

REGULATION OF THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA

NUMBER PM 12 OF 2019

ON

THE SAFETY PROTECTION OF RIDERS OF MOTORCYCLE IN PUBLIC USE

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA

Considering:

- a. that to provide safety, security, comfort, affordability, and regularity of the use of motorbikes in public use requires legal certainty;
- b. that based on the considerations as referred to in letter a, it is necessary to stipulate a Minister of Transportation Regulation concerning the Safety Protection of Motorcycle Users Used in the Interest of the Community;

In view of:

1. Law Number 39 of 2008 concerning State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
2. Law Number 22 of 2009 concerning Road Traffic and Transportation (State Gazette of the Republic of Indonesia of 2009 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 5025);
3. Presidential Regulation Number 7 of 2015 concerning Organization of State Ministries (State Gazette of the Republic of Indonesia of 2015 Number 8);
4. Presidential Regulation Number 40 of 2015 concerning the Ministry of Transportation (State Gazette of the Republic of Indonesia of 2015 Number 75);
5. Minister of Transportation Regulation Number PM 122 of 2018 concerning Organization and Work Procedure of the Ministry of Transportation (State Gazette of the Republic of Indonesia Year 2018 Number 1756);

DECIDES:

To stipulate:

**REGULATION OF THE MINISTER OF COMMUNICATION ON
THE SAFETY OF RIDERS OF MOTORCYCLE IN PUBLIC USE**

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Ministerial Regulation what is meant by:

1. A motorized vehicle is any vehicle driven by mechanical equipment in the form of a machine other than a vehicle that runs on a rail.
2. The Electronic System Operator is everyone, state administrators, business entities, and communities that provide, manage, and / or operate the Electronic System individually or jointly with the User of the Electronic System for their own needs and / or the needs of other parties.
3. Application Company is an Electronic System Operator that provides technology-based applications in the field of land transportation.
4. The driver is the person driving the motorbike on the road and has a driver's license.
5. Motorcycle Riders are Motorcycle Drivers and Passengers.
6. Passengers are people who are on motorbikes other than drivers.
7. Motorbikes are motorized vehicles with two wheels or without houses and with or without side trains or three-wheeled motorized vehicles without houses.
8. Houses are parts of a motorcycle that is on a cargo-shaped runway, both for people and goods.
9. Minister is the minister who organizes government affairs in the field of traffic facilities and infrastructure and road transportation.
10. The Director General is the director general who carries out matters in the field of traffic and road transportation.

Article 2

This Ministerial Regulation is intended to provide safety protection for the use of motorbikes that are used for the public interest carried out:

- a. with information technology-based applications; and
- b. without information technology-based applications.

CHAPTER II

TYPES AND CRITERIA

Article 3

(1) Motorbikes in public use include:

- a. Wheeled motorized vehicles 2 (two) with or without houses;
- b. 2-wheeled (two) motorized vehicles with or without side trains; or
- c. Three-wheeled motorized vehicles without houses.

(2) The use of motorbikes in public use as referred to in paragraph (1) must fulfill the following aspects:

- a. safety;
- b. security;
- c. convenience;
- d. affordability; and
- e. abidance by law.

Article 4

Fulfillment of the safety aspects referred to in Article 3 paragraph (2) letter a must at least fulfill conditions as follows:

- a. Drivers in good health;
- b. Drivers use motorized vehicles with valid Motor Vehicle Registration Certificate;
- c. The driver has a driver's license C;
- d. The driver has a D Driving License to drive a special vehicle for persons with disabilities;
- e. Drivers comply with the procedures for traffic on the road;
- f. The driver does not bring the Passenger more than 1 (one) person;
- g. the driver masters the area of operation;
- h. Drivers use vehicles that meet technical requirements in accordance with statutory provisions;

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- i. The driver checks the vehicle to be operated;
- j. The driver cares for the vehicle in accordance with the schedule specified in the care book issued by the Brand Holder Agent;
- k. Drivers driving motorbikes naturally and with full concentration;
- l. The Driver:
 - 1. wears a jacket with material that can reflect light along with the driver's identity;
 - 2. wears trousers;
 - 3. wears shoes;
 - 4. wears gloves; and
 - 5. bring a raincoat; and
- m. Drivers and Passengers use Indonesian national standard helmets.

