



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

COPY OF

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF
INDONESIA NUMBER 145/PMK.03/2012

CONCERNING

PROCEDURE FOR ISSUANCE TAX ASSESMENT LETTER AND TAX
COLLECTION LETTER

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the procedures for the issuance of tax assessment letter is set out in the Regulation of the Minister of Finance Number 23/PMK.03/2008 concerning the Procedure for Issuance of Tax Assessment Letter, as amended by Regulation of the Minister of Finance Number 83/PMK.03/2010;
 - b. that the procedures for the issuance of tax collection letter have been set in the Regulation of the Minister of Finance Number 189/PMK.03/2007 concerning the Procedure for Issuance of Tax Collection Letter by Regulation of the Minister of Finance Number 84/PMK.03/2010;
 - c. that with the issuance of Government Regulation Number 74 Year 2011 concerning Procedures for Implementation of Rights and Obligations Tax Compliance, it is necessary to make adjustments to the procedures for the issuance of tax assessment letter as mentioned in letter a and procedures for the issuance of tax collection letter as mentioned in the letter b;
 - d. Based on the considerations as referred to in letter a, letter b, and letter c, as well as to implement the provisions of Article 13 paragraph (6), Article 14 paragraph (6), Article 15 paragraph (5), and Article 17A paragraph (2) of Act Number 6 Year 1983 concerning General Provisions and Tax Procedures as amended by Act Number 16 Year 2009 as well as Article 23 and Article 24 paragraph (4) of Government Regulation Number 74 Year 2011 concerning Procedures for Implementation of Rights and Obligations Tax Compliance , it is necessary to stipulate Regulation of the Minister of Finance concerning the Procedure for Issuance of Tax Assessment Letter and Tax Collection Letter;

- In View of :
1. Act Number 6 Year 1983 concerning General Provisions and Tax Procedures (State Gazette of the Republic of



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Indonesia Year 1983 Number 49, Supplement to State Gazette of the Republic of Indonesia Number 3262) as amended by Act Number 16 Year 2009 (State Gazette of the Republic of Indonesia Year 2009 Number 62, Supplement to State Gazette of the Republic of Indonesia Number 4999);

2. Act Number 7 Year 1983 concerning Income Tax (State Gazette of the Republic of Indonesia Year 1983 Number 50, Supplement to State Gazette of the Republic of Indonesia Number 3263) as amended by Act Number 36 Year 2008 (State Gazette of the Republic of Indonesia Year 2008 Number 133, Supplement to State Gazette of the Republic of Indonesia Number 4893);
3. Act Number 8 Year 1983 concerning Value Added Tax on Goods and Services and Sales Tax on Luxury Goods (State Gazette of the Republic of Indonesia Year 1983 Number 51, Supplement to State Gazette of the Republic of Indonesia Number 3264) as amended by Act Number 42 Year 2009 (State Gazette of the Republic of Indonesia Year 2009 Number 150, Supplement to State Gazette of the Republic of Indonesia Number 5069);
4. Act Number 19 Year 1997 concerning Tax Collection with Distress Warrants (State Gazette of the Republic of Indonesia Year 1997 Number 42, Supplement to State Gazette of the Republic of Indonesia Number 3686) as amended by Act Number 19 Year 2000 (State Gazette of the Republic of Indonesia Year 2000 Number 129, Supplement to State Gazette of the Republic of Indonesia Number 3987);
5. Government Regulation Number 74 Year 2011 concerning Procedures for Implementation of Rights and Obligations Tax Compliance (State Gazette of the Republic of Indonesia Year 2011 Number 162, Supplement to State Gazette of the Republic of Indonesia Number 5268);
6. Presidential Decree Number 56 / P Year 2010:

DECIDES:

To stipulate : REGULATION OF THE MINISTER OF FINANCE CONCERNING PROCEDURES FOR ISSUANCE OF TAX ASSESMENT LETTER AND TAX COLLECTION LETTER.

CHAPTER I



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GENERAL PROVISIONS

Article 1

In this Regulation of the Minister referred to as:

1. Act General Provisions and Tax Procedures hereinafter called the Act of KUP is Act Number 6 Year 1983 concerning General Provisions and Tax Procedures as amended by Act Number 16 Year 2009.
2. Act of Value Added Tax of Goods and Services and Sales Tax on Luxury Goods, hereinafter referred to as the VAT Act is Act Number 8 Year 1983 concerning Value Added Tax on Goods and Services and Sales Tax on Luxury Goods as amended by Act Number 42 Year 2009.
3. Tax Underpayment Assessment Letter is an assessment that determines the amount of the principal amount of tax, the amount of the tax credit, the amount of the underpayment of tax principal, the amount of administrative sanctions, and the amount of tax payable.
4. Additional Tax Underpayment Assessment Letter is an assessment that determines the amount of additional taxes that have been set.
5. Nil Tax Assessment Letter is an assessment that determines the principal amount of tax equal to the amount of tax credit or no tax payable and no tax credits.
6. Tax Overpayment Assessment Letter is an assessment that determines the amount of tax overpayment because the tax credit amount is greater than the tax due or should not payable.
7. Verification is a testing is a series of subjective and objective fulfillment activities or the calculation and payment of taxes, upon request by the taxpayer or tax data and information held or obtained by the Director General of Taxes, in order to issue a tax assessment letter, publish / delete Tax Identification Number and / or strengthen / revoked Taxable Firm Inauguration.
8. Examination is a series of activities to collect and process data, information and / or evidence objectively and professionally executed by a standard examination to test compliance with tax obligations fulfillment and / or for other purposes in order to carry out the provisions



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of regulation and tax Acts.

9. Re-examination is the examination taken against to Taxpayers who have been issued an assessment of the results of previous examination for the type of tax and Tax Period, Tax Year Part, or the same Tax Year.
10. Examining the Evidence Beginning is the examination conducted preliminary to get evidence of the existence of the alleged crime had occurred in the area of taxation.

CHAPTER II

PROCEDURE FOR ISSUANCE TAX ASSESMENT LETTER

Article 2

- (1) Within a period of 5 (five) years after the expiration of the current tax payable or Tax Period, Tax Year Part or Tax Year, the Director General of Taxes may issue:
 - a. Tax Underpayment Assessment Letter, or
 - b. Additional Tax Underpayment Assessment Letter
- (2) the Director General of Taxes can still issue the Tax Underpayment Assessment Letter or Additional Tax Underpayment Assessment Letter as referred to in paragraph (1) although the period of 5 (five) years have passed, in which case the Director General of Taxes received a court decision that has been obtained legally enforceable against to the taxpayer who convicted of a crime in the field of taxation or other offenses that can lead to a loss in revenue.
- (3) In the event that the Director General of Taxes issued a Tax Underpayment Assessment Letter or Additional Tax Underpayment Assessment Letter for Tax Period, Tax Year Part, or Tax Year 2007 and earlier, the following provisions shall apply:
 - a. period as referred to in paragraph (1) to 10 (ten) year or at the latest by the end of Tax Year 2013;
 - b. Period as referred to in paragraph (two) to 10 (ten) years.
- (4) Tax Underpayment Assessment Letter issued in the event of any tax not paid or fewer by:
 - a. Verification results of the other information as referred to in Article 13 paragraph (1) Act KUP include:



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- 1) the results of clarification / confirmation Tax Invoice;
 - 2) evidence of withholding Income Tax;
 - 3) data-related to Taxpayers who do not submit the Tax Return within the period as referred to in Article 3 paragraph (3) of Act KUP and after being reprimanded in writing the Taxpayer does not submit the Tax Return on time as specified in the Warning Letter;
 - 4) concrete data in a court decision that has gained legal force against to the Taxpayers who had been convicted of tax offenses or other offenses that can lead to a loss in state revenues, which can be used to calculate the amount of tax due with no or less paid, or
 - 5) Evidence of the transaction or taxation of data that can be used to calculate the tax liability of the Taxpayer.
- b. Examination of the results:
- 1) Tax Return;
 - 2) Taxation Obligation of Taxpayers is because the Taxpayer does not submit the Tax Return within the period as referred to in Article 3 paragraph (3) of Act KUP, and after being reprimanded in writing the taxpayer fails to submit Tax Return on the time as specified in the Warning Letter or
 - 3) Court Decision that have been legally binding on Taxpayers convicted of a crime in the field of taxation or other offenses that can lead to a loss in state revenue, and the court decision was not carried out verification as referred to in letter a number 4).
- c. Result of Examining Evidence Beginning to the Taxpayers who did acts as referred to in Article 13A of Act KUP
- (5) Additional Tax Underpayment Assessment Letter issued by:
- a. Verification results for:
- 1) a written statement from the Taxpayer at its sole option as referred to in Article 15 paragraph (3) of Act KUP;
 - 2) new data in the form of the results of clarification / confirmation of Tax Invoice resulting in the addition of tax payable, or



