

Option : Manual
 Total : 200 persons
 Director : 14
 Counselor : 5
 Personnel : 681

Mayor
 Supervision Council - 5 persons
 Resident Director
 4 persons (President/Directors)

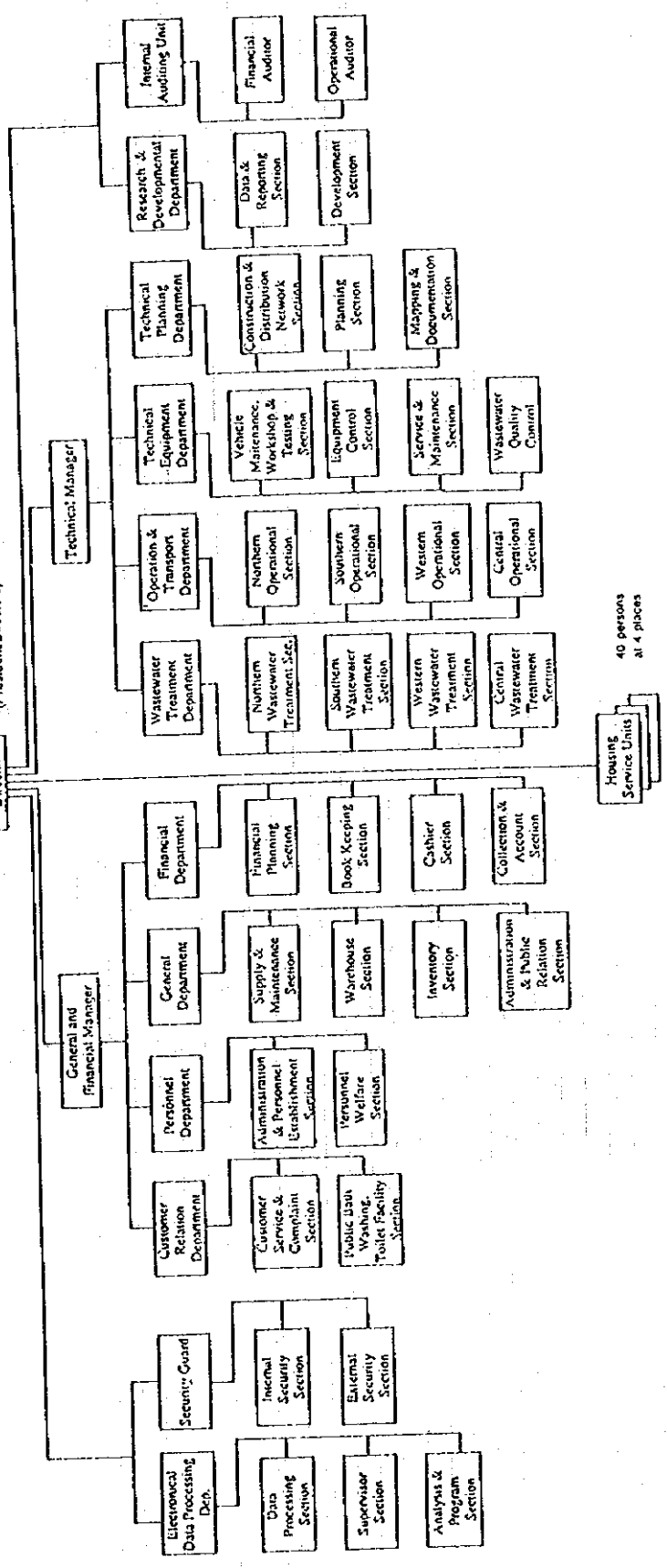


FIG. 2.2.30 Organizational Chart of Municipal Wastewater Public Enterprise

MASTER PLAN AND FEASIBILITY STUDY ON WASTEWATER AND SOLID WASTE MANAGEMENT FOR THE CITY OF UJUNG PANDANG IN THE REPUBLIC OF INDONESIA

Option : Maximal
 Total : 1,800 persons
 (including directors,
 coucelors and personnel)

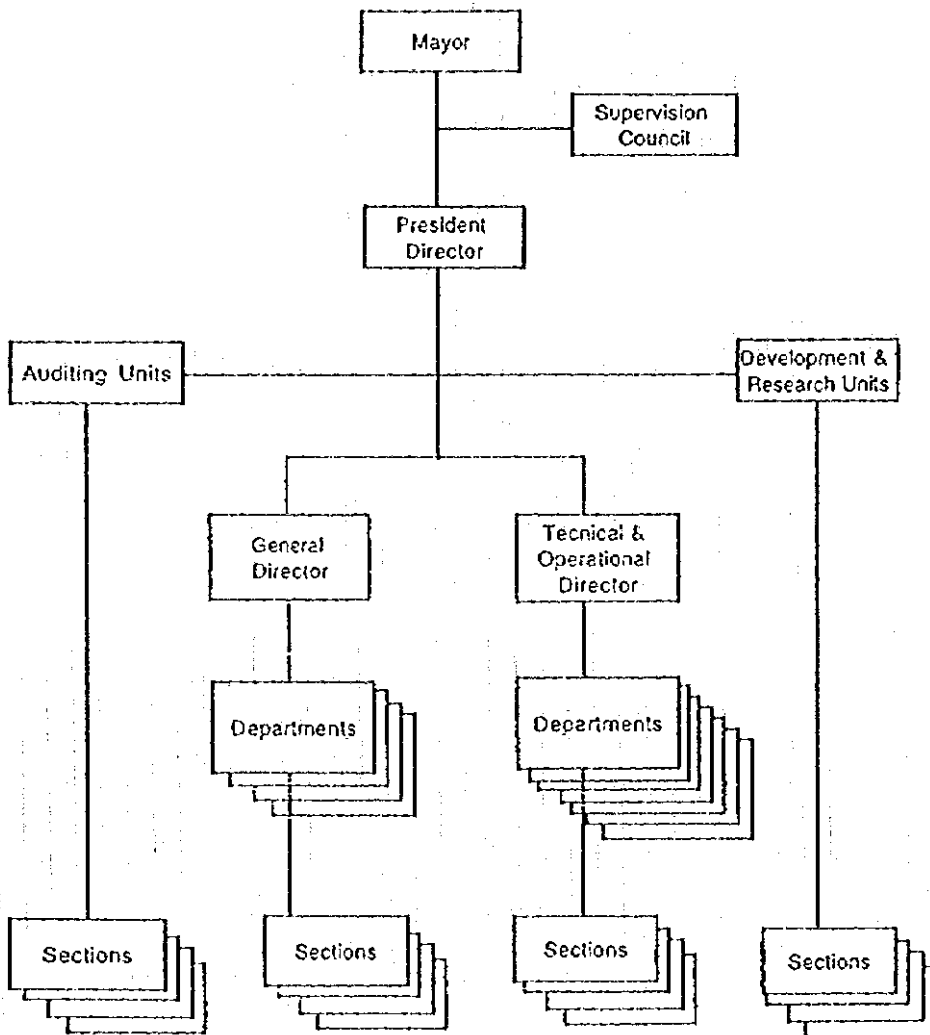


FIG. 2.2.31 | **Organizational Chart of Municipal Wastewater Public Enterprise of Ujung Pandang**
MASTER PLAN AND FEASIBILITY STUDY ON WASTEWATER AND SOLID WASTE MANAGEMENT FOR THE CITY OF UJUNG PANDANG IN THE REPUBLIC OF INDONESIA

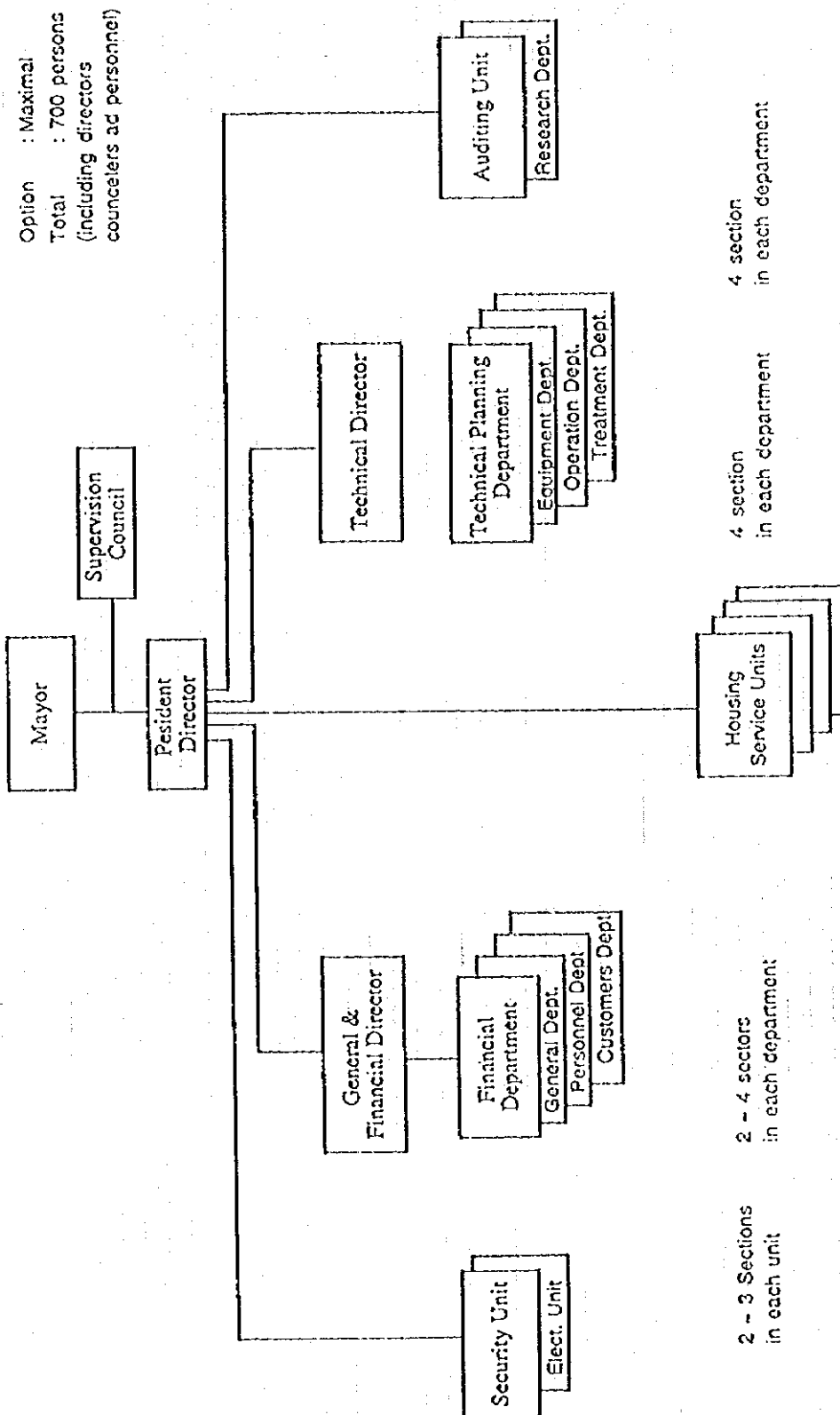


FIG. 2.2.32

Organizational Chart of Municipal Wastewater Public Enterprise of Ujung Pandang

MASTER PLAN AND FEASIBILITY STUDY ON WASTEWATER AND SOLID WASTE MANAGEMENT FOR THE CITY OF UJUNG PANDANG IN THE REPUBLIC OF INDONESIA

Organization Chart of PD Kebersihan in 2005

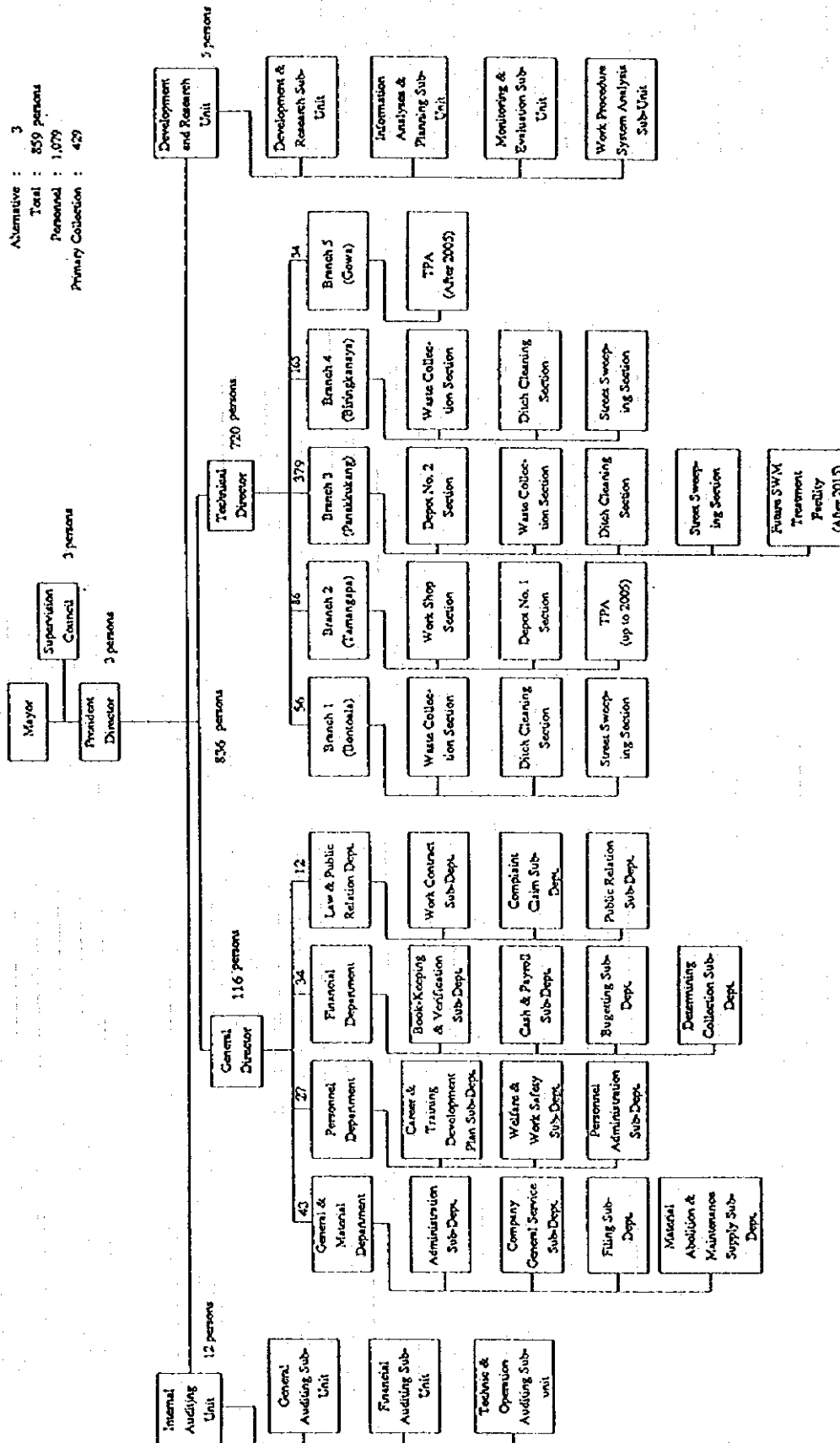


Fig. 2.2.33 Organization Chart of PD Kebersihan in 2005

MASTER PLAN AND FEASIBILITY STUDY ON WASTEWATER AND SOLID WASTE MANAGEMENT FOR THE CITY OF UJUNG PANDANG IN THE REPUBLIC OF INDONESIA

Reference 2.2.1

REGIONAL GAZETTE

UJUNG PANDANG MUNICIPALITY

NO. 2/1976

UJUNG PANDANG MUNICIPALITY

REGULATION NO. 6 1974

ON ESTABLISHMENT OF WATER SUPPLY

ENTERPRISE OF UJUNG PANDANG MUNICIPALITY

CONSIDERING : 1.

The management of water supply in Ujung Pandang Municipality as a Regional Board is not suitable anymore with the increasing demand.

2. It is necessary to stipulate the water supply management as it is stated in article 1 in the formation of regional company in accordance with minister of home affairs on July 31st, 1973 No. EKBANG 8/311.

3. With the status of regional board it is difficult to finance especially in exploitation considering the limited budget.

In view of :

1. Law No. 5 1974
2. Constitution No. 5 1962
Jo. Constitution No. 6 1969
3. Ujung Pandang municipality
Regulation No. 7/V/1/DPARD/1972 on June
13, 1972

With the Agreement of Municipal Parliament of Ujung Pandang

Has decided :

To Stipulate : Ujung Pandang Municipality Regulation on Ujung Pandang Municipality Water Supply
Establishment

CHAPTER I
GENERAL RULE

Article 1

- (1) In the regional regulation the following definitions are applicable
- a. Regional government is the mayor and parliament chief :
 - b. The chief of the government is the mayor of municipality
 - c. DPRD is Ujung Pandang municipality parliament
 - d. The company is water supply regional company of Ujung Pandang municipality
 - e. The region is Ujung Pandang municipality
 - f. The regional board is Ujung Pandang municipality water supply board
 - g. The director is Ujung Pandang municipality water supply director
 - h. The supervision board is the supervision for municipal water supply.
- (2) Company is an institution with the status of a corporate body if formed by the regional regulation.

CHAPTER II
ESTABLISHMENT

Article 2

- (1) Based on the regional regulation municipal water supply is founded.
- (2) Ujung Pandang municipality water supply board is merged into regional water supply as is mentioned in Sub article 1 in this article.
- (3) All the rights, duties and property of the water supply board of Ujung Pandang municipality are merged the regional water supply.
- (4) The merging implementation is arranged by the mayor of municipality

Article 3

The companies are subject to all kinds of government regulations that are not against the free economy principle, which is based on PANCASILA.

CHAPTER III
NAME, LOCATION, PURPOSE AND BUSINESS AREA

Article 4

NAME AND LOCATION

(1) Ujung Pandang municipality water supply company is called Ujung Pandang municipality water supply company.

(2) The company is located and has its office in Ujung Pandang

Article 5

THE PURPOSE OF THE COMPANY

The purpose of the company is to implement :

- (1) The development of the region in particular, and
- (2) National economy development in general terms of improving welfare and fulfilling social demand as well as work comfort in the company, to make it prosperous and an equitable society based on PANCASILA.

Article 6

BUSINESS AREA

The company will manage standard quality water for community of Ujung Pandang

CHAPTER IV

Article 7

CAPITAL

- (1) Balance sheet at the beginning consist of all assets and liabilities and capital from ex municipal board which is merged according to article-2 Sub-article 2 in this municipal regulation.
- (2) Company's beginning capital consists of separated regional property.

- (3) The company capital in sub article (1), and (2) can be added from some regional budget elimination that has been stipulated by municipal parliament, governmental capital and loan.
- (4) All the current assets are deposited in regional development and/or other governmental banks.

CHAPTER V AUTHORITY AND MANAGEMENT

Article 8

- (1) The company is managed by directors council which consist of : A President director who is assisted by maximum 8 directors
B Directors
- (2) The director members are Indonesian citizens who are appointed and dismissed by the Mayor on the recommendation of supervision board.
- (3) The director is responsible to the supervision board which is led by Mayor the of Ujung Pandang
- (4) The appointment stated in sub article (2) is implemented for 5 years, and after expiration the dead line the members can be appointed again.

Article 9

- (1) Director members quit for death or they can be dismissed by the Mayor for any of the following reasons :
 - a. Self request
 - b. The end of the duty as is stated in article 8 sub article (4)
 - c. The action which is harmful to the company
 - d. The action or attitude which is against the region or institution importance.
- (2) Dismissal according to the reason in sub-article (1) c and d if it is a violation, will be in the form of suspension.

- (3) If the dismissal referred to sub article 1, c and d is carried out the discharged director is given a chance to defend himself within 1 month after the dismissal is proposed to the mayor of Ujung Pandang municipality.
- (4) During the dismissal, in sub article (3) the decision is still not made, the dismissal is called off. And the concerned director can return to his duty, except if the decision is from court, and the concerned director must be told.

Article 10

- (1) The directors shall not be bound together by family ties, neither, vertically nor horizontally until third descendent line, unless it is for the company's sake and permitted by Ujung Pandang Mayor, and at renewal permission from the mayor is necessary.
- (2) The directors may not have direct or indirect personal dealings with to the company in order to get profit.
- (3) The director may not have another job.

Article 11

- (1) The directors represent the company in or outside court.
- (2) The directors may appoint some one or some company members personally or with other members or other people/bodies.

Article 12

- (1) The directors implement the management and establishment of the company according to the policy determined by the supervision board based on municipal governmental policy.
- (2) Law and order and the management is arranged in the regulation stipulated by directors with supervision board approval.

Article 13

- (1) The directors require mayor recommendation for the following urgent matters
 - a. To take loan for company and making credit engagement
 - b. To make the company as creditor
 - c. To obtain, separate and add fixed assets
- (2) If director is off duty, his job is taken over by another senior director.

CHAPTER VI SUPERVISION BOARD

Article 14

- (1) The supervision board is led by Mayor of Ujung Pandang and the members consist of municipal governmental apparatus and or another apparatus that are considered necessary by mayor.
- (2) Supervision board stipulate company policy based on municipal general policy.
- (3) Supervision board do supervises the directors
- (4) Directors are obliged to give information needed by supervision board.
- (5) The chief and the members of supervision board are paid wages which are determined by the Mayor.

