



DUPLICATE

SUKOHARJO REGENT
CENTRAL JAVA PROVINCE
REGULATION OF THE REGENT OF SUKOHARJO
NUMBER 25 YEAR 2021
ABOUT
GUIDELINES FOR GRATIFICATION CONTROL IN SUKOHARJO REGENCY
GOVERNMENT

WITH THE GRACE OF GOD ALMIGHTY

SUKOHARJO REGENT,

- Considering :
- a. that with the enactment of the Corruption Eradication Commission Regulation Number 2 of 2019 concerning Gratification Reporting, there is a change in Gratification reporting;
 - b. that the Gratification control guidelines have been regulated by the Sukoharjo Regent Regulation Number 38 of 2016 concerning Guidelines for Gratification Control within the Sukoharjo Regency Government but are no longer in accordance with the needs and developments in Gratification reporting, so that the Sukoharjo Regent Regulation Number 38 of 2016 concerning Guidelines for Gratification Control in the Government Environment Sukoharjo Regency needs to be replaced;
 - c. that based on considerations as referred to in letters a and b, it is necessary to stipulate a Regent Regulation concerning Guidelines for Gratification Control in the Government Environment Sukoharjo Regency;

- Remember :
1. Law Number 13 of 1950 concerning the Establishment of Regency Areas within the Province of Central Java;
 2. Law Number 28 of 1999 concerning State Administrators that are Clean and Free from Corruption, Collusion and Nepotism (State Gazette of the Republic of Indonesia of 1999 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3851);

3. Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia Year 2001 Number 134, Supplement to State Gazette of the Republic of Indonesia Number 4150);
4. Law Number 30 of 2002 concerning the Corruption Eradication Commission (State Gazette of the Republic of Indonesia of 2002 Number 137, Supplement to the State Gazette of the Republic of Indonesia Number 4250) as amended several times, most recently by Law Number 19 of 2019 concerning the Second Amendment to the Law - Law 30 of 2002 concerning the Corruption Eradication Commission (State Gazette of the Republic of Indonesia of 2019 Number 197, Supplement to the State Gazette of the Republic of Indonesia Number 6409);
5. Law Number 5 of 2014 concerning State Civil Apparatus (State Gazette of the Republic of Indonesia of 2014 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 5494);
6. Law Number 23 of 2014 concerning 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, most recently by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia Year 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
7. Government Regulation Number 42 of 2004 concerning the Guidance of Corps Spirit and Code of Ethics for Civil Servants (State Gazette of the Republic of Indonesia of 2004 Number 141, Supplement to the State Gazette of the Republic of Indonesia Number 4593)
8. Government Regulation Number 60 of 2008 concerning Government Internal Control System (State Gazette of the Republic of Indonesia of 2008 Number 127, Supplement to the State Gazette of the Republic of Indonesia Number 4890);

9. Government Regulation Number 53 of 2010 concerning Discipline of Civil Servants (State Gazette of the Republic of Indonesia of 2010 Number 74, Supplement to the State Gazette of the Republic of Indonesia Number 5135);
10. Government Regulation Number 18 of 2016 concerning Regional Apparatus (State Gazette of the Republic of Indonesia of 2016 Number 114, Supplement to the State Gazette of the Republic of Indonesia Number 5887) as amended by Government Regulation Number 72 of 2019 concerning Amendments to Government Regulation Number 18 of 2016 concerning Regional Apparatus (State Gazette of the Republic of Indonesia of 2019 Number 187, Supplement to the State Gazette of the Republic of Indonesia Number 6402);
11. Government Regulation Number 11 of 2017 concerning Management of Civil Servants (State Gazette of the Republic of Indonesia of 2017 Number 63, Supplement to the State Gazette of the Republic of Indonesia Number 6037) as amended by Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management Civil Servants (State Gazette of the Republic of Indonesia of 2020 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 6477);
12. Corruption Eradication Commission Regulation Number 2 of 2019 concerning Gratification Reporting (State Gazette of the Republic of Indonesia of 2019 Number 1438);
13. Sukoharjo Regency Regulation Number 12 of 2016 concerning Formation and Structure of Sukoharjo Regency Regional Apparatus (Sukoharjo Regency Gazette of 2016 Number 12, Supplement to Sukoharjo Regency Regional Gazette Number 236);

DECIDE :

To stipulate : REGULATION OF THE REGENCY CONCERNING GUIDELINES FOR CONTROL OF GRATIFICATION IN THE SUKOHARJO REGENCY GOVERNMENT ENVIRONMENT.

