

REGULATION OF THE REGENCY OF BANYUWANGI

NUMBER 11 OF 2014

ON

PUBLIC ORDER AND TRANQUILITY
OF SOCIETY IN REGENCY OF BANYUWANGI

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, it is necessary arrangement in the field of public order;

b. that the implementation of public order and tranquility of society becomes one of the authorities of the government of Regency of Banyuwangi which implementation must be carried out in accordance with the provisions of the legislation;

c. that based on the considerations as referred to in point a and point b, it is necessary to issue the Regional Regulation on Public Order and Tranquility of Society in Regency of Banyuwangi.

In view of : 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 (Bulletin Gazette of the Republic of Indonesia of 1950 Number 19) 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 2753);
3. Law Number 22 of 1954 on Lottery (State Gazette of the Republic of Indonesia of 1954 Number 75, Supplement to State Gazette of the Republic of Indonesia Number 623);
 4. Law Number 8 of 1981 on Criminal Law (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3209);
 5. Law Number 39 of 1999 on Human Right (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 3886);
 6. Law Number 13 of 2006 on the Protection of Witness and Victim (State Gazette of the Republic of Indonesia of 2006 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 4635);
 7. Law Number 23 of 2006 on Population Administration (State Gazette of the Republic of Indonesia of 2006 Number 124, Supplement to State Gazette of the Republic of Indonesia Number 4674) as amended by Law Number 24 of 2013 (State Gazette of the Republic of Indonesia of 2013 number 232);
 8. Law Number 32 of 2004 Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to State Gazette of the Republic of Indonesia Number 4437) as amended twice, last by Law Number 12 of 2008 (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to State Gazette of the Republic of Indonesia Number 4844);
 9. Law Number 27 of 2007 on the Management of Coastal Area and small Small Islands (State Gazette of the Republic of Indonesia of 2007 Number 84, Supplement to State Gazette of the Republic of Indonesia Number 4739);
 10. Law Number 22 of 2009 on Traffic and Transportation (State Gazette of the Republic of Indonesia of 2009 Number 96, Supplement to State Gazette of the Republic of Indonesia Number 5025);

11. Law Number 32 of 2009 on Protection and Management of Environment (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);
12. Law Number 36 of 2009 on Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to State Gazette of the Republic of Indonesia Number 5063);
13. Law Number 12 of 2011 on Legislation-Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to State Gazette of the Republic of Indonesia Number 5234);
14. Government Regulation Number 32 of 2004 on Guidance of Public Order Agency Officers (State Gazette of the Republic of Indonesia of 2004 Number 112, Supplement to State Gazette Number 4428);
15. Presidential Regulation of the Republic of Indonesia Number 32 of 1990 on Management of Protected Area;
16. Regulation of the Minister of Home Affairs Number 54 of 2011 on Standard Operational Procedure of Public Order Agency officers;
17. Regulation of Minister of Home Affairs Number 1 of 2014 on Establishment of Regional Legal Product;
18. Regulation of Minister of Social of the Republic of Indonesia number 17/ HUK/2002 on Guidelines for Implementation of Permits and Free Sweepstakes;
19. Regional Regulation Number 5 of 1990 on Arrangement Place and Business and Fostering the Street Vendors in Regency of Banyuwangi;
20. Regional Regulation Number 6 of 2007 on Preventing and Controlling of Sexual Transmitted Infection and HIV/AIDS in Regency of Banyuwangi (Regency Gazette of of Banyuwangi of 2007 Number E/9);
21. Regional Regulation Number 40 of 2002 on Permits of Tourism Bussiness (Regency Gazette of Banyuwangi of 2002 Number E/8);

22. Regional Regulation Number 4 of 2007 on Supervision, Controlling, Distribution and Sale of Alcoholic Beverage (Regency Gazette of Banyuwangi of 2007 Number 7/E);
23. Regional Regulation Number 4 of 2012 on Investigator of Civil Servant in Regency of Banyuwangi (Regency Gazette of Banyuwangi of 2012 Number 3/E);
24. Regional Regulation Number 8 of 2012 on Spatial Plan of Regency of Banyuwangi of 2012-2032 (Regency Gazette of Banyuwangi of 2012 Number 9/E);

