

TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

WITH THE BLESSING OF THE ONE AND ONLY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that Traffic and Road Transportation have strategic role in support of national integrated development as part of the efforts to enhance welfare of the people as mandated by the 1945 Constitution of the Republic of Indonesia;
- b. that potentiality and role of Traffic and Road Transportation as part of national transportation system must be developed to accomplish security, safety, order and smooth operation of traffic and road transportation in the context of supporting economic development and regional development;
- c. that the development of national and international strategic environment claims that traffic and road transportation operation must be consistent with the growth of science and technology, regional autonomy and accountable State function;
- d. that Law Number 14 Year 1992 concerning Traffic and Road Transportation are no longer consistent with the condition, changing strategic environment; and the need for Traffic and Road Transportation at present that need to be amended by new statutory regulation;
- e. that based on the consideration referred to in letters a, b, c and d, it is necessary to establish Law on Traffic and Road Transportation;

In view of:

Article 5 paragraph (1) serta Article 20 paragraph (1) dan paragraph (2) of the 1945 Constitution of the Republic of Indonesia (*BN No. 7152 pages 14A-23A*);

With Joint Approval of
THE HOUSE OF PEOPLE'S REPRESENTATIVES OF OF
THE REPUBLIC OF INDONESIA
AND
PRESIDENT OF THE REPUBLIC OF INDONESIA

D E C I D E S:

To stipulate:

LAW ON TRAFFICS AND ROAD TRANSPORTATION.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in Law by:

1. Traffics and Road Transportation shall be a unit of system consisting of Traffic, Road Transportation, Traffic Network and Road Transportation, Traffic Infrastructure and Road Transportation, Vehicle, Driver, Road Users and its management;
2. Traffic shall be movement and vehicle of people on Road Traffic Space.
3. Transportation shall be movement of people and/or goods from one place to another place using Vehicle on Road Traffic Space.

4. Traffic and Road Transportation Network shall be a series of interconnected checkpoints and/or space for activities for Traffic and Road Transportation operation.
5. Checkpoint shall be place allocated for exchanging inter-media in the form of terminal, railway station, seaport, riverport and lakeport, and/or airport.
6. Traffic and Road Transportation infrastructure shall be Traffic Space, Terminal and Road Accessories covering road marks, signs, traffic signalling device, controlling device and safeguard signs for Road User, road surveillance and safeguard and supporting facilities.
7. Vehicle shall be either of transportation facilities on road consisting of Motor Vehicle and Non-Motor Vehicle.
8. Motor Vehicle shall be any Vehicle operated by mechanical device in the form of machine other than Vehicle operation on railway.
9. Non-Motor Vehicle shall be any Vehicle operated by man and/or animal.
10. Public Motor Vehicle shall be any Vehicle used transport goods and/or people against payment.
11. Road Traffic shall be infrastructure designated for movement of vehicle, people and/or goods in the form of road and supporting facilities.
12. Road shall be all parts of the road, including supporting construction designated for public traffic existing on land surface, land subsurface and/or on water, above water surface, except railway and cable road.
13. Terminal shall be point for Public Motor Vehicle used to regulate arrival and departure, pick up and drop people, and/or goods, and movement of transportation media.
14. Halt shall be place for Public Motor Vehicle to stop to pick up and drop passengers.
15. Park shall be condition of when Vehicle stops or not moving for a few moment and is left by the driver.
16. Stop shall be condition where Vehicle stops for a while and is attended by the driver.
17. Traffic signs shall be road accessories in the form of symbol, letter, figure, sentence, and/or its combination that function as reminder, prohibition, instruction or guidance for Road Users.
18. Road mark shall be any sign existing on the road surface covering the accessories or marks that establishes longitudinal stretch or horizontal line, diagonal line, and symbol that function to direct flow of traffic and bordering the area for traffic purpose.
19. Traffic Signs Control Device shall be electronic device using lamp signs that may be equipped with sound signs to regulate people's traffic and/or vehicle's traffic at cross and road stretch.
20. Motor Bicycle shall Motor cycle with two wheels with or without case and with or without side carriage or Motor Bicycle with three wheels without case.
21. Public Transportation Company shall be legal entity providing transportation service for people and/or goods with Public Motor Bicycle.

22. Service User shall be individual or legal entity using Public Transportation Company service.
23. Driver shall be person driving the Motor Vehicle on the road that has obtained Driving License.
24. Traffic accident shall be any unexpected and unintended accident that involve vehicle with or without other Road User that causes human victim and/or loss of property.
25. Passenger shall be person present in the Vehicle and the Vehicle crew.
26. Pedestrian shall be any person walking on the Road Traffic Space.
27. Road User shall be person using road for trafficking.
28. Road Maintenance Fund shall be fund specially used for maintenance, rehabilitation, and reconstruction of Road continuously according to the specified standard.
29. Managemet and Traffic Engineering shall be a series of businesses and activities covering planning, procurement, installation, coordination, and maintenance facilities for Road accessories in accomplishing, supporting and maintaining security, safety, order, and smooth operation of traffic.
30. Traffic security and Road Transportation shall be any condition where any person, goods, and/or vehicle is free from intrusion that violates the law, and/or causing fear in trafficking.
31. Traffic safety and Road Transportation shall be any condition where any person is free from accidental risk caused by any person, vehicle, road and/or environment.
32. Order on Traffic and Road Transportation shall be any condition in trafficking that takes place routinely based on the right and obligation of the respective Road User.
33. Smooth operation of traffic and road transportation shall be any condition on trafficking and use of transportation that is free from any intrusion and jam on the Road.
34. Traffic Information and Communication Ssystem shall be group of interconnected sub-systems through consolidated process, storage, and data distribution relating to Traffic and Road Transportation operation.
35. Certain investigating official of Police of the Republic of Indonesia or Civil Servant specially authoirized by the Law to conduct investigation.
36. Certain Assistant Investigating Official of Police of the Republic of Indonesia who due to being authorized may conduct investigation as governed in this Law.
37. Central Government hereinafter referred to as Government shall be President of the Republic of Indonesia that holds power over the administration of the State of the Republic of Indonesia as referred to in the 1945 Constitution of the State of the Republic of Indonesia
38. Regional Government shall be Governor, Regent/ Mayor, and regional instrument as Regional Government operating elements.
39. Minister shall be Assistant to President that leads the State ministry and is responsible for administrative affairs on Road, facilities and traffic infrastructure and Road Transportation

on industry, technology development or in education and training.

40. Head of Police of the State of the Republic of Indonesia shall be leader of Police of the State of the Republic of Indonesia and person in charge of police function implementation that covers security and order of the people, enforcement of the law, protection, and service to the people.

CHAPTER II

PRINCIPLES AND OBJECTIVES

Article 2

Traffic and Road Transportation shall be operated with due observance of:

- a. principle of transparency;
- b. principle of accountability;
- c. principle of continuity;
- d. principle of participation;
- e. principle of beneficial;
- f. principle of efficiency and effectiveness;
- g. principle of proportionate;
- h. principle of integration; and
- i. principle of independence.

Article 3

Traffic and Road Transportation shall be operation based on the objectives:

- a. for accomplishment of secure, safe, orderly, smooth and integrated traffic and Road Transportation services with other transportation media in motivating national economy, enhance people's welfare, strengthen national unity and

unitary and capable to uphold the nation dignity; and

- b. for accomplishment of the nation ethic on traffic and culture; and
- c. for accomplishing law enforcement and legal security for the people.

CHAPTER III

SCOPE OF LAW VALIDITY

Article 4

This Law is valid for management and operation of secure, safe, smooth Traffic and Road Transportation by:

- a. movement of the vehicle, people and/or goods on the Road;
- b. activities using facilities, infrastructure, and Traffic and Road Transportation supporting facilities; and
- c. activities relating to registration and identification of Motor Vehicle and Driver, education for trafficking, management and traffic engineering, and law enforcement on Traffic and Road Transportation.

CHAPTER IV

MANAGEMENT

Article 5

(1) The State shall be responsible for Traffic and Road Transportation and management thereof shall be under the control of the Government.

(2) Management of Traffic and Road Transportation referred to in paragraph (1) shall cover:

a. planning;.....

- a. planning;
- b. organizing;
- c. control; and
- d. supervision.

(3) The Traffic and Road Transportation referred to in paragraph (2) shall be managed by management agency with the main duty and function covering:

- a. administration affairs on Roads, by the State ministry in charge of Roads;
- b. administration affairs on facilities and Traffic and Road Transportation infrastructure by the State ministry in charge of Traffic and Road Transportation Infrastructure;
- c. administration affairs on Traffic and Road Transportation development by the State ministry in charge of industry;
- d. administration affairs on technology development on Traffic and Road Transportation by the State ministry in charge of technology development; and
- e. administration affairs on Registration and Identification of Motor Vehicle and the Driver.
- f. law enforcement, management and engineering on Traffic and Road Transportation and education for trafficking by the Police of the State of the Republic of Indonesia.

Article 6

(1) Management of Traffic and Road Transportation conducted by management agency referred to in Article 5 paragraph (3) shall cover:

- a. decision on the target and direction of policy for development of National Traffic and Road Transportation system;
- b. decision on the norm, standard, guideline, criteria and procedure for implementing national Traffic and Road Transportation nationwide; and;
- c. decision on the competence of the official conducting the function national Traffic and Road Transportation;
- d. provision of management, training, certification, granting license, and technical assistance to provincial government and regency/municipality government; and
- e. supervision in the implementation of the norm, standard, guideline, criteria, and procedure exercised by Regional Government.

(2) In the management referred to in paragraph (1), the Government may deliver part of its affairs to provincial government and/or regency/municipality government.

(3) The provincial government affairs in the management of Traffic and Road Transportation shall cover:

- a. stipulation of the target and direction of Traffic and Road Transportation systems of province and regency/municipality which networks trespasses the border of regency/municipality region;
- b. provision of management, training, certification and license to public transportation company of province; and

c. supervision....

c. supervision over the implementation of Traffic and Road Transportation of province.

(4) Administration affairs of regency/municipality in conducting management over Traffic and Road Transportation shall cover:

- a. stipulation of the target and direction of the policy on regency/municipality Traffic and Road Transportation system which network exists in regency/municipality area;
- b. provision of management, training, certification and license to public transportation company in regency/municipality; and
- c. supervision on the operation of Traffic and Road Transportation in regency/municipality.

CHAPTER V

OPERATION

Article 7

(1) Traffic and Road Transportation in providing direct service to the people shall be operated by the Government, Regional Government, legal entity, and/or the people.

(2) Government-operated Traffic and Road Transportation referred to in paragraph (1) must be consistent with the main duty and function of the respective agency that covers:

- a. administration affairs on Roads matter, by State ministry in charge of Roads;
- b. administrative affairs on facilities and Traffic and Road Transportation Infrastructure by State ministry in charge of Traffic and Road Transportation facilities;

c. administration affairs on Traffic and Road Transportation industry development by State ministry in charge of industry;

d. administration affairs on technology development on Traffic and Road Transportation by State ministry in charge of technology development; and

e. administration affairs on Registration and Identification of Motor Vehicle and Driver, Law Enforcement, Operational Management and Traffic Engineering as well as education on trafficking by the Police of the State of the Republic of Indonesia.

Article 8

Roads operation shall cover organizing, management, development and supervision over the Road infrastructure referred to in Article 7 paragraph (2) letter a, namely:

- a. inventory of Road service and its issues;
- b. structuring the desired plan and program thereof and stipulating Road service;
- c. planning, development, and optimizing Road stretch,
- d. geometric repair of Road stretch and/or cross-roads;
- e. decision on Road class in any Road stretch;
- f. function operational test according to standard of security and safety in trafficking; and
- g. development of information and communication system on Road infrastructure.

Article 9

Operation of Traffic Infrastructure and Road Transportation facilities referred to in Article 7 paragraph (2) letter b shall cover:

- a. **decision on Traffic and Road Transportation public plan;**
- b. **Traffic Management and Engineering;**
- c. **technical requirement and operable Motor Vehicle;**
- d. **permits for public transportation;**
- e. **development of information and communication system on Traffic Infrastructure and Road Transportation facilities;**
- f. **management of human resource constituting operator of Traffic Infrastructure and Road Transportation; and**
- g. **investigation on any violation to public transportation permits, technical requirement and operable Motor Vehicle that requires expertise and/or special device to be operated in accordance with the provision in this Law.**

Article 10

The operation of industry referred to in Article 7 paragraph (2) letter c shall cover:

- a. **structuring plan and program for development of Motor Vehicle industry;**
- b. **development of Motor Vehicle accessories industry that guarantees Security and Safety of Traffic and Road Transportation; and**
- c. **development of Road accessories industry that guarantees Security and Safety of Traffic and Road Transportation.**

Article 11

The operation of technology development referred to in Article 7 paragraph (2) letter d shall cover:

- a. **structuring plan and program for development of Motor Vehicle technology;**
- b. **technology development of Motor Vehicle accessories that guarantees Security and Safety of Traffic and Road Transportation; and**
- c. **technology development of Traffic and Road Transportation operation that guarantees Orderly and Smooth operation.**

Article 12

Registration and Identification operation of Motor Vehicle and Driver, Law Enforcement, Traffic and Road Transportation Operational Management and Engineering, and education on trafficking as referred to in Article 7 paragraph (2) letter e shall cover:

- a. **trial test and issue of Driving License for Motor Vehicle;**
- b. **registration and identification of Motor Vehicle;**
- c. **data collection, monitoring, processing, and study of Traffic and Road Transportation;**
- d. **Information and Communication management and control system on Traffic and Road Transportation;**
- e. **Traffic organizing, safeguarding, and patrol;**
- f. **law enforcement that covers prosecution of violation action and treatment of Traffic Accident;**
- g. **education in trafficking;**

- h. implementation of Traffic Management and Engineering; and
- i. implementation of Traffic operational management.

that need require integration in the planning and settlement of Traffic and Road Transportation issues.

Article 13

- (1) The Traffic and Road Transportation referred to in Article 7 paragraph (1) shall be operated in coordination.
- (2) The coordinated operation of Traffic and Road Transportation referred to in paragraph (1) shall be conducted by Traffic and Road Transportation Forum.
- (3) The Traffic and Road Transportation Forum in charge shall coordinate inter-operating agency

- (4) Members of the Traffic and Road Transportation Forum referred to in paragraph (3) consists of management element, operator, academics, and the society.
- (5) Further provision on Traffic and Road Transportation forum shall be governed in Government Regulation.

CHAPTER VI.....
(To be continued)

—==(D)==—

THE USE OF FOREST AREAS

(Government Regulation No. 24/2010 dated February 1, 2010)

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

That to implement provisions in Article 38 of Law No. 41/1999 on Forestry as has been amended by Law No. 19/2004 on the Passage of Government Regulation in lieu of Law No. 1/2004 on Amendment to Law No. 41/1999 on Forestry into Law, it is necessary to stipulate Government Regulation on the Use of Forest Areas;

In view of :

- 1. Article 5 paragraph (2) of the 1945 Constitution;

- 2. Law No. 41/1999 (BN No. 6412 pages 1A-6A and so on) on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) as has been amended by Law No. 19/2004 (BN No. 7143 pages 26A-29A) on the Passage of Government Regulation in lieu of Law No. 1/2004 on Amendment to Law No. 41/1999 on Forestry into Law (Statute Book of 2004 No. 86, Supplement to Statute Book No. 4412);

DECIDES :

To stipulate :

GOVERNMENT REGULATION ON THE USE OF FOREST AREAS.

TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7940 pages 4A-11A]

CHAPTER VI

TRAFFIC AND ROAD TRANSPORTATION NETWORK

Part One

Traffic and Road Transportation

Network Master Plan

Article 14

- (1) To accomplish integrated Traffic and Road Transportation it is necessary to start developing Traffic and Road Transportation Network in order to connect all the regions on land .
- (2) The development of Traffic and Road Transportation referred to in paragraph (1) shall be guided by Traffic and Road Transportation Network Master Plan according to need.
- (3) The Traffic and Road Transportation Network referred to in paragraph (1) shall consist of:
 - a. National Traffic and Road Transportation Network;
 - b. Provincial Traffic and Road Transportation Network; and
 - c. Regency/Municipality Traffic and Road Transportation Network.

Article 15

- (1) National Traffic and Road Transportation Master Plan referred to in Article 14 paragraph (3) letter a shall be structured periodically with due consideration of the need for transportation and space operation in national scale..

(2) The structuring and stipulation of National Traffic and Road Transportation Network Master Plan referred to in paragraph (1) must observe National Space Layout Plan of Region.

(3) National Traffic and Road Transportation Network Master Plan shall contain:

- a. estimated movement of people and/or goods according to point of origin and destination of the trip scope nationwide;
- b. direction and policy on the role of National Traffic and Road Transportation overall transportation media ;
- c. site plan and need for checkpoints nationwide; and
- d. plan for required Traffic Space nationwide.

Article 16

(1) Provincial Traffic and Road Transportation Network Master Plan referred to in Article 14 paragraph (3) letter b shall be structured periodically with due consideration of the need for Traffic and Road Transportation and space for periodic activities of the province.

(2) The structuring and stipulating of Traffic and Road Transportation Network Master Plan referred to in paragraph (1) shall be processed with due observance of:

- a. National Traffic and Road Transportation Plan of the Region;

b. Regional.....

- b. Regional Space Layout Plan of Province; and
- c. National Traffic and Road Transportation Network Master Plan.

(3) Provincial Traffic and Road Transportation Network Master Plan shall consist of:

- a. estimated movement of people and/or goods according to point of origin and destination of scope of trip in the province;
- b. direction and policy on the role of Traffic and Road Transportation of province overall transportation media;
- c. location plan and need for provincial checkpoints; and
- d. plan for need for Traffic Space in the province.

Article 17

(1) The Traffic and Road Transportation Network Master Plan of Regency/Municipality referred to in Article 14 paragraph (3) letter c shall be structured periodically with due consideration of the need for Traffic and Road Transportation and space for periodic activities in the regency/municipality.

(2) The structuring and stipulating of Traffic and Road Transportation Network Master Plan of Regency/Municipality referred to in pada paragraph (1) shall be processed with due observance of:

- a. National Space Layout Plan of the Region;
- b. National Traffic and Road Transportation Network Master Plan;
- c. Space Layout Plan of Provincial Region;

- d. Traffic and Road Transportation Network Master Plan; and
- e. Traffic and Road Transportation of Regency/Municipality Area.

(3) Traffic and Road Transportation Network Master Plan of Regency/Municipality shall contain:

- a. anticipated movement of people and/or goods according to point of origin and destination of the scope of trip of regency/municipality;
- b. direction and policy on the role of Traffic and Road Transportation of regency/municipality overall transportation media;
- c. location plan and the need for checkpoints of regency/municipality; and
- d. plan of the need for Traffic Space of regency/municipality.

Article 18

Further provision on structuring and stipulating Traffic and Transportation Network Master Plan shall be governed in Government Regulation.

Part Two

Scope of Traffic

Paragraf 1

Road Class

Article 19

- (1) Road is classified in various classes based on:**
- a. the function and intensity of Traffic for the purpose of organizing the use of Road and smooth operation of Traffic and Road Transportation; and

- b. supporting power for accommodating the heaviest load on the axis and the dimension of the Motor Vehicle.
- (2) Road classification according to the Road class referred to in paragraph (1) shall consist if:
- a. class I Road, such as artery road and collector road that may be passed by motor vehicle with the size of not more than 2.500 (two thousand five hundred) millimeters wide, length size of not more than 18.000 (eighteen thousand) millimeters, and 4.200 (four thousand two hundred) millimeters high, and the heaviest axle load of 10 (ten) tons;
 - b. class II Road, such as artery, collector, local, and environment that may be passed by motor vehicle with size not more than 2.500 (two thousand five hundred) millimeters width, the length not more than 12.000 (twelve thousand) millimeters, the height not more than 4.200 (four thousand two hundred) millimeters, and heaviest axle load of eight (8) tons;
 - c. class III Road, such as artery road, collector road and local road, and environmental road that may be passed by motor vehicle with the width size of not more than 2.100 (two thousand one hundred) millimeters, length size of not more than 9.000 (nine thousand) millimeters, height of maximum 3.500 (three thousand five hundred) millimeters, and the heaviest axle load of eight (8) tons; and
 - d. special class Road, such as artery road that may be passed by motor vehicle with width size exceeding 2.500 (two thousand five hundred) millimeters, length exceeding 18.000 (eighteen thousand) millimeters, height size maximum 4.200 (four thousand two hundred) millimeterd, and the heighest axle load more than 10 (ten) tons.
- (3) Under certain circumstances the supporting power of Class III Road referred to in paragraph (2) letter c can determine the heaviest axle load is less than eighty (8) tons.
- (4) Road class based on specification for provision of road infrastructure shall be governed in accordance with the provision in the statutory regulation concerning Road.
- (5) Further provision on special class Road referred to in paragraph (2) letter d shall be governed in Government Regulation.

Article 20

- (1) Decision on road class on each road section shall be made by:
- a. Government, for national road;
 - b. provincial government for provincial road;
 - c. regency government for regency road; or
 - d. municipality government for municipality road.
- (2) Road class referred to in paragraph (1) shall be declared in Traffic Signs.
- (3) Further provision on road classification referred to in Article 19 and procedure for determining road referred to in paragraph (1) and paragraph (2) shall be governed in Government Regulation.

Paragraf 2

Road Use and Accessories

Article 21

- (1) Any road that has limited highest speed as stipulated nationwide.
- (2) Speed highest limit referred to in paragraph (1) shall be determined based on the residential zone, shopping zone, inter-city road, and free highway road.
- (3) In consideration of safety or other special consideration, Regional Government may determine speed highest limit locally that must be declared by means of Traffic Signs..
- (4) Speed lowest limit for free highway shall be determined with absolute limit 60 (sixty) kilometers per hour on condition of free flow.
- (5) Further provision on speed limit referred to in paragraph (1) and paragraph (2) shall be governed in Government Regulation.

Article 22

- (1) Any Road to be operation must comply with the Road function operability requirement technically and administratively.
- (2) Road operator shall be obliged to conduct Road function operability prior to putting the Road into operation.
- (3) Road operator shall be obliged to conduct periodical Road function operability test on Roads that has been in operation for at least ten (10) years and/or according to need.
- (4) Road function operability test referred to in paragraph (2) and paragraph (3) shall be

conducted by a Road function operability test team duly established by the Road operator.

- (5) The Road function operability test Team referred to in paragraph (4) shall consist of Road operating elements, agency responsible for Traffic and Road Transportation Infrastructure facilities and the Police of the State of the Republic of Indonesia.
- (6) The result of Road function operability must be announced and follow-up action must be taken by the Road operator, the agency in charge of Traffic and Road Transportation, and/or the Police of the State of the Republic of Indonesia.
- (7) Road function operability test shall be conducted in the accordance with the provision in the statutory regulation.

Article 23

- (1) The Road operator in conducting Road preservation and/or improving the Road capacity must maintain Security, Safety, Order and Smooth Traffic and Road Transportation.
- (2) The Road operator in conducting the activities referred to in paragraph (1) shall coordinate with the agency in charge of Traffic and Road Transportation and the Police of the Republic of Indonesia.

Article 24

- (1) Road operator shall be obliged to immediately and reasonably repair any damaged Road that may cause Traffic Accidents.

(2) In the case that no repair can be made to the damaged Road as referred to in paragraph (1), the Road operator shall be obliged to put marks or signs on the damaged Road to prevent occurrence of Traffic Accident.

Article 25

- (1) Any Road used for public Traffic must be equipped with Road accessories in the form of:
- a. Traffic Signs;
 - b. Road Marks;
 - c. Traffic Signal Indicating Device;
 - d. Road lighting device;
 - e. control and security device for Road User;
 - f. Road control and security device;
 - g. facilities for bicycle, pedestrian, and the uncapable; and
 - h. supporting facility for Traffic and Road Transportation activities operating on the Road and offsite the Road surface.
- (2) Further provision on Road accessories referred to in paragraph (1) shall be governed in Government Regulation.

Article 26

- (1) The Road accessories referred to in Article 25 paragraph (1) shall be provided by:
- a. Government for national Road;
 - b. provincial government for provincial Road;
 - c. regency/municipality government for Regency/Municipality Road and for for urban Road; or
 - d. toll road business entity for toll road.

(2) Road accessories referred to in paragraph (1) will be provided in accordance with the provisions in the statutory regulation.

Article 27

- (1) Road accessories on particular environmental road must be adjusted to the capacity, intensity, and volume of Traffic.
- (2) Further provision on installation of Road accessories on particular environmental road shall be governed in Regional Regulation.

Article 28

- (1) Every person shall be prohibited from committing action that cause damage and/or disturbance to Road function.
- (2) Every person shall be prohibited from committing action that cause disturbance to the function of Road accessories referred to in Article 25 paragraph (1).

Part Three

Fund for Road Maintenance

Article 29

- (1) To support secure, safe, orderly, and smooth operation, the Road condition for Traffic and Road Transportation services shall be maintained.
- (2) To maintain Road condition referred to in paragraph (1), Fund for Road Maintenance shall be needed.
- (3) Fund for Road Maintenance shall used specifically for maintenance, rehabilitation, and construction activities of the Road.

