

REGULATION OF THE REGENCY OF GRESIK

REGIONAL REGULATION OF THE REGENCY OF GRESIK

NUMBER 11 OF 1994

ON

GUIDANCE AND REGULATION OF STREET VENDORS BUSINESS PLACES IN THE REGENCY
OF GRESIK

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF GRESIK

Considering: a. That in order to increase the income of economically weak people commonly known as street vendors, it is necessary to provide guidance and regulation from the Regency Government of Gresik;

b. That in an effort to uphold the provisions of the legislation, the environment, public order, road traffic and transportation, public cleanliness, and provisions regarding markets in the Regency of Gresik, it is necessary to improve guidance for street vendors;

c. That to implement the intentions of points a and b of this consideration, it is necessary to establish the Guidance and Regulation of Street Vendors Business Places in the Regency of Gresik in a Regional Regulation.

Considering: 1. Law Number 5 of 1974 on the Principles of Regional Government;

2. Law Number 12 of 1950 on the Formation of Regency Areas in the East Java Province, Juncto Law Number 2 of 1965 on the Change of Boundary Areas of Surabaya City and Regency of Surabaya;

3. Law Number 12 Drt of 1957 on General Regulations for Regional Levies;

4. Law Number 8 of 1981 on Criminal Procedure Law;

5. Law Number 4 of 1982 on the Basic Provisions for Environmental Management;
6. Law Number 14 of 1992 on Road Traffic and Transportation;
7. Government Regulation Number 38 of 1974 on the Change of Name of Surabaya Regency to Gresik Regency;
8. Regulation of the Minister of Home Affairs Number 14 of 1974 on the Form of Regional Regulations;
9. Regional Regulation of Gresik Regency Number 1 of 1975 on the Implementation of Public Order in the Fields of Neatness, Cleanliness, Security, and Health in the Regency of Gresik;
10. Regional Regulation of Gresik Regency Number 10 of 1987 on Civil Servant Investigators;
11. Regional Regulation of Gresik Regency Number 12 of 1991 on Regional Government Markets;
12. Regional Regulation of Gresik Regency Number 4 of 1992 on the Second Amendment to Regional Regulation of Gresik Regency Number 4 of 1977 on Levy Collection.

With the Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES OF REGENCY OF GRESIK,

DECIDES

To Enact: REGIONAL REGULATION OF THE REGENCY OF GRESIK ON GUIDANCE AND REGULATION OF STREET VENDORS BUSINESS PLACES IN THE REGENCY OF GRESIK.

Article 1

In this Regional Regulation:

- a. Regional Government means the Regency Government of Gresik;
- b. Head of Region means the Regent of Gresik;
- c. Appointed Official means the Head of the Regional Revenue Service of the Regency of Gresik;
- d. Market means markets owned and/or controlled by the Regency Government of Gresik;
- e. Street Vendor means a person who conducts trading/selling activities in public places or public facilities;
- f. Public Place or Facility means a place/land used for public interest in accordance with its

designated use.

CHAPTER II

REGULATION OF BUSINESS PLACES

Article 2

- (1) In maintaining order, security, peace, and cleanliness, as well as the flow of traffic on roads in the Regency of Gresik, it is prohibited to use public places or facilities for street vendor business activities without permission from the Head of Region or the Appointed Official;
- (2) The permission referred to in section (1) of this Article is only granted for the use of public places or facilities designated by the Head of Region;
- (3) In designating public places or facilities as referred to in section (2) of this Article, the Head of Region considers social, economic interests, order, security, peace, and environmental cleanliness in the surrounding area, as well as the market situation.

Article 3

- (1) Every Street Vendor who has received permission to use the place referred to in section (1) and (2) of Article 2 of this Regional Regulation must be responsible for the order, security, peace, cleanliness, environmental health, and beauty around their business;
- (2) The Head of Region further stipulates the regulations and requirements referred to in section (1) of this Article.

CHAPTER III

LICENSING PROVISIONS

Article 4

- (1) Every Street Vendor who wishes to obtain permission as referred to in Article 2 of this Regional Regulation must submit an application and fulfill the stipulated requirements;
- (2) The requirements and procedures for submitting applications and granting permits referred to in section (1) of this Article are regulated by the Head of Region;

(3) The permit referred to in Article 2 of this Regional Regulation cannot be transferred to another person without the consent of the Head of Region or the Appointed Official;

(4) The permit may be revoked because:

- a. The permit holder violates the conditions stipulated in the permit letter and the provisions of applicable laws and regulations;
- b. The public place or facility is no longer declared as a permitted place for Street Vendor activities.

Article 5

The granting of Business Place Permits referred to in Article 2 of this Regional Regulation is valid for a period of twelve (12) months and can be extended if the permit holder continues to operate their business.

CHAPTER IV

LEVY PROVISIONS

Article 6

(1) Every Street Vendor who obtains permission to use a place as referred to in Article 2 of this Regional Regulation is subject to a levy in accordance with the provisions of the applicable Regional Regulation;

(2) Street Vendors are also subject to the provisions of Regional Regulation of Gresik Regency Number 10 of 1977 on Regional Government Markets, Juncto Number 12 of 1991.

CHAPTER V

GUIDANCE

Article 7

(1) For the purpose of developing Street Vendor businesses, the Head of Region or the Appointed Official is obliged to provide guidance, coaching, and counseling;

(2) The procedures for guidance referred to in section (1) of this Article are further determined by the Head of Region.

CHAPTER VI

CRIMINAL PROVISIONS

Article 8

(1) Violations of Articles 2 and 4 of this Regional Regulation are punishable by imprisonment for a maximum of six (6) months or a fine of a maximum of Rp. 50,000.00 (fifty thousand rupiah).

