

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA
NUMBER 187 /PMK.03/2015
CONCERNING
PROCEDURES FOR REFUND OF TAX OVERPAYMENT WHICH SHOULD NOT
BE PAYABLE
BY THE GRACE OF ALMIGHTY GOD

MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA

Considering:

- a. whereas provisions on the procedures for the refund of tax overpayment which should not be payable have been regulated in the Minister of Finance Regulation Number 10/PMK.03/2013;
- b. whereas in order to provide legal certainty to the implementation of procedures for the refund of tax overpayment that should not be payable, it is necessary to re-regulate the provisions concerning the procedures for the refund of tax overpayment which should not be payable;
- c. whereas based on the considerations as intended in points a and b, and to implement the provisions of Article 17 paragraph (2) of Law Number 6 Year 1983 concerning General Provisions and Tax Procedures as amended several times, most recently by Law Number 16 Year 2009, it is necessary to stipulate a Regulation of the Minister of Finance concerning Procedures for Refund of Tax Overpayment which Should Not Be Payable;

In view of:

Law Number 6 Year 1983 concerning General Provisions and Procedures for Taxation (State Gazette of the Republic of Indonesia Year 1983 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3262) as amended several times, most recently by Law Number 16 Year 2009 (State Gazette of the Republic of Indonesia Year 2009 Number 62, Supplement to the State Gazette of the Republic of Indonesia Number 4999);

HAS DECIDED

To Stipulate:

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA
CONCERNING PROCEDURES FOR REFUND OF TAX OVERPAYMENT WHICH SHOULD NOT
BE PAYABLE

CHAPTER I
GENERAL PROVISIONS

Article 1

Referred to herein as:

1. The Law on General Provisions and Tax Procedures, hereinafter referred to as the KUP Law shall be Law Number 6 Year 1983 concerning General Provisions and Tax Procedures as amended several times, most recently by Law Number 16 Year 2009.
2. Tax Return, hereinafter abbreviated as SPT, shall be a letter used by a Taxpayer to report the calculation and/or payment of taxes, tax objects and/or non-tax objects, and/or assets and liabilities following the provisions of the tax laws and regulations.
3. Periodic Tax Return shall be an SPT for a certain period of tax.
4. Annual Tax Return shall be an SPT for a tax year or part of a tax year.
5. Notice of Tax Overpayment Assessment, hereinafter abbreviated as SKPLB, shall be a tax assessment letter determining the amount of tax overpayment as the amount of tax credit is greater than the tax payable or should not be payable.
6. Tax overpayment refund order, hereinafter abbreviated as SPMKP, shall be an order from the Head of the Tax Service Office to the Head of the State Treasury Office to issue a Fund Disbursement Order as a basis for compensation for Tax Payables and/or a basis for refunding of tax overpayment to the Taxpayers.
7. The Double Taxation Avoidance Agreement, hereinafter abbreviated as P3B, shall be the agreement between the Government of Indonesia and the government of a counterparty country or counterparty jurisdiction to prevent any imposition of double taxation and tax evasion.
8. Notice of Underpayment of Import Duty, Excise, Administrative Fines, Interest, and Tax in the context of import, hereinafter abbreviated as SPKPBM, shall be a billing form to collect import duty, excise, administrative fines, interest, and tax in the context of import which is not paid or underpaid by the importer, transporters, operators of temporary storage places, operators of bonded storage places, or operators of customs services, issued by customs and excise officials as intended in the Regulation of the Minister of Finance governing procedures for the collection of receivables from import duties, excise, administrative fines, interest and taxes on imports.
9. Letter of Determination of Tariffs and/or Customs Value, hereinafter abbreviated as SPTNP, shall be a letter of determination of customs and excise officials as intended in the Regulation

of the Minister of Finance, which regulates procedures for determining tariffs, customs values, and administrative sanctions, as well as determination of the Director General of Customs and Excise or customs officials and excise.

10. Customs Stipulation Letter, hereinafter abbreviated as SPP, shall be a customs and excise official stipulation letter as intended in the Regulation of the Minister of Finance, which regulates the procedure for determining tariffs, customs value, and administrative sanctions, as well as stipulation of the Director General of Customs and Excise or a customs and excise official.
11. Letter of Re-Determination of Customs Tariff and/or Value, hereinafter abbreviated as SPKTNP, shall be a letter of determination of a customs and excise official as intended in the Regulation of the Minister of Finance, which regulates procedures for determining tariffs, customs value, and administrative sanctions, as well as determination of the Director General of Customs and Excise or an official customs and Excises.
12. Certificate of Domicile for non-resident taxpayer, hereinafter referred to as SKD for non-resident taxpayer, shall be a certificate issued by a competent authority in the tax sector (Competent Authority) or an official appointed based on P3B containing domicile status (resident) of a non-resident taxpayer by using the form following the provisions of the laws and regulations in the tax sector.
13. Mutual Agreement Procedure, hereinafter referred to as MAP, shall be an administrative procedure regulated in P3B to resolve problems that arise in the application of P3B.
14. Mutual Agreement shall be the result that has been agreed upon in the implementation of P3B by authorized officials from the Government of Indonesia and the government of the P3B counterparty country or counterparty jurisdiction in relation to the MAP that has been implemented.

