

- 2) provision on harmonizing of the use of access codes and timetable of implementation.

#### 9. Miscellany

In the framework of encouraging the competition, it is necessary to restructure the model of stipulation of Cost of Right to Use Frequency (BHP of Frequency). Re-calculation of BHP of frequency will be assessed by consultant to balance accurately so that the model of stipulation of BHP of Frequency can encourage the utilization of frequency optimally.

The government views that the above mentioned policies and regulations have been adequate as the beginning of the commencement of comprehensive competi-

tion in Indonesia's telecommunications sector. Parties related to the implementation of the telecommunications policies and regulations are obliged to follow up and implement them in accordance with their competence. The Indonesian Telecommunications Regulation Board supervises and evaluates the restructuring of the telecommunications sector.

Jakarta, March 30, 2004

THE MINISTER OF COMMUNICATIONS

sgd

AGUM GUMELAR

—==(R)—==

## TECHNICAL DIRECTIVES FOR PRIVATE MARKET BUSINESS IN THE PROVINCE OF JAKARTA CAPITAL SPECIAL REGION

(Decision of the Governor of the Province of Jakarta Capital Special Region No. 44/2003  
dated June 6, 2003)

THE GOVERNOR OF THE PROVINCE OF JAKARTA CAPITAL SPECIAL REGION,

Considering:

that in a bid to enhance the provision of service for the public, particularly in the private market business sector and in order to further implement Regional Regulation of the Province of Jakarta Capital Special Region No. 2/2002 on private market business in Jakarta Capital Special Region, it is necessary to stipulate technical directives for private market business in the Province of Jakarta Capital Special Region by a decision of the governor;

In view of:

1. Law No. 1/1967 on foreign investment as already amended the latest by Law No. 11/1970;
2. Law No. 6/1968 on domestic investment as already amended the latest by Law No. 12/1970;
3. Law No. 3/1982 on corporate registry;
4. Law No. 24/1992 on lay out;
5. Law No. 25/1992 on cooperative;
6. Law No. 9/1995 on small-scale business;
7. Law No. 25/1997 on manpower;
8. Law No. 22/1999 on regional administration;
9. Law No. 34/1999 on the provincial administration of Jakarta Capital Special Region;
10. Law No. 5/1999 on prohibition of monopolistic practices and unfair business competition;
11. Law No. 8/1999 on consumer protection;
12. Government Regulation No. 36/1977 on termination of foreign business activity in the trade sector as already amended the latest by Government Regulation No. 15/1998;
13. Government Regulation No. 16/1997 on franchise;
14. Presidential Decree No. 99/1998 on fields/kinds of businesses reserved for small-scale businesses and fields/kinds of businesses opened for medium- and large-scale businesses with the condition of partnership;
15. Regional Regulation of Jakarta Capital Special Region No. 5/1978 on regulation of place and business as well as the fostering of street vendors in the territory of Jakarta Capital Special Region;

16. Regional Regulation of Jakarta Capital Special Region No. 7/1991 on building in the territory of Jakarta Capital Special Region;
17. Regional Regulation of Jakarta Capital Special Region No. 3/1992 on prevention of fire in the territory of Jakarta Capital Special Region;
18. Regional Regulation of Jakarta Capital Special Region No. 6/1992 on management of market business in Jakarta Capital Special Region;
19. Regional Regulation of Jakarta Capital Special Region No. 6/1999 on spatial plan of Jakarta Capital Special Region;
20. Regional Regulation of Jakarta Capital Special Region No. 12/1999 on regional administration-owned market business management company PD Pasar Jaya of Jakarta Capital Special Region;
21. Regional Regulation of Jakarta Capital Special Region NO. 3/2001 on organizational structures and working arrangements of regional apparatuses and secretariat of the Provincial Legislative Council of Jakarta Capital Special Region;
22. Regional Regulation of Jakarta Capital Special Region No. 2/2002 on private market business in the province of Jakarta Capital Special Region;

#### DECIDES :

To stipulate :

THE DECISION OF THE GOVERNOR OF THE PROVINCE OF JAKARTA CAPITAL SPECIAL REGION ON TECHNICAL DIRECTIVES FOR PRIVATE MARKET BUSINESS IN THE PROVINCE OF JAKARTA CAPITAL SPECIAL REGION.