(4) The Fund for Road Maintenance may come from the Road User and its management based on the provisions in the statutory regulation.

Article 30

The Fund for Road Maintenance shall be managed based on the principle of uninterrupted, accountability, transparent, proportionate, and justification.

Article 31

The Fund for Road Maintenance shall be managed by the Fund for Road Maintenance management unit that is responsible to the Menteri concerning Road.

Article 32

Provision on organization and work procedure of management unit shall be governed in Presidential Regulation.

Part Four

Terminal

Paragraf 1

Function, Classification and Type of Terminal

Article 33

- (1) To support smooth movement of the people and/or goods and integrated inter-media and inter-media on particular place may be established and operated Terminal.**
- (2) The Terminal referred to in paragraph (1) shall be in the form of Terminal for passengers and/or goods.**

Article 34

- (1) Terminal for passengers referred to in Article 33 paragraph (2) according to its service shall be classified in type A, type B, and type C.**
- (2) Any type referred to in paragraph (1) shall be divided in a number of classes based on the intensity of motor vehicles being served.**

Article 35

For own interest, State-owned enterprise, regional-owned business entity, and private interest Terminal for goods may be constructed. In accordance with the statutory regulation.

Article 36

Any public motor vehicle within designated route must stop over at Terminal that has been specified, unless stipulated otherwise in the designated route license.

Paragraf 2

Designation of Terminal Location

Article 37

- (1) Terminal location shall be designated with due observance of the need for Terminal that constitutes part of the Traffic and Road Transportation Network Master Plan.**
- (2) Terminal location shall be decided with due observance of:**
 - a. level of accessibility of transportation service User;**
 - b. justification of the land and the National Space Layout Plan, Regional Space Layout Plan of**

- the Province, and Regional Space Layout of Regency/Municipality;
- c. justification with the development plan and/or performance of the Road network, designated route network, and cross network;
 - d. justification with the development plan and/or activities center;
 - e. harmonious and balanced with other activities;
 - f. demand for transportation;
 - g. technical, financial and economic feasibility;
 - h. Security and Safety of Traffic and Road Transportation; and/or
 - i. harmonious living environment.

Paragraf 3

Terminal Facilities

Article 38

- (1) Every Terminal operator shall be obliged to provide Terminal facilities that comply with safety and security requirements.
- (2) The Terminal facilities referred to in paragraph (1) shall cover the main facilities and supporting facilities.
- (3) To maintain condition of the Terminal facilities referred to in paragraph (2), Terminal operator shall be obliged to conduct maintenance.

Paragraf 4

Terminal Work Environment

Article 39

- (1) Terminal work environment shall be the area designated for Terminal facilities.

- (2) The Terminal work environment referred to in paragraph (1) shall be managed by Terminal operator and used for construction operation, and operation of Terminal facilities.
- (3) The Terminal work environment referred to in paragraph (1) shall be stipulated in Regional Regulation of regency/municipality, and Jakarta Capital City Special Region shall be stipulated in Regional Regulation of of Province.

Paragraf 5

Construction and Operation of Terminal

Article 40

- (1) Construction of Terminal must be equipped with:
 - a. design and build;
 - b. design and build work manual;
 - c. Terminal master plan;
 - d. analysis of Traffic impact; and
 - e. analysis of environmental impact.
- (2) Terminal operation shall cover activities of:
 - a. planning;
 - b. operation; and
 - c. control of Terminal operation.

Article 41

- (1) Every Terminal operator shall be obliged to provide Terminal service based on the stipulated standard service.
- (2) The Terminal service provision referred to in paragraph (1) shall be chartered contribution to be implemented in accordance with the provision in the statutory regulation.

Paragraf 6**Further Coordination****Article 42**

Further provision on the function, classification, type, designated location, work environment, construction, and operation of Terminal shall be governed in Government Regulation.

Part Five**Parking Facilities****Article 43**

- (1) Parking facilities for public may be provided only offsite the Road-Owned Space based on the license granted.
- (2) The parking facilities offsite the Road-Owned Space referred to in paragraph (1) may be operated by individual Indonesian citizen or Indonesian business entity in the form of Indonesian legal entity of:
- a. special parking business; or
 - b. support to main business.
- (3) Parking facilities within the Road-Owned Space may be operated only on particular spot on regency road, urban road, or municipality road that must be declared by Traffic Signs and/or Road Marks.
- (4) Further provision on User of Parking Facilities Service, permits, requirements, and procedure for operation of public facilities and parking shall be governed in Government Regulation.

Article 44

The location and construction of parking facilities for public shall be stipulated by Regional Government with due observance of:

- a. space layout general plan;
- b. analysis of traffic impact; and
- c. facilities for Service User.

Part Six**Supporting Facilities****Article 45**

- (1) Supporting facilities for Traffic and Road Transportation operation shall cover:
- a. trotoar;
 - b. bicycle line;
 - c. crossing line for pedestrian;
 - d. Halt; and/or
 - e. special facilities for the incapable and oldies.
- (2) Supporting facilities referred to in paragraph (1) shall be provided by:
- a. Government for national road;
 - b. provincial government for provincial road;
 - c. regency government for regency road and urban road;
 - d. municipality government for municipality road; and
 - e. toll road business entity for toll road.

Article 46

- (1) In exercising construction, management, and maintenance of Traffic and Road Transportation supporting facilities referred to in Article 45 paragraph (2) cooperation be may be entered into with private sector.
- (2) Further provision on construction, management, maintenance, and technical specification for Traffic and Road Transportation supporting facilities shall be governed in Government Regulation.

CHAPTER VII
VEHICLE
Part One
Vehicle Type and Function
Article 47

(1) Vehicle shall consist of:

- a. Motor Vehicle; and
- b. non-motor vehicle.

(2) Motor Vehicle referred to in paragraph (1) letter a shall be classified based on the type:

- a. motor cycle;
- b. passenger car;
- c. bus;
- d. goods vehicle; and
- e. special vehicle.

(3) Motor Vehicle referred to in paragraph (2) letters b, c, and d shall be classified based on the function:

- a. individual Motor Vehicle; and
- b. public Motor Vehicle.

(4) Non-motor vehicle referred to in paragraph (1) letter b shall be classified in:

- a. vehicle operated by human energy; and
- b. vehicle operated by animal energy.

Part Two
Motor Vehicle Technical and
Operability Requirements
Article 48

(1) Any Motor Vehicle operated on the Road must comply with the technical and operability requirements.

(2) The technical requirement referred to in paragraph (1) shall consist of:

- a. structure;
- b. equipment;
- c. size;
- d. serial number;
- e. vehicle technical design consistent with its designation;
- f. load;
- g. use;
- h. Motor Vehicle with pull carriage; and/or
- i. Motor Vehicle with connected carriage.

(3) Operability requirement referred to in paragraph (1) shall be determined by the Motor Vehicle minimum performance measured by at least consisting of:

- a. gas emission;
- b. nuisance from the sound;
- c. efficiency of the main brake system;
- d. efficiency of the parking brake system;
- e. kinship of the front wheel;
- f. sound of the horn;
- g. power of the lamp beam pancar and direction;
- h. radius of rotation;
- i. accuracy of speed indicating device;
- j. justified condition of the wheel and tyre; and
- k. justified power of the operating engine upon the power of the vehicle weight.

(4) Further provision on technical and operability requirements referred to in paragraphs (2) and (3) shall be governed in Government Regulation.

Part Three
Motor Vehicle Test
Article 49

- (1) Motor vehicle, pull carriage, and attached carriage imported, assemblage and/or made domestically to be operated on the road must be tested.
- (2) The test referred to in paragraph (1) shall cover:
- a. type test; and
 - b. periodical test.

Article 50

- (1) Type test referred to in Article 49 paragraph (2) letter a must be conducted on any motor vehicle, pull carriage, and attached carriage imported and/or assembled motor vehicle and motor cycle that have been modified domestically causing change to the type.
- (2) The type test referred to in paragraph (1) shall consist of:
- a. physical test for compliance with technical requirement and operability conducted on motor vehicle and motor cycle shall be comprehensive; and
 - b. study on the design and build and engineering of motor vehicle shall be conducted on the housing, load casing, pull carriage and attached carriage of motor vehicle which types have been modified.
- (3) The type test referred to in paragraph (1) shall be conducted by Government type test operating unit.

- (4) Further provision on type test and operating unit referred to in paragraphs (1) and (3) shall be governed in Government Regulation.

Article 51

- (1) The base of Motor Vehicle and Motor Bicycle must be in comprehensive condition that has passed type test and has passed type test certification.
- (2) Decision on approval for design, build and engineering shall be issued for the housing, load casing, pull carriage, attached carriage, and type modification of Motor Vehicle after having passed the type test.
- (3) The manufacturer, assembler, importer of Motor Vehicle and Motor Cycle Base responsible for the comprehensive condition, housing, load casing, pull carriage and attached carriage, and modified Motor Cycle must register the type of their products.
- (4) To prove that the type of the products referred to in paragraph (3) have been registered, proof of type test registration certificate shall be issued.
- (5) To guarantee justification on technical specification of the products serial on the type test certificate, sample test shall be conducted by the Government type test operating unit.
- (6) Further provision on modification and type test shall be governed in Government Regulation.

Article 52

- (1) Modification of Motor Vehicle referred to in Article 50 paragraph (1) may be in the form of modification of dimension, engine, and capability of transporting power.

- (2) Modification of Motor Vehicle referred to in paragraph (1) shall not endanger the safety to traffic, disturb the flow of traffic, and damage the hard layer/support power of the road used.
- (3) Any type of modified Motor Vehicle causing to the construction and material requirements must be retested.
- (4) The type of Motor Vehicle that has been retested as referred to in paragraph (3), must be re-registered and re-identified.

Article 53

- (1) The periodical test referred to in Article 49 paragraph (2) letter b is a requirement for passenger vehicle, bus, goods transporter, pull carriage, and attached carriage that operating on the road,
- (2) The periodical test referred to in Article 49 paragraph (1) shall cover:
- a. physical examination and test of the Motor Vehicle; and
 - b. approval on the test result .
- (3) The physical examination and test activities of Motor Vehicle referred to in paragraph (2) letter a shall be conducted by:
- a. regency/municipality government test operating unit;
 - b. sole agent operating unit that is mark holder having obtained license from the Government s; or
 - c. private test operating unit that has obtained license from the Government.

Article 54

- (1) Physical examination and test of public passenger vehicle, bus, goods vehicle, specific vehicle, pull carriage and attached carriage referred to in Article 53 paragraph a shall cover test on technical and operability requirements.
- (2) Test over on technical requirement referred to in paragraph (1) shall cover:
- a. structure;
 - b. accessories;
 - c. size;
 - d. serial number; and
 - e. technical design of motor vehicle according to its designation.
- (3) The test on operability requirement referred to in paragraph (1) shall at least cover:
- a. Motor Vehicle gas emission;
 - b. level of nuisance;
 - c. main brake capability;
 - d. parking brake capability;
 - e. front wheel kinship;
 - f. main lamp beam relay and direction;
 - g. speed accuracy indicator device;
 - h. depth of tyre groove;
- (4) Test on operability requirement of pull carriage attached carrier shall cover test of brake capability, depth of tyre groove, and test on lighting system.
- (5) Evidence stating to have passed periodical test resulting from physical examination and test referred to in paragraph (1) in the form of grant of test card and test certificate.

(6) Periodic test card referred to in paragraph (5) shall contain information on on motor vehicle identification and owner's identification, technical specification, test result, and validity of the test result.

(7) Periodic test referred to in paragraph (5) shall contain information on motor vehicle identification and validity of the test result.

Article 55

(1) Approval on the test result referred to in Article 53 paragraph (2) letter b shall be granted by:

- a. official having competence as granted by the Minister in charge of Traffic and Road Transportation Infrastructure facilities as proposed by the Governor for trial test conducted by the trial test operating unit of regency/municipality government; and
- b. private official having competence as granted by the Minister in charge of Traffic and Road Transportation Infrastructure facilities to trial test conducted by trial test operating unit that constitutes sole agent of the mark holder and private trial test operating unit.

(2) The official competence referred to in paragraph (1) shall be proven by certificate indicating that the official concerned has successfully passed education and training.

Article 56

Further provision on periodical test referred to in Article 53, Article 54, and Article 55 shall be governed in Government Regulation.

Part Four

Motor Vehicle Accessories

Article 57

(1) Any Motor Vehicle operated on the road must be equipped with Motor Vehicle accessories.

(2) The accessories referred to in paragraph (1) for Motor Cycle in the form of helm shall comply with Indonesia National Standard.

(3) The accessories referred to in paragraph (1) for four- or morewheel Motor Vehicle shall at least consist of:

- a. safety belt;
- b. reserve tyre;
- c. safety triangle;
- d. jack;
- e. wheel opener;
- f. helm and light reflecting vest for Driver of four-wheel or more Motor Vehicle without housing; and
- g. first aid accessories for Traffic accident.

(4) Further provision on Motor Vehicle accessories referred to in paragraph (1), paragraph (2), and paragraph (3) shall be governed in Government Regulation.

Article 58

Any Motor Vehicle operated on road shall be prohibited from installing accessories taht may cause disturbance to traffic safety.

Article 59

(1) For certain purpose, Motor Vehicle may be equipped with signal lamp and/or sirene.

- (2) The signal lamp referred to in paragraph (1) shall consist of various color such as:
- a. red;
 - b. blue; and
 - c. yellow.
- (3) The red or blue signal lamp referred to in paragraph (2) letters a and b as well as the sirene referred to in paragraph (1) shall function as indication that the Motor Vehicle has first priority.
- (4) The yellow signal lamp referred to in paragraph (2) letter c shall function as reminder sign to other Road User.
- (5) Use of signal lamp and sirene referred to in paragraph (1) and paragraph (2) shall be as follows:
- a. blue and sirene signal lamp shall be used by Motor Vehicle belonging to the Police of the State of Republic of Indonesia;
 - b. the red signal lamp with sirene shall be used by Motor Vehicle of detainees, for guarding, by Indonesian National Army, fire extinguisher, ambulance, red cross, rescue, and for corpse; and
 - c. the yellow signal lamp without sirene shall be used by Motor Vehicle for road patrol, supervision of Traffic and Road Transportation Infrastructure facilities, for maintenance and cleaning Road Transportation facilities, for maintenance and cleaning public facilities, Vehicle pulling, and transportation of special goods.
- (6) Further provision on requirements, procedure, and method for installing signal lamp with sirene referred to in paragraph (1) shall be governed in Government Regulation.
- (7) Further provision on the use of signal lamp with sirene referred to in paragraph (1) shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Part Five

Motor Vehicle Public Workshop

Article 60

- (1) Motor Vehicle public workshop functioning to repair and maintain Motor Vehicle, must comply with the technical requirement and operability.
- (2) Public workshop that has obtained accreditation and certain quality may conduct periodical test over Motor Vehicle.
- (3) Operation of public workshop referred to in paragraph (1) must comply with the requirements stipulated by the Minister in charge of industry.
- (4) The operation of public workshop referred to in paragraph (2) must obtain license from the regency/municipality government based on recommendation from the Police of the State of the Republic of Indonesia.
- (5) The supervision over Motor Vehicle public workshop referred to in paragraph (1) shall be conducted by regency/municipality government.
- (6) Further provision on the requirement and method for public workshop operation shall be governed in government regulation.

**Part Six
Non-Motor Vehicle**

Article 61

- (1) Any Non- Motor Vehicle operating on the road must comply with safety requirement covering:
- a. technical requirement; and
 - b. requirement on method for goods loading.
- (2) The technical requirement referred to in paragraph (1) letter a shall at least cover:
- a. construction;
 - b. steering system;
 - c. wheel system;
 - d. brake system;
 - e. lamp and light reflector; and
 - f. reminding device with sound.
- (3) Requirement for method of goods loading referred to in paragraph (1) letter b shall at least cover dimension and weight.
- (4) Further provision on safety requirement referred to in paragraph (1) shall be governed in Government Regulation.

Article 62

- (1) The Government shall give traffic facilities for cyclers.
- (2) The cyclers have the right to supporting facilities for safety, security, order, and smooth operation of traffic.

Article 63

- (1) The Regional Government may decide type and use of Non-Motor Vehicle in its area according to the characteristic and need of the area.

- (2) Further provision on the type and use of Non-Motor Vehicle referred to in paragraph (1) shall be governed in regional regulation of reGENCY/ municipality.
- (3) Further provision on type and use of Non-Motor Vehicle referred to in paragraph (1) cross reGENCY/ municipality shall be governed in regional government of provincei.

Part Seven

Registration and Identification of Motor Vehicle

Article 64

- (1) All Motor Vehicle must be registered.
- (2) The registration referred to in paragraph (1) shall cover:
- a. registration of new Motor Vehicle;
 - b. registration of change to identity of Motor Vehicle and the owner;
 - c. registration for extension of Motor Vehicle; and/or
 - d. registration of approval on Motor Vehicle.
- (3) Registrtion of Motor Vehicle referred to in paragraph (1) is intended for:
- a. administration order;
 - b. control and supervision over the Motor Vehicle operated in Indonesia;
 - c. facilitating investigation on violation; and/or crime;
 - d. planning, management and engineering of Traffic and Road Transportation operations; and
 - e. planning for national development.

(4) Registration.....

- (4) Registration of Motor Vehicle shall be conducted by the Police of the State of the Republic of Indonesia by registration of Motor Vehicle management system.
- (5) Data registration and identification of Motor Vehicle shall constitute part of Information System and Communication of Traffic and Road Transportation and used for forensic purpose by the police quarter.
- (6) Further provision on registration referred to in paragraph (2) shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Article 65

- (1) Registration of new Motor Vehicle referred to in Article 64 paragraph (2) letter a shall cover all activities on:
- a. registration and identification of Motor Vehicle and the owner;
 - b. issue of Book of Ownership of Motor Vehicle; and
 - c. issue of Motor Vehicle Identification Certificate and Motor Vehicle Identification Number.
- (2) To proof that the Motor Vehicle has been registered, the owner shall be provided with a Book of Motor Vehicle Owner, Motor Vehicle Identification Certificate, and Motor Vehicle Identification Number.

Article 66

The registration and identification of Motor Vehicle for the first time must comply with the following:

- a. holds type test registration certificate;
- b. holds proof of Motor Vehicle legal ownership; and
- c. holds result of physical check over the Motor Vehicle.

Article 67

- (1) Registration and identification of Motor Vehicle, tax payment over Motor Vehicle, and payment of obligatory contribution for Traffic and Road Transportation Accident Fund operated in integration and coordination in the One Stop Support Administration System.
- (2) The facilities and infrastructure for implementing One Stop Support Administration System referred to in paragraph (1) shall be provided by the Regional Government.
- (3) Mechanism for implementation of One Stop Support Administration System shall be coordinated by the Police of the State of the Republic of Indonesia.
- (4) Further provision on requirements and procedure and implementation of One Stop Support Administration System referred to in paragraph (1) shall be governed in Presidential Regulation.

Article 68

- (1) Every Motor Vehicle operated on the Road must be equipped with Motor Vehicle Identification Certificate and Motor Vehicle Identification Number.
- (2) The Identification Certificate of Motor Vehicle referred to in paragraph (1) shall state all data of the Motor Vehicle, identity of the owner,

registration number of the Motor Vehicle, and the validity period.

- (3) The Motor Vehicle Identification Number referred to in paragraph (1) shall state the code of the region, Registration Number, and the validity period.
- (4) The Motor Vehicle Identification Number must comply with the requirements on the form, size, material, color and method of installation.
- (5) Other than the Motor Vehicle Identification Number referred to in paragraph (3) Special Identification Number and/or Secret Identification Number for Motor Vehicle may be issued.
- (6) Further provision on Identification Certificate and Identification Number for Motor Vehicle shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Article 69

- (1) Any Motor Vehicle not registered yet may be operated on the Road for certain purpose supported by Motor Vehicle Test Identification Certificate and Test Identification Number.
- (2) Test Identification Certificate of Motor Vehicle and Test Identification Number of Motor Vehicle referred to in paragraph (1) shall be issued by the Police of the State of the Republic of Indonesia to business entity in charge of sale, manufacturing, assembling, or imported Motor Vehicle.
- (3) Further provision on requirements and procedure for issuing and using Test Identification Certificate and Test Identification Number of Motor

Vehicle shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Article 70

- (1) The Ownership Book of Motor Vehicle is valid so long the ownership thereof is not transferred.
- (2) The Identification Certificate of Motor Vehicle and Identification Number of Motor Vehicle is valid for five (5) years, the approval of which shall be requested every year.
- (3) Prior to expiry of the term referred to in paragraph (2), application for extension of Identification Certificate of Motor Vehicle and Identification Number of Motor Vehicle must be submitted.

Article 71

- (1) The owner of Motor Vehicle shall be obliged to report to the Police of the State of Republic of Indonesia if:
 - a. proof of registration is lost or damaged;
 - b. technical specification and/or function of the Motor Vehicle is changed;
 - c. ownership of Motor Vehicle is transferred; or
 - d. the Motor Vehicle is used continuously for more than three (3) months offsite the area where the Motor Vehicle is registered.
- (2) Reporting on the Motor Vehicle referred to in paragraph (1) letters a, b, and c shall be submitted to the Police of the State of the Republic of Indonesia at the place where the Motor Vehicle is last registered.

- (3) Reporting of the Motor Vehicle referred to in paragraph (1) letter d shall be submitted to the Police of the State of the Republic of Indonesia at the place where the Motor Vehicle is operated.

Article 72

- (1) Registration of Motor Vehicle of the Indonesian National Army shall be governed in Regulation of the Commander of National Army of Indonesia and shall be reported for data inventory to the Police of the State of the Republic of Indonesia.
- (2) Registration of Motor Vehicle to the Police of the State of the Republic of Indonesia shall be governed in Regulation of the Head of Police of the State of Republic of Indonesia.
- (3) Registration of Motor Vehicle of foreign country representatives and international institution shall be governed in Regulation of the Police of the State of the Republic of Republik Indonesia.

Article 73

- (1) Public Motor Vehicle that has been registered may be deleted from the registration and identification of Public Motor Vehicle based on:
- a. request of the owner of Public Motor Vehicle
 - or
 - b. proposal of the authority authorized to grant license for public transportation.
- (2) Every Public Motor Vehicle that are no longer used as public transportation must be deleted from the registration and identification book of Motor Vehicle.

Article 74

- (1) Motor Vehicle that has been registered referred to in Article 64 paragraph (1) may be deleted from the registration and identification list of Motor Vehicle based on:
- a. request by the owner of the Motor Vehicle; or
 - b. consideration of the official authorized to register Motor Vehicle.
- (2) The registration and identification of Motor Vehicle referred to in paragraph (1) letter b may be deleted if:
- a. the Motor Vehicle is seriously damaged so that it is no longer operable; or
 - b. the owner of Motor Vehicle fails to re-register in at least two (2) years as of expiry of the validity of the Identification Certificate of Motor Vehicle.
- (3) Motor Vehicle that has been deleted referred to in paragraph (1) may not be re-registered.

Article 75

Further provision on Ownership Book of Motor Vehicle, deletion of registration and identification of Motor Vehicle referred to in Article 70, Article 73, and Article 74 shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Part Eight

Administrative Penalty

Article 76

- (1) Any person violating the provision in Article 53 paragraph (1), Article 54 paragraph (2) or paragraph (3), or Article 60 paragraph (3) shall be charged administrative penalty in the form of:

- a. written reminder;
- b. payment of penalty;
- c. freezing of license; and/or
- d. revocation of license.

(2) Any person operating public workshop that violates the provision in Article 60 paragraph (3) shall be charged administrative penalty in the form of:

- a. written reminder;
- b. payment of penalty; and/or
- c. closing of public workshop.

(3) Any private official that violates the provision in Article 54 paragraph (2) or paragraph (3) shall be charged administrative penalty in the form of:

- a. written reminder;
- b. payment of penalty;
- c. freezing of certificate approver; and/or
- d. revocation of certificate approver.

(4) Any testing official or periodical test approver that violates the provision in Article 54 paragraph (2) or paragraph (3) shall be charged administrative penalty according to the provision in the statutory regulation.

(5) Further provision on criteria and procedure for imposition of administrative penalty referred to in paragraph (1), paragraph (2), and paragraph (3) shall be governed in Government Regulation.

CHAPTER VIII

DRIVER

Part One

Driver's License

Paragraf 1

Driver Requirements

Article 77

(1) Any person driving Motor Vehicle on the Road

shall be obliged to hold Driver License according to the type of Motor Vehicle driven.

(2) Driver License referred to in paragraph (1) shall consist of two (2) types:

- a. Driver License for individual Motor Vehicle; and
- b. Driver's License for Public Motor Vehicle.

(3) To obtain Driver's License, the potential driver must have competence to drive that may be obtained through education and training or by self-learning.

(4) To obtain Driver's License for Public Motor Vehicle, the potential driver shall be obliged to attend education and training for driving public motor vehicle.

(5) The education and training referred to in paragraph (4) may only be attended by those who have obtained Driver's License for individual Motor Vehicle.

Paragraf 2

Driver's Education and Training

Article 78

(1) Driver's education and training shall be conducted by the institution that obtained license and is accredited by the Government.

(2) The license to attend education and training to driv provided by the Government as referred to in paragraph (1) shall be conducted by the Regional Government.

