



**REGIONAL REGULATION
MENTAWAI ISLANDS REGENCY
NUMBER 1 YEAR 2015**

ON

TOURISM

**GOVERNMENT OF MENTAWAI ISLANDS REGENCY
2015**

**REGENT OF MENTAWAI ISLANDS
WEST SUMATRA PROVINCE**

**MENTAWAI ISLANDS REGIONAL REGULATION
NUMBER 1 OF 2015**

ON

TOURISM

BY THE GRACE OF ALMIGHTY GOD

REGENT OF MENTAWAI ISLANDS,

- Considers :
- a. that natural resource is a gift from Almighty God so its utilization should be done in synergy and its results should be used for the welfare of the society;
 - b. that with the development of tourism both locally and regionally and internationally, the management, empowerment and control of tourism regulated in Regional Regulation No. 16 of 2002 on Tourism and Levies of Tourism Object is no longer appropriate in the current situation.
 - c. that based on the considerations referred in paragraphs a, b and c above, it is necessary to stipulate Regional Regulations on Tourism;

- In accordance with :
- 1. Law No. 8 of 1981 on the Law of Criminal Procedure Code (Official Gazette of the Republic of Indonesia Year 1981 Number 75, Supplement to the State Gazette of the Republic of Indonesia No. 3209);
 - 2. Law No. 5 of 1990 on Conservation of Biological Resources and Ecosystems (State Gazette of the Republic of Indonesia Year 1990 Number 49, Supplement to the State Gazette of the Republic of Indonesia No. 3419);
 - 3. Law No. 10 of 1993 on Objects of Cultural Heritage (Official Gazette of the Republic of Indonesia Year 1993 Number 119, Supplement to the State Gazette of the Republic of Indonesia Number 3423);
 - 4. Law Number 49 Year 1999 on the Establishment of Mentawai Islands (State Gazette of the Republic of Indonesia Year 1999 Number 177, Supplement to the State Gazette of the Republic of Indonesia Number 3898) as amended by Law No. 9 of 2000 on the Amendment to Law Number 49 Year 1999 on the Establishment of Mentawai Islands (State Gazette of the Republic of

Indonesia Year 2000 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3964);

5. Law Number 25 Year 2005 on National Development Planning System (State Gazette of the Republic of Indonesia Year 2004 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 4421);
6. Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia Year 2004 Number 18, Supplement to State Gazette No. 4433) as amended by Law No. 45 of 2009 (Official Gazette of the Republic of Indonesia Year 2009 Number 154, Supplement to the State Gazette Number 5073);
7. Law No. 33 of 2004 on Financial Balance between the Central Government and Regional Government (State Gazette of the Republic of Indonesia Year 2004 Number 126, Supplement to the State Gazette of the Republic of Indonesia Number 4438);
8. Law Number 26 of 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 61, Additional State Gazette No. 4725);
9. Law Number 27 Year 2007 on the Management of Coastal Areas and Small Islands (State Gazette of the Republic of Indonesia Year. 2007 Number 84, Additional State Gazette No. 4739);
10. Law Number 10 Year 2009 on Tourism (Official Gazette of the Republic of Indonesia Year 2009 Number 11, Supplement to the State Gazette of the Republic of Indonesia Number 4966);
11. Law No. 32 of 2009 on the Protection and Management of the Environment (State Gazette of the Republic of Indonesia Year 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059);
12. Law Number 23 Year 2014 on Regional Government (State Gazette of the Republic of Indonesia Year 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended by Law No. 2 of 2015 on Stipulation of Government Regulation in Substitution of Law No. 2 2014 on the Amendment of Act No. 23 of 2014 on Regional Government became Act (Official Gazette of the Republic of Indonesia Year 2015 Number 24, Supplement to the State Gazette of the Republic of Indonesia Number 5657);

13. Government Regulation No. 27 Year 1983 on the Implementation of Criminal Procedure Code as amended by Government Regulation No. 58 Year 2010 on Amendment of Implementation Criminal Procedure Code; Gazette of the Republic of Indonesia Year 2010 Number 90, Additional State Gazette No. 5145);
14. Government Regulation No. 10 Year 1993 on Implementation of Law No. 5 of 1992 on Objects of Cultural Heritage (Official Gazette of the Republic of Indonesia Year 1992 Number 14, Supplement to the State Gazette of the Republic of Indonesia Number 3516);
15. Government Regulation No. 68 Year 1998 on Natural Reserve Area and Nature Conservation (State Gazette of the Republic of Indonesia Year 1998 No. 8132, State Gazette No. 3776);
16. Government Regulation No. 36 Year 2002 on Rights and Obligations of Foreign Ships in Conducting Legal Passage through Indonesian Waters (Official Gazette of Republic of Indonesia Year 2002 Number 70, Supplement to State Gazette Number 4209);
17. Government Regulation No. 37 Year 2002 on Rights and Obligations of Foreign Ships and Aircraft in Conducting Maritime Passage through the Assigned Sea Lanes (State Gazette of the Republic of Indonesia Year 2002 Number 71, Supplement to State Gazette No. 4210);
18. Government Regulation No. 38 Year 2007 on Division of Government Affairs between the Central, Provincial Government and Regional Government of Regency/City (State Gazette of the Republic of Indonesia Year 2007 No. 82, State Gazette of the Republic of Indonesia Number 4737);
19. Government Regulation No. 60 Year 2007 on Conservation of Fish Resources (State Gazette of the Republic of Indonesia Year 2007 Number 134, Supplement to State Gazette of the Republic of Indonesia Number 4779);
20. Government Regulation No. 36 Year 2010 on Natural Tourism Resources in Resevation Location, National Parks, Forest Parks and Wildlife Nature; (Official Gazette of Republic of Indonesia Year 2010 Number 44, Supplement to State Gazzete Number 5116);
21. Government Regulation No. 64 Year 2010 on Mitigation Plan in Coastal Areas and Small Islands (State Gazette of Republic of Indonesia Year 2010 Number 109,

