

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 3 OF 2020
ON
AMENDMENT TO LAW NUMBER 4 OF 2009 ON MINERAL AND COAL MINING**

WITH THE GRACE OF GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that mineral and coal within the territory of the Unitary State of the Republic of Indonesia are non-renewable natural resources and assets which are the gift granted by the God Almighty, which have an important role and which fulfill the livelihood of many people that are controlled by the State to support sustainable national development in order to realize fair welfare and prosperity for the people;
- b. that the mineral and coal mining business activities have an important role in giving real added value to the growth of the national economy and sustainable regional development, in which implementation is still constrained by the authority between the Central Government and Regional Governments, licensing, protection of the affected community, mining data and information, supervision, and sanctions, which result in the organization of mineral and coal mining activities to be less effective and has not able to give optimal added value;
- c. that the regulation regarding mineral and coal mining that currently is regulated in Law Number 4 of 2009 on Mineral and Coal Mining has not been able to answer to the legal and organizational development, issues, and needs of mineral and coal mining, and therefore it has been deemed necessary for an amendment to be made so that it can be an effective, efficient, and comprehensive law in mineral and coal mining organization;
- d. that based on the considerations as referred to in letter a, letter b, and letter c, it has been deemed necessary to establish Law on Amendment to Law Number 4 of 2009 on Mineral and Coal Mining.

Observing:

1. Article 5 paragraph (1), Article 20, and Article 33 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 4959).

With the Agreement of:

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

HAS DECIDED:

To enact:

LAW ON AMENDMENT TO LAW NUMBER 4 OF 2009 ON MINERAL AND COAL MINING.

Article I

Several provisions under Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 4959) have been amended as follows:

1. Provisions under Article 1 number 1, number 6, number 17, number 19, number 20, number 21, number 31, number 34, number 36, number 37, number 38 are amended, number 8, number 9, number 12 and number 13 are removed, between number 6 and number 7 is inserted 3 (three) numbers, namely number 6a, 6b, and 6c, between number 13 and number 14 is inserted 4 (four) numbers, namely number 13a, 13b, 13c, and 13d, between number 14 and number 15, is inserted 1 (one) number, namely number 14a, between number 20 and number 21 is inserted 2 (two) numbers, namely number 20a and 20b, between number 23 and number 24, is inserted 1 (one) number, namely number 23a, between number 28 and number 29, is inserted 1 (one) number, namely number 28a, and between number 35 and number 36 is inserted 1 (one) number, namely number 35a, and therefore reads as follows:

“Article 1

Under this Law the following definitions are employed:

1. Mining is part or entire stages of activities in the framework of mineral or coal management and business which include general investigation, exploration, feasibility study, construction, mining, processing and/or refinery or development and/or utilization, transportation and sales, as well as post-mining activities.
2. Mineral is an inorganic compound created in nature, and which possesses specific physical and chemical characteristics as well as an arranged crystal composition or a combination of the above in the form of bitumen, either loose or solid.
3. Coal is an organic carbon sediment compound that is naturally formed from plant remains.
4. Mineral Mining is the Mining of a group of Mineral in the form of ores or rocks, other than geothermal, crude oil and natural gas, as well as groundwater.
5. Coal Mining is the Mining of carbon sediment contained within the earth, including solid bitumen, peat, and asphalt rock.
6. Mining Business is the activities in regards to Mineral and Coal commercialization which include the activity stages of general investigation, exploration, feasibility study, construction, mining, processing and/or refinery or development and/or utilization, transportation and sales, as well as post-mining.
- 6a. Contract of Work (Kontrak Karya), from this point onward is referred to as KK, is an agreement between the government and Indonesian incorporated entity to engage in Mineral Mining Business activities.
- 6b. Coal Contract of Work (Perjanjian Karya Pengusahaan Pertambangan Batubara) from this point onwards is referred to as PKP2B is the agreement between the government and Indonesian incorporated entity to engage in Coal Mining Business activities.

- 6c. Business Licensing is the legality granted to businesses to start and run their business and/or activities.
7. Mining Business License (Izin Usaha Pertambangan), from this point onwards is referred to as IUP, is the license to engage in Mining Business.
8. Is removed.
9. Is removed.
10. Community Mining License (Izin Pertambangan Rakyat), from this point onwards is referred to as IPR, is the license to engage in Mining Business within community mining area with limited size and investment.
11. Special Mining Business License (Izin Usaha Pertambangan Khusus), from this point onwards is referred to as IUPK, is the license to engage in Mining Business within special mining business license area.
12. Is removed.
13. Is removed.
- 13a. Rock Mining License (Surat Izin Penambangan Batuan), from this point onwards is referred to as SIPB, is the license granted to engage in Business License within special mining business license area.
- 13b. IUPK for the Continuation of Contract/Agreement Operation is the business license granted as an extension after the completion of Contract of Work or Coal Contract of Work.
- 13c. Transportation and Sales License is the business license granted to companies to buy, transport, and sell Mineral or Coal mining commodities.
- 13d. Mining Services Business License IUJP (Izin Usaha Jasa Pertambangan), from this point onwards is referred to as IUJP, is the business license granted to engage in main mining services business activities which are related to the stages and/or parts of mining business activities.
14. General Investigation is the stage in Mining activities to ascertain regional geological conditions and indications of mineralization.
- 14b. Investigation and Research is the activity to ascertain general geological conditions, indication data, research potential and/or Mineral and/or Coal reserve.
15. Exploration is the stage in Mining Business activities to obtain detailed and thorough information regarding the location, shape, dimension, spread, quality and measured resources of excavated materials, as well as information regarding the social environment and living environment.
16. Feasibility Study is the stage in Mining Business activities to obtain detailed information on all related aspects in order to determine the economic and technical feasibility of Mining Business, including an analysis of environmental impact as well as post-mining planning.
17. Production Operation is the stage in Mining Business activities which consists of construction, mining, processing and/or refinery or development and/or utilization, including transportation and sales, as well as the environmental impact control facilities in accordance with the results of the feasibility study.
18. Construction is the Mining Business activity to construct all production operation facilities, including the environmental impact control.

19. Mining is the activity to produce Mineral and/or Coal and the associated Mineral.
20. Processing is the effort to improve the quality of Mineral mining commodities to produce products with unchanged physical and chemical characteristics from the original mining commodities to be refined or to become industrial raw materials.
- 20a. Refinery is the effort to improve the quality of Mineral mining commodities through either physics or chemical processes as well as further refinement process to produce products with different physical and chemical characteristics from the original mining commodities until metal products as industrial raw materials.
- 20b. Development and/or Utilization is the effort to increase the quality of Coal with or without changing the physical and chemical characteristics of the original Coal.
21. Transportation is the Mining Business activity to transport Mineral and/or Coal from mining areas and/or Processing and/or Refinery locations to the delivery locations.
22. Sales are the Mining Business activity to sell the extracted Mineral or Coal.
23. Business Entity is any legal entity that operates within the Mining sector which is established based on Indonesian laws and is domiciled within the area of the Unitary State of the Republic of Indonesia.
- 23a. State-Owned Business Entity (Badan Usaha Milik Negara), from this point onwards is referred to as BUMN, is the BUMN that operates within the Mining sector in accordance with the provisions of the laws and regulations.
24. Mining Services are supporting services that are related to Mining Business activities.
25. Environmental Impact Analysis (Analisis Mengenai Dampak Lingkungan), from this point onwards is referred to as amdal is a study on great and important impacts of business and/or activities which are planned upon the environment and is required in the decision-making process on the organization of business and/or activities.
26. Reclamation is an activity which is conducted during the stage of Mining Business to arrange, restore, and improve the environment and ecosystem quality, so that it may function again in accordance with its designation.
27. Post-Mining Activities, from this point onwards are referred to as Post-Mining, are planned, systematic, and continuous activities after parts of or all Mining Business activities to restore natural environment functions and social functions according to local conditions within the entire Mining area.
28. Community Empowerment is an effort to increase the ability of the community, both individually and collectively, to make improvements to their living conditions.
- 28a. Mining Jurisdiction is the entirety of land space, sea space, including the space within the earth as one unit of area namely Indonesian archipelago, land under the waters, and continental shelf.
29. Mining Area (Wilayah Pertambangan), from this point onwards is referred to as WP, is an area that holds Mineral and/or Coal potential and one that is not linked to restrictions of government administration and represents a part of the national spatial plan.
30. Mining Business Area (Wilayah Usaha Pertambangan), from this point onwards is referred to as WUP, is the part of WP for which geological data, potential, and/or information have been made available.
31. Mining Business License Area (Wilayah Izin Usaha Pertambangan), from this point onwards is

referred to as WIUP, is the area granted to IUP holders or SIPB holders.

32. Community Mining Area (Wilayah Pertambangan Rakyat), from this point onwards is referred to as WPR, is the part of WP in which community Mining Business activities are undertaken.
33. State Reserved Area (Wilayah Pencadangan Negara), from this point onwards is referred to as WPN, is the part of WP reserved for national strategic interests.
34. Special Mining Business Area (Wilayah Usaha Pertambangan Khusus), from this point onwards is referred to as WUPK, is the area for which geolical data, potential, and/or information have been made available that can be commercialized for national strategic interests.
35. Special Mining Business License Area within WUPK (Wilayah Izin Usaha Pertambangan Khusus dalam WUPK), from this point onwards is referred to as WIUPK, is the area granted to IUPK holders.
- 35a. Every Person is any individual or corporate, both incorporated and unincorporated.
36. Central Government is the President of the Republic of Indonesia who holds governing power over the Republic of Indonesia who is assisted by the Vice President and Minister as referred to in the 1945 Constitution of the Republic of Indonesia.
37. Regional Government is the head of a region as an organizing element of regional governance which leads the implementation of government affairs under the authority of the autonomous region.
38. Minister is the minister who organizes government affairs in the Mineral and Coal Mining sector.”

2. Provisions under Article 4 have been amended and therefore reads as follows:

“Article 4

- (1) Mineral and Coal as non-renewable natural resources shall constitute national assets controlled by the state for the maximum welfare of the people.
- (2) The control of Mineral and Coal by the state as referred to in paragraph (1) shall be implemented by the Central Government in accordance with the provisions of this Law.
- (3) The control as referred to in paragraph (2) shall be implemented through policy, regulation, administration, management, and supervision.”

3. Provisions under Article 5 have been amended and therefore reads as follows:

“Article 5

- (1) For national interests, the Central Government, after consulting with the House of Representative of the Republic of Indonesia, shall determine national policy on the prioritizing of Mineral and/or Coal for domestic interests.
- (2) In order to implement national interests as referred to in paragraph (1), Central Government is authorized to determine the amount of production, Sales, and price of metal Mineral, certain types of non-metal Mineral, or Coal.
- (3) Further provisions regarding the prioritizing of Mineral and/or Coal for national interests as referred to in paragraph (1) and determination of the number of productions, Sales, and prices of metal Mineral, certain types of non-metal Mineral, or Coal as referred to in paragraph (2) shall be regulated by or based on Regulation of the Government.”

4. Provision under paragraph (1) of Article 6 has been amended and therefore Article 6 reads as follows:

“Article 6

- (1) Central Government in managing the Mineral and Coal Mining, is authorized to:
- a. stipulate the national Mineral and Coal management plan;
 - b. stipulate the national Mineral and Coal policy;
 - c. stipulate the laws and regulations;
 - d. stipulate national standards, guidelines, and criteria;
 - e. conduct Mining Investigation and Research in all Mining Jurisdiction;
 - f. determine WP after decided by provincial Regional Government in accordance with their authority and consulting with the House of Representative of the Republic of Indonesia;
 - g. determine WIUP for metal Mineral and WIUP for Coal;
 - h. determine WIUP for non-metal Mineral and WIUP for rocks;
 - i. determine WIUPK;
 - j. carry out WIUPK offers on a priority basis;
 - k. issue Business Licensing;
 - l. guide and supervise the Mineral and Coal Mining Business activities conducted by Business License holders;
 - m. stipulate production, supervision, utilization, and conservation policies;
 - n. stipulate cooperation, partnership, and Community Empowerment policies;
 - o. manage and stipulate the non-tax state revenue from Mineral and Coal Mining Business;
 - p. manage geological information, Mineral and Coal resources potential information, as well as Mining information;
 - q. guide and supervise the Reclamation and Post-Mining;
 - r. prepare national-level Mineral and Coal resources balance;
 - s. develop and increase the added-value of Mining Business;
 - t. increase the ability of Central Government and provincial Regional Government apparatuses in managing the Mining Business.
 - u. stipulate the benchmark price for metal Mineral, certain type of non-metal Mineral, Radioactive Mineral, and Coal;
 - v. conduct mine inspector management; and
 - w. conduct Mining supervising official management;
- (2) Authorities of the Central Government as referred to in paragraph (1) shall be implemented in accordance with the provisions of the laws and regulations.
- (3) Central Government shall determine investment value limit or share ownership percentage of foreign investment business entities engaging in the mining sector.”

