

REGULATION OF THE PROVINCE OF SOUTH SULAWESI
NUMBER 12 OF 2015
ON
LEVIES ON EXTENSION OF PERMITS FOR EMPLOYMENT
OF FOREIGN WORKERS

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF SOUTH SULAWESI,

Considering : that in order to implement the provisions of Article 15 section (2) of Government Regulation Number 97 of 2012 on Levies on Traffic Control and Extensions of Permits for Employment of Foreign Workers, it is necessary to establish a Regulation of the Province of South Sulawesi on Levies on Extension of Permits for Employment of Foreign Workers;

Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 47 Prp. 1960 on Establishment of the First Level Region of South-east Sulawesi and the First Level Region of North Central Sulawesi (State Gazette of the Republic of Indonesia of 1960 Number 151, Supplement to the State Gazette of the Republic of Indonesia Number 2102) Juncto of Law Number 13 of 1964 on Enactment of Government Regulation in Lieu of Law Number 2 of 1964 on Establishment of the First Level Region of Central Sulawesi and the First Level Region of South-east Sulawesi by amending Law Number 47 Prp. 1960 on

Establishment of the First Level Region of North Central Sulawesi and the First Level Region of South-east Sulawesi into Law (State Gazette of the Republic of Indonesia of 1964 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 2068);

3. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
4. Law Number 28 of 2009 on Regional Taxes and Regional Levies (State Gazette of the Republic of Indonesia Number 130 of 2009, Supplement to State Gazette of the Republic of Indonesia Number 5049);
5. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times and last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
6. Government Regulation Number 58 of 2005 on Regional Financial Management (State Gazette of the Republic of Indonesia of 2005 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 4578);
7. Government Regulation Number 69 of 2010 on Procedures for Granting and Utilizing Regional Tax Collection Incentives and Regional Levies (State Gazette of the Republic of Indonesia of 2010 Number 119, Supplement to the State Gazette of the Republic of Indonesia Number 5161);
8. Government Regulation Number 65 of 2012 on Types and Rates of Non-Tax State Revenues Applicable to the Ministry of Manpower and Transmigration (State Gazette of the Republic of Indonesia of 2012 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5333);

9. Government Regulation Number 97 of 2012 on Levies on Traffic Control and Extension of Permits for Employment of Foreign Workers (State Gazette of the Republic of Indonesia of 2012 Number 216, Supplement to the State Gazette of the Republic of Indonesia Number 5358);
10. Presidential Regulation Number 21 of 2010 on Labour Inspection;
11. Regulation of the Minister of Home Affairs Number 50 of 2010 on Monitoring of Foreign Workers Utilization in Regions (State Bulletin of the Republic of Indonesia of 2010 Number 456);
12. Regulation of the Province of South Sulawesi Number 13 of 2006 on Principles of Regional Financial Management (Provincial Gazette of South Sulawesi of 2006 Number 13, Supplement to the Provincial Gazette of South Sulawesi Number 230) as amended several times, last by Regulation of the Province of South Sulawesi Number 3 of 2015 (Provincial Gazette of South Sulawesi of 2015 Number 3, Supplement to the Provincial Gazette of South Sulawesi Number 281);
13. Regulation of the Province of South Sulawesi Number 2 of 2013 on Regional Civil Servant Investigators (Provincial Gazette of South Sulawesi of 2013 Number 2, Supplement to the Provincial Gazette of South Sulawesi Number 269);
14. Regulation of the Province of South Sulawesi of 2014 Number 1 on Regional Regulations Making (Provincial Gazette of South Sulawesi of 2014 Number 1, Supplement to the Provincial Gazette of South Sulawesi Number 274);

With the Joint Approval of:

THE PROVINCIAL HOUSE OF REPRESENTATIVES

and

THE GOVERNOR OF SOUTH SULAWESI

HAS DECIDED:

To issue : REGULATION OF THE PROVINCE OF SOUTH SULAWESI ON RETRIBUTION OF EXTENSION OF LICENSING EMPLOYMENT FOREIGN WORKERS.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Autonomous Region, hereinafter referred to as Region, means a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs and the interests of local communities according to their own initiatives based on community aspirations in the Unitary State of the Republic of Indonesia system.
2. Local Government means the Regional Head as the element of Regional Government administrator who leads the implementation of government affairs which are the authority of the autonomous region.
3. Governor means the Governor of South Sulawesi.
4. Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*), hereinafter abbreviated as DPRD means a Regional House of Representative Office which is domiciled as an element of Regional Government administrator.
5. Regency/Municipality is a Regency/Municipality in South Sulawesi.
6. Local Budget (*Anggaran Pendapatan dan Belanja Daerah*), hereinafter abbreviated as APBD, means the annual financial plan of the local government which is discussed and agreed upon by the Local Government and the DPRD.
7. Regional Work Unit (*Satuan Kerja Perangkat Daerah*), hereinafter abbreviated as SKPD, means a regional work unit of South Sulawesi Province.
8. Officials mean employees who are given certain tasks in the area of regional levies in accordance with the legislation.
9. Entity means a group of people and/or capital that constitutes a unit, whether doing business or not doing business which includes limited liability company, limited

partnership company, other company, state-owned enterprise (*Badan Usaha Milik Negara/BUMN*), or regional-owned enterprise (*Badan Usaha Milik Daerah/BUMD*) by name and in any form, firm, partnership, cooperative, pension fund, partnership, association, foundation, mass organization, socio-political organization, or other organization, institutions and other forms of bodies including collective investment contracts and permanent establishments.

10. Permit for Employment of Foreign Workers (*Izin Mempekerjakan Tenaga Kerja Asing*), hereinafter abbreviated as IMTA, means a written permit granted by the Minister or an official appointed to a Foreign Worker's employer.
11. Extension of Permit for Employment of Foreign Workers (*Perpanjangan Izin Mempekerjakan Tenaga Kerja Asing*), hereinafter abbreviated as IMTA Extension, means a license granted by the Governor or an official appointed to an employer of foreign workers in accordance with the provisions of legislation.
12. Regional levies, hereinafter referred to as levies, means regional levies as payments for services or granting certain licenses specifically provided and/or given by the Provincial Government of South Sulawesi for the benefit of individuals or entities.
13. Certain Licensing Levies means certain activities of the Government of South Sulawesi Province in the context of granting licenses to individuals or entities intended to foster, regulate, control and supervise activities, use of space, and use of natural resources, goods, infrastructure, facilities or facilities certain to protect the public interest and preserve the environment.
14. Levy on Extension of Permits for Employment of Foreign Workers (*Retribusi Perpanjangan Izin Mempekerjakan Tenaga Kerja Asing*), hereinafter referred to as IMTA Extension Levy, means a payment for granting an IMTA Extension by the Governor or an official appointed to a foreign worker's employer.

15. Foreign Workers (*Tenaga Kerja Asing*), hereinafter abbreviated as TKA, is a foreign citizen holding a visa with the intention of working in the area of South Sulawesi Province.
16. Employer of Foreign Workers means a legal entity or other bodies that employ Foreign Workers by paying wages or other forms of remuneration.
17. Levy Payer means Persons or Entities that according to this Regional Regulation are required to pay levies, including certain collectors or cutters of levies.
18. Collection means a series of activities starting from collecting data on objects and subject of levies, determining the amount of levies due to collecting levies to the Levy Payers and supervising deposits.
19. Levy Period means a certain period of time which is the time limit for the Levy Payers to utilize certain services and licensing from the Provincial Government of South Sulawesi.
20. Levy due means the amount to be paid at a time, during the Levy Period in accordance with the provisions of this regional regulation.
21. Regional Levy Object Registration Certificate (*Surat Pendaftaran Objek Retribusi Daerah*), hereinafter abbreviated as SPORD, means a certificate used for levy payers to report data on levies and levy payers as a basis for calculating and paying levies due.
22. Regional Levy Assessment Certificate (*Surat Ketetapan Retribusi Daerah*), hereinafter abbreviated as SKRD, means a Levy assessment certificate which determines the amount of principal Levy due.
23. Decision on Levy for Regional Payments (*Surat Ketetapan Retribusi Daerah Lebih Bayar*), hereinafter abbreviated as SKRDLB, means a levy decision letter that determines the amount of overpaid levies because the amount of credit levies is more paid than levies due or should not be due.
24. Regional Levy Bill (*Surat Tagihan Retribusi Daerah*), hereinafter abbreviated as STRD, means a letter to charge levies and/or administrative sanctions in the form of interest and/or fines.

25. Regional Retribution Deposit Letter (*Surat Setoran Retribusi Daerah*), hereinafter referred to as SSRD, means proof of payment or deposit of levies that have been made using forms or have been made in other ways to the local treasury through the payment points designated by the Governor of South Sulawesi.
26. Local Treasury means the Local Treasury of the Provincial Government of South Sulawesi.
27. Inspection means a series of activities to collect and process data, information, and/or evidence carried out objectively and professionally based on an inspection standard to test compliance with the fulfillment of regional tax obligations and levies and/or for other purposes in order to carry out the provisions of the legislation Regional levies;
28. Investigation of criminal offenses in the field of Regional Levy means a series of actions carried out by the Investigator to search for and collect evidence which with the evidence makes clear the criminal acts in the area of Regional Levies that occur and find the suspect.

CHAPTER II

NAME, OBJECT AND SUBJECT OF LEVIES

Part One

Name of Levies

Article 2

With the name IMTA Extension Levies, levies are collected as payment for granting an IMTA Extension.

Part Two

Objects of Levies

Article 3

- (1) The objects of levies as referred to in Article 2 section (1) are the granting of an IMTA Extension to the Foreign Worker's Employer.

- (2) Excluding the IMTA Extension Levy object as referred to in section (1) is the IMTA Extension for:
 - a. government institution;
 - b. representatives of foreign countries;
 - c. international bodies;
 - d. social institutions;
 - e. religious institution; and
 - f. certain positions in educational institutions.
- (3) Criteria which do not include in the objects of levies as referred to in section (2) are further regulated in a Governor Regulation.

Part Three Subjects of Levies

Article 4

- (1) The subjects of IMTA Extension Levy are the Employers of Foreign Workers.
- (2) The subjects of Levy as referred to in section (1) are Levies Payers.

CHAPTER III GROUP OF RETRIBUTION

Article 5

IMTA Extension levies are classified as Certain Licensing Levies.

CHAPTER IV MEASUREMENT METHOD FOR SERVICES USE LEVEL

Article 6

The level of service use is measured based on the number of issuances and the period of the IMTA Extension.

CHAPTER V
PRINCIPLES AND TARGETS IN DETERMINING LEVY RATES

Article 7

- (1) Principles and targets in determining IMTA Extension Levy rates are based on the objective to cover part or all of the costs of implementing an IMTA Extension.
- (2) Costs for organizing an IMTA Extension as referred to in section (1) include:
 - a. issuance of permit documents;
 - b. supervision in the field;
 - c. law enforcement;
 - d. administration; and
 - e. the expertise and skills development activities of the local workers.

CHAPTER VI
STRUCTURE AND AMOUNT OF LEVY RATES

Article 8

- (1) The structure of the IMTA Extension Levy rates are determined based on the level of service use as referred to in Article 6.
- (2) The amount of the levy rates as referred to in section (1) are determined in the form of rupiah adjusted to the exchange rate of USD 100 (one hundred US Dollars) person/month for each TKA and prepaid.

Article 9

- (1) Levy rates are reviewed at the latest 3 (three) years.
- (2) The levy rates review as referred to in section (1) are conducted by taking into account the price index and economic development.
- (3) The levy rates as referred to in section (2) are determined by a Governor Regulation.

CHAPTER VII PROCEDURES FOR EXTENSION OF IMTA

Article 10

- (1) The IMTA Extension is granted by the Governor or appointed Officials.
- (2) Application for IMTA extension is submitted by the Employers of TKA in writing in accordance with the provisions.
- (3) The IMTA extension cannot be transferred to another party.
- (4) Further provisions regarding the procedure for applying an IMTA extension and the necessary requirements as referred to in section (1), section (2), and section (3) are further regulated in a Governor Regulation.

CHAPTER VIII SCOPE AND SCOPE AREA

Article 11

Levy on IMTA Extension due is collected in the regions.

Article 12

The scope of granting IMTA Extensions is intended for Foreign Workers whose work locations cross Regency/Municipality in Regions.

CHAPTER IX PERIOD OF LEVY AND TIME OF LEVY DUE

Article 13

- (1) Period of Levy is within the period of the permit that is given for a period of 1 (one) year.
- (2) Levy is due when the SKRD is issued.

CHAPTER X
PROCEDURES FOR REGISTRATION AND
DETERMINATION OF LEVY

Article 14

- (1) Levy payers are obligated to fill SPORD.
- (2) The SPORD as referred to in section (1) must be filled in clearly, correctly and completely and signed by the levy payer or his or her proxy.
- (3) The SPORD that has been filled by the Levy payer referred to in section (2) is proof of registration of the object of retribution.
- (4) Further provisions regarding the form, content and procedure for filling and submitting SPORD as referred to in section (1) are regulated in a Governor Regulation.

Article 15

- (1) Based on the SPORD as referred to in Article 14 section (1), the levy due is determined by SKRD or other equivalent documents.
- (2) The amount of levy due is calculated based on the multiplication between the level of service usage and the Levy rates.
- (3) Further provisions regarding the form, content and issuance of SKRD or other equivalent documents as referred to in section (1) are further regulated in a Governor Regulation.

CHAPTER XI
PROCEDURES FOR COLLECTION AND PAYMENT

Article 16

- (1) Collection of levies cannot be outsourced.
- (2) Levies are collected using SKRD or equivalent documents.
- (3) The collection is carried out by the levies collection officers who are appointed based on the Governor's Decision on the SKPD of the Levies manager.

- (4) The procedure for implementing the collection of levies as referred to in section (1) and section (2) are further regulated in a Governor Regulation.

Article 17

- (1) Payment of the levy due must be paid in full at once for 12 (twelve) months.
- (2) In the event that foreign workers work less than 12 (twelve) months, the excess payment is returned to the Levy Payers.
- (3) Payment of fees is made in the Regional General Treasury Account
- (4) Proof of payment that has been made as referred to in section (3) is submitted to the manager's SKPD and become one of the requirements for the IMTA extension.
- (5) The governor upon the application by a Levy Payer after fulfilling the specified requirements can give approval to the Levy Payer to repay or postpone the payment of a levy with an interest of 2% (two percent) every month.
- (6) The procedures for collection, installments and delays, and payment of fees are further regulated in a Governor Regulation.

CHAPTER XII

BILLING PROCEDURES

Article 18

- (1) In the event that a levy is not paid until the determined time, a billing action is carried out using STRD.
- (2) Issuance of Warning Letter as the initial billing action is carried out after 3 (three) days from the payment due date specified in the SKRD.
- (3) The Warning Letter as referred to in section (1) is issued by the appointed official.
- (4) Further provisions regarding billing procedures and forms used as referred to in section (1) are regulated in a Governor Regulation.

CHAPTER XIII OBJECTIONS

Article 19

- (1) Levy Payer may only submit objections to a SKRD or STRD only to the Governor or appointed official.
- (2) Objection is submitted in writing in the Indonesian Language accompanied by clear reasons, and supplemented with supporting evidence that can prove the invalidity of the charge.
- (3) Objection is submitted no later than 3 (three) months from receipt of the SKRD or STRD by the levy payer, unless the person concerned shows that the period of time cannot be fulfilled due to circumstances beyond his or her control
- (4) Objections that do not meet the requirements referred to in section (2) and section (3) cannot be considered as objection letters so they do not need to be considered.
- (5) Filing an objection does not delay the obligation to pay fees and carry out collection of fees.

Article 20

- (1) The Governor or appointed Official within a period of 2 (two) months from the date the objection letter is received must provide a decision on the objection filed.
- (2) The Governor's decision on objections may take the whole or in part, reject or increase the amount of levy due.
- (3) If the period of time referred to in section (1) has passed and the Governor does not give a Decision, the objection that is filed is considered granted.

CHAPTER XIV PAYMENT RETURNS

Article 21

- (1) In the event of an overpayment of a levy, the levy payer must submit a request for return to the Governor.

- (2) The Governor within a maximum period of 2 (two) months from the receipt of the request for returning the excess payment levy as referred to in section (1), must give a decision.
- (3) If the period as referred to in section (2) has been exceeded and the Governor does not provide a decision, the application for returning the excess return of retribution is deemed granted and the SKRDLB must be issued no later than 1 (one) month.
- (4) If levy payer has other levy due, the excess payment of retribution as referred to in section (1) is directly calculated to pay off the levy debt in advance.
- (5) Return of overpaid levies as referred to in section (1) is made within a maximum period of 1 (one) month after the issuance of the SKRDLB.
- (6) If the return of the overpayment of the levy is made after a period of 2 (two) months has passed, the Governor provides interest compensation of 2% (two percent) a month for late payment of the excess levy for a maximum of 12 (twelve) months.

Article 22

- (1) Return of excess levy is carried out by issuing an Overpayment Levy Payment Order.
- (2) If the overpayment of the levy is calculated with other levy debt as referred to in Article 21 section (4), the payment is made by book-entry and the book-entry evidence is also valid as proof of payment.

CHAPTER XV REDUCTION, LIGHTING AND EXEMPTION OF LEVY

Article 23

- (1) The Levy Payer may be granted the reduced levies on consideration of the ability of the relevant levies concerned or certain types of business fields that are in line with the Local Government program.

- (2) Levy Payer may be exempted from levies in force majeure.
- (3) Provisions regarding the procedure for granting the reduction, lighting and exemption of levies as referred to in section (1) and section (2) are further regulated in a Governor Regulation.

CHAPTER XVI EXPIRATION DATE

Article 24

- (1) The right to collect levies has expired after exceeding the period of 3 (three) years from the time the levies are due, except if the Levy Payer commits a crime in the field of levies.
- (2) Expiration of levies billing as referred to in section (1) is suspended if:
 - a. Warning Letter is issued; or
 - b. there is recognition of debt levies from Levy Payer, both directly and indirectly.
- (3) In the event of a Warning Letter as referred to in section (2) point a, the billing expiration is calculated from the date of receipt of the Warning Letter.
- (4) Recognition of the debt levy directly as referred to in section (2) point b is a Levy Payer with the awareness that it still has a levy debt and has not paid it to the Local Government.
- (5) Recognition of debt levy indirectly as referred to in section (2) point b may be known from the submission of the application for installments or postponement of payments and objections by the Levy Payer.

Article 25

- (1) Levy receivables that cannot be charged again because the right to conduct billing has expired can be abolished.
- (2) The Governor determines the Decision on the Writing-off of Levy which has expired as referred to in section (1).
- (3) The procedures for writing off expired levies are further regulated in a Governor Regulation.

CHAPTER XVII

UTILIZATION

Article 26

- (1) Utilization of the receipt of IMTA Extension Levy is partly used to fund the expertise and skills development activities of the local workers.
- (2) Provisions regarding the allocation of utilization of IMTA Extension Levy revenue as referred to in section (1) are regulated through the APBD.

CHAPTER XVIII

COLLECTION INCENTIVES

Article 27

- (1) SKPD of Levies Manager may be given incentives for the achievement of performance that reaches or exceeds the revenue target set in the APBD.
- (2) The incentives referred to in section (1) are set at a maximum of 3% (three percent) of the target of receiving the related levies.
- (3) The incentives referred to in section (2) are determined through the APBD.
- (4) The procedure for granting and utilizing incentives as referred to in section (1) are further regulated in a Governor Regulation in accordance with the legislation

CHAPTER XIX

GUIDANCE AND SUPERVISION

Article 28

- (1) Guidance and supervision of labor for foreign workers are carried out and coordinated by the SKPD which technically deals with manpower and the SKPD manager of retribution together with other relevant SKPDs deemed necessary.

- (2) In the framework of fostering the implementation of levies collection, the SKPD in charge of Regional Revenues and the related SKPD carry out technical guidance, monitoring and control activities.
- (3) In the framework of supervising the implementation of this Regional Regulation the Functional Supervision Agency carries out an inspection.
- (4) The procedures for guidance and supervision as referred to in section (1), section (2), and section (3) are further regulated in a Governor Regulation in accordance with the provisions of the legislation.

CHAPTER XX ADMINISTRATION SANCTIONS

Article 29

- (1) In the event of compulsory levies not paying on time or underpaid, administrative sanctions in the form of interest of 2% (two percent) per month from fees that are not or underpaid and are collected using STRD.
- (2) In the event of levy payer not paying bills based on STRD as referred to in section (1) within a certain time limit, the person concerned may be subject to sanctions in accordance with the provisions of the legislation on manpower.

CHAPTER XXI INVESTIGATION

Article 30

- (1) Certain Civil Servants within the Local Government are given special authority as Investigators to conduct criminal investigations in the area of Retribution, as referred to in the Criminal Procedure Act.
- (2) Investigators as referred to in section (1) are certain civil servant officials within the Regional Government who are appointed by authorized officials in accordance with the provisions of legislation.

- (3) The authority of the Investigator as referred to in section (1) is:
- a. receive, search, collect, and examine information or reports relating to criminal acts in the area of regional taxation so that the information or report becomes more complete and clear;
 - b. examine, search for and collect information about individuals or entities concerning the truth of acts committed in connection with criminal acts of regional taxation;
 - c. request information and evidence from individuals or entities in connection with criminal offenses in the area of regional taxation;
 - d. examine books, records and other documents relating to criminal offenses in the area of regional taxation;
 - e. conduct a search to obtain evidence of books, records and other documents, and confiscate said evidence;
 - f. requesting assistance from experts in the framework of carrying out the task of investigating criminal offenses in the area of regional taxation;
 - g. order to stop and/or prohibit someone from leaving the room or place while the inspection is taking place and checking the identity of the person, object, and/or document being carried;
 - h. photograph someone related to criminal acts of Regional taxation;
 - i. summon people to hear their statements and examine them as suspects or witnesses;
 - j. stop the investigation; and/or
 - k. take other actions that are necessary for the smooth investigation of criminal offenses in the area of regional taxation in accordance with the provisions of legislation.
- (4) The Investigator as referred to in section (1) notifies the commencement of the investigation and submits the

results of his investigation to the Public Prosecutor through the Investigator of the State Police of the Republic of Indonesia, in accordance with the provisions regulated in the Criminal Procedure Act.

CHAPTER XXII CRIMINAL PROVISIONS

Article 31

Levy Payers that fail to carry out their obligations so that the financial loss of the region is subject to imprisonment for a maximum of 3 (three) months or a maximum fine of 3 (three) times the amount of unpaid or underpaid levies.

CHAPTER XXIII CLOSING PROVISIONS

Article 32

The Governor Regulation as the implementation of this Regional Regulation is issued not later than 6 (six) months after this Regional Regulation is promulgated.

Article 33

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

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Provincial Gazette of South Sulawesi.

Issued in Makassar
on 30 December 2015

GOVERNOR OF SOUTH SULAWESI

signed

SYAHRUL YASIN LIMPO

Promulgated in Makassar
on 30 December 2015

REGIONAL SECRETARY
OF THE PROVINCE OF SOUTH SULAWESI

signed

ABDUL LATIF

PROVINCIAL GAZETTE OF SOUTH SULAWESI PROVINCE 2015 NUMBER 12

Jakarta, 21 September 2020
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,


WIDODO EKATJAHJANA

ELUCIDATION OF
REGULATION OF THE PROVINCE OF SOUTH SULAWESI
NUMBER 12 OF 2015
ON
LEVIES OF EXTENSION OF PERMITS FOR EMPLOYMENT
OF FOREIGN WORKERS

I. GENERAL

Under Government Regulation Number 97 of 2012 on Traffic Control Levies and Extensions to Employing Foreign Workers Permits, the Regional Government has additional levies that can be enforced since January 2013. Both types of levies, namely Traffic Control Levies and Extensions to Employ Employment Permits Foreign Workers (IMTA) have not yet been regulated in Law Number 28 of 2009 on Regional Taxes and Regional Retribution, so that it is determined later by government regulations. This is in accordance with the mandate of Article 150 of Law Number 28 of 2009 on Regional Taxes and Regional Levies, which stipulates that the types of fees other than those stipulated in Article 110 section (1), Article 127, and Article 141 insofar as they meet the criteria of one type of levy such as Public Service Levies, Business Service Levies, or Certain Licensing Levies are determined by Government Regulations.

IMTA Extension levies are levied on the service of granting an IMTA extension by the Governor or an appointed Officer to a Foreign Manpower Employer who already has an IMTA from the Minister responsible for manpower or a designated Officer. The issuance of an extension of the Permit to Employ Foreign Workers can be done either by the provincial or regency/municipal governments. The Governor grants an IMTA extension for Foreign Workers (TKA) whose work locations are cross-regency/city in one province, while the Regent or Mayor issues an IMTA extension for TKA whose work location is only in the relevant regency/municipal area.

Collection of IMTA Extension Levy is relatively easy to be accepted psychologically by the public because the levy was previously made by the Central Government through the Ministry of Manpower and Transmigration in the form of Compensation for the Use of Foreign Workers which is a Non-Tax State Revenue (PNBP). Although this levy was stopped for about 2 (two) years, namely 2013 and 2014, it is expected that the collection will not experience significant obstacles. Moreover, because this regional regulation does not create additional burdens on compulsory levies because the tariff determined is the same as the prevailing tariff when the service is still a PNBP.

In terms of potential aspects, the acceptance of this levy is considered to have a feasibility that is very likely to increase quite rapidly in the future. In the 2015 ASEAN Free Market era, Indonesian regions including South Sulawesi Province, would be the target and invasion of foreign workers from various countries. Therefore, the local government through the relevant offices needs to prepare many things, including preparing the quality of our labor resources in order to compete with foreign workers.

The entry of foreign workers is inevitable, mainly because of the large number of foreign investors entering South Sulawesi. What must be done is to set a strategy so that the presence of foreign workers brings benefits to local workers. This regional regulation has regulated the instrument, namely by attracting levies as compensation for the use of foreign workers whose part of the proceeds are used to finance activities to improve the technical capabilities and education expertise of local workers. Therefore, the regional authority in managing the IMTA Extension Retribution will be a golden opportunity that must be utilized as well as possible by the Region to advance the local workforce in the Region.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

IMTA is valid for one foreign worker.

Article 7

Sufficiently clear.

Article 8

Section (1)

Sufficiently clear.

Section (2)

The USD exchange rate used refers to the Bank Indonesia middle rate.

Article 9

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

In the event that the levy rates determined in the Regional Regulation needs to be adjusted because the cost of providing services is quite large and/or the tariff is no longer effective in controlling the demand for the service, the Governor can adjust the levy rates.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Section (1)

Sufficiently clear.

Section (2)

The term “level of service usage” means the number or number of IMTA extensions issued.

Section (3)

Sufficiently clear.

Article 16

Section (1)

The term “cannot be outsourced” means that the entire process of collecting levies cannot be handed over to third parties. However, in this sense it does not mean that local governments may not cooperate with third parties. With a very selective levies collection, the Regional Government can invite cooperation with certain bodies that because of their professionalism are credible to participate in carrying out some of the duties of collecting levies more efficiently.

The activities of collecting fees that cannot be cooperated with third parties are the activities of calculating the amount of fees owed, supervising the payment of fees and collecting fees.

Section (2)

Other similar documents are other administrative fees collection documents that contain the amount of the levy owed, for example Recu, Ticket and fixed payment card.

Section (3)

Sufficiently clear.

Article 17

Section (1)

Sufficiently clear.

Section (2)

Agency as a Levy Payer that employs Mr. X (TKA), make IMTA extension payments for a period of 12 (twelve) months. However, in practice Mr. X only works for 8 (eight) months, so there is an overpayment for 4 (four) months. For the said overpayment, the Local Government is obligated to return it to the Agency as a Levy Payer that employs the TKA.

Section (3)

Levies can be paid at the place of service, but SKPD Levies Manager is required to encourage and create a mechanism for payment of levies directly to the designated bank.

Section (4)

The levies management work unit that is in an area where geographical conditions are difficult to reach by transportation can deposit the proceeds of the levy in excess of the provisions of one working day based on the Governor Regulation.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “condition beyond of his or her authority” means a condition that occurs outside the will/power of the levy payer. For example due to levy payer sick or affected by natural disasters.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Section (1)

Sufficiently clear.

Section (2)

The Governor's decision is based on the results of research conducted by the related SKPD.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Interest reward for late return of overpaid levies is calculated from the deadline of 2 (two) months from the issuance of the SKRDLB until the time of overpayment.

Article 22

Sufficiently clear.

Article 23

Section (1)

The term “reduction” means the provision of opportunities to assisted retribution compulsory to obtain a reduction in the amount of levy that must be paid by him. Reduction can include reducing the amount of administrative sanctions, or reducing the amount of the principal levy.

The term “lighting” means the granting of opportunity to certain obligatory negotiations to pay in installments or delay payment under certain conditions.

The term “exemption” means the release of certain compulsory levies on the obligation to pay fees.

The basis for granting deductions and lighted levy is related to the ability of levy payers, while the exemption of fees is associated with the object of levy.

Section (2)

The term “Force majeure” means a situation that occurs outside the will/power of levy payer. For example because of natural disasters

Section (3)

Sufficiently clear.

Article 24

Section (1)

When the levy collection expires, it needs to be determined to provide legal certainty when the levy debt cannot be billed anymore

Section (2)

Point a

In the event of a Reprimand Letter or Warning Letter, the billing expiration is calculated from the date of the said Reprimand Letter or Warning Letter.

Point b

The term “direct recognition of debt” means the levy payer with his or her awareness stating that he still has a retribution debt and has not paid it off to the regional government.

The term “recognition of indebtedness” means the levy payer do not explicitly state directly that they have a debt levy to the local government.

Example: A levy payer submits an application for installments/postponement of payment, or a levy payer files an Objection Request

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Section (1)

Investigators in the area of regional levies are certain Civil Servants in the Regional Government who are appointed by the Minister of Justice in accordance with prevailing legislation.

Investigations in the area of regional levies are carried out according to the provisions stipulated in the provisions of the applicable Criminal Procedure Code.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

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