

LAW OF THE REPUBLIC OF INDONESIA NUMBER 23 OF 2007

REGARDING

RAIL WAY

WITH THE BLESSING OF THE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that transportation has role important in supporting economic growth, regional development and uniting the regions in the Unitary State of the Republic of Indonesia in order to materialize archipelagic concept, strengthen the national resilience to achieve the national objectives based on Pancasila and 1945 Constitution of the Unitary State of the Republic of Indonesia;
- b. that railway as one of transportation modes in the national transportation system that has mass transportation characteristics and unique advantages, cannot be separated from other transportation modes, therefore it is necessary to develop its potentials and to enhance its role in connecting the regions both nationally and internationally, to support, encourage, and mobilize the national development to enhance the people's welfare;
- c. that the Law Number 13 Year 1992 on Railway does no longer fit as legal foundation for development and operation of railway, development of people's life, development of era, science and technology therefore it needs to be amended;
- d. that based on the considerations in letters a, b, and c, it is necessary to enact Law on Railway;

In view of:

Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution of the Unitary State of the Republic of Indonesia;

Under Joint Approval of

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF REPUBLIC OF INDONESIA

HAS DECIDED:

To establish:

LAW OF THE REPUBLIC OF INDONESIA REGARDING RAILWAY.

## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### **Article 1**

In this Law:

1. Railway refers to an integrated system consisting of train facilities, infrastructures, human resources, norms, criteria, requirements and procedures, for operation of train transportation;
2. Train refers to facilities of train with kinetic energy, either automatically or connected to other train facilities, to move or being moving on rails associated with train trips;
3. Railway infrastructures refer to railway lines and train stations, including train operational facilities, so that train facilities can be operated;
4. Railway lines refer to spaces comprising benefit spaces for railway lines, spaces belonging to railway lines, and control room for railway lines including upper and lower parts allocated for train traffic;
5. Railway line network refers to all railway lines connected one to another which connect various locations hence constituting one system;
6. Special railway lines refer to the railway lines especially used by a certain legal entity to support its main activities;
7. Rails refer to an integrated construction made from steel, concrete or other constructions located on the surface, below and above the ground or suspended, complete with the accessories thereof directing the movement of trains;
8. Train operational facilities refer to all facilities required to operate trains;
9. Train facilities refer to any vehicle which can move on rails;
10. Legal entity refers to State-owned Enterprise, Regional Government-owned Enterprises and/or Indonesian legal entity specially established for that purpose;
11. Train supporting facilities refer to all stuffs supporting the operation of train transportation which can provide facilities and comfort to users of train services;
12. Service users refer to any individual and/or legal entity using train transportation services either for the transport of people or goods;
13. Train traffic refers to the movement of train facilities on rails;
14. Train transportation refers to any transfer of people and/or goods from a location to another location using train;
15. Train crew refers to those assigned on a train by . transporter during the train trip;
16. Operator refers to the Government, regional government, and/or legal entity operating the railway infrastructures;

17. Transporter refers to legal entity managing general train facilities;
18. Central Government hereinafter referred to as the Government refers to President of Republic of Indonesia holding the state administration power of the Republic of Indonesia as referred to in the 1945 Constitution;
19. Regional government refers to Governor, Regent, or Mayor, and regional apparatus as element of the regional government;
20. Minister refers to the Minister in charge of managing the Railway sector.

## **CHAPTER II**

### **PRINCIPLES AND OBJECTIVES**

#### **Article 2**

Railway as an integral part of the national transportation system is managed on the basis of:

- a. benefit principle;
- b. justice principle;
- c. balance principle;
- d. public interest principle ;
- e. integrity principle;
- f. independence principle;
- g. transparency principle;
- h. accountability principle; and
- i. sustainability principle.

#### **Article 3**

Railway is managed aimed at smoothing the transfer of people and/or goods en mass safely, securely, comfortably, fast, accurately, orderly, efficient, and supporting equitable distribution, growth, stability, booster and motor of national development.

## **CHAPTER III**

### **RAILWAY ARRANGEMENT**

#### **Article 4**

Train types:

- a. Normal-speed train;
- b. High-speed train;
- c. Monorail train;
- d. Linear induction motor train;

- e. Air powered train;
- f. Magnetic levitation train;
- g. Tram; and
- h. Hang train.

#### **Article 5**

- (1) Railway by function consists of:
  - a. general railway; and
  - b. special railway.
- (2) General railway as referred to in paragraph (1) letter a comprises:
  - a. City railway; and
  - b. Inter-city railway.
- (3) Special railway as referred to in paragraph (1) letter b is only used specifically by certain legal entity to support main activities of the certain legal entity.

#### **Article 6**

- (1) General railway arrangement as referred to in Article 5 paragraph (1) letter a is grouped into:
  - a. National railway; .
  - b. provincial railway; and
  - c. regent/city railway.
- (2) General railway arrangement as referred to in paragraph (1) shall be an integrated railway system which is called the national railway arrangement.
- (3) The railway system as referred to in paragraph (2) must be integrated with other modes of transportation.

#### **Article 7**

- (1) In order to materialize the railway arrangement as referred to in Article 6 paragraph (1) railway master plan shall be stipulated.
- (2) Railway master plan as referred to in paragraph (1) consists of:
  - a. national railway master plan;
  - b. provincial railway master plan; and
  - c. regent/city railway master plan.

#### **Article 8**

- (1) National railway master plan as referred to in Article 7 paragraph (2) letter a, shall be drafted by taking into account:
  - a. national spatial planning;
  - b. master plan of other transportation modes.

- (2) National railway master plan as referred to in paragraph (1) shall be drafted by taking into account the needs of transportation at national level.
- (3) National railway master plan as referred to in paragraph (1) shall contain at least:
  - a. direction and policies of the role of railway at national scale in the entire transportation modes;
  - b. estimated movement of people and/or goods according to origin and destination of trip at national scale;
  - c. planned needs of national railway infrastructures;
  - d. Planned needs of national railway facilities; and
  - e. Planned needs of human resources.

#### **Article 9**

- (1) Provincial railway master plan as referred to in Article 5 paragraph (4) letter b shall be drafted by taking into account:
  - a. National spatial planning;
  - b. Provincial spatial planning;
  - c. National railway master plan; and
  - d. Master plan of other modes of transportation at provincial level.
- (2) Provincial railway master plan as referred to in paragraph (1) shall be drafted by taking into account the needs of railway transport at provincial level.
- (3) Provincial railway master plan as referred to in paragraph (2) shall contain:
  - a. direction and policies of role of railway at provincial level in the entire transportation modes;
  - b. estimated transfer of people and/or goods according to origin and destination trip at provincial level;
  - c. planned needs of provincial railway infrastructures;
  - d. planned needs of provincial railway facilities; and
  - e. Planned needs of human resources.

#### **Article 10**

- (1) Regent/city railway master plan as referred to in Article 7 paragraph (2) letter c shall be drafted by taking into account:
  - a. national spatial planning;
  - b. provincial spatial planning;
  - c. Regent spatial planning and city spatial planning;
  - d. provincial railway master plan; and

- e. Master plan of other modes of transportation at regent city level.
- (2) Regent/city railway master plan as referred to in paragraph (1) shall be drafted by taking into account the needs of railway transport at regent/city level.
- (3) Regent/city railway master plan as referred to in paragraph (2) shall contain:
  - a. direction and policies of role of railway at regent! city level in the entire transporting modes;
  - b. estimated transfer of people and/or goods according to origin and destination of trip at regent/city level;
  - c. planned needs of regent/city railway infrastructures;
  - d. Planned needs of regent/city railway facilities; and
  - e. Planned needs of human resources.

#### **Article 11**

Railway master plan as referred to in Article 7 paragraph (2) shall be stipulated by:

- a. Government for national railway master plan;
- b. Provincial Government for provincial railway master plan;
- c. Regent/City Government for regent/city railway master plan.

#### **Article 12**

Further provisions concerning train types and arrangement of railway master plan shall be governed in Government regulation.

### **CHAPTER IV DEVELOPMENT**

#### **Article 13**

- (1) Railway is controlled by the State.
- (2) Development of railway as referred to in paragraph (1) comprises:
  - a. regulation;
  - b. control; and
  - c. supervision.
- (3) Directives for development as referred to in paragraph (1) are aimed at smoothening movement of persons and/or goods in mass securely, safely, comfortably, fastly, rightly, orderly and regularly, and efficiently.
- (4) Goals of railway development as referred to in paragraph (1) are to support even distribution, growth, stability, booster, and stimulator of national development.

#### **Article 14**

- (1) National railway development carried out by the Government comprises of:

- a. Determining targets and directions of railway system development policies, both nationally and locally, the network of which goes across one province;
  - b. determining applicable requirements, guidelines, standards, and procedures of railway operation and development;
  - c. determining competency of Official serving a function in railway sector;
  - d. Giving directives, guidance, training, and technical supports to Regional Government, provider and user of services;
  - e. supervising implementation of materialization of railway system development.
- (2) Provincial railway development carried out by the Provincial Government comprises of:
- a. determining targets and directions of railway system development policies at the provincial and regent/city level;
  - b. giving directions, guidance, training and technical supports to the regency/city, users and providers of services; and
  - c. supervising railway at the provincial level.
- (3) Regent/city railway development carried out by the Regent/City Government comprises of:
- a. determining targets and directions of railway system development policies at the regent/city level;
  - b. giving directions, guidance, training and technical supports to the users and providers of services; and
  - d. supervising railway at the regent/city level.

#### **Article 15**

In carrying out development as referred to in Article 14, Government and Regional Government shall integrate railway with other transportation modes.

#### **Article 16**

Further provisions concerning railway development shall be governed in Government Regulation.

### **CHAPTER V OPERATION**

#### **Article 17**

- (1) Railway operation as referred to in Article 5 paragraph (1) letter a may comprise of:
- a. operation of infrastructures; and/or
  - c. operation of facilities; or
- (1) Operation of special railway as referred to in Article 5 paragraph (1) letter b shall comprise operation of:

- a. infrastructures; and
- b. facilities.

#### **Article 18**

General railway infrastructure operation comprises of:

- a. Construction of infrastructures;
- b. Operation of infrastructures;
- c. Maintenance of infrastructures; and
- d. Management of infrastructures.

#### **Article 19**

Construction of general railway infrastructures as referred to in Article 18 letter a shall:

- a. be based on the provisions in the railway master plan; and
- b. meet technical requirements for railway infrastructures.

#### **Article 20**

Operation of general railway infrastructures as referred to in Article 28 letter c shall meet standards of worthiness of operation of railway infrastructures.

#### **Article 21**

Maintenance of general railway infrastructures as referred to in Article 18 letter c shall:

- a. meet standards of maintenance of railway infrastructures; and
- b. be carried out by manpower fulfilling the requirements and qualifications of skill in railway infrastructure.

#### **Article 22**

Management of general railway infrastructures as referred to in Article 18 letter d shall be carried out based on railway norms, standards, and criteria.

#### **Article 23**

- (1) Operation of general railway infrastructures as referred to in Article 18 shall be carried out by Legal Entity as operator, individually or severally by partnership.
- (2) In case of no Legal Entity that operates general railway infrastructures, Government or Regional Government may operate railway infrastructures.

#### **Article 24**

- (1) Business Entity that operates general railway infrastructures as referred to in Article 23 paragraph (1) shall possess:
  - a. Business permit;
  - b. Construction permit; and
  - c. Operation permit.



- (2) Business permit as referred to in paragraph (1) letter a is issued by the government.
- (3) Construction permit as referred to in paragraph (1) letter b is issued after fulfilling technical requirements of railway infrastructures.
- (4) Operation permit as referred to in paragraph (1) clause c is issued after fulfilling requirements for worthiness of operation of railway infrastructures.
- (5) Permits as referred to in paragraph (1) letters b and c shall be given by:
  - a. Government for the operation of general railway whose route network across a provincial region;
  - b. Provincial Government for the operation of general railway whose route network across a regent/city region in a province after securing license from the Government; and;
  - c. Regent/City Government for the operation of general railway whose route network is in a regency/city after receiving recommendation of provincial government and license from the Government.

#### **Article 25**

Operation of general railway infrastructures as referred to in Article 27 paragraph (1) letter b comprises of:

- a. Procurement of infrastructures;
- b. Operation of infrastructures;
- c. Maintenance of infrastructures; and
- d. Management of infrastructures.

#### **Article 26**

Procurement of general railway facilities as referred to in Article 17 paragraph (1) letter b shall meet technical requirements for railway facilities.

#### **Article 27**

Operation of general railway facilities as referred to in Article 25 letter b shall meet standards for worthiness of operation of railway facilities.

#### **Article 28**

Operator of railway facilities that operate railway facilities not in accordance with standards of worthiness of operation of railway facilities as referred to in Article 27 is subjected to administrative sanction in the form of written reminder, freeze of permits, and revocation of operation permit.

#### **Article 29**

Maintenance of general railway infrastructures as referred to in Article 25 letter c shall:

- a. fulfill the standards of maintenance;

- b. be carried out by manpower fulfilling requirements and qualifications in railway facilities.

