BILL REGARDING TRADE

HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA
2014

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BILL OF
THE REPUBLIC OF INDONESIA
NUMBER … OF …
REGARDING
TRADE
BY THE GRACE OF ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

a. that economic development is set and carried out to promote public welfare by implementing economic democracy based on the principles of unity, equitable efficiency, sustainability, environmental soundness and independence, as well as by maintaining the balance of national economic progress and unity as mandated by the 1945 Constitution of the Republic of Indonesia;

b. that the implementation of economic democracy through Trade activities is the locomotive of national economic development which can provide a supporting capacity for production increase and equal distribution of income, as well as competitiveness enhancement of Domestic Products;

c. that although the role of Trade is key to stimulating economic development, the progress thereof has not been able to meet the challenges of national development, thus political and economic alignments are necessary to provide opportunities and supports, as well as to develop people’s economy, which includes cooperatives and micro, small and medium enterprises as the main pillar of national economic development;

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d. that the laws and regulations on Trade require harmonizing different Trade provisions under a national economic unity framework in response to the current and future Trade developments in the globalization era;

e. that based on the foregoing considerations as referred to in letter a, letter b, letter c and letter d, it is necessary to issue a Law regarding Trade;

Observing: 1. Article 5 paragraph (1), Article 11, Article 20 and Article 33 of the 1945 Constitution of the Republic of Indonesia;

2. Decree of the People’s Consultative Assembly of the Republic of Indonesia Number XVI/MPR/1998 regarding Economic Politics in Economic Democracy;

Upon Joint Approval

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAVE DECIDED

To stipulate: LAW REGARDING TRADE.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Law:

1. Trade means an activity setting related to domestic and international Goods and/or Services transactions with a purpose of transferring rights to Goods and/or Services in order to receive payments or compensations.

2. Domestic Trade means a Goods and/or Services trade conducted within the territory of the Unitary State of the Republic of Indonesia, excluding International Trade.

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3. International Trade means a Trade that includes Goods and/or Services Export and/or Import activities beyond the state’s boundaries.

4. Border Trade means a Trade between Indonesian citizens living around the Indonesian borders and citizens of neighboring countries for the purpose of meeting daily needs.

5. Goods means any tangible or intangible, movable or immovable, consumable or inconsumable goods that can be traded, worn, used or utilized by consumers or Business Actors.

6. Service means any services and performance in the form of employment or works that are traded by one party to another party in the community to be used by consumers or Business Actors.

7. Domestic Product means Goods produced and/or Services performed by Business Actors in Indonesia.

8. Standard means a technical or formal requirement that includes any procedures and methods developed based on the relevant all-party consensus/government’s decision/international decision by taking into consideration safety requirements, security, health, environment, science and technology advances, experiences, as well as current and future developments in order to gain as many benefits as possible.

9. Standardization means a process of formulating, setting, applying, maintaining, enforcing and monitoring Standards carried out in an orderly manner and through collaboration with all parties.

10. Indonesian National Standard, hereinafter abbreviated to SNI, means a standard set by the agency overseeing the development and supervision in the Standardization sector.

11. Distribution means an activity of directly or indirectly distributing Goods to consumers.

12. Market means an economic entity where buyers and sellers meet, directly or indirectly, to conduct Trade transactions.

13. Warehouse means an open and/or closed, immovable space that is not meant for public visits, but specifically used as a place for storing tradable Goods which are not for private consumptions.

14. Business Actor means any natural persons of Indonesian citizenship or incorporated or unincorporated enterprises established and situated within the territory of the Unitary State of the Republic of Indonesia that conduct businesses in the Trade sector.

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15. Customs Area means the territory of the Unitary State of the Republic of Indonesia that covers lands, waters and air therein, as well as specific areas in the Exclusive Economic Zone and continental shelves where the Law regarding Customs applies.

16. Export means an activity of exporting Goods from the Customs Area.

17. Exporter means any natural persons or institutions or incorporated or unincorporated enterprises that conduct Export.

18. Import means an activity of importing Goods to the Customs Area.

19. Importer means any natural persons or institutions or incorporated or unincorporated enterprises that conduct Import.

20. Trade Promotion means the activity of exhibiting, demonstrating, introducing and/or disseminating information on Goods and/or Services to attract domestic and international consumers in a specific period in order to boost sales, expand markets and establish trade relations.

21. Overseas Representative of the Republic of Indonesia means Diplomatic Representatives and Consular Representatives of the Republic of Indonesia that officially represent and defend the overall interest of the nation, state and government of the Republic of Indonesia in recipient countries or international organizations.

22. International Trade Cooperation means the Government’s activity to defend and secure national interest through Trade relations with other countries and/or international institutions/organizations.

23. Trade Information System means integrated setting, procedure and mechanism for collecting, processing, delivering, managing and disseminating Trade data and/or information in support of Trade policy and control.

24. Trade via Electronic System means a Trade transaction that is conducted using a set of electronic tools and procedures.

25. National Trade Committee means an institution established to help accomplish the objectives of activity implementation in the Trade sector.


27. Local Government means governors, district heads or mayors and local line agencies as the local government bodies.

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28. Minister means a minister overseeing the government affairs in the Trade sector.

CHAPTER II

PRINCIPLES AND OBJECTIVES

Article 2

The Trade policy shall be developed on the principles of:

a. national interest;
b. legal certainty;
c. fair and healthy competition;
d. business security;
e. accountability and transparency;
f. independence;
g. partnership;
h. expediency;
i. simplicity;
j. unity; and
k. environmental soundness.

Article 3

The Trade activity shall be regulated with the objectives of:

a. promoting national economic growth;
b. promoting Domestic Product consumption and Trade;
c. opening up business opportunity and creating employment;
d. securing smooth running of Distribution and availability of essential Goods and strategic Goods;
e. improving Trade facility, structure and infrastructure;
f. improving partnership between major businesses and cooperatives, micro, small and medium enterprises, as well as the government and private sector;
g. improving competitiveness of national product and business;
h. improving the image of Domestic product, access to market and national Export;
i. promoting Trade of creative economy based product;

j. improving consumer protection;

k. promoting the use of SNI;

l. improving natural resource protection; and

m. improving monitoring of tradable Goods and/or Services.

CHAPTER III

SCOPE OF REGULATION

Article 4

(1) The scope of Trade regulation shall cover:
   a. Domestic Trade;
   b. International Trade;
   c. Border Trade;
   d. Standardization;
   e. Trade via Electronic System;
   f. Trade protection and security;
   g. cooperative and micro, small and medium enterprise empowerment;
   h. Export development;
   i. International Trade Cooperation;
   j. Trade Information System;
   k. government’s duty and authority in the Trade sector;
   l. National Trade Committee;
   m. monitoring; and
   n. investigation.

(2) In addition to the scope of regulation as referred to in paragraph (1), tradable Services shall also be regulated with a scope covering:
   a. business Services;
   b. distribution Services;
   c. communication Services;
   d. education Services;
   e. environmental Services;
f. financial Services;
g. construction and relevant technical Services;
h. health and social Services;
i. recreational, cultural and sport Services;
j. tourism Services;
k. transportation Services; and
l. other Services.
(3) Services can be traded domestically and internationally.

CHAPTER IV
DOMESTIC TRADE
Part One
General
Article 5
(1) The Government shall regulate Domestic Trade activity through policy and control measures.
(2) The Domestic Trade policy and control measures as referred to in paragraph (1) shall aim to:
   a. improve efficiency and effectiveness of Distribution;
   b. improve business climate and certainty;
   c. integrate and expand domestic market;
   d. improve access to market for Domestic Product; and
   e. protect consumer.
(3) The Domestic Trade policy as referred to in paragraph (1) shall regulate at least:
   a. harmonization of central and local and/or interregional Trade activity regulation, Standard and procedure;
   b. development of a licensing procedure for smooth flow of Goods;
   c. availability of and accessibility to essential Goods for the community;
   d. development and reinforcement of businesses in the Domestic Trade sector, including cooperatives and micro, small and medium enterprises;
(4) The Domestic Trade control as referred to in paragraph (1) shall cover:
   a. licensing;
   b. Standard; and
   c. prohibition and restriction.

Article 6

(1) All Business Actors shall use or provide a label in Indonesian language on the Goods traded domestically.

(2) Further provisions on the use or provision of label in Indonesian language shall be stipulated in a Ministerial Regulation.

Part Two

Distribution of Goods

Article 7

(1) Direct or indirect Distribution of Goods traded domestically to consumers may be carried out by Distribution Business Actors.

(2) The indirect Distribution of Goods as referred to in paragraph (1) shall be carried out through a public Distribution chain, consisting of:
   a. distributor and its network;
   b. agent and its network; or
   c. franchise.

(3) The direct Distribution of Goods as referred to in paragraph (1) shall be carried out through a specific distribution via a:
   a. single level; or
   b. multilevel direct sales system.

Article 8

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Any Goods with exclusive Distribution rights traded through a direct sales system shall only be marketed by an official seller registered as a member of a direct sales company.

Article 9

All Distribution Business Actors shall be prohibited from applying a pyramid scheme system in distributing Goods.

Article 10

The Distribution Actors as referred to in Article 7 shall distribute Goods in accordance with the laws and regulations as well as economic and business ethics in the context of orderly business.

Article 11

Further provisions on the Distribution of Goods shall be stipulated in a Ministerial Regulation.

Part Three

Trade Structure

(1) The Government, Local Government and/or Business Actor shall severally or jointly develop a Trade structure in the form of:
   a. people’s Market;
   b. shopping center;
   c. self-service store;
   d. Warehouse;
   e. warehouse store;
   f. commodity auction market;
   g. commodity futures market; or
   h. other Trade structures.

(2) In developing the Trade structure as referred to in paragraph (1), the Government, Local Government and/or Business Actor shall refer to the laws and regulations.
(1) The Government shall work with the Local Government to develop, empower and improve the management quality of people’s Market in order to enhance competitiveness.

