

PRESIDENT  
OF THE REPUBLIC OF INDONESIA

ROAD TRAFFIC AND TRANSPORTATION ACT

NUMBER 14 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 toward achieving national objects based on the Pancasila and the 1945 Constitution;
  - b. that transportation on roads as one of the modes of transportation can not be separated from other modes of transportation which are arranged in a dynamic national transportation system and capable to adopt themselves into future progress, has a characteristic of being able to reach remote parts of land territories and integrating itself to other modes of transportation, 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 existing provisions of law regulating traffic and road transportation 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 road traffic and transportation in accordance with the development of the life of the Indonesian people and nation and to make road traffic and transportation more efficient and more effective, it is deemed necessary to enact provisions on road traffic and transportation in an Act;

Referring to :1. Article 5 paragraph (1), Article 20 paragraph (1) and Article 33 of the 1945 Constitution;

2. Act Number 13 of 1980 on Roads (Government Gazette 1980 Number 83, Supplement to Government Gazette Number 3186);

With the approval of

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

HEREBY DECIDES :

To enact : ROAD TRAFFIC AND TRANSPORTATION ACT

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

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

1. The term "traffic" means the movement of vehicles, people and animals along the road;
2. The term "transportation" means the carrying of people and/or goods from one place to another by using vehicles;
3. The term "road transportation network" means a series of nodes and/or activity space connected by traffic space, forming one unity of network system for the purpose of implementing road traffic and transportation;
4. The term "road" means a road designated for public traffic;
5. The term "terminal" means a road transportation infrastructure for picking up/loading and letting off/unloading of people and or goods as well as for regulating the arrival and departure of public vehicles, which constitutes one kind of the transportation network nodes;
6. The term "vehicle" means a conveyance which can move along the road, consisting of motor and non-motor vehicles;

7. The term "motor vehicles" means vehicles propelled by a technical device inside the vehicles;
8. The term "public transport undertaking" means an undertaking providing services in transporting people and/or goods by means of public vehicles along the road;
9. The term "public vehicle" means every motor vehicle provided for use of people by paying fares;
10. The term "service users" means every person and/or legal entity using transportation service for transporting people as well as goods.

## CHAPTER II

### PRINCIPLES AND OBJECTS

#### Article 2

Road transportation as one of the national transportation modes organized on the basis of the principles of benefit, joint efforts and collective spirit, rightness and equality, balance, general interest, integrity, law consciousness, and self-confidence.

#### Article 3

Road transportation shall be organized with the objects of realizing road traffic and transportation in a safe, secure, quick, smooth, orderly and regular, comfortable and efficient manner, capable to integrate with other modes of transportation, to reach remote parts of land territories, to support equality, growth and stability as promoter, prime mover and supporter of national development, with costs within reach of the purchasing power of the public.

## CHAPTER III

### G U I D A N C E

#### Article 4

- (1) Road traffic and transportation are controlled by the state and its guidance is carried out the government.

- (2) The operation of road traffic and transportation shall be established based on the provisions of this Act.

#### Article 5

- (1) Guidance of road traffic and transportation shall be aimed to increase the operation of road traffic and transportation in an integrated way with due to observance of the whole aspects of community life to realize the objects referred to in Article 3.
- (2) The guidance referred to in paragraph (1) shall further be regulated by Government Regulations.

### CHAPTER IV

#### INFRASTRUCTURES

##### First Part

##### Road Transportation Networks

#### Article 6

- (1) To establish road traffic and transportation integrated with other modes of transportation as referred to in Article 5, a road transportation network shall be determined connecting all parts of the country's territory.
- (2) The stipulation of road transportation networks referred to in paragraph (1) shall be based on the need of transportation, function, role, capacity of traffic and road classification.

##### Second Part

##### Classification and Use of Roads

#### Article 7

- (1) To regulate the use of roads and to fulfil the need for transportation, roads shall be divided into several classes.

- (2) The regulation on road classification referred to in paragraph (1) shall further be regulated by Government Regulations.

#### Article 8

- (1) For the safety, security, orderliness, and smoothness of traffic as well as to facilitate road users, roads must be provided with :
- a. road signs;
  - b. road markings;
  - c. traffic signalling device;
  - d. devices for the control and safety of road users;
  - e. weigh bridge;
  - f. supporting facilities for road traffic and transportation facilities on as well as outside the roads.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

#### Third Part

#### T E R M I N A L

#### Article 9

- (1) To support the smoothness of mobility of people and the flow of goods and to implement the intra and inter mode integration smoothly and in an orderly manner, terminals may be constructed and operated at certain places.
- (2) The construction of terminals as referred to in paragraph (1) shall be implemented by the government and may be participated by Indonesian legal entities.
- (3) The operation of terminals as referred to in paragraph (1) shall be undertaken by the government.
- (4) The provision concerning the construction and operation of terminals as referred to in paragraph (1), paragraph (2) and paragraph (3) shall further be regulated by Government Regulations.

#### Article 10

- (1) Supporting business activities may be undertaken at terminals referred to in Article 9 paragraph (1).
- (2) Supporting business activities referred to in paragraph (1) may be undertaken by Indonesian legal entities or Indonesian citizens.
- (3) The provisions referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulations.

#### Fourth Part

#### Public Parking Facilities

#### Article 11

- (1) To support safety, security, orderliness and smoothness of road traffic and transportation, public parking facilities may be made available.
- (2) Public parking facilities referred to in paragraph (1) may be undertaken by the Government, Indonesian legal entities or Indonesian citizens.
- (3) Provisions on parking facilities as referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulations.

#### CHAPTER V

#### V E H I C L E S

#### First Part

#### Technical and Road-worthiness Requirements for Motor Vehicles

#### Article 12

- (1) Every motor vehicle operated on the road shall be in accordance with its designation and fulfil the technical and road-worthiness requirements and shall be in accordance with the class of the road being passed.

- (2) Every motor vehicle, trailer, semi trailer and special vehicle manufactured and/or assembled domestically and imported shall be in accordance with the designation and the class of the road being passed and shall fulfil the technical and road-worthiness requirements.
- (3) The provisions referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulations.

## Second Part

### Inspection of Motor Vehicles

#### Article 13

- (1) Every motor vehicle, trailer, semi trailer and special vehicle operated on the roads shall be inspected.
- (2) The inspection referred to in paragraph (1) includes type approval inspection and/or periodical inspection.
- (3) A vehicle declared to have passed the inspection as referred to in paragraph (2) shall be granted a certificate of evidence.
- (4) The requirements and procedures for inspection, validity period and the issuance of certificate of evidence as referred to in paragraph (2) and paragraph (3) shall further be regulated by Government Regulations.

## Third Part

### Registration of Motor Vehicles

#### Article 14

- (1) Every motor vehicle operated on the roads shall be registered.
- (2) As evidence of registration, a motor vehicle registration certificate shall be granted.
- (3) The requirements and procedures for registration, the form and type of vehicle registration certificate as referred to in paragraph (1) shall further be regulated by Government Regulations.

Fourth Part

Public Workshop for Motor Vehicle

Article 15

- (1) In order that a motor vehicle may remain to fulfil with the technical and road-worthiness requirements, a motor vehicle public workshop may be operated.
- (2) The provisions on the requirement and procedure for the operation of a motor vehicle public workshop as referred to in paragraph (1) shall further be regulated by Government Regulations.

Fifth Part

Examination of Motor Vehicles  
on the Roads

Article 16

- (1) For safety, security and orderliness of road traffic and transportation, examination of motor vehicles may be conducted on the roads.
- (2) The examination of motor vehicles referred to in paragraph (1) includes :
  - a. examination on the fulfilment of technical and road-worthiness requirements;
  - b. examination of inspection certificate, registration certificate, or a certificate for trial-run of a motor vehicle, and a driving license as referred to in Article 13, Article 14, Article 18, and others required.
- (3) Provisions on the requirements and procedures for examination as referred to in paragraph (1) and paragraph (2), shall further be regulated by Government Regulations.



