

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 8 OF 2011
ON
MULTIMODAL TRANSPORT

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement the provisions of Article 148 of Law Number 23 of 2007 on Railways, Article 55 of Law Number 17 of 2008 on Shipping, Article 191 of Law Number 1 of 2009 on Aviation, and Article 165 section (4) of Law Number 22 of 2009 on Road Transportation and Traffic, it is necessary to establish Government Regulation on Multimodal Transport;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 23 of 2007 on Railways (State Gazette of the Republic of Indonesia Number 65 of 2007, Supplement to the State Gazette of the Republic of Indonesia Number 4722);
3. Law Number 17 of 2008 on Shipping (State Gazette of the Republic of Indonesia Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4849);
4. Law Number 1 of 2009 on Aviation (State Gazette of the Republic of Indonesia Number 1 of 2009, Supplement to the State Gazette of the Republic of Indonesia Number 4956);

5. Law Number 22 of 2009 on Road Transportation and Traffic (State Gazette of the Republic of Indonesia Number 96 of 2009, Supplement to the State Gazette of the Republic of Indonesia Number 5025);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON MULTIMODAL TRANSPORT.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Multimodal Transport means the transportation of goods that uses not less than 2 (two) different modes of transportation on the basis of 1 (one) contract as the multimodal transport document from one place at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery to the consignee of the multimodal transport.
2. National multimodal transport operator means State-Owned Enterprises, Local-Owned Enterprises, or Indonesian Legal Entities specifically established for multimodal transport.
3. Foreign multimodal transport operator means an operator established based on other countries' multimodal transport law.
4. Association means the association of multimodal transport operators or transport services companies (freight forwarder) and logistics service providers.
5. Agent means an Indonesian Legal Entity appointed by the multimodal transport operator in accordance with a cooperation agreement.
6. User means an individual or a legal entity which uses multimodal transport services in accordance with the agreement.

7. Goods mean any property that is the freight of multimodal transport, such as containers, pallets and other packaging including livestock.
8. Minister means the minister administering government affairs in the field of multimodal transport.

CHAPTER II MULTIMODAL TRANSPORT ACTIVITIES

Article 2

- (1) Multimodal transport may only be operated by multimodal transport operator.
- (2) Multimodal transport as referred to in section (1) is operated by national multimodal transport operator and foreign multimodal transport operator.
- (3) Multimodal transport activities as referred to in section (1) cover the activities since the goods are taken in charge by the multimodal transport operator from the user until the delivery of goods to the consignee from the multimodal transport operator as agreed in a multimodal transport document.
- (4) In operating multimodal transport activities as referred to in section (3), the multimodal transport operator has the liability for the supporting multimodal transport activities which cover:
 - a. freight forwarding;
 - b. warehousing;
 - c. cargo consolidation;
 - d. provision of cargo space; and/or
 - e. customs for inward and outward multimodal transportation.

Article 3

- (1) Multimodal transport activities as referred to in Article 2 may be operated by using land, railway, sea, and/or air transportation modes.

- (2) The transportation modes as referred to in section (1) consist of motor vehicles, train, ship, and aircraft.
- (3) The business of each transportation mode as referred to in section (2) may be operated by transportation services company.

CHAPTER III MULTIMODAL TRANSPORT DOCUMENT

Article 4

The multimodal transport document as referred to in Article 2 section (3) at least contains:

- a. identification of goods (brand and number);
- b. nature of goods (dangerous or perishable);
- c. details of goods (package or unit of goods);
- d. gross weight or quantity of goods;
- e. size of goods;
- f. other information stated by the consignor/sender;
- g. real condition of goods;
- h. name and business address of the multimodal transport operator;
- i. name of consignor or user;
- j. consignee if stated by the consignor;
- k. place and date when the goods are received by the multimodal transport operator;
- l. place of delivery of goods;
- m. date or period of time of delivery of the goods at the place of delivery in accordance with the agreement of the parties;
- n. statement that the multimodal transport document is “negotiable” or “non-negotiable”;
- o. place and date of the multimodal transport document issuance;
- p. signature of the person in charge of the multimodal transport operator or a person having authority from him or her;
- q. costs for each mode of transportation and/or the total costs, currency, and the place of payment in accordance with the agreement of the parties;

- r. intended journey routes, modes of transportation, and places of transshipment, if known, at the time the multimodal transport document is issued;
- s. name of agent or representative that deliver the goods; and
- t. cargo insurance.

