

REGENT OF GRESIK

EAST JAVA PROVINCE

REGULATION OF THE REGENCY OF GRESIK

NUMBER 11 OF 2018

ON

AMENDMENT TO THE REGIONAL REGULATION OF THE REGENCY OF GRESIK

NUMBER 5 OF 2011 ON CERTAIN PERMIT FEES

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF GRESIK,

Considering: a. that with the enactment of Regulation of the Minister of Home Affairs Number 19 of 2017 on the Revocation of Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions as amended by Regulation of the Minister of Home Affairs Number 22 of 2016 on Amendment to Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions, eliminates ?Disturbance Permit/HO? as one form of permit;

b. that with the elimination of ?Disturbance Permit/HO? as one form of permit, the region does not have the authority to provide disturbance permit licensing services;

c. that with the enactment of Law Number 23 of 2014 on Regional Government, in the Appendix on the division of concurrent government affairs between the Central Government and Provincial and Regency/City Governments, letter Y on maritime and fisheries affairs, some of the authority of the Regency Government is transferred to the Provincial Government;

d. that based on the considerations referred to in letters a, b, and c, it is necessary to issue a Regional Regulation on Amendment to Regional Regulation of Gresik Regency Number 5 of 2011 on Certain Permit Fees;

Considering: 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 12 of 1950 on the Formation of Regions within the Province of East Java, (State Gazette of the Republic of Indonesia of 1950 Number 19, Supplement to the State Gazette of the

Republic of Indonesia Number 2930) as amended by Law Number 2 of 1965 on the Change of the Border Area of Surabaya Municipality and Surabaya Level II Region (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);

3. Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia of 2004 Number 118, Supplement to the State Gazette Number 4433) as amended by Law Number 45 of 2009 on Amendment to Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia of 2009 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5073);

4. 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);

5. Law Number 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times lastly by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);

6. Government Regulation Number 12 of 2017 on Guidance and Supervision of Regional Government Administration (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);

7. Presidential Regulation Number 87 of 2014 on Implementing Regulations of Law Number 12 of 2011 on the Formation of Legislation. (State Gazette of the Republic of Indonesia of 2014 Number 199);

8. Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: Per.30/MEN/2012 on Capture Fisheries Business in the Indonesian State Fishing Management Area (State News of the Republic of Indonesia of 2012 Number 81) as amended several times lastly by Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: Per.57/PERMEN-KP/2014 on the Second Amendment to Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: Per.30/MEN/2012 on Capture Fisheries Business in the Indonesian State Fishing Management Area (State News of the Republic of Indonesia of 2014 Number 782);

9. Regulation of the Minister of Home Affairs Number 80 of 2015 on the Formation of Regional Legal Products (State News of the Republic of Indonesia of 2015 Number 2036);
10. Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: 49/PERMEN-KP/2014 on Fish Farming Business. (State News of the Republic of Indonesia of 2014 Number 1619);
11. Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: 15/PERMEN-KP/2016 on Live Fish Transport Vessels (State News of the Republic of Indonesia of 2016 Number 544);
12. Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number: 71/Permen-KP/2016 on Fishing Routes and Placement of Fishing Gear in the Indonesian State Fishing Management Area (State News of the Republic of Indonesia of 2016 Number 2154);
13. Regulation of the Minister of Home Affairs Number 19 of 2017 on the Revocation of Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions as amended by Regulation of the Minister of Home Affairs Number 22 of 2016 on Amendment to Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions (State News of the Republic of Indonesia of 2017 Number 481);
14. Regional Regulation of Gresik Regency Number 12 of 2016 on the Formation of Regional Apparatus of Gresik Regency (Regional Gazette of Gresik Regency of 2016 Number 18);

By Mutual Agreement

THE REGIONAL HOUSE OF REPRESENTATIVES OF REGENCY OF GRESIK

and

THE REGENT OF GRESIK

RESOLVE:

To Enact: REGIONAL REGULATION ON AMENDMENT TO THE REGIONAL REGULATION OF GRESIK REGENCY NUMBER 5 OF 2011 ON CERTAIN PERMIT FEES.

Article I

Several provisions in Regional Regulation of Gresik Regency Number 5 of 2011 on Certain Permit Fees (Regional Gazette of Gresik Regency of 2011 Number 5) are amended as follows:

1. Point 14 of Article 1 is deleted, so that Article 1 reads as follows:

Article 1

In this Regional Regulation:

1. Region means the Regency of Gresik.
2. Regional Government means the Gresik Regency Government.
3. Regent means the Regent of Gresik.
4. Council means the Regional House of Representatives of Gresik Regency.
5. Institution means a collection of people and/or capital that constitutes a unit, both those conducting business and those not conducting business, including limited liability companies, limited partnerships, other companies, state-owned enterprises (SOEs), or regional-owned enterprises (ROEs) with any name and in any form, firms, partnerships, cooperatives, pension funds, partnerships, associations, foundations, mass organizations, socio-political organizations, or other organizations, institutions, and other forms of institutions including collective investment contracts and permanent business forms.
6. Service means Regional Government activities in the form of business and services that result in goods, facilities, or other benefits that can be enjoyed by individuals or Institutions.
7. Certain Permits means certain activities of the Regional Government in the context of granting permits to individuals or Institutions intended for guidance, regulation, control, and supervision of activities, spatial utilization, and the use of certain natural resources, goods, infrastructure, facilities, or equipment in order to protect the public interest and maintain environmental sustainability.
8. Route means the route of public transportation for passenger transportation services using buses

that have a fixed origin and destination, fixed route, and fixed or non-scheduled schedule.

