

# **FURTHER COORDINATION IN IMPLEMENTATION OF LAW NUMBER 11 YEAR 2016 CONCERNING TAX AMNESTY**

**(Regulation of the Director General of Taxes  
Number PER-11/PJ/2016, dated August 29, 2016)**

WITH THE BLESSING OF THE ONE AND ONLY GOD

DIRECTOR GENERAL OF TAXES,

Considering:

Whereas, to provide fair services to Obligatory Taxpayer in implementing Law Number 11 Year 2016, concerning Tax Amnesty, it is necessary to stipulate Regulation of Director General of Taxes on implementation of Law Number 11 Year 2016, concerning Tax Amnesty;

In view of:

1. Law Number 11 Year 2016, concerning Tax Amnesty (Statute Book of the Republic of Indonesia Year 2016 Number 131, Supplement to Statute Book of the Republic of Indonesia Number 5899);
2. Regulation of the Minister of Finance Number 118/PMK.03/2016, concerning implementation of Law Number 11 Year 2016, concerning Tax Amnesty (State Gazette Republic Indonesia Year 2016 Number 1043);

**D E C I D E D :**

To stipulate:

**REGULATION OF DIRECTOR GENERAL OF TAXES ON FURTHER COORDINATION ON IMPLEMENTATION OF  
LAW NUMBER 11 YEAR 2016, CONCERNING TAX AMNESTY.**

## CHAPTER I

## SUBJECT AND OBJECT TAX AMNESTY

## Article 1

- (1) Obligatory Taxpayer yang mempunyai kewajiban menyampaikan Notification Letter on Annual Income Tax berhak mendapatkan Tax Amnesty.
- (2) Individual person like farmer, fisherman, pensioner, Indonesian worker or tax subject, which amount of income tax at the end of the Final Fiscal Year is not below the amount of Non-Taxable Income, inheritance not distributed yet, is permitted not to use their respective right to participate in Tax Amnesty.
- (3) Non-Indonesian citizen residing in Indonesia more than 183 (one hundred eighty-three) days in a period of 12 (twelve) months and not having income in Indonesia is Overseas Tax Subject and may be permitted not to use his/her right to participate in Tax Amnesty.
- (4) In the case that Obligatory Taxpayer referred to in paragraph (2) and paragraph (3) is not using his/her right to participate in Tax Amnesty, the provision referred to in Article 18 paragraph (2) of Law Number 11 Year 2016, concerning Tax Amnesty does not apply.

## Article 2

- (1) This also means that additional Asset referred to in Article 6 Law Number 11, concerning Tax Amnesty covers:
  - a. inheritance Asset; and/or
  - b. grabt Asset received by family of the same blood in direct line and one level descendant, is not or not yet entirely reported in SPT of Annual Income Tax.
- (2) Inheritance Asset referred to in paragraph (1) letter a is not object of Tax Amnesty if:
  - a. it is received by the heir ./ heiress not having income under Non-Taxable Income; or
  - b. Inheritance Asset has been reported in the SPT of Annual Income Tax of the heir / heiress.
- (3) Grant Asset as referred to in paragraph (1) letter b is not object of Tax Amnesty if:
  - a. if it is received by individual receiver of grant not having income or having income but less than the amount subject to Non-Taxable Income;

b. Grant Asset has been reported in SPT of Annual Income Tax of the grantor or grant.

(4) In the case that the heir / heiress as referred to in paragraph (2) and receiver of grant as referred to in paragraph (3) refrains from using his / her right to report the Inheritance Asset and/or Grant Asset in Statement Letter on Tax Amnesty, the provision referred to in Article 18 of Law Number 11 Year 2016, concerning Tax Amnesty does not apply.

## CHAPTER II

### SUBMISSION OF OR AMENDMENT TO ANNUAL INCOME TAX REPORT

#### Article 3

- (1) For Obligatory Taxpayer not using his/her right to participate in Tax Amnesty may submit Notification Letter on Annual Income Tax or amend Notification Letter on Annual Income Tax.
- (2) Asset acquired from income that is subject to Income Tax or Asset acquired from non-Income Tax and not reported yet in Notification Letter on Annual Income Tax, apply the provisions below:
  - a. if Notification Letter of Annual Income Tax has been submitted, Obligatory Taxpayer may amend the Notification Letter on Annual Income Tax; or
  - b. if no Notification Letter on Annual Income Tax is submitted yet, Obligatory Taxpayer may report the Asset in the Notification Letter on Annual Income Tax.
- (3) If Obligatory Taxpayer refrains from using his/her right to participate in Tax Amnesty and the Director General of Taxes finds out data and/or information that the Asset has been acquired as of January 1, 1985 up to December 31, 2015 and reported yet in Notification Letter on Annual Income the Tax referred to in paragraph (2), of Article 18 paragraph (2) of Law Number 11 Year 2016, concerning Tax Amnesty applies.

## CHAPTER III

### ASSET ACCEPTABLE VALUE

#### Article 4

- (1) Asset additional acceptable value featuring the condition and status of assets of the same type or equivalent thereto based on Obligatory Taxpayer's evaluation.

(2) The Asset additional acceptable value referred to in paragraph (1) other than cash or equivalent to cash shall be value that features the condition and status of assets of the same type or equivalent thereto based on Obligatory Taxpayer at the end of the Final Fiscal Tax.

(3) No test or correction is made to the acceptable value reported by Obligatory Taxpayer in Statement Letter on Asset by the Director General of Taxes.

## CHAPTER IV

### CLOSING PROVISION

#### Article 5

Application of the provision referred to in Article 1, Article 2, and Article 3 shall justify with the example specified the Attachment that constitutes inseparable part of this Regulation of the Director General.

#### Article 6

This Regulation of the Director General of Taxes comes to force on the date it is stipulated.

Stipulated in Jakarta

Dated August 29, 2016

DIRECTOR GENERAL OF TAXES,

sgd.

KEN DWIJUGIASTEADI

## ATTACHMENT

### I. Applikation of Article 1

A. Example of Obligatory Taxpayer that MAY make amendment to SPT on Annual PPh based on the provision on taxes or MAY use his/her right to participate in Tax Amnesty

1. Mr. E – pensioned employee. After having pensioned he works as consultant on construction and at the same time runs business on boarding house and oilpalm, plantation. In 2015 Fiscal Year, Mr. E's income is above the amount stated on PTKP.

2. Mr. B private employee of working at natural oil and gas multi-national company. In year 2015, Mr. B resided for eight (8) months in Dubai and still receiving income in Indonesia every year before working in this company.

3. Mr. D born in Indonesia has been working in Australia with N/E status as of Year 2012. In 2014 Fiscal Year, Mr. D received income from the apartment he possessed located at Kuningan area, Jakarta that he leases to other party.

B. Example of Obligatory Taxpayer that is UNABLE to use his/her right to participate in Tax Amnesty but NOT APPLYING the provision as referred to in Article 18 paragraph (2) of Law on Tax Amnesty

1. Mr. B a pensioned civil servant residing in Indonesia with income since Fiscal Year 2015 is less than PTKP. During the Tax Year Mr. B. received income from inheritance in the form of paddy field of an area of 10 hectares from his father.

2. Mr. C born in Indonesia has been working in the United States of America effective from Year 1990. Mr. C wishes to leave Indonesia for good as proven by he is granted green card issued by the Government of the United State of America and his NPWP has been revoked.

## II. Application of Article 2

A. Example of Additional Asset is Inheritance constituting not object of Tax Amnesty

1. Mr. F a farmer receiving inheritance in the form of a house in Indonesia. Mr.F had income in Fiscal Year 2015 which amount is less than PTKP.

2. Mr. G an employee with income which amount is above PTKP. In Fiscal Year 2014, Mr. G received inheritance in the form of a shop house from his father, Mr. H. who has reported the shop house in SPT on Annual Income Tax (PPh) in Fiscal Year 2012.

B. Example of Grant Asset in the form Grant not constituting Object of Tax Amnesty

1. Mr. J a factory laborer received grant from his father in cash in the amount of Rp 100 million. Mr.J has income in Fiscal Year 2015 below the PTKP.



2. Dr. W a doctor with income above PTKP. In Fiscal Year 2013, Mr. W. Received grant in the form of clinic from his father, Dr. X, who has reported about this clinic in the SPT Annual Income Tax (PPH) Fiscal Year 2011.

### III. Application of Article 3

#### A. Example of Submission of SPT on Annual Income Tax (PPH)

Mr. L owner of electronic shop has income above PTKP and possess three (3) houses, a piece of land of 10 Ha, and five (5) cars. Mr. L has never submitted SPT on Annual PPH. Mr. L shall be obliged to submit SPT on Annual PPH or utilize his right to participate in Tax Amnesty.

#### B. Example for Amendment of SPT on Annual PPH

Mr. K's income as actor in TV Serial above PTKP and has reported SPT on Annual PPH. However, no report is made yet in SPT on the Assets in the form of five (5) units apartment and three (3) villas. Mr. K shall be obliged to make amendment to the SPT on Annual PPH or utilize his right to participate in Tax Amnesty.

DIRECTOR GENERAL OF TAXES,

Sgd..

KEN DWIJUGIASTEADI

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