



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

COPY OF

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF
INDONESIA NUMBER 163/PMK.06/2011

CONCERNING

THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF
FINANCE NUMBER 128/PMK.06/2007 MANAGEMENT OF THE STATE
RECEIVABLES

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF FINANCE OF REPUBLIC OF INDONESIA,

- Considering : a. that in order to further optimize the management of the State Receivables, need to improve again the Minister of Finance Number 128/PMK.06/2007 on Receivables Management of the State, as amended by Regulation of the Minister of Finance Number 88/PMK.06/2009;
- b. Based on the considerations as referred to in letter a, it is necessary to stipulate a Regulation of the Minister of Finance on the Second Amendment to Regulation of the Minister of Finance Number 128/PMK.06/2007 on Management of the State Receivables;
- In View of : 1. [Act Number 6 of 2011](#) on Immigration (State Gazette of the Republic of Indonesia of 2011 Number 52, Supplement to State Gazette of the Republic of Indonesia Number 5216);
2. [Government Regulation Number 44 of 2003](#) concerning Tariff on Non-Tax Revenues Applicable to the Ministry of Finance (State Gazette of the Republic of Indonesia of 2003 Number 95, Supplement to State Gazette of the Republic of Indonesia Number 4313);
3. [Government Regulation Number 29 of 2009](#) on Procedures for Determining Amount, Payment, and Deposit of Payable Non-Tax Revenues (State Gazette of the Republic of Indonesia of 2009 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4995);
4. [Presidential Decree Number 56/P of 2010](#);
5. [Minister of Finance Regulation Number 128/PMK.06/2007](#) on Management of the State Receivables, as amended by [Regulation of the Minister of Finance Number 88/PMK.06/2009](#);

DECIDES:



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To stipulate : REGULATION OF THE MINISTER OF FINANCE CONCERNING THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF FINANCE NUMBER 128/PMK.06/2007 MANAGEMENT OF THE STATE RECEIVABLES.

Article I

Several provisions in Regulation of the Minister of Finance Number 128/PMK.06/2007 on Management of the State Receivables, as amended by Regulation of the Minister of Finance Number 88/PMK.06/2009 are amended as follows:

1. The provisions of Article 15 paragraph (2) are amended and supplemented with to 2 (two) paragraphs, namely paragraph (3) and paragraph (4), so that Article 15 reads as follows:

Article 15

- (1) State Receivables consist of debt principal, interest, penalties, fees, and / or other charges as per the agreement / rules / court decision.
 - (2) For receivables whose management is handed over by the state-owned enterprises / regional-owned enterprises, in the event of the imposition of interest, penalties, fees, and / or other charges, the amount of imposition shall be stipulated at a maximum of nine (9) months after the loans / receivables are categorized bad / due unless specified separately under the provisions of legislation.
 - (3) For Non-Tax State Revenue receivables whose management is handed over by the Government, in the event of the imposition of administrative sanctions such as penalties, the amount of imposition shall be stipulated at a maximum of 24 (twenty four) months after the State Receivables are due under the provisions of legislation.
 - (4) For Non-Tax Non-State Revenue receivables whose management is handed over by the Government, in the event of the imposition of interest, penalties, fees, and / or other charges, the amount of imposition shall be stipulated at a maximum of nine (9) months after the State Receivables are due unless specified separately under the provisions of legislation.
2. The provisions of Article 26 paragraph (2) are amended so that Article 26 reads as follows:

Article 26



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- (1) Correction to the State Receivables amount can only be made in the event of:
 - a. A non-recorded payment;
 - b. A calculation error by the Receivables Giver, and / or
 - c. other legitimate reasons.
- (2) Correction to the State Receivables amount may not be made to the calculation of imposition of interest, penalties and / or fees / other charges in excess of the provisions as referred to in Article 15 paragraph (2), paragraph (3), and paragraph (4).
3. The provisions of Article 62 are amended so that Article 62 reads as follows:

Article 62

Head of Regional Office and Head of Service Office are authorized to provide debt relief in the form of:

- a. debt relief related to interest, penalties and / or fees / other charges;
 - b. Relief in debt settlement period;
 - c. debt relief related interest, penalties and / or fees / other charges as well as relief period, or
 - d. conversion of foreign currency unit into Rupiah currency.
4. Between Article 62 and Article 63, 1 (one) article, namely Article 62A, is inserted, to read as follows:

Article 62A

Exempted from the provisions of Article 62 letters a, c, and d, the amount of debt relief is not granted to the State Receivables in the form of Non-Tax State Revenues.

5. Between Article 65 and Article 66, 1 (one) article, namely Article 65A, is inserted, to read as follows:

Article 65A

- (1) Debt relief for receivables in foreign currency unit is given with the following conditions:
 - a. receivables occurring before January 1998 and is troubled as a result of the monetary crisis;
 - b. a main source of income of Debt Insurer / Debt Guarantor in Rupiah currency, and
 - c. debt repayment made within a period of 2 (two) months from the date of notification on debt relief



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agreement issued by the Service Office.

- (2) Debt relief as referred to in Article 62 letter d is done by calculating the average exchange rate at the time of debt and the exchange rate at the time of approval of debt relief set.
 - (3) The amount of debt relief as referred to in paragraph (2) shall be at most Rp10,000,000,000.00 (ten billion Rupiahs).
 - (4) The provision of debt relief as referred to in paragraph (2) is not accompanied by the provision of debt relief in the form of interest, penalties, and / or fees / other charges and / or the debt settlement period.
6. Between Article 72 and Article 73, 1 (one) article, namely Article 72A, is inserted, to read as follows:

Article 72A

An analysis to the value and salability of Collateral as referred to in Article 72 letter c is not done, provided that when a debt relief is proposed:

- a. the remaining principal debt shall be at most of Rp50,000,000.00 (fifty million Rupiahs);
 - b. the remaining principal debt shall be more than Rp50,000,000.00 (fifty million Rupiahs) to Rp250,000,000.00 (two hundred and fifty million Rupiahs), and the administration has been more than 5 (five) years from SP3N issuance;
 - c. the remaining principal debt shall be more than Rp250,000,000.00 (two hundred and fifty million Rupiahs) to Rp1,000,000,000.00 (one billion Rupiahs), and the administration has been more than 7 (seven) years from SP3N issuance;
 - d. the remaining principal debt shall be more than Rp1,000,000,000.00 (one billion Rupiahs) to Rp5,000,000,000.00 (five billion Rupiahs), and the administration has been more than 10 (ten) years from SP3N issuance, or
 - e. the remaining principal debt shall be more than Rp5,000,000,000.00 (five billion Rupiahs), and the administration has been more than 15 (fifteen) years from SP3N issuance.
7. The provisions of Article 107 are amended so that Article 107 reads as follows:

Article 107



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- (1) Examiner shall be appointed, discharged, or terminated by the Director General on behalf of the Minister of Finance.
 - (2) Prior to carrying out his duties, an Examiner shall first make oath of office by his religion or belief and is inaugurated in the presence and by Head of Regional Office in charge of the relevant Examiner.
 - (3) Further provisions on appointment, oath of office, discharge, and dismissal of Examiner shall be regulated by a Regulation of the Director General.
8. The provisions of Article 121 are amended so that Article 121 reads as follows:

Article 121

- (1) Prevention object as referred to in Article 120 can be prevented in accordance with the provisions of legislation.
 - (2) The prevention period shall apply at a maximum of 6 (six) months and it every time can be extended for a maximum of 6 (six) months.
9. The provisions of Article 123 c are removed, so that Article 123 reads as follows:

Article 123

Prevention can be done in case:

- a. The remaining debt is:
 1. more than Rp1,000,000,000.00 (one billion Rupiahs), or
 2. less than Rp1,000,000,000.00 (one billion Rupiahs) but the Prevention object often travels out of the territory of the Republic of Indonesia, and
- b. The prevention object is in bad faith.
- c. Deleted.