(2) The development, empowerment and management quality improvement of people’s Market as referred to in paragraph (1) shall be in the form of:
   a. development and/or revitalization of people’s Market;
   b. implementation of professional management;
   c. facilitation of access to supply of quality Goods with competitive prices; and/or
   d. facilitation of access to financing for sellers in people’s Market.

(3) Further provisions on the development, empowerment and management quality improvement of people’s Market shall be stipulated in or under a Presidential Regulation.

Article 14

(1) The Government and/or Local Government according to its authority shall regulate the equal and equitable development, organization and supervision of people’s Market, shopping center, self-service store and warehouse store to create business certainty and balanced cooperative relations between suppliers and retailers by taking into consideration the alignment with cooperatives and micro, small and medium enterprises.

(2) The development, organization and supervision as referred to in paragraph (1) shall be carried out through licensing, spatial planning and zoning regulation by taking into consideration distance and location of buildings, partnership and business cooperation.

(3) Further provisions on the licensing, spatial planning and zoning regulation as referred to in paragraph (2) shall be stipulated in or under a Presidential Regulation.

Article 15

(1) The Warehouse as referred to in Article 12 paragraph (1) letter d shall be one of the Trade structures aimed at encouraging smooth Distribution of Goods traded domestically and internationally.

(2) The Warehouse as referred to in paragraph (1) shall be registered by its owner according to the category based on size and storage capacity.

(3) Any Warehouse owners that fail to register their Warehouse as referred to in paragraph (2) shall be imposed with an administrative sanction in the form of Warehouse shut down for a certain period and/or a maximum fine of Rp2,000,000,000 (two billion rupiah).
(4) Further provisions on the procedure for Warehouse registration as referred to in paragraph (2) shall be regulated in a Ministerial Regulation.

(5) Further provisions on imposing the administrative sanction as referred to in paragraph (3) shall be stipulated in or under a Government Regulation.

Article 16

(1) In addition to the Warehouse as referred to in Article 15, the Government and/or Local Government may also set up a Warehouse required to secure the availability of essential Goods for the community.

(2) The Warehouse set up by the Government and/or Local Government as referred to in paragraph (1) shall be closed to public, and the quantity of essential Goods for the community stored therein shall be categorized as restricted-use data.

Article 17

(1) All Warehouse owners, managers or tenants that store Goods for trade purposes shall maintain an administrative record containing at least the quantity of Goods stored and quantity of incoming and outgoing Goods to and from the Warehouse.

(2) Any Warehouse owners, managers or tenants that fail to maintain the administrative record as referred to in paragraph (1) shall be imposed with an administrative sanction in the form of revocation of license in the Trade sector.

(3) Further provisions on the administrative record of Goods as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Article 18

(1) The Government and/or Local Government shall organize, supervise and develop Commodity Auction Market as referred to in Article 12 paragraph (1) letter f.

(2) Further provisions on the organization, supervision and development of Commodity Auction Market as referred to in paragraph (1) shall be stipulated in or under a Presidential Regulation.

Article 19
(1) The Government shall organize, supervise and develop the Commodity Futures Market as referred to in Article 12 paragraph (1) letter g.

(2) Further provisions on the Commodity Futures Market as referred to in paragraph (1) shall be stipulated under the laws and regulations on Commodity Futures Trade.

Part Four

Services Trade

Article 20

(1) All Service Providers that engage in Services Trade shall be supported with competent technical staff in accordance with the laws and regulations.

(2) Any Service Providers that fail to hire the competent technical staff as referred to in paragraph (1) shall be imposed with an administrative sanction in the forms of:
   a. written warning;
   b. temporary lockout; and/or
   c. revocation of business license.

(3) Further provisions on the requirement as referred to in paragraph (1) and imposing sanction as referred to in paragraph (2) shall be stipulated in or under a Government Regulation.

Article 21

The Government may recognize the competence of international technical staff under a bilateral or regional mutual recognition agreement.

Part Five

Promotion of Domestic Product Consumption

Article 22

(1) In order to develop, empower and reinforce Domestic Trade, the Government, Local Government and/or other stakeholders shall severally or jointly make efforts to promote Domestic Product consumption.
(2) The promotion of Domestic Product consumption as referred to in paragraph (1) shall be carried out through alignment by way of promotion, introduction or marketing and setting out a requirement to use Domestic Product in accordance with the laws and regulations.

(3) Further provisions on the promotion of Domestic Product consumption shall be stipulated in a Ministerial Regulation.

Part Six

Interisland Trade

Article 23

(1) The Government shall regulate interisland Trade activity to achieve integration in the domestic Market.

(2) The regulation as referred to in paragraph (1) shall be aimed at:
   a. maintaining a balance between regions with supply surplus and ones with supply deficit;
   b. narrowing interregional price gap;
   c. securing Distribution of Goods through Trade restriction;
   d. developing marketing of each region’s primary commodity;
   e. providing interisland Trade structure and infrastructure;
   f. preventing entry and circulation of smuggled Goods in the domestic Market;
   g. preventing smuggling of Goods into the international Market; and
   h. removing constraint on interisland Trade.

(3) Further provisions on the interisland Trade shall be stipulated in a Ministerial Regulation.

Part Seven

Licensing

Article 24

(1) Any Business Actors that engage in Trade business activity shall obtain a license in the Trade sector from the Minister.

(2) The Minister may transfer or delegate its authority over licensing to the Local Government or a particular technical agency.
(3) The Minister may grant an exemption from the requirement to obtain license in the Trade sector as referred to in paragraph (1).

(4) Further provisions on the licensing in the Trade sector as referred to in paragraph (1) and its exemption as referred to in paragraph (3) shall be stipulated in a Ministerial Regulation.

Part Eight

Control of Essential Goods and/or Strategic Goods

Article 25

(1) The Government and Local Government shall control the availability of essential Goods and/or strategic Goods throughout the territory of the Unitary State of the Republic of Indonesia to be in sufficient quantity, excellent quality and affordable price.

(2) The Government and Local Government shall encourage improvement and protect the production of domestic essential Goods and strategic Goods to meet the national needs.

(3) The essential Goods and strategic Goods as referred to in paragraph (1) shall be stipulated in a Presidential Regulation.

Article 26

(1) In a certain condition that might disrupt the national Trade activity, the Government shall secure supply and stabilize price of essential Goods and strategic Goods.

(2) The supply security and price stabilization of essential Goods and strategic Goods as referred to in paragraph (1) shall be achieved to maintain price affordability for consumers and protect manufacturers’ revenue.

(3) In order to secure supply and stabilize price of essential Goods and strategic Goods, the Minister shall implement price policy, stock and logistics management, as well as Export and Import management.

Article 27

The Government may appoint a State Owned Enterprise to control the availability of, stabilize price of and distribute essential Goods and strategic Goods.

Article 28
In order perform the obligation as referred to in Article 26, the Government shall allocate a budget from the State Budget and/or other sources in accordance with the laws and regulations.

Article 29

(1) All Business Actors shall be prohibited from storing essential Goods and/or strategic Goods in a specific quantity and at a specific time in the event of scarcity of Goods, price volatility and/or traffic restraint on Goods Trade.

(2) All Business Actors may store essential Goods and/or strategic Goods in a specific quantity and at a specific time if the same are used as raw materials or auxiliary materials in production process or as supply of Goods for Distribution.

(3) Further provisions on the storing of essential Goods and/or strategic Goods shall be stipulated in or under a Presidential Regulation.

Article 30

(1) The Minister may request data and/or information from Business Actors regarding the availability of essential Goods and/or strategic Goods.

(2) The Business Actors shall not manipulate data and/or information regarding the availability of essential Goods and/or strategic Goods.

Article 31

In the event the Local Government regulates measures to secure availability of, stabilize price of and distribute essential Goods and/or strategic Goods, it shall refer to the policy set out by the Government.

Article 32

(1) All manufacturers or Importers that trade Goods related to security, safety, health and environment shall:
   a. register the traded Goods to the Minister; and
   b. display the registration number on the Goods and/or their packaging.

(2) The requirement to register Goods as referred to in paragraph (1) shall be met by the manufacturers or Importers prior to circulating Goods in the Market.
(3) The requirement to register Goods as referred to in paragraph (1) letter a shall be exempted for Goods whose registration has been regulated under the laws and regulations.

(4) The security, safety, health and environment criteria as referred to in paragraph (1) may be established under the SNI or other recognized standards that have not been implemented as compulsory.

(5) The Goods as referred to in paragraph (1) shall be stipulated in a Presidential Regulation.

(6) In the event the Goods as referred to in paragraph (5) have been regulated under compulsory implemented SNI, they shall meet the compulsory SNI requirements.

Article 33

(1) Any manufacturers or Importers that fail to meet the requirement to register Goods as referred to in Article 32 paragraph (1) shall cease their Goods Trade activity and withdraw their Goods from:
   a. distributor;
   b. agent;
   c. wholesaler;
   d. retailer; and/or
   e. consumer.

(2) The order to cease Trade activity and withdraw Goods from Distribution as referred to in paragraph (1) shall be issued by the Minister.

(3) Any manufacturers or Importers that fail to meet the requirement as referred to in paragraph (1) shall be imposed with an administrative sanction in the form of revocation of business license.

Article 34

Further provisions on the Goods registration as referred to in Article 32 paragraph (1) and cessation of Goods Trade activity, as well as withdrawal of Goods as referred to in Article 33 paragraph (1) shall be stipulated in or under a Presidential Regulation.