(3) The license to attend education and training for driving provided by the Regional Government referred to in paragraph (2) shall be conducted based on the norm, standard, procedure and criteria stipulated by the Minister in charge of Traffic and Road Transportation Infrastructure facilities and the Head of Police of the State of the Republic of Indonesia.

(4) The accreditation referred to in paragraph (1) shall be granted by the Government in accordance with the provision in the statutory regulation.

Article 79

(1) Any potential driver while learning to drive or to attend driving practice test on the Road shall be obliged to be assisted by an instructor or testing person.

(2) The instructor or testing person referred to in paragraph (1) shall be responsible for traffic violation and/or accident occurring when the potential driver is learning or undergoing driving test.

Paragraf 3

Nature and Classification of Driver's Licence

Article 80

Driver's License for individual Motor Vehicle referred to in Article 77 paragraph (2) letter a shall be classified in:

- a. Driver's License A that is valid for driving passenger and personal goods vehicle with permitted total weight of not more than 3.500 (three thousand, five hundred) kilograms;
- b. Driver's License B I is valid for driving passenger and personal goods vehicle with permitted total weight of not more than 3.500 (three thousand, five hundred) kilograms;
- c. Driver's License B II is valid for driving heavy vehicle, pulling vehicle, or motor vehicle with pull-attached carriage or pull vehicle of more than 1.000 (one thousand) kilograms;

- d. Driver's License C is valid for driving Motor Cycle; and
- e. Driver's License D is valid for driving special vehicle for the handicap.

Article 81

(1) To obtain Driver's License referred to in Article 77, every person must comply with the requirement on age, administration, health, and passed the test.

(2) The requirement on age referred to in paragraph (1) shall be decided at least as follows:

- a. age 17 (seventeen) years old for Driver's License A, Driver's License C, and Driver's License D;
- b. age 20 (twenty) years old for Driver's License B I; and
- c. age 21 (twenty-one) years old for Driver's License B II.

(3) Administrative requirement referred to in paragraph (1) shall cover:

- a. personal identity in the form of Resident Identity Card;
- b. filling-in application form; and
- c. finger print formula.

(4) Health requirement referred to in paragraph (1) shall cover:

- a. physical health with statement letter from the doctor; and
- b. mental health with certificate stating to have passed psychological test.

(5) Test pass requirement referred to in paragraph (1) shall cover:

- a. theory test;
- b. practice test; and/or
- c. skill test through simulator.

(6) Other than the requirement referred to in paragraph (2), paragraph (3), paragraph (4), and paragraph (5), every Driver of Motor Vehicle that apply for:

- a. Driver's License B I must have Driver's License A for at least 12 (twelve) months; and
- b. Driver's License B II must have Driver's License B I for at least 12 (twelve) months.

Article 82

The Driver's License for Public Motor Vehicle referred to in Article 77 paragraph (2) letter b shall be classified as:

- a. Public Driver's License A is valid for driving public motor vehicle for passengers and goods with permitted total weight of not more than 3.500 (three thousand, five hundred kilograms);
- b. Public Driver's License B I is valid to driving passengers and goods public vehicle with permitted total weight of more than 3.500 (three thousand, five hundred) kilograms; and
- c. Public Driver's License B II is valid for driving pulling vehicle or motor vehicle with attached carriage or pull carriage with permitted weight for attached carriage or pull carriage of more than 1.000 (one thousand) kilograms.

Article 83

(1) Any person applying for Driver's License for public motor vehicle must comply with the age and requirement and special requirement.

(2) The age requirement to obtain Public Driver's License for Public Motor Vehicle referred to in paragraph (1) shall be decided at least as follows:

- a. age 20 (twenty) years old for Public Driver's License
- b. age 22 (twenty-two) years old for Public Driver's License B I; and
- c. age 23 (twenty-three) years old for Driver's License Public B II.

(3) Special requirement referred to in paragraph (1) as follows:

- a. passed theory test covering knowleges on:
 - 1. public transportation service;
 - 2. public facilities and social facilities;
 - 3. Motor Vehicle test;
 - 4. procedure to transport passengers and/or goods;
 - 5. important places within the regional domicile;
 - 6. type of hazardous goods; and
 - 7. operation of safety equipment.
- b. passed practice test, covering:
 - 1. pick-up and drop passengers and/or goods at Terminal and at other certain places.
 - 2. procedure for transporting passengers and/or goods;
 - 3. filling-in loading list;
 - 4. ethic of Public Motor Vehicle Driver; and
 - 5. operation of safety equipment.

(4) With due observance of age requirement, every Driver of Motor Vehicle wishing to submit application for:

- a. Public Driver's License A must have Driver's License A for at least 12 (twelve) months;
 - b. for Driver's License B I Public must have Driver's License B I or Driver's License A Public for at least 12 (twelve) months; and
 - c. for Driver's License B II Public must have Driver's License B II or Driver's License B I Public for at least 12 (twelve) months.
- (5) Other than obliged to comply with age requirement and special requirement referred to in paragraph (2) and paragraph (3), every person submitting application to obtain Driver's License for Public Motor Vehicle must comply with the provision referred to in Article 81 paragraph (3) and paragraph (4).

Article 84

Driver's License for Motor Vehicle may be used as Driver's License for Motor Vehicle which total weight is the same or lighter as follows:

- a. Driver's License A Public is valid for driving Motor Vehicle that should use Driver's License A;
- b. Driver's License B I is valid for driving Motor Vehicle that should use Driver's License A;
- c. Driver's License B I Public is valid for driving Motor Vehicle that should use Driver's License A, Driver's License A Public, and Driver's License B I;
- d. Driver's License B II is valid for driving Motor Vehicle that should use Driver's License A and Driver's License B I; or
- e. Driver's License B II Public is valid for driving Motor Vehicle that should use Driver's License

A, Driver's License A Public, Driver's License B I, Driver's License B I Public, and Driver's License B II.

Article 85

- (1) Driver's License shall be in the form of electronic or other form.
- (2) Driver's License is valid for five (5) years and may be extended.
- (3) Driver's License referred to in paragraph (1) is valid throughout the territory of the the Unitary State of the Republic of Indonesia.
- (4) In the event of bilateral or multilateral agreement between the Unitary State of the Republic of Indonesia and other country, Driver's License issued in Indonesia is also valid in other country and Driver's License issued by other country is also valid in Indonesia.
- (5) The holder of Driver's License referred to in paragraph (4) may obtain International Driver's License issued by the Police of the State of the Republic of Indonesia.

Paragraf 4

Function of Driver's License

Article 86

- (1) Driver's shall function as proof of competence of the driver.
- (2) Driver's License shall function as registration of Motor Vehicle Driver stating the data on the complete identity of the Driver.
- (3) Data on the Driver's registration may be used to support investigation, preliminary investigation, and forensic identification by the police.

Part Two
Issue and Marking of Driver's License

Paragraf 1

Issue of Driver's License

Article 87

- (1) Driver's License is issued to every potential Driver that has passed driving test.
- (2) Driver's License referred to in paragraph (1) is issued by the Police of the State of the Republic of Indonesia.
- (3) The Police of the State of the Republic of Indonesia shall be obliged to implement information system on the issue of Driver's License.
- (4) Any officer of the Police of the State of the Republic of Indonesia in the issuing sector of Driver's License referred to in paragraph (2) shall be obliged to obey the procedure for issuing Driver's License.

Article 88

Further provision on the procedure, requirement, test, and issue of Driver's License shall be governed in regulation of the Head of Police of the State of the Republic of Indonesia.

Paragraf 2

Marking Driver's License for Violation

Article 89

- (1) The Police of the State of the Republic of Indonesia is authorized to make mark or data for violation on the Driver's License of the Driver that commits criminal violation on Traffic.
- (2) The Police of the State of the Republic of Indonesia is authorized to temporary hold or revoke the Driver's License while waiting for court judgment.
- (3) Further provision on making mark or data on violation referred to in paragraph (1) and paragraph (2) shall be governed in Regulation of the Head of Police of the State of the Republic of Indonesia.

Part Three
Driver's Working Hours

Article 90

- (1) Any Public Transportation Company must comply with and enforce the provision on working hours, break hour, and shift hour of Public Motor Vehicle Driver in accordance with the provisions in the statutory regulation.
- (2) Working hours of Public Motor Vehicle Driver referred to in paragraph (1) shall be at least 8 (eight) hours a day.
- (3) The Driver of Public Motor Vehicle after driving vehicle for four (4) hours continuously must have a break at least half an hour.
- (4) In certain condition the Driver may be put to work for maximum 12 (twelve) hours a day including break hour for one (1) hour.

Part Four

Administrative Penalty

Article 91

- (1) Any officer of the Police of the State of the Republic of Indonesia in Driver's License issuing sector that violates the provision referred to in Article 87 paragraph (4) shall be charged administrative penalty in the form of disciplinary action and/or police profession ethic.
- (2) Further provision on procedure for administrative penalty imposition referred to in paragraph (1) shall be governed in Regulation of the Head of the Police of the State of the Republic of Indonesia.

Article 92.....

(To be continued)

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TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7944-7945 pages 2A-23A]

Article 92

- (1) All public transportation companies not complying with and enforcing provisions on work hours, break hours, and changing of drivers of public vehicles as meant in Article 90 shall be imposed to administrative sanctions..
- (2) The administrative sanctions referred to in paragraph (1) are in the form of:
 - a. written warning;
 - b. payment of fine;
 - c. freezing of permit; and/or
 - d. revocation of permit.
- (3) Further provisions on criteria and procedure for the imposing of the administrative sanction referred to in paragraph (2) shall be regulated with a government regulation.

CHAPTER IX

TRAFFIC

Part One

Traffic Management and Engineering

Paragraph 1

Operations of Traffic Management

and Engineering

Article 93

- (1) Traffic Management and Engineering is performed to optimize the use of road networks and the movement of traffic in the context of ensuring security, safety, order, and smoothness of traffic and road transportation.

(2) Traffic Management and Engineering referred

to in paragraph (1) is performed by:

- a. stipulating priority for mass transportation thru the provision of lanes or tracks or special roads;
- b. providing priority for the safety and comfort of pedestrians;
- c. providing facilities for the handicapped;
- d. division or separation of the movement of the flow of traffic based on space allotment, mobility, and accessibility;
- e. integration of various transportation modes;
- f. control of traffic at intersections;
- g. control of traffic at road segments; and/or
- h. protection to the environment.

(3) Traffic Management and Engineering covers the following activities:

- a. planning;
- b. regulating;
- c. engineering;
- d. empowerment; and
- e. supervision.

Article 94

(1) The planning activities referred to in Article 93 paragraph (3) letter a cover:

- a. identification of traffic problems;
- b. inventorying and analysis of the situation of the flow of traffic;

c. inventorying.....

- c. inventorying and analysis of requirements for the transportation of people and goods;
- d. inventorying and analysis of the availability or capacity of roads;
- e. inventorying and analysis of the availability or capacity of vehicles;
- f. inventorying and analysis of the number of violations and traffic accidents;
- g. inventorying and analysis of traffic impacts;
- h. stipulation of the level of services; and
- i. stipulation of policy on plan to regulate the use of road network and the movement of traffic.

(2) Activities in the context of regulating referred to in Article 93 paragraph (3) letter b cover:

- a. stipulation of policy on the use of road network and the movement of traffic in certain road networks; and
- b. provision of information to the public on the performance of stipulated policies.

(3) Engineering activities referred to in Article 93 paragraph (3) letter c cover:

- a. geometric repairs on road segments and/or intersections as well as road accessories not related directly with road users;
- b. procurement, installation, repairs, and maintenance of road accessories related directly with road users; and
- c. optimizing the operational engineering of traffic in the context of improving order, smoothness, and effectiveness of law enforcement.

(4) Activities on empowerment as referred to in Article 93 paragraph (3) letter d cover the provision of:

- a. guidance;
- b. guidelines;
- c. enlightening
- d. training; and
- e. technical assistance.

(5) Activities on supervision referred to in Article 93 paragraph (3) letter e covers:

- a. valuation of assessment on the performance of policy;
- b. corrective actions on the policy; and
- c. law enforcing actions

Article 95

(1) Stipulation of policy on the use of road networks and the movement of traffic referred to in Article 94 paragraph (2) letter a in the form of instruction, prohibition, warning, or guidance shall be regulated with:

- a. regulation of the Minister in charge of the aspects of means and Infrastructures of traffic and road transportation for national roads;
- b. provincial regional regulation for provincial roads;
- c. regency regional regulation for regency roads and village roads; or
- d. municipality regional regulation for urban roads.

(2) The instruction, prohibition, warning, or guidance referred to in paragraph (1) shall be stated with

Traffic Signs, Road Marks, and/or traffic signal emitting devices.

Paragraph 2

Responsibility on the Operations of Traffic Management and Engineering

Article 96

- (1) The Minister in charge of means and Infrastructures of traffic and road transportation is responsible on the performance of traffic management and engineering referred to in Article 94 paragraph (1) letters a, b, c, e, g, h, and letter i, Article 94 paragraph (2), Article 94 paragraph (3) letter b, Article 94 paragraph (4), as well as Article 94 paragraph (5) letter a and letter b for national road networks.
- (2) The Minister in charge of Road is responsible on the operations of Traffic Management and Engineering referred to in Article 94 paragraph (1) letters a, b, d, g, h, and letter i, as well as Article 94 paragraph (3) letter a for national roads.
- (3) Chief of the State Police of the Republic of Indonesia is responsible on the operations of Traffic Management and Engineering referred to in Article 94 paragraph (1) letters a, b, f, g, and letter i, Article 94 paragraph (3) letter c, and Article 94 paragraph (5).
- (4) The Governor is responsible on the operations of Traffic Management and Engineering as meant in paragraph (1) and paragraph (2) for provincial roads after receiving recommendations from related agencies.

(5) The Regent is responsible on the operations of Traffic Management and Engineering referred to in paragraphs (1) and (2) for regency roads and/or village roads after receiving recommendations from related agencies

(6) The Mayor is responsible on the operations of Traffic Management and Engineering referred to in paragraphs (1) and (2) for urban roads after receiving recommendations from related agencies.

Article 97

- (1) In the event of sudden or situational changes of the flow of traffic, the State Police of the Republic of Indonesia is authorized to execute the Police Traffic Management and Engineering.
- (2) Police Traffic Management and Engineering referred to in paragraph (1) shall be executed by using traffic signs, traffic signal emitting devices, and control and security means for road users that are temporary in nature.
- (3) State Police of the Republic of Indonesia is entitled to give recommendations on the performance of Traffic Management and Engineering to the related agencies.

Article 98

- (1) The responsible parties on the performance of Traffic Management and Engineering are obligated to coordinate and analyze, evaluate, and report the performance based on data and products of the operations.

(2) Report on the performance referred to in paragraph (1) shall be submitted to the traffic and road transportation forum.

Part Two

Analysis of Traffic Impacts

Article 99

(1) Any plan on the development of center of activities, residence, and infrastructures likely to cause disturbances on the security, safety, order, and smoothness of traffic and road transportation shall make analysis of traffic impacts.

(2) Analysis of traffic impacts as meant in paragraph (1) shall at least contain:

- a. analysis of production (bangkitan) and attraction (tarikan) of Traffic and Road Transportation;
- b. simulation of the performance of traffic with or without any development;
- c. recommendations and plan on the implementation of the handling of impacts;
- d. responsibility of the Government and the developer or builder in the handling of impacts; and
- e. monitoring and evaluation of plan.

(3) Product of the analysis of traffic impact referred to in paragraph (1) constitutes one of the requirements for a developer to obtain a permit from the Government and/or Regional Government in accordance with statutory regulations.

Article 100

(1) Analysis of traffic impacts as meant in Article 99 paragraph (1) shall be made by a consultant agency having certificated experts.

(2) Result of the analysis of traffic impacts as meant in Article 99 paragraph (3) must receive an approval of the agency related in the aspect of traffic and road transportation.

Article 101

Further provisions on the performance of analysis of traffic impacts referred to in Article 99 and Article 100 shall be regulated with a Government Regulation.

Part Three

Prioritizing Traffic Signal Emitting Devices, Traffic Signs, Road Marks, and Authorized Officials

Paragraph 1

Requirements and Procedure for the Installation of Traffic Signal Emitting Devices, Traffic Signs, and Road Marks

Article 102

(1) The installation of traffic signal emitting devices, traffic signs, and/or road marks having an instruction, prohibition, warning, or guidance nature on road networks or segments must be completed within a maximum of 60 (sixty) days from the enforcement of the regulation of the Minister in charge of means and Infrastructures of traffic and road transportation or the regional regulation referred to in Article 95 paragraph (1).

(2) Traffic signal emitting devices, traffic signs, and/or road marks referred to in paragraph (1) have a legal binding power 30 (thirty) days after the date of installation.

(3) Further provisions on the legal power of traffic signal emitting devices, traffic signs, and/or road marks shall be regulated with a Government Regulation.

Paragraph 2

Prioritizing Traffic Signal Emitting Devices and Traffic Signs

Article 103

- (1) Traffic signal emitting devices having an instruction or prohibition nature shall be prioritized over traffic signs and/or road marks.**
- (2) Traffic signs having an instruction or prohibition nature must be prioritized over road marks.**
- (3) In the event a traffic jam occurs where the condition makes the movement of vehicles to be impossible, functions of the yellow box marks must be prioritized over traffic signal emitting devices having an instruction or prohibition nature.**
- (4) Further provisions on traffic signs, road marks, and/or traffic signal emitting devices referred to in paragraph (1) shall be regulated with a regulation of the Minister responsible in the aspect of means and Infrastructures of traffic and road transportation.**

Paragraph 3

Priority for Officers

Article 104

- (1) In certain cases, for the sake of order and smoothness of traffic and road transportation, officers of the State Police of the Republic of Indonesia are entitled to take the following actions:**

- a. stop the flow of traffic and/or road users;
- b. order road users to keep moving;
- c. accelerate the flow of traffic;
- d. slow down the flow of traffic; and/or
- e. shift the direction of traffic flow.

(2) The actions referred to in paragraph (1) shall be prioritized over orders given by traffic signal emitting devices, traffic signs, and/or road marks.

(3) Road users are obligated to obey orders given by officers of the State Police of the Republic of Indonesia as referred to in paragraph (1).

(4) Further regulations on the provisions referred to in paragraph (1) shall be stipulated in a regulation of the Chief of State Police of the Republic of Indonesia.

Part Four

Traffic Procedure

Paragraph 1

Order and Safety

Article 105

All person using roads are obligated to:

- a. behave properly; and/or
- b. prevent matters that can obstruct, endanger the security and safety of traffic and road transportation, or that can cause damage to the road.

Article 106

- (1) Any person driving a motor vehicle on the road is obligated to drive his vehicle properly with full concentration.**

- (2) Any person driving a motor vehicle on the road is obligated to give priority for the safety of pedestrians and cyclists.
- (3) Any person driving a motor vehicle on the road is obligated to obey provisions of technical requirements and of road feasibility.
- (4) Any person driving a motor vehicle on the road is obligated to obey provisions of:
- a. signal instructions or prohibitions;
 - b. road marks;
 - c. traffic signal emitting devices;
 - d. movement of traffic;
 - e. stopping and parking;
 - f. warnings with sound and light;
 - g. maximum or minimum speed; and/or
 - h. procedure of coupling and attaching with other vehicles.
- (5) During a motor vehicle check on the road, any person driving a motor vehicle is obligated to show:
- a. Document on Motor Vehicle Identification Number or Motor Vehicle Test Document;
 - b. Driver's License;
 - c. proof of having passed periodic tests; and/or
 - d. other legal proofs.
- (6) Any person driving a four or more wheeled motor vehicle on the road and the passenger sitting beside are obligated to use safety belts.
- (7) Any person driving a four or more wheeled motor vehicle not equipped with housing on the road and the passenger sitting beside are obli-

gated to use safety belts and to use helmet meeting Indonesia National Standard.

(8) Any person driving a motor cycle and passengers of motor cycles are obligated to use helmet meeting Indonesia National Standard.

(9) Any person driving a motor cycle without a side carriage is prohibited to carry more than one (1) passenger.

Paragraph 2

Use of Main Lamp

Article 107

- (1) Drivers of motor vehicles are obligated to turn on main lamps of motor vehicles used on the road at night and in certain conditions.
- (2) Besides having to obey the provisions referred to in paragraph (1), drivers of motor cycles are obligated to turn on main lamps at daytime.

Paragraph 3

Traffic Lane

Article 108

- (1) In the use of traffic, road users must use the left lane.
- (2) The right lane of a road may only be used if:
- a. The driver intends to overtake the vehicle in front; or
 - b. instructed by an officer of the State Police of the Republic of Indonesia to use it and to consider it as left lane temporarily.
- (3) Motor cycles, slower motor vehicles, trucks, and non-motorized vehicles shall stay on the left lane of road.

- (4) The use of right lane is allotted only for vehicles with higher speed, intending to turn right, changing direction, or to overtake other vehicles.

Article 109

- (1) Drivers of motor vehicles planning to overtake another vehicle must use the right lane of a road of the vehicle to be overtaken, having a free line of sight, and availability of sufficient space.
- (2) In certain cases, the drivers referred to in paragraph (1) is entitled to use the left lane of road by still observing the security and safety of traffic and road transportation.
- (3) If the vehicle to be overtaken had given a signal to use the right lane of the road, the drivers referred to in paragraph (1) are prohibited to overtake the vehicle.

Article 110

- (1) Drivers passing by with vehicles from the opposite direction on two-direction roads not separated clearly are obligated to give sufficient maneuver space at the right side of the vehicle.
- (2) If obstructed by an obstacle or by other road users in front, it is obligatory to give priority to vehicles coming from the opposite direction.

Article 111

On ascending or descending roads where it is impossible for vehicles to pass by each other, drivers of vehicles on the descending side are obligated to give road opportunity to vehicles that are ascending.

Paragraph 4

Turns or Intersections

Article 112

- (1) Drivers of vehicles intending to turn or change direction are obligated to observe the situation of traffic in front, at the sides, and behind the vehicle as well as to give a signal with direction indicator lamp or hand signal.
- (2) Drivers of vehicles intending to shift lanes or move to the sides are obligated to observe the situation of traffic in front, at the sides, and behind the vehicle as well as to give a signal.
- (3) At road intersections equipped with Traffic Signal Emitting Devices, drivers of vehicles are prohibited to turn left directly, except if stipulated otherwise by traffic signs or traffic signal emitting devices.

Article 113

- (1) At one level intersections not controlled with traffic signal emitting devices, drivers are obligated to give priority to:
- a. Vehicles coming from the front and/or other directions of a crossroad branch if it is stated with traffic signs or road marks;
 - b. Vehicles from the main road, if the driver comes from a smaller crossroad branch or from a yard bordering with the road;
 - c. Vehicles coming from the left side branch of a crossroad, if the crossroad has four (4) or more branches of the same size;

- d. Vehicles coming from the left branch of a three (3) branch intersection that are not perpendicular; or
- e. Vehicles coming from a crossroad branch straight to a three (3) branch perpendicular intersection.

(2) If the intersection is equipped with traffic control means in the form of a circle, the drivers shall give priority to other vehicles coming from the right.

Article 114

At a one level crossing between a railway track and a road, drivers of vehicles are obligated to:

- a. stop, when the signal sounds, gate/crossbar started to close, and/or there are other signals;
- b. give priority to the train; and
- c. give priority right to vehicles firstly crossing the rail.

Paragraph 5

Speed

Article 115

Drivers of motor vehicles on the road are prohibited to:

- a. drive vehicles exceeding the entitled maximum speed limit as meant in Article 21; and/or
- b. race with other motor vehicles .

Article 116

(1) Drivers shall slow down his vehicle in accordance with traffic signs.

(2) Besides it must be in accordance with the traffic signs referred to in paragraph (1), drivers shall slow down his vehicle if:

- a. he plans to overtake a public motor vehicle that is dropping/discharging and boarding passengers;
- b. it is going to overtake a non-motorized vehicle drawn by an animal, either mounted or driven;
- c. it is rainy and/or there are puddles;
- d. entering a public center of activities not yet stated with traffic signs;
- e. approaching intersections or a one level crossing with train; and/or
- f. he saw and knew of pedestrians intending to cross.

Article 117

A driver going to slow down his vehicles must observe the situation of traffic at the sides and behind his vehicle in a manner not endangering other vehicles.

Paragraph 6

Stopping

Article 118

Besides the public motor vehicles within a route, any motor vehicle can stop at any road, except:

- a. there are prohibition signs for stopping and/or road marks with straight line;

- b. at certain places that can endanger security, safety as well as disturbing the order and smoothness of traffic and road transportation; and/or
- c. on toll roads.

Article 119

- (1) Drivers of public motor vehicles or school bus planning to stop to drop/ discharge and/or board passengers are obligated to give a signal that it is going to stop.
- (2) Drivers of vehicles behind a public motor vehicle or a school bus that is stopping as referred to in paragraph (1) are obligated to stop their vehicles temporarily.

Paragraph 7

Parking

Article 120

Parking vehicles on the road may be performed in a parallel formation or forming an angle according to the direction of traffic.