Sixth Part

Requirements for Non-Motor Vehicles

Article 17

- (1) Every non-motor vehicle operated on the roads shall comply with safety requirements.
- (2) The safety requirements referred to in paragraph (1) shall further be regulated by Government Regulations.

CHAPTER VI

D R I V E R S

First Part

Requirements for Drivers

Article 18

- (1) Every driver of a motor vehicle shall possess a driving license.
- (2) Classification, requirements, validity period and procedure to obtain a driving license shall further be regulated by Government Regulations.

Article 19

- (1) To obtain for the first time a driving license for each classification, a candidate driver shall be obligated to take a driving test, after completing a driving education and training.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

Second Part

Replacement of Drivers

Article 20

- (1) To guarantee safety of traffic and transportation on the road, a public transport undertaking shall be obligated to comply with the provisions on working hours and rest time for drivers.

- (2) The provisions on working hours and rest time referred to in paragraph (1) shall further be regulated by Government Regulations.

CHAPTER VII

T R A F F I C

First Part

Traffic Procedure

Article 21

- (1) The procedure for traffic on roads is to take the left part of the carriageway.
- (2) In certain conditions, an exception to the provision referred to in paragraph (1) may be determined.
- (3) The requirement and procedure for the exception as referred to in paragraph (2) shall further be regulated by Government Regulations.

Article 22

- (1) For safety, security, smoothness and orderliness in road traffic and transportation, the following provisions are stipulated :
- a. traffic engineering and management;
  - b. motor vehicle traffic movement;
  - c. stopping and parking;
  - d. use of compulsory devices and instruments of motor vehicles, use of warning with sound and light;
  - e. procedure for driving animals and use of non-motor vehicles on roads;
  - f. procedure for the determination of maximum and/or minimum speed of motor vehicles;
  - g. attitude of drivers towards pedestrians;
  - h. determination of axle load less than the maximum axle load permitted;

- i. procedure for transporting people and/or goods as well as trailing and linking one vehicle to another;
  - j. determination of prohibition of road use;
  - k. designation of location, construction and maintenance of stopping places for public vehicles.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

#### Article 23

- (1) A motor vehicle driver while driving on roads shall be obligated to :
- a. be able to drive his vehicle properly;
  - b. give priority to the safety of pedestrians;
  - c. show a motor vehicle registration certificate, or a motor vehicle trial run certificate, a driving license, and a motor vehicle inspection certificate, or other lawful certificates of evidence in case of an examination referred to in Article 16;
  - d. obey the provision on road classes, road signs and markings, traffic signalling devices, working hours and rest time of drivers, traffic movement, stopping and parking, technical and road-worthiness requirements of motor vehicle, use of motor vehicles, warning with sound and light, maximum and/or minimum speed, procedures for transporting people and goods, procedures for trailing and linking one vehicle to another;
  - e. put on a safety belt while driving a four- or more wheeled motor vehicles, and put on a safety helmet while riding a two-wheeled motor vehicles or a four- or more wheeled motor vehicles not provided with canopy.

- (2) A passenger of a four- or more wheeled motor vehicle sitting beside the driver is obligated to put on a safety belt, while a safety helmet must be put on by one driving a two-wheeled motor vehicle or a four- or more wheeled motor vehicle not provided with canopy.

#### Article 24

- (1) For safety, security, orderliness and smoothness of traffic and transportation on roads, every road user shall be obligated to :
  - a. behave orderly by preventing matters which may hamper, endanger the freedom or safety of traffic, or which may lead to road damage and damage to buildings on the road;
  - b. place their vehicles or other objects on the roads in accordance with their designation.
- (2) A driver and the owner of a vehicle shall be responsible for his vehicle and its contents left on the road.

#### Second Part

##### Use of Roads Other Than For Traffic Activities

#### Article 25

- (1) Use of a road for certain purposes other than the function as a road and the operation of activities using a road which likely may disturb traffic safety, security, and smoothness can only be done after a permit has been obtained.
- (2) The requirements and procedures to obtain the permit referred to in paragraph (1) shall be further regulated by Government Regulations.

Third Part

Pedestrians

Article 26

- (1) A pedestrian shall be obligated to walk on the designated part of the road and to cross the road at the designated part for pedestrians.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

Fourth Part

Traffic Accidents

Article 27

- (1) A driver of a motor vehicle involved in a traffic accident shall be obligated :
  - a. to stop his vehicle;
  - b. to help the victims of the accident;
  - c. to report the said accident to the nearest police officer of the Republic of Indonesia.
- (2) If the driver of a motor vehicle as referred to in paragraph (1) due to urgent circumstances is unable to comply with the provisions referred to in paragraph (1) letters a and b, he is still obligated to report himself to the nearest police officer of the Republic of Indonesia.

Article 28

A driver of a motor vehicle shall be responsible for the losses incurred by a passenger and/or owner of goods and/or third party arising from his neglect or mistake in driving his motor vehicle.

Article 29

The provisions referred to in a Article 28 shall not apply in the following cases :

- a. there are unavoidable forcing circumstances which are beyond the driver's ability;
- b. the accident has been caused by the attitude of the victim himself or a third party;
- c. the accident has been caused by the movement made by a person and/or an animal although acts of prevention have been taken.

Article 30

- (1) Every driver, owner, and/or public transport company shall be responsible for road and bridge damages or traffic facilities forming part of the such road caused by the motor vehicle operated by him.
- (2) The provision referred to in paragraph (1) shall be not apply in forcing circumstances as referred to in Article 29 letter a.

Article 31

- (1) If a victim dies, the driver and/or owner and/or public transport company shall be obligated to provide assistance to the heirs of the victim in the form of medical treatment and/or funeral costs.
- (2) If the victim is injured to both his body and health, the assistance given to the victim constitutes medical treatment costs.

Fifth Part

Insurance

Article 32

- (1) Every public vehicle shall be insured against the vehicle itself or against the losses incurred by a third party as a result of the operation of the vehicle.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

Article 33

- (1) A public transport company shall insure persons employed by him as vehicle crew against the risk of accidents.
- (2) The provisions referred to in paragraph (1) shall further be regulated by Government Regulations.

CHAPTER VIII

T R A N S P O R T

First Part

Transport of People and Goods

Article 34

- (1) The transportation of people by a motor vehicle shall use a motor vehicle designated for passengers.
- (2) The transportation of goods by a motor vehicle shall use a motor vehicle designated for goods.
- (3) In certain circumstances, an exception can be given to the provisions referred to in paragraphs (1) and (2), the requirements whereof shall further be regulated by Government Regulations.

Article 35

The activities transporting people and/or goods by collecting charges can only be done by using public vehicles.

Second Part

Transport of People  
Using Public Vehicle

Article 36

Services for transporting people using public vehicle consist of :

- a. inter-city transport, i.e., the transportation of people from one city to another;
- b. city transport, i.e., the transportation of people within a city area;

- c. village transport, i.e., the transportation of people within a village area and/or inter village area;
- d. transport crossing the border between countries, i.e. the transportation of people by crossing the border of another country.

Article 37

- (1) Services for transporting people by using public vehicle as referred to in Article 36 may be implemented with a permanent and regular route or without any designated route.
- (2) Service for transporting people by using public vehicle in permanent and regular route referred to in paragraph (1) shall be done in a route network.
- (3) The provisions referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulations.

Article 38

- (1) The transportation of persons by using public vehicles for the purpose of tourism shall be done with due observance of the provisions of this Act.
- (2) The requirements and procedure for obtaining a permit as referred to in paragraph (1) shall further be regulated by Government Regulations.

