

**THE REPUBLIC OF INDONESIA'S LAW
NUMBER 1 YEAR 2009**

ON

AVIATION

WITH THE BLESSING OF THE ONE AND ONLY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :**
- a. that the united country of the Republic of Indonesia is an archipelago country characterized with the unity of a variety of ethnics united within a fast sea-water and space boundary whereby its borders, rights, and sovereignty duly stipulated by the Laws;
 - b. that in the efforts to achieve national aims based upon Pancasila (5 Foundations) and the 1945 Constitution of the Republic Indonesia in realizing an Archipelago Perspective and consolidating national perseverance, it is imperative to have a national transportation system viable in supporting economic growth and territorial development, improving international relations, and strengthening national sovereignty;
 - c. that aviation is a part of national transportation system, which has the characteristics of being able to move in a short time, utilizes high technology, capital heavy, and outstanding management, and requires high level of safety and security, needs to develop its potentials and roles in order to realize an effective and efficient transportation system, and helps to create a solid and dynamic pattern of national distribution;
 - d. that the national and international strategic environment development demand the existence of aviation operations in line with technology and science development, participation of private sector and business competition, consumer protection, , international regulations adjusted to national interests, governance accountability, and regional autonomy;
 - e. that Law No. 15 of year 1992 on Aviation is considered inadequate and unsuitable to cope with current condition, strategic environment change, and requirements of aviation operation, therefore it needs to be replaced with a new law;
 - f. that based upon the above considerations as meant in items a, b, c, d, and e, a Law on Aviation needs to be established;

In view of : Article 5 item (1), Article 20 item (1), Article 25a, and Article 33 of the 1945 Constitution of the Republic of Indonesia;

With Mutual Agreement between
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
AND
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDED:

Enacting : THE LAW ON AVIATION

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Law, what is meant by the following terms is described as follows:

1. Aviation is one unit of system consisting of usage of space territory, aircrafts, airports, airlines, air transportation, flight navigation, safety and security, living environment, and other supporting and general facilities.
2. Space Territory is space sovereign territory above mainland and water territories of Indonesia.
3. Aircraft is any machinery or device able to fly in the atmosphere because of lifting power of air reaction, but exclusive of air reaction against the earth surface, and it is intentionally used for aviation.
4. Airplane is an aircraft heavier than the air, having fixed wings, and can fly with its own power.
5. Helicopter is an aircraft heavier than the air, having rotating wings with power-driven rotors.
6. Indonesian Aircraft is an aircraft registered in Indonesia and has an identity of the nation of Indonesia.
7. State Aircraft is an aircraft used by the Indonesian National Military, The Republic of Indonesia Police Force, Customs, and other government offices for execution of their functions and law enforcement and other duty in accordance with the rules and regulations.
8. Civil Aircraft is an aircraft used for commercial and non-commercial air transportation purposes.
9. Foreign Civil Aircraft is an aircraft used for commercial and non-commercial air transportation purposes owning registration and an identity of a foreign country.

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10. Airworthiness means compliance to requirements on design of aircraft type and in a safe condition for operation.
11. Pilot in Command is a pilot assigned by an airline or aircraft owner to lead a flight and is fully responsible for safety of the flight during the operation of aircraft in conformance with rules and regulations.
12. Flight personnel is certified personnel, assigned and responsible in aviation.
13. Aircraft Personnel is licensed or certified flight personnel, assigned and responsible during an aircraft operation.
14. Air transportation is any activity using an aircraft for transporting passengers, cargo, and/or post for one route or more from one airport to another airport or several airports;
15. Commercial Air Transportation is public air transportation by charging payments.
16. Non-commercial Air Transportation is an air transportation used for personal purposes aiming to support his/her/its business activities which core/main business is other than air transportation.
17. Domestic Air Transportation is a commercial air transportation activity serving air transportation from one airport to another within the territory of the Republic of Indonesia.
18. International Air Transportation is a commercial air transportation activity serving air transportation from one airport in the country to another airport outside the territory of the Republic of Indonesia and vice versa.
19. Pioneer Air Transportation is a domestic commercial air transportation activity serving flight route and network linking remote and underdeveloped regions not yet served by other modes of transportation and are not commercially benefiting or yielding any profit yet.
20. Flight route is the track of aircraft from airport of origin to airport of destination through already pre-determined airways.
21. Air Transportation Company is a business entity owned by the state, the region/province or an Indonesian legal entity in the shape of a limited private company or cooperative which main activity is to operate aircrafts for transportation of passengers, cargo, and post by charging fees/payments.
22. Aviation network is several flight routes as one unit of air transportation services.
23. Carrier Liability is the responsibility of air Transportation Company to pay indemnity for any loss suffered by any passenger and/or cargo shipper and the third party.
24. Cargo is any good transported by aircraft including animals and plants other than posts, supplies needed by the aircraft during flight, luggage or ownerless goods.
25. Checked-in Luggage is any passenger's luggage submitted by passenger of an aircraft to the carrier and to be transported by the same aircraft.

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26. Cabin baggage is any good/baggage carried by the passenger and under supervision of the passenger himself/herself.
27. Carrier is a commercial air transportation company, a non-commercial air transportation company license holder doing commercial air transportation activity based on the provisions of this law and/or any legal entity other than commercial air transportation entering into an agreement on commercial air transportation.
28. Ticket is a document in printed, electronic process or other shape serving as an agreement evidence of air transportation between a passenger with the carrier and stipulate the rights of passenger onboard the flight and to be carried by aircraft.
29. Airway Bill is a document in print through electronic process or other forms serving as an evidence of agreement of air shipment between a cargo shipper with the carrier and stipulated rights of the recipient of the cargo.
30. Air Transportation Agreement is an agreement between a transporter and a passenger and/or cargo shipper to transport the passenger and/or cargo by aircraft, with payment or other kind of service fee.
31. Delay is a circumstance where there is a difference of time between scheduled departure or arrival and the actual time of departure or arrival.
32. Airport Management is everything related to airport operation and other activities in implementing the functions of safety, security, smooth process, and discipline control of aircraft traffic, passengers, cargo and/posts, terminals for intra transfers and/or inter-mode transfers, and improvement of national and regional economic growth.
33. National Airport Structure is a national airport system illustrating airport planning based upon space plan, economic growth, territorial comparative advantages, natural and geographical conditions, and compatibility of intra and inter-mode transportations, environment, and coherence with other development sectors.
34. Airport is an area in the mainland and/or water face with certain borders being used as a site for landing and taking off of aircrafts, getting on and off of passengers, load and unloading of cargo/goods, and intra and inter-mode transfers of transportation, equipped with aviation safety and security facilities, and basic and other supporting facilities.
35. Public Airport is an airport used for serving the interests of the public.
36. Special Airport is an airport used only for serving own interests in supporting its main business activities.
37. Domestic Airport is an airport allocated to be an airport serving domestic flight routes.
38. International Airport is an airport allocated as international airport serving domestic flight routes and flights from and to foreign countries.
39. Hub Airport is an airport having a vast scope of services from various other airports, serving large number of passengers, and/or cargo and influencing the economic growth of the country or the economic development of various provinces.

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40. Spoke Airport is an airport having limited services scope and limited influence in economic development.
41. Air-base is a zone in the mainland and/or on water surface with certain borders within the Republic of Indonesia used for taking off and landing of airplanes for purposes of national defense by the Indonesian National Military.
42. Aviation Operation Area of an Airport is an area in the mainland and/or water surface used directly for airport activities.
43. Aviation Operation Safety Zone is land and/or water as well as space territory surrounding the airport used for aviation operation activities in the framework of guaranteeing aviation safety.
44. Airport Business Entity is a state-owned enterprise, regional-owned enterprise, or an Indonesian legal entity in the shape of a limited private company or cooperation specifically established to conduct airport operation for public services.
45. Airport Operation Unit is a government agency in the airport acting as an airport operator providing airport services for airports that have not been commercially managed.
46. Airport Authority is a government agency assigned by the Minister and has the authority to run and supervise the airport operator on its compliance to the rules and regulations on guaranteeing aviation safety, security and services.
47. Flight Navigation is a process to control the movement of airplanes from one point to another safely and smoothly avoiding aviation dangers and/or aviation hindrance.
48. *Aerodrome* is a zone/area in the mainland and/or water surface with definite borders used as a place for landing and taking off of airplane(s).
49. Aviation Safety is a condition meeting safety requirements of utilization air/space territory, aircrafts, airports, air transportation, flight navigation and supporting facilities and other general facilities.
50. Aviation Security is a condition providing protection to aviation against any violation of law(s) through integrated utilization of human resources, facilities and procedures.
51. License is an authorization letter given by an individual upon fulfillment of certain requirements to perform work in certain field for a certain period of time.
52. Certificate of competency is evidence that an individual has met the requirements of knowledge, expertise and qualifications in his/her field.
53. Central Government, thereafter called the Government, is the President of the Republic of Indonesia holding the governing authority in the country of Republic of Indonesia, as meant by the 1945 Constitution of the Republic of Indonesia;
54. Regional Government is the Governor of Province, Head of Kabupaten (Region), or a Mayor of Municipality/City, and regional apparatus as element(s) of regional government administrator;

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55. Minister is the minister having the duty and responsibilities in the field of aviation;
56. Anybody is either an individual or a corporation.

**CHAPTER II
FOUNDATIONS/BASES AND OBJECTIVES**

Article 2

Aviation shall be conducted based on the following foundations:

- a. benefits;
- b. collective endeavors and solidarity (family-ship);
- c. justice and equal distribution;
- d. equilibrium, harmony and conformity;
- e. public interests;
- f. integration;
- g. law enforcement;
- h. independency;
- i. transparency and anti-monopoly;
- j. living environmental perspective.
- k. state sovereignty;
- l. nationalism; and
- m. archipelago principle.

Article 3

Aviation is operated with the following objectives:

- a. realizing an aviation operation which is disciplined, well organized, safe, secured, comfortable, with reasonable price, and avoiding unhealthy practices of business competition;
- b. accelerating movement of people and/or goods through air by prioritizing and protecting air transportation in efforts to accelerate national economic activities;
- c. developing aerospace spiritualism;
- d. respecting state sovereignty;
- e. creating competitiveness by developing national air transportation technology and industry;

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- f. supporting, motivating, and boosting the achievement of national development objectives;
- g. strengthening unity and wholeness of the nation in the framework of creating an Archipelago Perspective;
- h. improving national perseverance; and
- i. tightening international relationship.

**CHAPTER III
SCOPE OF LAW VALIDITY**

Article 4

This Law is valid for:

- a. all utilization activities of air/space territory, flight navigation, aircrafts, airports, airbases, air transportation, aviation safety and security, and other related supporting and general facilities, including preservation of environment within the territory of the Republic of Indonesia;
- b. all foreign aircrafts conducting activities from and/or to the territory of the Republic of Indonesia; and
- c. all Indonesian aircrafts present outside the territory of the Republic of Indonesia;

**CHAPTER IV
SOVEREIGNTY OVER AIR/SPACE TERRITORY**

Article 5

The Republic of Indonesia has full and exclusive sovereignty over the air/space territory of the Republic of Indonesia.

Article 6

In the framework of implementation of state sovereignty over air/space territory of the Republic of Indonesia, the Government contemplates its authority and responsibilities on regulating air space for the interests of aviation, national economy, state defense and security, social cultures, and air environment.

Article 7

- (1) In the framework of implementation of the responsibilities as meant in Article 6, the Government stipulated prohibited and restricted areas for air space.
- (2) Indonesia's aircrafts or foreign aircrafts shall be prohibited flying through prohibited areas.

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- (3) The flying prohibition as meant in item (2) is of permanent and holistic nature.
- (4) The restricted areas as meant in item (1) may only be utilized for aviation of state aircrafts.

Article 8

- (1) Any aircraft violating the sovereign territory of the Republic of Indonesia as meant in article 5 shall be given a warning and order to leave the areas by aviation traffic control officer(s).
- (2) Any aircraft approaching and having entered the prohibited and restricted areas as meant in Article 7 items (2) and (4) shall be warned and ordered to leave the area concerned by the aviation traffic control officer(s).
- (3) The aviation traffic control officer(s) shall be obligated to give information on any aircraft violating the sovereign territory and prohibited and restricted areas as meant in items (1) and (2) to the government apparatus responsible for national defense.
- (4) In the case of non-compliance to the warning and order to leave as meant in items (1) and (2), enforcing action will be taken by state aircraft to force the violator(s) to leave the territory of the Republic of Indonesia or the prohibited and restricted areas, or to force the violator(s) to land on a stipulated airbase or airport within the territory of the Republic of Indonesia.
- (5) The crews, the aircraft and all loads of an aircraft violating the provisions as meant in items (1) and (2) shall be examined and interrogated in accordance with valid laws and regulations.

Article 9

Further provisions regarding violation of sovereign territory, stipulation of prohibited areas, restricted areas, execution of action against the aircraft(s) and crew(s), and the system and procedure of enforcing action by state aircraft(s) shall be regulated under Government Regulation(s).

CHAPTER V

SUPERVISION

Article 10

- (1) Aviation shall be controlled by the state and its supervision implemented by the Government.
- (2) Aviation Supervision as meant in item (1) consists of the following aspects namely regulatory, control, and over-sight.
- (3) Regulatory meant in item (2) covers stipulation of general and technical policies consisting of determination of norms, standard, guidelines, criteria, planning, and procedure including requirements on aviation safety, security and approval.
- (4) Control meant in item (2) includes provision of directives, guidelines, training, approval/permit, certification, and technical assistance in the fields of development/construction and operation.
- (5) Over-sight meant in item (2) includes monitoring/supervision activities on development/construction and operation so that it conforms to the laws and regulations including corrective measures and law enforcement.
- (6) Aviation supervision as meant in item (2) shall be conducted by paying attention to all living aspects of the people and shall be directed towards:
 - a. acceleration of mass movement of people and/or goods by air in a safe, secured, fast, smooth, neat and organized, comfortable, and effective manner with reasonable costs;
 - b. improvement of implementation of air transportation, airports, safety and security, and environmental protection as part of the whole integrated transportation modes by utilizing technology and science development;
 - c. development of strong national air fleet capacity supported by competent aircraft industry so that it is capable to meet demands on transportation, both within the country as well as from and to foreign countries;
 - d. development of competent and competitive national air transportation services supported by facilitation in funding, tax enlightenment, and strong aircraft industry so that it becomes self sustainable and competitive;
 - e. improvement of the airport role and capacity and aviation safety and security by guaranteeing availability of adequate flight routes and flight navigation in the framework of supporting air transportation;
 - f. creation of human resources having aviation spirit, professionalism, and ability to keep up with aviation operation demands; and
 - g. fulfillment of environmental protection provisions with efforts in prevention and mitigation of pollution caused by air transportation and airport activities, prevention of climate changes, and aviation safety and security.

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- (7) The supervision as meant in item (6) shall be executed in coordination and support of all agencies responsible in the field of aircraft industry, living environment, science and technology, and finance and banking.
- (8) The regional government implementing aviation supervision as meant in item (2) shall do so in accord with its authority.

Article 11

- (1) The supervision as meant in Article 10 item (2) shall be conducted by the Minister.
- (2) The supervision by the Minister as meant in item (1) shall be done by strengthening the institution responsible in aviation sector, at least through:
 - a. structuring the institutional structure;
 - b. improving the quantity and quality of human resources;
 - c. improving management of effective and efficient budget, and flexibility based on scale of priority;
 - d. improving the welfare of human resources;
 - e. imposing sanctions against government official and/or employee on any violation in implementing of this law; and
 - f. improving the safety, security, and aviation services.
- (3) The supervision as meant in item (2) may be delegated to unit(s) under the Minister.
- (4) Further provisions on the system and procedure of delegation as meant in item (3) shall be regulated under a Ministerial Regulation.

Article 12

- (1) The supervision as meant in Article 10 shall be implemented through coordination and synergy with the agency(ies) possessing the functions for policy formulation and granting of consideration in the field of aviation and outer-space.
- (2) Further provisions regarding supervision, agency, policy formulation function, and the function for granting consideration in the field of aviation and outer space, shall be regulated under a Government Regulation.

**CHAPTER VI
AIRCRAFT DESIGN AND PRODUCTION**

**Part One
Aircraft Conceptual Design**

Article 13

- (1) Any aircraft, any aircraft engine, and any airplane propeller to be produced and eligible for utilization must have a conceptual design.
- (2) The conceptual design of aircraft, aircraft engine, and airplane propeller as meant in item (1) must have an approval letter from the Minister after its airworthiness standard has been examined and tested.
- (3) The examination and testing as meant in item (2) must fulfill airworthiness standard requirements stipulated under provisions of the law and regulations.

Article 14

Every person conducting any activity on conceptual design of an aircraft, aircraft engine, and airplane propeller as meant in Article 13 shall be obligated to obtain an approval letter.

Article 15

- (1) In order to produce any aircraft, aircraft engine and airplane propeller to be made based on the conceptual design mentioned in Article 13, must possess a type certificate.
- (2) The type certificate meant in item (1) shall be given by the Minister after the applicant completes demonstration of compliance with the certification basis such as an examination on conformity to initial airworthiness standard and has passed the type certification test.

Article 16

- (1) Any aircraft, aircraft engine, and airplane propeller designed and produced abroad and imported into Indonesia, must obtain a type certificate validation from the Minister.
- (2) The certification of type validation as meant in item (1) shall be issued based upon bilateral agreement on airworthiness.
- (3) The certificate of type validation as meant in item (1) shall be issued after passing proper examination and testing.

Article 17

- (1) Any change(s) to the conceptual design of any aircraft, aircraft engine, and airplane propeller, having obtained the certificate of type as meant in Article 15, must obtain an approval letter from the Minister.
- (2) An approval on any change to the conceptual design as meant in item (1) shall be issued after an examination has been conducted on its conformity to the conceptual design and type test as meant in article 15 item (2).

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- (3) The approval on design blue-print change(s) as meant in item (1) shall be in the forms of:
- a. modification approval;
 - b. supplement to type certificate; or
 - c. amendment to type certificate.

Article 18

Further provision on the system and procedure of obtaining approval letter on conceptual design, design activities and change to aircraft design, type certificate, and type certificate validation shall be regulated under a Ministerial Regulation.

**Part Two
Aircraft Production**

Article 19

- (1) Every Indonesian legal entity conducting production and/or assembling activities of aircrafts, aircraft engines, and airplane propellers, must possess certificate of production.
- (2) In order to obtain production certificate as meant in item (1), the Indonesian legal entity must meet the following requirements:
 - a. possession of type certificate or production license for manufacture based on an agreement with other party(s);
 - b. production facilities and equipments;
 - c. organizational structure having at least production and quality control divisions;
 - d. competent production and quality control personnel;
 - e. quality control warranty system; and
 - f. product examination and production testing system.
- (3) The certificate of production as meant in item (1) shall be given after examination and testing are administered with a result of meeting the airworthiness standard.

Article 20

Further provision on the system and procedure of obtaining aircraft production certificate shall be regulated under a Ministerial Regulation.

Article 21

Certification process of aircraft, aircraft engines, and airplane propellers as meant in Articles 15, 16, 17, and 19 shall be implemented by a public service management institution.

Article 22

Certification process as meant in Article 21 shall be charged with payment/fee.

Article 23

Further provision on the public service management institution shall be regulated under a Ministerial Regulation.

**CHAPTER VII
REGISTRATION AND NATIONALITY OF AIRCRAFT**

Article 24

Every aircraft operated in Indonesia shall be obligated to have a registration marks.

Article 25

Civil aircraft that can be registered in Indonesia shall be given an Indonesian registration mark upon fulfilling the following requirements:

- a. not registered in other country; and
- b. owned by Indonesian citizen or Indonesian legal entity;
- c. owned by a foreign citizen or foreign legal entity and operated by an Indonesian citizen or Indonesian legal entity for a minimum utilization period of 2 (two) years continuously based on an agreement/contract;
- d. owned by government agency or regional government and the aircraft is not utilized for law enforcement mission; or
- e. owned by a foreign citizen or foreign legal entity whose aircraft is in possession of an Indonesian legal entity based on an agreement/contract subject to the law agreed upon by the parties for purposes of aircraft storage, hire/rental, and/or commerce.

Article 26

- (1) Registration of aircraft as meant in article 25 shall be submitted by the owner or holder of power of attorney with the following requirements:
 - a. showing proof of ownership or possession of the aircraft;
 - b. showing proof of de-registration or being not registered in another country;
 - c. meeting the requirement of aircraft age (hours and cycles) limit pre-determined by the Minister;
 - d. proof of aircraft insurance; and
 - e. proof of having met aircraft procurement requirements.
- (2) For aircraft meeting the requirements meant in item (1) a registration certificate shall be issued.

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- (3) The registration certificate as meant in item (2) shall be valid for 3 (three) years

Article 27

- (1) Any airplane, helicopter, passenger air balloon and airship having registration certificate of Indonesia shall be given Indonesian national identity.
- (2) The airplanes, helicopters, passenger air balloon and airships already possessing registration identity of Indonesia and Indonesian national identity shall be obligated to equip themselves with the national flag of the Republic of Indonesia.
- (3) Aircrafts other than airplanes, helicopters, passenger air balloon and airships may be exempted from requirement to have Indonesian national identity.
- (4) Anybody violating provision as meant in item (2) shall be imposed with administrative sanctions, as follows:
- a. warning; and/or
 - a. revocation of certificate

Article 28

- (1) Every person shall be prohibited to provide signatures or change identities as such as it obscures the registration marks, national identity, and flag of the aircraft(s).
- (2) Anybody obscuring the registration marks, national identity as meant in item (1) shall be imposed with administrative sanction, as follows:
- b. warning; and/or
 - c. revocation of certificate.

Article 29

Aircrafts having registration marks as meant in article 24 may have its registration revoked or cancelled, if:

- a. requested by the owner or an individual bearing a power or attorney under the following conditions;
 - 1) expiration of commercial rental agreement;
 - 2) termination of agreement as agreed upon by the parties;
 - 3) intention to relocate registration to another country;
 - 4) total damage of aircraft resulted from accident;
 - 5) aircraft is no longer utilized;
 - 6) aircraft is purposely damaged or demolished; or

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- 7) breach of contract (non-performance) by lessee of the aircraft without any Court's decision.
- b. inability in maintaining airworthiness certificate for 3 (three) consecutive years.

Article 30

Further provisions on the system and procedures of registration and de-registration of identity and Indonesian national identity, and the imposition of administrative sanctions shall be regulated under a Ministerial Regulation.

Article 31

Certification process for aircraft registration as meant in Article 26 item (2) and de-registration as meant in Article 29 shall be conducted by a public service management institution.

Article 32

Certification process for aircraft registration as meant in Article 31 shall be charged with payment.

Article 33

Further provisions on the public service management institution and the process and certification charges/fees shall be regulated under a Ministerial Regulation.

**CHAPTER VIII
AIRCRAFT AIRWORTHINESS AND OPERATION**

**Part One
Aircraft Airworthiness**

Article 34

- (1) Each aircraft operated shall be compelled to meet the requirements for airworthiness standard.
- (2) The aircraft having met the airworthiness standard as meant in item (1) shall be given a certificate of airworthiness by the Minister after passing an examination and test of airworthiness.

Article 35

The airworthiness certificate as meant in Article 34 shall consist of:

- a. standard airworthiness certificate, and
- b. specific airworthiness certificate.

Article 36

The standard airworthiness certificate is given for aircrafts under categories of transport, normal, utility, aerobatic, commuter aircrafts, helicopters under categories of normal and transport, and airships and passenger balloon.

Article 37

- (1) Standard airworthiness certificate as meant in Article 36) consists of:
 - a. an initial airworthiness certificate is given to an aircraft operated for the first time by anybody; and
 - b. a continuous airworthiness certificate is given to an aircraft after the initial airworthiness certificate has been given and when the aircraft will be operated continuously.
- (2) In order to obtain an initial airworthiness certificate as meant in item (1) point a, the aircraft shall have to:
 - a. possess valid certificate of registration;
 - b. pass through production process from designing, component manufacturing, component testing, assembling, quality controlling, and flight test that meets the requirements and according to the aircraft type category;
 - c. be examined and declared in conformation with the type certificate or type certificate validation or supplement certificate of validation of Indonesia; *and*
 - d. meet valid standard requirements for noise and gas emission.
- (3) In order to obtain continuous airworthiness certificate as meant in item (1) point b, the aircraft has to:
 - a. own valid registration certificate;
 - b. own valid airworthiness certificate;
 - c. undergo maintenance in accordance with stipulated maintenance standard;
 - d. already met airworthiness directive(s);
 - e. own a type certificate supplement when there is any improvement of aircraft capacity;
 - f. meet operational provisions; *and*
 - g. meet standard provisions on noise and gas emission.

Article 38

A specific airworthiness certificate shall be given to aircrafts with restricted utility, experimental utility, and specific aviation activities.

Article 39

Anybody violating the airworthiness standard as meant in Article 34 item (1) shall be imposed with administrative sanctions, as follows:

- a. warning

- b. freezing of certificate; and/or
- c. revocation of certificate

Article 40

Further provisions on the system and procedures of obtaining airworthiness certificates and the imposition of administrative sanctions shall be regulated under a Ministerial Regulation.

**Part Two
Aircraft Operation**

Article 41

- (1) Anybody operating an aircraft for air transportation activity shall be obligated to possess a certificate.
- (2) The certificate meant in item (1) consists of:
 - a. air operator certificate, extended to an Indonesian legal entity operating a civil aircraft for commercial transportation purpose; or
 - b. aircraft operating certificate, extended to an Indonesian individual or legal entity operating civil aircraft for non-commercial air transportation.
- (3) The certificate meant in item (2) shall be given by the Minister upon passing examination and testing, and the applicant demonstrates his/her capability to operate the aircraft.

Article 42

In order to obtain an air operator certificate as meant in Article 41 item (2) point a, an operator has to:

- a. own a commercial air transportation business permit;
- b. own and possess aircraft(s) in accordance with the business permit owned;
- c. own and/or possess competent aircraft personnel in a total number of adequate ratio to operate and to maintain aircrafts;
- d. own an organizational structure of minimum divisions of operation, maintenance, safety, and quality control assurance;
- e. own competent management personnel in an adequate number;
- f. own and/or possess aircraft operational facilities;
- g. own and/or possess adequate spare-part supplies;
- h. own a company operation manual and a company maintenance manual;
- i. own a standard operating procedure;
- j. own a standard aircraft maintenance procedure;

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- k. own educational facilities and a company training manual;
- l. own a company quality assurance manual for keeping up continuous operating and technical performance; *and*
- m. own a safety management system manual.

Article 43

In order to obtain an aircraft operating certificate as meant in Article 41 item (2) point b, an operator has to:

- a. owning a non-commercial air transportation activity permit;
- b. owning and possessing aircraft(s) in accordance with the activity permit owned;
- c. owning and/or possessing aircraft operational personnel and aircraft maintenance personnel;
- d. owning standard aircraft operating manual; *and*
- e. owning standard aircraft maintenance manual.

Article 44

Anybody violating the provisions as meant in Article 41 item (1) shall be imposed with administrative sanctions, as follows:

- a. warning;
- b. freezing of certificate; and/or
- c. revocation of certificate.

Article 45

Further provisions on the system and procedures of obtaining aircraft operator certificate or aircraft operating certificate and the imposition of administrative sanctions shall be regulated under a Ministerial Regulation.

Part Three Aircraft Maintenance

Article 46

- (1) Anybody operating aircraft(s) shall be obligated to perform maintenance on the aircraft(s) including the aircraft engines, airplane propellers, and the components for keeping up the competency and continues airworthiness.
- (2) In order to perform maintenance of aircraft, aircraft engines, airplane propellers and the components as meant in item (1), one must issue a maintenance program and shall be approved by the Minister.

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Article 47

- (1) The maintenance of aircrafts, aircraft engines, airplane propellers and the components as meant in article 46, may only be conducted by:
 - a. an air transportation company already owning air operator certificate;
 - b. a legal entity organization of aircraft maintenance already owning approved maintenance organization certificate; or
 - c. a maintenance expert personnel already possessing an aircraft maintenance engineer license.
- (2) The aircraft maintenance certificate as meant in item (1) points b and c, shall be granted by the Minister upon passing an examination and testing.

Article 48

In order to obtain an approved aircraft maintenance organization certificate as meant in article 47 item (1) point b, it must meet the following requirements:

- a. owning or possessing maintenance facilities and sustainable supporting equipments;
- b. owning or possessing competent personnel holder(s) of maintenance engineer certificate in accordance with their scope of works;
- c. owning company maintenance and inspection manuals;
- d. owning up-to-date maintenance manuals issued by the manufacturer in accord with the type of aircraft(s) being operated;
- e. owning quality assurance manuals to ensure and maintain sustainable performance of aircraft, engine, propeller and component maintenance;
- f. owning or possessing spare-parts to maintain competence and continues airworthiness; *and*
- g. owning manuals of safety management system.

Article 49

The aircraft maintenance organization certificate as meant in article 47 item (1) point b may be given to aircraft maintenance organization abroad upon possession of aircraft maintenance organization certificate issued by aviation authority from the country concerned.

Article 50

Anybody violating the provisions as meant in Article 47 item (1) shall be imposed with administrative sanctions, as follows:

- a. freezing of certificate; and/or
- b. revocation of certificate

Article 51

Further provisions on the procedures and issuance of aircraft maintenance organization certificate, maintenance engineer license, and the imposition of sanctions shall be regulated under a Ministerial Regulation.

Part Four
Safety and Security in Aircraft during Flight

Article 52

- (1) Each Indonesian or foreign civil aircraft arriving or departing from Indonesia may land or take-off from the airport(s) pre-determined for that purpose.
- (2) The provision as meant in item (1) shall not be valid during emergency circumstances.
- (3) Anybody violating the provisions as meant in item (1) shall be imposed with administrative sanctions, as follows:
 - a. warning;
 - b. freezing of certificate; and/or
 - c. revocation of certificate.

Article 53

- (1) Anybody shall be prohibited from operating and/or flying an aircraft that may endanger aircraft safety, endanger the safety of aircraft passengers, crews, and cargo, endanger the safety of third party, disturb public security and order; and/or damage other people's property(ies).
- (2) Anybody violating the provisions as meant in item (1) shall be imposed with administrative sanctions, as follows:
 - a. freezing of certificate; and/or
 - b. revocation of certificate

Article 54

Any person during flight on an aircraft shall be prohibited to:

- a. conducting behaviour that may endanger aviation safety and security;
- b. violating in-flight procedures;
- c. taking or damaging aircraft equipment that may threaten safety;
- d. conducting a-social behavior;
- e. disturbing peacefulness; and/or
- f. operating electronic devises that may disturb flight navigation.

Article 55

The aircraft pilot in command concerned shall have the authority to take action for purpose of ensuring safety, order, and security during flight.

