

MINISTRY OF FINANCE OF THE REPUBLIC OF INDONESIA
DIRECTORATE GENERAL OF TAXES

COPY OF
REGULATION OF THE DIRECTOR GENERAL OF TAXES
NUMBER PER-12/PJ/2020
ON
THE THRESHOLDS OF THE COLLECTORS AND THE APPOINTMENT OF THE
COLLECTORS, COLLECTION, REMITTANCE, AND FILING OF VALUE ADDED
TAX ON THE UTILIZATION OF INTANGIBLE TAXABLE GOODS AND/OR
TAXABLE SERVICES FROM OUTSIDE OF THE CUSTOMS AND EXCISES
TERRITORY WITHIN THE CUSTOMS AND EXCISES TERRITORY THROUGH
ELECTRONIC COMMERCE

DIRECTOR GENERAL OF TAXES,

Considering : that for the implementation of Regulation of the Minister of Finance Number 48/PMK.03/2020 on the Procedures for the Appointment of the Collectors, Collection, Remittance, and Filing of Value Added Tax on the Utilization of Intangible Taxable Goods and/or Taxable Services from Outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic Commerce, it is necessary to issue a Regulation of the Director General of Taxes on the Thresholds of the Collectors and the Appointment of the Collectors, Collection, Remittance, and Filing of Value Added Tax on the Utilization of Intangible Taxable Goods and/or Taxable Services from Outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic Commerce;

Observing : 1. Law Number 6 of 1983 on General Provisions and Tax Procedures (State Gazette of the Republic of Indonesia of 1983 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3262) as amended several times, the last by Law Number 16 of 2009 on Enactment of Government Regulation in lieu of Law Number 5 of 2008 on Fourth Amendment to Law Number 6 of 1983 on

- General Provisions and Tax Procedures into Law (State Gazette of the Republic of Indonesia of 2009 Number 62, Supplement to the State Gazette of the Republic of Indonesia Number 4999);
2. Law Number 8 of 1983 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods (State Gazette of the Republic of Indonesia of 1983 Number 51, Supplement to the State Gazette of the Republic of Indonesia Number 3264) as amended several times, the last by Law Number 42 of 2009 on Third Amendment to Law Number 8 of 1983 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods (State Gazette of the Republic of Indonesia of 2009 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 5069);
 3. Law Number 2 of 2020 on Enactment of Government Regulation in lieu of Law Number 1 of 2020 on Policies of State Finance and Financial System Stability for Dealing with the Corona Virus Disease 2019 (COVID-19) Pandemic and/or Threats that Imperil National Economy and/or Financial System Stability into Law (State Gazette of the Republic of Indonesia of 2020 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 6516);
 4. Regulation of the Minister of Finance Number 48/PMK.03/2020 on the Procedures for the Appointment of the Collectors, Collection, Remittance, and Filing of Value Added Tax on the Utilization of Intangible Taxable Goods and/or Taxable Services from Outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic Commerce (State Bulletin of the Republic of Indonesia of 2020 Number 445);

HAS DECIDED:

to Issue : REGULATION OF THE DIRECTOR GENERAL OF TAXES ON
THE THRESHOLDS OF THE COLLECTORS AND THE

APPOINTMENT OF THE COLLECTORS, COLLECTION, REMITTANCE, AND FILING OF VALUE ADDED TAX ON THE UTILIZATION OF INTANGIBLE TAXABLE GOODS AND/OR TAXABLE SERVICES FROM OUTSIDE OF THE CUSTOMS AND EXCISES TERRITORY WITHIN THE CUSTOMS AND EXCISES TERRITORY THROUGH ELECTRONIC COMMERCE.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regulation of the Director General:

1. Law on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods, hereinafter referred to as VAT Law, shall be Law Number 8 of 1983 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods as amended several times, the last by Law Number 42 of 2009.
2. Value Added Tax, hereinafter abbreviated as VAT, shall be the tax as stipulated in the VAT Law.
3. Electronic System shall be a set of electronic devices and procedures whose functions are to prepare, collect, process, analyse, store, display, announce, deliver, and/or spread electronic information.
4. Electronic Commerce, hereinafter referred to as E-Commerce, shall be commerce whose transaction is made through Electronic System.
5. Taxable Good shall be any good that is subject to tax pursuant to the VAT Law.
6. Taxable Service shall be any service that is subject to tax pursuant to the VAT Law.
7. Digital Good shall be any intangible good in the form of electronic or digital information, covering all goods that have been converted or transformed or those that are electronic in its origin, including but not limited to software, multimedia, and/or electronic data.