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- 3) new data in the form of a Tax Invoice in the Court Decision that have permanent legal force against to Taxpayers who had been convicted of tax offenses or other offenses that can lead to a loss in state revenues, which can be used to calculate the amount of tax payable which are not or less paid.
- b. Result of Examination or the results of Re-examination to:
 - 1) new data that resulted in the addition of tax payable, including data that has not been revealed previously as referred to in Article 15 paragraph (1) of Act KUP, or
 - 2) new data in a Court Decision that has been legally binding on Taxpayers convicted of a crime in the field of taxation or other offenses that can lead to loss of revenues and the new data in the Court Decision was not made verification as referred to in letter a number 3).
- (6) the Director General of Taxes issued a Nil Tax Assessment Letter as referred to in Article 17A paragraph (1) of Act KUP based on the results of an examination to Tax Return if the amount of tax credit or the amount of tax paid equal to the amount of tax payable, or not tax payable and not tax credit or not tax payment.
- (7) the Director General of Taxes issued a Tax Overpayment Assessment Letter in the event by:
 - a. results of Verification of the validity of the request Tax Overpayment Refund which it should not be tax payable as referred to in Article 17 paragraph (2) Acts KUP there is tax payments which should not be payable;
 - b. Examination of the results:
 - 1) Tax Return that there is a number of tax credits or the amount of tax paid is greater than the amount of tax payable as referred to in Article 17 paragraph (1) of Act KUP, or
 - 2) Tax overpayment refund request as referred to in Article 17B Acts KUP that there is tax credit amount or the amount of tax paid is greater than the amount of tax payable.
- (8) Tax Overpayment Assessment Letter as referred to in paragraph (7) can still be issued if there is new data, including data that previously have not been revealed, if



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it turns out that more tax paid amount is greater than the excess tax payments that have been set.

Article 3

- (1) The Tax Assessment Letter as referred to in Article 2 issued for a Tax Period, Tax Year Part, or Tax Year.
- (2) The Tax Assessment Letter as referred to in paragraph (1) shall be issued in accordance with the Tax Period, Tax Year Part or Tax Year done Verification, Examination, Re-Examination, or Examining the Evidence Beginnings.

Article 4

- (1) The Tax Assessment Letter as referred to in Article 2 shall be issued in accordance with the memorandum of calculation.
- (2) Memorandum of calculation as referred to in paragraph (1) is based on the results of Verification reports, Examination reports, Re-Examination reports or Report of Examination Evidence Beginnings.

Article 5

- (1) The Tax Assessment Letter as referred to in Article 2 shall be sent to Taxpayers.
- (2) Delivery of Tax Assessments Letter as referred to in paragraph (1), it can be done:
 - a. directly;
 - b. by post mail with proof of mailing, or
 - c. Through a courier company or courier service with proof of mailing.

CHAPTER III

PROCEDURE FOR ISSUANCE OF TAX COLLECTION LETTER

Article 6

Director General of Taxes to issue the Tax Collection Letter for the Tax Period, Tax Year Part, or Tax Year 2007 and earlier in terms of:

- a. Income Tax in the current year or less are not paid;
- b. Research of Tax Return that there is a lack of tax payments as a result of misspellings and / or



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miscalculation;

- c. Taxpayers subjected to administrative sanctions such as fines and / or interest;
- d. Taxable Firm by Act of VAT but does not report its business activities to be confirmed as a Taxable Firm;
- e. employers who are not confirmed as a Taxable Firm but make Tax Invoice or
- f. Employers who have been confirmed as a Taxable Firm does not make Tax Invoice or make a Tax Invoice but not on time or do not fill completely the Tax Invoice.

Article 7

Director General of Taxes to issue the Tax Collection Letter for the Tax Period, Tax Year Part, or Tax Year 2008 and thereafter in terms of:

- a. Income Tax in the current year or less are not paid;
- b. based on the results of the research there is a lack of tax payments as a result of misspellings and / or miscalculation;
- c. Taxpayers subjected to administrative sanctions such as fines and / or interest;
- d. employers who have been confirmed as a Taxable Firm, does not make Tax Invoice or make Tax Invoice but not timely;
- e. employers who have been confirmed as a Taxable Firm not filling completely the full Tax Invoice as referred to in Article 13 paragraph (5) of Acts of VAT besides:
 - 1) the identity of the buyer as referred to in Article 13 paragraph (5) letter b Acts of VAT, or
 - 2) the identity of the buyer and the name and signature as referred to in Article 13 paragraph (5) letter b and letter g Acts of VAT, in the case of delivery by Taxable Firm of retail merchants;
- f. Taxable Firm shall report Tax Invoice is not in accordance with the issuance of Tax Invoice, or
- g. Taxable Firm who is failing to produce and has been awarded Input Tax Return as referred to in Article 9 paragraph (6a) Acts of VAT.



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Article 8

Director General of Taxes may issue Tax Collection Letter as referred to in Article 6 or Article 7, after examining the data of tax administration or after Verification, Examination, Re-Examining or Examining the Evidence Beginnings in the framework the issuance of Tax Assessments Letter.