Article 56

- (1) It shall be prohibited in-flight to place any passenger with disability to act on an emergency at seats near emergency exits of the aircraft.
- (2) Anybody violating the provisions as meant in item (1) shall be imposed with administrative sanctions, as follows:
 - a. warning;
 - b. freezing of certificate; and/or
 - c. revocation of certificate.

Article 57

Further provisions regarding safety and security in the aircraft during flight, the authority of Pilot in Command during flight, and imposition of administrative sanctions shall be regulated under a Ministerial Regulation.

**Part Five
Aircraft Personnel**

Article 58

- (1) Every personnel of an aircraft shall be compelled to own license or certificate of competency.
- (2) Aircraft personnel with direct involvement in operating an aircraft shall be obligated to possess legitimate and valid license.
- (3) License as meant in item (2) shall be issued by the Minister after the aircraft personnel concerned meet the following requirements:
 - a. administrative;
 - b. physically and mentally fit to fly;
 - c. holding certificate of competency in his/her field; and
 - d. declared passing professional tests
- (4) License as meant in item (3) shall be obtained through education and training organized by accredited institution.

Article 59

- (1) Aircraft personnel as a license holder shall be obligated to:
 - a. carry out his/her duty as stipulated in the assignment.
 - b. maintain his/her professionalism skill, and
 - c. undergo medical examination periodically.
- (2) Aircraft personnel violating the provisions as meant in item (1) shall be imposed with administrative sanctions, as follows:
 - a. warning;
 - b. freezing of license; and/or
 - c. revocation of license.

Article 60

Aircraft personnel license issued by another country can be accepted through endorsement process by the Minister.

Article 61

Further provisions regarding requirements, system and procedures to obtain license, or certificate of competency and the educational and training institution shall be regulated under a Ministerial Regulation.

Part Six

Insurance on Aircraft Operation

Article 62

- (1) Every person operating an aircraft shall be obligated to insure:
 - a. aircrafts being operated;
 - b. aircraft personnel being employed;
 - c. second party liability;
 - d. third party liability; and
 - e. investigation activities on any incident and/or accident of aircraft being operated.
- (2) Anybody violating the provisions as meant in item (1) shall be imposed with administrative sanctions, as follows:
 - a. warning;
 - b. freezing of certificate; and/or
 - c. revocation of certificate.

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- (3) Further provisions regarding insurance obligation for aircraft operation and imposition of administrative sanctions as meant in item (2) shall be regulated under a Ministerial Regulation.

**Part Seven
Aircraft Operation**

Article 63

- (1) Aircraft operation within the territory of the Republic of Indonesia may only be conducted using Indonesia aircrafts.
- (2) Under certain circumstances within limited period of time, operation of foreign aircraft within the territory may only be conducted upon authorization from the Minister.
- (3) Foreign civil aircraft may be operated by national air transportation company for flights from and to foreign countries upon securing international agreement.
- (4) Operation of foreign aircraft as meant in items (1) and (2) must meet airworthiness requirements.
- (5) Anybody violating the provisions as meant in items (1), (2), (3) and (4) shall be imposed with administrative sanctions, as follows:
- a. warning;
 - b. freezing of certificate; and/or
 - c. revocation of certificate.
- (6) Further provisions regarding civil aircraft operation and imposition of administrative sanctions as meant in item (5) shall be regulated under a Ministerial Regulation.

Article 64

The process of airworthiness certification, air operator certification, aircraft operation certification, aircraft maintenance organization certification and aircraft personnel licensing as meant in Article 34 item (2), Article 41 item (2), Articles 48, 49, and 58 shall be conducted by a public service management institution.

Article 65

The process of airworthiness certification, air operator certification, aircraft operation certification, aircraft maintenance organization certification and aircraft personnel licensing as meant in Article 64 shall be charged with payment/fee.

Article 66

Further provisions regarding public service management institution and the process and payment for certification shall be regulated under a Ministerial Regulation.

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**Part Eight
State Aircraft**

Article 67

- (1) Each state aircrafts manufactured and operated shall have to meet airworthiness standard.
- (2) State aircraft(s) as meant in item (1) shall be obligated to possess identity mark(s).

Article 68

In certain circumstances, the state aircrafts may be used for civil air transportation purposes and otherwise.

Article 69

Utilization of foreign state aircraft for air transportation activities from and to or through the territory of the Republic of Indonesia may only be contemplated upon approval/permit from the Government.

Article 70

Further provisions regarding state aircrafts shall be regulated under a Ministerial Regulation.

CHAPTER IX

INTERNATIONAL INTERESTS IN AIRCRAFT OBJECT

Article 71

An aircraft object may be borne with international interests arising as a result of security agreements, title reservation agreement, and/or leasing agreement.

Article 72

Any agreement as meant in Article 71 may be entered into based on the law of choice made by the parties to the agreement.

Article 73

In the case the agreement as meant in Article 71 is a subject under the Indonesian laws, the agreement must be drawn in an authentic deed containing, at the least:

- a. identities of all the parties;
- b. identity of the aircraft object; and
- c. the rights and obligations of the parties.

Article 74

- (1) A debtor may issue an authorization for deregistration request to the creditor for the purpose of applying for registration annulment and export

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on the airplane or helicopter already obtaining an Indonesian registration marks and Indonesian nationality.

- (2) The power of attorney of deregistration as meant in item (1) must be acknowledged and recorded by the Minister and may not be annulled without concurrence of the creditor.
- (3) The power of attorney of deregistration as meant in item (1) shall remain valid at the time the debtor declared default or in a condition of inability to pay debts (insolvent).
- (4) The creditor shall be the only party authorized to submit a request for annulment on the aircraft or helicopter registration in accordance with the terms in the authorization for deregistration request as meant in item (1).

Article 75

- (1) In the case the debtor breaches the contract, the creditor may submit a request to the Minister, according to the power of attorney of deregistration as meant in Article 74, to annul/cancel the registration and export of the airplane or helicopter.
- (2) Based on the creditor's request as meant in item (1), the Minister shall be obligated to annul/cancel the registration marks and nationality of the airplane or helicopter no later than 5 (five) working days after the request is received.

Article 76

The Minister and other government agencies shall have to assist and expedite any recovery attempt contemplated by any creditor based on an agreement as meant in Article 71.

Article 77

Creditor's rights and recovery attempt shall arise at the time of signing of the agreement by the parties.

Article 78

International interests, including every transfer and/or subordination of those interests, shall receive the priority status at the time of registration of the interests to the International registration office.

Article 79

- (1) In the case the debtor breaches the agreement, the creditor may obtain a decision from the state court for temporary action based on the agreement as meant in Article 71 without prior submission of law suit against the main case to enforce the claims in Indonesia and without having all parties undergoing mediation ordered by the court.
- (2) The court decision as meant in item (1) shall be implemented within the period stated in the declaration made by the Government regarding the stated convention and protocol.

Article 80

The court, curator, bankruptcy committee, and/or debtor must transfer the possession of aircraft object to the rightful creditor within the period stipulated by the Government.

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Article 81

Certain invoices shall have priority against other invoices from holders of international interests registered on an aircraft object.

Article 82

The provisions of the Convention on International Interests in Mobile Equipment and the Protocol to the Matters Specific to Aircraft Equipment, wherein Indonesia is a party to, shall have legal standing in Indonesian and shall become *lex specialis* in legal term.

**CHAPTER X
AIR TRANSPORTATION**

**Part One
Kinds of Air Transportation**

**Paragraph 1
Commercial Air Transportation**

Article 83

- (1) Air transportation activities shall consist of:
 - a. commercial air transportation; and
 - b. non-commercial air transportation
- (2) Commercial air transportation as meant in item (1) point a shall consist of:
 - a. domestic commercial air transportation; and
 - b. international commercial air transportation.
- (3) Commercial air transportation activities as meant in item (1) point a may be done with scheduled and/or non-scheduled by national and/or foreign air transportation entity for passenger and cargo shipment or freighter.

Article 84

Domestic commercial air transportation shall only be done by national air transportation entity that has already obtained business permit for commercial air transportation.

Article 85

- (1) Scheduled commercial air transportation in the country may only be operated by a national air transportation corporation that has already obtained business permit for scheduled commercial air transportation.
- (2) Scheduled commercial air transportation as meant in item (1) under certain circumstances and temporary in nature, may operate non-scheduled air transportation activities upon approval from the Minister.
- (3) The temporary non-scheduled commercial air transportation activities as meant in item (2) may be contemplated upon initiative of the Government agencies and/or upon request from a national air transportation entity.

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- (4) Non-scheduled commercial air transportation activities operated by a scheduled air transportation company as meant in item (2), may not disturb the services on the routes of its own responsibilities and on the routes still serviced by other scheduled commercial air transportation companies.

Article 86

- (1) An international scheduled commercial air transportation may be done by a national scheduled commercial air transportation company and/or a foreign scheduled air transportation company for the purposes of passenger and cargo shipment based on bilateral or multilateral agreement(s).
- (2) In the case of the foreign scheduled air transportation operation regulated under a multisectoral or multilateral agreement, its operation shall remain implemented by means of a bilateral agreement.
- (3) Bilateral or multilateral agreements meant in item (1) shall be made in accord with the law and regulations and shall consider national interests based on the principles of fairness and reciprocity
- (4) National scheduled commercial air transportation company as meant in item (1) must be a commercial air transportation company assigned by the Government of the Republic of Indonesia and obtained the approval of the foreign country concerned.
- (5) The foreign scheduled commercial air transportation company as meant in item (1) must be a commercial air transportation company appointed/assigned by the country concerned and has the approval from the Government of the Republic of Indonesia.

Article 87

- (1) In the case Indonesia enters into a plurilateral agreement on air transportation with a foreign country community organization, the implementation of the agreement shall be contemplated in accordance with the bilateral agreement between Indonesia and each country member of the community.
- (2) In the case Indonesia as a member of the country community organization enters into a plurilateral agreement on air transportation with another country community organization, the implementation of the agreement shall be contemplated in accordance with the provisions agreed upon in the agreement.

Article 88

- (1) National scheduled commercial air transportation company may contemplate collaboration of air transportation with other national scheduled commercial air transportation companies in domestic and international transportation services.
- (2) National scheduled commercial air transportation company may contemplate collaboration with a foreign air transportation company in international transportation services.

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Article 89

- (1) Any foreign scheduled commercial air transportation company specifically transporting cargo may unload and load cargo within the territory of Indonesia based on a bilateral or multilateral agreement and its implementation shall be conducted through mechanism duly binding all parties.
- (2) The bilateral or multilateral agreement as meant in item (1) shall be issued in accordance with provisions of the law and regulations and national interests shall be taken into consideration based on the principle of fairness and reciprocity.
- (3) The foreign scheduled commercial air transportation company specifically transporting cargo as meant in item (1) must be a commercial air transportation company appointed by the country concerned and obtained authorization from the Government of the Republic of Indonesia.

Article 90

- (1) Opening of air transportation markets toward open sky from and to Indonesia for foreign commercial air transportations shall be implemented in stages based upon bilateral or multilateral agreement and its implementation shall be carried out by mechanism duly binding all parties.
- (2) The bilateral or multilateral agreement as meant in item (1) shall be issued in accordance with the laws and regulations and by giving consideration to national interests based on the principles of fairness and reciprocity.

Article 91

- (1) Domestic non-scheduled commercial air transportation may only be conducted by a national company possessing a non-scheduled commercial air transportation business permit.
- (2) Domestic non-scheduled commercial air transportation as meant in item (1) shall be conducted based on the flight approval.
- (3) Under certain circumstances and temporary in nature, a domestic non-scheduled commercial air transportation company may undertake scheduled air transportation activities after obtaining an authorization/approval from the Minister.
- (4) The temporarily scheduled commercial air transportation as meant in item (3) may be initiated by a Government, Local Government agency and/or a national air transportation company.
- (5) The temporary scheduled commercial air transportation activities as meant in item (3) must not cause any disturbance to air transportation services on the routes still served by the other scheduled commercial air transportation company.

Article 92

Non-scheduled commercial air transportation activities may be in the form of:

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- a. affinity group;
- b. inclusive tour charter;
- c. own use charter;
- d. air taxi; or
- e. other non-scheduled commercial air transportation activities.

Article 93

- (1) Any international non-scheduled commercial air transportation activity undertaken by national commercial air transportation shall be obligated to obtain flight approval from the Minister
- (2) Any international non-scheduled commercial air transportation activity undertaken by a foreign commercial air transportation company shall be compelled to obtain flight approval from the Minister after getting prior clearance(s) from related minister(s) concerned.

Article 94

- (1) Any foreign non-scheduled commercial air transportation company serving flight routes to Indonesia shall be prohibited to transport passengers from Indonesian territory, except their own in bound traffic.
- (2) Any foreign non-scheduled commercial air transportation company violating the provisions as meant in item (1) shall be imposed with administrative sanction namely an administrative fine.
- (3) The system and procedures of administrative sanction imposition shall be stipulated under a Government Regulation regarding non-taxable state revenue.

Article 95

- (1) Foreign non-schedule commercial air transportation company specifically freighter, serving routes to Indonesia shall be prohibited to load cargo from Indonesian territory unless it is authorized by the Minister.
- (2) Foreign non-scheduled commercial air transportation company specialized in cargo shipment violating the provision as meant in item (1) shall be imposed with administrative sanction namely administrative fine.
- (3) The amount of administrative fine as meant in item (2) shall be stipulated under a Government Regulation on non-taxable state revenue.

Article 96

Further provisions regarding non-scheduled commercial air transportation, air transportation cooperation and the procedures of administrative sanction imposition shall be stipulated under a Ministerial Regulation.

Paragraph 2
Scheduled Commercial Air Transportation

Article 97

- (1) The services from scheduled commercial air transportation shall at least be categorized in:
 - a. full services;
 - b. medium services;
 - c. no frills.
- (2) The service as meant in item (1) point a is the maximum service that can be given to the passenger during flight in accord with the class of services.
- (3) The service as meant in item (1) point b is the modest services given to the passenger during flight.
- (4) The service as meant in item (1) point b is the minimum services given to the passenger during flight.
- (5) The scheduled commercial air transportation company in determination of service as meant in item (1) shall be obliged to inform the customer regarding the condition and specification of the service being provided.

Article 98

- (1) The scheduled commercial air transportation business entity providing services as meant in Article 97 item (1) points b and c shall be a business entity with low cost carrier basis.
- (2) Scheduled commercial air transportation business entity as meant in item (1) shall be obligated to meet aviation safety and security standard.

Article 99

- (1) Scheduled commercial air transportation company with low cost carrier basis as meant in Article 98 must submit a request for authorization to the Minister.
- (2) The minister shall enact a scheduled commercial air transportation business entity as meant in item (1) after fulfilling all stipulated requirements.
- (3) The scheduled commercial air transportation company as meant in item (2) shall periodically be evaluated.

Article 100

Further provisions on scheduled commercial air transportation entity shall be stipulated under a Ministerial Regulation.

Paragraph 3
Non-Commercial Air Transportation

Article 101

- (1) Non-commercial air transportation activities may be carried out by the government, regional government, certain organizations, individual, and/or other Indonesian legal entity.
- (2) Non-commercial air transportation activities are:
 - a. air transportation for aerial work;
 - b. air transportation for aircraft operation personnel activities; or
 - c. other non-commercial air transportation which main activity is not commercial air transportation business.

Article 102

- (1) Holders of air transportation permit shall be prohibited to conduct commercial air transportation activities, unless with a permit from the Minister.
- (2) The Minister's permit as meant in item (1) may be given to holders of non-commercial air transportation activities for purposes of passenger and goods transportation in certain region(s), by fulfilling certain requirements, and is temporary in nature.
- (3) Holders of non-commercial air transportation permit violating provision as meant in item (1) shall be imposed with administrative sanction, as follows:
 - a. warning;
 - b. freezing of permit; and/or
 - c. permit revocation.

Article 103

Further provisions regarding non-commercial air transportation activities, system and procedures of administration sanction imposition shall be stipulated under a Ministerial Regulation.

Part Four
Pioneer Air Transportation

Article 104

- (1) Pioneer air transportation must be operated by the Government, and its implementation shall be conducted by national commercial air transportation business entity based on an agreement with the Government.
- (2) In operating pioneer air transportation as meant in item (1), regional government must guarantee availability of land site, air transportation infrastructure, aviation safety and security, and other compensation.

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- (3) The pioneer air transportation shall be implemented integrally with other sectors based on regional development approach.
- (4) Pioneer air transportation shall be evaluated annually by the Government.
- (5) The evaluation result as meant in item (4) may change a pioneer air transportation route into commercial route.

Article 105

Under certain circumstances pioneer air transportation as meant in Article 104 point (1) may be implemented by a holder of non-commercial air transportation operation permit.

Article 106

- (1) The commercial air transportation business entity implementing pioneer air transportation activities as meant in Article 104 point (1) and the holder of non-commercial air transportation operation permit shall be given compensation to ensure sustainability of pioneer air transportation services on the routes and schedules stipulated.
- (2) The compensation as meant in item (1) shall be in the form:
 - a. provision of other route(s) outside the pioneer route(s) for regular commercial in order to support the pioneer air transportation activities;
 - b. financial assistance for air transportation operation; and/or
 - c. financial assistance for fuel transportation.
- (3) The operator of pioneer air transportation activity shall be imposed with administrative sanction namely disallowance of following the next year bidding in the case the operator does not conduct activities in accord to the on-going contract.

Article 107

Further provisions regards pioneer air transportation shall be stipulated under a Ministerial Regulation.

**Part Two
Air Transportation Permit**

**Paragraph 1
Commercial Air Transportation Permit**

Article 108

- (1) Commercial air transportation activities as meant in Article 83 item (1) point a shall be implemented by business entities in the field of national commercial air transportation.
- (2) The capital of the national commercial air transportation business as meant in Article 98 item (1), must be, entirely or in majority, owned by an Indonesian legal entity) or an Indonesian citizen.

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- (3) In the case the capital of the national commercial air transportation business entity owned by Indonesian legal entity(ies) or citizen(s) as meant in item (2) are divided, one of the national share holders must remain larger than any foreign share holder (*single majority*).

Article 109

- (1) To obtain a business permit, a commercial air transportation business entity as meant in 108, shall at least meet the following requirements:
- a. founding act (Establishment Deed) of Indonesian business entity whose business is in the field of scheduled or non-scheduled air transportation and is enacted by the Minister in charge;
 - b. Tax Identification Number (TIN);
 - c. domicile letter issued by the authorized agency;
 - d. approval letter from the agency responsible for capital investment sector if the company/individual concerned utilizes capital investment facility;
 - e. evidence of capital already deposited;
 - f. bank guarantee; and
 - g. business plan for the minimum period of 5 (five) years.
- (2) The documents as meant in item (1) points a, b, c, d, e, and f, shall be submitted in copies duly legalized by the issuing agency, and the originals shall be shown to the Minister.

Article 110

- (1) The business plan as meant in Article 109 item (1) point g, shall at least contain:
- a. the type and total number of aircraft(s) to be operated;
 - b. core plan of flight operation and flight routes for scheduled commercial air transportation company;
 - c. core plan of flight operation for non-scheduled commercial air transportation company;
 - d. marketing aspect in the form of potential air transportation market demand;
 - e. human resources consisting of management, technicians/engineers, aircraft crews;
 - f. preparedness and operational worthiness; and
 - g. economic and financial aspect analysis and evaluation;

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- (2) Determination and confirmation of main location of flight operation as meant in item (1) point b, shall be made by the Minister with, at least, the following consideration:
- a. national spatial planning;
 - b. economic growth; and
 - c. equilibrium of national flight network and routes.

Article 111

- (1) Any individual may be appointed as a director of a commercial air transportation business entity, after fulfilling the following requirements:
- a. possessing operational and managerial competence commercial air transportation business management;
 - b. certified passing the fit and proper test conducted by the Minister;
 - c. has never been involved in any criminal legal conviction determined a court order related to air transportation operation; and
 - d. during management of the individual the company has never been declared bankrupt in accordance with the law and regulations.
- (2) The requirements mentioned in item (1) shall not be applicable for managing director of any commercial air transportation business entity.

Article 112

- (1) Commercial air transportation business permit as meant in Article 108 item (1) shall be valid as long as the permit holder remain operating actual air transportation activities by continuously operating aircrafts in accordance with the permit granted.
- (2) The permit as meant in item (1) shall be evaluated annually.
- (3) The result of evaluation as meant in item (2) shall be used as consideration for allowing the holder to remain running its business activities.

Article 113

- (1) The commercial air transportation business permit as meant in Article 109 item (1) shall be prohibited to be transferred to another party before operating aircraft in actuality as described in the business permit given.
- (2) Transfer of commercial air transportation business permit may only be done after the permit holder runs the operation, and obtain the approval of the Minister.
- (3) Any holder of commercial air transportation permit violating the provision as meant in item (1) shall be imposed with administrative sanction namely, revocation of permit.

Article 114

Further provisions regarding the requirements, system and procedures of obtaining commercial air transportation permit and appointment of director of commercial air transportation company shall be stipulated under a Ministerial Regulation.

Paragraph 2

Non-Commercial Air Transportation Permit

Article 115

- (1) Non-commercial air transportation activities as meant in Article 83 item (1) point b shall be conducted after obtaining the Minister's approval/permit.
- (2) In order to obtain business permit for non-commercial air transportation activities conducted by the Government, regional government, Indonesian business entity, and certain organization(s) as meant in item (1), one shall have to possess:
 - a. clearance from the agency supervising the company's core activities;
 - b. founding/establishment act/deed of the business entity or the organization approved by the Minister in charge;
 - c. Tax Identification Number (TIN);
 - d. domicile letter for business site issued by the agency in charge; and
 - e. air transportation activity plan.
- (3) In order to obtain business permit for non-commercial air transportation undertaken by an individual, as meant in item (1), the individual must at least possess:
 - a. personal identity card issued by the authorized agency;
 - b. Tax Identification Number;
 - c. domicile letter of his/her business site issued by the authorized agency (agency in charge); and
 - d. air transportation activity plan.
- (4) The documents meant in item (1) points a, b, c, and d and item (2) points a, b and c shall be submitted in copies legalized by the issuance agency, and the original documents shall be shown to the Minister.
- (5) The activity plan as meant in item (2) point e and item (3) point d shall at least contain:
 - a. type and total number of aircrafts to be operated;
 - b. core activity of flight operation;
 - c. human resources consisting of technicians/engineers and aircraft crews; and
 - d. preparedness and worthiness of operation.

Article 116

- (1) The non-commercial air transportation business permit as meant in articles 115 shall be valid as long as the permit holder remain de-facto operating air transportation activities by continuously operating aircrafts.
- (2) The permit as meant in item (1) shall be evaluated every year.
- (3) The evaluation result as meant in item (2) shall be used as consideration of letting the holder maintain his/her/its business activities.

Article 117

Further provisions regarding the requirements, system and procedures of obtaining non-commercial air transportation permit shall be stipulated under a Ministerial Regulation.

Paragraph 3

Obligations of Air Transportation Permit Holders

Article 118

- (1) Holders of commercial air transportation business permit shall be obligated to:
 - a. perform air transportation activities in reality (de-facto) no later than 12 (twelve) months upon issuance of permit by at least operating the minimum number of aircraft owned and in possession in accordance with its business or activity scope;
 - b. own and possess certain total number of aircrafts;
 - c. fulfill the provisions of mandatory transport for shipment, civil passenger flight, and other provisions in accordance with the rules of law and regulations;
 - d. purchase shipment liability insurance with liability value equals to insurance coverage for regular commercial passenger air transportation proven by valid insurance policy;
 - e. serve potential passengers fairly without discrimination on ethnic, religion, race, inter-group, and economic and social strata;
 - f. submit monthly air transportation activity report, including delays and cancellation of flights, no later than on the 10th of the next month for each month to the Minister;
 - g. submit annual financial report duly audited by a registered public auditor firm which contains at the least, a balance sheet, profit and loss, cash flow, detailed expenditures, no later than the end of April of the next year of reporting year, to the Minister;
 - h. report any changes of management or ownership of commercial air transportation business entity, changes of domicile of commercial air transportation business entity and changes of aircraft ownership, to the Minister; and
 - i. fulfill stipulated services standard.

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- (2) The aircrafts of a certain total number as meant in item (1) character b, are stipulated as follows:
 - a. scheduled commercial air transportation shall own at least 5 (five) units of aircrafts and possess at least 5 (five) units of aircrafts of the type(s) suitable for supporting its business sustainability in accord with the routes served;
 - b. non-scheduled commercial air transportation shall at least own 1 (one) unit of aircraft and possess at least 2 (two) units of aircrafts of the type(s) suitable for supporting its business sustainability in accord with the operational areas to be served; and
 - c. commercial air transportation specifically for cargo transportation, shall own at least 1 (one) unit of aircraft and possess at least 2 (two) units of aircrafts of the type(s) suitable for supporting its business sustainability in accord with the routes and operational areas to be served.
- (3) Holders of non-commercial air transportation permit, implemented by the Government, regional government, business entity(s), and certain agency(s), shall be obligated to:
 - a. operate its aircraft no later than 12 (twelve) months after operational permit is issued;
 - b. comply to the law and regulations on civil aviation and other valid laws and regulations;
 - c. submit monthly air transportation activity report to the Minister no later then the 10th of the preceding month; and
 - d. report any changes of management, ownership of aircraft(s), and/or domicile of head/central office to the Minister.
- (4) Holders of non-commercial air transportation permit implemented by an individual shall be obligated to:
 - a. operate its aircraft no later than 12 (twelve) months after operational permit is issued;
 - b. comply to the law and regulations on civil aviation and other valid laws and regulations;
 - c. submit monthly air transportation activity report to the Minister no later then the 10th of the preceding month; and
 - d. report any changes of management, ownership of aircraft(s), and/or domicile of permit holder to the Minister.

Article 119

- (1) Any business permit holder of commercial and non-commercial air transportation who does not in actuality undertake air transportation activities by operating aircrafts for 12 (twelve) consecutive months as meant in Article 118 items (1) point a, (3) point a, and (4) point a, the business permit of commercial or non-commercial air transportation issued shall automatically become not valid.

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- (2) Any business permit holder of commercial and non commercial air transportation violating the provision as meant in Article 118 item (1) point c shall be imposed with administrative sanctions such as warning, and/or revocation of permit as well as fine.
- (3) Any business permit holder of commercial and non commercial air transportation violating the provision as meant in Article 118 item (1) point d shall be imposed with administrative sanctions such as warning, and/or revocation of permit.
- (4) Any business permit holder of non commercial air transportation violating the provision as meant in Article 118 items (3), and (4) point b shall be imposed with administrative sanctions such as warning, and/or revocation of permit.

Article 120

Further provisions regarding the obligations of air transportation permit holders, the requirements, system, and procedures of sanction imposition shall be stipulated under a Ministerial Regulation.

Article 121

- (1) Any national and foreign commercial air transportation business entities undertaking air transportation activities to and from the territory of Indonesia shall be obligated to submit *pre-arrival or pre-departure passenger's information*.
- (2) The passenger information/data as meant in item (1) shall have to be submitted prior to arrival or departure of the aircrafts and submitted to the authorized official at the airport of entry and departure in Indonesia.
- (3) The passenger data as meant in item (1) shall at least contain the information on:
 - a. full name of passenger as written in the passport;
 - b. sex;
 - c. nationality;
 - d. passport number;
 - e. date of birth;
 - f. origin and final destination of flight;
 - g. seat number; and
 - h. baggage tag number.

Part Three
Flight Network and Route

Article 122

- (1) Domestic flight network and routes for scheduled commercial air transportation shall be determined by the Minister.
- (2) International flight network and routes shall be determined by the Minister based on international air transportation agreement.

Article 123

- (1) The domestic flight network and routes as meant in Article 122 item (1) shall be determined, at least with the following considerations:
 - a. demand for air transportation services;
 - b. fulfillment of technical qualifications for flight operation and airport facilities;
 - c. airport facilities in conformance with aviation safety and security;
 - d. all regions having airports are served;
 - e. flight operation center of each air scheduled commercial transportation business entity; and
 - f. integration of domestic and international routes.
- (2) The international flight network and routes as meant in Article 122 item (2) shall be determined with, at least, the following considerations:
 - a. national interests;
 - b. demand for air transportation services;
 - c. tourism development;
 - d. industrial and trade potentials;
 - e. regional economic potential; and
 - f. intra- and inter-mode integration.

Article 124

- (1) Any national regular commercial air transportation business entity may submit a proposal for new domestic and/or international flight route to the Minister.
- (2) The Minister shall conduct an evaluation on the proposal and shall determine new flight route(s) as meant in item (1).

Article 125

Further provisions regarding the mechanism and procedures of determination and utilization of flight network and routes shall be stipulated under a Ministerial Regulation.

Part Four
T a r r i f

Article 126

- (1) The tariff of scheduled commercial air transportation shall consist of passenger transportation tariff and cargo shipment tariff.
- (2) The passenger transportation tariff as meant in item (1) shall consist of economy class and non-economy class tariff.
- (3) The passenger tariff for economy class as meant in item (2) shall be calculated based upon the following components:
 - a. distance tariff;
 - b. tax;
 - c. mandatory insurance premium; and
 - d. surcharge

Article 127

- (1) The result of calculation as meant in Article 126 item (3) shall become the passenger tariff ceiling for domestic economy class commercial air transportation.
- (2) Tariff ceiling of economy class passenger as meant in item (1) shall be stipulated by the Minister by taking into consideration the aspects of consumer protection and air transportation legal entity protection against unfair/unhealthy competition.
- (3) The scheduled commercial economy class passenger tariff stipulated by the Minister as meant in item (1) shall be made public to consumers.
- (4) Domestic commercial air transportation business entities shall be prohibited to selling economy tickets above the ceiling tariff stipulated by the Minister.
- (5) Any air transportation business entity violating the provisions as meant in item (4) shall be imposed with administrative sanction such as warning and/or flight route permit revocation.

Article 128

- (1) Passenger tariff for domestic non-economy services of scheduled commercial air transportation and domestic scheduled cargo shipment shall be based on market mechanism.
- (2) The tariff for domestic non-scheduled air transportation for passengers and cargo shall be determined based on the agreement between users and providers of transportation services.

Article 129

The tariff for international scheduled commercial air transportation for passengers and cargo shall be determined based on the results of bilateral and multilateral air transportation agreement.

Article 130

Further provisions regarding tariff for domestic scheduled commercial air transportation and pioneer air transportation and the system and procedures of administrative sanction imposition shall be stipulated under a Ministerial Regulation.

Part Five
Air Transportation Supporting Activities

Article 131

- (1) In order to support commercial air transportation activities, some business activities supporting air transportation may be carried out.
- (2) Any air transportation supporting activity as meant in item (1) shall have to obtain a permit from the Minister.