### **Article 30**

Management of general railway facilities as referred to in Article 25 letter d shall be carried out based on norms, standards, and criteria of railway facilities.

### **Article 31**

- (1) Operation of general railway facilities as referred to in Article 25 is carried out by Legal Entity as operator, whether individually or by partnership.
- (2) In a case where no legal entity operating general railway facilities, Government or Regional Government may operate railway facilities.

### **Article 32**

- (1) Legal entity operating general railway facilities as referred to in Article 25 shall have:
  - a. Business permit; and
  - b. Operation permit.
- (2) Business license for operator of general railway facilities as referred to in paragraph (1) letter a is issued by Government.
- (3) Operation permit as referred to in paragraph (1) letter b is issued by:
  - a. Government for operation of general railway facilities whose network across a province and country boundary;
  - b. Provincial government for operation of general railway facilities whose network across regent/city in one province after securing license from Government; and
  - c. Regent/city government for operation of special railway whose network is in a regent after receiving recommendation of provincial government and license from Government.

### **Article 33**

- (1) Operation of special railway as referred to in Article 17 paragraph (2) shall be carried out by legal entity to support its prime activities.
- (2) To operate special railway as referred to in paragraph (1), special railway operator shall have:
  - a. procurement permit; and
  - b. operation permit.
- (3) Special railway as referred to in paragraph (1) shall meet technical requirements for railway infrastructures and facilities.
- (4) Permits as referred to in paragraph (2) shall be given by:
  - a. Government for the operation of special railway whose route network across a provincial region or across country boundary;

- b. Provincial Government for the operation of special railway whose route network across a regent/city region in a province after securing permit from the Government; and
- c. Regent/City Government for the operation of special railway whose route network is in a regency/city after receiving recommendation from provincial government and permit from the Government.

#### **Article 34**

Further provisions concerning operation of general railway and special railway are governed in Government Regulation.

## **CHAPTER VI RAILWAY INFRASTRUCTURES**

### **Part One**

#### **General**

#### **Article 35**

- (1) General railway and special railway infrastructures comprise of:
  - a. railway lines;
  - b. train stations; and
  - c. train operational facilities.
- (2) Railway lines as referred to in paragraph (1) letter a, are provided for train traffic.
- (3) Train stations as referred to in paragraph (1) letter b, are the locations on which trains depart or stop to serve
  - a. passengers who get in and off
  - b. load/unload goods; and/or
  - c. for train operational purposes.
- (4) Train operational facilities as referred to in paragraph (1) letter c constitute equipment for train trip operation.

### **Part Two**

#### **Railway Lines**

#### **Article 36**

Railway lines as referred to in Article 35 paragraph (1) letter a comprise:

- a. benefit space for railway lines;
- b. space belonging to railway lines; and
- c. control room for railway lines.

### **Article 37**

- (1) Benefit space for railway lines as referred to in Article 36 letter a comprises of rails and plots of land on the left and right of rails with space on the left, right, above and below used for the construction of rails and placement of train operational facilities and other supporting building. .
- (2) Rails as referred to in paragraph (1) can be located:
  - a. on the ground surface;
  - b. below the ground surface; and
  - c. above the ground surface.

### **Article 38**

Benefit space for railway lines are intended for train operation, and constitutes an area closed to public.

### **Article 39**

- (1) Boundaries of benefit space for railway lines for rails on the ground surface as referred to in Article 37 paragraph (2) letter a shall be measured from the outermost side of rails and plot of land on its left and right sides used for the construction of rails including plot of land for placement of train operational facilities and other supporting buildings.
- (2) Boundaries of benefit space for railway line for rails on the ground surface entering tunnel shall be measured from the outermost side of tunnel construction.
- (3) Boundaries of benefit space for railway lines for rails on the ground surface located on the bridge shall be measured from the outermost side of the bridge construction.

### **Article 40**

Boundaries of benefit space for railway lines below the ground surface as referred to in Article 37 paragraph (2) letter b shall be measured from the outermost part of the rails below the ground surface including train operational facilities.

### **Article 41**

Boundaries of benefit space for railway lines above the ground surface as referred to in Article 37 paragraph (2) letter c shall be measured from the outermost part of the rails or from the outermost side used for train operational facilities.

### **Article 42**

- (1) Space belonging to railway lines as referred to in Article 36 letter b consists of plot of the land on the left and right sides of benefit space of railway lines used for security of the rails.
- (2) Space belonging to railway lines outside benefit space of railway lines can be used for other purposes with the permit of the route owner providing that it does not endanger the rails and train operational facilities.

#### **Article 43**

- (1) Boundaries of space belonging to railway lines for rails located on the ground surface as referred to in Article 37 paragraph (2) letter a shall be measured from outermost boundary of the left and right sides of benefit space for railway lines.
- (2) Boundaries of space belonging to railway lines for rails located below ground surface as referred to in Article 37 paragraph (2) letter b shall be measured from outermost boundary of the left and right sides and lower and above parts of benefit space for railway lines.
- (3) Boundaries of space belonging to railway lines for rails located above ground surface as referred to in Article 37 paragraph (2) letter c shall be measured from outermost boundary of the left and right Sides of benefit space for railway lines.

#### **Article 44**

Control room for railway lines as referred to in Article 36 letter c consists of plot of land or other plot on the left and right sides for security of and smooth train operation.

#### **Article 45**

Boundaries of control room for railway lines for rails located on the ground surface as referred to in Article 37 paragraph (2) letter a shall be measured from the outermost boundary of the left and right sides of area belonging to the rails.

#### **Article 46**

- (1) Ground located in the space belonging to railway lines and benefit space of railway lines shall receive the status of right upon land in accordance with the law and regulation.
- (2) Ground in the control room of railway lines can be used for other activities provided not endangering train operations.

#### **Article 47**

Operator of railway infrastructures shall place boundary signs in the benefit area of railway lines.

#### **Article 48**

- (1) For the purpose of operation and maintenance, general railway lines are grouped into several classes.
- (2) Class grouping of general railway lines as referred to in paragraph (1) shall be based on:
  - a. maximum allowable speed;
  - b. maximum allowable axle load; and
  - c. train traffic frequency.

#### **Article 49**

- (1) General railway lines are integrated into a network of railway lines.
- (2) Network of railway lines as referred to in paragraph (1) consists of:

- a. national railway lines network stipulated in the national railway master plan;
- b. provincial railway lines network stipulated in the provincial railway master plan; and
- c. regent/city railway lines network stipulated in regent/city railway master plan.

#### **Article 50**

- (1) General railway lines as referred to in Article 49 operated by several railway infrastructure operators may connect, overlap, or independent.
- (2) Construction and operation of connected or overlapped railway lines as referred to in paragraph (1) shall be based on partnership between railway infrastructure operators.
- (3) In the case where operation of railway lines as referred to in paragraph (1) is operated by other party, operation shall be executed based on partnership between the operator and the other party.
- (4) One railway line for general railway can be used by several railway facility operators.

#### **Article 51**

- (1) Special railway lines whose network passes more than one province shall be stipulated by the Government.
- (2) Special railway lines whose network passes more than 1 (one) regent/city in the province shall be stipulated by the Provincial Government.
- (3) Special railway lines whose network is in the regent/city shall be stipulated by the Regent/City Government.

#### **Article 52**

- (1) Special railway lines can be connected to general network of railway lines.
- (2) Special railway lines can be connected to special network of railway lines.
- (3) Connection of special railway lines on general and special railway networks shall secure permit from the Government in accordance with his level of authority.

#### **Article 53**

Further provisions concerning railway lines shall be governed in Government Regulation.

### **Part Three**

### **Train Stations**

#### **Article 54**

- (1) Train stations for passengers to get in or off as referred to in Article 35 paragraph (3) letter a shall be provided at least with the facilities for:
  - a. safety;
  - b. security;
  - c. comfort;

- d. passengers to get in and off;
  - e. people with disability;
  - f. health;
  - g. Public facilities.
- (2) Train stations for unloading and loading of goods as referred to in Article 35 paragraph (3) letter b shall be provided at least with the facilities for:
- a. safety;
  - b. security;
  - c. loading and unloading of goods; and
  - d. public facilities.
- (3) For loading and unloading of goods outside train stations, railways connecting train station and place for loading and unloading of goods can be constructed.
- (4) Train stations for the train operation as referred to in Article 35 paragraph (3) letter c must be equipped with safety and support facilities for train operation.

#### **Article 55**

As long as not disturbing the function of train stations as referred to in Article 35 paragraph (3), the train stations may have business activities supporting the train transportation.

#### **Article 56**

- (1) Train stations are grouped into:
- a. high class;
  - b. medium class; and
  - c. lower class.
- (2) Class grouping of train stations as referred to in paragraph (1) shall be based on:
- a. operational facilities;
  - b. train traffic frequency;
  - c. number of passengers served;
  - d. number of goods served;
  - e. number of lines; and
  - f. Supporting facilities.

#### **Article 57**

- (1) Train stations may provide special services.
- (2) Special services as referred to in paragraph (1) may comprise of:
- a. waiting room for passengers;
  - b. loading and unloading of goods; .

- c. warehousing;
  - d. vehicle parking; and/or
  - e. storage of goods (locker).
- (3) Users of the special facilities as referred to in paragraph (2) are imposed with additional service tariff.

#### **Article 58**

Further provisions concerning train stations shall be Government Regulation.

#### **Part Four**

#### **Train Operational Facilities**

#### **Article 59**

Train operational facilities as referred to in Article 35 paragraph (1) letter c comprise of:

- a. signaling equipment;
- b. telecommunication equipment;
- c. electricity installation.

#### **Article 60**

(1) Signaling equipment as referred to in Article 59 letter a serves as:

- a. guide; and
- b. controller.

(2) Signaling equipment as referred to in paragraph (1) consists of:

- a. signals,
- b. signs, and
- c. markings.

#### **Article 61**

Telecommunication equipment as referred to in Article 59 letter b serves to submit information and/or communication for train operation.

#### **Article 62**

- (1) Telecommunication equipment as referred to in Article 61 uses radio frequency and/or cable.
- (2) Radio frequency as referred to in paragraph (1) shall be used in accordance with the laws concerning telecommunication sector.

#### **Article 63**

(1) Electricity installation as referred to in Article 59 letter c consists of:

- a. power supply;
- b. transmission equipment.

(2) Electricity installation as referred to in paragraph (1) shall be used for:



- a. driving electricity-powered train; and/or
  - b. functioning electricity signaling equipment;
  - c. functioning telecommunication equipment.
  - d. Functioning other supporting facilities.
- (3) Electricity installation as referred to in paragraph (2) must be operated in accordance with the provisions set forth in electricity law and regulation.

#### **Article 64**

Further provisions concerning train operational facilities shall be governed in Government Regulation.

#### **Part Five**

#### **Maintenance of Infrastructures**

#### **Article 65**

- (1) Owner of railway. infrastructures shall maintain railway infrastructures so that they are operable.
- (2) Maintenance of railway infrastructures as referred to in paragraph (1) comprises of:
- a. regular maintenance; and
  - b. Repair to restore function.<sup>1`</sup>
- (3) Maintenance of railway infrastructures as referred to in paragraph (1) must meet standards and procedures of maintenance stipulated by the Minister.
- (4) Maintenance as referred to in paragraph (2) must be carried out by manpower who meets the requirements and qualification stipulated by the Minister.

#### **Article 66**

Further provisions concerning maintenance of railway infrastructures shall be governed in Government Regulation.

#### **Part Six**

#### **Worthiness of Railway Infrastructures**

#### **Article 67**

- (1) Railway infrastructures that have been operated shall meet the applicable worthiness requirements for each. type of railway infrastructure.
- (2) Worthiness requirements consist of:
- a. Technical requirements; and
  - b. Operational requirements.
- (3) Technical requirements as referred to in paragraph (2) letter a comprise of system and component requirements.

- (4) Operational requirements as referred to in paragraph (2) letter b comprise of requirements for ability of railway infrastructures in accordance with planned railway operations.

#### **Article 68**

- (1) To guarantee worthiness of railway infrastructures, test and inspection shall be performed.
- (2) The test as referred to in paragraph (1) shall be performed by the Government and can be transferred to the legal entity or institution that has been accredited by the Government.
- (3) Inspection of railway infrastructures as referred to in paragraph (1) shall be performed by Operator of Railway Infrastructures.

#### **Article 69**

Test of railway infrastructures as referred to in Article 68 paragraph (2) consists of:

- a. first test; and
- b. periodical test.

#### **Article 70**

- (1) First test as referred to in Article 69 letter a shall be provided for new railway infrastructures and/or railway infrastructures that have experienced changes in technical specification.
- (2) First test as referred to in paragraph (1) letter a shall be carried out for:  
design of infrastructures;  
function of infrastructures.
- (3) First test as referred to in paragraph (2) shall be carried out by the Government and can be transferred to the legal entity or institution that has been accredited by the Government.
- (4) Railway infrastructure that experience changes in technical specification as referred to in paragraph (1) must secure permit from the Minister.