Supplement to State Gazette of Republic of Indonesia Number 5154);

22. Government Regulation No. 50 Year 2011 on National Tourism Development Master Plan for Years 2010-2025 (State Gazette of the Republic of Indonesia Year 2011 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 5262);
23. Government Regulation No. 27 Year 2012 on Environmental Permit (Official Gazette of the Republic of Indonesia Year 2012 Number 48, Supplement to the State Gazette of the Republic of Indonesia Number 5285);

With agreement of:

REGIONAL PEOPLE REPRESENTATIVE ASSEMBLY
MENTAWAI ISLANDS DISTRICT
and
REGENT OF MENTAWAI ISLANDS

DECISION:

Stipulates : REGIONAL REGULATION ON TOURISM

CHAPTER I GENERAL REQUIREMENT

Article 1

The meaning of these following terms in this Regional Regulation are:

1. Region is Mentawai Islands Regency.
2. Regional government is Regional Government of Mentawai Islands Regency.
3. Regent is the regent of Mentawai Islands.
4. Department of Tourism, Youth, and Sports hereinafter abbreviated as Disbudparpora is the Department of Tourism, Youth and Sports of Mentawai Islands
5. Tourism is a wide range of tourism activities and supported by variety of facilities and services provided by communities, businesses, Central Government, and Local Government.

6. Tourism is travel activity or in part and this activity is carried out voluntarily and temporarily to enjoy a specific destination.
7. A Tourist is an individual and/or group of people who do travel.
8. Tourism is the whole activities related to tourism and is multidimensional and multidisciplinary which appears as a manifestation of the integrity of every person and the state as well as the interaction between tourists, Government, Local Government, tourism entrepreneur and society.
9. Tourism destination, hereinafter refer as Tourism Destination is a geographic region where in one or more administrative regions there are tourist attractions, public facilities, tourism facilities, accessibility and community that are interrelated and complementary realization of tourism.
10. Tourism entrepreneur is a person or group of people who conduct tourism business.
11. Tourism business is any business that provides goods and/or services to meet the needs of travelers and tourism operation.
12. Tourism product is all components of tourism destinations and services that include tourism industry, tourism attractions, the area of tourism destinations and infrastructure as a tool to support tourism activities.
13. Tourism marketing is an effort to introduce and promote and sell tourism products and destinations in national and international.
14. Tourism attraction is anything that has an appeal including natural attractions, man-made attractions and event attractions as the object and purpose of tourist visit.
15. Tourism industry is a collection of tourism businesses which are interlinked in order to produce goods and/or services to meet the needs of tourists in the organization of tourism.
16. Tourism Object and Tourism Appeal is everything that is subjected as tourism destination.
17. Tourism region is a region with certain potential which is developed and managed as a center of attraction and tourism industry activity.

18. Resort is a territorial location of Mentawai Islands which its management and implementation is decided by the Regent for the tourism company.
19. Strategic Tourism Area is a region which has tourism as the main function or having the potential for tourism development with significant impact in one or more aspects, such as economic growth, social and cultural empowerment of natural resources, environmental support and defense and security.
20. Supervision is a series of supervisory activities on tourism areas, tourists, licensing management for tour manager or utilization of tourism resort.
21. Authority is a division of management boundaries specified by Regent to the institution.
22. Examination is a series of activities to search, collect and manage data and/or other information, in an effort to control, protect and monitor the implementation of business tourism.
23. Tourism Business Registration is the whole process that includes requirements and procedures for obtaining Tourism Business Registry, publication, modification, extension in the implementation efforts of business tourism in the Mentawai Islands.
24. Tourism Business Registry (Tanda Daftar Usaha Pariwisata) hereinafter abbreviated TDUP is an official document that proves that tourism businesses conducted by entrepreneurs have been included in the List of Tourism Businesses.
25. Environmental Impact Assessment hereinafter abbreviated as AMDAL, is a study of the major and significant impacts of planned activities on the environment which necessary for decision-making process concerning the implementation of business and/or activities.
26. Environmental Management Efforts and Environmental Monitoring Efforts hereinafter abbreviated as UKL-UPL, is the management and monitoring of business and/or activities carried out by entrepreneur and/or activity with no requirement to conduct Environmental Impact Assessment (AMDAL) in decision making and/or consideration for issuing permits - conducting tourism business and/or activities.

