

PRESIDENT  
OF THE REPUBLIC OF INDONESIA

RAILWAYS ACT

NUMBER 13 OF 1992

BY THE GRACE OF GOD, THE ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that transportation plays an important and strategic role in consolidating the realization of the archipelagic state concept of the Republic of Indonesia, tightening the national durability and strengthening international relationships in the effort to achieve national objects based on the Pancasila and the 1945 Constitution;
  - b. that railways as one of the modes of transportation is not to be separated from other modes of transportation arranged in the national communications system and has mass transport characteristics and special advantages, so that it is necessary to further develop its potential and to increase its role as a means to connect regions, national as well as international, as supporter, promoter and prime mover of national development for the improvement of people's welfare;
  - c. that the provisions of law regulating railways now existing are not in accordance anymore with the need and development of the current era, science and technology;
  - d. that to improve the guidance and implementation of railways in accordance with the development of the life of the Indonesian people and nation and to make railways more efficient and more effective, it is deemed necessary to enact provisions on railways in an Act;

Bearing in mind : Article 5 paragraph (1), Article 20 paragraph (1) and Article 33 of the 1945 Constitution;

With the approval of

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

HEREBY DECIDES :

To enact : RAILWAYS ACT

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Act the following terms shall have the following meanings :

1. The term "railways" means all and everything related to rolling stock, infrastructures and supporting railway facilities for organizing railway transport arranged in one system;
2. The term "trains" means vehicles with propelling power, either self-propelled or connected with other vehicles, which are running or will be running on rails;
3. The term "railway track networks" means the whole railway tracks linked with one and another to connect several places forming one system;
4. The term "special railway track networks" means railway tracks specially used by certain business entities to support their activities;
5. The term "railway safety facilities" means buildings, instruments and equipment used to support the smooth running and safety of trains journey;
6. The term "railway rolling stock" means all and everything which can move on rails;
7. The term "railway infrastructures" means railway tracks and stations including facilities which are required to operate railway rolling stock;
8. The term "railway supporting facilities" means all and everything supplementing the operation of railway transport to provide convenience as well as comfort to railway service users;

9. The term "service users" means every person and/or legal entity using railway transport services, for the transport of people as well as goods;
10. The term "executing body" means a state-owned business entity organizing railway transport;
11. The term "Minister" means the Minister responsible for railway affairs.

## CHAPTER II

### PRINCIPLES AND OBJECTS

#### Article 2

Railways as one of modes of national transportation shall be organized on the basis of the principles of benefit, rightness and equality, balance, public interest, integrity, and self-confidence.

#### Article 3

Railways shall be organized with the object to smoothen the mass movement of people and/or goods, supporting equality, growth and stability and as supporter and driving force of the national development.

## CHAPTER III

### G U I D A N C E

#### Article 4

Railways shall be controlled by the State and their guidance shall be effected by the Government.

#### Article 5

- (1) The guidance of railways is aimed at increasing the role of railway transport in an integrated transport mode in its entirety.
- (2) The provision on the guidance of railways as referred to in paragraph (1) will further be regulated by Government Regulation.

CHAPTER IV

ORGANIZATION

Article 6

- (1) Railways shall be organized by the Government and their implementation entrusted to the executing body formed for such purpose on the basis of the prevailing regulations of the law.
- (2) Business entities other than the executing body as referred to in paragraph (1) can participate in the railway activities on the basis of cooperation with the executing body.
- (3) The form and conditions of the cooperation as referred to in paragraph (2) shall further be regulated by Government Regulation.

Article 7

- (1) Special trains may be used by business entities to support the activities of the business entities concerned in the field of industry, agriculture, mining and tourism, business entities concerned.
- (2) The provisions as referred to in paragraph (1) shall further be regulated by Government Regulation.

CHAPTER V

INFRASTRUCTURES AND ROLLING STOCK

Article 8

- (1) The government shall provide and maintain railway infrastructures.
- (2) The provision and maintenance of infrastructure as referred to in paragraph (1) may be delegated to the executing body.

