

REGENT OF SUKOHARJO
REGIONAL REGULATION OF SUKOHARJO REGENCY
NUMBER 8 OF 2015

ON

AMENDMENTS TO THE REGIONAL REGULATION OF SUKOHARJO
REGENCYNUMBER 4 OF 2014 CONCERNING ENVIRONMENTAL PERMIT

BY THE GRACE OF GOD ALMIGHTY

THE REGENT OF SUKOHARJO,

- Considering :
- a. That based on the provisions of Article 15 of Presidential Regulation Number 97 of 2014 concerning the Implementation of One-Stop Integrated Services, the time frame for the completion of licensing and non-licensing services is set to a maximum of 7 (seven) working days, and in accordance with the provisions of Article 2, paragraph 1, letter e1, Regional Regulation of Sukoharjo Regency Number 8 of 2014 concerning the Third Amendment to the Regional Regulation of Sukoharjo Regency Number 4 of 2008 concerning the Organization and Work Procedures of Regional Technical Agencies, the Civil Service Police Unit, and the Integrated Licensing Service Office of Sukoharjo Regency, there has been a change in nomenclature from the Investment Coordinating Board and the Integrated Licensing Service Office to the Investment and Licensing Service Agency;
 - b. That in relation to point a, Regional Regulation of Sukoharjo Regency Number 4 of 2014 concerning Environmental Permits needs to be amended;
 - c. That based on the considerations as referred to in points a and b, it is necessary to establish a Regional Regulation concerning Amendments to the Regional Regulation of Sukoharjo Regency Number 4 of 2014 concerning Environmental Permits.

- Remember :
1. Article 18, Paragraph (6) of the 1945 Constitution of the Republic of Indonesia;
 2. The Law on Environmental Permits (Hinder Ordonantie) (Staatsblad 1926 Number 226 as amended by Staatsblad 1940 Number 450);

3. Law Number 13 of 1950 concerning the Formation of Regency Areas within Central Java Province;
4. Law Number 1 of 1970 concerning Occupational Safety (State Gazette of the Republic of Indonesia 1970 Number 1, Supplement to State Gazette of the Republic of Indonesia Number 2918);
5. Law Number 8 of 1981 concerning the Criminal Procedure Code (State Gazette of the Republic of Indonesia 1981 Number 76, Supplement to State Gazette of the Republic of Indonesia Number 3209);
6. Law Number 28 of 1999 concerning the Implementation of a Clean and Corruption-Free Government (State Gazette of the Republic of Indonesia 1999 Number 75, Supplement to State Gazette of the Republic of Indonesia Number 3851);
7. Law Number 28 of 2002 concerning Buildings (State Gazette of the Republic of Indonesia 2002 Number 134, Supplement to State Gazette of the Republic of Indonesia Number 4247);
8. Law Number 13 of 2003 concerning Manpower (State Gazette of the Republic of Indonesia 2003 Number 39, Supplement to State Gazette of the Republic of Indonesia Number 4279);
9. Law Number 25 of 2007 concerning Investment (State Gazette of the Republic of Indonesia 2007 Number 67, Supplement to State Gazette of the Republic of Indonesia Number 4724);
10. Law Number 26 of 2007 concerning Spatial Planning (State Gazette of the Republic of Indonesia 2007 Number 68, Supplement to State Gazette of the Republic of Indonesia Number 4725);
11. Law Number 14 of 2008 concerning Public Information Disclosure (State Gazette of the Republic of Indonesia 2007 Number 61, Supplement to State Gazette of the Republic of Indonesia Number 4846);
12. Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises (State Gazette of the Republic of Indonesia 2008 Number 93, Supplement to State Gazette of the Republic of Indonesia Number 4866);
13. Law Number 25 of 2009 concerning Public Services (State Gazette of the Republic of Indonesia 2009 Number 112, Supplement to State Gazette of the Republic of Indonesia Number 5038);
14. Law Number 28 of 2009 concerning Regional Taxes and Levies (State Gazette of the Republic of Indonesia 2009 Number 130, Supplement to State Gazette of the Republic of Indonesia Number 5049);
15. Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the

