

REGULATION OF THE REGENCY OF TUBAN  
NUMBER 02 OF 2014  
ON  
SPACE UTILIZATION PERMIT IN REGENCY OF TUBAN

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF TUBAN,

- Considering :
- a. that the growth of the need towards space utilization in the Regency of Tuban has been highly demanded so that it can lead into conflicts or competitions in terms of space utilization to emerge;
  - b. that the space availability in the Regency of Tuban is limited so that arrangement and control over space utilization are necessary;
  - c. that in accordance with the issuance of Regulation of the Regency of Tuban Number 9 of 2012 on Regional Spatial Plan of the Regency of Tuban 2012–2032, it is therefore necessary to regulate and control the use of space in Toban Regency;
  - d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue a Regional Regulation on Space Utilization Permit in the Regency of Tuban.

- Observing:
- 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 12 of 1950 on Formation of Regency Areas within the area of the Province of East Java as has been amended with the Law Number 2 of 1965 (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);
3. Law Number 5 of 1960 on Basic Agrarian Principles (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2013);
4. Law Number 5 of 1990 on Conservation of Living Resources and their Ecosystems (State Gazette of the Republic of Indonesia of 1990 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3419);
5. Law Number 41 of 1999 on Forestry as amended by Law Number 19 of 2004 (State Gazette of the Republic of Indonesia of 2004 Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4401);
6. Law Number 28 of 2002 on Buildings (State Gazette of the Republic of Indonesia of 2002 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4247);
7. Law Number 7 of 2004 on Water Resources (State Gazette of the Republic of Indonesia of 2004 Number 32, Supplement to the State Gazette of the Republic of Indonesia Number 4377);
8. Law Number 32 of 2004 on Local Governments as amended for the second by Law Number 12 of 2008 (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
9. Law Number 38 of 2004 on Roads (State Gazette of The Republic of Indonesia of 2004 Number 132, Supplement to the State Gazette of the Republic of Indonesia Number 4444);
10. Law Number 25 of 2007 on Investment (State Gazette of The Republic of Indonesia of 2007 Number 67,

Supplement to the State Gazette of the Republic of Indonesia Number 4724);

11. Law Number 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
12. Law Number 32 of 2009 on Environmental Protection and Planning (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059);
13. Law Number 41 of 2009 on Protection of Sustainable Food Crops Farmland (State Gazette of the Republic of Indonesia of 2009 Number 149, Supplement to the State Gazette of the Republic of Indonesia Number 5068);
14. Law Number 1 of 2011 on Housing and Settlement Area (State Gazette of the Republic of Indonesia of 2011 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5188);
15. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
16. Law Number 2 of 2012 on Land Acquisition for Development in Public Interest (State Gazette of the Republic of Indonesia of 2012 Number 22, Supplement to the State Gazette of The Republic of Indonesia Number 5280);
17. Government Regulation Number 40 of 1996 on Right to Cultivate, Right to Build, Right to Use of Land (State Gazette of the Republic of Indonesia of 1996 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 3643);
18. Government Regulation Number 16 of 2004 on Land Use Planning (State Gazette of the Republic of Indonesia of 2004 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 4385);
19. Government Regulation Number 36 of 2005 on Implementing Regulation of Law Number 28 of 2002 on

- Buildings (State Gazette of the Republic of Indonesia of 2005 Number 83, Supplement to the State Gazette of the Republic of Indonesia Number 4532);
20. Government Regulation Number 79 of 2005 on Guidance for Fostering and Supervising Local Government Administration (State Gazette of the Republic of Indonesia of 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4593);
  21. Government Regulation Number 38 of 2007 on Division of Government Affairs between the Government, Provincial Governments, and Regency/Municipal Governments (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);
  22. Government Regulation Number 15 of 2010 on Implementation of Spatial Planning (State Gazette of the Republic of Indonesia of 2010 Number 21, Supplement to the State Gazette of the Republic of Indonesia Number 5103);
  23. Government Regulation Number 68 of 2010 on Forms and Procedures for Public Participation in Spatial Planning (State Gazette of the Republic of Indonesia of 2010 Number 118, Supplement to the State Gazette of the Republic of Indonesia Number 5160);
  24. Government Regulation Number 27 of 2012 on Environmental Permit (State Gazette of the Republic of Indonesia of 2012 Number 48, Supplement to the State Gazette of the Republic of Indonesia Number 5285);
  25. Government Regulation Number 79 of 2013 on Traffic Networks and Road Transportations (State Gazette of the Republic of Indonesia of 2013 Number 196, Supplement to the State Gazette of the Republic of Indonesia Number 5468);
  26. Presidential Decree Number 34 of 2003 on National Land Policy;
  27. Regulation of the Minister of Agrarian Affairs/Head of National Land Agency Number 2 of 1999 on Location Permit;

