

REGIONAL REGULATION OF REGENCY OF GRESIK

NUMBER 07 OF 2003

ON
RETRIBUTION FOR THE OPERATIONAL PERMIT OF NON-MOTORIZED VEHICLES

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF GRESIK

Considering: a. That with the enactment of Law Number 34 of 2000 concerning Amendments to Law Number 18 of 1997 concerning Regional Taxes and Retributions, Regional Regulation of Gresik Regency Number 15 of 1985 concerning the Regulation of Non-Motorized Vehicles in Gresik Regency II, needs to be improved and adjusted;

b. That to implement the adjustments as referred to in (a), it is necessary to regulate the retribution for the operational permit of non-motorized vehicles, which is determined by Regional Regulation;

Considering: 1. Law Number 12 of 1950 concerning the Formation of Regions within the Province of East Java, Juncto Law Number 2 of 1965 concerning Changes to the Boundary of Surabaya Municipality and Surabaya Regency II (State Gazette of 1965 Number 19, Supplement to the State Gazette Number 2730);

2. Law Number 8 of 1981 concerning the Criminal Procedure Code (State Gazette of 1981 Number 76, Supplement to the State Gazette Number 3209);

3. Law Number 14 of 1992 concerning Road Traffic and Transportation (State Gazette of 1992 Number 49, Supplement to the State Gazette Number 3480);

4. Law Number 18 of 1997 concerning Regional Taxes and Retributions (State Gazette of 1997 Number 41, Supplement to the State Gazette Number 3685) as amended by Law Number 34 of 2000 concerning Amendments to Law Number 18 of 1997 concerning Regional Taxes and Retributions (State Gazette of 2000 Number 246, Supplement to the State Gazette Number 4048);

5. Law Number 22 of 1999 concerning Regional Government (State Gazette of 1999 Number 60,

Supplement to the State Gazette Number 3839);

6. Law Number 25 of 1999 concerning Financial Balance between the Central Government and Regional Governments (State Gazette of 1999 Number 72, Supplement to the State Gazette Number 3848);

7. Government Regulation Number 41 of 1993 concerning Road Transportation (State Gazette of 1993 Number 50, Supplement to the State Gazette Number 3527);

8. Government Regulation Number 42 of 1993 concerning Motor Vehicle Inspection on the Road (State Gazette of 1993 Number 60);

9. Government Regulation Number 25 of 2000 concerning the Authority of the Government and the Authority of the Province as an Autonomous Region (State Gazette of 2000 Number 54, Supplement to the State Gazette Number 3952);

10. Government Regulation Number 66 of 2001 concerning Regional Retribution (State Gazette of 2001 Number 119, Supplement to the State Gazette Number 4139).

With the Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES OF REGENCY OF GRESIK

DECIDES TO ENACT:

REGIONAL REGULATION OF REGENCY OF GRESIK ON RETRIBUTION FOR THE OPERATIONAL PERMIT OF NON-MOTORIZED VEHICLES

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation:

a. Region means the Regency of Gresik;

b. Regional Government means the Regional Head together with other Autonomous Regional Apparatus as the Regional Executive Body;

- c. Regent means the Head of the Regency of Gresik;
- d. Regional House of Representatives means the Regional House of Representatives of Regency of Gresik;
- e. Transportation Service means the Transportation Service of Regency of Gresik;
- f. Revenue Service means the Revenue Service of Regency of Gresik;
- g. Official means an employee assigned specific duties in the field of regional retribution in accordance with applicable laws and regulations;
- h. Regional Treasury means the Regional Treasury of Regency of Gresik;
- i. Treasury Holder Unit means a unit headed by a treasurer consisting of several assistant treasurers at the Transportation Service;
- j. Regional Retribution, hereinafter referred to as Retribution, means a regional levy as payment for services or the granting of specific permits specifically provided and/or given by the Regional Government for the benefit of individuals or entities;
- k. Entity means a collection of individuals and/or capital that forms a unit, both those conducting business and those not conducting business, including limited liability companies, commanditaire partnerships, other companies, state-owned or regional-owned enterprises in any name and form, firms, partnerships, cooperatives, pension funds, associations, political organizations or similar organizations, institutions, permanent business entities, and other forms of entities;
- l. Specific Permit means a specific activity of the Regional Government in the context of granting permits to individuals or entities intended for the guidance, regulation, control, and supervision of activities, spatial utilization, use of natural resources, goods, infrastructure, facilities, or specific facilities to protect public interests and maintain environmental sustainability;
- m. Retribution Subject means an individual or entity who, according to applicable laws and regulations on retribution, is obliged to make retribution payments, including collectors or deductors of specific retribution;
- n. Operational Permit means the granting of a permit to an individual or entity to provide transportation services with non-scheduled public vehicles;
- o. Transportation means the movement of people and/or goods from one place to another using vehicles;
- p. Vehicle means a tool that can move on the road, consisting of motorized or non-motorized