- Republic of Indonesia 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);
16. Law Number 12 of 2011 concerning the Formation of Legislative Regulations (State Gazette of the Republic of Indonesia 2011 Number 82, Supplement to State Gazette of the Republic of Indonesia Number 5234);
 17. Law Number 3 of 2014 concerning Industry (State Gazette of the Republic of Indonesia 2014 Number 4, Supplement to State Gazette of the Republic of Indonesia Number 5492);
 18. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia 2014 Number 45, Supplement to State Gazette of the Republic of Indonesia Number 5512);
 19. Law Number 30 of 2014 concerning Government Administration (State Gazette of the Republic of Indonesia 2014 Number 292, Supplement to State Gazette of the Republic of Indonesia Number 5601);
 20. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587), as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia 2015 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 5679);
 21. Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia 1983 Number 36, Supplement to State Gazette of the Republic of Indonesia Number 3258), as amended by Government Regulation Number 58 of 2010 concerning Amendments to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia 2010 Number 90, Supplement to State Gazette of the Republic of Indonesia Number 5145);
 22. Government Regulation Number 36 of 2005 concerning the Implementation of Law Number 28 of 2002 concerning Buildings (State Gazette of the Republic of Indonesia 2005 Number 83, Supplement to State Gazette of the Republic of Indonesia Number 4532);
 23. Government Regulation Number 15 of 2010 concerning the Implementation of Spatial Planning (State Gazette of the Republic of Indonesia 2010 Number 18, Supplement to State Gazette of the Republic of Indonesia Number 5094);

24. Government Regulation Number 61 of 2010 concerning the Implementation of Law Number 14 of 2008 concerning Public Information Disclosure (State Gazette of the Republic of Indonesia 2010 Number 99, Supplement to State Gazette of the Republic of Indonesia Number 5149);
25. Government Regulation Number 27 of 2012 concerning Environmental Permits (State Gazette of the Republic of Indonesia 2012 Number 48, Supplement to State Gazette of the Republic of Indonesia Number 5285);
26. Presidential Regulation Number 87 of 2014 concerning the Implementation of Law Number 12 of 2011 concerning the Formation of Legislative Regulations (State Gazette of the Republic of Indonesia 2014 Number 199);
27. Regional Regulation of Sukoharjo Regency Number 4 of 2008 concerning the Organization and Work Procedures of Regional Technical Agencies, Civil Service Police Unit, and the Integrated Licensing Service Office of Sukoharjo Regency (Sukoharjo Regency Gazette 2008 Number 4, Supplement to Sukoharjo Regency Gazette Number 158), as amended several times, most recently by Regional Regulation of Sukoharjo Regency Number 8 of 2014 concerning the Third Amendment to Regional Regulation of Sukoharjo Regency Number 4 of 2008 concerning the Organization and Work Procedures of Regional Technical Agencies, Civil Service Police Unit, and the Integrated Licensing Service Office of Sukoharjo Regency (Sukoharjo Regency Gazette 2014 Number 8, Supplement to Sukoharjo Regency Gazette Number 215);
28. Regional Regulation of Sukoharjo Regency Number 9 of 2010 concerning Buildings in Sukoharjo Regency (Sukoharjo Regency Gazette 2010 Number 9, Supplement to Sukoharjo Regency Gazette Number 178);
29. Regional Regulation of Sukoharjo Regency Number 5 of 2011 concerning Investment in Sukoharjo Regency (Sukoharjo Regency Gazette 2011 Number 5, Supplement to Sukoharjo Regency Gazette Number 185);
30. Regional Regulation of Sukoharjo Regency Number 8 of 2011 concerning the Planning and Development of Telecommunication Towers (Sukoharjo Regency Gazette 2011 Number 8, Supplement to Sukoharjo Regency Gazette Number 188);
31. Regional Regulation of Sukoharjo Regency Number 13 of 2011 concerning Regional Retribution (Sukoharjo Regency Gazette 2011 Number 13, Supplement to Sukoharjo Regency Gazette Number 191);
32. Regional Regulation of Sukoharjo Regency Number 6 of 2013 concerning Environmental Protection and