Article 121

- (1) All drivers of motor vehicles are obligated to install traffic security triangle, hazard warning signal lamps, or other signals when stopping or parking in an emergency situation on the road.
- (2) The provisions referred to in paragraph (1) are not applicable for drivers of motor cycles without side carriage.

Paragraph 8

Non-motorized Vehicles

Article 122

- (1) Drivers of non-motorized vehicles are prohibited to:

- a. intentionally allow his vehicle to be hauled by a motor vehicle at a speed that can endanger safety;
- b. carry or haul things that can prevent or endanger other road users; and/or
- c. use road lanes of motor vehicles if special road lanes for non-motorized vehicles had been prepared.

(2) Cyclists are prohibited to carry passengers, except if the bicycle had been equipped with a place for a passenger.

(3) Drivers of wagons or push carts traveling side by side shall provide sufficient space for other vehicles to overtake.

Article 123

Deaf cyclists must use an identification sign to be placed at the front and rear of the bicycle.

Paragraph 9

Traffic Procedure for Drivers of

Public Motor Vehicles

Article 124

- (1) Drivers of public motor vehicles for man transportation within a route are obligated to:
 - a. carry passengers paying in accordance with stipulated tariff;
 - b. remove passengers within the traffic route to other similar vehicles within the same route without any additional charge if the vehicle stalled, is out of order, encountering an accident, or on the instruction of an official;

- c. use the stipulated road lane or use the left-most lane, except during overtaking or changing directions;
- d. stop the vehicle during boarding and/or dropping/discharging passengers;
- e. close doors when the vehicle is traveling; and
- f. obey maximum speed limit for public transportation.

(2) Drivers of public vehicles for man transportation within a route with an economy tariff are obligated to transport school students.

Article 125

Drivers of goods motor vehicle transportation are obligated to use road networks in accordance with the stipulated road class.

Article 126

Drivers of people transportation public motor vehicle are prohibited to:

- a. stop the vehicle at places other than those that had been stipulated;
- b. stall at places other than those that had been stipulated;
- c. drop/dischage passengers at places other than stopping places and/or destination without any proper and urgent reasons; and/or
- d. pass thru road networks other than those stipulated in the route permit.

Part Five

Use of Road for Other than Traffic Activities

Paragraph 1

Use of Road besides for Permitted Traffic Activities

Article 127

(1) The use of road for the performance of activities aside of its functions is authorized to be

made on national roads, provincial roads, regency/city roads, and village roads.

(2) The use of national roads and provincial roads referred to in paragraph (1) can be permitted for the interest of the public having a national nature.

(3) The use of regency/city roads and village roads referred to in paragraph (1) can be permitted for the interest of the public having a national, regional or individual nature.

Paragraph 2

Procedure on the Use of Road for Other Than Traffic Activities

Article 128

(1) The use of road referred to in Article 127 paragraph (1) causing the closing of a road may be permitted if there are road alternatives.

(2) Shifting of the temporary flow of traffic .to a road alternative as referred to in paragraph (1) shall be stated with traffic signs

(3) Permit for the use of road as referred to in Article 127 paragraph (2) and paragraph (3) shall be given by the State Police of the Republic of Indonesia.

Paragraph 3

Responsibility

Article 129

(1) On the use of road outside of its functions, the road user shall be responsible on all consequences arising.

(2) The officials giving the permit as meant in Article 128 paragraph (3) shall be responsible to place officers on the road segments to maintain the security, safety, order, and smoothness of traffic and road transportation.

Article 130

Further provisions on the use of road for other than traffic activities as referred to in Article 127, Article 128, and Article 129 shall be regulated with a regulation of the Chief of the State Police of the Republic of Indonesia.

Part Six

Rights and Obligations of Pedestrians on Traffic Matters

Article 131

- (1) Pedestrians have the right on the availability of supporting facilities in the form of sidewalk, crossing places, and other facilities.
- (2) Pedestrians have the right to receive priority to cross a road at a crossing place.
- (3) In the event the facilities referred to in paragraph (1) are not yet available, pedestrians have the right to cross at selected places by observing his/her safety.

Article 132

- (1) Pedestrians are obligated to:
 - a. use part of the road allotted for pedestrians or the innermost side of road; or
 - b. cross only at stipulated places.

(2) In the event there are no stipulated crossing places as referred to in paragraph (1) letter b, pedestrians are obligated to observe the safety and smoothness of the traffic.

(3) Handicapped pedestrians shall use clear special signs and easily recognized by other road users.

Part Seven

Management of Traffic Requirements

Article 133

- (1) To improve the efficiency and effectiveness of the use of traffic space and to control the movement of traffic, management of traffic requirements shall be performed based on the following criteria:
 - a. comparison of the volume of motor vehicle traffic with road capacity;
 - b. availability of public transportation network and public services; and
 - c. quality of the environment.
- (2) Management of traffic requirements as meant in paragraph (1) shall be performed with the following methods:
 - a. limitation of the traffic of individual vehicles in certain corridors or areas at certain times and certain roads;
 - b. limitation of the traffic of goods vehicles in certain corridors or areas at certain times and certain roads;
 - c. limitation of the traffic of motor cycles in certain corridors or areas at certain times and certain roads;
 - d. limitation.....

- d. limitation of the traffic of public motor vehicles in accordance with the classification of road functions;
- e. limitation of parking areas at certain areas with the stipulation of a maximum parking lot; and/or
- f. limitation of the traffic of non-motorized public vehicles in certain corridors or areas at certain times and certain roads.

(3) The limitation of traffic referred to in paragraph (2) letter a and letter b may be performed by imposing a retribution on traffic control allotted for the enhancement of traffic performance and improvement of public transportation services in accordance with provisions of statutory regulations.

(4) Management of traffic requirements shall be stipulated and evaluated periodically by the Minister responsible in the aspect of means and Infrastructures of Traffic and Road Transportation, the Provincial Governments, and the Regency / Municipality Governments in accordance with the scope of its authority by involving the related agencies.

(5) Further provisions on the management of traffic requirements shall be regulated with a Government Regulation.

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**Part Eight
Priority Rights of Road Users
for Traffic Smoothness**

Paragraph 1

Road Users Receiving Priority Rights

Article 134

Road Users with priority rights shall be prioritized in accordance with the following order:

- a. fire fighting vehicles on duty;
- b. ambulance transporting sick person;
- c. Vehicles to give assistance to a traffic accident;
- d. Vehicles of Head of State Agencies of the Republic of Indonesia;
- e. Vehicles of the head and officials of foreign countries as well as international institutions being state guests;
- f. vehicles of burial procession; and
- g. convoy and/or vehicles for certain purposes according to the consideration of the official of the State Police of the Republic of Indonesia.

Paragraph 2.....

(To be continued)

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TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7949 pages 25A-36A]

Paragraph 2

Procedure to Regulate Traffic Smoothness

Article 135

- (1) Vehicles having the priority rights as meant in Article 134 must be guarded by officers of the State Police of the Republic of Indonesia and/or use red or blue lamp signals and siren.
- (2) Officers of the State Police of the Republic of Indonesia shall exercise protection if aware of the presence of the road users referred to in paragraph (1).
- (3) Traffic signal emitting devices and traffic signs are not applicable for the vehicles receiving the priority rights referred to in Article 134.

Part Nine

Administrative Sanctions

Article 136

- (1) Any person violating the provisions meant in Article 99 paragraph (1), Article 100 paragraph (1), and Article 128 shall be imposed to administrative sanctions.
- (2) The administrative sanctions referred to in paragraph (1) can be in the form of:
 - a. written warning;
 - b. temporary cessation of public services;
 - c. temporary cessation of activities;
 - d. administrative fine;
 - e. annulment of permit; and/or
 - f. revocation of permit.

- (3) Further provisions on criteria and procedure on the imposing of administrative sanctions meant in paragraph (1) and paragraph (2) shall be regulated with a Government Regulation.

CHAPTER X

TRANSPORTATION

Part One

Transportation of People and Goods

Article 137

- (1) Transportation of people and/or goods may use motor vehicles and non-motorized vehicles.
- (2) The transportation of people using motor vehicles is in the form of motor cycles, passenger cars, or bus.
- (3) The transportation of goods with Motor Vehicles shall use vehicles for goods.
- (4) Vehicles for goods are prohibited to be used for the transportation of man, except:
 - a. if the ratio of motor vehicles for the transportation of man, the geographical condition, and the province/regency/city road Infrastructures are not yet adequate;
 - b. for the mobilization or training of the Indonesian National Armed Forces and/or State Police of the Republic of Indonesia; or
 - c. other purposes based on the consideration of the State Police of the Republic of Indonesia and/or the Regional Governments.

- (5) Further provisions on the use of vehicles for goods for the transportation of man as meant in paragraph (4) shall be regulated with a Government Regulation.

Part Two

Obligation to Provide Public Transportation

Article 138

- (1) Public transportation shall be performed in the efforts to meet requirements of a safe, secure, comfortable, and within reach transportation.
- (2) The Government is responsible on the operations of public transportation as referred to in paragraph (1).
- (3) Public transportation for man and/or goods shall only use public motor vehicles.

Article 139

- (1) The Government is obligated to ensure the availability of public transportation for transportation services of man and/or goods inter-city inter-provinces as well as state border crossing.
- (2) Provincial regional governments are obligated to ensure the availability of public transportation for transportation services of man and/or goods inter-city within the province.
- (3) Regency/Municipality regional governments are obligated to ensure the availability of public transportation for transportation services of man and/or goods within the area of regency/city.
- (4) Provision of public service transportation shall be carried out by state-owned business

entities, region-owned business entities, and/or other legal entities in accordance with provisions of statutory regulations.

Part Three

Transportation of People with

Public Motor Vehicles

Paragraph 1

General

Article 140

Services on the transportation of people with public motor vehicles consist of:

- a. transportation of people using public motor vehicles within a route; and
- b. transportation of people using public motor vehicles not within a route.

Paragraph 2

Service Standard for the Transportation of Man

Article 141

- (1) Public transportation companies are obligated to meet minimum service standard covering:
- a. security;
 - b. safety;
 - c. comfort;
 - d. available within reach;
 - e. equivalence; and
 - f. regularity.
- (2) Minimum service standard referred to in paragraph (1) shall be stipulated based on the types of provided services.
- (3) Further provisions on minimum service standard referred to in paragraph (1) shall be regulated

with a regulation of the Minister responsible in the aspect of means and infra-structures of traffic and road transportation.

Paragraph 3

Transportation of People Using Public Motor Vehicles within a Route

Article 142

Types of services on the transportation of people using public motor vehicles within a route referred to in Article 140 letter a consist of:

- a. state border crossing transportation ;
- b. inter-city transportation inter-province;
- c. inter-city transportation in a province;
- d. urban transportation; or
- e. rural transportation.

Article 143

Criteria of services of the transportation of people using Public Motor Vehicles within a route as referred to in Article 140 letter a shall:

- a. have a constant and regular route;
- b. scheduled, having a starting place, a termination place, and boarding or discharging passengers at terminals for inter-city and state border crossing transportation; and
- c. boarding and discharging passengers at places stipulated for urban and rural transportation.

Article 144

Route network and requirements for public motor vehicles shall be compiled based on:

- a. spatial layout;
- b. level of demand for transportation services;
- c. capability to provide transportation services;
- d. availability of traffic and road transportation network;
- e. conformance of road class;
- f. integrity of inter-mode transportation; and
- g. integrity between modes of transportation.

Article 145

- (1) Route network and requirements of public motor vehicles as referred to in Article 144 shall be compiled in the form of general plan of route network.
- (2) Compilation of the route network general plan referred to in paragraph (1) shall be coordinated with related agencies.
- (3) General plan of route network as meant in paragraph (1) consist of:
 - a. route network of state border crossings;
 - b. inter-city route network inter-province;
 - c. inter-city route network in a province;
 - d. urban route network; and
 - e. rural route network.
- (4) The general plan on route network referred to in paragraph (1) shall be reviewed periodically in five (5) years at the latest.

Article 146

- (1) Urban route network referred to in Article 145 paragraph (3) letter d shall be compiled based on the urban sphere.

(2) Urban area for transportation services referred to in paragraph (1) is stipulated by the:

- a. Minister responsible in the aspect of means and infrastructures of traffic and road transportation for urban areas exceeding the border area of a province;**
- b. Governor for urban areas exceeding the border area of the regency/city in a province;**
or
- c. Regent/mayor for urban areas within the regency/city area.**

Article 147

- (1) Route network and requirements of state border crossing public motor vehicles referred to in Article 145 paragraph (3) letter a is stipulated by the Minister responsible in the aspect of means and Infrastructures of traffic and road transportation in accordance with Inter-state Agreement.**
- (2) The Inter-state Agreement referred to in paragraph (1) shall be drawn up based on provisions of legislations.**

Article 148

Route network and requirements of public motor vehicles referred to in Article 145 paragraph (1) and paragraph (3) letter b, letter c, and letter d are stipulated by the:

- a. The Minister responsible in the aspect of means and Infrastructures of traffic and road transportation for inter-city route network and requirements of public motor vehicles inter-provinces**

and urban areas exceeding the border area of a province;

- b. the Governor for route network and requirements of inter-city public motor vehicles in a province and urban areas exceeding the border area of a regency/city in one (1) province after receiving the approval of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation; or**
- c. regent/mayor for route network and requirements of public motor vehicles in an urban area in one (1) regency/city zone after receiving the approval of the Minister responsible in the aspect of means and Infrastructures of traffic and road transportation.**

Article 149

Route network and requirements of rural public motor vehicles referred to in Article 145 paragraph (3) letter e are stipulated by:

- a. the regent for rural areas connecting one (1) regency area;**
- b. the Governor for rural areas exceeding one (1) regency area within one (1) province zone; or**
- c. the Minister responsible in the aspect of means and Infrastructures of traffic and road transportation for rural areas exceeding the zone of a province.**

Article 150

Further provisions on transportation of people using public motor vehicles within a route shall be regulated with a Government Regulation.

Paragraph 4

Transportation of People Using

Public Motor Vehicles

Not Within a Route

Article 151

Transportation services for people using public motor vehicles not within a route as referred to in Article 140 letter b consist of:

- a. transportation of people by using taxi;
- b. transportation of people for certain purposes;
- c. transportation of people for tourism purposes; and
- d. transportation of people in certain areas.

Article 152

(1) Transportation of people using taxi as referred to in Article 151 letter a shall be used for door to door transportation service with an operation area in urban areas.

(2) The area of operations in urban areas as meant in paragraph (1) can be:

- a. within an urban area;
- b. within a regency area;
- c. outside of the area of a city or regency within one (1) province zone; or
- d. outside of the area of a province.

(3) The area of operations in urban areas as meant in paragraph (2) and the maximum number of requirements for taxi are stipulated by:

- a. the mayor, for taxi having its area of operations within an urban area;
- b. the regent, for taxi having its area of operations within the area of a regency;

c. the Governor, for taxi having its area of operations exceeding a city area or regency area in one (1) province zone; or

d. Minister responsible in the aspect of means and Infrastructures of traffic and road transportation, for taxi having its area of operations exceeding the province zone.

Article 153

(1) Transportation of people for certain purposes as meant in Article 151 letter b is prohibited to board and/or discharge passengers along the road for purposes outside of the services for the transportation of people within a route.

(2) Transportation of people for certain purposes shall be performed by using public passenger cars or public bus.

Article 154

(1) Transportation of people for tourism purposes as referred to in Article 151 letter c shall be used for tourism transportation services.

(2) The performance of the transportation of people for tourism purposes as referred to in paragraph (1) shall use public passenger cars and public bus with special signs.

(3) Transportation of people for tourism purposes is not entitled to use public motor vehicles within a route, except if in the area, special transportation for tourism is not yet available.

Article 155

(1) Transportation in certain areas as meant in Article 151 letter d shall be performed by means

of the transportation services on local roads and environment road.

(2) Transportation of people in certain areas as meant in paragraph (1) must use public passenger cars.

Article 156

Evaluation of the area of operations and requirements for the transportation of people not within a route shall be performed at least once in one (1) year and shall be announced to the public.

Article 157

Further provisions on transportation of people using public motor vehicles not within a route shall be regulated with a regulation of the Minister responsible in the aspect of means and Infrastructures of traffic and road transportation.

Paragraph 5

Mass transportation

Article 158

(1) The Government ensures the availability of road-based mass transportation to meet requirements for transportation of people using public motor vehicles in urban areas.

(2) The mass transportation referred to in paragraph (1) shall be supported by:

- a. bus having a mass transport capacity;
- b. special track/lane;
- c. other public transportation routes not wedged with the route of mass transportation route; and
- d. feeder transportation.

Article 159

Further provisions on mass transportation referred to in Article 158 shall be regulated with a regulation of the Minister responsible in the aspect of means and Infrastructures of Traffic and Road Transportation.

Part Four

Transportation of Goods with

Public Motor Vehicles

Paragraph 1

General

Article 160

Transportation of goods with public motor vehicles consists of:

- a. transportation of general goods; and
- b. transportation of special goods.

Paragraph 2

Transportation of General Goods

Article 161

The transportation of general goods referred to in Article 160 letter a must meet the following requirements:

- a. Infrastructures of roads to be traveled shall meet provisions of road classes;
- b. logistics distribution centers and/or places to load and unload goods are available; and
- c. use of cargo vehicles.

Paragraph 3

Transportation of Special Goods and

Heavy Equipments

Article 162

(1) Motor vehicles transporting special cargo must:

a. meet.....

- a. meet requirements of safety in accordance with the nature and form of the transported goods;
- b. provide certain signs pursuant to the transported goods;
- c. park vehicles at stipulated places;
- d. load and unload goods at stipulated places and by using equipments according to the nature and form of transported goods;
- e. operate at times not disturbing the security, safety, smoothness, and order of traffic and road transportation; and
- f. receive the recommendation of the related agency.

(2) Public motor vehicles transporting heavy equipments with a dimension exceeding the stipulated dimension referred to in Article 19 shall have an escort from the State Police of the Republic of Indonesia.

(3) Drivers and helpers of drivers of public motor vehicles transporting special goods must possess special competence in accordance with the nature and form of the special transported goods.

Article 163

(1) The owner, the agents of goods transporting expedition, or the sender delivering special goods have the obligation to notify to the management of warehouses and/or the performer of transportation of goods before the goods are loaded onto public motor vehicles.

(2) Performers of the transportation of goods carrying out activities on the transportation of special goods have the obligation to provide a storage place and shall be responsible to compile a system and procedure on the handling of special and/or hazardous goods when the goods are not yet loaded onto public motor vehicles .

Article 164

Further provisions on the transportation of goods using public motor vehicles shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Part Five

Multimode Transportation

Article 165

(1) Public transportation on the road constituting a portion of multimode transportation shall be performed by multimode transportation legal entities.

(2) Activities of public transportation in a multimode transportation shall be performed based on agreements drawn up between road transportation legal entities and multimode transportation legal entities and/or other modes legal entities.

(3) Services of multimode transportation shall be integrated systematically and must obtain a permit from the Government.

(4) Further provisions on multimode transportation, requirements, and procedure to obtain the

permit as meant in paragraph (1) shall be regulated with a Government Regulation.

Part Six

Transportation Documents of People and Goods

Using Public Motor Vehicle

Article 166

- (1) Transportation of man with public motor vehicles serving steady routes of state border crossing, inter-city inter-provinces, and inter-city in a province must be equipped with required documents.
- (2) Documents for man transportation referred to in paragraph (1) cover:
 - a. Public passenger ticket for transportation within a route;
 - b. baggage identification tag; and
 - c. cargo manifest.
- (3) Transportation of goods with public motor vehicles must be equipped with documents covering:
 - a. transportation agreement document; and
 - b. cargo manifest.

Article 167

- (1) Public transportation companies transporting people have the obligation to:
 - a. deliver passenger tickets;
 - b. issue proof of payment for transportation not within a route;
 - c. issue baggage identification tags to passengers; and
 - d. issue cargo manifest to drivers.

- (2) A passenger ticket must be used by the person whose name is stated in the ticket pursuant to legal self-identity documents.

Article 168

- (1) Public transportation companies transporting goods have the obligation to compile cargo manifest of goods as part of the travel document.
- (2) Public transportation companies transporting goods have the obligation to compile agreement documents on the transportation of goods.

Part Seven

Control of Goods

Article 169

- (1) Drivers of vehicles carrying goods and/or public transportation companies of cargoes shall obey provisions on shipment procedures, carrying capacity, dimension of vehicle, and class of road.
- (2) In order to control the fulfillment of the provisions referred to in paragraph (1), control shall be exercised on the loading of cargo.
- (3) Control on the loading of cargo shall be performed by using weighing scales.
- (4) The weighing scale referred to in paragraph (3) can be in the form of:
 - a. fixed weighing scale; or
 - b. mobile weighing scale.

Article 170

- (1) The fixed weighing scale referred to in Article 169 paragraph (4) letter a shall be installed at certain locations.

- (2) Stipulation of the location, operations, and closing of fixed weighing scale on the road referred to in paragraph (1) shall be made by the Government.
- (3) The operations and maintenance of fixed weighing scales shall be performed by weighing performing units appointed by the Government.
- (4) Officers of fixed weighing scales have the obligation to collect data on the types of transported goods, weight of load, origin and destination.

Article 171

- (1) The mobile weighing scale referred to in Article 169 paragraph (4) letter b shall be used in the inspection of motor vehicles on the road and inspection of load crime violations.
- (2) Operations of the weighing scale for the inspection of motor vehicles on the road as meant in paragraph (1) shall be performed by officers of motor vehicle inspectors.
- (3) The operations of the weighing scale as meant in paragraph (1) shall be performed jointly with officers of the State Police of the Republic of Indonesia.

Article 172

Further provisions on the control of cargo transportation shall be regulated with a Government Regulation.

Part Eight

Transportation Business

Paragraph 1

Transportation Permits

Article 173

- (1) Public transportation companies performing the transportation of man and/or goods have the obligation to possess:

- a. permit for the performance of transportation of man within a route;
 - b. permit for the performance of transportation of man not within a route; and/or
 - c. permit for the performance of transportation of special goods or heavy equipments.
- (2) Obligation to possess the permit referred to in paragraph (1) is not obligatory for:
- a. the transportation of sick people by using an ambulance; or
 - b. the transportation of corpse.

Article 174

- (1) The permit referred to in Article 173 paragraph (1) in the form of contract document and/or electronic card shall consist of decision letter, statement letter, and control card.
- (2) Provision of the permit referred to in paragraph (1) shall be made thru selection or bidding according to provisions of legislations.
- (3) The permit referred to in paragraph (1) can be in the form of permit for one (1) route or for several routes within an area.

Article 175

- (1) Permit for the performance of public transportation is valid for certain periods.
- (2) Extension of permit shall pass thru a process of selection or bidding as referred to in Article 174 paragraph(2).

Paragraph 2

Permit for the Performance of Man Transportation within a Route

Article 176

Permit for the transportation of man within a route as referred to in Article 173 paragraph (1) letter a shall be issued by:

- a. the Minister responsible in the aspect of means and infrastructures of traffic and road transportation for the performance of man transportation serving:
 - 1. routes of state border crossing in accordance with inter-state agreements;
 - 2. routes of inter-regency/city exceeding the zone of one (1) province;
 - 3. routes of urban transportation exceeding the zone of one (1) province; and
 - 4. rural routes exceeding the zone of one (1) province.
- b. the Governors, for the performance of man transportation serving:
 - 1. inter-city routes exceeding the zone of one (1) regency/city within one (1) province;
 - 2. urban transportation routes exceeding the zone of one (1) regency/city in a province; and
 - 3. rural routes exceeding the zone of one (1) regency in a province.
- c. the Governor of Jakarta Capital Special Area Province, for the performance of man transportation serving routes wholly within the area of Jakarta Capital Special Area Province.
- d. the regents, for the performance of man transportation serving:
 - 1. rural routes existing in one (1) regency zone; and
 - 2. urban area routes existing in one (1) regency zone.
- e. the mayors, for the performance of man transportation serving routes in urban areas existing in one (1) city zone.

Article 177

Holders of permit for the performance of man transportation within a route have the obligation to:

- a. perform provisions stipulated in the issued permit; and
- b. operate public motor vehicles according to the minimum service standard referred to in Article 141 paragraph (1).

Article 178

Further provisions on permit for the performance of man transportation within a route shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Paragraph 3

Permit for the Performance of Man Transportation not within a Route

Article 179

- (1) Permit for the performance of man transportation not within a route as referred to in Article 173 paragraph (1) letter b shall be issued by:
 - a. the Minister responsible in the aspect of means and infrastructures of traffic and road transportation for man transportation serving:
 - 1. taxi transportation, the area of operations there-of exceeds one (1) province zone;
 - 2. transportation for certain purposes; or
 - 3. tourism transportation.

