



## Energy and Resources Regulations Update

The following is a list of the new Energy and Resources regulations.

All regulations are available in Indonesian.

1. Regulation : [PP 93/2021](#)
- Date : 31 August 2021
- Title (Indonesian) : Perlakuan pajak penghasilan atas pengalihan partisipasi interes pada kegiatan usaha hulu minyak dan gas bumi
- Title (English) : Income tax treatment on the transfer of interest participation in upstream oil and gas business activities

#### **Summary**

In order to carry out the implementation of energy conservation through efficient consumption of energy use in energy-consuming equipment, it is necessary to regulate the implementation of a more comprehensive minimum energy performance standard, therefore the government released this regulation. This regulation basically regulates several things below:

- Implementation of Minimum Energy Performance Standard (Standar Kinerja Energi Minimum/SKEM)
- Guidance and supervision in the implementation of SKEM
- Sanctions if domestic producers and importers commit violations
- Transitional and closing provisions.

This regulation is in effect since 31 August 2021.

2. Regulation : [Permen ESDM 23/2021](#)
- Date : 19 July 2021
- Title (Indonesian) : Pengelolaan wilayah kerja minyak dan gas bumi untuk kontrak kerja sama yang akan berakhir
- Title (English) : Management of oil and gas working areas for cooperation contracts that will expire

#### **Summary**

Considering the importance of optimizing the management of oil and natural gas working areas for cooperation contracts that will expire and maintaining oil and gas production, it is necessary to regulate the management of oil and natural gas working areas. This regulation consists of provisions which include:

- Procedures and conditions to apply for an extension or management of a work area for an expiring cooperation contract
- Conducting a study on the application for extension and/or management of the working area for the expiring cooperation contract
- Transfer of interest
- Transitional and closing provisions.

This regulation is in effect since 19 July 2021.

3. Regulation : [Permen ESDM 20/2021](#)
- Date : 9 July 2021
- Title (Indonesian) : Perhitungan harga jual eceran bahan bakar minyak

Title (English) : Calculation of the retail selling price of fuel oil

**Summary**

Considering that fuel oil is a vital commodity that controls the livelihoods of many people and economic activity, it is necessary to regulate the calculation and determination of the retail selling price of fuel oil in order to increase economic and social stability and maintain public affordability of fuel oil. This regulation includes the following provisions:

- Calculation of the retail selling price of certain types of fuel oil and for specific assignments
- Evaluation of the calculation of the base price and retail selling price of certain types of fuel and special types of fuel for assignments
- Determination of retail selling prices for certain types of fuel oil and for specific assignments
- Closing provisions.

This regulation is in effect since 9 July 2021.

4. Regulation : [Permen ESDM 14/2021](#)

Date : 22 June 2021

Title (Indonesian) : Penerapan standar kinerja energi minimum untuk peralatan pemanfaat energi

Title (English) : Implementation of minimum energy performance standards for energy-consuming equipment

**Summary**

Related to the interest in implementing energy conservation through efficient use of energy consumption in energy-consuming equipment, it is necessary to regulate the application of minimum energy performance standard for energy-consuming equipment. In this regulation, there are provisions governing this matter, including:

- Implementation of minimum energy performance standard (SKEM) including SKEM marks, inclusion of energy-saving labels, energy-saving certification, product certification organizations, test laboratories, exceptions to energy-saving certificate obligations
- Guidance and supervision of domestic producers, importers, and other parties
- Sanctions, transitional and closing provisions.

This regulation is in effect since 22 June 2021.

5. Regulation : [Permen ESDM 13/2021](#)

Date : 17 June 2021

Title (Indonesian) : Ruang bebas dan jarak bebas minimum jaringan transmisi tenaga listrik dan kompensasi atas tanah, bangunan, dan/atau tanaman yang berada di bawah ruang bebas jaringan transmisi tenaga listrik

Title (English) : Clear space and minimum clearance distance of the electric power transmission network and compensation for land, buildings, and/or plants that are under the clear space of the electric power transmission network

**Summary**

In order to increase the capacity of electricity distribution and to implement the provisions of Government Regulation Number 25 of 2021 concerning the Implementation of the Energy and Resources Sector, it is necessary to have a regulation that discusses the clear space and minimum clearance distance of the electric power transmission network. This regulation addresses several matters as below:

- Provision of clear space and minimum clearance for electric power transmission network
- Electrical safety
- Limitations of free space and minimum clearance that must be met by IUPTLU holders and holders of rights to land, buildings and/or plants
- Type of electric power transmission network
- Electromagnetic fields and compensation of land, buildings and/or plants
- Use of land belonging to the state/state property/regional property/goods belonging to state-owned enterprises/goods belonging to regional-owned enterprises
- Rights and obligations of the holder of a business license to provide electricity for the public interest
- Rights and obligations of holders of rights to land, buildings, and/or plants
- Monitoring and evaluating the realization of compensation payment

This regulation is in effect since 17 June 2021.

6. Regulation : [Permen ESDM 12/2021](#)
- Date : 17 Juni 2021
- Title : Klasifikasi, kualifikasi, dan sertifikasi usaha jasa penunjang tenaga listrik  
(Indonesian)
- Title (English) : Classification, qualification, and certification of electric power support services

#### **Summary**

In order to implement several articles of Government Regulation number 25 of 2021 concerning the Implementation of the Energy and Mineral Resources Sector, a regulation regarding the classification, qualification, and certification of business support services for electricity is required. This regulation regulates those matters, with the following provisions:

- Classification of electric power support services business which is divided into three fields; power generation, transmission of electric power, and distribution of electric power
- Qualification of electric power support service business which is divided by type of business; big business, medium business and small business
- Accreditation of electric power support services business, regulating electricity certification organization, accreditation requirements for institutions, etc.
- Electricity certification including installation, electricity competence, technical personnel, business entities, and electricity products
- Rights and obligations of Certification Organization
- Administrative sanctions, other provisions and closing provisions

This regulation is in effect since 17 June 2021.

7. Regulation : [Permen ESDM 11/2021](#)
- Date : 11 Juni 2021
- Title : Pelaksanaan usaha ketenagalistrikan  
(Indonesian)
- Title (English) : Implementation of electricity business

#### **Summary**

In view of the need to implement the provisions of Article 25 paragraph 6, Article 26 paragraph 9, Article 27 paragraph 9, Article 28 paragraph 5, Article 31 paragraph 3, Article 52 paragraph 5, and Article 53 paragraph 4 of the Government Regulation number 25 of 2021 concerning Implementation of Energy and Mineral Resources Sector, it is necessary to have a derivative regulation that regulates the implementation of the electricity business. This regulation regulates this matter, in provisions as below:

- Provisions regarding electricity business, including types of electricity business
- Electricity business licensing which is divided into electricity supply for the public, electricity supply for self-interest and electricity support service business
- Electricity supply business activities, including system quality standards, joint utilization of the electric power network, parallel operation, and electricity supply services
- Electric power support service business activities, including the implementation of service and consulting business, implementation of business development and installation, operation, and maintenance
- Utilization of the electric power network for telecommunications, multimedia and/or informatics purposes
- Rights and obligations, development, and supervision of electricity business
- Administrative sanctions, transitional and closing provisions

This regulation is in effect since 11 June 2021.

8. Regulation : [140.K/HK.02/MEM.B/2021](#)
- Date : 5 August 2021
- Title : Harga mineral logam acuan dan harga batubara acuan untuk bulan Agustus tahun  
(Indonesian) 2021
- Title (English) : Reference metal mineral prices and reference coal prices for August 2021

**Summary**

Minister of Energy and Resources Decision Number 140.K/HK.02/MEM.B/2021 covers reference prices of metal minerals for 20 types of metals and reference prices for coal for August 2021. The reference coal price is stipulated at USD/ton. As of August, the reference price for coal is at 130,99 USD/ton. For metallic minerals prices, they are stipulated in US\$/dmt. The types of minerals as stated in the regulation including cobalt, lead, zinc, nickel, aluminium, copper, etc. The reference prices and other details of every type of mineral are all listed in the appendix.