#### **Article 71**

- (1) Railway infrastructure declared to have passed the first test is given first test certificate by:
  - a. the Government;
  - b. legal entity that has been accredited by the Government; or
  - c. institution that has been accredited by the Government.
- (2) First test certificate as referred to in paragraph (1) shall be valid forever, except if it experiences modification in technical specification.

#### **Article 72**

- (1) Periodical test as referred to in Article 69 letter b shall be carried out for the railway infrastructures that have been operated according to schedule.
- (2) Periodical test as referred to in paragraph (1) shall be carried out to the function of railway infrastructures.

- (3) Periodical test as referred to in paragraph (2) shall be carried out by the Government and can be transferred to the legal entity or institution that has been accredited by the Government.

#### **Article 73**

- (1) Railway infrastructure declared to have passed the first test and periodical test shall be given a periodical test certificate by:
- a. the Government;
  - b. legal entity that has been accredited by the Government; or
  - c. institution that has been accredited by the Government.
- (2) Periodical test certificate as referred to in paragraph (1) shall be valid in accordance with periodical test schedule decided for each type of railway infrastructure.

#### **Article 74**

- (1) Government, legal entity, or institution who carries out first test and periodical test to railway infrastructures shall have a tester.
- (2) Tester as referred to in paragraph (1) shall have qualification of certain expertise as proven with certificate of expertise.
- (3) Certificate of expertise as referred to in paragraph (2) shall be received after the tester has completed education and training.
- (4) Education and training as referred to in paragraph (3) shall be arranged by the Government and can be transferred to the entity or institution that has been accredited by the Government.

#### **Article 75**

Performance of test to railway infrastructures as referred to in Article 69 shall be using test devices and in accordance with test procedure as stipulated by the Minister.

#### **Article 76**

A railway infrastructure test legal entity or institution that performs test shall use tester that has possessed certificate of expertise, shall use test devices, and shall perform test in accordance with test procedure.

#### **Article 77**

A legal entity or institution who violates the provisions of Article 76 shall be imposed with administrative sanction in the form of written reminder, freeze of permits, or revocation of operation permit.

#### **Article 78**

A tester that performs test to railway infrastructures shall perform test by using test devices and in accordance with the test procedure.

#### **Article 79**

Tester who violates the provisions of Article 78 shall be imposed with administrative sanction in the form of written reminder, freeze of certificate of expertise, or revocation of certificate of expertise.

#### **Article 80**

- (1) Operation of railway infrastructures shall be carried out by officer who have met the standard and qualification of expertise proven with certificate of competency.
- (2) Certificate of competency in operating railway infrastructures as referred to in paragraph (1) shall be given after the officer has completed education and/or training.
- (3) Education and/or training as referred to in paragraph (2) shall be arranged by the Government and can be transferred to the legal entity or other institution that has been accredited by the Government.
- (4) Certificate of competency as referred to in paragraph (1) is issued by:
  - a. the Government;
  - b. legal entity that has been accredited by the Government; or
  - c. institution that has been accredited by the Government.

#### **Article 81**

Operator of railway infrastructures shall place prohibition marks on railway lines completely and clearly.

#### **Article 82**

Operator of railway infrastructures who violates the provisions of Article 81 shall be imposed with administrative sanction in the form of written reminder or freeze of permits or revocation of operation permit.

#### **Article 83**

Further provisions concerning worthiness of railway infrastructures shall be governed in Government Regulation.

### **Part Seven**

#### **Procurement of Land for Development of Railway Infrastructures**

#### **Article 84**

- (1) Procurement of land for development of general railway infrastructures shall be carried out based on railway master plan.
- (2) Development of railway infrastructures as referred to in paragraph (1) shall be socialized to the community, whether at planning or operations stage, particularly whose land is required for development of railway infrastructures.

- (3) Holder of right upon land, or user of land belonging to the state, or community with traditional law, whose land is required for development of railway infrastructures, shall be entitled to receive compensation in accordance with the land law and regulation.
- (4) Granting of compensation in the framework of procurement of land as referred to in paragraphs (1) and (3) shall be carried out based on agreement in accordance with the land law and regulation.

#### **Article 85**

- (1) If no agreement is reached and location of development cannot be removed, the right upon land shall be revoked in accordance with the land law and regulation.
- (2) Construction of railway infrastructures can be started on the plot of land for which compensation has been given or upon which the right has been revoked.

#### **Article 86**

Land that has been controlled by the Government, Regional Government, or Legal Entity in order to develop railway infrastructures shall be registered to issue the right upon land certificate in accordance with the provisions set forth in the land law and regulation.

### **Part Eight**

#### **Responsibility of Operator of Railway Infrastructures**

#### **Article 87**

- (1) Operator of railway infrastructures shall be responsible to Operator of Railway Facilities and third party for any damages as a result of accident caused by mistakes in operation of railway infrastructures.
- (2) Responsibility of operator of railway infrastructures to Operator of Railway Facilities as referred to in paragraph (1) shall be based on partnership agreement between Operator of Railway Infrastructures and Operator of Railway Facilities.
- (3) Operator of Railway Infrastructures shall be responsible to third party for asset damages, injury, or death caused by operation of railway infrastructures.
- (4) Operator of Railway Infrastructures shall be responsible to Railway Infrastructure Officer who suffers from injury or death caused by operation of railway infrastructures.
- (5) Responsibility as referred to in paragraph (1) shall be calculated by the actual damages incurred.

#### **Article 88**

Operator of Railway Infrastructures is not responsible for damages suffered by Operator of Railway Facilities and/or third party caused by operation of railway infrastructures if:

- a. the competent authority declares that damages are not caused by mistakes in operation of railway infrastructures; and/or
- b. a force majeure has occurred.

#### **Article 89**

Further provisions concerning responsibility of Operator of Railway Infrastructures shall be governed in Government Regulation.

### **Part Nine**

#### **Rights and Authorities of Operator of Railway Infrastructures**

#### **Article 90**

Operator of Railway Infrastructures is entitled and authorized:

- a. to regulate, control, and supervise train trip;
- b. to stop operation of railway facilities if it dangers train trip;
- c. to carry out order-keeping to users of train services who do not meet requirements as users of train services at the station;
- d. to prioritize a train to pass on the crossing with road piece;
- e. to receive payment from uses of railway infrastructures; and
- f. to receive compensation for damages of railway infrastructures as a result of mistake of Operator of Railway Facilities or third party.

## **CHAPTER VII**

### **CROSSING AND/OR OVERLAP OF RAILWAY LINES WITH OTHER BUILDINGS**

#### **Article 91**

- (1) Crossing between railway lines and roads shall be build with the principle on not in the same section.
- (2) Exception to the principle as referred to in paragraph (1) is possible by taking into account the safe and smooth conditions, of train trips and road traffic.

#### **Article 92**

- (1) Construction of roads, special railway lines, tunnels, water channels and/or other infrastructures requiring connection, crossing, and/or overlap with railway lines as referred to in Article 91 paragraph (2) shall be carried out by taking into account public interest and not endangering safety of train trip.
- (2) Construction as referred to in paragraph (1) shall be with permit of owner of railway infrastructures.

- (3) Construction, operation, maintenance, and safety of crossing between railway lines and roads shall be the responsibility of holder of permit.

#### **Article 93**

Use of land on space belonging to railway lines for crossing or overlap shall be imposed with a certain amount of fee by owner of railway infrastructures.

#### **Article 94**

- (1) For safety of trip of train and road users, a piece of crossing that does not have permit shall be closed.
- (2) Close of a piece of crossing as referred to in paragraph (1) shall be carried out by the Government or Regional Government.

#### **Article 95**

Further provisions concerning crossing and overlap between railway lines and other buildings shall be governed in Government Regulation.

## **CHAPTER VIII**

### **RAILWAY FACILITIES**

#### **Part One**

Technical Requirement and Worthiness of Railway Facilities.

- (1) Railway facilities by type consist of:
- a. locomotive;
  - b. train;
  - c. car; and
  - d. facilities for special purposes.
- (2) Each railway facility as referred to in paragraph (1) shall meet the technical requirements and operation worthiness applicable for each type of facility.

#### **Article 97**

Further provisions concerning technical requirement and operation worthiness a referred to in. Article 96 paragraph (2) shall be governed in Government Regulation.

#### **Part Two**

#### **Test and Inspection**

#### **Article 98**

- (1) In order to meet the technical requirements and to guarantee operation worthiness of railway facilities, test and inspection shall be carried out.

- (2) Test of railway facilities as referred to in paragraph (1) shall be carried out by the Government and can be transferred to legal entity or institution who has been accredited by the Government.
- (3) Inspection of railway facilities as referred to in paragraph (1) shall be carried out by Operator of Railway Facilities.

#### **Article 99**

Inspection of railway facilities as referred to in Article 98 paragraph (2) comprises of:

- a. first test; and
- b. periodical test.

#### **Article 100**

- (1) First test as referred to in Article 99 letter a shall be obligated for any new railway facility and/or any railway facility the technical specification and/or form of which has been modified.
- (2) First test as referred to in Article 95 letter a comprises of:  
design of construction and engineering;  
Static test; and  
Dynamic test.
- (3) First test as referred to in paragraph (2) shall be carried out by the Government and can be transferred to legal entity or institution that has been accredited by the Government.
- (4) Railway facilities which technical specification has been modified as referred to in paragraph (1) shall receive permit from the Minister.

#### **Article 101**

- (1) To any railway facility that has been declared passing the first test shall be given first test certificate by:
  - a. the Government;
  - b. legal entity that has been accredited by the Government; or
  - c. institution that has been accredited by the Government.
- (2) First test certificate as referred to in paragraph (1) shall be valid forever unless any modification in technical specification is made.

#### **Article 102**

- (1) Periodical test as referred to in Article 99 letter b shall be obligated for railway facility that has been operated in accordance with the law and regulation.
- (2) Periodical test as referred to in paragraph (1) shall be carried out to the functions of railway facilities and consists of:



- a. Static test; and
  - b. Dynamic test.
- (3) Periodical test as referred to in paragraph (2) shall be carried out by the Government and can be transferred to legal entity or institution that has been accredited by the Government.

#### **Article 103**

- (1) To any railway facility that has been declared passing the periodical test shall be given periodical test certificate by:
- a. The government;
  - b. Legal entity that has been accredited by the Government; or
  - c. Institution that has been accredited by the Government.
- (2) The periodical test certificate as referred to in paragraph (1) shall be valid:
- a. based on trip distance decided for facility with activating power;
  - b. for one (1) year for train and car.

#### **Article 104**

- (1) Government, legal entity, or institution who carries out first test and periodical test of railway facilities shall have a tester.
- (2) The tester as referred to in paragraph (1) shall have qualification of expertise proven with certificate of expertise.
- (3) The certificate of expertise as referred to in paragraph (2) shall be received after the tester has passed education and training.
- (4) The education and/or training as referred to in paragraph (3) shall be carried out by the Government and can be transferred to legal entity or institution that has been accredited by the Government.

#### **Article 105**

Test of railway facilities as referred to in Article 99 shall be carried out by using test devices and in accordance with test procedure stipulated by the Minister.

#### **Article 106**

A railway facility test legal entity or institution shall perform test to railway facilities by tester who has certificate of expertise and by using test devices and in accordance with test procedure.

#### **Article 107**

A legal entity or institution who violates the provisions of Article 106 shall be imposed with administrative sanction in the form of written reminder, freeze of permits, or revocation of operation permit.

#### **Article 108**

A tester who tests railway facilities shall use test devices and shall perform test in accordance with test procedure.

#### **Article 109**

A railway facility tester who violates the provisions of Article 108 shall be imposed with administrative sanction in the form of written reminder, freeze of certificate of expertise, or revocation of certificate of expertise.

#### **Article 110**

- (1) Inspection of railway facilities as referred to in Article 98 paragraph (3) shall be carried out to any facility and in accordance with schedule.
- (2) Inspection to each railway facility as referred to in paragraph (1) shall be in the form of technical inspection that consists of condition and function of railway facility.

#### **Article 111**

- (1) Inspection of railway facilities as referred to in Article 98 paragraph (3) shall be carried out by a manpower that has qualification of expertise and in accordance with inspection procedure stipulated by the Government.
- (2) The railway facility inspector as referred to in paragraph (1), in performing inspection, shall use devices in accordance with standard.

#### **Article 112**

If operator of railway facility, in performing inspection, does not use manpower that has qualification of expertise and not in accordance with the procedure stipulated as referred to in Article 111, shall be imposed with administrative sanction in the form of written reminder, freeze of operation permit, or revocation of operation permit.

#### **Article 113**

Further provisions concerning test and inspection to railway facilities shall be governed in Government Regulation.

### **Part Three**

#### **Maintenance of Railway Facilities**

#### **Article 114**

- (1) Operator of railway facilities shall maintain the railway facilities so they remain operable.
- (2) Maintenance of railway facilities as referred to in paragraph (1) consists of:
  - a. regular maintenance; and
  - b. repair to restore function.

