

**MINISTERIAL DECREE OF COMMUNICATIONS  
OF THE REPUBLIC OF INDONESIA  
Number: PM73 Year 2014**

**CONCERNING**

**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 in effort to simplify the issuance of permits for the sake of legal certainty and business certainty in the business sector, it is considered necessary to amend some provisions of Ministerial Decree of Communications (Transportation) Number PM51 Year 2001 on Special Terminal and Terminal for Individual (Own) Purpose;
  - b. that based on the consideration as cited in letter a, it is necessary to enact a Ministerial Decree of Communications on the amendment of Ministerial Decree Number PM51 Year 2011 on Special Terminal and Terminal for Individual (Own) Purpose;
- Referring to in
1. Law Number 26 Year 2007 on Spatial Plan (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 (PP) 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);
  3. Law Number 32 Year 2009 on Protection and Management of Environment (State Gazette of the Republic of Indonesia Year 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);
  4. Government Regulation (PP) 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);
  5. Government Regulation (PP) Number 5 Year 2010 on Navigation (State Gazette of the Republic of Indonesia Year 2010 Number 8, Supplement to State Gazette of the Republic of Indonesia Number 5093);
  6. 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 5108) as having been amended by government regulation (PP) Number 22 Year 2011 (State Gazette of the Republic of Indonesia Year 2011 Number 43, Supplement to State Gazette of the Republic of Indonesia Number 5208);
  7. Government Regulation (PP) Number 21 Year 2010 on Protection of Maritime Environment (State Gazette of the Republic of Indonesia Year 2010 Number 27, Supplement to State Gazette of the Republic of Indonesia Number 5109);
  8. Presidential Decree Number 47 Year 2009 on Establishment and Organization of State Ministry as having been amended for several times, and the latest amendment by Presidential Decree Number 13 Year 2014;
  9. Presidential Decree Number 24 Year 2010 on Position, Task and

Function of State Ministry and Organizational Structure, Task, and Function of Echelons I of State Ministries, as having been amended for several times, and the latest amendment by Presidential Decree Number 135 Year 2014;

10. Ministerial Decree Number KM60 Year 2010 on Organization and Work Procedure of Ministry of Communications (Transportation) as having been amended by Ministerial Decree of Communications Number PM 68 Year 2013;
11. Ministerial Decree Number KM 62 Year 2010 on Organization and Work Procedure of The Office of Operational Unit of Harbor/ Seaport as having been amended by Ministerial Decree of Communications Number PM 44 Year 2011;
12. Ministerial Decree of Communications Number KM 34 Year 2012 on Organization and Work Procedure of Main Office of Harbor;
13. Ministerial Decree of Communications Number PM 35 Year 2012 on Organization and Work Procedure of Main Office of Harbor;
14. Ministerial Decree of Communications Number PM 36 Year 2012 on Organization and Work Procedure of Main Office of Harbor and Authority of Harbor;
15. Ministerial Decree of Communications Number PM 51 Year 2011 on Special Terminal and Terminal for Individual (Own) Purpose;

DECIDES:

To Enact

MINISTERIAL DECREE OF COMMUNICATIONS (TRANSPORTATION) ON 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 are amended as follows:

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

#### **Article 6**

(1) In order to determine the location of special terminal as cited in Article 5 paragraph (1), the applicant shall submit a request to Minister through Director General by using a format of Sample 1 of the Appendix of this Ministerial Decree, by attaching the documents of requirements as follows:

- a. copy of the permit of the core business of the entity;
- b. location of site as proposed and equipped with geographic coordinates as pictured in the marine map;
- c. feasibility study that at least includes:
  1. a plan on the volume of loading and unloading of raw material, supporting equipment and output of production;
  2. a plan on the frequency of visits of ships;
  3. economic aspect that contains the efficiency of the development of special terminal and the environmental aspect; and
  4. result of survey that includes hydro-oceanography (low and high tides, waves, depth and streams), topography, zero point

(benchmark) of the location of harbor as translated into geographic coordinates;

d. recommendation from port master of the nearest harbor in coordination with the district office of navigation in the region concerning the aspects of security and safety of shipping that include the condition of waters based on the result of survey as cited in letter c point 4 with a recommendation from the Head of District Office of Navigation in the region;

e. recommendation from Governor and Regent/ Mayor in the region concerning the suitability of the plan of location of the special terminal with the spatial plan of province and regency/ municipality (town);

f. company's financial statement minimal of the latest 1 (one) year as audited by the registered office of public accountant;

g. reference of national bank or private bank that has assets of at least Rp50,000,000,000,000 (fifty trillion rupiah).