- b. the Governors, for taxi transportation the area of operations there-of exceeds one (1) regency/city zone in one (1) province;
 - c. The Governor of Jakarta Capital Special Area Province, for taxi transportation and transportation in certain areas where its area of operations is within the area of Jakarta Capital Special Area Province; and
 - d. the regents/mayors, for taxi and transportation in certain zones where its area of operations is within a regency /city zone.
- (2) Further provisions on procedure and requirements for the provision of permit referred to in paragraph (1) shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Paragraph 4

Permit for the Performance of Transportation of Special Goods and Heavy Equipments

Article 180

- (1) Permit for the performance of transportation of special goods referred to in Article 173 paragraph (1) letter c shall be issued by the Minister responsible in the aspect of means and infrastructures of traffic and road transportation with a recommendation from the related agency.
- (2) Permit for the performance of transportation of heavy equipments as meant in Article 173 paragraph (1) letter c shall be given by the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

- (3) Further provisions on procedure and requirements for the provision of permit for the performance of the transportation of special goods and heavy equipments shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Part Nine

Transportation Tariff

Article 181

- (1) Transportation tariff consist of passenger tariff and tariff of goods.
- (2) Passenger tariff referred to in paragraph (1) consist of:
 - a. passenger tariff for transportation within a route; and
 - b. passenger tariff for transportation not within a route.

Article 182

- (1) Passenger tariff for transportation within a route consist of:
 - a. economy class tariff; and
 - b. non-economy class tariff.
- (2) Stipulation of economy class tariff referred to in paragraph (1) shall be made by:
 - a. the Minister responsible in the aspect of means and infrastructures of traffic and road transportation for the transportation of man serving inter-city inter-province routes, urban transportation, and rural transportation where the zone of its services exceeds the zone of a province;

- b. the Governors, for transportation of man serving inter-city routes in a province as well as urban and rural transportation exceeding the borders of a regency/city in a province;
 - c. the regents, for transportation of man serving inter-city routes within a regency as well as urban and rural transportation where the zone of its services is within a regency; and
 - d. the mayors, for transportation of man serving urban transportation routes where the zone of its services is within a city.
- (3) Passenger tariff for the transportation of man within a non-economy class route is stipulated by the public transportation company.
- (4) Further provisions on passenger tariff referred to in paragraph (1) shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Article 183

- (1) Passenger tariff for the transportation of man not within a route using taxi as meant in Article 151 letter a is stipulated by public transportation companies on the approval of the Government in accordance with its respective authority based on stipulated minimum service standard.
- (2) Passenger tariff for the transportation of man not within a route for certain purposes, tourism, and in certain areas referred to in Article 151 letter b, letter c, and letter d is stipulated based on an agreement between service users and the public transportation company.

Article 184

Transportation tariff of goods referred to in Article 181 paragraph (2) letter b is stipulated based on an agreement between service users and the public transportation company.

Part Ten

Subsidy for Public Passenger Transportation

Article 185

- (1) Public Passenger Transportation with economy class tariff in certain routes can be given subsidy by the Government and/or the regional governments.
- (2) Further provisions on the provision of subsidy for public passenger transportation as meant in paragraph (1) shall be regulated with a Government Regulation.

Part Eleven

Obligations, Rights, and Responsibility of Public Transportation Companies

Paragraph 1

Obligations of Public Transportation Companies

Article 186

Public transportation companies have the obligation to transport people and/or goods after the approval of transportation agreements and/or the payment of transportation cost by the passenger and/or goods sender.

Article 187

Public transportation companies have the obligation to reimburse transportation costs that

had been paid by passengers and/or goods sender in the event of annulment of departure.

Article 188

Public transportation companies have the obligation to indemnify losses suffered by passengers or sender of goods due to negligence in the performance of transportation services.

Article 189

Public transportation companies have the obligation to insure its responsibility as referred to in Article 188.

Article 190

Drivers of public motor vehicles may discharge/drop transported passengers and/or goods at the nearest stopping place if the passenger and/or transported goods can endanger the security and safety of transportation.

Article 191

Public transportation companies are responsible on losses caused by any action of personnel employed in the performance of transportation activities.

Article 192

(1) Public transportation companies shall be responsible on losses suffered by passengers who died or were injured due to the performance of the transportation, unless it was caused by an

event that cannot be avoided or prevented, or it is due to the fault of the Passenger.

- (2) The loss referred to in paragraph (1) shall be calculated based on losses factually suffered or part of service costs.
- (3) The responsibility referred to in paragraph (1) commences from the time the passenger was on board and terminates at the agreed upon destination.
- (4) The transporter is not responsible on the loss of hand-carried goods of a passenger, unless the passenger can prove that the loss was caused by the fault or negligence of the transporter.
- (5) Further provisions on the amount of indemnification shall be regulated with a Government Regulation.

Article 193

- (1) Public transportation companies are responsible on losses suffered by senders of goods if the goods were destroyed, lost, or damaged due to the performance of the transportation, unless it can be proved that the loss or damage of the goods was caused by an event that cannot be avoided or prevented or it was the fault of the sender.
- (2) Losses referred to in paragraph (1) shall be calculated based on losses suffered factually.
- (3) The responsibility referred to in paragraph (1) commences since the transportation of the goods commenced until the goods are delivered at an agreed upon place.
- (4) Public.....

(4) Public transportation companies are not responsible if the loss was caused by a statement of information not in accordance with the cargo manifest.

(5) Further provisions on the amount of indemnification shall be regulated with a Government Regulation.

Article 194

(1) Public transportation companies are not responsible on losses suffered by third parties, except if the third party can prove that the loss was caused by a fault of the public transportation company.

(2) Rights to submit an objection and demand for indemnification by a third party to the public transportation company referred to in paragraph (1) shall be submitted within 30 (thirty) days at the latest accounted for from the date of the loss.

Paragraph 2

Rights of Public Transportation Companies

Article 195

(1) Public transportation companies have the right to withhold transported goods if the sender or receiver did not fulfill obligations within the stipulated time limit in accordance with agreements on the transportation.

(2) Public transportation companies have the right to collect additional costs on goods that are kept and not taken pursuant to an agreement.

(3) Public transportation companies have the right to sell transported goods thru a bid system in accordance with provisions of statutory regulations if the sender or receiver did not fulfill obligations pursuant to the agreement referred to in paragraph (1).

Article 196

If transported goods are not taken by the sender or receiver in accordance with an agreed upon time limit, the public transportation company has the right to destroy goods having a hazardous nature or disturbing in its storage in accordance with provisions of legislations.

Part Twelve

Responsibility of Performers

Article 197

(1) The Government and the regional governments as performers of transportation have the obligation to:

- a. provide assurance to users of public transportation services to receive services;**
- b. provide protection to public transportation companies by maintaining a balance between**

the provision of public transportation and demand for it; and

c. monitor and evaluate the transportation of man and goods.

(2) Further provisions on the responsibility of the performers of public transportation as meant in paragraph (1) shall be regulated with a regulation of the Minister responsible on the aspect of means and infrastructures of traffic and road transportation.

Part Thirteen

Public Service Transportation Industry

Article 198

(1) Public transportation services shall be developed to be service industries meeting service standard and motivating a healthy competition.

(2) In order to create the service standard and the healthy competition referred to in paragraph (1), the Government and/or the regional governments shall:

- a. stipulate the segmentation and classification of the market;
- b. stipulate minimum service standards;
- c. stipulate criteria of a healthy competition;
- d. motivate the creation of market; and
- e. control and supervise the development of public service transportation industry.

(3) Further provisions on service standard and healthy competition shall be regulated with a Government Regulation.

Part Fourteen

Administrative Sanctions

Article 199

(1) Any person violating the provisions referred to in Articles 167, 168, 173, 177, 186, 187, 189, 192, and 193 shall be imposed to administrative sanctions in the form of:

- a. written warning;
- b. administrative fine;
- c. freezing of permit; and/or
- d. revocation of permit.

(2) Further provisions on criteria and procedure on the imposing of the administrative sanction as meant in paragraph (1) shall be regulated with a regulation of the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

CHAPTER XI.....

(To be continued)

—==(D)==—

TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7950-51 pages 13A-27A]

CHAPTER XI

SECURITY AND SAFETY OF TRAFFIC AND ROAD TRANSPORTATION

Part One

Security of Traffic and Road Transportation

Article 200

- (1) State Police of the Republic of Indonesia is responsible on the performance of activities to create and maintain the security of traffic and road transportation.**
- (2) Performance of the activities referred to in paragraph (1) shall be carried out thru cooperation between the managers of traffic and road transportation and the public.**
- (3) In order to create and maintain the security of traffic and road transportation referred to in paragraph (1), the following activities shall be performed:**
 - a. compilation of a national program on traffic and road transportation security;**
 - b. provision and maintenance of facilities and equipment for traffic and road transportation security;**
 - c. performance of education, training, directing, elucidation, and explanation on the use of traffic in the context of enhancing the awareness of the public on legal and ethics aspects of traffic;**
 - d. studying security problems of traffic and road transportation;**

- e. Managing traffic security;**
- f. regulating, guarding, escort, and/or patrol;**
- g. registration and identification of motor vehicles and drivers; and**
- h. enforcement of traffic law .**

Article 201

- (1) Public transportation companies have the obligation to compile, perform, and perfect the security system guided by the national program on traffic and road transportation security.**
- (2) Public motor vehicles must be equipped with equipments to provide information to make it easy to detect criminal actions on motor vehicles.**

Article 202

Further provisions on the stipulation of the national program on traffic and road transportation security as meant in Article 200 and Article 201 shall be regulated with a regulation of the Chief of the State Police of the Republic of Indonesia.

Part Two

Safety of Traffic and Road Transportation

Article 203

- (1) The Government is responsible to guarantee the safety of traffic and road transportation.**

- (2) In order to guarantee the safety of traffic and road transportation referred to in paragraph (1), a National General Plan on Traffic and Road Transportation Safety was stipulated covering:
- a. compilation of activities of the National Program on Traffic and Road Transportation Safety;
 - b. provision and maintenance of facilities and motor vehicles traffic and road transportation safety;
 - c. study of traffic and road transportation safety problems; and
 - d. Managers of traffic and road transportation safety.

Article 204

- (1) Public transportation companies have the obligation to compile, exercise and perfect safety management system guided by the General Plan on National Traffic and Road Transportation Safety.
- (2) Public motor vehicles must be equipped with equipments able to provide information on traffic accidents to the System Control Center of Traffic and Road Transportation Safety.

Article 205

Further provisions on the stipulation of National General Plan on Traffic and Road Transportation Safety referred to in Article 203 paragraph (2) and obligations of public transportation companies to compile, perform, and perfect the safety management system as well as requirements of equipments to provide information on traffic accidents

referred to in Article 204 shall be regulated with a Government Regulation.

Part Three

Control on the Security and Safety of Traffic and Road Transportation

Article 206

- (1) Control on the performance of Traffic and Road Transportation Security and Safety Program covers:
 - a. audit;
 - b. inspection; and
 - c. observation and monitoring.
- (2) Audit in the aspect of Traffic and Road Transportation Security referred to in paragraph (1) letter a shall be performed by independent auditors stipulated by the Chief of the State Police of the Republic of Indonesia.
- (3) Audit in the aspect of Traffic and Road Transportation Safety referred to in paragraph (1) letter a shall be performed by independent auditors stipulated by the Managers of traffic and road transportation.
- (4) Inspection in the aspect of Traffic and Road Transportation Security referred to in paragraph (1) letter b shall be performed periodically based on a priority scale by the Chief of the State Police of the Republic of Indonesia.
- (5) Inspection in the aspect of Traffic and Road Transportation Safety referred to in paragraph (1) letter b shall be performed periodically based on a priority scale by every Managers of traffic and road transportation.

(6) Observation.....

- (6) Observation and monitoring referred to in paragraph (1) letter c shall be performed continuously by every Managers of traffic and road transportation.
- (7) Result of the control referred to in paragraph (1) shall be followed-up by corrective actions and/or law enforcement.

Article 207

Further provisions on the control of traffic and road transportation security and safety as meant in Article 206 paragraph (1) shall be regulated with a Government Regulation.

Part Four

Traffic and Road Transportation Security and Safety Culture

Article 208

- (1) Managers of traffic and road transportation is responsible to construct and develop a culture on Traffic and Road Transportation Security and Safety.
- (2) Efforts to construct and develop the culture on Traffic and Road Transportation Security and Safety referred to in paragraph (1) shall be performed thru:
 - a. performance of education on traffic since early ages;
 - b. socializing and internalizing procedure and ethics on traffic and programs of Traffic and Road Transportation Security and Safety;
 - c. provision of awards for security and safety actions of Traffic and Road Transportation;

- d. creation of a traffic space environment motivating road users to orderly; and
- e. consistent and continuous law enforcement.
- (3) The Managers of traffic and road transportation shall stipulate the policy and program to create security and safety culture on the use of traffic.

CHAPTER XII

ENVIRONMENTAL IMPACT

Part One

Protection of Traffic and Road Transportation Environmental Preservation

Article 209

- (1) To ensure the preservation of the environment, on all activities in the aspect of traffic and road transportation, efforts shall be taken on the prevention and tackling of pollution of the living environment to meet provisions of standard quality of the environment in accordance with provisions of statutory regulations.
- (2) Further provisions on the prevention and tackling of pollution of the living environment in the aspect of traffic and road transportation as meant in paragraph (1) shall be regulated with a Government Regulation.

Part Two

Prevention and Tackling of Environmental Impact of Traffic and Road Transportation

Article 210

- (1) Every motor vehicle operating on the road must meet requirements on the threshold of the emission of exhaust gas and noise level.

(2) Further provisions on procedure, requirements, and procedure on the handling of the threshold of the emission of exhaust gas and noise level caused by the motor vehicles referred to in paragraph (1) shall be regulated with a Government Regulation.

Article 211

Every owner and/or driver of motor vehicles and public transportation companies have the obligation to prevent air pollution and noise.

Article 212

Every owner and/or driver of motor vehicles and public transportation companies have the obligation to make repairs on his vehicle if it is damaged or out of order likely to cause air pollution and noise.

Part Three

Rights and Obligations

Paragraph 1

Obligations of the Government

Article 213

(1) The Government shall control the obedience of road users to maintain the preservation of the living environment in the performance of traffic and road transportation.

(2) In order to perform the provisions meant in paragraph (1), the Government shall:

- a. formulate and prepare the policy, strategy, and programs for the development of an environment friendly traffic and road transportation ;**

- b. build and develop means and infrastructures of an environment friendly traffic and road transportation;**
- c. exercise control and management on public transportation companies, owners, and/or drivers of motor vehicles operating on the road; and**
- d. distribute correct and accurate information on the preservation of the environment in the aspect of traffic and road transportation.**

Paragraph 2

Rights and Obligations of Public Transportation Companies

Article 214

- (1) Public transportation companies have the right to receive facilities in the performance of an environmental friendly traffic and road transportation.**
- (2) Public transportation companies have the right to receive information on the preservation of the environment in the aspect of traffic and road transportation.**

Article 215

Public transportation companies have the obligation to:

- a. perform programs for the development of the environmental friendly traffic and road transportation stipulated by the Government;**
- b. provide means for an environmental friendly traffic and road transportation;**

c. provide.....

- c. provide clear, correct, and honest information on the condition of the public service transportation;
- d. provide explanation on the use, repairs, and maintenance of the public transportation means; and
- e. obey quality standard of the living environment.

Paragraph 3

Rights and Obligations of the Public

Article 216

- (1) The public has the right to get a traffic space that is environmental friendly.
- (2) The public has the right to receive information on the preservation of the environment in the aspect of traffic and road transportation.

Article 217

The public has the obligation to maintain the preservation of the environment in the aspect of traffic and road transportation.

Part Four

Administrative sanctions

Article 218

- (1) Violators of provisions of environmental impact of traffic and road transportation as referred to in Article 211 shall be imposed to administrative sanctions in the form of:
 - a. written warning;
 - b. administrative fine;
 - c. freezing of permit; and/or
 - d. revocation of permit.

- (2) Further provisions on procedure and criteria on the imposing of the administrative sanctions meant in paragraph (1) shall be regulated with a Government Regulation.

CHAPTER XIII

DEVELOPMENT OF INDUSTRY AND TECHNOLOGY OF MEANS AND INFRASTRUCTURES OF TRAFFIC AND ROAD TRANSPORTATION

Part One

General

Article 219

- (1) The development of industries and technology of means and infrastructures of traffic and road transportation covers:
 - a. design and maintenance of motor vehicles;
 - b. law enforcement equipment;
 - c. equipment of feasibility tests on vehicles ;
 - d. facilities of security, safety, order, and smoothness of traffic and road transportation;
 - e. equipment for the registration and identification of vehicles and drivers;
 - f. technology and information on traffic and road transportation ;
 - g. education and training facilities for personnel of traffic and road transportation; and
 - h. motor vehicle supporting components.
- (2) Empowerment of industry and the development of technology of traffic and road transportation as meant in paragraph (1) shall be performed thru the:

- a. development of motor vehicle research and design;
 - b. development of the standardizing of vehicles and/or motor vehicle components;
 - c. transfer of technology;
 - d. use of local content as much as possible;
 - e. development of raw material and component industries;
 - f. provision of fund and tax facilities;
 - g. provision of facilities for cooperation with similar industries; and/or
 - h. provision of facilities for the cooperation of market users domestically and overseas.
 - e. physical form of the motor vehicle;
 - f. dimension, construction, position, and distance of seats;
 - g. position of lamps;
 - h. number of seats;
 - i. dimension and construction of cargo compartment/tank volume;
 - j. allotment of the motor vehicle; and
 - k. emergency exit facility.
- (3) The design referred to in paragraph (2) shall receive legalization from the Minister responsible in the aspect of means and infrastructures of traffic and road transportation.

Part Two

Development of Motor Vehicle Design

Article 220

- (1) Development of motor vehicle design referred to in Article 219 paragraph (1) letter a and development of research design as meant in paragraph (2) letter a shall be performed by the:
- a. Government;
 - b. regional governments;
 - c. legal entities;
 - d. research institutions; and/or
 - e. higher education / institutions.
- (2) The development of motor vehicle design referred to in paragraph (1) shall observe:
- a. main dimension and construction of motor vehicles;
 - b. conformance of material;
 - c. conformance of driving motor;
 - d. conformance of the support of road capacity;

Article 221

The empowerment of industries and the development of technology of traffic and road transportation referred to in Article 219 paragraph (2) shall be performed by utilizing the national resources, implementing standards of security and safety, as well as observing the preservation of the environment.

Part Three

Development of Industry and Technology of Traffic and Road Transportation Infrastructures

Article 222

- (1) The Government has the obligation to develop infrastructures of industry and technology guaranteeing the security, safety, order, and smoothness of traffic and road transportation.
- (2) Development of industry and technology of infrastructures of traffic and road transportation

shall be made integrated with the support of all related sectors.

(3) Development of the industry and technology meant in paragraph (1) covers the modernization of the following facilities:

- a. traffic and road transportation regulators ;
- b. law enforcement;
- c. feasibility test of vehicles;
- d. security, safety, order, and smoothness of traffic and road transportation;
- e. control of traffic and road transportation;
- f. registration and identification of motor vehicles and drivers;
- g. information and communication system of traffic and road transportation; and
- h. safety of drivers and/or passengers.

(4) Method for the development of industry and technology cover:

- a. understanding of technology know-how;
- b. transfer of technology; and
- c. facilitation of technology research.

(5) Development of industry and technology as meant in paragraph (3) shall receive legalization from the related agencies.

Part Four

Empowerment of Industries of Traffic and Road Transportation Infrastructures

Article 223

(1) In order to develop industries of infrastructures of traffic and road transportation referred to in Article 222 paragraph (2), the Government shall motivate the empowerment of domestic industries.

(2) Motivating the development of domestic industries referred to in paragraph (1) can be made thru the provision of facilities, incentive in certain sectors, and the implementation of standard of products of traffic and road transportation equipment.

Article 224

(1) Development of industries of traffic and road transportation infrastructures consists of:

- a. engineering;
- b. production;
- c. assembling; and/or
- d. maintenance and repairs.

(2) Development of industries of the infrastructures of traffic and road transportation cover the transfer of technology adjusted with the local policy.

Part Five

Further Regulations

Article 225

Further provisions on the development of industry and technology of traffic and road transportation infrastructures shall be regulated with a Government Regulation.

CHAPTER XIV

TRAFFIC ACCIDENTS

Part One

Prevention of Traffic Accidents

Article 226

(1) Prevention of traffic accidents shall be performed thru:

- a. participation of stakeholders;
- b. empowerment of the public;
- c. law enforcement; and
- d. global partnership.

(2) The prevention of traffic accidents as meant in paragraph (1) shall be made with a phasing pattern covering short, medium, and long term programs.

(3) Compilation of traffic accident prevention program shall be made by the traffic and road transportation forum under the coordination of the State Police of the Republic of Indonesia.

Part Two

Handling of Traffic Accidents

Paragraph 1

Procedure on the Handling of Traffic Accidents

Article 227

In the event of a traffic accident, officers of the State Police of the Republic of Indonesia have the obligation to execute the handling of the traffic accident by means of:

- a. coming to the site of accident immediately;
- b. helping the casualty;
- c. performing initial actions at the site of accident;
- d. processing the place of accident;
- e. regulating the flow of traffic;
- f. securing evidences; and
- g. Investigating the case.

Article 228

Further provisions on handling procedure of traffic accidents shall be regulated with a regulation Chief of the State Police of the Republic of Indonesia.

Paragraph 2

Grouping and Handling of Traffic Accident Cases

Article 229

(1) Traffic accidents are classified into:

- a. light traffic accident;
- b. medium traffic accident; or
- c. heavy traffic accident.

(2) The light traffic accident as meant in paragraph

(1) letter a is an accident causing damages to vehicles and/or goods.

(3) The medium traffic accident as meant in paragraph (1) letter b is an accident causing light injuries and damages to vehicles and/or goods.

(4) The heavy traffic accident as meant in paragraph (1) letter c is an accident causing death or injuries to the casualties.

(5) The traffic accidents referred to in paragraph (1) can be caused by the negligence of road users, as well as non-feasible condition of vehicles, road and/or environment.

Article 230

The traffic accident cases referred to in Article 229 paragraph (2), paragraph (3), and paragraph (4) shall be processed with criminal judicature procedure in accordance with provisions of statutory regulations.

Paragraph 3

Helping and Treating Casualties

Article 231

(1) Drivers of motor vehicles involved in a traffic accident, are obligated to:

- a. stop the vehicle being driven;
- b. give help to the casualty;

c. report.....

- c. report the accident to the nearest State Police of the Republic of Indonesia; and
 - d. give information related with the accident.
- (2) Drivers of motor vehicles, who due to an emergency cannot perform the provisions referred to in paragraph (1) letter a and letter b, shall immediately report to the nearest State Police of the Republic of Indonesia.

Article 232

Any person who heard, saw, and/or knew of the occurrence of a traffic accident has the obligation to:

- a. give help to the casualty of a traffic accident;
- b. report the accident to the State Police of the Republic of Indonesia; and/or
- c. provide information to the State Police of the Republic of Indonesia.

Paragraph 4

Data Collecting of Traffic Accidents

Article 233

- (1) All accidents must be recorded in forms on data of traffic accidents.
- (2) The data on traffic accidents as meant in paragraph (1) constitutes a part of forensic data.
- (3) Traffic accident data as meant in paragraph (1) must be equipped with data from the hospital.
- (4) Traffic accident data as meant in paragraph (1) is managed by the State Police of the Republic of Indonesia and is entitled to be utilized by the management of traffic and road transportation.

Part Three

Obligations and Responsibilities

Paragraph 1

Obligations and Responsibilities of Drivers, Motor Vehicle Owners, and/or Transportation Companies

Article 234

- (1) Drivers, motor vehicle owners, and/or public transportation companies are responsible on losses suffered by passengers and/or owner of goods and/or third parties due to the negligence of drivers.
- (2) All drivers, owner of motor vehicles, and/or public transportation companies are responsible for damages to roads and/or road accessories due to the negligence or fault of drivers.
- (3) The provisions referred to in paragraph (1) and paragraph (2) are not applicable if:
 - a. there is an emergency that cannot be evaded or beyond the capability of the driver;
 - b. it is caused by the behavior of the casualty or third party; and/or
 - c. it is caused by the movement of people and/or animal albeit preventive actions had been taken.

Article 235

- (1) If a casualty died due to the traffic accident referred to in Article 229 paragraph (1) letter c, the driver, the owner, and/or public transportation company is obligated to give aid to the heir of the casualty in the form of medical expenses and/or burial expense without losing the right for a criminal prosecution.

(2) In the event of bodily or health injuries occurs to a casualty due to the traffic accident meant in Article 229 paragraph (1) letter b and letter c, the driver, the owner, and/or the transportation company are obligated to provide help to the casualty in the form of medical expenses without losing the right for a criminal prosecution.

Article 236

- (1) Parties causing the occurrence of the traffic accident referred to in Article 229 are obligated to indemnify the amount there-of shall be stipulated based on a court's verdict.
- (2) The obligation to indemnify as meant in paragraph (1) on the traffic accident referred to in Article 229 paragraph (2) is entitled to be made out of court if there is a peaceful agreement between the parties involved.

Article 237

- (1) Public transportation companies are obligated to enter into accident insurance programs as a materialization of its responsibility on an insurance guarantee for accident casualties.
- (2) Public transportation companies are obligated to insure persons employed as crew of vehicles.

Paragraph 2

Obligations and Responsibilities of the Government

Article 238

(1) The Government shall provide and/or improve regulations, means, and infrastructures of traffic likely to cause accidents.

(2) The Government shall allocate the fund for the prevention and handling of traffic accidents.