27. Officials are Civil Servants assigned to duties, either by Principle Tasks and Functions or other tasks dealing with certain fields under the Laws and Regulations.
28. Civil Servant Prosecutor, hereinafter abbreviated as PPNS, is a Functional Officer who is authorized by the Regent to search for and collect evidence that explain a criminal activity and violation, both in the fields of retribution and tourism business.
29. Competence is a set of knowledge, skills and behavior that must be owned, lived, controlled by tourism workers to develop professional work.
30. Guide is a person who provides commercial guidance services for tourists, including guidance, direction, and explanation about tourist attraction.
31. Outsourcing guide is a person who provides commercial guidance services for tourists, including guidance, direction, and explanation about tourist attraction whose working territory is outside Mentawai Islands District.
32. Certification is the process of awarding certificates to tourism businesses and workers to support the improvement of product quality, service and management.
33. Course Certificate for Guide, hereinafter refer as SKP, is the certificate taken as evidence for following and completing guide course.
34. Guides Certificate is the certificates taken as evidence of following and passing guide exam.
35. Guide Identification Card, hereinafter refer as KTPP, is identity card of the guide used as an operational permit.
36. Society is a consistent group of people with specific power both tangible and/or intangible.
37. Exclusive area is a special area with unique diversity highly appealing for tourists.
38. Spa business is a body treatment business that provide services with combination of water therapy, aroma therapy, massage, spices, healthy food/beverage service, and physical activity with the purpose of balancing the soul and body while still taking into consideration the traditions and culture of Indonesia.
39. Tourism infrastructure includes all main or basic facilities that allow the development of tourism infrastructure in order to provide services to tourist.

40. Tourism facilities include facilities and/or tourism service business undertaken by the company in providing services to tourists either directly or indirectly.

CHAPTER II PRINCIPLES, FUNCTIONS AND OBJECTIVES

First Section

Principle

Article 2

Tourism is organized on the basis of:

- a. benefit;
- b. kinship;
- c. fair and equitable;
- d. balance;
- e. independence;
- f. sustainability;
- g. participative;
- h. sustainability;
- i. democracy;
- j. welfare; dan
- k. unity.

Second Section

Function

Article 3

Tourism serves to meet the physical, spiritual and intellectual needs of every tourist with recreation and travel as well as increase the local revenue to realize the welfare of the community.

Third Section

Objectives

Article 4

The objectives of Tourism include:

- a. preserving the natural resources and gifts from God Almighty;
- b. utilizing, realizing and introducing the potential of tourism destination as an exotic uniqueness that can attract tourists

- and have potential in value of selling and value of competitiveness in a sustainable manner;
- c. realizing the values of nationalism, pride and togetherness on the excellent potential to enhance friendship between regions and among the nation;
 - d. encouraging the management and development of community-based destination resources sustainably;
 - e. providing guidance and focus on the integration of implementation of destination development;
 - f. exploring and developing the economic, entrepreneurial, social, cultural and technological potential of communication through tourism activities;
 - g. expanding and articulating job opportunities and employment opportunities;
 - h. optimizing the utilization of regional and national production;
 - i. increasing the rate of local revenues in order to support the enhancement of capability and regional economic independence;
 - j. realizing the utilization of tourism development result in order to improve the welfare and prosperity of the community.

CHAPTER III

PRINCIPLES OF TOURISM IMPLEMENTATION

Article 5

- (1) The implementation of tourism is based on the following principles:
 - a. upholding the values of religion, culture and local cultural wisdom;
 - b. guaranting exclusivity in tourism development;
 - c. contributing to the Regional area to support development;
 - d. preserving the environment;
 - e. becoming a pillar in the implementation of sustainable development;
 - f. becoming a useful activity for the States, Regions and Local Communities;
 - g. promoting the obligations of all development sectors in the development of tourism;

- h. encouraging the development of tourism sector rights;
 - i. developing labor and entrepreneur rights in tourism industry;
 - j. empowering local communities; and
 - k. ensuring the integration between agencies, inter-regions and stakeholders.
- (2) Actualization of the principles of tourism implementation as referred in paragraph (1) shall be implemented by all tourism actors.

CHAPTER IV

TOOURISM IMPLEMENTATION

Article 6

- (1) The implementation of tourism business can be done by a business entity, individual, micro/small/medium business that have obtained legal entity.
- (2) In implementing the business activities, business entities and/or individuals as referred in paragraph (1), shall register to Regional Government, according to the place and/or domicile of the business.
- (3) Further provisions concerning the form and procedure of tourism business registration as referred in paragraph (2) is stipulated in Regent Regulation.
- (4) In the implementation of tourism activities, Local Government can play an active role in:
 - a. providing guidance, service, coordination, supervising, sanctioning, facilitating entity for micro /small/medium enterprise enterprises, legal co-operatives, individuals and society and/or tourism business actors;
 - b. providing guarantee, protection and legal certainty to corporations and/or legal entities and/or corporations that organize business activities and invest in the sustainability of the implementation, development and development of regional tourism.

Article 7

Regional Government shall develop and protect micro, small, medium and cooperative enterprises in tourism business by:

- a. make reserve policy of tourism business for micro, small, medium and cooperative enterprises; and
- b. facilitating micro, small, medium and cooperative in tourism business with large scale business.

CHAPTER V TOURISM CONSTRUCTION

Article 8

Tourism construction is carried out in an integrated manner through territorial approach by taking the following aspects into account:

- a. regional geography;
- b. combined accessibility;
- c. tourism resources; and,
- d. tourism products and target market.

Article 9

Construction of regional tourism includes:

- a. tourism industry;
- b. tourism destination;
- c. marketing; dan
- d. tourism institution.

Article 10

- (1) Planning of the implementation of regional tourism construction is carried out in an integrated manner with cross-sector.
- (2) Tourism construction as referred in paragraph (1) shall be conducted based on Regional Tourism Development Master Plan (RIPPDA).
- (3) Master Plan for Regional Tourism Development as referred in paragraph (2) is regulated in separated Regional Regulations.
- (4) Preparation of Regional Tourism Development Master Plan as referred in paragraph (2) and paragraph (3) shall be done by involving the stakeholders.
- (5) Master Plan for the Development of Regional Tourism as referred in paragraph (4) covers the development planning of tourism industry, tourism destinations, marketing and institutions.

