

## Indonesia: Regulation on Commercial Postal Operation Key Obligations and Restrictions

### In brief

The Indonesian government enacted regulation on postal operation on 14 May 2025. This regulation establishes obligations and restrictions for postal operators regarding their activities. Since its introduction, the government has stressed that the purpose of this postal regulation is to strengthen the postal industry and promote a fair and healthy logistics environment.

While the provisions in the regulation focus on the operation of commercial postal companies, e-commerce operators will also need to pay attention to the regulation as it will affect their arrangements with logistic providers on their e-commerce platforms.

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### Key takeaways

The Minister of Communication and Digital Affairs (“**Komdigi**”) has issued Regulation No. 8 of 2025 (“**Commercial Postal Regulation**”), which became effective on 14 May 2025.

One of the main changes in the Commercial Postal Regulation is on the operation of postal business activities in relation to e-commerce activities and transactions.

We set out below some of the key points in the Commercial Postal Regulation.

#### Transparency on Logistic Operators Options

Article 23 (4) of the Commercial Postal Regulation mandates transparency and a requirement to give users choices in logistics partnerships in the arrangements between postal operators and e-commerce platforms.

From a strict legal interpretation of the regulation, it appears that this article will have broad applicability. It may be extended to prohibiting e-commerce operators from using any feature that does not allow users to freely choose logistic operators within the e-commerce platform (e.g., a single choice logistic operator or an automatic mechanism for the delivery method).

Although sanctions for non-compliance are not explicitly stated, the risk of scrutiny remains, especially from Komdigi and the competition authority.

#### Order Allocation

Articles 23 (3) and (4) of the Commercial Postal Regulation emphasize equal treatment and fairness in logistics partnerships. These provisions align with the Indonesian Competition Law, which prohibits discriminatory practices that hinder market participation.

In instances where Article 23 (3) (a) seeks to ensure that postal operators are treated equally by e-commerce operators (PPMSEs) without discrimination, the objective appears broadly aligned with the principles set out in the Indonesian Competition Law. However, it remains to be seen whether the 'equal treatment' requirement under the provision imposes the same standard of non-discrimination as that under the Indonesian Competition Law.

Nevertheless, logistics allocation must be justified with data to avoid anti-competitive interpretations. Komdigi may actively monitor such practices as the regulation empowers Komdigi to request cooperation reports, potentially increasing oversight.

### Insurance and Liability Cap

Article 27 of the Commercial Postal Regulation allows users to opt for delivery insurance. If a delivery is uninsured, the postal operators' liability is capped at the maximum of 10 times the delivery cost. Therefore, although it seems that e-commerce platforms cannot unilaterally mandate insurance, they may still be able to encourage sellers/merchants to insure high-value items to mitigate risk, with the argument that mandatory insurance for such items protects all parties.

Further, Article 28 of the Commercial Postal Regulation recognizes drivers as partners, not employees, allowing cooperation with individuals. Drivers can be held liable for losses if stipulated in agreements, but liability is capped at ten times the delivery cost. This cap applies across the delivery chain, including for subcontractors.

E-commerce platform operators may explore shifting insurance responsibility to sellers/merchants or offer voluntary insurance with clear disclaimers. Courier partnerships should be structured to comply with liability caps and compensation rules, with clear back-to-back agreements to manage risks.

### Infrastructure and 50% Provincial Presence

Postal operators must operate in at least 50% of Indonesia's provinces with actual infrastructure. This can be achieved through partnerships or subcontracting, provided CPTD (i.e., collection, processing, transport, delivery) activities are performed. The authorities may expect real operations, not just contractual presence.

### Tariff Calculation and Discount

Under the Commercial Postal Regulation, postal operators must set 'commercial postal service rates' (or '*tarif layanan pos komersial*') independently using a cost-based formula. The cost-based calculation involves adding together operational expenses (i.e., employee costs, transportation costs, application fee, technology costs, and others) and profit margin. This total is regarded as the 'cost of service' (or '*biaya pokok layanan*'). Discounts on the 'commercial postal service rates' by postal operators are allowed as long as the post-discount service rate is not below the 'cost of service' (which consists of operational costs and margin).

The 'cost of service' as defined in Article 41 (3) of the Commercial Postal Regulation explicitly includes both operational costs and a reasonable margin. This margin is essential to ensure the sustainability, profitability and continued development of postal services, preventing the risk of below-cost pricing and supporting healthy market competition. As such, it seems that the rules related to discounts are specifically designed to regulate the application of discounts or price reductions on commercial postal service rates. This provision ensures that even with price reductions, postal operators do not incur losses by setting prices below the actual cost of providing the service.

By maintaining a minimum price floor at the cost of service, Article 45 (2) of the Commercial Postal Regulation aims to promote fair competition, protect the financial viability of postal operators, safeguard the overall stability of postal operators, and also protect couriers who are often disadvantaged by having their fees cut as a consequence of predatory pricing.

Unfortunately, the Commercial Postal Regulation does not provide specific guidance on the price floor limitation. Based on our discussion with a Komdigi official, the core principle of Article 45 of the Commercial Postal Regulation is that any discounting practice must ensure the postal operator's business remains profitable and sustainable. Therefore, it may still be possible for postal operators to implement a discounting model or alternative pricing structure, provided that that approach still enables them to maintain profitability and sustainability.

### Service Standards

Article 47 of the Commercial Postal Regulation outlines mandatory service standards, including delivery times, pricing transparency, standard operating procedures (SOPs), staff competence, and complaint handling. Delivery timelines vary by service type and geography, with QR code tracking required. Operators must publish tariffs,

maintain secure packaging, and protect user data. Compensation for service failures is capped unless insured. Operators must integrate complaint systems and train staff to meet these standards.

Interconnection with Universal Postal Operators

Article 92 of the Commercial Postal Regulation mandates interconnection with universal postal operators (e.g., Pos Indonesia) under certain conditions. This includes areas lacking coverage and upon formal request. Postal operators can reject requests only under specific circumstances. Agreements must define SLAs and maintain transparency.

**Key Actions to Consider**

To comply with the Commercial Postal Regulation, business actors should consider the following points:

1. Postal operators should take proactive steps to ensure transparency and user autonomy in logistics services. This includes offering users the ability to choose from multiple postal operators and clearly communicating delivery options and insurance terms.
2. Postal operators and e-commerce operators must be prepared to justify their pricing structures and discount strategies with verifiable cost data to avoid breaching price floor regulations and triggering scrutiny from competition authorities.
3. Operationally, postal operators must ensure service coverage in at least 50% of Indonesia’s provinces. This requirement can be fulfilled via strategic partnerships or subcontracting, provided the activities are genuinely performed.
4. Businesses should also monitor regulatory developments and engage formally with Komdigi to clarify expectations, particularly regarding the Commercial Postal Regulation.

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