Part Nine

Prohibition and Restriction on Goods and/or Services Trade

Article 35
(1) The Government shall impose a prohibition or restriction on Goods and/or Services Trade out of the national interest by reasons of:
   a. protecting economic sovereignty;
   b. protecting national security;
   c. protecting community’s moral and culture;
   d. protecting health and safety of humans, animals, fish, plants and environment;
   e. protecting natural resources exploitation for the purposes of production and consumption;
   f. protecting balance of payment and/or balance of Trade;
   g. implementing the laws and regulations; and/or
   h. specific considerations in accordance with the Government’s duty.
(2) The prohibited or restricted Goods and/or Services Trade as referred to in paragraph (1) shall be stipulated in a Presidential Regulation.

Article 36

All Business Actors shall be prohibited from trading Goods and/or Services included in the prohibited Goods and/or Services Trade as referred to in Article 35 paragraph (2).

Article 37

(1) All Business Actors shall comply with the provision on restricted Goods and/or Services Trade as referred to in Article 35 paragraph (2).
(2) Any Business Actors that violate the provision on Goods and/or Services as referred to in paragraph (1) shall be imposed with an administrative sanction in the form of revocation of license in the Trade sector.

CHAPTER V

INTERNATIONAL TRADE

Part One

General
Article 38

(1) The Government shall regulate all International Trade activities through Export and Import policies and control measures.

(2) The International Trade policies and control measures as referred to in paragraph (1) shall be aimed to:
   a. increase the competitiveness of Indonesian Export products;
   b. increase and expand access to international Market; and
   c. build the capacity of Exporters and Importers to become reliable Business Actors.

(3) International Trade policies shall regulate at least:
   a. improvement in number, types and value of export products;
   b. harmonization of the standards and procedures for Trade activities with trading partner country;
   c. reinforcement of the institution of International Trade sector;
   d. development of facilities and infrastructures to support International Trade;
   e. protection and safeguard of national interests from the negative impacts of International Trade.

(4) International Trade control measures comprise:
   a. licensing;
   b. standardization;
   c. prohibition and restriction.

Article 39

Service Trades conducted across state boundaries shall be carried out through the following:

a. cross-border supply;
b. consumption abroad;
c. commercial presence; or
d. movement of natural persons.

Article 40

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(1) In order to increase the value to national economy, the Government shall regulate Goods payment modes and delivery procedures for Export and Import activities.

(2) Further provisions on payment and delivery shall be stipulated in a Government Regulation.

Article 41

(1) The Minister may postpone the Import or Export activities during a force majeure event.

(2) The President shall determine force majeure event as referred to in paragraph (1).

Part Two

Export

Article 42

(1) Export of Goods shall be carried out by registered Business Actor established as Exporters, unless provided otherwise by the Minister.

(2) The provisions on Exporter establishment as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Article 43

(1) Exporters shall take full responsibility for its Exported Goods.

(2) Any Exporters not taking full responsibility for its Exported Goods as referred to in paragraph (1) shall be subject to administrative sanction in the form of revocation of its Trading license, approval, recognition and/or establishment.

(3) Further provisions on the procedures of imposition of administrative sanction as referred to in paragraph (2) shall be stipulated in a Ministerial Regulation.

Article 44

Any Exporters abusing the Exporter establishment as referred to in Article 42 (1) shall be subject to administrative sanction in the form of cancellation of their establishment as Exporters.

Part Three

Import
Article 45

(1) Import of Goods shall only be carried out by Importers holding Importer identifier as stipulated by the Minister.
(2) In certain cases, Import of Goods might be carried out by Importers without Importer identifier.
(3) The provisions on Importer identifier as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Article 46

(1) Importers shall take full responsibility for the Imported Goods.
(2) Any Importers not taking full responsibility for its Imported Goods as referred to in (1) shall be subject to administrative sanction in the form of revocation of their Trading license, approval, recognition and/or establishment.
(3) Further provisions on administrative sanction procedures as referred to in (2) shall be stipulated in a Ministerial Regulation.

Article 47

(1) All Importers shall import the goods in brand new condition.
(2) In certain cases, the Minister may stipulate certain Goods that might be imported not in brand new condition.
(3) The stipulation as referred to in paragraph (2) shall be submitted to the minister overseeing governmental affairs in financial sector.
(4) Further provisions on the Goods that might be imported not in brand new condition as referred to in paragraph (2) shall be stipulated in a Ministerial Regulation.

Article 48

The letter of approval for importing Goods not in brand new condition as referred to in Article 47 paragraph (2) shall be submitted at the time of the completion of customs obligations in accordance with the laws and regulations in Customs.

Part Four

Export and Import Licensing

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Article 49

(1) To carry out Export and Import activities, the Minister requires all Exporters and Importers to obtain licenses in the form of approval, registration, establishment and/or recognition.

(2) In conducting temporary Exports and temporary Imports, the Minister requires Exporters and Importers to obtain licenses as referred to in paragraph (1).

(3) The Minister may assign or delegate the administration of the licenses as referred to in paragraph (1) to the Local Government or certain technical agencies.

(4) In order to increase national competitiveness, the Minister may propose waiving or adding import duties on temporary Import Goods.

(5) Further provisions on the licensing as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Ministerial Regulation.

Part Five
Prohibition and Restriction for Export and Import

Article 50

(1) All Goods may be exported or imported, except Goods that are prohibited, restricted or provided otherwise by the Law.

(2) The Government shall prohibit Import or Export of certain Goods for the benefit of national interest to:
   a. protect national security or public interest, including the social, cultural and moral aspects of the society;
   b. protect intellectual property rights; and/or
   c. protect the health and safety of humans, animals, fish, plants and environment.

Article 51

(1) All Exporters shall not export any Goods defined as Goods prohibited for export.

(2) All Importers shall not export any Goods defined as Goods prohibited for import.

(3) All prohibited Goods as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Ministerial Regulation.

Article 52

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(1) All Exporters shall not export any Goods not complying with the provisions for the restriction of exported Goods.

(2) All Importers shall not export any Goods not complying with the provisions for the restriction of imported Goods.

(3) Restricted Goods as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Ministerial Regulation.

(4) All Exporters exporting Goods not complying with the provisions for the restriction of exported Goods as referred to in paragraph (3) shall be subjected to administrative sanction and/or other sanctions stipulated in laws and regulations.

(5) All Importers exporting Goods not complying with the provisions for the restriction of imported Goods as referred to in paragraph (3) shall be subjected to administrative sanction and/or other sanctions stipulated in laws and regulations.

(6) Provisions on administrative sanction as referred to in paragraph (4) and paragraph (5) shall be stipulated in a Ministerial Regulation.

Article 53

(1) The exported Goods of any Exporters imposed with administrative sanction as referred to in Article 52 paragraph (4) shall be controlled by the state in accordance with the provisions of laws and regulations.

(2) The imported Goods of any Importers imposed with administrative sanction as referred to in Article 52 paragraph (5) shall be returned, destroyed by the Importer, or otherwise stipulated by the Minister.

Article 54

(1) The Government may impose a restriction on the Export and Import of certain Goods for national interest by reason of:
   a. protecting national security or public interest; and/or
   b. protecting the health and safety of humans, animals, fish, plants and environment.

(2) The Government may impose a restriction on the Export of particular Goods as referred to in paragraph (1) to:
   a. ensure the fulfillment of domestic needs;
   b. ensure the availability of raw materials required by domestic processing industries;
c. protect the sustainability of natural resources;
d. increase the economic value of raw materials and/or natural resources;
e. anticipate significant price increase of certain Export commodities in international market; and/or
f. maintain domestic price stability of certain commodities.

(3) The Government may impose a restriction on the Import of particular Goods as referred to in paragraph (1) to:
   a. expedite the growth of, establish and protect certain domestic industries; and/or
   b. maintain the balance of payments and/or balance of Trade.

CHAPTER VI

BORDER TRADE

Article 55

(1) All Indonesian citizens residing in the territory of the Unitary State of the Republic of Indonesia immediately adjacent to other countries may conduct Border Trade with the other countries’ citizens residing in the border area.

(2) Border Trade as referred to in paragraph (1) may only be carried out in the land and sea border area stipulated in a Governmental Regulation.

(3) Border Trade as referred to in paragraph (2) shall be carried out in accordance with the bilateral agreement complying with the laws and regulations.

Article 56

(1) The bilateral agreement as referred to in Article 55 paragraph (3) shall at least comprise the following:
   a. designated cross-border point of entry or exit;
   b. type of Goods to be traded;
   c. maximum value of Goods purchased outside the Custom Area that can be brought into the Custom Area;
   d. designated areas for Border Trade; and
   e. identity of the person conducting Border Trade.
(2) The Government shall supervise and carry out the custom and duty, immigration and quarantine services in the exit or entry cross-border points and in certain places or areas in accordance with the provisions of laws and regulations.

(3) The Minister shall coordinate and synchronize with relevant ministers before entering into Border Trade agreement as referred to in Article 55 paragraph (3).

(4) Further provisions on Border Trade shall be stipulated in or under a Government Regulation.

CHAPTER VII

STANDARDIZATION

Part One

Goods Standardization

Article 57

(1) Domestically traded Goods shall comply with:
   a. compulsory SNI; or
   b. compulsory technical requirements.

(2) All Business Actors are prohibited from domestically trading Goods not complying with the compulsory SNI or technical requirements.

(3) The implementation of SNI or technical requirements as referred to in paragraph (1) shall be stipulated by the Minister or a relevant governmental minister.

(4) The implementation of SNI or technical requirements as referred to in paragraph (3) shall be carried out by considering:
   a. the security, safety, health and environmental aspects;
   b. national manufacturers competitiveness and fair business competition;
   c. the ability and readiness of national businesses; and/or
   d. infrastructure readiness of conformity assessment institutions.

(5) Goods complying with the compulsory SNI or technical requirements as referred to in paragraph (1) shall be affixed with the SNI or conformity sign or provided with a conformity certificate recognized by the Government.
(6) Goods traded without the compulsory SNI may be affixed with the SNI or conformity sign as long as its compliance has been proven by an SNI sign product certification or a conformity certification.

