

REGULATION OF THE MINISTER OF DEFENCE OF
THE REPUBLIC OF INDONESIA
NUMBER 3 OF 2024
ON
SECURITY CLEARANCE

BY THE BLESSINGS OF ALMIGHTY GOD

MINISTER OF DEFENCE OF THE REPUBLIC OF INDONESIA,

- Considering : a. that to support the security of the airspace of the Unitary State of the Republic of Indonesia, it is necessary to have a security clearance;
- b. that granting a security clearance is used to control the airspace for the defence and security interest of the Unitary State of the Republic of Indonesia;
- c. that based on the provisions of Article 10 section (1) and section (2), Article 12 section (5) of Government Regulation Number 4 of 2018 on the Security of the Airspace of the Republic of Indonesia, the Minister of Defence is authorized to provide a security clearance;
- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue a Regulation of the Minister of Defence on Security Clearance;
- Observing : 1. Article 17 section (3) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 34 of 2004 on Indonesian National Armed Force (State Gazette of the Republic of Indonesia of 2004 Number 127, Supplement to the State Gazette of the Republic of Indonesia Number 4439);
3. Law Number 39 of 2008 on 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);
4. Government Regulation Number 4 of 2018 on Airspace Security of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2018 Number 12, Supplement to the State Gazette of the Republic of Indonesia Number 6181);
5. Presidential Regulation Number 94 of 2022 on the Ministry of Defence (State Gazette of the Republic of Indonesia of 2022 Number 145);
6. Regulation of the Minister of Defence Number 14 of 2019 on Organization and Work Procedures of the Ministry of Defense (State Bulletin of the Republic of Indonesia of 2019 Number 314);

HAS DECIDED:

To issue : REGULATION OF THE MINISTER OF DEFENCE ON SECURITY CLEARANCE.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Ministerial Regulation:

1. Security Clearance means a flight approval from the minister administering government affairs in the field of defence.
2. Airspace means the sovereign airspace above the land and waters territory of Indonesia.
3. Aircraft means any machine or equipment that can fly in the atmosphere from the reactions of the air other than the

reactions of the air against the earth's surface used for flight.

4. Foreign State Aircraft means other state Aircrafts other than the state aircrafts of the Republic of Indonesia.
5. Foreign Civil Aircraft means an Aircraft used for the benefit of commercial and non-commercial air transport that has a registration mark and a national mark of a foreign country.
6. Indonesian Civil Aircraft means an aircraft used for the purpose of commercial and non-commercial air transportation that has a registration mark and an Indonesian nationality mark.
7. Air Freight means any activity by using an Aircraft to transport passengers, cargo, and/or postal for one trip or more than one airport to another airport or multiple airports.
8. Non-Commercial Air Freight means air transportation used to serve personal interests to support activities whose main business other than those in the field of air transportation.
9. Supervision means all efforts or actions taken to ensure that the issuance of *Security Clearance* can be carried out in accordance with the provisions of legislation.
10. Minister means the minister administering government affairs in the field of defence.

CHAPTER II

SECURITY CLEARANCE

Part One

General

Article 2

Security Clearance is issued for:

- a. Foreign State Aircraft;
- b. unscheduled Foreign Civil Aircraft; and
- c. Indonesian Civil Aircraft for non-commercial activities in certain territories.

Part Two
Foreign State Aircraft

Article 3

Foreign State Aircraft as referred to in Article 2 point a includes:

- a. Aircraft only for state activities;
- b. foreign military Aircraft;
- c. Aircraft that is part of foreign military ship and/or foreign military aircraft; and
- d. Aircraft used for missions of foreign governments/countries.

