

REGENT OF GRESIK

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REGULATION OF THE REGENT OF GRESIK

NUMBER 74 OF 2011

ON

DEATH GRATUITY FOR THE POOR IN REGENCY OF GRESIK

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF GRESIK,

Considering: a. that in order to realize the concern of the Gresik Regency Local Government towards the burden of the community affected by the death calamity, it is necessary to provide Death Gratuity to their heirs;

b. that to create effectiveness and legal certainty in the implementation of the Death Gratuity Program for the Community in Gresik Regency with the enactment of the Regulation of the Minister of Home Affairs Number 32 of 2011 concerning Guidelines for Providing Grants and Social Assistance sourced from the Regional Revenue and Expenditure Budget, then Regent Regulation of Gresik Number 37 of 2010 concerning the Provision of Death Gratuity for the Community in Gresik Regency as amended by Regent Regulation of Gresik Number 4 of 2011 needs to be replaced;

c. that based on the considerations as referred to in points a. and b., it is necessary to establish a Regent Regulation on Death Gratuity for the Poor in Gresik Regency;

Considering: 1. Law Number 17 of 2003 on State Finance (State Gazette of the Republic of Indonesia of 2003 Number 47, Supplement to the State Gazette of the Republic of Indonesia Number 4286); 2. Law Number 1 of 2004 on State Treasury (State Gazette of the Republic of Indonesia of 2004 Number 5, Supplement to the State Gazette of the Republic of Indonesia Number 4355);

3. Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as

amended several times, lastly by Law Number 12 of 2008 on the Second Amendment to Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);

4. Law Number 33 of 2004 on Financial Balance between the Central Government and Regional Governments (State Gazette of the Republic of Indonesia of 2004 Number 126, Supplement to the State Gazette of the Republic of Indonesia Number 4438);

5. Law Number 40 of 2004 on the National Social Security System (State Gazette of the Republic of Indonesia of 2004 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 4456);

6. Law Number 11 of 2009 on Social Welfare (State Gazette of the Republic of Indonesia of 2009 Number 12, Supplement to the State Gazette of the Republic of Indonesia Number 4967);

7. Law Number 12 of 2011 on the Formation of Legislation (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);

8. Government Regulation Number 58 of 2005 on Regional Financial Management (State Gazette of the Republic of Indonesia of 2005 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 4578); 9. Government Regulation Number 38 of 2007 on the Division of Government Affairs between the Central Government, Provincial Regional Governments and Regency/City Regional Governments (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);

10. Government Regulation Number 41 of 2007 on Regional Government Apparatus (State Gazette of the Republic of Indonesia of 2007 Number 89, Supplement to the State Gazette of the Republic of Indonesia Number 4741);

11. Regulation of the Minister of Home Affairs Number 13 of 2006 concerning Guidelines for Regional Financial Management, as amended twice by the Regulation of the Minister of Home Affairs Number 21 of 2011 concerning the Second Amendment to the Regulation of the Minister of Home Affairs Number 13 of 2006 (State News of the Republic of Indonesia of 2011 Number 310).

DECIDES:

To establish: THE REGENT REGULATION ON DEATH GRATUITY FOR THE POOR IN REGENCY OF GRESIK.

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

In this Regulation:

- a. Region means Gresik Regency.
- b. Regent means the Regent of Gresik.
- c. Local Government means the Head of the Region and other regional apparatus as elements of regional government implementation.
- d. Regional Revenue and Expenditure Budget, hereinafter abbreviated as APBD, means an annual regional plan determined based on a Regional Regulation on the Regional Revenue and Expenditure Budget.
- e. Population means Indonesian Citizens and Foreigners residing in Indonesia.
- f. The population of Gresik Regency, hereinafter referred to as the Population, means the community of the region domiciled in Gresik.
- g. The Poor People of Gresik Regency, hereinafter referred to as the poor, means individuals living in Gresik with a Family Card (KK) and an Identity Card (KTP) of Gresik Regency, and registered in the Jamkesmas/Jamkesmasda program.
- h. Death Gratuity means a contribution in the form of money given to heirs to alleviate the burden of the bereaved family.
- i. Heir means husband, wife, children, and siblings.

## CHAPTER II

### DEATH GRATUITY FUND

#### Article 2

- (1) By this Regulation, the Local Government provides death gratuity funds for the Poor in the

Region of Rp. 1,500,000 (One Million Five Hundred Thousand Rupiah) per person.

(2) The Gratuity Fund as referred to in section (1) is sourced from the Regional Revenue and Expenditure Budget of Gresik Regency.

### CHAPTER III

## RESPONSIBLE PARTY AND TECHNICAL IMPLEMENTER OF THE DEATH GRATUITY SOCIAL ASSISTANCE PROGRAM

### Article 3

The responsible party and technical implementer of the Death Gratuity Social Assistance Program consist of:

- a. The Head of the Peoples Welfare Administration Section at the Gresik Regency Secretariat as the Program Responsible Party and also as the Budget User Authority.
- b. The Technical Implementation Team for the Death Gratuity Social Assistance Distribution Activities at the Sub-district Level as the Technical Implementer.

### Article 4

The Responsible Party for the Death Gratuity Social Assistance Program as referred to in Article 3 point a is tasked and responsible for:

- a. Carrying out socialization of the death gratuity social assistance program policy;
- b. Conducting guidance, monitoring, and evaluation of the death gratuity social assistance program;
- c. Verifying the completeness of the file requirements for fund disbursement;
- d. Facilitating problem solving;
- e. Submitting a request for fund disbursement;
- f. Providing reports on the implementation of the death gratuity social assistance program to the Regent; and
- g. Being responsible for the use of the budget for the implementation of the Death Gratuity Social Assistance Program.