Third Part

Transportation of Goods  
Using Public Vehicles

Article 39

- (1) For the safety, security, orderliness and smoothness of road traffic and transportation, a network of goods transportation can be set up that can be served by certain motor vehicles for goods.
- (2) The requirement and procedure for stipulating traffic network as referred to in paragraph (1) shall further be regulated by Government Regulations.



Article 40

The transportation of dangerous goods, special goods, containers and heavy-duty equipment shall be regulated by Government Regulations.

Fourth Part

Business Undertaking

Article 41

- (1) The business of transporting persons and/or goods by public vehicles may be undertaken by Indonesian legal entities or Indonesian citizens.
- (2) The business of transporting people and/or goods by public vehicles as referred to in paragraph (1) shall be run with a permit.
- (3) The type, requirements and procedure to obtain a permit as referred to in paragraph (2) shall further be regulated by Government Regulations.

Fifth Part

T a r i f f

Article 42

The tariff classification and structure of transportation by public vehicles shall be determined by the Government.

Sixth Part

Responsibility of Carriers

Article 43

- (1) A public transport company shall be obligated to transport person and/or goods, after the agreement is reached concerning the transportation and/or after payment has been made for the transportation fare by the passengers and/or consignors.
- (2) The passenger's ticket or consignment note constitutes evidence of the transportation agreement and the payment of transportation fares.

Article 44

A public transport company shall be obligated to reimburse the transportation fares already paid by passengers and/or by the consignors, if the departure of a public vehicle is cancelled.

Article 45

- (1) A public transport undertaking is responsible for the losses incurred by passengers, consignors and third parties on account of negligence in the implementation of the transportation service.
- (2) The amount of compensation as referred to in paragraph (1) is equal to the amount of the loss actually incurred by the passengers, consignors or third parties.
- (3) The responsibility of a public transport undertaking as referred to in paragraph (1) begins as from the time the passengers are transported until they arrive at the agreed place of destination.
- (4) The responsibility of a public transport undertaking to the owners of goods as referred to in paragraph (1) begins as from the receipt of the goods to be transported until the goods are delivered to the consignor and/or consignee.

Article 46

- (1) A public transport undertaking is obligated to insure its responsibility as referred to in Article 45 paragraph (1).
- (2) The provision referred to in paragraph (1) shall further be regulated by Government Regulations.

Article 47

The driver of a public vehicle may drop passengers and/or goods carried at the nearest stopping-place, if it appears the passengers and/or goods carried can endanger the security and safety of transportation.

Article 48

- (1) A public transport undertaking may impose a surcharge for the storage of the goods on the consignor and/or consignee not collected at the place of destination and within the stipulated time agreed.
- (2) The consignor and/or consignee can only collect the goods after the fares referred to in paragraph (1) have been paid.
- (3) The goods not collected as referred to in paragraph (1) exceeding a particular time shall be deemed as no man's goods and may be sold by public sale in accordance with the excisting regulations of the law.

CHAPTER IX

TRAFFIC AND TRANSPORTATION  
FOR DISABLED PERSONS

Article 49

- (1) Disabled persons are entitled to services in the form of special treatment in the field of road traffic and transportation.
- (2) The provision referred to in paragraph (1) shall further be regulated by Government Regulations.

CHAPTER X

ENVIRONMENTAL IMPACT

Article 50

- (1) To prevent air pollution and noiseness caused by motor vehicles which may disturb the continuity of the living environment, every motor vehicle is obligated to comply with the requirements for the tolerated limit of the emission of exhaust gas and the level of noiseness.
- (2) Every owner, public transport undertaking and/or motor vehicle driver, are obligated to prevent the occurrence of air pollution and noiseness as reffered to in paragraph (1) due to the operation of their vehicles.

- (3) The provision as referred to in paragraph (1) and paragraph (2) shall further be regulated by Government Regulations.

CHAPTER XI

DELEGATION OF AFFAIRS

Article 51

- (1) The government may delegate the handling of some affairs in the field of road traffic and transportation to the Regional Administration.
- (2) The provision as referred to in paragraph (1) shall further be regulated by Government Regulations.

CHAPTER XII

INVESTIGATION

Article 52

Investigation into motor vehicles as referred to in Article 16 or investigation into violations in the field of road traffic and transportation shall not be coupled with the confiscation of motor vehicles and/or the vehicle plate number certificates, except in the following cases :

- a. the motor vehicle is suspected to have been obtained from a criminal act or used for committing a criminal act;
- b. the traffic violation has caused the death of someone;
- c. the driver cannot produce an inspection certificate of motor vehicle as referred to in Article 13 paragraph (3);
- d. the driver cannot produce a motor vehicle plate number certificate as referred to in Article 14 paragraph (2);
- e. the driver cannot produce a driving license as referred to in Article 18 paragraph (1).

Article 53

- (1) Besides the police officer of the Republic of Indonesia, certain civil government officials within the department whose scope of duty and responsibility includes guidance in the field of road traffic and transportation are specially authorized to act as investigators as referred to in Act Number 8/1981 on Criminal Procedural Law to undertake investigation into criminal acts in the field of road traffic and transportation.
- (2) The investigators as referred to in paragraph (1) are authorized to :
  - a. undertake examination on the truth of the information connected with the fulfilment of the technical and road-worthiness requirements for motor vehicles;
  - b. prohibit or suspend the operation of motor vehicles not fulfilling the technical and road-worthiness requirements;
  - c. request information and evidence from a driver, vehicle owner or public transport undertaker in connection with a criminal act connected with the technical and road-worthiness requirements for motor vehicles;
  - d. confiscate illegal vehicle test certificate;
  - e. examine the licensing of public transport at terminals;
  - f. examine the weight of a vehicle and its contents;
  - g. make and sign an official report of examination;
  - h. stop the examination if there is not sufficient evidence that a criminal act has been committed regarding the technical and road-worthiness requirements for motor vehicles and the licensing of public transport.

- (3) The implementation of the investigation as referred to in paragraph (1) and paragraph (2) shall be effected in accordance with the prevailing regulations of the law.

## CHAPTER XIII

### CRIMINAL PROVISIONS

#### Article 54

Every one who drives a motor vehicle on a road not in accordance with its designation, or not fulfilling the technical and road-worthiness requirements, or not in accordance with the road classification as referred to in Article 12 paragraph (1) 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).

#### Article 55

Every one who imports into the territory of Indonesia or manufactures or assembles a motor vehicle, a trailer, a linked carriage, and a specific vehicle to be operated domestically which is not in accordance with its designation, or not fulfilling the technical and road-worthiness requirements, or not in accordance with the class of the road to be passed as referred to in Article 12 paragraph (2) is liable to imprisonment for a term not exceeding 1 (one) year and fine of not more than Rp. 12,000,000.00 (twelve million rupiahs).

#### Article 56

- (1) Every one who drives a motor vehicle, trailer, a linked carriage and a special vehicle on a road not equipped with a certificate of having passed test as referred to in Article 13 paragraph (3) is liable to imprisonment for a term not exceeding 2 (two) months or a fine of not more than Rp. 2,000,000.00 (two million rupiahs).
- (2) If the vehicle referred to in paragraph (1) appears not to have in possession a certificate of having passed test 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).

Article 57

- (1) Every one who drives a motor vehicle on a road and which is not registered as referred to in Article 14 paragraph (1) 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).
- (2) Every one who drives a motor vehicle not equipped with a motor vehicle plate number as referred to in Article 14 paragraph (2) is liable to imprisonment for a term not exceeding 2 (two) months or a fine of not more than Rp. 2,000,000.00 (two million rupiahs).

Article 58

Every one who drives a non-motor vehicle on a road not fulfilling the safety requirements as referred to in Article 17 paragraph (1) is liable to imprisonment for a term not exceeding 7 (seven) days or a fine of not more than Rp. 250,000.00 (two hundred fifty thousand rupiahs).

