

DECREE OF THE MINISTER OF INDUSTRY AND TRADE
NUMBER 302/MPP/KEP/10/2001
CONCERNING
THE REGISTRATION OF NON-GOVERNMENT CONSUMER PROTECTION INSTITUTES

THE MINISTER OF INDUSTRY AND TRADE

- Considering :
- a. that to implement Article 2 and Article 10 of Government Regulation No. 59/2001 concerning Non-Government Consumer Protection Institutes, it is deemed necessary to stipulate further provision on the registration of Non-Government Consumer Protection Institutes;
 - b. that for this purpose, it is necessary to stipulate Decree of the Minister of Industry and Trade.
- In view of :
1. Law No. 8/1999 concerning Consumer Protection (State Gazette of 1999 No. 42, Additional State Gazette No. 3821);
 2. Law No. 22/1999 concerning Regional Government (State Gazette of 1999 No. 60, Additional State Gazette No. 3839);
 3. Law No. 25/1999 concerning Financial Sharing between Central and Regional Government (State Gazette of 1999 No. 72, Additional State Gazette No. 3848);
 4. Government Regulation No. 25/2000 concerning the authority of the Central Government and the Authority of Provincial Government as Autonomous Regions (State Gazette of 2000, Additional State Gazette No. 3952);
 5. Government Regulation No. 59/2001 concerning Non-Government Consumer Protection Institute (State Gazette of 2001 No. 104, Additional State Gazette No. 4127);
 6. Presidential Decree No. 177/2000 concerning the Organizational Structure and Task of Ministry as has been several times amended the latest by Presidential Decree No. 58/2001;
 7. Presidential Decree No. 288/M/2001 concerning the Formation of Mutual-Help Cabinet;
 8. Decree of the Minister of Industry and Trade No. 86/MPP/Kep/3/2001 concerning the Organizational Structure and Working System of the Ministry of Industry and Trade.

H A S D E C I D E D :

To stipulate : DECREE OF THE MINISTER OF INDUSTRY AND TRADE CONCERNING
THE REGISTRATION OF NON-GOVERNMENT CONSUMER PROTECTION
INSTITUTES

CHAPTER I
GENERAL PROVISION

Article 1

Hereinafter referred to as:

1. Non Government Consumer Protection Institute, hereinafter referred to as LPKSM, shall be a non government institute registered and recognized by the Government to carry out activities related to consumer protection.
2. Registry Code of Consumer Protection Institute, hereinafter referred to as TDLPK, shall be the registry code issued by the Government to LPKSM that have met requirements to engage in consumer protection.
3. LPKSM branch shall be the LPKSM that constitutes a unit or part of parent BPKSM and may be domiciled in different place and is tasked to carry out part of its parent LPKSM's tasks.
4. LPKSM representative shall be the LPKSM that represents the Head Office of LPKSM to carry out activities and whose management is determined in accordance with the authority given to it.
5. Minister shall be the Minister whose bank and responsibility cover the trade sector.
6. The Head of Office shall be the head of working unit of which task and responsibility cover the trade sector in regencial/municipal areas.

CHAPTER II
TDLPK

Article 2

- (1) The Government shall recognize any LPKSM that meets requirements to engage in consumer protection as laid down in its certificate of incorporation.
- (2) The recognition of LPKSM as referred to in paragraph (1) shall be done through the registration of LPKSM and the issuance of TDLPK.

Article 3

- (1) The authority to issue TDLPK shall rest on the Minister.
- (2) The Minister shall delegate the authority to issue TDLPK as referred to in paragraph (1) to Regents/Mayors.
- (3) The Regents/Mayors can re-delegate the authority as referred to in paragraph (2) to the Head of Office.

Article 4

- (1) TDLPK shall *be* issued based on the domicile of LPKSM.
- (2) TDLPK referred to in paragraph (1) shall be valid in the entire territory of the Republic of Indonesia.

Article 5

LPKSM branch or representative shall use TDLPK of the Head Office and be exempted from the obligation to apply for TDLPK in carrying out its activities related to consumer protection.