(7) Any Business Actors trading Goods complying with the compulsory SNI or technical requirement, but failed to affix the SNI or conformity sign to the products, or failed to provide the products with a conformity certificate as referred to in paragraph (5) shall be subject to administrative sanction in the form of withdrawal of its Goods from distribution.

Article 58

(1) The SNI sign, conformity sign, or conformity certificate as referred to in Article 57 paragraph (5) shall be issued by a conformity assessment institution which has been accredited by an accreditation body in accordance with the provisions of laws and regulations.

(2) In the event that there is no accredited conformity assessment institution as referred to in paragraph (1) available, the Minister or a relevant governmental minister may appoint a conformity assessment institution with certain requirements and within a certain period of time.

(3) The conformity assessment institution as referred to in (1) and (2) shall be registered in a certain body stipulated by the Minister.

Article 59

Conformity assessment standard or rating established by other countries may be recognized by the Government based on an interstate mutual recognition agreement.

Part Two

Service Standardization

Article 60

(1) All Service Providers are prohibited from domestically trading Service not complying with the compulsory SNI, technical requirements or other qualifications.
(2) The implementation of compulsory SNI, technical requirements or qualifications as referred to in paragraph (1) shall be stipulated in the Minister or a relevant governmental minister.

(3) The implementation of compulsory SNI, technical requirements or qualifications as referred to in paragraph (2) shall be carried out by taking into account:
   a. the security, safety, health and environmental aspects;
   b. national manufacturers competitiveness and fair business competition;
   c. the ability and readiness of national businesses;
   d. infrastructure readiness of conformity assessment institutions; and/or
   e. culture, custom or tradition based on local wisdom.

(4) Services complying with the compulsory SNI, technical requirements or qualifications as referred to in paragraph (2) shall be accompanied by a conformity certificate recognized by the Government.

(5) Traded Services complying with the non-compulsory SNI, technical requirements or qualifications may be accompanied with a conformity certificate according to the laws and regulations.

(6) Any Service Providers trading Services complying with the compulsory SNI, technical requirements or qualifications, but failed to provide a conformity certificate as referred to in paragraph (4) shall be subject to administrative sanction in the form of suspension of its operation activity.

Article 61

(1) The SNI sign, conformity sign, or conformity certificate as referred to in Article 60 paragraph (4) shall be issued by a conformity assessment institution which has been accredited by an accreditation body in accordance with the provisions of laws and regulations.

(2) If the conformity assessment institution as referred to in paragraph (1) has not been accredited, the Minister or a relevant governmental minister may appoint a conformity assessment institution with certain requirements and within a certain period of time.

(3) The conformity assessment institution as referred to in paragraph (1) and paragraph (2) shall be registered in a certain body stipulated in the Minister.
Conformity assessment standard or rating established by other countries may be recognized by the Government based on an interstate mutual recognition agreement.

Article 63

Any Service Providers trading Services without a conformity certificate as referred to in Article 60 paragraph (4) shall be subjected to administrative sanction in the form of suspension of its Service Trading activity.

Article 64

Further provisions on the procedures for the establishment and enforcement of Goods and/or Services Standardization shall be stipulated in or under a Government Regulation.

CHAPTER VIII

TRADING VIA ELECTRONIC SYSTEM

Article 65

(1) Any Business Actors trading Goods and/or Services via electronic system shall provide complete and accurate data and/or information.

(2) Any Business Actors shall not trade via electronic system any Goods and/or Services not complying with the data and/or information as referred to in paragraph (1).

(3) The use of electronic system as referred to in paragraph (1) shall comply with the provisions in the Information and Electronic Transaction Law.

(4) Data and/or information as referred to in paragraph (1) shall at least comprise the following:

a. identity and legality of the Business Actor as the manufacturer or Distribution Business Actor;

b. technical requirements of the offered Goods;

c. technical requirements or qualifications of the offered Services;

d. price and terms of payment for the Goods and/or Services; and

e. Goods delivery method.

(5) In the event of a dispute arising from a Trade transaction via electronic system, the relevant person or entity may resolve the dispute through court or through other dispute settlement mechanism.
(6) Any Business Actors trading Goods and/or Services via electronic system which failed to provide complete and accurate data and/or information as referred to in paragraph (1) shall be subjected to administrative sanction in the form of license revocation.

Article 66

Further provisions on Trade transaction via Electronic System shall be stipulated in or under a Government Regulation.

CHAPTER IX
THE SECURITY AND SAFETY OF TRADE

Article 67

(1) The Government shall establish the Trade security and safety policies.
(2) The establishment of Trade security and safety policies as referred to in paragraph (1) shall be carried out by the Minister.
(3) The Trade security and safety policies as referred to in paragraph (2) comprise:
   a. plea on dumping and/or subsidy charges for national Export of Goods;
   b. defense measures for the Exporter, whose Exported Goods are considered to cause an Import surge in a particular country by its trade partner country;
   c. defense measures for the national Export of Goods harmed by a particular policy and/or regulation from other country;
   d. imposition of anti-dumping or remuneration measures to overcome unfair Trade practices;
   e. imposition of Trade safety measures to overcome Import surge; and
   f. defense measures for the national policy related to Trade which is challenged by other country.

Article 68

(1) In the event of a threat to a policy, regulation, unfair Trade practice charge and/or Import surge charge from trade partner country related to national Export of Goods, the Minister is obliged to take appropriate defense measures.
(2) In taking the defense measures as referred to in paragraph (1):

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a. the relevant Exporter shall support and provide necessary information and data; and
b. the relevant ministerial department/non-ministerial Governmental institution shall support and provide necessary information and data.

Article 69

(1) In the event of a surge in the amount of Imported Goods, which cause domestic manufacturer of similar Goods or its direct competitor Goods to suffer a significant loss or a potential significant loss, the Government is obliged to take Trade safety measures to eliminate or reduce the relevant significant loss or the potential significant loss.
(2) The Trade safety measures as referred to in paragraph (1) shall be carried out in the form of imposition of safeguard import duties and/or quota.
(3) The Trade safeguard import duties as referred to in paragraph (2) shall be stipulated in a minister overseeing governmental affairs in financial sector in accordance with the Minister’s proposal.
(4) The quota as referred to in paragraph (2) shall be determined by the Minister.

Article 70

(1) In the case of lower price Import products that may cause a loss or potential loss to the relevant domestic manufacturers or may inhibit the development of the relevant domestic manufacturers, the Government is obliged to take anti-dumping measures to eliminate or reduce the relevant loss or potential loss or inhibition.
(2) The anti-dumping measures as referred to in paragraph (1) shall be carried out in the form of the imposition of anti-dumping import duties.
(3) The anti-dumping import duties as referred to in paragraph (2) shall be stipulated in a minister overseeing governmental affairs in financial sector in accordance with the Minister’s proposal.

Article 71

(1) In the event of an Import product receiving direct or indirect subsidies from exporting country causing loss or potential loss to the relevant domestic manufacturers or may inhibit the development of the relevant domestic manufacturers, the Government is obliged to take remuneration measures to eliminate or reduce the relevant loss or potential loss or inhibition.
(2) The remuneration measures as referred to in paragraph (1) shall be carried out in the form of the imposition of remuneration import duties.

(3) The remuneration import duties as referred to in paragraph (2) shall be stipulated in a minister overseeing governmental affairs in financial sector in accordance with the Minister’s proposal.

Article 72

Further provisions on Trade safety measures as referred to in Article 69, anti-dumping measures as referred to in Article 70 and remuneration measures as referred to in Article 71 shall be stipulated in or under a Governmental Regulation.

CHAPTER X

EMPOWERING THE COOPERATIVES AND MICRO, SMALL AND MEDIUM ENTERPRISES

Article 73

(1) The Government and/or Local Government shall empower the cooperatives and micro, small and medium enterprises in the Trade sector.

(2) The empowerment as referred to in paragraph (1) may be carried out by providing facilities, incentives, technical guidance, access and/or capital, promotional and marketing assistance.

(3) In empowering the cooperatives and micro, small and medium enterprises as referred to in paragraph (2), the Government and/or Local Government may cooperate with other parties.

(4) Further provisions on empowering the cooperatives and micro, small and medium enterprises in the Trade sector as referred to in paragraph (1) shall be stipulated in or under a Government Regulation.

CHAPTER XI

EXPORT DEVELOPMENT

Part One

Export Guidance

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Article 74

(1) The Government shall provide guidance to the Business Actors in order to develop Export and expanding Market access for domestically manufactured Goods and Services.
(2) The guidance as referred to in paragraph (1) may be carried out by providing incentives, facilities, important Market opportunities information, technical guidance as well as promotional and marketing assistance to develop Export.
(3) The Minister may propose incentives as referred to in paragraph (2) in the form of fiscal and/or non-fiscal incentives in order to increase the Export competitiveness of domestically manufactured Goods and/or Services.
(4) In conducting the guidance as referred to in paragraph (1), the Government may cooperate with other parties.
(5) Further provisions on conducting guidance as referred to in paragraph (1) shall be stipulated in a Government Regulation.

Part Two

Trade Promotion

Article 75

(1) In order to expand Market access for domestically manufactured Goods and/or Services, the Government and/or Local Government shall promote the Goods and/or Services by:
   a. organizing Trade Promotion events inside and/or outside the country; and/or
   b. participating in Trade Promotion events inside and/or outside the country.
(2) Trade Promotion as referred to in paragraph (1) shall be conducted in the form of:
   a. trade fair; and
   b. trade mission.
(3) Trade Promotion in the form of trade fair as referred to in paragraph (2) letter a comprises:
   a. international trade fair;
   b. national trade fair;
   c. local trade fair.
(4) In conducting trade fairs outside the country, the Government shall involve cooperatives and micro, small and medium enterprises.

(5) Trade Mission as referred to in paragraph (2) letter b shall be conducted in the form of international business meeting to expand Export opportunities.

