

**MINISTERIAL DECREE OF COMMUNICATIONS  
OF THE REPUBLIC OF INDONESIA  
Number: PM71 Year 2016**

**CONCERNING**

**THE SECOND AMENDMENT OF MINISTERIAL DECREE OF COMMUNICATIONS  
NUMBER PM51 YEAR 2011 ON SPECIAL TERMINAL  
AND TERMINAL FOR INDIVIDUAL (OWN) PURPOSE**

**BY THE GRACE OF GOD ALMIGHTY**

**MINISTER OF COMMUNICATIONS OF THE REPUBLIC OF INDONESIA,**

- Considering:
- a. that the regulation of special terminal for public services as regulated under Ministerial Decree of Communications (Transportation) Number PM51 Year 2001 on Special Terminal and Terminal for Individual Purpose as having been amended by Ministerial Decree of Communications Number PM73 Year 2014, of which the mechanism on the issuance of permit and the duration of effectiveness shall be subject to revision or amendment;
  - b. that based on the consideration as cited in letter a, it is necessary to enact a Ministerial Decree of Communications on the second amendment of Ministerial Decree Number PM51 Year 2011 on Special Terminal and Terminal for Individual (Own) Purpose;
- Referring to in
1. Law Number 17 Year 2008 on Shipping (State Gazette of the Republic of Indonesia Year 2008 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 4849);
  2. Government Regulation Number 61 Year 2009 on Harbor/Seaport (State Gazette of the Republic of Indonesia Year 2009 Number 151, Supplement to State Gazette of the Republic of Indonesia Number 5070) as having been amended by government regulation (PP) Number 64 Year 2015 on Amendment of government regulation (PP) Number 61 Year 2009 on Harbor/Seaport (State Gazette of the Republic of Indonesia Year 2015 Number 193, Supplement to State Gazette of the Republic of Indonesia Number 5731);
  3. Government Regulation (PP) Number 20 Year 2010 on Waters Transportation (State Gazette of the Republic of Indonesia Year 2010 Number 26, Supplement to State Gazette of the Republic of Indonesia Number 5008) as having been amended by government regulation (PP) Number 22 Year 2011 on Amendment of government regulation (PP) Number 20 Year 2010 on Waters Transportation (State Gazette of the Republic of Indonesia Year 2011 Number 43, Supplement to State Gazette of the Republic of Indonesia Number 5208);
  4. Government Regulation (PP) Number 7 Year 2015 on Organization of State Ministry of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2015 Number 8)
  5. Presidential Decree Number 40 Year 2015 on Ministry of Communications of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2015 Number 75)
  6. Ministerial Decree Number PM20 Year 2015 on Concessions and other Types of Cooperation between Government and Entity of Undertakings (Operators) of Seaports (State Gazette of the Republic of Indonesia Year 2015 Number 1439) as having been amended by Ministerial Decree of Communications Number PM166 Year 2015 on Amendment of Ministerial Decree of Communications Number PM15 Year 2015 on Concessions and other Types of Cooperation between Government and Entity of Undertakings (Operators) of Seaports (State Gazette of the Republic of Indonesia Year 2015 Number 1639);

7. Ministerial Decree Number PM51 Year 2011 on Special Terminal and Terminal for Individual Purpose (own purpose) as having been amended by Ministerial Decree of Communications Number PM73 Year 2014 on Amendment of Ministerial Decree of Communications Number PM15 Year 2011 on Special Terminal and Terminal for Individual Purpose (State Gazette of the Republic of Indonesia Year 2014 Number 1879);
8. Ministerial Decree Number PM189 Year 2015 on Organization and Work Procedure of the Ministry of Communications (State Gazette of the Republic of Indonesia Year 2015 Number 1844);

DECIDES:

To Enact

MINISTERIAL DECREE OF COMMUNICATIONS (TRANSPORTATION) ON THE SECOND AMENDMENT OF MINISTERIAL DECREE OF COMMUNICATIONS NUMBER PM51 YEAR 2011 ON SPECIAL TERMINAL AND TERMINAL FOR INDIVIDUAL (OWN) PURPOSE.

### Article I

Some provisions of Ministerial Decree of Communications (Transportation) Number PM 51 Year 2011 on special terminal and terminal for individual (own) purpose as having been amended by Ministerial Decree of Communications Number PM 73 Year 2014 on Amendment of Ministerial Decree of Communications Number PM 51 Year 2011 on Special Terminal and Terminal for Individual (Own) Purpose (State Gazette of the Republic of Indonesia Year 2014 Number 1879) shall be amended as follows:

1. Provision of Article 21 is amended and Article 21 shall be reading as follows:

#### Article 21

(1) The use of special terminal for public services in addition to the purpose of loading and unloading of raw materials, output of production and supporting equipment of production for the sake of individual (own) purpose shall not be allowed unless there is an emergency with an approval from Minister;

(2) The emergency as cited in paragraph (1) can be in forms of:

a. natural disaster or other situations that cause the seaport cannot be functioning; or

b. in the area is unavailable a seaport and there has yet to be another sufficient mode of transportation or the nearest seaport is unable to provide services of harboring due to limited capacity of the available facilities, of which has obstructed a flow of goods.

(3) The permit of the use of special terminal for the purpose of public services as cited in paragraph (1) shall be allowed as long as the facilities at the special terminal can guarantee the safety of shipping and the implementation of services of harbor.