vehicles;

q. Route Network means a collection of routes that form a single integrated network of passenger transportation services;

r. Regional Retribution Payment Slip, which may be abbreviated as RRPS, is a slip used by the retribution obligor to make payments or deposits of the retribution owed to the Regional Treasury or to other designated payment locations by the Regent;

s. Regional Retribution Determination Letter, which may be abbreviated as RRDCL, is the Retribution Determination Letter that determines the principal amount of the retribution;

t. Regional Retribution Overpayment Determination Letter, which may be abbreviated as RROPDL, is the Retribution Determination Letter that determines the amount of overpayment of retribution when the amount of retribution credit is greater than the retribution owed or should not be owed;

u. Regional Retribution Invoice, which may be abbreviated as RRI, is a letter for collecting retribution and/or administrative penalties in the form of interest and/or fines.

CHAPTER II

PROVISIONS ON OPERATIONAL PERMITS

Article 2

(1) Every public service in the region carried out with non-motorized vehicles is determined by the Regent;

(2) Every individual or entity carrying out transportation activities with non-motorized vehicles must first obtain permission from the Regent;

(3) Every operational permit holder is required to renew their registration once a year;

(4) Provisions, procedures, types, amounts, and requirements for operational permits for non-motorized vehicles are further regulated by the Regent.

CHAPTER III

NAME, OBJECT, AND SUBJECT

Article 3

With the name of retribution for the operational permit of non-motorized vehicles, retribution is levied to obtain an operational permit.

Article 4

The object of Retribution is the service provided for granting an operational permit for non-motorized vehicles.

Article 5

The subject of Retribution is the individual or entity who obtains an operational permit for non-motorized vehicles;

CHAPTER IV

RETRIBUTION CLASSIFICATION

Article 6

Retribution for the operational permit of non-motorized vehicles is included in the classification of specific permits.

CHAPTER V

METHOD OF MEASURING THE LEVEL OF SERVICE USE

Article 7

The level of service use of the operational permit for non-motorized vehicles is measured based on classification, quantity, type, and duration.

CHAPTER VI

PRINCIPLES IN DETERMINING THE STRUCTURE AND AMOUNT OF TARIFFS

Article 8

The principles in determining the structure and amount of tariffs for the operational permit of

non-motorized vehicles are to cover survey costs, administrative costs, guidance costs, regulation costs, control costs, and supervision costs.

CHAPTER VII

STRUCTURE AND AMOUNT OF TARIFFS

Article 9

The structure and amount of tariffs for the operational permit of non-motorized vehicles are as follows:

1. For the operational permit of human-powered rickshaws, Rp. 25,000.00 per vehicle;
2. For the operational permit of horse-drawn carts, Rp. 50,000.00 per vehicle;
3. Each re-registration of the permits referred to in points 1 and 2 above is subject to a fee of 100% (one hundred percent).

CHAPTER VIII

TIME RETRIBUTION IS DUE

Article 10

Retribution is due during the retribution period at the time the RRDCL and/or other equivalent documents are issued.

CHAPTER IX

COLLECTION AREA

Article 11

The collection area for the retribution for the operational permit of non-motorized vehicles is within the Regional area.

CHAPTER X

COLLECTION PROCEDURE

Article 12

- (1) Retribution is collected using the RRDCL or other equivalent documents;
- (2) The results of the retribution collection as referred to in section (1) are deposited gross into the Regional Treasury and/or through the Treasury Holder at the collecting agency.

CHAPTER XI

ADMINISTRATIVE SANCTIONS

Article 13

If the retribution obligor fails to pay on time or underpays, an administrative penalty in the form of interest of 2% (two percent) per month of the amount of retribution not paid or underpaid is imposed and collected using the Regional Retribution Invoice (RRI).