5. Provisions of Article 7 are removed.

6. Provisions of Article 8 are removed.
7. Between ARTICLE IV and ARTICLE V is inserted 1 (one) chapter, namely CHAPTER IVA which reads as follow:

**“CHAPTER IVA
MINERAL AND COAL MANAGEMENT PLAN”**

8. Between Article 8 and Article 9 is inserted 2 (two) articles, namely Article 8A and Article 8B which read as follows:

“Article 8A

- (1) Minister shall establish a systematic, integrated, orderly, thorough, transparent, and accountable national Mineral and Coal management plan.
- (2) National Mineral and Coal management plan as referred to in paragraph (1) shall be prepared by taking into consideration:
 - a. carrying capacity of the natural resources and environment based on basic and thematic geospatial data and information;
 - b. environment preservation;
 - c. regional spatial plan and/or zonation plan;
 - d. science and technology development;
 - e. economic growth level;
 - f. mining commodities provision priority;
 - g. number and size of WP;
 - h. availability of mining area;
 - i. amount of Mineral and Coal resources/reserves; and
 - j. availability of facilities and infrastructures.
- (3) National Mineral and Coal management plan as referred to in paragraph (1) shall be adjusted to:
 - a. national development plan; and
 - b. regional development plan.
- (4) National Mineral and Coal management plan as referred to in paragraph (1) shall be the guideline for the management of Mineral and Coal.

Article 8B

- (1) National Mineral and Coal management plan as referred to in Article 8A shall at least contain the strategy and policy in the Mineral and Coal Mining sector.
- (2) National Mineral and Coal management plan as referred to in Article 8A must be integrated into the national long-term development plan and medium-term development plan.

- (3) National Mineral and Coal management plan as referred to in Article 8A shall be established for 5 (five) years period and may be reviewed once in 5 (five) years.”

9. Provisions of Article 9 have been amended and therefore reads as follows:

“Article 9

- (1) WP as a part of Mining Jurisdiction shall be the basis for the determination of Mining Business activities.
- (2) WP as referred to in paragraph (1) shall be determined by the Central Government after decided by provincial Regional Government in accordance with their authorities and consulting with the House of Representative of the Republic of Indonesia.”

10. Provisions of Article 10 have been amended and therefore reads as follows:

“Article 10

- (1) WP determination as referred to in Article 9 paragraph (2) shall consist of:
 - a. WUP;
 - b. WPR;
 - c. WPN; and
 - d. WUPK.
- (2) WP determination as referred to in Article 9 paragraph (2) shall be undertaken:
 - a. in transparent, participative, and responsible manner;
 - b. in an integrated manner by referring to the opinion from related government institutions, affected community, and taking into consideration the ecology, economic, human rights, and socio-cultural aspects, as well as environmentally friendly; and
 - c. by taking into consideration regional aspirations.”

11. Provisions of Article 11 have been amended and therefore reads as follows:

“Article 11

Minister carry out the Investigation and Research in the framework of WP preparation.”

12. Provisions of Article 13 are removed.

13. Provisions of Article 14 are removed.

14. Between Article 14 and Article 15 is inserted 1 (one) article, namely Article 14A which reads as follows:

“Article 14A

Areas within WP that may be decided as WUP shall fulfill the following criteria:

- a. contains a distribution of bearer rock (batuan pembawa) formation, indication data, resources data, and/or Mineral and/or Coal reserve data;
- b. contain 1 (one) or more types of Mineral including its associated Mineral and/or Coal;
- c. does not overlap with WPR, WPN, and/or WUPK;
- d. is an area that can be utilized for Mining activities sustainably;
- e. is an ex-IUP area that has expired or revoked; and/or
- f. is an area resulting from the narrowing or recovery of IUP area.”

15. Provisions of Article 15 are removed.

16. Provisions of Article 17 have been amended and therefore reads as follows:

“Article 17

- (1) Size and boundary of WIUP for metal Mineral and WIUP for Coal shall be determined by the Minister after decided by governors.
- (2) Size and boundary of WIUP for metal Mineral and WIUP for Coal located in the sea area shall be determined by the Minister after coordinating with the relevant institutions.
- (3) Determination of the size and boundary of WIUP for metal Mineral and WIUP for Coal as referred to in paragraph (1) and paragraph (2), shall fulfill the following criteria:
 - a. metal Mineral or Coal resources data are available; and/or
 - b. metal Mineral or Coal reserves data are available.
- (4) In addition to the criteria as referred to in paragraph (4) the Minister shall determine WIUP for metal Mineral and WIUP for Coal based on the following considerations:
 - a. availability of reserves;
 - b. capability of national production; and/or
 - c. fulfillment of domestic needs.
- (5) In the event that WIUP for metal Mineral and WIUP for Coal has been determined by the Minister, the utilization of the resources potential contained within shall be prioritized for Mining Business activities.”

17. Between Article 17 and Article 18 is inserted 2 (two) articles, namely Article 17A and Article 17B which read as follows:

“Article 17A

- (1) Determination of WIUP as referred to in Article 17 shall be undertaken after the criteria of space and area utilization for Mining Business activities in accordance with the provisions of the laws and regulations are fulfilled.
- (2) Central Government and Regional Government shall guarantee that there will be no change to the space and area utilization as referred to in paragraph (1) in the WIUP that has been determined.
- (3) Central Government and Regional Government shall guarantee the issuance of other licensing required for the operation of Mining Business activities in the WIUP that has been determined so

long that the requirements in accordance with the provisions of the laws and regulations are met.

Article 17B

- (1) Minister may assign an assignment to the state research institute, BUMN, regional-owned business entities, or Business Entity to carry out Investigation and Research for the preparation of WIUP for metal Mineral and WIUP for Coal.
- (2) Size and boundary for the assignment area as referred to in paragraph (1) shall be determined by the Minister.
- (3) BUMN, regional-owned business entities, or Business Entity that are assigned an assignment as referred to in paragraph (1) and its assignment area shall be determined as WIUP, which have rights equal to the offer in WIUP tender.
- (4) Further provisions regarding the assignment by the Minister as referred to in paragraph (1) shall be regulated by or based on Regulation of the Government.”

18. Provisions of Article 18 have been amended and therefore reads as follows:

“Article 18

- (1) Determination of the size and boundary of WIUP for metal Mineral and WIUP for Coal as referred to in Article 17 shall take into consideration:
 - a. national Mineral and Coal management plan;
 - b. availability of data on Mineral or Coal resources and/or reserves; and
 - c. status of the region.
- (2) The data on Mineral or Coal resources and/or reserves as referred to in paragraph (1) letter b shall be from:
 - a. the result of Investigation and Research activities undertaken by the Minister;
 - b. the result of the evaluation regarding WIUP for metal Mineral and WIUP for Coal that is recovered or narrowed by IUP holders; and/or
 - c. the result of evaluation to the WIUP for metal Mineral and WIUP for Coal which IUP is expired or revoked.”

19. Provisions of Article 21 are removed.

20. Provisions of Article 22 have been amended and therefore reads as follows:

“Article 22

Area within WP that may be determined as WPR shall fulfill the following criteria:

- a. have secondary Mineral reserves contained in rivers and/or between banks and riverbanks;
- b. have primary metal Mineral reserves with a maximum depth of 100 (one hundred) meter;
- c. terrace sediment, flood plain, and prehistoric river sediment;
- d. maximum WPR area is 100 (one hundred) hectare;

- e. mention the type of commodity that will be mined; and/or
- f. fulfill the criteria of space and area utilization for Mining Business activities in accordance with the provisions of the laws and regulations.”

21. Between Article 22 and 23 is inserted 1 (one) article, namely Article 22A which reads as follows:

“Article 22A

Central Government and Regional Government shall guarantee that there will be no change to space and area utilization in the WPR that has been determined.”

22. Provisions of Article 27 have been amended paragraph (1) and paragraph (3) are removed, paragraph (2) and paragraph (4) have been amended and therefore Article 27 reads as follows:

“Article 27

- (1) Is removed.
- (2) Part or all areas of WPN may be commercially operated with the approval from the House of Representatives of the Republic of Indonesia.
- (3) Is removed.
- (4) WPN that is commercially operated as referred to in paragraph (2) shall change status into WUPK.”

23. Between Article 27 and Article 28 is inserted 1 (one) article, namely Article 27A which reads as follows:

“Article 27A

Areas within WP that may be determined as WPN shall fulfill the following criteria:

- a. contains a formation of metal Mineral and/or Coal-bearing rocks based on geological map/data;
- b. have metal Mineral and/or Coal resources and/or reserves;
- c. for metal Mineral and/or Coal conservation purpose; and/or
- d. for conservational purpose in order to maintain ecosystem and environmental balance.”

24. Provisions of Article 28 have been amended and therefore reads as follows:

“Article 28

- (1) The change of WPN status as referred to in Article 27 paragraph (2) and paragraph (4) into WUPK may be undertaken by taking into consideration:
 - a. the fulfillment of domestic industrial raw materials and energy;
 - b. the source of state’s foreign exchange;
 - c. the potential to be developed as economic growth center;
 - d. the change of region’s status; and/or
 - e. the use of high-technologies and large investment capital.
- (2) Area that may be determined as WUPK as referred to in paragraph (1) may come from:

- a. ex-WIUP that, based on the evaluation by the Minister, is deemed necessary to be determined as WUPK; or
- b. ex-WIUPK, KK area, or PKP2B that, based on the evaluation by the Minister, is deemed necessary to be determined as WUPK.”

25. Between Article 31 and Article 32 is inserted 1 (one) article, namely Article 31A which reads as follows:

“Article 31A

- (1) Determination of WIUPK as referred to in Article 31 shall be implemented after the fulfilling the following criteria:
 - a. space and area utilization for Mining Business activities in accordance with the provisions of the laws and regulations;
 - b. availability of reserves;
 - c. capability of national production; and/or
 - d. fulfillment of domestic needs.
- (2) Central Government and Regional Government shall guarantee that there will be no change to the space and area utilization in WIUPK that has been determined as referred to in paragraph (1).
- (3) Central Government and Regional Government shall guarantee the issuance of other licensing required for the operation of Mining Business activities in the WIUPK that has been determined so long that the requirements in accordance with the provisions of the laws and regulations are met.”

26. Provisions of Article 35 have been amended and therefore reads as follows:

“Article 35

- (1) Mining Business shall be operated based on Business Licensing from the Central Government.
- (2) Business Licensing as referred to in paragraph (1) shall be implemented through the issuance of:
 - a. business identification number;
 - b. standard certification; and/or
 - c. licenses.
- (3) Licenses as referred to in paragraph (2) letter consist of:
 - a. IUP;
 - b. IUPK;
 - c. IUPK for the Continuation of Contract/Agreement Operation;
 - d. IPR;
 - e. SIPB;
 - f. Assignment License;
 - g. Transportation and Sales License;
 - h. Mining Services Business License; and
 - i. Mining for Sales Business License;

- (4) Central Government may delegate the authority to issue Business Licensing as referred to in paragraph (2) to the provincial Regional Government in accordance with the laws and regulations.”

27. Provision of paragraph (1) letter b is amended and therefore Article 36 reads as follows:

“Article 36

- (1) IUP consist of 2 stages of activities:
- a. Exploration which includes General Investigation, Exploration, and Feasibility Study;
 - b. Production Operation which includes Construction, Mining, processing and/or refinery or development and/or utilization, as well as Transportation and Sales.
- (2) Holders of IUP may carry out parts or all mining business activities as referred to in paragraph (1) in accordance with the provisions of the laws and regulations.”

28. Between Article 36 and Article 37 is inserted 1 (one) article, namely Article 36A which reads as follows:

“Article 36A

For the purpose of Mineral and Coal conservation, holders of IUP or IUPK for Production Operation stage must carry out advanced Exploration activities every year and to prepare the budget.”

29. Provisions of Article 37 are removed.

30. Provision under letter c of Article 38 has been amended and therefore Article 38 reads as follows:

“Article 38

IUP is granted to:

- a. Business Entity;
- b. cooperatives; or
- c. individual company.”