8. Digital Service shall be any service delivered through the internet or electronic network, whose nature is automatic or with little human interference, and impossible to be confirmed without information technology, including but not limited to software-based services.
9. Consumer shall be any individual or entity that utilises Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic System, which consists of Goods Customer and Service Recipient.
10. Goods Customer shall be any individual or entity that receives or should receive the Intangible Taxable Good and pays or should pay for the Intangible Taxable Good in consideration of the utilization of such Intangible Taxable Good from outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic System.
11. Service Recipient shall be any individual or entity that receives or should receive the Taxable Service and pays or should pay for the Taxable Service in consideration of the utilization of such Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through Electronic System.
12. Seller shall be any individual or entity that enters into a transaction with Consumer, which consists of Foreign Merchant and/or Foreign Service Provider.
13. Foreign Merchant shall be any individual or entity whose place of residence or domicile is in the outside of the Customs and Excises Territory that enters into a transaction with Goods Customer within the Customs and Excises Territory through Electronic System.
14. Foreign Service Provider shall be any individual or entity whose place of residence or domicile is in the outside of the Customs and Excises Territory that enters into a transaction with Service Recipient within the Customs and Excises Territory through Electronic System.

15. E-Commerce Operator shall be any enterprise that provides electronic communication platform used for commercial transactions.
16. Foreign E-Commerce Operator shall be E-Commerce Operator whose place of residence or domicile is in the outside of the Customs and Excises Territory.
17. Domestic E-Commerce Operator shall be E-Commerce Operator whose place of residence or domicile is within the Customs and Excises Territory.
18. Person Conducting E-Commerce shall be any individual or entity that carries on E-Commerce business activities, which consists of Seller, Foreign E-Commerce Operator, and/or Domestic E-Commerce Operator.
19. E-Commerce VAT Collector shall be Person Conducting E-Commerce appointed by the minister who administers governmental affairs in state finance to collect, remit, and file the VAT on the utilization of Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through E-Commerce.
20. Tax Period shall be a period for the E-Commerce VAT Collector to calculate, remit, and file the VAT due on the utilization of Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through E-Commerce in 1 (one) calendar month.

Article 2

- (1) VAT shall be imposed on the utilization of Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through E-Commerce.
- (2) VAT imposed as referred to in section (1) shall be collected, remitted, and filed by Person Conducting E-Commerce after having been appointed as E-Commerce VAT Collector.

- (3) Utilization of intangible good and/or service that pursuant to tax laws and regulations is not subject to VAT shall be exempted from the VAT as referred to in section (1).

CHAPTER II COLLECTOR APPOINTMENT

Article 3

- (1) Director General of Taxes shall appoint Person Conducting E-Commerce as E-Commerce VAT Collector as referred to in Article 2 section (2) for Person Conducting E-Commerce, having met the thresholds, by issuing a Decree of the Director General of Taxes.
- (2) Appointment as E-Commerce VAT Collector as referred to in section (1) shall become effective on the first day of the following month after the date of issuance of the decree of appointment.
- (3) Decree of the Director General of Taxes as referred to in section (1) shall be issued using the template as attached in Annex A which is an integral part of this Regulation of the Director General.

Article 4

Thresholds as referred to in Article 3 section (1) shall be:

- a. amount of transaction amount with Consumer in Indonesia exceeding Rp600.000.000,00 (six hundred million rupiah) in 1 (one) year or Rp50.000.000,00 (fifty million rupiah) in 1 (one) month; and/or
- b. number of traffics or users in Indonesia exceeding 12.000 (twelve thousand) in 1 (one) year or 1.000 (one thousand) in 1 (one) month.

Article 5

- (1) Person Conducting E-Commerce that has not been appointed as E-Commerce VAT Collector, but chooses to be appointed as such, may submit a notification to the Director General of Taxes.

- (2) Notification as referred to in section (1) may be submitted by email or through application or system determined and/or provided by the Directorate General of Taxes.
- (3) Notification as referred to in section (1) may be taken into account by the Director General of Taxes in appointing Person Conducting E-Commerce as E-Commerce VAT Collector.
- (4) Notification as referred to in section (1) may be submitted using the template as attached in Annex B which is an integral part of this Regulation of the Director General.

