



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

NUMBER: 36/M-DAG/PER/5/2016

CONCERNING

PROCEDURES OF ADMINISTRATIVE SANCTION IMPOSITION
FOR EXPORTER AND IMPORTER

BY THE GRACE OF THE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : that to conduct provisions of Article 43 paragraph (3), Article 46 paragraph (3), and Article 52 paragraph (6) Law Number 7 of 2014 concerning Trade, it is necessary to stipulate Regulation of the Minister of Trade concerning Procedures of Administrative Sanction Imposition For Exporter and Importer;

In view of : 1. Law Number 7 of 1994 concerning Legalization of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplementary State Gazette of the Republic of Indonesia Number 3564);

2. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplementary State Gazette of the Republic of Indonesia Number 3612) as amended with Law Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplementary State Gazette of the Republic of Indonesia Number 4661);



3. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplementary State Gazette of the Republic of Indonesia Number 4916);
4. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplementary State Gazette of the Republic of Indonesia Number 5512);
5. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplementary State Gazette of the Republic of Indonesia Number 5587) as amended lastly with Law Number 9 of 2015 (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplementary State Gazette of the Republic of Indonesia Number 5679);
6. Presidential Decree Number 121/P of 2014 concerning the Establishment of Ministry and Appointment of Working Cabinet Ministers Year 2014-2019;
7. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization (State Gazette of the Republic of Indonesia of 2015 Number 8);
8. Presidential Regulation Number 48 of 2015 concerning Trade Ministry (State Gazette of the Republic of Indonesia of 2015 Number 90);
9. Presidential Decree Number 79/P of 2015 concerning Reshuffle of Some Working Cabinet State Ministers Year 2014 – 2019;
10. Regulation of the Minister of Trade Number 13/M-DAG/PER/3/2012 concerning General Provisions in the Field of Export (State Gazette of the Republic of Indonesia of 2012 Number 395);
11. Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning General Provisions in the Field of Import (State Gazette of the Republic of Indonesia of 2015 Number 1006);
12. Regulation of the Minister of Trade Number 08/M-DAG/PER/2/2016 concerning Organization and Administration of



Trade Ministry (State Gazette of the Republic of Indonesia of 2016 Number 202);

HAS DECIDED:

To stipulate : REGULATION OF THE MINISTER OF TRADE CONCERNING PROCEDURES OF ADMINISTRATIVE SANCTION IMPOSITION FOR EXPORTER AND IMPORTER.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regulation of Minister referred as:

1. Goods shall be every item, either tangible or intangible, either movable or immovable, either consumable or inconsumable, and can be traded, worn, used, or benefited by consumers or business doer.
2. Permit shall be business legalization in the field of export and import in the forms of permit, approval, admission, stipulation, and/or surveyor report.
3. Export shall be activity of taking Goods out of customs area.
4. Exporter shall be individual or institution or corporation, either in the form of corporate body or non corporate body, conducting Export.
5. Import shall be activity of inserting Goods into customs area.
6. Importer shall be individual or institution or corporation, either in the form of corporate body or non corporate body, conducting Import.
7. Minister shall be minister administering governmental affairs in the field of trade.
8. Director General shall be Director General of Foreign Trade, the Trade Ministry.



Article 2

Exporter or importer violating provisions of laws and regulation in the field of Export or Import shall be imposed administrative sanction.

Article 3

Administrative sanction as intended in Article 2, shall be in the forms of:

- a. written warning;
- b. Permit postponement;
- c. Permit freezing; or
- d. Permit revocation.

Article 4

- (1) Administrative sanction imposition as intended in Article 3 shall be conducted with 2 (two) methods:
 - a. gradually; and
 - b. non-gradually.
- (2) Administrative sanction imposed gradually as intended in paragraph (1) letter a shall be in the forms of written warning, Permit freezing, and Permit revocation.
- (3) Administrative sanction which is imposed non-gradually as intended in paragraph (1) letter b can be directly in the forms of Permit postponement, Permit freezing, and Permit revocation.

CHAPTER II

BASIS AND AUTHORITY OF ADMINISTRATIVE SANCTION IMPOSITION

Article 5

Administrative sanction imposition as intended in Article 3 can be given by virtue of:

- a. complaint report;
- b. post audit result;
- c. evaluation result; and/or
- d. surveillance result.



Article 6

Administrative sanction imposition as intended in Article 3 shall be authority of:

- a. Minister;
- b. Director General; or
- c. Permit issuance official,

in accordance with provisions of laws and regulations.

CHAPTER III

GRADUALLY ADMINISTRATIVE SANCTION

Article 7

- (1) Gradually administrative sanction imposition as intended in Article 4 paragraph (1) letter a shall be imposed to Exporter or Importer having not conducted obligation in submitting reports concerning Export or Import implementation either realized or unrealized, in written and/or electronically within the determined period.
- (2) In the event of Exporter or Importer does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically within the determined period, Exporter or Importer shall be imposed the first stage administration sanction in the form of written warning.
- (3) Written warning imposition as intended in paragraph (2) at the most 2 (two) times.
- (4) In the event of written warning shall be given 2 (two) times then the interval between the first warning and the second warning is at maximum 10 (ten) days.
- (5) Should within the maximum period 10 (ten) days as from the written warning is imposed as intended in paragraph (3), Exporter or Importer does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically, Exporter or Importer



shall be imposed the second stage administrative sanction in the form of Permit freezing.

