

REGULATION OF THE GOVERNMENT
OF THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2013
ON
IMPLEMENTATION OF LAW
NUMBER 38 OF 2009 ON POST

BY THE GRACE OF THE ONE AND ALMIGHTY GOD,

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in optimizing postal services as part of communication and information facilities and exercising Article 5 paragraph (2), Article 7 paragraph (2), Article 8 paragraph (2), Article 10 paragraph (2), Article 14 paragraph (5), Article 15 paragraph (6), Article 19 paragraph (2), Article 25 paragraph (3), Article 36 paragraph (6), Article 39 paragraph (3), and Article 41 of Law Number 38 of 2009 on Post, it is necessary to establish a Government Regulation on Implementation of Law Number 38 of 2009 on Post;

Noting : 1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 38 of 2009 on Post (State Gazette of the Republic of Indonesia Year 2009 Number 146, Supplement to State Gazette of the Republic of Indonesia Number 5065);

HAS DECIDED:

To establish : GOVERNMENT REGULATION ON IMPLEMENTATION OF LAW NUMBER 38 OF 2009 ON POST.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Government Regulation, the following terms have the following meanings:

1. Post means written communication and/or electronic mail services, parcel services, logistics services, financial transaction services and postal

- agency services for public interests.
2. Postal Operator means a business entity that operates post.
 3. Postal Operation means the overall activities of management and administration of postal services.
 4. Postal Network means a series of integrated service points, both physical and non-physical, within certain coverage areas in postal operation.
 5. Interconnection means connection of postal networks between postal operators.
 6. Universal Postal Service means certain types of postal services that shall be guaranteed by the Government to cover all territories of the Unitary State of the Republic of Indonesia that enable the people to send and/or receive postal items from one point to another worldwide.
 7. Commercial Postal Services mean postal services whose tariff rates and service standards are not determined by the Government.
 8. Postcode means a series of digits or letters or a combination of digits and letters written on the back of the city name to ease the process of sorting, delivery of postal items, and other purposes.
 9. Postal Item means written communication units, electronic mails, parcels, logistics or remittances sent through postal operators.
 10. Letters mean part of written or electronic communication with or without cover addressed to individuals or agencies of particular addresses, the whole delivery process of which is conducted physically.
 11. Printed Papers mean any kinds of publication printed on papers or other materials, including books, brochures, catalogs, newspapers and magazines.
 12. Written Communication and/or Electronic Mail Services mean the activities of collecting, processing, transmitting and delivering of information in the forms of letters, aerograms, postcards, printed papers, documents, and/or items for the blind.
 13. Parcels Services mean the activities of collection, reception and/or delivery of goods.
 14. Logistics Services mean the activities of planning, handling and controlling of the delivery and storing of goods, including information, management services and related administration conducted by Postal Operators.
 15. Financial Transaction Services mean the activities of depositing, saving, overbooking, distributing, and remittance from and/or to service users in accordance with provisions of the laws and regulations.
 16. Postal Agency Services mean the provision of facilities and infrastructure of postal services for public interests.
 17. Other Official Postal Operations mean official and non-commercial Postal Operations for state interests.

18. Standard Operating Procedure, hereinafter referred to SOP, means a set of rules as guidance for Postal Operators in operating Postal services.
19. Service Standards mean the indicators used as operating guidance and reference for service quality assessment as the obligations and commitments of the operators to the public in providing quality, fast, simple, affordable, and accountable services.
20. Central Government, hereinafter referred to as the Government, means the President of the Republic of Indonesia who holds the executive power of governance of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
21. Regional Government means governors, regents/mayors and regional working units as the elements of regional administrator.
22. Minister means the Minister whose duties and responsibilities are in postal field.

CHAPTER II PRINCIPLES AND OBJECTIVES

Article 2

The scope of this Government Regulation shall comprise:

- a. procedures for service operations;
- b. Service Standards;
- c. Other Official Postal Operations;
- d. licensing requirements and procedures;
- e. Interconnection;
- f. Universal Postal Service;
- g. procedures for tariff determination for Universal Postal Service;
- h. Postcode system;
- i. improvement and development of Postal Operations; and
- j. procedures for imposition of administrative sanctions.