(4) The use of special terminal for the purpose of public services in emergency as cited in paragraph (2) letter a shall be allowed for a period of maximal 6 (six) months and extendable with an inquiry from the agency in authority.

(5) The use of special terminal for the purpose of public services in emergency as cited in paragraph (2) letter b shall be allowed for a period of maximal 6 (six) months and cannot be extended.

(6) In case that the use of special terminal for the purpose of public services has exceeded the period as cited in paragraph (5), the operation of the special terminal shall be conducted based on a mechanism of concession by changing its status of becoming a public

terminal or a public harbor and it shall be operated by the entity of undertakings of harbor.

(7)The use of special terminal as cited in paragraph (2) letter b shall be conducted based on cooperation between the Operator of Harbor and the Management of Special Terminal.

2. The provision of Article 22 is amended and Article 22 shall be reading as follows:

#### Article 22

(1) A request for the permit of temporary use of special terminal for public services as cited in Article 21 paragraph (1) shall be submitted by Governor or the Operator of the nearest harbor by using the format of Sample 10 of the Appendix, of which is inseparable part of this Ministerial Decree of Communications.

(2)The temporary use of the special terminal for public services as cited in paragraph (1) shall be subject to a length of duration of operation of at least 5 (five) years.

(3)The request as cited in paragraph (1) shall be submitted to Minister through Director General by attaching:

a. the statement of reason for the temporary use and the assignment of the special terminal for public services;

b. the feasibility study, of which shall include at least:

1) the technical feasibility on the capability of facilities of pier and the supporting facilities of the special terminal for the sake of the use of special terminal for public services;

2)the economic feasibility depicting the efficiency of the temporary use of the special terminal for public services;

3) the environmental feasibility;

4) the plan of the visits of ships and the volumes of loading and unloading at the special terminal;

5) analysis on the period of use of the special terminal for public services.

c. the recommendation from the Operator of Harbor concerning the available facilities at the special terminal that can assure the safety of shipping, the workable operation, the security and orderliness of the operation of the special terminal for public services;

d. the fixed procedure on the operation of the special terminal that will be used for public services; and

e. the agreement on the cooperation between the Operator of Harbor and the management of special terminal.

(4)Director General shall inspect and evaluate the fulfillment of requirements as cited in paragraph (3) in a period of 7 (seven) work days as of the date of receiving a complete document of request.

(5)In case that based on the result of inspection and evaluation as cited in paragraph (4) the requirements are not fulfilled, Director General shall return the document of request so that it can be completed.

(6)The return of the document of request as cited in paragraph (5) shall

be submitted in writing by depicting the reason for the return of the document of request including a proposition for the fulfillment of the requirements by using a format of Sample 11, which is an inseparable part of this Ministerial Decree of Communications.

(7)The permit as cited in paragraph (1) shall be issued and granted by Minister within a period of no more than 4 (four) work days as of the date of receiving the complete document of request by using a format of Sample 12, which is an inseparable part of this Ministerial Decree of Communications.

3. Provision of paragraph (1) of Article 31 is amended and Article 31 shall be reading as follows;

#### Article 31

(1)The permit for the operation of special terminal shall be revoked in case the permit holder:

- a. violates the obligation as cited in Article 17;
- b. uses the special terminal for public services without a permit as cited in Article 21 paragraph (1); or
- c. uses the special terminal for public services not in accordance with the permit as cited in Article 21 paragraph (5).

(2)The revoke of the permit of operation as cited in paragraph (1) shall be processed by giving consecutive written warnings for 3 (three) times for a period of 1 (one) month for each warning.

(3)If having been warned as cited in paragraph (2) the holder of the permit of special terminal fails to make corrections based on the warnings, the permit for the operation of special terminal shall be revoked.

4. Between CHAPTER V and CHAPTER VI is inserted 1 (one) chapter, namely CHAPTER V A, of which is reading as follows:

#### CHAPTER VA TRANSITIONAL CLAUSE

5. Between Chapters 48 and 49 is inserted 1 (one) Article, namely Article 48A reading as follows:

#### Article 48A

(1)The special terminal that has been equipped with a permit for the use of special terminal for public services prior to the enactment of this Ministerial Decree shall be subject to adjustment to the provisions of this Ministerial Decree of Communications in a period of no more than 2 (two) months as of the enactment of this Ministerial Decree of Communications.

(2)For any Special Terminal that is not adjusted to the provisions as cited in paragraph (1) the permit for the use of special terminal for public services shall be revoked and declared no longer effective.

6. Appendices for Sample 10, Sample 11 and Sample 12 shall be revised to become what have been included in the Appendices, of which shall be regarded as inseparable parts, of this Ministerial Decree of Communications.

#### Article II

This Ministerial Decree of Communications shall be effective as of the date of enactment.

That everybody shall be made aware of, and the enactment of this Law shall be published in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
Dated June 22, 2016  
MINISTER OF COMMUNICATIONS  
THE REPUBLIC OF INDONESIA,

Signed

IGNASIUS JONAN

Stipulated in Jakarta  
Dated JUNE 29, 2016  
DIRECTOR GENERAL OF LAWS AND REGULATIONS  
MINISTRY OF LAWS AND HUMAN RIGHTS  
THE REPUBLIC OF INDONESIA,

Signed.

WIDODO EKATJAHJANA

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2016 NUMBER 965**

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Bureau Head of Laws

Signed.

SRI LESTARI RAHAYU  
Junior Executive Chief (IV/c)  
NIP.19620620 198903 2 001