GENERAL REQUIREMENTS

article 1

In this Regent Regulation, what is meant by:

1. The area is Sukoharjo Regency.
2. Regional Government is the Regent as an element of regional government organizer who leads the implementation of government affairs which are the authority of the autonomous region.
3. The Regent is the Regent of Sukoharjo.
4. Regional Inspectorate is the Regional Inspectorate of Sukoharjo Regency.
5. Regional apparatus is the supporting element of the Regent and the Regional People's Representative Council in carrying out government affairs which are the authority of the region.
6. Subdistrict is a sub-district in Sukoharjo Regency.
7. The Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission, is a state institution within the executive power clump that carries out the task of preventing and eradicating Corruption Crimes.
8. Regional Public Service Agency, hereinafter abbreviated as BLUD, is a system implemented by the technical implementing unit of the regional service/agency in providing services to the community that has flexibility in the pattern of financial management as an exception to the provisions of regional management in general.
9. Village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia.
10. Village Administration is the administration of government affairs and the interests of the local community in the government system of the Unitary State of the Republic of Indonesia.
11. Regional Owned Enterprises, hereinafter abbreviated as BUMD, are Regional Owned Enterprises within the Sukoharjo Regency.
12. Civil Servants include:

- a. civil servants as referred to in Law Number 5 of 2014 concerning State Civil Apparatus;
 - b. civil servants as referred to in the Criminal Code;
 - c. people who receive salaries or wages from state or regional finances;
 - d. a person who receives salary or wages from a corporation that receives assistance from state or regional finance; or
 - e. people who receive salaries or wages from other corporations that use capital or facilities from the state or society .
13. State Administrators are State Officials who carry out executive, legislative or judicial functions and other officials whose main functions and duties are related to state administration in accordance with the provisions of laws and regulations.
14. Gratification Control Unit, hereinafter abbreviated as UPG, is a unit established to carry out the duties and functions of the control process on the acceptance, rejection and granting of gratuities and their reporting.
15. Gratification is a gift in a broad sense including money, goods, rebates (*discounts*), commissions, interest-free loans, travel tickets, lodging facilities, tourist trips, free medical treatment, and other facilities, both received domestically and abroad. , which is carried out using electronic means or without electronic means.
16. Gratification Reporting, hereinafter referred to as Reporting Party, is Gratification Recipient and/or Rejector who submits a Gratification report.
17. Gratification Reporting Form is a form determined by the KPK in electronic or non-electronic form to report receipt of gratification.
18. Gratification Report is a document containing complete information on receipt of gratification as outlined in the Gratification Reporting Form by the Reporting Party.
19. Service is all official activities of Officials/Employees in carrying out their duties, functions and positions.
20. Gratification Control Guidelines are a reference for

implementing gratification control in the context of building clean governance within the Regional Government.

21. Generally accepted is a condition of giving that is applied equally to all in terms of type, form, requirements or value, in accordance with applicable cost standards and meets fairness or propriety.
22. Colleagues are fellow employees in the agency's internal environment where there is direct interaction related to official services.

Article 2

- (1) Regent Regulation is intended to provide guidance to Civil Servants or State Administrators in understanding, controlling and managing gratuities within the Sukoharjo Regency Government .
- (2) This Regent's Regulation aims:
 - a. increase the knowledge and understanding of Civil Servants or State Organizers regarding Gratification;
 - b. Upgrade the compliance of Civil Servants or State Administrators with the provisions Gratification;
 - c. create a transparent and accountable environment to support the creation of a clean and safe local government administration environment serve;
 - d. build employee integrity that is clean and free from corruption, collusion and nepotism; and
 - e. Upgrade effectiveness and efficiency of the implementation of the Gratification Control Program in the Regional Government .

Article 3

The principles in the Guidelines for gratification control are:

- a. Every Civil Servant or State Administrator is obligated to refuse gratification which is known from the start to be related to his position and contrary to his obligations or duties ;

- b. Every Civil Servant or State Administrator is responsible maintain professionalism and integrity by reporting the acceptance and/or rejection of Gratification; and
- c. Every Civil Servant or State Administrator reports the receipt of gratification as referred to in paragraph (1) to the UPG in the relevant agency.

