

REGULATION OF THE COORDINATING MINISTER
FOR MARITIME AFFAIRS AND INVESTMENT
OF THE REPUBLIC OF INDONESIA
NUMBER 5 OF 2019

ON

PROCEDURES FOR APPROVAL ON COOPERATION WITH CERTAIN
STRATEGIC VALUE BETWEEN IMPLEMENTING AGENCY OF THE
MANAGEMENT AUTHORITY AGENCY OF BOROBUDUR TOURISM AREA AND
BUSINESS ENTITIES AND INSTITUTIONS OR RELATED PARTIES

BY THE BLESSINGS OF ALMIGHTY GOD

COORDINATING MINISTER FOR MARITIME AFFAIRS AND INVESTMENT
OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provision of Article 18 section (3) of Presidential Regulation Number 46 of 2017 on Management Authority Agency of Borobudur Tourism Area, Coordinating Minister for Maritime Affairs as the Chairperson of the Steering Committee of Management Authority Agency of Borobudur Tourism Area needs to issue a Regulation of the Coordinating Minister for Maritime Affairs and Investment on Procedures for Approval on Cooperation with Certain Strategic Value between Implementing Agency of the Management Authority Agency of Borobudur Tourism Area and Business Entities and Institutions or Related Parties;

Observing : 1. Article 17 section (3) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 39 of 2008 on State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
3. Presidential Regulation Number 46 of 2017 on Management Authority Agency of Borobudur Tourism Area (State Gazette of the Republic of Indonesia of 2017 Number 84);
4. Presidential Regulation Number 71 of 2019 on Coordinating Ministry for Maritime Affairs and Investment (State Gazette of the Republic of Indonesia of 2019 Number 206);
5. Regulation of the Coordinating Minister for Maritime Affairs Number 1 of 2015 on Organization and Work Procedures of the Coordinating Ministry for Maritime Affairs (State Bulletin of the Republic of Indonesia of 2015 Number 394) as amended by Regulation of the Coordinating Minister for Maritime Affairs Number 2 of 2019 on Amendment to Regulation of the Coordinating Minister for Maritime Affairs Number 1 of 2015 on Organization and Work Procedures of Coordinating Ministry for Maritime Affairs (State Bulletin of the Republic of Indonesia of 2019 Number 458);

HAS DECIDED:

To issue : REGULATION OF THE COORDINATING MINISTER FOR MARITIME AFFAIRS AND INVESTMENT ON PROCEDURES FOR APPROVAL ON COOPERATION WITH CERTAIN STRATEGIC VALUE BETWEEN IMPLEMENTING AGENCY OF THE MANAGEMENT AUTHORITY AGENCY OF BOROBUDUR TOURISM AREA AND BUSINESS ENTITIES AND INSTITUTIONS OR RELATED PARTIES.

CHAPTER 1
GENERAL PROVISIONS

Article 1

In this Coordinating Ministerial Regulation:

1. Management Authority Agency of Borobudur Tourism Area, hereinafter referred to as the Borobudur Authority Agency, is as regulated in Presidential Regulation Number 46 of 2017 on Management Authority Agency of Borobudur Tourism Area.
2. Steering Committee of the Borobudur Authority Agency, hereinafter referred to as the Steering Committee, means the Council which is under and responsible to the President.
3. Implementing Agency of Borobudur Authority Agency, hereinafter referred to as the Implementing Agency, means a working unit under the Ministry of Tourism.
4. Business Entities and Institutions or Related Parties are Legal Entity.
5. Cooperation means a mutual agreement between Implementing Agency with Business Entities and Institutions or Related Parties which is stated in writing and raises rights and obligations and legal responsibilities.
6. Indonesian Legal Entities mean agencies recognized as the subject of Indonesian law in Indonesian law.
7. Foreign Legal Entities mean agencies that are recorded or registered with the authority of another country as legal entities.
8. Chairperson of the Steering Committee of the Borobudur Authority Agency, hereinafter referred to as the Chairperson of the Steering Committee, means the Coordinating Minister for Maritime Affairs and Investment.
9. Chief Executive of the Steering Committee of the Borobudur Authority Agency, hereinafter referred to as the Chief Executive of the Steering Committee, means the Minister administering government affairs in tourism sector.