Article 239

- (1) The Government shall develop an accident insurance program for traffic and road transportation.
- (2) The Government shall establish insurance companies for traffic and road transportation accidents in accordance with provisions of statutory regulations.

Part Four

Rights of Casualties

Article 240

Casualties of traffic accidents have the right to receive:

- a. help and treatment from the party responsible on the occurrence of the traffic accident and/or from the Government;
- b. indemnification from the party responsible on the occurrence of the traffic accident; and
- c. traffic accident compensation from an insurance company.

Article 241

Casualties of traffic accidents have the right to receive first aid and treatment in priority at the nearest hospital in accordance with provisions of statutory regulations.

CHAPTER XV
SPECIAL TREATMENT FOR THE HANDICAPPED,
SENIOR CITIZENS,
CHILDREN, PREGNANT WOMEN, AND SICK PEOPLE

Part One
Scope of Special Treatment

Article 242

- (1) The Government, the regional governments, and/or public transportation companies have the obligation to provide special treatment in the field of traffic and road transportation to the handicapped, senior citizens, children, pregnant women, and sick persons.
- (2) The special treatment referred to in paragraph (1) covers:
- a. accessibility;
 - b. priority of services; and
 - c. facilities of services.
- (3) Further provisions on the provision of special treatment in the aspect of traffic and road transportation to the handicapped, senior citizens, children, pregnant women, and sick persons shall be regulated with a Government Regulation.

Article 243

The public in groups may submit claims to the Government and/or the regional governments on the provision of the special treatment referred to in Article 242 in accordance with provisions of legislations.

Part Two
Administrative Sanctions

Article 244

- (1) Public transportation companies not fulfilling the

obligation to provide means and Infrastructures of services for the handicapped, senior citizens, children, pregnant women, and sick people as meant in Article 242 paragraph (1) can be imposed to administrative sanctions in the form of:

- a. written warning;
 - b. administrative fine;
 - c. freezing of permit; and/or
 - d. revocation of permit.
- (2) Further provisions on criteria and procedure on the imposing of the administrative sanctions referred to in paragraph (1) shall be regulated with a Government Regulation.

CHAPTER XVI
INFORMATION AND COMMUNICATION SYSTEM OF
TRAFFIC AND ROAD TRANSPORTATION

Part One
Performance of Information and
Communication System

Article 245

- (1) In order to support the security, safety, order, and smoothness of traffic and road transportation, integrated information and communication system shall be established.
- (2) Development of the Information and Communication System of Traffic and road transportation is made by the Government, the provincial governments, and regency/city governments based on provisions of statutory regulations.
- (3) The Information and Communication System of Traffic and Road Transportation referred to in paragraph (1) shall be used for activities on the planning, regulating, control, and supervision as

well as operations of traffic and road transportation covering the fields of:

- a. road Infrastructures;
- b. means and infrastructures of traffic and road transportation; and
- c. registration and identification of motor vehicles and drivers, law enforcement, operations of traffic management and engineering, as well as training on the use of traffic.

Article 246

- (1) Information and Communication System of Traffic and Road Transportation referred to in Article 245 paragraph (2) is a sub-system of the Information and Communication System of Traffic and Road Transportation.
- (2) The integrated Information and Communication System of Traffic and Road Transportation referred to in paragraph (1) shall be controlled by a control center integrating the data, information, and communication of every sub-system.
- (3) The data, information, and communication referred to in paragraph (2) shall be accessible by every traffic and road transportation management.

Part Two

Management of Information and Communication System

Article 247

- (1) In the materialization of Information and Communication System of traffic and road transportation as meant in Article 246 paragraph (1),

every management of traffic and road transportation has the obligation to manage the information and communication sub-system of traffic and road transportation in accordance with its authority.

- (2) The Information and Communication Sub-system developed by every management of Traffic and Road Transportation shall be integrated in the control center of Information and Communication System of Traffic and Road Transportation.
- (3) The control center referred to in paragraph (2) is managed by the State Police of the Republic of Indonesia.

Part Three

Development of Information and Communication System

Article 248

- (1) In order to perform the primary duty and functions of various stakeholders, an Information and Communication System of Traffic and Road Transportation shall be developed covering a structured system, information network, communication network, and data center.
- (2) The structured system, information network, communication network, and data center covers:
 - a. planning;
 - b. policy making;
 - c. monitoring;
 - d. supervision;
 - e. control;

- f. geographical information;
- g. tracing;
- h. information on road users;
- i. detection of the flow of traffic;
- j. identification of motor vehicle numerical signs; and/or
- k. identification of motor vehicles in a traffic space.

Part Four

Information and Communication System Control

Center

Article 249

(1) Control center of the Information and Communication System of Traffic and Road Transportation functions as a center of:

- a. control;
- b. coordination;
- c. communication;
- d. integrated data and information;
- e. services for the public; and
- f. electronic tracking for law enforcement.

(2) Management of the control center of Information and Communication System of Traffic and Road Transportation referred to in paragraph (1) has the objective to materialize traffic and road transportation services that is secure, safe, orderly, expedient, and integrated.

(3) Activities of the control center of Information and Communication System of Traffic and Road Transportation shall at least cover the following:

- a. serving requirements for data, information, and communication on Traffic and Road Transportation;
- b. to support quick actions against violations, jams, and accident and other events having impacts on the traffic and road transportation;
- c. analysis and evaluation of violations, jams, and traffic accidents;
- d. to support the enforcement of law with electronic equipments and directly;
- e. to support services of driver's license, documents of motor vehicle numerical sign, and Motor Vehicle Owner Books;
- f. provision of lost and found information about motor vehicles;
- g. provision of information on air standard quality;
- h. to support the control of traffic thru regulations, guarding, escort, and patrol;
- i. to support the control of the movement of traffic and road transportation; and
- j. provision of information on the condition of road and services to the public.

Article 250

Data and information at the control center of the Information and Communication System of Traffic and Road Transportation must be accessible and can be used by the public.

Article 251

Information and Communication System of Traffic and Road Transportation can be used for the enforcement of law, covering:

- a. survey and investigation of traffic and road transportation criminal actions or other crimes;
- b. actions for the handling of accidents, violations, and traffic jams by the State Police of the Republic of Indonesia; and/or
- c. pursuit, interception, capture, and taking actions on violators and/or vehicles involved in traffic crimes or violations.

Part Five

Further Regulations

Article 252

Further provisions on Information and Communication System of Traffic and Road Transportation shall be regulated with a Government Regulation.

CHAPTER XVII

HUMAN RESOURCES

Article 253

- (1) Managers of traffic and road transportation have the obligation to develop human resources into professional officers having the competence in the aspect of traffic and road transportation.
- (2) The development of human resources in the aspect of traffic and road transportation referred to in paragraph (1) shall be performed thru education and training by:
 - a. Government;
 - b. State Police of the Republic of Indonesia; and/or
 - c. accredited private agencies.

Article 254

- (1) The Government and the regional governments have the obligation to provide services and facilities and shall guarantee the performance of education and training for mechanics and drivers.
- (2) The Government and the regional governments have the obligation to manage the management of public transportation companies to improve the quality of services, security, safety, order, and smoothness of traffic and road transportation.

Article 255

Further provisions on the development of human resources in the aspect of traffic and road transportation shall be regulated with a Government Regulation.

CHAPTER XVIII

PARTICIPATION OF THE PUBLIC

Article 256

- (1) The public has the right to participate in the performance of traffic and road transportation.
- (2) Participation of the public referred to in paragraph (1) can be in the form of:
 - a. monitoring and keeping the security, safety, order, and smoothness of traffic and road transportation;
 - b. input to the managing agency and to the performer of traffic and road transportation at central and regional levels for the perfection of technical regulations, guidelines, and

standards in the aspect of traffic and road transportation;

- c. opinion and consideration to the managing agency and the performer of traffic and road transportation at central and regional levels on activities of traffic and road transportation performance causing environmental impacts; and
- d. support on the performance of traffic and road transportation.

(3) The Government and/or the regional governments shall consider and follow-up inputs, opinion, and/or supports submitted by the public as referred to in paragraph (2).

Article 257

Participation of the public referred to in Article 256 can be made by individuals, groups, profession organizations, business entities, or other public organizations in accordance with the principle of transparency and partnership.

Article 258

The public has the obligation to participate in the maintenance of road means and Infrastructures, development of traffic discipline and ethics, and participate in the maintenance of security, safety, order, and smoothness of traffic and road transportation.

CHAPTER XIX

INVESTIGATION AND ACTION-MEASURES ON TRAFFIC AND ROAD TRANSPORTATION VIOLATIONS

Part One

Investigation

Article 259

(1) Investigation on traffic and road transportation criminal actions shall be performed by the:

- a. Investigators of the State Police of the Republic of Indonesia; and
- b. Government Civil Employee Investigators provided with special authority according to this Law.

(2) Investigators of the State Police of the Republic of Indonesia in the aspect of traffic and road transportation referred to in paragraph (1) letter a consist of:

- a. Investigators; and
- b. Assistant Investigators.

Paragraph 1

Authority of Investigators of the State Police of the Republic of Indonesia

Article 260

(1) In the event taking actions on violations and investigations of criminal actions, besides those regulated in the Law on Criminal Procedure (KUHP= Kitab Undang-Undang Hukum Acara Pidana) and Law on State Police of the Republic of Indonesia, in the aspect of traffic and road transportation investigators of the State Police of the Republic of Indonesia, have the authority to:

- a. to stop, prohibit, or postpone the operations of and confiscate temporarily a motor vehicle presumed to have violated a regulation on the use of traffic or presumed to be equipments and/or result of crimes;
- b. make an inspection on the truth of information related with Investigations of criminal action in the aspect of traffic and road transportation;
- c. demand information from drivers, motor vehicle the owner, and/or public transportation companies;

- d. confiscate Driver's License, Motor Vehicles, cargo, Motor Vehicle Numerical Sign Letter, Motor Vehicle Test Letter, and/or test proof letter as evidence;
 - e. take actions on criminal violations or traffic criminal actions according to provisions of statutory regulations;
 - f. compile and sign inspection reports;
 - g. stop an investigation if there is not enough evidence;
 - h. make arrests related with traffic criminal actions; and/or
 - i. take other accountable actions permitted by law.
- (2) Measure taking operations on violations and investigations of criminal actions referred to in paragraph (1) shall be made in accordance with provisions of legislations.

Article 261

The Assistant Investigators referred to in Article 259 paragraph (2) letter b have the authorities referred to in Article 260 paragraph (1), except on arrests referred to in Article 260 paragraph (1) letter h that is subject to a delegation of authority from the Investigator of the State Police of the Republic of Indonesia in the aspect of traffic and road transportation.

Paragraph 2

Authority of Government Civil Employee Investigators

Article 262

- (1) Government Civil Employee Investigators as meant in Article 259 paragraph (1) letter b have the authority to:

- a. make inspections on violations on technical requirements and on road feasibility of a motor vehicle the evidence there-of requires special expertise and equipments.
 - b. make inspections on violations of permits for the transportation of person and/or goods using public motor vehicles;
 - c. make inspections on violations of cargo and/or dimension of motor vehicles at fixed weighing places;
 - d. prohibit or postpone the operations of motor vehicles not meeting technical requirements and road feasibility;
 - e. demand information from drivers, motor vehicle owners, or public transportation companies concerning violations of technical requirements and road feasibility, motor vehicle testing, and permits; and/or
 - f. confiscate vehicle test proof letters, and/or permit letter to carry out public transportation on the violations referred to in letter a, letter b, and letter c by compiling and signing an inspection report.
- (2) Authority of Government Civil Employee Investigators referred to in paragraph (1) shall be exercised at terminals and/or fixed weighing places.
- (3) In the event the authority referred to in paragraph (1) is performed on the road, the Government Civil Employee Investigators shall coordinate with and shall be accompanied by officers of the State Police of the Republic of Indonesia.

Paragraph 3
Coordination and Supervision of Government
Civil Employee Investigators

Article 263

- (1) Investigators of the State Police of the Republic of Indonesia, as coordinators and supervisors, shall exercise the management and supervision on Government Civil Employee Investigators in the aspect of Traffic and Road Transportation.
- (2) In the performance of its authority, Government Civil Employee Investigators shall coordinate with investigators of the State Police of the Republic of Indonesia.
- (3) Government Civil Employee Investigators referred to in paragraph (1) have the obligation to deliver case files of investigation results of violations of traffic and road transportation with its evidences to the court thru investigators of the State Police of the Republic of Indonesia.
- (4) Provisions on the management and supervision referred to in paragraph (1) shall be performed in accordance with provisions of legislations.

Part Two

Taking Actions on Violations of Traffic and
Road Transportation

Paragraph 1

Inspection of Motor Vehicles on the Road

Article 264

Inspection of Motor Vehicles on the road shall be performed by:

- a. Officers of the State Police of the Republic of Indonesia; and

- b. Government Civil Employee Investigators in the aspect of Traffic and Road Transportation.

Article 265

- (1) Inspection of motor vehicles on the road as meant in Article 264 covers the inspection of:
- a. Driver's license, Motor Vehicle Numerical Sign Letter, Motor Vehicle Test Document, or Motor Vehicle Test Proof ;
 - b. proof as having passed obligatory tests for vehicles;
 - c. Physical condition of motor vehicles;
 - d. carrying capacity and/or method of the transportation of goods; and/or
 - e. permit for the performance of transportation.
- (2) Inspection of motor vehicles on the road referred to in paragraph (1) can be performed periodically or incidentally in accordance with requirements.
- (3) In order to perform the inspection of motor vehicles referred to in paragraph (1), officers of the State Police of the Republic of Indonesia have the authority to:
- a. stop motor vehicles;
 - b. demand information from drivers; and/or
 - c. take other accountable actions according to law.

Article 266

- (1) Inspection of Motor Vehicles on the road as meant in Article 265 paragraph (1) may be performed incidentally by officers of the State Police of the Republic of Indonesia.

- (2) Inspection of Motor Vehicles on the road as meant in Article 265 paragraph (1) letter b up to letter e may be performed incidentally by Government Civil Employee Investigators.
- (3) Periodic inspection of Motor Vehicles on the road referred to in Article 265 paragraph (2) in certain cases may be performed jointly by officers of the State Police of the Republic of Indonesia and Government Civil Employee Investigators.
- (4) In the performance of inspection of motor vehicles on the road referred to in paragraph (2), Government Civil Employee Investigators shall be accompanied by officers of the State Police of the Republic of Indonesia.

Paragraph 2

Procedure for Action Taking on Violations of Traffic and Road Transportation

Article 267

- (1) Any violation in the aspect of traffic and road transportation investigated in accordance with a quick inspection method shall be imposed to a fine based on a stipulation of the court.
- (2) The quick inspection method referred to in paragraph (1) may be performed without the presence of the violator.
- (3) A violator who cannot be present as referred to in paragraph (2) is entitled to entrust the fine to a bank appointed by the Government.
- (4) The amount of fine entrusted to the bank referred to in paragraph (3) is as of the maximum fine imposed on every traffic and road transportation violation.

- (5) Proof of the entrusted fine shall be attached in the violation evidence file.

Article 268

- (1) If the decision of the court stipulates a fine smaller than the entrusted fine, the remainder of the fine shall be notified to the violator to be taken.
- (2) Remainder of the fine referred to in paragraph (1) not taken within one (1) year from the stipulation decision of the court, shall be deposited in the state treasury.

Article 269

- (1) The fine stipulated by the court as meant in Article 267 paragraph (1) shall be deposited in the state treasury as non-tax state revenue.
- (2) Some of the non-tax state revenue referred to in paragraph (1) shall be allocated as incentive for officers of the State Police of the Republic of Indonesia and Government Civil Employee Investigators performing the enforcement of law on the road the operations there-of is in accordance with provisions of statutory regulations.

Part Three

Handling of Confiscated goods

Article 270

- (1) Investigators of the State Police of the Republic of Indonesia have the authority to confiscate, keep, and entrust confiscated goods estimated to be connected with criminal actions on traffic and road transportation.

- (2) Confiscated goods shall be kept in state storage house for confiscated goods.
- (3) In the event there is still no state storage house for confiscated goods at the related place, the confiscated goods may be stored in the office of the State Police of the Republic of Indonesia, in the office of district attorney, in the office of the district court, and in an emergency in other storage places, or to remain at the place where the goods was confiscated.
- (4) Procedure for the confiscation, storage, and entrustment of confiscated goods referred to in paragraph (1) shall be exercised according to provisions of KUHAP (Kitab Undang-Undang Hukum Acara Pidana = Book on Law of Criminal Procedure).

Article 271

- 1) The Investigator has the obligation to identify and to announce confiscated goods in the form of motor vehicles the owners there-of are not yet known thru the mass media.
- 2) The announcement referred to in paragraph (1) shall describe the characteristics of the motor vehicle, storage place, and date of confiscation.

- (3) The announcement referred to in paragraph (1) shall be made at least once in six (6) months.
- (4) After one (1) year passed and the owner of the confiscated motor vehicles referred to in paragraph (1) is not yet known, the confiscated motor vehicles may be sold thru bidding for the State based on a court stipulation.

Article 272

- (1) In order to support measure taking activities on violations in the field of traffic and road transportation, electronic equipments are authorized to be used.
- (2) Products of the use of electronic equipments referred to in paragraph (1) may be used as evidence in court.

CHAPTER XX.....

(To be continued)

—==(D)==—



Minister No. 45/PMK.03/2008 on guidance on the crediting of input tax for taxable companies which by Law No. 7/1983 on Income Tax as has been several times amended the latest by Law No. 17/2000 choose to pay tax using net income calculation norms, shall be declared null and void.

Article 17

This Regulation of the Finance Minister shall come into force as from April 1, 2010.

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

Stipulated in Jakarta
on March 31, 2010
THE FINANCE MINISTER,
sgd.
SRI MULYANI INDRAWATI

Promulgated in Jakarta
on March 31, 2010
THE MINISTER OF LAW AND HUMAN RIGHTS,
sgd.
PATRIALIS AKBAR

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OF 2010 NO. 157

—==(S)==—

TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7953-7954 pages 14A-32A]

CHAPTER XX

PROVISIONS ON IMPOSING SENTENCE

Article 273

- (1) Any road operator who did not immediately and properly repair damaged roads causing the traffic accidents referred to in Article 24 paragraph (1) resulting in light injuries and/or damages to vehicles and/or goods shall be sentenced to jail for a maximum of six (6) months or a fine in a maximum of Rp12,000,000.00 (twelve million Rupiah).
- (2) In the event the action referred to in paragraph (1) caused heavy injuries, the performer shall be sentenced to jail for a maximum of one (1) year or a fine in a maximum of Rp24,000,000.00 (twenty four million Rupiah).
- (3) In the event the action referred to in paragraph (1) caused death to a person, the performer

shall be sentenced to jail for a maximum of five (5) years or a fine in a maximum of Rp120,000,000.00 (one hundred twenty million Rupiah).

- (4) Road operators not providing symbols or signs on a damaged road and not yet repaired as referred to in Article 24 paragraph (2) shall be sentenced to jail for a maximum of six (6) months or a fine in a maximum of Rp1,500,000.00 (one million five hundred thousand Rupiah).

Article 274

- (1) Any person performing an action causing damages and/or disturbances to the functions of road as referred to in Article 28 paragraph (1) shall be sentenced to jail for a maximum of one (1) year or a fine in a maximum of Rp24,000,000.00 (twenty four million Rupiah).

(2) Provisions on the sentences to be imposed referred to in paragraph (1) are applicable to any person committing actions causing disturbances to the functions of road accessories referred to in Article 28 paragraph (2).

Article 275

(1) Any person committing performing actions causing disturbances to the functions of traffic signs, road marks, traffic signal emitting devices, facilities for pedestrians, and road users securing equipments referred to in Article 28 paragraph (2) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

(2) Any person who damaged traffic signs, road marks, traffic signal emitting devices, facilities for pedestrians, and road users securing equipments making it not functioning as referred to in Article 28 paragraph (2) shall be sentenced to jail for a maximum of 2 (two) years or a fine in a maximum of Rp50,000,000.00 (fifty million Rupiah).

Article 276

Any person driving a public motor vehicle within a route not stopping-by at the Terminal as meant in Article 36 shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 277

Any person bringing in motor vehicles, trailers, and carriages into the territory of the Republic of Indonesia, making, assembling, or modifying motor vehicles causing changes to the type, trailers, carriage, and special vehicles operated domestically not meeting obligations on type tests as referred to in Article 50 paragraph (1) shall be sentenced to jail for a maximum of one (1) year or a fine in a maximum of Rp24,000,000.00 (twenty four million Rupiah).

Article 278

Any person driving a vehicle with four or more wheels on the road not equipped with equipment in the form of spare tire, safety triangle, jack, lug wrench, and first aid kit as meant in Article 57 paragraph (3) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 279

Any person driving a motor vehicle on the road attached with equipments that can disturb the safety of traffic referred to in Article 58 shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 280

Any person driving a motor vehicle on the road not attached with motor vehicle numerical sign stipulated by the State Police of the Republic of Indonesia referred to in Article 68 paragraph (1) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 281

Any person driving a motor vehicle on the road not possessing a driver's license as referred to in Article 77 paragraph (1) shall be sentenced to jail for a maximum of 4 (four) months or a fine in a maximum of Rp1,000,000.00 (one million Rupiah).

Article 282

Every road user not obeying orders given by officers of the State Police of the Republic of Indonesia referred to in Article 104 paragraph (3) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 283

Any person not properly driving a motor vehicle on the road and performing other activities or is influenced by an event likely to disturb concentration in driving on the road as referred to in Article 106 paragraph (1) shall be sentenced to jail for a maximum of 3 (three) months or a fine in a maximum of Rp750,000.00 (seven hundred fifty thousand Rupiah).

Article 284

Any person driving a motor vehicle without prioritizing the safety of pedestrians or cyclists referred to in Article 106 paragraph (2) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 285

- (1) Any person driving a motor cycle on the road not meeting technical requirements and traveling feasibility covering spy glass, horn, main lamp, brake lamp, direction indicator lamp, reflectors, speedometer, muffler, and depth of tire gully referred to in Article 106 paragraph (3) juncto Article 48 paragraph (2) and paragraph (3) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).
- (2) Any person driving a vehicle with four or more wheels on the road not meeting technical requirements covering spy glass, horn, main lamp, backing lamp, vehicle body dimension limit lamps, trailer lamp, brake lamp, direction indicator lamp, light reflector equipments, speedometer, depth of tire gully, windshield, bumper, coupling, attachment, or glass wiper as referred to in Article 106 paragraph (3) juncto Article 48 paragraph (2) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 286

Any person driving a vehicle with four or more wheels on the road not meeting requirements of travel feasibility referred to in Article 106 paragraph (3) juncto Article 48 paragraph (3) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 287

- (1) Any person driving a motor vehicle on the road violating an order or prohibition stated with Traffic Signs as referred to in Article 106 paragraph (4) letter a or road marks as referred to in Article 106 paragraph (4) letter b shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).
- (2) Any person driving a motor vehicle on the road violating regulations of orders or prohibitions stated with traffic signal emitting devices referred to in Article 106 paragraph (4) letter c shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).
- (3) Any person driving a motor vehicle on the road violating regulations on the movement of traffic referred to in Article 106 paragraph (4) letter d or procedure on stopping and parking as referred to in Article 106 paragraph (4) letter e shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).
- (4) Any person driving a motor vehicle on the road violating provisions on the use of or priority right for Motor Vehicles using warning equipments with sound and light as referred to in Article 59, Article 106 paragraph (4) letter f, or Article 134 shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).
- (5) Any.....

(5) Any person driving a motor vehicle on the road violating rules on the highest or slowest speed referred to in Article 106 paragraph (4) letter g or Article 115 letter a shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

(6) Any person driving a motor vehicle on the road violating rules on the procedure of coupling and attaching with other vehicles as referred to in Article 106 paragraph (4) letter h shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 288

(1) Any person driving a motor vehicle on the road not equipped with Motor Vehicle Numerical Sign Document or Motor Vehicle Test Proof Letter stipulated by the State Police of the Republic of Indonesia referred to in Article 106 paragraph (5) letter a shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

(2) Any person driving a motor vehicle on the road who cannot show a valid Driver's license as referred to in Article 106 paragraph (5) letter b shall be sentenced to jail for a maximum of one (1) month and/or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

(3) Any person driving a public passenger car, bus, truck, trailer, and attached carriage not equipped with periodic test information letter and documents proving as having successfully passed the periodic tests referred to in Article 106 paragraph (5) letter c shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 289

Any person driving a motor vehicle or the passenger sitting beside the driver not using the safety belt referred to in Article 106 paragraph (6) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 290

Any person driving and riding on a motor vehicle other than motor cycle not equipped with housing and not wearing safety belt and not wearing the helmet referred to in Article 106 paragraph (7) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 291

(1) Any person driving a motor cycle not wearing Indonesia National Standard helmet referred to in Article 106 paragraph (8) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

(2) Any person driving a motor cycle who allowed his passenger not to wear the helmet referred to in Article 106 paragraph (8) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 292

Any person driving a motor cycle without a side carriage transporting passengers more than one (1) person referred to in Article 106 paragraph (9) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 293

(1) Any person driving a motor vehicle on the road without turning on the main lamp at night and

during certain conditions referred to in Article 107 paragraph (1) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

- (2) Any person driving a motor cycle on the road without turning on the main lamp at day time as referred to in Article 107 paragraph (2) shall be sentenced to jail for a maximum of 15 (fifteen) days or a fine in a maximum of Rp100,000.00 (one hundred thousand Rupiah).