Article 132

In order to obtain the permit for air transportation supporting business as meant in Article 131 item (2), an entity shall have to fulfill the following requirements:

- a. company article of association deed of limited liability duly legalized by the minister in charge and one of its business activities shall deal in air transportation supporting field;
- b. taxi identification number (TIN);
- c. domicile letter issued by the authorized agency;
- d. approval letter from the Central or Regional Capital Investment Coordinating Board if using capital investment facility;
- e. capital deposit slip;
- f. bank guarantee; and
- g. technical worthiness.

Article 133

Further provisions regarding the requirements, system, and the procedures of processing permit for air transportation business activities shall be stipulated under a Ministerial Regulation.

Part Six
Air Transportation Services for Disabled, Old, Children, and/or Sick Passengers

Article 134

- (1) Disabled, old, children below age of 12 (twelve) years and/or sick/ill persons, shall have the rights to receive special services such as special treatment and facility from commercial air transportation business entities.

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- (2) Services such as special treatment and facilities as meant in item (1) shall consist of:
- a. provision of additional priority on seating;
 - b. availability of facilitation for getting on and off aircrafts;
 - c. availability of facilities for disabled people while onboard the aircraft;
 - d. aid facility for sick/ill persons;
 - e. availability of facilities for children while onboard the aircraft;
 - f. availability of personnel with ability to communicate with disabled, sick/ill, old people; and
 - g. availability guide-book on aviation safety and security for aircraft passengers and other facilities that are understandable to the disabled, elderly and sick/ill.
- (3) Provision of special treatment and facilities as meant in item (2) shall not be charged additional costs.

Article 135

Further provisions regarding services of special treatment and facilities shall be stipulated under a Ministerial Regulation.

**Part Seven
Specific and Dangerous Goods Transportation**

Article 136

- (1) Transportation of specific and dangerous goods must fulfill the requirements for aviation safety and security.
- (2) Specific goods as meant in item (1) shall cover goods that due to their characteristics, kinds, and sizes need specific handling.
- (3) Dangerous goods as meant in item (1) may be in the forms of liquid, solid/mass, or gas that may endanger health, life safety, properties, and aviation safety and security.
- (4) Dangerous goods as meant in item (2) shall be classified as follows:
 - a. *explosive*;
 - b. *compressed gases, liquefied or dissolved under pressure*;
 - c. *flammable liquids*;
 - d. *flammable solids*;
 - e. *oxidizing substances*;
 - f. *toxic and infectious substances*;
 - g. *radioactive material*;

- h. *corrosive substances*;
 - i. *liquids, aerosols, and gels* in certain amount; or
 - j. *other miscellaneous dangerous substances*.
- (5) Any commercial air transportation business entity violating the provision as meant in item (1) shall be imposed with administrative sanctions such as warning and/or permit revocation.

Article 137

Further provisions regarding the procedures and system of imposition of administrative sanctions as meant in Article 136 item (5) shall be stipulated under a Ministerial Regulation.

Article 138

- (1) Owner, expedition agent of aircraft cargo, or senders who transmit specific and/or dangerous goods shall be obligated to notify the warehouse management and/or air transportation business entity prior to loading of the goods into the aircraft.
- (2) Airport business entities, airport operator units, warehouse business entities, and commercial air transportation business entities dealing with transporting specific and/or dangerous goods shall be obligated to provide a storage or a warehouse and shall be responsible for formulating the system and procedures of handling specific and/or dangerous goods during the waiting period prior to the goods being loaded into the aircraft.
- (3) Owner, expedition agent of air cargo, or shipper, airport business entities, airport operator units, warehouse business entities, and commercial air transportation business entities violating the provisions of dangerous good transportation as meant in items (1) and (2) shall be imposed with administrative sanctions such as warning and/or permit revocation.

Article 139

Further provisions regarding the system and procedures of specific and dangerous goods transportation shall be stipulated under a Ministerial Regulation.

Part Eight Carrier Liability

Paragraph 1 Mandatory Transport

Article 140

- (1) Any commercial air transportation business entity shall be obligated to transport persons and/or cargo, and post upon transportation agreement has been entered into.

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- (2) The commercial air transportation business entity shall be obligated to provide adequate services to any user of air transportation services in accordance to the agreed transportation agreement.
- (3) The agreement as meant in item (1) shall be proven by passenger's ticket and cargo airway bill.

**Paragraph 2
Carrier Liability towards Passengers and/or Cargo Shippers**

Article 141

- (1) Any carrier shall be liable for indemnity for death of passengers, permanent defects, or injuries caused by incidents on board the aircraft and/or while getting on or off the aircraft.
- (2) If the loss as meant in item (1) incurred due to intentional action or fault of the carrier or any of its employees, the carrier shall be liable for damages incurred and shall not be able to use the provisions under this law to limit its *liability*.
- (3) Any beneficiary/next of kin of the victim or the victim suffered due to air transportation incident as meant in item (2) shall submit a law suit to the court in order to get additional compensation other than the pre-determined compensation for losses.

Article 142

- (1) Any carrier shall not be liable or may refuse to transport any sick passenger, except upon presentation of medical certification from a doctor addressed to the carrier stating that that person may be transported on an aircraft.
- (2) The passenger as meant in item (1) shall have to be accompanied by a doctor or a nurse responsible for the passenger and who is capable to assist him/her during flight.

Article 143

Any carrier shall not be liable for damages due to cabin baggage losses or damages, except when the passengers can prove that the loss is caused by action of the carrier or its employees.

Article 144

Any carrier shall be liable for any losses suffered by any passenger due to loss, destruction, or damage of any checked-in baggage as a result of air transportation activities while the checked-in baggage is under supervision of the carrier.

Article 145

Any carrier shall be liable for damages/losses suffered by any cargo shipper for losses, destruction, or damages of cargo caused by any air transportation activity while the cargo is under supervision of the carrier.

Article 146

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Any carrier shall be liable for losses incurred due to any delay of the transportation of passengers, baggage, or cargo, except when the carrier can prove that the delay is caused by weather and operational technical factor(s).

Article 147

- (1) Any carrier shall be liable for inability to transport passengers/cargo according to predetermined schedule due to airport capacity reason.
- (2) Liability as meant in item (1) shall be by providing compensation to passengers, as follows:
 - a. transfer to another flight without additional charges; and/or
 - b. provision of food consumption, accommodation, and transportation allowance if there is no other flight going to the destination.

Article 148

Liabilities of commercial air transportation business entity as meant in Article 141 up to Article 147, shall not be applicable for:

- a. post shipment;
- b. passenger and/or cargo shipment undertaken by state/national aircraft; and
- c. non-commercial air transportation.

Article 149

Further provisions regarding limitation on air transportation delays shall be stipulated under a Ministerial Regulation.

Paragraph 3

Transportation documents for Passengers, Baggage and Cargo

Article 150

Air transportation document shall consist of:

- a. aircraft passenger ticket;
- b. *boarding pass*;
- c. *baggage identification/claim tag*; and
- d. *airway bill*;

Article 151

- (1) Carriers shall be obligated to provide tickets to individual or collective passengers.
- (2) The passenger ticket as meant in item (1) shall, at least, contain:
 - a. number, place and date of issuance;
 - b. name of the passenger and name of carrier;
 - c. place, date, and time of departure and destination;

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- d. flight number;
 - e. landing places planned between place of departure and destination, if any; and
 - f. statement that the carrier shall comply with the provisions under this law.
- (3) The one eligible to use a passenger's ticket is the person whose name is written on the ticket and shall be proven by a legal identity document.
- (4) In the case a ticket is not filled in with information as meant in item (2) or is not given by the carrier, and then the carrier shall not be entitled to use any provision of this law to limit its liabilities.

Article 152

- (1) Carrier shall be obligated to provide boarding passes to passengers as meant in Article 150 point b.
- (2) The aircraft boarding pass as meant in item (1), shall at least contain:
- a. name of passenger;
 - b. flight route;
 - c. flight number;
 - d. date and time of departure;
 - e. seat number;
 - f. boarding room and boarding gate number; and
 - g. *boarding time*.

Article 153

- (1) Carriers shall be obligated to provide baggage tag(s) as meant in Article 150 point c to the passenger(s).
- (2) The baggage tag as meant in item (1) shall at least contain:
- a. number of baggage tag;
 - b. code of departure and destination; and
 - c. baggage weight.
- (3) In the case of baggage tag is not filled in with information as meant in item (2), is lost, or is not provided by the carrier, the carrier shall not be entitled to use provisions of this law to limit its liabilities.

Article 154

Passenger tickets and baggage tags may be put together in one air transportation document.

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Article 155

- (1) Airway bill as meant in Article 150 point d shall have to be issued by the cargo shipper.
- (2) The airway bill as meant in item (1) shall at least contain:
 - a. date and place of issue of the airway bill;
 - b. place of departure and destination;
 - c. name and address of the first (initial) carrier;
 - d. name and address of the cargo shipper;
 - e. name and address of the cargo beneficiary;
 - f. amount, packaging system, outstanding marks, or existing cargo number;
 - g. amount, weight, measurement, or size of cargo;
 - h. type and kind of cargo shipped; and
 - i. statement that the cargo transportation follows the provisions of this law.
- (3) Submission of airway bill by a shipper to the carrier shall be the proof that the cargo has been received by the carrier in the condition stated in the airway bill.
- (4) In the case the airway bill is not filled in properly with information as meant in item (2) or is not submitted to the carrier, the carrier shall not be entitled to use the provisions under this law to limit its liabilities.

Article 156

- (1) Airway bill shall have to be written in at least three originals to be handed-over at the time the carrier receives the goods to be shipped.
- (2) Commercial air transportation business entity shall be obligated to sign airway bill before the goods are loaded into the aircraft.

Article 157

Airway bill may not be for sale or be made a guarantee to another person and/or another party.

Article 158

Carriers shall be obligated to give priority to cargo of urgent documents and cargo containing easily damaged and/or perishable goods.

Article 159

In the case cargo shipper states in writing the actual value of the cargo, the carrier and the cargo shipper may enter into a special agreement for easily damaged and/or perishable goods by exempting the amount of compensation from liability stipulated under this law.

Article 160

Carrier and cargo shipper may agree upon specific requirements for cargo shipment that:

- a. has a higher value compared to the amount of indemnity stipulated under the provisions of this Law; and/or
- b. needs special treatment or handling and must be accompanied by special agreement with additional fee for insurance of the cargo.

Article 161

- (1) Shipper shall be liable for truthfulness of airway bill contents.
- (2) Cargo shipper shall be responsible for completeness of other documentation required by the government agency concerned and shall submit it to the carrier.
- (3) Shipper shall be liable for damages suffered by the commercial air transportation business entity or other parties as a result of untruthfulness of airway bill made by the shipper.

Article 162

- (1) Carrier shall be obligated to immediately notify cargo beneficiary at the first chance of cargo arrival and immediate pick up.
- (2) Any costs incurred resulted from lateness or negligence of the cargo beneficiary in picking up the cargo at the determined time shall be the responsibility of the cargo beneficiary.

Article 163

In the case a cargo has not been given to its beneficiary, the shipper may ask the commercial air transportation business entity to give the cargo to another beneficiary or to ship the cargo back to the shipper, and all costs shall be the responsibility of the shipper.

Article 164

- (1) In the case the cargo beneficiary, after timely notice according to agreed due time, does not pick up the cargo, all cost incurred shall be the responsibility of the cargo beneficiary.
- (2) For cargo that has passed the due time mentioned in item (1), the commercial air transportation business entity shall have the right to sell the cargo and the proceedings shall be used to pay for expenses incurred due to the fact the cargo is not picked up by the beneficiary.
- (3) Sale of cargo as meant in item (2) shall be done in the quickest and most appropriate manner, and with reasonable price.
- (4) The proceedings of sale as meant in item (1) shall be given to those entitled to receive it after deducting expenses disbursed by the carrier as long as they can prove the expenses.

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- (5) The cargo beneficiary shall not be entitled to claim compensation for the loss as a result of the sale as meant in item (1).

**Paragraph 4
Amount of Indemnity**

Article 165

- (1) The amount of indemnity for each passenger who died, permanently disabled, bodily injured as meant in Article 141 item (1) shall be stipulated under a Ministerial Regulation.
- (2) The amount of indemnity as meant in item (1) is the amount of compensation given by the commercial air transportation business entity outside the indemnity paid by insurance company as stipulated by the Government.

Article 166

Any carrier and any passenger may enter into a specific agreement to determine a higher amount of compensation than the amount as meant in Article 165 item (1).

Article 167

The amount of compensation for cabin baggage as meant in Article 143 shall be determined to the maximum actual loss suffered by the passenger.

Article 168

- (1) The amount of compensation for each checked-in baggage and cargo as meant in Articles 144 and 145 shall be further stipulated under a Ministerial Regulation.
- (2) The amount of compensation for partial or total damages or loss of checked-in baggage as meant in Article 144 or cargo as meant in Article 145 shall be calculated based on the weight of the lost, destroyed, or damaged baggage being checked-in or cargo being shipped.
- (3) If the partial damage or loss as meant in item (1) causes the whole baggage or cargo becomes useless, the carrier shall be liable for the entire weight of that useless baggage or cargo.

Article 169

Any carrier and any passenger may enter into a specific agreement to determine a higher amount of compensation than the amount as meant in Article 168 item (1).

Article 170

The amount of compensation for every delay as meant in Article 146 shall be further stipulated under a Ministerial Regulation.

Article 171

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In the case an employee or business partner acting on behalf of the carrier is sued to pay compensation for losses resulted from any action taken outside his/her authority limitation, it shall become the concerned employee's responsibility in accordance with provisions of the rules of law and regulations.

Article 172

- (1) The amount of compensation as meant in Articles 165, 168, and 170 shall be evaluated at least once a year by the Minister.
- (2) The evaluation as meant in item (1) shall be based upon:
 - a. reasonable living standard of Indonesian people;
 - b. perpetuity of air transportation company;
 - c. cumulative inflation rate;
 - d. income per capita; and
 - e. average life expectancy.
- (3) Based on the evaluation meant in item (1), changes may be made on the amount of compensation, after considering recommendation and inputs from the minister in charge of financial sector.
- (4) Further provisions regarding the amount of compensation meant in item (1) shall be stipulated under a Ministerial Regulation.

Paragraph 5

Parties Entitled to Receive Compensation

Article 173

- (1) In the case a passenger dies, as meant in Article 141 item (1), the beneficiary/next of kin of that passenger shall be entitled to receive the compensation in accordance with the provisions of laws and regulations.
- (2) In the case there is no beneficiary to receive the compensation as meant in item (1), the commercial air transportation business entity shall give the compensation to the state after deducting costs of funeral in accordance with the provisions of laws and regulations.

Paragraph 6

Due Date/Period of Claim Application

Article 174

- (1) Any claim for damages of any checked-in baggage shall have to submit at the time the baggage is picked-up/claimed by the passenger.
- (2) Any claim of delay or baggage being not received must be submitted at the time the checked-in baggage should be been pick-up by the passenger.
- (3) A checked-in baggage is pronounced lost after 14 (fourteen) calendar days from the date of landing at the place of destination.

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- (4) Any claim on lost checked-in baggage(s) shall be submitted after the 14 (fourteen) calendar days as meant in item (3) has been passed.

Article 175

- (1) Any claim on cargo damage(s) shall have to be submitted at the time the cargo is claimed/picked-up by the cargo beneficiary.
- (2) Any claim on delay(s) or cargo not received shall have to be submitted at the time the cargo is supposedly picked-up by the cargo beneficiary.
- (3) A cargo is pronounced lost after 14 (fourteen) calendar days from the date of landing at the place of destination.
- (4) Claim for lost cargo shall be submitted after the period of 14 (fourteen) calendar days as meant in item (3) has been passed.

**Paragraph 7
Law Suit**

Article 176

The passengers, owners of baggage, and/or cargo shippers and/or passengers' beneficiaries, suffering losses as regulation under Articles 141, 143, 144, 145, and 173 may file a law suit against the carrier at the state court within the territory of Indonesia using Indonesia laws.

Article 177

The right to file law suit for damages suffered by a passenger or shipper against the carrier shall be declared expired after a period of 2 (two) years from the date the cargo and the baggage should have arrived at the place of destination.

**Paragraph 8
Statement of Possible Death of Passengers of Lost Aircraft
Article 178**

- (1) Passengers who are in a lost aircraft, shall be considered dead, if within 3 (three) months after the date the aircraft is supposed to land at the final destination there is no news of the passengers concerned, without any court decision being needed
- (2) The rights to receive compensation may be claimed after a period of 3 (three) months has been passed as meant in item (1).

**Paragraph 9
Mandatory Insurance**

Article 179

Carriers shall be obligated to insure their liabilities towards passengers and cargo they are transporting as meant in Articles 141, 143, 144, 145 and 146.

Article 180

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The amount of insurance indemnity value as meant in Article 179 shall be at least the same as the amount of compensation stipulated in Articles 165, 168, and 170.

Paragraph 10

**Liabilities of Air Transportation by Several Consecutive Carriers
Article 181**

- (1) Transportation that is carried out by several air transportation companies consecutively shall be considered as one transportation, in the case it is agreed upon as one air transportation by the parties either under individual liability or collective liability.
- (2) In the case there is no agreement entered into by the parties concerned, damages suffered by the passenger(s), shipper(s), and/or cargo beneficiaries shall be the liability of the carrier issuing the transportation document.

Paragraph 11

Liability of Intermodal Transportation

Article 182

- (1) Any carrier shall only be liable for damages incurred on the air transportation in the case transportation is undertaken through intermodal transportation.
- (2) In the case of intermodal transportation as meant in item (1), all carrier parties shall use 1 (one) transportation document and liability shall be borne by the party issuing the document.

Paragraph 12

Liabilities of Other Carriers

Article 183

Liabilities of carriers as meant in Articles 141, 143, 144, 145, and 146 shall also be applied to air transportation conducted by other carriers other than the carrier that entered into the transportation agreement.

Paragraph 13

Liability of Carrier towards a Third Party

Article 184

- (1) Anybody who is operating an aircraft shall be responsible for damages/loss suffered by a third party as a result of the aircraft operation, aircraft accident, or falling down of other objects from the aircraft being operated.
- (2) The compensation/indemnity on damages/loss suffered by a third party as meant in item (1) shall be given in accordance with the actual damages/loss suffered.
- (3) Further provisions regarding calculation of the amount of indemnity/compensation, requirements, and procedure of claiming compensation shall be stipulated under a Ministerial Regulation.

Article 185

Any carrier may claim a third party causing the damages/loss suffered by the passengers, shippers, or cargo beneficiaries that are the carrier's liability.

**Paragraph 14
Special Requirements**

Article 186

- (1) Any carrier shall be prohibited to enter into an agreement or impose a special requirement that eliminates the carrier's liability or determines a limit of compensation lower than that regulated under this law.
- (2) Further provisions regarding carrier's liability shall be stipulated under a Ministerial Regulation.

**Part Nine
Multimode Transportation**

Article 187

- (1) Air transportation may become part of multimode transportation carried out by a multimode transportation business entity.
- (2) Air transportation activity in multimode transportation shall be implemented based on an agreement between the air transportation business entity and the multimode transportation business entity, and/or other mode business entities.

Article 188

Multimode transportation shall be operated by a business entity already obtaining authorization/approval the Minister to operate multimode transportation.

Article 189

- (1) Business entity as meant in Article 188 shall be liable for goods shipped since they receive them until the goods are handed-over to the goods recipient.
- (2) The multimode transportation liability as meant in item (1) shall cover losses or damages incurred on goods and delay of good transmittal.
- (3) The liability as meant in item (1) may be exempted in the case the multimode business entity or its agent can prove that operation has been conducted according to the procedure of prevention of loss, damage and delay in transmitting the goods.
- (4) Liability of multimode transportation business entity as meant in item (1) shall be limited in nature.

Article 190

Multimode transportation business entity shall be obligated to insure its liability.

Article 191

Further provisions regarding multimode transportation shall be stipulated under a Ministerial Regulation.

**CHAPTER XI
AIRPORTS**

**Part One
General**

Article 192

Airports consist of:

- a. public airports, hereafter shall be called airport; and
- b. specific airports

**Part Two
Structure of National Airports**

Article 193

- (1) National airport structure shall be created in the framework of having a competent, integrated, efficient and globally competitive airport, in order to support national and regional development with the Archipelago Perspective as its base.
- (2) The national airport structure as meant in item (1) shall become the national airport planning system which illustrates interdependence, interrelation, and synergy among all elements such as natural resources, human resources, geography, economic potential, and security & defense in the framework of achieving national objectives.
- (3) The national airport structure as meant in item (1) shall contain:
 - a. the roles, functions, utilization, hierarchy, and classification of airports; and
 - b. national airport master plan.

Article 194

Airports shall have the following roles:

- a. as a hub of transportation network in accord with its hierarchy;
- b. as an entrance of economic activities;
- c. as a place for transportation mode transfers;
- d. as a booster and supporter of industrial and/or trading activities;
- e. as an opener of isolation of regions, border regional development, and disaster management; and

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- f. as an infrastructure strengthening the Archipelago Perspective and sovereignty of the country.

Article 195

An airport shall function as a place for the following operations of:

- a. governance; and/or
- b. entrepreneurship.

Article 196

Utilization of airports shall consist of international airports and domestic airports.

Article 197

- (1) Airport hierarchy shall consist of hub airports and spoke airport.
- (2) Hub airports as meant in item (1), by services scale, shall consist of primary, secondary and tertiary hub airports.
- (3) Spoke airports as meant in item (1) shall consist of airports of destination or supporters of hub airports and shall become one of the infrastructures supporting local services activities.

Article 198

Classification of airports shall consist of several classes of airports determined based upon airport service capacity and airport operational activities.

Article 199

- (1) The national airport master plan as meant in Article 193 item (3) point b shall become the guideline for determining the location, master plan formulation, construction, operation and development of airports.
- (2) The national airport master plan as meant in item (1) shall be formulated with the following considerations:
 - a. national spatial plan, provincial spatial plan, regional/municipal spatial plan;
 - b. regional social economic potentials and growth;
 - c. natural resources potentials;
 - d. national as well as international strategic environmental growth;
 - e. national transportation system;
 - f. intermode and multimode integration; and
 - g. the role of airports.
- (3) The national airport master plan shall contain:

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- a. national airport policies; and
- b. airport location plan and its utilization, hierarchy, and airport classification.

Article 200

- (1) The Minister shall determine the national airport structure as meant in Article 193 for a period of 20 (twenty) years.
- (2) The structure of national airports as meant in item (1) shall be reviewed 1 time (once) in 5 (five) years.
- (3) In the case there is changes of strategic environmental conditions, the national airport structure may be reviewed more than 1 time (once) in 5 (five) years.
- (4) Further provisions regarding the mechanism and procedures of airport structure determination shall be stipulated under a Ministerial Regulation.

**Part Three
Determination of Airport Location**

Article 201

- (1) Airport location shall be determined by the Minister.
- (2) Determination of airport location as meant in item (1) shall contain:
 - a. airport coordinate points; and
 - b. airport master plan.
- (3) Determination of airport location as meant in item (1) shall be made by taking the following into consideration:
 - a. national airport master plan;
 - b. aviation safety and security;
 - c. harmony and equilibrium with local culture and other related activities in the airport location;
 - d. feasibility of economic, financial, social, regional development, construction technicality and operational aspects; and
 - e. environmental feasibility.

Article 202

The airport master plan as meant in Article 201 item (2) point b shall at least contain:

- a. the projected demands on passenger and cargo transportation services;
- b. the needs for facilities;

- c. the facility site plan;
- d. the phases of construction works;
- e. the needs and utilization of land space;
- f. working environment areas;
- g. interest environment areas;
- h. aviation operational safety zone; and
- i. noise limit/zone border.

Article 203

- (1) The working environment areas of airport as meant in Article 202 point f shall be the areas possessed by the airport business entity or airport operation unit, which will be utilized for construction works, development and facility operation of the airport.
- (2) Within pre-determined working environment areas of airport, a land and/or water surface utilization right may be given in accordance with the provisions of the laws.

Article 204

- (1) For air transportation services a city check-in counter may be determined outside the working environment of an airport by the Minister.
- (2) The city check in counter as meant in item (1) shall be an inseparable part of the airport working environment areas and shall have to observe aviation security aspects.

Article 205

- (1) The airport interest environment areas as meant in Article 202 point g shall be the areas outside the airport working environment areas that are used to ensure aviation safety and security, and smooth accessibility for passengers and cargo.
- (2) Utilization of airport interest environment areas shall have to done upon approval from the Minister.

Article 206

The airport operational safety zone as meant in Article 202 point h shall consist of:

- a. approach and take-off zone
- b. accident vulnerable zone;
- c. underneath transitional surface zone;
- d. underneath inner horizontal surface zone;
- e. underneath conical surface zone; and

- f. underneath outer horizontal surface zone.

Article 207

The noise limit/border zone as meant in Article 202 point i shall be a certain zone surrounding the airport that may be affected by the aircraft engine sound wave, consisting of:

- a. Level I noise;
- b. Level II noise; and
- c. Level III noise.

Article 208

- (1) Any works of construction, renovation, or preservation of building, and planting or tending plants in aviation operational safety zone shall be prohibited to exceed the height limit of aviation operational safety zone.
- (2) Exception to the provision of constructing, renovating, or preserving buildings as meant in item (1) shall have to be approved by the Minister, and shall have to fulfill the following conditions:
 - a. it has to be a facility absolutely required for aviation operation;
 - b. fulfilling specific aeronautical analysis; and
 - c. in accord with technical aviation operational safety requirements.
- (3) Information on buildings exceeding the limit as meant in item (2) shall have to given through aeronautical information service.

Article 209

The limits for working environment area, interest environment area, aviation operational safety zone, and noise limit zone as meant in Article 202 points f, g, h, and i shall be determined by geographical coordinates.

Article 210

Anybody shall be prohibited being in certain areas in the airport, from making any obstacle, and or other activities in aviation operational safety zone that may endanger aviation safety and security, unless with prior authorization from the airport authority.

Article 211

- (1) In order to ensure aviation and airport development safety and security, the regional government shall be obligated to control the airport interest environment areas.
- (2) In order to control airport interest environment areas as meant in item (1), the regional government shall be obligated to determine detailed spatial plan of areas surrounding the airport by observing the airport master plan and national airport master plan.

Article 212

In accord with its authority, the Government and/or regional government shall guarantee accessibility and availability of utility and supporting services for the airport.

Article 213

Further provisions regarding the mechanism and procedures of determining airport location and supporting services location outside the airport working environment areas shall be stipulated under a Ministerial Regulation.

Part Four
Airport Construction

Article 214

As a building construction with specific functions, any construction works of an airport shall be compelled to observe aviation safety and security requirements, airport service quality requirements, environmental preservation requirements and intermode and multimode integration requirements.

Article 215

- (1) The Government shall determine on airport construction permit after coordination with the regional government.
- (2) The airport construction/building permit as meant in item (1) shall be issued upon fulfillment of the following requirements:
 - a. evidence of land ownership and/or possession;
 - b. recommendation given by interrelated agencies on utilities and accessibility for airport operation;
 - c. evidence of airport location approval;
 - d. detailed technical proposal of basic airport facilities; and
 - e. environmental preservation.

Article 216

Further provisions regarding construction of airport shall be stipulated under a Government Regulation.

Part Five
Airport Operation

Paragraph 1
Airport Operational Certificate

Article 217

- (1) Any airport to be operated shall be compelled to fulfill aviation safety and security provisions, and airport services provisions.
- (2) For airports already meeting aviation safety provisions, the Minister shall give:
 - a. airport certificate – for airports serving aircrafts of a capacity of more than 30 (thirty) seats or a maximum weight during take-off of more than 5,700 (five thousand seven hundred) kilograms; or
 - b. airport registration – for airports serving aircrafts of a maximum capacity of 30 (thirty) seats or a maximum weight during take-off of 5,700 (five thousand seven hundred) kilograms.
- (3) Airport certificate as meant in item (2) point a, shall be given to any airport possessing an aerodrome manual and fulfillment of the following technical requirements/conditions of:
 - a. personnel;
 - b. facilities;
 - c. airport operational procedures; and
 - d. airport operational safety management system.
- (4) Airport registration as meant in item (2) point b shall be given to any airport possessing an aerodrome manual and fulfillment of the following technical requirements/conditions of:
 - a. personnel;
 - b. facilities; and
 - c. airport operational procedures.
- (5) Anybody operating an airport without fulfillment of airport services provision as meant in item (1) shall be imposed with administrative sanctions, in the forms of:
 - a. warning;
 - b. decrease of airport service tariff; and/or
 - c. certificate revocation.

Article 218

Further provisions regarding the mechanism and procedures of obtaining airport certificate and registration and the imposition of administrative sanctions shall be stipulated under a Ministerial Regulation.

**Paragraph 2
Airport Facilities**

Article 219

- (1) Every airport business entity or airport operation unit shall be obligated to provide airport facilities meeting the requirements of aviation safety and security, and airport services in accordance with stipulated services standard.
- (2) Every airport facility as meant in item (1) shall be given a worthiness certificate by the Minister.
- (3) In order to maintain preparedness of airport facilities, the airport business entity, or the airport operation unit shall be obligated to conduct periodical maintenance by means of checking, testing, verification and/or calibration.
- (4) In order to maintain and improve performance of facilities, procedures, and personnel, the airport business entity or airport operation unit shall be obligated to conduct periodical training/drill of emergency management.
- (5) Any individual violating the provisions as meant in items (1), (3) and (4) shall be imposed with administrative sanctions in the forms of:
 - a. warning;
 - b. freezing of certificate; and/or
 - c. certificate revocation.

Article 220

- (1) Airport operation as meant in Article 217 item (1) shall have to be performed by managerial personnel having the capability and competence in airport technical field and/or airport operation.
- (2) Any individual violating the provision as meant in item (1) shall be imposed with administrative sanctions in the forms of:
 - a. warning;
 - b. freezing of certificate; and/or
 - c. certificate revocation.

Article 221

Further provisions regarding airport facility operation and the mechanism and procedures of imposition of administrative sanctions shall be stipulated under a Ministerial Regulation.

**Paragraph 3
Airport Personnel**

Article 222

- (1) Every airport personnel shall be compelled to own license or competence certificate.
- (2) Each airport personnel directly involved in operation performance and/or maintenance of airport facilities must own legitimate and valid license.
- (3) The license as meant in item (2) shall be issued by the Minister upon meeting the following requirements:
 - a. administrative requirement;
 - b. physically and mentally fit;
 - c. possessing competence certificate of the field; and
 - d. passing the examination/test.
- (4) The competence certificate as meant in item (3) point c shall be obtained through education and/or training conducted by any institution duly accredited by the Minister.

Article 223

- (1) Airport personnel owning required license shall be obligated to:
 - a. perform his/her duties in accordance with the policies in his/her field;
 - b. maintain competence; and
 - c. undergo periodical medical checks.
- (2) Any airport personnel violating the provisions as meant in item (1) shall be imposed with administrative sanctions as follows:
 - a. warning;
 - b. freezing of license; and/or
 - c. license revocation.

