

**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
No.8/1999**

**ON  
WILD FLORA AND FAUNA EXPLOITATION**

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that wild flora and fauna are representing the part of biological natural resources which can be utilized for the largest interest of people prosperity, and its exploitation shall be conducted by observing to the continuity of potency, supporting power and diversity of wild and flora and fauna species;
- b. that pursuant to above mentioned and as the implementation of Law No.5/1990 on Biological Natural Resource Conservation and their Ecosystem, it is considered necessary to specify regulation on wild flora and fauna species exploitation 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. Government Regulation No.13/1994 on Fauna Hunting (State Gazette 1994 No.19, Supplement to the State Gazette No.3544);
- 9. Government Regulation No.10/1995 on Hunting Animal (State Gazette 1995 No.75, Supplement to the State Gazette No.3612);

- 10. Law No.23/1997 on Environment Management (State Gazette 1997 No.68, Supplement to the State Gazette No.3699);
- 11. 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 WILD FLORA AND FAUNA SPECIES

CHAPTER I  
GENERAL PROVISIONS

Article 1

Referring to this Government Regulation:

- 1. Species exploitation is natural resource use both wild flora and fauna and or part thereof and products thereof in the form of study, research, and development; breeding; hunting; trading; demonstrating; exchange; medicine crop cultivation; and conservancy for hobby;
- 2. Breeding is an effort of to increase the number through reproduction and releasing wild flora and fauna by remain maintaining purity of its species;
- 3. Growing/Enlarging is an effort to look after and enlarge seed and kernel of wild flora and fauna from the nature by remain maintaining purity of its species;
- 4. Conservation Institution is an institution running business in the field of flora and fauna conservation outside its habitat (ex situ), both in the form of government agency and non government institutions;
- 5. Designation is providing physical sign at certain part of wild flora and fauna species or the parts thereof and the products thereof both from the breeding results or growing/enlarging;
- 6. Certification is written information on characteristics, origin, category, and other identification of wild flora and fauna species or the parts thereof and products thereof both from breeding or growing/enlarging;
- 7. Wild fauna capturing is an activity to get wild fauna from its natural habitat for the interest of wild fauna species exploitation other than hunting;

- 8. Taking out wild flora is an activity to get wild flora and its natural habitat for the interest of exploitation of wild flora species;
- 9. Minister is the minister who is in charge in the field of forestry.

#### Article 2

- (1) Exploitation of wild flora and fauna species aim to make the wild flora and fauna species may be exploited everlastingly for the largest benefit of the people prosperity.
- (2) Exploitation of wild flora and fauna species is conducted by controlling utilization of wild flora and fauna species or the parts thereof and products thereof by remain taking care of species diversity and ecosystem balance.

#### Article 3

Exploitation of wild flora and fauna species shall be executed in the form of:

- a. study, research and development;
- b. breeding;
- c. hunting;
- d. trading;
- e. demonstrating;
- f. exchange;
- g. medicine crop cultivation; and
- h. conservancy for hobby.

### CHAPTER II STUDY, RESEARCH and DEVELOPMENT

#### Article 4

- (1) Study, research and development may be conducted to protected or not protected wild flora and fauna species.
- (2) The use/exploitation of protected wild flora and fauna species for the interest of study, research and development must obtain permit from the Minister.
- (3) Taking wild flora and capturing wild fauna from the natural habitat for study, research and development shall be further regulated by the Minister.

#### Article 5

- (1) The results of study, research and development of the protected wild flora and fauna species must be advised to the Government.

- (2) The Government shall specify the research institution and or conservation institution commissioned to document, maintain, and manage the study, research and development result as referred to paragraph (1).
- (3) Implementation provision as meant in paragraph (1) and paragraph (2) shall be further regulated by the Minister.

#### Article 6

- (1) Provision on study, research and development toward wild flora and fauna species by foreigner in Indonesia conducted according to prevailing law and regulations.
- (2) Study, research and development toward wild flora and fauna species of Indonesia conducted abroad may only be conducted after obtaining recommendation from the Science Authority as referred to Article 65.

### CHAPTER III CAPTURING

#### Article 7

- (1) Breeding for the purpose of species exploitation shall be conducted through the activities of:
  - a. reproduction of flora and fauna intentionally in a controlled environment; and
  - b. hatching egg and or growing kernel taken from the nature.
- (2) Breeding can be conducted toward protected or not protected wild flora and fauna species.
- (3) Without prejudicing the provisions as regulated in this Government Regulation, breeding of protected wild flora and fauna species shall also be committed to the prevailing provisions for preserving flora and fauna species.