(2) Director General shall evaluate and submit the result of evaluation on the fulfillment of requirements as cited in paragraph (1) to Minister in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.

(3) Determination on the location or the rejection shall be made by Minister in a period of no later than 5 (five) work days as of receiving the complete document of request by using a format of Sample 2 of the Appendix of this Ministerial Decree.

(4) The rejection against the request as cited in paragraph (3) shall be decided by Minister with a written notification by using a format of Sample 3 of the Appendix of this Ministerial Decree with attachment of the statement on the reason of rejection.

2. Provision of Article 7 is amended, and Article 7 shall be reading as follows:

#### Article 7

Those, who are in the position of decision making in regard of the location as cited in Article 6 paragraph (3), in a period of no longer than 3 (three) years as of the date of determination of location as decided by Minister shall be obliged to start the work of preparation for the development of special terminal and submit a request for a permit of the development of special terminal to Director General.

3. The title of Part Three of CHAPTER II is amended and it shall be reading as follows:

#### Part Three Development and Operation of Special Terminal

4. Provision of paragraphs (1) and (2) of Article 8 is amended, and Article 8 shall be reading as follows:

#### Article 8

(1) The development and operation of the special terminal shall be conducted by the operator of special terminal based on a permit or approval from Director General.

(2) In obtaining the permit for the development and operation as cited in paragraph (1), the applicant shall submit a request to Director General by using a format of Sample 4 of the Appendix of this Ministerial Decree by attaching the documents of requirements as follows:

a. administrative requirement that includes:

1. Deed of Establishment of Company;
2. permit of the core business from the institution/ agency concerned;
3. Index Number of Taxpayer (NPWP);
4. Evidence on the occupation of land area;
5. Evidence on the financial capacity;
6. Company's financial statement of minimal the latest 1 (one) year as audited by the registered office of public accountant;
7. reference of national bank or national private bank with assets minimal Rp50,000,000,000,000 (fifty trillion rupiah).
8. proposal of plan on stages of activities for short-term, medium term and long term developments; and
9. recommendation from Port Master of the nearest harbor after having been recommended by the District Head of Navigation in the region concerning a plan on shipping route and supporting facilities of Navigation and Shipping.

b. technical requirement that includes:

1. feasibility study that at least consists of:
  - 1) a plan on the volume of loading and unloading of raw material, supporting equipment and output of production, and the frequency of visits of ships at the special terminal;
  - 2) report on economic and financial aspects that contain efficiency of development of the special terminal and aspect of environment;
  - 3) report on the aspects of safety and security of shipping at the special terminal;
2. result of survey concerning the high and low tides and streams;
3. site plan of pier;
4. calculation and drawing of the development of main construction;
6. result of review of safety of shipping including the route of shipping and the pond of harbor;
7. boundaries of planned area of land and waters equipped with geographic coordinates and a master plan of the special terminal that will be determined as area of workplace and area of certain interest;
8. environmental review in form of environmental study that has been verified by the official in authority as in compliance with the prevailing laws and regulations in the sector of environment;
9. system and procedure of shipping at the special terminal; and

10. availability of human resources in regard of the technical and operational capacities at harbor with qualifications and competencies proved by certificates of skills.

(3) evidence of the occupation of land area as cited in paragraph (2) letter a point 4 in form of document of evidence for the occupation of land area issued by the National Land and Agrarian Agency (BPN).

(4) evidence of financial capacity as cited in paragraph (2) letter a point 5 in form of the availability of budget for the development of facilities of the special terminal.

(5) recommendation from Port Master at the Office of Operational Unit at the nearest harbor as cited in paragraph (2) letter a point 7 that includes:

a. plan on shipping route;

b. pond of harbor;

c. plan on placement of supporting facility of navigation and shipping; and

d. plan on visits of ships (types and sizes).

