



**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NO. 46 YEAR 2016  
ON  
PROCEDURES FOR IMPLEMENTATION OF  
STRATEGIC ENVIRONMENTAL ASSESSMENT**



**DIRECTORATE OF ENVIRONMENTAL POLLUTION PREVENTION  
FOR REGIONAL AND SECTORAL POLICIES  
MINISTRY OF ENVIRONMENT AND FORESTRY**



## ACKNOWLEDGEMENT

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**GOVERNMENT REGULATION OF REPUBLIC OF  
INDONESIA**

**NUMBER 46 OF 2016**

**REGARDING**

**PROCEDURES FOR IMPLEMENTATION OF STRATEGIC  
ENVIRONMENTAL ASSESSMENT (SEA)**

**BY THE GRACE OF GOD ALMIGHTY**

**PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering : whereas in order to implement the provisions of Article 18 of Law No. 32 of 2009 concerning the Protection and Management of the Environment, it is necessary to establish the Government Regulation regarding Procedures for the Implementation of Strategic Environmental Assessment;

- In view of :
1. Article 5 paragraph (2) of the Constitution of the Republic of Indonesia of 1945;
  2. Law Number 32 of 2009 concerning the Protection and Management of the Environment (Official State Gazette of the Republic of Indonesia Year 2009 Number 140, Supplement to the Official State Gazette of the Republic of Indonesia Number 5059)

DECIDING:

Determining : GOVERNMENT REGULATION  
REGARDING THE  
PROCEDURES FOR THE  
IMPLEMENTATION OF  
STRATEGIC ENVIRONMENTAL  
ASSESSMENT.

CHAPTER I  
GENERAL PROVISION

Article 1

Within this Government Regulation the definition of:

1. Strategic Environmental Assessment, hereinafter as referred to as the SEA (KLHS), is a series of systematic, thorough, and participatory analysis in order to ensure that the principles of Sustainable Development has become the basis and be integrated in the development of a region and/or policy, plan, and/or program.
2. The environment is the unity of space with all things, power, state, as well as living creatures, including humans and their behaviour, which affect the nature itself, the continuity of livelihood, and welfare of human beings and other living creatures.
3. Sustainable Development is a conscious and managed effort which combines aspects of environment, social, and economic into the development strategy in order to ensure the integrity of environment as well as the safety, capability, welfare, and quality of the life of present and future generations.

4. The Long Term Development Plan, hereinafter referred as RPJP, is a development planning document for a period of 20 (twenty) years.
5. The Medium Term Development Plan, hereinafter as referred to as RPJM, is a development planning document for the period of 5 (five) years.
6. The policy is a direction or action taken by the Central Government and Local Government in order to achieve the goal of Sustainable Development.
7. The plan is the result of a process to determine the appropriate future actions, through sequence of options, by taking into account the available resources, including spatial planning along with detailed planning, the National Long Term Development Plan (RPJP), regional RPJP, National Medium Term Development Plan (RPJM) and regional RPJM.
8. The Program is a policy instrument which contains one or more of the activities performed by the Central Government and Local Government institutions in order to achieve the goals and targets, as well as to receive a budget allocation, or community activities coordinated by the Central Government and Local Government.
9. The composer of Policy, Plan, and/or program is, the relevant minister, minister/head of government institutions non-ministry, governor or regent/mayor responsible for the development or evaluation of Policy, plan and/or the program.
10. The Composer of Strategic Environmental Assessment (SEA) is the person conducting the development of SEA.
11. The Central Government is the President of the Republic of Indonesia who holds the power of

government of the Republic of Indonesia, assisted by the Vice President and the ministers as referred to in the Constitution of the Republic of Indonesia of 1945.

12. Local Government is the head of the region as an element of local government who leads the implementation of government affairs under the their authorities of the autonomous region.
13. The Minister is the minister who holds the government affairs in the sector of environmental protection and management.

## CHAPTER II

### STRATEGIC ENVIRONMENTAL ASSESSMENT IMPLEMENTATION

#### Section One General

#### Article 2

- (1) The Central Government and Local Government shall prepare the SEA to ensure that the principles of Sustainable Development has become the basis and being integrated in the development of a region and/or Policy, Plan, and/or Program.
- (2) SEA as referred to in paragraph (1) above shall be implemented in the development or evaluation of the following:
  - a. Spatial plan along with detailed Planning, the National Long Term Development Plan (RPJP), regional RPJP, National Medium Term Development Plan (RPJM) and regional RJPM; and
  - b. Policy, Plan, and/or Program that could potentially cause impacts and/or environmental risks.

#### Article 3

- (1) In addition to the Spatial plan as well as Detailed Planning as referred to in Article 2 paragraph (2) letter a above, the Strategic Environmental Assessment

(SEA) shall be carried out during the development or evaluation of the zoning plan of coastal areas and small islands along with the detailed planning, the zoning plan of national strategic areas specifically to the outermost small islands as well as the plan for the management and zoning of marine protected areas.