Part Three
Unscheduled Foreign Civil Aircraft

Article 4

- (1) Unscheduled Foreign Civil Aircraft as referred to in Article 2 point b includes:
 - a. Foreign Civil Aircraft for unscheduled Commercial Air Transportation activities;
 - b. Foreign Civil Aircraft for overseas Non-Commercial Air Transportation activities; and
 - c. Aircraft which is part of an unscheduled foreign ship and/or civilian aircraft flying to and/or in the Airspace of Indonesia.
- (2) Foreign Civil Aircraft for unscheduled Commercial Air Transport activities as referred to in section (1) point a includes flights:
 - a. certain group of people that have the same purposes and not for tourism purposes (affinity group);
 - b. a group of passengers who purchase all or part of the aircraft capacity to carry out the travel package including accommodation arrangements and local transportation (inclusive tour charter);
 - c. persons who buy the entire capacity of the aircraft for their own use charter;
 - d. air taxi;

- e. cargo; or
 - f. other unscheduled commercial air transportation activities.
- (3) Foreign Civil Aircraft for overseas Non-Commercial Air Transport activities as referred to in section(1) point b includes:
- a. Air Transportation for private purposes (private flight);
 - b. Air Transportation for sports activities; or
 - c. other Non-Commercial Air Transportation whose main activities other than commercial Air Transportation.

Part Four

Indonesian Civil Aircraft For Non-Commercial Activities in Certain Territories

Article 5

- (1) Indonesian Civil Aircraft for non-commercial activities in certain territories as referred to in Article 2 point c for flight:
- a. aerial survey;
 - b. aerial mapping and/or photography;
 - c. own use charter; and
 - d. Joy Flight.
- (2) Aerial survey as referred to in section (1) point a is an activity of collecting geospatial information data using an Aircraft.
- (3) Aerial mapping and/or photography as referred to in section (1) point b are the process of measuring, calculating and depicting the earth's surface using an Aircraft through certain methods and the results are in the form of softcopy and hardcopy.
- (4) Own use charter as referred to in section (1) point c is the use of the capacity of the Aircraft for its own interests.
- (5) Own use charter as referred to in section (4) other than its own interests flights is used for social and religious

activities.

- (6) Joy Flight as referred to in section (1) point d is a recreational flight that takes off and lands at the same location.
- (7) Certain territories as referred to in section (1) include:
 - a. jointly used airports;
 - b. jointly used air bases; or
 - c. airports or air bases in border territory, and territory with potential threats.
- (8) Determination of territories that have the potential to threaten or endanger state sovereignty, the integrity of state territory and the safety of the entire nation by the Minister after the coordination with relevant ministries/institutions.

CHAPTER III

PROCEDURES FOR APPLYING FOR SECURITY CLEARANCE

Part One

Security Clearance for Unscheduled Foreign Aircraft and Foreign Civil Aircraft

Article 6

- (1) The application for Security Clearance for Foreign Aircraft and unscheduled Foreign Civil Aircraft is submitted electronically to the Minister through the Commander of the Indonesian Armed Forces through the flight clearance information system application by:
 - a. filling out the application form; and
 - b. uploading the required documents.
- (2) The application for Security Clearance of Foreign State Aircraft as referred to in section (1) is submitted not later than 3 (three) workdays before entering the Airspace.
- (3) In certain circumstances, for very very important person flight activities, national humanitarian mission flights, foreign-aid flights, medical evacuation flights and search and rescue flights, the period of application for

Security Clearance as referred to in section (2) can be exempted.

- (4) The applicant for Security Clearance for Foreign State Aircraft as referred to in section (1) includes:
 - a. diplomatic representative of the country operating the country's Aircraft; or
 - b. foreign legal entity from the country where the Aircraft is established or registered.
- (5) The applicant for Security Clearance for unscheduled Foreign Civil Aircraft as referred to in section (1) includes:
 - a. representative of foreign air transport company or airline in Indonesia; and/or
 - b. agent/operator of unscheduled Foreign Aircraft appointed by Air Freight company or foreign airlines under the agreement.
- (6) The application form as referred to in section (1) point a contains information about:
 - a. operator;
 - b. type/kind of Aircraft;
 - c. registration/registration number and alternative;
 - d. nickname;
 - e. detailed flight routes;
 - f. technical landing /commercial landing/flyover;
 - g. date of entry into Indonesia;
 - h. date of departure from Indonesia;
 - i. name of the pilot in command;
 - j. names of other crews ;
 - k. number of passengers/goods; and
 - l. flight information/mission.
- (7) The required documents as referred to in section (1) point b are for Foreign State Aircraft for diplomatic representatives or foreign legal entities residing outside the territory of Indonesia as follows:
 - a. flight plan containing the identity of the Aircraft, routes, and flight schedules;
 - b. pilot license;

