Facility for Human Resources Development in Certain Competencies

On 9 September 2019, the Minister of Finance (MoF) issued Regulation No.128/PMK.010/2019 (PMK-128) regarding “the facility for human resources development in certain competencies”. PMK-128 represents an implementing regulation to Government Regulation No.45 Year 2019 (GR-45), and is effective from 9 September 2019.

GR-45 provides a facility in the form of a (up to) 200% deduction for costs incurred in relation to internship programs, and/or vocational training programs in certain competencies. PMK-128 clarifies that the 200% deduction consists of a 100% deduction for the actual amount spent plus an additional 100% deduction.

The additional deduction cannot however result in the taxpayer being in a tax loss position. If the taxpayer (before the additional deduction) is in profit, then the maximum deduction is only available to the extent that the taxable income becomes zero.

**Eligibility**

Eligibility for this facility is as follows:

a) the taxpayer has carried out an internship program and/or a vocational training program in order to develop competency-based human resources;

b) the taxpayer has a Cooperation Agreement (Perjanjian Kerja Sama) with:
   i. a vocational education institution at a high school,
   ii. a vocational education institution at diploma level (sekolah menengah kejuruan dan perguruan tinggi program diploma pada pendidikan vokasi),
   iii. a training centre (balai latihan kerja), and/or
   iv. a vocational program run by the Government;

c) the taxpayer is not in a fiscal loss position in the fiscal year for which the additional deduction is claimed; and

d) the taxpayer has requested a Tax Clearance Letter (Surat Keterangan Fiskal) from the Directorate General of Tax (DGT).
This facility is not applicable for taxpayers enjoying the Tax Holiday or Tax Allowance facility.

For this facility, the taxpayer should submit a notification (template provided in PMK-128), along with the Cooperation Agreement and Tax Clearance Letter, through the Online System Submission (OSS) portal. The DGT has authority to disallow the facility if the implementation of the program is not in accordance with the regulation.

**Scope of activity and field competency**

The activities eligible for this facility are as follows:

a) Internship programs for:
   i. students and teachers from vocational education institutions in a high school, a diploma level institution, or a training centre; or
   ii. a vocational program for unemployed people run by the Government. Both must be conducted by the taxpayer at its place of business as part of a vocational education curriculum in order to master skills or expertise in certain fields; and/or

b) Vocational training, which means training activities conducted by parties assigned by a taxpayer in a vocational education institution in either a high school, a diploma level institution, or a training centre.

Vocational education institutions which can enter into Cooperation Agreements are based on fields of competency. The field of competency is different for each educational institution level. The primary fields are as follows:

<table>
<thead>
<tr>
<th>Sectors</th>
<th>High school level</th>
<th>Diploma level</th>
<th>Training centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Health</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Agribusiness</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Tourism and creative industry</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Digital economy</td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Migrant worker</td>
<td></td>
<td></td>
<td>✓</td>
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</tbody>
</table>

Please refer to the attachment of PMK-128 for details of each of the primary fields of competencies.

**Eligible costs**

Costs that are entitled to an additional deduction include:

a) the provision of special physical facilities (e.g. training venues) in the form of depreciation expense that is prorated based on the usage period in a tax year; and their supporting costs (including electricity, water, fuel, maintenance costs, and other related costs for carrying out internship activities) which should be prorated in the event that they are joint costs with the costs for commercial production;

b) instructors/teachers who supervise the activities;

c) materials used in carrying out internship and/or vocational activities;

d) honorariums or similar payments to students, individuals who are not employed, teachers, lecturers, and/or instructors who are internship participants (unless made to a related person of the taxpayer’s management); and/or

e) certification costs for students, individuals who are not employed, teachers, lecturers, and or instructors who are internship participants with an authorised institution.

For internships, all of the above costs are eligible. For vocational training programs, only categories (b) and (c) are eligible.
When the costs outlined in categories (a) and (c) are also used for commercial production, additional deduction is not applicable.

Taxpayers are also required to submit an annual cost report (template provided in PMK-128) with the Corporate Income Tax Return.
Your PwC Indonesia contacts:

Abdullah Azis
abdullah.azis@id.pwc.com

Gerardus Mahendra
gerardus.mahendra@id.pwc.com

Raemon Utama
raemon.utama@id.pwc.com

Adi Poernomo
adi.poernomo@id.pwc.com

Hasan Chandra
hasan.chandra@id.pwc.com

Runi Tusita
runi.tusita@id.pwc.com

Adi Pratikto
adi.pratikto@id.pwc.com

Hendra Lie
hendra.lee@id.pwc.com

Ryosuke R Seto
ryosuke.r.seto@id.pwc.com

Alexander Lukito
alexander.lukito@id.pwc.com

Hisni Jesica
hisni.jesica@id.pwc.com

Ryuji Sugawara
ryuji.sugawara@id.pwc.com

Ali Widodo
ali.widodo@id.pwc.com

Hyang Augustiana
hyang.augustiana@id.pwc.com

Soeryo Adjie
soeryo.adjie@id.pwc.com

Amit Sharma
amit.xz.sharma@id.pwc.com

Kianwei Chong
kianwei.chong@id.pwc.com

Sujadi Lee
sujadi.lee@id.pwc.com

Andrias Hendrik
andrias.hendrik@id.pwc.com

Laksni Djuwita
laksni.djuwita@id.pwc.com

Sutrisno Ali
sutrisno.ali@id.pwc.com

Anton Manik
anton.a.manik@id.pwc.com

Lukman Budiman
lukman.budiman@id.pwc.com

Suyanti Halim
suyanti.halim@id.pwc.com

Antonius Sanyojaya
antonius.sanyojaya@id.pwc.com

Mardianto
mardianto.mardianto@id.pwc.com

Tim Watson
tim.robert.watson@id.pwc.com

Ay Tjhing Phan
ay.tjhing.phan@id.pwc.com

Margie Margaret
margie.margaret@id.pwc.com

Tjen She Siung
tjen.she.siung@id.pwc.com

Brian Arnold
brian.arnold@id.pwc.com

Mohamad Hendriana
mohamad.hendriana@id.pwc.com

Turin Suyatman
turin.suyatman@id.pwc.com

Deny Unardi
deny.unardi@id.pwc.com

Oki Octabiyanto
oki.octabiyanto@id.pwc.com

Yessy Anggraini
yessy.anggraini@id.pwc.com

Dexter Pagayonan
dexter.pagayonan@id.pwc.com

Omar Abdulkadir
omar.abdulkadir@id.pwc.com

Yuliana Kurniadaja
yuliana.kurniadaja@id.pwc.com

Engeline Siagian
engeline.siagian@id.pwc.com

Otto Sumaryoto
otto.sumaryoto@id.pwc.com

Yunita Wahadaniah
yunita.wahadaniah@id.pwc.com

Enna Budiman
enna.budiman@id.pwc.com

Parluhutan Simbolon
parluhutan.simbolon@id.pwc.com

Gadis Nurhidayah
gadis.nurhidayah@id.pwc.com

Peter Hohtoulas
peter.hohtoulas@id.pwc.com

www.pwc.com/id

PwC Indonesia

@PwC_Indonesia

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