Article 224

Airport personnel license issued by another country shall be considered legitimate after going through legalization process and validation by the Minister.

Article 225

Further provisions regarding the requirements, mechanism and procedures of obtaining licenses, the educational and/or training institutions, and enforcement of administrative sanctions shall be stipulated under a Ministerial Regulation.

Part Six
Activities Management in Airport

Paragraph 1
Government Activities in Airport

Article 226

- (1) The government activities in airport shall cover:
 - a. aviation activity supervision;
 - b. customs;
 - c. immigration; and
 - d. quarantine.
- (2) Supervision of aviation activities in airports, as meant in item (1), shall be implemented by airport authority.
- (3) Custom, immigration, and quarantine functions as meant in item (1) shall be carried out in accord with the provisions of law and regulations.
- (4) Further provisions regarding government activities in the airports shall be stipulated under a Ministerial Regulation.

Paragraph 2
Airport Authority

Article 227

- (1) Airport authority shall be determined by and reporting to the Minister.
- (2) Airport authority as meant in item (1) shall be established for one or several nearby airports.
- (3) In performing its duty, the airport authority as meant in item (1) shall coordinate with the local government.

Article 228

Airport authority as meant in Article 227 item (1) shall have the following duty and responsibilities:

- a. guaranteeing safety, security, smooth process, and comfort at the airport;
- b. ensuring implementation and fulfillment of aviation safety and security requirements, and conditions for smooth processing and comfort at the airport;
- c. assuring well maintained preservation of airport environment;
- d. settling any problems that may disturb the smooth operational activities at the airport which are considered cannot be solved by the other agencies;

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- e. reporting to the highest management in the case any government officials neglecting their duty and responsibilities and ignoring and/or not following the policies and regulations existing at the airport; and
- f. reporting implementation of the airport authority's duty and responsibilities to the Minister.

Article 229

The airport authority as meant in Article 227 item (1) shall have the following authorities:

- a. coordinating government activities at the airport;
- b. arranging, controlling, and overseeing the implementation of the provisions on safety, security, processing, and comfort at the airport;
- c. arranging, controlling, and overseeing the implementation of environmental preservation provisions;
- d. arranging, controlling, and overseeing the utilization of land and/or water surface of the airport in accordance with the airport master plan;
- e. arranging, controlling, and overseeing the utilization of aviation operational safety zone and airport working environment areas and airport interest environment areas;
- f. arranging, controlling and overseeing the implementation of operational performance standard of service provision at the airport; and
- g. imposing administrative sanctions to airport business entity, airport operation unit, and/or other business entities failing to meet the requirements of aviation safety, security, smooth process, and comfort in accord with the rules of law.

Article 230

Airport authority apparatus shall be a civil servant in possession of competence in aviation field according to the standard and criteria set forth by the Minister.

Article 231

Further provisions regarding airport authority shall be stipulated under a Ministerial Regulation.

**Paragraph 3
Business Activities at Airports**

Article 232

- (1) Airport management activities consist of:
 - a. airport services; and
 - b. airport-related services.

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- (2) Airport services as meant in item (1) point a shall cover aircraft services, passenger, cargo and post services, consisting of supplies and/or development of:
- a. facilities for aircraft landing, taking-off, maneuvering, parking, and airplane hangar;
 - b. terminal facilities for passenger, cargo and post services;
 - c. facilities for electronics, electricity, water, waste installation; and
 - d. land for buildings, field, and industry and other buildings or construction connected to air transportation smooth operation.
- (3) Airport-related services as meant in item (1) point b shall cover the following activities:
- a. services related to aircraft operation services at the airport, consisting of:
 - 1) provision of airplane hangar;
 - 2) aircraft maintenance workshop;
 - 3) warehouse;
 - 4) aircraft catering;
 - 5) aircraft technical ground handling;
 - 6) passenger and baggage services, and
 - 7) cargo and post handling
 - b. services related to passenger and cargo services support consist of:
 - 1) availability of lodging/hotel(s) and transit hotel;
 - 2) availability of shops and restaurants;
 - 3) motor vehicle storage;
 - 4) health services;
 - 5) banking services and/or money changer(s); and
 - 6) ground transportation.
 - c. services related to provide value added to airport management consist of:
 - 1) availability of play-ground and recreation;
 - 2) availability of office business facilities;
 - 3) availability of sport facilities;
 - 4) availability of education and training facilities;

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- 5) fuel station for motor vehicles; and
- 6) advertisement.

Article 233

- (1) Airport services as meant in Article 232 item (2) shall be undertaken by:
 - a. the airport business entity for airports operated commercially with prior authorization from the Minister; or
 - b. the airport operation unit for airports not yet operated commercially, established by and reporting to the Government and/or regional government.
- (2) The authorization from the Minister as meant in item (1) point a shall be given after administrative, financial, and managerial requirements have been fulfilled.
- (3) The authorization from the Minister as meant in item (1) point a may not be transferred (non-transferable).
- (4) Airport-related services as meant in Article 232 item (3) may be provided and managed by an Indonesian citizen and/or an Indonesian legal entity.
- (5) Any airport business entity transferring the authorization as meant in item (3) shall be imposed with administrative sanction by revoking the authorization (permit revocation).

Article 234

- (1) In performing airport services as meant in Article 232 item (2), the airport business entity and airport operation unit shall be obligated to:
 - a. possess airport certificate or registration;
 - b. provide airport facilities worthy of operation, and maintain airport facilities worthiness;
 - c. provide competent personnel for airport facilities maintenance and operation;
 - d. maintain and improve competency of personnel responsible for maintenance and operation of airport facilities;
 - e. provide and up-date every procedure of airport facilities operation and maintenance;
 - f. provide services to airport users in accordance with services standard stipulated by the Minister;
 - g. provide traffic facilitation for aircraft operational personnel and operational staff;
 - h. maintain and improve airport safety, security, smooth process and comfort;
 - i. maintain and improve airport security and discipline;

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- j. maintain environmental preservation;
 - k. comply with provisions of the rules of law;
 - l. undertake internal supervision and control on airport facilities worthiness, implementation of maintenance procedures and operations of airport facilities, and airport personnel's competence; and
 - m. submit periodical reports to the Minister and the airport authority.
- (2) Anybody violating any provision as meant in item (1) shall be imposed with administrative sanction(s) as follows:
- a. warning;
 - b. permit freezing; and/or
 - c. permit revocation.

Article 235

- (1) Airport services implemented by an airport legal entity shall be operated based on concession mechanism and/or other forms of cooperation in accordance with the provisions of the regulations set for by the Minister and shall have to be included in the agreement.
- (2) The proceeds of the concession and/or other forms of cooperation as meant in item (1) shall become state revenue as in accord with the rules of law.

Article 236

An airport business entity may commercially operate 1(one) or more airports.

Article 237

- (1) If the business management of airport, as meant in Article 232 item (1), is undertaken by an airport business entity, its entire or majority shares shall have to be owned by an Indonesian legal entity or an Indonesian citizen.
- (2) In the case the capital of airport business entity, owned by an Indonesian legal entity or an Indonesian citizen as meant in item (1), is dividedly owned by several share holders, then one of the national share holder shall have own a larger shares than the entire foreign shares.

Article 238

Further provisions regarding airport business management, the mechanism and procedures of administrative sanction imposition shall be stipulated under a Ministerial Regulation.

**Part Seven
Special Services and Facilities**

Article 239

- (1) Disabled, sick, elderly people and children shall be entitled to receive special treatment and facilities from the airport business entity or airport operation unit.
- (2) Services of special treatment and facilities as meant in item (1) shall consist of:
 - a. granting priority service at terminals;
 - b. providing facilities for disabled while in terminals;
 - c. providing aid devices for sick people;
 - d. providing facility for nursery;
 - e. availability of personnel with special tasks of serving and communicating with disabled, sick and elderly people; and
 - f. availability of information and guidance on construction safety for passengers at terminals, and other facilities that can be understood by disabled, sick and elderly people.
- (3) Further provisions regarding services of special treatment and facilities shall be stipulated under a Ministerial Regulation.

**Part Eight
Liability for Indemnity**

Article 240

- (1) Airport business entities shall be liable for any losses suffered by airport services users and/or as third party as a result of the airport operation.
- (2) Liability for losses as meant in item (1) shall consist of:
 - a. death or physical injury of human being;
 - b. destruction, lost, or damages of equipment operated; and/or
 - c. environmental impact on the surrounding areas of the airport due to airport operation.
- (3) The risks on liability for damages as meant in item (1) shall be mandatory insured.
- (4) Any individual violating the provision as meant in item (3) shall be imposed with administrative sanctions, as follows:
 - a. warning;
 - b. freezing of certificate; and/or

c. certificate revocation.

Article 241

Any Indonesian citizen individual and/or business entity undertaking any activity at the airport shall be liable for any indemnity against any damage(s) on airport building and/or facilities as a result of the activity.

Article 242

Further provisions regarding liability for losses and the mechanism and procedures as well as imposition of administrative sanction shall be stipulated under a Ministerial Regulation.

Part Nine Airport Services Tariffs

Article 243

Every airport service and airport-related service shall be charged a certain tariff according to the service provided.

Article 244

- (1) The structure and grouping of airport services tariff as meant in Article 243 shall be determined by the Minister.
- (2) The amount of airport services tariff at airports commercially operated shall be determined by the airport business entity.
- (3) The amount of airport services tariff at airports not yet commercially operated shall be determined under:
 - a. Government Regulation on an airport operated by an airport operation unit; or
 - b. Regional Government Regulation on an airport operated by a regional government airport operation unit.

Article 245

The amount of tariff of airport-related services shall be determined based upon the agreement between the service user(s) and provider(s).

Article 246

Further provisions on the mechanism and procedures of charges of airport service tariff shall be stipulated under a Ministerial Regulation.

Part Ten Specific Airport

Article 247

- (1) In the framework of supporting certain activities, the Government, the regional government, and/or Indonesian legal entity may build an airport

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for specific purposes upon obtaining a construction permit from the Minister.

- (2) A specific airport construction permit as meant in item (1) shall have to fulfill the following requirements:
 - a. evidence of ownership and/or possession of land/site;
 - b. recommendation given by the local regional government;
 - c. detailed technical plan of basic facilities; and
 - d. environmental preservation.
- (3) Provisions on aviation safety and security at specific airports shall be applicable the same as those provisions applied to airports.

Article 248

Supervision/oversight and control of specific airport operation shall be carried out by the nearest airport authority assigned by the Minister.

Article 249

Specific airport shall be prohibited from serving direct flights to and/or from abroad except for certain circumstances and temporary in nature, after obtaining an authorization from the Minister.

Article 250

Specific airport shall be prohibited to be used for public except under certain circumstances upon approval from the Minister, and shall be temporary in nature.

Article 251

The status of any specific airport may be changed into an airport for public purposes after fulfilling requirements in the airport regulation.

Article 252

Further provisions regarding construction permit and operation of specific airport, and the status changes into public airport shall be stipulated under a Ministerial Regulation.

**Part Eleven
Heliports**

Article 253

- (1) Heliports or the sites for Helicopter landing and taking-off shall consist of:
 - a. surface level heliport;
 - b. elevated heliport – heliport on buildings; and
 - c. helideck – heliport on water surface.

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- (2) Permit for building heliport as meant in item (1) shall be given by the local regional government after obtaining technical consideration from the Minister.
- (3) The technical consideration as meant in item (2) shall cover the following aspects:
 - a. air space utilization;
 - b. flight route plan to and from the heliport; and
 - c. operational technical standard of aviation safety and security.

Article 254

- (1) Each heliport operated shall be obligated to meet aviation safety and security provisions.
- (2) The heliports that have already fulfilled aviation safety provisions as meant in item (1) shall be given a registration number (registrar) by the Minister.

Article 255

Further provisions regarding the mechanism and procedures of issuance of heliport construction permit and operation shall be stipulated under a Ministerial Regulation.

**Part Twelve
International Airports**

Article 256

- (1) The Minister shall determine several airports as international airports.
- (2) Determination of international airports as meant in item (1) shall be made with the following considerations:
 - a. national airport master plan;
 - b. state defense and security;
 - c. tourism growth and development;
 - d. national airport interests and capacity; and
 - e. national economic growth and international trade expansion.
- (3) Determination of international airports by the Minister as meant in item (1) shall be made by observing considerations given by inter-related ministers.
- (4) Further provisions regarding international airports shall be stipulated under a Ministerial Regulation.

Part Thirteen
Joint-utilization of Airport and Military Airbase

Article 257

- (1) Under a certain circumstance an airport may be utilized as a military airbase.
- (2) Under a certain circumstance a military airbase may be used jointly as an airport.
- (3) Joint utilization of an airport or a military airbase as meant in items (1) and (2) shall be performed by paying attention to:
 - a. the needs for air transportation services;
 - b. aviation safety, security, and smooth process;
 - c. state security and defense; and
 - d. the rules of law and regulations.

Article 258

- (1) In a peaceful situation, the military airbase jointly utilized as meant in Article 257 item (2) civil aviation regulations shall be applied.
- (2) The oversight and control of aviation operational safety zone joint-utilization at military airbase shall be undertaken by the airport authority after obtaining an approval from inter-related agencies.

Article 259

Any airport and military airbase to be jointly utilized shall have to be determined under a Presidential Decree.

Part Fourteen
Environmental Preservation

Article 260

- (1) The airport business entity or airport operation unit shall be obligated to maintain noise threshold limit and environmental contamination at the airport(s) and surrounding areas in accord with threshold limit and standard quality determined by the Government.
- (2) In order to maintain the noise threshold limit and environmental contamination as meant in item (1), the airport business entity or airport operation unit may limit the time and frequency or decline aircraft operation.
- (3) In order to maintain the noise threshold and environmental contamination as meant in item (1), the airport business entity or airport operation unit shall be obligated to implement environmental management and monitoring.

- (4) Further provisions regarding noise and contamination level, and monitoring and management of environment, shall be stipulated under a Government Regulation.

**CHAPTER XII
FLIGHT NAVIGATION**

**Part One
Structure of National Flight Navigation**

Article 261

- (1) In order to realize supreme flight navigation service operation in the framework of aviation safety, a national flight navigation structure must be stipulated.
- (2) The national flight navigation structure as meant in item (1) shall be determined by the Minister with attention given to considerations given by the minister in charge of defense sector and the Commander in Chief of the Indonesian National Military
- (3) Formulation of the national flight navigation structure as meant in item (1) shall be done by considering the following:
- a. aviation operational safety;
 - b. effectiveness and efficiency of aviation operation;
 - c. air traffic congestion;
 - d. valid flight navigation service standard; and
 - e. technology development in flight navigation field.
- (4) The national flight navigation structure as meant in item (2) shall contain:
- a. air space being served;
 - b. air space classification;
 - c. flight routes; and
 - d. types of flight navigation services.

**Paragraph 1
Air Space Served**

Article 262

- (1) The air space being served as meant in Article 261 item (4) point a shall cover:
- a. air territory of the Republic of Indonesia, except the air space which flight navigation service is delegated to another country based on an agreement;

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- b. air space of another country which flight navigation service is delegated to the Republic of Indonesia; and
 - c. air space which flight navigation service is delegated to the Republic of Indonesia by the International Civil Aviation Organization.
- (2) The agreement as meant in item (1) point a shall be entered into in accord with the provisions of the rules of laws.

Article 263

Delegation of flight navigation services as meant in Article 262 item (1) shall be implemented with at least the following considerations:

- a. flight route structure;
- b. air traffic flows; and
- c. aircraft movement efficiency.

Article 264

- (1) Dangerous airspace zone shall be determined by flight navigation service operator serving the zone.
- (2) At dangerous airspace zone as meant in item (1) limitation of flight activities shall be stipulated in temporary and in partial manners according to natural conditions.

Paragraph 2
Air Space Classification

Article 265

- (1) Classification of air space as meant in Article 261 item (4) point b shall be formulated by considering the following:
- a. flight rules;
 - b. provision of separation;
 - c. services provided;
 - d. speed limit;
 - e. radio communication; and/or
 - f. air traffic control clearance.
- (2) The Air Space Classification as meant in item (1) shall consist of Classes A, B, C, D, E, F, and G.

Paragraph 3
Flight Routes

Article 266

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- (1) Flight routes as meant in Article 261 item (4) point c determine to control air traffic flows.
- (2) Determination of flight routes as meant in item (1) shall at least pay attention to:
 - a. air space utilization limitation;
 - b. air space classification;
 - c. flight navigation facilities;
 - d. aircraft movement efficiency and safety; and
 - e. users' needs of flight navigation services.

Article 267

- (1) The flight routes as meant in Article 261 item (4) point c shall cover:
 - a. airway;
 - b. advisory route;
 - c. control route and/or uncontrolled route; and
 - d. departure route and arrival route.
- (2) Flight routes as meant in item (1) shall at least contain:
 - a. airway designator;
 - b. waypoint name and coordinates;
 - c. track to and from the waypoint;
 - d. distance between waypoints; and
 - e. minimum safe altitude.

Article 268

Further provisions regarding the mechanism and procedures of determining National Air Space Structure and flight routes shall be stipulated under a Ministerial Regulation.

**Part Two
Flight navigation Service Operation**

**Paragraph 1
Objectives and Types of Flight navigation Services**

Article 269

The objectives of flight navigation are as follows:

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- a. realization of flight navigation service provision in accordance with valid/applicable standard;
- b. realization of aviation efficiency; and
- c. realization of an integrated, suitable and harmonious flight navigation service network of national, regional and international scopes.

Article 270

The types of flight navigation services as meant in Article 261 item (4) point d shall cover:

- a. air traffic services;
- b. aeronautical telecommunication services;
- c. aeronautical information services;
- d. aeronautical meteorological services; and
- e. search and rescue services.

**Paragraph 2
Flight navigation Service Operation**

Article 271

- (1) The Government shall be responsible for flight navigation service operation for aircrafts operated within the air space being served.
- (2) In order to operate flight navigation services as meant in item (1), the Government shall establish an agency for flight navigation service operation.
- (3) The agency for flight navigation service operation as meant in item (2) shall have to meet the following criteria:
 - a. prioritizing aviation safety;
 - b. non-profit oriented;
 - c. financially independent; and
 - d. costs charged to users shall be used for investment and cost recovery.
- (4) The agency for flight navigation service operation as meant in item (3) shall be established by and shall report to the Minister.

Article 272

- (1) Agency for flight navigation service operation as meant in Article 271 item (2) shall be obligated to provide aircraft flight navigation services.
- (2) The obligation for flight navigation services as meant in item (1) shall begin upon first communication contact until the ending of communication contact between the pilot in command and the flight navigation facility or personnel.

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- (3) In order to fulfill the obligation as meant in item (1) the agency for flight navigation service operation shall:
- a. possess standard operating procedure;
 - b. operate and maintain reliability of flight navigation facility according to the standard;
 - c. employ flight navigation personnel who have competency licenses or certificates; and
 - d. possess a oversight and control mechanism for service quality assurance.

Article 273

The agency for aviation service operation must divert flight route of an aircraft, helicopter, or certain type of civil aircraft that does not meet flight navigation requirements.

Article 274

Further provisions regarding flight route diversion by flight navigation operation agency meant in Article 273 shall be stipulated by the Minister.

**Paragraph 3
Flight Navigation Service Certification**

Article 275

- (1) The agency for flight navigation service operation as meant in Article 271 item (2) shall be obligated to possess an flight navigation service certificate issued by the Minister.
- (2) The certificate as meant in item (1) shall be given to each service unit of flight navigation operation.
- (3) Service units of flight navigation operation as meant in item (2) shall consist of:
 - a. flight navigation service unit at airports;
 - b. approach navigation service unit; and
 - c. enroute flight navigation service units.

**Paragraph 4
Flight navigation Service Charges**

Article 276

- (1) Aircrafts flying through an air space served as meant in Article 261 item (4) point a shall be charged for the costs of flight navigation services.
- (2) The service charges of flight navigation as meant in item (1) shall be determined by considering the level of flight navigation service provided.

Article 277

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Further provisions regarding the mechanism and procedures of flight navigation services, establishment and certification of flight navigation services, and the service charge of flight navigation, shall be stipulated under a Ministerial Regulation.

Paragraph 5 Air Traffic Services

Article 278

Air Traffic Services as meant in Article 270 point a shall have the following objectives:

- a. avoiding aircraft collision in air space;
- b. avoiding collision between aircrafts or between aircraft and any obstacle in maneuvering area;
- c. improve smoothness and maintain air traffic flow discipline;
- d. providing useful guideline and information on aviation safety and efficiency; and
- e. providing notification to related organization requesting for their assistance in search and rescue.

Article 279

- (1) Air traffic services as meant in Article 278 shall consist of:
 - a. air traffic control service;
 - b. flight information service;
 - c. air traffic advisory service; and
 - d. alerting service.
- (2) Air traffic services as meant in item (1) shall be determined by at least considering the following:
 - a. types of flight routes;
 - b. congestion of air traffic flow;
 - c. condition of technology system and topography; and
 - d. adequacy and completeness of flight navigation facility in the aircraft.

Article 280

Further provisions on the mechanism and procedures of air traffic services shall be stipulated under a Ministerial Regulation.

Paragraph 6 Aeronautical Telecommunication Services

Article 281

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Aeronautical telecommunication services as meant in Article 270 point b aims to provide information for creation of aviation accuracy, regularity and efficiency.

Article 282

Aeronautical telecommunication services as meant in Article 281 shall consist of:

- a. aeronautical fixed services;
- b. aeronautical mobile services; and
- c. aeronautical radio navigation services.

Article 283

Further provisions on the mechanism and procedures of aeronautical telecommunication services shall be stipulated under a Ministerial Regulation.

Paragraph 7 Aeronautical Information Services

Article 284

Aeronautical information services as meant in Article 270 point c aims to provide adequate, accurate, current and timely information needed for aviation regularity/order and efficiency.

Article 285

- (1) Aeronautical information services as meant in Article 284 shall contain information on the facilities, procedures, and services at the airport and air space.
- (2) The aeronautical information as meant in item (1) shall consist of integrated aeronautical information package and flight navigation map.
- (3) Aeronautical information package as meant in item (2) shall consist of:
 - a. aeronautical information publication;
 - b. notice to airmen (pilots and air traffic personnel);
 - c. aeronautical information circulars; and
 - d. bulletin containing information needed prior to flight.

Article 286

Further provisions regarding the mechanism and procedures of aeronautical information services shall be stipulated under a Ministerial Regulation.

Paragraph 8 Aeronautical Meteorological Services

Article 287

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Aeronautical Meteorological Services as meant in Article 270 point d aims to provide weather information at airports and along the flight routes that is adequate, accurate, current and timely for aviation safety, smooth operation and efficiency.

Article 288

Aeronautical meteorological information services as meant in Article 287 shall be given by the meteorological service unit to aircraft operators, aircraft personnel, flight navigation service unit, search and rescue service unit, and airport operators.

Article 289

The aeronautical information services as meant in Article 287 shall be performed in coordination with meteorological service unit and flight navigation service unit by means of joint agreement.

Article 290

Further provisions regarding the mechanism and procedures of aeronautical meteorological information services shall be stipulated under a Ministerial Regulation.

Paragraph 9 Search and Rescue Information Services

Article 291

- (1) Search and rescue information services as meant in Article 270 point e aims to provide appropriate and accurate information on aircraft accident(s).
- (2) In providing information services as meant in item (1), flight navigation service operator must provide interconnection and coordinate with the agency responsible for search and rescue field.
- (3) Further provisions regarding the system and procedures of search and rescue information services shall be stipulated under a Ministerial Regulation.

Part Three Flight Navigation Personnel

Article 292

- (1) Every flight navigation personnel shall be obligated to possess a license or certificate of competence.
- (2) Flight navigation personnel directly related to operational performance and/or maintenance of navigation facilities shall be obligated to possess a legitimate and valid license.
- (3) The license as meant in item (2) shall be issued by the Minister upon fulfillment of the following requirements:

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- a. administrative;
 - b. physically and mentally healthy;
 - c. possessing competence certificate in the field; and
 - d. passing the examination.
- (4) Competence certificate as meant in item (2) point c shall be obtained through education and/or training conducted by an institute accredited by the Minister.

Article 293

- (1) Flight navigation personnel already possessing a license shall be obligated to:
- a. perform his/her work according to the rules in the field;
 - b. maintain the competence possessed; and
 - c. undergo periodical medical examination.
- (2) Any flight navigation personnel violating the provisions as meant in item (1) shall be imposed with administrative sanctions as follows:
- a. warning;
 - b. freezing of license; and/or
 - c. license revocation.

Article 294

Flight navigation personnel licenses issued by other countries shall be declared valid after going through legalization or validation process by the Minister.

Article 295

Further provisions regarding the requirements, mechanism and procedures of obtaining licenses, educational and/or training institutions, and imposition of administrative sanctions shall be stipulated under a Ministerial Regulation.

**Part Four
Flight Navigation Facilities**

Article 296

- (1) Flight navigation facilities shall consist of:
- a. aeronautical telecommunication facilities;
 - b. aeronautical information facilities; and
 - c. aeronautical meteorological information facilities.

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- (2) The flight navigation facilities as meant in item (1) to be installed and operated shall have to obtain an approval from the Minister.

Article 297

Installation of flight navigation facilities as meant in Article 296 item (1) shall have to observe the following:

- a. operational needs;
- b. technology development;
- c. facility reliability; and
- d. system integration.

Article 298

- (1) Flight navigation facilities as meant in Article 296 item (1) shall be mandatory maintained by flight navigation service operator in accordance with valid provisions.
- (2) Any flight navigation service operator violating the provision as meant in item (1) shall be imposed with administrative sanctions as follows:
- a. warning;
 - b. permit freezing; and/or
 - c. permit revocation.

Article 299

- (1) The flight navigation facilities as meant in Article 296 item (1) point a operated for flight navigation services shall be obligated to be periodically calibrated in order to remain operationally worthy.
- (2) The flight navigation service operation violating the provision as meant in item (1) shall be imposed with administrative sanction by means of permit revocation.

Article 300

Flight navigation facility calibration implementation as meant in Article 299 item (1) may be done by the Government and/or any legal entity having a certificate from the Minister.

Article 301

Further provisions regarding the mechanism and procedures of installation, operation, maintenance, calibration implementation, and imposition of administrative sanction shall be stipulated under a Ministerial Regulation.

**Part Five
Aeronautical Radio Frequency**

Paragraph 1

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Frequency Utilization

Article 302

- (1) The Minister shall regulate utilization of aeronautical radio frequency allocated by the minister in charge of frequency field.
- (2) The aeronautical radio frequency as meant in item (1) shall only be used for aeronautical and non-aeronautical aviation safety purposes.

Article 303

- (1) The Minister shall provide recommendation of radio frequency usage outside aviation radio frequency for supporting aviation.
- (2) Recommendation as meant in item (1) shall be used as a base for granting a permit issued by the minister in charge of frequency field.
- (3) Utilization of radio frequency as meant in item (1) may be changed upon approval from the Minister.

Article 304

Further provisions regarding the mechanism and procedures of radio frequency utilization for aviation activities shall be stipulated under a Ministerial Regulation.

**Paragraph 2
Charges**

Article 305

- (1) Utilization of aeronautical radio frequency for aeronautical purposes as meant in Article 302 item (2) shall not be charged any payment/fee.
- (2) Utilization of aeronautical radio frequency for non-aeronautical purposes not used for aviation safety as meant in Article 302 item (2) shall be charged with payment/fee.

Article 306

Anybody shall be prohibited from:

- a. using aeronautical radio frequency except for aviation purposes; and
- b. using radio frequency directly or indirectly disturbing aviation safety.

Article 307

Further provisions regarding radio frequency utilization charges shall be stipulated in accordance with the rules of laws.

**CHAPTER XIII
AVIATION SAFETY**

Part One

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National Aviation Safety Program

Article 308

- (1) The Minister shall be responsible for national aviation safety.
- (2) In order to guarantee national aviation safety as meant in item (1), the Minister shall stipulate a state aviation safety program.

Article 309

- (1) State aviation safety program as meant in Article 308 item (2) shall contain:
 - a. aviation safety rules and regulation;
 - b. aviation safety targets;
 - c. aviation safety reporting system;
 - d. aviation safety data analysis and exchange safety;
 - e. aviation accident and incident investigation;
 - f. aviation safety promotion;
 - g. aviation safety oversight; and
 - h. law enforcement.
- (2) State aviation safety program as meant in item (1) shall be regularly evaluated by a team established by the Minister.

Article 310

- (1) The targets of aviation safety as meant in Article 309 item (1) point b shall cover:
 - a. aviation safety performance target;
 - b. aviation safety performance indicator; and
 - c. measurement of aviation safety achievement.
- (2) The target and the achievement of aviation safety performance as meant in item (1) shall have to be made public to the society.

Article 311

Further provisions regarding state aviation safety program shall be stipulated under a Ministerial Regulation.

Part Two
Aviation Safety Oversight

Article 312

- (1) The Minister shall be responsible for national aviation safety oversight.

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- (2) Aviation safety oversight as meant in item (1) shall be a sustainable oversight activity aiming to observe fulfillment of aviation safety regulations implemented by the aviation service providers and the other stake-holders, consisting of:
 - a. audit;
 - b. inspection;
 - c. surveillance; and
 - d. monitoring.
- (3) Safety oversight as meant in item (2) shall be conducted by working unit or public service management institution.
- (4) The Minister shall take corrective actions and law enforcement actions based on the results of safety oversight as meant in item (2).
- (5) Further provisions regarding aviation safety oversight, working unit and public service management institution shall be stipulated under a Ministerial Regulation.

**Part Three
Aviation Safety Law Enforcement**

Article 313

- (1) The Minister shall be authorized to determine law enforcement program and to take legal actions in aviation safety field.
- (2) The law enforcement program as meant in item (1) shall contain:
 - a. formulation of aviation safety regulations;
 - b. preparation of authorized personnel in overseeing enforcement of rules in aviation safety field;
 - c. education for the community, aviation service providers and law enforcement personnel; and
 - d. legal actions.
- (3) Legal actions as meant in item (1) shall be in the forms:
 - a. administrative sanctions; and
 - b. criminal sanctions.

**Part Four
Aviation Service Provider Safety Management System**

Article 314

- (1) Every aviation service provider shall be obligated to formulation, implement, and continuously improve safety management system with the state aviation safety program as a guideline.

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- (2) The safety management system of aviation service providers as meant in item (1) shall have to obtain legalization from the Minister.
- (3) Any aviation service provider violating the provision as meant in item (1) shall be imposed with administrative sanctions in the forms of:
 - a. warning;
 - b. permit freezing; and/or
 - c. permit revocation.

Article 315

The safety management system of aviation service provider as meant in Article 314 item (1) shall at least contain:

- a. safety policy and target;
- b. safety risk management;
- c. safety assurance; and
- d. safety promotion.