#### CHAPTER I GENERAL PROVISION

##### Article 1

Referred to in this decision as:

1. Region shall be the Province of Jakarta Capital Special Region.
2. Regional Government shall be the Provincial Government of Jakarta Capital Special Region.
3. Governor shall be the Head of the Province of Jakarta Capital Special Region.
4. Owner and/or manager or personnel in responsible or operator shall be individual and/or statutory body functionally leading and responsible for activities of the respective private market businesses from day to day.
5. Business entity shall be a form of statutory body, including limited liability company, cooperative and/or state- or regional administration-owned enterprise.
6. Private market business shall be operational activity of business and provision of business facility/place by private parties.
7. Business operation shall be operational business activity by private parties operating in the retail or grocery trade sector.
8. Provision of business facility/business shall be an activity of provision of room as a trading business facility/place with capital fully coming from private parties, whose location is regulated and stipulated by the regional government.
9. Shop shall be a business facility/place to sell goods by means of retail or sub-grocery directly to end-consumers.
10. Shopping business shall be a complex of shops or row of shops respectively owned and managed by individuals or statutory bodies.
11. Shopping center shall be shops grouping in a certain area, which are built vertically or horizontally and managed by a statutory body or an individual for providing facilities for buyers or consumers.
12. Department store shall be a business facility/place to sell various home necessities, formulated in separate sections in the form of retail or direct counter to end-consumers, wherein salespersons assist the provision of service.
13. Market is a private and/or regional government-owned business facility/place to undertake general transactions, where traders trade goods and services regularly and directly.
14. Environmental market shall be a market fostered by PD Pasar Jaya with the sphere of service covering an

- resettlement environment around the market and wherein the daily necessities are mainly traded.
15. Mini Market shall be a business facility/place to sell daily necessities in retail manner and directly to end-consumers by means of self-service with the maximal floor space of 200 square meter.
  16. Supermarket shall be a business facility/place to sell home necessities, including nine basic necessities in retail manner and directly to end-consumers by means of self-service with the maximal floor space of 4,000 square meter.
  17. Hypermarket shall be a business facility/place to sell home necessities, including nine basic necessities in retail manner and directly to end-consumers, wherein supermarket and department store unifying in a building exist and service is executed by self-service and management is done solely with the floor space of over 4,000 square meter up to 8,000 square meter at the maximum.
  18. Trade center shall be a center for trade of clothing, home appliance, daily necessities, medical appliance and other in grocery and retail manner as well as services supported by complete facilities owned by an individual or statutory body.
  19. Mall/super mall/plaza shall be a business facility/place to undertake trading, recreational, restaurant and other businesses designated to groups, individuals, companies or cooperatives for selling goods and/or services and located in an integrated building/room.
  20. Wholesales shall be a business facility/place to purchase various kinds of goods in a large quantity from various parties and sell the goods in large quantity as far as sub-distributors and/or retailers.
  21. Grocery shall be a selling method of certain tradable goods in a large quantity as far as retailers or traders.
  22. Retail shall be a selling method of certain tradable goods in a small quantity to end consumers.
  23. Self-service shall be a method of service carried out directly by consumers by using baskets or other equipment (trolleys) already provided.
  24. Wholesaler shall be individual or business entity whose main activity sells goods in a large quantity to retailers.
  25. Retailer shall be individual or business entity whose main activity sells certain tradable goods in a small quantity/unit.
  26. Franchise shall be a business activity of good and service executed by franchisee by using trade-mark of franchisor, namely cooperation between franchisee and franchisor, which can be in the form of business place and/or provision of tradable goods.
  27. Small-scale business shall be public economic activity of the small-scale and fulfilling criteria for net asset or annual turnover as well as ownership.
  28. Informal sector/street vendor shall be individuals or traders that in their business activities sell certain goods, not having place or building, who generally use public place/facilities as well as other places not belonging to them.
  29. Effective size of building shall be the business floor space used for business activities, excluding warehouse, office, corridor or other building facilities.
  30. Effective size of business space shall be floor space used for private market business activities, excluding warehouse, office, corridor or other building space.
  31. Feasibility of business space shall be a room fulfilling technical requirements for space, among others, illumination, ventilation and the standard of room need.