- (3) Maintenance of railway facilities as referred to in paragraph (2) shall meet the requirements and qualification stipulated by the Minister.
- (4) Maintenance of railway facilities as referred to in paragraph (2) shall be carried out by manpower meeting requirement and qualification stipulated by the Minister.
- (5) Maintenance of railway facilities as referred to in paragraph (1) shall be carried out in the State Railways Workshop and/or in the Depot.

#### **Article 115**

Further provisions concerning maintenance of railway facilities as referred to in Article 114 shall be governed in Government Regulation.

### **Part Four**

#### **Crew of Railway Facilities**

#### **Article 116**

- (1) Railway facilities shall be operated by crew meeting the requirements and qualification of competency proven with certificate of competency.
- (2) Certificate of competency of crew of railway facilities as referred to in paragraph (1) shall be given after passing education and/or training.
- (3) Education and/or training as referred to in paragraph (2) shall be arranged by the Government and can be transferred to legal entity or other institution that has been accredited by the Government.
- (4) The certificate of competency as referred to in paragraph (1) is issued by:
  - a. the Government;
  - b. legal entity that has been accredited by the - Government; or
  - c. institution that has been accredited by the Government.

#### **Article 117**

Further provisions concerning crew of railway facilities as referred to in Article 116 shall be governed in Government Regulation.

## **CHAPTER IX**

### **RAILWAY DESIGN AND ENGINEERING**

#### **Article 118**

- (1) Railway design and engineering shall be provided for railway development.
- (2) The railway design and engineering as referred to in paragraph (1) is carried out by:
  - a. government;
  - b. regional government;

- c. legal entity;
- d. research institution; or.
- e. higher learning institution.

#### **Article 119**

Further provisions concerning railway design and engineering as referred to in Article 118 shall be governed in Government Regulation.

### **CHAPTER X TRAIN TRAFFIC**

#### **Part One Traffic Procedure**

#### **Article 120**

Train operation by using one-way traffic principle shall be used both in single-track and double-track and more tracks under the following conditions:

- a. Only one train is allowed to pass in one line in one block section; and
- b. Right-track principle is used for double-track or more railway lines.

#### **Article 121**

- (1) Train operation starting from the departure station, crossing, passing over and stopping in the destination station shall be governed on the basis of train trip graph.
- (2) Train trip graph as referred to in paragraph (1) shall be made by owner of railway infrastructures meeting at least the qualification requirements:
  - a. number of trains;
  - b. Allowed speed;
  - c. Original relation of destination; and
  - d. Planned crossing and passing over.
- (3) Train trip graph as referred to in paragraph (2) may be modified in the event of changes in:
  - a. railway infrastructures;
  - b. number of railway facilities;
  - c. speed of train;
  - d. transportation needs; and
  - e. force majeure.
- (4) Train trip regulation as referred to in paragraph (1) shall be performed by officer regulating train trip who meets the qualification stipulated by the Minister.

### **Article 122**

- (1) Railway facilities can be operated only by train crew receiving instructions from operator of railway facilities.
- (2) Train crew as referred to in paragraph (1) shall have letter of instruction of duty from Operator of Railway Facilities.
- (3) Train crew as referred to in paragraph (1) shall comply with instructions or prohibitions pursuant to the following order:
  - a. train trip controller;
  - b. signal; or c. signs.
- (4) If there is more than one instruction or prohibition in the same time, train crew shall comply with instruction or prohibition given based on the priorities ruled as follows:
  - a. Train trip controller;
  - b. Signal; or
  - c. Sign.

### **Article 123**

Train crew that operates train and does not have letter of instruction of duty from Operator of Railway Facilities as referred to in Article 122 paragraph (2) shall be imposed with administrative sanction in the form of written reminder, freeze of certificate of competency, or revocation of certificate of competency.

### **Article 124**

In the crossing in the same section between railway lines and road, user of road shall prioritize the train trip.

## **Part Two**

### **Handling Train Accident**

### **Article 125**

In the event of train accident Operator of Railway and Operator of Railway Infrastructures shall carry out as follows:

- a. take actions for smoothness and safety of traffic;
- b. handle victims of accidents;
- c. remove passengers, baggage, and delivered goods to other train or other modes of transportation for pursuing trip to station of destination;
- d. report the accident to the Minister, provincial government, regent/city government;
- e. announce the accident to user of service and society;
- f. immediately restore train traffic after early investigation performed by competent authority

- g. arrange insurance claims for victims of the accidents.

#### **Article 126**

Further provisions concerning train traffic shall be governed in Government Regulation.

### **CHAPTER XI**

### **TRANSPORTATION**

#### **Part One**

#### **Railway Service Network**

#### **Article 127**

- (1) Train transportation shall be carried out in railway service tracks integrated into railway service network.
- (2) Railway service network as referred to in paragraph (1), comprise of:
  - a. inter city railway service network; and
  - b. city railway service network.

#### **Article 128**

- (1) Inter city railway service network as referred to in Article 127 paragraph (2) letter a, may comprise services connecting:
  - a. inter city inter state;
  - b. inter city inter province;
  - c. inter city in a province;
  - d. inter city in a regency.
- (2) City railway service network as referred to in Article 127 paragraph (2) letter b in a city may:
  - a. go across a province;
  - b. go across a regency/city in a province; and
  - c. in a city/regency.
- (3) Inter city inter state network service as referred to in paragraph (1) letter a and inter city inter province network service as referred to in paragraph (1) letter b and city network service going across a province as referred to in paragraph (2) letter a shall be stipulated by the Government.
- (4) Inter city network service in a province as referred to in paragraph (1) letter c and city network service going across a regency/city in a province as referred to in paragraph (2) letter b shall be stipulated by the provincial government.

- (5) Inter city network service in a regency as referred to in paragraph (1) letter d and city service network in a regency/city as referred to in paragraph (2) letter c shall be stipulated by regent/city government.

### **Article 129**

Further provisions concerning railway service network shall be governed in Government Regulation.

## **Part Two**

### **Transportation of Passengers by Train**

#### **Article 130**

- (1) Transportation of passengers by train shall be carried out in passenger train.
- (2) In certain conditions, transporter can transport passengers as referred to in paragraph (1) in non passenger car at the approval of the Government or regional government.
- (3) Transport of passengers in non passenger car as referred to in paragraph (2) shall meet the passenger safety requirements and minimum requirements of passenger service facilities.

#### **Article 131**

- (1) Operator of railway facilities shall give special facilities and treatment for people with disability, pregnant women, children under the age of five years, sick passengers, and old passengers.
- (2) Granting of special facilities and treatment as referred to in paragraph (1) shall be free.

#### **Article 132**

- (1) Operator of railway facilities shall transport passengers that already have tickets.
- (2) Passengers who already have tickets shall have the right to obtain services in accordance with the level of service paid.
- (3) Ticket as referred to in paragraph (1) is evidence of agreement of transport of passengers.

#### **Article 133**

- (1) In the transportation of passengers by train, the transporter shall:
- a. prioritize safety and security of passengers;
  - b. prioritize the interest of a general services to the community,
  - c. maintain the continuous services in the specific lines;
  - d. announce schedule of train trips and passenger transportation tariff to the community;
  - and
  - e. comply with the schedule of train departure.

- (2) In the event of cancellation and postponement of departure and delay of departure, delay of arrival of train, or diversion of train line services, the operator of railway facilities shall announce to the service user with clear reasons thereof.

#### **Article 134**

- (1) In the event of cancellation of train departure, the operator of railway facilities shall reimburse the cost already paid by would-be passengers.
- (2) If the would-be passenger that already paid the ticket cancels departure and until the time of departure as scheduled does not report to Operator of Railway Facilities, the passenger shall not receive reimbursement of cost paid for the ticket.
- (3) If a would-be passenger who has bought a ticket cancels departure before time of departure scheduled reports to Operator of Railway Facilities, he receives reimbursement in amount of 75% (seventy five percent) of price of the ticket.
- (4) If, during a train trip, there is any obstacle or disturbance causing the train unable to continue the trip to the destination station as agreed, operator of railway facilities shall:
- a. provide transportation by other train or other transportation modes up to destination station; or
  - b. pay compensation in amount of price of ticket.

#### **Article 135**

Operator of Railway Facilities who does not provide transportation by using other train or other transportation modes up to destination station or does not pay compensation in the amount of the price of the ticket as referred to in Article 134 paragraph (1) shall be imposed with administrative sanction in the form freeze of operation permit or revocation of operation permit.

#### **Article 136**

- (1) Transportation of passengers, Operator of Railway facilities shall be authorized to:
- a. check the tickets;
  - b. take measures against any users of service who do not have tickets;
  - c. Keep order to users of train service or people who disturb train trip; and
  - d. Carry out supervision and development of people potential to cause disturbance to train trip.
- (2) Operator of Railway Facilities, in certain conditions, may cancel train trip if considered endangering the safety public order and public interests.

#### **Article 137**

- (1) Passenger transport services must meet the minimum standard of service.



- (2) Minimum standard of service comprises of service at departure station, during trip, and in destination station

#### **Article 138**

Further provisions concerning transport of passengers by train shall be governed in Government Regulation.

#### **Part Three**

#### **Transportation of Goods by Train**

#### **Article 139**

- (1) Transportation of goods by train shall be carried out by using non passenger car
- (2) Transportation of goods as referred to in paragraph (1) consists of:
- a. general goods;
  - b. special goods;
  - c. hazardous and toxic materials; and
  - d. wastes of hazardous and toxic materials.

#### **Article 140**

- (1) Transportation of general goods and special goods as referred to in Article 139 paragraph (2) letters a and b shall meet the following requirements:
- a. loading, preparation and unloading of goods in the locations already specific in accordance with their classification;
  - b. safety and security of transported goods; and
  - c. car used in accordance with the classification of transported goods.
- (2) Train used to transport dangerous and toxic materials and wastes of dangerous and toxic materials as referred to in Article 139 paragraph (2) letter c and wastes of hazardous and toxic materials as referred to in Article 139 paragraph (2) letter d shall:
- a. meet the safety requirements in accordance the nature of transported toxic and hazardous materials;
  - b. marked with certain labels pursuant to the transported toxic and hazardous materials; and
  - c. accompanied by official having certain qualification in accordance with the nature of transported toxic and hazardous materials.

#### **Article 141**

- (1) Operator of Railway Facilities shall transport goods which cost of transportation is already paid by the service user in accordance with the class of service paid.
- (2) User of service who already paid cost of transportation has the right to obtain services in accordance with class of service paid.

- (3) Letter of Transportation of Goods constitutes an evidence of transportation of goods agreement.

#### **Article 142**

- (1) In the transportation of goods by train, the Operator of Railway Facilities shall be authorized to:
- a. check the compatibility of goods to the letter of transportation of goods;
  - b. reject transport goods that are not in accordance with letter of transportation of goods; and
  - c. report to the competent authority if the goods to be transported are classified as prohibited goods.
- (2) If the transported goods are considered endangering the safety, public order and interests, the operator of railway facilities may cancel the train trip.

#### **Article 143**

- (1) User of service is responsible for the truth of information written on the letter of transportation of goods.
- (2) All costs arising from any untrue information which harms the Operator of Railway Facilities or third party shall be born be and become the responsibility of the user of service.

#### **Article 144**

- (1) In the event of cancellation of departure of train trip, the Operator of Railway Facilities shall transport goods by other train or other transportation modes or shall reimburse cost of transportation of goods.
- (2) If user of service cancels transport of goods and up to the time as scheduled does not report to the Operator of Railway Facilities, the user of service shall not receive reimbursement of cost of transportation of goods.
- (3) If user of service cancels or delays transport of goods before time of departures scheduled, cost of transportation of goods shall be returned, and may be imposed with penalty.
- (4) If during a train trip, there is any obstacle or disturbance causing the train unable to continue the trip to the destination station as agreed, the Operator of Railway Facilities shall continue transporting the goods by:
- a. other trains; or
  - b. other transportation modes.

#### **Article 145**

- (1) When goods arrive in the destination location, the Operator of Railway Facilities shall immediately notify the recipient of goods that the goods have arrived and can be immediately picked up.
- (2) Any costs arising because the recipient is late and/or negligent to pick up the goods shall be borne by the recipient of goods.
- (3) In case the goods transported are damaged, miss-transported, or lost as a result of negligence of Operator of Railway Facilities, Operator of Railway Facilities shall pay all the damages.

#### **Article 146**

Further provisions concerning transport of goods by train shall be governed in Government Regulation.

### **Part Four**

#### **Multimode Transportation**

#### **Article 147**

- (1) Train transport may constitute part of multimode transportation carried out by legal entity that has permit for multimode transportation.
- (2) Operation of train transport in multimode transportation shall be carried out based on agreement between Operator of Railway Facilities and legal entity that has permit for multimode transportation and operator of other modes of transportation.
- (3) If the agreement for multimode transportation using train transport does not specifically govern obligations of Operator of Railway Facilities, regulations concerning train transport shall prevail.

#### **Article 148**

Further provisions concerning multimode transportation as referred to in Article 147 shall be governed in Government Regulation.