- (3) The management of infrastructures as referred to in paragraph (1) shall be executed by the executing board.

#### Article 9

- (1) The executing body shall provide and maintain railway rolling stock.
- (2) The procurement and maintenance of the rolling stock as referred to in paragraph (1) may be undertaken by another business entity referred to in Article 6 paragraph (2) by means of cooperation with the executing body.
- (3) The management of the rolling stock as referred to in paragraph (1) and paragraph (2) shall be undertaken by the executing board.

#### Article 10

- (1) The railway infrastructures and rolling stock operated must be reliable and fulfil safety requirements.
- (2) To fulfil the provision as referred to in paragraph (1), each railway infrastructure and rolling stock are subject to inspection and testing.
- (3) The safety requirements and procedure for inspection and testing shall be regulated by Government Regulation.

#### Article 11

The Government shall develop designs plan and engineering for railways.

#### Article 12

- (1) Only workers fulfilling professional qualifications are allowed to operate railway infrastructures and rolling stock.
- (2) The professional requirements and the procedure for obtaining the qualification as referred to in paragraph (1) shall further be regulated by Government Regulation.

Article 13

For the smooth running and safety operation of trains, the Government shall regulate the railway tracks which include track benefit areas, track possession areas, and track control areas, including all their underground parts and free space existing above.

Article 14

- (1) It is prohibited to construct buildings, build walls, fences, dykes and the like, plant high trees and to place object on railway tracks, which may disturb the free view and endanger the safety of trains.
- (2) The provision on the prohibition as referred to in paragraph (1) shall further be regulated by Government Regulation.

Article 15

- (1) The crossing of railway track and road shall be made on the basis of the principle of not being on the same level.
- (2) The exception to the principle as referred to in paragraph (1) shall only be made possible by continuously taking into account of the safety and smooth operation of trains and traffic on roads.
- (3) The provision on the crossings and their exceptions as referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulation.

Article 16

In case the roads used for general or special traffic cross railway tracks, road users shall be obligated to give priority to the traffic of trains.

Article 17

- (1) The construction of roads, special railway tracks, canals, waterworks and/or other infrastructures causing or requiring continuation, crossing or contacting with a railway track, shall be effected in a manner not endangering the safety of trains operation.

- (2) The provision on the implementation of the construction as referred to in paragraph (1) shall further be regulated by Government Regulation.

#### Article 18

The executing body as referred to in Article 6 paragraph (1) shall be authorized to prohibit any one from :

- a. being in the railroad benefit areas;
- b. dragging goods on or crossing railway tracks;
- c. using railway tracks for purposes other than railway transport;
- d. being outside the place provided for the transport of passengers and/or goods;
- e. disturbing orderliness and/or public services.

#### Article 19

- (1) A railway station is a place at which trains depart and stop to pick up and let off passengers, and/or to load/unload cargo and/or for the need of the operation of trains.

- (2) Unless otherwise stipulated by the executing body, the picking up and letting off passengers and/or the loading/unloading of cargo may only be effected in railway stations.

#### Article 20

- (1) Besides functioning as place for picking up or letting off passengers and/or loading/unloading of cargo, railway stations may also be used for carrying out other business activities in support of railway transport.
- (2) The provision as referred to in paragraph (1) shall further be regulated by the Minister.

CHAPTER VI

RAILWAY TRANSPORT SERVICE NETWORKS

Article 21

- (1) Railway transport service networks shall be organized in an integrated manner in one unit constituting an inseparable part of the transport system as a whole.
- (2) Railway transport service networks shall be arranged in intercity and city transport service networks.

Article 22

- (1) The intercity railway transport service networks as referred to in Article 21 paragraph (2) functioning as trunk line services shall provide long and middle distant transport services.
- (2) The intercity railway transport service networks as referred to in Article 21 paragraph (2) functioning as subline services shall provide middle and short distant transport services.

Article 23

The city transport service network as referred to in Article 21 paragraph (2) shall function as trunk line services in a city transport system.

Article 24

Special railway transports shall function to serve certain business entities' activities in the field of industry, agriculture, mining and tourism.