## CHAPTER II

### SCOPE OF PRIVATE MARKET BUSINESS

#### Article 2

The scope of private market business activities shall consist of:

- a. business operation;
- b. provision of business facility/place.

## CHAPTER III

### BUSINESS OPERATION

#### Kind of Business

#### Article 3

Kinds of the private market business activities shall

consist of:

- a. Mini market
- b. Supermarket
- c. Hypermarket
- d. Department store
- e. Shop
- f. Shopping center
- g. Mall/supersmall/plaza
- h. Trading center
- i. Wholesales
- j. Franchise.

#### CHAPTER IV CAPITAL

##### Article 4

- (1) The operation of large-scale private market businesses can be financed by domestic or foreign investments.
- (2) The use of capital as meant in paragraph (2) shall meet the provisions of the investment law.

#### CHAPTER V MANPOWER

##### Article 5

- (1) Indonesian manpower shall be used in the operation of private market business, with the provision that executives or experts for positions, which cannot be filled by Indonesian manpower can be filled by expatriates in accordance with the provisions of law in force.
- (2) In order to employ the Indonesian manpower as meant in paragraph (1), recruitment and employment of manpower fulfilling the requirements and domiciled around the location of the activity shall be prioritized.
- (3) In the case of none of the Indonesian manpower domiciled around the location of activity fulfilling the requirement as meant in paragraph (2), workers fulfilling the requirements and domiciled outside the location can be employed.

#### CHAPTER VI SELLING OF GOODS

##### Article 6

The sold commodities/goods shall be prioritized to domestic production and the quality of the tradable goods shall be accountable in accordance with the standard of quality.

##### Article 7

In the case of mini market and supermarket business activities, the selling price of goods of the same kind shall not be lower than (maximally) 10% of the selling price in kiosks or shops around the location.

#### CHAPTER VIII

#### SIZE AND DISTANCE OF BUSINESS OPERATION

##### Article 8

In operating private market business, the distance of business facility/place shall meet the following requirements:

- a. the private market business as meant in Article 3 that has a floor space of 100 square meter up to 200 square meter shall have a distance with a radius of 0.5 km from the environmental market and be located by side of the environmental/collector/artery road;
- b. the private market business as meant in Article 3 that has a floor space of over 200 square meter up to 1,000 square meter shall have a distance with a radius of one km from the environmental market and be located by side of the environmental/collector/artery road;
- c. the private market business that has a floor space of over 1,000 square meter up to 2,000 square meter shall have a distance with a radius of 1.5 km from the environmental market and be located by side of the environmental/collector/artery road;
- d. the private market business that has a floor space of over 2,000 square meter up to 4,000 square meter shall have a distance with a radius of 2 km from the environmental market and be located by side of the environmental/collector/artery road;
- e. the private market business that has a floor space of over 4,000 square meter shall have a distance with a radius of 2.5 km from the environmental market and be located by side of the environmental/collector/artery road;

#### CHAPTER VIII TIME OF SERVICE

##### Article 9

- (1) The time of service for operating private market business shall start from 09.00 to 22.00 West Indonesian Time.

- (2) The time of service for operating market business, especially for that executed by self-service shall start from 10.00 to 20.00 West Indonesian Time.
- (3) The operation of private market business having time of service outside the provision as meant in paragraph (1), for instance operational activity for 24 hours shall secure a special license from the governor.