5. Provision of paragraphs (1) and (4) of Article 9 is amended, between paragraph (3) and paragraph (4) is inserted 2 (two) paragraphs namely paragraph (3a) and paragraph (3b), and Article 9 shall be reading as follows:

#### Article 9

(1) Based on a request as cited in Article 8 paragraph (2), Director General shall inspect the requirements of the request for permit of development and operation of special terminal in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.

(2) In case that based on the result of inspection the requirements as cited in paragraph (1) have yet to be fulfilled, Director General shall return the document of request with written notification given to the applicant in order that the requirements can be completely fulfilled by using a format of Sample 5 of the Appendix of this Ministerial Decree.

(3) The document of request that is returned as cited in paragraph (2) can again be submitted to Director General after completing the fulfillment of requirements.

(3a) In case that based on the result of inspection as cited in paragraph (3) the requirements have been completely fulfilled, Director General shall submit the result of inspection to Secretariat General for further inspection.

(3b) In case that based on the result of inspection by Secretariat General as cited in paragraph (3a) the requirements have yet to be completely fulfilled, Secretariat General shall return the document of request with written notification to Director General in order that the requirements can be completely fulfilled.

(4) In case that based on the result of inspection by Secretariat General as cited in paragraph (3a) the requirements have been completely fulfilled, Secretariat General in a period of no later than 5 (five) work days shall submit back the document of request to Director General so that a permit for the development and operation of special terminal can be determined by using a format of Sample 6 of the Appendix of this Ministerial Decree.

6. Between Article 9 and Article 10 is inserted 2 (two) articles namely Article 9A and Article 9B, of which shall be reading as follows:

Article 9A

The operation of special terminal can be conducted by the operator after receiving recommendation from the management of harbor in the region by submitting attachments as follows:

- a. a statement citing that the development of special terminal has been completely implemented in accordance with the permit of development and operation as granted by Director General and it is ready for operation;
- b. a statement on the result of development of special terminal, of which has been fulfilled the aspects of safety, orderliness, and security of shipping; and
- c. a statement on the consideration from the District Navigation in region concerning the preparedness of shipping route and supporting facilities of Navigation and Shipping.

Article 9B

- (1) a permit of development and operation as cited in Article 8 paragraph (1) shall be granted for a period of no later than 10 (ten) years and the operation can be extended as long as there is fulfillment of the requirements as cited in Article 2 paragraphs (1) and (2) and Article 3 paragraph (1).
  - (2) Request for extension of the permit of operation of special terminal shall be submitted by the operator of special terminal to Director General by using a format of Sample 7 of the Appendix of this Ministerial Decree by attaching the documents of requirements such as:
    - a. the recommendation from operator of the nearest harbor, of which explains about the special terminal from the aspects of safety and security of shipping and the technicality of harbor, and the services shall remain feasible for the core business; and
    - b. official report on the result of site visit by an integrated technical team of the Directorate General and the Secretariat General.
  - (3) Based on the request as cited in paragraph (2), Director General shall inspect the requirements of request for the extension of permit of operation of special terminal in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.
  - (4) In case that based on the result of inspection as cited in paragraph (2) the requirements have not been completely fulfilled, Director General shall be allowed to reject the request for the extension of operation by using a format of Sample 8 of the Appendix of this Ministerial Decree.
  - (5) In case that based on the result of inspection as cited in paragraph (2) the requirements have been completely fulfilled, Director General in a period of 7 (seven) work days shall determine whether to give extension of the operation of special terminal by using a format of Sample 9 of the Appendix of this Ministerial Decree.
7. The provision of paragraph (1) of Article 10 is amended, and Article 10 shall be reading as follows:

Article 10

- (1) The permit for development and operation as cited in Article 9 paragraph (4) shall at least include:
  - a. data of company;
  - b. technical specification of pier for berthing;
  - c. boundaries of planned areas of land and waters equipped with geographic coordinates of area of workplace and area of interest;
  - d. master plan of special terminal;
  - e. deadline for completion of development;
  - f. obligations of the permit holder;
  - g. revoke of permit; and
  - h. period of expiration of permit.
- (2) area of workplace and area of interest as cited in paragraph (1) letter c shall be used for:
  - a. site of stockpiles;
  - b. area for activities of loading and unloading;
  - c. shipping route and traffic line of shipping;
  - d. movement of ships;
  - e. needs in emergency; and
  - f. site for ships to berth.
- (3) The master plan of special terminal as cited in paragraph (1) letter d shall at least include a site plan of facilities on the edge of waters and on the edge of land.