Article 6

- (1) Director General of Taxes may revoke the appointment of Person Conducting E-Commerce as E-Commerce VAT Collector in case such Person Conducting E-Commerce no longer meets the thresholds as referred to in Article 4 or based on considerations of the Director General of Taxes.
- (2) Revocation as referred to in section (1) shall be carried out by issuing a Decree of the Director General of Taxes.
- (3) Revocation of the appointment as E-Commerce VAT Collector as referred to in section (2) shall become effective on the first day of the following month after the date of issuance of the decree of revocation.
- (4) Decree of the Director General of Taxes as referred to in section (2) shall be issued using the template as attached in Annex C which is an integral part of this Regulation of the Director General.

Article 7

- (1) E-Commerce VAT Collector shall be given a tax identity number as a means used in tax administration for self-identification or identity of such E-Commerce VAT Collector in exercising its tax rights and fulfilling its tax obligations.
- (2) Tax identity number as referred to in section (1) shall be given by the Directorate General of Taxes by issuing a certificate of registration and a tax identity number card.

- (3) For E-Commerce VAT Collector towards whom a Decree of the Director General of Taxes on revocation of appointment has been issued as referred to in Article 6 section (2), tax identity number as referred to in section (1) may be deleted in accordance with tax laws and regulations.
- (4) Certificate of registration as referred to in section (2) shall be issued using the template as attached in Annex D which is an integral part of this Regulation of the Director General.
- (5) Tax identity number card as referred to in section (2) shall be issued using the template as attached in Annex E which is an integral part of this Regulation of the Director General.

Article 8

- (1) E-Commerce VAT Collector shall be obliged to activate its account and update its data through online application or system determined and/or provided by the Directorate General of Taxes prior to the appointment as E-Commerce VAT Collector becoming effective as referred to in Article 3 section (2).
- (2) E-Commerce VAT Collector, having activated its account as referred to in section (1), may use the application or system determined and/or provided by the Directorate General of Taxes to exercise its tax rights and fulfill its tax obligations as E-Commerce VAT Collector.

Article 9

- (1) In case any data element in a Decree of the Director General of Taxes on appointment as referred to in Article 3 section (1) differs from the actual condition, E-Commerce VAT Collector shall submit a notification to the Director General of Taxes.
- (2) Notification as referred to in section (1) may be submitted by email or through application or system determined and/or provided by the Directorate General of Taxes.

- (3) Based on notification as referred to in section (1) or in case of any error in a Decree of the Director General of Taxes on appointment as referred to in Article 3 section (1), Director General of Taxes shall issue a decree of rectification.
- (4) In case Director General of Taxes issues a decree of rectification as referred to in section (3), the appointment as E-Commerce VAT Collector as referred to in Article 3 section (1) shall remain effective.

CHAPTER III VAT COLLECTION

Article 10

- (1) The amount of VAT that is obliged to be collected by E-Commerce VAT Collector as referred to in Article 2 section (2) shall be 10% (ten percent) of the tax base.
- (2) Tax base as referred to in section (1) shall be the amount of money paid by Consumer not including the VAT collected.
- (3) VAT collection as referred to in section (1) shall take place at the time of payment by Consumer.

Article 11

- (1) For transaction made by Seller, having been appointed as E-Commerce VAT Collector, directly to Consumer, the VAT due thereon as referred to in Article 2 section (1) shall be obliged to be collected, remitted, and filed by such Seller.
- (2) For transaction made by Seller through E-Commerce Operator, the VAT due thereon as referred to in Article 2 section (1) shall be obliged to be collected, remitted, and filed by such Seller or E-Commerce Operator that:
 - a. has been appointed as E-Commerce VAT Collector;
and
 - b. issues commercial invoice, billing, order receipt, or any similar document.

- (3) In case the utilization of Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory through E-Commerce on which the VAT as referred to in section (1) and section (2) is not collected, the VAT due as referred to in section (1) and section (2) shall be obliged to be collected, remitted, and filed by Consumer pursuant to Article 3A of the VAT Law.

Article 12

- (1) For every VAT collected as referred to in Article 10, E-Commerce VAT Collector shall make VAT receipt.
- (2) VAT receipt as referred to in section (1) may be in the form of commercial invoice, billing, order receipt, or any similar document, asserting therein VAT collected and paid.
- (3) Assertion of VAT collection in the VAT receipt as referred to in section (2) may be:
 - a. separated from the tax base; or
 - b. as part of the payment amount.
- (4) Commercial invoice, billing, order receipt, or any similar document as referred to in section (2) shall be any document made in accordance with the ordinary course of E-Commerce VAT Collector's business.
- (5) In case taxable person being Consumer intends to credit the VAT paid as stated in the VAT receipt, such taxable person must inform its name and tax identification number to E-Commerce VAT Collector so as to be stated in the VAT receipt.
- (6) VAT receipt as referred to in section (2) shall be a document equivalent to VAT invoice provided that such VAT receipt mentions therein:
 - a. Consumer's name and tax identification number as referred to in section (5); or
 - b. Consumer's email address as registered in the administration of the Director General of Taxes.

- (7) In case VAT receipt does not mention therein name and tax identification number or email address as referred to in section (6), such VAT receipt shall be a document equivalent to VAT invoice provided that such VAT receipt is attached with document attesting that Consumer's account on the Electronic System of the E-Commerce VAT Collector contains:
 - a. Consumer's name and tax identification number; or
 - b. Consumer's email address as registered in the administration of the Director General of Taxes.
- (8) VAT stated in a document equivalent to VAT invoice as referred to in section (6) and section (7) shall become the input tax which can be credited by the taxable person provided that it meets the requirements for crediting VAT in accordance with tax laws and regulations.

CHAPTER IV VAT REMITTANCE

Article 13

- (1) E-Commerce VAT Collector shall be obliged to remit the VAT collected as referred to in Article 10 section (1) for every Tax Period to be received by collecting banks or agents not later than the end of the following month after Tax Period ends.
- (2) VAT remittance as referred to in section (1) shall be made by:
 - a. electronic means to the state treasury account through collecting banks or agents in Indonesia; and/or
 - b. other means determined and/or provided by the Directorate General of Taxes.
- (3) VAT remittance as referred to in section (2) shall be made using billing code from the Directorate General of Taxes acquired by E-Commerce VAT Collector through billing application of the Directorate General of Taxes as part of the application or system determined and/or provided by the Directorate General of Taxes.

- (4) E-Commerce VAT Collector shall remit the VAT collected as referred to in section (1) in:
 - a. Indonesian rupiah using the exchange rate of Decree of the Minister of Finance applicable at the date of remittance;
 - b. United States dollar; or
 - c. other foreign currencies specified by the Director General of Taxes.
- (5) Use of currency as referred to in section (4) shall correspond to the currency selected by E-Commerce VAT Collector in its account on the application or system determined and/or provided by the Directorate General of Taxes.
- (6) In case of VAT remittance in United States dollar as referred to in section (4) sub-section b or other foreign currencies as referred to in section (4) sub-section c, such remittance shall be made to the state treasury account through collecting banks or agents which provide services for depositing state revenue in foreign currencies.
- (7) VAT remittance by E-Commerce VAT Collector as referred to in section (1) shall be approved as settlement of obligation according to the date of remittance as stated in the state revenue receipt.
- (8) Procedures for VAT remittance in United States dollar as referred to in section (4) sub-section b or other foreign currencies as referred to in section (4) sub-section c shall be in accordance with laws and regulations on electronic state revenue system.
- (9) In case VAT has been collected but not yet remitted by Person Conducting E-Commerce whose appointment as E-Commerce VAT Collector has been revoked as referred to in Article 6 section (1), such VAT collected shall be obliged to be remitted to the state treasury.

- (1) In case in a Tax Period the amount of VAT that has been remitted is less than the amount of VAT that should have been remitted, the underpaid amount shall be obliged to be remitted to the state treasury for that Tax Period.
- (2) In case in a Tax Period the amount of VAT that has been remitted exceeds the amount of VAT that should have been remitted, the overpaid amount may be compensated for the VAT due for the Tax Period during which the overpayment is discovered.