CHAPTER II SCOPE

Article 2

Request for refund of tax overpayment that should not be payable can be filed in the following cases:

- a. there is a tax payment that is not a tax object that is payable, or that should not be payable;
- b. there is an excess of tax payment by the Taxpayer related to tax in the context of import;
- c. there is a failure in withholding or collection which results in the tax being deducted or collected to be greater than the tax that should have been deducted or collected;
- d. there is a deduction or collection failure that is not a tax object; or
- e. there is an excess of withholding or collection of Income Tax related to the application of P3B for non-resident taxpayer.

CHAPTER III REFUND OF TAX OVERPAYMENT ON THE PAYMENT OF TAX BY THE PAYER

Article 3

Tax payment that is not tax payable object or that should not be payable as intended in Article 2 point a can be in the form of:

1. tax payment that is greater than the tax payable;
2. tax payment on canceled transactions;
3. tax payment that should not be paid; or
4. tax payment related to the request for termination of criminal investigation in the tax sector as intended in Article 44B of the KUP Law, which is not approved.

Article 4

- (1) Tax payment, as intended in Article 3, may be reclaimed by the paying party by submitting an application.
- (2) The paying party, as intended in paragraph (1), includes:
 - a. individual taxpayer;
 - b. corporate taxpayer; and
 - c. individual or entity that is not required to have a Taxpayer Identification Number.
- (3) Request for refund shall be submitted in written form in Indonesian language.
- (4) Request for a refund shall be signed by the payer.
- (5) In the event that a non-payer signs the application, special power of attorney shall be attached to the application following the provisions of the laws and regulations in the tax sector
- (6) The following documents shall be attached to the refund application, among other things:
 - a. original proof of tax payment in the form of a Tax Payment Slip or other administrative means equivalent to a Tax Payment Slip;
 - b. calculation of taxes that should not be payable; And
 - c. reasons for requesting for refund of tax overpayment that should not be payable.
- (7) Request for refund shall be submitted directly to:
 - a. The Tax Service Office where the Taxpayer is registered; or
 - b. The Tax Service Office whose working area covers the residence of the individual or the domicile of the entity, in the event that the individual or entity is not required to have a Taxpayer Identification Number, and was given proof of receipt of the letter.
- (8) In addition to submitting the application as intended in paragraph (7), the application may be submitted through:
 - a. Post office with proof of delivery; or
 - b. forwarding service company or courier service with proof of mail delivery.
- (9) Proof of receipt of the letter or proof of delivery, as intended in paragraph (7) or paragraph (8), is proof of receipt of the application letter.

Article 5

- (1) The Director General of Taxes examines the correctness of tax payment based on the refund application as intended in Article 4.

- (2) The Director General of Taxes may ask the applicant to provide documents and/or information to examine the correctness of tax payments.
- (3) The examination results in the form of a refund are given in terms of fulfilling the following conditions:
 - a. taxes that should not be payable have been paid to the state treasury; and
 - b. the tax that should not be payable has been paid as intended in point a and is not credited in the SPT.
- (4) The examination, as intended in paragraph (1), shall be disclosed in the examination report.
- (5) In the event that the examination report discovers tax overpayment that should not be payable, the Director General of Taxes issues an SKPLB.
- (6) In the event that the examination report does not discover tax overpayment that should not be payable, the Director General of Taxes submits a notification letter of rejection to the applicant.

Article 6

- (1) In the event that the taxpayer is an individual taxpayer or corporate taxpayer, the SKPLB, as intended in Article 5 paragraph (5), is issued following the provisions of the laws and regulations governing the procedures for issuing the notice of tax assessment and notice of tax collection.
- (2) In the event that the taxpayer is an individual or entity that is not required to have a Taxpayer Identification Number, the SKPLB, as intended in Article 5 paragraph (5), is issued by filling in the Taxpayer Identification Number column with the following conditions:
 - a. the first 9 (nine) digits shall be filled with 0 (zero);
 - b. the next 3 (three) digits shall be filled with the code number of the Tax Service Office where the refund application is lodged; And
 - c. the last 3 (three) digits shall be filled with 0 (zero)

Article 7

- (1) Refund of tax overpayment that should not be payable on SKPLB as intended in Article 6 paragraph (1) shall be made through the issuance of SPMKP following the provisions of the laws and regulations governing procedures for calculating and refunding tax overpayments.
- (2) Refund of tax overpayment that should not be payable on SKPLB as intended in Article 6 paragraph (2) shall be made through the issuance of SPMKP to bank accounts located in Indonesia using Indonesian rupiah currency on behalf of individuals or entities that are not required to have a Taxpayer Identification Number.