9. Special Transportation means transportation that has a fixed origin and/or destination, which serves to pick up and drop off public passengers, pick up and drop off employees from different settlements and nodes.

10. Incidental Permit means a permit granted to transportation companies that have a route, to use their reserve motor vehicles deviating from the route permit they hold.

11. Passenger Car means a motor vehicle for passenger transport that has a maximum of 8 (eight) seats including for the driver or that weighs no more than 3,500 kg.

12. Bus means a motor vehicle for passenger transport that has more than 8 (eight) seats including for the driver or that weighs more than 3,500 kg.

13. Rural Transportation means transportation from one place to another within one Regency area that is not included in the city route located in the Regency capital area, using public buses or public passenger cars bound by a route.

14. Deleted

15. Deleted

16. Deleted

17. Retribution Obligor means an individual or Institution that, according to the prevailing legislation, is required to make retribution payments, including collectors or deductors of certain retributions.

18. Retribution Period means a certain period of time that is the deadline for the Retribution Obligor to utilize services and certain permits from the relevant Regional Government.

19. Regional Retribution Payment Slip, hereinafter referred to as SSRD, is proof of payment or deposit of retribution that has been made using a form or has been made in another way to the regional treasury through a payment place designated by the Head of Region.

20. Regional Retribution Determination Letter, hereinafter referred to as SKRD, is a retribution determination letter that determines the amount of the principal retribution owed.

21. Regional Retribution Overpayment Determination Letter, hereinafter referred to as SKRDLB, is a retribution determination letter that determines the amount of excess retribution payment because the amount of retribution credit is greater than the retribution owed or should not be owed.

22. Regional Retribution Invoice, hereinafter referred to as STRD, is a letter to invoice retribution and/or administrative sanctions in the form of interest and/or fines.

23. Examination means a series of activities to collect and process data, information, and/or evidence carried out objectively and professionally based on an examination standard to test compliance with the fulfillment of regional tax and retribution obligations and/or for other purposes in order to implement the provisions of Regional Tax and Retribution Legislation.

24. Investigation of criminal acts in the field of regional taxation and retribution is a series of actions carried out by Investigators to search for and collect evidence that clarifies the criminal acts in the field of regional taxation and retribution that have occurred and find the suspect.

2. Points c and d of Article 2 are deleted, so that Article 2 reads as follows:

Article 2

Types of Certain Permit Fees regulated in this Regional Regulation are:

- a. Building Permit Fee;
- b. Deleted;
- c. Route Permit Fee; and
- d. Deleted.

3. Chapter IV is deleted.

4. Appendix II Structure and Amount of Disturbance Permit Fee is deleted.

5. Chapter VI is deleted.

6. Appendix IV Structure and Amount of Fisheries Business Permit Fee is deleted.

Article II

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

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

Enacted in Gresik

on December 31, 2018

REGENT OF GRESIK,

(signature)

Dr. Ir. H. SAMBARI HALIM RADIANTO, S.T., M.Si

REGISTRY NUMBER OF THE REGIONAL REGULATION OF GRESIK REGENCY NUMBER
386-11/2018

EXPLANATION

OF

THE REGIONAL REGULATION OF REGENCY OF GRESIK

NUMBER 11 OF 2018

ON

AMENDMENT TO THE REGIONAL REGULATION OF THE REGENCY OF GRESIK

NUMBER 5 OF 2011 ON CERTAIN PERMIT FEES

I. GENERAL EXPLANATION

With the enactment of Regulation of the Minister of Home Affairs Number 19 of 2017 on the Revocation of Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions as amended by Regulation of the Minister of Home Affairs Number 22 of 2016 on Amendment to Regulation of the Minister of Home Affairs Number 27 of 2009 on Guidelines for the Determination of Disturbance Permits in Regions, then Regional

Regulation Number 5 of 2011 on Certain Permit Fees related to Disturbance Permit Fees, as regulated in Chapter IV Disturbance Permit Fees from Article 12 to Article 20, including Appendix II, no longer has a legal basis, meaning that the provisions regarding disturbance permit licensing services which are the object of regional retribution as regulated in Article 141 and Article 144 of Law Number 28 of 2009 on Regional Taxes and Retributions have been deleted based on Regulation of the Minister of Home Affairs Number 19 of 2017.

II. EXPLANATION BY ARTICLE

Article I

Sufficiently Clear

Article II

Sufficiently Clear

SUPPLEMENT TO THE REGIONAL GAZETTE OF GRESIK REGENCY OF 2018

NUMBER 11