

THE PROCEDURE OF REGISTRING FOOD AND DRINK SERVICE BUSINESSES

(Regulation of the Culture and Tourism Minister No. PM.87/HK.501/MKP/2010 dated November 16, 2010)

BY THE GRACE OF GOD ALMIGHTY
THE CULTURE AND TOURISM MINISTER,

Considering :

That to implement provisions in Article 15 paragraph (2) of Law No. 10/2009 on Tourism, it is necessary to stipulate a regulation of the Culture and Tourism Minister on the Procedure of Registering Food and Drink Service Businesses;

In view of

1. Law No. 10/2009 on Tourism (Statute Book of 2009 No. 11, Supplement to Statute Book No. 4966);
2. Presidential Regulation No. 47/2009 on the Formation and Organization of State Ministry;
3. Presidential Regulation No. 24/2010 on the Position, Task and Function of State Ministry and the Organizational Structure, Task and Function of First Echelon Officials of State Ministry;
4. Regulation of the Culture and Tourism Minister No. PM.17/HK.001/MKP-2005 on the Organization and Work Mechanism of the Culture and Tourism Ministry as already several times amended the latest by Regulation of the Culture and Tourism Minister No. PM.07/HK.001/MKP-2007;

DECIDES :

To stipulate :

REGULATION OF THE CULTURE AND TOURISM MINISTER ON THE PROCEDURE OF REGISTERING FOOD AND DRINK SERVICE BUSINESSES.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Minister Regulation as :

1. Business is any act or activity in the economic field carried out to get benefit and/or profit.
2. Food and drink service business, hereinafter referred to as tourism business is the business of providing food and drink, along with instruments and equipment for making, storing and/or serving it.
3. Restaurant is the business of providing food and drink equipped with instruments and equipment for making, storing and serving it in an 1 (one) permanent and immovable place.
4. Food stall is the business of providing food and drink equipped with instruments and equipment for making, storing and serving it in an 1 (one) permanent and immovable place.

5. Bar is the business of providing alcoholic and non-alcoholic drinks equipped with instruments and equipment for making, storing and serving it in an 1 (one) permanent and immovable place.
6. Cafe is the business of providing light food and soft drink equipped with instruments and equipment for making, storing and serving it in an 1 (one) permanent and immovable place.
7. Catering service is the business of providing food and drink equipped with instruments and equipment for making, storing and serving it in a place desired by customers.
8. Food court is the business of providing places for restaurants, food stalls and/or cafes equipped with tables and chairs.
9. Tourism businessman, hereinafter referred to as businessman, is an individual or corporate body engaged in tourism business in the field of food and drink.
10. Registration date of tourism business is the date of inclusion in the list of tourism businesses.
11. List of tourism businesses is a list of tourism businesses in the field of food and drink containing matters which according to this Ministerial Regulation must be registered by every businessman.
12. Certificate of tourism business registration is an official document proving that the tourism business carried out by businessman has been included in the list of tourism businesses.
13. Minister is the minister whose tasks and responsibilities cover the tourism sector.

CHAPTER II

AIM

Article 2

The registration of tourism businesses is aimed at :

- a. ensuring legal certainty for businessmen to carry out tourism businesses; and
- b. providing sources of information for all interested parties about matters contained in the list of tourism businesses.

CHAPTER III

REGISTRATION PLACE, OBJECT AND RESPONSIBILITY

Article 3

- (1) Applications for the registration of tourism businesses shall be addressed to the Regent or Mayor of the region where the tourism businesses are located.
- (2) Applications for the registration of tourism businesses in the Special Capital Province of Jakarta shall be addressed to the Governor.

Article 4

- (1) The registration of tourism businesses covers all types of businesses in the field of food and drink.
- (2) The field of food and drink covers the types of business:
 - a. restaurant,
 - b. food stall,
 - c. bar;

- d. cafe;
- e. food court;
- f. catering;
- g. other types of businesses in the field of food and drink stipulated by Regents, Mayors and/ or Governor.

Article 5

- (1) The registration of tourism businesses is done to:
 - a. each location of restaurant, food stall, bar, cafe, or food court; or
 - b. each office of catering service.
- (2) The registration of tourism businesses is done by businessmen.
- (3) Individual businessmen classified as micro or small businesses are according to the law and regulation are exempted from the obligation to register their tourism businesses.
- (4) Individual businessmen classified as micro or small businesses as referred to in paragraph (3) can register their tourism businesses based on their own wish.

Article 6

Businessmen engaged in the type of food and drink services can constitute individual businesses or Indonesian legal entities or non-legal entities in accordance with the law and regulation.