CHAPTER V VAT FILING

Article 15

- (1) E-Commerce VAT Collector shall be obliged to file quarterly the VAT collected as referred to in Article 10 section (1) and remitted as referred to in Article 13 section (1) for every 3 (three) Tax Periods not later than the end of the following month after the quarterly period ends.
- (2) Quarterly period as referred to in section (1) shall consist of:
 - a. Quarter I : Tax Period from January to March;
 - b. Quarter II : Tax Period from April to June;
 - c. Quarter III : Tax Period from July to September; and
 - d. Quarter IV : Tax Period from October to December.
- (3) Filing as referred to in section (1) shall at least contain:
 - a. number of Consumers;
 - b. the amount of payment not including the VAT collected;
 - c. the amount of VAT collected; and
 - d. the amount of VAT remitted,for every Tax Period.
- (4) Provision with respect to the obligation of filing the VAT collected as referred to in section (1) shall remain applicable in case the VAT collected during a quarterly period is zero.

- (5) Filing as referred to in section (1) shall be treated as tax return, hereinafter referred to as E-Commerce VAT Periodic Tax Return.
- (6) In case overpaid VAT in a Tax Period is compensated as referred to in Article 14 section (2) from previous quarterly period, filing as referred to in section (3) shall also contain:
 - a. the compensated amount of the overpayment; and
 - b. the quarterly period when the overpayment takes place.
- (7) In case of underpaid VAT as referred to in Article 14 section (1) or overpaid VAT as referred to in Article 14 section (2) after the quarterly filing, E-Commerce VAT Collector shall be obliged to rectify such quarterly filing.
- (8) Upon the request of the Director General of Taxes, E-Commerce VAT Collector shall be obliged to file transaction details of VAT collected for a calendar-year period, hereinafter referred to as E-Commerce VAT Annual Filing.
- (9) Authority for request as referred to in section (8) shall be delegated to the head of tax office at which E-Commerce VAT Collector is registered.
- (10) Filing of transaction details as referred to in section (8) shall at least contain:
 - a. number and date of the VAT receipt;
 - b. the amount of payment, not including the VAT collected, in each of the VAT receipt;
 - c. the amount of VAT collected in each of the VAT receipt;
 - d. Consumer's name and tax identification number, in case the VAT receipt asserts such information; and
 - e. Consumer's phone number, email address, or other identity.
- (11) Filing as referred to in section (1) and section (8) shall use the currency selected by E-Commerce VAT Collector as referred to in Article 13 section (5).
- (12) Filing as referred to in section (1) and section (8) shall be in Indonesian language and/or English language.

- (13) Filing as referred to in section (1) and section (8) shall be in electronic form and submitted through application or system determined and/or provided by the Directorate General of Taxes.
- (14) For the filing as referred to in section (1) and section (8), E-Commerce VAT Collector shall be given electronic receipt.
- (15) Electronic receipt as referred to in section (14) shall be given using the template as attached in Annex F which is an integral part of this Regulation of the Director General..

CHAPTER VI OTHER PROVISIONS

Article 16

In case Consumer collects and remits VAT due on the utilization of Intangible Taxable Good and/or Taxable Service from outside of the Customs and Excises Territory within the Customs and Excises Territory pursuant to Article 3A of the VAT Law while the VAT has also been collected by E-Commerce VAT Collector as referred to in Article 10 section (1), such VAT paid by Consumer may be:

- a. submitted for book-transfer to other tax remittance in accordance with the provisions of procedures for tax payment and remittance by book-transfer;
- b. submitted for refund of overpaid tax that should have not been due in accordance with the provisions of procedures for refund of overpaid tax that should have not been due;
- c. credited against the output tax provided that it meets the requirements for crediting the input tax in accordance with tax laws and regulations; or
- d. subtracted from the gross income in accordance with the provisions of calculation of taxable income and payment of Income Tax in current year.

Article 17

In case of need for assessment on the input tax credited by the taxable person as referred to in Article 12 section (8) in exercising tax rights and fulfilling tax obligations, such assessment shall be performed on evidence owned by such taxable person in the forms of:

- a. VAT receipt as referred to in Article 12 section (6) or section (7); and
- b. payment slip of the VAT collected as referred to in Article 10 section (1).

Article 18

This Regulation of the Director General shall become effective on 1 July 2020.

Issued in Jakarta
on 25 June 2020
DIRECTOR GENERAL,

(sgd.)
SURYO UTOMO

True copy of the original
SECRETARY OF THE DIRECTORATE GENERAL OF TAXES
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