CHAPTER IV REFUND OF TAX OVERPAYMENT ON EXCESS OF TAX IN THE FRAMEWORK OF IMPORT

Article 8

The tax overpayment in the context of imports as intended in Article 2 point b includes Income Tax Article 22 on imports, Import Value Added Taxes, and/or Sales Tax on imported Luxury Goods that have been paid and listed in:

- a. SPTNP or SPKTNP;
- b. SPKPBM, SPTNP, or SPP that have issued objection decisions;
- c. SPKPBM, SPTNP, or SPP that have issued objection decisions and appeal decisions;
- d. SPKPBM, SPTNP, or SPP that have issued objection decisions, appeal decisions, and judicial review decisions;
- e. SPKTNP that has issued an appeal decision;
- f. SPKTNP that has issued an appeal decision and a review decision; or
- g. documents containing cancellation of imports that the competent authority has approved,
leading to tax overpayment.

Article 9

- (1) The Taxpayer can reclaim the tax overpayment as intended in Article 8 by submitting an application.
- (2) As intended in paragraph (1), taxpayers include individual and corporate taxpayers.
- (3) Request for refund shall be submitted in written form in Indonesian language.
- (4) The refund application shall be signed by the taxpayer.
- (5) In the event that a non-taxpayer signs the application, special power of attorney shall be attached to the application following the provisions of the laws and regulations in the tax sector.
- (6) The following documents shall be attached to the refund application, among other things:
 - a. copy of proof of tax payment in the form of a customs payment slip or other administrative means equivalent to a customs payment slip;
 - b. copy of SPTNP, SPKTNP, SPKPBM, SPP, or document containing import cancellation that the authorized official has approved;
 - c. copy of the decision on objection, the decision on appeal, and/or decision on review related to SPTNP, SPKTNP, SPKPBM, or SPP, in the event that an objection, appeal, and/or review is filed against SPTNP, SPKTNP, SPKPBM, or SPP;
 - d. calculation of taxes that should not be payable; and
 - e. reasons for requesting a refund of tax overpayment that should not be payable.
- (7) Requests for refund are submitted directly to the Tax Service Office where the Taxpayer is registered, and proof of receipt of the letter is given to him.
- (8) In addition to submitting the application as intended in paragraph (7), the application can be submitted through:
 - a. post office with proof of delivery of letters; or
 - b. forwarding service company or courier service with proof of mail delivery.

- (9) Proof of receipt of letter or proof of mail delivery as intended in paragraph (7) or paragraph (8) is proof of receipt of the application letter.

Article 10

- (1) The Director General of Taxes examines the correctness of tax payment based on the refund application as intended in Article 9.
- (2) To examine the correctness of tax payment, the Director General of Taxes may ask for documents and/or information from the applicant.
- (3) The examination results in the form of a refund are given when fulfilling the following conditions:
- a. The tax that should not be payable has been paid or deposited into the state account;
 - b. in the event that the tax paid or deposited as intended in letter a related to PPh Article 22 on imports, such tax shall not be credited in the Annual Income Tax Return;
 - c. in the event that the tax paid or deposited intended in letter a is related to import VAT and the Annual SPT of the Tax Year in which payment has been reported, such tax shall not be credited in the VAT Periodic SPT is not charged as an expense in the Annual Income Tax SPT, or is not capitalized in acquisition cost; And
 - d. in the case of the tax paid or deposited as intended in letter a related to import PPnBM, the tax shall not be charged as an expense in the Annual Income Tax Return or is not capitalized in the acquisition price.
- (4) The examination as intended in paragraph (1), shall be disclosed in the examination report.
- (5) In the event that the examination report discovers tax overpayment that should not be payable, the Director General of Taxes issues an SKPLB.
- (6) In the event that the examination report does not discover tax overpayment that should not be payable, the Director General of Taxes submits a notification letter of rejection to the applicant.

Article 11

- (3) SKPLB, as intended in Article 10 paragraph (5) shall be issued following the provisions of the laws and regulations governing the procedures for issuing a notice of tax assessment and notice of tax collection.
- (1) Tax refunds that should not be payable on SKPLB as intended in paragraph (1) are carried out through the issuance of SPMKP following the provisions of the laws and regulations governing the procedures for calculating and refunding tax overpayments.