- (6) Master Plan for Regional Tourism Development as referred in paragraph (5) shall be prepared in accordance with Regional Spatial Plan (RTRW).

CHAPTER VI STRATEGIC AREA OF REGIONAL TOURISM

Article 11

- (1) Determination of the Strategic Area of Regional Tourism is stipulated by Regional Government by taking the following aspects into account:
 - a. potential natural and cultural tourism resources to attract tourism;
 - b. Market potential;
 - c. strategic areas that play a role in maintaining the unity and integrity of the region;
 - d. protection of certain locations that have strategic role in maintaining the function and support of environment;
 - e. strategic areas that have a role in the conservation and utilization of nature and culture;
 - f. community readiness and support; and
 - g. peculiarities of the territory.
- (2) Tourism strategic area as referred in paragraph (1) is developed to participate in order to create unity of the nation, region and to improve the welfare of the community.
- (3) Strategic areas of tourism should pay attention to culture, social, local wisdom, and religion aspects.
- (4) Strategic areas of tourism as referred in paragraph (1), paragraph (2) and paragraph (3) is an integral part of Regional Tourism Development Master Plan (RIPPDA) and Regional Spatial Plan.

CHAPTER VII THE UTILIZATION OF TOURISM RESOURCES

Article 12

Regional tourism resources consist of:

- a. natural resource;
- b. human resource; and

- c. man-made resource.

Article 13

The utilization of tourism resources as referred in Article 13 shall be conducted with regard to:

- a. religion values, customs, cultural sustainability and norms in the civilization of social life;
- b. location support;
- c. local wisdom of the Region;
- d. environmental sustainability and environmental quality standards;
- e. security, order, safety and comfort of tourists and public;
- f. community diversity;
- g. sustainability of tourism resources management.

CHAPTER VIII TYPE OF TOURISM ACTIVITIES

Article 14

Types of regional tourism activities consist of:

- a. Water tourism;
- b. Natural tourism;
- c. Cultural tourism.

Article 15

- (1) Water Tourism as referred in Article 14 consists of:
 - a. Marine tourism;
 - b. Water tourism;
 - c. Lake tourism.
- (2) Marine Tourism as referred in sub-article (1) letter a, covers:
 - a. surfing;
 - b. sea garden;
 - c. swimming;
 - d. snorkeling;
 - e. fishing;
 - f. sailing;
 - g. sea paragliding;

- h. paddling;
 - i. jet ski;
 - j. banana boat.
- (3) River tourism as referred in paragraph (1) letter b, covers:
- a. rafting;
 - b. paddling;
 - c. others.
- (4) Lake Tourism as referred in paragraph (1) letter c, covers:
- a. fishing
 - b. paddling;
 - c. lake tourism.

Article 16

Nature Tourism as referred in Article 14 letter b, covers:

- a. trecking;
- b. natural forest;
- c. flora and fauna;
- d. herbal tourism;
- e. mangrove; and
- f. other nature tourism.

Article 17

Cultural tourism as referred in Article 14 letter c, covers:

- a. custom and religious ritual
- b. art;
- c. architecture;
- d. clothing;
- e. historical artefact;
- f. cultural heritage objects.

CHAPTER IX
TOURISM BUSINESS

Article 18

Tourism business includes:

- a. tourism attraction;
- b. tourism area;
- c. tourism transportation service;
- d. tourism travel service;
- e. food and beverage service;
- f. accommodation supply;
- g. entertainment and recreation;
- h. conventions, conservation and exhibition incentive trips;
- i. tourism information service;
- j. tourism consultation service;
- k. guide service;
- l. water transport service; dan
- m. spa.

CHAPTER X
TOURISM BUSINESS IMPLEMENTATION

Part One

Tourism Product Development

Paragraph 1

Tourism Industry

Article 19

Tourism Business covers:

- a. accommodation business;
- b. food and beverage business;
- c. tourism service business;
- d. entertainment and recreation business;
- e. tourism area business;
- f. water tourism business;
- g. spa dan salon business;
- h. tourism transportation business;

i. tourism travel business.

Article 20

Grouping of the tourism industry as referred in Article 19 is stipulated by Regent Regulation.

Article 21

To create a conducive, harmonious and modest business relationship as referred in Article 19, department in charge of tourism is obliged to provide guidance, supervision and evaluation on the following matters:

- a. improvement of service quality standards;
- b. improvement of tourism businesses competitiveness.

Paragraph 2

Tourism Attraction

Article 22

Tourism Attractions include:

- a. natural attractions;
- b. artificial attractions.

Article 23

Each tourism attraction as referred in Article 22 is developed through:

- a. demonstration of regional cultural heritage;
- b. development of compliance with legislation, norms and values of community life;
- c. development of safety, security and comfort of tourists, managers and society;
- d. maintainance of order and harmony of the environment;
- e. development of added value and broad benefits for local community;
- f. development of publication of calendar of tourism activities.

Article 24

The classification of tourism attractions as referred to in Article 22 is stipulated by Regent Regulation/Decree.

Article 25

The implementation and demonstration of tourism attractions as referred in Article 22 is conducted by the community, tourism industry, Regional Government and/or in the form of partnership.

Paragraph 3

Tourism Destination Area

Article 26

- (1) The development of tourism destinations is conducted through:
 - a. management of the area and path of tourism;
 - b. infrastructure supply;
 - c. utilization of marine conservation area;
 - d. utilization of forest conservation area;
 - e. utilization of cultural conservation area;
 - f. maintenance of sustainability and environmental quality standards.
- (2) Development of tourism destinations as referred in paragraph (1) shall be conducted by the community, micro/small/medium enterprises, cooperatives, regional government and/or in the form of partnerships.
- (3) Specific areas that are strategic as the development of tourism activities are determined by Regional Regulation/Decree.