Article 4

The scope of this Regent Regulation includes:

- a. Control Gratification;
- b. Compensation;
- c. UPG;
- d. Whistleblower Protection Gratification;
- e. Supervision;
- f. Financing; and
- g. Sanctions .

CHAPTER II GRATIFICATION CONTROL

Part One

Gratuity Reporting

Article 5

- (1) Civil Servants or State Administrators who receive Gratification are required to report the Gratification received.
- (2) In the event that the Gratification as referred to in paragraph (1) is considered a gift related to his position and contrary to his obligations or duties, the Civil Servant or State Administrator is obliged to refuse the Gratification.
- (3) The Gratification Reporting as referred to in paragraph (1) is exempted from the following types of Gratification:
 - a. gifts in the family, namely grandfather/grandmother, father/mother/in-law, husband/wife, child/son-in-law, adopted child/legal guardian, grandchildren, besan, uncle/aunt, brother/sister/in-law, cousin and nephew,

- as long as there is no conflict of interest;
- b. profit or interest from fund placement, investment or private share ownership which is generally accepted;
 - c. benefits from cooperatives, personnel organizations or similar organizations based on membership, which are generally accepted;
 - d. equipment or equipment provided to participants in official activities such as seminars, *workshops* , conferences, training or similar activities, which are generally accepted;
 - e. the gift is not in the form of money or other means of exchange, which is intended as a means of promotion or socialization using a logo or socialization message, as long as it does not have a conflict of interest and is generally accepted;
 - f. prizes, appreciation or awards from championships, competitions or competitions which are followed at their own expense and not related to official service;
 - g. awards in the form of money or goods related to the improvement of work performance given by the Government in accordance with the prevailing laws and regulations;
 - h. direct gifts/raffles, discounts/rebates, vouchers, *point rewards* , or souvenirs that are generally accepted and not related to work;
 - i. compensation or honorarium for professions outside of official activities that are not related to duties and obligations, as long as there is no conflict of interest and does not violate the regulations/code of ethics of the employee/officer concerned;
 - j. compensation received related to official activities such as honorarium, transportation, accommodation and financing that has been determined in the applicable cost standards at the Gratification recipient agency as long as there is no double financing, there is no conflict of interest, and does not violate the provisions in force at the receiving agency;

- k. bouquets of flowers as a greeting given in events such as engagement, marriage, birth, death, akikah, baptism, circumcision, tooth cutting, or other traditional/religious ceremonies, farewell, retirement, promotion;
 - l. gifts related to engagement, marriage, birth, marriage, baptism, circumcision, tooth cutting, or other traditional/religious ceremonies with a limit value of Rp. 1,000,000.00 (one million rupiah) for each giver;
 - m. grants related to the disaster or disaster experienced by the Gratification recipient, husband, wife, child, father, mother, in-laws, and/or son-in-law of the Gratification recipient as long as there is no conflict of interest and meets fairness or propriety;
 - n. giving to fellow co-workers in the context of farewell, retirement, job transfer or birthday that is not in the form of money or other means of exchange of a maximum amount of Rp. 300,000.00 (three hundred thousand rupiah) per gift per person, with a total gift not exceeding Rp. 1,000,000.00 (one million rupiah) within 1 (one) year from the same provider, as long as there is no conflict of interest;
 - o. gifts from fellow co-workers that are not in the form of money or other means of exchange, and are not related to work, at a maximum of Rp. 200,000.00 (two hundred thousand rupiah) for each gift per person, with a total gift of not exceeding Rp. 1,000,000.00 (one million). rupiah) within 1 (one) year from the same provider;
 - p. giving in the form of dishes or servings that are generally accepted; and
 - q. giving souvenirs/placards to agencies in the context of official and state relations, both domestically and abroad as long as they are not given to individual civil servants or state administrators.
- (4) The exception to the Gratification reporting as referred to in paragraph (3) does not apply in the event that the Gratification is prohibited according to the applicable regulations at the Gratification Recipient agency.