## CHAPTER IX OBLIGATION AND PROHIBITION

### Paragraph One

#### Obligation

#### Article 10

- (1) Every activity of the private market business as meant in Article 2 shall provide space of business place for small-scale businesses and/or informal businesses/street vendors.
- (2) The obligation as meant in paragraph (1), with the provision as follows,
  - a. in the case of private market business having an effective business floor-space of 200 square meter - 500 square meter, shall provide space of business place for small-scale business or informal business/street vendor as wide as 10% of the effective floor space and it cannot be replaced in other form.
  - b. in the case of private market business having an effective business floor-space of over 500 square meter, shall provide space of business place for small-scale business or informal business/street vendor as wide as 20% of the effective floor space and it cannot be replaced in other form.
  - c. the provision of the business place as meant in paragraph (1) shall be stipulated and described in the Building Lay-out Plan and/or in the beginning of licensing process of private market business.
- (3) The space of business place as meant in paragraph (2) can be provided:
  - a. inside the building and/or;
  - b. in a building located in one area or region owned and controlled by private market business operator.
- (4) The implementation and elaboration of provision of space of business place as meant in paragraphs (2) and (3) shall observe and fulfill the licensing provisions as con-

tained in attachment to picture of license to construct building (IMB).

- (5) The space of business place as meant in paragraphs (2) and (3) shall meet the feasibility of space and be adjusted to kinds of their tradable goods.
- (6) The fulfillment of the obligation as meant in paragraph (1) shall be stipulated by the Governor of the Province of Jakarta Capital Special Region, with the implementation being coordinated by the Regional Secretary of the Province of Jakarta Capital Special Region.
- (7) In order to implement the activity as meant in paragraph (6), the Regional Secretary of the Province of Jakarta Capital Special Region can establish a private market business team.

### Paragraph Two

#### Calculation of Effective Size of Business Floor

#### Article 11

The calculation of effective size of business floor in the fulfillment of the obligation as meant in Article 10 shall be stipulated as follows:

- a. in the case of business floor being used for operating private market business wherein the picture of building map has been equipped by the division of room/utilization of room, the effective floor space of the business shall be calculated as high as 100%.
- b. in the case of business floor being used for operating private market business wherein the picture of building map has not been equipped by the division of room/utilization of room, the effective floor space of the business shall be calculated as high as 85%.

### Paragraph Three

#### Prohibition

#### Article 12

- (1) Every operator of private market business shall be prohibited from:
  - a. controlling production and goods and/or services by special monopoly for medium- and large-scale private market business.
  - b. hoarding/collecting basic necessities of the public in warehouse in a quantity exceeding reasonability for the purpose of speculation, which will affect public interests;

c. hoarding . . . . .

- c. hoarding/collecting goods having characteristic and kind endangering the health, except in the place provided specially;
- d. selling goods below the cost price or selling goods already expiring;
- e. acting as general importers if the used capital comes from foreign investment, especially for medium- and large-scale private market business;
- f. changing/enlarging facilities of business place without written license from the governor;
- g. employing under-age workers and expatriates without license according to the law in force.

(2) Exceeding reasonability as meant paragraph (1) letter b shall mean hoarding, collecting tradable goods in a large quantity and surpassing the need usually sold (for stock in three months).

#### Article 13

Every operator of medium- and large-scale private market business undertaking business activities by means of grocery shall be prohibited from:

- a. running business activity as retailer;
- b. selling commodities directly to end-consumers.