CHAPTER V

REFUND OF TAX OVERPAYMENT FOR WITHHOLDING AND COLLECTION ERROR

Article 12

- (1) Erroneous in deduction or collection that results in the tax being deducted or collected being greater than the tax that should be deducted or collected as intended in Article 2 point c may be in the form of:
 - a. withholding or collection of Income Tax which results in the Income Tax being withheld or collected being greater than the Income Tax that should have been withheld or collected;
 - b. withholding or collection of Income Tax on income received by non-tax subjects;
 - c. the collection of Value Added Tax on non-Taxable enterprise which is greater than the tax that should be collected; or
 - d. the collection of Sales Tax on Luxury Goods, which is greater than the tax that should be collected.

- (2) Erroneous in withholding or collection that is not a tax object as intended in Article 2 point d can be in the form of:
 - a. withholding or collection of Income Tax that should not be withheld or not collected;
 - b. collection of Value Added Tax, which should not be collected; or
 - c. collection of Sales Tax on Luxury Goods that should not be collected.

Article 13

- (1) In the event that there is an error in withholding or collection of tax related to Income Tax, the tax that should not have been withheld or not collected may be reclaimed by the Taxpayer who has withheld or collected by submitting an application.
- (2) In the event that there is an error in withholding or collection of tax related to Value Added Tax, the tax that should not have been collected may be reclaimed by the party collected, as long as the party collected is not a Taxable Enterprise, by submitting an application.
- (3) In the event that there is an error in withholding or collection of tax related to Sales Tax on Luxury Goods, the tax that should not have been collected may be reclaimed by the party who collected it by submitting an application.
- (4) In the event that there is an error in withholding or collection of tax on a non-resident taxpayer who has a permanent establishment in Indonesia, the tax that should not have been withheld or collected may be reclaimed by a non-resident taxpayer through a permanent establishment in Indonesia by submitting an application.
- (5) In the event that there is an error on withholding or collection of tax on a non-resident taxpayer who does not have a permanent establishment in Indonesia, the tax that should not have been withheld or collected may be reclaimed by the non-resident taxpayer through the taxpayer making the deduction or collection by submitting an application.
- (6) In the event that there is An error on withholding or collecting tax on an individual or entity that is not required to have a Taxpayer Identification Number, the tax that should not have been withheld or collected may be reclaimed by the individual or entity through the Taxpayer who made the withholding or collection by submitting an application.

- (7) In the event that the Taxpayer who made the withholding or collection as intended in paragraph (5) and paragraph (6) cannot be found due to business dissolution, the application shall be submitted directly by the party withheld or collected.

Article 14

- (1) The refund application, as intended in Article 13, is submitted in written form in Indonesian language.
- (2) The taxpayer or the party shall sign the refund application as intended in Article 13.
- (3) In the event that the application is signed by a non-taxpayer or a party as intended in paragraph (2), a special power of attorney shall be attached to the application following the provisions of the laws and regulations in the tax sector
- (4) The following documents shall be attached to the refund application as intended in Article 13, paragraph (1), paragraph (2), and paragraph (3), among other things:
- a. original proof of withholding or collection of tax, or Tax Invoice, or other document equivalent to a Tax Invoice;
 - b. calculation of taxes that should not be payable; And
 - c. reasons for requesting a refund of tax overpayment that should not be payable.
- (5) The following documents shall be attached to the refund application submitted by non-resident taxpayers who have a permanent establishment in Indonesia as intended in Article 13 paragraph (4), among other things:
- a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting a refund of tax overpayment that should not be payable; and
 - d. Statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income.
- (6) The following documents shall be attached to the refund application submitted by Taxpayers who make deductions or collections acting for and on behalf of non-resident taxpayers as intended in Article 13 paragraph (5), among other things:
- a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting a refund of tax overpayment that should not be payable;
 - d. application letter from the non-resident taxpayer;
 - e. Power of Attorney from non-resident taxpayer whose tax is deducted or collected to the withholder/collector taxpayer; and
 - f. statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income.
- (7) The refund application submitted by taxpayers who carry out deductions or collections or Taxable Enterprise who carries out collections acting for and on behalf of individuals or entities

that are not required to have a Taxpayer Identification Number as intended in Article 13 paragraph (6) shall enclose the following documents:

- a. original proof of withholding or collection of tax, or Tax Invoice or other document equivalent to a Tax Invoice;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting a refund of tax overpayment that should not be payable; And
 - d. Power of Attorney from the party whose tax is deducted or collected to the Withholder/collector taxpayer or the Taxable Enterprise who does the collection.
- (8) In the event that the withholder or collector cannot be found as intended in Article 13 paragraph (7) and the party being withheld or collected is a non-resident taxpayer who does not have a permanent establishment in Indonesia, the application is made directly by the non-resident taxpayer and shall enclose the following documents:
- a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting a refund of tax overpayment that should not be payable; And
 - d. Statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income.
- (9) In the event that the withholder or collector cannot be found as intended in Article 13 paragraph (7) and the party being deducted or collected is an individual or entity that is not required to have a Taxpayer Identification Number, the application shall be made directly by the individual or entity and shall enclose the following documents:
- a. original proof of withholding or collection of tax, or Tax Invoice or other document equivalent to a Tax Invoice;
 - b. calculation of taxes that should not be payable; and
 - c. reasons for requesting a refund of tax overpayment that should not be payable.
- (10) The refund application, as intended in Article 13 paragraph (1), paragraph (2), and paragraph (3) are, submitted directly to the Tax Service Office where the Taxpayer withheld or collected is registered, and the applicant is given proof of receipt of the letter.
- (11) The refund application, as intended in Article 13 paragraph (4), is submitted directly to the Tax Service Office, where the permanent establishment is registered, and proof of receipt of the letter is provided to the applicant.
- (12) The refund application, as intended in Article 13 paragraph (5), paragraph (6), and paragraph (7), is submitted directly to the Tax Service Office where the Taxpayer who makes the withholding or collection is registered or the Taxable Enterprise who carries out the collection is confirmed, and the applicant is given proof of receipt of the letter.
- (13) Apart from submitting the application as intended in paragraph (10), paragraph (11), and paragraph (12), the application can be submitted through:
- a. post office with proof of delivery of letters; or
 - b. forwarding service company or courier service with proof of mail delivery.
- (14) Proof of receipt of the letter or proof of delivery of the letter as intended in paragraph (10), paragraph (11), paragraph (12), or paragraph (13) is proof of receipt of the application letter.

Article 15

- (1) The Director General of Taxes examines the correctness of tax payment based on the refund application as intended in Article 14.
- (2) The Director General of Taxes may ask the applicant to provide documents and/or information to examine the correctness of tax payments.
- (3) The examination result in the form of a refund related to the withholding or collection of Income Tax, as intended in Article 13 paragraph (1), is given in terms of fulfilling the following provisions:
 - a. The tax that should not be payable has been deposited into the state treasury account;
 - b. in the event that the tax that has been paid as intended in letter a is related to deductions or collections that are not final, such Income Tax shall not be credited to the Taxpayer's Annual SPT Income Tax which is withheld or collected;
 - c. the tax withheld or collected has been reported by the withholding or collecting in the Periodic SPT of the withholding or collecting taxpayers; And
 - d. the tax withheld or collected is not objected to by the Taxpayer who is withheld or collected as intended in Article 25 paragraph (1) letter e of the KUP Law.
- (4) The examination result in the form of a refund related to the collection of Value Added Tax as intended in Article 13 paragraph (2) is given in terms of fulfilling the following provisions:
 - a. taxes that should not be payable have been deposited into the state treasury account;
 - b. the tax that has been paid as intended in point a is not credited in the VAT Periodic SPT, is not charged as an expense in the Annual Income Tax Return, or is not capitalized in the acquisition price;
 - c. the collector has reported the tax collected in the VAT Periodic SPT of the collector Taxpayer; and
 - d. the collected tax is not objected to by the collected taxpayer as intended in Article 25 paragraph (1) letter e of the KUP Law.
- (5) The examination result in the form of a refund related to the collection of Sales Tax on Luxury Goods as intended in Article 13 paragraph (3) is given in terms of fulfilling the following provisions:
 - a. Taxes that should not be payable have been deposited into the state treasury account;
 - b. the tax that has been paid as intended in point a is not charged in the Annual Tax Return of the Collected Taxpayer's Income Tax or is not capitalized in the acquisition price;
 - c. the collector has reported the tax collected in the VAT Periodic SPT of the collector Taxpayer; And
 - d. the collected tax is not objected to by the collected taxpayer as intended in Article 25 paragraph (1) letter e of the KUP Law.
- (6) The examination results in the form of refund related to error in withholding or collection of tax on non-resident taxpayer as intended in Article 13 paragraph (4) and paragraph (5) are given in terms of fulfilling the following provisions:
 - a. taxes that should not be payable have been deposited into the state treasury account;

