

REGULATION OF THE REGENCY OF BANYUWANGI

NUMBER 1 OF 2020

ON

AMENDMENT TO REGULATION OF THE REGENCY OF BANYUWANGI
NUMBER 12 OF 2015 ON SUPERVISION, CONTROL, DISTRIBUTION AND
SALES OF ALCOHOLIC BEVERAGES

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF BANYUWANGI,

- Considering :
1. that abuse of alcoholic beverages can cause disturbances to public security and order. This condition will eventually lead to social instability in the life of the nation and state;
 2. that in order to create legal certainty and harmonization of legislation in the field of supervision, control, distribution and sale of alcoholic beverages, particularly with the Regulation of the Minister of Trade Number 20/M-DAG/PER//2014 on Procurement, Distribution and Sales of Alcoholic Beverages as amended five times, and last by Regulation of the Minister of Trade Number 120 of 2018, it is necessary to amend the Regulation of the Regency of Banyuwangi Number 12 of 2015 on Supervision, Control, Distribution and Sales of Alcoholic Beverages;
 3. Based on the considerations as referred to in point a, point b and point c, it is necessary to issue a Regional Regulation on Amendment to the Regulation of the

Regency of Banyuwangi Number 12 of 2015 on Supervision, Control, Distribution and Sales of Alcoholic Beverages.

- Observing :
1. Article 18 section (6), of 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 Number 41 of 1950) as amended Law Act Number 2 of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);
 3. Law Number 8 of 1962 on trade of goods under supervision (State Gazette of Republic of Indonesia Number 42 of 1962, supplement to State Gazette number 2469);
 4. Law Number 8 of 1981 concerning on Criminal Procedure Law (State Gazette of Republic of Indonesia Number 79 of 1981, Supplement to State Gazette Number 3209);
 5. Law Number 7 of 1996 on food (State Gazette of the Republic of Indonesia number 99 of 1996, supplement to the Republic of Indonesia number 3656);
 6. Law Number 8 of 1999 on the Consumer Protection (State Gazette of the Republic of Indonesia Number 42 of 1999, Supplement to State Gazette of the Republic of Indonesia Number 3821);
 7. Law Number 10 of 2009 on Tourism (State Gazette of Republic of Indonesia Number 11 of 2009, Supplement to state gazette of the Republic of Indonesia Number 4966);
 8. Law Number 36 of 2009 on Health (State Gazette of Republic of Indonesia Number 144 of 2009, Supplement to state gazette of the Republic of Indonesia Number 5063);
 9. Law Number 12 of 2011 concerning establishment of laws regulation (State Gazette of Republic of Indonesia Number 82 of 2011, Supplement to state gazette of the Republic of Indonesia Number 5234);

10. Law Number 7 of 2014 concerning on Trade (State Gazette of Republic of Indonesia Number 45 of 2014);
11. Law Number 23 of 2014 on Local Government (State Gazette of Republic of Indonesia Number 244 of 2014), Supplement to the State Gazette of Republic of Indonesia Number 5589); as amended twice, and last by Law Number 9 of 2015 (State Gazette of Republic of Indonesia Number 58 of 2015, Supplement to the State Gazette of the Republic of Indonesia Number 5678);
12. Government Regulation Number 11 of 1962 on Trade of Goods under Supervision (State Gazette Number 46 of 1962, Supplement to State Gazette Number 2473) as amended by Government Regulation Number 19 of 2004 (State Gazette Number 68 of 2004, Supplement to State Gazette Number 4402);
13. Government Regulation Number 69 of 1999 on Food Label and Advertisement (State Gazette Number 131 of 1999, Supplement to Statute Book Number 3867);
14. Government Regulation Number 50 of 2011 on the National Tourism Development Master Plan 2010–2025 (State Gazette of the Republic of Indonesia Number 125 of 2011, Supplement to the State Gazette of the Republic Indonesia Number 5262);
15. Government Regulation Number 12 of 2017 on Guidelines for Guidance and Supervision of Local Government Administration (State Gazette of the Republic of Indonesia Number 73 of 2017, Supplement to State Gazette of the Republic of Indonesia Number 6041);
16. Government Regulation Number 24 of 2018 on Electronically Integrated Business Licensing Services (State Gazette of the Republic Indonesia Number 90 of 2018, Supplement to State Gazette of the Republic of Indonesia Number 6215);
17. Presidential Regulation Number 74 of 2013 on Control and Supervision of Alcoholic Beverages, (State Gazette of the Republic of Indonesia Number 190 of 2013);