28. Regulation of the Minister of Public Works Number 20/PRT/M/2010 on Guidelines of Utilizing and Using Road Parts;
29. Regulation of the Minister of Public Works Number 20/PRT/M/2011 on Guidelines of Preparing Detailed Spatial Plans and Regency/Municipal Zoning Regulation;
30. Regulation of the Minister of Home Affairs Number 1 of 2014 on Regional Legislation Making;
31. Regulation of the Province of East Java Number 5 of 2012 on Regional Spatial Plan of the Province of East Java 2011–2031 (Regional Gazette of the Province of East Java of 2012 Number 3 Series D, Supplement to the Regional Gazette of the Province of East Java Number 15);
32. Regulation of the Regency of Tuban Number 1 of 2008 on Government Affairs of the Regency of Tuban (Regional Gazette of the Regency of Tuban of 2008 Series E Number 7);
33. Regulation of the Regency of Tuban Number 6 of 2011 on Levy on Building Permits (Regional Gazette of the Regency of Tuban of 2011 Series C Number 02);
34. Regulation of the Regency of Tuban Number 7 of 2011 on Levy Nuisance Permits (Regional Gazette of the Regency of Tuban of 2011 C Series Number 03);
35. Regulation of the Regency of Tuban Number 09 of 2012 on Regional Spatial Plan of the Regency of Tuban of 2012–2032 (Regional Gazette of the Regency of Tuban of 2012 Series E Number 24);

With the Joint Approval of  
THE REGIONAL HOUSE OF REPRESENTATIVES OF  
THE REGENCY OF TUBAN  
and  
THE REGENT OF TUBAN

HAS DECIDED:

To issue : REGIONAL REGULATION ON SPACE UTILIZATION PERMIT IN THE  
REGENCY OF TUBAN.

## CHAPTER 1 GENERAL PROVISIONS

### Article 1

In this Regional Regulation :

1. Region means the Regency of Tuban.
2. Local Government means the Government of the Regency of Tuban.
3. Regent means the Regent of Tuban.
4. Governor means the Governor of East Java.
5. Integrated Licensing Service Agency (Badan Pelayanan Perizinan Terpadu), hereinafter abbreviated as BPPT means the Integrated Licensing Service Agency of the Regency of Tuban.
6. Space means a site that includes land space, sea space and airspace including space inside the Earth as an unified territory, the place where human and other creatures live, do activities and maintenance of life.
7. Spatial Plan means the structure of residential centers as well as infrastructure and facility network system as a support for community socio – economic activities as well as distribution of space designation in a region including space designation for protection and cultivation function.
8. Regional Spatial Plan of The Regency of Tuban, hereinafter abbreviated to RTRW means a plan that becomes a guideline for the Local Government to determine location of development activities in utilizing space and to prepare development program related to the regional space utilization and to become the basis in terms of providing recommendation of direction in space utilization so that space utilization in the implementation of development will always comply with RTRW.
9. Space Utilization means the effort to achieve appropriate Spatial Structure and Space Pattern with SP through the preparation and implementation program and financing.
10. Other Detailed Spatial Plans means Regional Strategic Area Plan and Regional Detailed Spatial Plan.

11. Space Utilization Control means the effort to realize spatial order so that the objectives of the spatial plan are achieved.
12. Space Utilization Permit, hereinafter abbreviated to IPR means a permit required in the activities of space utilization in accordance with the provisions of legislation.
13. Principle Permit means a permit granted by the Local Government to declare that an activity is principally allowed to conduct or operate.
14. Location Permit means a permit granted by the Regent to an applicant to acquire land needed in order to conduct his activity.
15. Land Use Permit, hereinafter abbreviated to IPT means a permit granted by the Local Government to an applicant who will carry out activities and / or modify the land use or building for business premises.
16. Nuisance Permit (HO) means a permit granted related to business / activities that can lead into harm, threat, loss, and disturbance.
17. Building Permit (*Izin Mendirikan Bangunan*), hereinafter abbreviated to IMB means a permit granted by the Local Government to a building owner to construct a new building, to modify, to extend, to reduce, to treat, and / or to restore building in order to preserve building in accordance with the administrative and technical requirements in force.
18. Building means a technical construction which integrates with the land it stands on in an environment permanently, partly or wholly stands over and/or underground or water, in the form of building structure or non-building structure, functioned or intended to support or accommodate a specific use or human activity.
19. Regional Spatial Planning Coordination Board (*Badan Koordinasi Penataan Ruang Daerah*), hereinafter abbreviated to BKPRD means a board formed in a regency functions to assist the implementation of the Regent's duties in terms of coordination in the regional spatial planning.
20. Person means any individual and / or corporation.