Article 294

Any person driving a motor vehicle turning back or changing direction without giving a sign with the direction signal lamp or hand signal as referred to in Article 112 paragraph (1) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 295

Any person driving a motor vehicle going to shift lanes or move to the side without giving the sign referred to in Article 112 paragraph (2) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 296

Any person driving a motor vehicle at a crossroad between a railway and a road not stopping when the signal sounds, railroad gate starts to be closed, and/or other signals as referred to in Article 114 letter a shall be sentenced to jail for a maximum of three (3) months or a fine in a maximum of Rp750,000.00 (seven hundred fifty thousand Rupiah).

Article 297

Any person driving a motor vehicle racing on the road referred to in Article 115 letter b shall

be sentenced to jail for a maximum of one (1) year or a fine in a maximum of Rp3,000,000.00 (three million Rupiah).

Article 298

Any person driving a motor vehicle not installing a safety triangle, turning on the hazard warning signal lamps, or other signals when stopping or parking in an emergency on the road as referred to in Article 121 paragraph (1) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 299

Any person driving a non-motorized vehicle who deliberately holds on to a motor vehicle to be drawn, drawing matters that can endanger other road users, and/or using road lanes of vehicles referred to in Article 122 letter a, letter b, or letter c shall be sentenced to jail for a maximum of 15 (fifteen) days or a fine in a maximum of Rp100,000.00 (one hundred thousand Rupiah).

Article 300

A sentence to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah), shall be imposed to any driver of public motor vehicles that:

- a. did not use stipulated lanes or did not use the left-most lane, except when going to overtake or change direction as referred to in Article 124 paragraph (1) letter c;
- b. did not stop his vehicle during the boarding and/or dropping/discharging of passengers as referred to in Article 124 paragraph (1) letter d; or
- c. did not close the door of the vehicle when the vehicles is running as referred to in Article 124 paragraph (1) letter e.

Article 301

Any person driving a motor vehicle transporting goods not using the road network in accordance with the stipulated class of road as meant in Article 125 shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 302

Any person driving a public person transportation motor vehicle not stopping at places other than at stipulated places, stalling, discharging passengers at places other than at stopping places, or to pass thru a road network other than those stipulated in the route permit referred to in Article 126, shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 303

Any person driving a truck transported people except with the reasons referred to in Article 137 paragraph (4) letter a, letter b, and letter c, shall be sentenced to jail for a maximum of 1 (one) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 304

Any person driving a passenger vehicle with certain purposes boarded or discharged other passengers along the road or used a transportation vehicle not in accordance with transportation for other purposes as meant in Article 153 paragraph (1) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 305

Any person driving a motor vehicle carrying special goods not meeting provisions on requirements of safety, provision of sign of goods, parking, loading and unloading, time of operations and

recommendations from the related agency referred to in Article 162 paragraph (1) letter a, letter b, letter c, letter d, letter e, or letter f, shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 306

Any person driving a vehicle transporting goods not equipped with cargo travel documents as referred to in Article 168 paragraph (1) shall be sentenced to jail for a maximum of one (1) month or a fine in a maximum of Rp250,000.00 (two hundred fifty thousand Rupiah).

Article 307

Any person driving a public motor vehicle for the transportation of goods not obeying provisions on shipment procedure, carrying capacity, vehicle dimension referred to in Article 169 paragraph (1) shall be sentenced to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah).

Article 308

Sentence to jail for a maximum of two (2) months or a fine in a maximum of Rp500,000.00 (five hundred thousand Rupiah) shall be imposed to any person driving a public motor vehicle that:

- a. did not have a permit to carry out the transportation of man within the route referred to in Article 173 paragraph (1) letter a;
- b. did not have a permit to carry out the transportation of man not within the route referred to in Article 173 paragraph (1) letter b;
- c. did not have a permit to carry out the transportation of special goods and heavy equipments referred to in Article 173 paragraph (1) letter c; or
- d. deviated from a stipulated permit referred to in Article 173.

Article 309

Any person who did not insure his responsibility to replace losses suffered by passengers, goods senders, or third parties as referred to in Article 189 shall be sentenced to jail for a maximum of six (6) months or a fine in a maximum of Rp1,500,000.00 (one million five hundred thousand Rupiah).

Article 310

- (1) Any person driving a motor vehicle which due to his negligence caused a traffic accident damaging the vehicle and/or goods referred to in Article 229 paragraph (2), shall be sentenced to jail for a maximum of six (6) months and/or a fine in a maximum of Rp1,000,000.00 (one million Rupiah).
- (2) Any person driving a motor vehicle which due to his negligence caused a traffic accident with light injuries to casualties and damages to vehicles and/or goods as referred to in Article 229 paragraph (3), shall be sentenced to jail for a maximum of one (1) year and/or a fine in a maximum of Rp2,000,000.00 (two million Rupiah).
- (3) Any person driving a motor vehicle which due to his negligence caused a traffic accident with heavy injuries to casualties as referred to in Article 229 paragraph (4), shall be sentenced to jail for a maximum of five (5) years and/or a fine in a maximum of Rp10,000,000.00 (ten million Rupiah).
- (4) In the event the accident referred to in paragraph (3) caused death to a person, the driver shall be sentenced to jail for a maximum of six (6) years and/or a fine in a maximum of Rp12,000,000.00 (twelve million Rupiah).

Article 311

- (1) Any person who deliberately drove a motor vehicle with a method or condition that can be hazardous to life or goods shall be sentenced

to jail for a maximum of one (1) year or a fine in a maximum of Rp3,000,000.00 (three million Rupiah).

- (2) In the event the action referred to in paragraph (1) caused traffic accidents damaging vehicles and/or goods as referred to in Article 229 paragraph (2), the performer shall be sentenced to jail for a maximum of two (2) years or a fine in a maximum of Rp4,000,000.00 (four million Rupiah).
- (3) In the event the action referred to in paragraph (1) caused traffic accidents with lightly injured casualties and damages to vehicles and/or goods referred to in Article 229 paragraph (3), the performer shall be sentenced to jail for a maximum of 4 (four) Year or a fine in a maximum of Rp8,000,000.00 (eight million Rupiah).
- (4) In the event the action referred to in paragraph (1) caused traffic accidents with heavily injured casualties as referred to in Article 229 paragraph (4), the performer shall be sentenced to jail for a maximum of 10 (ten) years or a fine in a maximum of Rp20,000,000.00 (twenty million Rupiah).
- (5) In the event the action referred to in paragraph (4) caused death to a person, the performer shall be sentenced to jail for a maximum of 12 (twelve) years or a fine in a maximum of Rp24,000,000.00 (twenty four million Rupiah).

Article 312

Any person driving a motor vehicle involved in a traffic accident and deliberately did not stop his vehicle, did not give help, or did not report the traffic accident to the nearest State Police of the Republic of Indonesia as referred to in Article 231 paragraph (1) letter a, letter b, and letter c without any appropriate reason shall be sentenced to jail for a maximum of three (3) years or a fine in a maximum of Rp75,000,000.00 (seventy five million Rupiah).

Article 313

Any person who did not insure the crew of a vehicle and its passengers as referred to in Article 237 shall be sentenced to jail for a maximum of six (6) months or a fine in a maximum of Rp1,500,000.00 (one million five hundred thousand Rupiah).

Article 314

Besides a jail sentence or a fine, the performer of a traffic criminal act can be imposed to an additional sentence in the form of revocation of the driver's license or an indemnification of damages caused by a traffic criminal act.

Article 315

- (1) In the event a criminal act was committed by a public transportation company, responsibility sentence shall be imposed on the public transportation company and/or its management.
- (2) In the event the traffic criminal act was committed by a public transportation company, besides the sentences to be imposed on the management as meant in paragraph (1), a sentence in the form of fine shall also be imposed in a maximum of three (3) times the fine stipulated in each article of this chapter.
- (3) Besides the sentence in the form of fine, public transportation companies can also be imposed to an additional sentence in the form of temporary freezing or revocation of permit of transportation operations of the vehicles that were used.

Article 316

- (1) Provisions referred to in Article 274, Article 275 paragraph (1), Article 276, Article 278, Article 279, Article 280, Article 281, Article 282, Article 283, Article 284, Article 285, Article 286, Article 287, Article 288, Article 289, Article 290, Article 291, Article 292, Article 293, Article 294, Article 295, Article 296, Article 297, Article 298,

Article 299, Article 300, Article 301, Article 302, Article 303, Article 304, Article 305, Article 306, Article 307, Article 308, Article 309, and Article 313 are violations.

- (2) Provisions referred to in Article 273, Article 275 paragraph (2), Article 277, Article 310, Article 311, and Article 312 are crimes.

Article 317

In the event the exchange value of Rupiah currency undergoes devaluation, the value referred to in Chapter XX can be stipulated with a regulation of the Government.

CHAPTER XXI**TRANSITIONAL PROVISIONS****Article 318**

When this Law commences to come to effect, education and training for drivers that shall be performed by driver education and training institutions shall continue to operate in accordance with the permit that was issued, on condition that within two (2) years at the latest, it shall be conformed to this Law.

Article 319

When this Law commences to come to effect, an on-going audit by Government auditors shall be continued until the completion of the audit.

CHAPTER XXII**CLOSING PROVISIONS****Article 320**

Operational manuals of this Law shall be stipulated within one (1) year at the latest from the time this Law comes to effect.

Article 321

Traffic and Road Transportation Forum shall be formed within one (1) year at the latest from the time this Law comes to effect.

Article 322

The control center of the Information and Communication System of Traffic and Road Transportation shall be formed within two (2) years at the latest from the time this Law comes to effect.

Article 323

The managing unit of Road Preservation Fund must be functioning within one (1) year at the latest from the time this Law comes to effect.

Article 324

When this Law commences to come to effect, all operational manuals of Law No. 14 Year 1992 on Traffic and Road Transportation (State Gazette of the Republic of Indonesia Year 1992 No. 49, Supplement to State Gazette of the Republic of Indonesia No. 3480) are declared to be still in effect to the extent it is not contradictory to or not yet replaced with new ones based on this Law.

Article 325

When this Law commences to come to effect, Law No. 14 Year 1992 on Traffic and Road Transportation (State Gazette of the Republic of Indonesia Year 1992 No. 49, Supplement to State Gazette of the Republic of Indonesia No. 3480) shall be revoked and declared as not in effect any more.

Article 326

This Law commences to come to effect from the date of enactment.

For public cognizance, this Law shall be announced in the State Gazette of the Republic of Indonesia.

Legalized in Jakarta

on June 22, 2009

PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

on June 22, 2009

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

sgd

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
YEAR 2009 NO. 96

**ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NO. 22 YEAR 2009
ON TRAFFIC AND ROAD TRANSPORTATION**

I. GENERAL

With the blessing of the One and Only God, the State Union of the Republic of Indonesia is bestowed as an archipelago state consisting of thousands of islands, stretching along the equator between two continents and two oceans, having a very important and strategic position and role to support the development of the economy, stabilization of national integrity to strengthen the national tenacity, as well as to create a world order and a nation and state way of living in the context of improving the welfare of the public as mandated by the 1945 State Constitution of the Republic of Indonesia. Traffic and Road Transportation has a strategic role in supporting the national development and integrity as part of efforts to enhance the welfare of the public as mandated by the 1945 State Constitution of the Republic of Indonesia.

As a part of the national transportation system, the potentials and role of Traffic and Road Transportation must be developed to improve the security, prosperity, order in the use of traffic and road transportation in the context of supporting the development of the economy and the development of science and technology, the regional autonomy, as well as the accountability of the performance of the state.

In this Law, management in the aspect of Traffic and Road Transportation shall be performed jointly by all of the following related agencies (stakeholders):

- 1) Government affairs in the aspect of Road Infrastructures, by the Ministry responsible in the aspect of road;
- 2) Government affairs in the aspect of means and infrastructures of Traffic and Road Transportation, by the Ministry responsible in the aspect of means and infrastructures of Traffic and Road Transportation;
- 3) Government affairs in the aspect of development of industries of Traffic and Road Transportation, by the Ministry responsible in the aspect of industries;
- 4) Government affairs in the aspect of development of technology of Traffic and Road Transportation, by the Ministry responsible in the aspect of technology; and
- 5) Government affairs in the aspect of registration and identification of motor vehicles and drivers, law enforcement, Operations of Traffic Management and Engineering, as well as education on traffic by the State Police of the Republic of Indonesia.

The division of the authority of management is meant so that the duty and responsibility of each manager in the aspect of Traffic and Road Transportation can be envisioned clearer and more transparent enabling the performance of Traffic and Road Transportation safely, securely, orderly, smoothly, efficiently, and justifiable.

Matters that are technically operational, previously in Law No. 14 Year 1992 on Traffic and Road Transportation were regulated in a Government Regulation and its operating regulations, in this Law is regulated expressly and detailed with the purpose so that there will be a legal certainty in its regulating, and therefore not requiring many government regulations and its operating regulations.

Other than for the creation of a secure, safe, orderly, expedient Traffic and Road Transportation integrated with other modes of transportation, the sharpening of the formulation of the principles and purpose in this Law also has an objective to motivate the national economy, materialize prosperity for the people, unity and union of the nation, as well as capable of upholding the dignity of the nation.

Security aspect also receives an attention stressed in the regulating of Traffic and Road Transportation. Besides that, this Law also stresses the realization of ethics on traffic and of the culture of the nation (just culture) thru efforts on management, provision of guidance, education on traffic since early ages and performed thru continuous programs.

In this Law terminology on Traffic and Road Transportation is also perfected to be Traffic and Road Transportation as a totality of system consisting of the traffic, road transportation, Traffic and Road Transportation Network, Infrastructures of Traffic and Road Transportation, Vehicles, Drivers, Road Users, as well as the management there-of.

In the context of anticipating the development of the global strategic environment requiring the tenacity of a nation to compete in a global competition as well as to meet demands of new paradigms yearning for a better, more transparent, and accountable services of the Government, this Law formulates various visionary break-through and changes that are quite significant if compared to Law No. 14 Year 1992 on Traffic and Road Transportation. This Law is based on the spirit that the performance of Traffic and Road Transportation having a cross-sector nature shall be performed in coordination by all managers with other stakeholders.

In order to handle very complicated problems, this Law mandated the establishment of Traffic and Road Transportation forum. The

Traffic and Road Transportation forum is an ad hoc body functioning as a vehicle to synergize primary duties and functions of every performing agency of Traffic and Road Transportation for the purpose of analyzing problems, bridging, searching for solutions, as well as improving the quality of services, and not as a law enforcing apparatus.

The Traffic and Road Transportation forum has the duty to perform coordination between performing agencies requiring cohesiveness in the planning and settling of Traffic and Road Transportation problems; hence membership of the forum consists of elements of the management, performers, academicians, and the public.

In order to maintain the feasibility of the condition of roads and to suppress the number of accidents, legal basis on Road Preservation Fund is also set forth in this Law. Road Preservation Fund is used only for maintenance, rehabilitation, and road reconstruction activities, the management there-of shall be executed based on the principles of continuity, accountability, transparency, balance and conformity. Road Preservation Fund is managed by the Managing unit of Road Preservation Fund established by and responsible to the Minister responsible in the aspect of road, the performance there-of shall be in accordance with provisions of legislations.

In the context of the empowerment and development of industries in the aspect of traffic and road transportation, in this Law it is expressed that the Government has the obligation to motivate domestic industries, among others by providing facilities, incentives, and applying standards of equipment that are products of traffic and road transportation. Development of the industries covers the development of infrastructures of traffic and road transportation by engineering, production, assembling, and maintenance as well as repairing ways and methods.

In order to suppress the number of traffic accidents deemed as too high, efforts in the future are directed to comprehensive tackling covering efforts on management, prevention, regulating, and law enforcement.

The management efforts shall be made by increasing the intensity of education on traffic and law elucidation as well as the management of human resources.

Prevention efforts are made by increasing control on the feasibility of roads, means and road infrastructures, as well as the feasibility of vehicles, including a more intensive control in the aspect of traffic and road transportation.

Regulating efforts cover traffic management and engineering and the modernization of traffic means and infrastructures

Law enforcement efforts shall be performed more effectively thru the formulation of clearer provisions of law and a firmer implementation of law.

In the context of creating equality in the aspect of services of traffic and road transportation, this Law also regulates special treatment for the disabled, senior citizens, children, pregnant women, and sick people. The special treatment provided by the Government is in the form of the provision of facilities of physical or non-physical means and infrastructures covering accessibility, priority of services, and facilities of services.

To improve services in the aspect of security, safety, order, and smoothness of traffic, this Law regulates and mandates the availability of a Traffic and Road Transportation Information and Communication System supported by subsystems developed by every integrated traffic and road transportation. Management of Traffic and Road Transportation Information and Communication System is exercised by the Government or regional governments by observing provisions of legislations, whereas the operations

of Traffic and Road Transportation Information and Communication System shall be performed integrated thru a data and control center.

This Law also affirms the existence of and the executing procedure of One Roof Single Administration System (SAMSAT = Sistem Administrasi Manunggal Satu Atap) to ensure the smoothness of services of Traffic and Road Transportation administration covering registration and identification of motor vehicles and drivers, as well as the payment of motor vehicle tax and Obligatory Retribution Fund for traffic accidents (Sumbangan Wajib Dana Kecelakaan Lalu Lintas = SWDKLL).

In the context of promoting business in the aspect of public transportation, this Law also regulates in detail technical operational provisions on requirements of road transportation business entities so as to be able to grow healthy, develop, and compete nationally and internationally.

Further, to open remote areas all over Indonesia, this Law continues to guaranty services on pioneer road transportation in the effort to improve activities of the economy. To guarantee the realization of the performance of traffic and road transportation meeting standards of safety and security, this Law regulates technical requirements and periodic tests of motor vehicles. All types of motor vehicles having potentials to cause traffic accidents and can lead to pollution to the environment must undergo periodic tests.

To meet requirements of public transportation, in the norms of this Law it is also affirmed that the responsibility to ensure the availability of a safe, secure, comfortable public transportation and within reach is the responsibility of the Government, and for its execution, the Government is entitled to involve the private sector. This Law also regulates on Traffic Management and Engineering with the purpose of optimizing the

use of road networks and traffic motion in the context of ensuring the security, safety, order and smoothness of traffic.

Traffic Management and Engineering covers planning, regulating, engineering, empowering, and controlling activities.

In order to handle problems on traffic accidents, prevention of accidents shall be exercised thru the participation of stakeholders, empowerment the public, law enforcement, and global partnership. The prevention of traffic accidents shall be performed with a phasing pattern, i.e. short term, medium term and long term programs. Besides that, the compilation of programs on the prevention of accident is performed by a Traffic and Road Transportation forum.

Related with the duties and authorities of Government Civil Employee Investigator (Penyidik Pegawai Negeri Sipil = PPNS) Berkaitan in the aspect of Traffic and Road Transportation, this Law regulates that in the context of performing its duties and functions, PPNS shall always coordinate with the State Police of the Republic of Indonesia as the coordinator and supervisor of Government Civil Employee Investigators. This is meant so that there will be no over-lapping authority as well as of a legal certainty as regulated in legislations among others Law on Criminal Procedure (Undang-Undang Hukum Acara Pidana = KUHP).

In this Law, the regulating and implementation of criminal sanctions is regulated firmer. For violations having a light nature, jail or fine sanctions that shall be imposed have a light nature. However, for heavy violations and there is a deliberation element, much heavier criminal sanctions shall be imposed. This is meant to create a learned effect for violators without imposing burden on the public.

Besides the criminal sanctions, this Law also regulates administrative sanctions to be imposed to transportation companies in the form

of warning, freezing of permit, revocation of permit, and fines. Provisions on criminal sanctions and administrative sanctions are also imposed on officials or road performers. On the other hand, in the context of improving the effectiveness of law enforcement, a reward and punishment system is implemented in the form of provision of incentive for officers with good performance.

Basically, this Law is regulated comprehensively and detailed. However, to complete it operationally, technical provisions are regulated in government regulations, minister regulation, and regulation of the Chief of the State Police of the Republic of Indonesia.

With this Law coming to effect, Law No. 14 Year 1992 on Traffic and Road Transportation is revoked and declared as not effective. To avoid a vacuum of law, all implementation regulations are declared to be still in effect to the extent they are not contradictory to or not yet replaced by a new one based on this Law.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Letter a

What is meant by "transparency" is the openness in the performance of Traffic and Road Transportation to the public to receive correct, clear and honest information so that the public has the opportunity to participate for the development of Traffic and Road Transportation.

Letter b

What is meant by "justifiable" is that the performance of Traffic and Road Transportation shall be accountable.

Letter c

What is meant by "principle of continuity" is guaranteeing the quality of the functions of the environment by regulating technical requirements on the feasibility of vehicles and development general plan as well as the development of Traffic and Road Transportation networks.

Letter d

What is meant by "principle of participative" is that the regulating of public participation in the process of policy formulation, supervision on the operations of policies, handling of accidents, and reporting of events related with Traffic and Road Transportation.

Letter e

What is meant by "principle of benefit" is that all activities in the performance of Traffic and Road Transportation can provide a maximum added value in the context of materializing prosperity the public.

Letter f

What is meant by "principle of efficient and effective" is that services in the performance of traffic and transportation road exercised by every level of governmental management shall be efficient and effective.

Letter g

What is meant by "principle of balance" is that the performance of traffic and road transportation shall be based on a balance between means and Infrastructures as well as the fulfillment of rights and obligations of users and performers of services.

Letter h

What is meant by "principle of integration" is the performance of the services of Traffic and Road Transportation shall be exercised by prioritizing the

compatibility and inter-dependence of athy and re-
sponsibility between managing agencies.

Letter i

What is meant by "principle of autonomy" is
that efforts in the performance of traffic and road
transportation shall be thru the development and
empowerment national resources.

Article 3 thru Article 12
Self-explanatory.

Article 13
Paragraph (1)
Self-explanatory.

Paragraph (2)
What is meant by "Traffic and Road Trans-
portation forum" is an ad hoc body functioning as
vehicle to synergize primary duties and functions
of all performing agencies of traffic and road trans-
portation in the context of:
a. analyzing problems;
b. bridging, searching for solutions, and increasing
the quality of services; and
c. not as a law enforcing instrument.

Paragraph (3) thru Paragraph (5)
Self-explanatory.

Article 14 thru Article 18
Self-explanatory.

Article 19
Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
What is meant by "in certain conditions" is
in the following events:

- a. Traffic requiring road infrastructures is traffic
with a maximum axle pressure that is less than
eight (8) tons; and/or
- b. The road operator is not yet capable to fund the
provision of road infra-structures for traffic with
axle weight as of a maximum of eight (8) tons.

Paragraph (4) thru Paragraph (5)
Self-explanatory.

Article 20 thru Article 37
Self-explanatory.

Article 38
Paragraph (1)
Self-explanatory.

Paragraph (2)
What is meant by "main facilities" is the de-
parture lanes, arrival lanes, passenger waiting
room, boarding/discharging place for passengers,
parking lot, information boards, terminal control
office, and ticket counters.

What is meant by "supporting facilities"
among others are facilities for disabled persons,
medical facilities, public facilities, religious facilities,
medical posts, police posts, and fire fighting equip-
ments.

Paragraph (3)
Self-explanatory.

Article 39
Paragraph (1)
What is meant by "terminal working envi-
ronment" is the environment related directly with
Terminal facilities and bordered with fences.

Paragraph (2)
What is meant by "terminal operator" is the
technical performing unit of the regional govern-
ment.

Paragraph (3)
Self-explanatory.

Article 40 thru Article 42
Self-explanatory.

Article 43
Paragraph (1)
What is meant by "public parking" is a place to park vehicles by collecting parking fee.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 44
Self-explanatory.

Article 45
Paragraph (1)
Letter a
Self-explanatory.

Letter b
Self-explanatory.

Letter c
"Crossing place" can be in the form of zebra cross and crossing places in the form of bridges or tunnels.

Letter d
Self-explanatory.

Letter e
Self-explanatory.

Paragraph (2)
Self-explanatory.

Article 46
Self-explanatory.

Article 47
Paragraph (1)
Self-explanatory.

Paragraph (2)
Letter a
Self-explanatory.

Letter b
What is meant by "passenger car" is a motor vehicle transporting people having seats for a maximum of eight (8) persons including the driver, or having a weight of not more than 3.500 (three thousand five hundred) kilograms.

Letter c
What is meant by "bus" is a motor vehicle transporting people having seats for more than eight (8) persons including for the driver, or having a weight of not more than 3.500 (three thousand five hundred) kilograms.

Letter d
What is meant by "truck" is a motor vehicle used for the transportation of goods.

Letter e
What is meant by "special vehicle" is a motor vehicles designed specially with certain designs and functions, among others:
a. motor vehicles of the Indonesian National Army;
b. motor vehicles of the State Police of the Republic of Indonesia;
c. heavy equipments, among others bulldozer, tractor, roller (stoomwartz), forklift, loader, excavator, and crane; and
d. Special vehicles for disabled persons.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 48**Paragraph (1)**

Self-explanatory.