Article 59

- (1) Every one who drives a motor vehicle and cannot produce a driving license as referred to in Article 18 paragraph (1) is liable to imprisonment for a term not exceeding 2 (two) months or a fine of not more than Rp. 2,000,000.00 (two million rupiahs).
- (2) If the driver as referred to in paragraph (1) appears not to have in possession a driving license 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).

Article 60

- (1) Every one who drives a motor vehicle on a road in a condition not capable to drive a motor vehicle properly as referred to in Article 23 paragraph (1) letter a 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).

- (2) Every one who drives a motor vehicle on a road and does not give priority to the safety of pedestrians as referred to in Article 23 paragraph (1) letter b is liable to imprisonment for a term not exceeding 1 (one) month or a fine of not more than Rp. 1,000,000.00 (one million rupiahs).

#### Article 61

- (1) Any one who violates the provisions on road signs and marks, traffic signalling device, traffic mobility, stopping and parking, warning with sound and light, maximum speed or minimum speed and the procedure of trailing and linking to another vehicle as referred to in Article 23 paragraph (1) letter d, is liable to imprisonment for a term not exceeding 1 (one) month or a fine of not more than Rp. 1,000,000.00 (one million rupiahs).
- (2) Every one who does not put on a seat-belt while driving a four- or more wheeled motor vehicle, or does not put on a safety helmet while driving a two- wheeled motor vehicle or while driving a four- or more wheeled vehicle not equipped with coachwork as referred to in Article 23 paragraph (1) is liable to imprisonment for a term not exceeding 1 (one) month or a fine of not more than Rp. 1,000,000.000 (one million rupiahs).
- (3) Every one who does not put on a seat-belt while sitting beside the driver of a four- or more wheeled motor vehicle, or does not put on a safety helmet while sitting on a pillion on a two- wheeled motor vehicle, or while sitting beside the driver of a four- or more wheeled motor vehicle not provided with coachwork as referred to in Article 23 paragraph (2) is liable to imprisonment for a term not exceeding 1 (one) month or a fine of not more than Rp. 1,000,000.00 (one million rupiahs).

#### Article 62

Every one who uses a road beyond its function as a road, or organizes activities using a road without a permit as referred to in Article 25 is liable to imprisonment for a term not exceeding 1 (one) month or a fine of not more than Rp. 1,000,000.00 (one million rupiahs).



Article 63

Every one who is involved in a traffic accident while driving a motor vehicle on a road and does not stop his vehicle, does not help the victim of the accident, and does not report the accident to the nearest police officer of the Republic of Indonesia as referred to in Article 27 paragraph (1) is liable to imprisonment for a term not exceeding 6 (six) months or a fine not more than Rp. 6,000,000.00 (six million rupiahs).

Article 64

Every one who does not insure the motor vehicle used as a public vehicle either against the vehicle itself or against the possibility of losses sustained by third parties as a result from the operation of his vehicle as referred to in Article 32 paragraph (1) 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).

Article 65

Every one who does not insure the persons employed as crew of the vehicle against the risk of accidents as referred to in Article 33 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).

Article 66

Every one who carries on the business of transporting tourists as referred to in Article 38 or carries on the business of transporting people and/or goods as referred to in Article 41 paragraph (2) without a permit, 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).

Article 67

Every one who drives a motor vehicle not fulfilling the tolerated limit of the emission of exhaust gas or the level of noisiness as referred to in Article 50 paragraph (1) and paragraph (2) is liable to imprisonment for a term not exceeding 2 (two) months or a fine of not more than Rp. 2,000,000.00 (two million rupiahs).

Article 68

The criminal acts referred to in Article 54, Article 55, Article 56, Article 57, Article 58, Article 59, Article 60, Article 61, Article 62, Article 63, Article 64, Article 65, Article 66 and Article 67 constitute violations.

Article 69

If a person commits the same violation as the first violation prior to the period of one year as from the date of the judgement of the court on the first violation which has become final and conclusive, the penalty imposed on the second violation shall be added by one-third of the main term of the imprisonment or if it concerns a fine, it shall be increased by fifty percent of the fine imposed on the violation concerned.

Article 70

- (1) A driving license is revocable for a period of not more than 1 (one) year, if :
  - a. violations as referred to in Article 23 paragraph (1) letter a and letter b, Article 24 paragraph (1) letter a, Article 27 paragraph (1) have been committed;
  - b. the criminal acts as referred to in Article 359, Article 360, Article 406, Article 408, Article 409, Article 410 and Article 492 of the Criminal Code have been committed by using motor vehicles.
- (2) A driving license may be revoked for a period not exceeding 2 (two) years in the case a person repeats the violations as referred to in paragraph (1), within a period of 1 (one) year as from the date of the judgement of the Court on the previous violation which has become final and conclusive.

CHAPTER XIV

OTHER PROVISIONS

Article 71

By Government Regulation shall further be regulated the provisions on :

1. motor vehicles of the Armed Forces of the Republic of Indonesia;
2. the use of road for the smoothness of :
  - a. cortege;
  - b. fire engines on duty on their way to the place of the fire;
  - c. vehicles used by the Heads of Foreign States or Governments as state guests;
  - d. ambulance carrying sick people;
  - e. a convoy, a parade, vehicles for the disabled;
  - f. vehicles used for special purposes or for carrying special goods.

CHAPTER XV

TRANSITIONAL PROVISIONS

Article 72

As from the coming into force of this Act, all implementing regulations of Act Number 3/1965 on Highway Traffic and Transportation (Government Gazette of 1965 Number 25, Supplement Number 2742) is declared to remain in force as long as they are not in violation or not replaced by new ones based on this Act.

CHAPTER XVI

CONCLUDING PROVISIONS

Article 73

At the time of the coming into force of this Act, the Highway Traffic and Transportation Act Number 3/1965 (Government Gazette of 1965 Number 25, Supplement Number 2742) is declared null and void.

Article 74

This Act shall come into force on 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 12th May, 1992

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

sgd.

S O E H A R T O

Enacted in Jakarta

on this 12th 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 49/1992

This copy is in conformity with the original

SECRETARIATE CABINET OF  
THE REPUBLIC OF INDONESIA

The 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

ROAD TRAFFIC AND TRANSPORTATION ACT

NUMBER 14 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 thousand of islands, stretching along the equator, between two continents and two oceans, therefore it has a very important and strategic position and role in international communications.

In order to achieve the national development as the application of Pancasila State Ideology, transportation possesses an important and strategic position in the building of a nation with an environmental concept and this 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 the 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, event 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 fruits.

Realizing the role of transportation, road traffic and transportation must be arranged in one unified national transportation in an integrate manner and capable to realize the availability of transport services, which are harmonious with the level of traffic needs and transportation services which is orderly, safe, secure, comfortable, quick, appropriate, regular, smooth, and whose fares are within the purchasing power of the community.

Road traffic and transportation which have their own characteristics and advantages need to be developed and utilized so as to be able to reach all remote parts of land territories with high mobility and able to integrate themselves with other modes of transportation.

The development of road traffic and transportation which are arranged in one unified system shall be done by integrating and rendering dynamic all their elements consisting of road transportation networks, vehicles and their drivers, as well as regulations, procedures and methods in such manner so as to be able to realize a totality which is complete, efficient and effective.

In order to achieve optimum efficiency and effectiveness, apart from the arrangement of sea and air transportation modes, road traffic and transportation having the same service regions on land by using railways, river, lake transportation and crossing, the planning and development need to be arranged in a unified system which is proper, harmonious, balanced, integrated and energetic among one another.

Bearing in mind the important and strategic role of road traffic and transportation which control many people, road traffic and transportation are controlled by the state while their guidance shall be undertaken by the Government.

