

DECREE OF THE MINISTER OF ENERGY AND MINERAL RESOURCES
NUMBER 1603.K/40/MEM/2003
CONCERNING
GUIDELINES ON RESERVATION OF MINING AREAS

THE MINISTER OF ENERGY AND MINERAL RESOURCES

- Considering :
- a. that in order to implement the provisions in Articles 6 *arid* 9 of Government Regulation No. 25/2000 concerning the authority of provinces as autonomous regions, standards, norms, criteria, procedures and guidelines on the execution of public administration tasks in the general mining sector are needed;
 - b. that based on the consideration as meant in point a, and to prevent mining areas from overlapping, it is necessary to stipulate guidelines on reservation of mining areas in a decree of the Minister of Energy and Mineral Resources.
- In view of :
1. Law No. 11/1967 (State Gazette of 1967 No. 22, Additional State Gazette No. 2831);
 2. Law No. 22/1999 (State Gazette of 1999 No. 60, Additional State Gazette No. 3839);
 3. Government Regulation No. 10/2000 (State Gazette of 2000 No. 20, Additional State Gazette No. 3934);
 4. Government Regulation No. 25/2000 (State Gazette of 2000 No. 54, Additional State Gazette No. 3952);
 5. Government Regulation No. 75/2001 (State Gazette of 2001 No. 141, Additional State Gazette No. 4154);
 6. Government Regulation No. 45/2003 (State Gazette of 2003 No. 96, Additional State Gazette No. 4314);
 7. Decree of the Minister of Mining and Energy No. 134.K/2001/MPE/1996 dated March 20, 1996.

H A S D E C I D E D :

To stipulate : DECREE OF THE MINISTER OF ENERGY AND MINERAL RESOURCES
CONCERNING GUIDELINES ON RESERVATION OF MINING AREAS

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this decree as:

- a. Reservation of Mining Areas is a process of application and service for obtaining mining areas in the framework of applications for Mining Concession (KR), Working Contract (KK), Working Agreement on Coal Mining Exploration (PKP2B), Regional Mining License (SIPD) and Smallholder Mining License (SIPR).
- b. Mining Area is a mining business area stipulated in the form of KP, KK, PKP2B, SIPD and SIPR.
- c. Basic Map of Mining Area is the basic map as meant in Government Regulation No. 10/2000, accompanied by information on borders of mining areas.
- d. Map of Mining Area is a map containing data and information on borders of a mining area used as attachment to KR, KK, PKP2B, SIPD and SIPR.

CHAPTER II
BASIC PRINCIPLES OF RESERVATION OF MINING AREAS

Article 2

- (1) Service for reservation of mining area is done by using a nationally integrated mining area information system.
- (2) The mining area information system as meant in paragraph (1) aims at harmonizing:
 - a. coordinate system;
 - b. basic map of mining areas;
 - c. maps of mining areas;
 - d. procedures for reserving areas.

CHAPTER III
MINING AREA INFORMATION SYSTEM (SIWP)

Article 3

- (1) SIWP constitutes a mining area database system containing information on all mining areas, areas of ex-Preliminary Inquiry Permit (SIPP), KP, PKP2B, SIPD and SIPR, status of areas and general description of regional situation.

- (2) SIWP as meant in paragraph (1) is implemented by applying technology of a universal geographic information system (SIG).
- (3) Format of data needed in SIWP is as contained in Attachment I to this decree.

Article 4

- (1) Basic Map of Mining Areas is used as the basis for testing and mapping general mining business areas.
- (2) The basic map of mining areas as meant in paragraph (1) constitutes a digital map of SIWP referring to the landscape/topographic map and numbering system of national map sheets in an adequate scale.

Article 5

- (1) Mining areas must be restricted by lines parallel to latitude and longitude with a denominator of one tenth second (0.1") as well as using a geographic coordinate system.
- (2) Maps of mining areas must describe borders and size of mining areas, administrative location, date of issuance of map, kind of licensing/model of agreement, information on status of land as well as accompanied by list of coordinate of regional borders.
- (3) The regional situation mentioned in the basic map of mining area and maps of mining areas constitutes a general description of areas and borders of areas in force on the basic of the coordinates mentioned in the list of coordinates.

Article 6

- (1) The coordinate system of mining area mapping uses National Geodetic Datum 1995 (DGN-95) having the same value of parameter as the parameters of Ellipsoid World Geodetic System 1984 (EWSG84).
- (2) DGN-95 as meant in paragraph (1) is realized in the form of National Horizontal Control Network (JKHN) of zero order and its resolution frame.

CHAPTER IV
PROCEDURES FOR RESERVATION OF MINING AREAS

Article 7

- (1) Applications for reservation of mining areas are submitted to the Minister or governors or regents/mayors in accordance with their respective scopes of authority.

- (2) Service for reservation of mining area must apply the first application system already fulfilling requirement, securing first priority to obtain mining area (first come first served).

Article 8

Every application for reservation of mining area of KP, KK, PKP2b, SIPD, SIPR is submitted by using the form of application as contained in Attachment II to this decree.