Article 5

- (1) The multimodal transport document as referred to in Article 4 is formulated by multimodal transport operator association.
- (2) Multimodal transport operator association as referred to in section (1) in formulating the multimodal transport document is required to refer to the Standard Trading Conditions (STC) stipulated by the minister administering government affairs in legal sector based on the recommendation from the Minister.
- (3) Further provisions regarding the procedures for recommendation granting as referred to in section (2) is regulated by a Ministerial Regulation.

Article 6

- (1) Multimodal transport document as referred to in Article 5 may be in the form of written and/or electronic document.
- (2) The multimodal transport document as referred to in section (1) is an evidence of the agreement upon the approval by the multimodal transport operator and multimodal transport user.

CHAPTER IV MULTIMODAL TRANSPORT OPERATOR

Article 7

- (1) Multimodal transport operator as referred to in Article 2 section (1) is required to obtain a multimodal transport business permit from the Minister.

- (2) The multimodal transport business permit as referred to in section (1) is granted to the multimodal transport operator that has fulfilled:
 - a. administrative requirements; and
 - b. technical requirements.
- (3) Administrative requirements as referred to in section (2) point a at least cover:
 - a. Notary deed of establishment of a Company legalized by the minister administering government affairs in legal sector;
 - b. taxpayer identification number;
 - c. certificate of business domicile; and
 - d. maintains minimum assets equivalent to 80,000 (eighty thousand) Special Drawing Right (SDR).
- (4) Technical requirements as referred to in section (2) point b at least cover:
 - a. owning and/or controlling working equipment; and
 - b. having competent human resources in multimodal transport sector.
- (5) Working equipment as referred to in section (4) point a at least cover a permanent office, mode of transportation, and loading and unloading equipment.
- (6) Competence in multimodal transport as referred to in section (4) point b is proven by a certificate of competence in accordance with the provisions of legislation.
- (7) Further provisions regarding the requirements and procedures to obtain multimodal transport business permit is regulated by a Ministerial Regulation.

Article 8

- (1) In the operation of multimodal transport activities as referred to in Article 7, the national multimodal transport operator may establish a representative office and/or appoint an agent.
- (2) National multimodal transport operator as referred to in section (1) may serve multimodal transport in at home and/or abroad.

- (3) In the event that the multimodal transport activities are operated by a foreign multimodal transport operator, a national multimodal transport operator is required to be appointed as an agent.
- (4) Multimodal transport operator may act on its own behalf or be represented by a representative office or its agent to sign or implement the multimodal transport contract.

Article 9

- (1) Foreign multimodal transport operator as referred to in Article 8 section (3) may only provide multimodal transport services for import or vice versa through agent.
- (2) In the operation of multimodal transport services, foreign multimodal transport operator is required to register its business in Indonesia.
- (3) The registration as referred to in section (2) is conducted by foreign multimodal transport operator to the Minister.
- (4) The registration as referred to in section (3) remains in force until the issuance the written notice regarding the revocation of the business permit from the country of origin.
- (5) Further provisions regarding the procedures for the registration of foreign multimodal transport operator are regulated by a Ministerial Regulation.

Article 10

- (1) In the operation of multimodal transport activities, multimodal transport operator may cooperate with transportation modes operator as referred to in Article 3 section (3).
- (2) The cooperation as referred to in section (1) is in the form of cooperation agreement.

Article 11

The operator that already has a multimodal transport business permit, is required to:

- a. implement the provisions stipulated in multimodal transportation business permit;

- b. report in a written form if there is a change in the president director or person in charge and/or owner, the companies' taxpayer identification number, and the domicile of the company to the Minister;
- c. implement operational activities not later than 6 (six) months from the issuance of the permit; and
- d. report its operational activities to the Minister once every 6 (six) months.

Article 12

- (1) In addition to the obligations as referred to in Article 11, in implementing its multimodal transport activities, multimodal transport operator is required to:
 - a. issue multimodal transport documents;
 - b. deliver goods in accordance with the agreement in the multimodal transport document;
 - c. maintain the safety and security of the operation of the multimodal transport activities;
 - d. take action in accordance with the provisions of legislation on special and dangerous goods;
 - e. resolve claims proposed by user; and
 - f. insure its liabilities in accordance with the provisions of legislation.
- (2) The claim proposed by the user or consignee as referred to in section (1) point e is accompanied with an acknowledgement receipt of goods and signed by the multimodal transport operator and the consignee.
- (3) The multimodal transport operator that fails to fulfill the obligations as referred to in Article 11 and Article 12 is imposed with administrative sanctions.
- (4) The administrative sanctions as referred to in section (3) may be in the form of:
 - a. written reprimand;
 - b. temporary suspension from operating multimodal transport activities; and/or
 - c. revocation of multimodal transport business permit.

