

# **AMENDMENT TO GOVERNMENT REGULATION NUMBER 56 YEAR 2009 CONCERNING RAILWAY OPERATIONS**

**(Regulation of Government of the Republic of Indonesia  
Number 6 Year 2017, dated February 20, 2017)**

WITH THE BLESSING OF THE ONE AND ONLY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

- a. Whereas, to motivate econinical growth on railway operations, it is necessary to endeavor all measures to smoothen and speed up investment on railway infrastructure in Indonesia;
- b. Whereas, based on the consideratrion referred to in letter a, it is necessary to stipulate Government Regulation on Amendment to Government Regulation Number 56 Year 2009, concerning Railway Operations.

In view of:

1. Article 5 paragraph (2) of 1945 Constitution of the Unitary State of the Republic of Indonesia;
2. Law Number 23 Year 2007, concerning Railway Operations (Statute Book of the Republic of Indonesia Year 2007 Number 65, Supplement to Statute Book of the Republic of Indonesia Number 4722);
3. Government Regulation Number 56 Year 2009, concerning Railway Operations (Statute Book of the Republic of Indonesia Year 2009 Number 129, Supplement to Statute Book of the Republic of Indonesia Number 5048).

DECIDES:

To stipulate:

**GOVERNMENT REGULATION ON AMENDMENT TO GOVERNMENT REGULATION NUMBER 56 YEAR 2009,  
CONCERNING RAILWAY OPERATIONS.**

**Article I**

Some provisions in Government Regulation Number 56 Year 2009, on Railway Operations (Statute Book of Republic of Indonesia Year 2009 Number 129, Supplement to Statute Book of Republic of Indonesia Number 5048) have been amended so as to read as follows:

1. Provision in paragraph (2) Article 79 has been amended by adding three (3) paragraphs, namely, paragraph (3), paragraph (4), and paragraph (5), so that Article 79 now reads as follows:

**"Article 79**

- (1) Minister, Governor, or Regent / Mayor based on their respective authority shall conduct assessment periodically on the section of a plane (perpotongan sebidang ?).
- (2) Based on the result of assessment referred to in paragraph (1), the Minister, Minister in charge of administration on roads, Governor, or Regent / Mayor may:
  - a. cover the sections of a plane; or
  - b. develop the sections constituting separate part of a plane.
- (3) The covering of a plane referred to in paragraph (2) letter a shall cover the sections of a plane:
  - a. without permit; or
  - b. that is hazardous to safety and smooth operation of a trip with railway and road traffic.
- (4) The sections of a plane referred to in paragraph (2) letter a shall be covered with due consideration of public accessibility.
- (5) The sections not in the form of a plane as referred to in paragraph (2) letter b shall be constructed for

the purpose of:

- a. national roads as instructed by the Minister in charge of roads as requested by the Minister; and
- b. roads of Provinces, Regencies / Municipalities will be constructed as instructed by the Minister based on the application of the Governor and Regent / Mayor."

2. Add one (1) paragraph to the provision in Article 136, namely paragraph (8) so that Article 136 now reads as follows:

**"Article 136**

- (1) Component of signaling device as referred to in Article 129 letter e consist of:

- a. component of inhouse signaling device; and
- b. component off-site signaling device.

- (2) Component of inhouse signaling device as referred to in paragraph (1) letter a consists of:

- a. component of electric signaling device; and
- b. component of mechanical signalitng device.

- (3) Component of electric signaling device referred to in paragraph (2) letter a must at least comply with the terms and conditions:

- a. safety (fail safe);
- b. high reliability;
- c. resistant to temperature;
- d. equipped with indicator showing whether the component functions or not; and
- e. easy to maintain.

- (4) Component of mechanical signaling device referred to in paragraph (2) letter b must comply with the requirments below:

- a. high reliability; and
- b. easy maintenance.

- (5) Component of off-site signaling device as referred to in paragraph (1) letter b consists of:

- a. electric signaling; and
- b. mechanical signaling.

(6) Component of electric signaling device as referred to in paragraph (5) letter a must comply with the terms and conditions:

- a. is weather resistance;
- b. high reliability; and
- c. easy to maintain.

(7) Component of mechanical signaling device as referred to in paragraph (5) letter b must comply with the terms and conditions:

- a. is weather resistance;
- b. high reliability; and
- c. easy to maintain.

