d. Rehabilitation of fauna;
- e. Conserving flora and fauna species.

## **Part two**

### **Managing In A Habitat (In Situ)**

#### **Article 9**

(1) The government shall conduct identification in a habitat as referred to Article 8 paragraph (3) letter a for the interest of stipulating the group of flora and fauna species.

(2) Further provisions concerning identification as referred to paragraph (1) shall be regulated by the Minister.

#### **Article 10**

(1) The government shall conduct inventorying as referred to Article 8 paragraph (3) letter b, in order to know the condition of flora and fauna population.

(2) Inventorying as referred to paragraph (1) shall cover survey and observation to the potency of flora and fauna species.

(3) The government may work along with the community in the implementation of survey and observation as referred to paragraph (2).

(4) Further provisions concerning inventorying as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

#### **Article 11**

(1) The government shall conduct monitoring as referred to Article 8 paragraph (3) letter c, to know the tendency of population growth of flora and fauna species from time to time.

(2) Monitoring as meant in paragraph (1) shall be executed through a survey and observation toward the potency of flora and fauna species periodically.

(3) The government may work along with the community in the survey and observation as referred to paragraph (2).

(4) Further provisions concerning monitoring as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

## **Article 12**

(1) The government shall conduct guidance toward habitat and population as referred to Article 8 paragraph (3) letter d, to take care of existence of flora and fauna species population in a well-balanced with the supporting power of its habitat.

(2) Guidance of habitat and population as referred to paragraph (1) shall be executed through the activities of:

- a. arranging grassland for animal feeding;
- b. cultivating and conserving protecting trees as animal nest and feeding sources;
- c. making drinking water facility, and place for having wallow and bath of animal;
- d. Sorting flora and or fauna population;
- e. increasing original fauna or flora;
- f. eradicating disturbing flora and fauna species.

(3) The government may work along with the community to conduct the activities as referred to paragraph (2).

(4) Further provisions concerning guidance of flora and fauna habitat and population as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

## **Article 13**

(1) The government shall take action for conserving flora and fauna species as referred to Article 8 paragraph (3) letter e, toward the threatened flora and fauna of extinction risks which is still available in its habitat.

(2) Conserving flora and fauna species as referred to paragraph (1) shall be executed through reproduction, treatment, conservancy and or evacuation from its habitat to other location.

(3) The government may work along with the community to take action for conservancy as referred to paragraph (2).

(4) Further provisions concerning conserving flora and fauna species as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

## **Article 14**

(1) The government shall conduct study, research and development of flora and fauna species as referred to Article 8 paragraph (3) letter f, to support maintaining a condition of genetic and resource availability of flora and fauna species everlastingly.

(2) Study, research and development of flora and fauna species as referred to paragraph (1) shall be executed through the study toward ecological and biological aspects both in the form of elementary, applied and experimental research.

(3) The government may work along with the community to execute the activity of research and development as referred to paragraph (2).

(4) Further provisions concerning study, research and development of flora and fauna species as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

## **Part Three**

### **Managing outside Habitat (Ex Situ)**

#### **Article 15**

(1) Conservancy of flora and fauna species outside its habitat as referred to Article 8 paragraph (4) letter a shall be conducted to save genetic and population resource of flora and fauna species.

(2) Conservancy as referred to paragraph (1) shall cover collection of flora and fauna species in the conservation institution.

(3) Species conservancy outside habitat is obliged to meet the requirements:

- a. fulfilling health standard of flora and fauna;
- b. providing wide enough, save and peaceful place;
- c. having and employing experts in the field of medical treatment and conservancy.

(4) Further provisions concerning conservancy of species outside its habitat as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

#### **Article 16**

(1) Reproduction of flora and fauna species outside its habitat as referred to Article 8 paragraph (4) letter b shall be conducted for the development of population in the nature in order not to totally extinctive.

(2) Reproduction activity as referred to paragraph (1) shall be executed by remain taking care of the purity of species and genetic diversity;

(3) Reproduction of species outside its habitat must meet the standard of:

- a. taking care of species purity;
- b. taking care of genetic diversity;
- c. conducting denoting and certification;
- d. making Studbook.

(4) Further provisions concerning reproduction of flora and fauna species outside its habitat as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

### **Article 17**

(1) Study, research and development of flora and fauna species outside its habitat as referred to Article 8 paragraph (4) letter c shall be conducted as an effort to support of maintaining a genetic condition and availability of flora and fauna resources everlastingly.

(2) Study, research and development activities of flora and fauna species as referred to paragraph (1) shall be executed through study toward ecological and biological aspects both in the form of elementary, applied and experimental research.

(3) Further provisions concerning study, research and development of flora and fauna species outside its habitat as referred to paragraph (1) and paragraph (2) shall be regulated by the Minister.

### **Article 18**

(1) Rehabilitating fauna outside its habitat as referred to Article 8 paragraph (4) letter d shall be conducted for adaptation of fauna which is because an y reason whatsoever available at human being environment, to be returned to its habitat.

(2) Rehabilitation as referred to paragraph (1) shall be conducted through activity to know the existence of disease, to cure and choose the appropriate fauna to be returned to its habitat.

(3) Further provisions concerning rehabilitation as referred to paragraph (1) and paragraph (2) shall be regulated by the Minister.

### **Article 19**

(1) Conserving of flora and fauna species outside its habitat as referred to Article 8 paragraph (4) letter e shall be conducted to prevent local extinction of flora and fauna species as the consequence of natural disaster and human being activity.



(2) Conserving flora and fauna species as referred to paragraph (1) shall be conducted through the activities:

- a. relocating flora and fauna species to its better habitat;
- b. returning to its habitat, rehabilitation or if it is impossible, to deliver or entrust in the Conservation Institution or if it is damaged, defected or impossible to be better life to annihilate it.

## **Article 20**

(1) Managing protected flora and fauna species outside its habitat may only be conducted by the Government.

(2) The government may work along with the community to conduct management activity as referred to paragraph (1).

## **Article 21**

(1) Flora and fauna species result as referred to Article 15, Article 16, Article 17, Article 18 and Article 19 may be released to their habitat on condition that:

- a. the habitat where releasing is conducted is a part of original dispersion area of the released species;
- b. flora and fauna to be released have to be healthy physics and have high genetic diversity;
- c. by observing the existence of habitat dweller.

(2) Further provisions concerning re-release of flora and fauna species to its habitat as referred to paragraph (1) shall be regulated by the Minister.

# **CHAPTER V CONSERVATION INSTITUTION**

## **Article 22**

(1) Conservation Institution has main function that is reproduction and or conservation of flora and fauna by remain maintaining purity of its species.

(2) Besides it has main function as referred to paragraph (1) the Conservation Institution has also function as a place of education, display, research and development.

(3) Conservation Institution may be in the form of Zoo, Zoology Museum, Specific Animal Park, Specific Animal Training Centre, Botany Garden, Herbarium and Specific Flora Park.

## **Article 23**

(1) In order to run its function, the Conservation Institution may obtain the protected and not protected flora and fauna through:

- a. taking or catching from the nature;
- b. confiscation results;
- c. barter/exchange;
- d. buying for not protected species.

(2) Further provisions concerning procedures to get flora and fauna for Conservation Institution as referred to paragraph (1) shall be regulated by the Minister.

## **Article 24**

(1) In the frame of reproduction and conserving flora and fauna species, Conservation Institution may exchange/barter the protected flora and fauna with the similar institution abroad.

(2) The exchange as referred to paragraph (1) must be done with the species which its conservation values and its number have been balanced.

(3) Further provision concerning the exchanges as referred to paragraph (1) and paragraph (2) shall be regulated by the Minister.

# **CHAPTER VI DELIVERY OR TRANSPORTATION OF PROTECTED FLORA AND FAUNA**

## **Article 25**

(1) Delivery or transportation of protected flora and fauna species from and to a place in the territory of the Republic of Indonesia or from and out of the territory of the Republic of Indonesia shall be conducted on the basis of Minister permit.

(2) Delivery or transportation of flora and fauna as referred to paragraph (1) has to:

- a. be completed by health certificate of flora and fauna from the institution in charge;
- b. be conducted according to the prevailing technical conditions.

(3) Further provisions concerning procedures of delivery or transportation of flora and fauna species as referred to paragraph (1) and paragraph (2) shall be regulated by the Minister.

## **CHAPTER VII**

### **FAUNA ENDANGERING HUMAN LIFE**

#### **Article 26**

(1) A fauna that is because of certain reason going out from its habitat and endanger human life, have to be dribbled or trapped in a life condition to be returned to its habitat or if it is impossible to be re-released in its habitat, such animal must be sent to a conservation institution to be taken care.

(2) In case of the way as referred to paragraph (1) could not be executed, then the animal menacing human life shall be directly killed.

(3) Catching or killing the protected fauna as referred to paragraph (1) and paragraph (2) shall be conducted by the authoritative officer.

(4) Further provisions concerning the officers and treatment to the fauna endangering human life as referred to paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the Minister.

## **CHAPTER VIII**

### **SUPERVISION AND CONTROL**

#### **Article 27**

(1) In frame of preserving flora and fauna, it shall be conducted through supervision and control.

(2) Supervision and control as referred to paragraph (1) shall be executed by the law enforcement apparatus in charge according to the prevailing law and regulation.

(3) Supervision and control as referred to paragraph (2) shall be conducted through:

- a. preventive action; and
- b. repressive action.

(4) Preventive Action as referred to paragraph (3) letter a shall cover:

- a. counseling;
- b. training of law enforcement apparatus;
- c. publishing manual book of flora and fauna species identity to be protected and not protected.

(5) Repressive Action as meant in paragraph (3) letter b shall cover law enforcement action toward an allegation of legal action toward the effort of preserving flora and fauna species.

## **CHAPTER IX TRANSITIONAL PROVISION**

### **Article 28**

By the issuance of this Government Regulation, then all implementation regulations of law and regulations regulating on preserving flora and fauna species which have been existed before the issuance of this Government Regulation shall be expressed remain be effective as long as they are not interfere or have not yet been revoked or changed by pursuant to this Government Regulation.

## **CHAPTER X CONCLUDING PROVISION**

### **Article 29**

This Government Regulation shall come into force on the enactment date.

For public cognizance, to instruct enactment of this Government Regulation by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On January 27, 1999

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

BACHARUDIN JUSUF HABIBIE

Promulgated in Jakarta

On January 27, 1999

THE STATE MINISTER OF STATE SECRETARY OF THE REPUBLIC OF  
INDONESIA,

Signed

AKBAR TANJUNG