- Management (Sukoharjo Regency Gazette 2013 Number 6, Supplement to Sukoharjo Regency Gazette Number 207);
33. Regional Regulation of Sukoharjo Regency Number 4 of 2014 concerning Environmental Permits (Sukoharjo Regency Gazette 2014 Number 4, Supplement to Sukoharjo Regency Gazette Number 211).

WITH THE JOINT APPROVAL OF
THE REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL OF SUKOHARJO
REGENCY
AND
THE REGENT OF SUKOHARJO

DECIDES:

To enact: REGIONAL REGULATION ON AMENDMENTS TO REGIONAL REGULATION OF SUKOHARJO REGENCY NUMBER 4 OF 2014 CONCERNING DISTURBANCE PERMIT.

Article I

Several provisions in Regional Regulation of Sukoharjo Regency Number 4 of 2013 concerning Disturbance Permit (Sukoharjo Regency Regional Gazette of 2014 Number 4, Supplement to the Sukoharjo Regency Regional Gazette Number 211) are amended as follows:

Provisions of Points 3 and 4 of Article 1 are amended to read as follows:

Article 1

In this Regional Regulation, the following terms shall be defined as:

1. Region refers to Sukoharjo Regency.

2. Regent refers to the Regent of Sukoharjo.
3. Regional Government refers to the Regional Head as an element of the Regional Government administration who leads the implementation of government affairs under the authority of the autonomous region.
4. Investment and Licensing Service Agency (BPMPP) refers to the Investment and Licensing Service Agency of Sukoharjo Regency.
5. Regional Work Unit (SKPD) refers to the Regional Work Unit within the Government of Sukoharjo Regency.
6. Official refers to an employee assigned specific duties in the field of licensing services in accordance with applicable laws and regulations.
7. Person refers to an individual or business entity, whether a legal entity or not, intending to conduct business and/or activities in the region.
8. Disturbance refers to any act and/or condition that is unpleasant or disruptive to public health, safety, order, and/or welfare on a continuous basis.
9. Disturbance Permit (hereinafter referred to as Permit) refers to a permit granted for business locations and/or activities to individuals or entities at a specific location that may cause hazards, losses, or disturbances, excluding business locations and/or activities designated by the Central Government or Regional Government.
10. Business Premises refers to a place used for conducting business, whether an enclosed or open space, operated in a specific business sector for profit.
11. Location refers to the site of a business and/or activity within the region.
12. Technical Team for Disturbance Permit (hereinafter referred to as the Technical Team) refers to a team providing technical considerations for disturbance permit applications.
13. Guidance refers to efforts undertaken by the government and/or the governor as the representative of the central government in the region to achieve regional autonomy administration.

14. Supervision refers to activities aimed at ensuring the efficient and effective implementation of this Regional Regulation in accordance with plans and legal provisions.

15. Environmental Document refers to a document prepared by a business proponent, reviewed by an institution responsible for environmental impact control, and used as a guideline for environmental management and monitoring, such as Environmental Impact Assessment (AMDAL), Environmental Management and Monitoring Efforts (UKL-UPL), or Environmental Management Statement Letter (SPPL), required for business and/or activity permits by the responsible agency.

16. Environmental Impact Assessment (AMDAL) refers to a study of the significant environmental impacts of a proposed business and/or activity, necessary for decision-making on its implementation.

17. Environmental Management and Monitoring Efforts (UKL-UPL) refers to environmental management and monitoring efforts for businesses and/or activities that do not have a significant environmental impact, required for decision-making on their implementation.