10. The provisions of Article 124 paragraph (1) are amended so that Article 124 reads as follows:

Article 124

- (1) Prevention object can be categorized to often travel out of the territory of the Republic of Indonesia as referred to in Article 123 letter a number 2, if during the period of 12 (twelve) months of the Prevention object has travelled at least 2 (two)



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times out of the territory of the Republic of Indonesia

- (2) The conclusion that the Prevention object often travels out of the territory of the Republic of Indonesia can be obtained from the Service Office for the Prevention object passport, recognition of the Prevention object, information from the competent authority, Receivables Giver and / or from other sources.

11. The provisions of Article 126 be amended so that Article 126 reads as follows:

Article 126

In case the Prevention object has more than one debt obligation of one case of the State Receivables and has prevented in one case, prevention of other case can made.

12. Article 127 is deleted.

13. The provisions of Article 128 are amended so that Article 128 reads as follows:

Article 128

- (1) A permit to travel out of the territory of the Republic of Indonesia in a Prevention period or a Prevention extension period can be given by the Director General on behalf of the Minister of Finance, without prejudice to the prevention period.

- (2) The permit as referred to in paragraph (1) shall be proposed by the Prevention object by including evidence to support the reasons to travel out of the territory of the Republic of Indonesia.

14. The provisions of Article 131 paragraph (1) and paragraph (2) are amended and supplemented with 1 (one) paragraph, namely paragraph (3), so that Article 131 reads as follows:

Article 131

- (1) Prevention revocation of the Prevention object is made in case:

- a. State Receivables are deemed settled;
- b. Management of State Receivables is declared completed / returned, or
- c. The Prevention object dies.



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- (2) Prevention shall be expired by law in case:
- a. The Prevention period is expired and no extension is made, or
 - b. there is a final and binding court decision declaring being free from the case of the Prevention reason.
- (3) In case the Prevention is expired by law as referred to in paragraph (2) a Decree of Prevention Revocation is issued.
15. The provisions of Article 132 are amended so that Article 132 reads as follows:

Article 132

- (1) Prevention revocation or non-extended Prevention period can be done in case:
- a. there are changes in the composition of the company management legally in accordance with the provisions of legislation;
 - b. The Prevention object has demonstrated good faith by:
 1. making a payment of at least 50% of the remaining debt, and
 2. making a written statement to pay off the remaining debts within a period of 3 (three) months from the prevention revocation;
 - c. prevention revocation made after payment and submission of the written statement as referred to in paragraph b shall be done by the Debtor and / or the Debt Guarantor.
- (2) Changes in the composition of the company management as referred to in paragraph (1) letter a shall be approved by the Receivables Giver.
- (3) In case the Debtor and / or the Debt Guarantor do not pay off the remaining debt as referred to in paragraph (1) letter b number 2, prevention is done again to the Prevention object.
- (4) Prevention revocation as referred to in paragraph (1) may only be done 1 (one) time.
16. Between Article 132 and Article 133, 1 (one) article, namely Article 132A, is inserted, to read as follows:

Article 132A

The Prevention object that has been prevented and the prevention period has been expired, the object may be subject to re-prevention in terms of meeting the



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provisions of Article 122 to Article 125.