Article 316

- (1) Safety policy and target as meant in Article 315 point a shall at least contain:
 - a. commitment of the aviation service provider top management;
 - b. appointment of the principal officer in charge of safety;
 - c. establishment of a safety management unit;
 - d. determination of safety performance target(s);
 - e. determination of safety performance indicator(s);
 - f. measurement of safety achievement(s);
 - g. documentation of safety data; and
 - h. coordination of emergency handling.
- (2) Determination of safety performance target(s) to be achieved as meant in item (1) point d must be at the minimum the same or better than the state safety performance target(s).
- (3) The target(s) and results of safety performance achievement must be made public to the society.

Article 317

Further provisions regarding safety management system of aviation service providers, the mechanism, and procedures of administrative sanction imposition shall be stipulated under a Ministerial Regulation.

**Part Five
Aviation Safety Culture**

Article 318

The Government and other stake holders shall be responsible for development and realization of aviation safety culture.

Article 319

In order to develop and realize aviation safety culture as meant in Article 318, the Minister shall enact the policy and culture of safety actions program, openness, communication, and evaluation and awarding of aviation safety actions.

Article 320

In order to develop and realize aviation safety culture as meant in Article 318, aviation service provider shall determine the safety culture program policy.

Article 321

- (1) Any aviation personnel in knowledge of occurrence of deviation or discrepancy in aviation procedure, or malfunction of any aviation equipment and facility shall be obligated to report it to the Minister.
- (2) The aviation personnel reporting any occurrence as meant in item (1) shall be given adequate protection according to valid regulations.
- (3) Any aviation personnel violating the provision as meant in item (1) shall be imposed with administrative sanction(s) in the form of:
 - a. warning
 - b. freezing of certificate or license; and/or
 - c. revocation of certificate or license.

Article 322

Further provisions regarding aviation safety culture, the mechanism, and procedures of imposition of administrative sanctions shall be stipulated under a Ministerial Regulation.

**CHAPTER XIV
AVIATION SECURITY**

**Part One
National Aviation Security**

Article 323

- (1) The Minister shall be responsible for national aviation security.
- (2) In order to implement responsibility as meant in item (1), the Minister shall be authorized to:

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- a. establish a national aviation security committee;
- b. enact a state aviation security program; and
- c. monitor the implementation of state aviation security program.

Article 324

The national aviation security committee as meant in Article 323 item (2) point a, shall have the duties to coordinate the implementation of state aviation security program.

Article 325

The national aviation security program as meant in Article 323 item (2) point b, shall at least contain:

- a. aviation security regulation;
- b. aviation security targets;
- c. aviation security personnel;
- d. division of responsibilities on aviation security;
- e. protection of airports, aircrafts, and flight navigation facilities;
- f. control and guarantee security of human and goods on aircrafts;
- g. eradication of unlawful acts;
- h. adjustment of security system towards security threat level; and
- i. aviation security supervision.

Article 326

- (1) In implementing national security program, the Government may cooperate with other countries.
- (2) Cooperation as meant in item (1) shall cover:
 - a. exchange of information;
 - b. education and training;
 - c. improvement of security quality; and
 - d. request for security support.

Article 327

- (1) Airport business entity or airport operation unit shall be obligated to develop, implement, evaluate, and enhance airport security program at every airport with the national aviation security program as a guideline.
- (2) Airport security program as meant in item (1) shall be legalized by the Minister.

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- (3) Airport business entity or airport operation unit shall be responsible for financing airport security.

Article 328

- (1) Every airport authority or airport operation unit shall be responsible for monitoring and controlling of airport security program.
- (2) In order to carry out the responsibility as meant in item (1), airport authority or airport operation unit shall establish an airport security committee.
- (3) The airport security committee as meant in item (2) shall have the duties to coordinate the implementation of airport security program.

Article 329

- (1) Every air transportation business entity shall be obligated to develop, implement, evaluate, and enhance an air transportation security program with the national aviation security program as the guideline.
- (2) Air transportation security program as meant in item (1) shall be prepared by air transportation business entity and shall be legalized by the Minister.
- (3) Airport transportation business entity shall be responsible for financing air transportation security.

Article 330

Further provisions regarding the mechanism and procedures of development or implementation of state aviation security program shall be stipulated under a Ministerial Regulation.

**Part Two
Aviation Security Supervision**

Article 331

- (1) The Minister shall be responsible for supervision of national aviation security.
- (2) Supervision of aviation security as meant in item (1) is a continuous monitoring activities aiming to ensure compliance to aviation security regulation implemented by the aviation services providers or other relevant security institutions, covering the following activities:
 - a. audit;
 - b. inspection;
 - c. survey; and
 - d. test.

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- (3) The Minister shall take corrective and law enforcement actions on the results of monitoring as meant in item (2).

Article 332

Airport authority, airport operation unit, airport business entity, and air transportation business entity shall be obligated to implement internal monitoring and shall report the findings to the Minister.

Article 333

Further provisions regarding national aviation security supervision shall be stipulated under a Ministerial Regulation.

**Part Three
Airport Security**

Article 334

- (1) Anybody, vehicle, cargo, and post entering restricted security area shall be obligated to possess entrance permit into the restricted areas, or airplane tickets for passengers and security check shall be enforced.
- (2) The security check as meant in item (1) shall be conducted by competent personnel in aviation security field.

Article 335

- (1) Passengers, aircrews, baggage, cargo, and post to-be transported shall have to pass the examination and fulfill aviation security requirements.
- (2) Specific passengers and cargo may be given special treatment with regards to security examination.

Article 336

Any diplomatic pouch shall not be examined, except upon request by the agencies in charge of international relationship (foreign affairs) and national defense.

Article 337

- (1) Any airplane passenger carrying any weapon shall be obligated to report and hand-over the weapon to the air transportation business entity transporting the passenger concerned.
- (2) The air transportation business entity as meant in item (1) shall be responsible for the weapon received until the time it is returned to the owner at destination airport.

Article 338

Airport business entity and airport operation unit shall be obligated to provide or appoint an area at the airport territory as an isolated parking area for aircrafts experiencing security disturbance or threat.

Article 339

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Further provisions regarding the mechanism and procedures of airport operational security shall be stipulated under a Ministerial Regulation.

Part Four Aircraft Operational Security

Article 340

- (1) Air transportation business entity shall be responsible for aircraft operational security at the airport(s) and while in flight.
- (2) Responsibility towards aircraft operational security at airports as meant in item (1) shall at least include:
 - a. aircraft security examination prior to operation based on security risk rating (*check and search*);
 - b. examination on passengers' cabin luggage left behind in the aircraft;
 - c. examination on all personnel entering the aircraft; and
 - d. examination on equipment, goods, food, and beverages entering the aircraft.
- (3) Responsibility towards aircraft operational security while in flight as meant in item (1) shall at least include:
 - a. taking action necessary to guarantee aviation security;
 - b. informing the pilot in command if there is any air marshal in the aircraft flight;
 - c. informing the pilot in command of existence of any dangerous goods in the aircraft.

Article 341

Placement of security personnel on board of any foreign regular commercial aircraft from and to the territory of the Republic of Indonesia may only be done based on bilateral agreement.

Article 342

Every air transportation business entity operating aircrafts of transport category shall be obligated to fulfill aviation security requirements.

Article 343

Further provisions regarding the system and procedures of implementation of aircraft operational security shall be stipulated under a Ministerial Regulation.

Part Five Eradication of Unlawful Acts

Article 344

Any person shall be prohibited to do any acts of unlawful interference endangering aviation and air transportation safety, such as:

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- a. taking unauthorized control of an aircraft during flight or on the ground;
- b. taking hostage(s) inside an aircraft or at an airport;
- c. entering an aircraft, restricted security area, or aeronautical facility area without any authorization;
- d. carrying a weapon, dangerous goods and equipment, or a bomb into an aircraft or airport without permit; and
- e. giving false information that endangering aviation safety.

Article 345

- (1) Airport Authority, airport operation unit, airport business entity, and/or air transportation business entity shall be obligated to eradicate unlawful acts.
- (2) Eradication of unlawful acts as meant in item (1) shall be formulated as a contingency plan type.

Article 346

In the case there is an unlawful act as meant in Article 339 points a and b, the Minister shall coordinate and delegate a task and command for eradication of the unlawful act to the institution responsible for and in charge of security sector.

Article 347

Further provisions regarding the mechanism and procedures for eradication of unlawful acts and delegation of duty and commands of eradication shall be stipulated under the Ministerial Regulation.

Part Six Aviation Security Facilities

Article 348

The minister shall stipulate aviation security facilities used for realization of aviation security.

Article 349

Provision of aviation security facilities as meant in Article 343 shall be undertaken in accordance with the needs by considering:

- a. effectiveness of equipments;
- b. airport classification; and
- c. level of threat and disturbance.

Article 350

- (1) Airport business entity, airport operation unit, and air transportation business entity using aviation security facilities shall be obligated to:

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- a. provide, operate, maintain, and modernize in accordance with stipulated standard;
 - b. maintain accuracy of its performance by calibrating; and
 - c. obtain complete certification of equipments.
- (2) Any airport business entity, airport operation unit, and air transportation business entity violating the provisions as meant in item (1) shall be imposed with administrative sanctions, in the forms of:
- a. warning;
 - b. freezing of permit or certificate; and/or
 - c. revocation of permit or certificate.

Article 351

Further provisions regarding aviation security facilities shall be stipulated under a Ministerial Regulation.

**CHAPTER XV
SEARCH AND RESCUE IN AIRCRAFT ACCIDENT**

Article 352

- (1) The Government and regional government shall be responsible for conducting search and rescue for each aircraft experiencing an accident within the territory of the Republic of Indonesia.
- (2) Search and rescue as meant in item (1) shall have to be done quickly, appropriately, effectively, and efficiently to reduce casualties.
- (3) Anybody operating an aircraft shall be obligated to assist search and rescue efforts in aircraft accident(s).

Article 353

The responsibilities of search and rescue implementation by the Government as meant in Article 352 item (1) shall be coordinated and performed by the agency in charge of search and rescue field.

Article 354

Any pilot in command of aircraft experiencing a dangerous condition or aware of any other aircraft having indication(s) of facing dangerous condition during flight, shall be obligated to immediately inform the air traffic control unit.

Article 355

Each air traffic control personnel on duty shall be obligated to immediately inform the agency in charge of search and rescue field after receiving notification or knowing there is an aircraft in dangerous condition or lost during flight.

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Article 356

Further provisions regarding search and rescue towards aircraft accident shall be stipulated under Government Regulation.

CHAPTER XVI

INVESTIGATION AND FOLLOW-ON INVESTIGATION IN AIRCRAFT ACCIDENT

**Part One
General**

Article 357

- (1) The Government shall conduct investigation and follow-on investigation regarding the cause(s) of every accident and serious incident of civil aircraft within the territory of the Republic of Indonesia.
- (2) Investigation implementation as meant in item (1), shall be conducted by a national committee formed for the purpose and shall report to the President.
- (3) The national committee as meant in item (2) shall be an independent institution in performing its duties and functions and shall consist of members selected through standard competency fit and proper test administered by the Minister.
- (4) The committee as meant in item (2) shall have the duties to conduct investigation, research, follow-on investigation, final report, and provide safety recommendations in the framework of preventing accidents of the same causes.
- (5) Recommendations as meant in item (4) shall have to be followed up by actions from the inter-related parties.

**Part Two
Aircraft Accident Investigation**

Article 358

- (1) The national committee shall be obligated to make report on all progress and investigation results to the Minister.
- (2) The Minister shall have to disseminate the specified aircraft investigation findings report to the inter-related parties.
- (3) A draft of investigation final report shall have to be sent to the country of origin where the aircraft was registered, the country where the air transportation business activity domiciles, the country where the aircraft was designed, and the country where the aircraft was manufactured in order to get their comments.
- (4) The draft investigation final report as meant in item (2) shall be completed as fast as possible, and if within a period of 12 (twelve) months the final

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report has not been finalized, the national committee shall be obligated to submit an intermediate report of the investigation each year.

Article 359

- (1) The investigation results shall not be used as an evidence in court proceedings.
- (2) The results of investigation as meant in item (1) which is not categorized as a non disclosure of records should be made public to the society.

Article 360

- (1) Anybody shall be prohibited to damage or to loose any evidence, change the aircraft position, take part(s) of the aircraft or other goods remaining from an aircraft accident or serious incident.
- (2) For the sake of aviation operational interest, any aircraft experiencing an accident or serious incident as meant in item (1) may be moved upon approval of authorized official.

Article 361

- (1) In the case a foreign aircraft experiencing an accident within the territory of the Republic of Indonesia, the accredited representative of country where the aircraft was registered, the country of domicile of the air transportation business entity, the country where the aircraft was designed, and the country where the aircraft was manufactured may participate in the investigation as long as it is not contradictory to national interests.
- (2) In the case the aircraft registered in Indonesia is experiencing an accident outside the territory of the Republic of Indonesia and that country does not conduct any investigation, then the Government of the Republic of Indonesia shall be obligated to conduct the investigation.

Article 362

- (1) Individuals shall be obligated to provide information or technical service assistance to smoothly expedite any investigation required by the national committee.
- (2) Airport Authority, airport operation unit, airport business entity, flight navigation service provider, and/or air transportation business entity shall be obligated to assist smooth progress of aircraft accident investigation.

Article 363

- (1) Officials in charge at the location of aircraft accident shall be obligated to take security action towards the aircraft experiencing accident outside the jurisdiction of the airport(s, in order to:
 - a. protect aircraft operation personnel and passengers;

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- b. prevent any action that may change the position of the aircraft, damage and/or take any goods from the aircraft experiencing an accident.
- (2) Security action as meant in item (1), shall take place until the ending of investigation conducted at the location of accident by the national committee.

Part Three
Follow-on Investigation of Aircraft Accident

Article 364

In order to conduct follow-on investigation, enforcement of professional ethics, implementation of mediation, and interpretation of regulation enforcement, the national committee shall establish an aviation professional council.

Article 365

Aviation professional council as meant in Article 364 shall have the following duties:

- a. enforcement of professional ethics and personnel competence in aviation field;
- b. execution of mediation between aviation service providers, personnel, and users of aviation services; and
- c. interpretation of regulation enforcement in aviation field.

Article 366

In carrying out the duties as meant in Article 365 the aviation professional council shall have the following functions:

- a. enforcing aviation professional ethics and personnel competence;
- b. becoming mediator of dispute settlement in aviation field outside the court; and
- c. becoming interpreter of regulation enforcement in aviation field;

Article 367

The aviation professional council as meant in Article 364 shall at least consist of elements from the profession, government and community who are competent in the following fields:

- a. laws;
- b. aircrafts;
- c. flight navigation;
- d. airport;

- e. aviation medicine; and
- f. Civil Servant Investigator.

Article 368

The aviation professional council shall have the authority to:

- a. provide recommendation to the Minister on imposition of administrative sanctions or follow-on investigation by Civil Servant Investigator (PPNS);
- b. making a resolution of disputes of the parties on the impact of an aircraft accident or serious incident on the aircraft; and
- c. provide recommendation on aviation regulation enforcement.

Article 369

Further provisions regarding aircraft accident investigation and follow-on investigation shall be stipulated under a Government Regulation.

**CHAPTER XVII
EMPOWERMENT OF AVIATION INDUSTRY
AND TECHNOLOGY DEVELOPMENT**

Article 370

- (1) Empowerment of aviation industry and technology development shall be undertaken by the Government in an integrated efforts with the support of all interrelated sectors aiming to strengthen national air transportation.
- (2) Empowerment of aviation industry and technology development as meant in item (1), shall, at least, include the following industries:
 - a. design, production, and maintenance of aircrafts;
 - b. engines, propellers, and components of aircraft;
 - c. aviation safety and security facilities;
 - d. aviation technology, information and navigation;
 - e. airport operation/management; and
 - f. educational and training facilities for aviation personnel.
- (3) Empowerment of national air transportation as meant in item (1) shall be undertaken by the Government through:
 - a. developing marketing research and saleable design;
 - b. developing standardization and aviation components by using, as much as possible, local contents and transfer of technology;
 - c. developing raw materials and components of the industry;
 - d. providing facilitation in financing and taxation;

- e. facilitating cooperation with similar type industry and/or market for domestic and international users; and
- f. determining an integrated aviation industrial zone.

Article 371

Empowerment of aviation industry and technology development as meant in Article 370 item (1) shall be implemented by preparing and employing national human resources meeting the competence standard.

Article 372

Empowerment of aviation industry and technology development as meant in Article 370 item (1) shall have to be implemented by fulfillment of safety and security standard and paying attention to living environment preservation aspects.

Article 373

Air transportation business entity, airport business entity, airport operation unit, and flight navigation service provider shall be obligated to support the empowerment of national aviation industry and technology development.

Article 374

Further provisions regarding empowerment of aviation industry and technology development shall be stipulated under a Government Regulation.

**CHAPTER XVIII
AVIATION INFORMATION SYSTEM**

Article 375

- (1) Aviation information system covers collection, processing, analysis, recording, presentation, and dissemination of aviation data and information aiming to:
 - a. improve services to the community and the public; and
 - b. support policy formulation in aviation sector.
- (2) Aviation information system as meant in item (1) shall be implemented by the Minister.

Article 376

Aviation information system as meant in Article 375 shall at least cover:

- a. national civil aviation regulations;
- b. targets and results of aviation performance achievement;

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- c. number of operating national and foreign air transportation business entities;
- d. number and breakdown of national air transportation fleet;
- e. routes and capacity available for regular domestic and international air transportation;
- f. aircraft types operated in flight routes;
- g. air transportation traffic data in public airports;
- h. level of aircraft's accuracy of schedule timeliness;
- i. level/rate of air transportation services;
- j. airport class and status;
- k. airport supporting facilities, and
- l. results of aircraft accident and incident investigation that is not categorized a non disclosure information.

Article 377

Implementation of aviation information system shall be carried out by building and developing an effective, efficient, and integrated information network, involving interrelated parties by utilizing information and communication technology development.

Article 378

Advertisement in airport working environment areas shall have to fulfill the following provisions:

- a. not disturbing aviation safety and security;
- b. not disturbing aviation information and services; and
- c. not damaging airport aesthetics.

Article 379

- (1) Anybody undertaking an activity in aviation sector shall be obligated to present data and information of his/her/their activities to the Minister.
- (2) The Minister shall update aviation data and information periodically to produce data and information suitable to the needs, accurate, current, and reliable in nature.
- (3) The aviation data and information shall be documented and published and may be accessed and used by the public needing the data and information by using information and communication technology.
- (4) The processing of aviation information system by the Minister may be undertaken through cooperation with other parties.

- (5) Further provisions regarding the mechanism of presentation and process of aviation information system shall be stipulated under a Ministerial Regulation.

Article 380

- (1) Every person violating the provision as meant in Article 379 item (1) shall be imposed with administrative sanction(s).
- (2) Further provisions regarding the mechanism and procedures of imposition of administrative sanction(s) and the amount of administrative fine(s) as meant in item (1) shall be stipulated under a Ministerial Regulation.

CHAPTER XIX

HUMAN RESOURCES

**Part One
Preparation and Development**

Article 381

- (1) The Government is responsible in preparing and development of human resources in aviation field.
- (2) Aviation human resources preparation and development as meant in item (1) aims to create human resources that are professional, competent, disciplined, reliable, and having the integrity.
- (3) Human resources as meant in item (1) shall consist of human resources in the following fields:
- a. aircraft;
 - b. air transportation;
 - c. airport management;
 - d. flight navigation;
 - e. aviation safety; and
 - f. aviation security.
- (4) In order to achieve the objectives as meant in item (2), the Minister stipulate policies on preparation and development of human resources in aviation fields, covering:
- a. *manpower planning*;
 - b. education and training;
 - c. expansion of job opportunities; and
 - d. supervision, monitoring, and evaluation.

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- (5) Further provisions regarding preparation and development of human resources in aviation field shall be stipulated under a Ministerial Regulation.

Part Two
Education and Training in Aviation Field

Article 382

- (1) Education and training in the field of aviation shall be undertaken in the framework of the national educational system.
- (2) The Minister shall be responsible for supervision and organization of education and training in the aviation field.
- (3) The responsibilities as meant in item (2) shall at least cover:
- a. improvement of quality and quantity of educators in aviation field;
 - b. development of educational and training curriculum, syllabus and methods in accordance with pre-determined standard;
 - c. structuring, betterment, and certification of aviation educational and training organization or management; and
 - d. modernization and improvement of the technology of learning-teaching facilities and infrastructure of aviation educational and training institutions.

Article 383

- (1) Education and training as meant in Article 382 shall be implemented by the Government, regional government or the community through formal and/or non-formal educational path.
- (2) The formal educational path as meant in item (1) shall be implemented in medium and higher education levels in accordance with the rules of laws and regulations.
- (3) The non-formal education path as meant in item (1) shall be conducted by non-formal educational units in the aviation field that has the approval of the Minister.

Article 384

- (1) The Minister shall stipulate the model wherewith aviation human resources education and training shall be formulated.
- (2) The model of human resources education and training as meant in item (1) shall at least contain:
- a. kinds and levels of education and training;
 - b. requirements for participants of the education and training;
 - c. curriculum, syllabus and methods of education and training;

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- d. qualifications of educators and trainers;
- e. infrastructure and facility standard of education and training;
- f. requirements of educational and training operators;
- g. the standard of determining educational and training charges; and
- h. control and oversight of the education and training.

Article 385

The Government shall direct, supervise, and oversee the implementation of education and training in aviation field.

Article 386

Regional government shall assist and provide facilitation aiming for well implemented education and training in aviation field.

Article 387

Further provisions regarding the implementation/operation of education and training in aviation field shall be stipulated under a Ministerial Regulation.

**Part Three
Competency Certificate and License**

Article 388

Education and training operators shall be obligated to extend competence certificate to students/trainees who have been declared passing the education and training.

Article 389

Any personnel in aviation field already possessing competence certificate as meant in Article 388 may be given a license by the Minister after fulfilling the requirements.

Article 390

In performing his/her work, any personnel in aviation field shall be obligated to possess a competence certificate or license in accordance with the requirements pre-determined for his/her working field.

Article 391

Aviation services provider and organization operating in aviation field shall be obligated to:

- a. employ aviation personnel possessing the competence certificate or license as meant in Article 389;
- b. formulate training program in aviation field for maintaining and improving the competence of aviation personnel employed.

Article 392

Further provisions regarding competence certificate and license and the formulation of training program shall be stipulated under a Ministerial Regulation.

**Part Four
Contribution of Aviation Services Providers**

Article 393

- (1) Providers and organizations of aviation services having any activity in aviation field shall be obligated to give contribution to support personnel preparation and development in aviation field.
- (2) Contribution as meant in item (1) shall at least be as follows:
 - a. scholarship grants for education and training;
 - b. establishment of educational and training institute and/or provision of educational and training facilities;
 - c. cooperation with existing educational and training institute; and/or
 - d. extending internship opportunities for educational and training students/trainees.

Article 394

Anybody violating any provision as meant in Article 393 shall be imposed with administrative sanctions as follows:

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

**Part Five
Working Hours Arrangement
Article 395**

- (1) In order to ensure aviation safety, regulation shall have to be made on working days, working hour limitation, and resting hour conditions for flight operational personnel.
- (2) Further provisions regarding regulation on working days, working hour limitation and resting-hour conditions as meant in item (1) shall be stipulated under a Ministerial Regulation.

**CHAPTER XX
PUBLIC PARTICIPATION**

Article 396

- (1) In the framework of optimally improving aviation operation the public/community has the same and the broadest opportunity to participate in aviation activities.
- (2) The public participation as meant in item (1) shall be in the forms of:
 - a. monitoring and safeguarding discipline of aviation activity operation;
 - b. providing inputs to the Government regarding improvement of regulations, guidelines, technical standard in aviation field;
 - c. providing inputs to the Government, regional government in aviation supervision, operation, and oversight;
 - d. giving opinions and considerations to the officials in charge of aviation operational activities of any actions causing significant environmental impact;
 - e. reporting any action(s) in deviation of aviation procedures, and any malfunction of aviation equipment(s) and facilities;
 - f. reporting any accident or incident incurred on aircraft(s);
 - g. prioritizing and promoting aviation safety culture; and/or
 - h. taking class action(s) against aviation activities disturbing, damaging, and/or endangering public interests.
- (3) The Government, regional government and aviation service provider shall follow up on any inputs, opinions, and reports submitted by the public as meant in item (2) points b, c, d, e, and f.
- (4) In performing its participation as meant in item (2), the public shall also be responsible to maintain aviation orderliness, safety and security.

Article 397

The public participation as meant in Article 396 item (1) may be performed individually, collectively, through professional organizations, business entities, or other community organizations in line with the principle of openness and partnership.

Article 398

Further provisions regarding public participation shall be stipulated under a Ministerial Regulation.

**CHAPTER XXI
CRIMINAL INVESTIGATION**

Article 399

- (1) Designated civil servants officials of an agency which duty and responsibility scope is in aviation field shall be given specific authority as criminal investigator as meant under this law.
- (2) In carrying out their duty, the civil servants officials as meant in item (1) shall be under the coordination and supervision of the Police of the Republic of Indonesia investigator.

Article 400

- (1) The authority of the civil/public servant investigator as meant in Article 399 shall be performed as follows:
 - a. inspecting, searching, and collecting information regarding criminal actions in aviation field;
 - b. receiving reports on any criminal action in aviation field;
 - c. calling people for hearing and investigation as witness and/or suspect of criminal action in aviation field;
 - d. arresting person(s) suspected of criminal action in aviation field;
 - e. asking information and evidence from person(s) suspected of committing criminal action in aviation field;
 - f. photographing and/or recording through electronic media of person(s), good(s), aircraft(s), or anything that can be considered as evidence of any criminal action(s) occurred in aviation field;
 - g. examining documents related to aviation criminal actions
 - h. taking finger-prints and identity of people;
 - i. searching aircraft and certain places suspected of any criminal action in aviation field;
 - j. confiscating good(s) strongly suspected as the good(s) used for committing criminal action(s) in aviation field;
 - k. isolating and securing good(s) and/or document(s) that may be taken as evidence related to any criminal action in aviation field;
 - l. inviting expert witness as needed;
 - m. suspending investigation process; and
 - n. requesting assistance of the Republic of Indonesia Police or other agencies in handling criminal actions in aviation field.
- (2) The civil servant investigator as meant in Article 399 shall submit his/her investigation results to the public prosecutor through the office of investigator of the Republic of Indonesia Police.

**CHAPTER XXII
CRIMINAL PROVISIONS**

Article 401

Anybody operating an Indonesian aircraft or a foreign aircraft entering any restricted area as meant in Article 7 item (2) shall be condemned with imprisonment for a maximum 8 (eight) years and imposed with fine of a maximum of Rp 500,000,000.00 (five hundred million rupiahs).

Article 402

Anybody operating an Indonesian or foreign aircraft entering a restricted area as meant in Article 7 item (4) shall be condemned with imprisonment for a maximum 3 (three) years or a fine of a maximum of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 403

Anybody undertaking production and or assembling of aircrafts, aircraft engines, and/or propellers without any certificate of production as meant in Article 19 item (1) shall be condemned with imprisonment for a maximum 3 (three) years or a fine of a maximum Rp. 500,000,000.00 (five hundred million rupiahs).

Article 404

Anybody operating an aircraft without any registration identity as meant in Article 24 shall be condemned with imprisonment for a maximum 5 (five) years or a fine of a maximum Rp. 1,000,000,000.00 (one billion rupiahs).

Article 405

Anybody giving signs or changing registration identity as such as to disguise the aircraft's registration marks, nationality, and flag as meant in Article 28 shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum Rp. 250,000,000.00 (two hundred fifty million rupiahs).

Article 406

- (1) Anybody operating an aircraft without fulfilling airworthiness standard as meant in Article 34 shall be condemned with imprisonment for a maximum 3 (three) years or a fine of a maximum Rp. 1,500,000,000.00 (one billion and five hundred million rupiahs)
- (2) If the action as meant in item (1) causes any loss of property, the person shall be condemned with imprisonment for a maximum 4 (four) years or fine of a maximum Rp. 2,000,000,000.00 (two billion rupiahs).
- (3) If the action as meant in item (1) results in a person's death and loss of property, the person shall be condemned with a imprisonment for a maximum of 10 (ten) years and a fine of a maximum Rp. 2,500,000,000.00 (two billion and five hundred million rupiahs)

Article 407

Anybody operating an aircraft without possessing an aircraft operator certificate as meant in Article 41 item (2) point a shall be condemned with imprisonment for

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a maximum 2 (two) years or a fine of a maximum Rp. 2,500,000,000.00 (two billion and five hundred million rupiahs).

Article 408

Anybody operating an aircraft without possessing aircraft operational certificate as meant in Article 41 item (2) point b shall be condemned with imprisonment for a maximum 1 (one) year or a fine in a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 409

Anybody except those stipulated in Article 47 item (1) undertaking maintenance of aircrafts, engines, airplane propellers and components shall be condemned with imprisonment for a maximum 1 (one) year or a fine in a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).

Article 410

Anybody operating an Indonesian or foreign civil aircraft arriving in or departing from Indonesia and landing and/or taking off from airport not in accordance with provisions under Article 52 shall be condemned with imprisonment for 1 (one) year or a fine of Rp. 500,000,000.00 (five hundred million rupiahs)

Article 411

Anybody flying or operating an aircraft which is intentionally endangering the safety of the aircraft, passengers and goods, and/or citizens or damaging properties of other people as meant in Article 53 shall be condemned with imprisonment for a maximum 2 (two) years and a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 412

- (1) Any individual, onboard a flight of an aircraft, conducting any wrongdoing that may endanger aviation safety and security as meant in Article 54 point a shall be condemned with imprisonment for a maximum of 2 (two) years or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).
- (2) Any individual onboard a flight of an aircraft conducting any wrong-doing during flight that is in violation of aviation flight disciplines as meant in Article 54 point b shall be condemned with imprisonment for a maximum of 1 (one) year or a fine of a maximum amount of Rp. 100,000,000.00 (one hundred million rupiahs).
- (3) Any individual, during flight onboard an aircraft, taking or damaging aircraft equipment that is endangering safety, as meant in Article 54 point c, shall be condemned with imprisonment for a maximum of 2 (two) years or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).
- (4) Any individual during flight onboard an aircraft disturbing peacefulness, as meant in Article 54 point e, shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 100,000,000.00 (one hundred million rupiahs).
- (5) Any individual during flight onboard an aircraft operating electronic device(s) that is disturbing flight navigation, as meant in Article 54 point f,

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shall be condemned with imprisonment for a maximum 2 (two) years or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).

- (6) In the case of crimes as meant in items (1), (2), (3), (4) or (5) causing any aircraft damage(s) or accident(s) and loss of assets the criminal(s) shall be condemned with imprisonment for a maximum 5 (five) years and a fine of a maximum amount of Rp. 2,500,000,000.00 (two billion and five hundred million rupiahs).
- (7) In the case of crimes as meant in items (1), (2), (3), (4), or item (5) causing any permanent disability or death of a person, the penalty shall be imprisonment for a maximum 15 (fifteen) years.