31. Provisions of Article 39 have been amended and therefore reads as follows:

“Article 39

IUP as referred to in Article 36 paragraph (1) shall at least contain:

- a. company profile;
- b. location and size of the area;
- c. types of commodities to be commercialized;
- d. obligation to place a guarantee of seriousness on Exploration;
- e. working capital;
- f. validity period of IUP;
- g. rights and obligations of IUP holders;

- h. IUP extension;
- i. obligation to settle land rights;
- j. obligation to pay state income and regional income, including the obligation of fixed premium and production premium;
- k. obligation to carry out Reclamation and Post-Mining;
- l. obligation to prepare environmental documents; and
- m. obligation to carry out Development and Empowerment of communities around WIUP.”

32. Provisions of Article 40 have been amended and therefore reads as follows:

“Article 40

- (1) IUP as referred to in Article 36 paragraph (1) shall be granted for 1 (one) type of Mineral or Coal;
- (2) Holders of IUP as referred to in paragraph (1) may have more than 1 (one) IUP and/or IUPK.
- (3) Provision as referred to in paragraph (2) only applies to:
 - a. IUP/IUPK owned by BUMN; or
 - b. IUP for non-metal and/or rock Mineral commodities.
- (4) IUP holders that found other mining commodities in the WIUP that they managed shall be prioritized to commercialize it.
- (5) IUP holders intending to commercialize other mining commodities as referred to in paragraph (4), shall submit new IUP application to the Minister.
- (6) IUP holders as referred to in paragraph (4) may state no interest to commercialize the other mining commodities that they found.
- (7) IUP for other mining commodities as referred to in paragraph (5) and paragraph (6) may be granted to other parties by the Minister.
- (8) Further provisions regarding the criteria for the ownership of more than 1 (one) IUP and granting of commercialization priorities shall be regulated by or based on Regulation of the Government.”

33. Provisions of Article 42 have been amended and therefore Article 42 reads as follows:

“Article 42

The period for Exploration activities as referred to in Article 36 paragraph (1) letter a shall be granted for:

- a. 8 (eight) years for metal Mineral Mining;
- b. 3 (three) years for non-metal Mineral Mining;
- c. 7 (seven) years for certain type of non-metal Mineral Mining;
- d. 3 (three) years for rock Mining; or
- e. 7 (seven) years for coal Mining.”

34. Between Article 42 and Article 43 is inserted 1 (one) article, namely Article 42A which reads as follows:

“Article 42A

- (1) The period for Exploration activities as referred to in Article 42 letter a and letter e may be extended for 1 (one) year for every extension after the requirement is fulfilled.
- (2) Further provisions regarding the granting of the extension of Exploration activities' period as referred to in paragraph (1) shall be regulated by or based on Regulation of the Government.”

35. Article 43 is removed.

36. Provisions of Article 44 are removed.

37. Provisions of Article 45 are removed.

38. Provisions of Article 46 have been amended and therefore Article 46 reads as follows:

“Article 46

- (1) Holders of IUP that have completed the Exploration activities shall be guaranteed to be able to conduct Production Operation as the follow up of their mining business activities.
- (2) Holders of IUP, prior to conducting Production Operation as referred to in paragraph (1) must fulfill administrative requirements, technical requirements, environmental requirements, and financial requirements.
- (3) Further provisions regarding the requirements to conduct Production Operation activities shall be regulated by Regulation of the Government.”

39. Provisions of Article 46 have been amended and therefore reads as follows:

“Article 47

Period for Production Operation activities as referred to in Article 36 paragraph (1) letter b shall be granted under the following provisions:

- a. for metal Mineral Mining, maximum 20 (twenty) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations;
- b. for non-metal Mineral Mining, maximum 10 (ten) years and guaranteed to obtain extension 2 (two) times for 5 (five) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations;
- c. for certain types of non-Metal Mineral, maximum 20 (twenty) years and guaranteed to obtain extension 2 (two) times for 5 (five) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations;
- d. for rock mining, maximum 5 (five) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations.
- e. for Coal Mining, maximum 20 (twenty) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the fulfilling requirements in accordance with the provisions of the laws

and regulations.

- f. for metal Mineral Mining integrated with processing and/or refinery facilities, maximum 30 (thirty) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations.
- g. for Coal Mining integrated with Development and/or utilization activities, maximum 30 (thirty) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the fulfilling requirements in accordance with the provisions of the laws and regulations.”

40. Provisions of Article 48 are removed.

41. Provisions of Article 51 have been amended and therefore reads as follows:

“Article 51

- (1) WIUP for metal Mineral shall be granted to Business Entity, cooperatives, or individual company through tender.
- (2) Tender on WIUP for metal Mineral as referred to in paragraph (1) shall be carried out by taking into consideration:
 - a. size of the WIUP for metal mineral to be put up for tender;
 - b. administrative/management ability;
 - c. technical and environment management ability; and
 - d. financial ability.
- (3) Further provisions regarding tender on WIUP for metal Mineral shall be regulated by or based on Regulation of the Government.”

42. Provisions of Article 52 have been amended and therefore reads as follows:

“Article 52

- (1) Holders of IUP on the stage of metal Mineral Exploration activities shall be granted WIUP with a maximum area of 100.000 (one hundred thousand) hectare.
- (2) IUP for the commercialization of other mining commodities with different occurrences that are available within the area that has been granted IUP for metal Mineral may be granted to other parties.
- (3) The granting of IUP as referred to in paragraph (2) shall be carried out after an approval is obtained from the first IUP holder.
- (4) In the event that there is no other party to commercialize the other mining commodities with different occurrences as referred to paragraph (2), the IUP holders as referred to in paragraph (1) must obtain IUP to commercialize the other mining commodities with different occurrence as referred to paragraph (2).”

43. Provision of Article 54 has been amended and therefore reads as follows:

“Article 54

WIUP for non-metal Mineral shall be granted to Business Entity, cooperatives, or individual company by way of area application to the Minister.”

44. Provisions of Article 55 have been amended and therefore reads as follows:

“Article 55

- (1) Holders of IUP on the stage of non-metal Mineral Exploration activities shall be granted WIUP with a maximum area of 25.000 (twenty-five thousand) hectare.
- (2) IUP for the commercialization of other non-metal Mineral or rock commodities with different occurrences that are available within the area that has been granted IUP for non-metal Mineral or rock may be granted to other parties.
- (3) The granting of IUP as referred to in paragraph (2) shall be carried out after approval is obtained from the first IUP holder.
- (4) In the event that there is no other party to commercialize the other non-metal Mineral or rock commodities with different occurrences as referred to paragraph (2), the IUP holders as referred to in paragraph (1) must obtain IUP to commercialize the other non-metal Mineral or rock with different occurrence as referred to paragraph (2).”

45. Provision of Article 57 has been amended and therefore reads as follows:

“Article 57

WIUP for rocks shall be granted to Business Entity, cooperatives, or individual company by way of area application to the Minister.”

46. Provisions of Article 58 have been amended and therefore reads as follows:

“Article 58

- (1) Holders of IUP on the stage of rock Exploration activities shall be granted WIUP with a maximum area of 5.000 (five thousand) hectare.
- (2) IUP for the commercialization of other non-metal Mineral or rock commodities with different occurrences that are available within the area that has been granted IUP for rocks may be granted to other parties.
- (3) The granting of IUP as referred to in paragraph (2) shall be carried out after approval is obtained from the first IUP holder.
- (4) In the event that there is no other party to commercialize the other non-metal Mineral or rock commodities with different occurrences as referred to paragraph (2), the IUP holders as referred to in paragraph (1) must obtain IUP to commercialize the other non-metal Mineral or rock with different occurrence as referred to paragraph (2).”

47. Provisions of Article 60 have been amended and therefore reads as follows:

“Article 60

- (1) WIUP for Coal shall be granted to Business Entity, cooperatives, or individual companies through tender.

- (2) Tender on WIUP for Coal as referred to in paragraph (1) shall be carried out by taking into consideration:
 - a. size of the WIUP for Coal to be put up for tender;
 - b. administrative/management ability;
 - c. technical and environment management ability; and
 - d. financial ability.
- (3) Further provisions regarding tender on WIUP for Coal shall be regulated by or based on Regulation of the Government.”

48. Provisions of Article 61 have been amended and therefore reads as follows:

“Article 61

- (1) Holders of IUP on the stage of Coal Exploration activities shall be granted WIUP with a maximum area of 50.000 (fifty thousand) hectare.
- (2) IUP for the commercialization of other mining commodities with different occurrences that are available within the area that has been granted IUP for Coal may be granted to other parties.
- (3) The granting of IUP as referred to in paragraph (2) shall be carried out after approval is obtained from the first IUP holder.
- (4) In the event that there is no other party to commercialize the other mining commodities with different occurrences as referred to paragraph (2), the IUP holders as referred to in paragraph (1) must obtain IUP to commercialize the other mining commodities with different occurrence as referred to paragraph (2).”

49. Between Article 62 and Article 63 is inserted 1 (one) Article, namely Article 62A which reads as follows:

“Article 62A

- (1) For the conservation of Mineral and Coal, holders of IUP for Production Operation stage of metal Mineral or Coal may submit an application for WIUP expansion approval to the Minister.
- (2) Further provisions regarding WIUP expansion as referred to in paragraph (1) shall be regulated by or based on Regulation of the Government.”

50. Provision under paragraph (1) of Article 65 is amended and therefore Article 65 reads as follows:

“Article 65

- (1) Business Entity, cooperatives and individual company as referred to in Article 51, Article 54, Article 57, and Article 60 that undertake Mining Business must fulfill the administrative requirements, technical requirements, environmental requirements, and financial requirements.
- (2) Further provisions regarding administrative requirements, technical requirements, environmental requirements, and financial requirements as referred to in paragraph (1) shall be regulated by Regulation of the Government.”

51. Provision under letter d of Article 66 is removed and therefore Article 66 reads as follows:

“Article 66

Community Mining activities as referred to in Article 20 shall be categorized into:

- a. metal Mineral Mining;
- b. non-metal Mineral Mining; or
- c. rock Mining.”

52. Provisions of Article 67 have been amended and therefore reads as follows:

“Article 67

- (1) IPR shall be granted by the Minister to:
 - a. individuals who are local people; or
 - b. cooperatives whose members are local people.
- (2) In order to obtain IPR as referred to in paragraph (1), the applicant shall submit an application to the Minister.
- (3) Further provisions regarding IPR shall be regulated by Regulation of the Government.”

53. Provisions of Article 68 have been amended and therefore reads as follows:

“Article 68

- (1) The size of an area for 1 (one) IPR that can be granted to:
 - a. individuals, shall be maximum 5 (five) hectare;
 - b. cooperatives, shall be maximum 10 (ten) hectare.
- (2) IPR shall be granted for a maximum period of 10 (ten) years and may be extended 2 (two) times for 5 (five) years each.”

54. Provisions of Article 70 have been amended and therefore reads as follows:

“Article 70

Holders of IPR must:

- a. carry out Mining activities in no later than 3 (three) months after the IPR is issued;
- b. comply with the laws and regulations in Mining safety sector, environmental management, and met the applicable standard;
- c. manage the environment along with the Minister;
- d. pay community Mining premium; and
- e. submit community Mining Business implementation report periodically to the Minister.”

55. Between Article 70 and Article 71 is inserted 1 (one) article, namely Article 70A which reads as follows:

“Article 70A

Holders of IUP are prohibited from transferring their IPR to other parties.”

56. Provisions of Article 72 have been amended and therefore reads as follows:

“Article 72

Further provisions regarding the procedures and requirements for the granting of IPR shall be regulated by or based on Regulation of the Government.”

57. Provisions of Article 73 have been amended and therefore reads as follows:

“Article 73

- (1) The Minister shall undertake guidance in the business, Mining technologies, as well as capitalization and marketing sectors in the effort to improve IPR ability.
- (2) The Minister is responsible for the implementation of technical principle in the IPR which include:
 - a. Mining safety; and
 - b. environmental management including Reclamation and Post-Mining.”

