

# THE CONTROL OF QUALITY AND SECURITY OF AGRICULTURAL COMMODITIES IN THE SPECIAL CAPITAL PROVINCE OF JAKARTA

(Regulation of the Special Capital Province of Jakarta No.8/2004 dated July 14, 2004)

BY THE GRACE OF GOD ALMIGHTY,

THE GOVERNOR OF  
THE SPECIAL CAPITAL PROVINCE OF JAKARTA,

Considering:

- a. that Jakarta is not only the capital of the Republic of Indonesia but also the marketing center of agricultural commodities and thus, the local community deserves to have access to quality agricultural commodities which are free from anything which is detrimental and hazardous to human health;
- b. that to encourage the development of businesses in the agricultural sector, it is necessary to increase the competitive edge and quality of agricultural commodities in the era of liberalized trade;
- c. that in line with the matters in letters a and b, it is necessary to stipulate Regulation of the Special Capital Province of Jakarta on the Control of Quality and Security of Agricultural Commodities in the Special Capital Province of Jakarta;

In view of:

1. Law No. 12/1992 on Plant Cultivation System (Statute Book of 1992 No.46, Supplement to Statute Book No.3478);
2. Law No. 14/1992 on Traffic and Land Transportation (Statute Book of 1992 No.49, Supplement to Statute Book No.3480);
3. Law No. 23/1992 on Health (Statute Book of 1992 No.100, Supplement to Statute Book No.3495);
4. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No.57, Supplement to Statute Book No. 3564);
5. Law No.7/1996 on Food (Statute Book of 1996 No.99, Supplement to Statute Book No. 3656);
6. Law No. 18/1997 on Regional Taxes and Regional Levies (Statute Book of 1997 No. 41, Supplement to Statute Book No.3685) as has been amended by Law No.34/2000 (Statute Book of 2000 No. 246, Supplement to Statute Book No. 4048);
7. Law No.23/1997 on Environmental Management (Statute Book of 1997 No.68, Supplement to Statute Book No. 3699);
8. Law No. 5/1999 on Anti Monopoly and Unhealthy Business Competition (Statute Book of 1999 No. 33, Supplement to Statute Book No. 3848);
9. Law No. 8/1999 on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
10. Law No.22/1999 on Regional Government (Statute Book of 1999 No.60, Supplement to Statute Book No. 3839);
11. Law No. 25/1999 on the Financial Sharing between the Central Government and the Regional Government (Statute Book of 1999 No. 72, Supplement to Statute Book No. 3848);
12. Law No. 34/1999 on the Government of the Special Capital Province of Jakarta (Statute Book of 1999 No. 146, Supplement to Statute Book No. 3878);
13. Government Regulation No. 41/1993 on Land Transportation (Statute Book of 1993 No.59, Supplement to Statute Book No.3527);
14. Government Regulation No.69/1999 on Food Labels and Advertisements (Statute Book of 1999 No.131, Supplement to Statute Book No.3867);
15. Government Regulation No. 25/2000 on the Authority of the Central Government and the Authority of Provinces as Autonomous Regions (Statute Book of 2000 No.54, Supplement to Statute Book No. 3952);
16. Government Regulation No. 102/2000 on National

Standards (Statute Book of 2000 No.199, Supplement to Statute Book No. 4020);

17. Government Regulation No. 58/2001 on Guidance and Control of the Implementation of Consumers Protection (Statute Book of 2001 No. 103, Supplement to Statute Book No. 4126);

18. Government Regulation No. 66/2001 on Regional Levies (Statute Book of 2001 No. 119, Supplement to Statute Book No. 4139);

19. Regulation of the Special Capital Province of Jakarta No.3/1986 on Civil Servant Investigators within the Government of the Special Capital Province of Jakarta (Regional Gazette of the Special Capital Province of Jakarta of 1986 No.91);

20. Regulation of the Special Capital Province of Jakarta No. 3/2001 on the Organisational Structure and Work Mechanism of Regional Apparatuses and Secretariat of the Legislative Council of the Special Capital Province of Jakarta (Regional Gazette of the Special Capital Province of Jakarta of 2001 No.66);

21. Regulation of the Special Capital Province of Jakarta No. 2/2002 on Private Market in the Special Capital Province of Jakarta (Regional Gazette of the Special Capital Province of Jakarta of 2002 No. 76);

By the approval of  
THE LEGISLATIVE COUNCIL OF  
THE SPECIAL CAPITAL PROVINCE OF JAKARTA,

D E C I D E S :

To stipulate:

REGULATION OF THE SPECIAL CAPITAL PROVINCE OF JAKARTA ON THE CONTROL OF QUALITY AND SECURITY OF AGRICULTURAL COMMODITIES IN THE SPECIAL CAPITAL PROVINCE OF JAKARTA.

