



**MINISTRY OF TRANSPORTATION OF
THE REPUBLIC OF INDONESIA**

REGULATION OF THE MINISTER OF TRANSPORTATION OF

THE REPUBLIC OF INDONESIA

NUMBER PM 109 OF 2016

CONCERNING

AMENDMENT TO REGULATION OF THE MINISTER OF TRANSPORTATION OF
THE REPUBLIC OF INDONESIA NUMBER PM 66 OF 2015 ON OVERSEAS
NON-COMMERCIAL AIR TRANSPORT AND UNSCHEDULED COMMERCIAL AIR
TRANSPORT ACTIVITIES USING FOREIGN CIVIL AIRCRAFTS TO AND FROM
THE TERRITORY OF THE UNITARY STATE OF THE REPUBLIC OF
INDONESIA

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA,

Considering : a. that in order to enforce the cabotage
principle as well for the sovereignty
protection of the Unitary State of the
Republic of Indonesia, the Regulation of

the Minister of Transportation Number PM 66 of 2015 concerning Overseas Non-Commercial Air Transport and Unscheduled Commercial Air Transport Activities Using Foreign Civil Aircrafts to and from the Territory of the Unitary State of the Republic of Indonesia has been enacted;

- b. that in order to facilitate the business climate to boost the economic activities with due regard to the cabotage principle as well for the sovereignty protection of the Unitary State of the Republic of Indonesia, the issuance of special permit, slot clearance and flight approval for overseas non-commercial air transport activities using foreign civil aircrafts and overseas unscheduled commercial air transport activities using foreign civil aircrafts to and from the Territory of the Unitary State of the Republic of Indonesia need to be adjusted;
- c. that based on the considerations as referred to in items a and b, it is necessary to stipulate the Regulation of the Minister of Transportation concerning

Amendment to Regulation of the Minister of Transportation Number PM 66 of 2015 on Overseas Non-Commercial Air Transport and Unscheduled Commercial Air Transport Activities Using Foreign Civil Aircrafts to and from the Territory of the Unitary State of the Republic of Indonesia;

- In view of :
1. Law Number 1 of 2009 on Flights (State Gazette of the Republic of Indonesia of 2009 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 4956);
 2. Presidential Regulation Number 7 of 2015 on Organization of State Ministries (State Gazette of the Republic of Indonesia of 2015 Number 8);
 3. Presidential Regulation Number 40 of 2015 concerning the Ministry of Transportation (State Gazette of the Republic of Indonesia of 2015 Number 75);
 4. Regulation of the Minister of Transportation Number KM 25 of 2008 on the Implementation of Air Transport, as amended by Regulation of the Minister of Transportation Number PM 56 of 2016

concerning the Eighth Amendment to Regulation of the Minister of Transportation Number KM 25 of 2008 on the Implementation of Air Transport (State Gazette of the Republic of Indonesia of 2016 Number 696);

5. Regulation of the Minister of Transportation PM Number 69 of 2013 regarding National Airport Arrangement (State Gazette of the Republic of Indonesia of 2013 Number 1046);

6. Regulation of the Minister of Transportation Number PM 189 of 2015 on Organization and Administration of the Ministry Transportation (State Gazette of the Republic of Indonesia of 2015 Number 1844), as amended by Regulation of the Minister of Transportation Number 86 of PM 2016 on Amendment to Regulation of the Minister of Transportation Number PM 189 of 2015 on Organization and Administration of the Ministry of Transportation (State Gazette of the Republic of Indonesia of 2016 Number 1012);

7. Regulation of the Minister of Transportation Number PM 57 of 2016 on the Implementation of Airport Slot Time Availability Allocation (State Gazette of the Republic of Indonesia of 2016 Number 697);

DECIDED:

To stipulate : REGULATION OF THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA NUMBER PM 109 OF 2016 CONCERNING AMENDMENT TO REGULATION OF THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA NUMBER PM 66 OF 2015 ON OVERSEAS NON-COMMERCIAL AIR TRANSPORT AND UNSCHEDULED COMMERCIAL AIR TRANSPORT ACTIVITIES USING FOREIGN CIVIL AIRCRAFTS TO AND FROM THE TERRITORY OF THE UNITARY STATE OF THE REPUBLIC OF INDONESIA.

Article I

Several provisions under the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 66 of 2015 on Overseas Non-Commercial Air Transport and Unscheduled Commercial Air Transport Activities Using Foreign Civil Aircrafts to and from the Territory of the Unitary State of the Republic of Indonesia shall be amended as follows:

1. The provisions of Article 8 are amended thus Article 8 shall entirely read as follows:

Article 8

- (1) Upon approval of diplomatic clearance and security clearance, the overseas non-commercial air transport and unscheduled commercial air transport activities using foreign civil aircrafts to and from the territory of the unitary state of the Republic of Indonesia must obtain a flight approval.
- (2) The flight approval as referred to in paragraph (1) shall be issued by the Director.
- (3) The granting of said flight approval as referred to in paragraph (2) shall be issued with due regard to the flight safety and security aspects as well as the time slot availability allocation.
- (4) The flight approval as referred to in paragraph (3) shall apply to one (1) flight.