(2) The criminal act referred to in section (1) of this Article is a violation.

CHAPTER VII

INVESTIGATION PROVISIONS

Article 9

(1) In addition to General Investigating Officials who are tasked with investigating criminal acts, investigations into criminal acts as referred to in this Regional Regulation can also be carried out by Civil Servant Officials within the Regency Government of Gresik whose appointments are determined in accordance with applicable laws and regulations;

(2) In carrying out their investigative duties, the Investigators referred to in section (1) of this Article are authorized to:

- a. Receive reports or complaints from someone about a criminal act;
- b. Take initial action at the scene and conduct an examination;
- c. Order a suspect to stop and examine the suspects identification;
- d. Seize objects and/or documents;
- e. Take fingerprints and photograph a person;
- f. Summon a person to be heard and examined as a suspect or witness;
- g. Summon expert witnesses needed in connection with the examination of the case;
- h. Conduct a termination of the investigation after receiving instructions from the general investigator that there is insufficient evidence or that the incident is not a criminal act, and then, through the General Investigator, notify the public prosecutor, the suspect, or their family;
- i. Take other legally justifiable actions.

CHAPTER VIII

FINAL PROVISIONS

Article 10

Matters not sufficiently regulated in this Regional Regulation, as far as their technical implementation is concerned, will be further regulated by the Head of Region.

Article 11

This Regional Regulation comes into effect on the date of its promulgation. In order for everyone to know, the promulgation of this Regional Regulation is ordered in the Regional Gazette of the Regency of Gresik.

Gresik, November 2, 1994

THE REGIONAL HOUSE OF REPRESENTATIVES OF THE REGENCY OF GRESIK THE
REGENT OF GRESIK

Vice Chairman

[signature]

ACHSAN SUBAGJO

[signature]

A. SOEWARSO

Ratified by the Decision of the Governor of East Java dated February 27, 1995, Number 174/P of 1995.

On behalf of the GOVERNOR OF EAST JAVA

Assistant for Regional Administration

[signature]

Drs. SOENARJO

Senior Supervisor

NIP. 510 040 479

Promulgated in the Regional Gazette of Gresik Regency on April 10, 1995, Number 2 of 1995 Series B.

On behalf of THE REGENT OF GRESIK

Regional Secretary

[signature]

SOEHARMANTO. SH

True Copy

Certified by

On behalf of THE REGIONAL SECRETARY OF GRESIK

Head of Legal Division

[signature]

ARSAD I. SH

Administrator

NIP 510 101 125

EXPLANATION OF THE REGIONAL REGULATION OF REGENCY OF GRESIK
NUMBER 11 OF 1994

ON

GUIDANCE AND REGULATION OF STREET VENDORS BUSINESS PLACES IN THE REGENCY
OF GRESIK

I. GENERAL EXPLANATION

Street vendors can be said to be an inseparable part of population growth and the development of physical infrastructure and urban development in the Regency of Gresik. Therefore, it is only natural for the Regional Government to pay attention to the existence of street vendors, who generally come from traders with weak economies and low incomes, with the aim of ensuring that their businesses contribute to creating an orderly, clean, healthy, beautiful, and comfortable city. In addition, street vendors will receive appropriate guidance so that they can develop and improve their businesses. Ultimately, it is hoped that they will be able to support the regional economy and the informal sector. The regulation for street vendors does not mean that the Regional Government is allowing street vendors to continue to grow and establish permanent business places; however, after receiving guidance and training for a certain period, it is hoped that street vendors businesses will become advanced and they will be willing and able to move to markets or shops appropriate to their type of goods.

Given the purpose and target scope of the regulation, so that street vendors can conduct formal businesses, the regulations in this Regional Regulation are temporary.

The places used as business places by street vendors are public places that already have their own designated use according to the City Spatial Plan (RSPK), such as roads, sidewalks, parks, fields, etc. Therefore, the time for street vendors to conduct business should be limited to certain hours and in a non-permanent physical building condition. So that during certain hours, those trading places are empty, orderly, clean, and healthy, while maintaining the environmental condition to function according to their original function according to the City Spatial Plan.

II. ARTICLE-BY-ARTICLE EXPLANATION

Article 1: Sufficiently clear.

Article 2: Sufficiently clear.

Article 3: The provisions in this article are intended to maintain order, security, peace, cleanliness, health, and environmental beauty. Therefore, the use of trading places must also be stipulated for a certain period, with non-permanent or temporary buildings so that they can be easily moved and cleaned to restore the environment to its original condition.

Article 4, section (1): Sufficiently clear.

Article 4, section (4): The violation referred to is committed as long as the business is located in the place permitted in the given permit.

Article 5: Sufficiently clear.

Articles 6 to 11: Sufficiently clear. To maintain the continuity of implementation between one stage and another and the integration between sectors and sub-sectors, and for the adjustment of plans to changes in socio-economic and physical aspects, evaluation or review activities are carried out regularly, namely every implementation of the Regional Pelita. City Plan revisions are carried out if the results of the evaluation or review mentioned above show fundamental changes or deviations. The evaluation includes the possibilities of population shifts, shifts in land use, services of socio-economic urban infrastructure and facilities, and other shifts that will affect the overall city system.

II. ARTICLE-BY-ARTICLE EXPLANATION

Articles 1 to 7: Sufficiently clear.

Article 8: If deemed necessary, a review can be conducted for a shorter period, especially in the face of sudden changes that have an overall effect on the city system.

Articles 9 to 11: Sufficiently clear.