- b. the tax withheld or collected has been reported in the Periodic SPT of the Withholding or Collecting Taxpayer;
 - c. the tax that has been paid as intended in point a is not calculated with foreign tax subject payable overseas; And
 - d. Tax paid as intended in point a is not treated as an expense in calculating the taxable income of foreign tax subjects overseas.
- (7) The examination, as intended in paragraph (1), is set forth in the examination report.
- (8) In the event that based on the examination report, there is a tax overpayment that should not be payable, the Director General of Taxes issues an SKPLB.
- (9) In the event that, based on the examination report, there is no tax overpayment that should not be payable, the Director General of Taxes submits a notification letter of rejection to the applicant.
- (10) In the event that an SKPLB has been issued for a tax overpayment that should not be payable for a non-resident taxpayer, the Director General of Taxes sends information to the tax authority of the country of domicile of the non-resident taxpayer following the provisions of laws and regulations in the tax sector.

Article 16

- (1) SKPLB as intended in Article 15 paragraph 8 is issued following with the provisions of the laws and regulations governing the procedures for issuing notice of tax assessment and notice of tax collection in the event that the party withheld or collected is:
- a. taxpayer;
 - b. non-resident taxpayer having a permanent establishment in Indonesia; or
 - c. individuals or entities that are not required to have a Taxpayer Identification Number or Non-Resident Tax Subjects that do not have a permanent establishment in Indonesia, and the application is submitted by the tax withholder or collector.
- (3) In the event that the tax withholder or collector as intended in paragraph 1 point c cannot be found, SKPLB shall be issued on behalf of the party withheld or collected, by filling in the Taxpayer Identification Number column with the following provisions:
- a. the first 9 (nine) digits shall be filled with 0 (zero);
 - b. the next 3 (three) digits shall be filled with the code number of the Tax Office where the application is submitted; and
 - c. the last 3 (three) digits shall be filled with 0 (zero).

Article 17

- (1) Refund of tax overpayment that should not be payable on SKPLB as intended in Article 16 paragraph 1 shall be made through the issuance of SPMKP following with the provisions of laws and regulations governing the procedures for calculating and refunding tax overpayments;

- (3) In the event that the party withheld or collected is an individual or entity that is not required to have a Taxpayer Identification Number, the tax refund on SKPLB as intended in Article 16 paragraph 2 shall be made through the issuance of SPMKP to a bank account located in Indonesia using Rupiah currency on behalf of individuals or entities that are not required to have a Taxpayer Identification Number;
- (2) In the event that the party withheld or collected is a non-resident taxpayer who does not have a permanent establishment in Indonesia, the tax refund on SKPLB as intended in Article 16 paragraph (2) shall be made through the issuance of SPMKP to a bank account located Indonesia using Rupiah currency under the name of the relevant non-resident taxpayer or an individual or entity appointed by the non-resident taxpayer.
- (3) In the event that the tax refund through the issuance of SPMKP to a bank account in Indonesia under the name of a designated individual or entity as intended in paragraph 3, the non-resident taxpayer shall submit an appointment letter of a bank account number in Indonesia to the Director General of Taxes.

CHAPTER VI
REFUND OF INCOME TAX OVERPAYMENT
FOR EXCESS WITHHOLDING OR COLLECTION RELATED TO THE APPLICATION OF
P3B

Article 18

- (1) Excess of withholding or collection of Income Tax related to the application of P3B as intended in Article 2 subparagraph e caused by:
 - a. Errors in the application of P3B;
 - b. Late fulfilment of administrative requirements to apply P3B after tax withholding and/or collection; or
 - c. Mutual Agreement.

Article 19

- (1) In the event that there is excess of withholding or collection of Income Tax on non-resident taxpayer who has permanent establishment in Indonesia, the withheld or collected tax may be reclaimed by the non-resident taxpayer who are deducted or collected through permanent establishment in Indonesia by submitting an application.
- (2) In the event that there is excess of tax withholding or collection of Income Tax on non-resident taxpayer who has no permanent establishment in Indonesia, the withheld or collected tax may be reclaimed by the non-resident taxpayer who are deducted or collected through the through the taxpayer making the deduction or collection by submitting an application.
- (3) In the event that the Taxpayer who performs withholding or collection as intended in paragraph 2 cannot be found due to, among others, business dissolution, the application shall

be submitted directly by the non-resident taxpayer who has no a permanent establishment in Indonesia.