8. Provision of Article 11 is removed.

9. Provision of paragraph (1) of Article 12 is amended, and Article 12 shall be reading as follows:

#### Article 12

- (1) The permit of development and operation of special terminal shall be revoked in case that the permit holder:
  - a. fails to carry out the activity of development in a period of 2 (two) years after the grant or issuance of permit of development and operation of the special terminal;
  - b. is unable to finish the development of special terminal as determined under the permit of development and operation in a period of 5 (five) years;
  - c. violates or fails to fulfill the obligation as cited in Article 17.
- (2) The revoke of permit of operation as cited in paragraph (1) shall be processed under a mechanism of giving consecutive written warnings for 3 (three) times in a period of 1 (one) month of warning for each.
- (3) If having been warned as cited in paragraph (2) the holder of permit of special terminal fails to make corrections or improvement as demanded in the warnings, the permit of operation of special terminal shall be revoked.

10. Provision of Article 13 is amended, and Article 13 shall be reading as follows:

Article 13

The permit of development and operation of special terminal shall be revoked without a process of warnings in case the operator of special terminal to commit wrongdoings as follows:

- a. to carry out an activity that endangers the security of State; or
- b. to obtain a permit of development and operation of special terminal illegitimately.

11. Part Four of Chapter II is removed.

12. Provision of Article 14 is removed.

13. Provision of Article 15 is removed.

14. Provision of Article 16 is removed.

15. Provision of Article 17 is amended, and Article 17 shall be reading as follows:

Article 17

The operator of special terminal that has obtained a permit of development and operation of special terminal shall be obliged:

- a. to comply with the laws and regulations in the sector of shipping and preserve the environment;
- b. to comply with the laws and regulations of other governmental institutions that are related to its core business;
- c. to carry out the activity of development of special terminal based on schedule as having been determined;
- d. to carry out activity of development of special terminal in a period of no later than 2 (two) years as of the issuance of permit of development and operation;
- e. to be responsible for the impacts generated from the implementation of development of special terminal;
- f. to report the progress of activity of development of special terminal every 3 (three) months to the harbor operator in region;
- g. to be fully responsible for the operation of special terminal;
- h. to maintain the supporting facilities of Navigation and Shipping, the route of shipping, the pond of harbor, and the facilities needed for regular traffic of ships and delivery of goods as well as the good implementation of governmental tasks at the special terminal;
- i. to complete the facilities of special terminal such as facilities of wastes and garbage; and
- j. to report the operational activity to Director General every single month.

16. Provision of paragraphs (1), (2) and (3) of Article 18 is amended, and Article 18 shall be reading as follows:

Article 18

- (1) The permit of development and operation of special terminal as cited in Article 18 paragraph (1) shall be allowed for



handover only if the core business is also handed over to another party.

(2) The handover of permit of development and operation of special terminal as cited in paragraph (1) shall be obligatorily reported to Director General.

(3) In case there is a change of data of the permit of development and operation of special terminal as cited in paragraph (1), the operator of special terminal shall obligatorily report the change of data to Director General so that adjustment can be made in a period of no later than 3 (three) months.

17. Provision of paragraph (1) of Article 21 is amended, and Article 21 shall be reading as follows:

#### Article 21

(1) The use of special terminal for public services except the activity of loading and unloading of raw material, output of production and supporting equipment of production for individual (own) purpose shall not be allowed apart from an emergency with approval from Director General.

(2) Emergency as cited in paragraph (1) shall be:

a. natural disaster or another occasion that makes the harbor fail to function; or

b. in the region is not available a harbor and there is no adequate mode of transportation, or the nearest harbor is unable to meet the need of harbor services because of the lack of facilities and this all has hindered the regular flow of goods.