CHAPTER VII

T R A N S P O R T

Article 25

- (1) Passengers or cargo transport services shall be organized having fulfilled general transport requirements stipulated by the executing body on the basis of this Act.
- (2) Passengers tickets or consignment notes constitute as evidence for transport contracts.

Article 26

The executing body shall be obligated to carry passengers and/or cargo already fulfilling general transport requirements as referred to in Article 25.

Article 27

The executing body shall be obligated to reimburse the costs paid by passengers and/or consignors in case of cancellation of the departure of trains by the executing body.

Article 28

- (1) The executing body shall be responsible for the losses incurred by service users and/or third parties arising out of the implementation of railway transport services.
- (2) The responsibilities as referred to in paragraph (1) shall be given with the provision that :
  - a. the losses shall be derived from transport services and evidenced with the negligence of officials or other parties employed by the executing body;
  - b. the amount of compensation shall be limited to the maximum amount of insurance covered by the executing body in implementing their activities.

Article 29

The executing body shall be authorized to :

- a. examine the fulfilment of general transport requirements for passengers and/or goods;
- b. take measures against violation of general transport requirements as referred to in letter a;
- c. cancel train's departure if it is considered dangerous to public order and interest;
- d. control train passengers or people disturbing trains' journey.

Article 30

The Government shall determine the structure and classification of railroad transport fares.

Article 31

The responsibilities as referred to in Article 28 shall begin from the carriage of passengers and/or the receipt of goods and shall end at the agreed place of destination.

Article 32

- (1) Consignors and/or consignees who fail to take their goods from the storing places designated by the executing body within the stipulated time limit pursuant to the general transport requirements are subject to the imposition of storing fees.
- (2) The consignors and/or consignees shall only be allowed to collect their goods after the fees as referred to in paragraph (1) have been settled.
- (3) The goods as referred to in paragraph (1) which are not taken within the stipulated time limit shall be declared no man's goods and can be sold by auction pursuant to the prevailing laws.

Article 33

The transport of dangerous goods shall be effected pursuant to the prevailing laws.

Article 34

The executing body shall be obligated to insure its responsibilities as referred to in Article 28.

Article 35

- (1) Disabled and/or sick persons are entitled to special treatment in railway transport services.
- (2) The provision as referred to in paragraph (1) shall further be regulated by Government Regulation.

CHAPTER VIII

INVESTIGATION

Article 36

- (1) Besides Indonesian police officers, certain civil servants from the departments whose scope of duties and responsibilities include the guidance of railways shall be given special powers to act as investigators as referred to in Act Number 8/1981 on Criminal Procedural Law to undertake investigation of criminal acts in the field of railways.
  
- (2) The investigators as referred to in paragraph (1) are authorized to :
  - a. examine the truth of the accounts, complaints or information on the existence of criminal acts;
  - b. summon and investigate witnesses and/or suspects;
  - c. search, seal and/or seize devices used for committing criminal acts;
  - d. investigate the place which is supposed to be used for committing criminal acts;
  - e. ask information from witnesses and collect evidences from persons and/or legal entities connecting with the criminal acts;
  - f. prepare and sign official reports of investigation;
  - g. stop investigation if there is not enough evidence found on the existence of criminal acts.
  
- (3) The implementation of the investigation as referred to in paragraph (1) and paragraph (2) shall be undertaken pursuant to the prevailing regulations of the law.

CHAPTER IX

CRIMINAL PROVISIONS

Article 37

Every person who constructs buildings, builds walls, fences, dikes and other buildings, plants high trees as well as place articles on railway tracks, which can disturb the free view or which can endanger the safety of trains as referred to in Article 14, is liable to imprisonment for a term not exceeding 3 (three) months or a fine of not more than Rp. 3,000,000.00 (three million rupiahs) and shall be obligated to pay compensation to the executing body and is obligated to demolish or remove the disturbance.

Article 38

Every person who due to his acts causes damage to a railroad crossing gate or who without authority opens a railway crossing gate when a train will be and/or is passing is liable to imprisonment for a term not exceeding 6 (six) months or a fine of not more than Rp. 6,000,000.00 (six million rupiahs) and is obligated to pay compensation to the executing body.