CHAPTER VII
RESPONSIBILITY AND PERSONNEL COMPENSATION

Article 15

- (1) All company personnel, including directors who serve time for law breaking, are obliged to give compensation to the company.
- (2) The stipulation on compensation claim to municipal personnel is absolutely valid to company personnel.
- (3) All the company personnel who are in charge of treasury stock and transfer of treasury and inventory which are kept in ware-house or special ware house and used only for that purpose are obliged to be responsible for the job implementation to the appointed board by Mayor.
- (4) The personnel who are included in sub article (3) do not need to send notice of responsibility on management to appointed board/officer stated in sub-article (3), the claim to the personnel is done according to the stipulation for municipal treasurer.
- (5) All supporting documents included in accounting and company administration are kept in the company or somewhere else appointed by the Mayor except if it is transferred to the body stated in sub article (3)
- (6) Forevaluation purpose, concerning tax determination and accounting control, generally all documents stated in sub article (5) temporarily can be transferred to state accountant.
- (7) The stipulation on compensation claim is valid to municipal personnel by the municipal regulation as stated in sub article (3) based on the company organization chart.

CHAPTER VIII
FISCAL YEAR
Article 16

COMPANY FISCAL YEAR IS BUDGET YEAR

CHAPTER IX
COMPANY BUDGET

- (1) At least 3 months before the fiscal year, directors send the company budget to the supervision board for agreement.
- (2) If supervision board object or refuse the project(s) contained in the company budget before the new fiscal year, the budget will be prepared once more.
- (3) Additional budget or turnover of current budget in current period must be agreed by the supervision board.

CHAPTER X
MONTHLY STATEMENT REPORT AND COMPANY ACTIVITY
Article 18

Statement report and company activity is sent by the directors to the supervision board every 3 months and if necessary for earlier.

CHAPTER XI
ANNUAL STATEMENT REPORT
Article 19

- (1) Directors send annual statement report to supervision board at least 3 months after the fiscal year.
- (2) Analysis must be included in the annual statement.

- (3) If within 1 month after the time as stated in sub article 1 the supervision board has not forwarded any written claim, the annual statement report is considered valid.
- (4) Annual statement report stated in sub article (1) is legalized by the supervision board, legalization meaning to give authority to director concerning with the annual statement report.

**CHAPTER XII
PROFITABILITY AND PROFIT OBJECTIVE**

Article 20

- (1) Fixed assets and or confidential assets may not be reported.
- (2) Net income use after being reduced by fixed assets and others, is stipulated as follows :
 - a. For municipal development budget 30%
 - b. Municipal routine budget 25%
 - c. Reserve 10%; Directors 5%, Social and education 10%, production fee 10%, pension and contribution fund 10% (Total 45%).
- (3) Net income for general reserve can be used for other activities by recommendation from municipal government.
- (4) The management (operational) and depreciation and reserve fund use is determined by the supervision board.

**CHAPTER XIII
PERSONNEL**

Article 21

- (1) Personnel juridical status, salary/pension from director and company personnel are based on municipal regulation and effective after being legalized by the supervising institution
- (2) The director appoints and dismisses company personnel based on personnel regulation as stated in sub article (1).

**CHAPTER XIV
CONTROL**

Article 22

- (1) The Mayor appoints financial/material inspector from the municipal office to control the management and company establishment. The inspection to the municipal government. This does not in any way reduce the authority of the supervising institution and other bodies according the constitution/regulation.
- (2) State accountant has the authority and the responsibility to do control the company management.

CHAPTER XV

DISMISSAL

Article 23

- (1) Municipal company dismissal and liquidation committee appointment is stipulated by municipal regulation.
- (2) All the municipal company property after liquidation is returned to municipal government.
- (3) Liquidator responsibility is in the municipal government .
- (4) In liquidation municipal government is responsible for third party loss if the loss is caused by the legalized balance sheet and statement report is not in conformity with the company's existing condition.

CHAPTER XVI

FINAL STIPULATION

Article 24

(1) This municipal regulation concerns the municipal water supply company establishment

(2) This municipal regulation will be effective at the time it is issued.

Ujung Pandang, November 20, 1974

Ujung Pandang Municipal
Parliament Chief

Ujung Pandang Municipal Mayor

(BALASONG BA)

(H. M. DG. PATOMPO)

Legalized by

Governor of South Sulawesi

Decree on June 13, 1975

No. 253/VI/1975

Issued in Ujung Pandang

on August 8, 1975

Secretary of Ujung Pandang
Municipal Mayor

(Drs. H. Mochammad Said)

Reference 2.2.2

LKMD (Village Community residence Institution)

Village community residents institution is formed based on presidential decree No. 28 1980 and, in which articles 1 to 8 state that :

- (1) What is meant by village community residents institution or LKMD is community institution in village or Kelurahan which is established from, by and for the community and it is a kind of community participation in development which combines various governmental activities and community initiatives and participates in all aspect of life in terms of realizing national defense which covers the aspects of ideology, politics, economy, social culture, religion and security and defense.
- (2) The purpose of village community residents institution (LKMD) is to assist rural government or Kelurahan to improve community service and development by increasing initiatives and motivating the community to self-support. As a result the community gains integrity and perseverance with the ability to develop defense in terms of regional establishment.
- (3) LKMD status in rural areas as well as Kelurahan is organizationally independent and localized.
- (4) LKMD organizers consist of community figures and community institutions leaders.
LKMD organization consists of:
 - a. Main chief, is occupied by lurah or rural chief
 - b. Chief I
 - c. Chief II
 - d. Secretary
 - e. Treasurer
 - f. Other members based on required sections

The membership election is managed and directed led by the main chief.

(5) Main duty of LKMD

Main duty of LKMD is to assist rural government or Kelurahan :

- a. To plan the development based on deliberation
- b. To motivate and increase community initiative and participation to implement the development integrally for governmental activity as well as community self support.

- c. To increase community dynamic conditions to develop defense in rural areas or Kelurahan.

(6) LKMD function

LKMD has functions as :

- a. Community organization to plan and implement development.
- b. To implant the understanding and consciousness of PANCASILA
- c. To utilize potential and to motivate community initiative for development.
- d. As a relator between community and government or inter-community.
- e. To improve community knowledge and skill
- f. To establish and motivate youth potential for development.
- g. To improve women is role in realizing a happy family.
- h. To establish an inter-institutional cooperation society for development.
- i. To do other tasks in term of assisting rural government or Kelurahan for steady defense.

(7) LKMD work management

The relation between LKMD and rural governments or Kelurahan is to assist in developn planning, and implementation of the relationship is as follows :

- a. LKMD is to assist in the process of rural development planning & implementation.
- b. LKMD proposed and analyzes development plans which are deliberated by the l authority. The relationship between one LKMD with another is that of cooperation

(8) Fund resource

Fund resource of LKMD is obtained from :

- a. Community self-help
- b. Government assistance
- c. Other unbinding assistance

(9) Establishment

- a. The Minister of home affairs provides guidance and control over LKMD which implemented by rural developmental general director.

- b. Governor, regent, Mayor and Camat (district chief) both establish, and are responsible LKMD activity in each area.

Hence organization structure and work management of LKMD is arranged in home affairs dec No. 225 1980 on October 1980.

Reference 2.2.3

**Ujung Pandang Municipal Government Regulation
No. 2/1994
Regarding**

The First Revision of Ujung Pandang Municipal Government Regulation No. 3/1990 on the Execution of Cleansing Service in the Municipality of Ujung Pandang.

By the agreement of the parliament of Ujung Pandang Municipality

DECIDES

Stipulates : Municipal Regulation of Ujung Pandang Municipality regarding the First Revision of Municipal Government Regulation No.3/1990 on the Execution of Cleansing Service in the Municipality of Ujung Pandang.

Article 1

Municipal Regulation of Ujung Pandang Municipality No.3, 1990 which was approved by Decision Letter of South Sulawesi Governor No. 1240/X/1990, dated October 9, 1990 and was constituted in the Municipal Gazette No.7, 1990 Series B, No. 2, is revised as follows :

Article 12 paragraph (1) is revised and shall be read :
Offense on the stipulation meant in Articles 4,5,6,7 and 8 of this Municipal Regulation is charged with punishment in jail maximum 3 (three) months or penalty payment of not more than Rp. 50,000 (Fifty Thousand Rupiah)

Article 2

The Municipal Regulation is effective since the date of being issued.
In order to let everybody know it, the issuance of this Municipal Regulation shall be widely informed by publishing it in the Municipal Gazette.

Ujung Pandang, March 07, 1994

PARLIAMENT OF
Ujung Pandang Municipality

Mayor of Ujung Pandang
Municipality

H.M. YAHYA PATU

H.A. MALIK B. MASRY

Issued in Municipal Gazette
Of Ujung Pandang Municipality
No.5, 1994 serie B No.2
dated Mat 7, 1994

Approved by South Sulawesi
Provincial Governor
with Decision Letter No :
SK.243/V/1994 dated
May 5, 1994

Secretary of Ujung Pandang
Municipality

H. Syamsul Ridjal SH

EXPLANATION
ON

THE MUNICIPAL GOVERNMENT REGULATION OF UJUNG PANDANG MUNICIPALITY
No.2 / 1994

REGARDING

THE FIRST REVISION OF UJUNG PANDANG MUNICIPAL GOVERNMENT REGULATION
No.3, 1990 ON THE EXECUTION OF CLEANSING SERVICE IN THE MUNICIPALITY OF
UJUNG PANDANG

I. GENERAL EXPLANATION

For the effective execution of sanction of Ujung Pandang Municipal Regulation No.3/1990 on the Cleansing Service in the Municipality of Ujung Pandang there shall be applied with process of immediate investigation/process of prosecution of moderate penal action.

According to stipulation mentioned in Article 205 of KUHAP (PENAL CODE BOOK), one which can be investigated with prompt investigation process/process of light (moderate) penal code investigation is the case which is sentenced with jail punishment of not more than 3 (three) months or penalty payment maximum Rp. 7,500 (Seven Thousand Five Hundred Rupiah).

Based on Circular Letter of Supreme Court No.18, 1983 dated December 8, 1983, being of opinion that the case which is charged with penal in jail of not longer than 3 (three) months or penalty payment of not more than Rp. 15,000 (Fifteen Thousand Rupiah) its categorized as a case which must be investigated according to prosecution process of moderated penal code action.

Viewing the material of the above Circular letter, it indicates that the prompt investigation process/investigation process of moderate penal code action with sentence of jail maximum 3 (three) months, while penalty payment can be more than Rp. 7500.

By the possibility of penalty payment more than Rp. 7,500, and by referring to stipulation of Article 41 of Law No. 5/1974 regarding the outline of Governmental Administration in the region, so in this Municipal Government Regulation, penalty payment has been decided at Rp. 50,000 (fifty thousand rupiah)

In connection with the above matter, it is necessary to adjust Stipulation of Penal code of Ujung Pandang Municipal Regulation No.3/1990 on the Execution of Cleansing Service in the Municipality of Ujung Pandang, is decided in this Municipal Regulation.

EXPLANATION of ARTICLE BY ARTICLE

Article 1 : Sufficiently Clear
Article 2 : Sufficiently Clear

Reference 2.2.4

**UJUNG PANDANG MUNICIPAL
GOVERNMENT REGULATION
NO. 3 / 1990**

**ON THE EXECUTION OF CLEANSING SERVICE
IN THE MUNICIPALITY OF UJUNG PANDANG**

**Dinas Kebersihan KMUP
Execution of Cleaning Service**

Perda No. 3/1990

By the approval of the Parliament of Ujung Pandang Municipality

DECIDES :

Stipulates : MUNICIPALITY GOVERNMENT REGULATION REGARDING THE
EXECUTION OF CLEANSING SERVICE IN THE MUNICIPALITY OF
UJUNG PANDANG

CHAPTER I
GENERAL CONDITION

Article 1

In this Regulation the meaning of :

- a. Municipal Government is the Government of Ujung Pandang Municipality.
- b. Head of Municipality is the Mayor of Ujung Pandang Municipality
- c. Citizens the citizen of Ujung Pandang Municipality which is further called ORT/ORW or Organization of RT (Rukun Tetangga)/Organization of RW (Rukun Warga) in the Municipality of Ujung Pandang.
- d. User of Land plot is an Inhabitant or a user of a place in the Municipality of Ujung Pandang not only for a domiciling place but also for a business place, as well as for other places;
- e. Dinas Kebersihan is Dinas Kebersihan of Ujung Pandang Municipality;
- f. Kebersihan is a situation/condition which can be seen and felt which is containing clean, esthetic and sanitary elements.
- g. Waste/dirt is a kind of solid, liquid and gas material which are disposed;
- h. Waste Bin is a place for waste which is provided by the Government, user of land plot and or other parties;
- i. Temporary Disposal site is a place provisioned by the Municipal Government, for storing disposing or reusing the waste;
- j. Waste collection is an activity of carrying or removing waste from a land plot to the Temporary Disposal Site;
- k. Public Road is each road in the Municipality of Ujung Pandang in any kind which is provided for Public Traffic;
- l. Public Place is a place in form of park, public center, or field being made available by the Municipal Government as a public facility;
- n. Public sewerage is a channel not being as land plot channel.
- o. Building is each construction being built on the land plot which consists of house, office building and other buildings.

- p. Cleansing Retribution Fee is a fee collected by the Municipal Government on the service of cleansing in the area of Ujung Pandang Municipality.

CHAPTER II
CONDITION OF EXECUTION AND MAINTENANCE
OF KEBERSIHAN (CLEANSING)

Article 2

- (1) In the Municipality of Ujung Pandang, activity for environmental cleanliness is carried out by :
 - a. Municipal Government and
 - b. Community Participation
- (2) The community participation as meant in Paragraph (1) point b of this article is carried out under the coordination of Lurah/Head of Kelurahan in cooperation with the Heads of RW/RT organizations in their respective areas
- (3) In coordinating the activity mentioned in Paragraph (2) of this Article, Lurah/Head of Kelurahan and Heads of RW/RT shall follow guidances given by the Mayor.
- (4) For the Implementation and mangement of cleansing, the Mayor can cooperate with the Third Party.
- (5) Form of cooperation mentioned in paragraph (4) is stated by the Decision of Mayor's Decree

Article 3

Facilities and Infrastructures of cleansing are :

- a. Waste Bin in the public places or public roads which is considered to be necessary ;
- b. Temporary Disposal Site (TPS), Final Disposal Site (TPA), sites for solid, liquid or gas disposal are provided accordingly;
- c. Sewerages for disposing waste water, places for public bathing , wash and toilet for other drainages being considered necessary;
- d. Solid Waste Transport from the land plot to the Temporary or Final Disposal Site.

Article 4

- (1) Each user of land plot in the Municipality of Ujung Pandang is responsible for the cleansing of building, premises, drainage, cleansing of neighborhood, environment and surroundings.
- (2) For carrying out the above activities mentioned in Paragraph (1) of this Article, the land plot user shall provide garbage bin around his land plot.
- (3) For businessmen, industry or workshop which produce waste consisting of solid, liquid or gas which contain hazardous material individually or mutually are obliged to provide their business place with a bin or tank for storing their disposed waste according to the existing system and not causing contamination to the environment and not disturbing the surrounding people and make effort for filtering and neutralizing the gases.
- (4) Vehicles operating in Ujung Pandang Municipality shall be provided with garbage bin.
- (5) All vendors (sellers) who offer their goods by carrying by hand, by shoulder or by pushing and also road side vendors, shall prepare adequate garbage bin for accommodating the garbage being produced.

CHAPTER III
STIPULATION OF WASTE DISPOSAL

Article 5

- (1) The Municipal Government provides Temporary and Final Disposal Sites
- (2) The Municipal Government serves waste transport from the Temporary to the Final Disposal Site.
- (3) Waste haulage from the land plot to the Temporary Disposal Site by the inhabitants is coordinated by Lurah/Head of Kelurahan in cooperation with the Head of local RW/RT organization.
- (4) Land plot being used as business activity which produces garbage 2.5 m³ or more perday, the users of land plots are obliged to dispose of their garbage by themselves to the Final Disposal Site (TPA), except if land plot users request the assistance of Dinas Kebersihan.
- (5) Transport of building waste (demolition) which is of big amount or waste whose transportation can cause danger or loss for the owner or other person, will be done by the Municipal Government.
- (6) The stipulation mentioned in Paragraph (5) of this Article is excepted for the owner of building waste (demolition) which meet the requirements of transport and to be disposed of at the designated waste disposal site.
- (7) Method of solid waste disposal as mentioned in Paragraphs (1), (2), (3), (4), (5) and (6) of this Article will be decided later by the Mayor.

CHAPTER IV
PROHIBITION

Article 6

- (1) In the Municipality of Ujung Pandang, except at the waste incineration place which has been made available and or decided by the Mayor, it is prohibited to burn waste at the yards or at the places which can cause danger or fire or disturb the surrounding area, or burn waste at a distance of 10 (ten) meters from the building or public road and if it is not done in a hole.
- (2) Except at the places of solid waste disposal which have been made available, it is prohibited to dispose waste in rivers, canal, beach, sea, ditches or sewerages, drainages, public roads, public centres, side walks, and other public places.

- (3) Except at the places of solid waste disposal which are specially provided and done in a special method, it is prohibited to dispose waste consisting of glass, chemical substances or waste which damage the environment in any way.

**CHAPTER V
CLEANSING RETRIBUTION FEE**

Article 7

- (1) Based on the service of cleansing given in the areas as mentioned in Article 2 and Article 5 of this Municipal Regulation Fee.
- (2) The Retribution meant in Paragraph (1) of this Article is charged all land plot users in the Municipality of Ujung Pandang.

**CHAPTER VI
RETRIBUTION FEE ON THE CLEANSING
SERVICE GIVEN**

Article 8

- (1) Amount of Retribution Fee for the collection, trasport and disposal of waste for every month is decided as follows :

1. Residential House	
a. Temporary Building	Rp. 300
b. Semi Permanent Building	Rp. 500
c. Pennanent Building	Rp. 1,000
d. Storied Permanent Building	Rp. 1,500
2. Boarding House	
a. Boarding House A	Rp. 7,500
b. Boarding House B	Rp. 5,000
c. Boarding House C	Rp. 3,000
3. Hotel, Inn, Mess, Cottage	
a. Hotel Class A	Rp. 25,000
b. Hotel Class B	Rp. 10,000
c. Cottage	Rp. 7500
4. Restaurant, Bar, Stall, Massage	
a. Restaurant/Bar Class I	Rp. 20,000
b. Restaurant/Bar Class II	Rp. 15,000
c. Restaurant/Bar Class III	Rp. 10,000
d. Restaurant Class I	Rp. 15,000
e. Restaurant Class II	Rp. 10,000

f. Restaurant Class III	Rp.	5,000
g. Massage/Bar	Rp.	10,000
h. Message Non Bar	Rp.	5,000
i. Other food sellers	Rp.	3,000
5. Hospital :		
a. Class II/ General	Rp.	15,000
b. Class III/ Special	Rp.	8,000
c. Maternity Hospital Class I	Rp.	7,500
d. Maternity Hospital Class II	Rp.	5,000
6. Clinic, Public Health Center	Rp.	2,000
7. Dispensary	Rp.	6,000
8. Medicine Shop (Small Drug Store)	Rp.	1,000
9. Warehouse/Storage		
- Space above 100 m ²	Rp.	10,000
- Space 31 m ² up to 100 m ²	Rp.	6,000
- Space up to 30 m ²	Rp.	3,000
10. Meeting Hall/Wedding Reception and the like	Rp.	3,000
11. Industry		
a. Class I with space above 1000 m ²	Rp.	20,000
b. Class II with space 500 to 1000 m ²	Rp.	5,000
c. Class III with space up to 500 m ²	Rp.	10,000
12. Office		
a. Storied Building and/or space above 50 m ²	Rp.	15,000
b. Permanent Building with space 25 up to 50 m ²	Rp.	7,500
c. Permanent Building with space up to 25 m ²	Rp.	5,000
13. Cinema (Theatre)		
a. Sineplex (Compound to 6)	Rp.	20,000
b. Sineplex (Compound to 4)	Rp.	15,000
c. Class I	Rp.	10,000
d. Class II Rp. 6000		
e. Class III	Rp.	4,000
14. Shops		
a. Supermarket/self service	Rp.	12,500
b. Shop united with Household	Rp.	7,500
c. Space of building above 50 m ²	Rp.	5,000
d. Space of building 25 to 50 m ²	Rp.	4,500
e. Space of building up to 25 m ²	Rp.	3,000
15. Beauty Salon		

a. Recruiting workers 3 persons or more	Rp.	5,000
b. Recruiting workers up to 2 persons	Rp.	2,000
16. Barber Shop		
a. Barbershop united with residential house and recruiting 3 workers or more	Rp.	3,000
b. Barbershop united with residential house and recruiting up to 2 workers	Rp.	2,000
c. Barbershop not united with residential house and recruiting workers up to 3 persons	Rp.	1,500
17. Repair Workshop		
a. Class I (Vehicle of 4 wheels or more)	Rp.	10,000
b. Class II (Vehicles of 2 wheels and the like) united with shop and residence	Rp.	7,500
c. Class III (Vehicles of 2 wheels and the like) only for repair / service	Rp.	5,000
18. Field, Company, Handicraft, Drying/Processing/ Commercial material sorting		
a. Class I	Rp.	10,000
b. Class II		

Article 9

- (1) Collection of retribution fee as meant in Article 8 of this Municipal Regulation, will be conducted by Dinas Kebersihan which is appointed by the Mayor.
- (2) All revenues obtained from retribution as meant in Article 8 of this Municipal Government are Local Revenues and must be deposited to the Account of Ujung Pandang Municipal Government in accordance with the existing regulation.