58. Provisions of Article 75 have been amended and therefore reads as follows:

“Article 75

- (1) The granting of IUPK as referred to in Article 74 paragraph (1) shall be conducted based on the considerations as referred to in Article 28.
- (2) IUPK as referred to in paragraph (1) may be granted to BUMN, regional-owned business entity, or private-owned Business Entity.
- (3) BUMN and regional-owned business entity as referred to in paragraph (2) shall be prioritized to obtain IUPK.
- (4) Private Business Entity as referred to in paragraph (2) shall obtain IUPK by way of tender.
- (5) WIUPK tender as referred to in paragraph (4) shall be undertaken by the Minister and carried out by taking into considerations:
 - a. size of the WIUPK to be put up for tender;
 - b. administrative/management ability;
 - c. technical and environment management ability; and
 - d. financial ability.
- (6) Further provisions regarding the tender as referred to in paragraph (4) shall be regulated by or based on Regulation of the Minister.”

59. Provisions of Article 81 are removed.

60. Provisions of Article 82 are removed.

61. Provisions of Article 83 have been amended and therefore reads as follows:

“Article 83

Requirements for the area size and period in accordance with the Mining Business groups which are applicable for IUPK holders include:

- a. the area for 1 (one) WIUPK for metal Mineral Mining Exploration stage shall be a maximum of 100.000 (one hundred thousand) hectare;
- b. the area for 1 (one) WIUPK for Coal Mining Exploration stage shall be a maximum of 50.000 (fifty thousand) hectare;
- c. the area for 1 (one) WIUPK for metal Mineral or Coal Mining Production Operation stage shall be granted based on the result of evaluation by the Minister on the development plan of all areas proposed by IUPK holders;
- d. period for metal Mineral Mining Exploration stage shall be 8 (eight) years;
- e. period for Coal Mining Exploration stage shall be 7 (seven) years;
- f. period for metal Mineral or Coal Mining Production Operation stage shall be a maximum of 20 (twenty) years and guaranteed to obtain extension 2 (two) times for 10 (ten) years each after the requirements in accordance with the provisions of the laws and regulations are fulfilled;
- g. period for metal Mineral Mining Production Operation integrated with processing and/or refinery facilities shall be 30 (thirty) years and guaranteed to obtain a 10 (ten) years extension for each extension after the requirements in accordance with the provisions of the laws and regulations are fulfilled;
- h. period for metal Mineral Mining Production Operation integrated with Coal Development and/or Utilization activities shall be 30 (thirty) years and guaranteed to obtain 10 (ten) years extension for each extension after the requirements in accordance with the provisions of the laws and regulations are fulfilled.”

62. Between Article 83 and Article 84 is inserted 2 (two) articles, namely Article 83A and Article 83B which read as follows:

“Article 83A

- (1) Period for Exploration activities as referred to in Article 83 letter d and letter e may be granted an extension of 1 (one) year for each extension after the requirements are fulfilled.
- (2) Further provisions regarding the granting of Exploration period extension as referred to in paragraph (1) shall be regulated by Regulation of the Government.

Article 83B

- (1) For the conservation of Mineral and Coal, holders of IUPK for the metal Mineral or Coal Production Operation stage may submit WIUPK expansion approval application to the Minister.
- (2) Further provisions regarding the WIUPK expansion as referred to in paragraph (1) shall be regulated by or based on Regulation of the Government.”

63. Between CHAPTER XI and CHAPTER XII is inserted 1 (one) chapter, namely chapter XIA which reads as follows:

**“Article XIA
ROCK MINING LICENSE”**

64. Between Article 86 and Article 87 is inserted 8 (eight) articles, namely Article 86A, Article 86B, Article 86C, Article 86D, Article 86E, Article 86F, Article 86G, and Article 86H which read as follows:

“Article 86A

- (1) SIPB shall be granted for the commercialization of certain types of rocks or for certain needs.
- (2) SIPB as referred to in paragraph (1) may be issued to:
 - a. regional-owned business entities/village-owned business entities;
 - b. private-owned business entities for domestic investment;
 - c. cooperatives; or
 - d. individual companies.
- (3) Further provisions regarding certain types of rocks or for certain needs as referred to in paragraph (1) shall be regulated by or based on Regulation of the Government.
- (4) SIPB as referred to in paragraph (1) is granted by the Minister based on application from the regional-owned business entities/village-owned business entities, private-owned Business Entity for domestic investment, cooperatives, or individual companies, that have fulfilled administrative requirements, technical requirements, environmental requirements, and financial requirements.
- (5) Other than administrative requirements, technical requirements, environmental requirements, and financial requirements as referred to in paragraph (4), SIPB application shall be accompanied by a coordinate and area size of certain types of rocks or for certain needs applied for.
- (6) SIPB as referred to in paragraph (1) consists of planning, Mining, Processing as well as Transportation and Sales stages.
- (7) Holders of SIPB may directly carry out Mining after possessing Mining planning documents.
- (8) Planning documents as referred to in paragraph (7) consists of:
 - a. technical documents which contain at least information on Mining reserves and plan; and
 - b. environmental documents.

Article 86B

SIPB as referred to in Article 86B shall at least contain:

- a. name of SIPB holder;
- b. taxpayers identification number;
- c. location and size of the area;
- d. working capital;
- e. type of mining commodities;
- f. SIPB validity period; and
- g. rights and obligations of SIPB holder.

Article 86C

Holders of SIPB may be granted an area a maximum of 50 (fifty) hectare.

Article 86D

SIPB as referred to in Article 86A is not applicable for other matters other than in accordance with the granting of SIPB.

Article 86E

SIPB holders have the right to:

- a. receive guidance in the Mining safety, environmental, Mining technicality, and management sectors from the Minister;
- b. own certain types of rocks or for certain needs that have been produced after paying regional taxes in accordance with the provisions of the laws and regulations;
- c. carry out Mining Business in accordance with the provisions of the laws and regulations.

Article 86F

SIPB holders are obligated to:

- a. implement good Mining principles;
- b. settle land rights with the land right's holders in accordance with the provisions of the laws and regulations; and
- c. submit SIPB implementation report to the Minister.

Article 86G

SIPB holders must not:

- a. transfer their SIPB to other parties; or
- b. use explosives in carrying out Mining activities;

Article 86H

Further provisions regarding the procedures for the granting of SIPB shall be regulated by or based on Regulation of the Minister.”

65. Between Article 87 and Article 88 is inserted 4 (four) articles, namely Article 87A, Article 87B, Article 87C, and Article 87D, therefore reads as follows:

“Article 87A

The Minister must provide Mining data and information to:

- a. support the preparation of WP;
- b. develop science and technology; and
- c. conduct transfer of Mining technology.

Article 87B

- (1) The management of Mining data and information, as referred to in Article 87A, shall be conducted by Mining data and information center that is managed by the Minister.
- (2) The Mining data and information center as referred to in paragraph (1) shall manage information at least on:
 - a. basic and thematic geospatial information map;
 - b. WP map;
 - c. number of the holder of IUP, IUPK, IPR, and SIPB;
 - d. potential resources;
 - e. potential distribution;
 - f. amount of investment;
 - g. allotment and spatial information;
 - h. production volume;
 - i. Reclamation and Post-Mining;
 - j. geology data;
 - k. Mining Business facilities and infrastructure;
 - l. investment opportunities and challenges; and
 - m. education, training, counseling, and assistance.

Article 87C

The result of Investigation and Research, as referred to in Article 87, must be submitted to the Minister.

Article 87D

- (1) The Mining data and information center, as referred to in Article 87B paragraph (1), must present Mining information accurately, up-to-date, and may be accessed easily and quickly by the holder of Business Licensing and public.
- (2) Types of Mining data and information that may be accessed, as referred to in paragraph (1), shall be implemented in accordance with provisions of laws and regulations in the public information disclosure sector.”

66. Provisions of Article 89 have been amended, therefore reads as follows:

“Article 89

Further provisions on the procedures for assigning Investigation and Research as referred to in Article 87, types of data, as well as data and information center as referred to in Article 87A and Article 87B, types of data that are accessible or inaccessible as referred to in Article 87D, and the management of data as referred to in Article 88 shall be regulated in or based on Regulation of the Government.”

67. Provisions of Article 91 have been amended, therefore reads as follows:

“Article 91

- (1) The holder of IUP and IUPK must utilize Mining road in the implementation of Mining Business activities.
- (2) The Mining road as referred to in paragraph (1) may be self-built by the holder of IUP and IUPK or cooperate with:
 - a. other holders of IUP and IUPK who build Mining road; or
 - b. other parties who have a road that may be intended as Mining road, after meeting Mining safety aspects.
- (3) In the event that the Mining road, as referred to in paragraph (1) and paragraph (2), is unavailable, the holder of IUP and IUPK may utilize public facilities and infrastructure, including public road for Mining purposes after meeting provisions of laws and regulations.
- (4) The holder of IUP and IUPK may provide access to the public to use Mining road after obtaining approval from the person in charge of the Mining safety aspect in the IUP and IUPK.
- (5) Further provisions on the implementation of mandatory use of Mining road shall be regulated in or based on Regulation of the Government.”

68. Provisions of Article 92 have been amended, therefore reads as follows:

“Article 92

The holder of IUP and IUPK is entitled to own the Minerals, including any derivative Minerals, or Coal that have been produced after complying with production contribution, except for derivative radioactive Minerals.”

69. Provisions of Article 93 have been amended, therefore reads as follows:

“Article 93

- (1) The holder of IUP and IUPK is prohibited from transferring the IUP and IUPK to other parties without approval from the Minister.
- (2) The approval as referred to in paragraph (1) may be granted after the Holder of IUP or IUPK shall fulfill requirements at least:
 - a. has finished conducting Exploration activities that are proven by the availability of resources and reserve data; and
 - b. complies with administrative, technical, and financial requirements.”

70. Between Article 93 and Article 94 is inserted 3 (three) articles, namely Article 93A, Article 93B, and Article 93C, therefore reads as follows:

“Article 93A

- (1) Business entities that hold IUP or IUPK are prohibited from transferring shares ownership without approval from the Minister.
- (2) The approval as referred to in paragraph (1) may be granted after meeting requirements at least:
 - a. have finished conducting Exploration activities that are proven by the availability of resource and reserve data; and
 - b. administrative, technical, environmental, and financial requirements.

Article 93B

Further provisions on procedures for the transfer of IUP and IUPK, as referred to in Article 93 as well as the transfer of shares as referred to in Article 93A, shall be regulated in or based on Regulation of the Government.

Article 93C

The holder of IUP or IUPK is prohibited from encumbering their IUP or IUPK, including their mining commodity to other parties.”

71. Provisions of Article 96 have been amended, therefore reads as follows:

“Article 96

In the application of good mining technique principles, the holder of IUP or IUPK must implement:

- a. Mining safety provisions;
- b. Mining environment management and monitoring, including Reclamation and Post-Mining activities;
- c. Mineral and Coal conservation efforts; and
- d. management of mining waste from a Mining Business activity in the form of solids, liquids, or gases until they meet environmental quality standards before being released to an environmental medium.”

72. Provisions of Article 99 have been amended, therefore reads as follows:

“Article 99

- (1) The holder of IUP or IUPK must draw up and submit a Reclamation plan and/or Post-Mining plan.
- (2) The implementation of Reclamation and Post-Mining shall be conducted in accordance with the allotment of Post-Mining land.
- (3) In the implementation of Reclamation that is conducted during the stages of Mining Business, the holder of IUP and IUPK must:
 - a. fulfill balance between land that will be cleared and land that has been reclaimed; and
 - b. conduct the management of former mine pit with the most extensive limit in accordance with provisions of laws and regulations.
- (4) The holder of IUP or IUPK must hand over the land that has been conducted Reclamation and/or

Post-Mining to parties who are entitled through the Minister in accordance with provisions of laws and regulations.”

73. Provisions of paragraph (2) of Article 100 have been amended, therefore Article 100 reads as follows:

“Article 100

- (1) The holder of IUP or IUPK must provide and place the Reclamation deposit fund and/or Post-Mining deposit fund.
- (2) The Minister may appoint a third party to conduct Reclamation and/or Post-Mining with the deposit fund, as referred to in paragraph (1).
- (3) Provisions, as referred to in paragraph (2) shall be applied if the holder of IUP or IUPK fails to implement Reclamation and/or Post-Mining in accordance with the agreed plan.”

74. Provisions of Article 101 have been amended, therefore reads as follows:

“Article 101

Further provisions on the mandatory Mining environment management and monitoring, including Reclamation and/or Post-Mining activities as referred to in Article 96 letter b and Article 99, Reclamation deposit fund, and Post-Mining deposit fund as referred to in Article 100 shall be regulated in or based on Regulation of the Government.”

75. Between Article 101 and Article 102 is inserted 1 (one) article, namely Article 101A, therefore reads as follows:

“Article 101A

The holder of IUP or IUPK must comply with the provisions on the stipulation of national production and sales amount.”