- c. pilot's passport;
 - d. crew list;
 - e. passenger list;
 - f. cargo list; and
 - f. passport and general declaration.
- (8) In addition to the required documents as referred to in section (7), Foreign State Aircraft for diplomatic representatives or foreign legal entities residing in Indonesia attaches a diplomatic note.
- (9) In addition to the required documents as referred to in section (7) and section (8), Foreign State Aircraft that will conduct joint exercises must upload documents on the area/coordinates, altitude of maneuver and duration of the exercises of the foreign military Aircraft during in the Airspace.
- (10) The required documents as referred to in section (1) point b for unscheduled Foreign Civil Aircraft are as follows:
- a. cover letter for flight clearance application from Agent;
 - b. Air Operating Certificate (AOC) or Operating Certificate (OC);
 - c. Certificate of Registration (CoR);
 - d. Certificate of Airworthiness (CoA);
 - e. pilot license;
 - f. pilot's passport;
 - g. proof of the carrier's liability insurance of third parties;
 - h. flight plan containing the identity of the Aircraft, routes and flight schedule;
 - i. passenger or cargo list;
 - j. charter contract documents for charter flights;
 - k. recommendations for the allocation of flight time availability (slot time) from the Ministry administering government affairs in the field of transportation; and
 - l. passport and general declaration.

- (11) Verification of the required documents as referred to section (7) to section (10) are conducted for the inspection of completeness, completeness compliance of the required documents by the application operator.
- (12) In addition to the verification as referred to section (11), an inspection of the manifest of passengers and goods by the Commander of the Indonesian National Armed Forces is carried out on site.
- (13) Based on the results of the verification as referred to section (11) and section (12), the Commander of the Indonesian National Armed Forces through the application operator responds to the applicant.
- (14) If the application is approved, the Commander of the Indonesian National Armed Forces issues Security Clearance electronically.
- (15) If the application is rejected, the Commander of the Indonesian National Armed Forces gives statement of rejection accompanied by the reason for the rejection through electronic notification.

Article 7

- (1) In the event that Foreign State Aircraft and unscheduled Foreign Civil Aircraft passing through in Airspace is in distress, it can land at the nearest airport.
- (2) After landing, the representative of the state/airline/operator/agent is obligated to apply for Security Clearance as referred to in Article 6.
- (3) Before the Security Clearance is granted, Foreign State Aircraft and unscheduled Foreign Civil Aircraft as referred to section (1) along with all crews, passengers, and goods remain in the apron area.

Part Two

Security Clearance For the Indonesian Civil Aircraft
of Non-Commercial Air Freight in Certain Territory

Article 8

- (1) The application for Security Clearance of the Indonesian Civil Aircraft for non-commercial activities in a certain territory is submitted by the applicant to the Minister through the Chief of Staff of the Indonesian Air Force.
- (2) In the event that the application for Security Clearance of the Indonesian Civil Aircraft established, the application can be submitted electronically.
- (3) The application for Security Clearance for the Indonesian Civil Aircraft as referred to section (1) is submitted not later than 1 (one) day prior to conducting the flight in the Airspace.
- (4) The applicant as referred in section (1) includes:
 - a. Air Freight company or airline; and/or
 - b. unscheduled agents/operators of the Aircraft appointed by the Air Freight Company.
- (5) The application for a Security Clearance of Indonesian Civil Aircraft for non-commercial activities in a certain territory as referred to section (1) must be accompanied by the following required documents:
 - a. profile of the company/agent/airline operator;
 - a. registration certificate from the ministry administering government affairs in the field of transportation;
 - b. Airworthiness certificate from the ministry administering government affairs in the field of transportation;
 - c. aircraft operation certificate from the ministry administering government affairs in the field of transportation; and
 - d. security clearance for Indonesian citizens and foreign citizens who conduct aviation activities and/or conduct activities in the installation area of the Indonesian National Armed Forces;
- (6) In addition to the required documents as referred to section (1), Indonesian Civil Aircraft for non-commercial

activities in certain territory that will conduct activities from and/or to military air bases must attach notification letter of permission to conduct activities .