(2) The Policy, Plan and/or Program that could potentially cause impacts and/or risk of the Environment as referred to in Article 2 paragraph (2) b, includes:

a. The Policy, Plan, and/or program of spatial utilization and/or land (area) either in land, sea, and air that potentially cause impact and/or environmental risks that include:

1. climate change;
2. damage, deterioration and/or extinction of biodiversity;
3. increase in the intensity and coverage area of floods, landslides, drought and/or forest and land fire;
4. The decline in the quality and quantity of natural resources;
5. The increase in conversion of forest land and/or land;
6. The increase in the number of poor people or threats of the livelihood sustainability of group of people; and/or
7. The increase of the risks to human health and safety.

- b. The Policy, Plan, and/or other Program based on community demand.
- (3) The composer of Policy, Plan, and/or program shall define the Policy, Plan, and/or program that shall be carried out by Strategic Environmental Assessment (SEA) based on the provisions as referred to in paragraph (2) letter a.
- (4) Further provisions on the guidelines and procedures for the establishment of Policy, Plan, and/or program as referred to in paragraph (3) are defined in the Regulation of the Minister.

#### Article 4

- The obligation to develop and implement the Strategic Environmental Assessment (SEA) as referred to in Article 2 above shall exclude the development or evaluation of Policy, Plan, and/or program regarding the following:
  - a. disaster emergency response; and
  - b. defense and security emergency.

#### Article 5

- The implementation of Strategic Environmental Assessment (SEA) shall be done through the following phases:
- a. development and implementation of the Strategic Environmental Assessment (SEA);

- b. quality assurance and documentation of the Strategic Environmental Assessment (SEA); and
- c. validation of the Strategic Environmental Assessment (SEA).

Section Two

Development and Implementation  
Strategic Environmental Assessment

Article 6

Development and implementation of Strategic Environmental Assessment (SEA) shall be conducted through the following mechanism:

- a. Assessment of the impact of Policy, Plan, and/or program on the condition of Environment;
- b. Formulation of alternative improvement of Policy, Plan, and/or Program; and
- c. Development of recommendations for improvements to the decision-making for Policy, Plan, and/or Program that integrates the principles of the Sustainable Development.

Paragraph 1

Assessment of the Effect of Policy, Plan, and/or Program  
towards Environmental Conditions

Article 7

The Assessment of the Policy, Plan, and/or  
Program impact towards the Environmental condition

as referred to in Article 6 letter a shall be implemented through the following phases:

- a. implementation of identification and formulation of issues on Sustainable Development;
- b. implementation of identification of the substance (content) of Policy, Plan, and/or program that potentially cause impacts towards the environmental conditions; and
- c. Analysis on the influence of the results of identification and formulation as referred to in letter a and b.

#### Article 8

- (1) The identification and formulation of the Sustainable Development issues as referred to in Article 7 letter a above shall be performed to determine the most strategic issues.
- (2) The identification and formulation of the Sustainable Development issues as referred to in paragraph (1) above shall be done by collecting inputs from the people and stakeholders through public consultation.

#### Article 9

- (1) The results of identification of issues on Sustainable Development as referred to in Article 8 above are formulated based on a priority basis by considering the following elements (as minimum):
  - a. characteristics of the area/region;
  - b. level of importance of potential impact;

- c. linkages between the strategic issues of Sustainable Development;
- d. linkages/connections with the substance (content) of policy, Plan and/or Program;
- e. contents of Plan of Environmental Protection and Management; and/or
- f. result of Strategic Environmental Assessment (SEA) of Policy, Plan, and/or program on the higher hierarchy to be referenced, and are similar in adjacent areas, and/or have relevance and/or direct relevance.

- (2) The issues identification on Sustainable Development as referred to in paragraph (1) shall contain a list that at least connecting to:
- a. supporting and carrying capacity of the Environment for development;
  - b. the impacts and environmental risks estimation;
  - c. the performance of services or ecosystem services;
  - d. the intensity as well as the coverage area of the natural disasters;
  - e. status of the quality and availability of natural resources;
  - f. resilience/sustainability and potential of biodiversity;
  - g. vulnerability and adaptive capacity against climate change;
  - h. the level and status of poor people or livelihoods of group of people and threat of the sustainability of community livelihoods;
  - i. risks to public health and safety; and/or

- j. threats to the specific areas which are traditionally protected by local communities and indigenous people.

#### Article 10

- (1) The identification of the substance (content) of Policy, Plan, and/or program potentially impacting on the condition of the Environment as referred to in Article 7 letter b above is conducted in order to locate and determine the substance (content) of Policy, Plan and/or the program that must be analyzed in order to determine their effects on Environmental conditions.
- (2) The identification of the substance (content) of Policy, Plan, and/or program as referred to in paragraph (1) above shall be conducted by examining the concept of the draft/development of policy, Plan, and/or program that will be developed, or by examining the entire content of the applicable Policy, Plan, and/or Program to be evaluated.