Article 39

Every person who commits an act causing the shift in land on a railway track as referred to in Article 17 so as to disturb or endanger trains' journey is liable to imprisonment for a term not exceeding 3 (three) months or a fine of not more than Rp. 3,000,000.00 (three million rupiahs) and is obligated to pay compensation to the executing body.

Article 40

Every person who commits acts causing damage to, lessening the value or disfunction or imperfect function of railway facilities and/or infrastructures is liable to an imprisonment for a term not exceeding 3 (three) months or a fine of not more than Rp. 3,000,000.00 (three million rupiahs) and is obligated to pay compensation to the executing body.

Article 41

The acts as referred to in Article 37, 38, 39 and 40 of this Act shall be violations.

Article 42

If the acts referred to in Article 41 causing death to a person, causing somebody to suffer serious injuries or make somebody disabled, is liable to criminal sanction in accordance with the provisions of the criminal law.

CHAPTER X

OTHER PROVISIONS

Article 43

- (1) The causes of every train accident shall be investigated.
- (2) The investigation of accidents as referred to in paragraph (1) shall be carried out by the committee, whose formation, composition and duties are further regulated by the Minister.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 44

On the date of the coming into force of this Act, all implementing regulations on railways are declared to remain in force insofar they are not in contravention of or replaced by the new regulations based on this Act.

CHAPTER XII

CONCLUDING PROVISIONS

Article 45

On the date of the coming into force of this Act :

1. General Regulations on Construction and Exploitation of Rail- and Tramways designated for Public Traffic in the Dutch Indies (Royal Decree, Government Gazette 1926 No. 26 jo. Government Gazette No. 295);
2. General Regulations on Rail- and Tramways (Ordinance, Government Gazette 1927 No. 258);
3. Regulations on Construction and Undertaking of Railways (Ordinance, Government Gazette

1927 No. 259);

4. Regulations for City Tramways (Ordinance, Government Gazette 1927 No. 260);
5. Regulations of Urban Tramways Ordinance, Government Gazette 1927 No. 261);
6. Regulations on Transport Crossing Railways (Ordinance, Government Gazette 1927 No. 262);
7. Industrial Tracks (Government Gazette 1885 No. 158 jo. Government Gazette 1938 No. 595);

are declared null and void.

Article 46

This act shall take effect as of 17th September, 1992.

For public cognizance order is given to enact this Act by inserting it in the Government Gazette of the Republic of Indonesia.

Ratified in Jakarta  
on this 11th day of May, 1992  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

sgd.

S O E H A R T O

Enacted in Jakarta  
on this 11th day of May, 1992  
THE MINISTER/SECRETARY OF THE STATE OF  
THE REPUBLIC OF INDONESIA

sgd.

M O E R D I O N O

GOVERNMENT GAZETTE OF THE REPUBLIC OF INDONESIA NO.47/1992.

This copy is in conformity with the original  
THE SECRETARY CABINET OF THE REPUBLIC OF INDONESIA  
Head Legal Bureau and Legislation

sgd.

Bambang Kesowo, S.H., L.L.M.  
(Official seal of Secretariate Cabinet of  
the Republic of Indonesia).

PRESIDENT OF THE REPUBLIC OF INDONESIA

E X P L A N A T I O N

O N

RAILWAYS ACT

NUMBER 13 OF 1992

G E N E R A L

That with the blessing of God, the Almighty, the State of the Republic of Indonesia has been bestowed as an archipelagic state consisting of thousands of islands, stretching along the equator, between two continents and two oceans, therefore it has a very strategic position and role in international communications.

In order to achieve the object of national development as the application of the Pancasila State Ideology, transportation possesses an important and strategic position in the building of a nation which must be reflected in the need of mobility of the whole sectors and regions.

Transportation forms a very important and strategic facility in accelerating the economic wheels, strengthening unity and union as well as influencing all aspects of life of the nation and the state. The importance of transportation is reflected in the ever increasing demand of transport services for the mobility of people as well as goods from and to all places in the country, even from and to abroad.