Article 6

- (1) Every Civil Servant or State Administrator is obliged to report every acceptance and/or rejection of Gratification as referred to in Article 5, to:
 - a. UPG no later than 10 (ten) working days from the date of gratification accepted and/or rejected; or
 - b. KPK no later than 30 (thirty) working days from the date the gratuity is received and/rejected.
- (2) The UPG as referred to in paragraph (1) letter a is obligated to forward the Gratification report to the KPK within a maximum period of 10 (ten) working days from the date the Gratification report is received.
- (3) The Reporting Party submits the Gratification report as referred to in paragraph (1) by filling out the report form which at least contains the following information :
 - a. the identity of the recipient in the form of a National Identity Number, name, complete address, and telephone number;
 - b. Gratification giver information;
 - c. Gratification recipient position;
 - d. place and time of receipt of Gratification;
 - e. description of the type of Gratification received;
 - f. Gratification value received;
 - g. chronology of Gratification acceptance events; and
 - h. evidence, documents, or supporting data related to the Gratification report.
- (4) The report as referred to in paragraph (3) shall be submitted in written form, electronic mail, or application in accordance with the applicable mechanism.
- (5) The reporting mechanism as referred to in paragraph (4) is implemented in accordance with the KPK Gratification reporting guidelines.

Article 7

The Reporting Party is obliged to include the object of Gratification in the report as referred to in Article 6, in the event

that the report:

- a. require originality test; and/or
- b. for verification and analysis purposes.

Article 8

- (1) In the event that the object of Gratification is in the form of food and/or drink that is easily damaged, the object of Gratification may be refused to be returned by the Reporting Party or UPG to the party providing the Gratification.
- (2) In the event that the Gratification in the form of food and/or beverages that are easily damaged as referred to in paragraph (1) cannot be refused to be returned to the complainant, the object of Gratification can be distributed as social assistance.

The second part

Gratification Reporting Follow-up

Article 9

- (1) Every Civil Servant or State Administrator is obliged to comply with the invitation of the UPG and/or the KPK in the event that information is needed for clarification gratuity.
- (2) Civil Servants or State Administrators are required to comply with the decision on ownership status gratuity.
- (3) The Gratification ownership status as referred to in paragraph (2) is determined by the KPK in the form of:
 - a. Gratification belonging to the recipient; or
 - b. State-owned gratuities.
- (4) With respect to Gratification that has been determined to be the property of the recipient, UPG will follow up with the following matters:
 - a. if the reporting has been accompanied by the delivery of money and/or goods, then the UPG coordinates with the reporter to be able to retrieve the money and/or goods at the UPG office or the KPK office by bringing evidence of the Decree on Determination of Gratification Ownership; and
 - b. if the reporting is not accompanied by the delivery of

money and/or goods, the UPG shall inform the reporter regarding the status of Gratification ownership that the money and/or goods can be utilized by the reporting party.

- (5) With respect to Gratification that has been determined to be state-owned, UPG will follow up with the following matters:
 - a. if the Gratification report has been accompanied by the delivery of money and/or goods, then the UPG coordinates with the KPK so that the money and/or goods are distributed in accordance with the provisions of the legislation;
 - b. if the Gratification reporting is not accompanied by the delivery of money and/or goods, then the reporter is obliged to submit the Gratification directly to the KPK or through the UPG; and
 - c. delivery of Gratification as referred to in letter b, is entirely the responsibility of the reporting party and must be submitted no later than 7 (seven) working days after receiving the Decision Letter on Determination of Ownership of Gratification by the reporting party.
- (6) If the money and/or goods as referred to in paragraph (4) letter a are not taken by the reporter within a period of no later than 1 (one) year since the Gratification is determined to belong to the recipient, the object of Gratification is handed over to the State for public benefit after being properly informed to the reporter.
- (7) With regard to gratuities that belong to the state, UPG coordinates with the KPK.

CHAPTER III COMPENSATION

Article 10

- (1) The reporter can submit a request for compensation for the object of Gratification that he reports to the KPK.
- (2) With the approval of the KPK, the object of Gratification can be compensated on the following conditions:

- a. Gratification object in the form of goods or facilities;
 - b. The reporter is cooperative and has good intentions; and
 - c. The Reporting Party is willing to replace the object of Gratification with an amount of money equal to the goods being compensated.
- (3) The compensation value of the Gratification object as referred to in paragraph (2) letter c is determined based on the estimation of the assessment team which will then be informed back to the Reporting Party.
- (4) The application for compensation approved by the KPK is stipulated in the Decree of the KPK leadership including the compensation value as referred to in paragraph (3).
- (5) The reporting party is entitled to the reported Gratification object after paying compensation in accordance with the KPK Decree as referred to in paragraph (4).