#### Article 11

- (1) The content of Policy, Plan, and/or Program that have been identified as referred to in Article 10 shall be analyzed to determine its effect on the condition of the Environment.
- (2) Analysis of the effect as referred to in paragraph (1) above shall be conducted with due regard to the substance (content) of the corresponding relationship

between Policy, Plan, and/or Program to the strategic issues of Sustainable Development as resulted from public consultations as referred to in Article 8 paragraph (2) above.

- (3) The content that is still in the concept or design shall be iteratively analyzed in accordance with stages of progress.

#### Article 12

- (1) The analysis of the substance (content) of Policy, Plan, and/or program as referred to in Article 11 shall be implemented in order to determine the scope, method, technique, as well as the analysis depth which are based on:
  - a. the type and theme of Policy, Plan, and/or Program concerned;
  - b. the level of progress made in draft (development) or the evaluation of Policy, Plan, and/or Program;
  - c. the relevance as well as detail of information required;
  - d. the information input of Strategic Environmental Assessment (SEA) and other related and relevant Environmental Studies to be referred to; and
  - e. The data availability .
- (2) The analysis implementation as referred to in paragraph (1) shall consider:
  - a. the legislation;

- b. the existence of guidelines, references, standards, best practice examples, and information available that is scientifically recognized;
- c. the existence of research results that are accountable; and/or
- d. experts agreement.

#### Article 13

- (1) The analysis results as referred to in Article 12 shall contain at least the study of:
  - a. carrying and supporting capacity of the Environment for development;
  - b. the environmental impacts and risks estimation;
  - c. service performance or ecosystem service;
  - d. efficiency in the natural resources utilization;
  - e. the level of vulnerability and adaptive capacity against climate change; and
  - f. level of resilience (sustainability) and biodiversity potential.
- (2) The analysis results as referred to in paragraph (1) to be the basis for the formulation of improvement alternative of Policy, Plan, and/or Program.

#### Article 14

- (1) The assessment implementation on the effect of Policy, Plan, and/or Program towards the Environmental condition as referred to in Article 7 up

to Article 13 above shall be carried out by the Composer of Strategic Environmental Assessment (SEA) who have met the standards of competence.

- (2) The standard of competence as referred to in paragraph (1) shall include at least:
  - a. the expertise accuracy on the issues to be assessed; and
  - b. experience in the field of development of Strategic Environmental Assessment (SEA) or similar environmental assessment.
- (3) Further provisions concerning the standard of competence of Composer of Strategic Environmental Assessment (SEA) as referred to in paragraph (2) above shall be stipulated in the Regulation of the Minister.

#### Paragraph 2

Formulation of the alternative improvement of Policy, Plan, and/or Program

#### Article 15

- (1) Alternative improvement of Policy, Plan, and/or program includes:
  - a. changes in goals or targets;
  - b. changes in strategies for target achievement;
  - c. changes or adjustments to the size, scale, and location that are better meet the sustainable development consideration;

- d. changes or adjustments to the processes, methods, and adaptation to the development of science and technology that are better meeting sustainable development considerations;
  - e. delay, improvement of sequence, or change in priorities for implementation;
  - f. provision of directives or guidelines in order to maintain or to improve ecosystem function; and/or
  - g. provision of directives or guidelines in order to mitigate the Environmental impact and risks.
- (2) The Formulation results of alternative improvement of Policy, Plan and/or Program as referred to in paragraph (1) to be the basis to formulate recommendations for the improvement of the decision-making for Policy, Plan, and/or Program that integrates the principles of Sustainable Development.

### Paragraph 3

Formulation of Improvement Recommendations  
For Decision-making on Policy, Plan, and/or Program

### Article 16

The Recommendations for improvements to the decision-making on Policy, Plan, and/or Program shall include the followings:

- a. the material for improvement of Policy, Plan, and/or Program; and/or

- b. information on the type of business and/or activities that have exceeded the carrying and supporting capacity of the Environment and is no longer allowed/permitted.

#### Article 17

- (1) Development and implementation of the Strategic Environmental Assessment (SEA) as referred to in Article 6 to Article 16 above on the ministries/non-ministries government institutions, provincial government, and the district/city government shall be governed by the minister/head of non-ministries government institutions, governor and Regent/mayor in accordance with the respective their authorities.
- (2) The regulation as referred to in paragraph (1) shall be implemented under the guidance (reference) to the Regulation of the Minister.

#### Article 18

Further provisions on the Development and implementation of the Strategic Environmental Assessment (SEA) as referred to in Article 6 up to Article 16 above shall be stipulated in the Regulation of the Minister.

Section Three

Quality Assurance and Documentation  
Of Strategic Environmental Assessment

Paragraph 1

Quality Assurance  
of Strategic Environmental Assessment

Article 19

- (1) The Assurance of quality of Strategic Environmental Assessment (SEA) shall be conducted through an independent assessment by the Composer of Policy, Plan, and/or Program in order to ensure that the quality and process of making and implementation of the Strategic Environmental Assessment (SEA) shall be performed in accordance with the provisions as referred to in Article 6 up to Article 16.
- (2) The independent rating (assessment) as referred to in paragraph (1) above shall take into consideration the followings:
  - a. Relevant Document of Environmental Protection and Management Plan; and
  - b. Reports of Strategic Environmental Assessment (SEA) of the related and relevant Policy, Plan, and/or program.

