

## **(1) Indonesia: Situation of Development of the Legal Systems for EIA**

Indonesia has a law and regulation that provide for environmental and social considerations for all project phases, ranging from policy and basic design to construction and operation, and to closure and post-closure. One is the Environmental Protection and Management Act (EPMA) (No.32/2009), which provides for the procedures of environmental impact assessment (EIA or AMDAL). The other is the Government Regulation of Environmental Permit (No.27/2012), which provides for matters regarding environmental permit (EP). These two documents are characterized by (i) the requirement to prepare Statement and Management Capability (SPPL) after EIA approval but before project operation in order to obtain an “environmental permit of environmental protection and management”; (ii) the environmental examination is divided into three phases--formality examination, technical examination, and the review committee process--undertaken by different members; (iii) and the existence of a qualification system for such members. The legislation that provides for project approval by sector requires the acquisition of an environmental permit as a condition for project approval.

EIA in Indonesia is provided for in EPMA (No. 32/2009). This comprehensive law covers everything from Strategic Environmental Assessment (SEA), project environment impact assessment, monitoring, and environmental auditing; it covers all project phases, from the earliest phase to the post-closure phase. The Indonesian government enacted two regulations in 2012. One was the Government Regulation No.27/2012 on Environmental Permit (EP). The other was the Ministry of Environment (MoE) Regulation No. 05/2012 on the procedures for project environment assessment (AMDAL, UKL-UPL, SPPL) and those for environmental permit. In 2016, the government enacted Government Regulation No. 46/2016 on SEA procedures. It should be noted, however, that resettlement and land acquisition are separately provided for in the Law of Revocation of Rights to Land and Property (No.20/1961), the Law of Land Procurement for Public Utilities Construction (No.2/2012), and the Government Regulation of Land Registration (No.24/1997); they are not addressed within the EIA framework.

Of the Indonesian laws and regulations on EIA, those amended in recent years include those on procedures for SEA and EIA as well as those on environmental standards and indicators of environmental degradation.