The operation of road traffic and transportation need to be organized continuously and must be improved more extensively so that they can reach wider community and provide more services to the community with due observance of public interests and ability, environmental continuity, coordination between the authority of the central government and the regions and between agencies, sectors and between elements which are linked together as well as the realization of security and order in the community in the operation of road traffic and transportation, at the same time in the framework of realizing national transportation system which is reliable and integrated. All the above need to be reflected in a complete Act.

This Act also regulates the rights, obligations as well as the responsibility of the supplier of services and the users of services and the responsibility of the supplier of services against losses of third parties as a result of the operation of road transportation.

In addition thereto, within the framework of the development of national law as well as to make more stable the realization of legal certainly, this act is intended to replace. Act Number 3/1965 on Highway Traffic and Transportation as it is not in accordance anymore with the development of the area, the progress of scientific and technology, which is not yet arranged in a unified system constituting part of the transportation as a whole.

The regulation on infrastructures of land communication as regulated in Law Number 13/1980 on Roads, constitutes an inseparable part of the regulation on road traffic and transportation and remains in force as it can still accommodate the development of the era, the progress of

science and technology.

This Law provides for matters which are principal in nature, while those technical and operational in nature shall be regulated by Government Regulations and other implementing regulations.

#### ARTICLE BY ARTICLE

#### Article 1

##### Figure 1

Sufficiently clear.

##### Figure 2

The term "goods" means goods in the form of gas, liquid, solid objects including plants and animals.

##### Figure 3

The term "nodes" includes road transportation terminals, river and lake transportation terminals, railway station, crossing, port, and airport.

The term "activity space" includes among others residential estate, industrial estate, mining estate, agricultural estate, forestry, office buildings, tourist resort, etc.

The term "traffic space" means infrastructure and facilities designated for the movement of vehicles, people and animals.

The term "road traffic space" means roads, bridges or crossing functioning as bridges etc.

##### Figure 4

In Act Number 13/1980 on Roads, it is stipulated that the term "road" is an infrastructure of land communication in whatever form which includes all parts of roads including supplementary buildings and equipment designated for traffic, which further shall be determined also the term public roads and special roads.

In this Act the term "road" means public road as referred to in Act Number 13/1980, namely roads designated for public traffic.

Based on the said matter in this Act the term "road" does not include special roads namely roads not designated for public road, among others water inspection roads, oil inspection

roads or gas inspection roads, plantation roads, mining roads, forestry roads, nonpublic complex roads, roads for the purpose of the State defense and security.

In the event of parts of special roads based on the prevailing regulations of the law or by the owners are declared open to public traffic, these part of road are subject to the regulations of the law on roads and this act.

Figure 5

Sufficiently clear.

Figure 6

The term "non-motor vehicles" in this provision means vehicles propelled by human power or by animals.

Figure 7

Technical device in this provision may take the form of a motor or other devices whose functions are to alter a certain source of energy into motion power of the motor vehicles concerned.

The meaning of the term "inside" in this provision is being installed in a proper place in accordance with its function.

Included in the meaning of motor vehicles are trailers or linked carriages annexed to motor vehicles as pullers.

Figure 8

Sufficiently clear.

Figure 9

Included in the meaning of public vehicles are motor vehicles rented to other people with or without drivers, for a certain period of time.

Two-wheeled vehicles are not included in the meaning of public vehicles.

Cars used for driving lessons are also included in the meaning of public vehicles, as the rents for using the said cars are included in the lesson fee while the cars are used for the lessons.

Figure 10

Sufficiently clear.



Article 2

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

- a. the term "principle of benefit" means that road traffic and transportation must be able to provide the greatest benefit for humanity, improvement of people's welfare and development of sustainable life for citizens;
- b. the term "principle of joint efforts and collective spirit" means that the business of transportation is operated to achieve national ideals and aspirations which in its activities can be undertaken by all layers of the society with collective spirit;
- c. the term "principle of rightness and equality" means that the operation of road traffic and transportation must be able to provide just and equal service to all layers of the society with fares reachable by the society;
- d. the term "principle of balance" means that road traffic and transportation must be operated in such manner so that a harmonious balance shall exist between facilities and infrastructure, between the interest of users and the interest of suppliers of services, between the interest of individuals and the interest of society as well as between the national interests and international interests;
- e. the term "principle of general interest" means that the operation of road traffic and transportation must give priority to the interest of public service for the broad community;
- f. the term "principle of integration" means that road traffic and transportation must form a unity which whole and complete, integrated, supporting each other and complementary both intra or between modes of transportation;
- g. the term "principle of law consciousness" means that the government is obligated to uphold as well as to obligate every Indonesian citizen to be always aware and obedient to law in operating road traffic and transportation;
- h. the term "principle of self-confidence" means that road traffic and transportation must be based on confidence in self capacity and power and must have national identity as the underlying principle;

Article 3

The term "being capable to integrate with other modes of transportation" in this provision means the capability of road traffic and transportation to integrate with the railway transportation mode, the sea and air transportation modes one with another, among others by connecting and making dynamic other terminals and nodes with the activity space.

The term "capable to reach all remote parts of land territories" means that road traffic and transportation has the capability to provide services to all remote parts of land territories, both through the infrastructures of road traffic and transportation themselves and through the integration of road traffic and transportation with river or lake traffic and the integration with the modes of transportation railway, sea and air.

Article 4

Paragraph (1)

The term "controlled by the State" means that the State possesses the right to control the operation of road traffic and transportation whose guidance is conducted by the Government. The realization of the said guidance covers the aspects of regulation, control and supervision. The aspects of regulation include planning, formulating and drawing up of general policy as well as technical policy to reach the objects as referred to in Article 3, among others in the form of requirements for safety, licensing and operation of road traffic and transportation.

The aspect of control shall be undertaken both in the field of construction and operation in the form of orientation and guidance for the operations of road traffic and transportation. The aspect of supervision is supervision over the operation of road traffic and transportation.

Paragraph (2)

Sufficiently clear.

Article 5

Paragraph (1)

Included in the meaning of "observing the whole aspect of community life" is the aspect of politics, economics, social cultural, defense and security, including observing living environment,

layout, energy, the development of science and technology as well as international relation.

Paragraph (2)

Sufficiently clear.

Article 6

Paragraph (1)

The determination of road transportation network constitutes one of the main elements within the framework of the guidance of road traffic and transportation to achieve the objects as referred to in Article 3.

With the determination of road transportation network, proper integration will be realized between road traffic and transportation with railway affairs, river and lake transportation having the same service territory on land as well as between road traffic and transportation with sea and air transportation modes, which all of them shall be arranged in a pattern of road transportation in an integrated system of transportation.

Paragraph (2)

The term "function" means activity to connect a node and space of activity in accordance with its purpose which includes the purpose of traffic and the purpose of transportation.

The term "role" means level of connection between node and space activity according to its function, grouped in inter-city network, city network and rural network in accordance with their own hierarchy.

The term "traffic capacity" means traffic volume connected with the type, size, carrying capacity, and vehicle speed.

The term "road class" means classification of road based on the haviest axle load (MST) and the characteristic of traffic.

The term "haviest axle load (MST)" means the amount of the haviest axle load permitted, which must be supported by the road.

The term "traffic characteristic" means the condition of the level of density of traffic flow at certain time in accordance with the type, size and carrying capacity of vehicles.

In determining the road transportation network besides to be based on the provisions of this Act, also Act Number 13/1980 on Road as part which is not to be separated from this Act shall also be observed.

Article 7

Paragraph (1)

The division and determination of roads in several classes are also meant to attain optimum efficiency and effectiveness. The division and determination of road in several classes are based on the need of transportation, proper election of mode by considering the superior characteristic of each mode, the development of the technology of motor vehicle, haviest axle load (MST) of motor vehicle as well as the road construction.

Paragraph (2)

Sufficiently clear.

