

REGULATION OF THE REGENCY OF BANYUWANGI
NUMBER 7 OF 2019
ON
SECOND AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF 2014
ON PUBLIC ORDER AND TRANQUILITY
IN REGENCY OF BANYUWANGI

BY THE BLESSINGS OF GOD ALMIGHTY

REGENT OF BANYUWANGI,

- Considering:
- a. that in order to realize an orderly, peaceful, comfortable, clean and beautiful of Regency of Banyuwangi, legal certainty is needed in the implementation of Regional Regulation Number 11 of 2014 on Public Order and Tranquility,
 - b. that with the enactment of Law Number 23 of 2014 on Local Government, the authority to carry out several affairs in the energy and mineral resources sector is delegated to the Provincial government.
 - c. that based on the considerations as referred to in point a and point b, it is necessary to re-amend Regional Regulation Number 11 of 2014 on Public Order and Tranquility with a Regional Regulation.

- Observing :
1. Article 18 section (6), the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 12 of 1950 on Establishment of Municipalities in East Java Province (State Gazette of the Republic of

3. Indonesia of 1950 Number 41) as amended by Law Number 2 of 1965 (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);
4. Law Number 5 of 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3817);
5. Law Number 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
6. Law Number 20 of 2008 on Micro, Small, and Medium Enterprises (State Gazette of the Republic of Indonesia of 2008 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4866);
7. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia Number 82 of 2011, Supplement to State Gazette of the Republic of Indonesia Number 5234) as amended by Law Number 15 of 2019 (State Gazette of the Republic of Indonesia of 2019 Number 183, Supplement to State Gazette of the Republic of Indonesia Number 6398);
8. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia Number 244 of 2014, Supplement to State Gazette of the Republic of Indonesia Number 5587) as amended twice, and last by Law Number 9 of 2015 (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
9. Government Regulation Number 32 of 1998 on Fostering and Development of Small Businesses (State Gazette of 1998 Number 46, Supplement to the State Gazette Number 3743);
10. Government Regulation Number 12 of 2017 on Guidelines for Development and Supervision of Local Government Administration (State Gazette of 2017 Number 73, Supplement to State Gazette Number 6041);

11. Presidential Regulation Number 112 of 2007 on Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores;
12. Regulation of the Minister of Domestic Number 80 of 2015 on Establishment of Regional Legal Products (State Gazette of the Republic of Indonesia of 2015 Number 2036) as amended by Regulation of the Minister of Home Affairs Number 120 of 2018 (State Bulletin of the Republic of Indonesia of 2018 Number 157);
13. Regulation of the Minister of Trade Number 70 / M-DAG / PER / 12/2013 on Guidelines for Structuring and Fostering Traditional Markets, Shopping Centers and Modern Stores as amended by Regulation of the Minister of Trade Number 56 / M-DAG / PER / 9/2014;
14. Regional Regulation Number 5 of 1990 on Place and Business Arrangements as well as Development of Street Vendors in Banyuwangi Regency Area;
15. Regulation of the Regency of Banyuwangi Number 11 of 2014 on Public Order and Tranquility in Banyuwangi Regency (Banyuwangi Regency Gazette Number 14 of 2014) as amended by Regional Regulation Number 4 of 2016 (Banyuwangi Regency Gazette of 2016 Number 9).

With the Joint Approval between
THE HOUSE OF REPRESENTATIVES OF
THE REGENCY OF BANYUWANGI
and
THE REGENT OF BANYUWANGI

HAS DECIDED:

To issue : SECOND AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF 2014 ON PUBLIC ORDER AND TRANQUILITY IN REGENCY OF BANYUWANGI.

Article I

Several provisions in Regional Regulation Number 11 of 2014 on Public Order and Tranquility (Banyuwangi Regency Gazette Number 14 of 2014) as amended by Regional Regulation Number

4 of 2016 on Amendment to Regional Regulation Number 11 of 2014 on Public Order and Tranquility are amended, so it reads as follows:

1. The provisions in Article 18 section (2) are deleted, so that Article 18 reads as follows:

Article 18

- (1) Every street vendor using a trading place must be responsible for orderliness, cleanliness, security and maintaining environmental health and beauty in the vicinity of the trading place concerned.
 - (2) Deleted.
2. Between Article 26 and Article 27 a new article is inserted, namely article 26A, so that article 26A reads as follows:

Article 26A

Determination of the people's market center as referred to in Article 26 point a, namely the Banyuwangi market which is located on jalan karel satsuit tubun, Banyuwangi Sub-District.