#### Article 8

- (1) Wild flora and fauna species for breeding shall be obtained from natural habitat or other valid sources according to the provisions of this Government Regulation.
- (2) Taking out species of wild flora and capturing wild fauna from the nature for breeding shall be further regulated by the Minister.

#### Article 9

- (1) Anybody, Legal Body, cooperative or Conservation Institution may conduct breeding of wild flora and fauna species upon the permit of the Minister.

(2) Permit of breeding as referred to paragraph (1) shall at once also represent the permit to sell the products of breeding after fulfilling certain qualification standard of breeding.

(3) Qualification Standard as referred to paragraph (2) shall be specified based on the consideration:

- a. population number limit of wild flora and fauna species of breeding result;
- b. professionalism of breeding activity;
- c. rareness of wild flora and fauna species to be bred.

(4) Further provisions on qualification standard of breeding shall be regulated by the Minister.

#### Article 10

(1) Breeding results of protected wild flora may be used for the purpose of trade.

(2) Breeding results of flora as referred to Paragraph (1) shall be expressed as not protected flora.

(3) Provision as referred to paragraph (1) and paragraph (2) shall not be applicable to the flora species as referred to Article 34.

#### Article 11

(1) Breeding results of protected wild fauna which can be used for trade is wild fauna of the second and further generation.

(2) The second and next generation from breeding results of protected wild fauna species shall be expressed as not protected wild fauna species.

(3) Provision as referred to paragraph (1) and paragraph (2) shall not be applicable for the wild fauna species as referred to Article 34.

#### Article 12

Breeding must take care purity of protected wild animal species until the first generation.

#### Article 13

(1) Breeding results for crossing may only be conducted after the second generation for protected wild fauna, and after the first generation for not protected wild fauna, and after experiencing replication for protected flora.

(2) Crossing breeding result of wild fauna is prohibited to be released to the nature.

#### Article 14

- (1) Breeder is obliged to provide marks/signs and or certification for the results of wild flora and fauna to be bred.
- (2) Further provisions concerning the system and procedures of labeling/designation and certification of fauna as a result of breeding shall be regulated by the Minister.

#### Article 15

- (1) Anybody, Legal Body, Cooperative, and Conservation Institution who apply for breeding activity, is obliged to fulfill the conditions:
  - a. employing and own experts in the field of breeding of the pertinent species;
  - b. owning place and facility of breeding which have met the technical conditions;
  - c. making and transferring work proposal.
- (2) In carrying out breeding activity, breeder is obliged to:
  - a. arrange register book of wild fauna or flora to be bred;
  - b. to conduct marking and or certification system to the individual species to be bred;
  - c. to arrange and submit periodic report to the government.
- (3) Implementation provisions as referred to paragraph (1) and paragraph (2) shall be further regulated by the Minister.

#### Article 16

- (1) Protected wild fauna obtained from the natural habitat for breeding shall be expressed as a trust fauna of the State.
- (2) Provision on stipulating post breeding status and returning to the natural habitat of the state trust fauna shall be further regulated based on the Decree of the Minister.

### CHAPTER IV HUNTING

#### Article 17

- (1) Hunting wild fauna species is conducted for sport hunting, hunting trophy, and traditional hunting by local community.
- (2) Hunting activity as referred to paragraph (1) shall be regulated in a separate Government Regulation.

## CHAPTER V TRADE

### Article 18

- (1) Wild flora and fauna which can be commercialized are not protected wild flora and fauna species.
- (2) Wild flora and fauna for trade shall be obtained from:
  - a. breeding results;
  - b. capturing or taking out from the nature.

### Article 19

- (1) Wild flora and fauna species trade may only be conducted by Business entity founded according to the Indonesia Law after obtaining recommendation from the Minister.
- (2) Exempted from the provision as referred to paragraph (1), the trade in limited scale may be conducted by community staying in and around Hunting Area and around the Hunting Park as referred to the provision of law and regulation on fauna hunting.