(8) Component of railway automatic safety device system that is integrated to electric and mechanical signaling and mechanical devices"

3. Provision in paragraph (1) Article 147 has been amended so as to read as follows:

**"Article 147**

(1) Railway infrastructure which technical specification has been amended as referred to in Article 142 paragraph (1) must obtain permit from the Minister.

(2) The amendment to technical specification referred to in paragraph (1) will be made if railway infrastructure encounters changes on the:

- a. class of traffic lane;
- b. design; or
- c. technology."

4. Add one (1) paragraph, namely paragraph (3) to provision in Article 201, so that Article 201 now reads as follows:

**"Article 201**

- (1) First trial test as referred to in Article 200 letter a must be conducted on any new Railway facilities and Railway facilities which technical specification has been amended.
- (2) First trial test shall cover:
- a. trial test on design, build and engineering;
  - b. trial test on state of static; and
  - c. trial test on state of dynamic.
- (3) Further provision on trial test on design, build, and engineering, trial test on state of static, and trial test on state of dynamic as referred to in paragraph (2) shall be governed in Regulation of the Minister.
5. Article 202 is deleted.
6. Article 203 is deleted.
7. Article 204 is deleted.
8. Provision in Article 206 has been amended so as to read as follows:

**"Article 206**

- (1) The comprehensive test of Railway facilities referred to in Article 200 letter b must be conducted periodically once a year.
- (2) The periodical test referred to in paragraph (1) covers :
- a. test on state of static; and
  - b. test on state of dynamic.

- (3) Annual periodical test as referred to in paragraph (1) shall be conducted annually.
  - (4) Comprehensive periodical test as referred to in paragraph (1) shall be conducted as soon as the last maintenance.
  - (5) Further provision on implementation of periodical test of Railway facilities as referred to in paragraph (1) and paragraph (2) is governed in Regulation of the Minister."
9. Add one (1) paragraph, namely paragraph (3) to provision in Article 213, so that Article 213 now reads as follows:

**"Article 213**

- (1) The place for conducting the test referred to in Article 212 shall be a permanent place that complies with the requirements.
    - a. based on the general plan of space layout;
    - b. based on the Railway Master Plan; and
    - c. not harming preserved function of living environment.
  - (2) The place for conducting the test as referred to in paragraph (1) must be at least supported by testing facilities that complies with the:
    - a. test track;
    - b. main building for testing;
    - c. building for equipment accessories; and
    - d. office building.
  - (3) If no test track is available yet as referred to in paragraph (2) letter a, the Minister or Official appointed to decide the test track of Railway facilities."
10. Provision in Article 246 has been amended so as to read as follows:

**"Article 246**

- (1) Public Railway Operations shall be conducted by Business Entity as Operator, either severally or jointly.
- (2) If no Business Entity is available to carry out Public Railway Operations, the Government or Regional Administration may exercise Railway Operations.
- (3) The Government or Regional Administration in exercising Railway Operations as referred to in paragraph (2), implementation thereof shall be assigned to State-owned Business Entity or Regional-owned Business Entity operating Railway facilities.
- (4) The assignment to Business Entity operating Railway facilities as referred to in paragraph (3) in the form of economy class transportation and/or "pioneering transportation."

11. Provision in Article 248 has been amended so as to read as follows:

**"Article 248**

- (1) Human resource on Railway shall cover:

- a. testing manpower;
- b. Inspector;
- c. Auditor;
- d. Auditing manpower;
- e. maintenance manpower;
- f. operating officers of Railway infrastructure ;
- g. crew from Railway facilities;
- h. officers handling accident;
- i. officers examining accident and officers for analysing accident;
- j. assessor; and
- k. manpower for carrying out development of railway infrastructure.

- (2) If civil servant is appointed for testing, as inspector, auditor, maintenance manpower, operating officer

for Railway infrastructure, Railway facilities crew, officers for handling accident, officers for inspecting accident and officers for analysing accident and assessor, they shall be assigned functional terms of office in accordance with the provisions in that statutory regulation.

- (3) Further provision on human resource for Railway operation as referred to in paragraph (1) shall be governed in Regulation of Minister"

12. Provision in Article 251 has been amended so as to read as follows:

"Article 251

Education and training of manpower for testing Railway infrastructure as referred to in Article 250 paragraph (3) consisting of:

- a. basic education and training; and/or
- b. education and training on expertise."