3. The provisions in Article 33 point c are deleted and after point f are added by two new point, namely point g and point h, so that Article 33 reads as follows:

Article 33

Every person or entity is subject to administrative sanctions if they violate the following provisions:

- a. The violation as referred to in Article 9 section (1), the vehicle will be subjected to blasting of the tires, locking the wheels and towing and will be given a proof of violation for the vehicle driver.
- b. The violation as referred to in Article 10 pointe, is obligate to replace plants with the criteria set by the Regional Work Unit(SKPD) in charge.
- c. deleted.

- d. The violations as referred to in Article 19 section (1) and section (2) can be closed and their license is revoked.
 - e. The violation referred to in Article 24 section (1) and section (2), the Banyuwangi Regency Government will carry out the demolition and confiscation.
 - f. The violations as referred to in Article 28 point a, point b, point c, and point d will be carried out by the relevant SKPD Unit and for commercial sex workers (PSK) who come from outside Banyuwangi Regency will be returned to their home areas.
 - g. The violations as referred to in Article 4, Article 5, Article 6, Article 8, Article 9, Article 10, Article 11, Article 13, Article 27 and Article 30 are given a written warning and order.
 - h. The violation as referred to in Article 21 section (1), Article 23, Article 25, Article 26 point a, point b, point c, point d and point e are given warning/written warning, order, temporary suspension of activities, license revocation, license suspension and/or demolition and confiscation.
4. The provisions in Article 35 section (1) are deleted and section (2) amended, so that Article 35 reads as follows:

Article 35

- (1) Deleted.
- (2) Every person or entity that violates the provisions in Article 7, Article 16 and Article 18, Article 19 section (1), section (2) and Article 20 is subjected to imprisonment for a maximum of 3 (three) months or a fine of up to Rp.50,000,000.00 (fifty million rupiah);
- (3) The criminal act as referred to in section (2) is a violation.

Article II

This regional regulation comes into force on the date of its promulgation.

In order that everyone knows here of, it is ordered to promulgate this Regional Regulation by its placement in the Banyuwangi Regency Gazette.

Issued in Banyuwangi
on 12 December 2019

REGENT OF BANYUWANGI,

signed

H. ABDULLAH AZWAR ANAS

Promulgated in Banyuwangi
on 12 December 2019

REGIONAL SECRETARY OF
THE REGENCY OF BANYUWANGI,

signed

H. MUJIONO

REGENCY GAZETTE OF BANYUWANGI OF 2019 NUMBER 7

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 EKATJAHJANA

ELUCIDATION
OF
REGULATION OF THE REGENCY OF BANYUWANGI
NUMBER 7 OF 2019
ON
SECOND AMENDMENT TO REGIONAL REGULATION NUMBER 11 OF 2014
ON PUBLIC ORDER AND TRANQUILITY

I. GENERAL

That in order to create order, tranquility and comfort in Banyuwangi Regency, it is necessary to amend several provisions that have been regulated in Regulation of the Regency of Banyuwangi Number 11 of 2014 on public order and tranquility as amended by the Regulation of the Regency of Banyuwangi Number 4 of 2016.

Based on these considerations, it is necessary to amend Regional Regulation Number 11 of 2014 on public order and tranquility as amended by Regulation of the Regency of Banyuwangi Number 4 of 2016 by issuing it in a Regional Regulation.

II. ARTICLE BY ARTICLE

Article I

Point 1

Sufficiently clear.

Point 2

Sufficiently clear.

Point 3

Article 33

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Commercial Sex Worker (PSK) is someone doing sexual relations with the same or the opposite sex repeatedly and in turn outside of a legal marriage with the aim of getting compensation for money, materials or services.

Criteria.

- a. Peddling oneself in public places, in locations or places of prostitution such as brothels and hidden places such as dimly lit stalls, hotels, malls and discotheques; and
- b. Receiving compensation for money, materials or services.

Point g

Sufficiently clear

Point h

Sufficiently clear

Point 4

Sufficiently clear.

Article II

Sufficiently clear.