### **Part Five**

#### **Transportation by Special Train**

#### **Article 149**

- (1) Transportation services by special train as referred to in Article 5 paragraph (3) shall be used only to support legal entity in carrying out its main activities.
- (2) Transportation services by special train as referred to in paragraph (1) can be merged with the network of transportation services by general train and network of transportation services by other special trains after receiving approval from Government or Regional Government.
- (3) Transportation services by special train shall be adapted to the provisions concerning transportation of passengers and/or transportation of goods by flu general train.

### **Article 150**

Further provisions concerning transportation by special train as referred to in Article 149 shall be governed in Government Regulation.

### **Part Six**

### **Train Transportation Tariffs**

### **Article 151**

- (1) Train transportation tariffs consist of tariffs for passengers and goods.
- (2) Guides of tariff for train passengers and tariff for transportation of goods as referred to in paragraph (1) shall be stipulated by the Government.
- (3) Guides of stipulation of train transportation tariffs shall be based on calculation of capital, cost of operation, cost of maintenance and gain.

### **Article 152**

- (1) Tariff for train passengers shall be stipulated by Operator of Railway Facilities by taking into account tariff guides as referred to in Article 151 paragraph (2).
- (2) Train passenger tariff as referred to in paragraph (1) can be stipulated by the Government for:
  - a. Transportation in economic class services; and
  - b. Transportation functions to serve isolated and backward region in order to stimulate the economy of the region and is non commercial.

### **Article 153**

- (1) For economic class service, in the case that the transportation tariffs stipulated by the Government or Regional Government as referred to in Article 152 paragraph (2) letter a are lower than the tariffs calculated by Operator of Railway Facilities based on guides of stipulation of tariff as stipulated by the Government, the balance shall be borne by the Government or Regional Government in the form of public service obligation.
- (2) For transportation that functions to serve isolated and backward region in order to stimulate economy of the region and is non commercial, in the case that expenses expended by Operator of Railway Facilities to operate railway facilities is higher than revenue received based on the tariffs stipulated by the Government or Regional Government, the balance shall be borne by the Government or Regional Government in the form of subsidy.

### **Article 154**

- (1) If Operator of Railway Facilities uses railway facilities owned or operated by Operator of Railway Infrastructures, Operator of Railway Facilities shall pay cost of use of railway infrastructures.

- (2) Amount of cost of use of railway infrastructures as referred to in paragraph (1) shall be calculated based on guides of stipulation of cost of use of railway infrastructures stipulated by the Government.

#### **Article 155**

Tariff of transportation of goods as referred to in Article 151 paragraph (1) shall be stipulated based on agreement between service user and Operator of Railway Facilities based on guides of stipulation of tariff as referred to in Article 151 paragraph (2).

#### **Article 156**

Further provisions concerning tariffs of train transportation and cost of use of railway infrastructures shall be governed in Government Regulation.

### **Part Eight**

#### **Responsibilities of Operator of Railway Facilities**

#### **Article 157**

- (1) Transporter shall be responsible for user of service who suffers from any loss, injury, or death caused by operation of train transport.
- (2) Responsibility as referred to in paragraph (1) shall start as of the date on which the user of service is transported from departure station until arrival in the destination station agreed.
- (3) Responsibility as referred to in paragraph (1) shall be calculated by actual loss incurred.
- (4) Operator of Railway Facilities shall not be responsible for any loss, injury, or death of passengers not caused by operation of train transport.

#### **Article 158**

- (1) Operator of Railway facilities shall be responsible for any loss suffered by sender of goods as a result of loss, damage, or destroy of goods caused by operation of train transport.
- (2) Responsibility as referred to in paragraph (1) shall start as of the date on which goods are received by Operator of Railway Facilities until goods delivered to the recipient.
- (3) Loss as referred to in paragraph (1) shall be calculated based on actual loss incurred, not including gain to be received and cost of services that have been used.
- (4) Operator of Railway Facilities shall not be responsible for any loss caused by untrue information in the letter of transportation of goods.

#### **Article 159**

- (1) Operator of Railway Facilities shall not be responsible for any losses suffered by any third party resulting from transportation activities, unless the third party aforesaid can prove that the losses are due to the mistake of Operator of Railway Facilities.

- (2) Right to file an objection and request of compensation from the third party to the Operator of Railway Facilities as referred to in paragraph (1), shall be submitted not later than 30 (thirty) days as of the date on which the losses occur.

#### **Article 160**

Further provisions concerning responsibility of Operator of Railway Facilities shall be governed in Government Regulation.

### **Part Nine**

#### **Rights of Operator of Railway Facilities**

#### **Article 161**

- (1) Operator of Railway Facilities has the right to hold the transported goods by train, if the sender or recipient does not fulfill the obligation in the time limit stipulated in accordance with the transportation agreement.
- (2) Sender or recipient of goods as referred to in paragraph (1) shall be subject to costs of storage of goods held.
- (3) If the sender or recipient does not meet the obligations after the time limit as referred to in paragraph (1) is exceeded, the Operator of Railway Facilities may sell the goods by auction.
- (4) Sale of goods by auction as referred to in paragraph (3) shall be carried out in accordance with the law and regulation concerning auction.
- (5) Proceed of the auction as referred to in paragraph (4) shall be applied to fulfill obligation of the sender and/or recipient of goods.
- (6) In case the goods as referred to in paragraph (1) if they are dangerous or can disturb their storage, the goods must be destroyed.

#### **Article 162**

Goods not picked up after passing the specific time limit shall be declared free from ownership (unclaimed) goods and can be sold by auction in accordance the law and regulation or destroyed if they are dangerous or can disturb their storage.

#### **Article 163**

Further provisions concerning rights of operator of railway facilities shall be governed in Government Regulation.

### **Part Ten**

#### **Term for Application of Objection and Compensation**

#### **Article 164**

- 1) If the party receiving goods does not submit its objection when receiving goods from the Operator of Railway Facilities, the party receiving goods shall be considered to have received the goods in good conditions.

- 2) In the event of damage of goods when the goods are received, the recipient of goods may submit objection and request compensation not later than seven days as of the date on which the goods are received.
- 3) If no objection and request of compensation is submitted within the period as referred to in paragraph (2), the right to claim for compensation to the Operator of Railway Facilities shall become invalid.

#### **Article 165**

Further provisions concerning submission of objection and request of compensation as referred to in Article 164 shall be governed in Government Regulation.

### **CHAPTER XII**

#### **INSURANCE AND COMPENSATION**

#### **Article 166**

Operator of Railway Infrastructures shall insure its responsibility to the Operator of Railway Facilities and third party as referred to in Article 87.

#### **Article 167**

- (1) Operator of Railway Facilities shall insure its responsibility to user of service as referred to in Articles 157 and 158.
- (2) Amount of insurance at least shall be equal to amount of compensation given to user of service who suffers from losses as a result of train operation.

#### **Article 168**

Operator of Railway Facilities that does not insure its responsibility as referred to in Article 167 paragraph (1) shall be imposed with administrative sanction in the form of freeze of operation permit or revocation of operation permit.

#### **Article 169**

- (1) Operator of Railway Facilities shall insure the train crew.
- (2) Operator of Railway Facilities shall insure railway facilities.
- (3) Operator of Railway Facilities shall insure any losses suffered by any third party due to the train operation.

#### **Article 170**

Operator of Railway Infrastructures and Operator of Railway Facilities have the right to request compensation to party who causes any losses to railway infrastructures, railway facilities, and the workers employed.

#### **Article 171**

Further provisions concerning insurance and compensation of Operator of Railway Infrastructures and Operator of Railway Facilities to service user, train crew, third party, and railway facilities shall be governed in Government Regulation.

### **CHAPTER XIII PARTICIPATION OF SOCIETY**

#### **Article 172**

Society has the right:

- a. to give input to the Government, Operator of Railway Infrastructures, and Operator of Railway Facilities in the framework of development of railway operation and supervision;
- b. To receive railway operation service in accordance with minimum standard of service; and
- c. To receive information concerning railway master plan and railway service.

#### **Article 173**

Society shall participate in maintaining order, security, and safety of railway operation.

#### **Article 174**

Further provisions concerning participation of society shall be governed in Government Regulation.

### **CHAPTER XIV CHECK AND EXAMINATION OF TRAIN ACCIDENT**

#### **Article 175**

- (1) Government shall carry out check and examination on cause of any train accident.
- (2) Check and examination of train accident as referred to in paragraph (1) shall be carried out by a body established or assigned by the Government.
- (3) Result of the check and examination of causes of train accident as referred to in paragraph (2) made in the form of recommendation, shall be carried out by the Government, Operator of Railway Infrastructures, and Operator of Railway Facilities, and can be announced to public.

#### **Article 176**

- (1) Operator of Railway Infrastructures and/or Operator of Railway Facilities shall pay costs of check and examination of causes of train accident.
- (2) Costs of check and examination of causes of train accident as referred to in paragraph (1) shall be insured.



#### **Article 177**

Further provisions concerning check and examination of causes of train accident shall be governed in Government Regulation.

### **CHAPTER XV PROHIBITIONS**

#### **Article 178**

Anybody may not construct any building, build walls, fence, embankment and other construction, plant higher trees and place goods in railway lines either disturbing visibility or endangering the safety of train trip

#### **Article 179**

Anybody may not commit act which can cause, either directly or indirectly, displacement of land in railway line, hence disturbing or endangering train trip.

#### **Article 180**

Anybody may not commit any act causing loss damage, or commit an act causing damage and/or malfunction to the train infrastructures and facilities.

#### **Article 181**

(1) Anybody may not:

- a. be in the benefit space of rails;
- b. drag, move, place, or remove goods on the rails or cross railway lines; or
- c. use railway lines for other interests, unless for train transportation.

(2) The provisions of paragraph (1) shall not be applicable to railway officials who have letter of duty from Operator of Railway Infrastructures.

#### **Article 182**

Anybody may not carry out test of railway facilities in case:

- a. he does not have certificate of expertise for test of railway facilities;
- b. carries out test not in accordance with test procedure; and/or
- c. does not use test devices.

#### **Article 183**

(1) Anybody may not:

- a. be on the roof of train;
- b. be in the locomotive;
- c. be in the work room of train crew;
- d. be in the train car; or

- e. be in the part of train not provided for passengers.
- (2) Prohibition as referred to in paragraph (1) is not applicable to train crew who is performing duty and/or person who has received permit from Operator of Railway Facilities.

#### **Article 184**

Anybody may not sell train tickets outside the locations already specified by Operator of Railway Facilities.

#### **Article 185**

Operator of Railway Facilities may not assign train crew who does not have certificate of competency to operate railway facilities.

### **CHAPTER XVI INVESTIGATION**

#### **Article 186**

- (1) Certain Civil Servants whose of responsibility comprise railway sector can be granted a special authority as investigator as referred to in Law Number 8/1981 on Criminal Procedure Code to carry out investigation on violation against the provisions of this Law.
- (2) Civil Servants as referred to in paragraph (1) shall be authorized to:
  - a. carry out check on correctness of report, complaint or information on railway crime;
  - b. summon people for inquiry as witness and/or suspect associated with railway crime;
  - c. carry out search, sealing and/or confiscation of tools used for committing any crime;
  - d. carry out examination on the location on which a railway crime occurs and other locations suspected to have evidence of railway crime;
  - e. confiscate evidence of railway crime;
  - f. inquire information and evidence from people and/or legal entity associated with railway crime;
  - g. invite expert required in the railway crime investigation.
  - h. draw up and sign minutes of examination;
  - i. terminate the investigation if there is not adequate evidence of railway crime.
- (3) Civil Servant Official as referred to in paragraph (1) shall notify the start of investigation and submit the result of his investigation in accordance with the law and regulation.

### **CHAPTER XVII CRIMINAL PROVISIONS**

#### **Article 187**

- (1) Operator of Railway Infrastructures operating general railway infrastructures not in accordance with requirement of worthiness of operation of railway infrastructures as referred to in Article 20 causing train accidents and losses of assets or goods shall face a maximum penalty of one (1) year six (6) months in prison and fine up to Rp. 500,000,000.00 (five hundred million Rupiah).
- (2) If the act as referred to in paragraph (1) causes severe injury to persons, he shall face a maximum penalty of three (3) years and fine of up to Rp. 1,000,000,000.00 (one billion Rupiah).
- (3) If the act as referred to in paragraph (1) causes death to people, he shall face a maximum penalty of 6 (six) years in prison and fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

#### **Article 188**

Legal entity operating general railway infrastructures yet does not have business permit, construction permit, and operation permit as referred to in Article 24 paragraph (1) shall face a maximum penalty of 6 (six) years in prison and fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

#### **Article 189**

Operator of Railway Facilities operating general railway facilities yet does not meet requirement of worthiness of operation of railway facilities as referred to in Article 27 causing train accident and losses of assets or goods, shall face a maximum penalty of 1 (one) year 6 (six) months in prison and fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).