CHAPTER II PROCEDURES FOR SERVICE PROVISIONS

Article 3

- (1) Postal Operators shall provide Postal Networks in accordance with their operations license.
- (2) Postal Operators may provide:
 - a. Written Communication and/or Electronic Mail Services;

- b. Parcels Services;
 - c. Logistics Services;
 - d. Financial Transaction Services; and/ or
 - e. Postal Agency Services.
- (3) In providing the services as referred to in paragraph (2), Postal Operators shall ensure the security and safety of Postal Items.
- (4) Postal Operators shall implement the SOP established for each of the Postal services as referred to in paragraph (2).

Article 4

- (1) The SOP for the Written Communication and/or Electronic Mail Services as referred to in Article 3 paragraph (2) letter a shall at least include collecting, processing, transporting, transmitting written information activities, security guarantee of written information, after-sale services, and the amount of damages.
- (2) Written Communication and/or Electronic Mail Services shall be subject to information transmission fees according to the service types, levels, distances, and features as well as weights and volumes of such written information.
- (3) Exemption to the transmission fees for Written Communication and/or Electronic Mail Services by means of land and/or sea transportation shall be given to:
- a. items for the blind, up to 7 (seven) kilograms in open dispatch by and/or addressed to the official institutions serving blind persons for social purposes;
 - b. prisoner-of-war, both military and civilian, whether directly or through agencies, in accordance with the pro-visions of the laws and regulations.

Article 5

- (1) SOP for Parcels Services shall at least comprise the activities of pickup, reception, and/or delivery of goods including collecting, processing, security guarantee of Postal Items, after-sale services, and the amount of damages.
- (2) Parcels Services shall be subject to parcels transportation fees in line with service types, degrees, distances, and features as wells as weights and volumes of such parcels.

Article 6

- (1) SOP for Logistics Services shall comprise the activities of planning, handling, and controlling of transmission and storing of goods, including information, management services, and related administration conducted by Postal Operators.
- (2) Logistics Services shall be subject to fees in accordance with agreement with service users.
- (3) The Logistics Services other than Postal services as referred to in paragraph (1) shall be provided in accordance with the provisions of the laws and regulations.

Article 7

- (1) SOP for Financial Transaction Services shall comprise depositing, saving, over-booking, distributing, and remittance.
- (2) Financial Transaction Services shall be subject to fees according to service types and features.

Article 8

- (1) SOP for Postal Agency Services shall comprise:
 - a. Postal service activities provided by other parties; and
 - b. Activities of other parties conducted by Postal Operators.
- (2) Postal Agency Services shall be operated through cooperation agreement between Postal Operators and other parties based on the principle of mutual benefit.

CHAPTER III
SERVICE STANDARDS

Article 9

- (1) Service Standards shall comprise:
 - a. Service Standards for Universal Postal Service; and
 - b. Service Standards for Commercial Postal Service.
- (2) The Service Standards as referred to in paragraph (1) shall be determined by the Minister.

- (3) Postal Operators shall implement the Service Standards determined by the Minister.

Article 10

- (1) The Minister shall determine Service Standards for Universal Postal Service by considering the following aspects:
 - a. service access availability;
 - b. service regularity;
 - c. human resources competency;
 - d. speed and reliability;
 - e. security and confidentiality;
 - f. complaint, suggestion, and input handling;
 - g. customer satisfaction; and
 - h. service tariffs.
- (2) The Minister shall determine Service Standards for Commercial Postal Service by considering inputs from stakeholders which at least include:
 - a. assurance of service time;
 - b. assurance of service fees;
 - c. clarity of service procedures;
 - d. service products;
 - e. human resources competency;
 - f. security and confidentiality;
 - g. complaint, suggestion, and input handling;
 - h. means, infrastructure, and/or facilities; and
 - i. indemnity for delay, loss, service mismatch, and damage which are proven as the result of negligence and error by Postal Operators at a maximum of 10 (ten) times the amount of the transmission fees, except for insured Postal Items.
- (3) Further provisions on Service Standards for Universal Postal Service and Service Standards for Commercial Postal Service shall be stipulated in a Ministerial Regulation.