With the Joint Approval between
THE REGIONAL HOUSE OF REPRESENTATIVE OF THE REGENCY
OF BANYUWANGI AND REGENT OF BANYUWANGI

HAS DECIDED

To Issue : REGIONAL REGULATION ON PUBLIC ORDER AND
TRANQUILITY OF SOCIETY IN REGENCY OF BANYUWANGI.

CHAPTER I
GENERAL PROVISION

Article 1

In this Regional Regulation:

1. Area means Regency of Banyuwangi.
2. Local government means Government of Banyuwangi.
3. Regent means Regent of Banyuwangi.
4. Tranquility and Public order means a state where the government and the people can activity peacefully, orderly, regularly and comfortable.
5. Road means a land transport infrastructure covering all parts of the road, including auxiliary buildings and equipment intended for traffic, located on the ground, land surface, below the ground and / or water, and above water level, except railroads, lorries, and cable roads.
6. Public place means a facility organized by the 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 center.

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 agencies 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 entities 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.

CHAPTER II
PURPOSE AND SCOPE

Article 2

The purpose of this regulation is set as a guideline for the regulation and enforcement of public order in Regency of Banyuwangi.

Article 3

The scope of this regulation covers:

- a. Orderly on road and transport;
- b. Orderly on green lane, parks and public places;
- c. Orderly on environment;
- d. Orderly on place and certain business;
- e. Orderly on buildings;
- f. Social order; and
- g. Orderly on participation of the community.

CHAPTER III
ORDERLY ON ROAD AND TRANSPORT

Article 4

- (1) Every pedestrian is obligated to walk on designated place.
- (2) Every person who will cross the road using the means of crossing or crossing sign /provided zebra cross.
- (3) Every person who will use / lift public transport waiting at the bus stops determined.
- (4) Every public transport driver is obligated to wait, raise and / or drop the person and / or goods at the designated terminals or stops.
- (5) Every public vehicle must run on any designated road segment.

Article 5

Every driver of 2 (two) wheeled vehicles and 4 (four) wheeled vehicles which entering the traffic control area is prohibited from giving money to street beggars and street singers.

Article 6

Any person or group of persons is prohibited from singing and begging at protocol crossroads, Traffic lights or inside public vehicles as well as disrupting the flow of traffic vehicles and public places and public facilities.

Article 7

Every person or entity is prohibited from:

- a. Transporting dusty materials and foul-smelling substances using open transport vehicles.
- b. Transporting hazardous and toxic materials, flammable materials, and / or explosive materials using open transport vehicles.

Article 8

- (1) Every public vehicle must provide a trash can in the vehicle.
- (2) Every person who takes public transport is prohibited from:
 - a. Throwing trash on the roads and public places / rivers, ditches and / or out of trash bins provided;
 - b. Spitting on the road.

Article 9

- (1) Everyone is obligated to park the vehicle in a designated place.
- (2) Every person or entity is prohibited from organizing and / or arranging the parking without permit from regent or appointed official.

CHAPTER IV

ORDERLY ON GREEN LANE, PARK AND PUBLIC PLACE

Article 10

Everyone is prohibited from:

- a. Committing acts or actions for any reason that can damage fences, green lanes, parks, green open space and completeness;

- b. Utilizing green open space unless obtaining permit from the Regent or appointed Official;
- c. Residing in green lanes, parks and public places;
- d. Misusing or diverting the functions of the green lane, park and other public places;
- e. Cutting, chopping trees or picking up leaves and ornamental plants that grow along roads, green lanes and green open space without permits from the regent or appointed official;
- f. Squatting, sleeping and standing on a park bench and throwing cigarette butts, garbage / leftovers on park benches and green open space.