### Article 20

- (1) Business entity conducting wild flora and fauna species trade is obliged to:
  - a. have place and facility of wild flora and fauna relocation fulfilling the technical requirements;
  - b. arrange annual working plan of flora and fauna trade business;
  - c. submit report of each flora and fauna trade implementation.
- (2) Implementation provisions as referred to paragraph (1), shall be further regulated by the Minister.

### Article 21

Business entity conducting wild flora and fauna trade must pay for the contribution specified according to the provisions of prevailing law and regulations.

### Article 22

- (1) Wild flora and fauna trade shall be regulated pursuant to the scope of trade:
  - a. domestic;
  - b. export, or import.
- (2) Each wild flora and fauna trade must be provided with the valid documents.

### Article 23

Provision concerning domestic wild flora and fauna trade shall be further regulated based on the Decree of the Minister.

#### Article 24

- (1) Each wild flora and fauna trade for the purpose of export, re-export, or import shall be conducted on the basis of the permit of the Minister.
- (2) Trade Documents for the purpose of export, re-export, and import, shall be valid if they have fulfilled the following conditions:
  - a. to have delivery or transportation documents;
  - b. export, re-export, or import permits;
  - c. recommendation of Scientific Authority.
- (3) Further provisions on trade document as referred to paragraph (2) shall be regulated based on Decree of the Minister.

#### Article 25

- (1) Wild flora and fauna for export, re-export, or import must be conducted quarantine actions.
- (2) In conducting the quarantine action as referred to paragraph (1), quarantine officer is obliged to check the health of wild flora and fauna species and completion as well as conformity of the specimen with the documents.

#### Article 26

Export, re-export, or import of wild flora and fauna species without documents or falsifying documents or deviating from the conditions of documents as referred to Article 24 paragraph (2) shall be consider as smuggling.

### CHAPTER VI DISPLAY

#### Article 27

Displaying wild flora and fauna species may be in the form of life collection or dead collection including parts thereof and products thereof.

#### Article 28

- (1) Displaying wild flora and fauna species can be conducted by Conservation Institution and formal educational institutions.
- (2) Displaying conducted by people or body other than the institutions as referred to paragraph (1) having to be with the permit of the Minister.

#### Article 29

Acquirement and utilization of protected wild flora and fauna species for display shall be further regulated based on the Decree of the Minister.

Article 30

- (1) Institution, body or someone who display wild flora and fauna shall be responsible on the health and security of the displayed wild flora and fauna security.
- (2) The Minister shall arrange the technical standard of wild flora and fauna health and security for display purpose.

CHAPTER VII  
EXCHANGE

Article 31

Exchanging wild flora and fauna species is conducted with the objectives to maintain or improve population, to enrich species diversity, research and science, and or conserving the pertinent species.

Article 32

- (1) Exchanging protected wild flora and fauna species may only be conducted to the wild flora and fauna species which have been looked after by the Conservation Institution.
- (2) Exchanging protected wild flora and fauna species may only be conducted and among Government and Conservation Institution.

Article 33

- (1) Exchanging as referred to Article 32 may only be conducted between fauna and fauna, or flora with flora.
- (2) Exchanging shall be conducted on the basis of balance of wild flora and fauna species conservation values.
- (3) Assessment for the balance conservation value as referred to paragraph (2) shall be conducted by a appraiser team in which its establishment and working administration are specified based on the Decree of the Minister.

Article 34

Wild flora of Raffles Species and wild fauna of species:

- a. Anoa (Anoa Depressicomis, Anoa Quarlesi);
- b. Forest Pig (Babyrousa Babyrussa);
- c. Java Rhino (Rhinoceros Sondaicus);
- d. Sumatera Rhino (Dicerorhinus Sumatrensis);

- e. Komodo (*Varanus Komodoensis*);
- f. Cendrawasih Bird (All species from of *Paradiseidae*);
- g. Java Hawk, Eagle (*Spizaetus Bartelsi*);
- h. Sumatera Tiger (*Phanthera Tigris Sumatrae*);
- i. Black Mentawai Monkey (*Presbytis Potenziani*);
- j. Orang-Utan (*Pongo Pygmaeus*);
- k. Java Owa (*Hylobates Moloch*);

may only be exchanged on the approval of the President.

## CHAPTER VIII MEDICINE CROPS CULTIVATION

### Article 35

Wild flora species exploitation coming from the natural habitat for medicine crops cultivation shall be conducted by remain maintaining the continuity of potency, population, supporting power, and water flora species diversity.

### Article 36

Provision on medicine crops cultivation shall be regulated by a separate Government Regulation.

## CHAPTER IX CONSERVANCY FOR HOBBY

### Article 37

- (1) Anybody may look after wild flora and fauna species for the purpose of hobby.
- (2) Wild flora and fauna for conservancy for hobby may only be conducted to the not protected species.

### Article 38

The Minister shall specify maximum limit of the wild flora and fauna number which can be looked after for hobby.

### Article 39

- (1) Wild flora and fauna for conservancy for hobby shall be obtained from breeding results, legal trade, or from natural habitat.
- (2) Taking out wild flora and capturing wild fauna for conservancy for hobby shall be further regulated by the Minister.

### Article 40

- (1) Conservancy of wild flora and fauna species for hobby, is obliged to:
- a. maintain health, convenience, and security of the wild fauna or flora species;
  - b. provide place and facility fulfilling the standard of conservancy for wild flora and fauna species.
- (2) Implementation provisions concerning the obligation as referred to paragraph (1) shall be further regulated based on the Decree of the Minister.

#### Article 41

- (1) The Government shall evaluate efficiency or capability of somebody or institution each 5 (five) years for their activities to conduct conservancy of wild fauna for hobby.
- (2) For the purpose as referred to paragraph (1), preserver of wild fauna is obliged to submit periodic report of conservancy of fauna pursuant to the provisions stipulated by the Minister.

### CHAPTER X DELIVERY OR TRANSPORTATION OF WILD FLORA AND FAUNA

#### Article 42

- (1) Delivery or transportation of wild flora and fauna species from one habitat to other habitat in Indonesia, or from and out Indonesian region, must be provided with complete documents of delivery or transportation.
- (2) The Documents shall be expressed valid, if they have fulfilled the following conditions:
- a. technical standard of transportation;
  - b. delivery permit;
  - c. breeding permit for fauna of breeding results;
  - d. fauna health certificate from the competent official.
- (3) Delivery Permit as referred to paragraph (2) letter b is obliged to contain information on:
- a. species and number of flora and fauna;
  - b. departure and target ports;
  - c. body or people identity sending and receiving the flora and fauna;
  - d. allotment of flora and fauna utilization.

### CHAPTER XI CLASSIFICATION AND QUOTA LISTS

#### Article 43

- (1) The Government shall specify wild flora and fauna species lists which are not protected based on the classification which may and may not be traded.
- (2) Stipulating classification list as referred to paragraph (1) must pay attention to:
  - a. the development of protection effort of wild flora and fauna species agreed in the international convention;
  - b. conservation efforts conducted in Indonesia; and
  - c. wild flora and fauna species exploitation importance.

#### Article 44

- (1) The Government shall stipulate the quota of taking out and capturing each species and number of wild flora and fauna which can be taken or caught from the nature for each period of 1 (one) year.
- (2) Stipulating the quota of taking out and capturing as referred to paragraph (1) must pay attention to the population growth of wild flora and fauna at the pertinent habitat.
- (3) Habitat area as referred to paragraph (2) shall be specified based on the Decree of the Minister.

#### Article 45

The Quota of capturing as referred to Article 44 paragraph (1) shall also cover the result of hunting of wild fauna traditionally conducted by the community living surrounding the Hunting Park and in or around Hunting Area by using traditional tools.

#### Article 46

The Quota as referred to Article 44 shall represent a guidelines to fulfill the requirements of all kinds of exploitation of wild flora and fauna species obtained from the nature.

#### Article 47

- (1) The Government shall specify the quota of each species and number of not protected wild flora and fauna for trading within period of 1 (one) year.
- (2) Source of wild flora and fauna for stipulating the quota of trade as referred to paragraph (1) shall come from the quota of taking out and capturing from the nature and breeding results.
- (3) The Quota of trade shall be specified on the basis of the needs of domestic trade and for the purpose of export, re-export, or import.

#### Article 48

- (1) The Government shall control the import of each wild flora and fauna species which can be entered to Indonesia.
- (2) Import control as referred to paragraph (1) must pay attention to the protection effort of wild flora and fauna of the similar kind in Indonesia and the provision of international convention on import of wild flora and fauna.

#### Article 49

Stipulating classification list, quota of taking out and capturing, and quota of trade, as regulated in this Chapter shall be conducted by the Minister after obtaining recommendation from the Scientific Authority.