Article 5

(1) The fulfillment of the security aspects as referred to in Article 3 paragraph (2) letter b is in the form of a ban on carrying sharp weapons for Motorbike Drivers and Passengers.

(2) For the use of motorbikes in public use with the application to meet the requirements of the security aspects as referred to in Article 3 paragraph (2) letter b, the Application Company must at least fulfill the following conditions:

- a. including the identity of the Passenger placing an order through the application;
- b. the identity of the driver and Motorcycle listed in the application must match the driver and motorbike in use;
- c. using motorized vehicle numbers with black background and white lettering according to the data in the application or according to the provisions of the legislation;
- d. equipped with a motorized vehicle registration number in accordance with the provisions of the laws and regulations;
- e. including the complaint service telephone number in the application; and
- f. completing the application with the features of the panic button for the Driver and Passenger.

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(3) In the event that the Driver transports Passengers who do not match the application, there must be a Passenger data statement from the account owner.

Article 6

The fulfilment of the comfort aspects as intended in Article 3 paragraph (2) letter c must at least fulfill conditions as follows:

- a. Drivers wear appropriate, clean and neat clothes;
- b. Drivers behave kindly and politely; and
- c. Drivers are forbidden to smoke and carry out other activity which disturb their concentration while riding a motorcycle.

Article 7

(1) Fulfillment of the affordability aspects as referred to in Article 3 paragraph (2) letter d must at least fulfill the following conditions:

- a. The driver provides services to Passengers to the destination point according to agreement between Driver and Passenger; and
- b. Drivers charge a service fee in accordance with the agreement between the Driver and Passenger.

(2) In addition to fulfilling the affordability aspects as referred to in paragraph (1), the use of motorbikes in public use through an application must fulfill the following conditions:

- a. The driver provides services to Passengers to the destination point according to the address listed on the application; and
- b. Drivers charge a service fee as stated in the application.

Article 8

Fulfillment of the regular aspects as referred to in Article 3 paragraph (2) letter e must at least fulfill the following conditions:

- a. Drivers must stop, park, pick up and see off passengers in a safe place and do not interfere with the smooth flow of traffic in accordance with the laws and regulations;
- b. for the use of motorbikes in public use with information technology-based applications, shelters must be provided by the Application Company; and

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c. Application Companies must provide guidance and supervision of their partner Drivers regarding compliance and traffic safety.

Article 9

(1) Motorbikes in public use as referred to in Article 3 have the following service characteristics:

- a. predetermined area of operation;
- b. not scheduled;
- c. door to door service;
- d. the destination of the trip is determined by the Passenger;
- e. the amount of service fees charged is in accordance with the agreement or stated in information technology-based applications; and
- f. orders are made according to agreement or through information technology-based applications.

(2) The amount of service fees stated in the application as referred to in paragraph (1) letter e shall be determined based on the calculation of usage service fees.

Article 10

Motorbikes in public use have the smallest cylinder capacity of 110 (one hundred and ten) cubic centimeters.

CHAPTER III

SERVICE COST CALCULATION FORMULA

Article 11

(1) Calculation of service costs intended for the use of motorbikes in public use carried out by application.

(2) The formula for calculating service costs as referred to in paragraph (1) consists of:

- a. direct cost; and
- b. indirect costs.

(3) The direct costs as referred to in paragraph (2) letter a consist of costs:

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- a. depreciation of vehicles;
- b. capital interest;
- c. driver;
- d. insurance;
- e. vehicle tax;
- f. fuel;
- g- tires;
- h. maintenance and repair;
- i. cellular phone depreciation;
- j- credit or internet quota; and
- k. partner profit.

(4) Indirect costs as referred to in paragraph (2) letter b in the form of application rental services.

(5) Guidelines for calculating service fees are determined by the Minister.

(6) Determination by the Minister as referred to in paragraph (5) shall be signed by the Director General on behalf of the Minister.

Article 12

(1) Application Companies must apply service fees based on formulas and guidelines for calculating service fees as referred to in Article 11.

(2) In applying the amount of service fees as referred to in paragraph (1), Application Companies must first discuss with stakeholders.

(3) After the service fee as referred to in paragraph (1) is applied, the Application Company is obliged to conduct socialization and make announcements to the Driver and Passenger.

Article 13

The Minister socializes to the public regarding the formula and guidelines for calculating service fees.