(6) Trade Mission as referred to in paragraph (2) letter b shall be carried out through foreign visits by Indonesian Government, Local Government, Business Actors and/or other institutions in order to conduct business or improve Trade relation between both countries.

Article 76

The implementation of Trade Promotion outside the country by the Government, Local Government, other non-Governmental/non-Local Governmental institutions and/or Business Actors shall be carried out in coordination with the Representatives of the Republic of Indonesia in the relevant country.

Article 77

(1) Any Business Actors organizing and participating in a trade fair shall comply with the trade fair organization and participation Standard procedures. 

(2) Any Business Actors organizing a trade fair engaging participants and/or promoting products from outside of the country shall obtain license from the Minister.

(3) Further provisions on trade fair organization and participation Standard procedures as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

(4) Any Business Actors organizing and participating in a trade fair who failed to comply with the trade fair organization and participation Standard procedures as referred to in paragraph (1) shall be subjected to administrative sanction in the form of termination of its activity.

Article 78

(1) The Government and/or Local Government shall provide facilities and/or gratifications for the trade fair organized by the Business Actors and/or other non-Governmental/non-Local Governmental institutions in accordance with the laws and regulations.

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(2) The provision of facilities and/or gratifications for trade fairs as referred to in paragraph (1) shall be granted to:
   a. the organizer of national Trade Promotion event; and
   b. the participants from non-Governmental and/or non-Local Governmental institutions and national Business Actors.

(3) The Government and Local Government shall support each other in organizing trade fairs to develop national leading commodities Export.

Article 79

(1) In addition to Trade Promotion as referred to in Article 75 paragraph (2) for introducing Goods and/or Services, it is necessary to conduct Indonesian imaging campaign inside or outside the country.

(2) The implementation of Indonesian imaging campaign may be carried out by the Government, Local Government, other non-Governmental/non-Local Governmental institutions and/or Business Actors whether individually or collectively.

(3) The implementation of Indonesian imaging campaign by the Government, Local Government, other non-Governmental/non-Local Governmental institutions and/or Business Actors outside the country shall be carried out in coordination with the Representatives of the Republic of Indonesia in the relevant country.

(4) Further provisions on Indonesian imaging campaign as referred to in paragraph (3) shall be stipulated in or under a Presidential Regulation.

Article 80

(1) An overseas Trade Promotion body shall be established to support the implementation of Trade Promotion activities outside the country.

(2) The establishment of an overseas Trade Promotion body as referred to in paragraph (1) and its facilities shall be conducted by the Minister in coordination with the relevant minister in accordance with the laws and regulations.

Article 81

Further provisions on organization, gratification and participation procedures for Trade Promotion in Indonesian imaging campaign shall be stipulated in a Ministerial Regulation.
CHAPTER XII
INTERNATIONAL TRADE COOPERATION

Article 82
(1) To improve access to the Market and protect and safeguard national interest, the Government can conduct Trade cooperation with other countries and/or international institutions/organizations.
(2) Trade cooperation as referred to in paragraph (1) can be conducted through international Trade agreements.

Article 83
The government can consult the House of Representatives in conducting international Trade agreements as referred to in Article 82 paragraph (2).

Article 84
(1) Every international Trade agreement as referred to in Article 82 paragraph (2) shall be submitted to the House of Representatives no longer than 90 (ninety) business days from the signing of the agreement.
(2) International Trade agreement as referred to in paragraph (1) shall be discussed by the House of Representatives to determine the necessity of its approval.
(3) The decision of the necessity of the House of Representatives’ approval for the international Trade agreements submitted by the Government as referred to in paragraph (2) shall be taken no longer than 60 (sixty) business days during the session period with the following provisions:
   a. In the event that the international Trade agreement has wide and profound effects on the life of the citizens related to the state’s financial burden and/or requires amendments to or enactment of Laws, the approval shall be given through a Law.
   b. In the event that the international Trade agreement does not have such effects as referred to in letter a, the approval shall be given through a Presidential Regulation.
(4) In the event that the House of Representatives does not take any decision after 60 (sixty) days during the session period as referred to in paragraph (3), the Government may decide the necessity of the House of Representatives’ approval.
(5) The House of Representatives shall provide approval or rejection of the international Trade agreement as referred to in paragraph (3) letter a no longer than 1 (one) subsequent session period.
(6) In the event that the international Trade agreement might harm national interest, the House of Representatives shall reject the international Trade agreement.
(7) Presidential Regulation regarding the approval for the international Trade agreement as referred to in paragraph (3) letter b shall be informed to the House of Representatives.

Article 85

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(1) The Government, with the approval of the House of Representatives, can review and annul the international Trade agreements whose approval is given through a Law based on national interest consideration.

(2) The Government can review and annul the international Trade agreements whose approval is given through a Presidential Regulation based on national interest consideration.

(3) Further provisions regarding the review and annulment procedures of international Trade agreements as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Government Regulation.

**Article 86**

(1) In negotiating international Trade agreements, the Government can establish a negotiation team which shall be responsible for preparing and conducting the negotiation.

(2) Provisions regarding the establishment of the negotiation team as referred to in paragraph (1) shall be stipulated in a Presidential Regulation.

**Article 87**

(1) The Government can give unilateral Trade preferences to underdeveloped countries by still prioritizing national interest.

(2) Provisions regarding the procedures for giving preferences shall be stipulated in or in accordance with a Presidential Regulation.

**ARTICLE XIII**

**TRADE INFORMATION SYSTEM**

**Article 88**

(1) The Minister, governor and district head/mayor shall be responsible for the implementation of Trade Information System that is integrated with information system developed by the ministries or non-ministerial Government institutions.

(2) The information system as referred to in paragraph (1) shall be utilized for Trade policies and control.

**Article 89**

(1) The Trade Information System shall cover the collection, processing, submission, management and dissemination of Trade data and/or information.

(2) Trade data and/or information as referred to in paragraph (1) shall contain at least International and Domestic Trade data and/or information.

(3) Trade data and information as referred to in paragraph (2) shall be presented accurately, quickly and effectively as well as easily accessible by the citizens.

**Article 90**

(1) The Minister can request data and information in Trade sector from the ministries, non-ministerial Government institutions and Local Government, including overseer of government affairs in customs sector, Bank Indonesia, Financial Service Authority, Central
Bureau of Statistics and other bodies/institutions in implementing Trade Information System.

(2) The ministries, non-ministerial Government institutions and Local Government, including overseer of government affairs in customs sector, Bank Indonesia, Financial Service Authority, Central Bureau of Statistics and other bodies/institutions must quickly provide accurate and updated data and information as referred to in paragraph (1).

Article 91

Trade data and information shall be non-proprietary in nature, unless provided otherwise by the Minister.

Article 92

Further regulations regarding the Trade Information System shall be stipulated in or in accordance with a Government Regulation

CHAPTER XIV
THE GOVERNMENT’S DUTIES AND AUTHORITIES IN TRADE SECTOR

Article 93

The Government’s duties in Trade sector shall comprise:

a. formulating and stipulating policies in Trade sector;

b. formulating national Standards;

c. formulating and stipulating norms, Standards, procedures and criteria in Trade sector;

d. stipulating license system in Trade sector;

e. controlling the availability, price stabilization and Distribution of essential Goods and/or strategic Goods;

f. conducting International Trade Cooperation;

g. managing information in Trade sector;

h. supervising and monitoring activities in Trade sector;

i. encouraging the development of national Export;

j. creating conducive business climate;

k. developing national logistics; and

l. other duties in accordance with the laws and regulations.

Article 94

The Government in performing the duties as referred to in Article 93 shall have the authorities to:

a. grant licenses to Business Actors in Trade sector;

b. harmonize domestic Trade policies in order to improve the efficiency and effectiveness of the national Distribution system, orderly trade, Market integration and business certainty;

c. annul policies and regulations in Trade sector stipulated by Local Government contradicting the Government’s policies and regulations;

d. stipulate prohibition and/or restriction on Service and/or Goods Trade;

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Article 95

The Local Government’s duties shall comprise:

a. implementing Government’s policies in Trade sector;
b. implementing license in Trade sector in local regions;
c. controlling the availability, price stabilization and Distribution of essential Goods and/or strategic Goods;
d. monitoring the implementation of International Trade Cooperation in local regions;
e. managing information in Trade sector in local regions;
f. supervising and monitoring activities in Trade sector in local regions;
g. creating conducive business climate;
h. developing local logistics; and
i. other duties in Trade sector in accordance with the laws and regulations.

Article 96

(1) The Local Government in performing its duties as referred to in Article 95 shall have the authorities to:

a. stipulate the policies and strategies in Trade sector in local regions in order to implement the Government’s policies;
b. grant licenses to Business Actors in Trade sector, in the event the authority is transferred or delegated by the Government;
c. manage Trade information in local regions in implementing Trade Information System;
d. supervise and monitor Trade activities in local regions; and
e. other authorities in Trade sector in accordance with the laws and regulations.

(2) The exercise of Local Government’s authorities as referred to in paragraph (1) must comply with the policies stipulated by the Government.

CHAPTER XV

NATIONAL TRADE COMMITTEE

Article 97

(1) In order to expedite the achievement of Trade activities regulation objectives, the President can form a National Trade Committee.

(2) The National Trade Committee as referred to in paragraph (1) shall be chaired by the Minister.

(3) The National Trade Committee members shall comprise:

a. the Government;
b. institutions responsible for investigating antidumping and reward measures;
c. institutions responsible for investigation for the purpose of Trade security measures;
d. institutions responsible for providing recommendations on consumer protection;

e. Business Actors or business associations in Trade sector; and

f. academicians or experts in Trade sector.

(4) The National Trade Committee’s duties shall comprise:

a. providing input in stipulations of policies and regulations in Trade sector;

b. providing consideration on Trade funding policies;

c. providing national interest consideration for recommendation on antidumping, reward and Trade security measures;

d. providing input and consideration in resolving Domestic and International Trade problems;

e. assisting the Government in monitoring Trade policies and practices in partner countries;

f. providing input in formulating bargaining position in International Trade Cooperation;

g. assisting the Government in introducing policies and regulations in Trade sector; and

h. other duties if deemed necessary.