### CHAPTER XII SANCTION

#### Article 50

- (1) Whomever without permission to use the protected wild flora and or fauna for the interest as referred to Article 4 paragraph (2) shall be sentenced because he/she commit an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.
- (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 50,000,000.00 (fifty million Rupiah) and or sentenced not being permitted to conduct study, research and development to the wild flora and fauna for the period at the longest of 5 (lima) years.
- (3) Whomever taking out wild flora and or fauna from the natural habitat without permission or without pursuant to the provisions as referred to Article 4 paragraph (3), Article 8 paragraph (2), Article 29 and Article 39 paragraph (2) may automatically subject to administration penalty as much as possible Rp. 40,000,000.00 (forty million Rupiah) and or sentenced not being permitted to conduct activity of exploitation of wild flora and fauna.

#### Article 51

Whomever do not fulfill the obligations as referred to Article 5 paragraph (1) may automatically subject to administration penalty as much as possible Rp. 20,000,000.00 (twenty million Rupiah) and or sentenced not being permitted to conduct study, research and development toward wild flora and fauna for the time at the longest 4 (four) years.

#### Article 52

(1) Whomever conduct breeding wild flora and or fauna without permission as referred to Article 9 paragraph (1) may automatically subject to administration penalty as much as possible Rp. 25,000,000.00 (twenty five million Rupiah) or revocation of the breeding permit.

(2) If the action as referred to paragraph (1) is conducted to the protected flora and or fauna shall be sentenced because he/she take action prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.

#### Article 53

(1) Breeder conducting trade of wild flora and or fauna without fulfilling the qualification standard as specified by the Minister as referred to Article 9 paragraph (4) shall be sentenced because of it is deemed conducting smuggling.

(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 100,000,000.00 (one hundred million Rupiah) and or revocation of the breeding permit.

#### Article 54

(1) Whomever conduct trade of wild fauna or flora before fulfilling the category as referred to Article 10 paragraph (1) or Article 11 paragraph (1) or do not fulfill the obligations as referred to Article 12 shall be sentenced because of conducting an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.

(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 100,000,000.00 (one hundred million Rupiah) and or revocation of the business permit.

#### Article 55

A Breeder who could not meet the obligations as referred to Article 14 or Article 15 paragraph (2) may automatically subject to administration penalty as much as possible Rp. 10,000,000.00 (ten million Rupiah) and or revocation of the breeding permit.

#### Article 56

(1) Whomever conduct trade of protected wild fauna shall be sentenced because conducting a deed prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.

- (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 100,000,000.00 (one hundred million Rupiah) and or revocation of the pertinent business permit.

#### Article 57

Whomever conduct wild flora and fauna trade other than the Business entity and community as referred to Article 19 shall be sentenced because of conducting smuggling.

#### Article 58

- (1) Trade business entity that could not fulfill the obligations as referred to Article 20 paragraph (1) letter a may automatically subject to administration penalty as much as possible Rp. 10,000,000.00 (ten million Rupiah) and or freezing business activity at the longest 2 (two) years.
- (2) Trade business entity that could not fulfill the obligations as referred to Article 20 paragraph (1) letter b may automatically subject to freezing business activity at the longest 1 (one) year.
- (3) Trade business entity that could not fulfill the obligations as referred to Article 20 paragraph (1) letter c may automatically subject to administration penalty as much as possible Rp. 10,000,000.00 (ten million Rupiah) and or freezing business activity at the longest 2 (two) years.
- (4) The action as referred to paragraph (1), paragraph (2), and paragraph (3) at any times on the Ministers consideration, may subject to revocation of the business permit.

#### Article 59

- (1) Export, re-export, or import of wild flora and or fauna without permission as referred to Article 24 paragraph (1), or without documents, or falsifying documents, or deviating from the document requirements as referred to Article 26 shall be sentenced because of conducting smuggling.
- (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent commercial business permit.

#### Article 60

- (1) Whomever conducting display of wild fauna without permission as referred to Article 28 paragraph (2) shall be sentenced because of he/she has tried to conduct an effort of damaging environment.
- (2) If the action as mentioned in paragraph (1) is conducted to the protected wild fauna, shall be sentenced because conducting an action prohibited according

to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.