#### **Article 190**

Legal entity operating general railway facilities yet does not have business permit and operation permit as referred to in Article 32 paragraph (1) shall face a maximum penalty of 6 (six) years in prison and fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

#### **Article 191**

1. Operator of special train that does not have procurement permit or construction permit and operation permit as referred to in Article 33 paragraph (2) shall face a maximum penalty of 6 (six) years in prison and fine of up to Rp. 250,000,000.00 (two hundred fifty million Rupiah).
2. If the act as referred to in paragraph (1) causes train accident and losses of assets, he shall face a maximum penalty of 1 (one) year 6 (six) months in prison and fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).

### **Article 192**

Anybody constructing any building, building walls, fence, embankment and other construction, planting higher trees and placing goods in railway lines either disturbing visibility or endangering the safety of train trip as referred to in Article 178 shall face a maximum penalty of 1 (one) year in prison or fine of up to Rp. 100,000,000.00 (one hundred million Rupiah).

### **Article 193**

1. Anybody committing act which can cause, either directly or indirectly, displacement of land in railway line, hence disturbing or endangering train trip as referred to in Article 179 shall face a maximum penalty of 1 (one) year and/or fine of up to Rp. 250,000,000.00 (two hundred fifty million Rupiah).
2. If the act as referred to in paragraph (1) damages the railway infrastructures and/or railway facilities, he shall face a maximum penalty of 1 (one) year 6 (six) months and/or fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).
3. If the act as referred to in paragraph (1) causes death to people, he shall face a maximum penalty of 6 (six) years in prison and/or fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

### **Article 194**

Tester of railway infrastructures carrying out test to railway infrastructures not by using devices for test of railway infrastructures and/or carrying out test not in accordance with test procedure as referred to in Article 78 shall face a maximum penalty of 6 (six) years fine of up to Rp. 30,000,000.00 (thirty million rupiah).

### **Article 195**

Railway infrastructure officer operating Railway Infrastructures yet does not have certificate of competency as referred to in Article 80 paragraph (1) shall face maximum penalty of 1 (one) year.

### **Article 196**

Operator of Railway Infrastructures operating railway infrastructures by officer not having certificate of competency as referred to in Article 80 paragraph (1) shall face a maximum penalty of 1 (one) year and fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).

### **Article 197**

1. Anybody causing loss, damage, and/or committing an act causing damage or non functioning of railway infrastructures as referred to in Article 180 shall face a maximum penalty of 3 (three) years.

2. If the act as referred to in paragraph (1) causes accident and/or losses of assets, he shall face a maximum penalty of 5 (five) years.
3. If the act as referred to in paragraph (1) causes severe injury to people, he shall face a maximum penalty of 10 (ten) years.
4. If the act as referred to in paragraph (1) causes death to people, he shall face a maximum penalty of 15 (fifteen) years.

#### **Article 198**

1. Operator of Railway Infrastructures not placing prohibition sign clearly and completely in the space belonging to railway lines and in railway lines as referred to in Article 81 causing losses of assets shall face a maximum penalty of 1 (one) year and fine of up to Rp. 250,000,000.00 (two hundred fifty million Rupiah).
2. If the act as referred to in paragraph (1) causes severe injury to people, he shall face a maximum penalty of 2 (two) years in prison and fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).
3. If the act as referred to in paragraph (1) causes death to persons, he shall face a maximum penalty of 3 (three) years and fine of up to Rp. 1,000,000,000.00 (one billion Rupiah).

#### **Article 199**

Anybody being in the benefit space of rails, dragging goods on or crossing a railway line, without the right to use the railway line not for the interests of the train transportation, which may disturb any train trip as referred to in Article 181 shall face a maximum penalty of 3 (three) years or fine of up to Rp. 15,000,000.00 (fifteen million Rupiah).

#### **Article 200**

Owner of Railway Infrastructures that gives permit for construction of road, special railway lines, tunnels, water channels and/or other infrastructures which requires connection and crossing and/or overlap with general railway lines not in accordance with the provisions of Article 92 paragraph (1) shall face a maximum penalty of 4 (four) years and/or fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

#### **Article 201**

Anybody constructing road, special railway lines, tunnels, water channels and/or other infrastructures which causes or requires connection, crossing or overlap with the rails without any permit from owner of railway infrastructures as referred to in Article 92 paragraph (2) shall face a maximum penalty of 3 (three) years in prison and/or fine of up to Rp. 1,000,000,000.00 (one billion rupiah).

#### **Article 202**

Tester of railway facilities carrying out test to railway facilities not by using test devices and/or carrying out test not in accordance with test procedure as referred to in Article 108 causing train accident and losses of assets shall face a maximum penalty of 1 (one) year prison and/or fine of up to Rp. 60,000,000,00 (sixty million Rupiah).

#### **Article 203**

- (1) Train crew operating railway facilities yet not having certificate of competency as referred to in Article 116 paragraph (1) shall face a maximum penalty of 1 (one) year in prison.
- (2) If the act as referred to in paragraph (1) causes train accident and losses of assets, he shall face a maximum penalty of 2 (two) years.
- (3) If the act as referred to in paragraph (1) causes severe injury to people, he shall face a maximum penalty of 3 (three) years.
- (4) If the act as referred to in paragraph (1) causes death to people, he shall face a maximum penalty of 5 (five) years.

#### **Article 204**

Operator of Railway Facilities operating railway facilities with train crew who does not have certificate of competency as referred to in Article 116 paragraph (1), shall face a maximum penalty of 1 (one) year and fine of up to Rp. 250,000,000.00 (two hundred fifty million Rupiah).

#### **Article 205**

Train crew operating railway facilities without letter of instructions from Operator of Railway Facilities as referred to in Article 122 paragraph (2) shall face a maximum penalty of 1 (one) year or fine of up to Rp. 60,000,000.00 (sixty million Rupiah).

#### **Article 206**

- (1) Train crew operating train yet does not obey instructions of train trip controller, signals, or signs as referred to in Article 122 paragraphs (3) and (4) causing train accident and losses of assets, shall face a maximum penalty of 1 (one) year.
- (2) If the act as referred to in paragraph (1) causes severe injury to people, he shall face a maximum penalty of 2 (two) years.
- (3) If the act as referred to in paragraph (1) causes death to people, he shall face a maximum penalty of 5 (five) years.

#### **Article 207**

Anybody who without any right to enter the work room of train crew, be in the roof of train, be in the locomotive, and/or be in the train/car not provided for passengers as referred to in Article

183 paragraph (1) shall face a maximum penalty of 3 (three) years and/or fine of up to Rp. 15,000,000.00 (fifteen million Rupiah).

#### **Article 208**

Anybody selling train tickets outside the locations already specified by Operator of Railway Facilities as referred to in Article 184 shall face a maximum penalty of 6 (six) months.

#### **Article 209**

Operator of Railway Infrastructures not insuring its responsibility to Operator of Railway facilities, Railway Infrastructure Officer, and third party as referred to in Article 87 paragraph (1), shall face a maximum penalty of 1 (one) year and/or fine of up to Rp. 500,000,000.00 (five million Rupiah)

#### **Article 210**

- (1) The act as referred to in Article 189, Article 191, and Article 193 causing severe injury to people, shall be imposed with a maximum penalty of 3 (three) years in prison and fine of up to Rp. 1,000,000,000.00 (one billion Rupiah).
- (2) The acts as referred to in Article 189, Article 191, and Article 193 causing death to people, shall be imposed with a maximum penalty of 6 (six) years and fine of up to Rp. 2,000,000,000.00 (two billion Rupiah).

#### **Article 211**

Operator Of Railway Facilities not insuring its responsibility to User of Service, Train Crew, and third party as referred to in Article 167 paragraph (1) and Article 169 paragraphs (1) and (3), shall face a maximum penalty of 1 (one) year and/or fine of up to Rp. 500,000,000.00 (five hundred million Rupiah).

#### **Article 212**

Other than facing imprisonment and fine as referred to in Article 196, Article 204, and Article 211, victims may request compensation to Operator of Railway Infrastructures or Operator Of Railway Facilities which will be carried out based on the criminal procedure law.

#### **Article 213**

If the acts as referred to in Article 187, Article 188, Article 189, Article 190, Article 191, Article 196, Article 198, Article 200, Article 204, Article 209, and Article 211 are committed by a corporation, the corporation concerned shall face fine in amount as referred to in the foregoing Articles plus 1/3 (one third).

**CHAPTER XVIII**  
**TRANSITIONAL PROVISIONS**

**Article 214**

- (1) When this Law comes into force, legal entity already operating railway infrastructures and railway facilities shall still operate railway infrastructure and railway facilities based on this Law.
- (2) If within not later than 3 (three) years as of the date on which this Law comes in to force, operation of railway infrastructure and railway facilities carried out by the legal entity as referred to in paragraph (1) and operation of government-owned railway infrastructures shall be adapted to the provisions of this Law.

**CHAPTER XIX**  
**CLOSING PROVISION**

**Article 215**

When this Law comes into force, the enforcement regulations of Law Number 13 Year 1992 on Railway (Statute Book of 1992 No. 47; Supplement to Statute Book No. 3479)) is declared remain valid as long they are not in contradictory to or have not beer amended by this Law.

**Article 216**

The Government Relation as referred to in this Law shall be stipulated in not later than 1 (one) year as of the date on which this Law comes into force.

**Article 217**

From the date on which this Law comes in to force, Law Number 13 Year 1992 on Railway (Statute Book of 1992 Na. 47, Supplement to Statute Book No 3479) is hereby revoked and declared null and void.

**Article 218**

This Law comes into forcer as from the date in is promulgated.

For public cognizance, this Law is promulgated by placing it in the Statute Book of the Republic of Indonesia.

Established in Jakarta

Dated April 25, 2007

PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

H. SUSILO BAMBANG YUDHOYONO



Promulgated in Jakarta

on April 25, 2007

THE MINISTER OF JUSTICE AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA

signed

HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2007 NUMBER 65

**ELUCIDATION  
OF  
LAW NUMBER 23 OF 2007  
REGARDING  
RAILWAY**

**GENERAL**

Railway as one of transportation modes has special characteristics and advantages particularly in its capacity to transport both passengers and goods en mass energy efficient, efficient in use of space, has high security factor, and low pollution level and more efficient compared to the road and long distance transportation modes and for high density traffic area such as city transportation.

With the advantages and characteristics of railway, the role of railway needs to be enhanced to develop an integrated national transportation system, for this purpose the operation of railway starting from procurement, operation, maintenance, and management to properly be governed in order to materialize secure, safe, comfortable, fast, appropriate, orderly and efficient railway transportation integrated with other transportation modes hence finally creating harmony and balance of loads among transportation modes hence enhancing the procurement of transportation services for mobile transportation of people and goods.

The operation of railway has shown enhanced role which is important in supporting and encouraging economic activities, consolidating defense and security, expediting government activities, bolstering the unity and integration of the nation and enhancing international relation.

With the development of railway technology, and changes in strategic environment which is more competitive and cannot be separated from the global economic system focusing on the fair, free, and not discriminatory principle, hence it is deemed necessary to encourage the role of regional government and private to participate in the national railway development.

Since the enforceability of Law No. 13/1992 on Railway, the national railway condition that has monopolistic characteristics faces many problems, among other things, low railway contribution to the national transportation system, inadequate infrastructures and facilities, limited networks, limited financial capacity, high accident rate, and service level which is much lower than expectations.

By taking into account the above considerations, the role of government in railway development needs to be focused n development comprising of determining policies, regulations, control and supervision by engaging the role of community hence it is expected that railway oration can be pursued in efficient, effective, transparent and accountable ways.

By always relying on the meaning and essence contained in the preamble of the 1945 Constitution and by taking into account the strategic environmental development both nationally and internationally particularly in the railway sector, Law 13 year 1992 on Railway need to be replaced.

## ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

#### Letter a

benefit principle namely railway must bring about utmost benefits to humanity, enhancement in people's welfare and sustainable development of life to the Citizen.

#### Letter b

justice principle namely railway must give just and evenly-distributed services to all layers in the community at the costs affordable to the community and must give equal opportunity for doing business and equal protection to all parties involved in railway.

#### Letter c

principle of balance namely railway must be such applied hence there is a harmonious balance between facilities and infrastructures, between interests of users and of service provider, between needs and availability, between the interests of individual and of the community, and between the national and international interests.

#### Letter d

principle of public interests namely railway must prioritize more on interests of the community at large rather than interests of individual or group by taking into account safety, security, comfort, and order.

#### Letter e

principle of integrity namely railway must constitute united and complete, integrated, mutuality supporting and fulfilling, both inter hierarchies of railway structures, intra and inter modes of transportation.

#### Letter f

principle of independence namely railway must be based on trust on own capability and strength, capacity and potentials of local productions, and human resources with innovation and creativity in compliance with sovereignty, dignity, and personality of the nation.

Letter g

principle of transparency namely operation of railway must give an opportunity to the community at large to receive true, dear, and honest information so that the community has an opportunity to participate for the purpose of railway development.

Letter h

principle of accountability namely operation of railway must be based on measured performances, able to be evaluated, and accountable to the society.

Letter i

Principle of sustainability namely operation of railway must be sustainable, must be developing, and improving in line with technological advancement and must maintain environmental conservation in order to guarantee fulfillment of needs of the community.

