



FINANCE MINISTER  
THE REPUBLIC OF INDONESIA

**COPY**

REGULATION OF THE FINANCE MINISTER

NUMBER 113/ PMK.02/ 2009

ON

OIL AND GAS ACCOUNT

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE FINANCE MINISTER,

- Having considered :
- a. that for the purpose of collecting the Government's share from oil and gas upstream business activities, the Finance Minister as the State General Treasury has opened the Ministry of Finance Account for Proceeds from Oil Production Sharing Work Agreement Numbered 600.000411 at Bank Indonesia;
  - b. that to provide the legal certainty over the settlement of Government's obligation concerning the oil and gas upstream business activities through the Ministry of Finance Account for Proceeds from Oil Production Sharing Work Agreement Numbered 600.000411 at Bank Indonesia, it is necessary to stipulate the provisions on the disbursement of funds from the Ministry of Finance Account for Proceeds from Oil Production Sharing Work Agreement Numbered 600.000411 at Bank Indonesia ;
  - c. that based upon the consideration as referred to in letter a and letter b, it is necessary to enact the Regulation of the Finance Minister on Oil and Gas Account.
- Having observed :
1. Law Number 8 of 1983 on Value Added Tax on Goods and Services and Tax on the Sales of Luxury Items (State Gazette of the Republic of Indonesia Number 51 of 1983, Supplement to the State Gazette of the Republic of Indonesia Number 3246) as amended several times, and last by Law Number 18 of 2000 (State Gazette of the Republic of Indonesia Number 128 of 2000, Supplement to the State Gazette of the Republic of Indonesia Number 3986);
  2. Law Number 12 of 1985 on Land and Building Taxes (State Gazette of the Republic of Indonesia Number 68 of 1985, Supplement to State Gazette of the Republic of Indonesia Number 3312), as amended Law Number 12 of 1994 (State Gazette of the Republic of Indonesia Number 62 of 1994, Supplement to the State Gazette of the Republic of Indonesia Number 3569);



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3. Law Number 18 of 1997 on Regional Tax and Regional Retribution (State Gazette of the Republic of Indonesia Number 41 of 1997, Supplement to the State Gazette of the Republic of Indonesia Number 3685), as amended by Law Number 34 of 2000 (State Gazette of the Republic of Indonesia Number 246 of 2000, Supplement to the State Gazette of the Republic of Indonesia Number 4048);
4. Law Number 20 of 1997 on Non-Tax State Revenue (State Gazette of the Republic of Indonesia Number 43 of 1997, Supplement to the State Gazette of the Republic of Indonesia Number 3687);
5. Law Number 22 of 2001 on Oil and Gas (State Gazette of the Republic of Indonesia Number 136 of 2001, Supplement to the State Gazette of the Republic of Indonesia Number 4152);
6. Law Number 17 of 2003 on State Finances (State Gazette of the Republic of Indonesia Number 47 of 2003, Supplement to the State Gazette of the Republic of Indonesia Number 4286);
7. Law Number 1 of 2004 on State Treasury (State Gazette of the Republic of Indonesia Number 5 of 2004, Supplement to the State Gazette of the Republic of Indonesia Number 4355);
8. Law Number 15 of 2004 on State Finance's Review and Accountability (State Gazette of the Republic of Indonesia Number 66 of 2004, Supplement to the State Gazette of the Republic of Indonesia Number 4400);
9. Government Regulation Number 41 of 1982 on the Obligation and Procedure for Paying-in Government Revenues from Pertamina's Own Operation and from the Production Sharing Contract (State Gazette of the Republic of Indonesia Number 68 of 1982, Supplement to the State Gazette of the Republic of Indonesia Number 3239);
10. Government Regulation Number 65 of 2001 on Regional Tax (State Gazette of the Republic of Indonesia Number 118 of 2001, Supplement to the State Gazette of the Republic of Indonesia Number 4138);
11. Government Regulation Number 42 of 2002 on the Executor Agency for the Activities of Oil and Gas Upstream Business (State Gazette of the Republic of Indonesia Number 81 of 2002, Supplement to the State Gazette of the Republic of Indonesia Number 4152);
12. Government Regulation Number 35 of 2004 on Upstream Oil and Gas Business Activities (State Gazette of the Republic of Indonesia Number 123 of 2004, Supplement to the State Gazette of the Republic of Indonesia Number 4435);



