

**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 15 YEAR 2016
CONCERNING
TYPE AND TARIFF OF STATE'S NON-TAX REVENUES
IN THE MINISTRY OF COMMUNICATIONS OF THE REPUBLIC OF INDONESIA**

**BY THE GRACE OF GOD ALMIGHTY
PRESIDENT OF THE REPUBLIC OF INDONESIA**

In considering

- a. that in order to adjust the type and tariff of State's non-tax revenues in the Ministry of Communications (Transportation) of the Republic of Indonesia as cited in Government Regulation (PP) Number 11 Year 2015 on type and tariff of State's non-tax revenues in the Ministry of Communications, it shall be necessary to again regulate the type and tariff of State's non-tax revenues in the Ministry of Communications;
- b. that based on the consideration as cited in letter a and in order to implement the provisions of Article 2 paragraphs (2) and (3) and Article 3 paragraph (2) of Law Number 20 Year 1997 on State's non-tax revenues, it shall be necessary to enact a Government Regulation (PP) on the type and tariff of State's non-tax revenues in the Ministry of Communications;

Referring to in

1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 20 Year 1997 on State's Non-tax Revenues (State Gazette of the Republic of Indonesia Year 1997 Number 43, Supplement to State Gazette of the Republic of Indonesia Number 3687);
3. Government Regulation (PP) Number 22 Year 1997 on Type and Payment of State's Non-tax Revenues (State Gazette of the Republic of Indonesia Year 1997 Number 57, Supplement to State Gazette of the Republic of Indonesia Number 3694) as having been amended by Government Regulation Number 52 Year 1998 on the amendment of Government Regulation number 22 year 1997 on Type and Payment of State's Non-tax Revenues (State Gazette of the Republic of Indonesia Year 1998 Number 85, Supplement to State Gazette of the Republic of Indonesia Number 3760);

DECIDES:

To Enact: GOVERNMENT REGULATION (PP) ON THE TYPE AND TARIFF OF STATE'S NON-TAX REVENUES IN THE MINISTRY OF COMMUNICATIONS OF THE REPUBLIC OF INDONESIA.

Article 1

(1) The type of State's Non-tax Revenues in the Ministry of Communications shall include those of the revenues from:

- a. services of land transportation;
- b. services of railway transportation;

- c. services of sea transportation;
- d. services of air transportation;
- e. services of education and training and services of the use of facilities and infrastructures; and
- f. administrative fines.

(2) The Type and Tariff of State's Non-tax Revenues in the Ministry of Communications as cited in paragraph (1) shall be stated in the Appendix of this Government Regulation.

Article 2

(1) In addition to those as stated in the Appendix, the type of State's Non-tax Revenues as cited in Article 1 paragraph (1) letters b, c, and d, shall include as follows:

- a. the type of State's Non-tax Revenues deriving from the services of railway transportation such as the cost of using the railway infrastructures;
- b. the type of State's Non-tax Revenues deriving from the services of sea transportation such as the proceeds from concession and/ or other proceeds from the activity of undertakings at seaport;
- c. the type of State's Non-tax Revenues deriving from the services of sea transportation as per delegation, of which shall include the services of:
 - 1) the inspection and certification of safety, the outline of loading and the prevention of the environmental pollution of maritime and the Endorsement;
 - 2) the implementation of ship measurement and the issuance of document on the measurement;
 - 3) the implementation of audit and the issuance of document of Compliance and Safety Management Certificate and Endorsement;
 - 4) the technical inspection and the issuance of document on the verification of the drawing of the building design and the calculation of the stability of ship; and
 - 5) the implementation of audit and the issuance of International Ship Security Certificate (ISSC).
- d. the type of State's non-tax revenues deriving from the services of air transportation such as the revenue from concession and/ or other revenues from the activity of undertakings of airport as carried out by the Entity of Undertakings of Airport; and
- e. the type of State's non-tax revenues deriving from the services of air transportation such as the revenue from services of navigation in the air space of the Republic of

Indonesia as delegated to other countries.

(2) The Tariff of State's non-tax revenues as cited in paragraph (1) letter a shall be calculated based on formula as follows:

$$TAC_{KA} = \left[GT_{KA} \times \sum_{i=1}^n (KM_{KAi} \times TAC_{Daop/Divrei}) \right] \times Fp$$

Note:
 Daop=Operational Area
 Divre=Regional Division
 KA= railway

$$TAC_{Daop/Divre} = \frac{\text{Total annual cost of using railway infrastructure of Daop/ Divre}}{\sum_{j=1}^n \text{Passing tonnage X length of corridor of Daop/Divre of service lane}}$$

$$TAC_{Daop/Divre} = IM_{Daop/Divre} + IO_{Daop/Divre} + ID_{Daop/Divre}$$

$$IM_{Daop/Divre} = \frac{\text{Total annual cost of maintaining railway infrastructure of Daop/ Divre}}{\sum_{j=1}^n \text{Passing tonnage X length of corridor of Daop/Divre of service lane}}$$

$$IO_{Daop/Divre} = \frac{\text{Total annual cost of operation of railway infrastructure of Daop/ Divre}}{\sum_{j=1}^n \text{Passing tonnage X length of corridor of Daop/Divre of service lane}}$$

$$ID_{Daop/Divre} = \frac{\text{Total annual cost of depreciation of railway infrastructure of Daop/ Divre}}{\sum_{j=1}^n \text{Passing tonnage X length of corridor of Daop/Divre of service lane}}$$

(3) The rate of Factor of Priority (Fp) maximal at 0.75 (zero point seventy five) shall be determined by Minister of Communications by considering the continuation of the operation of the entity of undertakings.