21. Corporation means an organized group of persons and / or wealth either of which in form of legal entity or non – legal entity.

## CHAPTER II PRINCIPLES AND OBJECTIVES

### Article 2

Space Utilization Permit is implemented in accordance with the principles of:

- a. safety;
- b. spatial rules;
- c. protection for public interests;
- d. integrity;
- e. justice;
- f. environmental sustainability; and
- g. legal certainty.

### Article 3

The arrangement of IPR has the objectives as the attempts to:

- a. ensure that the Space Utilization complies with RTRW and Other Detailed Spatial Plans;
- b. realize regional Space Utilization Control that is sustainable and environmentally sound in accordance with the capability of carrying capacity as well as environmental capacity;
- c. prevent the negative impacts of Space Utilization; and
- d. protect the public interests and wider community.

## CHAPTER III SPACE UTILIZATION PERMIT

### Part One General

### Article 4

Any Person that utilizes space is obligated to obtain IPR from the Regent.



#### Article 5

IPR as referred to in Article 4 is granted to a Person who will carry out activities of Space Utilization in a region / zone in accordance with RTRW.

#### Article 6

IPR as referred to in Article 4 includes:

- a. Principle Permit;
- b. IPT;;
- c. Nuisance Permit (HO); and
- d. IMB.

#### Part Two

#### Principle Permit

#### Article 7

- (1) Principle Permit is one of the licensing documents of Space Utilization that is issued at the early stage to any Person that plans to utilize space.
- (2) Principle Permit consists of a statement regarding a plan of Space Utilization activity having been principally complied with the RTRW of the Regency of Tuban.

#### Article 8

The activities of Space Utilization that is obligated to obtain the Principle Permit include the activities of:

- a. mining;
- b. industry;
- c. trade;
- d. services;
- e. housing;
- f. tourism;
- g. agriculture;
- h. fisheries;
- i. social facilities; and
- j. utilities.

#### Article 9

- (1) The application of Principle Permit as referred to in Article 7 is submitted by the applicant to the Regent through the secretariat of BKPRD or BPPT.
- (2) The application as referred to in section (1) is completed with administrative requirements including:
  - a. a written application letter;
  - b. applicant's identity data; and
  - c. a proposal regarding land utilization planning, that consists of at least:
    1. a description of land utilization planning;
    2. land location map as well as its coordinates of the planned activity;
    3. land area plan; and
    4. situation map around the location.
- (3) The application as referred to in section (1) which has been complete, will be proceeded to the next stage of material review by BKPRD.

#### Article 10

- (1) The material review by BKPRD as referred to in Article 9 section (3) include:
  - a. the suitability with RTRW of the Regency of Tuban and / or Detailed Plan;
  - b. the location of land use planning towards activities and the surrounding area;
  - c. natural resources utilization;
  - d. environmental capacity and environmental carrying capacity; and
  - e. the effect of the activity on the environmental sustainability.
- (2) Conclusion of the material review as referred to in section (1) is outlined in the official report signed by all members of BKPRD.

#### Article 11

Principle Permit is issued and signed by the Regent after it fulfils all requirements stipulated.

#### Article 12

- (1) Principle Permit is valid for 1 (one) year.
- (2) During the period of Principle Permit validity as referred to in section (1), applicant submits other permits to fulfil requirements for the implementation of the activity, as follows:
  - a. Location Permit or IPT;
  - b. Environmental Permit;
  - c. Site Plan or block Plan;
  - d. Nuisance Permit (HO); and / or
  - e. IMB.
- (3) If in the period of 1 (one) year, the licensing requirements as referred to in section (2) have not yet been obtained, therefore another new application of Principle Permit is submitted.
- (4) Towards space utilization in a province's tightly controlled area, Principle Permit must precede by permit from the Governor.
- (5) Further provisions regarding guidelines of application and issuance of Principle Permit are regulated in a Regent Regulation.