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13. Government Regulation Number 39 of 2007 on State/ Regional Financial Management (State Gazette of the Republic of Indonesia Number 83 of 2007, Supplement to the State Gazette of the Republic of Indonesia Number 4738);
14. Presidential Decree Number 20/ P of 2005;
15. Decision of the Finance Minister Number 451/ KMK.04/1997 on the Administration of Data on Land and Building Taxes on oil, gas and geo thermal mines and its payment;
16. Regulation of the Finance Minister Number 11/ PMK.03/2005 on the Appointment of a Contractor for Oil and Gas Mining Concession Agreement to Collect, to Pay-in and to Report Value Added Tax and Tax on the Sales of Luxury Items and the Procedure for Collecting, Paying-in and Reporting of such taxes;
17. Regulation of the Finance Minister Number 64/PMK.02/2005 on the Procedures for Reimbursing Value Added Tax and Tax on the Sales of Luxury Items collected from Taxable Goods and/ or Taxable Services used by a Business Entity or other form of Permanent Establishment in Oil and Gas Business;
18. Regulation of the Finance Minister Number 56/PMK.02 on the Payment Procedure for Domestic Market Obligation Fee and Over/Under Lifting in the Oil and Gas Sector;
19. Regulation of the Finance Minister Number 115/ PMK.06/2006 concerning the Establishment of the State General Treasury Account;
20. Regulation of the Finance Minister Number 127/ PMK.03/2007 on the Administration of Proceeds from Land and Building Tax from the Sector of Oil, Gas and Geo Thermal Mining, as amended by the Regulation of the Finance Minister Number 151/PMK.03/2007;
21. Regulation of the Finance Minister Number 100/ PMK.01/2008 on the Organization and Work Procedure at the Ministry of Finance as amended several times, and last by the Regulation of the Finance Minister Number 73/ PMK.01/2009;

Having Reviewed : The President's Instruction Number 12 of 1975 on the Procedure for Paying Government Proceeds from the Production Sharing Contract and Pertamina's Own Operations;



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HAS DECIDED:

To enact : THE REGULATION OF THE FINANCE MINISTER ON OIL AND GAS ACCOUNT

Article 1

For the purpose of this Regulation of the Finance Minister, the following words shall have the following meaning :

1. The Ministry of Finance Account for Proceeds from Oil Production Sharing Work Agreement Numbered 600.000411 at Bank Indonesia, hereinafter referred to as Oil and Gas Account is an account in the currency of USD to collect all the proceeds and pay the expenses related to oil and gas upstream business activities.
2. A Contractor for the Cooperation Contract, hereinafter referred to under the acronym of KKKS is a Business Entity or other form of Permanent Establishment executing the Cooperation Contract in accordance with the provisions of the law.

Article 2

The proceeds to Oil and Gas Account includes:

1. Income Tax (*Pajak Penghasilan*, PPh);
2. Government's Share from Natural Resources (*Sumber Daya Alam*, SDA) which consists of:
  - a. Proceeds from the selling of crude oil;
  - b. Proceeds from the selling of natural gas;
  - c. KKKS Over lifting, and;
3. Other proceeds related to oil and gas upstream business activities, including bonuses and material transfer.

Article 3

- (1) Income Tax (PPh) as referred to in Article 2 number 1, is the income tax from oil and natural gas paid by KKKS in accordance with the provisions of the law.
- (2) Proceeds from the selling of crude oil as referred to in Article 2 number 2 letter a, is the share for the government in the currency of USD from the selling of crude oil in accordance with the provisions of the law.
- (3) Proceeds from the selling of natural gas as referred to in Article 2 number 2 letter b is the share for the government in the currency of USD from the selling of natural gas in accordance with the provisions of the law.
- (4) Over lifting as referred to in Article 2 number 2 letter c, is the proceeds from the excess of oil and natural gas extracted as agreed under the KKKS in accordance with the provisions of the law.