CHAPTER V ORDERLY ON THE ENVIRONMENT

Article 11

Every pet owner is obligated to keep his pets not to prowl in the neighborhood of settlement and green open space.

Article 12

Every person or entity is prohibited from living in roadside, under bridges, railroads, green open space, parks, public places and river borders.

Article 13

Every person or entity is prohibited from:

- a. Dumping and stacking garbage on roads, green lanes, parks, rivers, ditches, terminals, airports, ports and other places damaging the beauty and cleanliness of the environment;
- b. Urinary and small disposal in roads, green open space, parks, rivers and waterways.

CHAPTER VI ORDERLY ON PLACE AND CERTAIN BUSINESS

Part One Place of Business

Article 14

Every person or entity which in the course of its business

undertakes to have an environmental impact is obligated to possess a disruption permit pursuant to a Regional Regulation concerning a certain licensing retribution.

Article 15

- (1) Every person or entity that will engage in excavation / mining activities of non-metallic minerals and rocks must obtain permits from the regent or appointed official in accordance with the provisions of the Legislation.
- (2) Non-metal mineral mining and rocks as referred to in section (1) are: asbestos, slate, semi-precious stones, limestone, pumice, gemstone, betonies, dolomite, feldspar, rock salt (halite), graphite, granite /andesitic, gypsum, calcite, kaolin, leucite, magnetite, mica, marble, nitrate, opsidien, ocher, sand and gravel, quartz sand, perlite, phosphate, talc, fullers earth, diatomaceous soil, alum (alum), tras, yarosif, zeolite, basalt, trakktit and sulfur;
- (3) Exempted from non-metallic mineral objects and the rocks as referred to in section (2) is:
 - a. Non-metallic and rock removal activities that are not commercially exploited, such as land-taking activities for domestic purposes, power / telephone poles, electric / telephone cord planting, water / gas pipe planting;
 - b. non-metal mineral and rock removal activities that are a part of other mining activities, which are not utilized commercially.

Article 16

Everyone is prohibited from:

- a. Using / utilizing roads for commercial activities or gaining benefits that are inconsistent with roads / functions.
- b. Trading or placing merchandise on the sidewalks and pavement, working on roads / sidewalks, bus stops and other public places.
- c. Changing or dismantling the sidewalk for personal gain unless authorized by the regent or designated official.

Article 17

- (1) Regent may stipulate parts of the road and other public places of interest as a place for the street vendors in a planned activity.
- (2) The part of roads and places of public interest as referred to in section (1) are further regulated by Regent Regulation.

Article 18

- (1) Every street vendor using the place of trade is responsible for the orderliness, hygiene, security and preservation of environmental health and beauty around the place of the trade concerned.
- (2) Every street vendor violating the provisions as referred to in section (1) of its goods will be controlled.

Part Two

Specific Business

Article 19

- (1) Every hotel owner, boutique hotel, home stay, dormitory, losmen, rest house and guest house are prohibited from receiving guests who do not have citizen identification cards and/or other identities;
- (2) Hotel owners/managers of hotel, boutique hotels, home stays, dormitory, losmens, rest house and guesthouses are prohibited from accepting guests not in relatives (*muhrim*) in their rooms;
- (3) Every business owner and guest as referred to in section (1) and section (2) is prohibited from selling, distributing, consuming psychotropic substances and illegal drugs and committing prostitution, adultery and gambling.

Article 20

Every person/entity is prohibited from:

- (1) Placing objects for the purpose of doing business on the road, on the railroads, parks, green open spaces and public places, except in places that have been permitted by the Regent or by an appointed official.

- (2) Peddling merchandise, distributing leaflets or undertaking certain business in order to expect of rewards in roads, green lane, parks and public places, except for places determined by the regent or appointed official.