CHAPTER III
THE PROCEDURE OF REGISTRATION

Article 6

- (1) Non-Governmental Organizations shall file an application to the Regent/Mayor through the Head of the Office concerned for TDLPK by completing an application form (SP-TDLPK) of Model A as referred to in Attachment I to this Decree.
- (2) If the authority to issue TDLPK is delegated to the Head of Office as referred to in Article 3 paragraph (3), the application shall be directly filed to the Head of Office concerned by completion an application form (SP-TDLPK) of Model A as referred to in Attachment to this Decree.
- (3) The application for TDLPK as referred to in paragraph (1) and paragraph (2) shall be signed by the chief of the Non-Government Organization or its manager or proxy.

Article 7

- (1) The application for TDLPK as referred to in Article 6 shall be complete with the following documents:

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Law Office

- a. For Non Governmental Organizations with the status of legal entity or foundation:
 1. A copy of notarial document for the establishment of legal entity or foundation already endorsed by the Minister of Justice and Human Rights or the authorized agency;
 2. A copy of Resident's Identity Card (KTP) of the chief/manager of the Non Government Organization; and
 3. A copy of certificate of domicile of Non Governmental Organization issued by the relevant village head.
 - b. For Non Governmental Organizations without the status of legal entity or foundation:
 1. A copy of notarial document for the establishment of Non Governmental Organization or notarial document already endorsed by the authorized agency;
 2. A copy of Resident's Identity Card (KTP) of the chief/manager of Non Governmental Organization; and
 3. A copy of certificate of domicile of Non Governmental Organization issued by the relevant village head.
- (2) The documents as referred to in paragraph (1) shall be complete with the list of members, the lineup of executive board members and organizational structure.
 - (3) In the absence of approval of Non Governmental Organization as legal entity or foundation or non legal entity or non foundation as referred to in paragraph (1), the applicant for TDLPK shall only enclose a copy of certificate of incorporation of the Non Governmental Organization and a copy of the application for approval or a proof of the payment of administrative fees for approval.
 - (4) In the event of approval of Non Governmental Organization as legal entity or foundation or non legal entity or non foundation, the applicant for TDLPK shall convey a copy of the letter of approval to the Regent or Mayor or Head of Office concerned no later than 14 (fourteen) working days after the issuance date of the letter of approval.
 - (5) If the application for the approval of Non Governmental Organization as legal entity or foundation or non legal entity or non foundation or referred to in paragraph (3) is rejected, the issuance of TDLPK shall be suspended until the letter of approval is issued.
 - (6) The original of the documents as referred to in paragraph (1) shall be showed to ensure the validity of the documents.

CHAPTER IV
THE ISSUANCE OF TDLPK

Article 8

- (1) No later than 5 (five) working days after the receipt of the application for TDLPK of Model A as referred to in Article 6 paragraph (1) and Article 7, the Regent or Mayor or Head of Office concerned shall issue TDLPK using TDLPK Form of Model B as referred to in Attachment II to this Decree.
- (2) If after the period of time as referred to in paragraph (1) has passed TDLPK is non/has not been issued, the LPKSM concerned shall be considered as having been registered.
- (3) If the application for TDLPK has not been completed correctly, no later than 5 (five) working days after the receipt of the application for TDLPK of Model A the Regent or Mayor or Head of Office concerned shall inform in writing the applicant concerned of the incomplete application along with reasons for being incomplete.
- (4) The applicant shall improve and/or fulfill the requirements no later than 5 (five) working days after the receipt of the notification as referred to in paragraph (3).
- (5) If after the specified period of time as referred to in paragraph (1) has passed the applicant fails to fulfill the requirements, the Regent or Mayor or Head of Office shall reject the application for TDLPK.
- (6) The applicant who has the application for TDLPK rejected can file another application by fulfilling the requirements as referred to in Article 6 and Article 7 of this decree.