- (3) In case of the documents of Environmental Protection and Management Plan have not been prepared then the independent assessments shall consider the carrying and supporting capacity of the Environment.
- (4) Independent assessment as referred to in paragraph (2) above shall be implemented by means of:
  - a. gradual assessment in alignment with and/or following the phase of progress in implementing the Strategic Environmental Assessment (SEA); and/or
  - b. overall (at once) assessment which is to be implemented in the final phase of the implementation of the Strategic Environmental Assessment (SEA).

#### Article 20

- (1) The results of quality assurance of Strategic Environmental Assessment (SEA) should be developed to include the information regarding:
  - a. Feasibility if Strategic Environmental Assessment (SEA) if it has complied with the provisions as referred to in Article 19; and/or
  - b. Recommendations for improvement of Strategic Environmental Assessment (SEA) which has been followed with improvement on Policy, Plan, and/or Program.
- (2) The results of quality assurance of Strategic Environmental Assessment (SEA) shall be used as

input for the input for the improvement of SEA itself.

#### Article 21

In conducting the Strategic Environmental Assessment (SEA) quality assurance as referred to in Article 19 and Article 20 above, the Composer of Strategic Environmental Assessment (SEA) shall meet the standards of competence.

#### Article 22

Further provisions concerning the quality assurance of Strategic Environmental Assessment (SEA) as referred to in Article 19 and Article 20 above shall be stipulated in the Regulation of the Minister.

#### Paragraph 2

#### Documentation of the Strategic Environmental Assessment

#### Article 23

- 1) The result of Development and implementation of the Strategic Environmental Assessment (SEA) as referred to in Article 6 up to Article 16 above and quality assurance of Strategic Environmental Assessment (SEA) as referred to in Article 19 and Article 20 above shall be documented in the (SEA) report.

- (2) The Reports of Strategic Environmental Assessment (SEA) as referred to in paragraph (1) shall contain the following information:
- a. base of consideration for Policy, Plan and/or Program which determines that it needs to be completed with Strategic Environmental Assessment (SEA);
  - b. methods, techniques, series of measures as well as the results of assessment on influence of Policy, Plan, and/or program towards the condition of the Environment;
  - c. methods, techniques, series of measures as well as the results of Formulation of contents alternative of Policy, Plan, and/or Program;
  - d. considerations, contents, and the consequence of improvement recommendations towards the decision-making of Policy, Plan, and/or Program that integrate the principles of Sustainable Development;
  - e. overview of the results of integration of Strategic Environmental Assessment (SEA) in Policy, Plan, and/or Program;
  - f. implementation of public participation and information disclosure (transparently) of Strategic Environmental Assessment (SEA); and
  - g. the results of quality assurance of Strategic Environmental Assessment (SEA).
- (3) The Reports of Strategic Environmental Assessment (SEA) as referred to in paragraph (2) shall be an integral part of documents of policy, Plan and/or Program.

- (4) The Reports of Strategic Environmental Assessment (SEA) as referred to in paragraph (2) shall be supporting information for controlling and evaluating systems to the implementation of development Plan as well as the accountability system of performance of Central Government and Local Government institutions.
- (5) The nature of Reports of Strategic Environmental Assessment (SEA) as referred to in paragraph (2) shall be open and accessible to the public.

#### Article 24

- (1) Quality assurance and documentation of Strategic Environmental Assessment (KLHS) as referred to in Article 19, Article 20 and Article 23 above on the ministries/non-ministries government institutions, provincial government, and the district/city government governed by the minister/head of non-ministries government institutions, governor and regents/mayor in accordance with their respective their authorities.
- (2) The regulation as referred to in paragraph (1) above shall be implemented under the guidance of the regulation of minister.

## Section Four

### Validation of the Strategic Environmental Assessment

#### Article 25

- (1) The Strategic Environmental Assessment (SEA) that has obtained quality assurance as referred to in Article 19 and Article 20, shall be validated by:
  - a. Minister, for Policy, Plan and/or Program at national or provincial level; or
  - b. Governor, for the Policy, Plan, and/or program at district/city level.
- (2) Validation as referred to in paragraph (1) shall be conducted in order to ensure that the quality assurance have been implemented transparently and is accountable to the public.
- (3) Validation of Strategic Environmental Assessment (SEA) as described in paragraph (2) shall be implemented:
  - a. gradually at every process of the development and implementation of the Strategic Environmental Assessment (SEA) itself; or
  - b. at the final phase of development and implementing the Strategic Environmental Assessment (SEA).
- (4) The Strategic Environmental Assessment (SEA) for the development and evaluation of national and RPJM national RPJP not be validated.

- (5) Further provisions on the accountability of the quality assurance of Strategic Environmental Assessment (SEA) for National Long Term Development Plan (RPJP) and National Medium Term Development Plan (RPJM) regulated by the minister who held government affairs in the sector of national development planning.