- (5) The revocation of multimodal transport operator business permit as referred to in section (4) point c is implemented if:
 - a. the concerned operator conducts the activities that harm the state security and human safety;
 - b. obtains business permit illegally;
 - c. being declared bankrupt by a court decision; or
 - d. commits the act of smuggling and/or document fraud based on a court decision with a permanent course.
- (6) Further provisions regarding the procedures for the imposition of the administrative sanctions are regulated by a Ministerial Regulation.

Article 13

Multimodal transport operator has the rights to:

- a. receive payments from the user in accordance with the agreement stated in the multimodal transport document;
- b. receive information from the user regarding the clarity of the transported goods;
- c. open and/or inspect the cargo before the user to match the information validity of the transported goods;
- d. refuse to transport goods that harm the safety and security of the multimodal transport operation;
- e. take certain actions to maintain the safety and security of the multimodal transport operation; and
- f. reject unproven claims.

Article 14

- (1) Multimodal transport operator is responsible for the transported goods since the goods are received from the multimodal transport user until the goods are delivered to the consignee in accordance with the provisions stated in the multimodal transport contract.
- (2) The responsibilities as referred to in section (1) cover partial or total damage or loss of goods, and/or the delay in the delivery of goods to the consignee.

CHAPTER V
MULTIMODAL TRANSPORT USER

Article 15

Multimodal transport user may be an individual, group of people, business entity, state-owned enterprise, local-owned enterprise, or government institution.

Article 16

Multimodal transportation user as referred to in Article 15 is required to:

- a. pay the costs in accordance with the agreement stated in the multimodal transport document;
- b. provide true and accurate information regarding type, condition, quantity, weight and volume of goods, marking, time, and place of the goods received by the multimodal transport operator from the user as well as the time and place of goods delivered to the consignee stated in the multimodal transport document; and
- c. inform and mark or label as special or dangerous goods in the event that the goods sent is special or dangerous goods in accordance with international conventions and the provisions of legislation.

Article 17

- (1) Multimodal transport user as referred to in Article 16 has the rights to:
 - a. obtain services in accordance with the provisions in the multimodal transport document;
 - b. propose a claim to obtain compensation in the event that the multimodal transport operator fails to fulfil its obligations in accordance with the multimodal transport document; and
 - c. obtain the information regarding the location of goods.
- (2) Proposed claims from the user as referred to in section (1) point b is required to be accompanied by an

acknowledgement receipt of goods and signed by the multimodal transport operator and the consignee.

Article 18

Multimodal transport user has no rights to demand compensation over the actions taken by the multimodal transport operator for opening and/or inspecting, not delivering, or performing any specific actions to dangerous goods and goods that may cause harm to properties, life, and the environment if the goods transported by the multimodal transport user to the multimodal transport operator are not reported.

Article 19

A user is responsible for:

- a. all losses, damages, lost goods and the costs paid due to incorrect, inaccurate, and incomplete information;
- b. the consequence arising from the refusal of the consignee to receive the goods or the address is not found, that is not the fault of the multimodal transport operator; and
- c. all losses, damages, lost goods and the costs paid due to unreported dangerous goods.

CHAPTER VI

CONSIGNEE OF MULTIMODAL FREIGHT

Article 20

Multimodal freights may be received by multimodal transport user or other parties stated in the multimodal transport document.

Article 21

A consignee of multimodal freights is obligated to:

- a. receive the goods and sign the acknowledgement receipt in accordance with the multimodal transport document;
- b. pay the multimodal transport services costs in the event that the costs are borne by the consignee in accordance with the multimodal transport document; and

- c. notify in a written form to the multimodal transport operator in the event that the goods received is damaged and/or incomplete not later than 3 (three) days after the goods is received and state the damage in the acknowledgement receipt signed by the multimodal transport operator and the consignee.

Article 22

A consignee has the rights to file a claim in the event that the multimodal transport operator fails to fulfil the obligations in accordance with the multimodal transport document.