13. Provision in Article 262 has been amended so as to read as follows:

"Article 262

Education and training of manpower for testing Railway facilities as referred to in Article 261 paragraph (3) consists of:

- a. basic education and training; and/or
- b. education and training on expertise."

14. Provision in Article 272 has been amended so as to read as follows:

"Article 272

- (1) Manpower constituting inspector and manpower for maintenance of Railway facilities shall be obliged to possess qualification on examining expertise and maintenance of Railway infrastructure.
- (2) Qualification in expertise of inspecting manpower and manpower on maintenance of infrastructure as referred to in paragraph (1), shall be obtained after having successfully passed education and training.



(3) The education and training referred to in paragraph (2) will be provided by the Government and may be assigned to legal entity or educational and training operating institution that has been accredited by the Minister.

(4) Certificate of manpower for inspector and manpower for maintenance of Railway infrastructure will be issued by the Minister."

15. Provision in Article 275 has been amended so as to read as follows:

**"Article 275**

(1) Manpower constituting inspector and manpower for maintenance of Railway facilities shall be obliged to have qualification of expertise to become inspector and maintaining operator of Railway operations.

(2) Certificate of qualification of expertise of inspector and manpower for maintaining Railway facilities as referred to in paragraph (1), will be awarded as soon as having successfully past education and training.

(3) The education and training referred to in paragraph (2) shall be provided by the Government and may be assigned to legal entity or educational and training operating institution that has been accredited by the Minister.

(4) The Minister shall issue Certificate on expertise of manpower constituting inspector and manpower for maintaining Railway facilities."

16. Provision in paragraph (1) Article 279 has been amended so that Article 279 now reads as follows:

**"Article 279**

(1) Education and training of officer for operating Railway infrastructure as referred to dalam Article 278 paragraph (2) covers:

- a. basic education and training; and/or
- b. education and competence training.

- (2) Officer for operating Railway infrastructure having successfully passed education and training as referred to in paragraph (1) shall be awarded Certificate by educational and training operating institution."

17. Add four (4) Parts, namely Part Six through Part Nine to the provisions in CHAPTER IV and insert one (1) CHAPTER, namely CHAPTER IVA, and insert in between Article 304 and Article 305 of Part Nine five (5) Articles, namely Article 304A, Article 304B, Article 304C, Article 304D, and Article 304E, and insert in between CHAPTER. IV and CHAPTER. V, one (1) CHAPTER, namely CHAP. IVA, and insert in between Article 304 and Article 305, Article 304A, Article 304B, Article 304C, Article 304D, and Article 304E, so as to read as follows:

**"Part Six**

**Officer Handling Accident**

**Article 304A**

- (1) Officer handling accident on Railway operations referred to dalam Article 248, paragraph (1) letter h, shall be obliged to possess Certificate on qualification and officer handling accident that pertains to Railway operations.
- (2) Certificate on qualification of expertise by officer handling accident as referred to in paragraph (1), will be awarded as soon as officer successfully passed education and training.
- (3) Education and training as referred to in paragraph (2) shall be provided by the Government and which may be assigned to legal entity of educational and training operating institution that has been accredited by the Minister.
- (4) The Minister shall issue Certificate of qualification on expertise to officer handling accident on Railway operation as referred to in paragraph (1).
- (5) Further provision on requirements, qualification, and certification of officer handling accident on Railway operations is governed in Regulation of Minister.

**Part Seven**

**Officer Investigating Accident and**

**Officer Analysing Accident**

**Article 304B**

- (1) The officer investigating accident and officer analysing accident referred to in Article 248 paragraph (1) letter i, shall be obliged to possess Certificate on qualification of expertise, and officer investigating accident and officer analysing accident.
- (2) Certificate on qualification of expertise of officer investigating accident and officer analysing accident referred to in paragraph (1), will be awarded after having successfully passed education and training.
- (3) The education and training referred to in paragraph (2) shall be provided by the Government and may assigned to legal entity or educational and training operating institution that has been accredited by the Minister.
- (4) The Minister shall issue Certificate on qualification of expertise of officer investigating and officer analysing accident referred to in paragraph (1).
- (5) Further provision on requirements, qualification, and certification of officers investigating and analysing accident shall be governed in Regulation of Minister.