Article 3

This provision in general contains an understanding that railway has the capacity to transport people and/or goods in big number or volume in every trip.

Safe means that train trip is avoided from any accident resulting from internal factors.

Secure means that train trip is avoided from any external factors, whether natural disturbance or disturbances caused by human.

Comfortable means the realization of tranquility and enjoyment for passengers during train trip.

Fast and smooth means that train trip in brief period of time and without any disturbances.

On schedule means realization of train trip in accordance with the scheduled time.

Orderly and regularly means the realization of train trip in accordance with schedule and trip regulation.

Efficient means that the operation of railway is capable of bringing about maximum benefits.

Article 4

Letter a

Normal-speed train means train with speed of less than 200 km/hour.

Letter b

High-speed train means train with speed of more than 200 km/hour.

Letter c

Monorail train means a train moving on 1 (one) rail.

Letter d

Linear induction motor train means train that uses linear induction motor power with stator on rails and rotor in railway facilities.

Letter e

Air powered train means train powered by air pressures.

Letter f

Magnetic levitation train means train powered by magnetic power hence when it moves there is no friction between railway facility and the rails.

Letter g

Train means train moving on rails which are part of a road piece.

Letter h

Hang train means train moving on steel ropes.

Article 5

Paragraph (1)

Letter a

General railway in this provision refers to railway to serve transportation of people and/or goods with payment collection.

Letter b

Special railway in this provision refers to the railway solely to support main activities of a legal entity, and not used for serving the general society.

Paragraph (2)

Letter a

City railway in this provision refers to railway serving movement of people in the city territory and/or round trip with range of services comprises of:

- a. the entire territory of city administration; and/or
- b. across the territory of city administration.

If the city railway is located in metropolitan territory, then it is called metro railway.

Letter b

Inter city railway in this provision refers to railway serving movement of people and/or goods from one city to another.

If inter city railway serves transportation of people and/or goods from one city to another city in other country, it is called inter state railway.

Paragraph (3)

Sufficiently clear.

## Article 6

### Paragraph (1)

Railway arrangement in this provision refers to hierarchy of territory on railway network that forms an integrated railway service system in a territory.

#### Letter a

National railway in this provision refers to railway arrangement serving transportation of people and/ or goods in more than one province.

#### Letter b

Provincial railway in this provision refers to railway arrangement serving transportation of people and/ or goods in more than one regency/city in a province.

#### Letter c

Regent/city railway in this provision refers to railway arrangement serving transportation of people and/or goods in a regency/city.

### Paragraph (2)

Sufficiently clear.

### Paragraph (3)

Railway system integrated with other modes of transportation in this provision refers to synergizing of modes of railway transportation with other transportation modes in order to materialize integrated network and to enable and smoothen service of transportation of people and/or goods.

## Article 7

### Paragraph (1)

Railway master plan in this provision refers to plan of development of railway infrastructure network, whether comprising of existing network of railway lines or network of railway lines to be constructed.

### Paragraph (2)

#### Letter a

The national railway master plan in this provision refers to the railway connecting inter-centers of national activities and between the center of national activities and the center of provincial activities.

#### Letter b

The provincial railway master plan in this provision refers to the railway connecting inter-centers of provincial activities and between the center of provincial activities and the center of regent/city activities.

#### Letter c

The regent/city railway master plan in this provision refers to the railway connecting inter-centers of regent/city activities.

## Article 8

### Paragraph (1)

#### Letter a

The national railway master plan in this provision refers to national spatial planning as set forth in Law on Spatial Arrangement.

#### Letter b

The master plan of other transportation modes in this provision refers to master plan of road, sea, and air transportation network.

### Paragraph (2)

The transportation structure in this provision refers to transportation levels comprising of national level, provincial level, and regent/city level.

### Paragraph (3)

Sufficiently clear.

## Article 9

### Paragraph (1)

#### Letter a

Sufficiently clear.

#### Letter b

The provincial spatial planning in this provision refers to provincial spatial planning as set forth in the Law on Spatial Arrangement.

#### Letter c

Sufficiently clear.

#### Letter d

Sufficiently clear.

### Paragraph (2)

Sufficiently clear.

### Paragraph (3)

Sufficiently clear.

## Article 10

### Paragraph (1)

#### Letter a and Letter b

Sufficiently clear.

#### Letter c

The regent spatial planning and city spatial planning in this provision refers to regent spatial planning and city spatial planning as set forth in the Law on Spatial Arrangement.

Letter d and Letter e

Sufficiently clear.

Paragraph (2) and Paragraph (3)

Sufficiently clear.

Article 11 and Article 12

Sufficiently clear.

Article 13

Paragraph (1)

Controlled by the state in this provision means having authority to regulate operation of railway and the implementation is carried out by the Government and/or Regional Government.

Paragraph (2)

Letter a

Regulation in this provision comprises of stipulation of general policy and technical policy, among other things, designation of norms, standards, guides, criteria, plans, and procedures.

Letter b

Control in this provision refers to giving of directives, guidance, supervision, training, licensing, certification and technical assistance in development and operation.

Letter c

Supervision in this provision refers to monitoring and evaluation of operation of railway so that it is in compliance with laws and regulation, and carrying out of corrective actions and law enforcement.

Paragraph (3) and Paragraph (4)

Sufficiently clear.

Article 14 up to Article 20

Sufficiently clear.

Article 21

Letter a

Standard of maintenance of railway infrastructures in this provision refers to system, procedure, and indicator of maintenance of railway infrastructures stipulated by the Government according to type of railway infrastructures.

Letter b



Sufficiently clear.

#### Article 22

Sufficiently clear.

#### Article 23

##### Paragraph (1)

Sufficiently clear.

##### Paragraph (2)

Government or Regional Government may operate railway infrastructures in this provision means that Government or Regional Government is given a mandate to operate railway infrastructure and the implementation is assigned to legal entity established for that purpose.

If operation of railway infrastructures is carried out by the Government or Regional Government who has economically been commercial in nature, operation of railway infrastructures is transferred to legal entity that has license for operating railway infrastructures.

#### Article 24 up to Article 30

Sufficiently clear.

#### Article 31

##### Paragraph (1)

Sufficiently dear.

##### Paragraph (2)

Government or Regional Government may operate railway facilities in this provision means that Government or Regional Government is given a mandate to operate railway facilities and the implementation is assigned to legal entity established for that purpose.

If operation of railway facilities is carried out by the Government or Regional Government who has economically been commercial in nature, operation of railway facilities is transferred to legal entity that has license for operating railway facilities.

#### Article 32 up to Article 36

Sufficiently dear.

#### Article 37

##### Paragraph (1)

Other supporting building in this provision refers to facility that supports smoothness and safety of train operation.

##### Paragraph (2).

#### Letter a and Letter b

Sufficiently clear.

Letter c

Rails on the ground surface in this provision refers to fly over rails and/or hang rails.

Article 38

Sufficiently clear.

Article 39

Paragraph (1)

Boundaries of benefit space for railway lines in this provision refers to a space used for construction of rails and operation facilities in accordance with type of lines, among other things, single lines, double lines, bridge, and tunnel.

Paragraph (2) and Paragraph (3)

Sufficiently clear.

Article 40 and Article 41

Sufficiently clear.

Article 42

Paragraph (1)

Space belonging to railway lines in this provision refers to space on the left and right sides of benefit space of railway lines with a width of at least 6 (six) meters.

Paragraph (2)

For other purposes in this provision refers to interests outside railway interests, among other things, gas pipe, oil pipe, and telephone cable.

Article 43 and Article 44

Sufficiently clear.

Article 45

Boundaries of control room for railway lines refers to space on the left and right sides of space belonging to railway lines with width of at least 9 (nine) meters.

Article 46 up to Article 53

Sufficiently clear.

Article 54

Paragraph (1)

Letter a up to Letter e

Sufficiently clear.

Letter f

Health facilities in this provision refers to health service in accordance with class of station.

Letter g

Public facilities in this provision refers to public service facilities, at least restroom, small room for performing religious duties, and restaurant.

Paragraph (2) up to Paragraph (4)

Sufficiently clear.

Article 55

Supporting business activities in this provision refers to business activities to support management of railway, among other things, shop, restaurant, office and hotel.

Article 56

Sufficiently clear.

Article 57

Paragraph (1)

Special services in this provision refers to service facilities provided by Operator of Railway Infrastructures other than standard service facilities.

Paragraph (2) and Paragraph (3)

Sufficiently dear.

Article 58

Sufficiently clear.

Article 59

Letter a

Signaling equipment in this provision refers to facility supporting operation that gives hints or signs in the form of color or light attributable to a certain meaning installed on a specified location.

Letter b and Letter c

Sufficiently clear.

Article 60

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Letter a

Signals in this provision refers to devices or tools used to convey instructions concerning train trip management by exhibiting and/or color Signals comprise of outdoor devices and indoor devices.

Letter b

Signs in this provision refers to signals that function to give reminder or instructions to officer who controls mobility of train facilities.

Letter c

Markings in this provision refers to signs in the form of pictures or letters that function as reminder or instructions concerning a specific condition on a certain location relating to train trip.

Article 61 up to Article 66

Sufficiently clear.

Article 67

Paragraph (1)

Meeting worthiness requirement in this provision refers to the condition of infrastructures being ready for operation and being technically safe to be operated.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

System requirement in this provision refers to condition that must be fulfilled for functioning of rails, bridge, tunnel, station, signaling, telecommunications, and power systems.

Component requirement in this provision refers to technical specification that must be fulfilled by each component as part of a system, for example, rail system comprises of rails, sleepers, ballast, and mooring devices.

Paragraph (4)

Sufficiently clear.

Article 68 up to Article 71

Sufficiently clear.

Article 72

Paragraph (1)

Schedule in this provision refers to an act of checking of worthiness of railway infrastructures in accordance with a specified schedule based on technical specification, rates of uses, and environmental condition of each railway infrastructure tested.

Paragraph (2) and Paragraph (3)

Sufficiently clear.

Article 73 up to Article 79

Sufficiently clear.

Article 80

Paragraph (1)

Officer in this provision comprises of, among other things, trip controller, railway infrastructure maintenance officer, railway guard.

Article 81 up to Article 86

Sufficiently clear.

Article 87

Paragraph (1)

Third party in this provision refers to parties other than Operator of Railway Facilities and service user.

Operation of railway infrastructures in this provision refers to activity relating to operation of railway infrastructures.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Accident suffered by third party, among other things, as a result of collapse of station building, collapse of railway bridge, and collapse of telecommunications tower.

Paragraph (4) and Paragraph (5)

Sufficiently clear.

Article 88

Letter a

Sufficiently clear.

Letter b

Force majeure refers to a situation beyond human control.

Article 89 and Article 90

Sufficiently clear.

Article 91

Paragraph (1)

Roads in this provision is as referred to in Law No. 38 Year 2004 on Road.

Not in the same section in this paragraph refers to location of railway lines that do not horizontally crossing with roads, but located above or under the roads.

Crossing between railway lines and roads in the same section before the date of stipulation of this Law should be made not in the same section gradually in accordance with capacity of Government and/or Regional Government.

Paragraph (2)

Sufficiently clear.

Article 92 up to Article 95

Sufficiently clear.

Article 96

Paragraph (1)

Letter a

Locomotive in this provision refers to railway facility that has self activating power that moves and is used to draw and/or push train, car, and/or facilities for special purposes, among other things, electricity locomotive and diesel locomotive.

Letter b

Train in this provision refers to railway facility drawn by locomotive or that has a self activating power used to transport people, among other things, electricity train, diesel train, dining train, baggage train, and generating train.

Letter c

Car in this provision refers to railway facility drawn by locomotive and is used to transport goods, among other things, flat car, closed car, open car, and tank car.

Letter d

Facilities for special purposes in this provision refers to railway facilities that are not used to transport passengers or goods, but for special purposes, among other things, inspection car (lorry), supporting car, crane, measuring car, car for rail maintenance.

Paragraph (2)

Sufficiently clear.

Article 97 up to Article 99

Sufficiently clear.

Article 100

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Letter a

Design of construction and engineering in this provision refers to test comprising of test of accuracy or compatibility between construction and physical components of railway facilities. The test comprises of frame, body, wheels, weight balance, and construction strength.

Letter b

Static test in this provision refers to test carried out to find out about condition of tools and performance capacity of railway facilities in static condition.

Letter c

Dynamic test in this provision refers to test carried out to find out about condition of tools and performance capacity of railway facilities in mobile condition.

Paragraph (3) and Paragraph (4)

Sufficiently clear.

Article 101 up to Article 109

Sufficiently clear.

Article 110

Paragraph (1)

Schedule in this provision refers to time specified for inspection of railway facilities based on manual and performed daily, monthly, six-monthly, and yearly.

Paragraph (2)

Sufficiently clear.

Article 111 up to Article 113

Sufficiently clear.

Article 114

Paragraph (1) up to Paragraph (4)

Sufficiently clear.

Paragraph (5)

State Railway Workshop in this provision refers to place of maintenance of railway facilities two-yearly or final semi maintenance (SPA), four-yearly maintenance or final maintenance (PA) and rehabilitation or modification.

