



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

COPY OF

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF
INDONESIA NUMBER 83/PMK. 03/2012

CONCERNING

CRITERIA AND / OR DETAILS OF LABOR SERVICE WHICH NOT SUBJECTED
TO A VALUE ADDED TAX

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to give more legal certainty regarding to the specific services that are included in the labor services that are not subjected to Value Added Tax, it is necessary the arrangements concerning to the criteria and / or details of labor services that are not subjected to Value Added Tax;
 - b. That in order to ensure a sense of fairness in the imposition of Value Added Tax based on the provisions of Article 8A paragraph (2) of Act Number 8 Year 1983 concerning the Value Added Tax on Goods and Services and Sales Tax on Luxury Goods as amended by Act Number 42 Year 2009, the Minister of Finance was authorized to set another value as a basis for the imposition of taxes;
 - c. that based on the considerations set forth in letter a and b, and to implement the provisions of Article 7, paragraph (2) of Government Regulation Number 1 Year 2012 concerning the Implementation of 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 concerning the Third Amendment Act Number 8 Year 1983 concerning Value Added Tax on Goods and Services and Sales Tax on Luxury Goods, it is necessary to stipulate Regulation of the Minister of Finance concerning the Criteria and / or Details of Labor Services which are not subjected to Value Added Tax;
- In View of :
1. Act Number 6 Year 1983 concerning General Provisions and Tax Procedures (State Gazette of the Republic of 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 Indonesia Year 2009 Number 62, Supplement to State Gazette of the Republic of Indonesia Number 4999);



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2. 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);
3. Government Regulation Number 1 Year 2012 concerning the Implementation of 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 concerning Third Amendment 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 2012 Number 4, Supplement to State Gazette of the Republic of Indonesia Number 5271);
4. The Presidential Decree Number 56 / P Year 2010:

DECIDES:

To stipulate : REGULATION OF THE MINISTER OF FINANCE CONCERNING CRITERIA AND / OR DETAILS OF LABOR SERVICES WHICH NOT SUBJECTED TO THE VALUE ADDED TAX

Article 1

- (1) Types of services that are not subjected to Value Added Tax, is particular service in the labor services.
- (2) Group labor services that are not subjected to value added tax as referred to in the paragraph (1) include:
 - a. labor services;
 - b. labor supply services throughout the employers of labor providers are not responsible for the work of the labor, and
 - c. Provision of training services for workers.
- (3) The definition of labor as described in paragraph (2) is the apprentices who performed apprenticeship.

Article 2

Labor services as referred to in Article 1, paragraph (2) letter a is the services rendered by the labor to the labor service



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users with the following criteria:

- a. The Labor receives compensation in the form of salaries, wages, honoraria, allowances, and the like, and
- b. The labor is directly responsible to the users of the labor service for labor service provider which handed.

Article 3

- (1) The provision of labor services as referred to in Article 1, paragraph (2) letter b is to provide labor services by employers of labor providers to users of labor services.
- (2) The provision of labor services by employers of labor service providers to users of labor services as referred to in paragraph (1) may include activities of recruitment, education, training, apprenticeship, and / or employment, the activities carried out in a single unit with the delivery provision of labor services.
- (3) Criteria for the provision of labor services referred to in paragraph (1) is:
 - a. employers of labor providers simply handed the provision of labor services, which are not related to the provision of other taxable services, such as technical service, management service, consulting service, maintenance service company, loading and unloading services and / or other service;
 - b. employers of labor providers do not pay salaries, wages, fees, allowances, and / or similar to the labor whom provided;
 - c. employers of labor providers are not responsible for the work of labor provided after the user submitted to labor services, and
 - d. labor supplied in the user's staffing structure of labor services.

Article 4

- (1) In the case of labor supply services do not meet the provisions of Article 3, the provision of employment services are services that are subjected to the Value Added Tax.
- (2) Upon The delivery of employment services provision as referred to in paragraph (1) subjected to Value Added Tax



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at 10% (ten percent) multiplied by Tax Base.

- (3) Tax Base as described in paragraph (2) is a replacement, which consist of the entire bill which requested or should be requested on the delivery of providing labor services to service users, including the remuneration of labor in the form of salaries, wages, honoraria , allowances, and the like.
- (4) In case of bill upon the delivery of providing labor services specified in the Tax Invoice by separating invoice for the delivery providing of labor services received by the employer services and benefits received by workers, Tax Base as described in paragraph (2) is other value.
- (5) other value as described in paragraph (4) is the entire bill which requested or should be requested by the labor service provider on the delivery of providing labor services to the users of the service, not including labor remuneration in the form of salaries, wages, fees, allowances, and like.

Article 5

- (1) Provision of training services for workers as referred to in Article 1, paragraph (2) letter c is providing labor training events organized by the vocational training institutions that are licensed or registered in the agencies which are responsible for labor affairs.
- (2) Included in the terms of provision of training services for workers as referred to in Article 1, paragraph (2) letter c is an activity undertaken apprentice ships in one unit with the delivery of providing services for workforce training event.

Article 6

This Regulation of the Minister comes into force on July 1, 2012.

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 June 6, 2012



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MINISTER OF FINANCE,

Signed.

AGUS D.W. MARTOWARDOJO

Promulgated in Jakarta

on June 7,
2012

MINISTER OF JUSTICE AND HUMAN RIGHTS,

Signed.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 583 YEAR 2012