CHAPTER VII ORDERLY ON BUILDING

Part One Objects and Procedures of Building Control

Article 21

- (1) Object of controlling is a physical tangible building standing on the ground includes:
1. Public Buildings;
 2. Commerce Buildings / Services;
 3. Educational Buildings;
 4. Institutional Building;
 5. Residential buildings;
 6. Tower buildings, Towers and Monuments
- (2) The procedures and the way to control buildings as referred to in section (1) further regulated by Regent Regulation.

Article 22

Part Two

Principle of Building Control

The principle of Building Control is alignment according to aspects of security, comfort, safety, spatial, and suitability in the environment.

Article 23

Every person or entity is prohibited from:

- a. Establishing a building without a building permit;
- b. Establishing a building on a piece of land that is inconsistent with the designated spatial plan;
- c. Establishing a building on the road border, beach border, river border, railroad border and green open space;

- d. Establishing buildings which do not fulfill technical requirements of security, comfort and safety;

Article 24

- (1) Every person or entity is prohibited from constructing towers/telecommunication towers and placing tower equipment in buildings of worship or multi-storey buildings, obtaining permit by the Regent or appointed official.
- (2) The owner/manager of towers/towers telecommunication is obligated to ensure the safety and security of any possibility that may harm or damage the other person and/or body and/or building function around the tower/telecommunication tower.

Article 25

Every person or entity that will establish buildings or other objects that towering, plant or allow trees to grow or other vegetation within the area of flight operation safety and high-voltage airways is obligated to obtain permit from the Regent or appointed official.

Article 26

Every person / Entity is prohibited from:

- a. Establishing and running new business in the form of karaoke entertainment and modern shop business;
- b. Establishing and running hotel business beside 2 star hotel, 3 star hotel, 4 star hotel, 5 star hotel, boutique hotel, home stay and dormitory.

CHAPTER VIII

ORDERLY ON SOCIAL

Article 27

Every person or entity is prohibited from:

- a. Asking for help or self-made donations or together in roads, markets, public transport, residential neighborhoods, hospitals, schools, offices, supermarkets / malls, restaurants, stations, terminals, air / sea ports, petrol stations, charity

exhibition / charity bazaar, entertainment / recreation places, hotels and places of worship except obtaining permits from the Regent or appointed official

- b. Organizing a free lottery activity associated with the promotion of sales of goods / services (sales promotion) before obtaining permits from the regent or appointed official.

Article 28

Everyone is prohibited from:

- a. Engaging commercial sex activities;
- b. Telling others to be beggars, street singers, commercial sex workers;
- c. Using the services of commercial sex workers;
- d. Using the partial or whole house / building as a place to commit immorality;
- e. Doing a job as a pimp;
- f. Behaving and or engaging in immorality act in roads, green lane, parks or in other public places;
- g. Running begging activities, singing and trading on the protocol street or in traffic light;
- h. Buying to hawkers or giving some money or goods to homeless, beggars and street musicians on protocol street or traffic light;
- i. Organizing and or performing any form of gambling activities;
- j. Distributing, storing, selling and consuming alcoholic beverages in public places.

CHAPTER IX

ORDERLY ON COMMUNITY PARTICIPATION

Article 29

Every person or entity is prohibited from:

- a. Damaging public facilities and infrastructures, including relaying opinion time, rallies and / or mass mobilization.
- b. Disposing objects and / or means used at the time of relaying opinions, rallies, public meetings and mass mobilization on the streets, green lane and other public places.

Article 30

Every person or entity of the house owner and / or residence / building is obligated to put on Indonesian flag on the anniversary of national and regional events at any given time.

Article 31

- (1) Every person or entity that seeing, knowing and discovering the violation of public order is obligated to report to the authorized officer.
- (2) Every person or entity reporting as referred to in section (1) entitled to legal protection in accordance with the provisions of Legislation.

CHAPTER X

GUIDANCE AND SUPERVISION

Article 32

- (1) Regent implements guidance and supervision to this Regional Regulation.
- (2) The implementation of guidance and supervision as referred to in section (1) is further regulated by Regent Regulation.