18. Regulation of the Minister of Home Affairs Number 80 of 2015 on Regional Legal Products (State Gazette of the Republic Indonesia Number 2036 of 2015), as amended by Regulation of the Minister of Home Affairs Number 120 of 2018 (State Gazette of the Republic Indonesia Number 157 of 2018);
19. Regulation of the Minister of Trade Number 20/M-DAG/PER/4/2014 on the Procurement, Distribution and Sales of Alcoholic Beverages as amended five times, most recently by Regulation of the Minister of Trade Number 120 of 2018;
20. Regulation of the Minister of Trade Number 36 of 2018 on Implementation of Supervision of Trade Activities (State Gazette of the Republic Indonesia Number 338 of 2018);
21. Regulation of the Minister of Trade Number 77 of 2018 on electronically integrated business licensing services in trade sector (State Gazette of the Republic Indonesia Number 938 of 2018);
22. Regulation of the Regency of Banyuwangi Number 12 of 2015 on Supervision, Control, Distribution and Sales of Alcoholic Beverages (Banyuwangi Regency Gazette Number 3 of 2016).

With the joint approval of
THE HOUSE OF REPRESENTATIVES OF
THE REGENCY OF BANYUWANGI
and
THE REGENT OF BANYUWANGI

HAS DECIDED:

To Issue : REGIONAL REGULATION ON AMENDMENT TO REGULATION OF THE REGENCY OF BANYUWANGI NUMBER 12 OF 2015 ON SUPERVISION, CONTROL, DISTRIBUTION AND SALES OF ALCOHOLIC BEVERAGES.

Article I

Several provisions in the Regulation of the Regency of Banyuwangi Number 12 of 2015 on Supervision, Control,

Distribution and Sales of Alcoholic Beverages (Banyuwangi Regency Gazette Number 3 of 2016) are amended as follows:

1. The provisions of Article 1 number 14 are amended, point 15 is deleted and 2 (two) new numbers are added namely point 18 and point 19, so that Article 1 reads as follows:

Article 1

In this Regional Regulation:

1. Region means the Regency of Banyuwangi.
2. Local Government means the Government of the Regency of Banyuwangi.
3. Regent means the Regent of Banyuwangi.
4. Alcoholic Beverages mean beverages containing ethyl alcohol or ethanol (C₂H₅OH) which are processed from agricultural products containing carbohydrates by fermentation and distillation or fermentation without distillation.
5. Production of alcoholic beverages means the activity or process of producing, preparing, preparing, processing, making, preserving, repackaging and/or changing the form of alcoholic beverages.
6. Alcoholic beverages circulation means any activity or series of activities in distributing alcoholic beverages to be traded domestically.
7. Alcoholic beverages retailer means a company that sells alcoholic beverages to end consumers in packaged form at a specified place.
8. Direct seller of alcoholic beverages means a company that sells alcoholic beverages to end consumers to be drunk directly at a specified place.
9. Agent means an intermediary person or company that seeks to sell for another company on behalf of a representative entrepreneur.
10. Business Actor means any individual Indonesian citizen or business entity in the form of a legal entity or non-legal entity established and domiciled in the

jurisdiction of the Unitary State of the Republic of Indonesia which carries out business activities in the alcoholic beverage trade sector.