18. Environmental Management Statement Letter (SPPL) refers to a statement of commitment from a business proponent to carry out environmental management and monitoring for the environmental impact of a business and/or activity that is not subject to AMDAL or UKL-UPL requirements.

17. Resident Identity Card (KTP) refers to an official residential document in accordance with applicable regulations.

18. Sukoharjo Regency Spatial Plan (RTRW Sukoharjo Regency) refers to a policy and strategy directive for spatial utilization within the regional territory, serving as a guideline for regional spatial planning and development programs.

19. Investigator refers to a State Police Officer of the Republic of Indonesia or a specific Civil Servant Officer authorized by law to conduct investigations.

20. Inspection refers to a series of activities aimed at collecting, gathering, and processing data or other

information for monitoring compliance with legal obligations.

21. Investigation refers to a series of actions carried out by an investigator in accordance with the provisions of Law Number 8 of 1981 to seek and collect evidence that clarifies a criminal act and identifies the suspect.

2. Amendment to Paragraph (1) of Article 6

Paragraph (1) of Article 6 is amended to read as follows:

Article 6

A permit application must be submitted in writing by the applicant to the Regent through the Investment and Licensing Service Agency (BPMPP) by first completing the provided permit application form and attaching the following requirements:

- a. A photocopy of the applicant's Resident Identity Card (KTP);
- b. A photocopy of the company's deed of establishment for businesses or foundations in corporate form;
- c. A photocopy of the land certificate and/or proof of land ownership;
- d. A site plan of the business location;
- e. A layout map of neighboring properties directly adjacent to the business location;
- f. A statement of no objection, as follows:
 1. From directly adjacent neighbors, approved by the Neighborhood Unit (RT) Head, Community Unit (RW) Head, Village Head/Lurah, and the local Sub-District Head (Camat) for business activities within an RT area;
 2. From each RT and RW Head, approved by the Village Head/Lurah and the local Sub-District Head (Camat) for businesses and/or activities that span multiple RT areas; or
 3. From residents living in the affected area, approved by the RT Head, RW Head, Village Head/Lurah, and local Sub-District Head (Camat) for the construction of telecommunications towers;

- g. A photocopy of the Environmental Permit or Environmental Management Statement Letter (SPPL) for businesses and/or activities that require it; and
- h. A statement of guarantee regarding the authenticity of the submitted documents.

(2) The permit application form, as referred to in paragraph (1), must include at least the following details:

- a. Name of the business/activity manager;
- b. Name of the company;
- c. Company address;
- d. Type of business/activity;
- e. Business location;
- f. Company telephone number;
- g. Representative of the company who can be contacted;
- h. Availability of the technical facilities and infrastructure required to operate the business; and
- i. A declaration of commitment to comply with all applicable laws and regulations.

(3) Further provisions regarding the permit application procedures shall be regulated in a Regent Regulation.

3. Amendment to Article 8

Article 8 is amended to read as follows:

Article 8

(1) To ensure optimal licensing services, BPMPP must inform applicants about the requirements, procedures, processing time, and costs in a clear, definite, and transparent manner.

(2) The permit processing period is set at a maximum of 7 (seven) working days, starting from the date the application documents are completely and correctly submitted.

(3) If BPMPP fails to comply with the provisions of paragraph (2), the permit application shall be deemed approved.

(4) Deleted.

4. Amendment to Article 10

Article 10 is amended to read as follows:

Article 10

(1)The granting of permits is the authority of the Regent, which is delegated to the Head of BPMPP.

(2)Permit services are carried out by BPMPP.

(3)The Head of BPMPP may approve or reject a permit after obtaining consideration from the Technical Team or field officers.