CHAPTER IV
PHASES

Part One

General

Article 7

The phases of registration of tourism businesses cover :

- a. applications for the registration of tourism businesses;
- b. verification of applications for the registration of tourism businesses;
- c. inclusion in the list of tourism businesses;
- d. issuance of certificates of tourism business registration; and
- e. updating of the list of tourism businesses.

Article 8

All phases of the registration of tourism businesses are carried out without collecting fees from businessmen.

Part Two

Registration of Tourism Businesses

Article 9

- (1) Applications for the registration of tourism businesses shall be filed in writing by businessmen.
- (2) Applications for the registration of tourism businesses shall be accompanied by:
 - a. photocopies of deeds of incorporation containing food and drink service business as the purpose and aim, and changes thereof if any, for businessmen in the form of corporate bodies, or photocopies of identity cards for individual businessmen;

b. photocopies of technical permits and environmental documents in accordance with the law and regulation;

c. a written statement by businessmen about the expected capacity of food and drink services expressed in the number of seats for restaurant, food stall, bar, cafe and food court.

(3) The documents as referred to in paragraph (2) shall be submitted by showing original documents or photocopies or copies already validated in accordance with the law and regulation.

(4) Businessmen shall ensure through a written statement that data and documents submitted as referred to in paragraph (1), paragraph (2) and paragraph (3) are valid, true and factual.

Article 10

Regents, Mayors or Governor shall issue evidence of receiving applications for the registration of tourism businesses to businessmen by mentioning the names of documents received.

Part Three

Verification of Applications

Article 11

(1) Regents, Mayors or Governor shall verify the completeness, truth and validity of applications for the registration of tourism businesses.

(2) If the verification as referred to in paragraph (1) shows that applications for the registration

of tourism businesses have not met the requirements of completeness, truth and validity, the Regents, Mayors or Governor shall notify in writing the businessmen that the applications still lack requirements.

(3) The verification as referred to in paragraph (1) and notification as referred to in paragraph (2) shall be completed no later than 7 (seven) working days after the Regents, Mayors or Governor have received the applications for the registration of tourism businesses.

(4) If the Regents, Mayors or Governor do not notify in writing the lack of requirements within a period of 7 (seven) working days after applications for the registration of tourism businesses have been received, the applications shall be considered complete, true and valid.

Part Four

Inclusion in the List of Tourism Businesses

Article 12

Regents, Mayors or Governor shall include the objects of the registration of tourism businesses in the list of tourism businesses no later than 1 (one) working day after the applications for the registration of tourism businesses have been declared or considered complete, true and valid.

Article 13

The list of tourism businesses contains:

a. registration number of tourism business;

- b. registration date of tourism business;
- c. name of businessman;
- d. address of businessman;
- e. name of executive board members for businessman in the form of corporate body;
- f. type of food and drink service business;
- g. business brand, if any;
- h. address of restaurant, food stall, bar, cafe, food court or office of catering service;
- i. number of deeds of incorporation and changes thereof if any, for businessman in the form of corporate body, or number of identity card for individual businessman;
- j. name of permit and number of technical permit as well as name and number of environmental documents owned by businessman;
- k. available capacity;
- l. a statement that if in the future there will be the updating of the matters as referred to in letter a up to letter k; and
- m. a statement that if in the future there will be temporary freezing of registration of tourism business, revival of the registration of tourism business and/or cancellation of registration of tourism business.

Article 14

The list of tourism businesses shall be made in the form of written document and/or electronic document.

Part Five

Issuance of Certificates of
Tourism Business Registration

Article 15

Based on the list of tourism businesses, Regents, Mayors or Governor shall issue certificates of tourism business registration to businessmen no later than 3 (three) working days after they have been included in the list of tourism businesses

Article 16

Certificate of tourism business registration contains:

- a. registration number of tourism business;
- b. registration date of tourism business;
- c. name of businessman;
- d. address of businessman;
- e. name of executive board members for businessman in the form of corporate body;
- f. type of food and drink service business;
- g. business brand, if any;
- h. address of restaurant, food stall, bar, cafe, food court or office of catering service;
- i. number of deeds of incorporation and changes thereof if any, for businessman in the form of corporate body, or number of identity card for individual businessman;
- j. name of permit and number of technical permit as well as name and number of environmental documents owned by businessman;

- k. name and signature of the official issuing the certificate of tourism business registration; and
- l. issuance date of certificate of tourism business registration.

Article 17

Certificates of tourism business registration shall be valid as evidence that the businessman concerned has been able to carry out tourism business.