CHAPTER XI

ADMINISTRATIVE SANCTIONS

Article 33

Every person or entity is liable to administrative sanctions in violation of the following provisions:

- a. The violations as referred to in Article 9 section (1), the vehicle will be tire-flatting, wheel locking and grabbing and given a proof letter of violation for the driver of the vehicle.
- b. The violation as referred to in Article 10 point e, is obligated to replace the plant with criteria determined by the related Regional Instrument Work Unit.
- c. The violation arising out of violation of the provisions as referred to in article 15 section (1) can be done activity termination and confiscation of mining equipment by a Public

Order Agency Officers and technical regional apparatus working unit.

- d. The violations as referred to in Article 19 section (1) and section (2) may be closed and revoked the license.
- e. The violation as referred to in Article 24 section (1) and section (2), Government of Regency of Banyuwangi will conduct demolition and confiscation.
- f. The violations as referred to in Article 28 point a, point b, point c and point d will be guided by technical regional apparatus units and for commercial sex workers originating from outside the Banyuwangi district will be repatriated to their home town.

CHAPTER XII PROVISION OF INVESTIGATION

Article 34

- (1) Certain Civil Servant Officials within the Local Government are given special powers as investigators to conduct criminal investigations accordance with this Regional Regulation as referred to in the Criminal Law;
- (2) The investigator as referred to in section (1) is a certain civil servant officer in the Regional Government appointed by the competent authority in accordance with the provisions of the legislation.
- (3) The authority of the investigator as referred to in section (1) are:
 - a. receiving, searching, collecting and examining statements or reports relating to criminal acts in accordance with this Regional Regulation so that the statements or reports become more complete and clear;
 - b. examining, searching, and collecting information concerning individuals or bodies about the truth of the acts committed relating to criminal acts in accordance with this Regional Regulation;
 - c. requesting information and evidence from individuals or bodies relating to criminal acts in accordance with this Regional Regulation;
 - d. checking hand phones, computers, books, records, and other

- documents with regard to criminal acts in accordance with this Regional Regulation;
- e. conducting a search to obtain evidence of books, records, and other documents, and to seize the evidence;
 - f. requesting the assistance of experts in the context of the implementation of criminal investigation tasks in accordance with this Regional Regulation;
 - g. Ordering to stop and or forbidding a person to leave a room or place during an inspection in progress and examining the identity of the person, object, and or document carried;
 - h. photographing a person related to acts in accordance with this Regional Regulation;
 - i. calling a person to be heard and examined as a suspect or witness;
 - j. stopping the investigation; and or
 - k. conducting other necessary actions for the smoothness of criminal investigations in accordance with this Regional Regulation with the provisions of the Legislation.
- (4) The investigator as referred to in section (1) notifies the commencement of the investigation and submits the results of its investigation to the prosecutor through the investigator of the police officer of the Republic of Indonesia, in accordance with the provisions regulated in the Criminal Procedural Law.

CHAPTER XIII CRIMINAL PROVISIONS

Article 35

- (1) Any person who violates the provisions of Article 15 section (1) is sentenced to imprisonment for a maximum of 3 (three) months or fined for a maximum of Rp50,000,000.00 (fifty million rupiahs);
- (2) Any person who violates the provisions of Article 19 section (1) is sentenced to imprisonment for a maximum of 3 (three) months or fined for a maximum of Rp50,000,000.00 (fifty million rupiahs);
- (3) The criminal act as referred to in section (1) and section (2) is a violation.

Article 36

Regent Regulation as the implementer of this Regional Regulation is issued not later than 6 (six) months since the Regional Regulation is promulgated.

Article 37

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 Regency Gazette of Banyuwangi.

Issued in Banyuwangi
on 18 August 2014

REGENT OF BANYUWANGI,

signed

H.ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi
on 29 Oktober 2014

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 2014 NUMBER 14

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