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- (5) Other proceeds as referred to in Article 2 number 3 are the proceeds from contract signing bonuses, data compensation, production, in any form and in under any name received by the government for the cooperation contract, and material transfer from the assignment of surplus material between KKKS in accordance with the provisions of the law.

Article 4

Disbursement from the Oil and Gas Account includes:

1. Settlement of Government obligation related to oil and gas upstream business activities, including:
  - a. Payment of oil and gas taxes, including:
    - 1) Land and Building Taxes (PBB);
    - 2) Reimbursement of Value Added Tax (PPN); and
    - 3) Regional Tax
  - b. Payment outside taxes, including:
    - 1) Domestic Market Obligation (DMO) fee;
    - 2) KKKS Under lifting;
    - 3) Fees from oil and gas upstream business activities;
    - 4) Other obligations.
2. Payment of oil and gas Income Tax (PPh) to the State General Treasury Account.
3. Payment of Non-tax State Revenue (PNBP) to the State General Treasury Account.
4. Payment of other revenues to the State General Treasury Account.

Article 5

- (1) Payment of PBB as referred to in Article 4 number 1 letter a point 1) is done to settle the obligations of KKKS engaged in oil and gas upstream business activities whether the said KKKS has or has not generated revenue for Government share in accordance with the provisions of the law.
- (2) Reimbursement of the PPN as referred to in Article 4 number 1 letter a point 2) is the repayment of PPN to the KKKS in accordance with the provisions of the law.
- (3) Regional Tax as referred to in Article 4 number 1 letter a point 3) is the tax for extracting and utilizing ground water and surface water (P3ABT&AP) and the tax for non-PLN street lighting, which are paid to the Regional Government in accordance with the provisions of the law.



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- (4) DMO Fee as referred to in Article 4 number 1 letter b point 1) is the payment of fee to KKKS for the crude oil handed over to the domestic oil refineries in accordance with the provisions of the law.
- (5) KKKS Under lifting as referred to in Article 4 number 1 letter b point 2) is the obligation of the Government to the KKKS for the excess of crude oil extracted by the Government in accordance with the provisions of the law.
- (6) Fee for oil and gas upstream business activities as referred to in Article 4 number 1 letter b point 3) is the fee paid to the Implementing Body of Upstream Oil and Gas Business Activities and the Agency that sells the Government's share of oil and gas in accordance with the provisions of the law.
- (7) Other obligations as referred to in Article 4 number 1 letter b point 4) are obligations that may be incurred from the oil and gas upstream business activities in accordance with the provisions of the law.

Article 6

The payment of oil and gas PNBPD SDA as referred to in Article 4 number 3 is the payment of the surplus from the proceeds of Government share as referred to in Article 2 number 2, taking into account the payment of Government obligations as referred to in Article 4 number 1 letter a and letter b.

Article 7

Disbursement from the Oil and Gas Account as referred to in Article 4 shall be executed by the Director General of Treasury upon the request from the Director General of Budget in accordance with the provisions of the law.

Article 8

Proceeds and Disbursement of the Oil and Gas Account is recorded in detail and clearly presented in the Journal of the Financial Statement of the State General Treasury.

Article 9

Disbursement from the Oil and Gas Account as stipulated in this Regulation of the Finance Minister shall be effective as of January 1, 2009.



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Article 10

This Regulation of the Finance Minister shall be effective on the date of its promulgation.

In order that this Regulation is known to the general public, it is hereby ordered that this Regulation be promulgated in the Official Gazette of the Republic of Indonesia

Enacted in Jakarta  
On June 23, 2009

FINANCE MINISTER  
(signed)  
SRI MULYANI INDRAWATI

Promulgated in Jakarta  
On June 23, 2009

MINISTER OF JUSTICE AND HUMAN RIGHTS  
(signed)  
ANDI MATTALATA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2009 NUMBER 151

This copy is in conformity with the original  
Head of the General Affairs Bureau  
for GENERAL AFFAIRS BUREAU

Head of the Administration of the Ministry of Finance  
(signed and sealed with the seal of the General Affairs Bureau)  
Antonius Suharto  
NIP 060041107