CHAPTER VII

EXEMPTION OR RELIEF FROM RETRIBUTION

Article 10

The Mayor can relieve or give exemption from payment of retribution as meant in Article 8 of this Municipal Regulation to religious places or Government Institutions, on condition that they are obliged to submit a written application to the Mayor with reliable evidences.

CHAPTER VIII
PROSECUTION

(1) Besides the Public Prosecutor, Prosecution (investigation) on the criminal act as meant in Article 12 of this Municipal Regulation will be executed by PPNS (Civil Government Official Prosecutor) in the scope of Municipal Government which his/her appointment has been stated according to the existing laws. (2) In carrying out the prosecution duty, the Prosecutor (investigator) as meant in Paragraph (1) of this Article has the following authority :

1. Receive report or complaint from someone regarding the occurrence of criminal act;
2. Execute first countermeasure at that time in the place of event and conduct investigation;
3. Instruct the accused to stop and check identification of the accused;
4. Make confiscation of goods and/or documents;
5. Take finger print and picture of the accused;
6. Call the person to be interrogated as the accused or witness;
7. Call an expert required in relation to the investigation of the case;
8. Stop the confiscation after getting guidance from the prosecutor (investigation) that there is no sufficient evidence or that case is not a criminal act and then through the investigator informing the case to the Public Prosecutor, the accused or his/her family.
9. Take another action based on law which can be responsible

(3) PPNS (Civil Government Official Prosecutor) shall make Minutes of investigation on each measure taken regarding the :

- a. investigation of case
- b. entrance of a house
- c. Confiscation of something
- d. Checking of documents
- e. Interrogation of a witness
- f. Checking on the spot and send it to State Prosecutor through the Police investigation.

CHAPTER IX
PENAL CODE
Article 12

- (1) Any offense on the stipulation mentioned in Articles 4,5,6,7 and 8 of this Municipal Regulation can be punished by a jail sentence of maximum 6 (six) months or penalty payment maximum Rp.50.000 (fifty thousand rupiah)
- (2) If the user of land plot is a corporation or association, the stipulations mentioned in paragraph (1) of this Article shall be charged to the Manager of the Corporation or Association.

CHAPTER X
TRANSITION
Article 13

Any cases which are still not stipulated in this Municipal Regulation regarding the implementation will be regulated later by the Mayor.

CHAPTER XI
CLOSING
Article 14

By the validity of this Municipal Regulation, so the Municipal Regulation of Ujung Pandang Municipality No.4/1979 dated March 16,1979 on the Execution of Cleansing Service and Retribution Fee Collection in the Municipality of Ujung Pandang which was constituted in the Municipal Gazette No.4/1979 serie B No. 2, and all previous stipulations which were regulating the same case or which were contrary to this Municipal Regulation are stated to be not effective anymore.

Article 15

This Municipal Regulation is effective from the date of being issued.
In order to let everybody know, we instruct the issuance of this Municipal Regulation to be published in the Municipal Gazette of Ujung Pandang Municipality.

Ujung Pandang, March 26, 1990

PARLIAMENT OF
UJUNG PANDANG MUNICIPALITY
Drs. Muh. Arsyad Abu

MAYOR OF UJUNG PANDANG
MUNICIPALITY
Suwahyo

Constituted in the Municipal
Gazette of Ujung Pandang
Municipality No.7,1990 serie B
No.2 dated October 1990

Approved by the Governor
of South Sulawesi with
Decree
No. 1240/X/1990 dated
October 9,1990

Secretary of Ujung Pandang
Municipality

Drs. Haruna Rahman

Reference 2.2.5

MUNICIPAL GAZETTE UJUNG PANDANG MUNICIPALITY

UJUNG PANDANG MUNICIPAL GOVERNMENT REGULATION No. 11/1987 REGARDING

THE ESTABLISHMENT, ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF DINAS KEBERSIHAN UJUNG PANDANG MUNICIPALITY

Mayor of Ujung Pandang Municipality

DECIDES :

Stipulated : UJUNG PANDANG MUNICIPAL REGULATION REGARDING THE
ESTABLISHMENT, ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF
CLEANSING DEPARTMENT OF UJUNG PANDANG MUNICIPALITY

CHAPTER I GENERAL CONDITION Article 1

In this Municipal Regulation, the meaning of :

- a. Municipal is Municipality of Ujung Pandang
- b. Municipal Government is the Government of Ujung Pandang Municipality
- c. Head of Municipality is the Mayor of UJUNG PANDANG
- d. Dinas is Dinas Kebersihan Ujung Pandang
- e. Head of Dinas is the Head of Dinas Kebersihan Ujung Pandang
- f. Chief of Sub Division is the Chief of Sub Division in Dinas Kebersihan Ujung Pandang
- g. Chief of Section is the Chief of Section in Dinas Kebersihan Ujung Pandang

CHAPTER II ESTABLISHMENT, POSITION, MAIN DUTY AND FUNCTION The First Part Establishment and Position Article 2

- (1) by this Municipal Regulation, DINAS is established
- (2) Dinas is the Executive Element of Municipal Government in Cleansing Sector
- (3) DINAS is headed by the Head of Dinas who is subordinate to the Mayor and responsible to the Mayor
- (4) in carrying out his duty, the Head of Dinas is being under the coordination of Municipal Secretary

The Second Part Main Duty Article 3

Main tasks of Dinas are :

- a. Carrying out a part of municipal internal affairs in cleansing sector which becomes its responsibility
- b. Carrying out supporting tasks being entrusted to it by the Mayor
- c. Carrying out other tasks being entrusted by the Mayor

The Third Part
Function
Article 4

For executing the main tasks as mentioned in Article 3 above, DINAS has the following functions :

- a. Formulating technical policy, giving guidance and development as giving license based on the policy which has been stated by the Mayor according to the existing laws ;
- b. Carrying out their main duty based on the existing laws
- c. Technical security and control on the implementation of their main duty in accordance with policy stated by the Mayor based on the existing laws.

CHAPTER III
ORGANIZATIONAL STRUCTURE
Article 5

Organizational Structure of Dinas consist of :

- a. Head of Dinas
- b. Sub-Division of Administration
- c. Sections
- e. Sub-sections

Article 6

(1) Sub-Division of Administration as meant in Article 5, point b consists of :

- a. General Affairs
- b. Personnel Affairs
- c. Financial Affairs
- d. Logistic Affairs

(2) Sub Division of Administration is headed by a chief of Sub-Division which in carrying out his/her duty is being under the authority and being responsible to the Head of Dinas.

(3) Affairs as meant in paragraph (1) are respectively led by a chief of Affairs which in carrying out his/her duty is being under the authority and being responsible to the Chief of Sub Division of Administration.

Article 7

(1) Sections as meant in Article 5 point C consist of :

- a. Program, Research and Supervision Section
- b. Operational Section
- c. Retribution Section
- d. Logistic Section

(2) Sections as meant in Paragraph (1) are respectively led by a chief of Section which in carrying out his/her duty is being under the authority and being responsible to the Head of Dinas.

Article 8

(1) Program, Research and Supervision Section comprises :

- a. Sub Section of Research & Program
- b. Sub Section of Counseling (Guidance)
- c. Sub Section of Supervision/Order

- (2) Operational Section consist of :
- a. Sub Section of Solid Waste & Night Soil Transportation
 - b. Sub Section of Ditch/Sewerage cleaning
 - c. Sub Section of street Sweeping and landscaping

(3) Retribution Section consists of :

- a. Sub Section of Registration and Fee collection
- b. Sub Section of Calculation and Determination
- c. Sub Section of Book Keeping and Receiving

(4) Logistic Section consists of:

- a. Sub Section of Vehicle Maintenance
- b. Sub Section of Supplies
- c. Sub Section of Warehouse/Storage

Article 9

Sub-sections as meant in Article 8 Paragraphs (1), (2), (3) and (4) are respectively led by a chief of Subsection which in carrying out his/her duty is being under the authority and being responsible to his/her chief of Section respectively.

Article 10

Chart of Organization Structure of Dinas as shown in the Attachment of this Municipal Regulation is an integral part.

Article 11

By a Mayor's Decreea Special Treasurer of Dinas can be assigned

CHAPTER IV JOB AND MANAGEMENT DESCRIPTION

First Part Job Description

Article 12 Head of Dinas

- (1) Head of Dinas has duty to lead Dinas in carrying out main duty of Dinas in accordance with general policy of the Mayor based on the existing laws.
- (2) In case of the Head of Dinas feels necessary to make any change of policy as mentioned in paragraph (3) of this Article, then such matter shall be proposed to the mayor for making a Decision.

Article 13 Sub Division of Administration

- (1) Sub Division of Administration is in charge of carrying out the Administration of all work units in the scope of Dinas in the frame work of realizing the main task of Dinas.
- (2) For the realization of the task mentioned in Paragraph (1) of this Article, Sub-Div. of Administration function for :
 - a. Carrying out management of office administration, efficiency and implementation program
 - b. Carrying out arrangement of personnel matter
 - c. Carrying out financial matter
 - d. Carrying out management of logistic
 - e. Carrying out management of Internal Affairs of Dinas

Article 14

Program, Research & Supervision Section

- (1) Program, Research and Supervision Section is in charge of planning, preparing and making program in the framework of making policies in conformity with the goal to be achieved and checking the work progress of sections in order to find out/create a better System and also controlling the realization of regulations being applied in Dinas.
- (2) For executing the work mentioned in paragraph (1) of this article, the Section of Program, Research and Supervision functions for :
 - a. Conducting research on the result of works of the Section regarding the retribution fee collection, cleaning and transportation of solid waste in order to create or find out any system which is more useful and fruitful;
 - b. Supervising the realization of regulating for payment of cleansing retribution fee and checking the calculation mentioned in the "letter of Retribution Statement"
 - c. Conducting research and development in the system of retribution collection and ways of improving the cleansing in order to find out a better system.
 - d. Conducting activities concerning guidance and supervising as well as judging the offenders of Municipal Regulation on the cleansing sector.

Article 15 Operational Section

- (1) Operational Section is in charge of carrying out activities of solid waste and night soil transportation and also carrying out cleansing, street sweeping and landscaping.
- (2) For carrying out the duty mentioned in Paragraph (1) of this Article, Operational Section function for :
 - a. Executing Solid Waste cleansing on public roads, shopping center, housing complex and Government/private office complexes;
 - b. Executing Solid Waste collection which will be transported by vehicles/trucks to Final Disposal Site and also executing transportation and disposal of night soil.
 - c. Cleaning solid waste at park, river stream, sport field, ditch/sewerage.
 - d. Giving guidance to the inhabitants regarding the improvement of environment cleanliness

Article 16 Retribution Section

- (1) Retribution Section is in charge of making registration, collection, calculation/statement, book-keeping, and receipt of retribution payment.
- (2) For carrying out the task mentioned in Paragraph (1) of this Article, Retribution Section has the following functions :
 - a. Preparing a List of Customers and delayed payment and also collecting retribution fee;
 - b. Making calculation and checking on the calculation statement of fee and also making proposal/plan of retribution statement.
 - c. Receiving the cleansing retribution fee and making book-keeping on the receipt of retribution fee.

Article 17 Logistic Section

- (1) Logistic Section is in charge of carrying out procurement, storage, management of goods and equipment for the smooth-running of Dinas tasks and also carrying out maintenance of Solid Waste Vehicles/trucks
- (2) For carrying out the tasks mentioned in Paragraph (1) of this article, the Logistic Section a.
 - a. Preparing and maintaining the Solid Waste Vehicles/trucks in order to make them ready for use for transporting waste every day.
 - b. Performing storage, maintenance and management of goods and equipment owned by Dinas

- c. Maintaining inventorying of all equipment and other goods owned by Dinas
- d. Carrying out procurement of goods and cleansing tools of Dinas

Article 18
Sub Section & Affairs

Job description of Sub Section and Affairs in the scope of Dinas will be decided through

Work Administration
Article 19

- (1) Head of Dinas is leading Sub-Division and Sub-Sections which are under its authority which need to maintain and improve overall organization and apply principle of coordination, integration, and synchronization, not only in the scope of Dinas but also relating to other Dinas agencies.
- (2) Each leader of work unit in the scope of Dinas which is having Affairs and Sub Section which is being under its authority is obligated to extend good cooperation among them as one organization unit.
- (3) Each leader of work-unit shall obey guidance and direction and also be responsible to his/her chief respectively and then Submit periodic report on time.
- (4) Each report being received by the leader of work unit shall be processed and used as material for further report preparation and for giving implementation guidance to his/her staff
- (5) In submitting report to their leader respectively, a copy of the report is obligated to be delivered to the work unit and other organization units which are functionally having work relationship.

Article 20

In case on the Head of Dinas is not able to carry out his/her duty, so the Head of Dinas can appoint the chief of sub Division or one of the sections chiefs to represent him/her by considering seniority of ranking and capability.

CHAPTER V
APPOINTMENT AND TERMINATION
OF THE STRUCTURAL POSITION OCCUPANT
Article 21

- (1) Head of Dinas is appointed and dismissed by the Governor of South Sulawesi Province, based on the Mayor's proposal.
- (2) Chief of Sub-Division and Chief of Section is appointed and dismissed by the Governor of South Sulawesi Province, based on the Mayor's proposal.
- (3) Chief of Affairs and chief of Sub Section is appointed and dismissed by the Mayor, based on the proposal of Head of Dinas.

CHAPTER VI
TRANSITIONAL STIPULATION
Article 22

Any matters which are still not regulated in this Municipal Regulation, will be regulated later by a Mayor's Decree as far as concerning with its realization.

Article 23

By the validity of this Municipal Regulation, so all stipulations which are regulating about Establishment, Organizational Structure and Management of Dinas which are contrary to this Municipal Regulation are considered to be not effective anymore.

**CHAPTER VII
CLOSING
Article 24**

- (1) This Municipal Regulation may be interpreted as Regulation on establishment, Organizational Structure and Administration of Dinas Kebersihan of Ujung Pandang Municipality
- (2) This Municipal Regulation is effective from the date of being issued. In order to let everybody knows this regulation, it is instructed that this Municipal Regulation shall be published in the Municipal Gazette.

Ujung Pandang No. 24, 1987

Chairman of Municipal
Parliament

Mayor of Ujung Pandang Municipality

Drs. Muh. Arsyad Abu

Yancy Raib

Approved for the Governor South Sulawesi Province through the Decree No. 227/IV/1988 dated April 13, 1988.

Issued in Municipal Gazette No.6/1988 Serie D No.: 6 dated April 25, 1988.

Municipal Secretary
Drs. Haruna Rahman

Explanation

**MUNICIPAL REGULATION, OF UJUNG PANDANG MUNICIPALITY
NO. : 11/1987
ON**

**THE ESTABLISHMENT, ORGANIZATIONAL STRUCTURE & ADMINISTRATION OF DINAS
KEBERSIHAN OF UJUNG PANDANG MUNICIPALITY**

I. GENERAL EXPLANATION

As we have known that the cleaning matter is a duty which is not less important than other tasks in carrying out and promoting overall development, in order to achieve maximum advantages and success until creating a clean and sanitary urban environment.

In line with the above, so management of city cleansing shall be handled by one Dinas for the purpose of giving and improving the service to the community, and for handling the above matter we need qualified personnel and being able to control it with organization which is having clear duty and function.

Basically, Dinas Kebersihan Ujung Pandang had been established through a Mayor's Decree of Ujung Pandang No.79/S.Kep/A/V/77 dated April 6 1977 which was being under the structure of Dinas Pekerjaan Umum (Public Works) with a status of Sub Dinas.

In order to synchronize Organizational Structure of Dinas of the Municipality, the Minister of Home Affairs in its Decision has stated a Guideline for Establishment, Organizational Structure and Administration of Dinas of the Municipality, so based on the above Guidelines this Municipal Regulation is made.

- Article 1 : Sufficiently Clear
Article 2 Paragraph (1), (2) and (3) : Sufficiently Clear
Paragraph (4) : The meaning of coordination is an administrative coordination that is administrative authority for creating integration and synchronization of the policy of Municipal Governmental Execution.
- Article 3 to 22 : Sufficiently clear
Article 23 : By the Establishment of Dinas Kebersihan, so all of previous stipulations which said Sub Dinas Kebersihan are changed to this Municipal Regulation
- Article 24 : Sufficiently Clear

Reference 2.2.6

GAZETTE OF REPUBLIC OF INDONESIA
No. 104, 1960 AGRICULTURAL BASIC REGULATION LAW No. 5
1960 ON BASIC REGULATION OF AGRICULTURE
(EXPLANATION MEMORY IN ADDITIONAL STATE GAZETTE No. 2043)

President of Republic of Indonesia

To Consider :

- a. Indonesia life structure including the economy especially agrarian land, water and air space as the gift of GOD almighty has very important function to develop equitable and prosperous society.
- b. The agricultural law some are arranged based on the purpose of imperialism government and is influenced by them, so that it is against the people and nation interest in accomplishing national revolution as well as development in a whole.
- c. The agrarian law is dualism, they are local custom law beside agrarian law that based on western law.
- d. For the native people the imperialism agrarian law does not serve certain valid law.

To make opinion :

- a. In connection with above consideration it is necessary to have national agrarian law, which based on local custom law on land which serve ascertain valid law for all people by not neglecting religious law element.
- b. National agrarian law has to serve function of land water and space as mentioned above and must fit Indonesian people interest as well as fulfill his need according to development era in case of agrarian.
- c. National agrarian law have to materialize GOD almighty reflection, humanity, social welfare as national religious principle and national purpose as stated in constitutional preface.
- d. National agrarian law be an implementation of presidential decree July 5, 1959, stipulation in article 33 of constitution and Indonesian politic manifesto, as confirmed in presidential speech on August 17, 1960 which oblige government to arrange land status all over Indonesia utilized for people prosperity individually and grounding.
- e. It is necessary to stipulate out-line and arrange basic stipulation information of law which is the basic of above national agrarian law arrangement to notice :

The proposal of temporary Dewan Pertimbangan Agung of Republik Indonesia No.: 1/KPTS/sd/II/60 on land status reorganization and land use.

In view of :

- a. Presidential Decree July 5, 1959
- b. Article 33 of constitution
- c. Presidential stipulation No. 1/1960 (State Gazette 1960 No. 10) on Indonesian Politic Manifesto on August 17, 1959 as GBHN (Broad outlines of the Nation's Direction) and presidential instruction on August 17, 1960.
- d. Article 5 jo.20 of constitution by the agreement of parliament gotong royong.

Revoking to decide :

1. "Agrarische wet" (Staatsblad 1870 No. 55) as stated in article 51 wet op de staatsinrichting van nederlands indie (staatblad 1925 No. 447) and stipulation in other sub article.
2.
 - a. Domienverklaring in article 1 Agrarisch Besluit (Staatblad 1870 118)
 - b. Algemene domienverklaring in staatblad 1875 1870 No. 19A
 - c. Domienverklaring for Sumatra in article 1 of staatblad 1874 No. 941
 - d. "Domeinverklaring for Menado district in article 1 of staatsblad 1877 No. 55
 - e. "Domienferklaring for residentie Zuider en Oosterafdeling van Borneo" in article 1 of staat blad 1888 No. 58.
3. Koninklijk Besluit April 16, 1872 No. 29 (Staatsblad 1872 No. 117 and the implementation regulation.
4. Second book Indonesia court of justice concern with land, water and natural source, except the stipulation about mortgage that still valid since the validity of this law to stipulate :

Law on agrarian basic regulation.

FIRST
Chapter I
Principles and basic stipulations
Article 1

- (1) Indonesia is a Nation that united as Indonesia nation.
- (2) The land, water and space, including Natural Source contained in area of Indonesia as a gift of God almighty and in a National property.
- (3) The relation among Indonesian and the land, water and space contain in sub article (2) is eternal.
- (4) The understanding of land is the surface including body land under in under water.
- (5) The understanding of water include land waters and seas of Indonesia.
- (6) Understanding of space is space over land and water of Indonesia stated in sub article (4) and (5).

Article 2

- (1) Based on stipulation in article 33 sub article (3) constitution and the matters stated in article 1, land water and space including the natural source is under authorized by government as the organization of all people of Indonesia.
- (2) Government right stated in sub article 1 give authority to :
 - a. To arrange and organize the utilization, availabilities and maintenance of the land, water and space.
 - b. To determine and arrange law relationship between people and land, water and space.
 - c. To determine and arrange law relationship between people law action on land water and space.
- (3) The authority of the state as mention in (2) is meant for the prosperity of people.
- (4) The authority in the implementation is able to be authorized to the autonomy and local custom figures and it is not against National interest according to governmental regulation.

Article 3

By considering stipulation in article 1 and 2 the implementation of local custom figures must adjust the national interest based on national unity and do not against the law and other regulation.

Article 4

- (1) Based on government rights to authorize as stated in article 2, it is determined kind of right on land that can be given to and belonged to people, individuals or grouping as well as institution.