**Part Eight**

**Assessor**

**Article 304C**

- (1) The Assessor as referred to in Article 248 paragraph (1) letter j, shall be obliged to possess Certificate on qualification of expertise as Assessor.
- (2) Assessor shall be awarded qualification of expertise as referred to in paragraph (1), after having successfully passed education and training.

- (3) The education and training referred to in paragraph (2) shall be provided by the Government and may be assigned to legal entity or educational and training operating institution that has been accredited by the Minister.
- (4) The Minister shall issue Certificate on qualification of expertise of Assesor as referred to in paragraph (1).
- (5) Further provision on requirements, qualification, and certification of Assesor shall be governed in Regulation of Minister.

#### Part Nine

#### Manpower for Development of

#### Railway Infrastructure

#### Article 304D

- (1) Manpower for development of Railway infrastructure as referred to in Article 248 paragraph (1) letter k shall be obliged to possess Certificate on qualification of expertise or competence of manpower for development of Railway infrastructure.
- (2) Certificate on qualification of expertise or competence of operating manpower for development of Railway infrastructure as referred to in paragraph (1), will be obtained as soon as having successfully passed education and training.
- (3) The education and training referred to in paragraph (2) shall be provided by the Government and may be assigned to legal entity or educational and training operating institution that has been accredited by the Minister.
- (4) The Minister shall issue Certificate on qualification of expertise or competence of manpower for development of Railway infrastructure as referred to in paragraph (1).

- (5) Further provision on requirements, qualification, and certification of manpower for development of railway infrastructure shall be governed in Regulation of Minister.

#### CHAPTER IVA EVALUATION OF SAFETY SYSTEM

##### Article 304E

- (1) Any infrastructure, facilities, and human resource on Public Railway operations is subject to Evaluation on Safety System:
- a. before it starts to operate for the first time; and
  - b. if amendment is made to technical specification of infrastructure and facilities on Public Railway operations.
- (2) In certain case, any infrastructure and facilities is subject to Evaluation on Safety System.
- (3) Further provision on Evaluation on Safety System as referred to in paragraph (1) is governed in Regulation of Minister."

18. Provision in Article 306 has been amended so as to read as follows:

##### "Article 306

- (1) Prior to obtaining Business License as Business Entity intending to work on Public Railway Infrastructure operations, Business Entity shall be obliged to first of all be appointed as Operator of Public Railway Infrastructure by the Minister, Governor, or Regent / Mayor based on their respective authority
- (2) The Business Entity as Operator of Public Railway Infrastructure operations as referred to in paragraph (1) shall be determined by:
- a. Bid or direct appointment, if part or the whole investment thereof originates from APBN or APBD;
  - b. without bid if the whole investment thereof is not originating from APBN or APBD, and not guaranteed by the Government; or
  - c. by appointment, if no Business Entity is interested due to non-financially feasible.

(3) Business Entity as Operator of Public Railway infrastructure operations by bid or direct appointment, without bid, or appointment as referred to in paragraph (2) shall be determined by the Minister, Governor, or Regent / Mayor based on their respective authority.

(4) Procurement of Business Entity as referred to in paragraph (2) letter a, shall be made based on the provisions in the statutory regulation on joint venture by Government and Business Entity in providing infrastructure."

19. Insert in between Article 306 and Article 307 three (3) Articles, namely, Article 306A, Article 306B, and Article 306C so as to read as follows:

**"Article 306A**

To obtain appointment as Operator of Public Railway Infrastructure operations by Bid or by direct Appointment as referred to in Article 306, paragraph (2) letter a, Business Entity as Bid Winner or Direct Appointment shall be obliged to submit application to the Minister, Governor, or Regent / Mayor based on their respective authority, with the requirements as governed in the provisions in the statutory regulation governing Joint Venture by the Government and Business Entity in providing infrastructure."