CHAPTER I  
GENERAL PROVISIONS

Article 1

Hereinafter referred to as:

1. Region means the Special Capital Province of Jakarta (DKI Jakarta);

2. Regional Government means the Government of DKI Jakarta;

3. Governor means the Governor of DKI Jakarta;

4. Office means agricultural office;

5. Agricultural commodities mean fresh horticultural products, food crops, plantation products and primary processed products;

6. Quality and security of agricultural commodities means the value calculated based on the condition and effort needed to prevent the agricultural commodities from being polluted by biological and chemical substances as well as other materials that may disturb, harm and endanger human safety and health, nutrition content and trade standards of the agricultural commodities;

7. Quality and security standards of agricultural commodities mean standardized technical specifications or requirements, including procedures and methods drawn up according to consensus from all relevant parties by considering safety, security, health, environment, science and technology development requirements as well as the current development to anticipate future development in order to obtain the great possible benefit;

8. Business site facilities mean spaces or places used as places for trading agricultural commodities;

9. Bodies mean groups of people and/or capital which constitute units, either those running businesses or those not running businesses, including limited liability company, limited partnership, other partnership, state-owned or regional government-owned company in any name and form, firm, association, cooperative, pension fund, union, foundation, mass organisation, socio-political organisation or the like, institute, permanent business establishment, and other forms of bodies.

10. Business players mean individuals or bodies that run businesses in agricultural commodities, including producer, supplier, distributor and retailer.

11. Packing means an act of keeping agricultural commodities fresh during transportation, distribution and/or storing in order to maintain their quality.

12. Storing means an activity or a series of activities to maintain the quality of agricultural commodities during storing by keeping them fresh for long time and controlling the rate of transpiration, respiration, mushroom infection and the like.

13. Transportation means an activity or a series of activities to remove agricultural commodities from one place to another by whatever methods or transportation means in order to circulate and trade them.

14. Control means a series of activities ranging from visual observation, test, research, to survey of the quality and security of agricultural commodities to ensure that they accord with the given quality standards and labels.

## CHAPTER II

### CIRCULATION OF AGRICULTURAL COMMODITIES

#### Part One

#### Quality Requirements

##### Article 2

(1) Any agricultural commodity that enters into, circulates in and/or goes out of the Region shall be equipped with:

- a certificate of origin of the agricultural commodity;
- a certificate of quality and label containing quality and security standards.

(2) The agricultural commodity referred to in paragraph (1) may be examined by a quality control officer and/or retested by the Regional Government before being circulated.

(3) Unless the agricultural commodity meets the requirements referred to in paragraph (1) and paragraph (2), the Regional Government shall reject the agricultural commodity and/or withdraw the agricultural commodity from circulation.

(4) The requirements and procedures for implementing the provisions in paragraphs (2) and (3) are to be provided for in a decision of the Governor.

#### Part Two

#### Quality Standard and Label

##### Article 3

(1) Any agricultural commodity that enters into, circulates in and goes out of the Region shall meet quality standards covering:

- technical requirements;
- hygienic requirements;
- free from being contaminated by chemical, biological and physical substances.

(2) Any agricultural commodity that meets quality standards shall be given a quality label.

(3) The quality standards referred to in paragraph (2) shall be laid down in the Indonesian National Standard (SNI).

##### Article 4

Auxiliary materials and/or additional materials that are used in handling agricultural commodities shall meet the specified quality standards.

##### Article 5

The quality standards referred to in Article 3, paragraph (1) and Article 4 shall be based on the result of a laboratory test.

#### Part Three

#### Quality Control Institution

##### Article 6

(1) To standardize the quality and security of agricultural commodities in the Region, the community, business players and the Regional Government can jointly form a Quality Control Institution.

(2) The organisational structure and work mechanism of the Quality Control Institution referred to in paragraph (1) are to be stipulated by a decision of the Governor.

## CHAPTER III

### LICENCING OF AGRICULTURAL COMMODITIES

#### Article 7

(1) Any business player engaged in agricultural commodities shall first secure a written licence from the Governor.