In addition thereto, transportation also plays a role in supporting, encouraging and moving the growth of potential regions not yet developed in the effort to increase and equally distribute development and its fruit.

Realizing its role, transportation must be arranged in one integrated national transport system which is capable to realize the availability of transport services which are in harmony with the demand for safe, comfortable, quick, appropriate, regular services and whose fares are within the purchasing power of the community. For such purpose various modes of transportation need to be developed by taking into account the characteristics and superiorities of the modes concerned, in connection with the type and volume to be carried and the distance to be covered.

Railways are one of the transport modes having special characteristics and superiorities mainly in its capability to carry both passengers and cargo in large numbers, save energy and space, having high factor of safety and produce low level of pollution as compared with other highway transport modes, railways are more efficient for long distance transport and dense-traffic-areas, such as city transport.

The superiorities and characteristics of the railway affairs need to be utilized in the effort to develop an integrated transport system, therefore, its implementation starting from its planning and construction, management, maintenance and operation need to be regulated as best as possible, so as to obtain integrity, harmony as well as balance of loads inter transport mode which will in turn be capable of providing safe, comfortable, quick, appropriate and regular transport services for the mobility of people and cargo whose fares are within the purchasing power of the community. All the above need to be regulated by an Act.

This Act also regulates rights, obligations and responsibilities of the executing body and service users for the losses suffered by third parties arising out of the implementation of the railway transport services.

Besides the above mentioned matters and in the framework of the development of national law as well as to more realizing legal certainty, this Act aims at simplifying, adjusting and replacing the prevailing legislation in the field of railway, namely :

- a. General Regulations on Construction and Exploitation of Rail- and Tramways designated for Public Traffic in the Dutch Indies (Royal Decree, Government Gazette 1926 No. 26 jo. Government Gazette Number 295);
- b. General Regulations on Rail- and Tramways (Ordinance, Government Gazette 1927 Number 258);
- c. Regulations on Construction and Undertaking of Railways (Ordinances Government Gazette 1927 Number 259);
- d. Regulations for City Tramways (Ordinance, Government Gazette 1927 Number 260);
- e. Urban Tramways Regulations (Ordonance, Government Gazette 1927 Number 261);
- f. Regulations on Transportation Crossing Railways (Ordinance, Government Gazette 1927 Number 262);
- g. Industrial Tracks Ordinance (Government Gazette 1885 Number 158 jo. Government Gazette 1938 Number 595),

which are not in accordance anymore with the development of the era, progress of science and technology.

In this Act are only regulated matters which are basic in nature, while those of technical nature will be regulated in other Government and implementing regulations.

ARTICLE BY ARTICLE

Article 1

Figure 1

The term "all and everything" in this provision includes planning, construction, procurement, operation, management, maintenance, arrangement, control, supervision, research and development as well as education and training.

Figure 2

The term "which are running or will be running on rails" means those connected with trains' operation.

Figure 3

The term "to connect several places" includes connecting meeting points of several transport modes.

Figure 4

Sufficiently clear.

Figure 5

Sufficiently clear.

Figure 6

Sufficiently clear.

Figure 7

Sufficiently clear.

Figure 8

Sufficiently clear.

Figure 9

Sufficiently clear.

Figure 10

Sufficiently clear.

Figure 11

Sufficiently clear.

Article 2

The following terms in this article shall have the following meanings :

- a. the term "benefit" means that railways should be able to provide the greatest possible utility for mankind, increasing the people's welfare and developing a balance life for Citizens;
- b. the term "rightness and equality" means that railways should be able to provide rightness and equal services to all brackets of people with fares within the reach of the people;
- c. the term "balance" means that railways must be organized in such manner so as to exist harmonious balance between facilities and infrastructures, between the interest of service users and that of service providers, between the interest of individuals and that of the community, as well as between national and international interest;
- d. the term "principle of public interest" means that railways should give more priority to the public interest;
- e. the term "integrity" means that railways should form one overall and complete, integrated, mutually supporting and complementary intra as well as inter transport mode;
- f. the term "principle of self-confidence" means that railways should be based on the confidence in its own capability and strength as well as based on national personality.

