

Type: REGULATION (PER)

By: THE MINISTER OF PUBLIC WORKS OF THE REPUBLIC OF INDONESIA

Number: 01/PRT/M/2013

Date: FEBRUARY 15, 2013 (JAKARTA)

Title: DELEGATION OF AUTHORITY TO GRANT SUBSTANTIAL APPROVAL
IN THE STIPULATION OF DRAFT REGIONAL REGULATION
REGARDING SPECIFIC SPATIAL LAYOUT PLAN OF
REGENCIES/CITIES

BY GRACE OF THE ALMIGHTY GOD

THE MINISTER OF PUBLIC WORKS,

Considering:

- a. whereas based on Article 58 paragraph (2), Article 62 paragraph (2), Article 68 paragraph (2), and Article 76 paragraph (2) of Government Regulation Number 15 Year 2010 regarding the Implementation of Spatial Layout, the granting of substantial approval to specific spatial layout plan of regencies/cities may be de-concentrated to governors;
- b. whereas in the context of executing the de-concentration as intended in letter a, legal basis is needed to delegate the authority to grant substantial approval of specific spatial layout plan of regencies/cities from the minister to the governors;
- c. whereas based on the considerations as intended in letter a and letter b, it is necessary to stipulate a Regulation of the Minister of Public Works regarding Delegation of Authority to Grant Substantial Approval in the Stipulation of Draft Regional Regulation regarding Specific Spatial Layout Plan of Regencies/Cities;

In view of:

1. Government Regulation Number 15 Year 2010 regarding the Implementation of Spatial Layout (State Gazette of the Republic of Indonesia Year 2010 Number 21, Supplement to State Gazette of the Republic of Indonesia Number 5103);
2. Government Regulation Number 19 Year 2010 regarding Implementation Procedures for Duties and Authorities as well as Financial Position of Governor as Representative of the Government in Provincial Region (State Gazette of the Republic of Indonesia Year 2010 Number 25, Supplement to State Gazette of the Republic of Indonesia Number 5107) as amended by Government Regulation Number 23 Year 2011 (State Gazette of the Republic of Indonesia Year 2011 Number 44, Supplement to State Gazette of the Republic of Indonesia Number 5209);
3. Presidential Regulation Number 47 Year 2009 regarding the Establishment and Organization of State Ministries as amended several times most recently by

Presidential Regulation Number 91 Year 2011 (State Gazette of the Republic of Indonesia Year 2011 Number 141);

4. Presidential Regulation Number 24 Year 2010 regarding Positions, Duties and Functions of State Ministries as well as Organizational Structure, Duties and Functions of Echelon I Officials of State Ministries as amended several times most recently by Presidential Regulation Number 92 Year 2011;
5. Presidential Decree Number 84/P Year 2009;
6. Regulation of the Minister of Public Works Number 11/PRT/M/2009 regarding Substantial Approval in the Stipulation of Draft Regional Regulation regarding Spatial Layout Plan of Provinces and Spatial Layout Plan of Regencies/Cities along with the Specific Plan thereof;
7. Regulation of the Minister of Public Works Number 08/PRT/M/2010 regarding Organization and Working Procedure of the Ministry of Public Works;
8. Regulation of the Minister of Public Works Number 15/PRT/M/2011 regarding Implementation Guidance for Activities of the Ministry of Public Works that Constitute Authority of the Government and Implemented through De-Concentration and Assistance Duties;

HAS DECIDED:

To stipulate: REGULATION OF THE MINISTER OF PUBLIC WORKS REGARDING DELEGATION OF AUTHORITY TO GRANT SUBSTANTIAL APPROVAL IN THE STIPULATION OF DRAFT REGIONAL REGULATION REGARDING SPECIFIC SPATIAL LAYOUT PLAN OF REGENCIES/CITIES

CHAPTER I GENERAL PROVISIONS

Part One Definition

Article 1

Referred to in this Ministerial Regulation as:

1. De-concentration shall be the delegation of administration authority by the government to governor as representative of the government and/or to vertical government agency in a certain region.
2. De-concentration activity shall be an activity granting substantial approval to draft regional regulation regarding spatial layout plan of regencies/cities by governor after obtaining the delegation of authority from the Minister.
3. Substantial Approval shall be approval granted by the Minister, which states that the substance of technical contents of draft regional regulation on spatial layout plan refers to Law Number 26 Year 2007 regarding Spatial Layout, National Spatial Layout Plan as well as national policy and specific Spatial Layout plan of provinces and regencies/cities has referred to general spatial layout plan with a

view of assuring the conformance of substances of regional regulation to the provisions of legislation and guidance in the field of spatial layout.