CHAPTER IV
GRATIFICATION CONTROL UNIT
Part One
Organization structure

Article 11

- (1) In order to implement the gratification control program, the Sukoharjo Regency Government formed a UPG.
- (2) The UPG as referred to in paragraph (1) is domiciled in a work unit carrying out duties and functions in the field of compliance or supervision.

The second part

Task

Article 12

The UPG as referred to in Article 11 has the following duties:

- a. receive, analyze, and administer reports on receipt of Gratification from Civil Servants, State Administrators, or other public officials;
- b. receive and administer the Gratification rejection report, in the event that a Civil Servant, State Administrator or other public official reports the Gratification rejection;

- c. forward the Gratification receipt report to the KPK;
- d. report the recapitulation of reports on acceptance and rejection of Gratification periodically to the Corruption Eradication Commission;
- e. submit the results of the management of Gratification acceptance and rejection reports and the proposed Gratification Control policy to the Regent;
- f. conduct socialization of Gratification provisions to internal and external parties of government agencies, and Regional Owned Enterprises;
- g. carry out the maintenance of the Gratification goods until the status of the goods is determined; and
- h. conduct monitoring and evaluation in the context of Gratification control.

Article 13

- (1) Against Gratifications determined by the KPK to be managed by the Regional Government, the UPG can determine its use according to the recommendations of the KPK which include:
 - a. utilized by the Regional Government for the purposes of administering the Regional Government; and/or
 - b. donated to social foundations or other social institutions;
 - c. returned to the giver of Gratification;
 - d. returned to the Gratification recipient; or
 - e. annihilated.

- (2) Further provisions regarding the determination of the utilization of gratification receipts shall be further regulated by the Regional Inspector as the Chair of the UPG.

CHAPTER VI PROTECTION OF GRATIFICATION REPORTERS

Article 14

- (1) The Gratification Reporter has the right to:

- a. obtain an explanation regarding their rights and obligations in Gratification reporting;
 - b. obtain information on the progress of the Gratification report; and
 - c. get protection.
- (2) The protection as referred to in paragraph (1) letter c consists of:
- a. confidentiality of the identity of the reporter if necessary; and
 - b. protection of personal, family, and property security related to the Gratification report.
- (3) The protection as referred to in paragraph (2) is based on the request of the complainant and is carried out in accordance with the provisions of the legislation.
- (4) In implementing the protection as referred to in paragraph (2) letter b, the UPG may implement it alone or in coordination with the relevant agencies.

CHAPTER VI
SUPERVISION
Article 15

- (1) Regional Inspectors supervise the implementation of gratification control in local government environment.
- (2) The Regional Inspector reports the results of the supervision as referred to in paragraph (1) periodically to Regent.

CHAPTER VII
FINANCING
Article 16

All costs incurred as a result of the stipulation of this Regent's Regulation shall be charged to the Sukoharjo Regency Regional Revenue and Expenditure Budget.

CHAPTER VIII
PENALTY

Chapter 17

Violations committed by Officials/Employees against the provisions stipulated in this Regulation of the Regent, shall be subject to sanctions in accordance with the provisions of the laws and regulations.

CHAPTER IX

CLOSING

Article 18

When this Regent's Regulation comes into force, the Sukoharjo Regent's Regulation Number 38 of 2016 concerning Guidelines for Gratification Control within the Sukoharjo Regency Government (Sukoharjo Regency's Regional Gazette of 2016 Number 38) is revoked and declared invalid.

Article 19

This Regent Regulation comes into force on the date of promulgation.

In order for everyone to know, ordering the promulgation of this Regent Regulation by placing it in the Sukoharjo Regency Regional Gazette.

Set in Sukoharjo
on June 3, 2021
SUKOHARJO REGENT,

signed.

ETIK SURYANI

INVOLVED IN SUKOHARJO
on June 3, 2021

REGIONAL SECRETARY
SUKOHARJO DISTRICT,

ttd.

WIDODO

REGIONAL NEWS SUKOHARJO REGENCY
YEAR 2021 NUMBER 24