Article 9

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority after receiving the applications as meant in Article 8 gives up evidence of receipt of application for reservation of mining areas to applicants with a copy made available to:
 - a. the minister, in the case of the area requested for reservation being located in inter-provincial region and sea territory outside 12 nautical miles;
 - b. governor, in the case of the area requested for reservation being located in inter-regency/city region and sea territory outside one-third and sea border of provincial region;
 - c. regent and mayor in the case of the area requested for reservation being located in regency/city and sea territory up to one third of the sea border of provincial region.
- (2) Minister or governor or regent/mayor conveys copy of receipt of application for reservation of areas as meant in paragraph (1) through e-mail, facsimile or other instruments not later than 1 x 24 hours after the receipt of application for reservation of area is given to the applicant.
- (3) Minister or governor or regent/mayor receiving the copy of receipt of application for reservation of area as meant in paragraph (2) must give response/opinion to the application in 5 (five) working days.
- (4) The form of receipt of application for reservation of mining area is as contained in Attachment III to this decree.

Article 10

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority processes applications for reservation of mining areas as meant in Article 9 on the basis of result of test of the requested mining areas.

- (2) In the case of overlapping in reservation of area between minister or governor or regent/mayor, the applicant first received and fulfilling the requirement has a priority right to have its legitimacy processed/recognized on the basis of the principles as meant in Article 7 paragraph (2).

Article 11

- (1) Minister or governor or regent/mayor in accordance with their respective scopes of authority approves or rejects application for reservation of mining areas as meant in Article 9 not later than 9 (nine) working days as from the granting of evidence of receipt of application for reservation of mining areas with a copy as meant in Article 9 paragraph (1).
- (2) In the case of the application for reservation of mining area being approved by minister or governor or regent/ mayor in accordance with their respective scopes of authority, the map of mining area as meant in Article 5 is given to the applicant.

Article 12

- (1) The applicant already securing approval of reservation of mining area as meant in Article 11 paragraph (2) is obliged to fulfill other requirements for obtaining KP or KK or PKP2B or SIPD or SIPR in accordance with the law in force.
- (2) In the case of the applicant not fulfilling the other requirements as meant in paragraph (1) in 5 (five) working days, reservation of mining area already approved is declared as area free and open for other applicants.

CHAPTER V
CONCLUSION

Article 13

The decree comes into force as from the date of stipulation.

Stipulated in Jakarta
On December 24, 2003
THE MINISTER OF ENERGY AND MINERAL RESOURCES

Signed

PURNOMO YUSGIANTORO

ATTACHMENT I

FORMAT OF DATA ON MINING AREA INFORMATION SYSTEM

No.	Items of Data	Remarks
1.	Code of region	
2.	Name of company	
3.	Address of company	
4.	Form of company	KP/KK/PKP2B/SIPD*)
5.	Kind of license/contract	
6.	No. of decision	
7.	Starting effective from:	
8.	Up to	
9.	Phase of activity	
10.	Size of area	
11.	Kind of mineral	
12.	Location of mining	Village/district
13.	Regency/city	
14.	Province	

*) pick up as required

THE MINISTER OF ENERGY AND MINERAL RESOURCES

Signed

PURNOMO YUSGIANTORO

ATTACHMENT III

EVIDENCE OF RECEIPT OF APPLICATION FOR RESERVATION OF AREA

Name of company :
Location (Province/Regency/City) :

To be completed by officer :
No. of registration :
Date/month/year of registration :
Time of service :
Attachment to List of coordinate :

	Longitude				Latitude				Notes
No.	0	'	"	E	0	'	"	N/S	

ATTACHMENT IV

FORM DECISION OF
THE MINISTER OR GOVERNOR OR REGENT/MAYOR*)
NO. _____
CONCERNING
APPROVAL OF RESERVATION OF MINING AREA
THE MINISTER/GOVERNOR/REGENT/MAYOR

Reading : Application _____ No. _____
date _____;

Considering : that the application for reservation of mining area has fulfilled the requirements as stipulated in the law in force.

In view of : 1. Decree of the Minister of Energy and Mineral Resources No. _____ date _____ concerning guidelines on reservation of mining area;
2. _____ so on

H A S D E C I D E D :

To stipulate :

FIRST : To approve reservation of mining area for minerals _____
To : _____
Address : _____

In the framework of obtaining KP or KPP or PKP2B or SIPD or SIPR*)
The list of coordinate is enclosed.

SECOND : The company must promptly fulfill the requirements and implement obligation in the period stipulated in the licensing to obtain KP or KK or PKP2B or SIPD or SIPR*) in accordance with the provisions of the laws in force.

THIRD : Reservation of mining area already approved as meant in Dictum First is declared null unless the company meets the requirements and obligations as meant in Dictum Second of this decree.

FOURTH : The decree comes into force as from the date of stipulation.

Stipulated in _____

On _____

For THE MINISTER/GOVERNOR/REGENT/MAYOR

*) pick up as required

THE MINISTER OF ENERGY AND MINERAL RESOURCES

Signed

PURNOMO YUSGIANTORO