Article 11

- (1) The Service Standards as referred to in Article 9 shall be formulated to meet excellent service.
- (2) The Minister shall cooperate with relevant institutions in realizing excellent service.

Article 12

The Minister shall evaluate Postal Service Standards periodically and/or as necessary.

CHAPTER IV
OTHER OFFICIAL POSTAL OPERATIONS

Article 13

- (1) Other Official Postal Operations may be conducted by:
 - a. state-owned enterprises;
 - b. regional government-owned enterprises;
 - c. private-owned enterprises; or
 - d. cooperatives.

- (2) The Postal Operators as referred to in paragraph (1) shall meet the following requirements:
 - a. having their own service networks that cover most of the territory of the Unitary State of the Republic of Indonesia;
 - b. meeting the quality of service standards stipulated in the provisions of the laws and regulations; and
 - c. making a statement letter indicating the capability to keep state secrets.

Article 14

- (1) The Other Official Postal Operations as referred to in Article 13 may provide the following Postal Item services:
 - a. money and securities which constitute proofs in a legal case;
 - b. smallpox medicine, vaccine, and the likes, sent by designated agency or on its behalf in accordance with the prevailing provisions;
 - c. infectious disease materials addressed to official laboratory or to officials tasked with eradicating infectious diseases, on the condition that its packaging shall be done in accordance with the prevailing provisions;
 - d. live animals allowed to be sent through Post;
 - e. radioactive materials sent by designated agency, on the condition that its packaging shall be done in accordance with the prevailing provisions;
 - f. narcotics materials and the likes as well as illicit drugs sent by authorized agency in accordance with the prevailing provisions;
 - g. used or unused infectious disease-wrapping materials sent between official laboratories in accordance with the prevailing provisions; and

- h. diplomatic Dispatches.
- (2) The Postal Item services as referred to in paragraph (1) shall be provided in accordance with the provisions of the laws and regulations.

CHAPTER V
REQUIREMENTS AND PROCEDURES OF GRANTING OF LICENSE

Part One
General Provisions

Article 15

- (1) Postal Operators shall provide services after obtaining Postal Operations license from the Minister.
- (2) The Postal Operations license shall be valid insofar as the Postal Operators still operate their business activities and fulfill their obligations.
- (3) The license may only be transferred upon the Minister's approval.
- (4) The license as referred to in paragraph (1) shall be granted by the Minister in accordance with the provisions of the laws and regulations.
- (5) Once every 5 (five) years, the Minister shall evaluate the license as referred to in paragraph (4).

Article 16

- (1) Types of Postal Operations license shall comprise:
 - a. national Postal Operations license;
 - b. provincial Postal Operations license; and
 - c. regent/municipal Postal Operations license.
- (2) The national Postal Operations license as referred to in paragraph (1) letter a shall be issued to the business enterprise whose operational coverage areas comprise at least 3 (three) provinces.
- (3) The provincial Postal Operations license as referred to in paragraph (1) letter b shall be issued to the business enterprise whose operational coverage areas comprise at least 4 (four) regencies/municipalities in a single province.

- (4) The regent/municipal Postal Operations license as referred to in paragraph (1) letter c shall be issued to the business enterprise whose operational coverage areas comprise a regency/municipality.
- (5) The Minister shall grant Postal Operations license after obtaining recommendation from:
 - a. governors for national and provincial coverage areas;
 - b. regents/mayors for regency/municipality coverage areas.

Article 17

- (1) The Postal Operations license as referred to in Article 16 paragraph (1) shall be subject to tariff which constitutes non-tax state revenue.
- (2) The tariff as referred to in paragraph (1) shall be determined in accordance with the provisions of the laws and regulations.

