

# PROCEDURE FOR SECURED CUSTODY OF STATE-OWNED DOCUMENT AND PROPERTY (Regulation of of the Minister of Finance Republic of Indonesia Number 218/PMK.06/2015, dated December 7, 2015)

WITH THE BLESSING OF THE ONE AND ONLY GOD

MINISTER OF FINANCE REPUBLIC OF INDONESIA,

Considering:

Whereas, to implement the Regulation of the Minister of Finance concerning Procedure for Secured Custody of State-owned Document and Property

In view of:

1. Law Number 1 Year 2004, concerning State Treasury (Statute Book of the Republic of Indonesia Year 2004 Number 5, Supplement to Statute Book of the Republic of Indonesia Number 4355);
2. Law Number 43 Year 2009, concerning Archive (Statute Book of the Republic of Indonesia Year 2009 Number 152, Supplement to Statute Book of the Republic of Indonesia Number 5071);
3. Government Regulation Number 28 Year 2012, concerning implementation of Law Number 43 Year 2009, concerning Archive (Statute Book Republic of Indonesia Year 2012 Number 53, Supplement to Statute Book of the Republic of Indonesia Number 5286);
4. Government Regulation Number 27 Year 2014, concerning Management of State-owned and Regional-owned Document and Property (Statute Book of the Republic of Indonesia Year 20 14 Number 92 Supplement to Statute Book of the Republic of Indonesia Number 5533);
5. Presidential Regulation Number 28 Year 2015, concerning Ministry of Finance (Statute Book of the Republic of Indonesia Year 2015 Number 51);

## DECIDES:

To stipulate:

# REGULATION OF THE MINISTER OF FINANCE CONCERNING PROCEDURE FOR SECURED CUSTODY OF STATE-OWNED DOCUMENT AND PROPERTY.

## CHAPTER I

### GENERAL PROVISION

#### Part One

#### Interpretation

#### Article 1

What is meant in this Regulation of the Minister by:

1. State-owned Property hereinafter referred to as BMN, shall be all properties purchased or acquired on account of State Revenue and Expenditure Budget or originating from other lawful acquisition.
2. Document of BMN Ownership shall be legal document constituting evidential proof of BMN's ownership.
3. List of Documents of BMN Ownership shall be List containing data Document of BMN Ownership in custody compiled by Custodian of Document of BMN Ownership and signed by the Custodian of Document of BMN Ownership of the Property Management or User of Property / Authorized User of Property.
4. Director General shall be Director General of the Ministry of Finance the scope of duty and responsibility covers management of BMN.
5. Official constituting Custodian of Document of BMN Ownership, hereinafter referred to as Custodian, shall be Official duly appointed by the Management of Document and Property of BMN Ownership existing under his/her control, originating from Structural Official within the Property Management or User of Property / Authorized User of Property.
6. Custodian of Document of BMN Ownership, hereinafter referred to as Custodian, shall be Official duly appointed by the Management of Document or User of Document / Authorized User of Document to assist

the Custodian of the Document of BMN Ownership existing under his/her control, namely Official whose status is Civil Servant Employee / member of National Army / member of Police Force of the State of the Republic of Indonesia within the environment of User of Document / Authorized User of Document.

7. Management of Document shall be Official having authority and responsibility to formulate policy and guideline as well as exercising management of BMN.
8. User of Document shall be Official granted authority to use BMN.
9. Authorized User of Document shall be the Head of the Work Unit or Official duly appointed by the User of Document for appropriate use of the document existing under his/her control.

## Part Two

### Purpose and Objective

#### Article 2

- (1) This Regulation of the Minister is for the purpose of orderly and secured Custody of the Document of BMN Ownership.
- (2) This Regulation of the Minister constitutes as guideline for Management of Document and User of Document in exercising custody over the Document of BMN Ownership so as to enable the management thereof to be guided by the correct norms and to prevent any probable misuse, damage, loss, and disaster.

## Part Three

### Scope

#### Article 3

The scope of this Regulation of the Minister covers all activities on:

- a. handing-over;
- b. receiving hand-over;
- c. recording;
- d. coding;
- e. Custody;

- f. maintaining;
- g. safeguarding;
- h. borrowing;
- 1. duplicating;
- J. replacing;
- k. checking;
- l. returning back;
- m. reporting any deviation made to the Document of BMN Ownership.

#### Article 4

- (1) Document of BMN Ownership covers evidential proof of document of ownership or document of such nature.
- (2) The evidential proof of documents of ownership referred to in paragraph (1) are in the form of:
  - a. certificate of the BMN in the form of Land; and
  - b. other proof of ownership for the BMN other than land, that justifies with the provisions in the statutory regulation must be supported by proof of ownership.
- (3) The document which is equivalent to the proof of document of ownership as referred to in paragraph (1) for BMN in the form of Land, such as:
  - a. customary ownership or girik;
  - b. letter C;
  - c. Deed of Sale and Purchase; and
  - d. Deed of Right Relinquishment.

#### Part Four

#### Supporting Document as Proof of Ownership

#### Article 5

- (1) Supporting document on proof of ownership of BMN must be kept in one archive together with the Document of BMN Ownership.

(2) The supporting document for proof of ownership as referred to in paragraph (1) covers:

a. for BMN on expenditure in the State Revenue and Expenditure Budget or APBN, such as:

1. document on planning on the needs and budget;
2. document on provision of budget;
3. document on implementation of budget in the form of contract, fund cashing, Minutes of Hand-Over (BAST), Final Hand-Over (FHO), and document of Expenditure Budget Plan (RAB);
4. Letter of Permit for Building Construction;
5. Drawing produced after construction work process has been completed (as built drawing) together with its supporting document, such as:
  - a) site plan (area /site plan);
  - b) sight/ view (tampak);
  - c) cutting;
  - d) drawing in detail;
  - e) Minutes on Site;
  - f) product guarantee;
  - g) manual for operation;
6. photo of BMN;

b. For BMN originating from other lawful acquisition, such as:

1. document on the origin of BMN acquisition;
2. Permit Letter for Building Construction;
3. Drawing produced after construction process has been completed (as built drawing) and its supporting document such as:
  - a) site plan of location (site/site plan);
  - b) view;
  - c) parts (potongan);
  - d) drawing in detail;
  - e) Minutes on Site;
  - f) product guarantee;
  - g) operation manual;
4. photo of BMN.

- (3) The supporting document referred to in paragraph (2) may be in the form of original or photocopy with soft copy.

## Part Five

### Document on Management of BMN

#### Article 6

- (1) Document on management of BMN or BMN supported by proof of ownership, is archived in one file together with the Document of BMN Ownership.
- (2) The document on management as referred to in paragraph (1) covers:
- Decision or Approval Letter on the use of the BMN;
  - Approval Letter for utilizing the BMN;
  - Approval Letter for Transfer of Right to BMN;
  - Approval Letter for destruction of BMN; and
  - Approval Letter for elimination of BMN.
- (3) If the Document of BMN Ownership is no longer under the control of the Property Management, or User of Property / Authorized User of Property, the contents of the document on management of BMN must comply the provisions in the statutory regulation on Archive.

## CHAPTER II

### AUTHORITY AND RESPONSIBILITY

#### Part One

#### Authority and Responsibility of the Property Management

#### Article 7

- (1) The Minister of Finance as Property Management has the authority and responsibility over custody of the Document of BMN Ownership of Land and/or Building.
- (2) With respect to the Custody over the Document of BMN Ownership as referred to in paragraph (1), the Minister of Finance as Property Management shall:
- formulate policy on Custody of the Document of BMN Ownership;



- b. indicate and release the Custodian and Custodian from managing the Property Management;
  - c. appoint and release the Custodian from the Property Management;
  - d. decide whether it is necessary or not to utilize Third Party for custody of the Document of BMN Ownership existing under his/her control;
  - e. decide method of coding of the Document of BMN Ownership;
  - f. change the media and validity over the result of change of media for the Document of BMN Ownership existing under his/her control.
  - g. lend the Document of BMN Ownership existing under his/her control;
  - h. duplicate the Document of BMN Ownership existing under his/her control;
  - i. receive report on the custody over the Document of BMN Ownership from the User of Property;
  - j. ask for proof of supporting document on ownership of the BMN not under the control of the Property Management but is needed for BMN management from the Property / Authorized User of Property; and
  - k. management of the Property / Authorized User of Property shall keep the Document of BMN Ownership under custody.
- (3) The authority and responsibility of the Minister of Finance as Property <amage,emt as referred to in paragraph (1) by function shall be exercised by the Director General.
- (4) The Director General may delegate his/her authority and responsibility as referred to in paragraph (2) to Structural Official within the Head Office or vertical body of the Directorate General of State-owned Assets.

## Part Two

## Authority and Responsibility of Property User

## Article 8

- (1) The Minister / Management of Institution as User of Property has the authority and responsibility to keep the Document of BMN Ownership under custody other than land and/or building.
- (2) In exercising custody over the Document of BMN Ownership as referred to in paragraph (1), the Minister / Management of Institution as User of Property shall:
- a. determine a policy on custody over the Document of BMN Ownership other than land and building;
  - b. appoint and acquit and release the Official as Custodian and Officer as Custodian of the User of Property / Authorized User of Property;
  - c. lend the Document of BMN Ownership existing under his/her control;
  - d. duplicate the Document of BMN Ownership existing under his/her control;
  - e. change the media and validation of the result of Document of BMN Ownership existing under his/her control; and
  - f. provide report on the custody over the Document of BMN Ownership to the Property Management.
- (3) The authority and responsibility of the Minister / Management of Institution as User of Property as referred to in paragraph (1) functionally shall be exercised by Structural Official within Echelon I Unit in charge of management of BMN at the Ministry / Institution concerned.

## Part Three

## Authority and Responsibility of Custodian

## Article 9

- (1) Custodian has the authority and responsibility to:
- a. receive the Document of BMN Ownership;
  - b. lend the Document of BMN Ownership;



- c. coordinate effort to take the Document of BMN Ownership borrowed after having passed the period of the loan;
- d. duplicate the Document of BMN Ownership;
- e. legalize the result of BMN Ownership;
- f. administer replacement of the Document of BMN Ownership;
- g. return back the Document of BMN Ownership;
- h. coordinate the Custody of the Document of BMN Ownership;
- i. change the media and validity of the result of changing the media for the Document of BMN Ownership; and
- j. supervising recording, coding, filing, maintaining, safeguarding, and checking of the Document of BMN Ownership exercised by the Custodian.

(2) In exercising the authority and responsibility as referred to in paragraph (1), the Custodian is assisted by Officer of Custody.

### CHAPTER III

#### CUSTODIAN OF DOCUMENT OF BMN OWNERSHIP

##### Part One

##### Custodian of Document of BMN Ownership

##### Article 10

(1) Custodian of Document of BMN Ownership shall be:

- a. Management of Property of Document of BMN Ownership in the form of Land and/or Building; and
- b. User of Property / Authorized User of Property with the Document of BMN Ownership other than Land and/or Building.

(2) In exercising custody of Document of BMN Ownership as referred to in paragraph (1):

- a. The Management of Property or User of Property / Authorized User of Property shall appoint Official of Custody and Officer of Custody;

- b. The Management of Property or User of Property shall be obliged to establish Unit of Custody for Document of BMN Ownership.

### Article 11

The Officer of Custody referred to in Article 9 paragraph (2) shall:

- a. record, code, file, maintain, safeguard, and check the Document of BMN Ownership;
- b. assist the Official of Custody on:
  - 1) receiving it;
  - 2) lending it;
  - 3) coordinating effort for taking it out;
  - 4) duplicating it;
  - 5) administering its replacement;
  - 6) returning it back;
  - 7) reporting the custody thereof; and
  - 8) change the media used for the Document of BMN Ownership.

### Part Two

#### Appointment and Release and Acquit

of Official of Custody and Officer of Custody

### Article 12

- (1) The Director General on behalf of the Minister of Finance shall appoint, release and acquit Official of Custody and Officer of Custody at the Management of Property.
- (2) The appointment and release and acquit of Official of Custody and Officer of Custody referred to in paragraph (1) shall be stipulated in Decision of the Minister signed by the Director General on behalf of the Minister of Finance.
- (3) The Official of Custody and Officer of Custody referred to in paragraph (1) shall be official or employee within Echelon II Unit assigned by the duty on administration of BMN.

## Article 13

- (1) The Minister / Management of Institution shall appoint and release and acquit Official of Custody and Officer of Custody over the User of Property.
- (2) The provision on appointment and release and acquit of Official and Officer of Custody over the User of Property shall be further governed by Regulation of Minister / Management of Institution concerned.

## Part Three

## Replacement of Official and Officer of Custody

## Article 14

- (1) If a new Official of Custody and/or Officer of Custody is appointed, the Document of BMN Ownership must be examined by the new Official of Custody and/or Officer of Custody together with the former Official of Custody and/or Officer of Custody.
- (2) The Document of BMN Ownership referred to in paragraph (1) must be examined within 30 (thirty) days at the latest as of the date of appointment of the new Official of Custody and/or Officer of Custody.
- (3) The of result the examination shall be drawn-up in Minutes signed by the new Official of Custody and/or Officer of Custody and the former Official of Custody and/or Officer of Custody and acknowledged by the Leader of Organizational Unit of the Official of Custody and/or Officer of Custody.
- (4) The Minutes on the result of examination referred to in paragraph (3) shall at least state the:
  - a. date of the examination;
  - b. parties conducting the examination;
  - c. type, volume, condition, and status of the Document of BMN Ownership in custody;
  - d. signatures of the parties conducting the examination; and
  - e. signature of the Management of Organizational Unit of Official of Custody and/or Officer of Custody.
- (5) The Minutes on the result of examination referred to in paragraph (3) must be attached to the List of Document of BMN Ownership.

- (6) The Minutes on the result of examination referred to in paragraph (3) and List of Document of BMN Ownership as referred to in paragraph (5) must be compiled using the format as specified in the Attachment constituting inseparable part of this Regulation of Minister.

#### Part Four

#### Document of BMN Ownership

#### Under Custody of Third Party

#### Article 15

- (1) In exercising custody of the Document of BMN Ownership, the Management of Property may appoint Third Party.
- (2) The appointment of Third Party referred to in paragraph (1):
- may be exercised if the Management of Property has not sufficient infrastructure and facilities for custody of the document; and
  - shall not obliterate the authority and responsibility of the Official of Custody and Officer of Custody as governed in this Regulation of the Minister.

#### Article 16

- (1) The Third Party referred to in Article 15 paragraph (1) shall be State institution or legal entity exercising custody over document / archive and possessing sufficient infrastructure and facilities for exercising custody of document / archive.
- (2) The Third Party referred to in paragraph (1) shall be obliged to:
- keep the Document of BMN Ownership in custody to the extent on matters as agreed upon; and
  - be responsible to safeguard the physical and confidentiality of the Document of BMN Ownership.
- (3) If the Third Party referred to in paragraph (2) is State Institution, the Management of Property shall directly appoint such State Institution to exercise custody over the Document of BMN Ownership.

- (4) If the Third Party referred to in paragraph (2) is legal entity, appointment of such legal entity to exercise custody over the Document of BMN Ownership shall be guided by the provisions in the statutory regulation on procurement of goods and services.

#### Article 17

All matters agreed upon with Third Party referred to in Article 16 paragraph (2) letter a shall at least cover:

- a. basis of agreement;
- b. identities of the Parties entered into agreement;
- c. objective of agreement;
- d. scope of agreement;
- e. implementation of agreement;
- f. finance of implementation of agreement;
- g. object agreed upon;
- h. term of agreement;
- i. rights and obligations of Parties bound in agreement;
- j. force majeure;
- k. provision on revocation / expiry of agreement;
- l. penalty; and
- m. settlement of dispute.

### CHAPTER IV

#### PROCEDURE FOR EXERCISING CUSTODY OF DOCUMENT OF BMN OWNERSHIP

##### Part One

##### Delivery of Document of BMN Ownership

#### Article 18

- (1) Implementation of Custody of Document of BMN Ownership shall commence with hand-over of Document of BMN Ownership to the Official of Custody.
- (2) The hand-over referred to in paragraph (1) shall be made within six (6) months at the latest as soon as the

Document of BMN Ownership is controlled by Management of Property or User of Property / Authorized User of Property.

#### Article 19

- (1) The User of Property shall deliver the Document of BMN Ownership in the form of land and/or building to the Custody at the Property Management office.
- (2) If the Document of BMN Ownership referred to in paragraph (1) is held by the Authorized User of Property, the Authorized User of Property shall deliver the Document of BMN Ownership to the User of Property to be forwarded further to the Custodian at the Property Management office.

#### Part Two

#### Document of BMN Ownership Received

#### Article 20

The Document of BMN Ownership received shall be drawn-up in Minutes of Hand Over (BAST) of Document of BMN Ownership duly drawn-up by the Custodian..

#### Article 21

- (1) Minutes on Hand Over (BAST) of the Document of BMN Ownership must at least state:
  - a. date and place for delivery of BMN Ownership;
  - b. identity of the Party delivering the Document of BMN Ownership;
  - c. identity of the Custodian receiving the Document of BMN Ownership;
  - d. total number of the Document of BMN Ownership delivered;
  - e. details of the Document of BMN Ownership provided; and
  - f. nature of nature of authenticity of the document, such as original, duplicate, or photocopy.
- (2) The BAST Document of BMN Ownership as referred to in paragraph (1) must be signed by:
  - a. the Party delivering the Document of BMN Ownership;
  - b. the Custodian receiving the Document of BMN Ownership; and
  - c. one (1) Witness from the respective Party.



- (3) The BAST Document of BMN Ownership as referred to in paragraph (1) shall be maintained and secured under custody by the respective Party.

### Part Three

#### Recording of Document of BMN Ownership

##### Article 22

- (1) Officer of Custody shall record the Document of BMN Ownership received by the Official of Custody into the List of Document of BMN Ownership.
- (2) The List of Document of BMN Ownership referred to in paragraph (1) consists of Registration Number, Code of Location, BMN, Registration Sequent Number, Proof of Ownership, supporting document of Proof of Ownership, management of document, Code of Place of Custody, Status of Document under Custody, and condition of the document.
- (3) The Code of Location referred to in paragraph (2) consists of Code of the User of Property, Code of Echelon I Unit, Code of Area, Code of Authorized User of Property, Code of Assistant of Authorized User of Property, and Code of the type of authority.

##### Article 23

- (1) If amendment is made to the ownership of BMN, the Officer of Custody shall record such amendment in the List of Mutation of Document of BMN Ownership.
- (2) The List of Mutation of Document of BMN Ownership must at least contain:
- date of mutation;
  - reason for mutation;
  - initial/first Registration Number; and
  - new Registration Number.
- (3) The new Registration Number referred to in paragraph (2 ) letter d will be filled-in only if amendment is made to ownership of BMN not causing a change in the Official of Custody Document of BMN Ownership.

- (4) List of Mutation of Document of BMN Ownership must be compiled using the format as specified in the Attachment constituting inseparable part of this Regulation of Minister.

#### Part Four

#### Coding of Document of BMN Ownership

#### Article 24

- (1) The Officer of Custody shall insert a Code of Custody on each Document of BMN Ownership that has been registered in the List of Document of BMN Ownership.
- (2) The Code of Custody referred to in paragraph (1) must at least consist of:
- a. Code of BMN;
  - b. Code of Ministry / Institution;
  - c. Registration Number pendaftaran; and
  - d. Code of Place of Custody.
- (3) If there is amendment made, the Officer of Custody shall immediately make adjustment to the Code of Custody.
- (4) The Officer of Custody kepada Official of Custody shall exercise documentation and report any adjustment made to the Code of Custody as referred to in paragraph (3)..

#### Part Five

#### Documentation of Document of BMN Ownership

#### Article 25

- (1) The Officer of Custody shall exercise documentation of the Document of BMN Ownership by archiving the Document of BMN Ownership to any classification / group compiled systematically and logically to be compiled in one (1) file.
- (2) The Document of BMN Ownership shall be documented using the Code of Custody as referred to in Article 24 paragraph (1).

(3) The Document of BMN Ownership shall be kept under custody so long the BMN is under the control of the Management of Property or User of Property/Authorized User of Property.

(4) If BMN is deleted due to:

- a. destruction, or
- b. caused by other reason,

The Document of BMN Ownership must be kept under custody in line with the provisions in the statutory regulation concerning Archive.

(5) The other reason referred to in paragraph (4) letter b, is reason that normally presumed acceptable that may cause elimination as governed in the provisions in the statutory regulation on elimination of BMN.

#### Part Six

#### Maintenance of Document of BMN Ownership

#### Article 26

The Document of BMN Ownership shall be maintained in order to preserve the authenticity, intactness, security, and safety of the Document of BMN Ownership without making amendment to the information contained therein.

#### Article 27

The Officer of Custody shall maintain the physical Document of BMN Ownership systematically and/or using the media that may have changed..

#### Article 28

The physical document referred to in Article 27 shall be maintained by controlling the condition of the area where the document is under custody and repair any damaged Document of BMN Ownership.

#### Part Seven

#### Safeguarding Document of BMN Ownership

#### Article 29

The Document of BMN Ownership must be secured and maintained the physical condition thereof and

the information contained therein so as to prevent from damage, destruction, or loss.

#### Article 30

- (1) The Officer of Custody shall safeguard the Document of BMN Ownership preventively and curatively.
- (2) The preventive safe-guarding of the Document of BMN Ownership referred to in paragraph (1) shall be conducted by means of:
  - a. pest control;
  - b. document reproduction;
  - c. keeping it secured from theft; and
  - d. plan to anticipate disaster.
- (3) The curative safeguarding of the Document of BMN Ownership referred to in paragraph (1) will be conducted by repair with due observance of the intactness of information contained in the Document of BMN Ownership.

#### Part Eight

#### Lending of Document of BMN Ownership

#### Article 31

The Document of BMN Ownership may be lent by the following means:

- a. lend the Document of BMN Ownership physically to the borrower; or
- b. show the information contained in the Document of BMN Ownership to the borrower.

#### Article 32

- (1) Document of BMN Ownership may be lent for the purpose of:
  - a. management of BMN;
  - b. taxes;
  - c. examination by internal supervising apparatus of the Government or Auditor;
  - d. pre-investigation or investigation by the competent authority; and/or
  - e. judicial review at the Court by the Management of Property and/or User of Property/Authorized User of Property.

- (2) Peminjaman Document of BMN Ownership as referred to in paragraph (1) dapat dilakukan oleh Official of Custody setelah mendapat persetujuan Management of Property / User of Property / Authorized User of Property.

### Article 33

- (1) The Borrower shall be prohibited from:

- a. changing/amending the content and nature thereof;
- b. informing unauthorized party;
- c. re-lending;
- d. placing as collateral;
- e. assigning the right therein;
- f. placing as object of binding agreement; or
- g. doing other things other than the objective of borrowing of the Document of BMN Ownership.

- (2) The Borrower shall be fully responsible for:

- a. maintaining, safeguarding, and maintaining the Document of BMN Ownership he/she borrowed; and
- b. be responsible for all legal consequences occurring from using the Document of BMN Ownership.

- (3) The Borrower shall be obliged to return Document of BMN Ownership back at expiry of the term of the loan.

### Article 34

to be continued

(MA)