2. The provisions of Article 11 are amended thus Article 11 shall entirely read as follows:

Article 11

- (1) The application for flight approval as referred to in Article 10 shall be submitted to the Director to enclose the following requirements:

- a. a photocopy of Air Operating Certificate (AOC) or Operating certificate (OC) of relevant foreign company;
- b. a photocopy of Certificate of Registration (C of R) of relevant foreign aircraft;
- c. a photocopy of Certificate of Airworthiness (C of A) of relevant foreign aircraft;
- d. a photocopy of foreign national Pilot License;
- e. a photocopy of proof of carrier liability insurance to third parties;
- f. a reference of flight plan request containing aircraft identification, schedules, names and identities of crews involved in the flight;
- g. a list of planned passengers or cargo transported;
- h. a charter contract document for charter flight;
- i. a recommendation of slot time availability allocation from authorized working unit pursuant to prevailing laws and regulations;
- j. a recommendation of technical aspects of flight safety and security from authorized working unit if necessary; and
- k. recommendations from relevant authorities for humanitarian assistance and medical evacuation.

(2) The recommendation of slot time availability allocation from authorized working unit as referred to in paragraph (1) item i is a mandatory requirement for the issuance of flight approval.

3. The provisions of Article 12 are amended thus Article 12 shall entirely read as follows:

Article 12

(1) The application for flight approval shall be submitted no later than three (3) working days prior to the flight to the Director.

(2) Approval or rejection of the submission of said flight approval shall be given by the Director no later than one (1) working day prior to the flight upon receipt of complete and correct requirements.

4. The provisions of Article 16 are amended thus Article 16 shall entirely read as follows:

Article 16

The provisions as referred to in Article 15 shall not apply in the case of:

- a. technical landing for refueling or damage;
- b. emergency landing for, inter alia, bad weather;

- c. landing for acts of unlawful interference, among others, bomb threats or hijacking that may endanger the safety of flight and air transport;
 - d. VVIP flights, i.e. flight carrying President, Vice President, State Guests at the levels of Head of State/ Head of Government and leadership of international organizations;
 - e. VIP flights, i.e. flights carrying former President and former Vice President;
 - f. humanitarian aid flights, i.e. flights for the purpose of providing assistance/ aids needed by natural disaster/ humanitarian tragedy victims; and
 - g. special permit from the Director General for strategic national interests, i.e. for the interests of state sovereignty, national territorial integrity, national economic interests, investment or tourism with particular, non-commercial travel destinations, to be granted for a maximum period of 180 calendar days.
5. The provisions of Article 17 are amended thus Article 17 shall entirely read as follows:

Article 17

- (1) In the case of an aircraft having technical landing for the purpose of refueling as referred to in

Article 16 item a, it can only land or take off at or from an international airport.

- (2) In the case of an aircraft having technical landing for damage as referred to in Article 16, item a, it can land at a domestic airport and then take off to outside of Indonesia.
- (3) In the case of an aircraft having emergency landing as referred to in Article 16, item b, it can land at a domestic airport and then take off to outside of Indonesia.
- (4) In the case of an aircraft having landing for acts of unlawful interference as referred to in Article 16 item c, it can land at a domestic airport and then take off to outside of Indonesia.
- (5) In the case of an aircraft having a VVIP flight as referred to in Article 16, item d, it can land at a domestic airport and can operate in the territory of Indonesia.
- (6) In the case of an aircraft having a VIP flight as referred to in Article 16 item e, it can land at a domestic airport and can operate in the territory of Indonesia.
- (7) In the case of an aircraft having a humanitarian aid flight as referred to in Article 16, item f, it can land at a domestic airport and can operate in the

territory of Indonesia upon a recommendation letter from an institution in charge of national disaster handling and management affairs.

- (8) In the case of an aircraft having a flight with a special permit as referred to in Article 16 item g, it shall first land on a territory of Indonesia at an international airport provided with customs, immigration, and quarantine services, to further be able to operate in the territory of Indonesia by virtue of the special permit granted.

6. Between Article 17 and Article 18 the provisions of Article 17a are supplemented to read as follows:

Article 17a

The provisions as referred to in Article 17 paragraph (5), paragraph (6), paragraph (7) and paragraph (8) shall only apply to non-commercial transport activities using foreign civil aircrafts.

7. The provisions of Article 18 are amended thus Article 18 shall entirely read as follows:

Article 18

- (1) The application for special permit from the Director General as referred to in Article 16 item g can be

submitted through the information technology-based (online system) application.

- (2) The form of application for special permit and the form of special permit granting from the Director General as referred to in paragraph (1) shall be as set forth in Annex II, which constitutes an integral and inseparable part of this Ministerial Regulation.

8. Between Article 18 and Article 19 the provisions of Article 18a are supplemented to read as follows:

Article 18a

The granting of special permit from the Director General as referred to in Article 16 item g shall be charged according to the laws and regulations.

Article 21

- (1) Foreign civil aircrafts having overseas non-commercial transport and unscheduled commercial transport activities that violate any of the provisions as referred to in Article 15, Article 16 item g, Article 17 and Article 19 shall be liable not be capable of continuing the next flight and not to be granted subsequent special permit and flight clearance for a period of one hundred eighty (180) calendar days.

(2) A flight clearance administration agent in violation of any of the provisions as referred to in Article 15, Article 16 item g, Article 17 and Article 19 shall be liable not be capable of maintaining subsequent flight clearance for one hundred eighty (180) calendar days.

10. To amend the provisions of special permit application form and special permit granting form in Annex II to become as stated in Annex, which constitutes an integral and inseparable part of this Ministerial Regulation.

Article II

This Ministerial Regulation shall come into force as of the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on 7th September 2016

THE MINISTER OF TRANSPORTATION OF
THE REPUBLIC OF INDONESIA,

Signed

BUDI KARYA SUMADI

Promulgated in Jakarta

on 14th September 2016

THE DIRECTOR GENERAL OF LEGISLATION

THE MINISTRY OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA,

Signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER 1378

True copy of the original

HEAD OF LEGAL BUREAU

[*signed*]

SRI LESTARI RAHAYU

Junior Administrator (IV/c)

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