

New Regulation on the Implementation of Ferry Transportation

by Galih Adi Prasetya

Indonesia is well known as the biggest archipelagic state in the world, thanks to the Djuanda Declaration brought in by Indonesian former Prime Minister, Djuanda Kartawidjaja in 1957. The Djuanda Declaration introduced the concept of Archipelagic Water and proclaimed this status for Indonesia. As an archipelagic state, the use of ferry transport plays a critical role for the movement of people and goods and to connect the country. In order to take a full advantage of it, the Ministry of Transportation issued the Minister of Transportation Regulation No. PM.104 of 2017 on the Implementation of Ferry Transportation (“**MoT Regulation No. PM. 104/2017**”). This replaces the previous regulation and enhances ferry transportation services in Indonesia.



There are three additional provisions that have been added to the new regulation. First there is additional provision regarding the implementation of long distance ferry transportation services. Before the enactment of MoT Regulation No. PM 104/2017, there was only one type of ferry transportation, but none of it for long distances.. Through this provision, the ferry transportation service can be provided to areas not yet commercially profitable, as stipulated in Article 59 of MoT Regulation No. PM 104/2017. The background of this provision is to reduce the incidence of pollution, accident, and traffic congestion. The additional requirements to perform the long distance ferry transportation service

is stipulated in Article 59 (2), which includes the obligation to have a Ferry Transportation Business Permit (*Surat Izin Usaha Angkutan Penyeberangan*), Approval Letter from the Director General of Land Communication, and controlling and owning a requisite ship as stated in MoT Regulation No. PM 104/2017.

The second additional provision concerns the distribution of free commodities. This provision allows the ferry transportation company to carry free commodities to an area where there are no land or sea carriage service facilities. Pursuant to Article 58 (2) of MoT Regulation No. PM 104/2017, the classification of free com-

modities are as follows: nine essential commodities (Sembako), building material, machinery, crops and agriculture, home furnishing, sea commodities, and animals. The free commodities as stated above, are also subject to tariffs that will be set forth by the ferry transportation company pursuant to the recommendation from Director General of Land Communication. The third additional provision concerns the new role of the Land Transportation Management Agency (“**BPTD**”). In MoT Regulation No. PM 104/2017, BPTD has various different roles other than their role in the previous regulation. Their new role is stipulated in Article 43, 44, and 56 of MoT Regulation No. PM 104/2017. In Article 43 and 44, BPTD has a new role to serve as the monitoring body that accepts the arrival and departure report of the ship from the ferry transport company. Meanwhile, in Article 56, BPTD has the authority to serve as the monitoring and supervisory body to supervise the implementation of ferry transportation and to ensure that the ferry transportation company has fulfilled the minimum service standards regulated by the Ministry of Transportation.

Regulation of the Governor of the Special Capital City Region of Jakarta no.148 of 2017 on the Organization of Advertising

by Alexander Josua Hutagalung

In the recent business world, it has been a common practice for business practitioners or producers to use elements such as advertisements or billboards given as a means of introducing to the public those goods or services which have been produced. Provision for the installation of advertising and outdoor publicity such as billboards was basically included in a local regional regulations. On 13 October 2017, The Governor of the Special Capital Region of Jakarta recently updated the rules for the organization of advertisements by issuing regulation No. 148 of 2017 on implementing guidelines for the organization of advertising.

Governor Regulation No. 148 of 2017 is intended as a guideline or reference to control advertisement organization based on national security, public order, healthy, expediency, morality, religion(s), courtesy, environment, obedience and legal certainty and to keep the city maintained as well as the plan.

Advertisements can only be installed after obtaining a license as well as paying off all regional taxes, regional levies and other legitimate receipts, as stated in this regulation. There are several kind of advertisements as mentioned above, such as: (i) billboards including the following : neon box, neon sign, billboard gate, standing banner, billboard graffiti, and suchlike; (ii) Electronic advertisements/digital including the following: megatron, videotron, large electronic display, running-text, including advertisements within a modern technology platform which has been used to produce a specific intensity of light; (iii) banner; (iv) sticker; (v) pamphlet; (vi) advertisements which have been attached within vehicles, trains and suchlike; (vii) advertisements which have been implemented in the air; (viii) voice advertisements; (ix) slide/film advertisements;



ments; (x) display advertisements; (xi) laser advertisements; (xii) floating advertisements;

There are 2 (two) regions for laying the advertisements, i.e. advertising areas and non-advertising areas. The definition of a non-advertising area is the area in which it is not allowed to conduct the provision of advertisements

unless it is a business entity or profession, building name or company identity including egs., logos and commercial advertisements which have been attached to stops/shelters.