Article 18

Postal Operators which have obtained national Postal Operations license and provincial Postal Operations license that will expand their business areas shall report to the Minister and the relevant Regional Governments.

Part Two License Requirements

Article 19

- (1) Postal Operations license application shall be submitted according to the types of operating license by enclosing the requirements which shall, at least, comprise:
 - a. deed of establishment of the business entity created under Indonesian laws whose part of businesses is in Postal Operations field and has been certified by the competent authority;
 - b. capital structure, board of directors or management, and board of commissioners or supervisors;
 - c. Tax Identification Number;
 - d. business plan proposal; and
 - e. recommendation from the relevant governor or regent/mayor.
- (2) In addition to the requirements as referred to in paragraph (1), the Postal Operators, which include foreign capitals shall meet the provisions stipulated in the laws and regulations.

Part Three
Procedures for License Granting

Article 20

- (1) The Postal Operations license as referred to in Article 15 shall be granted under the following conditions:
 - a. meeting the requirements as referred to in Article 19; and
 - b. upon application and document verification.
- (2) In the event of incomplete application requirements, the Minister shall provide a written notification no later than 7 (seven) working days from the receipt of the license application by providing the rationale.
- (3) Within a maximum of 14 (fourteen) working days from the receipt of the complete license application that meets the requirements, the Minister shall grant Postal Operations license.

Article 21

- (1) Postal Operators shall provide a written report of their activities every 6 (six) months to the Minister with a copy to the governor or regent/mayor.
- (2) The written report as referred to in paragraph (1) shall cover:
 - a. types of services;
 - b. number of production;
 - c. tariffs of service;
 - d. achievement of Service Standards;
 - e. areas of operations; and
 - f. number of personnels.
- (3) Any Postal Operators which provide Financial Transaction Services shall comply with the relevant laws and regulations.
- (4) In the event of modification to deed of establishment or board of shareholders and/or amount of shares ownership made in accordance with the provisions of the laws and regulations, the Postal Operators which have not become public companies shall report to the Minister.

Article 22

Further provisions on the requirements and procedures for the granting of Postal Operations license shall be stipulated in a Ministerial Regulation.

Part Four
Control

Article 23

The Minister shall control Postal Operations through monitoring and evaluation in improving and developing Postal Operations.

Article 24

- (1) The monitoring as referred to in Article 23 shall be conducted at least once in a year.
- (2) The monitoring result as referred to in paragraph (1) shall be evaluated at least once in 5 (five) years.

Article 25

Further provisions on the monitoring and evaluation of Postal Operations as referred to in Article 24 shall be stipulated in a Ministerial Regulation.

CHAPTER VI
INTERCONNECTION

Article 26

The Interconnection between Postal Operators shall be conducted by adhering to the principles of non-discrimination, transparency, accountability, and mutual benefit.

Article 27

- (1) Postal Operators shall provide Interconnection to Universal Postal Service to other Postal Operators.
- (2) In providing Interconnection to Universal Postal Service, Postal Operators shall:
 - a. provide information in a transparent manner on facilities owned and may be used by other Postal Operators;
 - b. apply procedures and tariff in accordance with the Ministerial Regulation;
 - c. provide published reference Interconnection offer comprising at least:
 1. networks offered;
 2. Interconnection technical specifications;

3. Interconnection tariffs;
 4. Implementation procedures for Interconnection services;
 5. responsibilities of Interconnection service providers.
- (3) The Interconnection for Universal Postal Service as referred to in paragraph (1) may be conducted at any service point that may guarantee the operation of Universal Postal Service.
- (4) Postal Operators conducting Universal Postal Service may accept Interconnection for Commercial Postal Service based on an agreement.
- (5) Further provisions on Interconnection for Universal Postal Service shall be stipulated in a Ministerial Regulation.

Article 28

- (1) Postal Operators may provide Interconnection to other Postal Operators for Commercial Postal Service based on an agreement.
- (2) The agreement as referred to in paragraph (1) shall at least comprise the rights, obligations, dispute settlements, and responsibilities of each party.