(5) The cost for performance of National Trade Committee’s duties shall be deducted from the State Budget.

(6) Further provisions regarding the National Trade Committee shall be stipulated in a Presidential Regulation.

CHAPTER XVI
MONITORING

Article 98

(1) The Government and the Local Government shall have the authority to monitor Trade activities.

(2) In performing monitoring as referred to in paragraph (1), the Government shall stipulate monitoring policies in Trade sector.

Article 99

(1) Monitoring by the Government as referred to in Article 98 shall be performed by the Minister.

(2) The Minister in performing monitoring as referred to in paragraph (1) shall have the authority to:

a. temporarily prohibit the distribution of and/or issue an order to withdraw Goods from Distribution or suspend Service activities not complying with the laws and regulations in Trade sector; and/or

b. revoke licenses in Trade sector.

Article 100

(1) In performing monitoring as referred to in Article 99 paragraph (1), the Minister shall appoint a monitoring official in Trade sector.

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(2) The monitoring official in Trade sector must carry with it a valid and official assignment letter in performing monitoring.

(3) The monitoring official as referred to in paragraph (2) in exercising its authorities shall at least monitor:
   a. licenses in Trade sector;
   b. Trade of monitored, prohibited and/or regulated Goods;
   c. Distribution of Goods and/or Services;
   d. registration of Domestic and Imported Product Goods related to safety, security, health and environment;
   e. implementation of compulsory SNI, technical requirements or qualifications;
   f. Warehouse registration; and
   g. storage of essential Goods and/or strategic Goods.

(4) In the event that the monitoring official as referred to in paragraph (3) find suspected violation in activities in Trade sector, it can:
   a. recommend the withdrawal of Goods from Distribution and/or discard of Goods;
   b. recommend suspension of activities in Trade sector; or
   c. recommend the revocation of licenses in Trade sector.

(5) In the event that the monitoring official finds initial evidence of crime in Trade sector, it shall report it to the investigators for follow-ups.

(6) The monitoring official as referred to in paragraph (1) in exercising its authorities can coordinate with the relevant agencies.

Article 101

(1) The government can stipulate monitored Goods Trade.

(2) For the stipulation of monitored Goods as referred to in paragraph (1), the Government can request input from business organizations.

(3) The monitored Goods as referred to in paragraph (1) shall be stipulated in a Presidential Regulation.

Article 102

Further provisions regarding the procedures for monitoring of Trade and Goods stipulated as monitored Goods shall be stipulated in a Ministerial Regulation.

CHAPTER XVII

INVESTIGATION

Article 103

(1) In addition to investigators from police officers of the Republic of Indonesia, certain civil servant officials in Government and Local Government agencies whose scope of duties and responsibilities are in Trade sector shall be granted special authority as civil servant investigators as referred to in Criminal Procedure Code to conduct investigation in accordance with this Law.

(2) The civil servant investigators as referred to in paragraph (1) shall have the authorities to:

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a. receive reports or complaints regarding suspected criminal activities in Trade sector;
b. verify the veracity of reports or information regarding suspected criminal activities in Trade sector;
c. summon persons, business entities or legal entities to demand information and evidence related to criminal activities in Trade sector;
d. summon persons, business entities or legal entities to be heard and inspected as witness or as suspect related to the suspected criminal activities in Trade sector;
e. inspect books, records and other documents related to criminal activities in Trade sector;
f. investigate, search and collect information related to criminal activities in Trade sector;
g. inspect and search the crime scene and certain places where evidence might be found, as well as seize and/or seal Goods procured from the violation, which could be used as evidence in the case of suspected criminal activities in Trade sector;
h. affix safety seal and secure evidence related to suspected criminal activities in Trade sector;
i. take photos and/or records in the form of audiovisual media of persons, Goods, transporting facilities or other objects which could be used as evidence of the suspected criminal activities in Trade sector;
j. invite and request help or information from experts in performing investigation of suspected criminal activities in Trade activity; and
k. stop investigation in accordance with the laws and regulation.

(3) In certain events related to customs in accordance with the laws and regulations, certain civil servant investigators in Government agencies whose scope of duties and responsibilities are in customs sector shall have the authority to conduct investigations in Trade sector by coordinating with civil servant investigators whose scope of duties and responsibilities are in Trade sector;

(4) Civil servant investigators as referred to in paragraph (1) shall submit case files of investigation results to public prosecutor through investigators from police officers of the Republic of Indonesia in accordance with the Law regarding Criminal Procedure.

(5) The investigation of criminal activities in Trade sector can be coordinated with special units which can be formed within Government agencies whose scope of duties and responsibilities are in Trade sector;

(6) Guidelines on the implementation of criminal activities in Trade sector handling shall be stipulated by the Minister.

CHAPTER XVIII
CRIMINAL PROVISIONS

Article 104

Any Business Actors not using or displaying label in Indonesian language on Goods traded domestically as referred to in Article 6 paragraph (1) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

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Article 105
Any Business Actors implementing pyramid scheme system in distributing Goods as referred to in Article 9 shall be sentenced with a maximum imprisonment of 10 (ten) years and/or fined with a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).

Article 106
Any Business Actors conducting Trade business activities not having license in Trade sector from the Minister as referred to in Article 24 paragraph (1) shall be sentenced with a maximum imprisonment of 4 (four) years or a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).

Article 107
Any Business Actors storing essential Goods and/or strategic Goods in certain quantity and time in the event of Goods scarcity, price volatility and/or traffic restraint on Trade of Goods as referred to in Article 29 paragraph (1) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp50,000,000,000.00 (fifty billion rupiah).

Article 108
Any Business Actors manipulating data and/or information regarding essential Goods and/or strategic Goods stocks as referred to in Article 30 paragraph (2) shall be sentenced with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).

Article 109
Any manufacturers or Importers trading Goods related to safety, security, health and environment which are not registered with the Minister as referred to in Article 32 paragraph (1) letter shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 110
Any Business Actors trading Goods and/or Services stipulated as Goods and/or Services prohibited from being traded as referred to in Article 36 shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 111
Any Importers importing Goods not in brand new condition as referred to in Article 47 paragraph (1) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 112
(1) Any Exporters exporting Goods stipulated as Goods prohibited from being exported as referred to in Article 51 paragraph (1) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).
(2) Any Importers importing Goods stipulated as Goods prohibited from being imported as referred to in Article 51 paragraph (2) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 113

Any Business Actors trading Goods domestically that do not comply with compulsory implemented SNI or technical requirements as referred to in Article 57 paragraph (2) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 114

Any Service Providers trading Services domestically that do not comply with compulsory implemented SNI, technical requirements or qualifications as referred to in Article 60 paragraph (1) shall be sentenced with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 115

Any Business Actors trading Goods and/or Services via electronic systems not complying with data and/or information as referred to in Article 65 paragraph (2) shall be sentenced with a maximum imprisonment of 12 (twelve) years and/or a maximum fine of Rp12,000,000,000.00 (twelve billion rupiah).

Article 116

Any Business Actors organizing trade exhibitions involving participants and/or promoting foreign products not receiving licenses from the Minister as referred to in Article 77 paragraph (2) shall be sentenced with a maximum imprisonment of 3 (three) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

CHAPTER XIX

CLOSING PROVISIONS

Article 117

At the time this Law comes into effect, the provisions regarding Trade in Bedrijfsreglementerings Ordonnantie of 1934, Staatsblad Number 86 of 1938 shall be declared invalid.

Article 118

At the time this Law comes into effect:

a. Law No. 10 of 1961 regarding the Enactment of Government Regulation in Lieu of Law No. 1 of 1961 regarding Goods as Law (State Gazette of the Republic of Indonesia No. 215 of 1961, Supplement to the State Gazette of the Republic of Indonesia No. 2210);
b. Law No.8 Prp of 1962 regarding Trade of Monitored Goods (State Gazette of the Republic of Indonesia No. 42 of 1962, Supplement to the State Gazette of the Republic of Indonesia No. 2469); and

c. Law No. 11 of 1965 regarding the Enactment of Government Regulation in Lieu of Law No. 5 of 1962 regarding Amendment to Law No. 2 Prp of 1960 regarding Warehousing as Law (State Gazette of the Republic of Indonesia No. 31 of 1962, Supplement to the State Gazette of the Republic of Indonesia No. 2759),

shall be revoked and declared invalid.

Article 119
At the time this Law comes into effect, all laws and regulations related to Trade shall remain valid provided that they are not conflicting with this Law.

Article 120
At the time this Law comes into effect, all authorities in Trade sector regulated by other Laws prior to this Law shall be implemented with coordination with the Minister.

Article 121
The implementing regulations for this Law shall be stipulated no longer than 2 (two) years from the promulgation of this Law.

Article 122
This Law shall come into effect on the date of its promulgation.

For public cognizance, it is ordered that this Law be promulgated by its placement in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
on …

PRESIDENT OF THE REPUBLIC OF INDONESIA,
signed
DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on …

MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,
signed
AMIR SYAMSUDIN

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DRAFT OF
ELUCIDATION
ON
LAW OF THE REPUBLIC OF INDONESIA
NO. … OF …
REGARDING TRADE

I. GENERAL

National development in economic sector is formulated and implemented in order to promote public welfare through the implementation of economic democracy based on unity, equitable efficiency, sustainability, environmentally soundness and independence principles, and by maintaining the balance between national economic advances and unity as mandated by the 1945 Constitution of the Republic of Indonesia. In such perspective of constitutional foundation, Indonesian national Trade reflects a series of economic activities conducted to realize public welfare and social justice for all Indonesian people.