4. Spatial Layout Plan of Territory hereinafter abbreviated to RTRW shall be a result of the planning of spatial layout in a territory constituting a geographic totality along with the whole relevant elements the borders and system of which are determined on the basis of administrative aspect.
5. Specific Spatial Layout Plan hereinafter abbreviated to RRTR shall be a result of the planning of spatial layout in area constituting a geographic totality along with the whole relevant elements the borders and system of which is determined on the basis of functional aspect and formulated on the basis of strategic value of the area and/or activity of the area as operational instrument of spatial layout plan of territory.
6. Detailed Spatial Layout Plan shall be a detailed spatial layout plan for spatial layout plan of regencies/cities, completed by zoning regulations of regencies/cities.
7. Substance of Technical Content shall be the content of draft regional regulation regarding technically specific spatial layout plan, which is in accordance with guidance for the formulation of detailed spatial layout plan of regencies/cities.
8. State Revenue and Expenditure Budget hereinafter abbreviated to APBN shall be annual financial plan of state administration approved by the House of Representatives and stipulated by a law.
9. De-concentration Funds shall be funds originating from APBN, which are executed by governor as representative of the government, which cover the whole revenues and expenditures in the context of executing de-concentration, excluding funds allocated to vertical government agencies of the central government in the region.
10. Working Unit of Regional Apparatus of De-concentration hereinafter referred to as SKPD De-con shall be technical organization/institution in provincial government in charge of governmental affairs in the field of spatial layout as executor of de-concentration activities in the field of spatial layout in provincial region.
11. Central Government hereinafter referred to as the government shall be the President of the Republic of Indonesia holding the executive power of the Republic of Indonesia as intended in the 1945 Constitution of the Republic of Indonesia.
12. Minister shall be the Minister of Public Works of the Republic of Indonesia.
13. Director General hereinafter referred to as Dirgen shall be the Director General of Spatial Layout.

Part Two Purpose and Objective

Article 2

- (1) The ministerial regulation shall be intended to become a basis for the delegation of authority of the government to governor as representative of the government in region to execute the granting of substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities.
- (2) The ministerial regulation shall be aimed at ensuring that the delegation of authority to grant substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities and de-concentration activities may be executed in accordance with the provisions of legislation so as to result in RRTR of regencies/cities which is good in quality as well as refers to RTRW of regencies/cities.

Part Three Scope

Article 3

The scope of authority delegated to governor shall include:

- a. the granting of substantial approval in the stipulation of draft regional regulation regarding detailed Spatial Layout plan of regencies/cities; and
- b. the granting of substantial approval in the stipulation of draft regional regulation regarding Spatial Layout plan of strategic areas of regencies/cities.

Article 4

The scope of this ministerial regulation shall include:

- a. criteria for the delegation of authority;
- b. procedures for the delegation of authority;
- c. implementation of de-concentration activities;
- d. funding of de-concentration activities;
- e. reporting and audit of the implementation of the de-concentration activities;
- f. withdrawal of the delegation of authority; and
- g. fostering and supervision over the implementation of de-concentration activities.

CHAPTER II CRITERIA FOR THE DELEGATION OF AUTHORITY

Article 5

- (1) Criteria for the delegation of authority as intended in Article 4 sub-article a shall constitute requirements that provinces have to fulfill as the basis for the delegation of authority to grant substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities from the Minister to governor.
- (2) The criteria that the provinces have to fulfill as intended in paragraph (1) shall include:
 - a. regional regulation regarding RTRW of province has been stipulated;

- b. at least 50% (fifty percent) of the total regencies/cities in the province have had regional regulation regarding RTRW of regencies/cities;
- c. having at least technical echelon III unit in charge of governmental affairs in the field of spatial layout;
- d. having provincial spatial layout coordinating board already operational and effective as a means of inter-sectoral coordination in the field of spatial layout; and
- e. having sufficient, competent and responsive human resources in the field of spatial layout, particularly in technical service office in charge of governmental affairs in the field of spatial layout which becomes the secretariat of technical executive of service for the granting of substances of RRTR of regencies/cities.