Article 8

Paragraph (1)

The stipulations on road equipment are aimed at safety, security, orderliness and smoothness of traffic as well as the achievement of efficiency and effectivity in utilizing roads for traffic and facilities for road users in the traffic.

Letter a

The term "signs" means one of the road equipment in certain form containing symbols, letters, figures, sentences and/or combination thereof, used to give warning, prohibition, instruction and indication for road users.

Letter b

The term "road marks" means the mark found on the surface or above the surface of a road including equipment or sign forming a lateral line, a cross line, a bent line as well as other symbols functioning to direct traffic flow and traffic interest areas.

Letter c

The term "traffic signalling device" means technical equipment in the form of light signals which can be completed with sound to give warning or regulating the traffic of people and/or vehicles at cross-roads, turnings in a plot or in parts of roads.

Letter d

The term "device for the control" means certain device functioning to control speed, size and load of the contents of a vehicle in certain parts of roads.

The term "device for the safety of road users" means certain device functioning as a safety device and giving direction to road users, for example road safety fence and delineator.

Letter e

The term "device for the control and safety of roads" means certain device designated to control the use of roads to prevent damage to roads due to the operation of vehicles on a road exceeding the provisions stipulated.

Letter f

The term "supporting facility" means to include among others facilities for pedestrians, parking and stopping-place.

Paragraph (2)

Sufficiently clear.

Article 9

Paragraph (1)

The term "certain places" in this stipulation means an area owning certain borders. In essence a terminal is a mode in the system of road transportation network functioning mainly as public service among others in the form of a place where passengers get on and off or loading and unloading of goods, to control traffic and public vehicle transportation as well as place of the change of intra and inter modes transportation.

In accordance with the said function, the construction of a terminal must take into consideration, among others, location, layout, capacity, density of traffic and integration with other modes of transportation.

Paragraph (2)

The construction of a terminal is basically undertaken by the Government, but it can also be entrusted to Indonesian legal entities to participate therein.

Paragraph (3)

The operation of a terminal which forms a public service shall be undertaken by the Government and its implementation may be assigned to Regional Administrations or State-Owned Corporations or a regionally owned corporation specially established for such purpose.

Paragraph (4)

Sufficiently clear.

Article 10

Paragraph (1)

The supporting activities in this stipulation may be in the form of among others shopping centers, restaurants, office buildings insofar the same do not disturb the main function of the terminal.

Paragraph (2)

This stipulation is intended to give the opportunity to Indonesian citizens or Indonesia legal entities to have a role in the supporting business activities of a terminal in the framework of providing facilities to service users.

Paragraph (3)

Sufficiently clear.

Article 11

Paragraph (1)

The provision of parking places at roadsides in certain road location, both in the body of the road and in the hardened part of the road shall result in the congestion of the flow of traffic and the use of the road becomes ineffective. The increased number of the population and the increased owners of vehicle owners increase the demand for road space for traffic activities. Parking facilities for the public may also function as one of the traffic controlling means. In order to comply with the said need, parking facilities for the public may be provided to be operated as an independent business activity by collecting payment. Such public parking facilities, among others, may be in the form of a parking building or a parking lot.

Not include in this sense is parking facility which constitutes the support for and which constitutes and inseparable part of the main activity of office buildings shopping center, etc.

Paragraph (2)

Bearing in mind the limited development costs and to increase participation of the community in providing parking facilities for the public, this business is open to Indonesian citizens or Indonesian legal entities.

Paragraph (3)

Sufficiently clear.

Article 12

Paragraph (1)

The term "operated on the road" includes vehicles running or stopping on the roads.

The term "in accordance with its designation" means every motor vehicle operated on the road must comply with its designated plan.

The term "technical requirements" means requirements on the composition, device, equipment, size, form, coachwork, loading, and technical design of vehicles in accordance with its designation, exhaust gas emission, use, trailing and linking of motor vehicles.

The term "road-worthiness" means the minimum requirement of the condition of a vehicle which must be met so as to guarantee security and to prevent the occurrence of air pollution and environmental noisiness when the vehicle is operated on the roads.

Paragraph (2)

The term "trailer or linked carriage" means a vehicle to be used to transport goods and designed to be pulled by a motor vehicle.

The combination of a motor vehicle and a trailer or linked carriage is stipulated as motor vehicle.

The term "special vehicle" means a motor vehicle other than a motor vehicle for passengers and a motor vehicle for goods, which is intended for special need or for transporting special goods.

For example a crane motor vehicle, a fire engine, a motor vehicle for transporting harmful and toxic substances, and a concrete mixer vehicle, etc.

Paragraph (3)

Sufficiently clear.

Article 13

Paragraph (1)

The purpose of testing is that a motor vehicle to be used on the roads shall fulfil the technical and road-worthiness requirements, including the tolerated limit of exhaust gas and noisiness. Special vehicles must be specifically tested, because apart from possessing standard equipment required for motor vehicles in general, special motor vehicles own auxiliary equipment special in nature for special purpose, for example safety valves, pressure tanks, etc.

Paragraph (2)

The testing of the type of motor vehicles is intended to test the type or production specimen of a motor vehicle to fulfil technical and road-worthiness requirements before the said motor vehicle of that type is approved for import or for production and/or for assembling on a large scale. Included in this type testing is sampling testing, which is testing of one of the serial production of a motor vehicle whose type has been validated and approved. To guarantee that a motor vehicle shall always be in condition that fulfil the technical and road-worthiness requirements, periodical testing is imposed for a certain period.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

In a Government Regulation there is also regulation concerning the stages for the enforcement of the stipulation on compulsory testing.

Article 14

Paragraph (1)

The obligation to register a motor vehicle is to collect data which can be used for order in administration, for control of vehicles operated



in Indonesia, to facilitate investigation of violations or crimes connected with the vehicle concerned as well as in the framework of planning, engineering and management of road traffic and to fulfil the need of other data in the framework of national development.

Paragraph (2)

Evidence of registration of motor vehicle shall be given to the person whose name is written therein and serves as proof for the person concerned that the vehicle has been registered and can function as evidence of ownership of motor vehicle.

Apart from getting evidence of ownership of motor vehicle, the person concerned shall also get a certificate of motor vehicle plate number and a motor vehicle plate number for his motor vehicle pursuant to the laws in force.

For the purpose of bringing new vehicles from manufacturers'/assemblers' factories and/or from import ports to selling points as well as for the purpose of a trial run for a new vehicle before the vehicle is sold, a certificate of trial run number and trial run number of the motor vehicle may be given.

Paragraph (3)

In this Government Regulation is also regulated the change of name or the main character of motor vehicles contained in the certificate evidencing registration.

Article 15

Paragraph (1)

The function of motor vehicle workshop is to repair and maintain motor vehicles in order that they remains in a condition that fulfil the technical and road-worthiness requirements.

To achieve optimum efficiency and efectiveness and to prevent air pollution and noiseness in the environment, technical requirements are stipulated which must be fulfilled by those running motor vehicle workshops for the public.

Paragraph (2)

Sufficiently clear.

Article 16

Paragraph (1)

Pursuant to its object, namely, for safety, security and order in road traffic and transportation, the examination as referred to in this paragraph shall be conducted not at a certain place and shall not be done continuously.

Paragraph (2)

The examination of the technical and road-worthiness of motor vehicles shall be undertaken by officials possessing certain qualification, within the framework of fulfilling the technical and road-worthiness requirements of the vehicles operated on the roads, which in this matter includes the fulfilment of the tolerated limit of exhaust gas and noisiness requirements.

As for the examination as referred to in letter b of this paragraph shall be done against the completeness of the administration requirements for both driver and motor vehicles on the road.

The examination as referred to in this provision may also utilized for several purposes in the framework of the implementation of other government tasks performed in a combined way.

Paragraph (3)

Sufficiently clear.

Article 17

Paragraph (1)

Non-motor vehicles are vehicles propelled by human or animal power.