(3) The permit for the use of special terminal as cited in paragraph (1) shall be allowed only if the facilities of the special terminal can guarantee the security of shipping and the normal implementation of harbor services.

(4) The use of special terminal for public services shall be temporary, and if the nearest harbor has already been able to meet the need of harbor services, the permit for the use of special terminal shall be revoked.

(5) 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.

18. Provision of paragraphs (2), (3) and (4) of Article 22 is amended, and Article 22 shall be reading as follows:

#### Article 22

(1) The request of permit for the use of special terminal for public services as cited in Article 21 paragraph (1) shall be submitted by Provincial Governor or the Operator of the nearest harbor by using a format of Sample 10 of the Appendix of this Ministerial Decree.

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

a. document on the reason of the use of special terminal for public services;

b. document on feasibility study that at least includes:

1. technical feasibility and the capability of facilities of pier

and supporting facilities of special terminal so that the terminal can be used for public services;

2. economic feasibility that includes the efficiency of the use of special terminal for public services;
  3. environmental feasibility;
  4. plan on the visits of ships and the volume of loading and unloading at the special terminal;
  5. analysis of duration of time of the use of special terminal for public services.
- c. company's financial statement at least of the latest 1 (one) year as audited by the registered office of public accountant;
  - d. reference of national bank or private bank that has assets of at least Rp50,000,000,000,000 (fifty trillion rupiah).
  - e. recommendation from operator of harbor concerning the available facilities that can guarantee the security of shipping, workability, safety and orderliness of operation of special terminal for public services;
  - f. the fixed procedure on the operation of special terminal that will be used for public services based on a common practice of harbor services at seaport; and
  - g. the agreement on cooperation between the Operator of Harbor and the management of special terminal.

(3) Based on the request as cited in paragraph (1) Director General shall inspect the request in a period of no more than 14 (fourteen) work days as of receiving the complete document of request.

(4) The permit as cited in paragraph (2) shall be issued and granted by Director General by using a format of Sample 11 of Appendix of this Ministerial Decree within a period of no more than 5 (five) work days as of the date of receiving the complete document of request.

(5) Rejection against the request as cited in paragraph (2) shall be notified in writing by mentioning the reason of rejection with the use of a format of Sample 12 of Appendix of this Ministerial Decree.

19. Provision of paragraph (1) of Article 29 is amended, and Article 29 shall be reading as follows:

#### Article 29

(1) Special terminal that is used as a harbor for public services as cited in Article 27 letter d shall be approved by Director General following the complete fulfillment of requirements.

(2) The requirements as cited in paragraph (1) shall be as follows:

- a. it has to be in accordance with the National Master Plan of Harbors;
- b. it is feasible based on the economic aspect and the aspect of technical operation;
- c. there is a creation or establishment of entity of undertakings of harbor;

- d. there are security, orderliness and safety of shipping; and
- e. there is environmental preservation.

(3) Special terminal that is used as a harbor for public services as cited in paragraph (1) shall be equipped with a concession from the Harbor Authority.

20. Provision of paragraphs (1) and (6) of Article 30 is amended, Article 30 paragraph (5) is removed, and between paragraph (4) and paragraph (5) of Article 30 is inserted 2 (two) paragraphs namely paragraph (4a) and paragraph (4b), and Article 30 shall be reading as follows:

#### Article 30

- (1) In order to obtain a permit for the use of special terminal as a harbor for public services as cited in Article 29 paragraph (1), the applicant shall submit a request to Director General by attaching documents of requirements as cited in Article 29 paragraph (2).
- (2) Based on the request as cited in paragraph (1), Director General shall inspect the requirements of request for the permit of use of special terminal as a harbor for public services in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.
- (3) In case that based on the result of inspection the requirements as cited in paragraph (2) have yet to be fulfilled, Director General shall return the document of request with written notification given to the applicant in order that the requirements can be completely fulfilled.
- (4) The document of request that is returned as cited in paragraph (3) can again be submitted to Director General after having completely fulfilled the requirements.
- (4a) In case that based on the result of inspection as cited in paragraph (4) the requirements have been completely fulfilled, Director General shall submit the result of inspection to Secretariat General for further inspection.
- (4b) In case that based on the result of inspection by Secretariat General as cited in paragraph (4a) the requirements have yet to be completely fulfilled, Secretariat General shall return the document of request to Director General with written notification ordering that the requirements should be completely fulfilled.
- (5) removed
- (6) In case that based on the result of inspection by Secretariat General as cited in paragraph (4a) the requirements have been completely fulfilled, Secretariat General shall submit back the document of request to Director General so that a permit for the use of special terminal as a harbor for public services can be eventually determined.