Part Six

Updating of the List of Tourism Businesses

Article 18

- (1) Businessmen shall file written applications to Regents, Mayors or Governor for the updating of the list of tourism businesses in case of change in the condition of the matter contained in the list of tourism businesses no later than 30 (thirty) working days after the change happens.
- (2) The applications for the updating of the list of tourism businesses shall be accompanied by relevant supporting documents.
- (3) Supporting documents as referred to in paragraph (2) in the form of photocopies shall be filed by showing original documents.
- (4) Businessmen shall ensure that data and documents filed as referred to in paragraph (1), paragraph (2) and paragraph (3) are valid, true and factual.
- (5) Regents, Mayors, or Governor shall verify the

completeness, truth and validity of applications for the updating of the list of tourism businesses.

- (6) If the verification as referred to in paragraph (5) shows that the applications for the updating of the list of tourism businesses have not met the requirements of completeness, truth and validity, the Regents, Mayors or Governor shall notify in writing the lack of requirements to the businessmen.
- (7) The verification as referred to in paragraph (5) and notification as referred to in paragraph (6) shall be completed no later than 3 (three) working days after the Regents, Mayors or Governor have received the applications for the updating of the list of tourism businesses.
- (8) If the Regents, Mayors or Governor do not notify in writing the lack of requirements within a period of 3 (three) working days after the applications for the updating of the list of tourism businesses have been received, the applications shall be considered complete, true and valid.
- (9) The Regents, Mayors or Governor shall put updating in the list of tourism businesses no later than 1 (one) working day after the applications for the updating of the list of tourism businesses have been declared or considered complete, true and valid.
- (10) Based on the updated list of tourism businesses, the Regents, Mayors or Governor shall issue certificates of tourism business registration to businessmen no later than 3 (three) working days af-

ter the inclusion of updating in the list of tourism businesses.

(11) With the issuance of certificates of tourism business registration as referred to in paragraph (10), the previous certificates of tourism business registration shall be revoked and declared null and void.

(12) Businessmen shall return the previous certificates of tourism business registration to the Regents, Mayors or Governor.

CHAPTER V

TEMPORARY FREEZING AND CANCELLATION

Part One

Temporary Freezing

Article 19

(1) Regents, Mayors or Governor shall temporarily freeze certificates of tourism business registration if businessmen:

- a. are liable to sanctions restricting their business activities and/or temporarily freezing their business activities in accordance with the law and regulation; or
- b. do not carry out business activities for 6 (six) consecutive months or more.

(2) Certificates of tourism business registration shall not temporarily be valid if the registration of tourism businesses is frozen temporarily.

(3) Businessmen shall return certificates of tourism business registration to Regents, Mayors or Governor no later than 14 (fourteen) working days

after experiencing the matter as referred to in paragraph (1).

Article 20

(1) Businessmen can file applications for revival of certificates of tourism business registration if :

- a. they have been cleared of restriction on their business activities and/or temporary freezing of their business activities in accordance with the law and regulation as referred to in Article 19 paragraph (1) letter a; or
- b. they have capability to resume their tourism business activities as referred to in Article 19 paragraph (1) letter b.

(2) The applications for revival of certificates of tourism business registration shall be accompanied by :

- a. documents proving that the businessmen have been cleared of sanctions restricting their business activities and/or temporarily freezing their business activities as referred to in Article 19 paragraph (1) letter a; or
- b. written statements from the businessmen stating their readiness to resume their tourism business activities as referred to in Article 19 paragraph (1) letter b.

(3) The businessmen shall ensure that the documents handed as referred to in paragraph (2) are valid, true and factual.

(4) Regents, Mayors or Governor shall verify the completeness, truth and validity of applications

for revival of certificates of tourism business registration and supporting evidence.

(5) If the verification as referred to in paragraph (4) shows that the applications for revival of certificates of tourism business registration have not met requirements of completeness, truth and validity, the Regents, Mayors or Governor shall notify in writing the lack of requirements to the businessmen.

(6) The Regents, Mayors or Governor shall complete the verification as referred to in paragraph (4) and notification as referred to in paragraph (5) no later than 21 (twenty one) working days after the applications for revival of certificates of tourism business registration have been received.

(7) If the Regents, Mayors or Governor do not notify in writing the lack of requirements within a period of 21 (twenty-one) working days after the applications for revival of certificates of tourism business registration have been received the applications shall be considered complete, true and valid.

(8) The Regents, Mayors or Governor shall put revival of certificates of tourism business registration in the list of tourism businesses no later than 1 (one) working day after the applications for revival of certificates of tourism business registration have been declared or considered complete, true and valid.