- (6) Imposition of Permit freezing as intended in paragraph (5) shall be maximum 60 (sixty) days as from the date of Permit freezing imposition.
- (7) Should within the period as intended in paragraph (6), Exporter or Importer conducts obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically, Permit freezing imposition shall be revoked.
- (8) Should after the period as intended in paragraph (6), Exporter or Importer does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically, then Exporter or Importer shall be imposed the third stage administrative sanction in the form of Permit revocation.

CHAPTER IV

NON-GRADUALLY ADMINISTRATIVE SANCTION

Article 8

Non-gradually administrative sanction imposition as intended in Article 4 paragraph (1) letter b shall be conducted not through administrative sanction imposition stages as intended in Article 7.

Article 9

- (1) Non-gradually administrative sanction imposition as intended in Article 4 paragraph (1) letter b shall be conducted by considering:
 - a. type of exported or imported Goods; and/or
 - b. type of violation conducted by Exporter or Importer.
- (2) Type of exported or imported Goods as intended in paragraph (1) letter a shall be in the form of Goods having particular characteristics regulated based on laws and regulations.



- (3) Type of violation conducted by Exporter or Importer as intended in paragraph (1) letter b shall consist of:
- a. does not conduct obligation in submitting report concerning Exporter or Importer implementation either realized or unrealized, in writer and/or electronically;
 - b. does not realize Export or Import in accordance with minimum limitation determined in laws and regulations.
 - c. conveying incorrect data and/or information as requirements to obtain Permit;
 - d. changing information listed in Permit documents;
 - e. conducting Export or Import not in accordance with Permit documents;
 - f. conducting criminal act related to Permit misuse; and/or
 - g. irresponsible for any consequence arising upon exported or imported Goods.

Article 10

- (1) Administrative sanction in the form of Permit postponement as intended in Article 4 paragraph (3) shall be imposed to Exporter or Importer if:
- a. does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically maximum 2 (two) times; and/or
 - b. does not realize Export or Import in accordance with minimum limitation determined in laws and regulations.
- (2) Permit Postponement Imposition as intended in paragraph (1) comes into effect for 1 (one) period of the upcoming Export or Import Permit issuance.

Article 11

- (1) Administrative sanction in the form of Permit freezing as intended in Article 4 paragraph (3) shall be imposed to Exporter or Importer if:



- a. does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically maximum 2 (two) times;
 - b. irresponsible for any consequence arising upon exported or imported Goods; and/or
 - c. there is assumption of performing criminal act relating to Permit misuse.
- (2) Permit freezing imposition for not conducting obligation as intended in paragraph (1) letter a and letter b shall be valid maximum 60 (sixty) days as from the date of Permit freezing imposition.
- (3) Permit freezing imposition for the existence of assumption as intended in paragraph (1) letter c, shall be valid until court judgment having inkracht van gewijsde that the Exporter or Importer is not guilty.
- (4) In the event of Exporter or Importer:
- a. conducting obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically;
 - b. responsible for any consequence arising upon exported or imported Goods; and/or
 - c. proved not guilty based on court judgment having inkracht van gewijsde,
- then Permit freezing shall be revoked.

Article 12

Administrative sanction in the form of Permit revocation as intended in Article 4 paragraph (3) shall be imposed to Exporter and Importer if:

- a. does not conduct obligation in submitting report concerning Export or Import implementation either realized or unrealized, in written and/or electronically maximum 2 (two) times;
- b. conveys incorrect data and/or information as requirement to obtain Permit;



- c. changes information listed in Permit documents;
- d. conducts Exportation or Importation of Goods not in accordance with Permit documents;
- e. irresponsible for any consequence arising upon exported or imported Goods; and/or
- f. declared guilty based on court judgment having inkracht van gewijsde upon criminal act relating to Permit misuse.

CHAPTER V

PUBLICATION OF ADMINISTRATIVE SANCTION IMPOSITION

Article 13

- (1) Every administrative sanction imposition in the forms of Permit freezing and Permit revocation shall be conveyed to INATRADE administrator of the Trade Ministry.
- (2) INATRADE administrator as intended in paragraph (1) shall conduct:
 - a. permit blockading; and
 - b. announcement to public through INATRADE portal of the Trade Ministry to be forwarded to INSW portal.
- (3) Data of Permit freezing and Permit revocation as intended in paragraph (1) shall at least contain information:
 - a. Name of Exporter or Importer; and
 - b. Number, date, and type of frozen or revoked Permit.

CHAPTER VI

OTHER PROVISIONS

Article 14

Provisions concerning administrative sanction imposition for Exporter and Importer related to violation upon Export and Import provisions of each Goods shall be regulated in the Regulation of Minister.



CHAPTER VII
CLOSING PROVISIONS

Article 15

This Ministerial Regulation shall come into effect 90 (ninety) days as from the date of its stipulation.

For public cognizance, ordering the promulgation of this Ministerial Regulation in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on 13 May 2016

THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA,

Sgd.

THOMAS TRIKASIH LEMBONG

Issued in Jakarta
on 24 May 2016

DIRECTOR GENERAL
LAWS AND REGULATIONS
THE MINISTRY OF LAW AND HUMAN RIGHTS
THE REPUBLIC OF INDONESIA,

Sgd.

WIDODO EKATJAHJANA



STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2016 NUMBER 798

Issued as a true copy
Secretariat General
The Ministry of Trade
Head of Legal Bureau,

LASMININGSIH