(2) Procedures and requirements for securing the licence referred to in paragraph (1) are to be stipulated by a decision of the Governor.

#### Article 8

(1) The licence referred to in Article 7 paragraph (1) shall remain valid as long as the business activity still continues and is preregistered once every 5 (five) years as evidenced by the receipt of a certificate of reregistration.

- (2) Procedures and requirements for the reregistration referred to in paragraph (1) are to be stipulated by a decision of the Governor.

#### Article 9

The Governor may revoke the licence referred to in Article 8 paragraph (1), if the licence holder:

- a. no longer meets the requirements set forth in the licence;
- b. does not carry on business activities in 3 (three) consecutive months;
- c. violates the law in force.

### CHAPTER IV

#### PROVISION OF BUSINESS FACILITIES/PLACES FOR AGRICULTURAL COMMODITIES

##### Article 10

- (1) To control the quality and security of agricultural commodities, the Governor shall specify standards of business facilities/places and develop an agricultural commodity terminal system.

- (2) The standards of business facilities/places referred to in paragraph (1) shall meet:

- a. esthetics of business places;
- b. free from being polluted;
- c. technical requirements.

##### Article 11

- (1) Any business player may use the facilities and infrastructures owned by the Office after securing approval in writing from the Governor.

- (2) Procedures and requirements for securing the approval referred to in paragraph (1) are to be stipulated by a decision of the Governor.

### CHAPTER V

#### PACKING, STORING AND TRANSPORTATION

##### Part One

##### Packing

##### Article 12

- (1) Agricultural commodities shall be packed using containers made of materials according to the existing rules.

- (2) The packing referred to in paragraph (1) shall meet the principle of good post harvest handling and shall not reduce the products or cause much garbage.

##### Part Two

##### Storing

##### Article 13

- (1) To keep agricultural commodities fresh, clean and free from being contaminated by chemical, biological and physical substances, they shall be stored according to the existing rules.

- (2) The storing referred to in paragraph (1) shall become the responsibility of the business player concerned.

##### Part Three

##### Transportation

##### Article 14

- (1) The transportation means for carrying agricultural commodities shall meet technical requirements and environmental sanitation.

- (2) The transportation means referred to in paragraph (1) shall meet principles of good post harvest handling and shall not reduce the products and cause much garbage.

##### Article 15

Procedures for packing, storing and transporting agricultural commodities referred to in Article 12, Article 13 and Article 14 are to be stipulated by a decision of the Governor.

### CHAPTER VI

#### QUALITY TEST

##### Article 16

- (1) In the certain interests of individuals, business players and the Regional Government, the relevant agency can conduct a quality test of agricultural commodities to know the level of quality and security of agricultural commodities which are fit for consuming and circulating.

- (2) The quality test referred to in paragraph (1) shall be conducted at an accredited laboratory owned by the Region, the Central Government or the private sector.

- (3) Procedures and requirements for conducting the quality test at a laboratory owned by the Region are to be stipulated by a decision of the Governor.

##### Article 17

To conduct a quality test of agricultural commodities

referred to in Article 16, samples can be taken from markets, sales centers, agricultural commodity producers and/or other certain places.

CHAPTER VII  
L E V I E S  
Article 18

- (1) Any individual or business player that receives services in the field of agricultural commodities shall be subject to levies.
- (2) The services referred to in paragraph (1) shall cover:
  - a. Quality tests at a laboratory owned by the Region;
  - b. The use of agricultural facilities and infrastructures owned by the Region.
- (3) The amount of levies on the services referred to in paragraph (2) shall be set based on the Regional Regulation on Regional Levies.

CHAPTER VIII  
C O O P E R A T I O N  
Article 19

- (1) The Regional Government may establish cooperation with other parties in developing and controlling the quality and security of agricultural commodities.
- (2) The cooperation referred to in paragraph (1) shall be conducted based on the principles of:
  - a. benefiting both sides;
  - b. giving mutual assistance in developing and controlling the quality of agricultural commodities;
  - c. giving mutual benefit, directly or indirectly.
- (3) Procedures, scope and implementation of the cooperation referred to in paragraph (1) shall be laid down in a cooperation agreement.

CHAPTER IX  
I N F O R M A T I O N S Y S T E M  
Article 20

The Regional Government shall organise an information system on controlling the quality and security of agricultural commodities that enter into, circulate in and go out of the Region.