Article 3

The term "mass" means that railways possess the capability to carry people and/or goods in large quantities or volume each time in its journey.

Article 4

The term "controlled by the State" means that the state has the power to control the implementation of railways whose guidance is effected by the State.

The realization of said guidance includes the aspects of arrangement, control and supervision.

The aspect of arrangement includes the formulation and determination of the general as well as technical policy, among others in the form of the requirements of safety, licensing and implementation of railway transport.

The aspect of control is effected in the field of development as well as operation, in the form of directives and guidance for the implementation of railway transport.

The aspect of supervision is the supervision of the implementation of railway transport.

## Article 5

### Paragraph (1)

The increase of railway transport participation emphasized the long distance networks and city transport.

Pursuant to its characteristics as mass transport, trains have been proven more efficient for a long distance network, compared with other transport modes.

As a city transport mode, trains are aimed at reducing dense traffic on the roads and to smoothen the mass mobility of people.

Whereas as middle distance transport means, trains are intended to smoothen the transport and collection of passengers or goods from supporting areas.

### Paragraph (2)

The integraty between railway and other transport modes will among others be regulated by Government Regulation.

## Article 6

### Paragraph (1)

The implementation of railway transport by the executing board should not reduce the responsibility of the Government in providing infrastructures and facilities as well as the quality of railway services.

### Paragraph (2)

The term "other business entities" means besides the executing body also Indonesian legal entities.

The participation of the said legal entities is through cooperation with the executing body as a reflection of joint business and family spirit.

Paragraph (3)

Sufficiently clear.

Article 7

Paragraph (1)

The use of special trains is only aimed at supporting the main activities of business entities in the fields of industry, agriculture, including forestry and plantation, mining and tourism, and not used for public transport. The activities of special trains in the field of tourism are limited only to recreational parks which form an integral part of the main activities and are not classified as public transport. The procurement, maintenance and operation of railway infrastructures and facilities should specially be effected by the business entity concerned.

Paragraph (2)

The procedures and requirements for licensing, reliability and safety will be regulated in a Government Regulation.

Article 8

Paragraph (1)

The Government should provide and maintain railway infrastructures, which are only limited to public railway infrastructures by stressing on home-made products.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 9

Paragraph (1)

The executing body should provide and maintain railways rolling stock by stressing on domestic products.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 10

Paragraph (1)

The term "must be realible and fulfil safety requirements" means the ready for use condition of infrastructures and rolling stock and technically fit for operation.

Paragraph (2)

The result of inspection and testing should be contained in a certificate of having past inspection and test.

Especially for the result of the inspection and testing of the railway facilities in which is also included the allowed maximum carrying capacity, so that in operating railway rolling stock the maximum limit of loads will always be observed.

Paragraph (3)

Sufficiently clear.

Article 11

In the developing construction designs and engineering, the Government creates climate and promote development of domestic railway industry by using efficient technology, among others, energy saving and is environment-oriented, therefore, efforts should be made which are consistent in the framework to reduce, prevent and control the effect of pollution which may endanger the environment.

Article 12

Paragraph (1)

Pursuant to the demand of the development, technology and business continuity, the executing body is demanded to constanty promote the skill and quality of human power resources in the field of railways through education and training.

Paragraph (2)

Sufficiently clear.

Article 13

The determination of the regulation concerning railway track in this provision is intended to prevent disturbance to the smooth running and safety operation of trains in the hope that the realization of the implementation of railway services with high quality can be realized.

Pursuant to the said purpose, railway tracks are fully controlled by the Government through the executing body.

This means that the executing body in utilizing the said tracks may not disturb the implementation of railway transport.

To enable the general public to know the boundary of the railway tracks, the executing body is obligated to put up signs or stakes indicating the boundary of railway tracks.