- (7) Verification of the required documents as referred to section (5) and section (6) is conducted by the Chief of Staff of the Indonesian Air Force.
- (8) The verification as referred to section (7) is carried out for inspection of completeness, completeness compliance of required documents, and inspection of passenger and cargo *manifests*.
- (9) Based on the results of the verification as referred to section (7), the Chief of Staff of the Indonesian Air Force submits responds to the applicant.
- (10) If the application is approved, the Chief of Staff of the Indonesian Air Force issues a Security Clearance.
- (11) If the application is rejected, the Chief of Staff of the Indonesian Air Force delivers a certificate of rejection accompanied by the reasons for the rejection.

Article 9

The Security Clearance for the Indonesian Civil Aircraft for non-commercial activities in certain territory as referred to Article 8 section (10) is issued and valid according to the requested period and route.

Article 10

In the event of certain circumstances that threaten the sovereignty of the state, the integrity of the state territory and the safety of the entire nation and the implementation of the Security Clearance flight has been issued as referred ~~in~~ to in Article 6 section (14) and Article 8 section (10), the Minister is carried out by:

- a. Commander of the Indonesian National Armed Forces; and
 - b. Chief of Staff of the Indonesian Air Force,
- can change or revoke the Security Clearance that has been issued.

CHAPTER IV SUPERVISION AND CONTROL

Article 11

The Minister provides guidance on the supervision and control of the issuance of Security Clearance through:

- a. Commander of the Indonesian National Armed Forces; and
 - b. Chief of Staff of the Indonesian Air Force,
- in accordance with their respective authority.

Part One

Supervision

Article 12

Supervision as referred to in Article 11 is carried out in accordance with the provisions of legislation.

Part Two

Control

Article 13

- (1) Security Clearance carried out by the Commander of the Indonesian National Armed Force as referred to in Article 11 point a includes:
 - a. issuance of Security Clearance for Foreign State Aircraft and unscheduled Foreign Civil Aircraft that will pass through and enter the Airspace of the Republic of Indonesia;
 - b. issuance of Security Clearance for Foreign State Aircraft and unscheduled Foreign Civil Aircraft that will operate in the Airspace of the Republic of Indonesia;
 - c. revision of Security Clearance for Foreign State Aircraft and unscheduled Foreign Civil Aircraft that has issued;
 - d. revocation of Security Clearance for Foreign State Aircraft and unscheduled Foreign Civil Aircraft.
- (2) Control of Security Clearance carried out by the Chief of

Staff of the Indonesian Air Force as referred to in Article 11 point b includes:

- a. issuance of Security Clearance for the Indonesian Civil Aircraft for non-commercial activities in certain territory that will operate in the Airspace of the Republic of Indonesia;
- b. change of the Security Clearance of the Indonesian Civil Aircraft for non-commercial activities in certain territory that has been issued; and
- c. revocation of the Security Clearance of the Indonesian Civil Aircraft for non-commercial activities that has been determined.

CHAPTER V CLOSING PROVISIONS

Article 14

This Minister Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Minister Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 4 March 2024
MINISTRY OF DEFENCE OF THE
REPUBLIC OF INDONESIA,

signed

PRABOWO SUBIANTO

Promulgated in Jakarta
on 20 March 2024
DIRECTOR GENERAL OF
LEGISLATION OF THE
MINISTRY OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,

signed

ASEP N. MULYANA

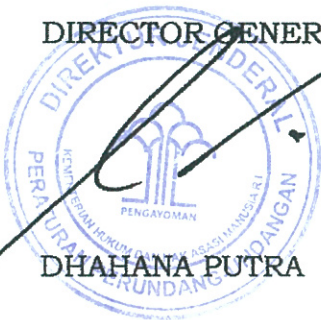
STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2024 NUMBER 165

Jakarta, 9 December 2024

Has been translated as an Official Translation

on behalf of Minister of Law of the Republic of Indonesia

DIRECTOR GENERAL FOR LEGISLATION,



DHAHANA PUTRA