17. The provisions of Article 135 paragraph (2) are amended, so that Article 135 shall read as follows:

Article 135

- (1) Decisions on Prevention, Prevention extension, and Prevention revocation shall be set in writing by the Director General on behalf of the Minister of Finance.
 - (2) The decisions on the Prevention extension shall be set before the Prevention period expires.
18. The provisions of Article 136 paragraph (1) letter a are amended, so that Article 136 shall read as follows:

Article 136

- (1) Decisions on Prevention and Prevention extension shall contain at least:
 - a. name, sex, place and date of birth or age, and photo is prevention;
 - b. Prevention reasons, and
 - c. Prevention period.
 - (2) the revocation decision Prevention includes at least:
 - a. name, sex, place and date of birth or age, and the photograph of those subject to Prevention, and
 - b. reasons for the Prevention revocation.
19. The provisions of Article 141 are supplemented with 1 (one) paragraph, namely paragraph (3), so that Article 141 reads as follows:

Article 141

- (1) Bailiff of State Receivables shall be appointed, released, or discharged by the Director General on behalf of the Minister of Finance.
- (2) Prior to carrying out his duties, a Bailiff shall first make oath of office by his religion or belief and is inaugurated in the presence and by Head of Regional Office in charge of the relevant Bailiff of State Receivables.
- (3) Further provisions on appointment, oath of office, discharge, and dismissal of Bailiff of State Receivables shall be regulated by a Regulation of the Director General.



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20. The provisions of Article 161 are supplemented with 1 (one) paragraph, namely paragraph (3), so that Article 161 reads as follows:

Article 161

- (1) Foreclosure is made to the property of Debt Insurer and / or Debt Guarantor.
 - (2) In the event that there is no Collateral or its value is expected to be unable to cover the remaining debt, foreclosure can be made to Other Assets.
 - (3) Foreclosure to the property of the Debt Guarantor can be done in advance in case the Debt Guarantor has released the privileges.
21. The provisions of Article 256 paragraph (4) are amended and one (1) paragraph, namely paragraph (5), is inserted, so that Article 256 reads as follows:

Article 256

- (1) Debt Insurer or Debt Guarantor as the owner of Collateral and / or Other Assets can apply for sale without auction for debt settlement.
- (2) Application of sale without auction shall be submitted in writing by:
 - a. Debt Insurer or Debt Guarantor and Debt enclosed with Purchase Offer Letter from a prospective buyer, or
 - b. A prospective buyer with the approval of the Debt Insurer or Debt Guarantor.
- (3) In case the application is filed by the Debt Guarantor, the application must be approved by the Debt Insurer.
- (4) The application letter as referred to in paragraph (2) shall contain at least:
 - a. description of the items to be sold or purchased with the sale value or purchase value;
 - b. identity of the prospective buyer;
 - c. willingness to submit a copy of the sale and purchase deed and proof of remittance for Land and / or Building Acquisition;
 - d. method of payment.
- (5) In the case of Collateral sold without auction is owned by the Debt Insurer, the application must be accompanied by a statement approved the prospective buyer to be willing for re-foreclosure by the Service Office if he does not submit a copy of



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the sale and purchase deed and proof of remittance of Charge for Land and / or Building Acquisition.

22. Between paragraph (1) and paragraph (2) of Article 279, 1 (one) paragraph, namely paragraph (1a), is inserted, so that Article 279 reads as follows:

Article 279

- (1) State Receivables are determined as Non-Billable State Receivables, in case there are remaining State Receivables, but:
- a. the Debt Insurer does not have an ability to settle or the domicile is unknown, and
 - b. the Collateral does not exist, is sold, redeemed, or no longer has economic value.
- (1a) The determination of the State Receivables as Non-Billable State Receivables as referred to in paragraph (1) shall be done after an enforcement letter is delivered.
- (2) Economic value as referred to in paragraph (1) letter b is determined by the Valuation Report that the Collateral has a low selling value or has an absolutely no selling value.