CHAPTER IV

MECHANISM OF DISCONTINUATION OF OPERATIONAL USE OF MOTORCYCLES USED FOR COMMUNITY INTERESTS THAT ARE DONE BY APPLICATION

Article 14

- (1) Application companies must meet the standards, operational and procedures for suspending operations and breaking partnership with a driver.
- (2) Standards, operations, and procedures as referred to in paragraph (1) contains:
 - a. types of sanctions for temporary suspension and break up of operational partners;
 - b. the level of sanctions for temporary suspension and break up of operational partners;
 - c. the stages of sanctioning temporary suspension of operations and breaking up partnership;
and
 - d. revocation of sanctions for temporary operational suspension.
- (3) Standards, operations and procedures as referred to in paragraph (1) before being determined, discussions with work partners must be conducted.
- (4) The standards, operations and procedures that have been set forth as referred to in paragraph (4) [*sic!*] must be disseminated to work partners by the Application Company.

Article 15

- (1) The relationship between the Application Company and the Driver is a partnership.
- (2) Arrangements regarding partnership relations as referred to in paragraph (1) are regulated in accordance with the provisions of the legislation.

CHAPTER V

COMMUNITY PROTECTION

Article 16

- (1) Public protection in the use of motorbike in public use is given to:
 - a. Passenger; and

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b. Driver.

(2) Protection of Passengers as referred to in paragraph (1) letter a at least includes:

- a. safety and security;
- b. comfort;
- c. certainty of getting service;
- d. complaint service and passenger issues settlement;
- e. certainty of service fees in accordance with the agreement or as stated in the application; and
- f. certainty of getting compensation in case of an accident.

(3) Protection as referred to in paragraph (1) letter b is given to Motorbike Drivers in public use through an application in the form of:

- a. complaints service and driver problem solving;
- b. face to face registration;
- c. socialization of the criteria for temporary (suspend) and break up of operational partners;
- d. notification or warning before temporary suspension of operations (suspend) and breakup of partnership;
- e. clarification;
- f. rights to object;
- g. reactivation; and
- h. certainty of getting compensation in case of an accident;
- i. certainty of obtaining protection of employment health and general health security in accordance with the provisions of the legislation.

(4) Reactivation as referred to in paragraph (3) letter g is applied to motorbike drivers in public use through application, for drivers subject to temporary operational suspension, after going through a clarification process and declared eligible to resume operations.

Article 17

Use of Motorbikes in public use through an application must:

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- a. apply fair, transparent and reliable treatment;
- b. guarantee the confidentiality and security of Passenger data; and
- c. guarantee the match of the driver and vehicle with the driver's identity and vehicle data for the motorbikes in public use through an application.

Article 18

The Application Company must provide a complaints service center for the Drivers in regard to sanctions of temporary suspension of operations and breaking up of partnership.

CHAPTER VI

SUPERVISION

Article 19

The Government and / or Regional Government conducts supervision of the motorbikes in public use.

CHAPTER VII

COMMUNITY PARTICIPATION

Article 20

(1) Community participation includes:

- a. providing input to traffic control and road transport agencies in improving legislation, guidelines and technical standards in the field of motorbike use for the benefit of the community;
- b. monitoring the implementation of the use of motorbikes in public use; and / or
- c. providing input to traffic building agencies and road transport in motorbike in public use safety protection.

(2) The participation of the community as referred to in paragraph (1) shall be submitted to the Minister, Governor and / or Regent / Mayor in accordance with the scope of authority either electronically or non-electronically.

(3) The Minister, Governor, and / or Regent / Mayor in accordance with the scope of authority as referred to in paragraph (2) consider and follow up on input and opinions submitted by the community.

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CHAPTER VIII
CLOSING PROVISIONS

Article 21

This Ministerial Regulation comes into force on the date of promulgation.

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

Stipulated in Jakarta on March 11, 2019

MINISTER OF TRANSPORTATION

REPUBLIC OF INDONESIA

signed

BUDI KARYA SUMADI

Promulgated in Jakarta on March 11, 2019

DIRECTOR GENERAL OF LAW REGULATIONS OF THE MINISTRY OF LAW AND HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 266

Copy in verbatim

Head of Legal Bureau

Wahju Adji H., SH., DESS

Middle Administrator (IV/d)

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