76. Provisions of Article 102 have been amended, therefore reads as follows:

“Article 102

- (1) The holder of IUP or IUPK in any stages of Production Operation must increase the added-value of Mineral in Mining Business activities through:
 - a. Processing and Refinery for metal Mineral mining commodity;
 - b. Processing for non-metal Mineral mining commodity; and/or
 - c. Processing for rocks mining commodity.
- (2) The holder of IUP or IUPK in any stages of Production Operation may conduct Development and/or Utilization of Coal.
- (3) The increase of Mineral added-value through processing and/or refinery activities as referred to in paragraph (1) must comply with the processing and/or refinery minimum limit, by considering:
 - a. increase of economic value; and/or
 - b. market needs.
- (4) Further provisions on processing and/or refinery minimum limit shall be regulated in or based on

Regulation of the Government.”

77. Provisions of Article 103 have been amended, therefore reads as follows:

“Article 103

- (1) The holder of IUP and IUPK Production Operation in Mineral Production Operation, as referred to in Article 102, must conduct Mineral Processing and/or Refinery of Mining products domestically.
- (2) In the event that the holder of IUP or IUPK in the stage of Production Operation activities has conducted Processing and/or Refinery as referred to in paragraph (1), the Government shall ensure the sustainability in utilizing the Processing and/or Refinery products.”

78. Provisions of Article 104 have been amended, therefore reads as follows:

“Article 104

- (1) The holder of IUP and IUPK in the stage of Production Operation activities as referred to in Article 103 may conduct independent Processing and/or Refinery that is integrated with or cooperate with:
 - a. other holders of IUP or IUPK in the stage of Production Operation activities who own Processing and/or Refinery facilities in an integrated manner;
 - b. other parties who conduct Processing and/or Refinery business activities that are not integrated with Mining activities whose licensing is issued based on provisions of laws and regulations in the industrial sector.
- (2) The holder of IUP and IUPK in the stages of Production Operation activities as referred to in Article 103 may conduct cooperation of Coal Development and/or Utilization with other holders of IUP and IUPK in the stage of Production Operation activities, or other parties who conduct Coal Development and/or Utilization activities.”

79. Between Article 104 and Article 105 is inserted 2 (two) articles, namely Article 104A and Article 104B, therefore reads as follows:

“Article 104A

- (1) For the purpose of Coal Development and/or Utilization, the Government may assign state research agency, regional research agency, BUMN, regional-owned enterprises, or private business entities to conduct Investigation and Research and/or project development activities in the assigned areas.
- (2) BUMN, regional-owned enterprises, or private business entities that have conducted Investigation and Research and/or activities for project development purposes in the assignment area shall have a right that is similar to bidding in the auction of Coal WIUP or WIUPK.

Article 104B

Further provisions on the increase of added-value, as referred to in Article 102, Processing and/or Refinery as referred to in Article 103 and Article 104, and procedures for assignment as referred to in Article 104A, shall be regulated in or based on Regulation of the Government.”

80. Provisions of Article 105 have been amended, therefore reads as follows:

“Article 105

- (1) A company that does not operate in the Mining Business that intends to sell Mineral and/or Coal that has been extracted must own IUP for sales.
- (2) The IUP for Sales, as referred to in paragraph (1) shall be granted 1 (one) Sales by the Minister.
- (3) The sales of Mineral or Coal that has been extracted as referred to in paragraph (1) shall be imposed on production contribution or regional tax in accordance with provisions of laws and regulations.
- (4) The company, as referred to in paragraph (1), must submit Sales reports of Mineral and/or Coal, which have been extracted to the Minister.”

81. Provisions of Article 106 have been amended, therefore reads as follows:

“Article 106

The holder of IUP and IUPK must prioritize the utilization of local manpower, domestic goods, and domestic services in accordance with the provisions of laws and regulations.”

82. Provisions of Article 108 have been amended, therefore reads as follows:

“Article 108

- (1) The holder of IUP and IUPK must formulate a community Development and Empowerment program.
- (2) The holder of IUP and IUPK must allocate funds for the implementation of the Community Development and Empowerment program, whose minimum amount shall be determined by the Minister.
- (3) The formulation of program and plan as referred to in paragraph (1) shall be consulted to the Minister, Regional Governments, and the community.”

83. Provisions of Article 112 have been amended, therefore reads as follows:

“Article 112

- (1) Business entities that hold IUP or IUPK in the stage of Production Operation activities whose shares are owned by foreigners must conduct shares divestment in the amount of 51% gradually to the Central Government, Regional Governments, BUMN, regional-owned enterprises, and/or national private Business Entities.
- (2) The Central Government, as referred to in paragraph (1) through the Minister, may jointly coordinate the determination of divestment scheme and composition of divested shares that will be bought.
- (3) In the event that the implementation of shares divestment directly as referred to in paragraph (1) and paragraph (2) is unable to be implemented, shares divestment offering shall be conducted through the Indonesian stock exchange.
- (4) Further provisions on procedures for the implementation and period of shares divestment shall be regulated in or based on Regulation of the Government.”

84. Between Article 112 and Article 113 is inserted 1 (one) article, namely Article 112A, therefore reads as

follows:

“Article 112A

- (1) The holder of IUP or IUPK in the stage of Production Operation activities must provide Mineral and Coal resilience reserve fund.
- (2) The resilience reserve fund, as referred to in paragraph (1), is utilized for finding a new reserve.
- (3) Further provisions on the Mineral and Coal resilience reserve fund shall be regulated in Regulation of the Government.”

85. Provisions of Article 113 have been amended, therefore reads as follows:

“Article 113

- (1) Suspension of Mining Business activities may be given to the holder of IUP and IUPK if the following occurs:
 - a. force majeure;
 - b. hindering situation and therefore results in the suspension of a part or all Mining Businesses activities;
 - c. the conditions of environmental carrying capacity in the areas are unable to support loads of Minerals and/or Coal Production Operations activities that are carried out in the relevant areas.
- (2) Suspension of Mining Business activities, as referred to in paragraph (1), does not reduce the validity period of the IUP or the IUPK.
- (3) The application for a suspension of Mining Business activities as referred to in paragraph (1) letter a and letter b shall be submitted to the Minister.
- (4) The Minister must issue a written decree on approval or rejection of the application, as referred to in paragraph (3) within 30 (thirty) days at the latest from the date of receiving the relevant application.”

86. Provisions of Article 114 have been amended, therefore reads as follows:

“Article 114

- (1) Period for the suspension as referred to in Article 113 paragraph (1) shall be determined as follows:
 - a. is granted maximum for 1 (one) year and may be extended maximum for 1 (one) year per any extension for force majeure as referred to in Article 113 paragraph (1) letter a and/or a hindering situation as referred to in Article 113 paragraph (1) letter b; and
 - b. is granted maximum for 2 (two) years for conditions of environmental carrying capacity as referred to in Article 113 paragraph (1) letter c.
- (2) If during the suspension period, as referred to in Article 113 paragraph (1), the holder of IUP or IUPK is ready to conduct their operation activities, such activities must be reported to the Minister.
- (3) If until the suspension period expires due to conditions of environmental carrying capacity, the holder of IUP or IUPK has not been able to conduct their operational activities, the holder of IUP or IUPK must return the IUP or IUPK to the Minister within 1 (one) month at the latest since the expiration of suspension period.
- (4) If within the 1 (one) month period since the expiration of suspension period, the holder of IUP or

IUPK, the Minister may revoke the IUP or IUPK.

- (5) The Minister shall revoke the suspension decision after receiving the report, as referred to in paragraph (2).”

87. Provisions of Article 118 have been amended, therefore reads as follows:

“Article 118

- (1) The holder of IUP or IUPK may return their IUP or IUPK with a written statement to the Minister, along with clear reasons.
- (2) The return of IUP or IUPK, as referred to in paragraph (1), shall be declared valid after it is approved by the Minister after the holder of the IUP or IUPK fulfills their obligations.”

88. Provisions of Article 119 have been amended, therefore reads as follows:

“Article 119

IUP or IUPK may be revoked by the Minister, if:

- a. the holder of IUP or IUPK fails to fulfill their obligations that are stipulated in their IUP or IUPK, as well as laws and regulations.
- b. the holder of IUP or IUPK commits a crime as referred to in this Law; or
- c. the holder of IUP or IUPK is declared bankrupt.”

89. Provisions of Article 121 have been amended, therefore reads as follows:

“Article 121

- (1) In the event that IUP or IUPK that expires as referred to in Article 117, Article 118, Article 119, Article 120, ex-holder of IUP, or IUPK must fulfill and settle the obligations in accordance with provisions of laws and regulations.
- (2) The holder of IUP or IUPK who has fulfilled and settled the obligations as referred to in paragraph (1) shall obtain a statement letter from the Minister.”

90. Provisions of Article 122 have been amended, therefore reads as follows:

“Article 122

- (1) The IUP or IUPK that has expired, as referred to in Article 121 paragraph (1), shall be returned to the Minister.
- (2) The WIUP or the WIUPK, whose IUP or IUPK has expired as referred to in paragraph (1), shall be offered to BUMN, regional-owned enterprises, private Business Entities, cooperatives, or private companies through mechanisms that are in accordance with provisions of this Law.”

91. Provisions of Article 123 have been amended, therefore reads as follows:

“Article 123

In the event that IUP or IUPK expires, the ex-holder of IUP or IUPK must hand over all data that are

obtained from the result of Exploration and Operation Production activities to the Minister.”

92. Between Article 123 and Article 124 is inserted 2 (two) articles, namely Article 123A and Article 123B, therefore reads as follows:

“Article 123A

- (1) The holder of IUP or IUPK in the stage of Operation Production activities before shrinking or returning their WIUP or WIUPK must implement Reclamation and Post-Mining until achieving 100% (one hundred percent) success rate.
- (2) The ex-holder of IUP or IUPK, whose IUP or IUPK has expired, as referred to in Article 121 paragraph (1), must implement Reclamation and Post-Mining until achieving 100% (one hundred percent) success rate as well as place Post-Mining deposit fund.
- (3) In the event that the WIUP or WIUPK, as referred to in paragraph (1), fulfills the criteria to be re-commercialized, the Reclamation and/or Post-Mining deposit fund that has been placed shall be determined to be owned by the Central Government in accordance with provisions of laws and regulations.
- (4) Further provisions on the implementation of Reclamation and Post-Mining as well as placement of Reclamation deposit fund and Post-Mining deposit fund in the WIUP or WIUPK that fulfills criteria to be re-commercialized as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be regulated in or based on Regulation of the Government.

Article 123B

- (1) Mineral and/or Coal that is extracted from Mining activities without IUP, IUPK, IPR, or SIPB shall be determined as confiscated goods and/or stated-owned goods in accordance with provisions of laws and regulations.
- (2) Mineral or Coal that is located in stockpiling facilities of the holder of IUP, IUPK, IPR, and SIPB whose period has expired or has been revoked may be conducted Sales after complying with requirements that are determined in accordance with provisions laws and regulations.
- (3) Further provisions on Sales requirements as referred to in paragraph (2) shall be regulated in or based on Regulation of the Government.”

93. Provisions of Article 124 have been amended, therefore reads as follows:

“Article 124

- (1) The holder of IUP or IUPK must utilize local and/or national Mining services companies.
- (2) In the event that there are no Mining business companies as referred to in paragraph (1), the holder of IUP or IUPK may utilize Mining services companies that are incorporated in Indonesian legal entity for foreign investment purposes.
- (3) Types of Mining services business, namely include the following sectors:
 - a. General Survey;
 - b. Exploration;
 - c. Feasibility Studies;
 - d. Mining Construction;

- e. Transportation;
 - f. mining Environment
 - g. Reclamation and Post-Mining;
 - h. Mining Safety; and/or
 - i. Mining;
- (4) Further provisions on the utilization of local and/or national Mining services companies shall be regulated in or based on Regulation of the Government.”

94. Provisions of paragraph (2) of Article 125 have been amended, therefore Article 125 reads as follows:

“Article 125

- (1) In the event that the holder of IUP or IUPK utilizes Mining services, the responsibility of Mining Business activities shall remain the burden of the holder of IUP or IUPK.
- (2) Mining services business may be conducted by state-owned enterprises, regional-owned enterprises, private Business Entities, cooperatives, or private companies in accordance with the classifications and qualifications that are determined by the Minister.
- (3) Mining service businesses must prioritize the utilization of local contractors and local manpower.”