CHAPTER II PRINCIPLES AND FORMS OF COOPERATION

Article 2

In conducting cooperation with Business Entities and Institutions or Related Parties, the Implementing Agency applies the following principles:

- a. clarity of objectives and results;
- b. partnerships;
- c. mutual respect and mutual benefit;
- d. upholding the principle of deliberation for consensus in every decision making;
- e. accountability;
- f. compliance with Pancasila and the provisions of legislation; and
- g. for the public interest.

Article 3

Cooperation with Indonesian Legal Entities may be implemented by the Implementing Agency in accordance with the provisions of legislation.

Article 4

Cooperation with Foreign Legal Entities may be implemented by the Implementing Agency in accordance with the provisions of legislation.

CHAPTER III COOPERATION WITH CERTAIN STRATEGIC VALUE

Article 5

Cooperation that has certain strategic values contains the following conditions:

- a. Cooperation out of the authoritative area based on agreement between the Implementing Agency and the Business Entities and Institutions or Related Parties in accordance with the provisions of legislation; and

- b. covering international scale business fields apart from tourism business.

Article 6

- (1) The certain strategic values as referred to in Article 5 consider the following provisions:
 - a. obtaining tourism business license;
 - b. based on the standard industrial classification;
 - c. based on the spatial planning of Borobudur and its surroundings;
 - d. based on spatial planning;
 - e. based on the area and area coverage as proposed by the Borobudur Authority Agency; and
 - f. based on geographical indications.
- (2) In the event of Cooperation having a certain strategic value using State-Owned Assets, the relevant Cooperation must be implemented in accordance with the provisions of legislation on management of state-owned assets.

CHAPTER IV GRANT OF APPROVAL

Article 7

An approval request of Cooperation having a certain strategic value is submitted by attaching:

- a. proposal of Cooperation having a certain strategic value between the Implementing Agency and Indonesian Legal Entities and/or Foreign Legal Entities;
- b. preparation of the Cooperation plan having a certain strategic value;
- c. legal opinion;
- d. feasibility study; and
- e. recommendation to the Steering Committee.

Article 8

The approval request of Cooperation having a certain strategic value as referred to in Article 7 is submitted by the

Implementing Agencies to the Chief Executive of the Steering Committee.

Article 9

The Chief Executive of the Steering Committee forwards the request to the Chairperson of the Steering Committee.

Article 10

The Chairperson of the Steering Committee may assign an expert group of the Steering Committee or any other parties that is necessary to carry out a study or review toward the approval request of Cooperation having a certain strategic value as referred to in Article 7.

Article 11

The review result as referred to in Article 10 contains a decision stating a conclusion on whether the approval request of Cooperation having a certain strategic value is granted.

Article 12

- (1) In the event that Cooperation application having a certain strategic value as referred to in Article 7 is approved, the Chairperson of the Steering Committee issues an approval letter.
- (2) In the event that Cooperation application having a certain strategic value as referred to in Article 7 is rejected, the Chairperson of the Steering Committee issues a rejection letter provided with the reasons of such rejection.

Article 13

The letters as referred to in Article 12 are delivered by the Chief of the Steering Committee to the Chief Executive of the Steering Committee, to be forwarded to the Implementing Agency.

Article 14

In the event that Cooperation application having a certain strategic value is approved by the Chairperson of the Steering Committee, the Implementing Agency signs and proceeds with the Cooperation agreement.

CHAPTER V

UTILIZATION OF STATE-OWNED ASSETS AND FUNDING

Article 15

In the event that Cooperation utilizes State-Owned or Local-Owned Assets and carries out the procurement of any Government's goods and services, the Cooperation is implemented in accordance with the provisions of legislation.

Article 16

Cooperation carried out using a loan or grant is implemented in accordance with the provisions of legislation.

CHAPTER VI

CLOSING PROVISION

Article 17

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

In order that every person may know hereof, it is ordered to promulgate this Coordinating Ministerial Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 19 November 2019

COORDINATING MINISTER FOR MARITIME AFFAIRS
AND INVESTMENT OF THE REPUBLIC OF INDONESIA
AS THE CHAIRPERSON OF THE STEERING
COMMITTEE OF THE MANAGEMENT AUTHORITY
AGENCY OF BOROBUDUR TOURISM AREA,

signed

LUHUT B. PANDJAITAN

Promulgated in Jakarta
on 21 November 2019

DIRECTOR GENERAL OF LEGISLATION
MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 1485

Jakarta, 18 March 2021

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,


WIDODO EKATJAHJANA