### CHAPTER X

#### APPOINTMENT, PLACEMENT, FOSTERING, REQUIREMENT AS WELL AS RIGHTS AND OBLIGATIONS OF SMALL-SCALE BUSINESS/INFORMAL BUSINESS/

#### STREET VENDOR

##### Part One

##### Paragraph One

##### Appointment

##### Article 14

- (1) Small-scale businesses and/or informal businesses/street vendors occupying the space of business place as meant in Article 10 shall be based on appointment stipulated by mayors.
- (2) In order to execute the appointment as meant in paragraph (1), data on small-scale businesses/informal businesses/street vendors shall be collected.
- (3) Small-scale businesses and/or informal businesses/street vendors prioritized to occupy the space of business place as meant in Article 10 shall be as follows:
  - a. small-scale businesses and/or informal businesses/street vendors originating from around the location of private market business activities;

- b. in the case of small-scale business/informal business/street vendor not existing around the location as meant in letter a, they will be taken from other locations adjacent to the location of private market business activities.
- c. kinds of tradable goods sold small-scale businesses/informal businesses/street vendors shall be adjusted to the provision or need for the available space.

(4) The collection of data and stipulation of the priority as meant in paragraphs (2) and (3) shall be coordinated by mayors by involving Industry and Trade Sub-Service, Cooperative, Small- and Medium-scale Business Sub-Service as well as operators of private market businesses.

#### Article 15

(1) Based on the result of collection of data and stipulation of priority as meant in Article 14, small-scale businesses/informal businesses/street vendors entitling to occupy space of business place provided in accordance with the stipulated requirements shall be examined, selected and stipulated/appointed.

(2) In the case of based on the result of the stipulation/appointment as meant in paragraph (1), the number of small-scale businesses/informal businesses/street vendors exceeding the capacity of the provided business place, they shall be determined by means of lottery.

#### Paragraph Two

##### Placement

##### Article 16

- (1) The small-scale businesses/informal businesses/street vendors already appointed as meant in Article 14 can occupy space of business place already provided by the stipulated requirements.
- (2) The placement of the businesses as meant in paragraph (1) shall be coordinated by mayors by involving Cooperative, Small- and Medium-scale Business Sub Service, Industry and Trade Sub Service and institutions concerned and operators of private market businesses.
- (3) The small-scale businesses/informal businesses/street vendors already obtaining space of business place shall not be allowed to transfer or trade the space of business place in whatever form and by whatever means to other parties.

(4) In the case of small-scale businesses/informal businesses/street vendors not occupying space of business place already stipulated, their alternates shall be coordinated by local mayors and Cooperative, Small- and medium-scale businesses Sub Service, Industry and Trade Service.

(5) Small-scale businesses/informal businesses/street vendors not obtaining place shall be prohibited from undertaking business in the location (area) of the private market construction/building.

(6) The small-scale businesses/informal businesses/street vendors not obtaining the business place as meant in paragraph (5) can be accommodated temporarily in other place as long as business place is available in the said location.

(7) The accommodation as meant in paragraph (6) shall be coordinated by mayors by involving institutions concerned.

#### Article 17

(1) Operators of private market businesses shall provide space of business place together with facilities and infrastructures, including layout not later than 60 days after the building is operated.

(2) Any change in layout of business place and/or kind of business as meant in paragraph (1) shall secure written approval from mayors first.

(3) Mayors receiving applications for the change as meant in paragraph (2) shall give approval/rejection not later than 14 (fourteen) working days.

#### Part Two

#### Fostering

#### Article 18

(1) The fostering of small-scale businesses/informal businesses/street vendors in space of private market business shall be coordinated by mayors, and realized by Industry and Trade Sub Service and Cooperative, Small- and medium-scale business Sub Service and operators of private market businesses.

(2) Mayors and the institutions concerned as meant in paragraph (1) shall evaluate progresses and problems in the

location every three months.

#### Article 19

(1) Small-scale businesses/informal businesses/street vendors in undertaking their business activities shall join in professional group.

(2) The professional group as meant in paragraph (1) shall help ensure the harmonious relations between small-scale businesses/informal businesses/street vendors and operators of private market businesses.

(3) Operators of private market businesses and professional group of small-scale businesses/informal businesses/street vendors shall make and prepare joint agreement to regulate business activities, including rights and obligations in the business places already stipulated.