Trade activities are the main driving force of national economic development which support production increase, creation of new employment opportunities, increase in Export and foreign currency reserves, equitable income and strengthening Domestic Products’ competitiveness for national interest.

Indonesian national Trade’s role as the main economic driving force is not limited to economic activities related to Goods and/or Services transaction conducted by Business Actors, domestically or internationally, but also covers economic activities which have to be conducted by prioritizing Indonesian national interest which is in line with conception of regulations in Trade sector in accordance with the objectives of the establishment of Indonesia, namely realizing fair and prosperous society as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia.

Since the independence of Indonesia on August 17th, 1945, there has not been any Law comprehensively regulating Trade. The legal instrument equivalent to the Law in Trade sector was the Dutch colonial law Bedrijfsreglementerings Ordonnantie of 1934 which mainly regulates business licenses.

Many efforts have been taken to formulate and replace Bedrijfsreglementerings Ordonnantie of 1934 by enacting partial Law in Trade sector, such as Goods Law, Warehousing Law, Monitored Goods Trade Law, Warehouse Receipt System Law and Commodity Futures Trade Law. Therefore, it is necessary to enact a Law that synchronizes all laws and regulations in Trade sector in order to realize fair and prosperous society and anticipate the development of Trade situation in the present and future globalization era.

The provisions of this Law aim to improve national economic development and are in accordance with the principles of national interest, legal certainty, fair and healthy...
competition, business security, accountability and transparency, independence, partnership, expediency, simplicity, unity and environmentally soundness.

In accordance with such objectives and principles, the Trade Law contains subject materials with a scope of provisions which includes Domestic Trade, International Trade, Border Trade, Standardization, Trade via Electronic System, Trade protection and safeguard, cooperative and micro, small and medium enterprises empowerment, Export development, International Trade Cooperation, Trade Information System, the Government’s duties and authorities in Trade sector, National Trade Committee, monitoring and investigation.

II. ARTICLE BY ARTICLE

Article 1
Self-explanatory.

Article 2
Letter a
“Principle of National interest” means that any Trade policies shall give priority to the nation, state and people’s interest above any other interests.

Letter b
“Principle of legal certainty” means using the law and laws and regulations as the basis for all policies and control measures in the Trade sector.

Letter c
“Principle of fair and healthy competition” means an equal opportunity and standing in business activity for manufacturers, traders and other Business Actors.

Letter d
“Principle of business security” means security for all Business Actors in every stage of Trade activity, starting from its preparation to implementation.

Letter e
“Principle of accountability and transparency” means that Trade activity implementation shall be accountable and transparent to the community in accordance with the laws and regulations.

Letter f
“Principle of independence” means that every Trade activity is conducted without being too dependent on other parties.

Letter g
“Principle of partnership” means direct and indirect business cooperation and interrelatedness in the Trade sector based on the principles of mutual need, trust, reinforcement and benefit that connect cooperatives, micro, small and medium enterprises and major businesses, as well as the Government and private sector.

Letter h

“Principle of expediency” means that all Trade policies and control shall benefit the national interest, particularly in achieving the goal of public welfare.

Letter i

“Principle of simplicity” means offering ease of services to Business Actors and ease in disseminating accurate information to the community.

Letter j

“Principle of unity” means that Trade is conducted jointly by the Government, Local Government, Business Actors and community.

Letter k

“Principle of environmental soundness” means that a Trade policy takes into consideration environmental preservation and sustainable development.

Article 3
Self-explanatory.

Article 4
Paragraph (1)
Self-explanatory.

Paragraph (2)
Letter a
Self-explanatory.
Letter b
Self-explanatory.
Letter c
Self-explanatory.
Letter d
Self-explanatory.
Letter e
Self-explanatory.
Letter f
Self-explanatory.

Letter g
Self-explanatory.

Letter h
Self-explanatory.

Letter i
Self-explanatory.

Letter j
Self-explanatory.

Letter k
Self-explanatory.

Letter l
Other services are intended to anticipate future needs and Trade developments.

Paragraph (3)
Self-explanatory.

Article 5
Self-explanatory.

Article 6
Paragraph (1)
“Label in Indonesian language” means any written descriptions of Goods in Indonesian language, combinations of pictures and writings in Indonesian language or other formats containing information on Goods and descriptions of Business Actors, as well as other information included in, inserted into, affixed to, printed on the Goods and/or be a part of the Goods’ packaging.

Paragraph (2)
Self-explanatory.

Article 7
Paragraph (1)
“Indirect Distribution” means Distribution of Goods by Business Actors to consumers through a public chain so any Business Actors can earn:
a. margin (distributor, sub-distributor, supply manufacturer, retailer and travelling merchant); and/or
b. commission (agent, sub-agent and travelling merchant).

“Direct Distribution” means Distribution of Goods through a direct sales system or special distribution system.

“Distribution Business Actor” means a Business Actor that engages in domestic and international Distribution of Goods, such as distributor, agent, Exporter, Importer, supply manufacturer, sub-distributor, sub-agent and retailer.

Paragraph (2)
Self-explanatory.

Paragraph (3)
“Direct sales” means a system for selling specific Goods through a marketing network developed by business partners working on commission and/or bonus paid based on the sales they make to consumers beyond the retail areas.

“Single level direct sales” means sales of specific Goods that is not made through a multilevel marketing network.

“Multilevel direct sales” means sales of specific Goods that is made through a multilevel marketing network developed by business partners working on commission and/or bonus paid based on the sales they make to consumers beyond the retail areas.

Article 8
“Exclusive Distribution rights” means the rights to distribute Goods held only by one company within the territory of Indonesia that are acquired under an agreement with trademark owner or upon trademark ownership.

Article 9
“Pyramid scheme” means a term/name for a business activity that does not involve the sales of Goods. This business activity offers rewards or payments to business partners from the participation fees of others that join afterwards or enrolled by the business partners.

Article 10
“Economic and business ethics” means that the economic and business principles and behaviors of Business Actors should lead to economic condition and reality that are
characterized by fair and honest competition, as well as encourage the development of work ethics, economic resilience and competitiveness in order to create a conducive environment for economic empowerment that aligns with disadvantaged people through sustainable policies.

Article 11
Self-explanatory.

Article 12
Paragraph (1)
Letter a
“People’s Market” means a place of business that is organized, developed and managed by the Government, Local Government, private sector, State Owned Enterprise and/or Local Government Owned Enterprise in the form of stores, kiosks, stalls and tents owned/managed by small and medium traders, communities or cooperatives and micro, small and medium enterprises, in which the process of Goods sales and purchases involves bargaining.

Letter b
“Shopping center” means a specific area consisting of one or several buildings erected vertically or horizontally that are sold or leased to Business Actors or self-managed for the purpose of conducting Trade of Goods.

Letter c
“Self-service store” means a store that uses a self-service system and sells a wide range of retail Goods, in the forms of minimarket, supermarket, department store, hypermarket or wholesale system in the form of warehouse store.

Letter d
Self-explanatory.

Letter e
Self-explanatory.

Letter f
“Commodity auction Market” means an organized physical Market for sellers and buyers to conduct commodity transactions through an auction system by way of commodity transfers.
Letter g

“Commodity futures Market” means a system and/or structure for commodity sales and purchase activities under futures contracts, sharia derivative contracts and/or other derivative contracts.

Letter h

Other Trade Structures are, among others, agribusiness terminals, regional Distribution centers, provincial Distribution centers or other Trade structures used as a transaction or storage center for Goods, which are built in line with the progress in the future.

Paragraph (2)
Self-explanatory.

Article 13
Self-explanatory.

Article 14
Paragraph (1)
“Supplier” means a Business Actor that supplies Goods to retailers on a regular basis for the purpose of reselling through business cooperation.
“Retailer” means a private person or enterprise that engages in direct sales to end-consumers.

Paragraph (2)
“Spatial planning” means a realization of spatial structure and spatial pattern as referred to in the Law regarding Spatial Planning.

Paragraph (3)
Self-explanatory.

Article 15
Self-explanatory.

Article 16
Self-explanatory.

Article 17
Self-explanatory.

Article 18
Self-explanatory.
Article 19
Self-explanatory.

Article 20
Paragraph (1)
“Competent technical staff” means that technical staff that provides certain Services shall maintain a certificate of expertise in accordance with the laws and regulations.
Paragraph (2)
Self-explanatory.
Paragraph (3)
Self-explanatory.

Article 21
Self-explanatory.

Article 22
Self-explanatory.

Article 23
Self-explanatory.

Article 24
Paragraph (1)
Licensing in the Trade sector includes business license, special license, registration, recognition and approval.
Paragraph (2)
Self-explanatory.
Paragraph (3)
Exemption from the requirement to obtain license in the Trade sector is granted to micro businesses.
Paragraph (4)
Self-explanatory.

Article 25
Paragraph (1)
“Essential Goods” means the Goods that concern the life of many people and are in high demand, as well as a supporting factor of public welfare, such as rice, sugar, cooking oil, butter, beef, chicken, chicken egg, milk, corn, soy and iodized salt.
“Strategic Goods” means the Goods that have a strategic role in the smooth running of national development, such as fertilizer, cement, fuel and gas.

“Sufficient quantity” means the quantity of essential Goods and/or strategic Goods required by the community to be provided throughout the territory of the Unitary State of the Republic of Indonesia.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 26
Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
“Implement price policy” means the Government’s guideline in setting prices at the manufacturer and consumer levels.

Article 27
Self-explanatory.

Article 28
“Other sources” means the budget derives from grants or non-binding assistance that are not in violation of the state’s sovereignty.

Article 29
Paragraph (1)
This prohibition is intended to prevent any stockpiling of Goods that may hamper consumers in procuring essential Goods and/or strategic Goods.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 30
Self-explanatory.
Article 31
Self-explanatory.

Article 32
Paragraph (1)
Letter a
Registration of Goods is for products besides foods, beverages, medicines, cosmetics, household healthcare supplies (PKRT), medical devices and excisable Goods since registration of such Goods has been regulated under the laws and regulations.