Article 6

- (1) In the context of delegating the authority as intended in Article 3, the Ministry of Public Works through the Directorate General of Spatial Layout shall examine the fulfillment of the criteria as intended in Article 5 paragraph (2).
- (2) The fulfillment of the criteria as intended in paragraph (1) shall constitute a requirement for the delegation of authority to grant substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities.

CHAPTER III PROCEDURES FOR THE DELEGATION OF AUTHORITY

Part One General

Article 7

- (1) The procedures for delegating authority as intended in Article 4 sub-article b shall constitute phases in the delegation of authority of the substantial approval of RRTR of regencies/cities.
- (2) The procedures for delegating authority as intended in paragraph (1) shall cover:
 - a. notification on the plan for delegating authority;
 - b. readiness and application for the delegation of authority;
 - c. evaluation of the fulfillment of criteria for the delegation of authority; and
 - d. delegation of authority.

Part Two Notification on Plan for the Delegation of Authority

Article 8

In the context of delegating the authority as intended in Article 3, the Minister shall submit notification to government on the plan for the implementation of de-concentration activities in the following fiscal year by no later than the second week of June or following the stipulation of tentative ceiling.

Part Three
Readiness and Application for the Delegation of Authority

Article 9

- (1) Based on the notification as intended in Article 8, governor shall give a written answer containing statement of readiness to implement de-concentration activities to the Minister through Dirgen by no later than July of the current year.
- (2) The statement of the readiness as intended in paragraph (1) shall be accompanied by explanation on the fulfillment of criteria as intended in Article 5 paragraph (2).
- (3) in the case of governor not submitting the answer as intended in paragraph (2), the governor shall be deemed not ready to execute the de-concentration activity.

Article 10

Besides on the basis of the notification as intended in Article 8, governor may submit application for de-concentration activities in writing to the Minister through Dirgen by no later than July of the current year.

Part Four
Evaluation of the Fulfillment of Criteria for the Delegation of Authority

Article 11

- (1) Based on the written answer as intended in Article 9 paragraph (1) or application for the de-concentration activities as intended in Article 10, the Minister through Dirgen shall evaluate the fulfillment of criteria for the delegation of authority.
- (2) The evaluation of the fulfillment of criteria as intended in paragraph (1) shall result in stipulation regarding provinces already and not yet fulfilling criteria for the delegation of authority.

Part Five
Delegation of Authority

Article 12

- (1) In the case of the evaluation of the fulfillment of criteria for the delegation of authority as intended in Article 11 paragraph (2) resulting in stipulation that the evaluated province has fulfilled criteria for the delegation of authority, the Minister shall stipulate a ministerial decision on the delegation of authority to grant substantial approval to draft regional regulation regarding RRTR of regencies/cities.
- (2) The ministerial decision as intended in paragraph (2) shall be stipulated by no later than the first week of December or following the stipulation of presidential regulation regarding detail of the expenditure budget of the central government.

Article 13

- (1) In the case of the evaluation of the fulfillment of criteria for the delegation of authority as intended in Article 11 paragraph (2) resulting in stipulation that the evaluated province has not fulfilled criteria for the delegation of authority, the Minister shall submit a letter of notification to governor on the failure to fulfill the criteria for the delegation of authority.
- (2) The letter of notification as intended in paragraph (1) shall be enclosed by directive related to the improvement in the context of the fulfillment of criteria for the delegation of authority.

CHAPTER V THE IMPLEMENTATION OF DE-CONCENTRATION ACTIVITY

Article 14

- (1) The de-concentration activity as intended in Article 4 sub-article c shall be executed following the delegation of authority from the Minister to governor.
- (2) The delegation of authority as intended in paragraph (1) shall be stipulated by the ministerial decision as intended in Article 12 paragraph (1).

Article 15

- (1) The planning and programming of de-concentration activities shall be executed by the Minister through Dirgen as the person in charge of the program.
- (2) Any change in the plan and program of de-concentration activity recommended by governor may be executed after obtaining written approval from Dirgen.
- (3) The written approval as intended in paragraph (2) shall be granted by considering written recommendation from governor, enclosed by explanation.
- (4) The mechanism of planning, programming and budgeting shall be executed in accordance with the provisions of legislation.