CHAPTER VII UNIVERSAL POSTAL SERVICE

Article 29

Universal Postal Service shall comprise:

- a. Letters, postcards, printed papers, and small packets, up to 2 (two) kilograms;
- b. items for the blind, up to 7 (seven) kilograms;
- c. printed papers delivered in special bags addressed to the recipients of the same address, up to 30 (thirty) kilograms; and
- d. parcels, up to 20 (twenty) kilograms.

Article 30

- (1) The Government shall designate a Postal Operator that meets the requirements to operate Universal Postal Service.
- (2) The requirements as referred to in paragraph (1) shall include:
- a. owning and/or controlling Postal Networks in the Universal Postal Service operation areas and/or in the entire territory of the Unitary

- State of the Republic of Indonesia;
- b. having competent personnels in Postal Operations field;
 - c. having at least a 5-year work plan and budget for Postal Operations for Universal Postal Service;
 - d. making a statement indicating capability to meet the Universal Postal Service Standards; and
 - e. making a statement indicating capability to implement the Acts of the Universal Postal Union that have been ratified by the Government.
- (3) The Postal Operator which meet the requirements as referred to in paragraph (2) may submit the application of Postal Operations for Universal Postal Service to the Minister.
 - (4) The Minister shall establish a selection team to designate the Postal Operator to operate Universal Postal Services.
 - (5) The selection team as referred to in paragraph (4) shall comprise no more than 7 (seven) persons from the elements of the Government, stakeholders, and experts in Postal Operations field.
 - (6) The selection team shall report to the Minister no later than 7 (seven) days from the conclusion of the selection process.
 - (7) The Minister shall designate the Postal Operator to operate Universal Postal Service based on the recommendation from the selection team.
 - (8) In the event that no Postal Operator meets the requirements to operate Universal Postal Service, the Minister shall designate the previous Postal Operator to operate Universal Postal Service.
 - (9) Further provisions on the procedures for the appointment of the selection team, working procedures for the selection team, and procedures for designation of Universal Postal Service operation shall be stipulated in a Ministerial Regulation.

Article 31

- (1) Postal Operators shall make contributions in the financing of Universal Postal Service.
- (2) Provisions on the contributions mechanism of Universal Postal Service as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Article 32

- (1) The amount of the Universal Postal Service contributions shall be determined by considering the costs needed for Universal Postal Service operation and by adhering to the principle of fairness for the people and business players.
- (2) The contributions as referred to in paragraph (1) shall constitute non-tax state revenue.
- (3) The amount of contributions as referred to in paragraph (2) shall be determined in accordance with the provisions of the laws and regulations.

Article 33

- (1) Universal Postal Service operation costs shall be borne by the State Budget.
- (2) The operation costs as referred to in paragraph (1) shall be the subsidy from the Government amounting to the difference of the costs needed for Universal Postal Service operations from the revenue received from the people.

CHAPTER VIII
PROCEDURES FOR DETERMINATION OF
UNIVERSAL POSTAL SERVICE TARIFF

Article 34

- (1) Universal Postal Service tariff shall be determined by considering at least the followings:
 - a. operational costs for service operations;
 - b. projection of costs increase for improvement of quality of service;
 - c. projection of production growth;
 - d. people's purchasing power; and
 - e. provisions set forth in the Acts of the Universal Postal Union.
- (2) Further provisions on Universal Postal Service tariff shall be stipulated in a Ministerial Regulation upon the consideration of the Minister who administers the Government affairs in finance field.

CHAPTER IX
POSTCODE SYSTEM

Article 35

- (1) Postcode system shall be aimed at supporting the jurisdiction of the Unitary State of the Republic of Indonesia and Postal Operations.
- (2) Postcode system shall be formulated and established for the entire territory of Indonesia.
- (3) Postcode system for the territory of the Unitary State of the Republic of Indonesia shall be developed based on administrative area numbering, supporting the sovereignty of the jurisdiction of the Unitary State of the Republic of Indonesia, and facilitate service improvement.
- (4) The principles of Postcode system formulation shall be made simple, dynamic to develop, as well as easy to read and remember.
- (5) Further provisions on Postcode system shall be stipulated in a Ministerial Regulation.