CHAPTER VII LIMITATION OF LIABILITY

Article 23

- (1) The liability of multimodal transport operator for damage or loss of goods as referred to in Article 14 section (2) is given in the form of compensation.
- (2) The compensation as referred to in section (1) is given equals to:
 - a. 666.67 (six hundred sixty-six point sixty-seven) SDRs per package or 2 (two) SDRs per kilogram of gross weight of lost or damaged goods for the freight transported by means of sea, inland waterways and ferry; or
 - b. 8.33 (eight point thirty-three) SDRs per kilogram of gross weight of lost or damaged goods, in the event that the multimodal transport does not use sea, inland waterways and ferry transport.

Article 24

In the event that the damage and loss of goods is due to errors, negligence, and/or carelessness of the multimodal transport operator, compensation as referred to in Article 23 section (1) is given at the maximum value of goods.

Article 25

- (1) The amount of compensation as referred to in Article 23 section (2) point a is determined to be the most beneficial amount for users.
- (2) In the event that the type and value of goods are stated in the multimodal transport document, the compensation is given at the maximum value of the goods.
- (3) In the event that the compensation is caused by the delay of the delivery or loss of goods that is not caused by loss or damage of goods, the limit of the multimodal transportation operator liability does not exceed the transportation costs.
- (4) In the event that container, pallet or other forms of packaging is filled with several delivery packages and each package is stated in the transport document, the compensation is calculated in accordance with individual package.
- (5) In the event that individual delivery package as referred to in section (4) is not stated in the transport document, the compensation is calculated as one package.

CHAPTER VIII
INSURANCE

Article 26

- (1) Multimodal transport operator is required to insure its liability in accordance with the provisions of legislation.
- (2) Multimodal transport operator may cancel the cargo insurance in accordance with a written request from multimodal transport user.
- (3) The insurance costs as referred to in section (2) are borne by multimodal transport user.

CHAPTER IX
MULTIMODAL TRANSPORT TARIFFS

Article 27

- (1) Multimodal transport tariffs are determined in accordance with a joint agreement between multimodal transport

operator and multimodal transport service user in a written form.

- (2) The components of multimodal transport tariffs consist of transportation tariffs of each used modes as well as other tariffs in accordance with the type of services provided by the multimodal transport operator.
- (3) Type, structure and tariffs classes of each modes are determined in accordance with the provisions of legislation.

CHAPTER X FOSTERING

Article 28

- (1) The Minister provides fostering to multimodal transport operator.
- (2) The fostering as referred to in section (1) is conducted through:
 - a. regulation;
 - b. control; and
 - c. supervision.
- (3) Regulation as referred to in section (2) point a is implemented through the formulation of policies, norms, standards, guidelines and criteria of multimodal transport.
- (4) Control as referred to in section (2) point b is implemented through:
 - a. development of information and communications technology;
 - b. application of technical standards on the quality of service, safety and security of multimodal transport; and
 - c. application of human resources standards of competence in multimodal transport.
- (5) Supervision as referred to in section (2) point c is implemented through monitoring and evaluation of multimodal transport activities.

Article 29

- (1) Competent human resources as referred to in Article 28 section (4) point c is proved by a certificate of competence.
- (2) The certificate of competence as referred to in section (1) is obtained after receiving education and training in multimodal transport field.
- (3) Education and training as referred to in section (2) are conducted by the Government or an accredited Indonesian legal entity in accordance with the provisions of legislation.

Article 30

Further provisions regarding multimodal transport supervision is regulated by a Ministerial Regulation.

CHAPTER XI

CLOSING PROVISION

Article 31

This Government Regulation comes into force 1 (one) year since the date of its promulgation.

In order every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 4 February 2011

PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 4 February 2011

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

signed

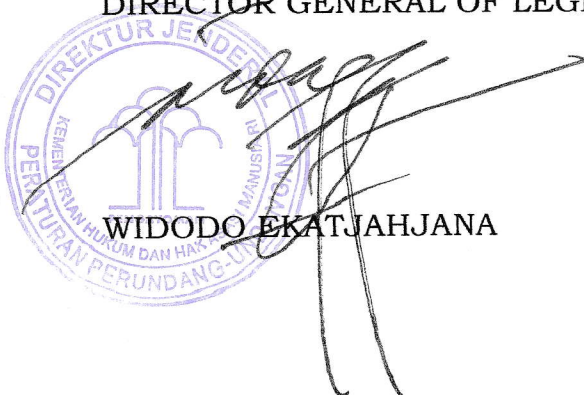
PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 20 OF 2011

Jakarta, 9 June 2020

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA