

PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 8 TAHUN 2007
TENTANG
PENGESAHAN CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT
(KONVENSI TENTANG KEPENTINGAN INTERNASIONAL
DALAM PERALATAN BERGERAK)
BESERTA PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS
IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT
(PROTOKOL PADA KONVENSI TENTANG KEPENTINGAN INTERNASIONAL
DALAM PERALATAN BERGERAK MENGENAI MASALAH-MASALAH KHUSUS
PADA PERALATAN PESAWAT UDARA)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang:

- a. bahwa di Cape Town, Afrika Selatan, pada tanggal 16 November 2001 telah ditandatangani Convention on International Interests in Mobile Equipment (Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak) beserta Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Protokol pada Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak mengenai Masalah-masalah Khusus pada Peralatan Pesawat Udara), sebagai hasil dari Konferensi Diplomatik yang diprakarsai oleh International Institute for the Unification of Private Law (UNIDROIT) dan International Civil Aviation Organization (ICAO);
- b. bahwa Konvensi dan Protokol sebagaimana dimaksud dalam huruf a bertujuan untuk membentuk satu perangkat hukum yang berlaku secara internasional dalam rangka pengadaan pesawat udara, yang dapat meningkatkan pengembangan penerbangan nasional;
- c. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a dan huruf b, perlu mengesahkan Convention on International Interests in Mobile Equipment (Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak) beserta Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Protokol pada Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak mengenai Masalah-masalah Khusus pada Peralatan Pesawat Udara) dengan Peraturan Presiden;

Mengingat:

1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
2. Undang-Undang Nomor 15 Tahun 1992 tentang Penerbangan (Lembaran Negara Republik Indonesia Tahun 1992 Nomor 53, Tambahan Lembaran Negara Republik Indonesia Nomor 3481);
3. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);

4. Undang-Undang Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 53, Tambahan Lembaran Negara Republik Indonesia Nomor 4389);

MEMUTUSKAN:

Menetapkan:

PERATURAN PRESIDEN TENTANG PENGESAHAN CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (KONVENSI TENTANG KEPENTINGAN INTERNASIONAL DALAM PERALATAN BERGERAK) BESERTA PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT (PROTOKOL PADA KONVENSI TENTANG KEPENTINGAN INTERNASIONAL DALAM PERALATAN BERGERAK MENGENAI MASALAH-MASALAH KHUSUS PADA PERALATAN PESAWAT UDARA).

Pasal 1

- (1) Mengesahkan Convention on International Interests in Mobile Equipment (Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak) dengan Declaration (Pernyataan) terhadap Pasal 39 ayat (1) huruf a dan huruf b, Pasal 40, Pasal 53, dan Pasal 54 ayat (2) beserta Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Protokol pada Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak mengenai Masalah-masalah Khusus pada Peralatan Pesawat Udara) dengan Declaration (Pernyataan) terhadap Pasal XXX ayat (1) berkenaan dengan Pasal VIII, Pasal XXX ayat (1) berkenaan dengan Pasal XII, Pasal XXX ayat (1) berkenaan dengan Pasal XIII, Pasal XXX ayat (2) berkenaan dengan Pasal X, dan Pasal XXX ayat (3) berkenaan dengan Pasal XI yang memberlakukan Alternatif A;
- (2) Salinan naskah asli Convention on International Interests in Mobile Equipment (Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak) dengan Declaration (Pernyataan) terhadap Pasal 39 ayat (1) huruf a dan huruf b, Pasal 40, Pasal 53, dan Pasal 54 ayat (2) beserta Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Protokol pada Konvensi tentang Kepentingan Internasional dalam Peralatan Bergerak mengenai Masalah-masalah Khusus pada Peralatan Pesawat Udara) dengan Declaration (Pernyataan) terhadap Pasal XXX ayat (1) berkenaan dengan Pasal VIII, Pasal XXX ayat (1) berkenaan dengan Pasal XII, Pasal XXX ayat (1) berkenaan dengan Pasal XIII, Pasal XXX ayat (2) berkenaan dengan Pasal X, dan Pasal XXX ayat (3) berkenaan dengan Pasal XI yang memberlakukan Alternatif A, dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.

Pasal 2

Apabila terjadi perbedaan penafsiran antara naskah terjemahan Konvensi beserta Protokol dalam Bahasa Indonesia dengan naskah aslinya dalam Bahasa Inggris sebagaimana dimaksud dalam Pasal 1, maka yang berlaku adalah naskah aslinya dalam Bahasa Inggris.

Pasal 3

Peraturan Presiden ini mulai berlaku pada tanggal ditetapkan. Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 20 Pebruari 2007
PRESIDEN REPUBLIK INDONESIA,

ttd.

DR. H. SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta
pada tanggal 20 Pebruari 2007
MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

ttd.

DR. HAMID AWALUDIN

LAMPIRAN
PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 8 TAHUN 2007
TENTANG
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(KONVENSI TENTANG KEPENTINGAN INTERNASIONAL
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PADA PERALATAN PESAWAT UDARA)

- A. DECLARATION TO ARTICLE 39 PARAGRAPH (1) SUBPARAGRAPH A AND SUBPARAGRAPH B, ARTICLE 40, ARTICLE 53, AND ARTICLE 54 PARAGRAPH (2) CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT.

- (i) Form No. 1 (specific opt-in declarations under the Article 39 (1) (a))
Indonesia declares that the following categories of non-consensual right or interest have priority under its laws over an interest in an aircraft object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings:
- a. liens in favour of airline employees for unpaid wages arising since the time of a declared default under a contract to finance or lease an aircraft object;
 - b. liens or other right of an authority of Indonesia relating to taxes or other unpaid charges arising from or related to the use of that aircraft object, and arising since the time of a declared default under a contract to finance or lease that aircraft object; and
 - c. liens or other rights in favour of repairers of an aircraft object in their possession to the extent of service or services performed on and value added to that aircraft object.
- (ii) Form No. 4 (general opt-in declaration under the Article 39 (1) (b))
Indonesia declares that nothing in the Convention shall affect its right or that of any entity thereof, or any intergovernmental organization in which Indonesia is a member, or other private provider of public services in Indonesia, to arrest or detain an aircraft object under its laws for payment of amounts owed to the Government of Indonesia, any such entity, organization or provider directly relating to the service or services provided by it in respect of that or another aircraft object.
- (iii) Form No. 6 (opt-in declaration under the Article 40)
Indonesia declares that the following categories of non-consensual right or interest shall be registrable under the Convention as regards any category of aircraft object as if the right or interest were an international interest and shall be regulated accordingly:
- a. liens in favour of airline employee for unpaid wages arising prior to the time of declared default under a contract to finance or lease an aircraft object;
 - b. liens or other right of an authority of Indonesia relating to taxes or other unpaid charges arising from or related to the use of an aircraft object, and arising prior to the time of a declared default under a contract to finance or lease that aircraft object; and
 - c. rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment.

- (iv) Form No. 11 (declaration under the Article 53)
Indonesia declares that all courts with the competent jurisdiction under the laws of Indonesia are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention.
- (v) Form No. 13 (mandatory declaration under the Article 54 (2))

Indonesia declares that any and all remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court.

B. DECLARATION TO ARTICLE XXX PARAGRAPH (1) IN RESPECT OF ARTICLE VIII, ARTICLE XXX PARAGRAPH (1) IN RESPECT OF ARTICLE XII, ARTICLE XXX IN RESPECT OF ARTICLE XIII, ARTICLE XXX PARAGRAPH (2) IN RESPECT OF ARTICLE X PROVIDING FOR THE APPLICATION OF THE ENTIRETY OF ARTICLE X, AND ARTICLE XXX PARAGRAPH (3) IN RESPECT OF ARTICLE XI PROVIDING FOR THE APPLICATION OF ALTERNATIVE A IN ITS ENTIRETY TO ALL TYPES OF INSOLVENCY PROCEEDING PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT

- (i) Form No. 19 (opt-in declaration under the Article XXX (1) in respect of Article VIII)
Indonesia declares that it shall apply Article VIII.
- (ii) Form No. 26 (opt-in declaration under the Article XXX (1) in respect of Article XII)
Indonesia declares that it shall apply Article XII.
- (iii) Form No. 27 (opt-in declaration under the Article XXX (1) in respect of Article XIII)
Indonesia declares that it shall apply Article XIII.
- (iv) Form No. 21 (opt-in declaration under the Article XXX (2) in respect of Article X providing for the application of the entirety of Article X)
Indonesia declares that it shall apply Article X of the Protocol in its entirety and that the number of calendar days to be used for the purposes of the time limit laid down in Article X (2) of the Protocol shall be no more than:
 - a. ten (10) calendar days in respect of the remedies specified in Article 13 (1) (a), (b) and (c) of the Convention (respectively, preservation of aircraft objects and their value; possession, control or custody of aircraft objects; and immobilization of aircraft objects); and
 - b. thirty (30) calendar days in respect of the remedies specified in Article 13 (d) and (e) of the Convention (respectively, lease or management of aircraft object and the income thereof; and, sale and application of proceeds from aircraft object)