Part Two

Tourism Destination Marketing

Article 27

- (1) Marketing of tourism destinations is conducted to accelerate regional development in an effort to improve the image of the region as a tourist destination that has competitiveness in the era of globalization;
- (2) Marketing of tourism destinations is oriented to the demand and satisfaction with high value in domestic and foreign tourist market.

Part Three
Tourism Research and Development

Article 28

- (1) Tourism research and development are conducted to obtain objective data and information through research activities, surveys, studies, seminars, workshops, panel discussions and other similar scientific activities to support the formulation of policies and strategies for tourism development.
- (2) Tourism research and development activities as referred in paragraph (1) shall include:
 - a. tourism product;
 - b. tourism destination marketing;
 - c. tourism regulation;
 - d. cooperation and institutional relations of tourism.
- (3) Tourism research and development shall be undertaken by Regional Government, Tourism Industry, Educational Institution and Researcher, Tourism Consultant, Association and/or Institute of Tourism and may cooperate with related parties in State and Foreign Affairs.
- (4) Tourism research and development procedures as referred to in paragraph (3) is stipulated by Regent Regulation

CHAPTER XI
INFRASTRUCTURE

Article 29

Tourism infrastructure consists of:

- a. Airport;
- b. Port;
- c. Road;
- d. Bridge;
- e. Installation of power plants;
- f. Installation of clean water;
- g. Irrigation system;
- h. Bank and monetary system;
- i. Telecommunication system;

- j. Hospital;
- k. Security;
- l. Education infrastructure; and
- m. Entertainment infrastructure.

Article 30

Tourism infrastructure includes:

- a. Tourism attraction business;
- b. Tourism area business;
- c. Tourism transportation service business;
- d. Tourism travel service business;
- e. Food and beverage service business;
- f. Accommodation supply business;
- g. Entertainment and recreation business;
- h. Attendance venues, incentive trips, conferences and exhibitions business;
- i. Tourism information service business;
- j. Tourism consultant service business;
- k. Guide service business;
- l. Water tourism business;
- m. Spa business; and
- n. Tourism organization.

CHAPTER XII

AMDAL AND UKL-UPL

Article 31

- (1) Each Business and/or Activity required to obtain Amdal or UKL-UPL is required to obtain Environment Permit.
- (2) Environment Permit as referred in paragraph (1) shall be obtained through stages of activities which include:
 - a. Amdal and UKL-UPL writing;
 - b. assessment of Amdal and checking of UKL-UPL; and
 - c. application and issuance of Environmental Permit.

Article 32

The analysis review of the formulation of terms of reference for Environmental Impact Assessment (AMDAL), and Environmental Management Effort (UKL) and Environmental Monitoring (UPL), should follow the prevailing laws and regulations;

CHAPTER XIII

RIGHTS, DUTIES AND FIELDS IN TOURISM ACTIVITIES

Part One

Rights

Article 33

Regional Government shall arrange and manage tourism affairs according to its authority by referring to the provisions of applicable laws and regulations.

Article 34

- (1) All people are entitled to:
 - a. an opportunity to meet the needs of tourism;
 - b. conduct tourism business;
 - c. have access to tourism business; and,
 - d. play a role in the process of tourism development.
- (2) Every person and/or community within and around a tourism destination have priority rights of:
 - a. becoming a part of the tourism industry;
 - b. conduct cooperation; and
 - c. become tourism agent / involvement in management.

Article 35

Every traveler is rightful to obtain:

- a. accurate information on each tourism attraction;
- b. tourism service;
- c. provision of legal and security protection;
- d. health service;
- e. respect of privacy;
- f. insurance protection for high-risk tourism activities.

Article 36

Tourists with physical limitations, children and elderly are entitled to special facilities according to their needs.

Article 37

- (1) Every entrepreneur engaged in tourism business is entitled to:
 - a. be given the same opportunity in the field of tourism;
 - b. form and become a member of tourism association;
 - c. obtain legal protection and certainty in business; and
 - d. obtain facilities in accordance with the regulation.
- (2) The same opportunity in the tourism sector as referred in paragraph (1) sub-paragraph a, specifically for water tourism, should be based on Regional Government, related to sea spaces including coastal areas, zones and available potential as well as technical considerations of maritime territorial region.
- (3) The provision of opportunity to conduct business in tourism field as referred in paragraph (2) is further regulated in Regent Regulation/Decree.

Part Two

Duties

Article 38

Local Government is obliged to:

- a. provide tourism information, legal protection, security and safety to tourists;
- b. create a conducive climate for the development of tourism business which includes opening the same opportunity in trying, facilitating and providing legal certainty
- c. preserve the traditions and cultural heritage of the region as a tourism asset;
- d. maintain, develop and preserve national assets as tourism attraction and undiscovered potential;
- e. empower local communities along with the natural environment and local culture;
- f. encourage tourism business partnerships;
- g. promote local handicraft industry;
- h. promote the potential of district-level tourism attraction;

- i. supervise and control tourism activities in order to prevent and overcome various negative impacts on the community; and
- j. the regional government must encourage investment growth in tourism affairs.

Article 39

Each person is obliged to:

- a. maintain and preserve tourism attractions;
- b. help to create a safe, orderly, clean, polite, and environment sustaining environment of the tourism destination; and
- c. building positive image of regional tourism destination.