(4) The rate of depreciation (ID) shall be determined by Minister of Communications except the depreciation of the state-owned railway company that shall be determined at Rp0.00 (zero rupiah).

(5) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letters b, c and d, shall be at the rate as cited in the contract of cooperation.

(6) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letter e shall be at the rate as cited in the inter-country agreement.

Article 3

- (1) In addition to what has been determined in the Appendix of this Government Regulation (PP), in regard of the type of State's non-tax revenues as cited in Article 1 paragraph (1) letter e the Ministry of Communications shall be allowed to carry out or run:
 - a. the activities of education and training on transportation under a cooperation;
 - b. the education and training on Leadership of Level IV and Leadership of Level III for Government Employees and the education and training on Pre-job title of any candidate of government employee as in compliance with the prevailing laws and regulations;
 - c. the education and training on functional analysis of employment, archives, Expert Auditor, Skillful Auditor, and Public Relation Institution in compliance with the prevailing laws and regulations; and
 - d. the education and training under an international agency of education and training.
- (2) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letter a shall be at a nominal value as stated in the contract of cooperation.
- (3) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letter b shall refer to the Government Regulation on type and tariff of State's non-tax revenues as applied in the State's Institution of Administration.
- (4) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letter c shall refer to the Government Regulation on type and tariff of State's non-tax revenues as applied in the Institution of Education and Training on Functional Development.
- (5) The tariff of the type of State's non-tax revenues as cited in paragraph (1) letter d shall refer to the tariff as determined by the international agency/institution of Education and Training.

Article 4

- (1) In addition to what is stated in the Appendix, the type of State's non-tax revenues as cited in Article 1 paragraph (1) letter e shall include the contribution of services of education and training.
- (2) The contribution of services of education and training as cited in paragraph (1) shall be the cost as imposed on the party who will use the services of the graduates of the education and training of Subsidized Diploma in the Center of Development of Human Resources of Air Transportation.
- (3) The rate of tariff of the type of State's non-tax revenues as cited in paragraph (1) shall be at a nominal value as stated in the contract of cooperation.

- (4) The contribution of the services of education and training as cited in paragraph (1) shall not be subject to imposition in case that the user of services of the graduates of the education and training of subsidized Diploma at the center of development of human resources of air transportation is an institution or agency of the central government of Indonesia.
- (5) The provision concerning the procedure and requirement of the use of services of the graduates of education and training of subsidized Diploma at the center of development of human resources of air transportation as cited in paragraphs (2) and (4) shall be regulated under a Ministerial Decree of Communications.

Article 5

- (1) For certain activities the type of State's non-tax revenues in the Ministry of Communications as cited in Article 1 paragraph (1) letters a through d for non-commercial purposes shall be subject to the imposition of tariff of up to Rp0.00 (zero rupiah).
- (2) Certain activities as cited in paragraph (1) shall include the activities as follows:
 - a. State's tasks;
 - b. certain governmental tasks;
 - c. the activities of search and rescue, natural disaster, and human aid;
 - d. the public and social activities;
 - e. national and international activities;
 - f. Micro, small and medium undertakings.
- (3) Further provisions on the criteria, procedure, and requirements on the imposition of tariff of certain activities as cited in paragraphs (1) and (2) shall be regulated under a Ministerial Decree of Communications with an approval from the Minister of Finance of the Republic of Indonesia.

Article 6

- (1) In regard of the State's non-tax revenues deriving from the services of education and training and the services of the use of the facilities and infrastructures as cited in Article 1 paragraph (1) letter e:
 - a. for the education and training of development in the center of development of human resources of land and sea transportations; and
 - b. for the education and training of subsidized Diploma at the center of development of human resources of air transportation,

the participants of education with good achievements but of the needy shall be subject to the imposition of tariff of Rp0.00 (zero rupiah).

- (2) Further provisions on the procedure and requirements on the imposition of tariff of Rp0.00 (zero rupiah) for the participants of education with good achievements but of the needy as cited in paragraph (1) shall be regulated under a Ministerial Decree of Communications with an approval from the Minister of Finance of the Republic of Indonesia.

Article 7

- (1) The type of State's non-tax revenues deriving from the services of land transportation as cited in Article 1 paragraph (1) letter a in form of charges of service of the entry of seaport for crossing trip, service of maintenance of pier for crossing trip and service of weighting vehicles as cited in Appendix shall be categorized based on the types of vehicles.
- (2) The determination on the category of vehicles in regard of the State's non-tax revenues as cited in paragraph (1) shall be decided by Minister of Communications of the Republic of Indonesia.