23. Between Article 280 and Article 281 2 (two) articles, namely Article 280A and Article 280B, are inserted, to read as follows:

Article 280A

Determination of the State Receivables as Non-Billable Banking State Receivables is not examined in case:

- a. the remaining debt is more than Rp2,000,000.00 (two million Rupiahs) to Rp50,000,000.00 (fifty million Rupiahs) and there is a statement from Urban / Rural Village Head stating that:
 1. the Debt Insurer does not have an ability to settle the debt, or
 2. the domicile is unknown.
- b. the remaining debt is more than Rp50,000,000.00 (fifty million Rupiahs) and less than Rp1,000,000,000.00 (one billion Rupiahs) after acquiring:
 1. a statement from Urban / Rural Village Head acknowledged by the Sub-District Head stating that:
 - a. the Debt Insurer does not have an ability to settle the debt, or



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- b. the domicile is unknown, and
2. A report of field research by an Officer of the Service Office to the Debt Insurer's ability and presence.

Article 280B

Determination of the State Receivables as Non-Billable Non-Banking State Receivables is not examined in case:

- a. the remaining debt is more than Rp2,000,000.00 (two million Rupiahs) to Rp25,000,000.00 (twenty five million Rupiahs) and there is a statement from Urban / Rural Village Head stating that:
 1. the Debt Insurer does not have an ability to settle the debt, or, or
 2. the domicile is unknown.
 - b. the remaining debt is more than Rp25,000,000.00 (twenty five million Rupiahs) and less than Rp500,000,000.00 (five hundred million Rupiahs) after acquiring:
 1. a statement from Urban / Rural Village Head acknowledged by the Sub-District Head stating that:
 - a) the Debt Insurer does not have an ability to settle the debt, or
 - b) the domicile is unknown, and
 2. A report of field research by an Officer of the Service Office to the Debt Insurer's ability and presence.
24. The provisions of Article 281 are amended so that Article 281 reads as follows:

Article 281

Exempted from the provisions as referred to in Article 279 paragraph (1a) and Article 280, Determination of the State Receivables as Non-Billable State Receivables can be made after SP3N is issued in case:

- a. State Receivables come from a Government Agency and has been recommended for removal by the Supreme Audit Board.
- b. State Receivables with the highest remaining debt of Rp2,000,000.00 (two million Rupiahs) which comes in the form of documents:
 1. Poor Family Card;
 2. a statement from Urban / Rural Village Head stating that the Debt Insurer does not have an ability to settle the debt, or the domicile is



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- unknown to settle the debt, or
3. proof as a beneficiary of Health Insurance of the Poor.
- c. SOE Receivables, which then turn into receivables of a Government Agency and a joint research conducted in accordance with the provisions of legislation.
25. Between Article 291 and Article 292, 1 (one) article, namely Article 291A, is inserted, to read as follows:

Article 291A

- (1) In case the State Receivables are in a foreign currency unit and the debt payment to the Service Office account is in the Rupiah currency, the payment calculation shall use Bank Indonesia's middle rate prevailing at the time the effective fund is received.
 - (2) In case the State Receivables are in the Rupiah currency and foreign currency unit and there is in a certain currency, the payment calculation shall be first made in the same currency unit.
 - (3) In case Bank Indonesia middle rate is not available for certain foreign currency unit, the exchange rate used as the basis for calculation is a relevant exchange rate in the international market against the United States of Dollar and multiplied by the Bank Indonesia's middle rate of Rupiah against the United States of Dollar prevailing for the same period.
26. The provisions of Article 297 paragraph (2) and paragraph (3) are amended and paragraph (4) is removed, so that Article 297 reads as follows:

Article 297

- (1) The Receivables Giver may propose the withdrawal of the State Receivables management for the purposes of debt restructuring.
- (2) The withdrawal proposal shall be submitted in writing by the Receivables Giver.
- (3) the withdrawal proposal of the State Receivables may be submitted at any time before the Auction Announcement.
- (4) Deleted.

Article II



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This Regulation of the Minister of Finance shall come into force on the date of its 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 October 10, 2011
MINISTER OF FINANCE
Signed,
AGUS D.W. MARTOWARDOJO

Promulgated in Jakarta
On October 10, 2011
MINISTER OF LAW AND HUMAN RIGHTS
Signed
PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2011 NUMBER 630