Article 20

- (1) Request for refund as intended in Article 19 shall be submitted in written form in Indonesian language.
- (2) Request for refund shall be signed by the taxpayer or the submitting party as intended in Article 19.
- (3) In the event that the application is signed by a non-taxpayer or party as intended in paragraph (2), the application shall be attached with a special power of attorney in accordance with the provisions of laws and regulations in the field of taxation.
- (4) Request for refund submitted by non-resident taxpayer through a permanent establishment in Indonesia as intended in Article 19 paragraph (1) shall enclose the following documents:
 - a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting for refund of tax overpayment that should not be payable;
 - d. Statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income;
 - e. SKD of non-resident taxpayer in accordance with the provisions of laws and regulations in the field of taxation;
 - f. photocopy of the Mutual Agreement, in the event that the excess of withholding or collection is caused by the Mutual Agreement as intended in Article 18 subparagraph (c); and
 - g. supporting documents for non-resident taxpayer who receive or earn income related to P3B.
- (4) Request for refund submitted by the taxpayer making the deduction or collection acting for and on behalf of non-resident taxpayer as intended in Article 19 paragraph (2) shall enclose the following documents:
 - a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting for refund of tax overpayment that should not be payable;
 - d. application letter from non-resident taxpayer;
 - e. Power of Attorney from non-resident taxpayers who are deducted or collected to Taxpayers who make deductions or collections;
 - f. Statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income;
 - g. CoR of non-resident taxpayer in accordance with the provisions of laws and regulations in the field of taxation;

- h. photocopy of the Mutual Agreement, in the event that the excess of withholding or collection tax caused by the Mutual Agreement as intended in Article 18 subparagraph c; and
 - i. supporting documents for non-resident taxpayer who receive or earn income related to P3B.
- (5) In the event that the withholder or collector cannot be found as intended in Article 19 paragraph (3), the application is made directly by the non-resident taxpayer and shall enclose the following documents:
 - a. original proof of tax withholding or collection;
 - b. calculation of taxes that should not be payable;
 - c. reasons for requesting for refund of tax overpayment that should not be payable;
 - d. Statement letter of non-resident taxpayer stating that the tax requested for refund has not been calculated with tax payable overseas and/or has not been charged as an expense in calculating overseas taxable income;
 - e. CoR of non-resident taxpayer in accordance with the provisions of laws and regulations in the field of taxation;
 - f. photocopy of the Mutual Agreement, in the event that the excess of withholding or collection tax caused by the Mutual Agreement as intended in Article 18 subparagraph c; and
 - g. supporting documents for non-resident taxpayer who receive or earn income related to P3B.
- (6) Request for refund as intended in Article 19 paragraph 1 shall be submitted directly to the Tax Office where the permanent establishment is registered, and the applicant shall be given a proof of receipt letter.
- (7) Request of refund as intended in Article 19 paragraph 2 and paragraph 3 shall be submitted directly to the Tax Office where the withholder or collector is registered, and the applicant shall be given a proof of receipt letter.
- (10) In addition to submitting the application as intended in paragraph 7 and paragraph 8, the application may be submitted through:
 - a. Post office with proof of delivery; or
 - b. forwarding service company or courier service with proof of mail delivery
- (11) Proof of receipt of the letter or proof of delivery as intended in paragraph (7), paragraph (8), or paragraph (9) is proof of receipt of the application letter

Article 21

- (1) The Director General of Taxes examines the correctness of tax payment based on the refund application as intended in Article 20.
- (2) The Director General of Taxes may ask the applicant to provide documents and/or information to examine the correctness of tax payments.

- (3) The examination results in the form of a refund are given in terms of fulfilling the following conditions:
 - a. taxes that should not be payable have been paid to the state treasury account;
 - b. the tax withheld or collected has been reported in the Periodic SPT of the Withholding or Collecting Taxpayer;
 - c. the tax that has been paid as intended in letter a is not calculated with non-resident taxpayer tax payable overseas; And
 - d. Tax paid as intended in letter a is not treated as an expense in calculating the taxable income overseas of non-resident taxpayer;
 - e. no abuse of P3B by non-resident taxpayer is found, in the case of application as intended in Article 18 subparagraph a and subparagraph b.
- (4) The examination, as intended in paragraph 1, shall be disclosed in the examination report.
- (5) In the event that the examination report discovers tax overpayment that should not be payable, the Director General of Taxes issues an SKPLB.
- (6) In the event that the examination report does not discover tax overpayment that should not be payable, the Director General of Taxes submits a notification letter of rejection to the applicant.
- (7) In the event that a SKPLB has been issued for a tax overpayment that should not be payable for a non-resident taxpayer, the Director General of Taxes sends information to the tax authority of the country of domicile of the non-resident taxpayer following the provisions of laws and regulations in the tax sector
- (8) In the event that a SKPLB has been issued for tax overpayment that should not be payable, the Director General of Taxes sends information to the tax authority of the country of domicile of the non-resident taxpayer following the provisions of laws and regulations in the tax sector.