#### Article 26

- (1) The composer of Policy, Plan, and/or program shall submit validation proposal of Strategic Environmental Assessment (SEA) in writing to the minister or the governor as referred to in Article 25 paragraph (1) above, accompanied by:
- a. draft of Policy, Plan, and/or Program;
  - b. Reports of Strategic Environmental Assessment (SEA); and
  - c. evidence of the compliance with the competence standards of Composer of Strategic Environmental Assessment (SEA).
- (2) The Minister or the governor shall examine the completeness of the application as referred to in paragraph (1) above within a period of 3 (three) working days from receipt of such request/application.
- (3) If the result of examination shows that the application as referred to in paragraph (2) above is complete, then the Minister or Governor shall issue the approval of validation of such Strategic Environmental Assessment (SEA) within a maximum period of 20 (twenty)

working days to the Composer of Policy, Plan, and/or Program.

- (4) Approval of validation of the Strategic Environmental Assessment (SEA) as referred to in paragraph (3) shall contain at least:
  - a. Conformity of Strategic Environmental Assessment (SEA) with the results of quality assurance; and
  - b. recommendation.
- (5) If the result of examination shows that the application as referred to in paragraph (2) above is incomplete, then the Minister or governor concerned shall return the document to the Composer of Policy, Plan, and/or program to be completed.

#### Article 27

In case the Minister or the Governor does not issue the approval of validation of Strategic Environmental Assessment (SEA) within the specified time as referred to in Article 26 paragraph (3) above, then such Strategic Environmental Assessment (SEA) which validation approval is requested by the Composer of Policy, Plan, and/or program shall be considered to have obtained the approval of validation of the Strategic Environmental Assessment (SEA).

#### Article 28

Minister or governor shall announce the Approval of validation of the Strategic Environmental Assessment (SEA) as referred to in Article 26 paragraph (3) above to the public within a period of 7 (seven) working days from the issuance of the approval of validation of the Strategic Environmental Assessment (SEA).

#### Article 29

- (1) The validity period of the Strategic Environmental Assessment (SEA) that has been approved is the same as the validity period of documents of policy, Plan and/or Program.
- (2) In case of there are changes to the documents of Policy, Plan, and/or program, then such Strategic Environmental Assessment (SEA) shall be reviewed again in conjunction with the review of the changes in documents of such policy, Plan and/or Program.

#### Article 30

In carrying out the validation of the Strategic Environmental Assessment (SEA) as described in Article 25 up to Article 28 the Minister and governor in accordance with the authority may appoint authorized officials.

### Article 31

Further provisions concerning the procedures for the validation of Strategic Environmental Assessment (SEA) shall be regulated by the Regulation of the Minister.

## CHAPTER III

### INVOLVEMENT OF COMMUNITY (PUBLIC) AND STAKEHOLDERS

#### Article 32

- (1) The composer of Policy, Plan, and/or program in making Strategic Environment Assessment (SEA) shall engage/involve the community and stakeholders.
- (2) The involvement of the public and stakeholders as referred to in paragraph (1) above shall include:
  - a. provision/sharing of opinions, suggestions, and proposals;
  - b. experts assistance;
  - c. technical supports; and
  - d. delivery of information and/or reporting.

#### Article 33

The Community and stakeholders as referred to in Article 32 include:

- a. community (public) and stakeholders affected directly and indirectly by the Policy, Plan, and/or Program; and
- b. community (public) and stakeholders who have relevant information and/or expertise to the substance (content) of Policy, Plan, and/or Program.

#### CHAPTER IV

#### GUIDANCE (COACHING)

##### Article 34

- (1) The Minister and the Governor in accordance with the their authorities shall guide the implementation of the Strategic Environmental Assessment (SEA).
- (2) The guidance of Strategic Environmental Assessment (SEA) as referred to in paragraph (1) shall be implemented through:
  - a. coordination of the implementation of Strategic Environmental Assessment (SEA);
  - b. socialization of legislation and dissemination of guidelines of Strategic Environmental Assessment (SEA);
  - c. discussion and consultancy for the Development and implementation of the Strategic Environmental Assessment (SEA);
  - d. education and training;

- e. development of clearing house (station) of Strategic Environmental Assessment (SEA);
- f. dissemination of information of Strategic Environmental Assessment (SEA) to the public and stakeholders; and
- g. development of awareness and responsibility of the public and stakeholders.