(4) The joint agreement as meant in paragraph (3) shall be approved by local mayors.

#### Part Three

#### Requirement

#### Article 20

Requirements for small-scale businesses/informal businesses/street vendors allowed to undertake business in the location as meant in Article 16 shall be stipulated as follows:

- a. having Jakarta citizenship identity card;
- b. able to show evidence of appointment already stipulated by the appointed institution;
- c. having tradable goods and commodities of good quality;
- d. being obliged to sign joint agreement on approval of requirements for placement of business place with all rights and obligations made jointly by operators of private market businesses on the basis of consent of mayors;

#### Part Four

#### Right and Obligation

#### Article 21

(1) Small-scale businesses/informal businesses/street vendors already appointed and fulfilling the requirements as meant in Article 20 shall have a right to use business place for one year at the maximum and the period can be extended in accordance with the requirements and provisions in force.

(2) The . . . . .

- (2) The small-scale businesses/informal businesses/street vendors as meant in paragraph (1) shall entitle to obtain letter of appointment to use business place.
- (3) The small-scale businesses/informal businesses/street vendors as meant in paragraphs (1) and (2) shall undertake trade/business actively, starting from the date when the relevant receive the letter of appointment to use business place.
- (4) In the case of small-scale businesses/informal businesses/street vendors not undertaking trade/business in the stipulated place for 14 (fourteen) days consecutively as from the date of receipt of letter of appointment to use business place, the letter of appointment can be revoked and shall be declared null and void.
- (5) The small-scale businesses/informal businesses/street vendors occupying space of business place shall pay service charges, including costs of maintenance, sanitation, security related to business activities of small-scale businesses/informal businesses/street vendors in the said place.
- (6) The service charge as meant in paragraph (1) shall be 30% of the service charge stipulated for the public.

#### CHAPTER XI LICENSING OF

#### PRIVATE MARKET BUSINESS AND RE-REGISTRATION

##### Part One

##### Licensing

##### Article 22

- (1) The operation of private market business as meant in Article 2 shall secure a written license from the governor first.
- (2) The application for securing the license as meant in paragraph (1) shall be submitted in writing to the Governor of the Province of Jakarta Capital Special Region through the Regional Secretary of the Province of Jakarta Capital Special Region by enclosing:
  - a. photocopy of citizenship identity card of applicant;
  - b. photocopy of deed of establishment of company;
  - c. photocopy of taxpayer code number (NPWP);
  - d. photocopy of Stipulation of City Planning and Building Layout Plan;

- e. photocopy of license to construct building (IMB) and license to use building (IPB);
- f. photocopy of rental agreement/contract on the use of place, in the case of business renting/contracting business place;
- g. photocopy of results of environmental impact analysis (AMDAL), especially for operation of private market business having a floor space of over 2,000 square meter and located by side of collector/artery road;
- h. picture of layout of private market business activities.

- (3) Besides the provisions and requirements as meant in paragraph (1), the operation of every private market business shall be completed by other operational licenses, namely:

- a. Business Place Permit on the basis of the Disturbance Law;
- b. Trading Business License (SIUP) and Corporate Registry Number (TDP).

##### Article 23

The application for license to operate private market business as meant in Article 22 shall be settled not later than 20 (twenty) days as from the date of receipt of documents of application completely.

##### Part Two

##### Re-registration

##### Article 24

The license to operate private market business as meant in Article 22 shall be effective as long as the activity still operates, with the provision that it must be re-registered every five years.

##### Article 25

Procedures and mechanism of submission of application for license to operate private market business and re-registration as meant in Articles 22 and 24 shall be further regulated and stipulated by a decision of the governor.

#### CHAPTER XII

#### PROVISION OF BUSINESS FACILITY/PLACE

##### Article 26

- (1) In a bid to support private market business activities, developers and/or operators of the private market businesses shall provide business facilities/place.



- (2) The provision of the business facilities/place as meant in paragraph (1) shall be in accordance with the provisions of law in force.