Article 413

- (1) Any aircraft personnel performing his/her duties without possession of competency certificate or license as meant in Article 58 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum of Rp. 200,000,000.00 (two hundred million rupiahs)
- (2) In the case the action meant in item (1) causing death of a person, the aircraft personnel shall be condemned with imprisonment for a maximum of 15 (fifteen) years and a fine of a maximum amount of Rp.1,000,000,000.00 (one billion rupiahs).

Article 414

Anybody operating a foreign aircraft within the territory of the Republic of Indonesia without permit from the Minister as meant in Article 63 item (2) shall be condemned with imprisonment for a maximum of 5 (five) years or a fine of a maximum amount of Rp. 2,000,000,000.00 (two billion rupiahs)

Article 415

Anybody operating a foreign civil aircraft within the territory of the Republic of Indonesia without fulfilling the airworthiness requirements as meant in Article 63 item (4) shall be condemned with imprisonment for a maximum of 5 (five) years or a fine of a maximum amount of Rp2,000,000,000.00 (two billion rupiahs)

Article 416

Anybody undertaking any domestic commercial air transportation activity without a commercial air transportation business permit as meant in Article 84 shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 417

Anybody undertaking a domestic regular commercial air transportation activity without any regular commercial air transportation business permit as meant in Article 85 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum Rp. 500,000,000.00 (five hundred million rupiahs).

Article 418

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Anybody undertaking any foreign irregular air transportation activity without flight approval from the Minister as meant in Article 93 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).

Article 419

- (1) Anybody undertaking specific and dangerous goods transportation without fulfilling the aviation safety and security requirements as meant in Article 136 item (1) shall be condemned with imprisonment for a maximum of 2 (two) years or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs)
- (2) In the case the action meant in item (1) causing any death of any person(s), the individual shall be condemned with imprisonment of a maximum 15 (fifteen) years.

Article 420

Owner(s), aircraft cargo expedition agent(s), shipper(s), airport business entity(ies), airport operation unit(s), warehousing business entity(ies), or commercial air transportation business entity(ies), violating the transportation provisions of specific and/or dangerous goods as meant in Article 138 items (1) and (2) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).

Article 421

- (1) Anybody appearing in certain area of an airport without prior authorization from the airport authority as meant in Article 210 shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 100,000,000.00 (one hundred million rupiahs).
- (2) Anybody making any obstacle, and/or other activity within aviation operational safety areas that is endangering aviation safety and security as meant in Article 210 shall be condemned with imprisonment for a maximum 3 (three) years and/or a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

Article 422

- (1) Anybody operating airport in purpose without fulfilling aviation safety and security as meant in Article 217 item (1) shall be condemned with imprisonment for a maximum 3 (three) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).
- (2) In the case the action meant in item (1) causing losses of assets of a person, the penalty shall be imprisonment for a maximum of 5 (five) years and a fine of a maximum amount of Rp. 2,000,000,000.00 (two billion rupiahs).
- (3) In the case the action as meant in item (1) causing the death of a person, the penalty shall be imprisonment for a maximum of 15 (fifteen) years and a fine of a maximum amount of Rp. 5,000,000,000.00 (five billion rupiahs).

Article 423

- (1) Airport personnel operating and/or maintaining airport facilities without possession of competency license or certificate as meant in Article 222 item

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(1) shall be condemned with imprisonment for a maximum of 1 (one) year or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).

- (2) In the case he action as meant in item (1) causing the death of a person, the penalty shall be imprisonment for a maximum of 15 (fifteen) years and a fine of a maximum amount of Rp.1,000,000,000.00 (one billion rupiahs).

Article 424

- (1) Anybody who is not liable for damages suffered by airport service users and/or third parties as meant in Article 240 item (1) resulted in death or physical injury of any person(s) caused by airport operation as meant in Article 240 item (2) point a, shall be condemned with imprisonment for a maximum of 15 (fifteen) years and a fine of a maximum amount of Rp. 2,000,000,000.00 (two billion rupiahs).
- (2) Anybody who is not liable for damages suffered by airport service users and/or third parties as meant in Article 241 item (1), in the forms of:
- a. total destruction, loss, or damages of operational equipment; and/or
 - b. environment impact surrounding airport(s)

caused by airport operation as meant in Article 240 item (2) points b and c, shall be condemned with imprisonment for a maximum 10 (ten) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

Article 425

Anybody undertaking any activity at an airport who is not liable for any indemnity for losses on any damages on building and/or facilities at an airport caused by his/her activity as meant in Article 241, shall be condemned with imprisonment for a maximum 3 (three) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

Article 426

Anybody building a specific airport without any permit from the Minister as meant in Article 247 item (1) shall be condemned with imprisonment for a maximum 3 (three) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

Article 427

Anybody operating a specific airport directly serving from and/or to foreign countries without any permit from the Minister as meant in Article 249, shall be condemned with imprisonment for a maximum of 3 (three) years or a fine of a maximum amount of Rp. 3,000,000,000.00 (three billion rupiahs).

Article 428

- (1) Anybody operating a specific airport for public interests without any permit from the Minister as meant in Article 250, shall be condemned with imprisonment for a maximum 3 (three) years or a fine of a maximum amount of Rp. 3,000,000,000.00 (three billion rupiahs).

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- (2) In the case the crime as meant in item (1) causing the death of a person, the penalty shall be imprisonment for a maximum of 15 (fifteen) years and fine of a maximum amount of Rp15,000,000,000.00 (fifteen billion rupiahs).

Article 429

Anybody performing flight navigation services without any flight navigation service certificate as meant in Article 275 item (1) shall be condemned with imprisonment for a maximum length of 5 (five) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

Article 430

- (1) Flight navigation personnel not possessing a license or certificate of competency as meant in Article 292 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 200,000,000.00 (two hundred million rupiahs).
- (2) In the case the action as meant in item (1) causing the death of a person, the penalty shall be imprisonment for a maximum length of 15 (fifteen) years and a fine of a maximum amount of Rp.1,000,000,000.00 (one billion rupiahs).

Article 431

- (1) Anybody using aviation radio frequency other than for the purpose of aviation activity or using the aviation radio frequency which is directly or indirectly disturbing aviation safety as meant in Article 306 shall be condemned with imprisonment for a maximum 5 (five) years and a fine of a maximum amount of Rp.100,000,000.00 (one million rupiahs).
- (2) In the case of a crime as meant in item (1) causing the death of a person, the penalty shall be imprisonment of a maximum length of 15 (fifteen) years and a fine of a maximum amount of Rp100,000,000,00 (one million rupiahs).

Article 432

Anybody entering a security restricted area without any entry permit or a plane ticket as meant in Article 334 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 433

Anybody placing an aviation security personnel onboard a flight of a foreign regular commercial aircraft from and to the territory of the Republic of Indonesia, without any bilateral agreement as meant in Article 341, shall be condemned with a fine of a maximum amount of Rp.1,000,000,000.00 (one billion rupiahs).

Article 434

Anybody operating an aircraft of transport category without fulfilling aviation safety requirements as meant in Article 342, resulting in an aircraft accident and losses of assets, shall be condemned with imprisonment for a maximum 5 (five) years and a fine of a maximum amount of Rp. 1,000,000,000.00 (one billion rupiahs).

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Article 435

Anybody entering an aircraft, a restricted area of an airport, or an aeronautical facility without authorization as meant in Article 344 point c, shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 436

- (1) Anybody carrying a weapon, dangerous good(s) or equipment, or a bomb into an aircraft or an airport without authorization as meant in Article 344 point d, shall be condemned with imprisonment for a maximum length of 3 (three) years.
- (2) In the case the crime meant in item (1) resulting in a loss of asset(s), the penalty shall be imprisonment for a maximum length of 8 (eight) years.
- (3) In the case the crime meant in item (1) resulting in a death of a person, the penalty shall be imprisonment for a maximum length of 15 (fifteen) years.

Article 437

- (1) Anybody providing false information endangering aviation safety as meant in Article 344 point e, shall be condemned with imprisonment for a maximum 1 (one) year.
- (2) In the case the crime meant in item (1) resulting in an accident or loss of assets, the penalty shall be imprisonment for a maximum length of 8 (eight) years.
- (3) In the case the crime as meant in item (1) resulting in a death of a person, the penalty shall be imprisonment for a maximum length of 15 (fifteen) years.

Article 438

- (1) Any pilot in command, while on duty, encountering a dangerous situation or knowing another aircraft showing indication of being in danger during flight, and not informing it to the air traffic service unit as meant in article 354 thus resulting in an aircraft accident and loss of assets, shall be condemned with imprisonment for a maximum 8 (eight) years.
- (2) In the case the crime as meant in item (1) resulting in a death of person(s), the penalty shall be imprisonment of a maximum length of 10 (ten) years.

Article 439

- (1) Any air traffic service personnel while on duty receiving information or knowing that an aircraft is in a dangerous situation or lost in flight, failing to immediately inform the authorized agency responsible for search and rescue as meant in Article 355 thus resulting in an aircraft accident and loss of assets, shall be condemned with imprisonment for a maximum 8 (eight) years.
- (2) In the case the crime meant in item (1) resulting in a death of a person, the penalty shall be imprisonment for a maximum length of 10 (ten) years.

Article 440

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Anybody damaging and loosing any evidence, changing aircraft position, taking a part or other things from a remnant of an aircraft resulted from an accident or serious incident, as meant in Article 360 item (1) shall be condemned with imprisonment for a maximum 1 (one) year or a fine of a maximum amount of Rp. 500,000,000.00 (five hundred million rupiahs).

Article 441

- (1) Any crime in aviation field shall be considered to be done by a corporation if the crime is done by an individual acting for and/or on behalf of the corporation or for the interests of the corporation, whether it is based on employment relation as well as other relationships, acting within the scope of the corporation, alone or collectively with the others.
- (2) In the case of crime in aviation field conducted by a corporation as meant in item (1), the investigation, prosecution, and condemnation shall be done against the corporation and/or board of directors.

Article 442

In the case any summon is to be given to a corporation, this summon to appear in court shall have to be delivered to the board of directors at the office of the board, or at the place where the corporation operates, or at the home(s) of the board of directors.

Article 443

In the case a crime in aviation field is conducted by a corporation, in addition to imprisonment and fine against the board of directors, a penal condemnation shall also be enforced to the corporation in the forms of fine penalty of 3 (three) times heavier than the fine penalty stipulated under this Chapter.

**CHAPTER XXIII
TRANSITIONAL PROVISIONS**

Article 444

Each international interest in aircraft object entered into according to and after the effectiveness of provisions under the Convention on International Interests in Mobile Equipment) and the Protocol to the Convention on Interests on Mobile Equipment on Matters Specific to Aircraft Equipment in Indonesia after being registered at the international registration office shall remain valid and may be executed under this law until annulment of registration or expiration of registration as stated in the registration.

Article 445

Any business entity owning a regular and irregular commercial air transportation business permits when this Law is promulgated shall remain performing its business according to the permit owned and shall be obligated to adjust to the provisions of this Law within a period of no later than 3 (three) years.

Article 446

Any airport administration office, airport operator office, and branch of airport business entity shall maintain carrying on its duties and functions until the establishment of an airport authority as stipulated under this Law.

Article 447

Any public airport and specific airport operating under the Law Number 15 year 1992 on Aviation shall remain operating its activities and shall be obligated to adjust in conformance with this Law in a period of no later than 3 (three) years since the effectiveness of this Law.

Article 448

- (1) At the time this Law becomes effective, all cooperation agreements between state-owned legal entities operating airport business with any third party(ies) shall remain valid until the agreement reaches its expiration date.
- (2) At the time this Law becomes effective, all cooperation agreement between state-owned business entity operating an airport business and a third party(ies) shall be implemented in accordance with this Law.

Article 449

The National Committee for Transportation Safety (*Komite Nasional Keselamatan Transportasi*) shall remain executing its duty and functions until a national committee is established based on this Law.

Article 450

The function of certification and oversight shall remain executed functionally by the unit under the Director General for Air Transportation/Communication until the establishment of a public service management institution under this Law.

Article 451

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At the time this Law becomes effective, the technical executing unit at the Director General for Air Communication, and the state-owned business entity operating flight navigation operation shall remain performing its flight navigation operation until the establishment of a navigation operating agency based on this Law.

**CHAPTER XXIV
CLOSING PROVISIONS**

Article 452

- (1) Government Regulations for the implementation of this Law shall be enacted no later than 2 (two) years since the effective date of this Law.
- (2) Ministerial Regulations for the implementation of this Law shall be enacted no later than 3 (three) years since the effective date of this Law.

Article 453

Within a period of no longer than 3 (three) years since this Law becomes effective, airport business activities implemented by the Government, regional government, and state-owned business entity shall be compelled to be adjusted following this Law.

Article 454

Any business entities possessing a regular and irregular commercial air transportation business permits at the time of the promulgation of this Law, shall be obligated to adjust to the provisions of this Law within a period of no later than 3 (three) years.

Article 455

The airport authority and airport operating unit shall have to be established within a period of no later than 1 (one) year since the effective date of this Law.

Article 456

The structure of national airport management shall have to be adjusted and determined no later than 2 (two) years since the effective date of this Law.

Article 457

The airport master plan of the airport in operation shall have to be adjusted and determined no later than 3 (three) years since the effective date of this Law.

Article 458

Any part of Republic of Indonesia's airspace territory, which flight navigation service has been delegated to another country based on agreement shall have to

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be evaluated and served by an flight navigation service operating agency within a period of no later than 15 (fifteen) years since the effective date of this Law.

Article 459

The public service management institution shall have to be established no later than 1 (one) year since the effective date of this Law.

Article 460

An flight navigation service operating agency shall have to be established no later than 3 (three) years since the effective date of this Law.

Article 461

A national safety program shall have to enacted no later than 1 (one) year since the effective date of this Law.

Article 462

A national committee shall have to be established no later than 2 (two) years since the effective date of this Law.

Article 463

A national security program shall have to be enacted no later than 1 (one) year since the effective date of this Law.

Article 464

At the time of this Law becomes effective, all implementing regulations under the Law Number 15 year 1992 on Aviation shall remain valid as long as it is not in contrary with or changed by a new provision under this Law.

Article 465

At the time this Law becomes effective, the Law Number 15 Year 1992 on Aviation (State Gazette of the Republic of Indonesia Year 1992 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 3481) shall be revoked and thereafter declared invalid.

Article 466

This Law shall become effective starting the date of its promulgation.

In order that everybody shall be informed, it is instructed to promulgate this Law by placing it in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
On the date: 12 January 2009

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THE PRESIDENT OF
THE REPUBLIC OF INDONESIA

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
On the date: 12 January 2009

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

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2009
NUMBER 1

ELUCIDATION
OF
THE REPUBLIC OF INDONESIA'S LAW
NUMBER 1 YEAR 2009

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**THIS DOCUMENT IS UNOFFICIAL TRANSLATION
ON**

AVIATION

I. GENERAL

By the blessings of the One and Only God, the Republic of Indonesia has been blessed as an archipelagic country consisting of thousands of islands, spread along the equator, between two continents and two oceans, and a vast air space. Therefore, Indonesia has a very important and strategic position and role in international relations.

In order to achieve national development objectives as implementation of Pancasila (5 foundation of ideology) and the 1945 Constitution of the Republic of Indonesia, to realize the Archipelagic Perspectives and strengthen national endurance, a national transportation system is needed which has an important and strategic position in national development oriented towards environmental perspective. Transportation shall also become a means of expediting economic wheel, opening access to rural or remote areas, strengthening nation unity and oneness, enforcing state sovereignty, and affecting all aspects of the live of the society.

The importance of transportation shall be reflected by continuous increased demands for transportation services for passengers and goods mobilization in country, to and from aboard, and play the role as booster, and motivator for regional growth and territorial development. Realizing the role of transportation above, aviation operation must be structure in one united national transportation system which is integrated and capable to create provision of transportation services in balance with the demands level and are safe, secured, effective and efficient.

An aviation having independent characteristics and supremacy needs to be developed in order to be able to improve wider domestic as well as international services. The development of aviation system must be structure in one united system by integrating and creating dynamic aviation infrastructure and facilities, methods, procedures, and regulations so as to be effective and useful.

Law Number 15 Year 1992 on Aviation needs to be perfected in order to follow science and technology development, changes of strategic paradigm and environment, including regional autonomy, regional and global competition in aviation, profession protection, and consumer protection.

In organizing aviation, this Law aims to create an orderly, regular, safe, secured, comfortable aviation with reasonable prices and to avoid unhealthy business competition practices, smooth flow of movement of passenger and/or goods by air by means of prioritizing and protecting air transportation in the framework of accelerating national economic activities, developing aeronautical spirit, respecting state sovereignty, creating competitiveness. All these may be achieved by developing national air transportation technology and industry, supporting, motivating, and boosting the achievement of national development objectives, strengthening unity and oneness of the nation in the framework of realization of Nusantara/Archipelagic Perspective, improving national endurance, strengthening international relations, and based on the benefits, collective and familial efforts, justice and equal distribution, harmony, public interests, integration, law enforcement, independence, anti-monopoly and

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openness, environmental friendliness, state sovereignty, nationalism and archipelagic perspective.

Based on the above, a law on aviation has been formulated which is an improvement of Law Number 15 of Year 1992, aiming for aviation organization/operation as a system that will bring maximum benefits for the people, nation and country, and cultivate and develop aeronautical spirit which prioritizes the factors of safety, security and comfort.

This Law shall stipulate the rights, obligations and legal liability of services providers and users, legal liability of service providers against damages of third parties as a result of aviation operation, and international interests in aircraft objects possessing Indonesian registration identity and nationality. In addition, in the framework of national law development and consolidated legal certainty realization, this Law shall also provide consumer protection without sacrificing sustainability of transportation service providers and extend bigger opportunities for the regions to develop certain businesses at the airports not directly related to aviation safety.

In this Law a change of paradigm has been made to reflect a clear division between the functions of regulator, operator, and provider of aviation services. In addition, several existing organizations/operators shall be merged into one navigation services operator. And for aircraft certification and registration, there shall be an autonomic services unit, oriented towards prioritizing aviation safety and security, and not over profit making, shall be financially independent, and fees charged to users shall be for cost recovery of investment and operational improvement.

Aviation, as one united system, consisting of utilization of air space territory, aircrafts, airports, air transportation, safety and security, living environment, and other supporting public facilities, which main topics are described as follows:

- a. Air space territorial utilization shall be the implementation of sovereignty of the Republic of Indonesia in a holistic and exclusive manner over her air space territory, containing national air space structure, organization of flight navigation services, personnel and facilities, and arrangement of navigation procedures, aeronautical communication, observation and prohibition of disturbing flight navigation services, including imposition of sanctions.

National air space structure shall be enacted to create supreme operation of flight navigation services in the framework of aviation safety in reference to national regulations and provisions of the *International Civil Aviation Organization* (ICAO) related to allocation and utilization of air space. With regard to the air space utilization mentioned above, the Government as the flight navigation service operator shall provide services consisting of air traffic services, aeronautical communication, aeronautical information, aeronautical meteorological information, and search and rescue information. In order to support smooth operation and safety of aviation activities, the flight navigation services operator shall prepare competent personnel, install and operate as well as maintain flight navigation facilities.

In order to maintain aviation safety, in the procedures of navigation, the operator and users of flight navigation services shall be obligated to follow all valid regulations. In addition, there shall be regulations on permits of radio frequency allocated for aviation and provision of recommendation for radio frequency other than those allocated for

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aviation activities, and there shall be limitation, prohibition, and sanctions against activities disturbing flight navigation services.

The air territory of the Republic of Indonesia which flight navigation services is delegated to another country based on an agreement must be evaluated and served by the flight navigation services operation agency no later than 15 (fifteen) years from the date this Law being declared effective.

- b. Due to the importance and strategic role of aviation on the general public livelihood, aviation shall have to be possessed by the state while its supervision/oversight shall be done by the Government by means of strengthening the agency in charge of aviation sector. This can be achieved by contemplating institutional structuring, improvement of quantity and quality of human resources, improvement of effective, efficient and flexible budget management based on priority scales, improvement of the welfare of human resources, imposition of sanctions against officials and/or employees for violation in the implementation of this Law. The above mentioned supervision performed by the Government shall cover arrangement, control, and oversight.
- c. In the framework of facing the development in aviation world such as the open sky policy in aviation world, bilateral, multilateral, and plurilateral cooperation, reciprocal principle, fairness, sabotage, aviation alliance, hub and spoke routes network, and strengthening domestic aviation industry, the air transportation arrangement shall be focused to create a conducive climate in air transportation sector, through determination on balanced rights and obligations, prime services standard, by making a priority on services users' protection.

Requirements for air transportation business entity shall also be stipulated under this Law, such as to enable business entities to grow healthy, expanding, and competitive nationally and internationally. Furthermore, in order to open remote areas throughout the territory of Indonesia, this Law shall maintain guaranteeing pioneer air transportation services in the efforts to provide stimulation for the regions to increase their economic activities.

In the efforts to empower national aviation industry, this Law shall also contain provisions regarding international interests on aircraft objects regulating aircraft objects that may bear international interests arising from a security agreement, a title reservation agreement, and/or a leasing agreement. These regulations refer to the Convention on International Interest in Mobile Equipment and the protocol to the Convention on Interest in Mobile Equipment on Matters Specific to Aircraft Equipment, airplane engines, as a consequence of ratifying the convention and protocol normally called the Cape Town Convention.

- d. In the framework of ensuring operation of airports as air transportation services center and business units that are effective, efficient and capable of moving territorial economy, this Law shall regulate the requirements, procedures, and airport operation standard, national airport structure, determination on location, operation, facilities and personnel of the airport, controlling of working environment areas, and aviation operation safety zone surrounding the airports for the interest of aviation safety and security, and environmental preservation.

In organization of airport, a clear division between airport regulator and operator shall be stipulated by means of establishing Airport Authority,

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and shall provide a greater opportunity towards participation of private sector and regional government in airport operation.

- e. In order to guarantee the realization of aviation operation that meets the safety and security standard, this Law shall regulate enactment of national safety program, national aviation security program, and safety cultural action program with reference to the International Civil Aviation Organization (ICAO). National aviation safety program shall contain safety regulation, safety targets, safety reporting system, safety data analysis and exchange, accident and incident investigation, safety promotion, safety oversight, and law enforcement. While national aviation security program shall contain security regulation, security targets, security personnel, security responsibilities division, protection of airports, aircrafts, navigation facilities, control and assurance of security for human beings and goods on aircrafts, handling of unlawful conduct, security system adjustment towards security threat level, and aviation security oversight.
- f. In the efforts to provide assurance of certification and inspection services of safety that is credible, transparent, and accountable, as well as improvement of human resources competence in good governance, this Law shall stipulate the establishment of public services provider that is undertaking its tasks under performance-based budgeting pattern using priority, efficiency and effectiveness scales.
- g. In order to find out the causes of any accident and serious incident of a civil aircraft and in the framework of enforcing professional ethics, executing mediation, and describing regulation enforcement in aviation field aiming to prevent occurrence of accidents caused by the same fault, this Law shall also stipulate the establishment of a national committee reporting to the President, and for a follow-on investigation, the committee shall form an aviation professional council.
- h. In this Law, an aviation information system shall also be stipulated through an effective, efficient and integrated information network by using information and communication technology development. Furthermore, in the framework of optimally improving aviation operation, public participation shall also be regulated using openness and partnership principles.

With the promulgation of this Law, various provisions existing in national and international laws and regulations shall remain valid, as long as they are not in contrary to this Law, and are mutually complimentary.

This Law shall stipulate basic issues, whereas those technical and operational in nature shall be stipulated under a Government Regulation, Ministerial Regulation, and other implementing regulations.

II. ARTICLE BY ARTICLE

Article 1

Self explanatory.

Article 2

Item a

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What is meant by "foundation of benefit" is that aviation implementation shall be obliged to provide maximum benefits for humanity, improvement of the people's welfare, development of the citizens and improvement efforts towards the state defense and security.

Item b

What is meant by "foundation of collective endeavors and solidarity" is that business management in aviation field should be conducted in order to achieve national objectives where all its activities shall be implemented by all layers of the society with solidarity (family-ship) spirit.

Item c

What is meant by "foundation of justice and equal distribution" is that aviation management shall be obliged to provide fair and well-distributed services without any discrimination to all layers of the society with costs affordable by the people without any discrimination of ethnics, religions, breed/origin and economic level.

Item d

What is meant by "foundation of equilibrium, harmony and conformity" is that aviation management must be executed as such that there is an equilibrium, harmony and conformity between facility and infrastructure, between users' and service-providers' interests, between individual and community interests, and between national and international interests.

Item e

What is meant by "foundation of public interests" is that aviation management must prioritize the general public interests.

Item f

What is meant by "foundation of integration" is that aviation management must be a unity which is holistic and complete, integrated, and that interfaces with and compliment one another whether it is of intra-mode or inter-mode transportation.

Item g

What is meant by "foundation of law enforcement" is that this Law requires the Government to enforce and guarantee certainty of law, and requires that every citizen of Indonesia shall be aware and compliant to laws in management of aviation.

Item h

What is meant by "foundation of independency" is that aviation management must be based upon the nation's identity, based on trust of its own capability and power, prioritize national interests in aviation, and pay attention to reasonable load quota in transportation on water surface, in international inbound and outbound traffics.

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Item i

What is meant by “foundation of transparency and anti-monopoly” is that business management in aviation field must be conducted to achieve national objectives where its activities can be done by the whole layers of the society and with a spirit of solidarity (family-ship).

Item j

What is meant by “foundation of perspective on living environment” is that aviation management must be implemented in harmony with efforts of preservation of living environment function.

Item k

What is meant by “foundation of state sovereignty” is that aviation management must be implemented in line with the efforts to maintain wholeness of the Republic of Indonesia state territory.

Item l

What is meant by “foundation of nationalism” is that aviation management must be able to reflect the characteristics and personalities of Indonesian pluralistic nation but remain maintaining the principles of the Republic of Indonesia State Unity.

Item m

What is meant by “foundation of archipelago principle” is that every aviation operation must always pay attention towards the interests of the whole territory of Indonesia and aviation operation conducted by the regions must be parts of national aviation system based on Pancasila (Five Principles).

Article 3

Self explanatory.

Article 4

Self explanatory.

Article 5

As a sovereign country, the Republic of Indonesia has full and exclusive sovereignty over the air/space territory of the Republic of Indonesia, in accordance with the provisions of the 1944 Chicago Convention on International Civil Aviation and the 1992 International Maritime Law Convention which has been ratified under Law No. 17 year 1985 on Endorsement to *United Nations Convention on the law of the sea*.

The provision of this article only emphasizes regarding authority and responsibilities of the Republic of Indonesia to regulate utilization of air territory that is part of the Indonesian territory, while with regards to holistic sovereignty over the Republic of Indonesia territory the law and regulations on the area of national defense remain applicable.

In order to maintain sovereignty over air territory of the Republic of Indonesia, mastery and development of technology must be obtained so

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that the Republic of Indonesia may control its air/space territory as high as possible for the interests of the people, in particular for aviation interests.

Article 6

Air territory, which is the air space above the land and water territory of the Republic of Indonesia, is a national asset so that it has been utilized for the maximum benefits of the people, the nation and the country.

Article 7

Item (1)

The authority to determine prohibited and restricted areas of air space is belonged to every sovereign state in regulating utilization of its air space aiming in the frame of general public safety, aviation safety, national economy, living environment, and defense and security.

What is meant by “prohibited area” is an air zone with permanent and holistic restriction for all aircrafts. This limitation shall only be stipulated within the air space of Indonesia, for example: nuclear installation or the Presidential Palace.

What is meant by “restricted area” is the air/space zone with non-permanent restriction and utilized for certain aviation operation (TNI/Indonesia Military aircrafts). This area may be utilized for civil aviation during non-active (military) period(s). This restriction may be in the form of altitude restriction and is only stipulated within the air territory of Indonesia, for example: military installation or zones.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 8

Item (1)

What is meant by “violating the sovereign territory of the Republic of Indonesia” is entering without approval (trespassing) the territory of the Republic of Indonesia.

Item (2)

Self explanatory.

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Item (3)

The information as meant by this provision is required for determining action(s) contemplated by the apparatus responsible for national defense.

Item (4)

Self explanatory.

Item (5)

What is meant by “all loads” are all things transported on board the aircraft, among others, the passengers, cargo, posts, and other equipments in the aircraft.

Article 9

Self explanatory.

Article 10

Item (1)

What is meant by “controlled by the state” is that the state has the controlling power over aviation operation, which is actualized through aspects of regulatory, control, and supervision/over-sight.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Item (6)

Self explanatory.

Item (7)

Self explanatory.

Item (8)

What is meant by “in accord with its authority” is the authority given by the Government to the regional government in line with valid laws and regulations.

Article 11

Self explanatory.

Article 12

Self explanatory.

Article 13

Self explanatory.

Article 14

Self explanatory.

Article 15

Item (1)

Self explanatory.

Item (2)

What is meant by “type certification test” consists, among others, of:

- a. airframe testing;
- b. engine testing;
- c. on-land functional system testing;
- d. on-air functional system testing; and
- e. flying capability testing.

Article 16

Self explanatory.

Article 17

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Point a

Self explanatory.

Point b

Type certificate supplement includes, among others, issuance of certificate of telecommunication equipment in an aircraft for prevention of threats on aviation safety and security, such as so that the telecommunication equipment does not interfere with flight navigation.

Point c

Self explanatory.

Article 18

Self explanatory.

Article 19

Self explanatory.

Article 20

Self explanatory.

Article 21

Self explanatory.

Article 22

Self explanatory.

Article 23

Self explanatory.

Article 24

Registration marks could be Indonesian registration marks or foreign registration marks.

Article 25

What is meant by “Indonesian registration mark” is consisting of 3 (three) letters.

Point a

Self explanatory.

Point b

Self explanatory.

Point c

What is meant by “agreement/contract” is a hire-purchase contract, commercial lease agreement, or other kinds of agreements that are subject to the law provisions agreed upon by the parties;

Point d

Self explanatory.

Point e

Self explanatory.

Article 26

Self explanatory.

Article 27

Item (1)

What is meant by “Indonesian national identity” is an identity affixed to the aircraft while utilized by the Republic of Indonesia, consisting of 2 (two) letters/characters PK. Therefore not all aircrafts already registered shall be given a national identity.

The National Identity of Indonesia is coherent with the registration certificate.

Item (2)

Self explanatory.

Item (3)

Exemption from national identity is given with consideration that the aircrafts concerned are limited with regards to their operation and their flights routes shall not pass beyond the territory or operate within the territory of the Republic of Indonesia.

Exemption from Indonesia national identity does not mean they do not have registration identity.

Item (4)

Self explanatory.

Article 28

Self explanatory.