## CHAPTER V

### MONITORING AND EVALUATION

#### Article 35

Monitoring and evaluation of Strategic Environment Assessment (SEA) shall be conducted by:

- a. Minister, for the development and implementation of national Strategic Environmental Assessment (SEA) which validation has been approved;
- b. relevant minister/head of non-ministries government institutions, for the development and implementation of the Strategic Environmental Assessment (KLHS) that validation approval has been received in the respective sector in accordance with their authorities;
- c. Governor, for provincial level Strategic Environmental Assessment (SEA) which validation has been approved; and

- d. regent/mayor, for the districts/cities Strategic Environmental Assessment (SEA) which validation has been approved;

Article 36

- (1) Monitoring and evaluation of Strategic Environmental Assessment (SEA) shall be conducted:
  - a. at the time of making the Strategic Environmental Assessment (SEA); and
  - b. implementation of the Strategic Environmental Assessment (SEA) which validation approval has been received.
- (2) Monitoring and evaluation at the time of making of Strategic Environmental Assessment (SEA) as referred to in paragraph (1) letter a above shall be done in order to ensure:
  - a. compliance with the obligation of the making of Strategic Environmental Assessment (SEA) as referred to in Article 2, Article 6 up to Article 16, Article 19 up to Article 20 and Article 23;
  - b. effectiveness of validation of the Strategic Environmental Assessment (SEA) as referred to in Article 25 up to Article 28;
  - c. effectiveness of involvement of public and stakeholders in the Strategic Environmental Assessment (SEA) as referred to in Article 32 above; and
  - d. the effectiveness of guidance of Strategic Environmental Assessment (SEA) as referred to in Article 34.

- (3) Monitoring and evaluation of the implementation of the Strategic Environmental Assessment (SEA) which validation approval has been received as referred to in paragraph (1) b above shall be done to ensure:
  - a. compliance and integration effectiveness of the results of Strategic Environmental Assessment (SEA) to policy, Plan and/or Program; and
  - b. quality and effectiveness of recommendations of Strategic Environmental Assessment (SEA) in the management of environmental impacts and risks.
  
- (4) The results of the monitoring and evaluation as referred to in paragraph (2) and (3) above shall be the basis of the followings:
  - a. improvement of the various arrangements/regulation regarding the Strategic Environmental Assessment (SEA); and
  - b. establishment of Related Policy, Plan, and/or program that is deemed necessary.

#### Article 37

- (1) The Minister/Head of non-ministries relevant government institutions shall submit the results of monitoring and evaluation as referred to in Article 35 point b above to the Minister.
  
- (2) The Governor shall submit the results of monitoring and evaluation as referred to in Article 35 letter c above

to the Minister with a copy of the minister/relevant head of non-ministries government institutions.

- (3) The Regent/Mayor shall present/submit the results of monitoring and evaluation as referred to in Article 35 letter d above to the governor with a copy to the minister/relevant head of non-ministries government institutions.

#### Article 38

In conducting monitoring and evaluation as referred to in Article 35 letter c and d above, governor and Regent/Mayor in accordance with their authorities shall appoint local working unit in the sector of environmental protection and management.

### CHAPTER VI

#### FINANCING (FUNDING)

#### Article 39

The financing of the Strategic Environmental Assessment (SEA) shall be charged to:

- a. State Budget for the Policy, Plan, and/or program developed by the Central Government; and
- b. Regional budget for the Policy, Plan, and/or program developed by the Regional Government.

CHAPTER VII

TRANSITIONAL PROVISIONS

Article 40

At the time this Government Regulation applies, the Strategic Environmental Assessment (SEA) that have been made prior to the enactment of this Government Regulation shall remain valid in accordance with the validity period of Policy, Plan, and/or Program.

CHAPTER VIII

CLOSING

Article 41

This Regulation of Government shall come into force on the date of promulgation.

For public cognizance, this Regulation of Government shall be promulgated in the Official State Gazette of the Republic of Indonesia.

Stipulated in  
Jakarta  
on October 31st,  
2016  
PRESIDENT OF THE  
REPUBLIC OF  
INDONESIA,

Signed.

JOKO WIDODO

Promulgated in Jakarta  
on October 31st, 2016

MINISTER OF JUSTICE  
AND HUMAN RIGHTS  
REPUBLIC OF  
INDONESIA,

Signed.

YASONNA H. LAOLY

OFFICIAL STATE GAZETTE OF THE REPUBLIC OF  
INDONESIA OF 2016 NUMBER 228

The Copy is conform  
(the same) to the  
original

MINISTRY OF STATE  
SECRETARIAT  
REPUBLIC OF  
INDONESIA  
Assistant Deputy for  
Economic Affairs,  
Deputy of Justice and

**EXPLANATION OF  
REGULATION OF GOVERNMENT OF THE REPUBLIC OF  
INDONESIA  
NUMBER 46 OF 2016**

**REGARDING**

**PROCEDURE FOR THE IMPLEMENTATION OF  
STRATEGIC ENVIRONMENTAL ASSESSMENT**

I. GENERAL

The Republic of Indonesia is now entering a new phase in the implementation of Environmental Management after the enactment of Law No. 32 of 2009 concerning the Protection and Management of the Environment on October 3rd, 2009. Law No. 32 of 2009 mandates several instruments of prevention of pollution and/or damage to the environment, one of which is the Strategic Environmental Assessment (SEA).

Strategic Environmental Assessment (SEA) is extremely important as the basis for decision making of policy, Plan, and/or Program. If the principles of Sustainable Development has been considered and integrated in decision-making of development, then it is expected that the possibility of negative impact resulted of a policy, plan, and/or Program towards the Environment can be avoided.