11. Distributor means a company appointed by the Domestic Product Alcoholic Beverage Producer and/or imported product IT-MB to distribute Alcoholic Beverages to retailers and direct sellers through Sub Distributors in certain marketing areas.
 12. Sub-Distributor means a company appointed by the Distributor to distribute domestic Alcoholic Beverages and/or imported products to retailers and direct sellers in certain marketing areas.
 13. Everyone means an individual every form of individual business or business entity owned by an Indonesian citizen and domiciled in the territory of the Republic of Indonesia, whether in the form of a legal entity or non-legal entity that carries out the business of trading alcoholic beverages.
 14. Hotels and Restaurants mean places as determined in the prevailing legislation.
 15. Deleted.
 16. Trading Business License, abbreviated as SIUP, means a license to carry out trading business activities.
 17. Alcoholic Beverage Trading Business License, abbreviated as SIUP MB, means a permit to carry out trading business activities specifically for alcoholic beverages of class B and C.
 18. Restaurant with golden tray sign means a restaurant of the highest class declared with a gold cutlery charter.
 19. Restaurant with silver tray sign means a middle class restaurant declared by a silver cutlery charter.
2. The provisions of Article 2 point b and point c are amended so that Article 2 reads as follows:

Article 2

Alcoholic Beverages are classified into the following groups:

- a. Group A alcoholic beverages are alcoholic beverages with ethanol content (C₂H₅OH) up to 5% (five percent);
 - b. Group B alcoholic beverages are alcoholic beverages with ethanol (C₂H₅OH) content of more than 5% (five percent) to 20% (twenty percent);
 - c. Group C alcoholic beverages are alcoholic beverages with ethanol (C₂H₅OH) content of more than 20% (twenty percent) to 55% (fifty five percent).
3. The provisions of Article 3 section (1) and section (3) are amended so that Article 3 reads as follows:

Article 3

- (1) Every person, agent and/or business actor conducting alcoholic beverage trade business activities class A is Obligated to have License-A/ Permit-A in accordance with the Prevailing Legislation.
 - (2) Every person, agent and/or business actor conducting business activities of trading alcoholic beverages of class B and class C is obligated to obtain BUSINESS LISENCE of MB.
 - (3) Provisions regarding the Application Procedures for Alcoholic Beverage Trading Business Permits for alcoholic drink retailers, and direct sellers of class B and class C alcoholic beverages as well as class B alcoholic beverages containing spices, herbs, or the like with the highest ethanol content of 15% (fifteen percent) are further regulated by a Regent Regulation.
4. The provisions of Article 4 section (2) and section (4) are amended so that Article 4 reads as follows:

Article 4

- (1) Domestic production of alcoholic beverages can only be carried out based on the permit of the Minister of Trade as referred to in the prevailing legislation.
 - (2) The total distribution and/or direct sale of alcoholic beverages of class B and C for consumption are determined by a Regent Decision.
 - (3) Every person, agent and/or business actor in producing, distributing, and/or selling alcoholic beverages as referred to in Article 2 are obligated to include an information label in Indonesian which contains the following information:
 - a. product name;
 - b. registration number;
 - c. alcohol content;
 - d. a list of materials used;
 - e. net weight/clean content;
 - f. name and address of the producer;
 - g. expiration date, month and year;
 - h. label of the words 'alcoholic beverage'.
 - (4) Everyone is prohibited from deleting, revoking, closing, changing, re-labeling, or exchanging information labels on alcoholic drink products as referred to in section (3).
 - (5) Every person, agent and/or business actor is prohibited from producing, distributing, and or selling other alcoholic beverages and/or similar traditional alcoholic beverages such as win (arak), palm wine (tuak) and/or other designations produced traditionally either by giving prior treatment or not, adding other ingredients or not, or those processed by mixing concentrates and/or drugs with ethanol or by diluting beverages containing ethanol.
5. The provisions of Article 6 are deleted.