Article 29

Point a

What is meant by “purposely damaged or demolished” in this provision is that the aircraft will no longer be utilized or its utilization function has been redirected, such as a tool for educational practice, or as an ornament.

What is meant by “breach of contract” is that the lessee of the aircraft does not fulfill the agreement in the contract.

The provision as meant in point a number 7) refers to the Convention on International Interest in Mobile Equipment.

Point b

Self explanatory.

Article 30

Self explanatory.

Article 31

Self explanatory.

Article 32

Self explanatory.

Article 33

Self explanatory.

Article 34

Self explanatory.

Article 35

Self explanatory.

Article 36

What is meant by:

- a. “transport category” is limited to aircrafts with maximum take-off weight (MTOW) greater or equals to 5700 kilograms.
- b. “normal category” is limited to aircrafts having seating configuration for smaller or equals to 9 (nine) passengers exclusive of pilot’s seat, a maximum take-off weight/MTOW of lighter or equals to 5700 kilograms and are allocated for *non-aerobatic* operation.
- c. “utility category” is limited to aircrafts having seating configuration for smaller or equals to 9 (nine) passengers exclusive of pilot’s seat, maximum take-off weight (MTOW) of lighter or equals to 5700 kilograms and are allocated for limited aerobatic operation.
- d. “aerobatic category” is limited to aircrafts having seating configuration of smaller or equals to 9 (nine) passengers exclusive of pilot’s seat, maximum take-off weight (MTOW) of lighter or equals to 5700 kilograms and are allocated for full aerobatic operation.
- e. “commuter category“ is limited to aircrafts having propellers, multiengine, seating configuration for smaller or equals to 19 (nineteen) passengers, maximum take-off weight (MTOW) of lighter or equals to 8500 kilograms and are allocated for non-aerobatic operation.

Article 37

Self explanatory.

Article 38

What is meant by:

- a. “restricted utility” is restricted utilization and operation of aircraft for specific purposes, among others: agriculture, forest conservation, aerial mapping, patrolling, weather monitoring, artificial rain, and advertisement.
- b. “experimental utility” is utilization and operation of aircrafts for the purposes of:
 - 1) research & development;
 - 2) showing compliance with regulations;
 - 3) crew training;
 - 4) exhibition;
 - 5) air racing;
 - 6) market surveys; and
 - 7) aviation hobbies.
- c. “specific aviation activities” is a special flying permit issued for aircraft operation for the purposes of:
 - 1) repair or maintenance;
 - 2) delivery or exporting of aircrafts;
 - 3) production flight test;
 - 4) evacuation by air from dangerous areas; or
 - 5) flight demonstration.

Article 39

Self explanatory.

Article 40

Self explanatory.

Article 41

Self explanatory.

Article 42

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

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What is meant by “competent management personnel” is personnel already possessing competency certificate.

Point f

Self explanatory.

Point g

Self explanatory.

Point h

Self explanatory.

Point i

Self explanatory.

Point j

Self explanatory.

Point k

Self explanatory.

Point l

Self explanatory.

Point m

Self explanatory.

Article 43

Self explanatory.

Article 44

Self explanatory.

Article 45

Self explanatory.

Article 46

Self explanatory.

Article 47

Item (1)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

The aircraft maintenance expert personnel as meant in this provisions may undertake maintenance of aircraft owned by non-commercial air transportation company of aircraft capacity less than 9 (nine) passengers.

Item (2)

Self explanatory.

Article 48

Self explanatory.

Article 49

Self explanatory.

Article 50

Self explanatory.

Article 51

Self explanatory.

Article 52

Item (1)

Self explanatory.

Item (2)

What is meant by “emergency circumstances” is a forceful condition that landing must be done outside the airport(s) determined for it, for example, due to technical damage(s) warranting immediate landing (landing as soon as possible), minimum level of fuel, bad weather, bomb threat, or hijacking, terrorism that may threaten aviation safety if flight is to be continued.

Item (3)

Self explanatory.

Article 53

Item (1)

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The activities endangering aircraft safety, among others, are flying outside specified lines, flying without safety equipments, and flying through prohibited areas.

Item (2)

Self explanatory.

Article 54

Self explanatory.

Article 55

What is meant by “during flight” is starting from the time all doors of the aircraft are closed after passengers’ embarkation until the time the doors are opened for passengers’ debarkation at the airport of destination.

Authority of pilot in command under this provision shall also apply during emergency landing until the authority is taken by the authorized officials or officers assigned for emergency handling.

The authority stipulated under this Law shall provide legal foundation for actions taken by the pilot in command in the framework of aviation security and safety.

Article 56

Item (1)

What is meant by “passengers with disability to act on an emergency” are disable persons, illiterate persons, and children.

Item (2)

Self explanatory.

Article 57

Self explanatory.

Article 58

Item (1)

Aircraft personnel shall consist of aircraft operation personnel, aircraft operation supporting personnel, and aircraft maintenance personnel.

Aircraft operation personnel consist of:

- a. pilot; and
- b. flight engineer;

Aircraft operation supporting personnel consist of:

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- a. personnel supporting aviation operation; and
- b. cabin attendant.

Aircraft maintenance personnel are persons possessing certificate of competency for aircraft maintenance.

Item (2)

What is meant by “legitimate” is either issued or legalized by authorized official.

What is meant by “valid” is that the license has an expiry in conformance to the scope of work.

Item (3)

Point a

Self explanatory.

Point b

What is meant by “physically and mentally fit to fly” is having a medical certificate issued by a medical unit qualified to carry out medical examination of flight personnel.

Point c

Self explanatory.

Point d

What is meant by “professional test” is an activity to show the level of competency in order to obtain the license.

Item (4)

Self explanatory.

Article 59

Item (1)

Point a

Self explanatory.

Point b

What is meant by “maintain his/her professional skills” is a minimum compulsory requirement for doing the job and taking recurrent training.

Point c

Self explanatory.

Item (1)

Self explanatory.

Article 60

Self explanatory.

Article 61

Self explanatory.

Article 62

Item (1)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

What is meant by “second party” is an individual or legal entity having direct relationship with aircraft operational activities by a legal bind (contract).

Point d

What is meant by “third party” is an individual or legal entity having no direct relationship with aircraft operational activities by a legal bind/contract, but is affected by the aircraft operation.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Article 63

Item (1)

Self explanatory.

Item (2)

What is meant by “under certain circumstances” is:

- a. unavailability of the aircraft capacity in Indonesia;
- b. unavailability of the type and capacity of the aircraft in Indonesia for the air transportation activities;
- c. natural disaster and/or

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d. humanitarian aids operation.

What is meant by “within limited period of time” is the timing for foreign aircraft operation is limited until such operation can be handled by Indonesian aircraft(s).

Item (3)

What is meant by “international agreement” is an agreement on delegation of authority in airworthiness for safety oversight in the aircraft operations.

Item (4)

What is meant by “airworthiness requirements” is conformance to national and international provisions.

Item (5)

Self explanatory.

Item (6)

Self explanatory.

Article 64

Self explanatory.

Article 65

Self explanatory.

Article 66

Self explanatory.

Article 67

Item (1)

Self explanatory.

Item (2)

What is meant by “identity mark” is registration mark.

Article 68

What is meant by “certain circumstances” is if the Government needs air transportation whereas the available means is only state aircrafts, then the Government shall utilize the state aircraft as a civil aircraft conforming to civil aircraft requirements.

It also applied otherwise if the Government needs air transportation for government activities whereas the available means is only a civil aircraft, then the civil aircraft may be transformed into a state aircraft conforming to state aircraft requirements.

Article 69

What is meant by “approval/permit from the Government” is flight approval.

Article 70

Self explanatory.

Article 71

What is meant by “aircraft objects” are an aircraft frame/skeleton, an aircraft engine, and a helicopter. An aircraft installed into an aircraft frame/skeleton is called an airplane.

What is meant by “aircraft frame/skeleton” is a skeleton of an aircraft (other than those aircraft frames used for military, custom, or police forces) that if an aircraft engine suitable for the aircraft frame/skeleton is installed into it, and certificated by an authorized aviation agency for transporting:

- a. at least 8 persons including the aircrew; or
- b. goods more than 2,750 kgs.

along with all its installed equipments, components, and other devices, built-in or attached to (other than the aircraft engine), and all data, guide book and notes associated to it.

What is meant by “aircraft engine” is an aircraft engine (other than those aircraft engines used for military, custom, or police forces) moved by a jet propulsion or turbine or piston technology power and:

- a. in the case an aircraft engine with propulsion jet, has at least a thrust/propulsion power of 1,750 lbs or equivalent; and
- b. in the case the aircraft engines are driven by turbine or piston, they must at least have 550 horsepower average capacity or similar for taking-off.

along with all the module and installed equipment, components and other devices, built-in or attached to it, and all the data, guide book and notes associated to it.

What is meant by “helicopter” is a certain helicopter (not used for military, custom and police forces), certificated by an authorized aviation agency for transporting:

- a. at least 5 persons including the aircrew, or
- b. goods more than 450 kgs.

along with all the installed equipments, components, and devices, built in or attached to (including the rotors) and all data, guide book and notes associated to it.

What is meant by “international interest” is an interest obtained by a creditor arising from a security agreement, title reservation agreement,

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and/or leasing agreement that are subjects of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on Interests in Mobile Equipment on Matters Specific to Aircraft Equipment).

What is meant by “security agreement” is an agreement whereby the chargor gives or agrees to give to the chargee of security agreement an interest (including the interest of ownership/title) of an aircraft object to guarantee delivery of obligations incurred or to be incurred from the chargor or a third party.

What is meant by “title reservation agreement” is a sale agreement on an aircraft object with a provision that ownership/title shall not be transferred until all requirements under the agreement have been met.

What is meant by “leasing agreement” is an agreement whereby the lessor gives his/her rights to the lessee to possess an aircraft object (with or without an option to purchase) with a rent or any other payment as the compensation.

Article 72

What is meant by “based on the law of choice” is that the parties may choose the law that shall regulate their contractual rights and obligations based on the agreement with or without any link between the law chosen and any party of the agreement or the implementation of obligations under the agreement. The parties of the agreement may also have the freedom of choosing the court jurisdiction of a country member of the convention and protocol mentioned above with or without any linkage between the chosen court and the parties or the transactions arising from the agreement.

Article 73

Self explanatory.

Article 74

Item (1)

What is meant by “authorization for deregistration request” is an authorization to request annulment of irrevocable registration and export as meant in the convention and protocol.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 75

Self explanatory.

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Article 76

What is meant by “other government agencies” are, among others, those agencies in charge of custom and excise, taxation, foreign affairs, and defense in accordance with each agency’s authority.

Article 77

Self explanatory.

Article 78

What is meant by “international registration office” is an international registration facility established for the purpose of the convention and protocol and shall become the only registration office for international interests on aircraft objects.

Article 79

Item (1)

What is meant by “state court” is the court of the country chosen by the parties concerned or the Indonesian state court having relative competence, in the case there is no choice of court stated in the agreement.

Item (2)

What is meant by “the period” are:

- a. a maximum 10 (ten) calendar days from the time of submission/receipt of the request for providing protection on an aircraft object and the value, possession, control or oversight, and/or prohibition of moving the aircraft object; and
- b. a maximum 30 (thirty) calendar days since receipt of request for leasing or management of an aircraft object and income generated, and sales or usage of sale proceeds of an aircraft object.

Article 80

What is meant by “the period of time stipulated by the Government” is the period stated in the government declaration in connection to the convention and protocol.

Article 81

What is meant by “certain invoices” are invoices stated in the government declaration in connection to the convention and protocol, as follows:

- a. the rights of air transportation company employees on their salaries not yet paid as a result of or related to utilization of an aircraft, and shall accrue since breach of contract is declared under the agreement on financing or leasing of the aircraft object;
- b. the rights of authorities in Indonesia related to taxes or other unpaid invoices arising from or relating to utilization of an aircraft object,

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and shall accrue since the breach of contract is declared under the agreement on financing and leasing of the aircraft object; and

- c. other rights of the parties repairing an aircraft object while in possession as long as the repair has a value-added effect on the aircraft object

Article 82

What is meant by “lex specialis” is in the case there is a conflict or difference of stipulation between the provisions of the convention, protocol or declaration and the provisions of the Indonesian law, then the provisions of the convention, protocol and the declaration shall apply.

Article 83

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

What is meant by “regular commercial air transportation” is commercial air transportation services with flight routes operated permanently and regularly.

What is meant by “irregular commercial air transportation activities” is commercial air transportation services that are not bound to permanent and regular flight routes and schedules.

Article 84

Self explanatory.

Article 85

Item (1)

Self explanatory.

Item (2)

What is meant by “certain circumstances”, is the existence of demands for a capacity air transportation through certain routes that cannot be fulfilled by the capacity of regular commercial air transportation operated in compliance to law provisions for irregular commercial air transportation, among others, tourism packages, MICE (*meeting, incentive, conference, and exhibition*), air transportation for hajj/pilgrimage, natural disaster assistance, and national and international activities.

What is meant by “temporary in nature” is that the approval given is limited for certain duration of time, at the most 6 (six) months) and may only be extended once (1 time) for the same route.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 86

Item (1)

What is meant by “bilateral agreement” is an air transportation agreement entered into by the Government of the Republic of Indonesia with 1 (one) foreign country as a contracting party;

What is meant by “multilateral agreement” is an air transportation agreement that has a specific or general in nature, entered into by the Government of the Republic of Indonesia with several foreign countries as the contracting parties and membership to this type agreement shall be permanent in nature.

Item (2)

Self explanatory.

Item (3)

What is meant by “national interests” among others are the interests concerning state sovereignty, national holistic territory, national economy, and sustainability of national air transportation business.

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Article 87

Item (1)

What is meant by “plurilateral agreement” is an agreement entered into by one country and a state community organization or between state community organizations having an open membership.

Item (2)

Self explanatory.

Article 88

Self explanatory.

Article 89

Self explanatory.

Article 90

Item (1)

What is meant by “unlimited air transport rights” is implementation of air transport rights without limitation on, among others, places of destination, flight frequency, transport capacity, tariff application, and freedom of the air

Item (2)

What is meant by “opening of air transportation markets” is giving an opportunity/chance to foreign air transportation companies to serve flights from and to the territory of the Republic of Indonesia under limitation of air transport rights.

What is meant by “in stages” is that it will be done, among others, in accordance with competitiveness preparedness of national air transportation companies.

Article 91

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

What is meant by “certain circumstances” is a situation where demands for air transportation services cannot be met or served by the regular commercial air transportation companies for certain route(s).

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Article 92

Point a

Self explanatory.

Point b

What is meant by “inclusive tour charter” is, among others, a charter for purposes of pilgrimage, non-season pilgrimage, tour packages and MICE.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

What is meant by “other irregular commercial transportation activities” is that in one airplane there are various groups with different purposes (split charter), such as for sick persons (patients), humanitarian programs, parachuting activities.

Article 93

Item (1)

Self explanatory.

Item (2)

What is meant by “the minister concerned” is the minister responsible for diplomatic clearance and the minister responsible for security clearance.

Article 94

Self explanatory.

Article 95

Self explanatory.

Article 96

Self explanatory.

Article 97

Item (1)

Self explanatory.

Item (2)

What is meant by “maximum services standard” is provision of food and beverages, snacks, and executive lounge for business class and first class.

Item (3)

What is meant by “medium services standard” is, among others, provision of light food (snacks), and other facilities such as executive lounge for passengers holding certain types of economy class.

Item (4)

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What is meant by “minimum service standard” is, among others, there is only 1 (one) class of service, without any provision of food and beverages, snacks, executive lounge, and checked-in baggage shall be charged a fee.

Article 98

Self explanatory.

Article 99

Self explanatory.

Article 100

Self explanatory.

Article 101

Item (1)

What is meant by “certain organizations” are, among others, religious organizations, social organizations, and sports associations.

Item (2)

What is meant by “aerial work” are, for example, agricultural spraying, fire extinguishing, artificial rain, air photographing, survey and mapping, search and rescue, calibration, and air/space patrolling.

Article 102

Item (1)

Self explanatory.

Item (2)

What is meant by “certain region” is a region or territory that is not served by any commercial air transportation business entity.

What is meant by “certain requirements” are, among others, insurance, issuance of tickets, reporting and submission of manifest to airport authority.

What is meant by “temporary in nature” is that the approval/permit is given for a certain limited period of time, the longest being 6 (six) months and may only be extended once (1 time) on the same route.

Item (3)

Self explanatory.

Article 103

Self explanatory.

Article 104

Item (1)

What is meant by “agreement” is an agreement between the Government and a national commercial air transportation business entity entered into after a bidding process in accord with the rules of law.

Item (2)

What is meant by other compensation is, among others, granting of supplementary subsidy.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 105

What is meant by “certain circumstance” is unavailability of commercial air transportation business entity to serve pioneer air transportation activities in a location.

Article 106

Self explanatory.

Article 107

Self explanatory.

Article 108

Self explanatory.

Article 109

Self explanatory.

Article 110

Self explanatory.

Article 111

Self explanatory.

Article 112

Item (1)

Self explanatory.

Item (2)

What is meant by “an evaluation” is an evaluation on commercial air transportation business entity.

Item (3)

Self explanatory.

Article 113

Item (1)

What is meant by “transferred” is changes of partial or entire ownership of company shares by means of merger or acquisition.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Article 114

Self explanatory.

Article 115

Self explanatory.

Article 116

Item (1)

Self explanatory.

Item (2)

What is meant by “an evaluation” is an evaluation on performance of a permit holder of non-commercial air transportation activity.

Item (3)

Self explanatory.

Article 117

Self explanatory.

Article 118

Item (1)

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Point a

What is meant by “perform air transportation activities in reality (de facto)” is the aircraft operation, whereas processing the establishment of company or representative office, preparation of human resources, and preparation of other administrative matters undertaken by the commercial air transportation business entity are not categorized as aircraft operation activities.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

Self explanatory.

Point f

Self explanatory.

Point g

Self explanatory.

Point h

Self explanatory.

Point i

Self explanatory.

Item (2)

What is meant by “owned” is an aircraft is possessed as a result of cash purchasing proven by a bill of sale.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 119

Self explanatory.

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Article 120

Self explanatory.

Article 121

Self explanatory.

Article 122

Item (1)

The Minister shall consider integration of transportation intermodes and sustainable longevity of commercial air transportation business entity when determining the aviation network and flight routes aiming to ensure availability of air transportation throughout the territory of the Republic of Indonesia

Item (2)

Self explanatory.

Article 123

Self explanatory.

Article 124

Self explanatory.

Article 125

Self explanatory.

Article 126

Item (1)

Self explanatory.

Item (2)

In determining domestic regular commercial air transportation tariff, the Minister shall consider the interests of aviation safety and security, the public, and commercial air transportation operators.

Item (3)

Point a

What is meant by “distance tariff” is the amount of tariff per flight route per one trip, for each passenger, which is a calculation result of basic tariff multiplied by distance and taken into consideration on buying/purchase power or affordability. This distance tariff shall consist of basic average fee plus reasonable profit.

Point b

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What is meant by “tax” is value added tax (VAT) imposed based on taxation regulations.

Point c

What is meant by “mandatory insurance premium” is passenger accident insurance which is imposed based on the law and regulation on mandatory passenger accident liability.

Point d

What is meant by “surcharge” is the charge imposed due to additional costs that air transportation company has to pay outside stipulated distance tariff, such as, among others, fluctuating fuel surcharge and costs that air transportation company has to bear due to lack of or no passengers on returning flights, outbound or inbound, for example during big celebration holidays.

Article 127

Item (1)

What is meant by “economy class passenger tariff for regular commercial air transport” is the maximum service price on a certain domestic route on an economy class passenger transportation service which is stipulated upon coordination with national aviation association by taking into consideration the inputs from air-service user association.

What is meant by “economy class service” is an air transportation service provided by commercial air transportation business entity on minimal service but meeting the aspect of aviation safe and security.

Item (2)

What is meant by “consumer protection” is protecting consumers from imposition of high tariff by commercial air transportation business entity and protecting consumers from flight tariff information/advertisement potentially disadvantaging/misleading hence the stipulation on tariff ceiling.

What is meant by “protection against unfair/unhealthy competition” is protecting commercial air transportation business entities from low price fixing by other commercial air transportation business entities aiming to push another commercial air transportation competitor out of the route(s) being served.

Item (3)

What is meant by “made public” is disseminating the tariff ceiling stipulated by the Minister, whether done by the Minister or by the commercial air transportation business entities themselves through print and electronic media and/or by presenting it at every airplane ticket sale place.

Item (4)

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Self explanatory.

Item (5)

Self explanatory.

Article 128

Self explanatory.

Article 129

Self explanatory.

Article 130

Self explanatory.

Article 131

Item (1)

What is meant by “air transportation supporting business activities” are those directly related to commercial air transportation activities, among others, *computerized reservation system, ticket marketing and selling, passenger and cargo ground handling, aircraft leasing.*

Item (1)

Self explanatory.

Article 132

Self explanatory.

Article 133

Self explanatory.

Article 134

Item (1)

Services such as special treatment and facilities for disabled or sick/ill passengers aim to enable the passenger to enjoy reasonable transportation services.

What is meant by “special services” may be in the form of provision of special path at the airport and special facility for getting on or off the aircraft, or provision of special room for wheelchairs or aid facilities for sick/ill persons who need to be transported in laying-down position.

What is meant by “disabled” for example, are passengers using wheelchairs due to paralysis, leg defects, and blindness.

Excluding in the description of “sick/ill person” in this provision is those having contagious diseases in accordance with the rules of laws and regulations.

Item (2)

Self explanatory.

Item (3)

Regular commercial air transportation business entity may determine to charge additional fee in the case a sick passenger needs additional seat(s) during flight.

Article 135

Self explanatory.

Article 136

Item (1)

Self explanatory.

Item (2)

What is meant by “specific goods” are, among others, animals, fish, plants, fruits, vegetables, meat, sport equipment, and music instruments.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 137

Self explanatory.

Article 138

Self explanatory.

Article 139

Self explanatory.

Article 140

Item (1)

This provision aims to make commercial air transportation not to discriminate treatment against transportation service users as long as the users fulfill the transportation conditions agreed upon.

Item (2)

Self explanatory.
Item (3)

Self explanatory.

Article 141

Item (1)

What is meant by “air transportation incident” is an incident solely related to air transportation.

What is meant by “permanent defect” is a loss or causing dysfunctional of one part of the body or affecting one’s normal activities such as the loss of arm(s), leg(s), or eye(s), including mental defect(s) as stipulated under the law and regulations on insurance business field.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Article 142

Self explanatory.

Article 143

Self explanatory.

Article 144

What is meant by “under oversight of the carrier” is starting from the time of acceptance of the baggage by the carrier at check-in time until the time the baggage is taken by the passenger at the airport of destination.

Article 145

Self explanatory.

Article 146

What is meant “weather factor” is heavy rain, lightning, storm, fog, smoke, under minimum standard vision, or above maximum standard wind speed disturbing aviation safety.

What is meant by “operational technical factor” includes:

- a. airports of origin and destination can not be used for the aircraft operation;
- b. there is an environment disturbance approaching the airport or on the runway function such as crack, flood, or fire;

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- c. there is a queue of aircrafts taking off, landing, or a queue of departure slot time at the airport; or
- d. delay in refueling

While the following is excluded from “operational technical factor”, among others:

- a. lateness of pilot, co-pilot and cabin crew;
- b. lateness of catering;
- c. lateness of ground handling;
- d. waiting for passengers, whether the newly checked-*in*, transfers as well as *connecting flight*; and
- e. un-readiness of aircraft.

Article 147

Item (1)

Self explanatory.

Item (2)

What is meant by “other flights” are flights with other aircrafts belonging to the carrier or another carrier.

Article 148

Self explanatory.

Article 149

Self explanatory.

Article 150

Point a

Self explanatory.

Point b

What is meant by “boarding pass” as a proof that the passenger-to-be has checked-in for departure and shall use it as a pass into the aircraft.

Point c

What is meant by “baggage tag” is a proof for claiming the checked-in baggage belonged to the passenger.

Article 151

Self explanatory.

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Article 152

Self explanatory.

Article 153

Self explanatory.

Article 154

Self explanatory.

Article 155

Self explanatory.

Article 156

Item (1)

The first copy is for cargo carrier, signed by cargo shipper, the second copy is for cargo beneficiary signed by cargo carrier and cargo shipper to be shipped together with the cargo, while the third copy is for cargo shipper signed by the cargo shipper and cargo carrier as an evidence of goods receipt by the cargo carrier.

Item (2)

Self explanatory.

Article 157

Self explanatory.

Article 158

Self explanatory.

Article 159

What is meant by “actual value of cargo” is the price stated by the cargo shipper based on market price or price determined by the shipper him/herself.

Article 160

Self explanatory.

Article 161

Item (1)

Self explanatory.

Item (2)

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What is meant by “related agency” is, among others, agencies in charge of the fields of forestry, animal quarantine, and plants.

Article 162

Self explanatory.

Article 163

Self explanatory.

Article 164

Self explanatory.

Article 165

Self explanatory.

Article 166

Self explanatory.

Article 167

What is meant by “actual loss” is the loss based on the value of lost or damaged goods by the incident.

Article 168

Self explanatory.

Article 169

Self explanatory.

Article 170

Self explanatory.

Article 171

What is meant by “business partner” is a party having work contract with the carrier, for example, passenger and cargo ground handling.

Article 172

Item (1)

Determination on the limit of compensation shall have to be in accord with currency rate fluctuation.

With considerations that living standard, company sustainability, inflation and income per capita and average human life expectancy, that are always changing, the amount of compensation shall have to be continuously evaluated so as to satisfy the demands of services users and providers.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 173

Self explanatory.

Article 174

Item (1)

Receiving of checked-in baggage without any complaint by the passenger shall be considered as a proof that the checked-in baggage has been claimed/picked-up in good condition.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 175

Item (1)

Receiving of checked-in baggage without any complaint by the passenger shall be considered as a proof that the checked-in baggage has been claimed/picked-up in good condition.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 176

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A law suit may be filed to the state court with jurisdiction of the place of ticket purchasing, good shipping, domicile of carrier office, branch office and domicile of defendant or claimant within the territory of the Republic of Indonesia. This is meant to provide facilitation to the victim.

Article 177

What is meant by “damages suffered by a passenger or shipper” covers:

- a. for passengers: death, bodily injured, delayed, and being not transported; and
- b. for checked-in baggage and cargo: lost, destroyed, damaged, delayed and not transported according to the schedule set.

Article 178

Self explanatory.

Article 179

Self explanatory.

Article 180

What is meant by “at least” in this provision is that liability for indemnity that has to be borne by the carrier shall not be less than what is determined by the Minister, but the passenger may claim higher indemnity if he/she can prove that the accident happened out of negligence or fault of the carrier.

Article 181

Self explanatory.

Article 182

Item (1)

What is meant by “intermode transportation” is 1 (one) chain of transportation of passengers and/or cargo conducted by more than 1 (one) modes of transportation.

Item (2)

Self explanatory.

Article 183

What is meant by “other carriers” is a travel agent or aircraft cargo expedition company acting as contracting carrier for the passenger or cargo shipper or anybody acting on behalf of the passenger or cargo shipper to be transported by an actual carrier.

Article 184

Self explanatory.

Article 185

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Self explanatory.

Article 186

Self explanatory.

Article 187

Item (1)

What is meant by “multimode transportation business” is a transportation business that uses at least two modes of different transportation based on a multimode transportation contract by using one document of multimode transportation from a place where goods are received by the multimode transportation operator to a place of destination determined for the goods recipient.

Item (2)

Self explanatory.

Article 188

Self explanatory.

Article 189

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

What is meant by “liability of a multimode transportation business entity is limited in nature” is that the responsibility of multimodes transportation business over any damage/loss caused by delay in delivery is limited to a total amount equals to 2.5 (two and a half) times the shipment cost and must be paid for any delayed delivery of goods, but the total shall not exceed the transport charges that has to be paid based on the multimode transportation contract.

The entire total liability to be borne by the multimode transportation business entity shall not exceed the liability over the total value of damages of the goods.

Article 190

Self explanatory.

Article 191

Self explanatory.

Article 192

Self explanatory.

Article 193

Self explanatory.

Article 194

Self explanatory.

Article 195

Self explanatory.

Article 196

Self explanatory.

Article 197

Item (1)

Self explanatory.

Item (2)

What is meant by primary service scale is an airport as one of supporting service infrastructures of the National Activities Center (NAC) serving passengers of a minimum total of 5,000,000 (five million) persons per year.

What is meant by secondary service scale is an airport as one of supporting service infrastructures of the National Activities Center (NAC) serving passengers of a total 1,000,000 (one million) up to 5,000,000 (five million) persons per year.

What is meant by tertiary service scale is an airport as one of supporting service infrastructures of the National Activities Center (NAC) and the nearest Regional Activities Center (RAC) servicing passengers of a total 500,000 (five hundred thousand) up to 1,000,000 (one million) persons per year.

Item (3)

Self explanatory.

Article 198

What is meant by “service capacity” is the airport capability in serving the largest type of aircrafts and number of passengers/goods.

Article 199

Item (1)

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Self explanatory.

Item (2)

Point a

Self explanatory.

Point b

Regional potentials and social-economic development is known or measured by, among others, passenger's *origin and destination survey*.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

Self explanatory.

Point f

Self explanatory.

Point g

Self explanatory.

Item (3)

Self explanatory.

Article 200

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

What is meant by “changes of strategic environmental condition” is, among others, a disaster that stipulated under the provisions of the rules of laws and national policies causing a change of provincial territorial borders.

Item (4)

Self explanatory.

Article 201

Item (1)

Self explanatory.

Item (2)

Point a

What is meant by “airport coordinate points” is the points described by geographical coordinates.

Item (3)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

What is meant by “economic feasibility” is the feasibility considered to create economic advantages for regional development, directly as well as indirectly.

What is meant by “financial feasibility” is the feasibility considered to generate profits for airport business entity or airport operation unit.

What is meant by “social feasibility” is feasibility valued based upon the impact arisen by the airport existence that shall not disturb the community surrounding the airport and shall provide added value for the surrounding community.

What is meant by “regional development feasibility” is feasibility valued based upon conformity to provincial spatial plan and regional/municipality spatial plan.

What is meant by “construction technicality feasibility” is feasibility valued based upon basic physical suitability factors, among others, topography, meteorological and geophysical condition, and land incentive.

What is meant by “operational feasibility” is feasibility valued upon the types of aircrafts, weather influence, hindrance, air space utilization, flight navigation support, and landing and taking-off procedures.

Point e

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What is meant by “environmental feasibility” is feasibility valued upon the scale of impact created and the capability of mitigation during construction, operation, and/or in further development phases.

Article 202

Point a

Self explanatory.