The connection of Strategic Environmental Assessment (SEA) to other instruments of prevention such

as spatial, environmental quality standard, standard criteria of environmental damages, Environmental Impact Assessment (EIA), Environmental Management Measure - Environmental Monitoring Measure (UKL-UPL), licensing, Environmental economic instrument, Environmental-based legislation, Environmental-based budget, Environmental risk analysis, Environmental auditing, as well as other instruments in accordance with the requirement and/or the development of science, which are mutually complementary and supportive, while the role of Strategic Environmental Assessment (SEA) on the planning for environmental protection and management shall be corroborated/supporting each other.

Strategic Environmental Assessment (SEA) shall assist in the process of formulation and evaluation of development plan including Spatial plan together with detailed Plan, National Long Term Development Plan (RPJP), regional RPJP, National Medium Term Development Plan (RPJM) and regional RJPM.

Development of the Strategic Environmental Assessment (SEA) shall use multiple indicators and/or approaches in the assessment of Policy, Plan, and/or Program, among others Protection Plan and Environmental Management, carrying and supporting capacity of the Environment, quality standard of Environment, standard criteria of environmental damages, Environmental economic instrument, and Environmental risk analysis.

The Strategic Environmental Assessment (SEA) can help to prevent the degradation of natural resources and environment at the level of policy, Plan and/or Program, thus helping the effectiveness of the implementation of the Environmental Impact Assessment (EIA), Environmental Management Measure - Environmental Monitoring Measure (UKL-UPL), and licensing.

In this context, the primary target of Strategic Environmental Assessment (SEA) is the Policy, Plan, and/or Program, while the target of Environmental Impact Assessment (EIA) of Environmental Management Measure-Environmental Monitoring Measure (UKL-UPL) is on the activity/project unit.

Strategic Environmental Assessment (SEA) is not equivalent to the Environmental Impact Assessment (EIA) since the study in the SEA examines the development scenario by the Central Government and Local Government, whereas the Environmental Impact Assessment (AMDAL) is a feasibility study for business Plan and/or activity. However both contain significant impact on the assessment of Environment because directly related to Sustainable Development issues.

The potential environmental impacts and/or risks that may be resulted by a Policy, Plan, and/or program, before the decision is made, it can be anticipated through the Strategic Environmental Assessment (SEA). The Policy, Plan, and/or Program that have impact and/or damaging risk to the environment in

accordance with Law No. 32 of 2009 concerning the Environmental Protection and Management includes Policy, Plan, and/or Program that could potentially resulting in impact and/or risk including the increasing climate change, increasing damages, deterioration or extinction of biodiversity, increasing the intensity of floods, landslides, drought and/or forest and land fire, reducing the quality and abundance of natural resources, increasing changes in the use and/or conversion of forest areas, especially in areas where the conditions are classified as critical, increasing the number of poor people or endangerment/threat on sustainability subsistence of group of society and/or increasing the risks to human health and safety.

This Government Regulation includes the major points of regulation including the implementation of Strategic Environmental Assessment (SEA), involvement of community and stakeholders, coaching/guidance, monitoring and evaluation, and financing.

## II. ARTICLE BY ARTICLE

### Article 3

#### Paragraph (1)

Zoning plan of coastal areas and small islands is a plan that determines the direction of utilization of resource per unit of planning along with the determination of structures and patterns of space on the planning area that contains activities that should be done and should not be done as well as

activities that could only be done after obtaining approval/permission.

Detailed zoning plan is a detailed plan within 1 (one) zone based on management direction in the zoning plan by taking into account the carrying capacity of the environment as well as the applied technology and the availability of means/facility which in turn indicates the type and number of licenses issued by the Central Government and Local Government.

The zoning plan for national specific strategic area shall be determine the direction of utilization of resources, along with the determination of the spatial structure and pattern at specific national strategic area which includes activities that should be done and should not be done as well as activities that could only be done after obtaining approval/permission.

Management plan for water conservation area is a working document that can be updated periodically, as an operational guidance to the management of water conservation area.

#### Article 4

##### Letter a

The definition of "emergency response" is a series of activities carried out immediately upon occurrence of disaster to manage/handle the resulted negative impacts, which include the

rescuing and evacuating of casualties, property, meeting basic needs as well as the protection of refugees management, rescue, and recovery of infrastructure and facility.

Emergency response, among others localizing impacts, evacuation, provision of facilities and infrastructure for evacuation, rehabilitation, and recovery that occurs as a result of a disaster.

Letter b

The definition of the "emergency defense and security" is the state policy in dealing with situations on threats against national/state defense and security which contains element of secrecy.

Emergency on defense and security includes the installation of military equipment and military training.

Article 8

Paragraph (1)

The definition of "most strategic issue" is the issue at the root/source of the problem, has significant and widespread impacts, actual and perceived by the community.

Paragraph (2)

The definition of "stakeholders" are individuals and representatives of group of community, institutions or organizations that affect and/or are being affected by the Policy, Plan and/or

Program which include the government, non-governmental organizations, universities, business, and communities.