CHAPTER X  
G U I D A N C E A N D C O N T R O L

Part One  
G u i d a n c e  
Article 21

- (1) The Regional Government in this case the Office shall provide technical and managerial guidance on the quality control of agricultural commodities to the community.
- (2) The guidance referred to in paragraph (1) shall cover:
  - a. guidance and counselling;
  - b. technical guidance;
  - c. empowerment of the people.
- (3) Procedures for providing the guidance referred to in paragraph (1) and paragraph (2) are to be stipulated in a decision of the Governor.

Part Two  
C o n t r o l  
Article 22

The Regional Government shall control the quality and security of agricultural commodities.

Article 23

- (1) The control by the Regional Government referred to in Article 22 shall be conducted by quality control officers assigned by the Office.
- (2) The control by the Regional Government referred to in paragraph (1) shall be conducted periodically and specifically.

Article 24

Procedures for conducting the control referred to in Article 22 and Article 23 are to be stipulated by a decision of the Governor.

CHAPTER XI  
C R I M I N A L P R O V I S I O N S  
Article 25

- (1) Violations of provisions in Article 2 paragraph (1), Article 3 paragraph (1), Article 4, Article 7 paragraph (1), Article 8 paragraph (1), Article 10, Article 12, Article 13 and Article 14 shall be punishable by a maximum of 6 (six) months in jail and a maximum fine of Rp5,000,000.00 (five million rupiahs) by or without confiscating certain goods in favor of the Region, except otherwise stipulated in the legislation in force.

- (2) In addition to the sanction referred to in paragraph (1) violators of this Regional Regulation may be subject to forced fees imposed to uphold the law, wholly or partially.
- (3) The amount of forced fees referred to in paragraph (2) is to be set by a decision of the Governor.

CHAPTER XI  
ADMINISTRATIVE SANCTION  
Article 26

- (1) In addition to the criminal sanction referred to in Article 25; violators of this Regional Regulation may also be subject to administrative sanction, namely:
  - a. written warning
  - b. cancellation of approval;
  - c. cancellation of reregistration;
  - d. revocation of permit.
- (2) Procedures for imposing the sanction referred to in paragraph (1) are to be stipulated by a decision of the Governor.

CHAPTER XIII  
INVESTIGATION  
Article 27

- (1) The investigation of criminal offences referred to herein can be conducted not only by investigators of the Indonesian Police but also by civilian investigators of the Regional Government who are appointed based on the law in force.
- (2) In conducting an investigation, the investigators referred to in paragraph (1) shall be authorized to:
  - a. receive a report or complaint from any individual about criminal offences;
  - b. take a first step in the scene and conduct an investigation;
  - c. ask a suspect to stop and look into his/her identity card;
  - d. confiscate articles and/or documents;
  - e. take the finger print and photograph of an individual;
  - f. summon people for questioning either as suspects or witnesses;
  - g. invite an expert needed in the examination of a case;
  - h. stop an investigation after receiving a clue that there is no adequate evidence or the case is not a criminal offence and later inform the public prosecutor, and

the suspect or his/her family of the matter.  
i. take other steps based on the law.

- (3) In performing their duties, the investigators are not authorized to arrest and/or detain a suspect and/or ransack his/her house.
- (4) The investigators shall make an official report for any action taken to:
  - a. interrogate a suspect;
  - b. ransack a house;
  - c. confiscate articles;
  - d. examine documents;
  - e. interrogate a witness;
  - f. conduct an investigation in the scene;
 and later send dossiers on the case to the district court with a copy addressed to the investigators of the Indonesian Police.

CHAPTER XIV  
CONCLUSION  
Article 28

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

For public cognizance, this Regional Regulation shall be promulgated by placing it in the Regional Gazette of the Special Capital Province of Jakarta.

Stipulated in Jakarta  
on July 14, 2004  
THE GOVERNOR OF  
THE SPECIAL CAPITAL PROVINCE OF JAKARTA,  
sgd.  
S U T I Y O S O

Promulgated in Jakarta  
on July 27, 2004  
THE SECRETARY OF T  
HE SPECIAL CAPITAL PROVINCE OF JAKARTA,  
sgd.  
H. RITOLA TASMAYA

REGIONAL GAZETTE OF THE SPECIAL CAPITAL PROVINCE  
OF JAKARTA OF 2004 NUMBER 62

ELUCIDATION . . . . . ( To be continued )

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