CHAPTER XII

PAYMENT PROCEDURE

Article 14

- (1) The Regent determines the due date for payment and deposit of the retribution owed, at most 30 (thirty) days after the due date;
- (2) The Regent, upon request of the retribution obligor after fulfilling the specified requirements, may grant approval to the retribution obligor to make installment payments or defer payment of retribution, with interest of 2% (percent) per month;
- (3) The payment procedure, payment location, and deferral of retribution payments are regulated by the Regents Decision.

CHAPTER XIII

REDUCTION, CONCESSION, AND EXEMPTION OF RETRIBUTION

Article 15

- (1) The Regent may grant a reduction, concession, and exemption of retribution;
- (2) The reduction, concession, and exemption as referred to in section (1) are granted by considering the ability of the retribution obligor;
- (3) The procedure for reduction, concession, and exemption of retribution is determined by the Regent.

CHAPTER XIV

COLLECTION PROCEDURE

Article 16

- (1) The issuance of a warning letter/reminder/similar letter as the initial action for the implementation of retribution collection is issued 7 (seven) days after the due date;
- (2) Within 7 (seven) days after the date of the warning letter/reminder/similar letter, the retribution obligor must settle the retribution owed;
- (3) The warning letter/reminder/similar letter as referred to in section (1) of this article is issued by the designated official.

CHAPTER XV

PROCEDURE FOR REFUND OF EXCESS RETRIBUTION PAYMENT

Article 17

- (1) The retribution obligor must submit a written request to the Regent for the calculation of the refund of excess retribution payment;
- (2) Based on the request as referred to in section (1), the excess retribution payment may be directly offset first against the retribution debt and/or administrative penalties in the form of interest by the Regent;
- (3) For the request as referred to in section (2), the party entitled to the excess payment may be offset against subsequent retribution payments.

Article 18

- (1) In the case of excess retribution payment remaining after the calculation as referred to in Article 17, an RROPDL is issued at the latest 2 (two) months after receipt of the request for a refund of excess retribution payment;
- (2) The excess retribution payment as referred to in section (1) is returned to the retribution obligor at the latest 2 (two) months after the issuance of the RROPDL;
- (3) If the return of the excess retribution payment is made after 2 (two) months from the issuance of the RROPDL, the Regent pays interest of 2% (two percent) per month on the delay in payment of the excess retribution.

Article 19

- (1) The return as referred to in Article 17 is made by issuing a Payment Order for Excess Retribution;
- (2) Based on the calculation as referred to in Article 18, a valid transfer voucher is issued, which also serves as proof of payment.

CHAPTER XVI

STATUTE OF LIMITATIONS

Article 20

- (1) The collection of retribution is subject to a statute of limitations after exceeding a period of 3 (three) years from the date the retribution is due, except if the retribution obligor commits a criminal offense in the field of retribution;
- (2) The statute of limitations on the collection of retribution as referred to in section (1) is suspended if:
 - a. A warning letter and a writ of execution are issued; or
 - b. There is an acknowledgment of retribution debt by the retribution obligor, either directly or indirectly.

CHAPTER XVII

PROCEDURE FOR WRITING OFF OVERDUE RETRIBUTION RECEIVABLES

Article 21

- (1) Retribution receivables that can no longer be collected because the right to collect has expired may be written off;
- (2) The Regent issues a Decision on the write-off of overdue regional retribution as referred to in section (1).

CHAPTER XVIII

SUPERVISION

Article 22

The supervision and control over the implementation of the provisions in this Regional Regulation technically and operationally are assigned to the Head of the Transportation Service of Gresik Regency.

CHAPTER XIX

CRIMINAL PROVISIONS

Article 23

- (1) A retribution obligor who fails to fulfill their obligations, thereby causing losses to regional finances, is threatened with imprisonment for 3 (three) months or a fine of at most 4 (four) times the amount of the retribution;
- (2) The criminal offense as referred to in section (1) is a violation.
- (3) The proceeds of the fine imposed for violations of this Regional Regulation must be deposited into the Regional Treasury.