#### Article 61

- (1) Whomever conduct exchanging wild flora and fauna deviating from the provisions as referred to Article 32 shall be sentenced because of conducting an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.
- (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 200,000,000.00 (two hundred million Rupiah) and or revocation of the pertinent business permit.

#### Article 62

Conservancy of wild flora and fauna for hobby that does not meet the obligations as referred to Article 40 and Article 41 paragraph (2) may automatically subject to administration penalty as much as possible Rp. 5.000.000,00 (five millions Rupiah) and or taking by force for the fauna that is looked after.

#### Article 63

- (1) Whomever conducting deliver or transportation of wild flora and or fauna without documents of delivery or transportation, or deviating from the requirements or do not meet the obligations, or falsifying documents as referred to Article 42 paragraph (1), paragraph (2), and paragraph (3) shall be sentenced because he/she has participated and committed smuggling and or stealing and or trying to damage environment.
- (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent business permit.

#### Article 64

- (1) Violations as meant in article 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63, as long as concerning the protected wild flora and fauna, then the wild flora and fauna shall be confiscated for the state as meant in article 24 Law No.5/1990.
- (2) Violations as meant in article 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63, as long as concerning not protected wild flora and fauna, then the wild flora and fauna shall be treated the same as the protected one and confiscated for the state.

#### Article 65

Pursuant to the Government Regulation:

- a. The Ministry that is in charged in the area of forestry shall be specified as the Management Authority of Wild flora and fauna Conservation;
- b. The Indonesia Science Institution (LIPI) shall be specified as the Scientific Authority.

#### Article 66

(1) Management Authority as meant in article 65 letter a has the authorities as regulated in this Government Regulation.

(2) Scientific Authority as referred to article 65 letter b has the authorities to:

- a. give recommendation to the management authority on stipulating the list classification, quota of capturing and trade including export, re-export, import, introduction from sea, all specimen of wild flora and fauna;
- b. monitor trade permit and trade realization, and to give recommendation to Management Authority on limitation of providing trade permit of wild flora and fauna because pursuant to the biologic evaluation, such limitation is required to be conducted;
- c. act as an independent party to give recommendation toward international convention in the field of conservation of wild flora and fauna.

#### Article 67

The Principal of all activities in the frame of species exploitation as regulated in this Government Regulation, shall be responsible on the action of wild fauna or negligence of the principal to place Hazardous flora causing loss of good properties of other parties, resulting health trouble, injury or death.

### CHAPTER XIV TRANSITIONAL PROVISIONS

#### Article 68

By the issuance of this Government Regulation, then all implementation regulations of law and regulations regulating on exploitation of wild 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 XV  
CONCLUDING PROVISION

Article 69

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

PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

BACHARUDIN JUSUF HABIBIE

Promulgated in Jakarta

On January 27, 1999

STATE MINISTER OF STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

Signed

AKBAR TANJUNG

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ELUCIDATION  
of  
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
[No. 8/1999](#)

ON  
WILD FLORA AND FAUNA EXPLOITATION

GENERAL

The God Almighty grants the Indonesian nation the properties in the form of natural resources of flora and fauna or natural beauty and other natural phenomena. Natural resource potency and their ecosystem should be developed and exploited for the largest interest of the people prosperity by observing conservation principles namely preserving capability and exploitation of biological natural resources and their ecosystem harmoniously and well-balanced.

Law No.5/1990 on Biological Natural Resource and Its Ecosystem among other regulating on wild flora and fauna species exploitation. The exploitation of wild flora and fauna species should be followed up in the Government Regulation to guarantee smoothness, orderliness and conservation if biological natural resources in the implementation of all flora and fauna exploitation activities.

The success of biological natural resource conservation and their ecosystem namely to control the ways of biological natural resource exploitation to guarantee genetic source diversity maintenance and their ecosystem so that it may support the development, science and technology. In exploitation of flora and fauna, it is always upright the principle to avoid extinction risks and or to avoid the decrease of wild flora and fauna population growth potency.

Flora and fauna exploitation is conducted through a study, research and development, breeding, hunting, trade, display, exchange, medicine crops cultivation and or conservancy for hobby.

ARTICLE BY ARTICLE

Article 1

Clause 1.

Self-elucidating

Clause 2.

Self-elucidating

Clause 3.

Growing up/enlarging wild fauna species, which its reproduction by laying eggs, then the growing up/enlarging may be started from incubating egg taken directly from the nature and enlarging/grow up the results until reach certain size or age to be exploited.