#### Part Three

#### Location Permit

#### Article 13

The object for granting Location Permit is the land that is according to RTRW of the Regency of Tuban and / or Detailed Plan is designated for the land use for types of activity based on the Principle Permit held.

#### Article 14

- (1) Land that can be granted Location Permit is the land designated for these following activities:
  - a. agricultural activities with total area  $\geq 25$  (more than or equal to twenty-five) hectares; and

- b. non – agricultural activities with total area  $\geq 1$  (more than or equal to one) hectare.
- (2) Non-agricultural activities as referred to in section point b is intended for activities conducted by corporation.
- (3) Non – agricultural activities as referred to in section (2) point b include mining activities, industry, trade, services, housing, tourism, fisheries, social facilities, and utilities.

#### Article 15

Location Permit is not required and is considered for having been already obtained in the event that:

- a. land to be acquired is one contributed in kind (*inbrengh*) by the shareholders;
- b. land to be acquired is a land income that has been possessed by another company in terms of continuing the implementation of the whole or any part of the company's activity;
- c. land to be acquired is the one needed to engage in industrial business within the industrial estate;
- d. land to be acquired is land originated from authority or area development agency in accordance with the spatial plan of that area development;
- e. land to be acquired for business expansion that has been running for  $< 1$  (less than one) hectare that the location borders with the location of the relevant business has obtained business expansion permit; and / or
- f. land to be used to carry out activity is the one that has been owned by the relevant company.

#### Article 16

- (1) Location Permit can be granted by the Regent in accordance with the application that has been completed with requirements as stipulated.
- (2) The application as referred to in section (1) is submitted in writing by the applicant to the Regent by enclosing several requirements as follows:
  - a. Principle Permit;
  - b. Land Technical Review;

- c. applicant's identity data;
  - d. photocopy of Taxpayer Identification Number, *Nomor Pokok Wajib Pajak* (NPWP);
  - e. photocopy of deed of incorporation (for legal entity);
  - f. photocopy of Principle Permit for investment;
  - g. letter of statement regarding the requested land;
  - h. drawing / sketch of the land completed with coordinates of the location;
  - i. description of the project plan and land use plan;
  - j. detailed drawing of technical planning;
  - k. Traffic Impact Assessment, Analisis Dampak Lalu Lintas, (ANDAL LALIN)
- (3) In the event that the applied location is categorized into province's tightly controlled area, requirements as referred to in section (2) is completed with permit from the Governor.

#### Article 17

Location Permit as referred to in Article 16 is granted by considering several aspects:

- a. the suitability with RTRW and / or other Detailed Spatial Plans, land tenure, and land use;
- b. technical land use that includes physical assessment of the area as well as land capability; and
- c. social, cultural, economic and environmental condition of the surroundings.

#### Article 18

- (1) The period of Location Permit is as follows:
- a. 1 (one) year for the area of 1 (one) hectare up to 25 (twenty-five) hectares;
  - b. 2 (two) years for the area of more than 25 (twenty-five) hectares up to 50 (fifty) hectares; and
  - c. 3 (three) years for the area of more than 50 (fifty) hectares.
- (2) Land acquisition by the permit holder is completed in accordance with the period as stipulated.

#### Article 19

- (1) If within the period of Location Permit as referred to in Article 18 section (1), land acquisition has not yet been completed, therefore Location Permit can be extended.
- (2) The extension as referred to in section (1) can only be applied in not later than 15 (fifteen) workdays before the period of Location Permit expires, by enclosing:
  - a. quarterly report on the progress of the execution of the land acquisition and its use as well as the problems encountered;
  - b. list of the land acquisition enclosed with the photocopy of legitimate proof of the acquisition right; and
  - c. photocopy of Location Permit.

#### Article 20

- (1) Permit extension as referred to in Article 19 section (1) can be applied if within the period of the permit as stipulated, the land acquisition has reached more than 50% (fifty percent) of the area permitted in the Location Permit.
- (2) The Permit extension as referred to in section (1) is granted for 1 (one) year.

#### Article 21

In the event that land acquisition cannot be completed within the period as stipulated in the permit, including its extension as referred to in Article 20 section (2), the activity plan can only be executed on the area of the land parcel has been acquired.