Article 16

In executing the de-concentration activities, the governor shall:

- a. stipulate SKPD De-con as executor of the de-concentration activity;
- b. coordinate the implementation of de-concentration activities in the context of integration of development of territory/area and cross-sectoral development; and
- c. evaluate substance of technical content of draft regional regulation regarding RRTR of regencies/cities.

Article 17

The evaluation of the substance of technical content as intended in Article 16 sub-article c shall be done in the context of granting substantial approval to draft regional regulation regarding RRTR of regencies/cities.

Article 18

In executing the de-concentration activities as intended in Article 16 sub-article c, governor may:

- a. consult with the related ministries/institutions in the context of evaluating technical substance of draft regional regulation regarding RRTR of regencies/cities; and/or
- b. invite the related regency/municipal governments to discuss issues that need to be settled in the context of granting substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities.

Article 19

The execution of de-concentration activity related to the granting of substantial approval in the stipulation of draft regional regulation regarding RRTR of regencies/cities shall be in accordance with the provisions of legislation in the field of spatial layout, including norms/standards of spatial layout.

CHAPTER VI FUNDING OF DE-CONCENTRATION ACTIVITY

Article 20

The funding of de-concentration activity shall come from de-concentration funds of the State Revenue and Expenditure Budget of the Ministry of Public Works.

Article 21

- (1) The de-concentration funds as intended in Article 20 shall be managed by SKPD De-con.
- (2) The management of the de-concentration funds as intended in paragraph (1) shall be executed separately from the Regional Revenue and Expenditure Budget.
- (3) The management of the de-concentration funds as intended in paragraph (1) shall be stipulated in accordance with the provisions of legislation.

CHAPTER VII REPORTING AND AUDIT OF THE IMPLEMENTATION OF DE-CONCENTRATION ACTIVITY

Part One Reporting

Article 22

- (1) In executing the de-concentration activity, governor shall submit report on the implementation of the de-concentration activity to the Minister.
- (2) The report on the implementation of de-concentration activity as intended in paragraph (1) shall cover:

- a. managerial report;
 - b. accountability report; and
 - c. technical report.
- (3) The managerial report as intended in paragraph (2) sub-paragraph a shall consist of:
 - a. the realization of the absorption of funds;
 - b. the achievement of output target;
 - c. the encountered obstacles; and
 - d. recommendation and follow up.
- (4) The accountability report as intended in paragraph (2) sub-paragraph b shall consist of financial statement and report on goods on the basis of Indonesia's Standard Accounting System.
- (5) The technical report as intended in paragraph (2) sub-paragraph c shall consist of:
 - a. report on the implementation;
 - b. report on the collection of data, monitoring and evaluation; and
 - c. report on the implementation of socialization.

Article 23

- (1) The report as intended in Article 22 paragraph (2) shall be submitted by Head of SKPD De-con as the executor of the de-concentration activity on behalf of the governor to the Minister through Dirgen every quarter and end of fiscal year.
- (2) The Head of SKPD De-con as intended in paragraph shall submit report on the implementation of activity by the mechanism as follows:
 - a. the Head of SKPD De-con shall submit report on the implementation of de-concentration activity to governor; and
 - b. the Head of SKPD De-con on behalf of the governor shall submit report on the implementation on de-concentration activity to the Minister through Dirgen.

Article 24

Model and content of the report on the implementation of de-concentration activity as intended in Article 22 shall be stipulated in accordance with the provisions of legislation.

Part Two Audit

Article 25

- (1) The implementation of de-concentration activity shall be audited by internal auditor of the Ministry of Public Works and/or external auditor of the government.
- (2) The internal auditor as intended in paragraph (1) shall be the Inspectorate General of the Ministry of Public Works.

- (3) The external auditor as intended in paragraph (1) shall be the State Audit Board of the Republic of Indonesia.

Article 26

The Inspectorate General of the Ministry of Public Works as intended in Article 25 paragraph (2) may delegate to and/or cooperate with other auditors in accordance with the provisions of regulation.