95. Provisions of Article 128 have been amended, therefore reads as follows:

“Article 128

- (1) The holder of IUP, IUPK, IPR, and/or SIPB must pay state revenue and regional revenue.
- (2) The state revenue, as referred to in paragraph (1) shall consist of tax revenue and non-tax state revenue.
- (3) The tax revenue, as referred to in paragraph (2) shall consist of:
 - a. taxes that are within the authorities of the Central Government in accordance with provisions of laws and regulations in the taxation sector; and
 - b. customs and excise in accordance with provisions of laws and regulations in the customs and excise sector.
- (4) The non-tax state revenue as referred to in paragraph (2) shall consist of:
 - a. compulsory contributions;
 - b. production contributions;
 - c. information data compensation; and
 - d. other non-tax state revenue that is legitimate based on provisions of laws and regulations.
- (5) The regional revenue as referred to in paragraph (1) shall consist of:
 - a. regional tax;
 - b. regional levies; and
 - c. community mining contribution; and
 - d. other regional revenues that are legitimate based on provisions of laws and regulations.

- (6) The community mining contribution, as referred to in paragraph (5) letter c, shall be a part of regional revenue structure in the form of regional tax and/or levies whose utilization is for community mining management in accordance with provisions of laws and regulations.”

96. Provisions of Article 129 have been amended, therefore Article 129 reads as follows:

“Article 129

- (1) The holder of IUPK in the stage of Production Operation activities for Mining metal Minerals and Coal must pay an amount of 4% (four percent) to the Central Government and 6% (six percent) to the Regional Governments of the net profit since the commencement of production.
- (2) The Regional Governments’ portion, as referred to in paragraph (1), shall be arranged as follows:
 - a. Regional Governments at the provincial level shall receive 1.5% (one point five percent);
 - b. Regional Governments at regency/city-level where the profit is generated shall receive 2.5% (two point five percent); and
 - c. other Regional Governments at regency/city-level in the same province shall receive 2% (two percent).
- (3) Further provisions on calculation, reporting, and payment of the Central Government and Regional Governments’ portion shall be regulated in or based on Regulation of the Government.”

97. Provisions of Article 133 have been amended, therefore reads as follows:

“Article 133

- (1) The non-tax state revenue, as referred to in Article 128 paragraph (4), constitutes state and regional revenue that its sharing shall be based on justice principles and consider the impact on Mining activities for regions.
- (2) Non-tax state revenue that constitutes the regional portion shall be paid directly to the regional treasury after it is deposited in the state treasury in accordance with laws and regulations.”

98. Between Article 137 and Article 138 is inserted 1 (one) article, namely Article 137A, therefore reads as follows:

“Article 137A

- (1) The Central Government shall conduct settlement of matters relating to land titles for Mining Business activities as referred to in Article 134, Article 135, Article 136, and Article 137.
- (2) Further provisions on settlement of land titles as referred to in paragraph (1) shall be regulated in Regulation of the Government.”

99. Provisions of Article 139 have been amended, therefore reads as follows:

“Article 139

The Minister shall be responsible for conducting guidance for the implementation of Mining Business activities that are conducted by the holder of IUP, IUPK, IUPK for the Continuation of Contract/Agreement Operation, IPR, SIPB, Transportation and Sales License, or IUJP.”

100. Provisions of Article 140 have been amended, therefore reads as follows:

“Article 140

The Minister shall conduct supervision for the implementation of Mining Business activities that are conducted by the holder of IUP, IUPK, IUPK for the Continuation of Contract/Agreement Operation, IPR, SIPB, Transportation and Sales License, or IUJP.”

101. Provisions of Article 141 have been amended, therefore reads as follows:

“Article 141

- (1) The supervision of Mining Business activities that are conducted by the holder of IUP, IUPK, IUPK for the Continuation of Contract/Agreement Operation, IPR, or SIPB as referred to in Article 140, namely:
 - a. Mining techniques;
 - b. production and marketing;
 - c. finance;
 - d. processing of Mineral and Coal;
 - e. conservation of Mineral and Coal resources;
 - f. Mining safety;
 - g. management of the environment, Reclamation, and Post-Mining;
 - h. utilization of goods, services, technology, and capabilities of domestic engineering and design and build;
 - i. development of Mining technical manpower;
 - j. development and empowerment of the local community; and
 - k. mastery, development, and application of Mining technology;
- (2) The supervision, as referred to in paragraph (1) letter a, letter e, letter f, letter g, letter k shall be performed by a mining inspector in accordance with provisions of laws and regulations.
- (3) The responsibility of managing budget, facilities, and infrastructure, as well as operation of the mining inspector as referred to in paragraph (2), shall be borne by the Minister.
- (4) The supervision, as referred to in paragraph (1) letter b, letter c, letter d, letter h, letter l, and letter j, shall be conducted by the Mining supervisory officer in accordance with provisions of laws and regulations.
- (5) The responsibility of managing budget, facilities, and infrastructure, as well as operation of the mining supervisory officer as referred to in paragraph (4), shall be borne by the Minister.
- (6) The supervision, as referred to in paragraph (1), paragraph (2), and paragraph (4), shall be conducted periodically, and its supervision report shall be delivered to the public in accordance with provisions of laws and regulations.”

102. Between Article 141 and Article 142 is inserted 1 (one) article, namely Article 141A, therefore reads as follows:

“Article 141A

Further provisions on the development and supervision for the implementation of Mining Business activities, as referred to in Article 139 and Article 140, shall be regulated in or based on Regulation of the Government.”

103. Provisions of Article 142 have been removed.

104. Provisions of Article 143 have been removed.

105. Provisions of Article 145 have been amended, therefore reads as follows:

“Article 145

- (1) Communities that are directly affected by the Mining Business activities are entitled to:
 - a. obtain reasonable compensation resulting from faults in Mining exploitation activities in accordance with provisions of laws and regulations;
 - b. file a claim with the court for damage resulting from Mining exploitation that violates the provisions.
- (2) Provisions on community protection as referred to in paragraph (1) shall be implemented in accordance with laws and regulations.”

106. Provisions of Article 151 have been amended, therefore reads as follows:

“Article 151

- (1) The Minister, has the right to impose administrative sanctions to the holder of IUP, IUPK, IPR, or SIPB for violation of the provisions as referred to in Article 36A, Article 41, Article 52 paragraph (4), Article 55 paragraph (4), Article 58 paragraph (4), Article 61 paragraph (4), Article 70, Article 70A, Article 71 paragraph (1), Article 74 paragraph (4), Article 74 paragraph (6), Article 86F, Article 86G letter b, Article 91 paragraph (1), Article 93 paragraph (1), Article 93A, Article 93C, Article 95, Article 96, Article 97, Article 98, Article 99 paragraph (1), paragraph (3) and paragraph (4), Article 100 paragraph (1), Article 101A, Article 102 paragraph (1), Article 103 paragraph (1), Article 105 paragraph (1) and paragraph (4), Article 106, Article 107, Article 108 paragraph (1) and paragraph (2), Article 110, Article 111 paragraph (1), Article 112 paragraph (1), Article 112A paragraph (1), Article 114 paragraph (2), Article 115 paragraph (2), Article 123, Article 123A paragraph (1) and paragraph (2), Article 124 paragraph (1), Article 125 paragraph (3), Article 126 paragraph (1), Article 128 paragraph (1), Article 129 paragraph (1), Article 130 paragraph (2), or Article 136 paragraph (1).
- (2) Administrative sanctions as referred to in paragraph (1) shall be in the form of:
 - a. reprimand;
 - b. fine;
 - c. temporary suspension of part or all Exploration or Production Operations activities; and/or
 - d. revocation of the IUP, IPR, or IUPK.”

107. Provisions of Article 152 have been removed.

108. Provisions of Article 156 have been amended, therefore reads as follows:

“Article 156

Further provisions on types, amount of fine, procedures, and mechanism for the imposition of administrative sanctions, as referred to in Article 151, shall be regulated in Regulation of the Government.”

109. Provisions of Article 157 have been removed.

110. Provisions of Article 158 have been amended, therefore reads as follows:

“Article 158

Any person that conducts mining business without licenses, as referred to in Article 35 shall be sentenced to a maximum of 5 (five) years imprisonment and a maximum fine of IDR100,000,000,000.00 (one hundred billion Rupiah).”

111. Provisions of Article 159 have been amended, therefore reads as follows:

“Article 159

The holder of IUP, IUPK, IPR, or SIPB who intentionally submits the report as referred to in Article 70 letter e, Article 105 paragraph (4), Article 110, or Article 111 paragraph (1) that is not accurate or submits a false representation shall be sentenced to a maximum of 5 (five) years imprisonment and a maximum fine of IDR100,000,000,000.00 (one hundred billion Rupiah).”

112. Provisions of paragraph (1) of Article 160 have been removed, therefore Article 160 reads as follows:

“Article 160

- (1) Have been removed.
- (2) Any person who owns IUP or IUPK in the stage of Exploration activities but conducts Production Operation activities shall be sentenced to a maximum of 5 (five) years imprisonment and a maximum fine of IDR100,000,000,000.00 (one hundred billion Rupiah).”

113. Provisions of Article 161 have been amended, therefore reads as follows:

“Article 161

Any person that collects, utilizes, conducts Processing and/or Refinery, Development and/or Utilization, Transportation, Sales of Mineral and/or Coal that is not sourced from the holder of the IUP, IUPK, IPR, or SIPB or license as referred to in Article 35 paragraph (3) letter c and letter g, Article 104, or Article 105 shall be sentenced to a maximum 5 (five) years of imprisonment and a maximum fine of IDR100,000,000,000.00 (on hundred billion Rupiah).”

114. Between Article 161 and Article 162 is inserted 2 (two) article, namely Article 161A and Article 161B, therefore reads as follows:

“Article 161A

Any holder of IUP, IUPK, IPR, or SIPB who transfers IUP, IUPK, IPR or SIPB as referred to in Article 70A,

Article 86G letter a, and Article 93 paragraph (1) shall be sentenced to a maximum 2 (two) years imprisonment and a maximum fine of IDR5,000,000,000.00 (five billion Rupiah).”

Article 161B

- (1) Any person whose IUP or IUPK is revoked or expired and fails to implements:
 - a. reclamation and/or Post-Mining; and/or
 - b. placement of reclamation deposit and/or post-mining deposit fund,shall be sentenced to a maximum of 5 (five) years imprisonment and a maximum fine of IDR100,000,000,000.00 (one hundred billion Rupiah).
- (2) Other than the criminal sanctions as referred to in paragraph (1), the ex-holder of IUP or IUPK may be imposed on additional sentences in the form of payment of funds for the purpose of implementing mandatory Reclamation and/or Post-Mining that becomes their obligation.”

115. Provisions of Article 162 have been amended, therefore reads as follows:

“Article 162

Any person that prevents or disrupts Mining Business activities of the holder of IUP, IUPK, IPR or SIPB who have met the requirements as referred to in Article 136 paragraph (2), may be sentenced to detention for a maximum period of 1 (one) year or a maximum fine of IDR100,000,000.00 (one hundred million Rupiah).”

116. Provisions of Article 164 have been amended, therefore reads as follows:

“Article 164

Other than the provisions as referred to in Article 158, Article 159, Article 160, Article 161, Article 161A, Article 161B, and Article 162, the perpetrator of the crimes may be imposed on additional sentence in the form of:

- a. seizure of goods that are used in the perpetration of crimes;
- b. seizure of any profits that were obtained from crimes; and/or
- c. obligation to pay any costs that arise as the consequence of crimes.”

117. Provisions of Article 165 have been removed.

118. Provisions of Article 168 have been amended, therefore reads as follows:

“Article 168

In order to increase investment in the mining sector, the Central Government may provide incentives and tax facilities in accordance with provisions of laws and regulations.”