**Article 306B**

(1) To obtain appointment as Operator of Public Railway Infrastructure operations without bid as referred to in Article 306, paragraph (2) letter b, Business Entity shall be obliged to submit application to the Minister, Governor, or Regent / Mayor based on their respective authority with the requirements below:

- a. Deed of Establishment of Indonesian Legal Entity Indonesia;
- b. Obligatory Taxpayer Identification Number;
- c. Statement Letter on Company domicile;
- d. financial capacity;
- e. plan on Public Railway track to be constructed;
- f. plan on development of Public Railway Infrastructure;
- g. Statement Letter of Commitment to exercise Public Railway Infrastructure operations with the Government (Concession Agreement);

- h. Statement Letter of Commitment to hand-over / return back the right to be appointed as Operator of Public Railway Infrastructure operations if it is declared bankrupt;
  - i. five (5) years business plan forthcoming; and
  - j. plan on human resource for utilization by Public Railway Infrastructure operations.
- (2) The Minister, Governor, or Regent / Mayor based on application for appointment as Operator of Public Railway Infrastructure operations as referred to in paragraph (1), shall evaluate the application on compliance with the requirements.
- (3) Based on the result of evaluasi as referred to in paragraph (2), the Minister, Governor, or Regent / Mayor may approve or reject the application to appointment of Business Entity as Operator by Public Railway Infrastructure operations.
- (4) If the application referred to in paragraph (3) is rejected, the Minister, Governor, or Regent / Mayor shall make notification on such rejection supported by reasons for rejection.
- (5) Further provision on procedure and requirements for appointment of Business Entity without bid is governed Regulation of Minister.

#### Article 306C

- (1) Central Government, Regional Administration shall appoint State-owned Business Entity / Regional-Administration-owned Business Entity as Operator of Public Railway Infrastructure as referred to in Article 306 paragraph (2) letter c line with the provisions in the statutory regulation.
- (2) Further provision mengenai tata cara dan persyaratan penetapan Business Entity Public Railway Infrastructure Operator melalui penugasan governed dengan Regulation Minister."

20. Provision in Article 307 has been amended, so as to read as follows:

**"Article 307**

- (1) The Minister, Governor, or Regent / Mayor based on their respective authority shall grant rights to Business Entity appointed as Operating Business Entity of Public Railway Infrastructure operations.
- (2) The Business Entity granted the right carry out Public Railway Infrastructure operations referred to in paragraph (1) prior to obtaining Business License for Public Railway Infrastructure operations shall be obliged to enter into and sign Public Railway Infrastructure Operation Agreement with the Minister, Governor, or Regent / Mayor based on their respective authority."

21. Insert in between Article 308 and Article 309 two (2) Article, namely Article 308A and Article 308B, so as to read as follows:

**"Article 308A**

- (1) Failure of the Business Entity that obtains right to carry out Public Railway Infrastructure operations to fulfill its obligations within the term as stipulated in the Agreement, the Government or Regional Administration may revoke the right to carry out Public Railway Infrastructure operations.
- (2) The revocation of right referred to in paragraph (1) shall not eliminate the obligation and responsibility of such Business Entity to comply with the provisions in the statutory regulation and claim filed by third party.
- (3) Government and Regional Administration may appoint other Business Entity to continue Public Railway Infrastructure operations as referred to in paragraph (1) based on the provisions in the statutory regulation.

**Article 308B**

Further provision on procedure, requirements for granting right, revoking right. and revoking Public Railway Infrastructure Operation Agreement as governed in Regulation of Minister."

22. Provision in Article 309 has been amended so as to read as follows:



**"Article 309**

If upon the land required for Public Railway Infrastructure operations there exists right to land, the land provided thereof must comply with the provisions in the statutory regulation.

23. Add two (2) letters to the provision in Article 310, namely, letter k and letter l, so as to read as follows:

**"Article 310**

The Public Railway Infrastructure Operation Agreement as referred to in Article 307 must at least state:

- a. scope of operations;
- b. term of the right to exercise Public Railway Infrastructure operations;
- c. rights and obligations, including risk to be encountered by the parties, which based on the principles of efficient and proportionate risk from such allocation;
- d. standard performance of services and procedure for handling complain from the community;
- e. penalty if the party fails to comply with the provisions in exercising the operations;
- f. settlement of dispute;
- g. termination of agreement on exercising operations;
- h. supporting facilities for Public Railway Infrastructure operations;
- i. force majeure;
- j. provision on handing-over of Public Railway Infrastructure operations and its facilities at expiry of the right to operate thereof;
- k. initial tariff and formula for tariff adjustment; and
- l. amendment.