This requirement is intended to secure the safety of traffic in general.

The safety requirements as meant in this provision is the completeness of the vehicle which must exist with non-motor vehicles among others brakes, lamps, sound signals, as well as requirements concerning the procedure of loading and permitted maximum limit of load.

Animals directly transporting goods and/or people is not catagorized as non-motor vehicle.

Paragraph (2)

Sufficiently clear.

Article 18

Paragraph (1)

A driver is a person who drives a vehicle.  
A driving license shall be given to the person whose names is written therein accordance with the provisions of the law in force, and serves as evidence of skill and validity for the driver to drive a motor vehicle on the road and may also be used as a driver's identity card.

Included in the sense of a driver is a person who directly overseas another person driving school who is sitting beside the candidate driver when the latter is learning to drive a motor vehicle on the road.

Paragraph (2)

Sufficiently clear.

Article 19

Paragraph (1)

Driving ability test includes not only the knowledge and skill but also the mental attitude of a candidate driver which constitutes one of the main considerations in the issuance of a driving license.

The ability to drive can be attained through driving lessons, with the purpose of making a candidate driver fulfil the above mentioned requirements.

The operation of driving schools is implemented in accordance with Act Number 2/1989 on the System of National Education.

Paragraph (2)

Sufficiently clear.

Article 20

Paragraph (1)

The factor of tiredness and boredom very much influenced the ability of a driver in driving a motor vehicle properly. Therefore, it is necessary to regulate the working hours and rest time of a driver and the change of a driver after a certain distance and a certain time is absolutely needed.

This provision is intended to protect the safety of a driver and the community, both as passengers and owners of goods and as other road users.

In addition thereto, this provision is also needed to protect the safety of traffic in general.

Paragraph (2)

Sufficiently clear.

Article 21

Paragraph (1)

Sufficiently clear.

Paragraph (2)

This exception is made in the framework of safety, security, order and smoothness of traffic.

Paragraph (3)

Sufficiently clear.

Article 22

Paragraph (1)

Letter a

The term "traffic engineering" includes planning, supply, installing and maintaining road equipment facilities as well as traffic signs, road marks, traffic lights and traffic safety facilities.

The term "traffic management" includes planning, regulating, supervising and control of traffic aimed at traffic safety, security, order and smoothness.

Letter b

The term "motor vehicles traffic mobility" includes among others, passing, running into, turning, slowing down a vehicle, vehicle position on the road, distance between vehicles and the priority at crossroads and crossing.

Letter c

Sufficiently clear.

Letter d

The term "instruments" means instruments which must exist with a vehicle, among others in the form of instruments whose function are to repair a vehicle in case of breakdown on the road, while the term "equipment" means accessories of a vehicle which must be placed in the motor vehicle, among others in the form of spare wheel, safety triangle, etc.

Letter e

Sufficiently clear.

Letter f

Sufficiently clear.

Letter g

This is intended that a driver shall give priority to the safety of pedestrians.

Letter h

In case because of road work or road damage and/or a bridge damage so that its supporting capacity becomes below that of the class of road previously determined for the sake of safety of road traffic and transportation, there is still a stipulation on the permitted quantity of vehicle axle load lower than the haviest axle load.

Letter i

Sufficiently clear.

Letter j

Sufficiently clear.

Letter k

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 23

Paragraph (1)

Letter a

The term "be able to drive a vehicle properly" means driving without being influenced by illness, fatigue or drinking something containing alcohol or drugs so that the ability to drive a vehicle shall be affected, or by other matters.

Letter b

Sufficiently clear.

Letter c

The term "other lawful evidences" among others includes a temporary evidence which serves to function as a Vehicle Plate Number Certificate and/or a Driving License and/or an evidence of testing, and/or a public transportation permit issued by an authorized official.

Letter d

Sufficiently clear.

Letter e

The implementation of the obligation referred to in this provision shall be effected by stages.  
In accordance with the progress of technology, safety devices in other forms may be used to replace the function of seat-belt.

Paragraph (2)

The implementation of the obligation referred to in this provision shall be effected by stages.  
The obligation to use a seat-belt and a helmet for drivers of three-wheeled motor vehicles shall be further regulated by the competent authorities.

Article 24

Paragraph (1)

Letter a

The term "preventing" means among others crossing the road not at the designated place, driving cattle on the road, cutting others' way, transporting goods in such manner so as to disturb another drivers.

The term "endanger the freedom and security of traffic" means among others doing business on the road, doing activities on the road other than road traffic and transportation activities without a permit, driving motor vehicles not fulfilling the technical and road-worthiness requirements.

The term "which may lead to road damage" means among others load carried by a driver exceeding the road supporting power and/or exceeding the vehicle capacity.

Letter b

The placement in accordance with designation, among others placement of vehicles in accordance with road signs, for example parking only at appointed places.

The use of roads for parking of vehicles or for placement of goods so as to disturb the smoothness and the security of traffic, is regarded as an activity causing obstacle as referred to in letter a.

Paragraph (2)

Sufficiently clear.

Article 25

Paragraph (1)

Basically a road is used for the purpose of public traffic, but in certain conditions and by still taking into consideration the safety and orderliness of public traffic, a road may be used outside the function of a road, among others for a competition or a race.

The term "operation of activities" as referred to in this paragraph among others means, the operation of activities which cause a great flow of people or vehicles to the road so as to disturb traffic safety and smoothness.

Paragraph (2)

Sufficiently clear.

Article 26

Paragraph (1)

A pedestrian who walks on the road not provided with a part of road and place of crossing specifically intended for pedestrians, his safety must still be taken into account and his safety protected by every driver.

The Government shall be obligated to regulate the functioning of the road and crossing place for pedestrians as well as to keep the balance between the space for pedestrians and the space for motor vehicles.

Paragraph (2)

Sufficiently clear.

Article 27

Paragraph (1)

This provision has the meaning that a driver must give priority to help a victim needing treatment.

Paragraph (2)

The term "urgent circumstances" in this provision means a circumstance which may endanger the safety or life of a driver of a motor vehicle when stopping his vehicle to help a victim.

Article 28

When an accident involved more than one driver, the responsibility for material losses incurred shall be borne jointly.

Article 29

Letter a

The term "urgent circumstances" means a circumstance which is unavoidable or which is beyond the ability of a driver to prevent the occurrence of a traffic accident.

Letter b

Sufficiently clear.



Letter c

Sufficiently clear.

Article 30

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 31

Paragraph (1)

The assistance given a victim or his heirs is based on humanity, a part from the right of the victim who is protected by the regulation of the law in force.

Paragraph (2)

Vide elucidation paragraph (1).

Article 32

Paragraph (1)

The obligation to insure a motor vehicle is intended to provide protection to the community incurring losses as a consequence of the negligence of a driver in driving his motor vehicle.

This provision only regulates material losses incurred by a third party, as at the time of the coming into force of this Act, losses connected with the life or health of a person has been regulated in Act Number 34/1964 on Traffic Accident Compulsory Contribution Fund.

The obligation in this provision shall be enforced by stages pursuant to the social development.

Paragraph (2)

The Government Regulation provides among other the obligation to insure and the staging of the enforcement of the obligations as referred to in this provision.

Article 33

Paragraph (1)

The purpose of the obligation to insure people employed as crew of a vehicle as provided for herein is because in the operation of a vehicle these people face a high risk for themselves as well as for other people. The crew of vehicle comprises a driver and conductor for a public vehicle transporting passengers or a driver and his assistant for a public vehicle transporting goods.

Paragraph (2)

Sufficiently clear.

Article 34

Paragraph (1)

The term "a motor vehicle for passengers" means a motor vehicle used for transporting passengers, with as well as without a baggage rack. This provision is mainly intended to maintain the safety and comfort of passengers. Therefore a motor vehicle used to transport goods cannot be used to transport passengers.