#### Article 22

In the event that the land acquisition will be continued by the location permit holders, therefore they submit an application for new permit.

#### Article 23

- (1) Location Permit holders have the rights to:
  - a. release land within the area of the Location Permit;

- b. obtain proof of right on the land to be released from the rights as well as interests of other parties; and
  - c. utilize the land for personal needs for his own business in accordance with the Principle Permit he holds;
- (2) Location Permit holders are obligated to:
- a. report at regular interval once every 3 (three) months to the Regent regarding the land acquisition has been executed and the implementation of the land use;
  - b. respect other parties' interests on the land has not yet been released;
  - c. use land which has been released based on the need to carry out plan in accordance with the Principle Permit; and
  - d. submit the application for obtaining the right on the land has been released in accordance with the applicable provisions.
- (3) Location Permit holders are prohibited from:
- a. transferring permit to another person with no permission from the Regent;
  - b. carrying out land acquisition activities outside of or exceeding the permitted area;
  - c. carrying out land release activities after the period of permit expires and no permit extension is conducted.
  - d. abandoning the land that has been acquired
- (4) Further provisions regarding procedures for application as well as issuance of Location Permit are regulated in a Regent Regulation.

#### Part Four

#### Land Utilization Permit

#### Article 24

The object for granting IPT is the land that is in accordance with the spatial plan is designated for the land use of activity types based on the Principle Permit held.

#### Article 25

IPT applies for activities that the land has been acquired and the planned activities preceded by land acquisition.

#### Article 26

- (1) Land that can be granted IPT is the land designated for these following activities:
  - a. agricultural activities with total area of less than 25 (twenty-five) hectares; and
  - b. non-agricultural activities total area of less than 1 (one) hectare.
- (2) The agricultural activities as referred to in section (1) point a are those allocated for activities carried out by corporation.
- (3) Non-agricultural activities as referred to in section (1) point b include mining activities, industry, trade, services, housing, tourism, fisheries, social facilities, and utilities.
- (4) IPT is exempted from private or individual residences construction.
- (5) IPT is required to be obtained to the extent that the private / individual residences as referred to in section (4) change for business purposes.

#### Article 27

IPT is required to be obtained by any Person that fulfil provisions as referred to in Article 15.

#### Article 28

- (1) IPT can be granted by the Regent based on the application completed by requirements as stipulated.
- (2) The application as referred to in section (1) is required to be submitted in writing by the applicant to the Regent by enclosing requirements as follows:
  - a. Principle Permit;
  - b. applicant's identity data;
  - c. photocopy of Taxpayer Identification Number (NPWP);
  - d. photocopy of deed of incorporation (for legal entity);
  - e. letter of statement regarding the requested land;



- f. drawing / sketch of the land completed with coordinates of the location;
  - g. description of the land use plan;
  - h. Traffic Impact Assessment (ANDAL LALIN) or Implementation plan for Handling Traffic Impact.
- (3) In the event that the applied location is located in the province's tightly controlled area, requirements as referred to in section (2) is completed with Permit from the Governor.

#### Article 29

IPT can be granted by considering the aspects of:

- a. the suitability with RTRW and / or Detailed Spatial Plan;
- b. land tenure and land use;
- c. technical land use that includes physical assessment of the area as well as land capability; and
- d. social, cultural, economic and environmental condition of the surroundings.

#### Article 30

- (1) IPT is granted for the period of 1 (one) year;
- (2) Land acquisition by the permit holder is completed in accordance with the period as stipulated.

#### Article 31

- (1) If within the period of IPT as referred to in Article 30 section (1), land acquisition has not yet been completed, therefore IPT can be extended.
- (2) The extension as referred to in section (1) can only be applied in not later than 15 (fifteen) work days before the period of IPT expires, by enclosing:
  - a. report on the progress of the execution of the land acquisition and its use as well as the problems encountered;
  - b. list of the land acquisition enclosed with the photocopy of legitimate proof of the acquisition right; and
  - c. photocopy of IPT.

#### Article 32

- (1) Permit extension as referred to in Article 31 section (1) can be applied if within the period of the permit as stipulated, the land acquisition has reached more than 50% (fifty percent) of the area permitted in the IPT.
- (2) Permit extension as referred to in section (1) is granted for 1 (one) year.