Article 8

- (1) The type of State's non-tax revenues deriving from the services of land transportation as cited in Article 1 paragraph (1) letter a in form of charges for the assessment (testing) of motor vehicles as cited in Appendix shall be categorized based on the types of motor vehicles.
- (2) The category of motor vehicles for the sake of assessment (testing) of motor vehicles as cited in paragraph (1) shall exclude the assessment of calibration of testing tools of motor vehicles, certification of workshop of compressed natural gas (CNG), certification of competency of appraisal (testing) of motor vehicles, and the issuance of evidence on the status of passing a regular testing of motor vehicles.
- (3) Determination on the type of motor vehicle as cited in paragraph (1) shall be decided by Minister of Communications.

Article 9

- (1) The type of State's non-tax revenues deriving from the services of sea transportation as cited in Article 1 paragraph (1) letter c in form of charges of service of harbor shall be categorized based on the class or category of harbor.
- (2) The type of State's non-tax revenues deriving from the services of sea transportation as cited in Article 1 paragraph (1) letter c in form of charges of service for the delivery of animals shall be categorized based on the type of animals.

- (3) The determination on the criteria and classification of harbor and the category of the types of animals as cited in paragraphs (1) and (2) shall be decided by Minister of Communications.

Article 10

The determination on the number of days of visits (entries) to the harbor in regard of the State's non-tax revenues deriving from the services of harbor shall be decided by Minister of Communications.

Article 11

- (1) The tariff of the type of State's non-tax revenues deriving from the service of railway transportation, service of sea transportation and service of air transportation in forms of:
- a. certification of human resources of railway transportation;
 - b. certification of railway facilities and infrastructures;
 - c. issuance of permits of railway undertakings;
 - d. services of the use of railway equipment;
 - e. the use of railway facilities;
 - f. services of the approval of technical specification of railway facilities;
 - g. services for the guidance and delay of shipment at public harbor and terminal for individual purposes and at special terminal;
 - h. issuance of document of permit of harbor;
 - i. implementation of audit and issuance of certificate of fulfillment of security of harbor facility or Statement of Compliance of Port Facility;
 - j. inspection of work health of shipment;
 - k. appraisal of permit of the authority of company to conduct a repair and maintenance of equipment for the safety of shipment;
 - l. salvage and underwater job;
 - m. inspection and certification of safety, outline of loading and prevention of maritime environmental pollution and endorsement;
 - n. implementation of measurement of ship and issuance of document or statement of measurement;
 - o. implementation of audit and issuance of document of compliance and safety

management and endorsement;

p. international ship security certificate;

q. appraisal and certification of ship safety equipment and fire equipment and equipment of pollution prevention;

r. technical inspection and issuance of verification of the drawing of design and calculation of the stability of ship;

s. technical inspection and issuance of document of crews/ seafarers in form of:

1) audit of program of the education and training of seafarers; and

2) audit of permit of undertakings for the recruitment and the placement of seafarers or crews.

t. license of air personnel;

u. certification of equipment or facilities of services of air transportation;

v. certification of organization of services of air transportation;

w. appraisal of health at the center of health of air transportation;

x. services at technical center of air transportation;

y. services at the main center of calibration of facilities of air transportation; and

z. technical services of airport,

of which the activities are not included in those of the office of the Ministry of Communications, and not included in the costs of accommodations and transportations.

(2) The costs of accommodations and transportations as cited in paragraph (1) shall be borne by the Payee in compliance with the prevailing laws and regulations.

Article 12

(1) Administrative fines as cited in Article 1 paragraph (1) letter f shall be calculated based on the points of violation and multiplied by the rates of administrative fines in land transportation, sea transportation, and air transportation as cited in the Appendix of this Government Regulation.

(2) Further provisions concerning the points of violation in regard of the types of administrative fines as cited in paragraph (1) shall be regulated under a Ministerial Decree.

Article 13

All the State's non-tax revenues in the Ministry of Communications shall be directly and promptly transferred to the State Treasury of the Republic of Indonesia.

Article 14

At the time of the enactment of this Government Regulation, Government Regulation Number 11 Year 2015 on Type and Tariff of State's non-tax revenues in the Ministry of Communications (State Gazette of the Republic of Indonesia Year 2015 Number 41, Supplement to State Gazette of the Republic of Indonesia Number 5668) shall be revoked and declared no longer effective.

Article 15

This Government Regulation shall be effective after 30 (thirty days) as of the date of enactment.

That everybody shall be made aware of, and the enactment of this Law shall be published in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated 25 May 2016

PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

JOKO WIDODO

Enacted in Jakarta

Dated 27 May 2016

**Minister of Justice and Human Rights
of the Republic of Indonesia,**

Signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2016 NUMBER 102

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MINISTRY OF STATE'S SECRETARY
OF THE REPUBLIC OF INDONESIA
Assistant to Deputy of Economy, and
Deputy of Laws and Regulations

Signed.

Lydia Silvanna Djaman