Paragraph (2)

The term "a motor vehicle for goods" means a motor vehicle designated for the transport of goods.

Paragraph (3)

In certain circumstances, mainly in areas where transportations facilities are not sufficient, leniency is still necessary in the implementation of paragraphs (1) and (2) by still giving priority to traffic safety and security. Therefore the implementation must be undertaken with tight requirements.

Article 35

This provision does not apply to non-motor vehicles.

Article 36

Letter a

Sufficiently clear.

Letter b

Within the framework of continuity of transportation service, uniformity and orderliness in providing services, there is a provision on city area services based on the nature and orderliness of a journey, distance and time, the development of an area or an estate into an estate for residence, trading, industry, offices, etc.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Article 37

Paragraph (1)

The term "permanent and regular route" means transportation services implemented in a route network which is permanent and regular with a permanent schedule or without a schedule while the term "without any designated route" means transportation services rendered without being included in certain designated route network with an irregular transportation schedule.

Paragraph (2)

This provision is intended to control transportation services in public vehicles in order that a balance shall be reached between the demand for transportation services and the supply of transportation services, between the capacity of road transportation network and public vehicles in operation, and that there is a guarantee regarding the quality of passenger transportation services.  
In the network of designated routes shall be determined the type, specification as well as the number of the vehicles permitted to serve each designated route.

Paragraph (3)

Sufficiently clear.

Article 38

Paragraph (1)

Basically tourism transportation is transportation with the characteristics of special services, and is needed for the smooth running of the operation of tourism and the provision of tourism services.

However, its operation must still fulfil the provision of this Act.

This provision is intended for the purpose of organizing in a more orderly way the operation of transportation for tourism and the renting of vehicles both with and without drivers.

Paragraph (2)

Sufficiently clear.

Article 39

Paragraph (1)

The term "crossing network" means network of goods transportation determined based on the same class of road.

Paragraph (2)

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Paragraph (1)

The term "Indonesian legal entities" includes cooperatives.

Paragraph (2)

This provision is intended for the purpose of guaranteeing the existence of equality in the operation of public transportation by still considering the balance between demand and supply of transportation services and quality of the services.

Paragraph (3)

In the said regulation there is also the possibility of providing leniency to a certain business operation in a particular area or in certain circumstances.

Article 42

In determining the tariff classification and structure, the Government takes into account public interest and the interest of public transportation undertakings.

The Government determines the tariff which is oriented to the interest and capability of the public with the said tariff classification and structure as guidelines, public transport undertakings determine the tariff which is oriented to the continuity and development of its undertaking within the framework to improve quality of the services as well as the widening of road transportation service.

The tariff of border crossing transportation is determined on the basis of agreement between two countries.

Article 43

Paragraph (1)

The provision on the obligation to transport is intended in order that a public transportation undertaking shall not provide different treatment to users of transportation services, as far as users of transportation services have fulfilled the requirements pursuant to the transport agreement which have been agreed.

Paragraph (2)

Payment made by a passenger in a permanent and regular route or not in a route like a city and urban transportation, which usually does not use tickets is also considered as evidence of the occurrence of transport agreement.

Nevertheless, in determining the amount of the tariff, the guidelines for tariff classification and structure already determined by the government must still be adopted.

The Government shall impose by stages the use of tickets for passenger transportation for public vehicles which have not yet use tickets.

Article 44

Sufficiently clear.

Article 45

Paragraph (1)

In operating transportation, the safety of the people and goods transported is basically the responsibility of the transport undertaker.

Thus it is proper if the liability of each losses sustained by a passenger or by the delivery of goods caused by the implementation of the transport done be burdened to the transport undertaker.

Besides, this stipulation is intended also for the purpose that the transport undertaker in implementing the transportation may realize seriously the responsibility borne by him.

Paragraph (2)

The amount of the compensation which must be borne by the transport undertaker must be paid by the users of services or third parties is the amount of the losses sustained in reality by the passenger or by the consignor or by a third party.

Not included in the meaning of losses in reality sustained are among others :

- a. the profits expected to be obtained;
- b. discomfort due to the condition of the road, or the bridge passed during the travel;
- c. costs of services already enjoyed.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 46

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 47

The consideration used to drop people or goods carried must actually be accountable pursuant to law and norm of decency, for instance making trouble in a vehicle so as to disturb other passengers, inspite of having been warned properly or the goods transported appear to be dangerous goods or which may harm a passenger.

The term "the nearest stooping place" means the places which have been occupied by human for instance a city or a village or places considered proper to drop goods which should properly be known as dangerous goods.

Article 48

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

The term "particular time" means an additional time interval agreed upon by a transport undertaker and the consignor starting from the deadline for claiming goods until the goods being declared as no man's good.

Article 49

Paragraph (1)

The said special treatment is, among others, the provisions of facilities and infrastructures for disabled people, special requirements for obtaining a driver's license, the operation of a special vehicle for disabled people.

Paragraph (2)

Sufficiently clear.

Article 50

Paragraph (1)

The term "emission of exhaust gas", means gas and/or smoke emitted by the exhaust gas pipes of motor vehicles, and the term □"noisiness", means the noise produced by a motor vehicle.

Paragraph (2)

This provision is intended in order that the owner, transport undertaker and/or driver remain to maintain the condition of his vehicle so that it still fulfil the requirements for the tolerated limit of the emission of exhaust gas and the noisiness, to be adapted to the development of the technology of motor vehicles in Indonesia.

Paragraph (3)

Sufficiently clear.

Article 51

Paragraph (1)

The assignment of part of the affairs of the government in the field of road traffic and transportation has the purpose to increase other function of the road traffic and transportation so that the service to the public becomes better.

Paragraph (2)

Sufficiently clear.

Article 52

This provision is intended to prevent losses in the broadest sense of the word.

For an investigator or an investigating apparatus this shall mean a decrease in administrative burdens and the maintenance or safeguarding of motorized vehicles confiscated.

Besides, this step is also aimed at preventing the obligation to provide room or a yard where the motor vehicles are kept, or preventing the placement of confiscated motor vehicles in public roads which moreover may disturb the smoothness of traffic.

For owners of motor vehicles, not conducting confiscation also means reducing losses in the economic sense.

This is especially felt if a motor vehicle is used for business activities or the implementation of daily tasks.

On the other hand, however, if a certificate of having passed test cannot be produced by a driver of a motor vehicle, confiscation must indeed be made to protect the safety of the community and traffic safety.

The confiscation as referred to in this article is aimed at educating drivers, owners of motor vehicles so that they shall always be aware and comply with the



law, and the nature of this confiscation is temporary until the evidence necessary can be shown and this shall be done naturally.

Article 53

Paragraph (1)

An investigation of a violation against the technical and road-worthiness requirements needs expertise so that there must be a special officer to conduct investigation apart from the employees usually assigned to investigate a criminal act. The said officer is a civilian civil servant in the ministry overseeing road traffic and transportation.

Paragraph (2)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

The term "licensing of public transport", means licensing related to the establishment of a public transport undertaking and licensing related to the regulation and control of public transportation operating in the network route and not in the network route.

Although this provision stipulates that the examination of public transport licensing is conducted at a terminal, in certain circumstances the examination may be conducted outside a terminal.

Letter f

The instrument used to check the weight of a vehicle and its contents may be in the form of a weighing instrument installed permanently in a particular place or an

instrument which is movable.

Letter g

Sufficiently clear.

Letter h

Sufficiently clear.

Paragraph (3)

The implementation of investigation is in accordance with the prevailing regulations of the law, among others Article 7 paragraph (2) and Article 107 Law Number 8/1981 on Criminal Procedural Law.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Paragraph (1)

This penalty threat is intended to prevent violations of traffic by drivers not possessing a Driving License.

Paragraph (2)

Sufficiently clear.

Article 60

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 61

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.