CHAPTER X
IMPROVEMENT AND DEVELOPMENT OF
POSTAL OPERATIONS

Article 36

- (1) Improvement and development of national Postal Operations shall be conducted through sectoral restructuring and corporate revitalization.
- (2) The sectoral restructuring as referred to in paragraph (1) shall be done in the form of Strategic Plan for National Postal Development, which comprises:
 - a. vision, missions, policies, strategies, and programs;
 - b. improvement of the roles of Postal industry, including postage stamps development, philately, and Postcode in supporting geopolitical interests and the jurisdiction of the Unitary State of the Republic of Indonesia;
 - c. development of a competitive, healthy, dynamic, modern, and efficient national Postal industry;
 - d. enhancement of national Postal industry to improve the capacity, coverage, and quality of Postal facilities and infrastructure; and

- e. support for national distribution and logistics system and national payment system.
- (3) The corporate revitalization as referred to in paragraph (1) shall be conducted in accordance with the provisions of the laws and regulations.

CHAPTER XI
PROCEDURES FOR IMPOSITION OF
ADMINISTRATIVE SANCTIONS

Article 37

- (1) Any Postal Operators which violate Article 3 paragraph (1), paragraph (3) and paragraph (4), Article 9 paragraph (3), Article 21 paragraph (1) and paragraph (4), Article 27 paragraph (1), and Article 31 paragraph (1) shall be subject to administrative sanctions.
- (2) The administrative sanctions as referred to in paragraph (1) may be in the forms of:
 - a. written reprimands;
 - b. fines; and/or
 - c. license revocation.
- (3) The administrative sanctions as referred to in paragraph (2) shall be imposed by the Minister.

Article 38

- (1) The written reprimands sanction as referred to in Article 37 paragraph (2) letter a shall be imposed no more than 3 (three) times for a period of 30 (thirty) days each.
- (2) The written reprimands sanction as referred to in paragraph (1) shall be notified through a letter or announced in the website.
- (3) The written reprimands sanction notified through a letter as referred to paragraph (2) shall be done for the first and the second reprimands.
- (4) The written reprimand sanction announced in the website as referred to in paragraph (2) shall be done for the third reprimand.

Article 39

- (1) The fines sanction as referred to in Article 37 paragraph (2) letter b shall constitute non-tax state revenue.
- (2) The amount of the fines as referred to in paragraph (1) shall be stipulated in accordance with the provisions of the laws and regulations.
- (3) Further provisions on the imposition of fines sanction shall be stipulated in a Ministerial Regulation.

Article 40

The license revocation sanction as referred to in Article 37 paragraph (2) letter c shall be imposed, if:

- a. the period of the third written reprimand has expired; and
- b. Postal Operators fail to prove the security and safety of Postal Items.

Article 41

Any Postal Operators which violate the provisions as referred to in Article 3 paragraph (1), paragraph (3) and paragraph (4), Article 9 paragraph (3) or Article 21 paragraph (1) and paragraph (4) shall be subject to written reprimands and/or license revocation sanctions.

Article 42

Any Postal Operations which violate the provisions as referred to in Article 27 paragraph (1) or Article 31 paragraph (1) shall be subject to written reprimands, fines, and/or license revocation sanctions.

CHAPTER XII
TRANSITIONAL PROVISIONS

Article 43

As from the time this Government Regulation comes into force, any Postal Operators which have established their businesses may continue their activities, provided that they shall adjust themselves to this Government Regulation no later than 2 (two) years from the date this Government Regulation is declared effective.

CHAPTER XIII
CLOSING PROVISIONS

Article 44

As from the time this Government Regulation comes into force, all implementing regulations established under Government Regulation Number 37 of 1985 on Postal Operations (State Gazette of the Republic of Indonesia Year 1985 Number 53, Supplement to State Gazette of the Republic of Indonesia Number 3303) shall remain in effect insofar as not contradictory or not superseded by new ones by virtue of this Government Regulation.