In this provision the following terms shall have the following meanings :

- a. the term "railway road benefit areas" means railroad tracks and the lands on their left and right sides used for railroad track construction;
- b. the term "railway road track possession areas" means railroad benefit areas together with the land on the left and right sides used for the safeguarding of railroad track construction;
- c. the term "railroad track control areas" means railroad track possession areas with the lands on the left and right sides used for the safeguarding and smooth running of the operation of trains;
- d. the term "railway tracks" means the unity of construction made of steel, concrete or other constructions located on the surface, below and above the land or suspended together with sets of equipment directing railway tracks.

Article 14

Paragraph (1)

The term "with free view" in this provision means the free view of the train engineers to see the far distance ahead and the free view of the road users who will cross railway tracks.

Paragraph (2)

Sufficiently clear.

Article 15

Paragraph (1)

The term "roads" means roads as regulated in Road Act No. 13/1980.

The term "principle of not being on the same level" means the principle of road location not crossing railway tracks horizontally, but must be built above or under the railway tracks.

This principle shall also be effective for special railway tracks. The existing crossings between railway tracks and roads which have not yet applied the principle of not being on the same plot will be gradually made non plot according to the Government's capability.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 16

The obligation to give priority to trains' journey is based on the consideration that the nature of the operation of trains is very limited to the said railway tracks and other technical limitations.

Article 17

Paragraph (1)

The parties requiring connection, cutting or crossing of railway track may do the same after fulfilling the requirements and licensing and not endangering the trains' journey.

Paragraph (2)

Sufficiently clear.

Article 18

Letter a

Included in this provision is grazing or herding cattle.

Letter b

Included in this provision is crossing railway tracks at the time shortly before the passing of trains and the term "dragging" includes the pushing of unwheeled articles.

Letter c

Sufficiently clear.

Letter d

The term "outside the designated place" means certain places at a railway station, which are not designated for the picking up and letting off passengers and/or loading/unloading goods.

Letter e

The term "by disturbing orderliness and/or public services" includes among others the activities of illegal buying and selling of tickets, sitting on trains' roof and other dangerous places. In this meaning includes passengers and/or goods disturbing other passengers and/or endangering the safety of trains' journeys.

Article 19

Paragraph (1)

The operation of trains requires place where trains intersect, follow one another, depart, stop etc.

The selection of the place should be adjusted to the need of service users to pick up/let off passengers and load/unload goods as well as railway stations only serve for operational purpose.

The term "place" means a territory possessing certain boundaries.

Paragraph (2)

The term "unless otherwise stipulated" means the activities of picking up/letting off passengers or loading/unloading goods outside the railway stations due to unavoidable circumstances, such as engine trouble, damaged bridges or railway tracks and security reasons.

Article 20

Paragraph (1)

Supporting business activities in this paragraph include among others shopping complex, restaurants, offices buildings, hotels insofar the same are not disturbing the main function of the railway station.

Paragraph (2)

Sufficiently clear.

Article 21

Paragraph (1)

Sufficiently clear.

Paragraph (2)

The arrangement of intercity transport service networks shall be to connect cities in the country.

Pursuant to the need, the networks can also connect cities in the country with cities abroad. The arrangement of intercity transport service networks and city transport service networks in one integrated system is aimed at obtaining high efficiency and in the framework of providing services as best as possible.

This does not bar the possibility to integrate special railway transport services into this system.

Basically the system of city transport forms one separate service network which is different from the intercity transport network. However, both systems should be integrated to enable service users to change from one railway service network to another, including the possibility of changing to other transport modes, because they form one system of distribution and accumulation in the city transport.

Article 22

Paragraph (1)

Trunk line services in this paragraph are aimed at serving large volume with a long distance so as to make transport cheaper.

Paragraph (2)

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

See explanation Article 7 paragraph (1).