#### Article 33

If the land acquisition cannot be completed within the period as stipulated in the IPT including the extension as referred to in Article 32 section (2), therefore the land parcels have been acquired are used to carry out the activity plan by adjusting the area of development based on the land acquired.

#### Article 34

- (1) IPT holders have the right to:
  - a. release land within the area of the IPT;
  - b. obtain proof of right (certificate) on the land to be released from the rights as well as interests of other parties; and
  - c. utilize the land for their personal needs for their own businesses in accordance with the IPT they hold;
- (2) IPT holders are obligated to:
  - a. report at regular interval once every 3 (three) months to the Regent regarding the land acquisition has been executed and the implementation of the land use;
  - b. respect other parties' interests on the land has not yet been released;
  - c. use land which has been released based on the need to carry out plan in accordance with the IPT; and
  - d. submit the application for obtaining the right on the land has been released in accordance with the applicable provisions.
- (3) IPT holders are prohibited from:
  - a. transferring permit to another person with no permission from the Regent;

- b. carrying out land acquisition activities outside of or exceeding the permitted area;
  - c. carrying out land release activities after the period of permit expires and no permit extension is conducted.
  - d. abandoning the land that has been acquired.
- (4) Further provisions regarding procedures for application as well as issuance of IPT are stipulated in the Regent Regulation.

#### Part Five

#### Nuisance Permit (HO)

##### Article 35

- (1) Any Person who will carry out activity/business that has potential to cause harm, threat, loss, and disturbance is obligated to obtain Nuisance Permit (HO).
- (2) Provisions regarding Nuisance Permit (HO) are stipulated in the separated Regional Regulation.

#### Part Six

#### Building Permit

##### Article 36

Any Person who will construct, rehabilitate / renovate, and / or restore buildings in order to preserve buildings is obligated to obtain IMB.

##### Article 37

- (1) The granting of IMB is implemented in accordance with the principles of:
  - a. simple, easy, and applicative procedures;
  - b. fast, affordable, and in time services;
  - c. information disclosure to the community as well as the world of business;
  - d. aspects of spatial plan, legal certainty in terms of land, security, safety, and comfort.
- (2) Provisions regarding IMB are regulated in a separated Regional Regulation.

## CHAPTER IV IPR IMPLEMENTATION AND MANAGEMENT

### Article 38

Every authorized official is prohibited from issuing permit that does not comply with RTRW and / or Detailed Spatial Plan.

### Article 39

- (1) Any Person who has obtained IPR must implementing Space Utilization in accordance with the permit.
- (2) Any Person who will utilize space for business activities having big and significant impacts is obligated to maintain the preservation of environmental functions.

### Article 40

The process of IPR that is conducted in stages are:

- a. Principle Permit;
- b. Location Permit or IPT;
- c. Nuisance Permit (HO); and
- d. IMB.

### Article 41

The Regent may appoint Regional Work Unit to issue IPR stipulated with the Regent Regulation.

## CHAPTER V SUPERVISION AND CONTROL OVER IPR

### Part One

#### Scope of Supervision and Control

### Article 42

- (1) In the effort to ensure that Space Utilization complies with RTRW of The Regency of Tuban, it is necessary to conduct supervision and control.
- (2) The supervision and control as referred to in section (1) are conducted towards:
  - a. the activities of Space Utilization; and

- b. the process of Space Utilization licensing.

## Part Two

### Supervision and Control Team

#### Article 43

- (1) The supervision and control as referred to in Article 42 are conducted by BKPRD.
- (2) The BKPRD as referred to in section (1) consists of the relevant Regional Apparatus Work Unit stipulated with the Regent Decision.

## CHAPTER VI

### ADMINISTRATIVE SANCTIONS

#### Article 44

- (1) Any Person who infringes provisions as referred to in Article 4, Article 23 section (2) and section (3), Article 26 section (5), Article 27, and Article 34 section (2) and section (3), is subject to administrative sanctions.
- (2) The administrative sanctions as referred to in section (1) are in the forms of:
  - a. written warning; and/or
  - b. permit revocation.
- (3) The imposition of sanction in terms of permit revocation as referred to in section (2) point b is imposed in accordance with the applicable regulation.

#### Article 45

Further provisions regarding procedures of the imposition of administrative sanctions are regulated in a Regent Regulation.

## CHAPTER VII

### TRANSITIONAL PROVISIONS

#### Article 46

- (1) All Space Utilization activities that have been equipped with IPR in accordance with the provisions existed before

this Regional Regulation comes into force are deemed to have permit based on this Regional Regulation.