### CHAPTER XIII

#### SUPERVISION AND CONTROLLING

##### Part One

##### Supervisory and Controlling Activities

##### Article 27

Supervision and control over the operation of private market businesses shall be executed by the governor in this case mayors.

##### Article 28

- (1) The supervision and control as meant in Article 27 shall be executed by the following means:
- periodical;
  - special.
- (2) The supervision and control as meant in paragraph (1) letter a shall be applied to operators of private market businesses already having licenses to operate private market businesses.
- (3) The supervision and control as meant in paragraph (1) letter b shall be executed on the basis of findings or complaints from the public or information from mass media with regard to violation in the operation of private market businesses.

##### Article 29

- (1) In executing the supervisory and controlling activities as meant in Article 27, mayors shall be assisted by institutions concerned.
- (2) The mayors as meant in paragraph (1) shall execute supervision and control in the form of monitoring and examination of:
- manpower;
  - selling activities;
  - size and distance of business place;
  - time of service;
  - obligation and prohibition;
  - provision of business place for small-scale businesses/informal businesses/street vendors;
  - completeness of licensing.
- (3) Results of the supervisory and controlling activities as

meant in paragraph (1) shall be reported periodically every three months to the governor through the Regional Secretary of the Province of Jakarta Capital Special Region.

##### Part Two

##### Imposition of Sanction

##### Article 30

In the case of any violation being found in the supervision and control as meant in Article 27, operators/managers/personnel in responsible for private market businesses committing the violation shall be subjected to administrative sanction in the form of:

- summons;
- written warning as many as three times;
- provisional closure of facilities of private market businesses;
- revocation of license.

##### Article 31

- (1) The summons as meant in Article 30 letter a shall be done by mayors.
- (2) The summons as meant in paragraph (1) shall be done to ask operators/managers/personnel in responsible for private market businesses for making a written statement about the readiness to avoid violation and obey the law in force.

##### Article 32

- (1) A written warning shall be subjected to operators/managers/personnel in responsible for private market businesses not fulfilling the summons and/or not obeying the provision as meant in Article 30.
- (2) The written warning as meant in paragraph (1) shall be issued by mayors by using the model of form as contained in the attachment to this decision.
- (3) The written warning as meant in paragraph (1) shall be issued with the provision as follows:
- the first written-warning at a time interval of 7 (seven) days as from the date of receipt of the warning by the relevant;
  - in the case of the first written-warning being not obeyed, the second written-warning is issued at a time interval of 5 (five) days as from the date of receipt of the second warning by the relevant;

c. in the case of the second written-warning being not obeyed, the second written-warning is issued at a time interval of 3 (three) days as from the date of receipt of the second warning by the relevant.

- (4) In the case of in the implementation of the warnings as meant in paragraph (3), operators/managers/personnel in responsible being ready to improve, it must be mentioned in a letter of statement signed by the operators/managers/personnel in responsible.
- (5) The deadline of the improvement as meant in paragraph (4) can be given for one month at the maximum.
- (6) In the period of one month as meant in paragraph (5), operators/managers/personnel in responsible shall give up at least evidences of settlement in the framework of the improvement as meant in paragraph (4).

#### Article 33

- (1) In the case of operators/managers/personnel in responsible for private market businesses not obeying the written warning as meant in Article 32 or being proven to commit crime related to operation of their businesses, the operation of the private market businesses shall be closed provisionally.
- (2) The provisional closure as meant in paragraph (1) shall be done by mayors.
- (3) Every action of provisional closure as meant in paragraph (1) shall be recorded in an account signed by operators/managers/personnel in responsible for private market businesses and mayors or the appointed official.
- (4) In the case of operators/managers/personnel in responsible for private market businesses refusing to sign the account as meant in paragraph (3), mayors or the appointed official shall record reasons for the refusal.
- (5) The operation of private market businesses already closed as meant in paragraph (1) can be re-opened after the operators/managers/personnel in responsible for the private market businesses fulfil the required obligations.
- (6) The operation of private market businesses as meant in

paragraph (5) shall be re-opened by mayors and the appointed official and recorded in an account.