6. The provisions of Article 10 section (2) are deleted and section (3) amended, so that Article 10 reads as follows:

Article 10

- (1) Every alcoholic beverages direct seller or alcoholic beverages retailer is obligated to have a BUSINESS LICENSE-MB.
 - (2) Deleted.
 - (3) Hotels, restaurants, cafes and other certain places that have been determined by the regent, which sell and/or distribute alcoholic beverages of class A is required to have License-A/Permit-A and for class B and class C are required to have a Permanent Business Permit of hotels and restaurants, as well as obtaining BUSINESS LICENSE of MB.
7. The provisions of Article 11 are amended so that Article 11 reads as follows:

Article 11

- (1) The Regent supervises and control the distribution of alcoholic beverages of class A, class B and/or class C as well as alcoholic beverages of class B containing herbal spices and the like with a maximum ethanol content of 15% (fifteen percent);
 - (2) The Regent in implementing supervision and control over the distribution of alcoholic beverages as referred to in section (1) form an integrated team by involving elements of the police apparatus and related vertical agencies.
 - (3) The integrated team as referred to in section (2) determined by a Regent Decision.
 - (4) Further provisions regarding the supervision and control methods are regulated in a Regent Regulation.
8. The provisions of Article 15 section (1) are amended so that Article 15 reads as follows:

Article 15

- (1) Every person or entity that violates the provisions in Article 3 section (2), Article 4 section (4) and section (5), Article 10 section (1) and section (3) is subject to imprisonment for a maximum of 3 (three) months or a fine of up to Rp.50,000,000.00 (fifty million rupiah).
- (2) The criminal act as referred to in section (1) is a violation

Article II

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

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

Issued in Banyuwangi
on 27 February 2020

REGENT OF BANYUWANGI,

signed

H. ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi
on 27 February 2020

REGIONAL SECRETARY
OF THE REGENCY OF BANYUWANGI,

signed

H. MUJIONO

REGENCY GAZETTE OF BANYUWANGI OF 2020 NUMBER 1

Jakarta, 27 November 2020

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 KATJAHJANA

ELUCIDATION
OF
REGULATION OF THE REGENCY OF BANYUWANGI
NUMBER 1 OF 2020
ON
AMENDMENT TO REGULATION OF THE REGENCY OF BANYUWANGI
NUMBER 12 OF 2015 ON SUPERVISION, CONTROL, DISTRIBUTION AND
SALES OF ALCOHOLIC BEVERAGES

I. GENERAL

The Legislation making must be carried out based on the principles of good legislation making, one of which is the principle of conformity between types, hierarchy, and content.

Based on these considerations, the making of the Regulation of the Regency of Banyuwangi on Supervision, Control, Distribution and Sales of Alcoholic Beverages, must pay attention to higher legislation, namely Law Number 23 of 2014 on Local Government as amended twice, and last by Law Number 9 of 2015.

In Annex I to Matrix of Dividing of Concurrent Government Affairs between the Central Government and Provincial and Regency/Municipal Governments, Letter DD Division of Government Affairs in the Trade Sector, number 1, Column 5, point d of Law Number 23 of 2014 on Local Government as amended by twice, and last by Law Number 9 of 2015, the issuance of business licenses for alcoholic beverages trade of class B and C for retailers and direct beverages sellers is the authority of the regency.

Based on these considerations, in order to create a harmonization of legislation, as well as the establishment of a Regulation of the Regency of Banyuwangi that is in accordance with the principle of conformity between types, hierarchy and content, it is necessary to amend Regulation of the

Regency of Banyuwangi Number 12 of 2015 on Supervision, Control, Distribution and Sales of Alcoholic Beverages by issuing those in the Regional Regulation.

II. ARTICLE BY ARTICLE

Article I

Point 1

Article 1

Sufficiently clear.

Point 2

Article 2

Sufficiently clear.

Point 3

Article 3

Sufficiently clear.

Point 4

Article 4

Sufficiently clear.

Point 5

Article 6

Sufficiently clear.

Point 6

Article 10

Sufficiently clear.

Point 7

Article 11

Sufficiently clear.

Point 8

Article 15

Sufficiently clear.

Article II

Sufficiently clear.