9. Regulation : [138.K/HK.02/MEM.M/2021](#)
- Date : 3 August 2021
- Title : Penetapan harga minyak mentah Indonesia bulan Juli 2021  
(Indonesian)
- Title (English) : Determination of Indonesian crude oil prices for July 2021

**Summary**

Minister of Energy and Mineral Resources Decision Number 138.K/HK.02/MEM.M/2021 specifically sets the average price of Indonesian crude oil for July 2021 at US\$ 72.71/barrel. This regulation includes the prices of Indonesian crude oil for the main crude oils and other types of crude oil listed in the appendix. For every type of oil, other than their prices, there are also details concerning their formula, dated Brent, and Alpha. This regulation is in force since 3 August 2021.

10. Regulation : [135.K/HK.02/MEM.M/2021](#)
- Date : 2 August 2021
- Title (Indonesian) : Perubahan atas Keputusan Menteri Energi dan Sumber Daya Mineral nomor 118.K/MG.04/MEM.M/2021 tentang harga gas bumi tertentu di pembangkit tenaga listrik (Plant Gate)
- Title (English) : Amendment to the Decree of the Minister of Energy and Mineral Resources number 118.K/MG.04/MEM.M/2021 regarding the price of certain natural gas in plant gate

#### **Summary**

Based on the results of the price evaluation on certain natural gas at the plant gate, it is necessary to adjust the regulations governing the price of certain natural gas at the power plant. In this Minister of Energy and Resources Decision, several things that have been changed are:

- The third dictum regarding tariffs for natural gas distribution
- Added one dictum between the thirteenth and fourteenth dictum, namely the thirteenth dictum A regarding the sale and purchase agreement of natural gas
- There are several changes in the attachment to the Minister Decision which contain details regarding natural gas providers and infrastructure, natural gas prices, adjustment prices, natural gas volumes, and others.

This regulation is in effect since 2 August 2021.

11. Regulation : [134.K/HK.02/MEM.M/2021](#)
- Date : 30 July 2021
- Title (Indonesian) : Pengguna dan harga gas bumi tertentu di bidang industri
- Title (English) : Certain users and prices of natural gas in the industrial sector

#### **Summary**

In order to implement the provisions of Article 3 and Article 4 of Presidential Regulation Number 121 of 2020 concerning Amendment to Presidential Regulation number 40 of 2016 concerning Natural Gas Price Determination, as well as Article 8 of Minister of Energy and Resources Regulation number 8 of 2020 concerning Procedures for Determining Users and Certain Natural Gas Prices in the Industrial Sector, it is necessary to stipulate a Minister of Energy and Resources Decision which discusses the users and prices of certain natural gas in the industrial sector. This regulation consists of 17 dictums, which generally discuss the provisions for the following aspects:

- Determination of natural gas prices consisting of natural gas volumes and adjustments to natural gas price components
- Tariffs for distribution of natural gas and business entities that distribute natural gas
- Government agency authorized to coordinate the adjustment of natural gas prices
- Completion of natural gas sale and purchase agreements
- Evaluation of the determination of certain natural gas prices and the obligations of natural gas users
- Report on the realization of volume and price of natural gas distribution
- Natural gas sale and purchase agreement

This regulation is in effect since 30 July 2021 and revokes the Minister of Energy and Resources Decision number 89 K/10/MEM/2020 concerning User and Price for Certain Natural Gas in Industrial Sector.

12. Regulation : [118.K/MG.04/MEM.M/2021](#)
- Date : 30 June 2021
- Title : Harga gas bumi tertentu di pembangkit tenaga listrik (plant gate)  
(Indonesian)
- Title (English) : The price of certain natural gas at the plant gate

**Summary**

In view of the need to implement the provisions of Article 3 and Article 4 of Presidential Regulation number 121 of 2020 concerning Amendment to Presidential Regulation number 40 of 2016 concerning the determination of natural gas prices, it is necessary to stipulate a Minister of Energy and Resources Decision regarding the price of certain natural gas in plant gate. This regulation consists of 15 dictums which generally discuss the following matters:

- The imposition/exclusion of value added tax (VAT) on tariffs for natural gas distribution
- Utilization of the remaining volume of natural gas that cannot be absorbed by PT PLN (Persero)
- Coordination and determination of natural gas price adjustment and the amount of transportation cost for natural gas transportation
- Evaluation and review of natural gas pricing
- Reporting on the realization of volume and price of natural gas distribution

This regulation is in effect since 30 June 2021 and revoked the Minister of Energy and Resources number 91 K/12/MEM/2020 concerning Price of Natural Gas in Plant Gate.



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