Article 40

Each tourist is obliged to:

- a. maintain and respect religious norms, customs, cultures and values in the local community;
- b. maintain and preserve the environment;
- c. participate in maintaining environmental order and security;
- d. participate in preventing all forms of actions which violate morals and law; and,
- e. participate in building positive image of tourism destinations in the region.

Article 41

Each tourism business is obliged to:

- a. maintain and respect religious norms, customs, cultures and values in the local community;
- b. provide accurate and responsible information;
- c. provide non-discriminatory services;
- d. provide comfort, friendliness, security protection and safety for tourists;
- e. provide insurance protection for activities with high-risk impact;
- f. develop partnerships with local micro, small and cooperative businesses which are mutually reinforcing, and profitable;

- g. prioritize local community products, domestic products and provide opportunities to local workers;
- h. improve the competence of workforce through education and training;
- i. play an active role in community infrastructure development and empowerment program;
- j. participate to prevent any act of violation of decency and unlawful activity in business place;
- k. maintaining a healthy, clean and beautiful environment;
- l. preserve natural and cultural environment;
- m. maintaining the image of the nation through responsible tourism business activities; and
- n. implement business standards and competency standards in accordance with applicable laws and regulations.

Part Three

Prohibition

Article 42

- (1) Each person is prohibited from damaging physical attractions.
- (2) Destruction of physical tourist attraction as referred in paragraph (1) includes: change the color, change the shape, remove certain species, pollute and damage the environment, move, take, destroy and/or destroy tourist attractions which result in reduced and/or loss of uniqueness, beauty and authentic value of a tourist attraction set by Regional Government.

Article 43.

Every business entrepreneur is prohibited to:

- a. utilizes certain locations and/or regions without permission;
- b. employ underage labor.

CHAPTER XIV

AUTHORITY OF LOCAL GOVERNMENT

Article 44

Local Government has the authority to:

- a. coordinate the implementation of regional tourism;
- b. carry out the registration, recording and data collection of tourism business;
- c. establish regional tourism strategic area;
- d. establish Regional tourism destinations;
- e. sstablishing Regional tourism attractions;
- f. facilitate the promotion of tourism destinations and tourism products located in the area;
- g. publish, revoke, suspend, review, change and extend business licenses and/or tourism activities;
- h. maintain the Regional assets as the Regional tourism attraction;
- i. allocate tourism budgets according to the provisions of regulation;
- j. socialize the products of Regional law in Tourism field;
- k. collect Regional Taxes and Levies; and
- l. reward tourism and tourism businesses;
- m. facilitate the development of new tourist attractions;
- n. organize training and research on tourism within the scope of the region; and
- o. organize guidance to the public on tourism awareness.

Article 45

- (1) Regional Government guarantees the availability and dissemination of information to the public for the benefit of tourism development.
- (2) Regoinal Government can develop and manage tourism information system.

CHAPTER XV

SIGNUP REGISTRATION OF TOURISM BUSINESS

Article 46

- (1) Any legal entity and/or individual conducting tourism business activities as referred in Article 15, Article 19 and Article 20, should:
 - a. have Tourism Business ID (TDUP) from Regional Government;

- b. have a head office with specific address and location in Mentawai Islands Region;
 - c. explain and present plan of management and development of tourism business to the Regent;
 - d. be obedient, and submissive to this Regional Regulation, as evidenced by the Facts of Integrity.
- (2) Further provisions on Tourist Information Certificate (TDUP) as referred in paragraph (1) letter a is regulated by Regent Regulation/Decree.

CHAPTER XVI

PUBLIC PARTICIPATION

Article 47

- (1) Communities participate in tourism activities, through:
- a. increasing tourism awareness;
 - b. active participation in tourism development;
 - c. providing suggestions, opinions and aspirations in the framework of developing tourism; and
 - d. extracting potential and economic resources, entrepreneurship, social, art and culture, technology to support tourism.
- (2) Other relevant agencies may encourage and facilitate the participation of the community as referred in paragraph (1).

CHAPTER XVII

GUIDE

Article 48

- (1) Guide services as referred in this provision, Article 18 letter k, is called as Guide.
- (2) Guide as referred in paragraph (1) is be divided into 2 (two) groups i.e.:
- a. general guide; and
 - b. special guide;
- (3) General Guide as referred in paragraph (2) letter a, have the following duties:
- a. accompany tourists, both groups and individuals who travel with available transportation;

- b. provide explanations and guidance on travel plans, tourist objects and attractions and provide explanation of travel documents, accommodation, transportation and other tourist facilities; and
 - c. provide help to travelers who fall ill, have accidents, loss and/or other similar disasters.
- (4) Special Guide as referred in paragraph (2) letter b have the following tasks:
- a. obey the professional code of tour guide;
 - b. wearing KTPP according to its classification, in accordance with the provisions of paragraph (2); and
 - c. obey the agreed trip activity.

Article 49

- (1) To become a guide as referred in Article 48 paragraph (2) letter a and letter b, any guide candidate should follow training program according to competency standard.
- (2) Training as referred to in paragraph (1) is organized by the relevant agencies in cooperation with Professional Certification Institution appointed by Regional Government.
- (3) Any guide who has followed the provisions referred to in paragraph (2) will be given a Certificate and Identity Card of Guides that should be used when on duty.
- (4) Certificates and Identity Card of Guides are issued by Professional Certification Bodies appointed and stipulated by Regional Government.

Article 50

Any external tour guides and/or who have obtained and/or fulfilled the provisions as referred in Article 48 paragraph (1) is obliged to cooperate and/or involve local tour guides.