(9) Based on the revived list of tourism businesses, the Regents, Mayors or Governor shall hand cer-

tificates of tourism business registration to the businessmen no later than 3 (three) working days after the inclusion of revival of certificates of tourism business registration in the list of tourism businesses.

Part Two

Cancellation

Article 21

(1) Regents, Mayors or Governor shall cancel certificates of tourism business registration if businessmen :

- a. are liable to sanctions permanently halting their business activities in accordance with the law and regulation;
- b. do not carry out their business activities for 1 (one) year or more; or
- c. liquidate their businesses.

(2) Certificates of tourism business registration shall not be valid if cancelled.

(3) The businessmen shall return certificates of tourism business registration to the Regents, Mayors or Governor no later than 14 (fourteen) working days after experiencing the matter as referred to in paragraph (1).

CHAPTER VI

SUPERVISION

Article 22

(1) Regents, Mayors and/or Governor shall conduct

supervision within the framework of tourism business registration.

- (2) The supervision as referred to in paragraph (1) can cover improptu inspection in the field to ensure that business activities accord with the list of tourism businesses.

CHAPTER VII

FUNDING

Article 23

- (1) The funds needed for the registration of tourism businesses and supervision at regency/municipal level shall originate from the Regency/Municipal Budget (APBD).
- (2) The funds needed for the registration of tourism businesses and supervision at provincial level shall originate from the Provincial Budget (APBD).

CHAPTER VIII

REPORTING

Article 24

- (1) Regents or Mayors shall report the registration of tourism businesses to the Governor concerned every 6 (six) months.
- (2) Governors shall report the registration of tourism businesses to the Minister every 6 (six) months.
- (3) The report as referred to in paragraph (1) shall cover:
 - a. the number of restaurants, food stalls, bars, cafes, food courts, or offices of catering services for every type of business;

- b. capacity for every type of business;
- c. a change in the number of restaurants, food stalls, bars, cafes, food courts, or offices of catering services compared to the number in the previous period of reporting; and
- d. explanations on the matter leading to the change in the number of restaurants, food stalls, bars, cafes, food courts, or offices of catering services as referred to in letter c, especially when reduction occurs.

CHAPTER IX

ADMINISTRATIVE SANCTIONS

Article 25

- (1) Every businessman that does not meet the provisions in Article 9 paragraph (4), Article 18 paragraph (4) and/or Article 20 paragraph (3) shall be subject to a first written warning.
- (2) If within a period of 7 (seven) working days after the first written warning has been issued, the businessman still does not meet the provisions in Article 9 paragraph (4), Article 18 paragraph (4) and/or Article 20 paragraph (3), he/she shall be subject to a second written warning.
- (3) If within a period of 3 (three) working days after the second written warning has been issued, the businessman still does not meet the provisions in Article 9 paragraph (4), Article 18 paragraph (4) and/or Article 20 paragraph (3), he/she shall have his/her tourism business registration temporarily frozen.

Article 26

- (1) Every businessman that does not meet the provisions in Article 18 paragraph (1) shall be subject to a first written warning.
- (2) If within a period of 30 (thirty) working days after the first written warning has been issued, the businessman still does not meet the provisions in Article 18 paragraph (1), he/she shall be subject to a second written warning.
- (3) If within a period of 21 (twenty-one) working days after the second written warning has been issued, the businessman still does not meet the provisions in Article 18 paragraph (1), he/she shall be subject to a third written warning.
- (4) If within a period of 14 (fourteen) working days after the third written warning has been issued, the businessman still does not meet the provisions in Article 18 paragraph (1), he/she shall have his/her tourism business registration temporarily frozen.

CHAPTER X

TRANSITIONAL PROVISIONS

Article 27

- (1) Permanent permits of tourism business that are still valid and held by businessmen before the stipulation of this Ministerial Regulation shall temporarily be treated in the same way as certificates of tourism business registration.
- (2) Businessmen that hold the permanent permits of

tourism business as referred to in paragraph (1) shall file applications for the registration of tourism businesses and hold certificates of tourism business registration no later than 1 (one) year after the stipulation of this Ministerial Regulation.

CHAPTER XI

CONCLUSION

Article 28

When this Ministerial Regulation begins to take effect, Decree of the Culture and Tourism Minister No.: KEP-012/MKP/IV/2001 on General Guidance for Licencing Tourism Businesses shall be declared null and void.

Article 29

This Ministerial Regulation shall come into force as from the date of stipulation.

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

Stipulated in Jakarta

On November 16, 2010

THE CULTURE AND TOURISM MINISTER,

sgd.

Ir. JERO WACIK, SE

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