CHAPTER XX

INVESTIGATION

Article 24

(1) Certain Civil Servants within the Regency Government are given special authority as Investigators to conduct investigations into criminal offenses in the field of regional retribution;

(2) The authority of the investigator as referred to in section (1) is:

- a. To receive, seek, collect, and examine information or reports concerning criminal offenses in the field of regional retribution;
- b. To examine, seek, and collect information regarding individuals or entities concerning the truthfulness of actions taken in connection with regional retribution offenses;
- c. To request information and evidence from individuals or entities in connection with criminal offenses in the field of regional retribution;
- d. To examine books, records, and documents concerning criminal offenses in the field of regional retribution;
- e. To conduct searches to obtain evidence of accounting, recording, and documents and to seize such evidence;
- f. To request assistance from experts in carrying out the investigation of criminal offenses in the field of regional retribution;
- g. To order to stop, prohibit a person from leaving a room or place during an ongoing examination and to check the identity of the person and documents carried as referred to in (e);
- h. To photograph a person related to a regional retribution offense;
- i. To summon a person to be heard and examined as a suspect or witness;
- j. To discontinue the investigation;
- k. To take other actions necessary for the smooth running of the investigation of criminal offenses in the field of regional retribution according to accountable law;

(3) The investigator as referred to in section (1) of this article notifies the commencement of the investigation and submits the results of the investigation to the public prosecutor, in accordance with the provisions stipulated in Law Number 8 of 1981 concerning Criminal Procedure Law.

CHAPTER XXI

FINAL PROVISIONS

Article 25

With the enactment of this Regional Regulation, Regional Regulation of Gresik Regency II Number 15 of 1985 concerning the Regulation of Non-Motorized Vehicles in Gresik Regency II is revoked and no longer applies.

Article 26

Matters not sufficiently regulated in this Regional Regulation, insofar as their implementation is concerned, will be further regulated by the Regent.

Article 27

This Regional Regulation comes into effect on the date of its promulgation. In order that everyone may be aware of it, I order the promulgation of this Regional Regulation by placing it in the Regional Gazette of Gresik Regency.

Ratified in: Gresik

On the date: September 1, 2003

REGENT OF GRESIK

(Signature)

Drs. KH. ROBBACH MA?SUM, MM

Promulgated in: Gresik

On the date: September 1, 2003

SECRETARY OF REGENCY OF GRESIK

(Signature)

Drs. Gunawan, MSi.

Senior Main Official

REGIONAL GAZETTE OF REGENCY OF GRESIK YEAR 2003 NUMBER 4 SERIES C

EXPLANATION OF THE REGIONAL REGULATION OF REGENCY OF GRESIK
NUMBER 07 OF 2003

ON
RETRIBUTION FOR THE OPERATIONAL PERMIT OF NON-MOTORIZED VEHICLES

I. GENERAL EXPLANATION

As a follow-up to the implementation of Law Number 22 of 1999 concerning Regional Government and Law Number 25 of 1999 concerning Financial Balance Between the Central Government and Regional Governments, and Government Regulation Number 25 of 2000 concerning Governmental Authority and the Authority of the Province as an Autonomous Region, in order to strengthen the organization of broad, real, and responsible regional autonomy, it is necessary to establish retribution for the operational permit of non-motorized vehicles with a Regional Regulation to support the organization of government and the implementation of regional development sourced from regional original revenue, especially that originating from regional retribution.

II. EXPLANATION ARTICLE BY ARTICLE

Articles 1 to 19: Sufficiently clear.

Article 20, section (1): The time of the statute of limitations for the collection of this retribution needs to be determined to provide legal certainty as to when the retribution debt can no longer be collected.

Section (2), (a): In the case of issuance of a Warning Letter or a Writ of Execution, the statute of limitations for collection is calculated from the date of delivery of the writ of execution.

Section (2), (b): *Direct acknowledgment of retribution debt means that the retribution obligor consciously states that they still have an outstanding retribution debt and have not settled it with the Regional Government.* Indirect acknowledgment of debt means that the retribution obligor does not explicitly state that they acknowledge a retribution debt to the Regional Government. Examples:

- The retribution obligor applies for installment payments/deferral of payment.
- The retribution obligor submits an objection.

Articles 21 to 27: Sufficiently clear.

SUPPLEMENT TO THE REGIONAL GAZETTE OF REGENCY OF GRESIK NUMBER 25