### Article 5

(1) The technical implementation team for the death gratuity social assistance distribution activities at the sub-district level as referred to in Article 3 point b is formed at the Sub-district level by decision of the Sub-district Head, with the following membership structure:

- a. Responsible Party: Sub-district Head
- b. Chairperson: Head of Sub-district Welfare Section
- c. Treasurer: Staff of Sub-district Welfare Section

(2) The technical implementation team for the death gratuity social assistance distribution activities at the sub-district level as referred to in section (1) is tasked and responsible for:

- a. Verifying the submission of death gratuity social assistance submitted by the community through the Village Head;
- b. Disbursing funds to the community entitled to receive death gratuity social assistance according to submissions with correct and complete requirements;
- c. Preparing a report on accountability for the use of funds;
- d. Regularly reporting the realization of fund use to the Head of the Peoples Welfare Administration Section at the Gresik Regency Secretariat as the Program Responsible Party;
- e. Maintaining the financial management of Death Gratuity Social Assistance;
- f. Being responsible for the accuracy of the disbursed funds; and
- g. Submitting a request for fund disbursement to the Regent through the Head of the Peoples Welfare Administration Section at the Gresik Regency Secretariat as the Program Responsible Party, who is also the Budget User Authority.

### CHAPTER III

### REQUIREMENTS AND MECHANISM FOR DISBURSEMENT OF DEATH GRATUITY SOCIAL ASSISTANCE FUNDS

#### Article 6

(1) The technical implementation team for the death gratuity social assistance distribution activities in the sub-district opens an account at Bank Jatim Gresik Branch. This account is in the name of the sub-district with the Sub-district Head as the responsible party.

(2) The account as referred to in section (1) is reported to the Head of the Peoples Welfare

Administration Section at the Gresik Regency Secretariat as the Responsible Party for the Death Gratuity Social Assistance Program/Budget User Authority, to be determined by the Regents Decision.

#### Article 7

(1) The requirements for the disbursement of Death Gratuity Social Assistance Funds are:

- a. A letter of request for disbursement from the head of the technical implementation team for death gratuity social assistance distribution activities in the sub-district;
- b. An introductory letter from the Sub-district Head;
- c. A stamped receipt signed by the head of the technical implementation team for death gratuity social assistance distribution activities in the sub-district, acknowledged by the Sub-district Head;
- d. A statement of responsibility; and
- e. A photocopy of the bank account;
- f. A report of accountability/SPJ for the use of funds from the previous stage;

(2) The Disbursement Request is submitted to the Regent through the Head of the Peoples Welfare Administration Section at the Secretariat.

### CHAPTER IV

#### REQUIREMENTS FOR SUBMISSION OF DEATH GRATUITY FUNDS

#### Article 8

(1) To obtain death gratuity funds, heirs must submit a letter of request to the Regent through the Sub-district Head.

(2) The request is submitted to the Regent through the Peoples Welfare Administration Section via the Sub-district Head by the Head of the Technical Implementation Team for Death Gratuity Social Assistance Distribution Activities in the Sub-district.

(3) The letter of request as referred to in section (2) must be accompanied by:

- a. A death certificate from the local village/sub-district head;
- b. Photocopy of Gresik Identity Card and Gresik Family Card from the applicant/heir;
- c. Original Gresik Identity Card of the deceased;

d. Photocopy of Birth Certificate or birth certificate from a midwife/birth certificate from the village/sub-district (Triplicate) and photocopy of the parents marriage certificate for underage citizens; and

e. Photocopy of Jamkesmas/Jamkesmasda participant card;

(4) Heirs may authorize someone to submit the application with a sufficiently stamped power of attorney.

(5) For authorized applicants, the authorized recipient must sign a statement that the attached documents are true and legally accountable.

## CHAPTER V

### PROVISION OF DEATH GRATUITY FUNDS

#### Article 9

(1) The gratuity funds as referred to in Article 2 are given to the heirs of the deceased.

(2) If the application has met the requirements as referred to in Article 8 section (3), the head of the technical implementation team for the death gratuity social assistance distribution activities directly hands over the death gratuity social assistance to the heir/family member.

## CHAPTER VI

### EXPIRY PERIOD

#### Article 10

The submission of a request for death gratuity by the Heir to the Regent through the Head of the Technical Implementation Team is at the latest 2 (two) months from the date of death.

## CHAPTER VII

### TRANSITIONAL PROVISIONS

#### Article 11

2011 death gratuity social assistance that has not been paid at the time this Regulation comes into

effect will still be paid with the amount of assistance and the method of providing assistance based on Regent Regulation of Gresik Number 37 of 2010 concerning the Provision of Death Gratuity for the Community in Gresik Regency as amended by Regent Regulation of Gresik Number 4 of 2011.

## CHAPTER VIII

### FINAL PROVISIONS

#### Article 12

Upon the commencement of this Regent Regulation, Regent Regulation of Gresik Number 37 of 2010 concerning the Provision of Death Gratuity for the Community in Gresik Regency (Gresik Regency Regional News of 2010 Number 672) as amended by Regent Regulation of Gresik Number 4 of 2011 concerning Amendments to Regent Regulation of Gresik Number 37 of 2010 (Gresik Regency Regional News of 2011 Number 5) is revoked and declared invalid.

#### Article 13

This Regent Regulation comes into effect on January 2, 2012;

In order for everyone to know, the enactment of this Regent Regulation is ordered with its placement in the Gresik Regency Regional News.

Established in Gresik

On December 30, 2011

REGENT OF GRESIK

(signature)

Dr. Ir. H. SAMBARI HALIM RADIANTO, ST., M.Si.