- (2) The rights of the land stated in sub article (1) give Authority to utilize the determined land and also water and space, needed for interest directly related to land use in the limit according to this law and other higher regulation.
- (3) Beside land rights stated in sub article (1) it is determined also rights for water and space.

Article 5

Agrarian law for land, water and space are local custom law, as long as not against the National interest and government which based on National unity, with Indonesian socialism and regulation stated this law and other regulation by considering religious law elements.

Article 6

All kind of land rights has social function.

Article 7

The ownership and land authority which over limit is not allowed in order to protect public Interest.

Article 8

Based on the rights to authorization of the government as stated in article 2, it is arranged National source exploitation which contained in land, water and space.

Article 9

- (1) Only Indonesia citizens has authority on the land, water and space, connected with article 1 and 2.
- (2) Every Indonesia citizen, male or female has opportunity to have right for land to use to obtained it's benefit for him/her self and/or for the families.

Article 10

- (1) Every people and institution which has right on agriculture land is obliged to cultivate actively by avoiding exploitation.
- (2) The implementation of the stipulation of sub article (1) will be further arranged in law regulation.
- (3) The exception of the sub article (1) is arranged in law regulation.

Article 11

- (1) Law relation among people including institution with land, water and space as well as the authority which is resourced to law relation will be arranged to reach the purpose mentioned in article 2 sub article (3) and avoid over limited authority on some one life and job.

- (2) The difference of community condition and people law need that is not against national interest is cared by giving protection to the interest of the low economy people.

Article 12

- (1) All the cooperation in agrarian field is based on collective interest information of cooperative or other kind of cooperation.
- (2) Government can organize cooperation with other side in agrarian field.

Article 13

- (1) Government manage to organize agrarian business field to increase product and people prosperity.
As mentioned in article 2 sub article (3) and guarantee life standard of people as human being, individually or family.
- (2) Government avoid the effort of monopolizing by individual organization or private company.
- (3) Governmental business in agrarian field by monopolizing can be organized by regulation.
- (4) Government manage to increase social guarantee including labour in agrarian field.

Article 14

- (1) By considering stipulation in article 2 sub article (2) and (3), article 9 sub article (2) and article 10 sub article (1) and (2) the government in promoting of Indonesia Socialism, make a general plan on availability use and utilization of land, water and space and the natural resource :
 - a. For governmental need
 - b. For religion ceremony and other holly purposes
 - c. For community, social and cultural center and other welfare
 - d. For agriculture, animal husbandry and fishery
 - e. For industry, transmigration and mining
- (2) Based on the general plan in sub article (1) and considering concerned regulation of regional government to arrange availabilities, utility and need of land, water and space for the region according to the individual area condition.
- (3) This regional government regulation stated in sub article 2 is valid after being legalized by the President for province, by the governor for municipality and by the mayor for Daerah Tk. III (Kecamatan).

Article 15

The protect land, including increase the fertility and to prevent the damage it is an obligation for everyone, institution that have judicial (law) relation with land, by considering the people of low economy side.

Chapter II
The rights on land, water and space and land registration
Part I
General stipulation
Article 16

- 1) The rights on land stated in article 4 sub article are :
 - a. Property right
 - b. Business-use right
 - c. Land-use right
 - d. Use right
 - e. Rent right
 - f. Opening land right
 - g. Forest product collection
 - h. Other right excluded in above right that will be stipulated in law and rights which is temporarily as mentioned in article 53.
- 2) The rights on water and space stated in article 4 sub article 3 are:
 - a) Water use right
 - b) Raising and catching fish
 - c) Space use right

Article 17

- 1) By considering stipulation on article 7, to reach the purpose of article 2 sub article (3) it is arranged maximum large and/or minimum land that may be possessed by right mentioned in article 16 by a family or institution.
- 2) The stipulation on maximum stated in sub article (1) in this article refers to law regulation implemented in short time.
- 3) The excess land from maximum stated in sub article (2) in this article is taken by government with compensation, and substituted to people whole need according to stipulation in governmental regulation.
- 4) The reach of minimum limit stated in sub article (1) this article will be stipulated by law regulation done gradually.

Article 18

For public interest, including nation interest and general interest of the people, the right for land can be revoked, by giving fair compensation and according to the system arranged by law.

Part II
Land Registration
Article 19

- 1) Government perform land registration all over Indonesia for law ascertainment according to governmental regulation.
- 2) The registration stated in sub article (1) of this article cover :
 - a. Mapping measurement and land clearing
 - b. Registration of right for land and the right transfer
 - c. Distribution of right certificate as authentication
- 3) Land registration is done by considering nation and community condition, social economy traffic needs and the implementation, based on agrarian ministry consideration.
- 4) It is arranged in governmental regulation the cost related to the registration stated in sub article (1), by stipulation that unable people is free from the cost.

Part III
Property
Article 20

- 1) Property right is a heritance right that is and strongest toughest that can be possessed such as land by considering stipulation in article 6.
- 2) Property can transfer and be transferred to others.

Article 21

- 1) Only Indonesia citizen can have property.
- 2) It is stipulated by government the institutions that are able to have property and including the requirement.
- 3) Foreigner after this law legalization has the property because of legacy without dying exhortation or wealth mixture for marriage, like wise Indonesia citizen which has property and after this law legalization lose his citizenship is obliged to release the right within one year since he has the right or the lost of the citizenship. If after the time the property is released. The right is abolished because his land and the law is under authorization of government by stipulation that other side right which burden it still exist.
- 4) If someone has two citizenship, he is not able to posed land with property and the stipulation is sub article 3 is valid for him.

Article 22

- 1) Property based on local custom law is arranged by government regulation.
- 2) Beside what is stated in sub article 1 in this article, property is because of :

- a. Governmental stipulation according to the condition stipulated in governmental regulation.
- b. Law stipulation.

Article 23

- 1) Property like wise every transfer, the abolishment and the burden by right must be registered based on stipulation stated in article 19.
- 2) Registration sub article (1) in is a tool of authentication on the abolishment of property and legalization of transfer and burden of the right.

Article 24

The use of the property not by the owner is limited and arranged in legislation regulation.

Article 25

The property can be as debt guarantee by burdening burden right.

Article 26

- 1) Transaction, exchange, grant, legacy, local custom gift and other action meant for transferring property and the control is arranged in governmental regulation.
- 2) Every transaction, exchange, grant, legacy, and other action meant for transferring directly or in directly the property to a foreigner, and to a citizen who has two citizen ship or to and institution except which is stipulated by government stated in article (21) sub article (2) become invalid because the land and the law is under government authorized by stipulation that other side right which burden it still exist and all the payment received by the owner is not claimed.

Article 27

Property is abolished if :

- a. The land is under government authority
 1. Because of right revelation based on article 18
 2. Because of hand over
 3. Because of being neglected
 4. Because of stipulation article 21 sub article (3) and 26 sub article (2)
- b. The land is demolished.

Part IV
Exertion use Right
Article 28

- 1) Exertion use right is to exert the land authorized directly by the government in range of time as stated in article 29 for agricultural company fishery or animal husbandry.
- 2) Exertion use right is given for land larged at least 5 hector, by stipulation that if the large is 25 hectare or more it must use appropriate investment and good management technique that suit development era.
- 3) Exertion use right can transfer and be transferred to other side.

Article 29

- 1) Exertion use right is given for 25 years at longest.
- 2) For company which take longer time can be given exertion use right for 35 years.
- 3) For the sake of right holder and considering the company condition the range of time meant in sub article (1) & (2) can be prolonged 25 year (at longest).

Article 30

- 1) Those who have right property are :
 - a. Indonesia citizen
 - b. Institution established based on Indonesian law and located in Indonesia.
- 2) People or institution that have right property and are not any more fulfill requirement stated in sub article (1) within 1 year is obliged to release or transfer the right to other side which fulfill the requirement. This stipulation is also valid to the side who have exertion use right if he is not fulfill the requirement. If the exertion use right is not released or transferred at that time, the right is abolished for law, by stipulation that other side right will be notice, according to the stipulation by government.

Article 31

Exertion use right occurred by government stipulation.

Article 32

- 1) Exertion use right, including distribution and also the transfer and the abolishment must be registered according to stipulation in article 19.
- 2) The registration in sub article 1 is sturdy authentication on the transferring and abolishment of exertion use right, except the abolishment caused by time-over.

Article 33

Exertion use right can become debt guarantee by burden.

Article 34

Exertion-use-right abolishment could happen due to :

- a. Time for the right is over.
- b. Canceled before due time because some condition is not fulfill.
- c. Released by the right holder before the time over.
- d. Canceled for the sake of public.
- e. Neglected.
- f. The land is destroyed.
- g. Stipulation in article 30 sub article (2).

Part V Construction-use-right Article 35

- 1) Construction use right is the right to establish and own construction on not owned land, in at longest 30 years.
- 2) For the source (demand) of the right holder and considering the need and construction condition, the range of time stated in sub article 1 can be prolonged 20 years at longest.
- 3) Construction-use-right could be transferred to other parties.

Article 36

- 1) Those who are able to have construction use right are :
 - a. Indonesia citizen.
 - b. Institution established based on Indonesia law and located in Indonesia.
- 2) People or institution that have construction use right and not anymore fulfill the requirement in sub article 1, within 1 year is obliged to release or transfer the right to other side which fulfill the requirement. This stipulation is also valid to the side that have construction-use-right, if he is not fulfill the requirement.
If the construction use right is not released or transferred in the time, the right is abolished by law, by stipulation that other side right will be notice, base on government stipulation.

Article 37

Construction-use-right occur

- a. On land under government authority : by government stipulation
- b. On land property by authentic agreement between land owner and the side which will have the construction use right, which mean to have the right.

Article 38

- 1) Construction use right including the distribution, and also the transfer and the abolishment of the right must be registered based on stipulation stated in article 19.

- 2) Registration in sub article is authentication on the abolishment of construction of right transfer, except the right abolishment do to time over.

Article 39

Construction right can become debt guarantee by burden.

Article 40

Construction use right is abolished to do:

- a. Time is over.
- b. Ended before the time because a requirement is not fulfill.
- c. Released by the right holder before the time over.
- d. Revoked for public interest.
- e. Neglected.
- f. The land is demolished.
- g. The stipulation in article 36 sub article 2.

Part VI Use-Right Article 41

- 1) Use right is the right to use and/or collect product of the land directly authorized by government or other people land, which give authority and obligation which is stipulated in distribution decision by the authorized officer who have authority to hand it or in agreement with land owner, which is not renting agreement or land cultivating agreement, any other which is not against the law.
- 2) Use right can be given :
 - a. In certain time or as long as the land is used for certain need
 - b. By the payment or any other service.
- 3) The use right is given with condition with out exploitation.

Article 42

Those who can have use right is :

- a. Indonesia citizen
- b. Foreigner who live in Indonesia
- c. Institution which is established based on Indonesia law and located in Indonesia
- d. Foreign company (Institution) who has representative in Indonesia.

Article 43

- 1) The land which is under government authority, the right can only be transferred to other side with the authorized officer license.

- 2) Use right on property land can be transferred to other side if it is in agreement with the concerning parties.

Part VII
Renting Right for Construction
Article 44

- 1) An individual or an institution has renting right for land, if he has right to use others land property for constructing, by paying rent-money to the owner.
- 2) Rent-money can be done :
 - a. Once or in certain time
 - b. Before or after land is used.
- 3) Agreement of land rent in this article is not allowed if followed by exploitation.

Article 45

Those who have right to be rent right holder are :

- a. Indonesia citizen.
- b. Foreigner live in Indonesia.
- c. Institution established based on Indonesia law and located in Indonesia.
- d. Foreign institution which have representative in Indonesia.

Part VIII
Right to Open Land and Collect Forest Product
Article 46

- 1) Right-to-open land and collect forest product can only be possessed by Indonesia citizen and arranged in government regulation.
- 2) By using right to collect forest Production legacy, it is not automatically obtained the right to own the Land.

Part IX
Water use right, fish raising and catching
Article 47

- 1) Water use right is the right to have water for certain need and/or to flow the water on other people land.
- 2) Water use right, maintenance and fish raising and catching is arranged in government regulation.

Part X
Space-Use-Right
Article 48

- 1) Space use right give authority to use the substance in space for the effort of keeping and developing earth, water and natural source and others concern with this.
- 2) Space use right is arranged in government regulation.

Part XI
Land right for religion and social need

Article 49

- 1) Land property tight of religion and social institution as long as for the effort of religion and social is acknowledged and protected. The institution is guaranteed to have sufficient land for construction and the effort/exertion in religion and social.
- 2) For religious service stated in article 14 land authorized directly by government can be given with use right.
- 3) The donation f property land is protected and arranged with government regulation.

Part XII
Other Stipulations
Article 50

- 1) Further stipulation on property right is arranged by law.
- 2) Further stipulation on exertion use right, construction use right, rent right and use right for construction is arranged by law regulation.

Article 51

Burden right borne by to property right, exertion use right and construction use right in article 25, 33 and 39 is arranged by law.

Chapter III
Condemnation Stipulation
Article 52

- 1) Those who are in purpose against the stipulation in article 15 are accused for three months and/or fined as much as Rp. 10,000.-
- 2) Government regulation and law regulation stated in article 19, 22, 24, 26 sub article (1), 46, 47, 48, 49 sub article (3) and 50 sub article (2) can accuse against the stipulation and are treated for 3 months and/or fine as much as Rp. 10,000.-
- 3) Condemnation in sub article (1) and (2) is a violation.

Chapter IV
Transfer Stipulation
Article 53

- 1) Temporary rights as stated in article 16 sub article (1) point H, is pawning right, profit sharing exertion right, agricultural rent right is arrange to limit the act which is against the law and the right is going to be abolished in short time.
- 2) The stipulation in article 52 sub article (2) and (3) is valid to regulation in sub article (1) in this article.

Article 54

In relation to the stipulation in article 21 and 26, if individual who has China citizenship besides Indonesia citizenship, has refused the China citizenship legalized based on the law regulation, he is considered as Indonesia citizen based on article 21 sub article (1).

Article 55

- 1) Foreigner right based on conversion stipulation article I, II, III, IV and V become exertion right and land use right only valid for temporary during the remaining time of the right, at longest 20 years.
- 2) Exertion use right and construction use right can only be given to institutions which has all or part of the foreign capital, if it is necessarily needed by law which arrange planning National development.

Article 56

During the law on property as stated in article 50 sub article (1) is not yet formed, then local custom stipulation and other regulation on right for the land is valid stated in article 20, as long as it is not against stipulation of this law.

Article 57

During the law on the burden in article 51 is not yet formed, the stipulation on mortgage stated in Indonesia court of justice and credit verban stated in staatblad 1908 No. 542 as it is changed in staatblad 1937 No. 190.

Article 58

During operational regulation of this law is not yet formed, the regulation in written and not in written on land and water as well as natural source and right for land which is exist since the affective date of the law is still valid as long as it is not against the stipulation in this law and is given the same interpretation.

SECOND Conversion Stipulations

- 1) Eigendom right for land which become property right since the validity of the law except if the owner is not fulfill the requirement in article 21.
- 2) Eigendom right belonged to foreign government used for residence of representative chief and embassy since the validity of this law, become use right as stated in article 41 sub article (1) which last during the land used for above need.
- 3) Eigendom belonged by the foreigner, which has other citizenship and institution which is not appointed by government stated in article 21 sub article (2) since the validity of the law become construction use right stated in article 35 sub article (1) in twenty years.
- 4) IF Eigendom right in sub article (1) of this article burdened by opstal right the opstal or erfpacht right become construction use right stated in article 35 (sub article).
- 5) IF Eigendom right in sub article 3 is burdened with opstal & erfpacht, the relationship between opstal right or erfpacht is settled according to the direction stipulated by agrarian Ministry.
- 6) Mortgage, servituu, vruchtengebruik and other right which burden the eigendom right still burden property right and construction use right stated in sub article (1) and (3) in this article, while those rights becoming a rights based on this Law.

Article II

- 1) The right for the land which give authority as stated in article 20 sub article (1) such as agrarisim eigendom right, Foundations, andarbeni, pesini, grand sultan and others will be stipulated in ministry stipulation since the validity of the law become property right stated in article 20 sub-1, except if the owner is not fulfill the requirement.
- 2) Rights mention in sub article (1) which belongs to foreigner, whoever of beside Indonesia citizen also belongs to other citizen and institution which is not appointed by the Government as meant in article 21 sub (2) become exertion-use-right or construction-use-right accordance with the land use, as will be confirmed by the agrarian ministry.

Article III

- 1) Erfpacht right of big plantation company which exist since the validity of the law, since then become exertion right, stated in article 28 sub (1) which will be valid for rest of time of erfpacht, but at the longest of 20 years.
- 2) Erfpacht right for small plantation since the validity if the law is abolished and then is settled based in stipulation of agrarian ministry.

Article IV

- 1) Concession and rent holder for big plantation company within 1 year since the validity of this law must apply to agrarian ministry to modify his right to exertion use right.
- 2) If the application is not submitted during the time the concession and land-rent still last for the rest of the time, but at longest 5 years, after that the right will automatically ended.

- 3) If concessive or rent holder apply as stated in sub article (1) but not accept the requirement stipulated by agrarian ministry or the proposal is rejected by agrarian ministry concessive or rent still last for the rest of the time, but at longest 5 years, after that, the it is automatically ended.

Article V

Opstal and erfpacht right for housing, which exist since the validity of the law, since then become construction use right as stated in article 35 sub (1) which last for the rest of the time of the opstal and erfpacht right but at longest of 20 years.

Article VI

Right for the land which give authority to the right or similar as stated in article 41 sub 1 such as vrucht gebruik right, gebruik, grant controleur, bruikleen and other right will be confirmed further by agrarian ministry since the validity of the law become use right stated in article 41 sub (1) which give authority and obligation as long as not against the stipulation in this law.

Article VII

- 1) Gogolan right, pekulen or sanggan which constant and exist since the validity of the law become property right stated in article 20 sub (1).
- 2) Gogolan right pekulen or sanggan which is not constant still become use right stated in article 41, sub (1) which give authority and obligation as belonged by right holder since the validity of the law.
- 3) If any doubt on right of gogolan, pekulen or sanggan about constant or not constant, ministry of agrarian will decide.

Article VIII

- 1) To construction use right in article 1 sub 3 and 4 article II sub 2 and article V the stipulation in article 36 sub 2 is valid.
- 2) To exertion use right in article II sub 2 article III sub 1 and 2 article IV sub 1 the stipulation in article 30 sub 2 is valid.

Article IX

The matter necessarily to perform stipulation in above article is arranged further by agrarian ministry.

THIRD

Alteration of rural governmental system to perform agrarian law reorganization based on the law will be arranged.

FOURTH

- A. Right and authority on land, water from the autonomy or former autonomy that is still exist since the validity of the law is abolished and transferred to the government.
- B. Anything concerning with stipulation in A above, arranged later with Government Regulation.

FIFTH

This law is called agrarian basic law and valid since the date it is issued.
In order everyone know, it is ordered to issue, the law regulation in Indonesia Republic Gazette.

On Sept. 24, 1960

Issued on September 24, 1960
State Secretary.

President of Indonesia

TAMZIL

SUKARNO

Reference 2.2.7

**PRECIDENT OF
THE REPUBLIC OF INDONESIA
PRESIDENTIAL DECREE OF THE REPUBLIC OF INDONESIA
NUMBER 55 OF THE YEAR 1993
CONCERNING
LAND PROVISIONING FOR DEVELOPMENT IMPLEMENTATION
FOR PUBLIC PURPOSES**

**PUBLISHED BY
GENERAL GOVERNMENTAL ADMINISTRATION OF
PROVINCIAL SECRETARIATE OF SOUTH SULAWESI
UJUNG PANDANG
1993**

**LAND PROVISIONING FOR DEVELOPMENT IMPLEMENTATION
FOR PUBLIC PURPOSES
PRESIDENT OF THE REPUBLIC OF INDONESIA**

- Considering :
- a. That the national development, especially the development of various facility for public interest, requires as sufficient track of land, therefore, a land provisioning must be conducted as well as possible.
 - b. That the performance of land provisioning is conducted by considering the land use in human life and respecting the principle for the legal rights on land.
 - c. That based on that consideration, the land provisioning for public purposes is performed with a fair method and on the first stage, it is conducted by a direct deliberation with the right holder on land.

- I view of :
1. Article 4 sub article (1) of the constitution 1945
 2. The Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (Govt. Gazette 1966 Number 104, in addition to the Govt. Gazette Number 2043);
 3. The Law Number 51 Prp of 1960 concerning the Prohibition on using the land without a license from those who have the Right or Authority (Govt. Gazette of 1960, Number 158, in addition to the Govt. Gazette Number 2106);
 4. The Law Number 20 of 1961 concerning the Revocation of Rights on Land and Existing Materials on it (Govt. Gazette of 1961 Number 288, in addition to the Govt. Gazette Number 2324);
 5. The Law Number 5 of 1974 concerning the Principal of Governmental Affairs in the Region (Govt. Gazette of 1974 Number 38, in addition to the Govt. Gazette Number 3037);
 6. The Law Number 24 of 1992 concerning the spatial arrangement (Govt. Gazette of 1992, Number 115, in addition to the Govt. Gazette number 3501);
 7. Government Regulation Number 8 of 1953 concerning the Authority on state lands (Govt. Gazette Number 14, in addition to the Govt. Gazette No. 362);
 8. Government Regulation Number 10 of 1961 concerning the Land Registration (Govt. Gazette of 1960, Number 28, in addition to the Activity of Vertical Instance in Regional Level (Govt. Gazette of 1988 Number 10, in addition to the Govt. Gazette Number 3373);

Decided :

Stipulate : **PRESIDENTIAL DECREE OF THE REPUBLIC OF INDONESIA
CONCERNING THE LAND PROVISIONING FOR THE
DEVELOPMENT IMPLEMENTATION FOR PUBLIC INTEREST.**

**Chapter I
Article 1**

In this Presidential Decree the meaning of :

1. Land provisioning is each activity for getting some track of land by means of giving compensation to those who have the rights on that land.
2. Give up/hand overing of a right is the activity of giving up the law relationship between the holder of a right on land and the land under this authority by giving compensation base on deliberation principle.
3. Public interest is the interest of all community level
4. Land provisioning committee is the committee being formed to help in the land provisioning for development implementation for public interest.
5. Deliberation is the process or activity of listening of one to each other by attitude of accepting an opinion or wish from one to each other base on volunteering among the holder of a right on land and those who need the land, in order to reach an agreement on the form and amount of the compensation.
6. A right on land is a right on a track of land as being regulated in the law number 5 of 1960 concerning the Basic Regulation on the Principles of Agrarian Affairs.
7. compensation is a replacement on the value of building, plants and/or another material related to the land as the result of giving up or yielding a right on land.

**Chapter II
Principal Policy of the Land Provisioning
Article 2**

- 1) The stipulation on land provisioning in this Presidential Decree is merely used to fulfill the need of land for development implementation for public interest.
- 2) Land provisioning for development implementation for public interest by the Government is performed by means of the give up of a right on land.
- 3) The land provisioning, beside for the development implementation for public interest by the Government it is performed by means of trade, exchange, or another method being agreed voluntarily by relevant parties.

Article 3

Giving up yielding a right on land for development implementation for public interest is performed base on respecting principle on the right on land.

Article 4

- 1) Land provisioning and the plan of land fulfillment that required for development implementation for public interest can only be performed, when determination of development plan for the public interest is in accordance with and based on the General Plan of spatial Arrangement have been determined formerly.

- 2) For the area that do not yet determine the General Plan of spatial Arrangement, the land provisioning as meant in sub-article (1) is performed based one spatial plan of area or city being prepare.

Article 5

Development for public interest based on this Presidential Decree defined for :

1. Development activity being carried and then owned by the Government and not used for finding some profit, in the field of as follows :
 - a. Public road, sewer;
 - b. Reservoir, dam and another irrigation building, including the irrigation drainage;
 - c. Public hospital and another public health center;
 - d. Harbor or air port or terminal;
 - e. Observance of religious duties;
 - f. Education or schools;
 - g. Public market or INPRES (Presidential Instruction) market;
 - h. Public funeral facility;
 - i. Public safe facility, such as embankment for preventing the dagger of overflood, lava/volcanic mud flow, and another disaster.
 - j. Post and telecommunication;
 - k. Sports facility;
 - l. Station for radio broadcasting, television, and its supporting facility;
 - m. Government office;
 - n. Facility for the Indonesian Arned Force.
2. Development activity for public interest, beside those being meant in point 1 that being stipulated by the Presidential Decree.

Chapter III
Committee, Deliberation and Compensation
Part One
Land Provisioning Committee
Article 6

- 1) Land provisioning for public interest is performed by support of the Land Provisioning committee that is formed by the Governor.
- 2) The Land Provisioning committee is formed in each kabupaten or Municipality.
- 3) Land Provisioning in which related to the land that situated in 2 or more.

Regencies/Municipality, to be performed on the help of the Land Provisioning committee in Provincial level that is acknowledged or formed by the relevant. Governor its membership composition should represent the related instances in Provincial and Municipal level.

Article 7

Composition of the Land Provisioning committee as meant in Article 6 sub article (2) consist of :

1. Regent/Mayor as a Leader as well as a member.
2. Official Head of Land Affairs in Regencial/Municipal level as vice-Leader as well as a member.
3. Official Head of Building and Property Tax service, as a member.
4. Head of Instance of Local Government that is responsible in the field of Building, as a member.
5. Head of Instance of Local Government that is responsible in the field of agriculture, as a member.
6. Camat whose area covers the land where the development plan and implementation will be performed, as a members.
7. Lurah/Head of village whose area covers the land where the development plan and implementation will be performed, as a member.
8. Assistant of Regional Secretary of Government or Section Head of Government in the office of Regent/Mayor as secretary I, non member.
9. Section Head in the Municipal/Regencial Office of Land Affairs, as secretary II, non member.

Article 8

The Land Provisioning committee have the duty of :

1. taking investigation and inventory on land, building, plants, and another material related to the land that the right on it to be given up or yielded.
2. taking investigation on law status of land status of land which rights on it will be given up or yielded, as well as its supporting document.
3. estimating and proposing the amount of compensation on land which right on it to be given up or yielded.
4. giving some explanation or guidance to the holder of a right on land concerning the plan and intention of the land provisioning.
5. taking a deliberation together with those holder of right on land and the Governmental Instances that need the land in order to determine the form and/or amount of compensation.
6. witnessing the performance of compensation yielding to those holder of rights on land, building, plants, and another materials on it.
7. making a minutes of giving up or yielding of the rights on land.

Part Two
Deliberation
Article 9

Land provisioning for development implementation for public interest is performed through a deliberation.

Article 10

- 1) Deliberation is performed directly between the relevant holder of right on land and the Government Instancy who need the land.
- 2) In case the number of the holder of right on land is insufficient for possibility of performing deliberation effectively, so the deliberation as meant in sub article (1) to be performed by the Land Provisioning committee and the Governmental Instancy who need the land by those representatives being assigned by those holder of right on land, and acted as authorized persons form them.
- 3) The deliberation as meant in sub article (1) is chairmanned by the Head of Land Provisioning Committee.

Article 11

Deliberation is performed in a place as being determined in invitation letter.

Article 12

Compensation for land provisioning is yielded for :

- a. the right on land
- b. building
- c. plants
- d. another material, related to the land

Article 13

Compensation can be in form of :

- a. money;
- b. replacement land;
- c. re-settlement;
- d. mixing of the two or more for compensation, as meant in point a, b, and c; and
- e. another form of compensation being agreed by those relevant.

Article 14

Compensation to the land of under authorization on communan property rights to be yielded in form of public facility or another form that have advantage for the local community.

Part Three
Compensation

Article 15

The principle and method of calculating the compensation is determined based on :

- a. lands price that is based on the real value, by considering the selling price of the latest Land and Property Tax Object for the related land.
- b. selling price of building that estimated by the Local Governments instancy that responsible in the field of building.
- c. selling price of plants that estimated by the local Government's instancy that responsible in the field of agriculture.

Article 16

Form and amount of compensation base on the calculation method as meant in article 15 is determined through a deliberation.

Article 17

(1) Compensation to be yielded directly to:

- a. the holder of rights on land or the ledger heirs;

- b.
- 2) In case the land, building, plants or the material that related to the land of joint-owned by some persons, whereas one or some of them can not be found, the compensation for those unfound persons, to be consigned to the Local Court of First Instance by the governmental instancy that need the land.

Article 18

When an agreement have been achieved, between the holder of rights on land and the Governmental Instancy who need the land, through deliberation, the Land Provisioning Committee issue a decision regarding the form and amount of compensation in conform to that agreement.

Article 19

In case the deliberation have been strove for many times, but an agreement on the form and amount of compensation is not yet achieved, the Land Provisioning Committee issue a decision regarding the form and amount of compensation, by as for as possible taking into attention on the opinion, wish, suggestion and considering being performed during deliberation.

Article 20

- 1) Holder of right on land that do not accept the decision of the Land Provisioning Committee can forwarding a complaint to the governor along with explanation on the reasons for that complaint.

- 2) The Governor strive for a solution on the form and amount of compensation by taking into consideration of opinion and with of all sides.
- 3) After listening to an learning the opinion and wish of the holder of right on land, as well as consideration of the Land Provisioning committee, the Governor issue a decision in which can confirm or change the decision of the Land Provisioning Committee concerning the form and/or amount of compensation to be yielded.

Article 21

- 1) When the solution being performed by the Governor still can not be accepted by the holder of right on land and the relevant location for development can not be removed, the relevant Governor propose a solution by means of giving up the right on land as regulated in the Law Number 20 of 1961 concerning the giving Up of Rights on Land and Existing Materials on it.
- 2) Proposal of solution as meant in sub article (1) is proposed by the Governor to the state Minister of Agrarian Affairs/Head of National Land Agency through the Minister of Home Affairs, by a carbon copy to the Minister of the Instancy that need the land and the Minister of Justice.
- 3) After receiving the proposal of solution as mean in sub article (1) and (2), the State-Minister of Agrarian Affairs/Head of National Land Agency consult it with the Minister of Home Affairs, the Minister of the Instancy that need the land, and the Minister of Justice.
- 4) Requested for conducting a giving up of the rights on land is informed to the President by the State-Minister of Agrarian Affairs/Head of National Land Agency and signed by the Minister of Home Affairs, the Minister of the Instancy that need the land provisioning, and the Minister of Justice.

Article 22

For those cultivated land without a permission form the holder of right or the authorized person, the solution is performed base on the Law Number 51 Prp. of 1960 concerning the Prohibition of using the Land Without Permission of the Holder of Right on the Authorized persons.

Chapter IV Small Scale Land Provisioning Article 23

Development implementation for public interest that required a track of land of not more than 1 (one) Ha, can be directly conducted by the Governmental Instancy that need the land with those holders of rights on land; by means of selling and buying, exchanging or another method that being agreed both sides.

Chapter V Closing Stipulation Article 24

Since this Presidential Decree is effective, those mentioned bellows is not effective anymore, namely :

1. Regulation of the Minister of Home Affairs Number 15 of 1975 concerning the Stipulations on the Land Acquisition Method.

2. Regulation of the Minister of Home Affairs Number 2 of 1976 concerning the use of the Land Acquisition by Private side.
3. Regulation of the Minister of Home Affairs Number 2 of 1983 concerning the Land Provisioning Method for the Need of Development Project in Kecamatan Area.

Article 25

A further stipulation that required for implementation of this Presidential Decree, is performed by the State-Minister of Agrarian Affairs/Head of National Land Agency after receiving consideration from the Minister of Home Affairs.

Article 26

This Presidential Decree begins to be effective on the date of its stipulation.

Stipulated in Jakarta
on June 17th, 1993
PRESIDENT OF THE REPUBLIC OF
INDONESIA

The copy in conform to the original
SECRETARIATE OF CABINET RI
Head of Legislative
Law Bureau

Sign
SOEHARTO

Bambang Kesowo, SH, LL.M

MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL OF PUBLIC ADMINISTRATION AND REGIONAL
AUTONOMY
Jl. MEDAN MERDEKA UTARA No. 7-8 JAKARTA

Jakarta, June 24th, 1993

Number : 188.41/2405/PUOD
Attribute :
Enclosure : 1 (one) file
Subject : KEPPRES No. 55 of 1993 in

To
Mr. Governor of
South Sulawesi

Ujung Pandang

Herewith, respectfully, I send you the Presidential Decree of the Republic of Indonesia Number 55 of 1993, of June 17th, 1993 concerning land provisioning for development implementation for public interest (enclosed).

Thank you for your attention.

An. DIRECTOR GENERAL OF
PUBLIC ADMINISTRATION AND REGIONAL
AUTONOMY
DIRECTOR OF
PUBLIC BUILDING FOR GOVERNMENTAL AFFAIRS
SIGN
Drs. THAMRIN AHMAD
MAIN YOUNG BUILDER
NIP. 010068554

CARBON COPY to :
Director General of PUOD
(as report)

Note :
PUOD = Public Administration and Regional Autonomy

PRESIDENT OF
THE REPUBLIC OF INDONESIA
PRESIDENT DECREE OF THE REPUBLIC OF INDONESIA
NUMBER 55 OF THE YEAR 1993
CONCERNING

Reference 2.2.8

**MINISTER OF HOME AFFAIRS
OF THE REPUBLIC OF INDONESIA**

**DECREE OF THE MINISTER OF HOME AFFAIRS
NUMBER 80 OF 1994**

CONCERNING

**GUIDELINES FOR DINAS ORGANIZATI^N AND ADMINISTRATION
OF LOCAL PUBLIC WORK SCOPE**

Paragraph 13
Human Settlement Section
Article 237

The human settlement section has a duty of carrying out part of the Municipal Public Work's duties in the field of Human Settlement.

Article 238

In order to carry out the duty as meant in Article 237, the Human Settlement Section functioned for :

- a. Composing and determining the spatial arrangement plan and technical plan in the field of Human Settlement;
- b. Management of government's buildings and official house;
- c. Licensing for Building and control of development implementation in the field of Human Settlement;
- d. Data collection and reporting in the field of Human Settlement.

Article 239

The Human Settlement section consist of :

- a. Sub-section of Spatial Arrangement;
- b. Sub-section of Building;
- c. Sub-section of Housing;
- d. Sub-section of Environmental Sanitation.

Article 240

- (1) Sub section of Spatial Arrangement has a duty of conducting the composition of Regional and city spatial arrangement, composing development program in the field of Human Settlement, perform supervision, monitoring and evaluation, as well as licensing and controlling for spatial utilization.
- (2) Sub section of Building has a duty of performing development, technical assistance, technical supervision for state building and public building construction as well as regulating and controlling of building licensing.
- (3) Sub section of Housing has a duty of performing the strengthening, supervision, and control for housing construction, special settlement environment, official housing management, and the issue of license for reasonable housing.
- (4) Sub section of Environmental sanitation has a duty of conducting the planning, supervision, controlling, guidance, technical assistance, development management performance, maintenance, utilization of facility and infrastructure in the field of sanitation technic that consist of those affairs of : fresh water, waste water, fire, cleansing, garden affairs and funeral.

Paragraph 14
Branch of Dinas
Article 241

- (1) In Municipal Dinas of Public Works Organization, by Minimal System and Maximal System, 1 (one) or more Branch for Dinas of Public Works in Municipality can be formed.
- (2) Formation of Dinas Branch as meant in sub article (1), is determined based on the need of the Dinas of Public Works in Municipality concerned, and fulfill the criteria that stipulated by the Minister of Home Affairs.

Paragraph 15
Technical Implementation Unit of Dinas
Article 242

- (1) In Municipal Dinas of Public Works Organization, by Minimal System and Maximal System, 1 (one) or more Technical Implementation Unit of Dinas (UPTD) can be formed.
- (2) Formation of UPTD as meant in sub article (1), base on the need of the Dinas of Public Works in Municipality concerned, and fulfill the criteria that stipulated by the Minister of Home Affairs.

Paragraph 16
Functional Position Group
Article 243

Functional position group has a duty of conducting part of duties of the Dinas of Public Works in Municipality in accordance with the skill and the need.

Article 356

For performing the duty as meant in Article 355, the Housing and Environmental Sanitation section function for :

- a. Performing the arrangement, technical planning, supervision and controlling of mass housing development along with its environmental infrastructure as well as management of licensing for reasonable housing and arrangement for using official housing;
- b. Technical planning, supervision, development control, rehabilitation of facility and infrastructure management and maintenance for fresh water and waste water.
- c. Technical planning, supervision, development control, rehabilitation, management and maintenance of cleansing facility and infrastructure, garden affairs and funeral.

Article 357

Housing and Environmental sanitation section consist of :

- a. Sub section for Housing;
- b. Sub section for Environmental Sanitation; and
- c. Sub section for Cleansing and Garden Affairs

Article 357

- (1) Sub section for Housing has the duty of performing arrangement, technical planning, supervision, and controlling of mass housing development, its environmental infrastructure,

management of licensing for reasonable housing, and arrangement for using official housing.

- (2) Sub section for Environmental Sanitation has the duty of carrying out survey and investigation, technical planning, supervision, controlling and performing development activity, rehabilitation, management and maintaining the facility and infrastructure of fresh water and waste water.
- (3) Sub section for cleansing and Garden Affairs have the duty of conducting the technical planning, supervision, controlling, performing development activity, rehabilitation, management, maintaining facility and infrastructure of cleansing, garden affairs and funeral.

**Paragraph 14
Environmental Sanitation Section
Article 380**

Environmental sanitation section has the duty of carrying out part of works of the Dinas of Public Works, Cipta Karya in Municipality in the field of environmental sanitation.

Article 381

For carrying out the duty as meant in Article 380, the Environmental Sanitation Section function for :

- a. Performing the technical plan, development, management and control of infrastructure and facility of fresh water, waste water, solid waste, rain water drainage, as well as garden affairs and funeral.
- b. Monitoring the condition and progress, and giving guidance on the development of environmental sanitation infrastructure and facility (fresh water, waste water, solid waste and rain water drainage, garden affairs and funeral).

Article 382

Environmental Sanitation Section consist of :

- a. Sub section for Technical Planning;
- b. Sub section for Implementation;
- c. Sub section for Management and Control;
- d. Sub section for Monitoring, Evaluation and Guidance.

Article 383

- (1) Sub section for Technical Planning has the duty of conducting legalization for the technical plan of those facility and infrastructure of fresh water, waste water, solid waste, rain water drainage, as well as garden affairs and funeral.
- (2) Sub section for implementation have the duty of performing development of facility and infrastructure of clean water waste water solid waste, rain water drainage, as well as garden affairs and funeral.
- (3) Sub section for Management and Control have the duty of performing composition and evaluation, regulation of management, controlling the performance of those facility and

infrastructure of fresh water, waste water, solid waste, rain water drainage, as well as garden affairs and funeral.

- (4) Sub section for Monitoring, Evaluation and Guidance have the duty of monitoring condition and progress of the facility and infrastructure construction of fresh water, waste water, solid waste, rain water drainage, garden affairs and funeral, as well as composing its construction progress report.

**Paragraph 15
Branch of Dinas
Article 384**

- (1) On the Dinas of Public Works, Cipta Karya Organization, in Municipality, for Minimal System and Maximal System, one or more Branch for the Dinas of Public Works, Cipta Karya in Municipality can be formed.
- (2) formation of Branch for the Dinas of Public Works, Cipta Karya in Municipality as mention in sub article (1), is based on the demand of Municipality concerned, and it fulfill those criteria that stipulated by the Minister of Home Affairs.

**Paragraph 16
Technical Implementation Unit of Dinas
Article 385**

- (1) On the Dinas of Public Works, Cipta Karya Organization, in Municipality, for Minimal System and Maximal System, 1 (one) or more Technical Implementation Unit of Dinas (UPTD) can be formed.
- (2) Formation of UPTD as meant in sub article (1), based on the need of the Dinas of Public Works, Cipta Karya, in Municipality concerned, and fulfill those criteria that stipulated by the Minister of Home Affairs.

**Paragraph 17
Functional Position Groups
Article 386**

The functional Position Groups has the duty of carrying out part of duties of the Dinas of Public Works, Cipta Karya in Municipality in accordance with the skill and demand.

**Paragraph 15
Functional Position Group
Article 528**

The Functional Position Group has the duty of carrying out part of duties of the Dinas of Housing and Environmental Sanitation in Municipality in accordance with the skill and demand.

**Part Five
Municipal Cleansing Board**

**Paragraph 1
Organization of Minimal System
Article 529**

- (1) Composition of the Municipal Cleansing Board Organization by Minimal System consist of :
 - a. Head of Dinas
 - b. Sub. Dept. of Administration
 - c. Data Collection and Guidance Section
 - d. Operational Section
 - e. Facility and Maintenance Section
 - f. Technical Implementation Unit of Dinas (UPTD)
 - g. Functional Position Group
- (2) Organization chart of the Municipal Cleansing Board by Minimal System, is as enclosed on Appendix XXIII of this Decree.

Paragraph 2
Administration Sub-Department
Article 530

Administration Sub-Department has the duty of performing general affairs, employee affairs and accounting.

Article 531

For carrying out the duty as meant in Article 530, the Administration sub department has the duty of :

- a. Composing the budget, reporting and strengthening the organization and administration;
- b. Managing the employee affairs administration, accounting official equipment and supply, internal affairs, documentation and literature;
- c. Preparing data, information, public relation and conducting inventory.

Article 532

Administration sub section consist of :

- a. General affairs;
- b. Employee Affairs;
- c. Accounting.

Article 533

- (1) General Affairs have the duty of carrying out those affairs of correspondence, filing, expedition, duplicating, internal affairs, official travel administration, official equipment and supplies, as well as inventory.
- (2) Employee Affairs have the duty of conducting the management of employee affairs administration, composing guidelines and direction of management, documentation and literature, performing data and information, as well as public relation.
- (3) Accounting has the duty of conducting the management of financial administration which consist of composing the budget, book keeping, accounting and financial account.

Paragraph 3
Data Collection and Guidance Section
Article 534

Data collection and Guidance Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of data collection and guidance on cleansing.

Article 535

For carrying out the duty, as meant in Article 534, Data Collection and Guidance Section function for:

- a. Conducting data collection and composing operational system of city cleansing.
- b. Planning the effort and overcoming, as well as prevention for the city cleansing.
- c. Performing effort of developing, training, guidance and monitoring in the field of cleansing.

Article 536

Data collection and guidance section consist of :

- a. Sub section for Data collection;
- b. Sub section for Planning;
- c. Sub section for Monitoring and Guidance.

Article 537

- (1) Sub section for Data Collection has the duty of conducting data collection for composing the operational system of city cleansing.
- (2) Sub section for Planning has the duty of planning the effort of overcoming and preventing the city cleansing problem.
- (3) Sub section for Monitoring and Guidance has the duty of performing a strengthening, guidance and monitoring in order to improve the personnel capability and community participation in the field of cleansing.

Paragraph 4
Operational Section
Article 538

Operational section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of cleansing operational.

Article 539

For carrying out the duty as meant in Article 538, the operational section have the duty of:

- a. Conducting road cleansing and its environment;
- b. Conducting solid waste collection and transportation from TPS to TPA;
- c. Taking in, destroying and make using the solid waste in TPA location.

Article 540

Operational Section consist of :

- a. Sub section for Road Cleansing and Environment;
- b. Sub section for Transportation;
- c. Sub section for Taking in and Destroying the Solid Waste.

Article 541

- (1) Sub section for Road Cleansing and Environment has the duty of performing activities of road cleansing and its environment.
- (2) Sub section for Transportation has the duty of conducting solid waste collection and transportation from TPS to TPA for cleansing purposes.
- (3) Sub section for Taking in and Destroying Solid Waste has the duty of conducting the effort of taking in, destroying and make using the solid waste in TPA.

Paragraph 5
Facility and Maintenance Section
Article 542

Facility and maintenance section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of cleansing facility and maintenance.

Article 543

For carrying out the duty as meant in Article 542, Facility and Maintenance Section function for :

- a. Conducting the effort of supplying/providing the cleansing equipment, facility and infrastructure.
- b. Conducting the effort of preparing the cleansing equipment, facility and infrastructure.
- c. Conducting the effort of preparing and issuing supplies.

Article 544

Facility and Maintenance section consist of :

- a. Supplying sub section
- b. Maintenance sub section
- c. Warehouse sub section

Article 545

- (1) The Supplying sub section has the duty of performing supplies of cleansing equipment, facility and infrastructure.
- (2) Maintenance sub section has the duty of performing the preparation of equipment and maintenance for cleansing facility and infrastructure.

- (3) Warehouse sub section has the duty of keeping and issuing the cleansing supplies and equipment.

**Paragraph 6
Organization of Maximal System
Article 546**

- (1) Composition of the Municipal Cleansing Board Organization in the Maximal System consist of:
- a. Head of Dinas/Board
 - b. Sub. Dept. of Administration
 - c. Data Collection and Planning Section
 - d. Operational Section
 - e. Final Disposal Section
 - f. Facility and Maintenance Section
 - g. Retribution Section
 - h. Branch of Dinas/Board
 - i. Technical Implementation Unit (UPTD)
 - j. Functional Position Group

**Paragraph 7
Sub Department of Administration**

Sub Department of Administration has the duty of performing the general affairs, employee affairs and accounting.

Article 548

For carrying out the duty as meant in Article 547, the Sub Department of Administration function for:

- a. Composing the budget, reporting and strengthening the organization and management.
- b. Managing the administration of employee affairs, accounting, official/stationary supplies, internal affairs, documentation and literature.
- c. Preparing data, information, public relation and accounting inventory.

Article 549

Sub department of administration consists of :

- a. General affairs;
- b. Employee affairs;
- c. Accounting.

Article 550

- (1) The general affairs have the duty of conducting those affairs of correspondence, filing, expedition, duplication, internal affairs, official travel administration, official device and supplies as well as inventory.

- (2) Employee affairs have the duty of carrying out the management of employee affairs administration, composing guidelines and direction for management, documentation and reference, providing data and information as well as public relation.
- (3) Financial affairs have the duty of conducting the management of financial administration that consists of the composing of budget, book keeping, accounting and auditing.

Paragraph 8
Data Collection and Planning Section
Article 551

Data Collection and Planning Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of data collection and cleansing planning.

Article 552

For carrying out the duty as meant in Article 551, the Data Collection and Planning Section function for :

- a. Performing data collection and processing, evaluation and reporting on the cleansing program implementation.
- b. Performing the composition of operational program and planning of cleansing management.
- c. Monitoring, evaluation and reporting on the condition and progress of cleansing performance.

Article 553

Data collection and planning section consists of :

- a. Data collection sub section
- b. Planning sub section
- c. Monitoring sub section

Article 554

- (1) Data Collection sub section has the duty of performing data collection and processing, evaluation and composing report for the cleansing program implementation.
- (2) Planning sub section has the duty of composing the operational planning for cleansing management, program and evaluation as well as reporting for the planning implementation.
- (3) Monitoring sub section has the duty of conducting monitoring, evaluation and reporting on the condition and progress of cleansing performance.

Paragraph 9
Operational Section
Article 555

Operational Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of cleansing operational.

Article 556

For carrying out the duty as meant in Article 555, the operational section function for :

- a. Performing the solid waste collection and cleansing on public road, housing complex, shopping center and office complex, as well as canals and drainage.
- b. Performing solid waste and black water transporting and disposing to the Final Disposal Place.

Article 557

Operational section consist of :

- a. Road Cleansing sub section.
- b. Canal/Ditch Cleansing sub section.
- c. Solid Waste and Black water Transporting sub section.

Article 558

- (1) Road Cleansing sub section has the duty of performing solid waste collection and cleansing on public roads, housing complex, shopping center and state/private office complex.
- (2) Canal/Ditch Cleansing sub section has the duty of cleansing the waste of canals and ditches.
- (3) Solid Waste and Black Water Transportation sub section has the duty of performing solid waste transportation to TPA, and performing black water transportation and discharge to the Final Black Water Disposal Place.

Paragraph 10 Final Disposing Section Article 559

Final Disposing Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of Final Disposing Management.

Article 560

For carrying out the duty as meant in Article 559, the Final Disposing Section function for :

- a. Managing solid waste and road facility in the final disposal location.
- b. Performing solid waste destroying system and utilization.
- c. Performing waste water and black water treatment and management.

Article 561

Final Disposing section consists of :

- a. Final Disposal Place Management sub section.
- b. Solid Waste Utilization and Destroying sub section.
- c. Waste Water Management sub section.

Article 562

- (1) The Final Disposal Place Management sub section has the duty of performing solid waste and road facility management in the final disposal location.
- (2) The Solid Waste Utilization and Destroying sub section has the duty of performing solid waste destroying system and utilization.
- (3) Waste Water Management sub section has the duty of performing waste water and black water management.

Paragraph 11
Facility and Maintenance Section
Article 563

Facility and Maintenance Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the Field of cleansing facility and maintenance.

Article 564

For carrying out the duty as meant in Article 563, the facility and maintenance section function for :

- a. Performing the planning and implementation of preparing cleansing equipment, facility and infrastructure.
- b. Performing maintenance, guidance and training on the maintenance of cleansing equipment, facility and infrastructure.
- c. Performing goods and cleansing equipment storage.

Article 565

Facility and Maintenance Section consists of :

- a. Equipment Supplying sub section;
- b. Maintenance sub section;
- c. Warehouse sub section.

Article 566

- (1) Equipment Supplying sub section has the duty of composing, planning and supplying cleansing equipment, facility and infrastructure.
- (2) Maintenance sub section has the duty of performing maintenance and giving guidance and training on how to maintain the cleansing equipment, facility and infrastructure.
- (3) Warehouse sub section has the duty of performing the cleansing equipment and goods storage for the smoothness of cleansing implementation.

Paragraph 12
Retribution Section
Article 567

Retribution Section has the duty of carrying out part of duties of the Municipal Cleansing Board in the field of cleansing retribution.

Article 568

For carrying out the duty as meant in Article 567, the retribution section function for :

- a. Conducting retribution calculation and determination.
- b. Performing list of customers and delinquent payment management, and retribution collection.
- c. Performing receipt of payment and book keeping of retribution.

Article 569

Retribution Section consists of :

- a. Calculation and Determination sub section
- b. Collection sub section
- c. Receipt sub section

Article 570

- (1) Calculation and Determination sub section has the duty of conducting calculation, composing and providing a proposal/plan of retribution determination.,
- (2) Collection sub section has the duty of providing the list of customer and diligent payment and conducting retribution collection.
- (3) Receipt sub section have the duty of conducting retribution payment and receipt and book keeping for retribution payment receipt.

Paragraph 13 Branch of Dinas/Board

- (1) In the Municipal Cleansing Board Organization, by minimal system and maximal system, 1 (one) or more Branch for the Municipal Cleansing Board can be formed.
- (2) Formation of Branch for the Cleansing Board as meant in sub article (1) based on the need of municipality concerned, and it should fulfill those criteria that determined by the Minister of Home Affairs.

Paragraph 14 Technical Implementation Unit of Dinas Article 572

- (1) In the Municipal Cleansing Board Organization, by maximal system and minimal system, 1 (one) or more Technical Implementation Unit of Dinas (UPTD) can be formed.
- (2) Formulation of UPTD as meant in sub article (1) base on the need of the Municipal Cleansing Board concerned, and fulfill those criteria determined by the Minister of Hose Affairs.

Paragraph 15
Functional Position Group
Article 573

The Functional Position Group has the duty of carrying out part of duties of the municipal cleansing board in accordance with the skill and demand.

Part Six
Municipal Fire Department

Paragraph 1
Minimal System Organization
Article 574

- (1) Composition of the Municipal Fire department by minimal system consist of :
 - a. Head of Dinas/Board
 - b. Administration Sub Department
 - c. Fire Prevention Section
 - d. Extinguishing Section
 - e. Facility and Laboratory Section
 - f. Functional Position Group

- (2) Organization Chart of the Municipal Fire Department by minimal system is as being enclosed in Appendix XXV of this Decree.

Reference 2.2.9

**MINISTER OF HOME AFFAIRS OF
THE REPUBLIC OF INDONESIA**

**REGULATION OF THE MINISTER OF HOME AFFAIRS
NUMBER : 1 OF 1983**

CONCERNING

**GUIDELINES OF COOPERATION BETWEEN LOCAL PUBLIC ENTERPRISE
AND THIRD PARTIES
MINISTER OF HOME AFFAIRS**

- Considering : a. That based on article 6 of the Law Number 5 of 1962 concerning Local Public Enterprise, in order to improve development of Local Public Enterprise, it can be conducted through cooperation between Local Public Enterprise and third parties;
- b. That in order to save the wealth of Local Public Enterprise for cooperation as mentioned above, it is necessary to issue a Regulation of the Minister of Home Affairs concerning Guidelines of Cooperation between Local Public Enterprise and third parties.

- In view of :
1. Law No. 5 of 1962 concerning Local Public Enterprise (Govt. Official Gazette of 1962 No. 10) connected with Law No. 6 of 1969 concerning statement of invalidity for several Law and Government Regulation as Replacement of Law (Govt. Official Gazette of 1969 No. 37, in addition to the Govt. Official Gazette No. 2901);
 2. Law No. 5 of 1974 concerning Principles of Government in Region (Govt. Official Gazette of 1974 No. 38, in addition to the Govt. Official Gazette No. 1037);
 3. Regulation of the Minister of Home Affairs No. 6 of 1973 concerning Foreign Cooperation of Technical Support;
 4. Decree of the Minister of Home Affairs No. 536-660 date on October 6, 1981 regarding Guidelines for Conducting Appointment and Dismissal of those Managerial Direction members and those members of Supervision board of Local Public Enterprise.

- Taking Note of :
1. Circular Letter of the Minister of Home Affairs No. SJ. 25/5/33 dated on December 21, 1974 regarding participation of Local Government in Joint venture.
 2. Circular Letter of the Minister of Home Affairs No. ekon 8/10/38 dated on December 3, 1979 regarding Mending, Control, and clearing of Local Public Enterprise
 3. Decision of working Deliberation III of Indonesian Local Public Enterprise in Bandung, West Java dated on December 1 to 3 1980, Appendix IV on Improvement Development and Guidelines for the Local Public Enterprise

DECIDED :

**To stipulate : REGULATION OF THE MINISTER OF HOME AFFAIRS
CONCERNING GUIDELINES OF COOPERATION BETWEEN
LOCAL PUBLIC ENTERPRISE AND THIRD PARTIES**

**Chapter I
GENERAL STIPULATION**

Article 1

In this regulation, the meaning of :

- a. Region is of Provincial level and Municipal Level as meant in Law No. 5 of 1974.
- b. Head of Region is the Head of Province and the Head of Municipality as meant in Law No. 5 of 1974.
- c. Local Regulation is the Local Regulation concerning Local Public Enterprise along with Assembly at Regional Level concerning the Local Public Enterprise.
- d. Authorized Official are :
 - 1) Minister of Home Affairs for Provincial Level
 - 2) Governor or Head of Province for Regencial/Municipal level
- e. Local Public Enterprise is the Enterprise owned by Local Government that established by Local Regulation based on the Law No. 5 of 1962.
- f. Local Managerial Direction members are those administrative members of the Local Public Enterprise
- g. Supervision Board is the Supervision Board of Local Public Enterprise
- h. Cooperation is cooperation between Local Public Enterprise and third parties.

Chapter II
INTENTION, STATUS AND BASE
Article 2

Intention of this cooperation are as follows;

- a. For improving existing or on going business venture
- b. For establishing some new ventures that considered to have a good prospect and give some advantages and profit;
- c. For keeping the existency of the re Local Public Enterprise concerned and its venture.

Article 3

This cooperation is conducted by not changing the corporation status of the Local Public Enterprise concerned.

Article 4

The base of a cooperation is to fulfill interest of both parties that conducting a contract, namely :

- a. a certainty of Law, safe feeling and fulfill written stipulation that agreed together.
- b. provide some balanced and proper advantages and profits for both parties.

Capter III
FORMS OF COOPERATION
Article 5

Forms of cooperation can be conducted consist of :

- a. Joint the Local Public Enterprise together with the third parties conducting a business venture.
- b. Production sharing, where the third parties invest their capital, their equipment, etc., so that the Local Public Enterprise is ready to be in production.
- c. Agency, where the Local Public Enterprise becomes a Marketing Agency for those third parties products.
- d. Joint Venture, where the Local Public Enterprise together with the third parties establish a joint incorporation/limited by :

- 1) Using, efficiently, idle-assets of the Local Public Enterprise that being used as capital together with the third parties for establishing a joint incorporated.
 - 2) Paying some fund of the Local Public Enterprise that being used as capital together with the third parties for establishing a Joint Incorporated.
 - 3) In the Joint Incorporated, management for the company must be hold by both parties.
- e. Financial cooperation, where the Local Public Enterprise taking cooperation with Non-Bank Financial Institution that will conduct an expansion, rehabilitation, modernization, etc. after taking a feasibility study.

Chapter IV COOPERATION PROCESS

Article 6

- (1) Implementation of Cooperation with the third parties to be conducted by the Administrative members of the Local Public Enterprise after obtaining an approval of the Head of Region (Governor/Mayor)
- (2) The Head of Region gives an approval as mentioned above after getting consideration of Supervision Board.
- (3) Cooperation with a duration of more than 5 years must get a principal approval, firstly, from authorized official.

Article 7

- (1) Third parties that becomes partner candidate in cooperation must have the same intentions and have positive values in view of :
 - a. Mental/character and dedication;
 - b. Capability, experience and bonafides in the field of business venture as its intention;
 - c. Having required capital.
- (2) In every negotiations for formulating a Draft of Cooperation Agreement, it must be clearly agreed on :
 - a. Capital comparison;
 - b. Profit sharing;
 - c. Duration of validity and how to finish the cooperation;
 - d. Risks that must be burdened by both parties;
 - e. Others considered to be necessary by both parties.

Article 8

- (1) Local Public Enterprise that will conduct a cooperation with the third parties must fulfill the following requirements.
 - a. It has a Regional Judicial Status in accordance with the valid stipulated regulation
 - b. It has Managerial Direction members and Supervision Board that appointed in accordance with the valid stipulated regulation.
 - c. It has a proposal or Feasibility Study on the prospect of venture that will be the object of cooperation.
 - d. It has a legal ownership document on the feasibility of Local Public Enterprise.

- (2) Candidate of cooperation partner must fulfill the following requirements :
 - a. Judicial Status of Corporation/Business Venture in the form of Notary Public Document and being registered in the Court of First Instance, especially for another corporation, it has fulfilled those stipulations of valid legislated regulation
 - b. Bonafides of Company, in view of :
 - 1) Balance sheet and loss/profit calculation of company in the last years;
 - 2) Self capital capability;
 - 3) List of debit and credit;
 - 4) List of company's assets;
 - 5) Receipt of fiscal duties;
 - 6) Recommendation of state Owned Bank, KADIN (the Chamber of Commerce and Industry), etc.
 - c. It has a composition of Managerial Direction and Supervision/Commissioner.

Chapter V

TRANSFER STIPULATION

Article 9

- 1) The Local Public Enterprise or the Local Owned Corporation that have conducted cooperation with the third parties before this Regulation is issued can be continued until its contract is finished.
- 2) When the cooperation contract to be continued, it must fulfill those stipulations of this regulation.

Chapter VI
CLOSING STIPULATION
Article 10

This regulation begins to be effective since the date of its stipulation

Stipulated in :

Jakarta

on : July 01, 1983

MINISTER OF HOME AFFAIRS,

Sign,

SOEPARJO

Reference 2.2.10

**"The Improvement of Community and Private Participation
In Cipta Karya**

**Represented In Terms of Press Meeting
Directorate General of Cipta Karya**

Jakarta, September 15, 1995

**Directorate General of Cipta Karya
Dept. of Public Works"**

Contents :

- I. The Policy of Private and Community Participation
- II. Private Participation
 1. Purpose of private participation
 2. Target
 3. Scope of private participation
 4. Form of private participation
 5. The proceeding of procedure of private participation
 6. The list of cities which have possible investment opportunities in Cipta Karya

Attachment :

- 1A. Project cycle (funded by private/assignment process)
- 1B. Project cycle (funded by private/offering process)
- 2A. The profile of water supply project by private participation
- 2B. The profile of solid waste management project by private participation
- 2C. The profile wastewater management project by private participation
3. Private participation within water supply site

**The Improvement of Community and Private Participation
In CIPTA KARYA**

- I. The policy of private and community participation
 1. It has been a written mandate in GBHN 1993 that The National Development is a cooperation effort carried out by community, for community and for the sake of community all over.
The National Development should create and open up business opportunities as large as possible to community.
 2. On occasion of strengthening and modernizing the Structures of National Business Word, in order that to all sides including The Housing Developing and Settlement, it needs to take efforts to increase The Involvement of Private and Community Participation and roles, through creating and spreading out investment chances, business, and work for private side and community at every scope and The Process of Housing and Settlement Development.
 3. In this Pelita VI (Five Years Long-Term Development Plan)

It has been issuing for enhancing private and community roles within the National development to be about 75% from 47% - 50% today, and The Rest of it by The Government in form of efforts in order to create an effective business circumstances and Institutional instruments and also supporting regulations and stimulant efforts to improve development activities through private and community roles.

4. In the Housing and Settlement Infrastructure and Facility development, within The Pelita VI. It was set up at the Fulfillment of Urgent Needs, particularly in cities and other vast-growing area, through the involvement of private and community side in the water supply, sanitation, solid waste management and the Specific Area Development.

II. Private Participation

1. Purpose of Private Participation

- 1) To vast infrastructure and facility supply in Cipta Karya
- 2) To encourage and to create new private participation forms which may decrease Governmental Cost Burden by consideration and overtaking risk and utilities and also, costs to private sector.
- 3) To give opportunities to private sectors to implement their skills, and to be involved in management process by obtaining reward according to the useful results given, in the business climate which is as competitive as possible.
- 4) To share development risks to business world and community in accordance with The Allocation of development responsibility.

2. Target

- 1) Enhancing of The Vast Infrastructure and Facility Supply of Cipta Karya which more efficient and effective.
- 2) Creating and effective bussines climate for private and community to participate activity in supplying infrastructure and facility of Cipta Karya.

3. Scope of Private Participation

- 1) Clean Water Supply
- 2) Wastewater Management
- 3) Solid Waste Management
 - solid waste collection from sources

- solid waste transportation from source to transfer depot to TPA
- solid waste treatment
- TPA (Final Disposal)

4. Form of Private Participation

1) Service Contract

Regional Government/Regional Company offers a service contract for a certain type of service (for instance ; maintenance, waste collection) in the form of profit sharing.

For example :

Road sweeping contract at few main road locations in the big cities (Jakarta, Surabaya, Medan).

2) Management Contract

Private sector/side offers a management service to manage and to implement whole operation activity and maintenance including a responsibility in taking a decision within daily activity implementation.

3) Lease Contract

Private sector/side leases regional governmental/regional company assets or facilities to proceed operation and maintenance. the leasing party provides a capital of work including the exchange of certain spareparts of the facilities to enhance operation efficiency and effectiveness in the certain period of operation.

4) Concession Contract

Regional Government/Regional Company gives the right of concession contract to private institution for utilizing an existing asset or facility or partly by new development, revitalization, rehabilitation, refunctionalization, addition/enlargement of facility for more productive and efficient management in certain period of time.

Example :

Under processed concession between PAM Jaya and Private Side in Jakarta clean water Supply.

5) BOT (Build, Operate and Transfer)

Private side funds the development Investment on certain facilities. Assets and facilities owned by private sector within a certain period of concession, hence it is given to Regional Government/Regional Company at the end of concession period.

Example :

The cooperation of PDAM Bandung and private sector on water supply in Nusa Dua, Bali.

6) BOO (Build, Operate and Own)

It is the same as BOT, except in this case the private side still possesses assets or facilities build by private side.

Example :

Infrastructure supply and clean water supply facility by PT. Krakatau Steel. In the city area where existed water supply network, the appropriate cooperation form is service contract, management contract, leasing contract and concession contract.

In the Specific Development Area, for instance; Housing Area and New Industry and Tourism Area, the appropriate cooperation form is BOT or BOO.

5. The Proceeding Procedure of Private Participation

Private participation in the Development Project may be classified according to the project existing in a regency (Tk. II), the projects which are existing in more than one single regency in the circle one province or National Strategic Territory.

In its Implementation, The Project which is existing in single regency is a responsibility of Regencial Government itself; The Project which is existing in more than one single regency in the Single Province shall be a responsibility of provincial government and the Project which is existing is more than one province or National Strategic Territory shall be a responsibility of Central Government.

The Procedural Implementation Development with private participation including determination of the Candidate of Investor comprising two ways : That is ; through a direct appointment process, The second way is as attached on attachment 1.

6. The List of Cities which has possible Investment Opportunities in Cipta Karya. Generally, Areas or cities which possess Investment opportunities are large cities such as Jakarta, Bandung, Semarang, Surabaya, Medan, Bandar Lampung and Ujung Pandang. Including new areas around those cities (such as Bekasi, Tangerang, Serang, Sidoarjo). The profile of project processing an investment opportunity by private sector as attached on attachment 2.

Project Cycle (Funded Private/Appointment Process)

I	Project Identification	Statement of Interest by Investor Project Committee Formation Review of Private Interest
II	Selection of Private Board	Initial Feasibility Study by Private
		Evaluation of Initial Feasibility Study and Proposal
		Approval Over Project and Private Appointment
III	Contract Implementation	Negotiation and Signing M.O.U Feasibility Study by Private and Governmental Approval Negotiation and Contract Assignment Finance by Private
IV	Project Implementation	Project Implementation
V	Operation	Operation by Private
VI	Overtaking or Re-Negotiation	Overtaking or Re-Negotiation

Cycle of Project (Funded by Private/Process of Tender)

I	Project Identification	Pre-Feasibility Study
		Assessment of Pre-Feasibility Study
II	Project Agreement	Project Agreement for Private
III	Selection of the Candidate of Investor	Preparation of Tender Document
		Announcement/Tender Investigation
		Interest Proposal of Private Investor Candidate
		Pre-Qualification of Private Investor Candidate
	Selection of the Winner of Tender Candidate	
IV	Judgement of Winner	Judgement of Winner
V	Implementation of Feasibility	Arrangement of Feasibility Study by Private
		Evaluation of Feasibility Study
VI	Licensing Agreement	Governmental Licensing Agreement
VII	Contract	Negotiation and Contract Assignment
VII I	Project Implementation	Project Implementation
IX	Operation	Operation by Private
X	Overtaking or Re-Negotiation	Overtakings or Re-Negotiation

The Profile of Clean Water Supply Project by Private Participation

No.	Location	Purpose of Cooperation	Area of Business	Scope of Business	Form of Cooperation	Approximation (In Billion Rupiah)
1	Municipality of Medan	Necessity fulfillment of 3000 l/dt for 2000000 people in Industrial, Commercial Housings and Ports Area	West, east, North and South of Medan	WTP of Belunal and Rehabilitation Distribution Networks	BOT (25 Years) with Profit Sharing	154
2	Regency of Serang	Improvement Until Year of 2022 amount of 10000 l/dt for Industrial, Tourism and Settlement Area	Regency of Serang	Intake, WTP, Reservoir, Transmission, Distribution, Land Acquisition	BOT (25 Years)	1000
3	Bandung	Leakage Decrease of 49% to 39%, Intake and WTP Development of Cisangkuy and Saguling	Municipality of Bandung Eastern and Parly of Others	Service Management Intake and WTP Capacity of 7000 l/dt, Transmission Networks, Leakage Decrease	BOT	Leakage decrease 1,86, Water Supply of 300,9
4	Semarang	Planning, Development, Operation and Maintenance, Raw Water Supply	Eastern, Western Area, Raising Water Sources	Building piping capacity of 300-1250 l/dt for Industry in Genuk/Kudu. Raw Water : for Ungaran 1500 l/dt, for Semarang 2500 l/dt.	BOT Joint Venture	
5	Surabaya and Surrounding	Area service and household installation establishment	Surabaya, Bangkalan, Gresik, Sidoarjo	WTP Karang Pilang III, capacity of 1400 l/dt, Umbulan capacity of 2200 l/dt transmission and distribution.	BOT	160
6	Ujung Pandang	Service Improvement	Settlement Area Commercial and Industry	Intake, WTP, Reservoir, Transmission, Distribution, Land Acquisition. Raw Water : Panaikang (Maros River) 1000 l/dt, Sombala (Jeneberang River) 200 l/dt.	BOT	30

7	Municipality of Bandar Lampung	Service Improvement	Housings and Commercial	Intake IPA, Reservoir and Main Trunk for service capacity of 1000 lt/dt and household installation of 80000.	27.2
8	Municipality of Pakan Baru	Service Improvement	Housings	Intake IPA, Reservoir and Main Trunk for service capacity of 1000 lt/dt	80
9	Regency of Lhoseumawe	Service Improvement	Housings	Intake IPA, distribution network and transmission for capacity of 2000 lt/dt	110
10	Municipality of Pontianak	Service Improvement	Housings	Intake IPA, distribution network and transmission for capacity of 1200 lt/dt	82
11	Municipality of Banjarmasin	Service Improvement	Housings	Intake IPA, distribution network and transmission for capacity of 900 lt/dt	92
12	Mataram	Capacity Addition	Tourism Area of Senggigi, Sire	Broncaptering 150 lt/dt	13
13	Kupang	Service Improvement	Industry, Sea Port and Airport	Broncaptering 150 lt/dt Reservoir 500 m3 and Piping installation 20000 meter	13

The Profile of Solid Waste Management Project by Private Participation

No.	Location	Purpose of Cooperation	Area of Business	Scope of Business	Form of Cooperation	Investment Approximation (in Billion Rupiah)	Status
1	Municipality of Bandung		Bandung	TPA for 74.615 Ha and equipment		47.6	Open
2	Municipality of Surabaya		Surabaya	Equipment - Armroll truck 39 units - Dump truck 5 units - Container (8 m3) 89 units - Container (14 m3) 30 units - Handcart (1,5 m3) 256 units - Handcart (1 m3) 94 units		5.8	Open
3	Municipality of Denpasar		Denpasar	TPA 11.3 Ha Equipment : - Handcart 850 units - Dumptruck 28 units - Container 106 units - Depot Transfer 21 unit		1.2	Open
4	Municipality of Ujung Pandang		Ujung	TPA 3 Ha Equipment : - Handcart 120 units - Dumptruck 40 units		1.2	Open
5	Municipality of Medan		Medan	TPA and Equipment		30	Open
6	Municipality of Mataram		Mataram	TPA and Equipment		10	Open
7	Municipality of Pakan Baru		Pakanbaru	TPA and Equipment		20	Open
8	Municipality of Padang		Padang	TPA and Equipment		20	Open
9	Municipality of Palembang		Palembang	TPA and Equipment		20	Open
10	Municipality of Manado		Manado	TPA and Equipment		15	Open
11	Special Capital District of Jakarta		Jakarta	TPA and Equipment		30	Open
12	Regency of Malang		Malang	TPA and Equipment		20	Open
13	Municipality of Semarang		Semarang	TPA and Equipment		20	Open
14	Municipality of Yogyakarta		Yogyakarta	TPA and Equipment		10	Open

The Profile of Wastewater Management Project by Private Participation

No.	Location	Purpose of Cooperation	Area of Business	Scope of Business	Form of Cooperation	Approximation (Billion Rp.)	Status
1	Regency of Lhok Seumawe		Lhok Seumawe	IPAL		30	Open
2	Medn Metropolitan		Medan	IPAL		50	Open
3	Municipality and Regency of Tangerang		Tangerang	IPAL		70	Open
4	Municipality of Balikpapan		Balikpapan	IPAL		50	Open
5	Regency of Bekasi		Bekasi	IPAL		70	Open
6	Municipality of Semarang		Semarang	IPAL		70	Open
7	Municipality and Regency of Bandung		Bandung	Collection facility, O & M		100	Open
8	Denpasar, Sanur, Kuta, Nusa Dua		Denpasar, Sanur, Kuta, Nusa dua	IPAL, collection facility, O & M		120	Open
9	Municipality of Surabaya		Surabaya	IPAL and TPA, Piping Network, Supporting Equipment, Septic Tank Repair		12.8	Open

Reference 2.2.11

**MUNICIPAL GOVERNMENT OF UJUNG PANDANG MUNICIPALITY
NUMBER OF THE YEAR
CONCERNING
ESTABLISHMENT OF CLEANSING LOCAL ENTERPRISE OF UJUNG
PANDANG MUNICIPALITY
BY THE ONE AND ONLY GOD'S MERCY
MAYOR OF UJUNG PANDANG MUNICIPALITY**

- Considering :
- a. that in accordance with the progress of development and the position of Ujung Pandang Municipality as a Metropolitan city, cleansing management is necessary to be performed optimally and effectively in conform to the motto of "TEDUH BERSINAR" (A strong will to live sanitary, beautifully, safely and orderly).
 - b. that in order to attain the above intention, it is required a more efficient medium of administration for the cleansing affairs, that the existing Cleansing Board presently is required to be changed into becoming a Local Enterprise.
 - c. that on relation to the above cases, it is required to stipulate the Local Regulation of Ujung Pandang Municipality on the Establishment of Cleansing Local Enterprise of Ujung Pandang Municipality.

- In view of :
1. the Law Number 29 of 1959 on the Formation of Municipal Government (Govt. Gazette of the Republic of Indonesia of 1959, Number 74. In addition to the Govt. Gazette of the Republic of Indonesia Number 1822) connected with the Governmental Regulation Number 51 of 1971 concerning the change on Boundaries of Makassar Municipality and those Regencies of Gowa, Maros, and Pangkep. Within the area of South Sulawesi (Govt. Gazette of the Republic of Indonesia Number 2970);
 2. the Law Number 5 of 1962 concerning the Local Enterprise (Govt. Gazette of the Republic of Indonesia of 1962 Number 10, In addition to the Govt. Gazette of the Republic of Indonesia Number 2387);

3. the Law Number 5 of 1974 concerning the Principle of Governmental Affairs in Regency/Municipality (Govt. Gazette of the Republic of Indonesia Number 30370);
4. the Law Number 4 of 1982 concerning the Principal Stipulation of Living Environmental Management (Govt. Gazette of the Republic of Indonesia of 1982 Number 12, In addition to the Govt. Gazette of the Republic of Indonesia Number 3215);
5. Governmental Regulation of the Republic of Indonesia Number 6 of 1975 concerning the Management of Local Financial Accounting and Controlling (Govt. Gazette of the Republic of Indonesia of 1975 Number 5);
6. Governmental Regulation of the Republic of Indonesia Number 6 of 1975 concerning the Method of Formulating the Regional State Budget. Management of Regional Financial Administration and the Formulation of Accounting the Regional State Budget (Govt. Gazette of the Republic of Indonesia of 1975 Number 6);
7. Governmental Regulation Number 6 of 1988 concerning the Coordination of Vertical hesitancy Activity in Regency/Municipality (Govt. Gazette of the Republic of Indonesia of 1988 Number 10, In addition to the Govt. Gazette of the Republic of Indonesia Number 3373);
8. Regulation of the Minister of Home affairs Number 1 of 1984 concerning the Procedure of Developing and Controlling the Local Enterprise in the circle of Local Government;
9. Regulation of the Minister of Home Affairs Number 84 of 1984 concerning the Form of Local Enterprise.
10. Decree of the Minister of Home Affairs Number 84 of 1993 concerning the Form of Local Enterprise and the changed Local Regulation.

By approval of the Assembly of Ujung Pandang Municipality

DECIDED

To stipulate : **LOCAL REGULATION OF UJUNG PANDANG MUNICIPALITY
CONCERNING THE ESTABLISHMENT OF THE CLEANSING
LOCAL ENTERPRISE OF UJUNG PANDANG MUNICIPALITY**

CHAPTER I

GENERAL STIPULATION

Article 1

In this Local Regulation the meaning of :

- a. Region/Municipality is Ujung Pandang Municipality;
- b. Local Government is the Government of Ujung Pandang Municipality;
- c. District Head/Mayor is the Mayor of Ujung Pandang Municipality;
- d. Governor is the Governor of Ujung Pandang Municipality ;
- e. Cleansing Local Enterprise is the Cleansing Local Enterprise of Ujung Pandang Municipality
- f. Direction is the Direction of the Cleansing Local Enterprise if Ujung Pandang Municipality.
- g. Supervisory Council is the Supervisory Council of the Cleansing Local Enterprise of Ujung Pandang Municipality;
- h. Employee is the Employee of the Cleansing Local Enterprise of Ujung Pandang Municipality.

CHAPTER II

CHANGE/ESTABLISHMENT AND JURIDICAL POSITION

Article 2

The Cleansing Board of Ujung Pandang Municipality that was established by the Local Regulation of Ujung Pandang Municipality Number 11 of 1987 on the Formulation of Organization Composition and Administration of the Cleansing Board of Ujung Pandang Municipality (Local Gazette Number 6 of 1988 serie D number 6), its form is changed into becoming a Local Cleansing Enterprise of Ujung Pandang Municipality, then it is called as "PD. Kebersihan (Local Enterprise) of Ujung Pandang Municipality.

Article 3

- (1) Local Cleansing Enterprise is a Corporate Body that have a right to conduct its business base on this Local Regulation;
- (2) Referring to all of stipulations in this Local Regulation, All of juridical stipulation in Indonesia are effective for the Local Cleansing Enterprise.

CHAPTER III SITUATED POSITION

Article 4

- (1) the Local Cleansing Enterprise is situated in Ujung Pandang Municipality.
- (2) the Local Cleansing Enterprise may have Branch Office in accordance with the requirement.

CHAPTER IV PURPOSE AND INTENTION

Article 5

The Local Cleansing Enterprise is establish by the following purposes and intention :

- a. Realizing and Improving the public service to community through the fulfillment of service, facility and infrastructure in the field of cleansing.
- b. As one of the Local Revenue Sources in the framework of Local improvement and development.

CHAPTER V DUTY BUSINESS

Article 6

In performing its duty and business, the Local Cleansing Enterprise conducting the business of public service in the cleansing service sector.

Article 7

In performing their duty and business, the Local Cleansing Enterprise can conducting a cooperation with another parties that provide some profit for the Local Cleansing Enterprise.

**CHAPTER VI
CAPITAL**

Article 8

- (1) The basic financial capital of the Local Cleansing Enterprise is Rp.
.....(.....)
- (2) The financial capital as mentioned in sub-article (1) of this article consist of current assets and fixed asset, both that of being used and those of being prepared, during the establishment of the "PD Kebersihan" (Local Cleansing and under price) is under the authority, responsibility and under control of "Dinas Kebersihan" (Cleansing Board) of Ujung Pandang Municipality; then it will be owned by the Local Cleansing Enterprise.
- (3) The amount of the capital of the Local Cleansing Enterprise can be added or subiracted.

**CHAPTER VII
ADMINISTRATION AND EMPLOYEE**

**Part One
DIRECTION**

Article 9

- (1) The Local Cleansing Enterprise is led by a Direction in which consist of one Main Director that is assisted by one General Director and one Technical/Operational Director;
- (2) The Direction members are Indonesian Citizens that appointed and dismissed by the Mayor on the proposal of the Supervisory Committee;
- (3) The Direction is responsible to the Mayor through the Supervisory Committee.
- (4) The appointment as mean in sub-article (2) of this article is performed for a duration of five (5) years, and when the duration is up, the related Direction members can be appointed again.

Article 10

- (1) The Direction member to be quit or can be dismissed by the Mayor because of :
 - a. (He or she is) died
 - b. on his/her own request
 - c. duration of duty as the Direction member is finished as being meant by Article 9 sub-article (4) of this Local Regulation.

- d. Sick continuously that provided no possibility to perform his/her work well
 - e. doing activity that cause disadvantage or lost for the Local Cleansing Enterprise of Ujung Pandang Municipality.
 - f. Activity or attitude that is contrantradicted with the Local interest as well as the National Interest.
- (2) Dismissal because of the reasons of being mentioned on sub-article (1) point e and f of this article, to be performed un-respectfully, if it is a criminal act that being stipulated base on the law.
 - (3) If the dismissal because of the reasons of that being mentioned on sub-article (1) point e and f of this article, the related Direction members to be given a chance for 1 (one) month after the information regarding the dismissal is issued by the Mayor.
 - (4) During the case of dismissal for the Direction members as being mentioned in sub-article (3) of this article, there is no yet decision, so the dismissal is canceled, and the relevant Direction members can do their study again, except that the decision for dismissal required a decision from the court of first instnce, in this case it must be inform to the relevant persons.

Article 11

- (1) Those who have family relationship of one to each other among the Direction members is forbidden, until three level on horizontal and vertical line, including son/daughter-in-law as well as brother/sister or cousin-in-law.
- (2) If a Direction member, after his/her appointment, in fact he/she has a family relationship to another member of the Direction as being meant in sub-article (1) of this article, in this case, the relevant Direction member can continue to talking his office, except by permission of the Mayor ;
- (3) The Direction member is forbidden to conduct either a direct or indirect self-interest with another corporation/enterprise that means of getting some profit.
- (4) A member of Direction is forbidden to have a double position

Article 12

- (1) Direction represent the Local Cleansing Enterprise within and out of the Court.
- (2) Direction can provide an authority to represent as meant in sub-article (1) of this article, to one of the Direction members that is specially appointed for that purposes or to some official by himself or together, or to another person/corporation by approval of the Mayor.

Article 13

- (1) Direction perform administration and management of the Local Cleansing Enterprise in accordance with the policy that have been stipulated by the Supervisory Committee in conformity with the Public Policy of the Local Government of Ujung Pandang Municipality.
- (2) Regulation and method for conducting the Local Cleansing Enterprise is regulated in the regulation that stipulated by the Direction and approved by the Supervisory Committee;
- (3) If the Director is hindered, his duty to be conducted by another one who is the highest rank among the Direction members.

Part Two

SUPERVISORY COMMITTEE

Article 15

- (1) The Supervisory Committee stipulate the Company's Policy by directive and mutually supplement with the public policy of the Local Government of Ujung Pandang Municipality.
- (2) The member of the Supervisory Committee maximum four (4) persons and at least two (2) persons, one of them is appointed as the Leader of Supervisory Committee.
- (3) In performing their duty the Supervisory Committee is responsible to the Mayor.
- (4) Family relationship of one to each other among the Supervisory Committee is forbidden until three level on horizontal and vertical line, including son/daughter-in-law as well as brother/sister or cousin-in-law;
- (5) If there is a family relationship, as meant in sub-article (4) of this article, after the appointment, in order to continue his/her position, it is required a written permission from the Mayor;
- (6) The Supervisory Committee member is forbidden to conduct either a direct or indirect self-interest to the Local Cleansing Enterprise.

Article 16

- (1) Those that can be appointed as the Supervisory Committee members are the citizens of the Republic of Indonesia.
- (2) Appointment and dismissal for the Supervisory Committee members is stipulated by the Mayor after getting an approval of the Governor;

- (3) Further procedure, Regulation, and composition of the Supervisory Committee will be stipulated furtherly by the Mayor.

**CHAPTER VIII
RESPONSIBILITY AND INDEMNITY
DEMAND FROM THE EMPLOYEE**

Article 17

- (1) All employee of the Local Cleansing Enterprise, including the Direction members, in their position as those who is not burdened with the duty if keeping the money, bill of exchange, and goods supplies, in case of they do against the law or shrink their duty and responsibility trusted to them causing disadvantages or lost directly or indirectly to the Local Cleansing Enterprise, they are required to indemnify the lost.
- (2) The stipulation concerning indemnify demand from the Local State Employees is fully effective for employees of the Local Cleansing Enterprise.
- (3) All employees of the Local Cleansing Enterprise is imposed a duty of keeping the payment money or bill of exchange as well as another goods supplies that belong to the company that is kept in the warehouse and or in a special storage, and merely used for company's purposes, they are required to account it for the agency that assigned by the Mayor;
- (4) The employees as meant in sub-article three(3) of this article is required to submit their accounting on their management, to the agency as meant in sub-article (3) of this article;
- (5) All of bills/receipt and another letter that belong to accounting and administration category, beside in the special place in Local Cleansing Enterprise and or at another place that appointed by the Mayor, except a temporary transfer as meant in sub-article (3) of this article for the shake of juridical purpose of inspection.
- (6) For the need of inspection related to tax determination and control on transporting, commonly the receipt and another bills as meant in sub-article (5) of this article, temporarily it can be transferred to the National Accounting.
- (7) By Local Regulation, it can be determined the deviation from the determination on the procedure of indemnity demand from the Local State Official and the employees as meant in sub-article (3) of this article in accordance with the structure/organization of that company itself.

**CHAPTER IX
FISCAL YEAR**

Fiscal year of the Local Cleansing Enterprise is calendar year

**CHAPTER X
BUDGET OF COMPANY**

Article 19

- (1) At least three (3) months before the fiscal year is effective, the Direction send the budget of the Local Cleansing Enterprise for requesting an approval of the Mayor after getting consideration of the Supervisory Committee;
- (2) Except when the Mayor objected or refused the project being coasted in the budget of the Local Cleansing Enterprise before entering a new fiscal year, the budget is effective totally;
- (3) Change on the budget that is occur in the related budget year must have an approval from the Mayor, after getting consideration from the Supervisory Committee.

**CHAPTER XI
REPORT OF REGULAR ACCOUNTING
AND COMPANY'S ACTIVITY**

Article 20

The Report business accounting and of the Local Cleansing Enterprise activity is sent by the Direction to the Supervisory Committee in every three (3) months and if necessary for a particular duration.

**CHAPTER XII
ANNUAL ACCOUNTING REPORT**

Article 21

- (1) For each fiscal year, the Direction send the annual accounting in which consist of balance sheet and the lost and profit accounting to the Supervisory Committee at the latest three (3) months after the fiscal year;
- (2) How to evaluate the post in annual calculation should be mentioned;

- (3) If during one (1) month after duration as meant in sub-article (1) of this article, the Supervisory Committee do not forward a written abjection, in this case, the annual accounting is considered to be legalized.
- (4) The annual accounting as meant in sub-article (1) of this article be the Supervisory Committee, and the legalization provide a freedom to the Direction on everything included in the annual accounting.

**CHAPTER XIII
DETERMINATION AND USING PROFIT
AND PROVIDING PRODUCTION SERVICE**

Article 22

- (1) Secret reserve should be provided
- (2) The use of net profit, after subtracting from, the depreciation, intended reserve and another reduction that normal in a company is determined as follows :

.....
.....

Investigation and inspection for everything concerning the work of Local Internal Affairs. The Mayor appoint a Board that have a duty of taking control on the work of authorize and manage the Local Cleansing Enterprise as well as its responsibility :

- (3) National Transportation Bureau have authority to control on the work of authorizing and managing the Local Cleansing Enterprise as well as its accounting.

**CHAPTER XVI
DISSOLUTION**

Article 25

- (1) Dissolution of PD. Kebersihan and appointment of liquidation is stipulated by a Local Government
- (2) All assets of the Local Cleansing Enterprise to be returned to the Local Government of Ujung Pandang Municipality.
- (3) Accounting on the Liquidation is performed to the Municipal Government of Ujung Pandang that have provided a release of responsibility on the work that have been finished.

CHAPTER XVII
CLOSING STIPULATION

Article 26

Anything that not yet regulated in this Local Regulation, as long as concerning its implementation will be stipulated by a Mayor Decree.

Article 27

When this Local Regulation is effective, so the Local Regulation of Ujung Pandang Municipality Number 11 of 1987 concerning the Formation of Organization Structure and Work Regulation of the Cleansing Board of Ujung Pandang Municipality (Local Gazette Number 8 of 1988, Serie D number 6), is said to be not effective anymore.

Article 28

This Local Regulation begins to be valid on the date of its legislation.
In order that everybody know it, I commands so that this Local Regulation is legislated by putting in the Local Gazette of Ujung Pandang Municipality.

Reference 2.2.12

a. Description of the program

Mitra Pasukan Kuning (MPK) in Surabaya involves the community and the private sector for the SWM to assist the City of Surabaya in cleansing program. In this case about 10,000 sweepers and waste collectors are collectively paid by the respective residents, including in the kampungs and the fringe villages. For residents or households the waste collection is organized and financed by respective waste producers. This comprises the costs of collecting, hauling and disposing waste daily to the nearest transfer depot (e.g. containers, tank, etc.). From here the waste is delivered to the TPA by the Dinas Kebersihan. For this service every households as a waste producer pays a certain amount of money every month to the sweepers and the organization of waste collection.

b. Implementation Agencies

This program is coordinated by the Local Government of Surabaya Dinas Kebersihan. Other Parties involved are :

- LKMD/RW/RT
- Private companies
- Local authorities in every level (Major, Camat, and Lurah)

c. Organization, Size, Income Level, Activities

Waste management with a total of 1722 staff is delegated in the three working areas (North East & South Regions) including those at work in the office and in the fields. The annual budget of the local government for this program is around US\$ 5 million. A similar amount is collected from "in kind" supports by the private and communities as a cleansing fee and voluntary contribution.

This program provides about 3,000 employments as waste pickers, who receive monthly salary for US\$ 180 -200 per family. They are responsible to collect and transport any solid waste to the transfer depots (waste containers) from where the waste trucks transport it to the TPA.

d. Outputs

The city is kept clean and convenient for living. The MPK with its waste pickers and collectors not only picks and collects waste but also recovers, recycles and reuses certain wastes such as papers, metals, glasses, etc. As a result, the municipal government get an additional waste disposal cost for about US\$1.5 million a year roughly equivalent to one third of its cleansing budget.

e. **Inputs**

Inputs by Community

- (i) Regular payment on household basis (retribution fee) is collected to cover the program costs.
- (ii) Communities participate in collecting their waste in bags/bins before the pickers come by to dispose of it.

f. **Input by Government**

- (i) Managing and financing the waste transportation from the transfer depots to the TPA.
- (ii) Extension services for cleansing and environmental improvement programs
- (iii) Promoting and supervising establishment and activities of MPK in all part of the city
- (iv) Supervising community participation especially in terms of retribution payment and waste disposing problem.

g. **Evaluation**

The MPK demonstrates a positive integration among communities, private companies, and the municipal government. This program contributes to the Surabaya's cleansing program especially in handling solid wastes.

h. **Indispensable issues**

It is necessary to provide a good management (such as by the Municipal authority), an appropriate cleansing technology suitable for condition, and continuation to at times be achieved. The SWM always requires as an important issue, proper management, appropriate technology as well as continuation of programs.

This case study is abstracted from the paper provided by John Sills on the Environmental Management Seminar in Surabaya in January 1994.

SUMMARY OF LATEST STATUS OF COOPERATION WITH PRIVATE SECTOR

I. Division of Service Area

(Eastern Area) to be undertaken by PT Kekar Plastiindo/Thames Water Consortium (KRTW) Zones 2,3 and 6 of DKI Jakarta and surrounding residential area including Bekasi and Cikarang.

(Western Area) to be undertaken by Salim Group/Lyonnaise des Eaux-Dumes (SGLD)

Zones 1,4 and 5 of DKI Jakarta and surrounding residential areas including Tangerang and Serang.

II Concession Period

20 to 30 years

III. Stages of Development

Stage 1 : Improve clean water supply service under existing PAM Jaya's facilities through Improving operation; maintenance; customer services; management and reducing non-revenue water.

Stage 2 : Extend cooperation with adjacent PDAMs; namely, Kabupaten Bekasi, Tangerang, Bogor and Serang.

Stage 3 : Extend scope of cooperation in development of bulk water increase, water production facilities and expansion of service systems in the areas of DKI Jakarta, Bekasi, Kerawang, Bogor, Tangerang and Serang.

IV. Structure of Cooperation

Alternative 1 : O & M Management Contract Plus Investment (Modified Concession) proposed by KPTW.

Function

- 1 :
 - Authority to use assets
 - Standard output
 - Premium and penalty according to the performance
 - Setting up of plan and programs
 - * Improvement in operation and management efficiency
 - * Reduction in NRW (non-revenue water) from 53% to 25%
 - * Investment
 - New distribution system
 - New connection
 - * Service improvement
 - Tariff setting
 - Secondment of PAM Jaya staff to KPTW
 - Supervision
- 2 :
 - Implementation of the plan and programs, improvement of O & M, Investment and customer management
 - Billing and collection
- 3 :
 - Collection of revenue into the escrow account
- 4 :
 - Sharing revenue as a management fee

(Alternative 1)

 - Production: Rp/m³ for water produced
 - Distribution : Rp/m³ water sold
 - Reduction NRW : Rp/m³ for water sales increase
 - New Investment : Rp/m³ for incremental water sold by the new (distribution pipes and others)
 - Investment in : Rp/m³ for water sold new connection

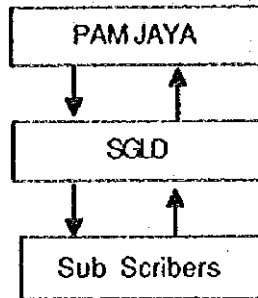
(Alternative 2)

 - Production: Rp/m³ for water sold
 - O&M, NRW Infill : Rp/m³ for water sold of existing system
 - New Investment : Rp/m³ for water sold by the new system distribution & connection

5: - Revenue of PDAM Jaya

Total Revenue minus management fee

Alternative 2 : Global Franchise Concession (Full Concession) proposed by
SGLD.



Functions

- 1: - Authority to assets
- Standard output
- Premium and penalty according to the performance
- Setting up of plan and programs
 - * Improvement in operation and management efficiency
 - * Reduction NRW(53% - 25%)
 - * Investment - New distribution system
- New connection
 - * Service improvement
- Tariff setting
- Secondment of PDAM Jaya staff to SGLD
- Setting up concession fee

- 2: - Implementation of the plan and programs, Improvement of O&M,
Investment and coast management
- Provision of services, billing and collection

- 3: - Payment of tariff which is based on a "Single Average Tariff Principle" and
is calculated to cover the following :
 - * O&M
 - * Investment
 - * Tax and duties

- * Concession fee to PAM Jaya
- * Overhead & Margin

4: Payment of concession fee

V. Preparation of Memorandum of Agreement

The draft memorandum of agreement has been prepared covering the following issues and is being discussed.

1. Purpose of Cooperation
2. Structure of Cooperation
3. Scope of Cooperation
4. Organization
5. Feasibility Study
6. Rights and Duties of Both Parties
7. Method of Technical Implementation
8. Legal Aspects
9. Avoidance of Transfer of Cancellation Loss due to Disagreement
10. Submission Schedule of Proposal and Principles of Cooperation Agreement

The draft Minutes of Agreement states as a duty that the consortia shall employ all the existing personnel of PAM Jaya

VI. Feasibility Study

Both consortia are requested to submit respective feasibility studies with the following contents :

- I. Introduction
- II. Present Water Supply System of PAM Jaya
 - a. Water Source and Treatment Plant
 - b. Distribution System and Service
 - c. Percentage of NRW (Non Revenue Water)
 - d. Trend of Service Extension
 - e. Personnel and Organization
 - f. Average Tariff
- III. Purpose of Cooperation, Technical Target and Service Standard
 - a. Purpose
 - b. Technical Target and Serve Standard
 - (1) Standard quality of water

- (2) Percentage NRW
- (3) Target of addition in subscribers
- (4) Target ration of population served

IV. Scope of Feasibility Study; Technical and Financial Proposal; Proposal for Commitment.

IVa. Study of Master Plan and Corporate Plan

The Master Plan prepared by JICA in 1985 must be studied and the result is to be presented in the Feasibility Study.

This Master Plan constitutes the base of PAM Jaya's water supply system development since 1985. The Master Plan was reviewed in detail by JWSSP.

The Master Plan is also being renewed by The JICA Team. It is proposed that the consortia should consult with both teams in preparing the Feasibility Study.

IVb. Study of Present Conditions and Evaluation of Current Programs

- (1) Physical, social and economical conditions at present
- (2) Water demand in eastern sector
- (3) Water supply system of PAM Jaya in eastern sector
- (4) Evaluation of PAM Jaya's present and future programs
- (5) Service areas and water demand forecast
- (6) Study of technical target and service standard
- (7) Major proposals for programs of operation, maintenance and investment during concession period.

IVc. Detailed Proposal for Operation, Maintenance, Development and Investment

- (1) Improvement in service-water quality, constant supply and water pressure
- (2) Treatment plants
- (3) Water meter and program for metering consumption
- (4) Sources of water
- (5) Percentage of NRW
- (6) Preliminary design and construction/Investment plan
- (7) Management/control system of water supply

- (8) Operation and maintenance of distribution system and treatment plant

IVd. Proposal from Financial Aspect

- (1) Cost of operation and maintenance
- (2) Investment cost
- (3) Fund raising for operation and maintenance
- (4) Tax and duties
- (5) Tariff, management fee, cash flow and profit projection
- (6) Risk analysis

IVe. Proposal for Commitment of Concession Cooperation

V. Period of Feasibility Study and Reporting

VI. Evaluation Method of Feasibility Study

- a. Method of evaluation
- b. Evaluation criteria.

Reference 2.2.14

PRIVATE PARTICIPATION IN CLEANLINESS
MANAGEMENT IN UJUNG PANDANG

NO.	NAME OF ENTREPRENEUR/AGENCY	TYPE OF DONATION	TOTAL OF DONATION	YEAR
1	2	3	4	5
1	Labor Insurance	Working Equipment	210 pcs	1994
2	Cooperation Unity	Edge Street container	110 pcs	
3	Post Graduate Program UNHAS	Cart	1 unit	
4	NV. HADJI KALLA	Mini Dump Truck Mini Loader	1 unit 1 unit	
5	Merpati Air Service	Container		
6	ID I (Unity Of Doctor Profession)	Edge Street Container		
7	AMPI (Youth Organization)	Container		
8	FKPPI (Organization For Retired Armed Force Kids)	Container	90 pcs	
9	KNPI (Indonesia Youth National Committee)	Canal Clean Action		
10	GAPENSI (Unity Of Youth Business)	Command by self help		
11	BANK BTPN	Campaign Sticker		
12	FKPTB	Campaign Sticker		
13	Banks	Container		
14	Bosowa Taxi	Container	90 pcs	
15	Amal Taxi	Container	100 pcs	
16	PLN	Container		
17	PT. COCA COLA	Flower Vase	23 pcs	1995
18	Bank Utama	Cart	6 units	
19	PT. Sampoerna	Container	40 pcs	

Source: Dinas Kebersihhan KMUP

Reference 2.2.15

OPERATION INSTRUCTION OF DIRECTOR GENERAL OF HUMAN SETTLEMENTS (CIPTA KARYA) 1995/1996

Elucidation is made only on the stipulations important for and related to this Study by item.

(a) General Instruction

a. Administration

The procedure of the national budget (APBN) expenditure application shall be carried out based on the Joint Decree of the Minister of Finance and the state Minister for development control/head of Bappenas (National Planning Board No. 48/KMK/012/1987 and No. Kep.004/KET/1/1987, Decree of the Minister of Public Works No. 438/KPTS/1988 and another effective stipulation, as for as it does not contradict to the Presidential Decree No. 16/1994.

Fund of a project in Rupiah and foreign loan shall entail the approval of the Minister of Finance (circular letter of the Director General of budget, the Minister of Finance No. SE/128-A.35/1983).

As regards a tax/PPN (National income tax), it shall be dealt with pursuant to the circular letter of the Director General of budget, the Ministry of Finance No. SE-59/A/1988.

b. Technical

Development of rural areas in the Rural Development Center Program shall be concentrated on in the framework of the technical guidance with the local government.

Standard shall be in conformity to the standard of the directorate General of Cipta Karya.

A contract should at least be signed at the end of the quarterly 1 of a fiscal year and the work be finished at the latest on March 15 of the fiscal year.

c. Good supply and service provision

The provision including consultant and contractor services shall be conducted in auction based on the Presidential Decree No. 16/1994 and the joint Decree of the Minister of Finance, the state Minister of Bappenas, No. Kep-27/MK.3/8/1994 and No. Kep-116/Keu/8/1994 respectively.

As regards a list of capable partner (DRM), a guidance of the relevant provincial government shall be referred to.

Announcement of an auction for Type A partners shall be made obedient to the Presidential Decree No. 16/1994 and the instruction of the Minister of Public Works No. 02/IN/M/1995.

d. Control

Control of a project implementation shall be performed in compliance with the Decree No. 411/KPTS/1992 of the Minister of Public Works as for as it is not contrary to the Presidential Decree No. 16/1994.

According to the instruction No. 17/IN/M/1983 of the Minister of Public Works, a project shall be controlled.

Monitoring all the projects shall be carried out based on the letter No. UM.01.03-DC/1171/1992 of the Director General of Cipta Karya.

Concerning a foreign loan, it shall be realized in conformity to the format IV of the joint Decree of the Minister of Finance and the Minister of Bappenas Nos. 48/KMK.012/1987 and KEP.004/Keu/1/1987 respectively.

(b) Special instruction for the implementation of a living environment sanitation program

a. General

Implementation of development shall require a local source (material, manpower etc.) and the involvement of communities (eg. boy scouts, Pesantren (school of koramic studies for children and the youth), etc.).

b. SWM

Regarding the SWM, retribution for waste collection shall gradually be ameliorated to fulfill the cost for operation and maintenance (O/M) as well as depreciation of equipment/buildings.

c. Drainage management

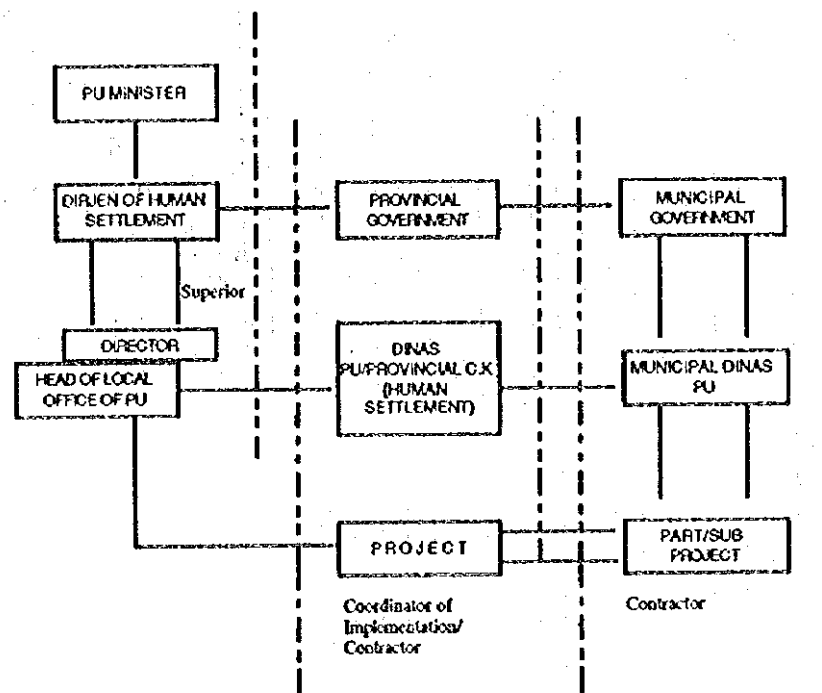
An integrated program of provincial/municipal APBD (local budgets) and the APBN (national budget) shall be applied for the fund to reduce puddles in priority areas (eg. slum areas).

d. Wastewater management (WWM)

As one of urgent needs, participation of another sector such as a tourism area etc., shall be required.

(c) Settlement environment sanitation of South East Sulawesi as a reference

Organization Of Djck (Directorate General Of Cipta Karya)
Project In The "Provision Of Assistance" Principle



Description :

- : STRUCTURAL LINE
- : OPERATIONAL LINE (MANAGEMENT; GUIDANCE SUPERVISION)
- : JOB HANDOVER LINE

Reference 2.2.16

DECISION - MAKERS GUIDE IN SOLID WASTE MANAGEMENT

environmental effects
environmental effects
decisions: collection, transport, processing, disposal
decisions: collection, transport, processing, disposal

criteria: cost, institutional factors, resource conservation,

**Decision-Makers
Guide
in Solid Waste
Management**

criteria: cost, institutional factors, resource conservation,

This guide (SW- 500) was prepared by the
Office of Solid Waste Management Programs

conservation, environmental effects decisions: collection, transport, processing, disposal criteria: cost, institutional factors, resource conservation,

INSTITUTIONAL AND ORGANIZATIONAL APPROACHES

conservation, environmental effects decisions: collection, transport, processing, disposal criteria: cost, institutional factors, resource conservation,

environmental effects decisions: collection, transport, processing, disposal

Public or Private Ownership and Operation of Collection Services

In contrast to many other public services, solid waste collection is often under mixed public and private auspices rather than being exclusively a government service. A key decision in solid waste management is, "Who should collect the waste?"

ALTERNATIVES

Residential collection service is most frequently provided through one of four basic arrangements:

- Public (municipal) collection, usually under a governmental department such as the department of public works. Under this structure, collections are made by city employees with city equipment.
- Private firms with a contract from a governmental unit to collect from residences in a given area. Under this approach the contractor owns the equipment but must meet all performance criteria established by the contract. The contract may or may not be awarded on the basis of competitive bidding.
- Private firms in open competition, with little, if any, city regulation. Under this approach, the private collector makes his own arrangements with the customer for pickup.

- Private firms operating under exclusive franchises by which each is licensed to operate alone in a given area. A franchise may or may not be awarded on the basis of competitive bidding.

In addition, there are numerous variations on these four basic types and various combinations of public and private systems in some cities. An example of such a combination is the situation where a municipally operated system collects a portion of the residences and private collectors under contract to the city collect the remaining stops.

COSTS

One of the key issues that has been debated is whether municipal or private collection results in lower collection costs. It has been argued that municipal systems should cost less since they do not have to earn a profit nor pay taxes, and they pay lower interest rates when they borrow. A private collector, on the other hand, has to earn a profit, and must include taxes and interest on capital in his costs. In addition, there is the expense to the municipality of licensing and monitoring the operation of private collectors.

The most frequently cited reasons for lower private costs are: better management,