- (2) All Space Utilization activities that have not been equipped with IPR, are obligated to obtain IPR within the period of no later than 6 (six) months from the enactment of this Regional Regulation.
- (3) Space Utilization activities whose permit applications are being processed, are to be completed in accordance with the provisions of the previous Regional Regulation.
- (4) Towards the licensing applications that have been submitted but have not been processed is completed in accordance with the provisions in this Regional Regulation.

## CHAPTER VIII CLOSING PROVISIONS

### Article 47

At the time this Regional Regulation comes into force, therefore Regional Regulation Number 2 of 2005 on Levy on Location Permit as well as its amendment is repealed and declared ineffective.

### Article 48

The implementing regulation of this Regional Regulation must be issued not later than 1 (one) year from the promulgation of this Regional Regulation.

### Article 49

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

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Regency of Tuban.

Issued in Tuban  
on 24 March 2014  
REGENT OF TUBAN,

signed

H. FATHUL HUDA

Promulgated in Tuban  
on 16 May 2014  
REGIONAL SECRETARY OF THE REGENCY OF TUBAN,

signed

HERI SISWORO

REGIONAL GAZETTE OF THE REGENCY OF TUBAN OF 2014 SERIES E  
NUMBER 16

Jakarta, 27 May 2025  
Has been translated as an Official Translation  
on behalf of the Minister of Law  
of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION  
OF  
REGULATION OF THE REGENCY OF TUBAN  
NUMBER 02 OF 2014  
ON  
SPACE UTILIZATION PERMIT

I. GENERAL

The policy regarding implementation of spatial management as regulated in Law Number 26 of 2007 on Spatial Planning and Government Regulation Number 15 of 2010 on Implementation of Spatial Planning is conducted to:

- a. realize order in the implementation of spatial Planning;
- b. provide legal certainty for all stakeholders in conducting their duties and responsibilities as well as their rights and obligations in the implementation of spatial planning; and
- c. realize justice for all stakeholders in all aspects in the implementation of spatial planning.

Besides, its implementation is also conducted in an integrated, comprehensive, efficient and effective manner, harmonious, and sustainable.

Spatial planning is a process of spatial planning, space utilization, and control over space utilization. The process of spatial planning and space utilization is the effort of realizing space structure and space pattern in accordance with spatial plan through the preparation and implementation of the program as well as its financing. Meanwhile control over space utilization is an effort to realize spatial order based on spatial plans as has been determined.

Spatial planning is expected to be able to accommodate all interests optimally within the space itself. Regional Space as a forum for social and



economic activities of the community accommodates the interests of all parties both the local government, the private sector, and the community equally and sustainably for the future generation, in line with the increasing dynamics of needs developing over time. Spatial planning is also expected to be able to accommodate all interests of the community by still considering on environmental sustainability for the ecological sustainability for the sake of the future generation. Therefore, it can accelerate the process of achieving prosperity as well as ensuring environmental sustainability.

In order to realize a good, integrated, and sustainable implementation of spatial planning, thus, the arrangement and control over space utilization are necessary to be stipulated in a Regional Regulation on Space Utilization Permit in the Regency of Tuban.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently Clear.

### Article 2

#### Point a

The term principle of “safety” means that the implementation of space utilization licensing is conducted with due regard to the aspect of community safety as well as the surrounding environment.

#### Point b

The term principle of “spatial rules” means that the implementation of space utilization licensing is conducted with due regard to and is based on the existing spatial rules.

#### Point c

The term principle of “protection for public interests” means that the implementation of space utilization licensing is conducted by prioritizing the community interests.

#### Point d

The term principle of “integrity” means that the implementation of space utilization licensing is conducted by integrating a diverse cross – sectoral as well as cross – stakeholder interests. Stakeholders are Government, Local Government, and the community.

Point e

The term principle of “justice” means that the implementation of space utilization licensing is conducted by considering the community’s sense of justice and protecting the rights as well as obligations of all parties equally with the guarantee of legal certainty.

Point f

The principle of “environmental sustainability” means that the implementation of space utilization licensing is conducted by ensuring sustainability and continuity of environmental capacity as well as carrying capacity with due regard to the interests of the future generation.