Article 25

Paragraph (1)

The general transport requirements referred to above include the rights and obligations of service users and the body executing the transport of passengers and goods containing among others the following matters :

- a. The right of service users to obtain services pursuant to the level of services agreed upon, for instance, holders of certain tickets will obtain the level of services pursuant to the tickets they hold. The obligation of service users to pay railway fares pursuant to the level of services they desire.
- b. The obligation of the executing body to transport passengers holding passengers tickets pursuant to the service level they have agreed upon or to transport goods belonging to service users already holding consignment notes.  
Also the obligation of the executing body to pay compensations pursuant to the general requirements which have been agreed to the service users who suffered losses due to negligence of the executing body.
- c. If the candidate service users already holding tickets or consignment notes, subsequently cancel their journey or carriage of goods, the provisions contained in the transport general requirements shall apply.

Paragraph (2)

Sufficiently clear.

Article 26

This provision on compulsory transfer is intended in order that the executing board does not make any discrimination to railway transport service users,

insofar they have fulfilled the general transport requirements stipulated on the basis of this Law.

Article 27

The cancellation in this provision does not include cancellation as referred to in Article 29 letter c.

Article 28

Paragraph (1)

The term "the losses incurred by service users" does not include the profits to be gained or part of expenses arising from services it has enjoyed.

Paragraph (2)

Sufficiently clear.

Article 29

Letter a

Sufficiently clear.

Letter b

The action can be taken by the executing body among others in the form of :

- 1). imposing fines or letting off passengers at the nearest railway station;
- 2). dropping off goods and reporting to the competent apparatuses if the goods are supposedly endanger the safety of trains' journey.

Letter c

Sufficiently clear.

Letter d

Measures against train passengers or the public may be taken in cooperation with the security apparatuses.

Article 30

In determining the structure and classification of fares, the Government pays attention to the interest of the public and that of the executing body. The Government determines railroad fares oriented toward the interest and capability of the general public.

To be guided by the said structure and classification of fares, the executing body determines railroad fares oriented toward the continuance and development the business of the executing body in the framework to increase quality of service and extension of railway transport networks.

Article 31

The responsibilities in the transfer of goods end with the delivery of the goods at the agreed place of destination.

Article 32

Paragraph (1)

The storage provided by the executing body may be in the form of train coach, storehouse and an open space.

Storing expenses shall be among others rents for train coaches, unloading costs, transfer fees, heaping costs and storehouse rents.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

The term "stipulated time limit" in this provision means the time as referred to in the general transport requirements.

Article 33

Basically, dangerous goods, such as explosives, chemical substances etc. must be treated with special care, such as the manner of packing, loading, etc. so as not to endanger safety.

Article 34

Sufficiently clear.

Article 35

Paragraph (1)

The special services for disabled or sick persons is intended to enable them to enjoy railway transport services appropriately.

The term "special treatment" in this provision may be in the form of special passage at a railway station and special activities to get into a train, or special room to place wheel

chairs or other transporting aids made available for sick persons, whose transport must be in a sleeping position.

The term "disabled" includes passengers using invalid chairs on account of paralysis, impaired feet, and impaired eyesight, etc.

Paragraph (2)

Sufficiently clear.

Article 36

Paragraph (1)

The investigation into the violation of Railways Act requires skills in the field of railways, so that there should be special officials to undertake investigation, besides the ordinary officials charged with the investigation of criminal acts. The said officials are civil servants within the Department supervising railways.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

The investigation should be conducted in accordance with the prevailing provisions of the law, among others Article 7 paragraph (2) and Article 107 Act Number 8/1981 on Criminal Procedural Law.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

The act causing a shift in land around the railway tracks includes digging land, heaping something, disposing of waste, water, etc. in the railway possessed area.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

The term "provision of the criminal law" means provisions of the Criminal Code or regulations in lieu thereof.

Article 43

Paragraph (1)

The examination into the causes of accidents in this provision is not related to investigation (law enforcement) but is solely intended to know the causes of the accidents in the framework of improvement in technology so as prevent the recurrence of similar accidents in the future. Investigators will also conduct an investigation into the causes of the accidents within the framework of law enforcement, if elements violating the law are found in the accidents.

Paragraph (2)

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

The enforcement of this Act with effect 17th September, 1992 is aimed at giving opportunities to the State apparatus and the executing body to adjust themselves to the provisions of this Act and to give counseling to the people to know this Act.