CHAPTER IX WITHDRAWAL OF THE DELEGATION OF AUTHORITY

Article 27

- (1) The delegation of authority as intended in Article 14 shall be withdrawn in the case of:
- a. the delegated governmental affairs not being followed up because of any change in government policies;
 - b. the implementation of the delegated governmental affairs not in accordance with the provisions of legislation;
 - c. governor recommending the delegated authority to be withdrawn; and
 - d. governor being unable to execute the delegated authority.
- (2) The withdrawal of the delegated authority as intended in paragraph (1) shall be stipulated by the Minister.
- (3) The stipulation regarding the withdrawal of the delegated authority as intended in paragraph (2) shall be submitted to ministers in charge of governmental affairs in the financial sector and in the field of national development planning.
- (4) The stipulation regarding the withdrawal of the delegated authority as intended in paragraph (2) may be used as the basis for blocking in budgetary document and the discontinuation of the disbursement of de-concentration funds by the minister in charge of governmental affairs in the financial sector.

Article 28

In the case of the delegated authority as intended in Article 27 being withdrawn, procedures for granting substantial approval of draft regional regulation regarding RRTR shall be executed in accordance with the provisions of Ministerial Regulation Number 11/PRT/M/2009 regarding Guidance for the Substantial Approval in the Stipulation of Draft Regional Regulation regarding Spatial Layout Plan of Province and Spatial Layout Plan of Regencies/Cities along with the specific plan thereof.

CHAPTER X FOSTERING AND SUPERVISION

Article 29

In the context of executing de-concentration activity, Dirgen on behalf of the Minister shall:

- a. foster governors as the executors of de-concentration activity; and
- b. supervise the implementation of de-concentration activity.

Article 30

- (1) The fostering as intended in Article 29 sub-article a shall be executed in the context of enhancing performance of governors in executing de-concentration activity.
- (2) The fostering as intended in paragraph (1) shall be executed through:
 - a. socialization of legislation and guidance for spatial layout related to the formulation and evaluation of draft regional regulation regarding RRTR of regencies/cities;
 - b. counseling, supervision and consultation of the formulation and evaluation of technical substance as well as draft regional regulation regarding RRTR of regencies/cities; and
 - c. education as well as training of the formulation and evaluation of draft regional regulation regarding RRTR of regencies/cities.
- (3) The fostering as intended in paragraph (2) shall be executed in accordance with the provisions of legislation.

Article 31

In executing the de-concentration activity, governor shall foster regional apparatuses of regencies/cities executing the formulation of RRTR of regencies/cities.

Article 32

- (1) The fostering as intended in Article 31 shall be executed in the context of enhancing performance of regency/municipal governments in formulating draft regional regulation regarding RRTR of regencies/cities.
- (2) The fostering as intended in paragraph (1) shall be executed through:
 - a. socialization of legislation and guidance for spatial layout related to the formulation and evaluation of draft regional regulation regarding RRTR of regencies/cities;
 - b. counseling, supervision and consultation of the formulation and evaluation of technical substance as well as draft regional regulation regarding RRTR of regencies/cities; and
 - c. education as well as training of the formulation and evaluation of draft regional regulation regarding RRTR of regencies/cities.
- (3) The fostering as intended in paragraph (2) shall be executed in accordance with the provisions of legislation.

Article 33

- (1) The supervision as intended in Article 29 sub-article b shall be executed in the context of assuring that the implementation of de-concentration activity is in accordance with the objective of the granting of de-concentration activity.
- (2) In the context of executing de-concentration activity, governor shall supervise regional apparatuses of regencies/cities formulating RRTR of regencies/cities.
- (3) The supervision as intended in paragraph (1) and paragraph (2) shall be done through monitoring and evaluation in accordance with the provisions of legislation.

Article 34

In the context of supervision over the implementation of de-concentration activities as intended in Article 29 sub-article b, Dirgen may stipulate technical directive.

CHAPTER XI CONCLUSION

Article 35

This Ministerial Regulation shall come into effect as from the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On February 15, 2013

THE MINISTER OF PUBLIC WORKS

sgd
DJOKO KIRMANTO

Promulgated in Jakarta
On March 6, 2013

THE MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

sgd.
AMIR SYAMSUDIN

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2013 NUMBER 370

NOTE

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