Article 22

- (1) SKPLB as intended in Article 21 paragraph (5) is issued in accordance with the provisions of laws and regulations governing the procedures for issuance of notice of tax assessment and notice of tax collection in the event that the party who are deducted or collected is:
 - a. Non-resident taxpayer who has permanent establishment in Indonesia; or
 - b. Non-resident taxpayer who has no permanent establishment in Indonesia and the application is submitted by the withholder or collector.
- (2) In the event that the taxpayer making the deduction or collection as intended in paragraph (1) subparagraph b cannot be found, SKPLB is issued on behalf of non-resident taxpayer who has no permanent establishment in Indonesia by filling in the Taxpayer Identification Number column with the following provisions:
 - a. the first 9 (nine) digits shall be filled with 0 (zero);
 - b. the next 3 (three) digits shall be filled with the code number of the Tax Office where the application is submitted; and
 - c. the last 3 (three) digits shall be filled with 0 (zero).

Article 23

- (1) Tax refund that should not be payable on SKPLB as intended in Article 22 paragraph 1 shall be made through the issuance of SPMKP in accordance with the provisions of laws and regulations governing the procedures for calculating and refunding tax overpayments.
- (2) Refund tax that should not be payable on SKPLB as intended in Article 22 paragraph 2 shall be made through the issuance of SPMKP to bank accounts located in Indonesia using Rupiah currency in the name of the relevant non-resident taxpayer or an individual or entity appointed by the non-resident taxpayer.
- (3) In the event of that the refund tax through the issuance of SPMKP to bank accounts located in Indonesia under the name of a designated individual or entity as intended in paragraph (2), the non-resident taxpayer submits an appointment letter of a bank account number in Indonesia to the Director General of Taxes.

CHAPTER VII MISCELLANEOUS PROVISIONS

Article 24

Documents in the form of :

- a. Refund request of tax overpayment as intended in Article 4 paragraph 3, Article 9 paragraph 3, Article 14 paragraph 1, and Article 20 paragraph 1;
- b. Refund request of tax overpayment as intended in Article 14 paragraph 1 submitted by the taxpayer who make deductions or collections acting on behalf of the party who are deducted or collected;
- c. power of attorney from an individual or entity that is not required to have a Taxpayer Identification Number to the withholder or collector as intended in Article 14 paragraph 7 subparagraph d;
- d. application letter from non-resident taxpayer as intended in Article 14 paragraph 6 subparagraph d, and Article 20 paragraph 5 subparagraph d;
- e. power of attorney from the non-resident taxpayer who are deducted or collected to the taxpayer who make deductions or collections as intended in Article 14 paragraph 6 subparagraph e and Article 20 paragraph 5 subparagraph e;
- f. supporting documents for non-resident taxpayer receiving or earning income related to P3B as intended in Article 20 paragraph 4 subparagraph g, paragraph 5 subparagraph i, and paragraph 6 subparagraph g;
- g. The examination report on the application for refund of tax overpayment as intended in Article 5 paragraph 4, Article 10 paragraph 4, Article 15 paragraph 7, and Article 21 paragraph 4;
- h. notification letter of rejection of application for refund of tax overpayment that should not be payable as intended in Article 5 paragraph 6, Article 10 paragraph 6, Article 15 paragraph 9, and Article 21 paragraph 6; and
- i. appointment letter of bank account number in Indonesia as intended in Article 17 paragraph 4 and Article 23 paragraph 3,

is made by using the format according to the example as stated in the Appendix which is an integral part of this Ministerial Regulation.

CHAPTER VIII
TRANSITIONAL PROVISIONS

Article 25

At this Ministerial Regulation comes into effect, request for refund of tax overpayment that should not be payable submitted before the enactment of this Ministerial Regulation and has not been issued SKPLB or notification letter of rejection, the process of resolving the request is carried out based on the provisions as stipulated in this Ministerial Regulation.

CHAPTER IX
CLOSING PROVISIONS

Article 26

When this Ministerial Regulation comes into effect, Minister of Finance Regulation Number 10/PMK.03/2023 concerning Procedures for Refund of Tax Overpayments that Should Not Be Payable, is revoked and declared invalid.

Article 27

This Ministerial Regulation shall come into effect on the date of promulgation.

So that everyone knows about it, ordered the promulgation of this Ministerial Regulation by placing it in the News Republic of Indonesia.

Stipulated in Jakarta
on September 30, 2015
MINISTER OF FINANCE REPUBLIC OF INDONESIA,
signed
BAMBANG P. S. BRODJONEGORO

Legalized in Jakarta
on September 30, 2015
MINISTER OF LAW AND HUMAN RIGHTS REPUBLIC OF INDONESIA,
signed
BAMBANG P. S. BRODJONEGORO

Signed
YASONNA H. LAOLY