119. Between Article 169 and Article 170 is inserted 3 (three) articles, namely Article 169A, Article 169B, and Article 169C, therefore reads as follows:

“Article 169A

- (1) KK and PKP2B as referred to in Article 169 shall be granted a guarantee for an extension to become IUPK for the Continuation of Contract/Agreement Operation after fulfilling requirements with following conditions:
 - a. contract/agreement that has not been extended shall be guaranteed to get 2 (two) extensions in the form of IUPK for the Continuation of Contract/Agreement Operation namely for a maximum period of 10 (ten) years as a continuation of operation after the expiration of KK or PKP2B by considering efforts to increase state revenue.
 - b. contract/agreement that has obtained the first extension shall be guaranteed to get the second extension in the form of IUPK for the Continuation of Contract/Agreement Operation for a maximum period of 10 (ten) years as a continuation of operation after the expiration of KK or PKP2B extension by considering efforts to increase state revenue.
- (2) Efforts to increase state revenue as referred to in paragraph (1) letter a and letter b shall be conducted through:
 - a. rearrangement of the imposition of tax revenue and non-tax state revenue; and/or
 - b. areas of IUPK for the Continuation of Contract/Agreement Operation in accordance with the development plan of all contract or agreement areas that are approved by the Minister.
- (3) In the implementation of extension of IUPK for the Continuation of Contract/Agreement Operation, all goods that are acquired during the implementation of PKP2B that are determined as state-owned goods may remain to be utilized in Coal Mining exploitation activities in accordance with provisions of laws and regulations.
- (4) The holder of IUPK for the Continuation of Contract/Agreement Operation as referred to in paragraph (1) for Coal mining commodity must implement Coal Development and/or Utilization activities in the country in accordance with provisions of laws and regulations.
- (5) The holder of IUPK for the Continuation of Contract/Agreement Operation for Coal mining commodity who has implemented the obligation of Coal Development and/or Utilization in an integrated manner in the country in accordance with the development plan in the entire areas stated in the agreement approved by the Minister shall be granted an extension for 10 (ten) years for any extension after complying with requirements in accordance with provisions of laws and regulations.

Article 169B

- (1) At the time when IUPK for the Continuation of Contract/Agreement Operation as referred to in Article 169A is granted, the development plan areas of the entire areas that are approved by the Minister shall become WIUPK for the stage of Production Operation activities.
- (2) In order to obtain IUPK for the Continuation of Contract/Agreement Operation as referred to in paragraph (1), the holder of KK and PKP2B shall submit an application to the Minister within 5 (five) years at the earliest and 1 (one) year at the latest before the KK and PKP2B expire.
- (3) The Minister in granting the IUPK for the Continuation of Contract/Agreement Operation as referred to in paragraph (1) shall consider the continuation of operation, optimization of Mineral or Coal reserve potential for the purpose of Mineral or Coal conservation of the WIUPK for the stage of Production Operation, as well as national interest.
- (4) The Minister may reject the application of IUPK for the Continuation of Contract/Agreement Operation as referred to in paragraph (1) if, based on the evaluation result, the holder of KK and PKP2B does not indicate good Mining exploitation performance.

- (5) The holder of KK and PKP2B in submitting the application of IUPK for the Continuation of Contract/Agreement Operation may submit an application for areas that are outside of the WIUPK for the stage of Production Operation to the Minister in order to support their Mining Business activities.

Article 169C

Upon the effective enforcement of this Law:

- a. IUP, IUPK, IPR, IUP Production Operation specific for transportation and sales, IUP Production Operation for sales, and IUJP that have existed before the enforcement of this Law shall remain valid until the expiration of the license;
- b. IUP, IUPK, IPR, IUP Production Operation specific for transportation and sales, IUP Production Operation for sales, and IUJP that have existed before the enforcement of this Law must comply with provisions relating to Business Licensing in accordance with provisions in this Law within 2 (two) years since this Law comes into force;
- c. governors must hand over IUP Exploration, IUP Production Operation, IPR, IUP Production Operation specific for transportation and sales, IUP Production Operation for sales, and IUJP that falls within their authorities before this Law comes into force to the Minister within 2 (two) years at the latest since this Law comes into force in order to be updated by the Minister.
- d. provisions that are included in IUP and IUPK, as referred to in letter a shall be adjusted with provisions of this Law within 2 (two) years at the latest since this Law comes into force.
- e. IUP Production Operation special for processing and refinery that is issued before this Law comes into force shall be adjusted into an industrial business license that is issued based on laws and regulations in the industrial sector within 1 (one) year at the latest since this Law comes into force.
- f. In the event that there is still no Mining supervisory official as referred to in Article 141 paragraph (4), supervision of Mining Business activities that are conducted by the holder of IUP, IUPK, IUPK for the Continuation of Contract/Agreement Operation, IPR, or SIPB shall be conducted by an official who is appointed by the Minister.
- g. all authorities of Regional Government in Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 4959) and other laws that regulate the authority of Regional Governments in the Mineral and Coal Mining sector must be construed as the authority of the Central Government except stated otherwise in this Law.”

120. Between Article 170 and Article 171 is inserted 1 (one) article, namely Article 170A, therefore reads as follows:

“Article 170A

- (1) The holder of KK, IUP Production Operation or IUPK Production Operation of metal Mineral who:
- a. has implemented processing and refinery activities;
 - b. is in the process of constructing Processing and/or Refinery facilities; and/or
 - c. has conducted cooperation in Processing and/or Refinery with holders of IUP Production Operation, other IUPK Production Operations or IUP Production Operation specific for processing and refinery or other parties who conduct Processing and/or Refinery activities may conduct overseas Sales of certain metal Mineral products that have not been purified in

a certain amount within 3 (three) years after this Law comes into force.

- (2) The holder of KK, IUP Production Operation, or IUPK Production Operation of metal Mineral who conducts overseas sales of certain metal Mineral products as referred to in paragraph (1) must pay export duty in accordance with laws and regulations.
- (3) Further provisions on certain metal Mineral products that have not been purified and a certain amount of overseas Sales as referred to in paragraph (1) shall be regulated in Regulation of the Minister.”

121. Between Article 171 and Article 172 is inserted 1 (one) article, namely Article 171A, therefore reads as follows:

“Article 171A

An area of ex-KK or PKP2B may be determined as WUPK or WPN in accordance with the evaluation result of the Minister.”

122. Between Article 172 and Article 173 is inserted 5 (five) articles, namely Article 172A, 172B, 172C, 172D, and 172E, therefore reads as follows:

“Article 172A

Provisions in relation to rights, obligations, and prohibition for the holder of IUPK in the stage of Production Operation as regulated in this Law shall apply mutatis mutandis to IUPK for the Continuation of Contract/Agreement Operation that is stipulated otherwise in this Law.

Article 172B

- (1) WIUP, WIUPK, or WPR whose license has been granted in the form of IUP, IUPK, or IPR must be delineated in accordance with spatial and areas utilization for Mining Business activities in accordance with laws and regulations.
- (2) The Central Government and Regional Governments shall ensure that there is no alteration in spatial and areas utilization, as referred to in paragraph (1) in the WIUP, WIUPK, and WPR, whose license has been granted.

Article 172C

Areas of IUP Production Operation resulting from an adjustment of mining authority that is granted to BUMN shall remain valid until the expiration period of the IUP Production Operation.

Article 172D

The holder of IUP or IUPK who conducts an increase of metal Mineral or Coal added value in an integrated manner before this Law comes into force shall be granted period and areas of IUP and IUPK in accordance with provisions of this Law.

Article 172E

National Mineral and Coal management plan, as referred to in Article 8A, must be determined by the

Minister within 2 (two) years at the latest since this Law comes into force.”

123. Between Article 173 and Article 174 is inserted 3 (three) articles, namely Article 173A, Article 173B, and Article 173C, therefore reads as follows:

“Article 173A

Provisions in this Law shall also apply to the Special Region of Yogyakarta Province, Special Region of Jakarta Province, Aceh Province, West Papua Province, insofar that it is not specifically regulated in Law that regulates the idiosyncrasy and specificity of the Regions.”

Article 173B

Upon the effective enforcement of this Law, provisions on division of concurrent government duties between the Central Government and provincial, regional government and regency/city-level regional government in Number I Matrix of the division of concurrent government duties between the Central Government and provincial, regional government and regency/city-level regional government letter CC of Division of Government Duties in the Energy and Mineral Resources Sector Number II Sub-Duties of Mineral and Coal that is drawn up in appendix which constitutes an integral part of Law Number 23 of 2013 on Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia Number 5679), shall be revoked and is declared invalid.

Article 173C

- (1) The implementation of authorities of Mineral and Coal Mining management by provincial Regional Government that has been implemented based on Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 4959) and other laws that regulate the authority of Regional Government in the sector of Mineral and Coal Mining shall remain valid for 6 (six) months period since this Law comes into force or until the issuance of implementing regulations of this Law.
- (2) During the implementation period of the authority of Mineral and Coal Mining management as referred to in paragraph (1), the Minister or governor is unable to issue new licensing as regulated in Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia Number 4959) and other laws that regulate authority of the Regional Government in the Mineral and Coal Mining sector.”

124. Articles 174 have been amended, therefore reads as follows:

“Articles 174

Implementing Regulations of this Law shall be established within 1 (one) year since this Law comes into force.”

Article II

This Law comes into force from the date of its promulgation.

For public cognizance, it is hereby ordered that this Law be promulgated in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta,

On 10 June 2020

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed.

JOKO WIDODO

Promulgated in Jakarta,

On 10 June 2020

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

Signed.

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 147

ELUCIDATION
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 3 OF 2020
ON
AMENDMENT TO LAW NUMBER 4 OF 2009 ON MINERAL AND COAL MINING

I. GENERAL

Mineral and Coal as one of the natural assets contained within the earth are non-renewable natural resources, which, in accordance with the provision under Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, shall be controlled by the state to be used for the maximum prosperity of the people. The state through the Central Government is responsible for the use of Mineral and Coal contained within the Jurisdiction of the Republic of Indonesia through the optimal, effective, and efficient management as well as utilization of Mineral and Coal so as to boost and support the development as well as independence in the development of Mineral Resources and/or Coal energy-based national industries.

In the development, the existing legal basis, which is Law Number 4 of 2009 on Mineral and Coal Mining and its implementing regulations have not been able to answer to the problem as well as actual conditions in the implementation of Mineral and Coal mining business, including cross-sector issues between mining sectors and non-mining sectors. Based on the abovementioned matters, it has been deemed necessary for an improvement to Law Number 4 of Mineral and Coal Mining to be made in order to provide legal certainty in Mineral and Coal mining management and business for businesses in the Mineral and Coal sectors.

As an improvement to Law Number 4 of 2009 on Mineral and Coal Mining, the following are new content material to be added this Law:

1. Regulation related to Mining Jurisdiction concept;
2. Mineral and Coal management authority;
3. Mineral and Coal management plan;
4. Assignment to state research institution, BUMN, regional-owned business entities, or Business Entity to carry out Investigation and Research to prepare Mining Business License Area.
5. Strengthening of BUMN roles;
6. Reregulation of licensing in Mineral and Coal business including new licensing concept related to certain types of rocks or for certain needs, as well as licensing for community mining;
7. Strengthening of policies related to environmental management in mining business activities, including reclamation and post-mining.

Under this Law, reregulation related to policies on the increase of mineral and coal added value, share divestment, guidance and supervision, land use, data and information, community participation, and operational continuation for Contract of Work or Coal Contract of Work are also undertaken.

II. ARTICLE BY ARTICLE

Article I



Number 1

Self-explanatory.

Article 1

Number 2

Self-explanatory.

Article 4

Number 3

Paragraph (1)

Self-explanatory.

Article 5

Paragraph (2)

“certain types of non-metal Mineral” are high valued, hard-to-obtain non-metal mineral, among others are diamond and gemstones, or non-metal mineral needed to ensure strategic industrial supply such as limestone, clay, and sand.

Paragraph (3)

Self-explanatory.

Number 4

Article 6

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Letter i

Self-explanatory.

Letter j

Self-explanatory.

Letter k

Self-explanatory.

Letter l

Self-explanatory.

Letter m

Self-explanatory.

Letter n

Self-explanatory.

Letter o

The management of non-tax state revenue shall include planning, implementation, accountability and supervisions in accordance with the provisions of laws and regulations.

Determination of non-tax state revenue shall be a part of the non-tax state revenue implementation based on the provisions of laws and regulations.

Letter p

Self-explanatory.

Letter q

Self-explanatory.

Letter r

Self-explanatory.

Letter s

Self-explanatory.

Letter t

Self-explanatory.

Letter u

Self-explanatory.

Letter v

Self-explanatory.

Letter w

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Number 5

Article 7

Is removed.

Number 6

Article 8

Is removed.

Number 7

CHAPTER IVA

Self-explanatory.

Number 8

Article 8A

Self-explanatory.

Article 8B

Self-explanatory.

Number 9

Article 9

Self-explanatory.

Number 10

Article 10

Self-explanatory.



Number 11

Self-explanatory.

Article 11

Number 12

Is removed.

Article 13

Number 13

Is removed.

Article 14

Number 14

Self-explanatory.

Article 14A

Number 15

Is removed.

Article 15

Number 16

Self-explanatory.

