

Indonesia

SEA profile

Updated to: 14 December 2023

For your information....

Strategic Environmental Assessment (SEA) in Indonesia

Strategic Environmental Assessment (SEA, or *Kajian Lingkungan Hidup Strategis* - KLHS), is becoming increasingly prominent in Indonesia following the promulgation of the 2016 Government Regulation No. 46, concerning the implementation procedures. Initially the SEA was carried out on a voluntary basis, but is now mandatory, and should precede the integration into a regional spatial and a medium-term development plan.

The Ministry of National Development Planning/National Development Planning Agency (PPN/Bappenas) started the preparations of the 2025-2045 National Long-Term Development Plan (RPJPN), with an SEA, to ensure sustainable development is properly integrated both at the regional and national level. At the regional level, the Regional Development Planning Agency (Bappeda) conducted an SEA for the Regional Spatial Planning Plan 2016-2036 and the Medium Term Development Plan 2018-2023.

SEA is carried out in an inclusive, participatory and transparent manner and involves several parties including ministries/agencies, the private sector, academics, and non-governmental organisations.

Overview SEA procedure

Article 16 of the Environmental Protection and Management Act (2009) mentions three steps of SEA:

- study the effects of a policy, plan and/or programme in relation to the environmental condition in a territory;
- the formulation of alternatives;
- recommendations for improvement of the policy, plan and/or programme.

Establishing context

Implementing SEA

Content of SEA report

According to the Environmental Protection and Management Act (2009), an SEA should contain assessments of the following:

- the environment's carrying capacity and accommodating capacity for development

- estimated environmental impacts and the risk they carry
- the ecosystem service performance
- efficiency of natural resource utilisation
- level of proneness and capacity for adaptation to climate change
- tenacity level and potentialities of biodiversity

Informing decision making

Follow-up

SEA practice

Background information

History of SEA

Since the mid-1990s, the introduction of SEA has been discussed in Indonesia. From 2001, SEA was trialled in various types of applications. From 2005, more systematic initiatives were taken to make SEA a structural part of planning practice in Indonesia. The Ministry of Environment (KLH, now the Ministry of Environment and Forestry, KLHK) and the National Development Planning Agency (Bappenas) collaborated with the Danish International Development Agency to develop and promote appropriate SEA approaches. This SEA momentum culminated in the adoption of the Environmental Protection and Management Law in 2009. This law makes SEA mandatory for a wide range of planning processes.

Legal framework

Enabling law

The Protection Environmental Protection and Management Law adopted in 2009, amended by Law No. 11 of 2020 on Job Creation (Omnibus Law). Jointly they are referred to as the Environmental Law.

National detailed regulation

The preparation of the SEA (KLHS) must be carried out in the process of preparing the 2025-2045 National Long-Term Development Plan (RPJPN), in accordance with the Law on Environmental Protection and Management (no.32/2009, specifically Article 15), and the Law on Procedures for Conducting Strategic Environmental Assessments (no.46/2016, specifically Article 2(a)).

Environmental and social assessments are conducted through an SEA in accordance with the MoEF Regulation No. P.69 of 2019 to ensure that the principle of sustainable development has become the basis and integrated in the development of a region and/or Policy, Plan and/or Programme.

Environmental Regulatory Framework

The latest change in environmental legislation dates back to 2020, in which year the 2009 Environmental

Protection and Management Law was amended by the Job Creation Law (JCL, also referred to as Omnibus Law). The government passed the Omnibus Law in recognition of the need to improve competitiveness, improve the investment climate, remove red tape and create new jobs. The JCL revised over 70 existing laws and provided a more "corporate-friendly" approach to environmental law, reflecting the government's desire to increase investment, particularly foreign direct investment. The COVID-19 pandemic increased the urgency of the reforms, and the parliament passed the JCL on October 5, 2020. The first set of implementing regulations (in the form of Government Regulations, *Peraturan Pemerintah* or PP, and Presidential Regulations, *Peraturan Presiden* or PerPres) were issued in February 2021 (Program Information Document, World Bank, 2023)

The Omnibus Law and 2009 Environmental Protection and Management Law are collectively referred to as the Environmental Law. In November 2021, the Supreme Court issued Decision No. 91/PUU-XVIII/2020 compelling the House of Representative to revise the contents of the Omnibus Law within two years from the date of issuance of the decision. It is still unknown if such revisions have taken place to date, and are not yet included on this website.

The new Environmental Law includes a general requirement for the government to prepare an environment protection and management plan (*rencana perlindungan dan pengelolaan Lingkungan Hidup* - RPPLH), as well as a strategic environmental study (*kajian lingkungan hidup strategis* - KLHS), that have climate change as an indicator. The RPPLH has not yet been issued. In relation to the KLHS, the government issued Government Regulation No. 46 of 2016 on the Procedure for the Implementation of the Strategic Environmental Study. Several regional governments have developed their KLHS (source: Environmental Law and Practice in Indonesia: Overview by Tunggul Purusa Utomo, Bachtiar Romadhoni, William Budijaya and Dimaz Sofwan, Assegaf Hamzah & Partners; August 2022)

Regulatory Authorities

ESIA falls under the responsibility of the Ministry of Environment and Forestry (MoEF). Regional governments can also take action against violations of environmental law in their respective regions, through regional environmental institutions. The Environmental Law does not assign a specific title to these regional environmental institutions. Generally, however, these regional institutions are referred to as the Environmental Office (*Dinas Lingkungan Hidup*) of each specific region. Generally, MoEF exercises control at the national level, while regional governments exercise control at the regional level and over specific aspects.

MoEF and the regional government can enforce the requirements of the Environmental Law and its implementing Regulations through the regional environmental institutions by, for instance:

- providing permits and approvals for business activities as required under the Environmental Law
- instituting protection policies
- supervising businesses' compliance with those requirements
- imposing administrative and/or criminal sanctions for breach of those requirements

Scope of application

SEA contains a series of systematic, comprehensive and participatory analyses to ascertain that the principles of sustainable development have become a basis and been integrated into the development of a region and/or policy, plan and programmes.

Institutional setting

Contact

Ministry for Environment and Forestry

A Building 6th Floor

Jl. D.I. Panjaitan Kav 24

Jakarta 13410

Phone: +62 21 8590 4925

website: <http://www.menlhk.go.id/index.php?idx=amdalnet>