CHAPTER V
THE OPENING OF LPKSM BRANCH ON
REPRESENTATIVE OFFICE

Article 9

- (1) LPKSM that opens a branch or representative office shall report in writing to the Regent or Mayor or Head of Office in the place where the branch or representative office is domiciled without having to complete the application form for TDLPK of Model A.
- (2) The written report as referred to in paragraph (1) shall be complete with the following documents:
 - a. A copy of the TDLPK of the Head Office already validated by the official authorized to issue the TDLPK;

- b. A copy of the Resident's Identity Card (KTP) of the manager of the branch or representative office of LPKSM;
 - c. the organizational structure, the lineup of executive board members and the list of members of the branch or representative office.
- (3) No later than 5 (five) working days after the receipt of the written report as referred to in paragraph (1) and paragraph (2), the Regent or Mayor or Head of Office in the place where the branch or representative office by putting signature, and stamp on a copy of TDLPK of the Head Office as evidence that TDLPK is valid for the branch or representative office.

CHAPTER VI
CHANGE IN TDLPK DATA

Article 10

- (1) Any change in TDLPK data related to the name, address and legal status of LPKSM shall be reported to the Regent or Mayor or Head of Office authorized to issue TDLPK to replace TDLPK by filing an application as referred to in Article 6 and Article 7 of this Decree.
- (2) The change in TDLPK data as referred to in paragraph (1) shall be made by issuing new TDLPK and old TDLPK shall be declared null and void accordingly.
- (3) No later than 5 (five) working days after the receipt of the application for a change in TDLPK data as referred to in paragraph (1) the Regent or Mayor or Head of Office concerned shall issue TDLPK using TDLPK Form of Model B.
- (4) A change in the lineup of executive board members, organizational structure, activities and other changes shall be reported in writing without having to change or replace TDLPK.

Article 11

- (1) If the TDLPK obtained by LPKSM is lost or damaged or can no longer be read, the LPKSM concerned shall file a written application for the replacement of TDLPK to the Regent or Mayor or Head of Office authorized to issue TDLPK.
- (2) The application for the replacement of the lost or damaged TDLPK as referred to in paragraph (1) shall be filed by completing the application form for TDLPK of Model A as referred to in Attachment I to this Decree, complete with:
 - a. a statement of disappearance;
 - b. the original of the damaged or unreadable TDLPK.

- (3) No later than 5 (five) working days after the receipt of the application for the replacement of TDLPK as referred to in paragraph (2), the Regent or Mayor or Head of Office concerned shall issue substitute TDLPK using TDLPK form of Model B bearing the words duplicate or substitute.
- (4) With the issuance of substitute/duplicate TDLPK, the old TDLPK that is lost or damaged shall be declared null and void.
- (5) If after the period of time as referred to in paragraph (3) has passed the TDLPK is not/has not been issued, the LPKSM concerned shall be considered as having substitute/duplicate TDLPK.

CHAPTER VII REPORTING

Article 12

- (1) LPKSM that has already secured TDLPK shall convey a report on its activities to the Regent or Mayor or Head of Office authorized to issue TDLPK once every year starting from the issuance date of TDLPK using the Report Form of TDLPK of Model C as referred to in Attachment III to this Decree, with a copy addressed to the Governor attn. the Head of Provincial Office whose task covers the trade sector.
- (2) If required, the Minister can any time ask the report as referred to in paragraph (1) from the Regent or Mayor or Head Office or directly from the LPKSM concerned.

Article 13

The Regent or Mayor or Head of Office shall convey a report on the recapitulation of activities of LPKSM in his working territory to the Governor with a copy addressed to the Director General of Domestic Trade attn. the Director of Consumer Protection.

CHAPTER VIII SANCTION

Article 14

- (1) LPKSM shall be given a written warning if:
 - a. it does not convey a written report as referred to in Article 10 paragraph (1), Article 11 paragraph (1) or Article 12 paragraph (1) for 2 (two) consecutive years;
 - b. it commits violation that leads to the imposition of administrative sanction based on the regulation related to consumer protection.