Article 51

Forms and procedures, requirements, training, code of ethics, guidance, supervision and cooperation of guide as referred in Article 48, Article 49 and Article 50, is further regulated by Regent Regulation/Decree.

CHAPTER XVIII
COORDINATION

Article 52

- (1) In order to improve the implementation of tourism, Regional Government can conduct cross-sector strategic coordination at the level of policies, programs and activities of tourism.
- (2) cross-sectors coordination as referred in paragraph (1) includes:
 - a. customs, immigration and quarantine;
 - b. security and order;
 - c. public infrastructure including roads, clean water, electricity, telecommunications and environmental health;
 - d. land, sea and air transportation; and
 - e. tourism promotion and overseas cooperation.

Article 53

Cross-sectoral strategic coordination as referred in Article 52, is headed by the Regent.

CHAPTER XIX
COOPERATION AND PARTNERSHIP

Part One

Cooperation

Article 54

- (1) Regional Government develops cooperation pattern in the framework of the implementation and development of tourism;
- (2) Cooperation as referred in paragraph (1) should be conducted by the Regional Government with:
 - a. central government;
 - b. provincial government;
 - c. city/regent government;
 - d. international; and
 - e. business aspect.

- (3) Cooperation as referred in paragraph (1) and paragraph (2) includes:
 - a. implementation of regional tourism development policy;
 - b. development of superior tourism;
 - C. development of cross-border travel; and
 - d. other cooperation according to mutual agreement.
- (4) Cooperation as referred in paragraph (2) and paragraph (3) shall be implemented in accordance with prevailing laws and regulations.

Part Two

Partnership

Article 55

- (1) Regional Government shall establish partnerships with global businesses and/or other institutions in the framework during the implementation of tourism.
- (2) Partnership as referred to in paragraph (1) shall be conducted through:
 - a. education and training of human resource competency;
 - b. research and development;
 - C. management of assets and tourist attraction; and
 - d. other activities in accordance with a cooperaiton agreement which is mutually beneficial for both parties.
- (3) Partnership as referred to in paragraph (1) and paragraph (2), should be written in the form of Agreement.
- (4) The agreement referred to paragraph (3) should be in written form and signed by both parties;

CHAPTER XX

REGIONAL TOURISM PROMOTIONAL AGENCY

Article 56

- (1) In order to support the general program of tourism development, Regional Government can facilitate the formation of Regional Tourism Promotion Agency.

- (2) Regional Tourism Promotion Agency as referred to in paragraph (1) is a self-supporting and non-profit private organization.
- (3) The establishment of Regional Tourism Promotion Agency as referred in paragraph (1) is stipulated by Regent Regulation.
- (4) Regional Tourism Promotion Agency has the following tasks:
 - a. improve the image of regional tourism;
 - b. increase the visitation from foreign tourists and archipelago as well as tourism sector acceptance;
 - c. raise funding from other sources beside State Revenue and Expenditure Budget, Provincial APBD and Regent APBD in accordance with laws and regulations; and
 - d. conduct research in the framework of business development and tourism business.
- (5) Regional Tourism Promotion Agency has the following functions:
 - a. coordinator of tourism promotions conducted by the business communities in the region;
 - b. local government partners.

Article 57

- (1) Management of Regional Tourism Promotion Agency consists of the following elements:
 - a. elements of Policy Determination of Regional Tourism Promotion Agency; and
 - b. elements of Operational Implementation of Regional Tourism Promotion Agency.
- (2) Elements of Policy Determination as referred in paragraph (1) letter a, comprises of 9 (nine) people including:
 - a. four representatives of tourism association;
 - b. two representatives of professional associations;
 - c. one representative of aviation association; and
 - d. two experts of academic elements.
- (3) Operational executive element as referred in paragraph (1) letter b should be appointed by policy determinant,

headed by Executive Director and assisted by Director in accordance with the field of duty.

Article 58

- (1) Financing of Regional Tourism Promotion Agency should be derived from the interests and other sources that are legitimate and non-binding in accordance with provisions of the law.
- (2) Grant from the Regional Government.
- (3) Grant as referred in paragraph (2) is further stipulated by Regent Regulation.

Article 59

- (1) Organization and work procedures, requirements, procedures for appointment and dismissal of Regional Tourism Promotion Agency is further stipulated in Regent's Regulation.
- (2) Working period of Regional Tourism Promotion Agency is valid for 3 (three) years and may be reappointed for 1 (one) subsequent working period.

CHAPTER XXI

GUIDANCE AND SUPERVISION

Part One

Guidance

Article 60

- (1) Guidance of tourism implementation is carried out by the Regent in the form of arrangement, guidance, supervision and control on tourism business activities.
- (2) Guidance for implementation of tourism as referred in paragraph (1) shall be held in order to create conditions that support the interests of tourists, the sustainability of tourism business and maintaining the objects, attractions and the environment.
- (3) In order to realize the guidance of tourism as referred in paragraph (2), the following efforts shall be made:
 - a. improving the quality and quantity of tourism;
 - b. disseminating tourism development;
 - c. increasing tourism accessibility;

- d. creating a healthy business climate in the field of tourism business;
- e. increasing private participation in tourism-business development;
- f. increasing community participation in tourism business development;
- g. protecting the preservation and integrity of objects and tourist attractions;
- h. increasing promotion and marketing of tourism products; and
- i. enhancing regional, national and international cooperation.