Point g

The term principle of “legal certainty” means that the implementation of space utilization licensing is conducted in accordance with the law / applicable provisions of legislation.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Point a

The term activity of “mining means a part of or the whole activity phase in the context of research, management, exploitation of petroleum and gas and / or mineral that includes general investigation, exploration, feasibility study, construction, mining, processing and refining, transportation and sales, as well as post – mining activities.

Point b

The term activity of “industry” means any form of economic activity which processes raw materials, work in process, and / or finished goods to become goods of added or higher value,

including design and construction activities and industrial engineering.

Point c

The term activity of “trade” means any activity of buying and selling goods including offering and other activities connected with transfer of rights on goods accompanied with reward or compensation.

Point d

The term activity of “services” means economic activities involving a number of interactions with consumers or with property but do not result in a transfer of ownership.

Point e

The term activity “housing” means a group of houses that functions as a neighbourhood or residential environment equipped with environmental infrastructure as well as facilities.

Point f

The term activity of “tourism” means various tourist activities and supported by various facilities and services which are provided by the community, entrepreneurs, and the local government.

Point g

The term activity of “agriculture” means everything related to plants, including the process of production which is based on the growth process of plants and livestock which includes agriculture, plantation, animal husbandry, and forestry.

Point h

The term activity of “fisheries” means any activity related to the management as well as utilization of fish resources and its environment starts from pre -production, production, processing up to marketing.

Point i

The term “social facilities” means any facility needed by the community in a residential environment, the social facilities referred to in this Regional Regulation include education and health activities.

Point j

The term “utilities” means supporting facilities for public services organized by government and /or the private sector, including the provision of oil pipelines, gas pipelines, water pipelines, clean water pipelines, electricity networks, telecommunication networks, and garbage disposal.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term “environmental permit” means a permit granted to any Person in doing business and / or activities that are obligated to provide AMDAL or UKL – UPL in regard of the environmental protection and management as a prerequisite to obtain a permit of business and / or activities.

Point d

Sufficiently clear.

Point e

The term “Nuisance Permit (HO)” means the permit for business/activity premises granted to any individual or entity in a particular location that can lead into harm, loss, and disturbance, excluding business / activity premises that have been determined by the Central Government or Local Government.

Point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

The term “ANDAL LALIN” means a series of study concerning the impact of traffic from the construction of the center of activities, settlements, and infrastructure which the result is set forth in the form of a document on the result of traffic impact analysis.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

The term “new permit” refers to the permit that is reprocessed from the beginning and is applied based on the needs of the land area in the form of Location Permit or IPT in accordance with the applicable regulations.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Traffic Impact Assessment is required for the activities of :

- a. bus stations / vehicle pools / parking buildings;
- b. harbours;
- c. drive – through banks / restaurants;
- d. settlements with at least 50 units;
- e. apartments with at least 50 units;
- f. offices with building floor area of at least 1.000 m<sup>2</sup>;
- g. shopping centers with building floor area of at least 500m<sup>2</sup>;
- h. hotels / motels / inns with at least 50 rooms;
- i. hospitals with at least 50 bedrooms;
- j. joint clinics with at least 10 doctor practices;
- k. schools / universities with at least 500 students;
- l. course sites with building area of minimum capacity of at least 50 students / time;
- m. industry / warehousing with building floor area of at least 2.500 m<sup>2</sup>;
- n. restaurants / food stalls with at least 100 seats
- o. meeting venues / entertainment places/ sport centers with minimum capacity of at least 100 guests / seats;
- p. SPBUs (gas stations) with the least amount of 4 pump hoses; and

- q. motor vehicle repair shops with building floor area of at least 2.000 m<sup>2</sup>.

Section (3)

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

The term “building” includes building structure and non – building structure. Building structure is a physical result of a construction work integrated to its location, partly or wholly stands over and/or underground and / or water, which functions as a place for humans to perform their activities, either as a settlement or house, a place to perform religious activities, business, social, cultural activities, or any special activity. Meanwhile non – building structure is a physical result of a construction work integrated to its location, partly or wholly stands over and/or underground or water, that is used neither as a settlement nor house.

The term “to rehabilitate/ to renovate” means the activity of repairing or replacing building parts, components, materials, and / or infrastructures as well as facilities in order that the building can still function.

The term “to preserve building” means the activity of maintaining, taking care as well as restoring building and its environment to bring back its reliability according to the building’s original or according to the condition of the period as desired.



Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE REGENCY OF  
TUBAN NUMBER 24