Ministry of Manpower of the Republic of Indonesia Regulation No. 18 of 2017 Concerning Procedures for the Mandatory Online Reporting of Employment by Companies

by Fakhry Aziz

In order to provide accurate, fast and accessible data of employment in companies, on November 6, 2017 Ministry of Manpower (“**MoM**”) released Ministry of Manpower Regulation No. 18 of 2017 Concerning Procedure for the Mandatory Online Reporting of Employment by Companies (“**MoM Regulation No. 18/2017**”). This regulation revoked and replaced the Ministry of Manpower and Transmigration Regulation No. PER.14/MEN/IV/2006 Concerning Procedures for the Reporting of Employment by Companies, along with the implementing regulations.

MoM Regulation No. 18/2017 stipulates that a Mandatory Report of Employment (“**WLTK**”) in Companies shall be conducted through an online system which is provided by the MoM on the following web-portal address <http://wajiblapor.kemnaker.go.id>. The Business or Manager must conduct the registration through this online system in order to obtain an account. If the account has been confirmed, the Business or Manager is officially registered. The registered Business or Manager then must continue to fill out the WLTK form.

Furthermore, the Business or Manager shall conduct reporting activities through the online system at the following periods:

- a. after establishing, re-operating, or transferring a company or;
- b. before transferring, suspending, or dissolving a company.

The reporting is conducted 30 (thirty) days after or before undertaking such activities. Other than reporting, the Business or Manager must conduct periodic reporting every year in December. Pursuant to this regulation, such reporting is free of charge.



Moreover, Businesses which have submitted the WLTK manually must report through the online system within 1 (one) year at the latest since this regulation is promulgated. Businesses or Managers who do not fulfill their obligations pursuant to this regulation shall be subject to sanctions in accordance with Law No. 7 of 1981 on Mandatory Reporting of Employment in Companies. These are the threat of imprisonment for a maximum of 3

(three) months or a maximum fine of Rp1.000.000,- (one million rupiah) for the Business or Manager who does not fulfill the obligation to conduct a WLTK.

In terms of its utilization, the WLTK's data on a national level is utilized as the basis for the formulation of policy at the national level, whereas, the WLTK's data on a provincial level is utilized as the basis for the formulation policy on a provincial and regency/city level. Such data on a provincial level is from companies which are located in the area of the relevant province and regency/city.

The WLTK also may be utilized as the basis for drafting working plans of units and of Employment Supervisors. In the terms of its operation, the WLTK through the online system is conducted by the Directorate General which is in charge of employment supervision. Meanwhile the supervision of the implementation of the WLTK in a company shall be conducted by the Employment Supervisor in accordance with laws and regulations.

Guidelines on the Draft of Urban Design Guidelines

by Monica Sonya Ginanti

In order to realize an integrated urban inter area and to form a similar perception along with consistency between urban designers and local government, guidelines on urban design shall be formulated. Nevertheless, guidelines on how the guidelines on urban design are devised is also required. Therefore the Governor of Special Capital City Region of Jakarta (“**Governor**”) issued a new regulation regarding the guidelines on urban design, which is Governor of Special Capital City Region of Jakarta Regulation Number 147 of 2017 on Guidelines on The Draft of Urban Design Guidelines (“**Regulation Number 147/2017**”).



The scope of matters regulated in Regulation Number 147/2017 are: (i) requirements to apply for urban design guidelines; (ii) mechanism of application on urban design guidelines (iii) the urban design guide lines substances; and (iv) the regulation on urban design guidelines documents presentation. The applicants that may apply for urban design guidelines are: (i) government/local government; (ii) state-owned enterprise/regional government-owned enterprise; and (iii) business entity (“**The Applicants**”). The Regulation Number 147/2017 also states that the area development administrator shall fulfill the area requirements as follows: (i) the area shall be > 5 ha; (ii) the area shall be maintained for specific advantages or deemed as an area landmark which is deployed by government/local government, state-owned enterprise, region-

al government-owned enterprise or business entity; or (iii) strategic area set out by the governing law.

The Applicants shall apply for the urban design guidelines to the Governor. The draft of urban design guidelines then will be reviewed by the regional working unit who is responsible for spatial organization. The result of review, consultation and/or coordination will be stated in an official memo and it will be given to the head of the regional working unit of spatial organization. The official memo then will be discussed in the forum of coordination meeting of regional the spatial coordination team in order to obtain the Governor’s order.

The urban design guidelines shall at least consist of: (i) general provisions; (ii) purposes and objectives; (iii) scope; (iv) area structuring strategy; (v) tran-

sitional provisions; and (vi) closing provisions. Furthermore, the appendix of the urban design guidelines shall consist of: at least (i) purposes; (ii) initial analysis of design area; (iii) design substances; and (iv) design scenario. The Regulation Number 147/2017 also regulates the presentation of the urban guidelines appendix. It shall be presented informatively and explain the substances of the intended urban design guidelines. The image or map in the appendix of the urban design guidelines shall be presented with a scale precision of 1:10.000 (one to ten thousand) or adjusted according to need. The information, legend, symbol on the image or map shall be stated on the same page, clearly and orderly, in the form of A3 paper size.

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