24. Provision in Article 311 has been amended so as to read as follows:

**"Article 311**

- (1) At expiry of the term of right to exercise Public Railway Infrastructure operations, all the assets accounted for as investment in conducting Public Railway Infrastructure operations must be handed-over to:

- a. the Minister, for National Public Railway Infrastructure operations;
- b. the Governor, for Public Railway Infrastructure operations of Province; or
- c. the Regent / Mayor, for Public Railway Infrastructure operations of Regency / Municipality.

(2) Public Railway Infrastructure operations accounted for investment as referred to in paragraph (2) cover:

- a. Railway tracks consisting of rumaja, rumija, and ruwasja (?);
- b. Railway station; and
- c. facilities for operations.

(3) Public Railway Infrastructure operations and all assets accounted for as investment in the operations of Public Railway Infrastructure that have been handed-over as referred to in paragraph (1) shall be stipulated as State-owned assets or Regional-owned assets.

(4) Management of Public Railway Infrastructure operations and all assets accounted for as investment in Public Railway Infrastructure operations that have been stipulated as State-owned Assets or Regional-owned Assets as referred to in paragraph (3) shall be delivered to the Business Entity exercising Public Railway Infrastructure operations in line with the provisions in the statutory regulation on management of State-owned and Regional-owned assets.

(5) Operation and maintenance of Public Railway Infrastructure operations referred to in paragraph (3) shall be exercised based on the provisions in the statutory regulation on management of State-owned assets.

25. Article 313 is deleted.

26. Provision in Article 331 has been amended so as to read as follows:

**"Article 331**

- (1) To obtain Operation License for Public Railway Infrastructure operations, Business Entity shall be obliged to comply with the requirements below:

- a. Public Railway Infrastructure operations that have been constructed complies with the requirements on technical and operational feasibilities Public Railway Infrastructure operations and have successfully passed the first trial test as referred to in Article 141 paragraph (2) letter a;
- b. possess operational and maintenance system on Public Railway Infrastructure operations;
- c. available manpower for maintenance of Public Railway Infrastructure operations possessing Certificate of Expertise, and officers for operating Public Railway Infrastructure operations possessing Certificate of Expertism;
- d. possess equipment for maintenance of Public Railway Infrastructure operations; and
- e. provide and exercise management on safety system.

(2) Further provision on permits for provision and exercising management on safety system referred to in paragraph (1) is governed in Regulation of Minister."

27. Provision in paragraph (2) of Article 346 has been amended and add one (1) paragraph, namely paragraph (4) so that Article 346 now reads as follows:

**"Article 346**

- (1) Business Entity holding Business License for exercising Public Railway Infrastructure operations shall be obliged to submit application for issue of Business License for operation to:
  - a. the Minister, for exercising Public Railway Infrastructure operations which track lines cross Provincial borders and State borders;
  - b. the Governor, for exercising Public Railway Infrastructure operations which track lines cross Regency / Municipality borders in one / same Province; and
  - c. the Regent / Mayor, for exercising Public Railway Infrastructure which track lines are within Regency / Municipality areas.

- (2) To obtain Operation License as referred to in paragraph (1), Business Entity shall be obliged to comply with the requirements below:
- a. possess feasibility study;
  - b. possess at least three (2) series of Railways based on the technical specification of Public Railway Infrastructure operations;
  - c. Public Railway Infrastructure operations to be operated has successfully passed the first trial test as declared in Certificate of First Trial Test;
  - d. available crew for Public Railway Infrastructure operations possessing Certificate of Competence, and manpower for maintenance, and manpower for inspecting Public Railway Infrastructure operations possessing Certificate of Expertise;
  - e. possess system and procedure on operation, inspection, and maintenance of Public Railway Infrastructure operations;
  - f. control facilities for maintenance of Public Railway Infrastructure operations;
  - g. cross-services have been determined by the Minister, Governor, and Regent / Mayor based on their respective authority; and
  - h. provide and implement management on safety system.
- (3) Operation License as referred to in paragraph (1) shall be issued for a term of five (5) years and may be extended once in every five (5) years.
- (4) Further provision on permits for initiating and implementation management on safety system as referred to in paragraph (2) letter h, is governed in Regulation of Minister."

28. Provision  
to be continued

(MA)