Article 9

The amount of tax payable deficiency in Tax Collection Letter as referred to in Article 6 letter a and letter b or Article 7 letter a and letter b, coupled with administrative sanction interest of 2% (two percent) per month for a maximum of 24 (twenty four) months, counted from the time the tax or the end of the Tax Period, Tax Year Part, or Tax Year up to the issuance of Tax Collection Letter, and the days are calculated from the full 1 (one) month.

Article 10

Administrative sanctions such as fines and / or interest collected by Tax Collection Letter as referred to in Article 6 letter c or Article 7 letter c including administrative sanctions in the form of a fine of 50% (fifty percent) as referred to in Article 25 paragraph (9) Act of KUP and 100% (one hundred percent) as referred to in Article 27 paragraph (5d) Acts of KUP.

Article 11

Against to employers or Taxable Firm or referred to in Article 6 letter d, letter e, or letter f or Article 7 letter d, letter e, or letter f, in addition to deposit the tax payable, subjected to administrative sanction in the form of a fine of 2% (two percent) of the Tax Base.

Article 12

Against to employers or Taxable Firm as referred to in Article 7 letter g, subjected to administrative sanctions in the form of interest of 2% (two percent) per month of the amount of tax charged back, which is calculated from the date of issuance of the Tax Overpayment Refund Decree Payment until the date of issuance of Tax Collection Letter, and the days are calculated from the full 1 (one) month.

CHAPTER IV

MISCELLANEOUS PROVISIONS



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Article 13

- (1) the Director General of Taxes may issue a tax assessment letter and / or Tax Collection Letter for a Tax Period, Tax Year Part, or Tax Year before Taxpayer granted or issued a Tax Identification Number and / or confirmed as a Taxable Firm, if the data obtained and / or information that indicates tax obligations that have not been met by the Taxpayer.
- (2) the Director General of Taxes may issue a tax assessment letter and / or Tax Collection Letter for a Tax Period, Tax Year Part, or Tax Year before and / or after the removal of a Tax Identification Number or revocation Taxable Firm Inauguration, if after removal Tax Identification Number or revocation Taxable Firm Inauguration, data and / or information that indicates tax obligations that have not been met by the Taxpayer.
- (3) Tax assessment letter and / or Tax Collection Letter as referred to in paragraph (1) and / or paragraph (2) shall within a period of 5 (five) years after the current tax payable, or the end of the Tax Period, Tax Year Part, or Tax Year, unless the Taxpayer convicted of doing a crime in the field of taxation or other offenses that can result in loss of state revenue based on the Court Decision which has legally binding.
- (4) Tax assessment letter and / or Tax Collection Letter as referred to in paragraph (2) published by first reactivating the Tax Identification Number that has been removed.
- (5) In the event that the Director General of Taxes issued a tax assessment letter and / or Tax Collection Letter for a Tax Period, Tax Year Part, or Tax Year 2007 and earlier, the period as referred to in paragraph (3) to 10 (ten) years.

Article 14

In case the Taxpayer obtains permission to keep accounting with the currency of the United States Dollars and is required to submit Tax Return by using the currency of the United States Dollars, Tax Assessment Letter and Tax Collection Letter published using the currency of United States Dollars unless Tax Collection Letters based on the Article 7 of Acts of KUP.



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Article 15

Further provisions concerning the form and contents of the memorandum of calculation, form and content of an tax assessment letter, as well as the form and content of Tax Collection Letter stipulated by the Director General of Taxes.

CHAPTER V

CLOSING

Article 16

At the time of this Regulation of the Minister comes into force:

- a. Regulation of the Minister of Finance Number 189/PMK.03/2007 concerning Procedures for Issuance of Tax Collection Letter;
- b. Regulation of the Minister of Finance Number 23/PMK.03/2008 concerning Procedures for Issuance of Tax Assessment Letter;
- c. Regulation of the Minister of Finance Number 83/PMK.03/2010 concerning the Amendment to the Regulation of the Minister of Finance Number 23/PMK.03/2008 concerning Procedures for Issuance of Tax Assessment Letter, and
- d. Regulation of the Minister of Finance Number 84/PMK.03/2010 concerning the Amendment to the Regulation of the Minister of Finance Number 189/PMK.03/2007 concerning Procedures for Issuance of Tax Collection Letter,

Revoked and declared void.

Article 17

This Regulation of the Minister comes into force after 15 (fifteen) days from the date of promulgation.

For public cognizance, this Regulation of the Minister of Finance shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on September 10, 2012

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THE REPUBLIC OF
INDONESIA,

Signed.

AGUS D.W. MARTOWARDOJO

Promulgated in Jakarta

on September 10, 2012

MINISTER OF JUSTICE AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

Signed.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 902 YEAR 2012