Point b

What is meant by “facilities” are:

- a. basic facilities covering:
 - 1) safety and security facility, among others: Aviation Accident Aids – Fire Extinguisher (AAA-FE), salvage, *visual Airfield Lighting System*, electricity power ration/allocation, and fence.
 - 2) *airside facility*, among others:
 - a) *runway*;
 - b) *runway strip*, *Runway End Safety Area (RESA)*, *stopway*, *clearway*;
 - c) *taxiway*;
 - d) *apron*;
 - e) signs and signals; and
 - f) meteorological park (weather monitoring equipment and facility).
 - 3) *landside facility*, among others:
 - a) passenger terminal building;
 - b) cargo terminal building;
 - c) air traffic *control tower*;
 - d) aviation operational building;
 - e) *access road*;
 - f) motor vehicle parking;
 - g) refueling depot of aircraft fuel;
 - h) hangar building;
 - i) administrative/offices building;
 - j) signs and signals; and
 - k) waste management facility.
- b. supporting facilities are those directly and indirectly supporting airport activities and providing economic added value to airport management, among others: aircraft workshop, warehouse facility, lodging/hotel, shops, restaurants, and golf courts.

Point c

Self explanatory.

Point d

Self explanatory.

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Point e

Self explanatory.

Point f

Self explanatory.

Point g

Self explanatory.

Point h

Self explanatory.

Point i

Self explanatory.

Article 203

Self explanatory.

Article 204

Item (1)

What is meant by “city check in counter” is a facility/place outside the airport working environment which functions to settle various procedures and safety and security requirements as is in airports.

Item (2)

Self explanatory.

Article 205

Self explanatory.

Article 206

Point a

What is meant by “approach and take-off zone” is an extended runway centerline, extending outward and upward from the end of primary surface of the runway, under the aircraft lane after taking-off or approaching landing, with limitation by certain length and width.

Point b

What is meant by “accident vulnerable zone” is a part of the approach zone bordering directly with the ends of runway and having certain measurement that may create accident threat.

Point c

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What is meant by “transitional surface zone” is a surface plane at a certain slope in parallel and at a certain distance from the primary surface centerline, on the lower part bordering by intersect with the centerline, extended ninety (90) degree angles to the runway centerline, and on the upper part bordering by intercept with the inner horizontal surface.

Point d

What is meant by “inner horizontal surface zone” is a surface plane above the airport elevation bordered by certain radius and height measurement for aircraft interests when flying low during approach landing and after taking off.

Point e

What is meant by “underneath conical surface zone” is the surface plane of the conical lower part bordered by the intersect with the inner horizontal zone, and the upper part bordered by the intersect with the outer horizontal zone, each with a certain radius and height measured from predetermined reference point.

Point f

What is meant by “underneath outer horizontal surface zone” is surface plane around the airport elevation bordered by a certain radius and height measurement for the interest of flight operational safety and efficiency, among others, when aircraft approaching landing and movement after taking off or in the case of aborted landing.

Article 207

Point a

What is meant by “Level I Noise” is a noise level within the Weighted Equivalent Continuous Perceived Noise Level (WECPNL) of more than or the same with 70 (seventy) and less than 75 (seventy five).

Point b

What is meant by “Level II Noise” is a noise level within the Weighted Equivalent Continuous Perceived Noise Level (WECPNL) of more than or the same with 75 (seventy five) and less than 80 (eighty).

Point c

What is meant by “Level III Noise” is a noise level within the Weighted Equivalent Continuous Perceived Noise Level (WECPNL) of more than or the same with 80 (eighty).

Article 208

Item (1)

Self explanatory.

Item (2)

Point a

Self explanatory.

Point b

What is meant by “specific aeronautical review” is a review on the requirements stipulated under the aviation safety regulation, conducted by the agency in charge and responsible for aviation sector.

Point c

Self explanatory.

Item (3)

Self explanatory.

Article 209

Self explanatory.

Article 210

What is meant by “obstacle” is, among others, buildings, piles of soil, piles of construction materials, or mined materials, whether temporary or permanent in nature, including trees and buildings already existed or built previously.

What is meant by “other activities” are, among others, kite playing, cattle shepherding, radio frequency usage, passing through the anvil, and activities that create smoke.

Article 211

Item (1)

Self explanatory.

Item (2)

What is meant by “detailed spatial plan of areas surrounding the airport” is the allocation of land usages surrounding the airport.

The national master plan of airports shall be used as a guideline if there is no prior airport master plan existed.

Article 212

What is meant by “accessibility” is the infrastructure used by airport services users going to and from the airport.

What is meant by “utility” is the infrastructure used for supporting airport operation, among others, electricity, clean water, drainage, and telecommunication.

Article 213

Self explanatory.

Article 214

What is meant by “special function” is the building function that during construction and operation may endanger the surrounding community and have a high danger risk.

Article 215

Item (1)

What is meant by “coordinating with the regional government” is to obtain recommendation from the Governor or Regent/Mayor.

Item (2)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Airport detailed technical plan shall be adjusted to the airport’s space allocation plan, in relation to its capability of accommodating aircrafts for landing and taking-off, as well as passengers and cargo from the airport.

The detailed technical plan as the implementation base for airport construction activities shall cover architect drawing and technical specifications of the building, facilities and infrastructure, including building structure and materials, electronical, electric and mechanical facilities as aviation safety supporting facilities.

Point e

Requirements regarding environment preservation shall be presented with existence of studies on Environmental Impact Analysis (AMDAL), Outline of Environmental Impact Analysis (KA-ANDAL), Environmental Impact Analysis (AMDAL), Environmental Management Plan (RKL), Environmental Monitoring Plan (RPL), Environmental Management Efforts or Environmental Monitoring Efforts (UKL-UPL), or Living Environmental Management and Monitoring Documents (DPPL), which is a document reflecting compliance to environmental preservation requirements/conditions.

Article 216

Self explanatory.

Article 217

Self explanatory.

Article 218

Self explanatory.

Article 219

Self explanatory.

Article 220

Self explanatory.

Article 221

Self explanatory.

Article 222

Item (1)

Self explanatory.

Item (2)

What is meant by “airport personnel directly related to implementation of airport operation and/or facility maintenance” are, among others:

- 1) airport technical facility personnel;
- 2) airport electronic facility personnel;
- 3) airport electrical facility personnel;
- 4) airport mechanical facility personnel;
- 5) *airport apron movement control/AMC personnel*;
- 6) environmental management and monitoring personnel;
- 7) aviation accident aids-fire extinguisher (PKP-PK) personnel;
- 8) security personnel;
- 9) aviation security facility personnel; and
- 10) *salvage personnel*.

Item (3)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Item (4)

Self explanatory.

Article 223

Item (1)

Point a

Self explanatory.

Point b

What is meant by “maintaining competence” is the minimum obligations of personnel for performing their jobs and following retraining programs.

Point c

Self explanatory.

Item (2)

Self explanatory.

Article 224

Self explanatory.

Article 225

Self explanatory.

Article 226

Item (1)

Point a

What is meant by “aviation activity supervision” includes supervision on the fields of safety, security, aviation smooth process and security, discipline, and comfort at airports.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 227

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

What is meant by “coordinating with local government” is, among others, by submitting reports and information on airport development related to local interests to the head of the local.

Article 228

Self explanatory.

Article 229

Self explanatory.

Article 230

Self explanatory.

Article 231

Self explanatory.

Article 232

Self explanatory.

Article 233

Item (1)

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Self explanatory.

Item (2)

What is meant “administrative requirements”, among others, includes company establishment deed, owner identity, tax index number, and domicile.

What is meant by “financial requirements” is the company financial capability for construction and longevity of airport operational activities.

What is meant “managerial requirement” is personnel and organizational competence in airport operation.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Article 234

Self explanatory.

Article 235

Item (1)

What is meant “other forms” are cooperation in, among others, the forms of *build operate own, build operate transfer, and contract management*.

Item (2)

Self explanatory.

Article 236

Self explanatory.

Article 237

Self explanatory.

Article 238

Self explanatory.

Article 239

Item (1)

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Self explanatory.

Item (2)

Point a

Self explanatory.

Point b

What is meant by “special facilities” are facilities meeting standard requirements for the disabled, among others, lift, special toilet, and ramp.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

Self explanatory.

Point f

Self explanatory.

Item (3)

Self explanatory.

Article 240

Item (1)

What is meant by “airport services users” is every individual enjoying airport services and/or having working relation with the airport.

What is meant by “third party” is the community surrounding the airport.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Article 241

Self explanatory.

Article 242

Self explanatory.

Article 243

Self explanatory.

Article 244

Self explanatory.

Article 245

Self explanatory.

Article 246

Self explanatory.

Article 247

Self explanatory.

Article 248

Self explanatory.

Article 249

What is meant by “certain circumstances” among others, for purposes of *medical evacuation* and disaster management/handling.

Article 250

What is meant by “certain circumstances” may be, as follows:

- a. occurrence of natural disaster or other emergency situation resulting in not functioning of the public airport; and/or
- b. there is neither public airport nor adequate transportation modes in the region concerned.

What is meant by “temporary in nature” is that the period is limited until certain condition has been overcome.

Article 251

Self explanatory.

Article 252

Self explanatory.

Article 253

Self explanatory.

Article 254

Item (1)

What is meant “meet/fulfill safety and security provisions”, among others, possessing *heliport manual*.

Item (1)

Self explanatory.

Article 255

Self explanatory.

Article 256

Item (1)

What is meant by “several” is that there is limitation of number of airports designated as international airports.

Item (2)

Self explanatory.

Item (3)

What is meant by “inter-related ministers” are ministers in charge of immigration, custom and excise, and quarantine affairs, in the framework of placement of working units and personnel.

Item (4)

Self explanatory.

Article 257

Item (1)

What is meant by “certain circumstance” is that when airport is used as a military airbase it is only for state defense purposes as enacted by the President.

Item (2)

What is meant by “certain circumstance” is that a military airport can be used jointly as an airport, as follows:

- a. there is a natural disaster or other emergency condition that caused the public airport does not function; or
- b. in that particular region there is no public airport.

Item (3)

Self explanatory.

Article 258

Self explanatory.

Article 259

Self explanatory.

Article 260

Self explanatory.

Article 261

Self explanatory.

Article 262

Item (1)

Point a

Delegation of flight navigation services in air space territory shall be merely given for operational technique reason and shall not be related to the state sovereignty over air territory of Indonesia and shall be temporary in nature.

Point b

Self explanatory.

Point c

Delegation of air spare by international civil organization on a territory belonging to no country or over the open sea.

Item (2)

Self explanatory.

Article 263

Self explanatory.

Article 264

Item (1)

Self explanatory.

Item (2)

What is meant by “temporary in nature” is that limitation shall not be continuously imposed.

What is meant by “partial” is that horizontal and vertical borders shall be limited so that aircrafts can fly with stipulated navigation methods in that area/zone.

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What is meant by “natural conditions” among others, are volcanic mountains, storms, turbulence, or forest fire.

Article 265

Item (1)

Point a

What is meant by “flight rules” are a flight types based on aviation methods, mainly instrument flight rules and visual flight rules.

Point b

What is meant by “provision of separation” is giving vertical and horizontal distances.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

Self explanatory.

Point f

Self explanatory.

Item (2)

What is meant by “class A” is an air space having the following criteria:

1. may only be used for instrument flight rules;
2. separation is made to all aircrafts;
3. air traffic control services is provided;
4. there is no limitation of speed;
5. two-way radio communication is needed; and
6. clearance by air traffic control personnel given to pilots (*ATC Clearance*).

What is meant by “class B” is an air space having the following criteria:

1. used for instrument and visual flight rules;
2. separation is made to all aircrafts;

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3. air traffic control services are provided;
4. there is no limitation of speed;
5. two-way radio communication is needed; and
6. clearance by air traffic control personnel given to pilots.

What is meant by “class C” is an air space having the following criteria:

1. for instrument flight instrument:
 - a) separation is made to:
 - 1) instrument flight inter-rules; and
 - 2) between instrument flight rules and visual flight rules.
 - b) Services provided are:
 - 1) air traffic control for provision of separation with instrument flight rules; and
 - 2) air traffic information service for visual flight inter-rules.
 - c) there is no limitation of speed;
 - d) two-way radio communication is needed; and
 - e) clearance by air traffic control personnel given to pilots.
2. for visual flight rules:
 - a) separation is made between visual flights and instrument flights;
 - b) air traffic control services;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) two-way radio communication is needed; and
 - e) clearance by air traffic control personnel given to pilots

What is meant by “class D” is an air space having the following criteria:

1. for instrument flight instrument:
 - a) separation made to instrument flight inter-rules;
 - b) air traffic control services and information is provided;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;

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- d) two-way radio communication is needed; and
 - e) clearance by air traffic control personnel given to pilots
2. for visual flight rules:
- a) no separation is made;
 - b) air traffic information is given to visual flights and inter-visual flights;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) two-way radio communication is needed; and
 - e) clearance by air traffic control personnel given to pilots

What is meant by “class E” is an air space having the following criteria:

1. for instrument flight rules:
- a) separation is made to instrument flight inter-rules;
 - b) air traffic control service is given as long as it can be performed or air traffic information for visual flights;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) two-way radio communication is needed; and
 - e) clearance by air traffic control personnel given to pilots
2. for visual flight rules:
- a) no separation is made;
 - b) air traffic control service is given as long as it can be performed;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) radio communication is not needed;
 - e) no clearance by air traffic control personnel is needed to be given to pilots.

What is meant by “class F” is an air space having the following criteria:

1. for instrument flight rules:
- a) separation is made to instrument flight inter-rules as long as it can be performed;
 - b) air traffic service assistance or information;

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- c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) two-way radio communication is needed; and
 - e) no clearance by air traffic control personnel is needed to be given to pilots.
2. for visual flight rules:
- a) no separation is made;
 - b) flight information service is provided;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) radio communication is not needed;
 - e) no clearance by air traffic control personnel is needed to be given to pilots.

What is meant by “class G” is an air space having the following criteria:

1. for instrument flight rules:
- a) no separation is made;
 - b) flight information service is provided;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) two-way radio communication is needed; and
 - e) no clearance by air traffic control personnel is needed to be given to pilots.
2. for visual flight rules:
- a) no separation is made;
 - b) flight information service is provided;
 - c) speed is limited to 250 knot at an altitude below 10.000 feet above sea level;
 - d) no radio communication is needed; and
 - e) no clearance by air traffic control personnel is needed to be given to pilots.

Article 267

Item (1)

Point a

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What is meant by “*airway*” is a controlled air space in the shape of a corridor equipped with navigation radio devices.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Item (2)

Point a

Self explanatory.

Point b

What is meant by “waypoint” is a point used for linking a flight route segment that has already a name and coordinates allocated.

This waypoint is determined over navigation facilities or a virtual point which position has been set.

Point c

Self explanatory.

Point d

Self explanatory.

Point e

Self explanatory.

Article 268

Self explanatory.

Article 269

Self explanatory.

Article 270

Self explanatory.

Article 271

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Point a

Self explanatory.

Point b

What is meant by “non profit oriented” is that the operating agency in managing its income shall utilize it for cost recovery investment, cost of operation and service quality improvement.

Point c

Self explanatory.

Point d

Self explanatory.

Item (4)

Self explanatory.

Article 272

Self explanatory.

Article 273

Self explanatory.

Article 274

Self explanatory.

Article 275

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Point a

What is meant by “flight navigation service unit at airports” consisting aerodrome services by aerodrome control,

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aeronautical flight information services, un-attended aerodrome services.

Point b

What is meant by “approach navigation service unit” is flight navigation service unit at *standard arrival route and standard instrument departure.*

Point c

What is meant by “enroute flight navigation service unit” is a controlled air traffic service unit providing air traffic controller clearance, flight information service, and alerting service to aircrafts.

Article 276

Self explanatory.

Article 277

Self explanatory.

Article 278

Self explanatory.

Article 279

Self explanatory.

Article 280

Self explanatory.

Article 281

Self explanatory.

Article 282

Point a

What is meant by “aeronautical fixed services” is permanent (not mobile) aeronautical telecommunication services.

Point b

What is meant by “aeronautical mobile services” is telecommunication:

1. between ground aviation station and aircraft aviation station;
2. inter-stations of aircrafts;
3. radio beacon showing emergency and distress positions; and

4. *aeronautical broadcasting service.*

Point c

What is meant by “aeronautical radio navigation service” is transmitting information through radio frequency spreading to determine position, direction, speed, and characteristics of an object for navigation interests.

Article 283

Self explanatory.

Article 284

What is meant by “accurate timing” is that the timing of submission of information is in accord with valid regulation.

Article 285

Self explanatory.

Article 286

Self explanatory.

Article 287

What is meant by “weather information”, among others, is covering:

- a. *upper winds and upper air temperature;*
- b. *forecast of significant en-route weather phenomena;*
- c. *aerodrome meteorological report;*
- d. *Aerodrome weather forecast;*
- e. *weather forecast for take-off);*
- f. *landing weather forecast);*
- g. *significant meteorological information;*
- h. *Weather information at airmet; and*
- i. *aerodrome climatological summary.*

Article 288

What is meant by “meteorological information service unit” is an agency with duties and responsibilities are in the fields of meteorology, climatology, and geophysics.

Article 289

Self explanatory.

Article 290

In determining the system and procedure of aeronautical meteorological information services, the Minister shall stipulate it by coordinating with the agencies in charge of meteorology, climatology, and geophysics.

Article 291

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

In determining the system and procedure of search and rescue information services, the Minister shall stipulate it by coordinating with the agency in charge of search and rescue.

Article 292

Item (1)

Self explanatory.

Item (2)

What is meant by “flight navigation personnel directly related to flight navigation facility operation and/or maintenance” covering:

- a. air traffic services personnel, consisting of:
 - 1) air traffic controller; and
 - 2) aeronautical communication controller;
- b. aeronautical telecommunication technical personnel, consisting of:
 - 1) aeronautical communication technician;
 - 2) flight navigation radio technician;
 - 3) aviation oversight technician; and
 - 4) aviation calibration technician.
- c. aeronautical information services personnel; and
- d. aviation procedure designing personnel are those assigned to, among others:
 - 1) design aircraft movement procedures for:
 - a) *standard instrument departure route.*

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Standard aircraft instrument departure is a certain flight route from an airport, marked by navigation facility, and becomes a guide for pilots.

b) *standard instrument arrival route.*

Standard aircraft instrument arrival is a certain flight route to an airport, marked by navigation facilities, and becomes a guide for pilots.

c) *instrument approach procedure.*

Aircraft instrument approach procedure is a chain of maneuver determined by a pilot in executing landing approach procedure by merely using the instruments in the cockpit and communication and navigation facilities as guidance.

d) *en-route.*

En-route aircraft movement procedure is a route starting from departure up to preliminary phase of arrival through a flight route with predetermined minimum en-route altitude.

2) conduct aeronautical review on obstacle object present in flight operation areas.

Item (3)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

Self explanatory.

Item (4)

Self explanatory.

Article 293

Item (1)

Point a

Self explanatory.

Point b

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What is meant by “maintaining the competence possessed” is the minimum obligation of personnel to perform his/her job and to participate in retraining.

Point c

Self explanatory.

Item (2)

Self explanatory.

Article 294

Self explanatory.

Article 295

Self explanatory.

Article 296

Self explanatory.

Article 297

Self explanatory.

Article 298

Self explanatory.

Article 299

Self explanatory.

Article 300

Self explanatory.

Article 301

Self explanatory.

Article 302

Self explanatory.

Article 303

Item (1)

What is meant by “radio frequency usage outside aviation radio frequency” is, among others, for aviation security management, rescue and fire extinguishing/fighting, aircraft ground handling and flight navigation supporting radio linkage.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Article 304

Self explanatory.

Article 305

Item (1)

Self explanatory.

Item (2)

What is meant by “not used for aviation safety” is, among others, used for air transportation operational interests.

Article 306

Self explanatory.

Article 307

Self explanatory.

Article 308

Item (1)

Self explanatory.

Item (2)

What is meant by “national safety program” is a set of integrated aviation safety regulation and activities aiming to achieve the level of safety desired.

Article 309

Item (1)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

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What is meant by “aviation safety reporting system” is the system and procedure of data collection and reporting that is mandatory, voluntary, and/or confidential in nature

Point d

Self explanatory.

Point e

Self explanatory.

Point f

What is meant by “aviation safety promotion” is continuous efforts to socialize aviation safety through education and training and socializing of safety.

Point g

Self explanatory.

Point h

Self explanatory.

Item (2)

Self explanatory.

Article 310

Item (1)

Point a

What is meant by “aviation safety performance target” is aviation safety performance desired to be achieved in certain period based on calculation of quantitative ratio of current accident data.

The target of aviation safety performance to be achieved shall be determined by the government to be better ratio than the current accident rate ratio.

Accident data ratio is the quantitative data of the number of accidents causing casualty(ies) compared to the number of landing, departure and/or the number of aircraft flight hours for commercial air transportation category.

Determination of aviation safety performance target shall be formulated based on considerations and inputs from the stake holders.

Point b

What is meant by “aviation safety performance indicator” is quantitative measurement used for finding out the level of achievement of aviation safety performance.

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Point c

What is meant by “measurement of aviation safety achievement” is a periodical and continuous activity to evaluate the target achievement of safety performance.

Item (2)

Self explanatory.

Article 311

Self explanatory.

Article 312

Item (1)

Self explanatory.

Item (2)

Point a

What is meant “audit” is a regular, systematic, and in-depth examination on procedures, facilities, personnel, and documentation of aviation service provider organizations aiming to observe their compliance towards existing and valid regulations and rules.

Point b

What is meant by “inspection” is simple examination on fulfillment of final product standard of certain object.

Point c

What is meant by “surveillance” is an in-depth search activity on certain part of procedures, facilities, personnel, and documentation of aviation service provider organizations and the other stake holders in order to observe their compliance towards the existing and valid rules and regulations.

Point d

What is meant by “monitoring” is an evaluation activity on data, report, and information aiming to find out the trend of aviation safety performance.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Article 313

Self explanatory.

Article 314

Item (1)

What is meant by “aviation service providers” are, among others:

- a. air transportation business entity;
- b. airport business entity and airport operation unit;
- c. air navigation service operator;
- d. aircraft maintenance business entity
- e. aviation education and training institution; and
- f. designer and manufacturer of aircraft, aircraft engines, airplane propellers, and aircraft components.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Article 315

Point a

Self explanatory.

Point b

What is meant by “safety risk management” is a set of continuous activities starting from identification of dangers, risks analysis, risks rating evaluation, steps to reduce risks in order to achieve acceptable risk level.

Point c

What is meant by “safety assurance” are efforts to maintain and/or improve safety through oversight activity and safety performance measurement, and continuous improvement of safety system.

Point d

Self explanatory.

Article 316

Self explanatory.

Article 317

Self explanatory.

Article 318

What is meant by “aviation safety culture” is the trust, mind-set, behavior pattern, and certain feeling as giving a foundation and direction to one’s or organization’s behavior in creating aviation safety.

The aviation safety culture as mentioned above needs to be development in the kinds of reporting culture, informed culture, learning culture and just culture.

Just culture as meant above is a condition of trust wherein the community is encouraged even granted an award for providing information related to safety and that it is clearly understood in general the limitation of acceptable and unacceptable behavior.

Article 319

Self explanatory.

Article 320

Self explanatory.

Article 321

Self explanatory.

Article 322

Self explanatory.

Article 323

Self explanatory.

Article 324

Self explanatory.

Article 325

Self explanatory.

Article 326

Self explanatory.

Article 327

Self explanatory.

Article 328

Self explanatory.

Article 329

Self explanatory.

Article 330

Self explanatory.

Article 331

Item (1)

Self explanatory.

Item (2)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Self explanatory.

Point d

What is meant by “test” is a closed or open trial of aviation security actions with trial simulation of legal violation/interference.

Article 332

Self explanatory.

Article 333

Self explanatory.

Article 334

Item (1)

Self explanatory.

Item (2)

What is meant by “competent personnel in aviation security field” is personnel possessing certificate of competency.

Article 335

Item (1)

Self explanatory.

Item (2)

What is meant by “specific passengers” are, among others, sick persons who are given security check facilitative treatment.

What is meant by “specific cargo” is, among others, goods easily damaged if going through an X-ray examination, as long as those goods are supported by legitimate documents.

Article 336

Self explanatory.

Article 337

Self explanatory.

Article 338

What is meant by “security disturbance or threat” is, among others, hijacking or bomb threat.

Article 339

Self explanatory.

Article 340

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

Information on load of dangerous goods including, among others, name and substance, identity number, classification, total packages, type of packaging, volume per package, emergency code, and location/placement.

Article 341

Self explanatory.

Article 342

What is meant by “aviation security requirements” is fulfillment of requirements in any aircraft, among others:

- a. location for explosive material suppression;
- b. determining an area in the aircraft durable to receive explosion without endangering flight operation; and
- c. cockpit door made of bullet proof material and secret code system to open it from the aircraft cabin.

Transport category aircraft required in this provision shall be for aircraft of take-off weight (MTOW) of 45.500 kg and above or seating capacity of more than 60 seats.

Article 343

Self explanatory.

Article 344

Point a

Self explanatory.

Point b.

Self explanatory.

Point c

What is meant by “aeronautical facility” among others, are radar and air traffic control tower.

Point d

Self explanatory.

Point e

Self explanatory.

Article 345

Item (1)

Self explanatory.

Item (2)

The contingency plan shall become a part of airport security program.

Article 346

Self explanatory.

Article 347

Self explanatory.

Article 348

Aviation security facilities, among others, are the following equipments:

- a. explosive material detector;
- b. organic and non-organic material detector;
- c. metal detector;
- d. nuclear, biological, chemical and radioactive material detector;
- e. traffic monitor of people, cargo, post, vehicle, and aircraft on land;
- f. criminal act deterrent and restricted area divider; and
- g. aviation security communication.

Article 349

Self explanatory.

Article 350

Self explanatory.

Article 351

Self explanatory.

Article 352

Self explanatory.

Article 353

Self explanatory.

Article 354

Self explanatory.

Article 355

Self explanatory.

Article 356

Self explanatory.

Article 357

Item (1)

What is meant by “accident” is a circumstance in aircraft operation causing:

- a. any severe damage to equipment or facility in use; and/or
- b. any casualty, dead or seriously injured.

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What is meant by “serious incident” is a condition when an accident almost happens in an aircraft operation.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Self explanatory.

Item (5)

Self explanatory.

Article 358

Item (1)

Self explanatory.

Item (2)

What is meant by “specified aircraft” is that aircrafts are categorized based on their weight.

What is meant by “inter-related parties” is, among others, international civil aviation organization.

Item (3)

What is meant by “comments” is the opinion of inter-related parties on the draft of investigation final report. These comments may be accepted as a part of the final report, while unacceptable comments shall be made as an attachment to the final report.

Article 359

Item (1)

Self explanatory.

Item (2)

What is meant by “secret information (*non disclosure of records*)” are, among others:

- a. statement obtained from people during investigation process;
- b. recording or transcript of communication between persons involved in aircraft operation;
- c. health or personal information of people involved in the accident or incident;
- d. cockpit voice recorder and word-by-word transcript of voice recorder;
- e. air traffic services voice recorder and transcript; and

- f. opinion given in the analysis of information is included in flight data recorder.

Article 360

Self explanatory.

Article 361

Self explanatory.

Article 362

Self explanatory.

Article 363

Item (1)

What is meant by “officials in charge at the location of aircraft accident” among others, the local security apparatus.

Item (2)

Self explanatory.

Article 364

What is meant by “follow-on investigation” is a process to provide legal protection and certainty for aviation personnel for their *actions, omissions or decisions taken by them that are commensurate with their experience and training*, and the role of domain expertise is in judging whether is *acceptable or unacceptable*.

Article 365

Self explanatory.

Article 366

Self explanatory.

Article 367

Self explanatory.

Article 368

Self explanatory.

Article 369

Self explanatory.

Article 370

Self explanatory.

Article 371

Self explanatory.

Article 372

Self explanatory.

Article 373

Self explanatory.

Article 374

Self explanatory.

Article 375

Self explanatory.

Article 376

Self explanatory.

Article 377

Self explanatory.

Article 378

Self explanatory.

Article 379

Self explanatory.

Article 380

Self explanatory.

Article 381

Item (1)

Self explanatory.

Item (2)

Self explanatory.

Item (3)

Self explanatory.

Item (4)

Point a

Self explanatory.

Point b

Self explanatory.

Point c

What is meant by “expansion of job opportunities” is an activity undertaken to expand job opportunities in aviation field for fulfillment of market demands for workforce in national and international levels.

Point d

Self explanatory.

Item (5)

Self explanatory.

Article 382

Self explanatory.

Article 383

Self explanatory.

Article 384

Self explanatory.

Article 385

Self explanatory.

Article 386

Self explanatory.

Article 387

Self explanatory.

Article 388

What is meant by “education and training operator” is an agency gaining accreditation from professional certification agency or legalized by the Minister.

Article 389

Self explanatory.

Article 390

Self explanatory.

Article 391

Self explanatory.

Article 392

Self explanatory.

Article 393

Self explanatory.

Article 394

Self explanatory.

Article 395

Self explanatory.

Article 396

Self explanatory.

Article 397

Self explanatory.

Article 398

Self explanatory.

Article 399

Self explanatory.

Article 400

Self explanatory.

Article 401

Self explanatory.

Article 402

Self explanatory.

Article 403

Self explanatory.

Article 404

Self explanatory.

Article 405

Self explanatory.

Article 406

Self explanatory.

Article 407

Self explanatory.

Article 408

Self explanatory.

Article 409

Self explanatory.

Article 410

Self explanatory.

Article 411

Self explanatory.

Article 412

Self explanatory.

Article 413

Self explanatory.

Article 414

Self explanatory.

Article 415

Self explanatory.

Article 416

Self explanatory.

Article 417

Self explanatory.

Article 418

Self explanatory.

Article 419

Self explanatory.

Article 420

Self explanatory.

Article 421

Self explanatory.

Article 422

Self explanatory.

Article 423

Self explanatory.

Article 424

Self explanatory.

Article 425

Self explanatory.

Article 426

Self explanatory.

Article 427

Self explanatory.

Article 428

Self explanatory.

Article 429

Self explanatory.

Article 430

Self explanatory.

Article 431

Self explanatory.

Article 432

Self explanatory.

Article 433

Self explanatory.

Article 434

Self explanatory.

Article 435

Self explanatory.

Article 436

Self explanatory.

Article 437

Self explanatory.

Article 438

Self explanatory.

Article 439

Self explanatory.

Article 440

Self explanatory.

Article 441

Self explanatory.

Article 442

Self explanatory.

Article 443

Self explanatory.

Article 444

Self explanatory.

Article 445

Self explanatory.

Article 446

Self explanatory.

Article 447

Self explanatory.

Article 448

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Article 449

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Article 450

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Article 451

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Article 452

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Article 456

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Article 458

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Article 459

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Article 460

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Article 461

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Article 462

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Self explanatory.

Article 463

Self explanatory.

Article 464

Self explanatory.

Article 465

Self explanatory.

Article 466

Self explanatory.

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