21. Provision of paragraphs (2) and (3) of Article 35 is amended, and Article 35 shall be reading as follows:

#### Article 35

- (1) In order to determine the location of special terminal as cited in Article 34 paragraph (1), the operator of special terminal shall submit a request to Minister through Director General by attaching the documents of requirements as cited in Article 34 paragraph (2).

(2) Director General shall evaluate or assess the request as cited in paragraph (1) and submit the result of evaluation to Minister in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.

(3) Approval or rejection against the request as cited in paragraph (2) shall be made by Minister in a period of no later than 5 (five) work days as of receiving the complete document of request by using a format of Sample 13 of Appendix of this Ministerial Decree.

(4) Rejection against the request as cited in paragraph (3) shall be notified in writing by mentioning the reason of rejection.

22. Provision of paragraphs (1) and (2) of Article 37 is amended and Article 37 shall be reading as follows:

#### Article 37

(1) Management or operation of terminal for individual (own) purpose shall be made possible or allowed based on cooperation with the Operator of Harbor after obtaining an approval from:

- a. Director General for any terminal with individual (own) purpose that is located within an area of workplace and an area of certain interest at a main harbor and at a stockpiling harbor;
- b. Provincial Governor for any terminal with individual (own) purpose that is located within an area of workplace and an area of certain interest at a feeding harbor (harbor as a feeder) in region; and
- c. Regent/ Mayor for any terminal with individual (own) purpose that is located within an area of workplace and an area of certain interest at a feeding harbor in region.

(2) Approval of the management of terminal with individual (own) purpose as cited in paragraph (1) shall be given following the complete fulfillment of requirements as follows:

- a. document as evidence on the cooperation with an Operator of Harbor;
- b. data of company consisting of Deed of Establishment of Company, Index Number of Taxpayer (NPWP), and permit of core business;
- c. feasibility study that at least includes:
  1. a plan on the volume of loading and unloading of raw material, supporting equipment and output of production;
  2. a plan on frequency of visits of ships; and
  3. document on economic aspect concerning the efficiency of development of terminal for individual (own) purpose.
- d. report on the result of survey that includes hydro-oceanography (low and high tides, waves, depth and streams), topography, zero point (benchmark) of the location of harbor as translated into geographic coordinates;
- e. drawing of site plan of location of terminal for individual (own) purpose in adequate scale, drawing of construction of pier, and geographic coordinates of location of terminal for individual (own) purpose;
- f. document of evidence on the occupation of land area;

- h (sic). company's financial statement minimal of the latest 1 (one) year as audited by the registered office of public accountant;
- g. reference of national bank or private bank that has assets of at least Rp50,000,000,000,000 (fifty trillion rupiah).
- h. proposal of terminal for individual (own) purpose;
- i. recommendation from port master of harbor in the location;
- j. official report on the result of site visit by an integrated technical team; and
- k. environmental study that has been verified by the official in authority as in compliance with the prevailing laws and regulations.

23. Provision of paragraphs (1), (2) and (6) of Article 39 is amended, Article 39 paragraph (7) is removed, and between paragraph (4) and paragraph (5) of Article 39 is inserted 1 (one) paragraph namely paragraph (4a), and Article 39 shall be reading as follows:

