

REGULATION OF THE REGENCY OF BANYUWANGI  
NUMBER 4 OF 2016  
ON  
AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF 2014  
ON PUBLIC ORDER AND TRANQUILITY OF SOCIETY

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF BANYUWANGI,

- Considering :
- a. that in order to implement the Regency of Banyuwangi, peaceful, comfortable, clean and beautiful, required legal certainty in the implementation of Regional Regulation Number 11 of 2014 on Public Order and Tranquility of Society.
  - b. that with the coming into effect of Law Number 23 of 2014 on Local Government, the authority to organize some affairs in the field of energy and mineral resources delegated to the Provincial government.
  - c. That based on the considerations as referred to in point a and point b, it is necessary to amend Regional Regulations Number 11 of 2014 on Public Order and Tranquility of Society by Regional Regulations.
- Observing :
1. Article 18 section (6), the 1945 Constitution of the Republic of Indonesia;
  2. Law Number 12 of 1950 on Establishment of Regency Areas in East Java Province (State Gazette of the Republic of Indonesia of 1950 Number 41) as amended by

- Law Number 2 of 1965 ( State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);
3. Law Number 5 of 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3817);
  4. Law Number 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
  5. Law Number 20 of 2008 on Micro, Small and Medium Enterprises (State Gazette of the Republic of Indonesia of 2008 Number 93, Supplement to the State Gazette of the Republic of Indonesia number 4866);
  6. Law Number 32 of 2009 on the Protection and Management of the Environment (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);
  7. Law Number 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587) as amended twice last by Law Number 9 of 2015 (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
  8. Government Regulation Number. 44 of 1997 on Partnership (State Gazette of 1997 Number 91, Supplement to State Gazette Number 3718);
  9. Government Regulation Number 32 of 1998 on Fostering and Developing Small-Scale Enterprises (State Gazette of 1998 Number 46, Supplement to State Gazette Number 3743);
  10. Government Regulation Number 79 of 2005 on Guidance on Development and Supervision of Regional Government (State Gazette of 2005 Number 165, Supplement to State Gazette Number 4593);
  11. Presidential Regulation of the Republic of Indonesia Number 112 of 2007 on Arrangement and Development of

- Traditional Markets, Shopping Centers and Modern Stores;
12. Regulation of the Minister of Trade Number 70 / M-DAG / PER / 12/2013 on Guidelines for Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores as amended by Regulation of the Minister of Trade number 56 / M-DAG / PER / 9/2014;
  13. Regional Regulation Number 5 of 1990 on Arrangement of Place and Business and Development of Street Vendors in Regency of Banyuwangi;
  14. Regional Regulation of Regency of Banyuwangi Number 11 of 2014 on Public Order and Tranquility of Society in Regency of Banyuwangi.

With the Joint Approval Between  
THE REGIONAL HOUSE OF REPRESENTATIVE OF THE REGENCY OF  
BANYUWANGI  
And  
REGENT OF BANYUWANGI

HAS DECIDED

To Issue : AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF  
2014 ON PUBLIC ORDER AND TRANQUILITY OF SOCIETY

Article I

Some provisions in Regional Regulation Number 11 of 2014 on Public Order and Tranquility of Society (Regional Gazette of Regency of Banyuwangi of 2014 Number 14) amended to read as follows:

1. The provisions of article 1 added 3 (three) new numbers, namely number 15, number 16, and number 17, that read as follows:

Article 1

In this Regional Regulation:

1. Area means Regency of Banyuwangi.
2. Local Government means Government of Regency of Banyuwangi.

3. Regent means Regent of Banyuwangi.
4. Tranquility and public order means a state where the government and the people can perform activities safely, orderly, regularly and comfortably.
5. Road means a land transportation infrastructure covering all parts of the road, including auxiliary buildings and equipment intended for traffic, located at ground level, above ground level, below ground and/or water, and above water level, except railroads, lorries, and cable roads.
6. Public places means facilities organized by government, private or individual used for activities for the community, including all office buildings belonging to the Government of Regency of Banyuwangi, public office buildings, malls and shopping centers.
7. Entity means a group of persons constituting unity, whether doing business or not doing business which includes limited liability company, limited partnership, other company, state owned enterprise, or regionally owned enterprise by name and in any form, firm, partnership, cooperative, pension fund, association, foundation, mass organization, socio-political organization or other organization. Institutions and other forms of bodies including collective investment contracts and permanent establishments;
8. Street vendor means a person who engages in business activities of trading and services occupying the infrastructure places and public facilities licensed by the local government.
9. Parking means a non-moving state of a more temporary vehicle and raises people and/or goods that are not immediately.
10. Environmental pollution means the entry or inclusion of living things, substances, energy, and/or other components into the environment by human activities that exceed the established environmental quality standards.