5. Amendment to Article 11

Article 11 is amended to read as follows:

Article 11

As the licensing authority, BPMPP is required to:

- a. Establish complete, clear, measurable, rational, and transparent permit requirements;
- b. Treat all permit applicants fairly, consistently, and without discrimination;
- c. Provide public access to information before issuing permits;
- d. Coordinate inspections and technical assessments in the field if necessary;
- e. Consider community involvement in assessing and inspecting business/activity locations;
- f. Clarify unmet requirements if an application does not yet fulfill the necessary conditions;
- g. Make decisions on permit applications that meet all requirements;
- h. Provide services based on excellent service principles; and
- i. Conduct periodic evaluations of licensing services.

6. Deletion of Article 15

Article 15 is deleted.

7. Deletion of Article 16

Article 16 is deleted.

8. Deletion of Article 17

Article 17 is deleted.

9. Amendment to Article 19

Article 19 is amended to read as follows:

Section Five
Validity Period

Article 19

The permit remains valid as long as the business and/or activity is still in operation.

10. Amendment to Paragraph (1) of Article 20

Paragraph (1) of Article 20 is amended to read as follows:

Article 20

Every permit holder must apply for a permit modification in the event of:

a. Changes that result in an increase in disturbances compared to previous conditions due to:

Changes in business facilities;

Increased business capacity;

Expansion of land and/or business buildings; or

Changes in business operating hours or duration.

b. Changes in ownership/control of the business premises and/or type of business.

Further provisions regarding the procedures and requirements for permit modifications, as referred to in paragraph (1), shall be regulated in a Regent Regulation.

11. Amendment to Article 21

Article 21 is amended to read as follows:

Article 21

A permit is deemed invalid if the permit holder ceases business operations.

A permit shall be revoked if:

- a. The permit holder violates the provisions of the permit;
- b. After the permit is issued, it is found that the information or documents submitted as permit application requirements were false or incorrect; and/or
- c. The permit holder fails to apply for a permit modification, as stipulated in Article 20, paragraph (1).

12. Amendment to Paragraph (3) of Article 25

Article 25 is amended to read as follows:

Article 25

(1) Supervision is carried out over the permit issuance process and permit implementation.

(2) Supervision of the permit issuance process is functionally carried out by the Regional Apparatus Work Unit (SKPD) responsible for supervision duties and responsibilities.

(3) Supervision of permit implementation is conducted in an integrated manner and coordinated by BPMPP.

13. Amendment to Paragraph (1) and Deletion of Paragraph (3) of Article 29

Article 29 is amended to read as follows:

Article 29

(1) Any person who violates the provisions of Article 7, paragraph (1), and Article 13, letter (b), shall be punished with a maximum imprisonment of 3 (three) months or a maximum fine of Rp50,000,000.00 (fifty million rupiah).

(2) The offense referred to in paragraph (1) is classified as a violation.

(3) Deleted.

(4) Any person who causes disturbances to the environment, as referred to in Article 4, paragraph (2), resulting in pollution and/or environmental damage, shall be penalized in accordance with the applicable laws and regulations.

14. Amendment to Article 30

Article 30 is amended to read as follows:

Article 30

(1) Permits issued before the enactment of this Regional Regulation remain valid, and permit holders are required to undergo re-registration in accordance with the conditions stated in the permit.

(2) During the re-registration process, as referred to in paragraph (1), permit holders must submit the original Disturbance Permit (Izin Gangguan) to BPMPP, which will then issue a new permit in accordance with the provisions of this Regional Regulation.

Article II

This Regional Regulation shall come into force on the date of its promulgation.

To ensure that everyone is informed, it is ordered that this Regional Regulation be promulgated by placing it in the Regional Gazette of Sukoharjo Regency.

Established in Sukoharjo
on October 5, 2015
REGENT OF SUKOHARJO,
ttd.
AGUS SANTOSA

Promulgated in Sukoharjo
on October 5, 2015
SECRETARY OF SUKOHARJO
REGENCY,
ttd.
EKO ADJI ARIANTO
REGIONAL GAZETTE OF
SUKOHARJO REGENCY
2015, NUMBER 8