Letter b
Any Goods circulating in the domestic market without displaying registration number shall be withdrawn as they are illegal.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Other recognized Standards include, among others, Standards or technical specifications besides SNI, parts of SNI, International Organization for Standardization (ISO) or International Electrotechnical Commission (IEC) and international Standards/guidelines related to food safety issued by CODEX Alimentarius.

Paragraph (5)
Self-explanatory.

Paragraph (6)
Self-explanatory.

Article 33
Self-explanatory.

Article 34
Self-explanatory.

Article 35
Self-explanatory.
Article 36
Self-explanatory.

Article 37
Self-explanatory.

Article 38
Self-explanatory.

Article 39

Letter a
“Cross-border supply” means provision of Service from one country’s territory to another country's territory, such as online purchase or transactions conducted through call center.

Letter b
“Consumption abroad” means provision of Service within a country’s boundary to consumers from other countries, such as overseas study or overseas hospitalization service.

Letter c
“Commercial presence” means provision of Service by a Service provider of a country through its commercial presence in other country, such as a foreign bank opening a branch in Indonesia, or a foreign hotel partnering with an Indonesian Business Actor to open a hotel branch in Indonesia.

Letter d
“Movement of natural persons” means provision of Service by an individual citizen temporarily entering another country’s territory, such as an Indonesian citizen travelling to other country to serve as a security worker, nurse or construction worker.

Article 40
Self-explanatory.

Article 41

Paragraph (1)
Force majeure includes war, riot and natural disaster.

Paragraph (2)
Self-explanatory.
Paragraph (1)

Exporters exempted from obligations to obtain Exporter establishment include: foreign country’s representatives, humanity governmental institution, and exporters of goods sample for exhibition or marketing purposes and goods for research purposes.

Paragraph (2)

Self-explanatory.

Article 43

Paragraph (1)

“Exporters shall take full responsibility for its Exported Goods” means that the Exporters shall be responsible for all implications arising from the exported goods. It is possible for the Exporters to carry out exports through intermediary agents or involving other parties in the exporting of Goods, however, the responsibility for the exported goods is held by the Business Actor established by the Minister as the Exporter.

Paragraph (2)

“Exporters not taking full responsibility for its Exported Goods” means Exporters exporting Goods not complying with the contract.

Paragraph (3)

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Paragraph (1)

Self-explanatory.

Paragraph (2)

“In certain cases” means imports not aimed for trade or transfer and not conducted continuously.

Paragraph (3)

Self-explanatory.

Article 46

Paragraph (1)

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“Importers shall take full responsibility for the Imported Goods” means Importers shall be considered as the manufacturers of their imported Goods, therefore, the Importers shall be responsible for all implications arising from their imported Goods. It is possible for the Importers to carry out Imports through intermediary agents or involving other parties in the importing of Goods, however the responsibility for the imported goods is held by the Business Actor holding the Importer identifier.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 47
Paragraph (1)
Self-explanatory.

Paragraph (2)
“In certain cases” means goods required by the Business Actors in the form of capital Goods not in brand new condition which cannot be fulfilled by domestic sources and must be imported to meet the requirements of industrial processes for the purpose of export development, competitiveness improvement, business efficiency, investment and industrial relocation, infrastructure establishment and/or re-export. In addition, in the event of a natural disaster, goods or equipment not in brand new condition needed for the purpose of restoration and re-development after the occurrence of the natural disaster and for other purposes in accordance with the laws and regulations.

Paragraph (3)
Self-explanatory.

Article 48
Self-explanatory.

Article 49
Self-explanatory.

Article 50
Self-explanatory.

Article 51
Self-explanatory.

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Article 52
Self-explanatory.

Article 53
Paragraph (1)
Self-explanatory.

Paragraph (2)
“Otherwise stipulated by the Minister” means that the Minister can carry out discretionary action by specifying other actions other than destroying or re-exporting of Goods, such as assigning the Goods to be controlled by the state.

Article 54
Self-explanatory.

Article 55
Self-explanatory.

Article 56
Self-explanatory.

Article 57
Self-explanatory.

Article 58
Self-explanatory.

Article 59
Self-explanatory.

Article 60
Self-explanatory.

Article 61
Self-explanatory.

Article 62
Self-explanatory.

Article 63
Self-explanatory.

Article 64
Self-explanatory.

Article 65
Self-explanatory.

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Paragraph (1)
Self-explanatory.
Paragraph (2)
Self-explanatory.
Paragraph (3)
Self-explanatory.
Paragraph (4)
Self-explanatory.
Paragraph (5)
Other dispute settlement mechanisms include consultation, negotiation, conciliation, mediation or arbitration in accordance with the laws and regulations.
Paragraph (6)
Self-explanatory.

Article 66
Self-explanatory.

Article 67
Self-explanatory.

Article 68
Paragraph (1)
“Defense measures” means all measures taken for the purpose of protecting and securing domestic industries from threats of allegations of unfair policies, regulations, Business practice and/or Import from trading partner country to the national Export Goods.
Paragraph (2)
Self-explanatory.

Article 69
Self-explanatory.

Article 70
Self-explanatory.

Article 71
Self-explanatory.

Article 72
Self-explanatory.

Article 73

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Providing facilities” means providing tools to cooperatives and micro, small and medium enterprises for expanding their business, such as reparation of stores or stalls, administration of merchandise carts, cool boxes and tents.

“Incentives” means expediting licensing processes, subsidizing the Intellectual Property Rights, halal certification registration fee and providing exhibition facilities inside and outside the country.

“Technical guidance” means guidance provided to cooperatives and micro, small and medium enterprises for the purpose of expanding their knowledge and technical abilities in order to develop their products and businesses, such as packaging, financial management, entrepreneurship and export training.

“Promotional and marketing assistance” means engaging cooperatives and micro, small and medium enterprises in trade fairs, business meetings between cooperatives and micro, small and medium enterprises with supermarkets/buyers and trade mission activities.

Paragraph (3)

“Other parties” means universities, enterprises, business associations and other stakeholders.

Paragraph (4)

Self-explanatory.

Article 74

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)
“Other parties” means universities, enterprises, business associations and other stakeholders.

Paragraph (5)

Self-explanatory.

Article 75

Self-explanatory.

Article 76

“In coordination” means to inform and discuss the issues relating to the organization and participation in Trade Promotion outside the country with the Representatives of the Republic of Indonesia in the country where the Trade Promotion event will take place, starting from the planning, organizing, implementing and evaluating stage, for the smooth implementation of the Trade Promotion.

Article 77

Self-explanatory.

Article 78

Paragraph (1)

“Facility” means tools that may be provided by the Government and/or Local Government for the purpose of smooth implementation of the trade fair. Facilities may include location, data, information on Trade payment, provision of credit and connectivity.

“Gratification” means all efforts from the Government and/or Local Government provided for the purpose of smooth implementation of the trade fair. Gratification may include expediting the granting of permission for the job fair and Export license for promotional Goods as necessary.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“Support each other” means the cooperation between the Government and Local Government to support each other in organizing the trade fair.

Article 79

Paragraph (1)
“Indonesian imaging campaign” is carried out for the purpose of building the nation’s image for nation branding, thus the implementation shall be coordinated with the Minister and can be carried out together with coordinating Trade Promotion activities.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 80

Paragraph (1)
The establishment of a Trade Promotion body outside the country is aimed to promote Indonesian Goods and/or Services and to encourage investment and tourism.

Paragraph (2)
“Relevant minister” means the Foreign Affairs Minister, minister overseeing governmental affairs in financial sector and minister overseeing governmental affairs in empowerment of state apparatus and bureaucracy reform.

Article 81
Self-explanatory

Article 82
Self-explanatory.

Article 83
Self-explanatory.

Article 84

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Discussion for taking decision on international Trade agreements by the House of Representatives shall be conducted by a commission overseeing Trade affairs and its approval shall be given through a Plenary Session of the House of Representatives.

Paragraph (5)
Self-explanatory.

Paragraph (6)
Self-explanatory.

Paragraph (7)
Self-explanatory.

Article 85
Self-explanatory.

Article 86
Self-explanatory.

Article 87
Self-explanatory.

Article 88
Self-explanatory.

Article 89
Paragraph (1)
Self-explanatory.

Paragraph (2)
Data and/or Information regarding Domestic and International Trade include supplies and prices of essential Goods and/or strategic Goods, domestic and international Market opportunities, Exports, Imports, Business Actors’ profiles, regional Trade potentials, products and licenses.

Paragraph (3)
Self-explanatory.

Article 90
Self-explanatory.

Article 91
Self-explanatory.

Article 92

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Self-explanatory.

Article 93
Self-explanatory.

Article 94
Self-explanatory.

Article 95
Self-explanatory.

Article 96
Self-explanatory.

Article 97
Self-explanatory.

Article 98
Self-explanatory.

Article 99
Self-explanatory.

Article 100
Self-explanatory.

Article 101
Paragraph (1)
Self-explanatory.

Paragraph (2)
“Business organizations” means organizations regulated by the Law.

Paragraph (3)
Self-explanatory.

Article 102
Self-explanatory.

Article 103
Self-explanatory.

Article 104
Self-explanatory.

Article 105
Self-explanatory.

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Article 106
Self-explanatory.

Article 107
Self-explanatory.

Article 108
Self-explanatory.

Article 109
Self-explanatory.

Article 110
Self-explanatory.

Article 111
Self-explanatory.

Article 112
Self-explanatory.

Article 113
Self-explanatory.

Article 114
Self-explanatory.

Article 115
Self-explanatory.

Article 116
Self-explanatory.

Article 117
Self-explanatory.

Article 118
Self-explanatory.

Article 119
Self-explanatory.

Article 120
Self-explanatory.

Article 121
Self-explanatory.
Article 122

Self-explanatory.