Clause 4. - 9.

Self-elucidating

Article 2

Paragraph (1)

In the wild flora and fauna exploitation, it has to pay attention to the preservation aspect by conducting control in its exploitation so that it does not destroy the natural population condition.

Paragraph (2)

Self-elucidating

Article 3

Self-elucidating

Article 4

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 5

Paragraph (1)

The obligation to advise is a consequence of the principles that any action conducted to the protected wild fauna will bring impact to global environment conservation.

Therefore, the Government as the principal of public interest is entitled to know the results of study, research and development of the protected wild fauna.

Notification of study, research and development results should not be in the form of animal, but it is adequate by information on the study, research and development results.

The obligation to give advice shall not prejudice the rights of researchers arising out from its research results pursuant to the prevailing law and regulations.

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 6

Paragraph (1)

Meant by law and regulation is the Presidential Decree No.100/1993 on Research Permit for Foreigner.

Paragraph (2)

Self-elucidating

Article 7

Paragraph (1)

Meant by Captive Breeding in a cage may also be conducted in semi natural environment. This wild animal breeding is an activity of reproduction where its mother breed (if its reproduction is by breeding) in a controlled environment or (if its reproduction is not breeding) its mother has available in the controlled environment at the time of happening of early growing of its kernel (egg, fetus).

Meant by controlled environment at wild fauna breeding is an environment to be manipulated for the purpose of producing certain fauna species by making clear limitation to maintain the exit and or entry of fauna, egg, or gamete and distinguished among other by the existence of artificial house, waste disposal, health facility, protection from predator and artificial feeding.

Meant by flora artificial propagation is an activity to reproduce and grow flora in a condition controlled from material to reproduce flora such as seed, cutting (stek), grass spreading, network culture and spore.

Stock of main flora for breeding can be taken from a nature by observing population condition in the nature and managed in such a way it may be insured main stock conservancy in a long term period.

Meant by controlled condition at flora breeding is a condition outside natural environment, which are intensively manipulated by human being interference with the objectives to get and reproduce flora with the selected hybrid and species, and distinguished by among other the existence of farm-land processing, fertilizing, pest and grass controlling, irrigation, or seed treatment

such as flora in pot, making special place for breeding or protection from weather condition.

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 8

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 9

Paragraph (1)

Self-elucidating

Paragraph (2)

Those who have owned permit for conducting breeding is not automatically able to conduct commercial activity. However, the holder of breeding permit shall no longer need commercial permit to conduct commercial activity, provided that it has met certain qualification standard as referred to paragraph (4) of this Article.

Paragraph (3)

Clause a

New breeder may conduct commercial action if its fauna breeding population has met the certain quantity.

Clause b

The Minister in giving recommendation to the breeder to conduct commercial activity shall also consider seriousness of a breeder in conducting breeding activity professionally. This professionalism should be appraised in the frame of supporting conservation effort.

Clause c

Although a breeder has fulfilled the qualification as referred to letter a and letter b, however on the basis of rareness consideration of certain flora and fauna

species, the government has authority to delay for giving recommendation to conduct commercial activity for a breeder up to a time as considered appropriate to ensure rare fauna or flora species conservation.

Paragraph (4)

Self-elucidating

Article 10

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 11

Paragraph (1)

The second generation in the terms of breeding is known by code F2 namely individual of fauna of the second generation results (reproduction) from the mother caught or taken directly from the nature.

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 12

Self-elucidating

Article 13

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 14

Paragraph (1)

In case technically, the physical marking gets difficulty or disturb the behavior of the fauna, then it is sufficiently conducted by certification.

Paragraph (2)

Self-elucidating

Article 15

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 16

Paragraph (1)

Principally, the protected wild fauna obtained from the nature shall remain under control of the state, therefore a body or legal entity on the basis of the Minister permit may exploit the fauna from the nature, but it shall not give proprietary rights for the pertinent fauna.

Therefore, the fauna status under control of the breeder is the fauna entrusted by the State.

Paragraph (2)

Self-elucidating

Article 17

Paragraph (1)

Self-elucidating

Paragraph (2)

At the time of issuance of these Government Regulations, the provisions regulating the activities of hunting shall be the Government Regulation No.13/1994 on Hunting.

Article 18

Paragraph (1)

Self-elucidating

Paragraph (2)

Trading of breeding results must be completed by marking or certification.