#### Article 34

- (1) In the case of operators of the closed private market businesses as meant in Article 33 not fulfilling the obligations already stipulated in the account in 30 (thirty) days, the license to operate the private market businesses shall be revoked.
- (2) Operators/managers/personnel in responsible for private market businesses shall be responsible for losses arising from the provisional closure and/or revocation of license.

#### Part Three

#### Reporting and Evaluation

#### Article 35

- (1) Results of the supervisory and controlling activities as meant in Articles 27, 28, 29, 30, 31, 32, 33 and 34 shall be reported by mayors in writing to the governor through the Regional Secretary of the Province of Jakarta Capital Special Region with a copy made available to the institutions concerned.
- (2) The report as meant in paragraph (1) shall be conveyed every three months.

#### Article 36

Based on the results of the report as meant in Article 35, the Regional Secretary of the Province of Jakarta Capital Special Region shall evaluate in the framework of fostering and stipulation of policies.

#### CHAPTER XIV

#### FINANCING

#### Article 37

The operational cost of the decision shall be borne by the Provincial Budget of Revenue and Expenditure of Jakarta Capital Special Region.

#### CHAPTER XV

#### MISCELLANEOUS PROVISION

#### Article 38

Every regulation/agreement issued by owners/managers/operators of private market businesses related to space of business place of small-scale businesses/informal businesses/street vendors shall be adjusted to this decision.

CHAPTER XVI  
CONCLUSION

Article 39

- (1) With the enforcement of this decision, all technical regulations regulating private market business shall be declared null and void.
- (2) The decision shall come into force as from the date of promulgation.

For public cognizance, the decision shall be published by placing in Regional Book of the Province of Jakarta Capital Special Region.

Stipulated in Jakarta  
On June 6, 2003

THE GOVERNOR OF THE PROVINCE OF  
JAKARTA CAPITAL SPECIAL REGION  
sgd  
SUTIIYOSO

Promulgated in Jakarta  
On June 6, 2003

THE REGIONAL SECRETARY OF THE PROVINCE OF  
JAKARTA CAPITAL SPECIAL REGION  
sgd  
H. RITOLA TASMAYA

REGIONAL BOOK OF THE PROVINCE OF  
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FOREIGN CURRENCY TRADER

(Regulation of Bank Indonesia No. 6/1/PBI/2004 dated January 6, 2004)  
[ Continued from Business News No. 7047 pages 19A - 23A ]

CHAPTER V  
SUPERVISION AND REPORTING  
Article 27

Bank Indonesia supervises and fosters PVA.

Article 28

- (1) In executing the supervision and fostering of non-bank PVA, Bank Indonesia can cooperate with the association of PVA and/or other parties appointed by Bank Indonesia.
- (2) The association of PVA and/or other parties cooperating with Bank Indonesia as meant in paragraph (1) are obliged:
- to keep the secrecy of data that they obtain from the supervision and fostering and obey the law in force on functional secrecy;
  - to convey report on results of supervision and fostering to Bank Indonesia.

Article 29

- (1) PVA are obliged to give up periodical reports, including report on business activities and financial statement as well as special report truthfully and accurately.
- (2) In the case of PVA being bank, the conveyed periodical reports as meant in paragraph (1) are only report on business activities.
- (3) PVA are obliged to keep documents of transaction of UKA and purchase of TC in 10 (ten) years as meant in Law No. 8/1997 on corporate documents.
- (4) The conveyance of the reports as meant in paragraph (1) is regulated as follows:
- in the case of PVA having head office in the working area of the Head Office of Bank Indonesia, the reports are conveyed to Bank Indonesia, Directorate of Monetary Management in this case the Money Market Administration Section, MH Thamrin Street # 2, Jakarta 10010;