Article 17

Number 17

Self-explanatory.

Article 17A

Article 17B

Paragraph (1)

Investigation and Research by state research institution that are assigned an assignment shall be funded by Central Government.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Number 18

Article 18

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Investigation and Research conducted by the Minister include Investigation and Research conducted by state research institution, BUMN, BUMD, and Business Entity based on assignment.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Number 19

Article 21

Is removed.

Number 20

Article 22

Self-explanatory.

Number 21

Article 22A

Self-explanatory.

Number 22

Article 27

Paragraph (1)

Is removed.

Paragraph (2)

“part or all” is to determine the percentage of the size and boundary that will be commercialized in an area that has been determined as WPN. The area that has been delineated and determined as WPN is an area with metal-mineral and/or coal commodities reserves/resources and located within conservation, protected, or other areas that cannot be commercialized for mining, and therefore approval from DPR is required as well as approval to change Area function/spatial designation. Principles applied in the selection of part or all areas cover principles on environmental support, activities capacity, resources and reserves’ conservation, and other urgent state needs.

Paragraph (3)

Is removed.

Paragraph (4)

Self-explanatory.

Number 23

Article 27

Letter a

Metal Mineral includes rare-earth Mineral.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Number 24

Article 28

Self-explanatory.

Number 25

Article 31A

Self-explanatory.

Number 26

Article 35

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

“assignment license” is the license for radioactive Mineral business in accordance with the provisions of the laws and regulations in the nuclear sector.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Letter i

Self-explanatory.

Paragraph (4)

Self-explanatory.

Number 27

Article 36

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Processing and Refinery activities shall be carried out on metal minerals. Processing activities shall be carried out on non-metal and rock Mineral.

Paragraph (2)

Self-explanatory.

Number 28

Article 36A

“follow-up Exploration” is the activity to increase the certainty status on geological data and information in the form of resources and/or reserves at the Production Operation stage.

Number 29

Article 37

Is removed.

Number 30

Article 38

Self-explanatory.

Number 31

Article 39

Letter a

address, shareholder, board of directors, commissioners, and NPWP.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

“working capital” is the capital that IUP holders must have in order to carry out Exploration activities.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Letter i

Self-explanatory.

Letter j

Self-explanatory.

Letter k

Self-explanatory.

Letter l

“environmental documents” are documents which are prepared to implement the Production Operation stage.

Letter m

Self-explanatory.

Number 32

Article 40

Self-explanatory.

Number 33

Article 42

Paragraph (1) [sic!]

Self-explanatory. [sic!]

Paragraph (2) [sic!]

“certain types of non-metal Mineral” are highly valued and hard-to-obtain non-metal Mineral (among others diamond and gemstones) or non-metal mineral needed to ensure strategic industrial supply (among others limestone, clay, and quartz sand for cement industry). [sic!]

Paragraph (3) [sic!]

Self-explanatory. [sic!]

Paragraph (4) [sic!]

Self-explanatory. [sic!]

Number 34

Article 42A

Self-explanatory.

Number 35

Article 43

Is removed.

Number 36

Article 44

Is removed.

Number 37

Article 45

Is removed.

Number 38

Article 46

Paragraph (1)

Guarantee shall be granted after the requirements in accordance with the provisions of laws and regulations are fulfilled.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Number 39

Article 47

Self-explanatory.

Number 40

Article 48

Is removed.

Number 41

Article 52

Self-explanatory.

Number 43

Article 54

Self-explanatory.

Number 44

Article 55

Self-explanatory.



Number 45

Self-explanatory.

Article 57

Number 46

Self-explanatory.

Article 58

Number 47

Self-explanatory.

Article 60

Number 48

Paragraph (1)

Self-explanatory.

Article 61

Paragraph (2)

If within WIUP other mining commodities with different occurrences are found either vertically or horizontally, other parties may commercialize said other mining commodities. Mining commodities may be in the form of metal Mineral, non-metal Mineral, rocks, except radioactive Mineral.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Number 49

Article 62A

Paragraph (1)

“conservation” is the optimization and efficiency or reserves.

Paragraph (2)

Self-explanatory.

Number 50

Article 65

Self-explanatory.

Number 51

Self-explanatory.

Number 52

Self-explanatory.

Number 53

Self-explanatory.

Number 54

Self-explanatory.

Number 55

Self-explanatory.

Number 56

Self-explanatory.

Number 57

Self-explanatory.

Number 58

Self-explanatory.

Article 66

Article 67

Article 68

Article 70

Article 70A

Article 72

Article 73

Article 75



Number 59

Is removed.

Article 81

Number 60

Is removed.

Article 82

Number 61

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Development plan of all areas shall be draw-up based on the result of Exploration and Feasibility Study.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Article 83

Number 62

Self-explanatory.

Article 83A

Article 83B

Paragraph (1)

“conservation” is the optimization and efficiency or reserves.

Paragraph (2)
Self-explanatory.

Number 63

Self-explanatory.

Number 64

CHAPTER XIA

Article 86A

Paragraph (1)
“certain types of rocks” are rocks for construction needs.
“or for certain needs” are needs to support development projects funded by Central Government and/or Regional Government.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Paragraph (5)
Self-explanatory.

Paragraph (6)
Self-explanatory.

Paragraph (7)
Self-explanatory.

Paragraph (8)
Self-explanatory.

Article 86B

Self-explanatory.

Article 86C

Self-explanatory.

Article 86D

Self-explanatory.

Article 86E

Self-explanatory.

Article 86F

Letter a

“good Mining principles” are fulfillment of Mining safety and environmental protections.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Article 86G

Self-explanatory.

Article 86H

Self-explanatory.

Number 65

Article 87A

Self-explanatory.

Article 87B

Self-explanatory.

Article 87C

Self-explanatory.

Article 87D

Self-explanatory.

Number 66

Article 89

Self-explanatory.

Number 67

Article 91

"Mining road" is referred to as a special road intended for mining activities and is located in a mining area or project area consisting of supporting roads and mining roads.

Number 68

Article 92

Self-explanatory.

Number 69

Article 93

Self-explanatory.

Number 70

Article 93A

Paragraph (1)

"Shares" are referred to shares that are not listed on the Indonesian stock exchange.

Paragraph (2)

Self-explanatory.

Article 93B

Self-explanatory.

Article 93C

Self-explanatory.

Number 71

Article 96

Self-explanatory.

Number 72

Article 99

Self-explanatory.

Number 73

Self-explanatory.

Article 100

Number 74

Self-explanatory.

Article 101

Number 75

Self-explanatory.

Article 101A

Number 76

Article 102

Paragraph (1)

Self-explanatory.

Paragraph (2)

Development of Coal may namely in the form of:

- a. coal upgrading;
- b. coal briquetting;
- c. coking;
- d. coal liquefaction;
- e. coal gasification including underground coal gasification; and
- f. coal slurry/coal water mixture.

Utilization of Coal, namely by building Steam Power Plant by themselves (Pembangkit Listrik Tenaga Uap/PLTU) at the mine mouth.

Paragraph (3)

Increased economic value is an increase in the added value of mineral products in the country that are able to provide optimal economic benefits for the country, the supply of mineral supply chains for the purpose of supplying and developing domestic industries by considering the comparative advantages of mineral resources, and sustainability of mining operation.

Paragraph (4)

Self-explanatory.

Number 77

Self-explanatory.

Article 103

Number 78

Paragraph (1)

Letter a

Self-explanatory.

Letter b

"other parties" are referred to parties that obtain licensing for processing and/or refinery activities that are issued based on the provisions of laws and regulations in the industrial sector.

Paragraph (2)

"other parties" are referred to parties that obtain licensing for coal development and/or utilization that are issued based on the provisions of laws and regulations in the industrial sector.

Article 104

Number 79

Self-explanatory.

Article 104A

Self-explanatory.

Article 104B

Number 80

Self-explanatory.

Article 105

Number 81

The utilization of local manpower is carried out while still considering the competence and expertise of available manpower.

This provision is intended to support and grow national capacity to be more able to compete.

Article 106

Number 82

Article 108

Self-explanatory.

Number 83

Article 112

Paragraph (1)

A national private business entity is referred to as a business entity that is incorporated in an Indonesian legal entity whose domestic shares ownership is 100% (one hundred percent).

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Number 84

Article 112A

Self-explanatory.

Number 85

Article 113

Paragraph (1)

"Suspension" shall refer to the suspension or suspension of Mining business activities for a while.

Letter a

Force majeure shall include war, civil unrest, insurrection, epidemic, earthquake, flood, fire, etc. natural or non-natural disasters beyond human capability.

Letter b

The hindering situation shall include blockades, strikes, labor disputes beyond the fault of the holder of IUP or IUPK, and provisions of the relevant laws or permits issued by the Government or the Regional Government so that resulting in an inability to conduct the ongoing mineral or coal mining business activities.

Letter c

"Environmental carrying capacity" is defined as if the environmental carrying capacity of the region is unable to bear the burden of mineral and/ or coal production operations carried out in the region at the current condition.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.
Paragraph (4)
Self-explanatory.

Number 86

Article 114

Self-explanatory.

Number 87

Article 118

Self-explanatory.

Number 88

Article 119

Self-explanatory.

Number 89

Article 121

Self-explanatory.

Number 90

Article 122

Self-explanatory.

Number 91

Article 123

Self-explanatory.

Number 92

Article 123A

Self-explanatory.

Article 123B

Paragraph (1)



Self-explanatory.

Paragraph (2)

"Stockpiling facility" is a facility to stockpile Mineral and/or Coal, which is commonly called a stockpile.

Paragraph (3)

Self-explanatory.

Number 93

Article 124

Self-explanatory.

Number 94

Article 125

Self-explanatory.

Number 95

Article 128

Self-explanatory.

Number 96

Article 129

Self-explanatory.

Number 97

Article 133

Paragraph (1)

"the principle of justice and considering the impact of mining activities on the region" is to give profit sharing of Non-Tax State Revenue proportionally both in producing regions, provinces, and other regions, including affected areas in accordance with provisions of laws and regulations.

Paragraph (2)

"Provisions of laws and regulations" are namely laws and regulations in Non-Tax State Revenue.

Number 98

Article 137A

Paragraph (1)

The settlement of matters related to land rights shall be carried out by the Central Government through mediation in the event that an agreement is not reached between the holder of IUP or IUPK and the holder of land rights.

Paragraph (2)

Self-explanatory.

Number 99

Article 139

Self-explanatory.

Number 100

Article 140

Self-explanatory.

Number 101

Article 141

Self-explanatory.

Number 102

Article 141A

Self-explanatory.

Number 103

Article 142

Have been removed.

Number 104

Article 143

Have been removed.

Number 105

Article 145

Self-explanatory.

Number 106



Self-explanatory.	Article 151
Number 107	
Have been removed.	Article 152
Number 108	
Self-explanatory.	Article 156
Number 109	
Have been removed.	Article 157
Number 110	
Self-explanatory.	Article 158
Number 111	
Self-explanatory.	Article 159
Number 112	
Paragraph (1) Have been removed.	Article 160
Paragraph (2) Self-explanatory.	
Number 113	
Self-explanatory.	Article 161

Number 114

Self-explanatory.

Article 161A

Self-explanatory.

Article 161B

Number 115

Self-explanatory.

Article 162

Number 116

Self-explanatory.

Article 164

Number 117

Have been removed.

Article 165

Number 118

Self-explanatory.

Article 168

Number 119

Article 169A

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

All goods acquired during the period of implementation of PKP2B implementation, which is determined to be state-owned goods, will be subject to leases in the form of tariffs on the utilization of state-owned goods, which are part of an increase in non-tax state revenue rates for Coal sales.

Paragraph (4)

Self-explanatory.
Paragraph (5)
Self-explanatory.

Article 169B

Self-explanatory.

Article 169C

Self-explanatory.

Number 120

Article 170A

Self-explanatory.

Number 121

Article 171A

"ex-area" is referred to an area of the results of shrinking, return, termination, or unilateral termination.

Number 122

Article 172A

Self-explanatory.

Article 172B

Self-explanatory.

Article 172C

The provisions of this Article do not diminish the right to area contract in accordance with provisions of laws and regulations.

Article 172D

Self-explanatory.

Article 172E

Self-explanatory.

Number 123

Self-explanatory.

Article 173A

Self-explanatory.

Article 173B

Paragraph (1)

Self-explanatory.

Article 173C

Paragraph (2)

Self-explanatory.

Number 124

Article 174

Self-explanatory.

Article II

Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 6525



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