Depo in this provision refers to place of maintenance of railway facilities daily, monthly six-monthly, and yearly.

Article 115 up to Article 117

Sufficiently clear.

Article 118

Paragraph (1)

Railway design in this provision refers to plan- fling, design, and technical calculation of material and component, simulation test, and making of prototype and model of railway facilities.

Engineering in this provision refers to improvement of capacity and change of function of railway facilities by innovation and modification in accordance with technical requirement, among other things, passenger train changed to baggage train and electricity/electric train changed to electric diesel train.

Paragraph (2)

Sufficiently clear.

Article 119

Sufficiently clear.

Article 120

Letter a

Block section in this provision refers to rails between two nearby signals.

Letter b

Article 121 up to Article 124

Sufficiently clear.

Article 125

Letter a

Take actions for smoothness and safety of traffic in this provision refers to stopping all trains in nearby station or limiting speed of train which is to pass the crossing.

Letter b up to Letter e

Sufficiently clear.

Letter f

Early investigation in this provision refers to inspection and examination to find and collect articles that can be used as proof of criminal act that causes train accident that can be carried out by civil servant granted an authority to carry out investigation in railway affairs fastly and in coordination with local police investigators.

Letter g

Sufficiently clear.

Article 126 up to Article 129

Sufficiently clear.

Article 130

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Certain conditions in this provision refers to:



- a. emergency;
- b. natural disaster; or
- c. number of passengers much higher than average number of passengers transported and train is not available at that time.

Paragraph (3)

Minimum requirements of passenger service facilities comprise of, among other things, seat, light, fan, and emergency restroom.

Article 131

Paragraph (1)

Special facilities in this provision may be in the form of construction of special roads in the station and special facility for getting onto train or room provided for placement of wheelchair or facilities for helping sick people which must be transported in sleep position.

Paragraph (2)

Sufficiently clear.

Article 132

Paragraph (1) and Paragraph (2)

Sufficiently clear.

Paragraph (3)

Ticket in this provision refers to evidence of payment made by service user in the form of sheet of paper, carton, or electronic ticket.

Article 133

Paragraph (1)

Letter a up to Letter c

Sufficiently clear.

Letter d

Announcement of schedule and tariff of transportation tariff to the community in this provision can be done in the station or in printed or electronic media.

Letter e

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 134

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Reporting time is 30 (thirty) minutes before departure.

Paragraph (3) and Paragraph (4)

Sufficiently clear.

Article 135

Sufficiently clear.

Article 136

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Taking of measures against any users of service who do not have tickets can be in the form of being penalized or being dropped off in nearby station.

Letter c

Keeping order to users of train service or people who disturb train trip can be carried out jointly with security apparatus.

Letter d

Sufficiently clear.

Paragraph (2)

Events endangering the safety, public order and public interests are, among other things:

- a. due to railway facilities, among other things, worthiness of operation of train is doubted; and
- b. not duet railway facilities example, railway lines slide down and threat of terror.

Article 137

Paragraph (1)

Minimum standard of service in this provision refers to service condition that must be fulfilled by operator of railway facilities stipulated by the Government.

Paragraph (2)

Sufficiently clear.

Article 138

Sufficiently clear.

Article 139

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Letter a

Sufficiently clear.

Letter b

Special goods refer to goods the nature and form of which must be treated in a specific way among other things:

- a. batch goods such as batch cement and coal,
- b. liquid goods such as fuel, basic of granular sugar,
- c. materials put on palette;
- d. glass sheets;
- e. transport of goods requiring cooling facilities;
- f. transport of living plants and animals;
- g. transport of vehicles.

Letter c

Hazardous and toxic materials in this provision refers to any materials or goods due to their specific nature and characteristics are dangerous to safety, human health, or health of other living creatures, and public order.

Letter d

Wastes of hazardous and toxic materials in this provision refers to those remain from any operation and/or activities which contain dangerous and or toxic materials which due to their nature and/or concentration and/or amount may, either directly or indirectly, contaminate or damage the environment, survival of human being and other living creatures.

Article 140 up to Article 146

Sufficiently clear.

Article 147

Paragraph (1)

Multimode transportation in this provision refers to transportation by using at least 2 (two) different modes of transportation, based on a contract of multi-mode transportation by using one document.

Paragraph (2) and Paragraph (3)

Sufficiently clear.

Article 148 up to Article 151

Sufficiently clear.

Article 152

Paragraph (1)

Sufficiently clear.

Paragraph (2)

If the community is deemed as not being able to pay the tariff stipulated by Operator of Railway Facilities, the Government or Regional Government stipulates tariff of economic-class transportation service which is a form of performance of Public Service Obligation and transportation functions to serve isolated and backward region in order to stimulate the economy of the region and is non commercial.

Letter a

Transportation in economic class service in this provision refers to transportation of passengers carried out by Operator of Railway Facilities in accordance with minimum standard of service.

Letter b

Transportation functions to serve isolated and backward region in order to stimulate the economy of the region and is non commercial in this provision refers to railway operation performed in a specified time to new regions or regions that have their existing railway lines in the framework of supporting of even distribution, growth, and national development stability, but commercial is not profitable.

Article 153

Paragraph (1)

Tariffs calculated by Operator of Railway Facilities in this provision refers to amount of tariffs calculated based on guides of stipulation of tariff.

Public Service Obligation in this provision refers to obligation of the government to provide train transport services to the community at reasonable tariff.

Paragraph (2)

Expenses expended by Operator of Railway Facilities in this provision refers to amount of expenses expended to operate railway facilities on lines for lines of transportation that functions to serve isolated and backward region in order to stimulate the economy of the region and is non commercial, calculated based on assumptions agreed by Operator of Railway Facilities and the Government or Regional Government.

Article 154

Paragraph (1)

Cost of use of railway infrastructures or which is called Track Access Charge (TAC) in this provision refers to cost that must be paid by Operator of Railway Facilities for use of railway infrastructures operated by Operator of Railway Infrastructures.

Paragraph (2)

Sufficiently clear.

Article 155 and Article 156

Sufficiently clear.

Article 157

Paragraph (1)

Responsibility in this provision refers to payment of compensation and cost of medical treatment to user of service who suffers from injury or compensation paid to user of service who dies.

Loss suffered by user of service borne by Operator of Railway Facilities is in the form of compensation for loss or damage of goods as a result of operation of train transport.

Paragraph (2)

The limit of time of responsibility of operator of railway facilities is fulfillment of obligation of operator of railway facilities for giving compensation, cost of medical treatment, and compensation paid to user of service who dies is within not later than 1 (one) months since the date of the loss, injury, or death.

User of service who suffers from loss, injury, and death of his members of family must notify Operator of Railway Facilities within not later than 12 (twelve) hours since date of incurrence of loss, injury, and death.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Injury or death of user of service not caused by train operation, for example, user of service suffers from injury or death in the train because of his illness or because of crime.

Article 158 up to Article 160

Sufficiently clear.

Article 161

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Place of storage provided by Operator of Rail-way Facilities may be in the form of train car, ware-house, and open spaces.

Cost of storage in this provision refers to, among other things, lease of train car, cost of unloading, cost of removal, cost of storage, and cost of lease of ware-house.

Paragraph (3)

Time limit in this provision refers to the provision set forth in transportation agreement.

Paragraph (4) up to Paragraph (6)

Sufficiently clear.

Article 163

Sufficiently clear.

Article 164

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Submission of objection in this provision refers to complaint about damage of goods accompanied with evidence of damage of goods and description of request of compensation and information on the value of the goods.

Paragraph (3)

Sufficiently clear.

Article 165 up to Article 169

Sufficiently clear.

Article 170

Losses in this provision refers to value of damage on railway infrastructures and railway facilities and injury and death of workers employed by Operator of Railway Infrastructures and Operator of Railway Facilities.

Request of compensation for damages on railway infrastructures and railway facilities and cost of medical treatment and compensation must be fulfilled by the party who causes the losses and injury and death.

Workers employed in this provision refers to employees of Operator of Railway Infrastructures or Operator of Railway Facilities in carrying out activities in railway infrastructure or railway facility sector.

Article 171 up to Article 174

Sufficiently clear.

Article 175

Paragraph (1)

Examination of causes of train accident in this provision refers to the one not in relation to investigation (law enforcement), but only to find out about causes of accident in the

framework of technology improvement and so that similar accident is not to happen again in the future.

If in the accident, there is an element of violation against the law, inspection is also carried out by investigator in the framework of law enforcement.

Paragraph (2) and Paragraph (3)

Sufficiently clear.

Article 176 and Article 177

Sufficiently clear.

Article 178

Visibility in this provision refers to visibility of locomotive engineer to see signaling equipment and condition of the rails.

Article 179 and Article 180

Sufficiently clear.

Article 181

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Drag in this provision refers to drawing or pushing goods without wheel and across railway lines.

Letter c

Other interests in this provision refers to use of railway lines not in accordance with their functions, among other things, selling goods, herding cattle, and drying goods in the sun.

Paragraph (2)

Letter of duty in this provision comprises of identity card or mark.

Article 182 up to Article 185

Sufficiently clear.

Article 186

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Investigation is carried out in accordance with the provisions of the laws in force, among other things, Article 7 paragraph (2) and Article 107 of Law No. 8/1981 on Criminal Procedural Law.

#### Article 187

##### Paragraph (1)

In this provision, the one who is imposed with penalty is director of Operator of Railway Infrastructures as a corporation. Directors, in this case, refers to persons who have functionary positions in the structure of organization of corporation acting for and on behalf of the corporation or for interest of the corporation, based on work relationship or based on other relationships within the scope of business of the corporation, whether individually or collectively.

##### Paragraph (2)

In this provision, severe injury refers to:

- illness or injury that can no longer be healed or that causes death;
- continuously not being able to perform duty, responsibility, or work;
- loss of one of the senses;
- severe disability;
- paralyzed;
- mind power is disturbed for more than 4 (four) weeks; and
- miscarriage or death of fetus.

##### Paragraph (2)

Sufficiently clear.

#### Article 188

In this provision, the one who is imposed with penalty is director of Legal Entity that operates general railway infrastructures as a corporation. Directors, in this case, refers to persons who have functionary positions in the structure of organization of corporation acting for and on behalf of the corporation or for interest of the corporation, based on work relationship or based on other relationships within the scope of business of the corporation, whether individually or collectively.

#### Article 189

In this provision the one who is imposed with penalty is director of Operator of Railway Facilities as a corporation. Directors, in this case, refers to persons who have functionary positions in the structure of organization of corporation acting for and on behalf of the corporation or for interest of the corporation, based on work relationship or based on other



relationships within the scope of business of the corporation, whether individually or collectively.

#### Article 190

See elucidation of Article 187

#### Article 191

##### Paragraph (1)

In this provision, the one who is imposed with penalty is director of Operator of Special Railway as a corporation. Directors, in this case, refers to persons who have functionary positions in the structure of organization of corporation acting for and on behalf of the corporation or for interest of the corporation, based on work relationship or based on other relationships within the scope of business of the corporation, whether individually or collectively.

##### Paragraph (2)

Sufficiently clear.

#### Article 192 up to Article 194

Sufficiently clear.

#### Article 195

What is meant as “operating” shall cover the operation, maintenance, management, supervision and inspection.

#### Article 196

See elucidation of Article 187 paragraph (1).

#### Article 197

Sufficiently clear.

#### Article 198

##### Paragraph (1)

See elucidation of Article 187 paragraph (1).

##### Paragraph (2)

Sufficiently clear.

##### Paragraph (3)

Sufficiently clear.

#### Articles 199 to 203

Sufficiently clear.

#### Article 204

See elucidation of Article 189.

Article 205

Sufficiently clear.

Article 206

Paragraph (1)

What is meant as “train crew” in this provision shall mean locomotive engineer and his assistant.

Paragraph (2)

See elucidation of Article 187 paragraph (2).

Paragraph (3)

Sufficiently clear.

Articles 207 to 208

Sufficiently clear.

Article 209

See elucidation of Article 187 paragraph (1).

Articles 210

Sufficiently clear.

Article 211

See elucidation of Article 189.

Articles 212 to 213

Sufficiently clear.

Article 214

Paragraph (1)

Sufficiently clear.

Paragraph (2)

The period of 3 (three) years in this provision is meant for adjustment in the operation of Railway by PT. Kereta Api Indonesia (Persero) upon Railway Infrastructure that belong to Government in the frame of providing opportunity to the Government in fixing the condition of PT. Kereta Api Indonesia (Persero) by taking the following steps:

- a. to conduct comprehensive audit upon PT. Kereta Api Indonesia (Persero);

- b. to conduct inventory assets of infrastructure and facilities of PT. Kereta Api Indonesia (Persero);
- c. to affirm status of public service obligation and pass time obligation on the holding of pension program for employees of PT. Kereta Api Indonesia (Persero), former Civil Servant of PJKA/Department of Transportation (Past Time Liability);
- d. to draw initial balance sheet of PT. Kereta Api Indonesia (Persero).

Articles 215 to 218

Sufficiently clear.

SUPPLEMENT OF STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 4722