Article 19

Paragraph (1)

Meant by Legal Entity in this Government Regulation shall include the cooperatives.

Paragraph (2)

Meant by trade in limited scale is an activity to collect and sell the result of traditional hunting by using traditional appliance conducted by the community staying in and surrounding the hunting area and hunting park as referred to the Government Regulation No.13/1994 on Hunting.

Article 20

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 21

Meant by prevailing law regulation is the Law No.20/1997 on Non Tax State Revenues together with its implementation regulations.

Article 22

Self-elucidating

Article 23

Self-elucidating

Article 24

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 25

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 26

Self-elucidating

Article 27

Self-elucidating

Article 28

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 29

Self-elucidating

Article 30

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 31

Self-elucidating

Article 32

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 33

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 34

Wild flora of Raffles species as meant in this provision shall cover all species of Raffles Genus.

Article 35

Self-elucidating

Article 36

At the time of issuance of these Government Regulations, Government Regulation regulating concerning medicine plant cultivation shall be the Government Regulation No.44/1995 on Vegetation Seeding.

Article 37

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 38

Self-elucidating

Article 39

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

## Article 40

### Paragraph (1)

Self-elucidating

### Paragraph (2)

Self-elucidating

## Article 41

### Paragraph (1)

Self-elucidating

### Paragraph (2)

Self-elucidating

## Article 42

### Paragraph (1)

Self-elucidating

### Paragraph (2)

Self-elucidating

### Paragraph (3)

Self-elucidating

## Article 43

### Paragraph (1)

Self-elucidating

### Paragraph (2)

Obligations as referred to this paragraph is the consequence of global ecosystem unity principles, where this flora and fauna is an inseparable parts. In consequence, the international convention in relation with the wild flora and fauna such as CITES (Convention on International Trade In Endangered Species of Wild of Fauna and Flora) shall be included into which must get serious attention in stipulating the list of wild flora and fauna species classification.

Although the exploitation of wild flora and fauna species including not protected wild flora and fauna trade principally is justifiable, but the trade practice shall always comply with the larger importance that is "environmental conservancy"

both in the frame of creating balanced global ecosystem and micro ecosystem balance.

Therefore, the control of wild flora and fauna trade should always be adjusted with the provisions of international convention such as CITES, and also without forgetting the efforts of conservation conducted domestically. The success or failure of conservation efforts perhaps will have direct consequence to the population of flora and fauna, thereby, there is always a probability of certain wild flora and fauna change their status from "not protected" condition to be "protected" or reversal.

Then, the list pursuant to the classification "protected" and "not protected" in paragraph (1) of this article is always alterable according to the factual condition of the environment.

#### Article 44

##### Paragraph (1)

Self-elucidating

##### Paragraph (2)

Habitat area is an area naturally constituting a place, where a species existed, or life habitat of flora and fauna species to conserve its population.

##### Paragraph (3)

Self-elucidating

#### Article 45

At the time of issuance of these Government Regulations, the provisions regulating concerning hunting conducted by the local communities shall be the Government Regulation No.13/1994 on Hunting.

#### Article 46

Self-elucidating

#### Article 47

##### Paragraph (1)

Self-elucidating

##### Paragraph (2)

Self-elucidating

##### Paragraph (3)

Self-elucidating

Article 48

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 49

Self-elucidating

Article 50

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Paragraph (3)

Self-elucidating

Article 51

Self-elucidating

Article 52

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 53

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 54

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 55

Self-elucidating

Article 56

Paragraph (1), (2)

Self-elucidating

Article 57

Self-elucidating

Article 58

Paragraph (1) - (4)

Self-elucidating

Article 59

Paragraph (1) - (2)

Self-elucidating

Article 60

Paragraph (1) - (2)

Self-elucidating

Article 61

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 62

Self-elucidating

Article 63

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 64

Paragraph (1)

Self-elucidating

Paragraph (2)

Self-elucidating

Article 65

Management Authority and Scientific Authority in the frame of wild flora and fauna conservation shall also be included into the implementation of CITES.

Article 66

Paragraph (1)

Task implementation of the Management Authority by the Minister is as regulated in these Government Regulations.

Paragraph (2)

Self-elucidating

Article 67

Self-elucidating

Article 68

Self-elucidating

Article 69

Self-elucidating

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