- (2) LPKSM branch or representative office shall be given a written warning if:
 - a. it does not convey a written report as referred to in Article 9 paragraph (1);
 - b. it commits violation that leads to the imposition of administrative sanction based on the regulation related to consumer protection.
- (3) The written warning as referred to in paragraph (1) and paragraph (2) shall be given 3 (three) times at the most with an interval of 1 (one) month by the Regent or Mayor or Head Office issuing TDLPK using the Form of TDLPK of Model D as referred to in Attachment IV to this Decree.

Article 15

- (1) TDLPK shall be frozen if the LPKSM concerned:
 - a. ignores the warning as referred to in Article 14 paragraph (3) of this Decree;
or
 - b. is facing legal proceedings over the violation of Law No. 8/1999 and other regulations related to consumer protection.
- (2) While TDLPK is being frozen, the membership of the LPKSM concerned in the National Consumer Protection Board (BPKN) or the Consumer Dispute Settlement Board (BPSK) shall be frozen accordingly.
- (3) The freezing of TDLPK as referred to in paragraph (1) letter a shall be valid for 6 (six) months after the issuance of the decision on the freezing of TDLPK, while the freezing of TDLPK as referred to in paragraph (1) point b is valid after the legal proceedings begin until the court issues a court verdict with fixed legal strength.
- (4) The Regent or Mayor or Head of Office who *is* authorized to issue TDLPK shall freeze TDLPK using the TDLPK Form of Model E as referred to Attachment V to this Decision.
- (5) Frozen TDLPK can be put into effect by means of a decision lifting the freezing of TDLPK, if the LPKSM concerned has heeded the warning by complying with the provisions as referred to in paragraph (1) point a and fulfilling its obligation in accordance with the provisions in this Decree or if it is declared innocent of a charge as referred to is paragraph (1) point b based on a court verdict with fixed legal strength.

Article 16

- (1) TDLPK shall be canceled if the LPKSM concerned:
 - a. no longer carries out activity related to consumer protection; or

- b. has not made improvements after the period of freezing has passed and there has been court verdict with fixed legal strength as referred to in Article 15 paragraph (3) of this Decree;
 - c. obtains TDLPK based on false information or data.
- (2) The cancellation as referred to in paragraph (1) point c shall be done without issuing a prior warning and freezing TDLPK.
 - (3) The official who is authorized to issue TDLPK shall cancel TDLPK using the TDLPK Form of Model F as referred to in Attachment VI to this Decree.

Article 17

- (1) LPKSM can lodge an objection to the cancellation of TDLPK as referred to in Article 16 paragraph (3) through the Director General of Domestic Trade no later than 30 (thirty) working days after the issuance of a decision on the freezing of TDLPK only if the cancellation results from a court verdict with fixed legal strength.
- (2) The official as referred to in paragraph (1) shall accept or reject the objection no later than 30 (thirty) working days after the receipt of the objection.

Article 18

- (1) If the objection as referred to in Article 17 paragraph (2) is accepted, the Director General of Domestic Trade shall notify the official authorized to issue TDLPK that the objection from the LPKSM concerned has been accepted by giving the reasons for the acceptance.
- (2) If the objection as referred to in Article 17 paragraph (2) is rejected, the Director General of Domestic Trade shall notify the official authorized to issue TDLPK that the objection from the LPKSM concerned can not be accepted and accordingly, the cancellation remains valid.

CHAPTER IX CLOSING PROVISIONS

Article 19

If the official authorized to issue TDLPK is absent from work because of unavoidable thing for 5 (five) consecutive days or more, the official concerned shall appoint an official next below his/her rank whose task covers consumer protection to act for and in the name of the official authorized to issue TDLPK.

Article 20

The technical matters that have not been sufficiently provided for in this Decree shall be stipulated in the Decision of the Director General of Domestic Trade.

Article 21

This Decree shall take effect as from the date of stipulation.

For public cognizance, this Decree shall be announced by placing it the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On October 24, 2001
THE MINISTER OF INDUSTRY AND TRADE

Signed

RINI M.S. SOEWANDI