#### Article 39

- (1) In obtaining an approval for the operation of terminal for individual (own) purpose, the applicant shall submit a request to Director General, Provincial Governor, or Regent/ Mayor based on the respective authority by using a format of Sample 14 of Appendix of this Ministerial Decree.
- (2) Based on the request for the operation of terminal for individual (own) purpose as cited in paragraph (1), Director General shall inspect the requirements of request for the permit of operation of terminal for individual (own) purpose in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.
- (3) In case that based on the result of inspection the requirements as cited in paragraph (2) have yet to be completely fulfilled, Director General shall return the document of request with written notification to applicant asking for the complete fulfillment of requirements.
- (4) The document of request that is returned as cited in paragraph (3) can again be submitted to Director General after a complete fulfillment of requirements.
- (4a) In case that based on the result of inspection as cited in paragraph (4) the requirements have been completely fulfilled, Director General shall submit the result of inspection to Secretariat General for further inspection.
- (5) In case that based on the result of inspection by Secretariat General as cited in paragraph (4a) the requirements have yet to be completely fulfilled, Secretariat General shall provide a written notification concerning the incomplete fulfillment of requirements to Director General in order that the requirements can be completely fulfilled.
- (6) Based on the result of inspection as cited in paragraph (4a) and it turns out that the requirements have been completely fulfilled, Secretariat General in a period of no later than 5 (five) work days shall submit back the result of inspection to Director General so that it can be determined that a permit/ approval can be granted by using a format of Sample 15 of Appendix of this Ministerial Decree.

(7) removed

24. Between Article 29 and Article 40 is inserted 1 (one) article, namely Article 39A that is subsequently reading as follows:

Article 39A

- (1) Permit or approval for the operation of terminal for individual (own) purpose as cited in Article 37 paragraph (1) letter a shall be granted for a period of 10 (ten) years and it is extendable after having fulfilled the requirements as cited in Article 37 paragraph (2).
- (2) Request for the extension of permit of the terminal for individual (own) purpose as cited in paragraph (1) shall be submitted by the operator of terminal with individual (own) purpose to Director General by using a format of Sample 16 of Appendix of this Ministerial Decree by attaching documents of requirements as cited in Article 37 paragraph (2).
- (3) Based on the request for the operation of terminal with individual (own) purpose as cited in paragraph (2), Director General shall inspect the requirements of request for the permit in a period of no later than 14 (fourteen) work days as of receiving the complete document of request.
- (4) In case that based on the result of inspection the requirements as cited in paragraph (3) have yet to be completely fulfilled, Director General shall return the document of request with written notification given to applicant asking for a complete fulfillment of the requirements.
- (5) The document of request that is returned as cited in paragraph (4) can again be submitted to Director General after completing the fulfillment of requirements.
- (6) In case that based on the result of inspection as cited in paragraph (4) the requirements have been completely fulfilled, Director General shall submit the result of inspection to Secretariat General for further inspection.
- (7) In case that based on the result of inspection by Secretariat General as cited in paragraph (6) it turns out that the requirements have yet to be completely fulfilled, Secretariat General shall provide a written notification concerning the incomplete fulfillment of requirements to Director General in order that such requirements can be completely fulfilled.

25. Provision of Article ... is amended, and Article ... shall be reading as follows:

- (1) Guiding, controlling and monitoring of the operation of special terminal shall be conducted by the Port Master at the nearest harbor.
- (2) The function of safety at the special terminal shall be implemented by the Port Master at the nearest harbor.

26. Provision of Article 47 is amended, and Article 47 shall be reading as follows:

Article 47

- (1) Guiding, controlling and monitoring of the operation of terminal with individual (own) purpose shall be conducted by the Port Master at the nearest harbor.
- (2) The function of safety at the terminal with individual (own)

purpose shall be implemented by the Port Master at the nearest harbor.

27. The Appendices are amended to become those as determined in the Appendices of this Ministerial Decree, of which are inseparable parts of this Ministerial Decree.

#### 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 December 5, 2014  
MINISTER OF COMMUNICATIONS  
THE REPUBLIC OF INDONESIA,

Signed

IGNASIUS JONAN

Stipulated in Jakarta  
Dated December 8, 2014  
MINISTER OF LAWS AND HUMAN RIGHTS  
THE REPUBLIC OF INDONESIA,

Signed.

YASONNA H.LAOLY

#### **STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2014 NUMBER 1879**

Copy as of the original version  
Head of Bureau and KSLN

Signed.

DR. UMAR ARIS, SH, MM, MH  
Middle Executive Chief (IV/d)  
NIP.19630220 198903 1 001