11. Mining means Part of mining business activities to produce non-metallic minerals and rocks including mining transport business.
  12. Environmental damage means a direct and/or indirect change to the physical, chemical and/or biological nature of the environment that exceeds the standard criteria of environmental damage.
  13. Environmental damage means damage to the consequences of mining or transport which cause damage to the environment and roads.
  14. Emergency means a condition that causes both persons and bodies can take action without asking permission to the competent authorities to prevent, handle and rescue the dangers that threaten the safety of the human soul.
  15. Taxpayer number (*nomor pokok wajib pajak*), hereinafter referred to as NPWP means a number given to the tax payer as a means of tax administration which is used as self-identification or identity of the tax payer in acting his rights and tax obligations.
  16. Regional taxpayer identification number (*nomor pokok wajib pajak daerah*), hereinafter referred to as NPWPD means a condition of obtaining a permit or payment of local tax which is not legality or normative to the activity.
  17. Green open space means a form of land use in an area that is intended to greening crops.
2. The provisions of Article 15 are amended so that Article 15 to read as follows:

Article 15

- (1) Every person or entity that will engage in mining business activities must obtain license from the Governor or appointed official in accordance with the provisions of the Legislation;
- (2) Mining activities resulting in environmental destruction and irrigating facilities including unlicensed mining shall be threatened in accordance with the prevailing Legislation.
- (3) Every person or entity that will conduct mineral and coal

business activities must have NPWPD.

- (4) A lorry that carry mining product is obligated to close its open tub with tarpaulins or other cover so that the mined goods it carries do not fall on the road.
3. The provisions of Article 26 point a are amended, so that Article 26 to read as follows:

#### Article 26

Every person / body is prohibited from

- a. establishing and conducting new business with modern networked shops / shops, except for unmated modern minimarket shops and modern stores integrated directly with some educational facilities or hospitals or hotels. The establishment of an integrated modern shop business is required to be spaced with traditional market at least 4 km (four kilometers) and a land area of at least 1.5 ha. (one and a half acres).
  - b. Establishing and conducting new business of karaoke entertainment, except for Family Karaoke Entertainment with Transparent Spatial Arrangement. Where family karaoke entertainment must meet the provisions as set in article 7 section (2) Regional Regulation Number 10 of 2014 on business of entertainment venue.
  - c. Establishing a New Business of integrated Family Karaoke Entertainment Venue and Modern Shop Business that not guided by Spatial Plans, and Detailed Urban Spatial Plans including zoning regulations.
  - d. Establishing and conducting hotel business except to 2 star hotel, 3 star hotel, 4 star hotel, 5 star hotel, boutique hotel, home stay and dormitory.
  - e. Modern shop arrangements as referred to in point a, is regulated in a Regent Regulation.
4. The provisions of Article 32 section (2) are amended, so that Article 32 to read as follows:

#### Article 32

- (1) The Regent conducts guidance and supervision on the implementation of public Order and tranquility of society.
- (2) Further provisions regarding on guidance and supervision as referred to in section (1) is regulated in a Regent Regulation.

5. After CHAPTER XIII added 1 (one) new CHAPTER that is CHAPTER CLOSING PROVISIONS.

#### Article II

This Regional Regulation comes into force on the date of its promulgation.

In order every person may know hereof, it is ordered to promulgate this Regional Regulation by placing it in the Regional Gazette of Regency of Banyuwangi.

Issued in Banyuwangi  
on 1 August 2016

REGENT OF BANYUWANGI,

signed

H.ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi  
on August 2016

REGIONAL SECRETARY  
OF THE REGENCY OF BANYUWANGI,

signed

Drs. H. SLAMET KARIYONO, M.SI  
Middle Administrator  
NIP19561008 198409 1 001

REGIONAL GAZETTE OF THE REGENCY OF BANYUWANGI OF 2016 NUMBER 9  
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Jakarta, 9 October 2018

Has been translated as An Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA



ELUCIDATION OF  
REGULATION OF REGENCY OF BANYUWANGI  
NUMBER 4 OF 2016  
ON  
AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF 2014  
ON  
PUBLIC ORDER AND TRANQUILITY OF SOCIETY

I. GENERAL

That by the promulgation of Number 23 of 2014 on Local Government, there are consequences of several authorities which previously became the authority of the regency government to be the authority of the province or central government.

One of does not belong to the regency authority is the affairs of energy and mineral resources.

In Regional Regulation of Regency of Banyuwangi Number 11 of 2014 on public Order and tranquility of society still regulate authority of energy and mineral resources, but since the existence of law number 23 of 2014 on Local Government that has been amended twice, last by Law Number 9 of 2015, then all regulating concerning the field of energy and mineral resources in the Regional Regulation needs to be reviewed.

In addition to amendment to some provisions related to energy and mineral resources, it is also regulated about networked minimarket modern shops and integrated modern shops.

Based on the consideration, it is necessary to establish amendment to Regional Regulation of Regency of Banyuwangi Number 11 of 2014 on Public Order and Tranquility of Society, as the establishment of this Regional Regulation it is expected to become a guideline for the Regent Government to maintain and control public order and tranquility of society in Regency of Banyuwangi.

II. ARTICLE BY ARTICLE

Article I

Sufficiently clear.

Article II

Sufficiently clear.