Article 45

As from the time this Government Regulation comes into force, Government Regulation Number 37 of 1985 on Postal Operations (State Gazette of the Republic of Indonesia Year 1985 Number 53, Supplement to State Gazette of the Republic of Indonesia Number 3303) shall be repealed and declared ineffective.

Article 46

This Government Regulation shall come into force from the date of its promulgation.

For public cognizance, it is hereby ordered that this Government Regulation be promulgated in the State Gazette of the Republic of Indonesia.

Established in Jakarta
On 1 March 2013

PRESIDENT OF THE REPUBLIC OF INDONESIA,
signed

DR. H. SUSILO BAMBANG YUDHOYONO

*Seal of President of
the Republic of Indonesia*

Promulgated in Jakarta
On 1 March 2013

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,
signed
AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2013 NUMBER
38

ELUCIDATION
OF
REGULATION OF THE GOVERNMENT OF
THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2013
ON
IMPLEMENTATION OF LAW
NUMBER 38 OF 2009 ON POST

I. GENERAL PROVISIONS

The post plays an important and strategic role in national development, particularly as the communication and information facilities, which support economic activities, unity and integrity of the nation, educate the life of the nation and improve interstate relations. For those reasons, postal operations should be developed both on quality and quantity scales, taking into account the ever-dynamic needs of the people in line with the advance of science and technology.

Consequently, in fulfilling the expectations and needs of the people, the Government should take concrete and reasonably populist measures to support proper, effective, efficient and accountable postal operations, such as fostering and protection of the postal operators, determination of strict requirements for postal operator worthiness, guarantee of reliability of products and types of postal services, prevention of monopolistic practices in postal operations and public participation in postal operations.

In principle, Law Number 38 of 2009 on Post lays the foundations of proper postal operations according to the expectations and needs of the people and accomodates interstate postal operation development in international scale in line with the advance of science and technology. However, the Law still needs implementing regulation to realize the objectives of postal operations. The provisions under the Law which expressly instruct the establishment of implementing regulations in the form of legal instrument of government regulation include, Article 5 paragraph (2), Article 7 paragraph (2), Article 8 paragraph (2), Article 10 paragraph (2), Article 14 paragraph (5), Article 15 paragraph (6), Article 19 paragraph (2), Article 25 paragraph (3), Article 36 paragraph (6), Article 39 paragraph (3) and Article 41.

Through the stipulation of government regulation, the content of which is the implementation of Law Number 38 of 2009 on Post, it is expected that the Law can be well-implemented as the result of the clarity and ease of

understanding it. Moreover, the establishment of this government regulation can give significant and positive indication to the Government's seriousness in realizing the objectives of postal operations, namely:

1. enhancing and strengthening the unity and integrity of the nation, educating the life of the nation and improving the international and interstate relations;
2. opening business opportunity, promoting national economy and supporting governmental affairs;
3. guaranteeing quality of written communication and electronic mail services, packet services, logistics services, financial transaction services and agency services; and
4. guaranteeing the operation of postal services that reach the entire territory of the Unitary State of the Republic of Indonesia.

This Government Regulation is entitled Government Regulation on Implementation of Law Number 38 of 2009 on Post. This title is based on the consideration that this Government Regulation implements several provisions in Law Number 38 of 2009 whose delegations of subject matters are different from one another and to realize efficiency and effectiveness, both in its formulation and utilization. The subject matters of this Government Regulation include, types of postal services, postal operators, procedures of postal operations, standards of postal services, licensing, Universal Postal Service, interconnection, postcode system, and improvement and development of postal operations in providing explanation and legal certainty in postal operations.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

process to Postal Operators is done electronically or in the form of soft copy to be sent physically to individuals or institutions of particular addresses.

Letter b
Self-explanatory.

Letter c
Self-explanatory.

Letter d
Self-explanatory.

Letter e
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 4

Paragraph (1)
Self-explanatory.