Paragraph (2)**Letter a**

What is meant by "composition" consist of: the following components

- a. frame;
- b. driving motor;
- c. exhaust system;
- d. power transmission system;
- e. wheel system
- f. suspension system;
- g. steering system;
- h. brake system;
- i. lamp system and light reflector system consisting of:
 1. head lamp, close, white or light yellow color;
 2. head lamp, far, white or light yellow color;
 3. direction indicator lamp, dark yellow color with blinking light;
 4. brake lamp, red;
 5. front position lamp, white or light yellow color;
 6. rear position lamp, red; and
 7. backing lamp, white or light yellow color;
- j. supporting components, consisting of:
 1. speedometer;
 2. spy glass;
 3. wind-shield wipers, except for motor cycles;
 4. horn;
 5. fender; and
 6. bumper except motor cycle.

Letter b

"Equipments" consist of:

- a. safety belt;
- b. spare tire;
- c. safety triangle;
- d. jack;
- e. lug wrench;
- f. helm and light reflecting vest for drivers of four or more wheeled motor vehicle, without cabin; and
- g. first aid kit for accidents.

Letter c

What is meant by "measurement" is the main dimension of a motor vehicle, among others length, width, height, front over hang, rear over hang, and departure angle

Letter d

What is meant by "car body" is the body of a vehicle, among others wind shields, doors, hinges, seats, place to install motor vehicle number sign, emergency exit (particularly for bus), stair (particularly for bus), and underneath shield (particularly for trucks).

Letter e

What is meant by "vehicle technical design in accordance with its allotment" is the design of a vehicle shall be in accordance with its functions:

- a. motor vehicles for the transportation of people; or
- b. motor vehicles for the transportation of goods.

Letter f

What is meant by "loading" is the method of boarding persons and/or loading goods.

Letter g

What is meant by "the use of" is the method of using motor vehicles in accordance with its allotment.

Letter h

What is meant by "coupling of motor vehicles" is a method of coupling motor vehicles by the use of a connector device.

Letter i

What is meant by "attaching motor vehicles" is a method of attaching motor vehicles by:

- a. using a connector device;
- b. using the fifth wheel equipped with a locking device; and
- c. equipped with propping legs.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 49 thru Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

What is meant by "permit from the Government" is permit from the State Ministry in charge of means and infrastructures of traffic and road transportation based on a recommendation from the Ministry in charge of industries and from the State Police of the Republic of Indonesia.

Letter c

Self-explanatory.

Article 54 thru Article 57

Self-explanatory.

Article 58

What is meant by "equipments that can disturb the safety of traffic" is the installation of devices, equipments or other things on a vehicle that can endanger the safety of traffic, among others the installation of horn bumper and glaring lamps.

Article 59

Paragraph (1)

What is meant by "certain interests" is vehicles which due to its nature and functions is provided with red or blue signal lamps as sign of having priority rights for expedience, and yellow signal lamps as a sign requiring particular attention from road users for safety.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "a motor vehicle having main right" is a motor vehicle receiving a priority and shall be given precedence from other road users.

Paragraph (4) thru Paragraph (7)

Self-explanatory.

Article 60

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "having a certain quality" is a public shop capable of performing types of periodic maintenance works, small repairs, large repairs, and repairing chassis and bodies.

Paragraph (3) thru Paragraph (6)

Self-explanatory.

Article 61**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "dimension" is the measurement of cargo based on the length, width, and height of the body of a vehicle meeting requirements for the safety of the vehicle, the driver, and other road users.

What is meant by "weight" is the burden that is pursuant to the capability of the prime-mover or pusher, brake capability, and wheel axle support capacity in accordance with road support capacity.

Paragraph (4)

Self-explanatory.

Article 62**Paragraph (1)**

Self-explanatory.

Paragraph (2)

What is meant by "supporting facilities" among others are in the form of special lane for bicycle, crossing facilities particularly for and/or jointly with pedestrians.

Article 63 thru Article 65

Self-explanatory.

Article 66**Letter a**

Self-explanatory.

Letter b

Self-explanatory.

Letter c

What is meant by "motor vehicle physical

check" is a physical check adjusted with result documents of type test and other supporting documents.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

Article 69**Paragraph (1)**

"Certain interests" cover:

- a. removal of a vehicle from the place of the vendor, distributor, or factory to a certain place to replace or to fit out important components from the vehicle, or to a motor vehicle registration place;
- b. removal from a storage place in a factory to a storage place in another factory;
- c. testing a new motor vehicle before it is sold;
- d. testing a motor vehicle that is still in a research phase; or
- e. removal of a motor vehicle from the place of the vendor to the place of the buyer.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 70**Paragraph (1)**

Self-explanatory.

Paragraph (2)

What is meant by "legalization annually" is as an annual control on the registration and identification of motor vehicles as well as to stimulate the obedience of motor vehicle taxpayers.

Paragraph (3)

Self-explanatory.

Article 71.....

Article 71

Paragraph (1)

Letter a

What is meant by "registration proof is lost or damaged" is the loss or damage of Motor Vehicle Owner's Book, Motor Vehicle Identification Number Document, and/or Motor Vehicle Numerical Sign.

Letter b

What is meant by "technical specification of a motor vehicle is changed" is changes to the technical specification of a motor vehicle, among others change of driving engine, change of car body, and modifications

What is meant by "function of a motor vehicle is changed" is a change of the functions of a public motor vehicle to be a personal motor vehicle or vice versa.

Letter c

What is meant by "transferred" is that the motor vehicle had been sold or donated.

Letter d

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 72 thru Article 77

Self-explanatory.

Article 78

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

"Accreditation" covers the agency, instructor, curriculum, vehicles, training, and other means.

Article 79

Self-explanatory.

Article 80

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

"Heavy equipment vehicle" among others are tractors, forklifts, rollers (stoomwartz), loaders, excavators, bulldozers, and cranes.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Number 1

"Other certain places" are among others bus stops, distribution centers of goods, center of government offices, education centers, and economy centers.

Number 2 thru Number 5

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Paragraph (1)

What is meant by "driver's license in other forms" is driver's license in a form adjusted to the development of technology.

Paragraph (2) thru Paragraph (5)

Self-explanatory.

Article 86 thru Article 93

Self-explanatory.

Article 94

Paragraph (1)

Letter a

Self-explanatory.

Letter b thru Letter g

Self-explanatory.

Letter h

What is meant by "level of service" is a quantitative measurement (ratio of volume per capacity)

and qualitative that describes the operational condition, such as speed, time of travel, freedom of movement, security, safety, order, and smoothness of the flow of traffic, as well as the valuation of drivers on the condition of the flow of traffic.

Letter i

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

What is meant by "geometric repairs on road segments" is a repair on the form and dimension of road, among others radius, slope, alignment, width, and canalizing.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 95

Self-explanatory.

Article 96

Paragraph (1) thru Paragraph (5)

Self-explanatory.

Paragraph (6)

What is meant by "urban road" is all road networks existing within the administrative area of a city, except state roads and province roads.

Article 97**Self-explanatory.****Article 98****Self-explanatory.****Article 99****Paragraph (1)**

What is meant by "development of center of activities, residence, and infrastructures" is new developments, changes on the use of land, changes on the intensity of order of the use of land and/or expansion of building floors and/or changes of the intensity of use, changes of the density of certain land use, the use of certain land, among others terminal, public parking outside of road space, gas stations, and other public facilities.

In its implementation, analysis of traffic impacts can be integrated with analysis of environmental impact.

Paragraph (2)**Self-explanatory.****Paragraph (3)****Self-explanatory.****Article 100****Paragraph (1)****Self-explanatory.****Paragraph (2)**

What is meant by "agencies related in the aspect of traffic and road transportation" are the agency in charge of road, the agency in charge of means and infrastructures of traffic and road transportation, and the State Police of the Republic of Indonesia.

Article 101**Self-explanatory.****Article 102****Paragraph (1)****Self-explanatory.****Paragraph (2)**

What is meant by within a period of 30 (thirty) days is the period provided to give information to road users.

Paragraph (3)**Self-explanatory.****Article 103****Paragraph (1)****Self-explanatory.****Paragraph (2)****Self-explanatory.****Paragraph (3)**

What is meant by "yellow box mark" is a road mark in the form of a yellow colored rectangle having the function to prohibit vehicles stopping in an area.

Paragraph (4)**Self-explanatory.****Article 104****Paragraph (1)**

What is meant by "certain condition" is a condition of the traffic system not functioning for the smoothness of traffic caused by among others:

- a. sudden or situational changes of traffic;
- b. Traffic signal emitting devices are not functioning;
- c. presence of road users that must be prioritized;
- d. road works;
- e. natural disaster; and/or
- f. traffic accidents.

Paragraph (2)**Self-explanatory.****Paragraph (3)****Self-explanatory.**

Paragraph (4)**Self-explanatory.****Article 105****Self-explanatory.****Article 106****Paragraph (1)**

What is meant by "full concentration" is a person driving a motor vehicle with full attention and not disturbed by anything due to being sick, tired, sleepy, using the phone or watching the television or video installed in the vehicle, or drinking drinks containing alcohol or drugs, hence influencing his capability in driving the vehicle.

Paragraph (2) thru Paragraph (4)**Self-explanatory.****Paragraph (5)****Letter a****Self-explanatory.****Letter b****Self-explanatory.****Letter c****Self-explanatory.****Letter d**

What is meant by "other legal proofs" is a Confiscation Proof Letter in exchange of Motor Vehicle Number Letter, or Motor Vehicle Test Letter, Driver's License, and Periodic Test Card.

Paragraph (6) thru Paragraph (9)**Self-explanatory.****Article 107****Paragraph (1)**

What is meant by "certain condition" is a condition of limited visibility range due to darkness, heavy rain, tunnels, and fog.

Paragraph (2)**Self-explanatory.****Article 108****Self-explanatory.****Article 109****Paragraph (1)****Self-explanatory.****Paragraph (2)**

What is meant by "certain condition" is if the right lane or the right-most lane is jammed, due to among others traffic accidents, fallen tree, holes in road, puddles, stalled vehicle, long line changing direction, or vehicle intending to turn right.

Paragraph (3)**Self-explanatory.****Article 110 thru Article 117****Self-explanatory.****Article 118****Letter a****Self-explanatory.****Letter b**

What is meant by "certain place that can endanger" is the:

- a. stipulated crossing places for pedestrians or cyclists;
- b. particular lanes for Pedestrians;
- c. turns/curves;
- d. bridges;
- e. places approaching one level crossroads and intersections;
- f. in front of gates to yards;
- g. places where Traffic Signs or Traffic Signal Emitting Devices are covered; or
- h. close to fire fighting cranes or water sources for fire fighting.

Letter c

Self-explanatory.

Article 119

Paragraph (1)

A "signal to stop" can be in the form of electronic or mechanical equipment showing a signal in writing to stop.

Paragraph (2)

Self-explanatory.

Article 120

Self-explanatory.

Article 121

Paragraph (1)

What is meant by "other signals" among others are emergency lamps and flashlights.

What is meant by "an emergency" is a vehicle in a stalled condition, traffic accident, and changing tires.

Paragraph (2)

Self-explanatory.

Article 122 thru Article 124

Self-explanatory.

Article 125

What is meant by "road network" is a unity of network consisting of primary road network system and secondary road network system intertwined in a hierarchic relation.

Article 126

Self-explanatory.

Article 127

Paragraph (1)

What is meant by "the performance of activities outside of its functions" among others are:

- a. religious activities ;
- b. state activities;
- c. sport activities; and/or
- d. cultural activities.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "personal interest" among others are for marriage parties, death/burial, or other activities.

Article 128 thru Article 130

Self-explanatory.

Article 131

Paragraph (1)

What is meant by "other facilities" among others are lamps with signs for pedestrians

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 132

Self-explanatory.

Article 133

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "traffic control retribution" is a stipulated fund collected from road users going to enter into certain road segments or zones.

Paragraph (4)
Self-explanatory.

Paragraph (5)
Self-explanatory.

Article 134
Letter a
Self-explanatory.

Letter b thru Letter f
Self-explanatory.

Letter g
What is meant by "certain interest" is an interest requiring the provision of vehicles for the immediate handling of, among others bomb threat, transportation of troops, riots, and natural disasters.

Article 135
Self-explanatory.

Article 136
Self-explanatory.

Article 137
Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Letter a
Self-explanatory.

Letter b
Self-explanatory.

Letter c
"Other interests" are interests exercised to overcome problems on security, social, and emergencies because of not able to use passenger cars or bus.

Paragraph (5)
Self-explanatory.

Article 138
Self-explanatory.

Article 139
Self-explanatory.

Article 140
What is meant by "route" is a passage of public motor vehicles to provide transportation services, having a constant starting place and travel destination, and a constant passage, either scheduled or not.

Article 141
Self-explanatory.

Article 142
Letter a
What is meant by "state border-crossing transportation" is transportation from one city to another crossing a state border using public bus bound within a route.

Letter b
What is meant by "inter-province intercity transportation" is transportation from one city to another thru a regency/city area crossing a province area bound within a route.

Letter c
What is meant by "intercity transportation in a province" is transportation from one city to another thru regency/city areas in a province area bound within a route.

Letter d

What is meant by "urban transportation" is transportation from one place to another within an urban area bound within a route.

Urban area is in the form of:

- a. city as an autonomous area;
- b. part of a regency area having urban characteristics ; or
- c. an area existing within two or more areas bordering directly and having urban characteristics.

Letter e

What is meant by "rural transportation" is transportation from one place to another in a regency area not in contact with urban transportation routes.

Article 143

Self-explanatory.

Article 144

Self-explanatory.

Article 145

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "related agency" is the agency managing traffic and road transportation.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 146

Self-explanatory.

Article 147 thru Article 151

Self-explanatory.

Article 152

Paragraph (1)

What is meant by "from door to door" is the services of taxi from a starting place to a destination.

What is meant by "area of operations" is the zone of transportation where a taxi operates based on an issued permit.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 153

Paragraph (1)

What is meant by "other requirements" is the transportation used for employees and social requirements, among others visit of condolence, sport, and ritual feast.

Paragraph (2)

Self-explanatory.

Article 154

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "special sign" among others are the inscription of "tourism" and name of company.

Paragraph (3)

Self-explanatory.

Article 155.....

(To be continued)

—==(D)==—



TRAFFIC AND ROAD TRANSPORTATION

(Law Number 22 Year 2009, dated June 22, 2009)

[Continued from Business News No. 7958 pages 12A-36A]

Article 155 thru Article 157

Self-explanatory.

Article 158

Paragraph (1)

What is meant by "road based mass transportation" is a transportation system using bus with protected special lane enabling an increase of carrying capacity having a mass nature.

What is meant by "urban area" is the zone megapolitan urban, metropolitan zone, and zone of large cities in accordance with provisions of statutory regulations.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

What is meant by "special lane" is the lane provided for road-based mass transportation in accordance with provisions of statutory regulations.

Letter c

What is meant by "not overlapping" is the route of public transportation is the same as the route of mass transportation likely to cause an unhealthy competition.

Letter d

What is meant by "feeder transportation" is a public transportation with a route connected with the route of mass transportation.

Article 159

Self-explanatory.

Article 160

Letter a

What is meant by "transportation of general goods" is the transportation of goods in general, i.e. goods that are not hazardous and did not require special means.

Letter b

What is meant by "transportation of special goods" is transportation requiring specially designed cargo vehicles to transport goods in the form of bulk, liquid and gas, containers, plants, living animals, and heavy equipments as well as transporting hazardous goods, among others:

- a. explosives;
- b. compressed gas, liquid gas, gas dissolved at certain pressure or temperature;
- c. combustible liquid;
- d. combustible solid matter;
- e. oxidant producing material;
- f. poisonous and contagious matters;

- g. radioactive goods; and
- h. corrosive goods.

Article 161 thru Article 163
Self-explanatory.

Article 164
Self-explanatory.

Article 165
Paragraph (1)
What is meant by "multimode transportation" is the transportation of goods using at least two (2) different modes of transportation based on one (1) contract using a multimode transportation document from one (1) receiving place of the goods by the operator of the multimode transportation to a place stipulated for the delivery of the goods.

Paragraph (2) thru Paragraph (4)
Self-explanatory.

Article 166
Paragraph (1)
Self-explanatory.

Paragraph (2)

Letter a

What is meant by "passenger ticket" is a document that contains at least the following information:

- a. number, seat, and date of issue;
- b. name of passenger and name of transporter;
- c. place, date, and time of departure and destination of travel;
- d. number of departure; and
- e. statement that the transporter subject to provisions of this Law.

Letter b

What is meant by "baggage identification sign" is a sign containing information on at least the following:

- a. number of baggage identification sign;
- b. code of place of departure and destination; and
- c. weight of baggage.

Letter c

Self-explanatory.

Paragraph (3)

Letter a

What is meant by "agreement letter on the transportation of goods" is a proof of valid payment between the transporter of goods and the sender of goods.

Letter b

What is meant by "cargo letter" is a letter stating the type and amount of goods as well as the origin and destination of the sending of goods with a cargo letter, not including the transportation of personal goods.

Article 167 thru Article 169
Self-explanatory.

Article 170
Paragraph (1)

What is meant by "certain location" is a place to control the transportation goods effectively and efficiently.

Paragraph (2) thru Paragraph (4)
Self-explanatory.

Article 171 thru Article 174
Self-explanatory.

Article 175
Paragraph (1)
What is meant by "certain period" is the validity period of a permit for the performance of a public transportation.

Paragraph (2)
Self-explanatory.

Article 176 thru Article 184
Self-explanatory.

Article 185
Paragraph (1)
What is meant by "certain route" is the route of the transportation of public passengers which financially is not yet profitable, including pioneer transportation routes.

Paragraph (2)
Self-explanatory.

Article 186 thru Article 194
Self-explanatory.

Article 195
Paragraph (1)
Self-explanatory.

Paragraph (2)
What is meant by "collection of additional costs" is the charging of additional expenses outside of costs agreed upon by the sender or receiver of goods to a public transportation company because of storage cost of goods due to delay of taking the goods.

Paragraph (3)
Self-explanatory.

Article 196 thru Article 199
Self-explanatory.

Article 200
Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Letter a
What is meant by "National Program on the Safety of Traffic and Road Transportation" among others are:

- a. Police, Friend of the Children;
- b. Safe Way to School;
- c. School Security Patrol;
- d. Saka Bhayangkara Krida Traffic Scout;
- e. Traffic Partnership; and
- f. Safety System Guidance for public transportation companies.

Letter b

What is meant by "facilities and equipment for the safety of traffic and road transportation" among others are:

- a. traffic management center;
- b. communication center and direct connection (call centre and hotline);
- c. closed circuit television;
- d. signal providing device on the occurrence of danger;
- e. police posts;
- f. model; and
- g. panic button;

Letter c

What is meant by "performance of education and training" among others are:

- a. secure and safe method to school; and
- b. secure and safe way of driving/riding.

Letter d thru Letter h

Self-explanatory.

Article 201

Paragraph (1)

Self-explanatory.

Paragraph (2)

"Information-providing device" is an electronic device containing information and communication by using signal, radio waves, and/or satellite waves to provide information and communication on the occurrence of a criminal act, among others signal lamps, detectors, and geographical position locator (global positioning system).

Article 202

Self-explanatory.

Article 203

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

"National Program on Traffic and Road Transportation Safety" among others are:

- a. Police, Partner of the Campus (Police Goes to Campus);
- b. Safe Riding Method;
- c. Traffic Forum;
- d. Traffic Safety Campaign;
- e. Traffic Garden;
- f. Driving School; and
- g. Global Traffic Safety Partnership.

Letter b

What is meant by "facilities and equipment for traffic safety" among others are speed detectors and traffic jam monitoring.

Letter c
Self-explanatory.

Paragraph (3)
Self-explanatory.

Letter d
Self-explanatory.

Article 221 thru Article 226
Self-explanatory.

Article 204 thru Article 219
Self-explanatory.

Article 227
Letter a
Self-explanatory.

Article 220
Paragraph (1)
Letter a
Self-explanatory.

Letter b
What is meant by "helping the casualty" is the effort taken to help reduce the burden of suffering of a casualty due to a traffic accident, among others to give first aid at the place of accident, and to bring the casualty to a hospital.

Letter b
Self-explanatory.

Letter c thru Letter g
Self-explanatory.

Letter c
What is meant by "legal entity" is a body (union etc) which legally is acknowledged as a legal subject that can provided with legal rights and obligations, such as liability companies, foundations, and institutions.

Article 228
Self-explanatory.

Letter d
Self-explanatory.

Article 229
Paragraph (1)
Self-explanatory.

Letter e
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
What is meant by "lightly wounded" is a wound causing a casualty to suffer pain not requiring hospitalization or other than those classified as heavy wounds.

Paragraph (4)

What is meant by "heavily wounded" is a wound causing a casualty to be:

- a. sick and no hope whatsoever to recover or can cause death;
- b. unable to continuously perform his official duty or work;
- c. loose one of his senses;
- d. suffering heavy physical defect or invalid;
- e. thinking capacity is disturbed for more than four (4) weeks;
- f. miscarriage or death to a fetus in the womb of a woman; or
- g. wounds requiring hospitalization for more than 30 (thirty) days.

Paragraph (5)

Self-explanatory.

Article 230

Self-explanatory.

Article 231

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "compelling condition" is a situation at the environment of the location of the accident that can threaten the safety of a driver, especially from the rage of the mass and the condition of a driver being helpless to give help.

Article 232

Self-explanatory.

Article 233

Self-explanatory.

Article 234

Paragraph (1)

What is meant by "is responsible on" is a responsibility compared with the level of fault due to negligence.

"Third parties" are:

- a. people present outside of the motor vehicle; or
- b. the agency responsible in the aspect of road and means and Infrastructures of traffic and road transportation.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

What is meant by "compelling condition" includes a condition which technically is impossible to be evaded by a driver, such as the sudden movement of people and/or animal.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Article 235

Paragraph (1)

What is meant by helping in the form of medical expenses is aid in the form of expenses given to a casualty, including medications and treatment based on humanity.

Paragraph (2)

Self-explanatory.

Article 236

Self-explanatory.

Article 237

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "vehicle crew" is the driver, reserve driver, conductor, and driver assistant.

Article 238 thru Article 241

Self-explanatory.

Article 242

Paragraph (1)

What is meant by "special treatment" is the provision of facilities in the form of physical and non-physical means and Infrastructures that are general in nature, and information required for the handicapped, senior citizens, children, pregnant women, and sick persons to receive the same opportunity.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

What is meant by "priority of services" is the prioritizing in the provision of special services.

Letter c

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 243

Self-explanatory.

Article 244

Self-explanatory.

Article 245

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

What is meant by "field of road infrastructures" among others is information on:

- 1. road network;**
- 2. condition of road and bridges;**

3. level of service of road and bridges;
4. building complement;
5. maintenance of road; and
6. development of road;

Letter b

What is meant by "field of means and infrastructures of traffic and road transportation" among others is information on:

1. transportation network;
2. terminal;
3. route permit;
4. road accessories;
5. regulation on instructions and prohibition;
6. testing of motor vehicles;
7. motor vehicle weighing devices; and
8. supporting facilities.

Letter c

What is meant by "field of registration and identification of motor vehicles and drivers, law enforcement, operations of traffic management and engineering, as well as education on traffic" among others are information on:

1. registration and identification of motor vehicles;
2. traffic accidents;
3. traffic violations;
4. traffic situation and condition;
5. one roof administration system;
6. police traffic management and engineering;
7. police management of traffic operations;
8. education on traffic; and
9. services, reports, and complains of the public.

What is meant by "operational management" is the management of motion in traffic and road transportation system, among others regulating, guarding, escorting, patrols, supervision, coordination, communication, and information in the aspect of traffic and road transportation.

Article 246 thru Article 248
Self-explanatory.

Article 249
Paragraph(1)

Letter a
Self-explanatory.

Letter b thru Letter d
Self-explanatory.

Letter e
What is meant by "public service center" is an organization functioning as supplier of information and communication means for the public in the aspect of traffic and road transportation.

Letter f
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 250 thru Article 264

Self-explanatory.

Article 265

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "periodic" is the inspection shall be made jointly for the sake of efficiency and effectiveness so that the inspection shall not be made repeatedly and thus inflicting losses to the public.

What is meant by "incidental" includes the actions officers against violations caught red-handed, operations of police operations with the objective the security, safety, order, and smoothness of traffic and road transportation, as well as the tackling of crimes.

Paragraph (3)

Self-explanatory.

Article 266

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "certain condition" is the increase of among others:

- a. number of violations and traffic accidents on the road;

- b. number of crimes related concerning motor vehicles;
- c. number of motor vehicles not meeting technical requirements and requirements of road feasibility;
- d. level of disobedience of owners and/or transportation entrepreneurs to perform timely testing of motor vehicles;
- e. level of violations on public transportation permit; and/or
- f. level of violations on overloading of transported goods.

Paragraph (4)

Self-explanatory.

Article 267 thru Article 271

Self-explanatory.

Article 272

Paragraph (1)

What is meant by "electronic equipment" is recorders to keep information.

Paragraph (2)

Self-explanatory.

Article 273 thru Article 326

Self-explanatory.

**SUPPLEMENT TO STATE GAZETTE OF
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