Article 9

Paragraph (1)

Letter a

Characteristics of the region/area include the quality of the environment, ecosystem condition and the level of service, conditions of natural resources, the patterns of social and economic activities, and institutional management.

Letter b

The level of significance of potential impacts, among others based on:

- a. amount of number of people who will be affected by the Policy, Plan and/or Program;
- b. Area affected;
- c. Intensity and duration of the impact;
- d. Amounts/extent of environmental components that will be affected;
- e. accumulation of the effects;
- f. the reversible or irreversible of the impact; and/or
- g. other criteria in accordance with the development of science and technology.

Letter c

The definition of "the interconnection between strategic issues" is a condition that can be described in terms of, among others, a causal

relationship, hierarchical relationship, as well as the scope of its scale and territory/area.

These relationships can be described in the relation of driver-pressure-condition-impact-response.

For example, the expansion of development in the upstream area has the potential to cause floods in the downstream area which in turns will cause the impact of poverty.

The issue of floods is the local issue, while the expansion issue in the upstream area can be seen as regional issue while the poverty as the national issue.

#### Letter f

The definition is as attached to the Policy, Plan, and/or Program since the hierarchical position to be referred, the similarity of its type and location proximity should be considered, while the relevant setting content to be considered.

For example, the Strategic Environmental Assessment (SEA) of Spatial Plan (RTRW) for district/city should pay attention to the provincial SEA of Spatial Plan (RTRW), SEA) of Spatial Plan (RTRW) for district/city A should pay attention to the SEA of Spatial Plan (RTRW) of district/city B located on the integration of ecosystem, or Provincial SEA of Spatial Plan (RTRW) should pay attention to SEA of Regional Medium Term Development Plan (RPJMD) of the concerned province.

The definition of "iterative analyzes in accordance with the phase of progress" is an analysis or assessment that is conducted repeatedly following the development phase of development/formulation process of Policy, Plan, and/or Program to in order to enrich or correct the information regarding the affect (impact) towards the condition of Environment.

Article 13  
Paragraph (1)

Letter a

The definition of "carrying capacity of the Environment" is the Environmental ability to support the livelihood of humans, other living creatures, and the balance between the two.

The definition of "capacity of the Environment" is the Environmental ability to absorb the substances, energy, and/or other components into or incorporated into it.

Letter b

The definition of "environmental impacts" is the impact of change in the environment caused by certain policy, plan, and/or Program.

The definition of "environmental risk" is the likelihood or probability of incidence, hazard, and/or consequence caused by Environmental condition that pose a threat towards the

ecosystem and to the lives and/or to the health and safety of humans.

Letter c

The performance of services or ecosystem services is a measure of change either in ecosystem service capacity and quality from the agreed initial conditions against the actual condition during the monitoring.

Ecosystem services include 4 (four) major service functions, namely the provider function, regulatory and/or controlling function, socio culture or cultures function, and also the primary supporting functions.

Letter d

The definition of "efficient utilization of natural resources" is an effort (measure) to utilize the natural resources within an optimal level so that the natural resources and their ecosystems can still be properly preserved.

The efficiency of utilization of natural resources among others can be manifested in the form of either provisioning of resource to be managed in the long term and at specified time in accordance with the requirements.

Letter e

The definition of "level of vulnerability and adaptive capacity against climate change" is a description of how the impact of climate change is

perceived and managed by the community/people.

The level of vulnerability is a measure of the fragility of community in managing the impacts. Adaptive capacity is a measure of community's ability to adapt in facing the impact.

Letter f

The definition of "level of resistance and the potential of biodiversity" is the ability to maintain the existence, diversity, as well as sustainability of natural resources which consists of plant natural resources and animal natural resources, including non-biological elements of the surrounding which in overall forming ecosystem.

Paragraph (2)

Letter a

The examples of documents of Environmental Protection and Management Plan that is relevant to the Environmental Protection and Management document organized by the same regional government or hierarchies above it on relevant contents in case the regional/local government has not yet prepared the document.

Letter b

The definition of "Reports of Strategic Environmental Assessment (SEA) of related and relevant Policy, Plan, and/or program" is the SEA prepared for Policy, Plan, and/or Program related to the same location, or SEA for Policy, Plan, and/or Program similar or related at

nearby/proximity locations, or at the hierarchy above it.

The recommendations are prepared by taking into account, among others, the inputs of the involved communities, stakeholders, as well as community dynamics, and also to consider the best efforts of Composer of Policy, Plan, and/or Program in integrating the recommendations of Strategic Environmental Assessment (SEA) into the substance (content) of Policy, Plan, and/or Program.

Article 32

Paragraph (2)

Letter b

The assistance experts is required and to be adapted to the needs of society/people.

For example, if the assistance was done on a customary (indigenous) law community/people, the assistance shall be done by taking into account the local knowledge of each indigenous people.

Article 40

Self explanatory.

Article 41

Self explanatory.

OFFICIAL STATE GAZETTE OF THE REPUBLIC OF  
INDONESIA NUMBER 5941