Part Two

Supervision

Article 61

- (1) Regional Government through regional apparatus that handles the field of tourism affairs shall supervise the implementation of tourism.
- (2) Procedures for supervision as referred in paragraph (1) is regulated further by Regent's Regulation.

CHAPTER XXII

FUNDING

Article 62

Funding of tourism is the responsibility of Regional Government.

Article 63

The management of tourism funds is based on the principles of fairness, efficiency, transparency and public accountability and performance-based.

Article 64

Regional Government may allocate part and the income earned from tourism establishment for the benefit of nature conservation, art and culture preservation.

Article 65

Local government can provide funding opportunities for micro and small businesses in tourism.

CHAPTER XXIII
ADMINISTRATIVE SANCTION

Article 66

- (1) Any traveler who does not comply with the provisions referred in Article 39, Article 40, and Article 42 is sanctioned in the form of oral reprimands accompanied by a notice concerning the matter to be met.
- (2) If the tourist has been given a warning as referred in paragraph (1) and this is still ignored, the concerned tourist may be expelled from the location.

CHAPTER XXIV
CRIMINAL PROVISIONS

Article 67

Violation of the provisions as referred in Article 42 and Article 43 shall be liable to criminal sanctions in accordance with prevailing laws and regulations.

CHAPTER XXV
TRANSITIONAL PROVISIONS

Article 68

- (1) After the enactment of this Regional Regulation all licenses of tourism businesses that have been issued still remain valid for the period of validity until requirement of re-registration.
- (2) Every permit of tourism business activities as referred in paragraph (1), which has previously conducted tourism operations as referred in Article 46, shall be obedient and/or adjust to this Regulation.
- (3) Tourism companies that have obtained permission to conduct water business activities in regional area should be guided by this Regulation of the Region.

Article 69

With the enactment of this Regional Regulation:

- a. Regional Regulation of Mentawai Islands Regency Number 16 of 2002 on Tourism and Retribution of Tourism Object is revoked and no longer valid.
- b. Regulation for implementation of this Regulation shall be stipulated within 2 (two) years since the enactment of this Regional Regulation.

CHAPTER XXVI

CLOSING

Article 70

Further provisions concerning matters that have not been regulated in this Regional Regulation, then the technical implementation is further regulated by Regulation of the Regent/Decree.

Article 71

This Regional Regulation shall come into force on the date of promulgation.

To inform the public, the enactment of this Regional Regulation is ordered in Regional Gazette of Mentawai Islands.

Enacted in Tuapapat
on May 8, 2015

REGENT OF MENTAWAI ISLANDS

YUDAS SABAGGALET

Enacted di Tuapejat
On 8 Mei 2015

REGIONAL SECRETARY
REGENCY OF MENTAWAI ISLANDS

IFDIL GUSTI

REGIONAL SHEET OF REGENCY OF MENTAWAI ISLANDS YEAR 2015
NUMBER: 1

REGISTRATION NUMBER OF REGIONAL REGULATION OF MENTAWAI
ISLANDS, WEST SUMATERA PROVINCE: (1/2015)

**EXPLANATION
ON
REGIONAL REGULATION OF MENTAWAI ISLANDS
NUMBER 1 YEAR 2015
ON
TOURISM**

I. GENERAL

West Sumatera Province, especially Regency of Mentawai Islands, is blessed and trusted by God Almighty with natural heritage, flora and fauna and marine tourism. Therefore, the potential should be taken care of and utilized as well as possible based on noble character as the implementation of worship and embodiment of gratitude to God Almighty,

During the management, utilization and development of tourism destinations in optimal, sustainable and environmentally sound manner, it principally should be managed regarding the nature, characteristics and wholeness, and it is not justified to reduce and/or damage the value of tourist attraction.

In accordance with mandate of Law Number 10 Year 2009 on Tourism, that tourism is a superior potential which its utilization is used for community welfare. In order to achieve the objectives and targets, in the management and utilization, Government of Mentawai Islands Regency shall regulate the management and utilization of tourism potential in order to realize legal certainty for Regional Government, Community and Tourism Business Stakeholders.

Existence of Regional Regulation of Mentawai Islands Regency Number 16 Year 2002 on Tourism and Retribution of Tourism Objects, until now is still a debate among stakeholders, both from Local Government, Society and tourism business stakeholders. Each of them wish to be able to mutually utilize the potential with the principle of putting aside monopolistic nature that tends to be put forward in local regulation.

Along with the establishment of Regional Autonomy, each region is required to carry out development with the effort to explore and organize regional potential from various sources, including through tourism sector. Beside its economic value, Tourism sector also has an important role to expand and distribute business and employment opportunities, encourage regional development, and increasing local revenue for public prosperity.

Based on this dynamic, and in order to address the current debates, local governments deliver real step and regulation through transformation effort by reviewing Regional Regulations of Mentawai Islands No. 16 of 2002 on Tourism and Retribution Tourism Object.

In line with the above intent, as one of the requirements is to create a conducive climate in the development of comprehensive tourism in order

to respond to the demands by some changes in strategic environment, both external and internal, it is necessary to establish regional regulations on tourism that governs the rights and obligations of society, tourist, business, government and regional government, comprehensive and sustainable tourism development, cross-sectoral coordination, strategic area arrangement, empowerment of micro, small, and medium enterprises in and around tourism destinations, tourism promotion agencies, business standardization, and tourism worker competence, as well as the empowerment of tourism workers through training of human resources.

II. ARTICLE TO ARTICLE

Article 1 s/d Article 71

Quite clear.

ADDITIONAL SHEET OF REGENCY OF MENTAWAI ISLANDS NUMBER:

1