Paragraph (2)
“Types of services” mean types of services tailored to the needs of service users.

“Levels of services” mean a service that shows certain quality.

“Features of services” mean inherent added-value to the services.

Paragraph (3)

Letter a

Exemption to the transmission fees is meant to guarantee the protection of human rights. Therefore, the sender or receiver means certain individual and/or institution with no business interest.

The sender/or receiver who obtains the exemption to the transmission fees must be able to show a letter or document that indicates that such Postal Item is aimed for social purposes.

Postal Operators reserve the rights to request the senders to disclose the content of the Postal Items.

Letter b

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Self-explanatory.

Article 7

Paragraph (1)

Implementation of Financial Transaction Services operated by the Postal Operators does not provide saving interests and does not provide loans and/or credit (non-deposit taking company), as well as subject to the laws and regulations.

Paragraph (2)

Self-explanatory.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

Postal Agency Services are provided by developing the advantages of distribution channels to sell Postal services by other parties and vice versa, which include electronic distribution channel system, such as webshop, virtual mall, e-commerce, e-business, e-post.

Article 9

Self-explanatory.

Article 10

Paragraph (1)

Letter a

“Service access availability” means reachability of service in the form of availability and distribution of service points.

Letter b

“Service regularity” means regularity and sustainability of service provision from time to time.

Letter c

“Human resources competency” means individual skill and knowledge that may lead to better performance.

Letter d

“Speed and reliability” mean travel time indicator for Postal Items delivered to the right recipients.

Letter e

“Security and confidentiality” mean integrity of the Postal Item until it is received by the recipient in good conditions.

Letter f

“Complaint, suggestion and input handling” means complaint processing to give answers to questions, inquiry and complaints, in the event of service irregularity.

Letter g

“Customer satisfaction” means situation and condition in which the customers feel that their needs and requests can be met.

Letter h

“Service tariffs” mean fees payable to obtain services.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 11

Paragraph (1)

Self-explanatory.

Paragraph (2)

The relevant institutions, include:

- Ministry which administers governmental affairs in the field of transportation;
- Ministry which administers governmental affairs in the field of state finance;
- Ministry which administers governmental affairs in the field of agriculture;
- Ministry which administers governmental affairs in the field of marine and fisheries; and
- Agency which administers governmental affairs in the field of drug and food control.

Article 12

Self-explanatory.

Article 13

Paragraph (1)

Other Official Postal Operations include Postal Operation activities by the Governmental institutions or Regional Government that should be kept confidential for state interests. To be efficient, Other Official Postal Operations may be done by Postal Operators that meet the requirements, the implementation of which is done in accordance with the provisions of the laws

and regulations.

Paragraph (2)

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Paragraph (1)

Letter a

Self-explanatory.

Letter b

“Verification” means examination on the validity of documents and statement letters.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Self-explanatory.

Article 26

Self-explanatory.

Article 27

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Information in a transparent manner is announced at least through the website.

Letter b

Self-explanatory.

Letter c

Reference Interconnection offer is published at least through the website.

Number 1

Self-explanatory.

Number 2

“Interconnection technical specifications” mean compatibility of system developed between Postal Operators with the system developed by other institutions in processing Postal Items.

Number 3

Self-explanatory.

Number 4

Self-explanatory.

Number 5

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Letter a

“Small packets” mean Letters that contain goods.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Self-explanatory.

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41
Self-explanatory.

Article 42
Self-explanatory.

Article 43
Self-explanatory.

Article 44
Self-explanatory.

Article 45
Self-explanatory.

Article 46
Self-explanatory.

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This unofficial English translation is brought by the collaboration between Government translators from Ministry of Communication and Informatics and Cabinet Secretariat: Andhika Widyarani, Aulia Astagina Ramadhani, Chrisna Harimurti, Cintami Agnes Selviani, Ivan Atmanagara, Muhammad Ersan Pamungkas, Muhardi, Penni Patmawati Rusman, Rina Alexandra, and Siti Chodijah.