

DOING BUSINESS IN INDONESIA

(FROM TAX PERSPECTIVES)

JULY 2022









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CHAPTER 1: INDONESIA TAXATION BASIS





INDONESIA TAXATION BASIS

1.1 Scope

Resident taxpayers in Indonesia are taxed on their worldwide income including capital gains. If a resident taxpayer has foreign branches or earns other foreign source income, the income of those branches is taxable in Indonesia. Income earned from abroad may be credited against the tax payable on total income in Indonesia. However, there is a limit to the tax credit which can be granted (referred to as Article 24 Income Tax).

1.2 Introduction to Tax System

Indonesia adopts self-assessment system, where taxpayers are required to calculate their taxable income, report their tax returns, and pay their tax liability voluntarily. Therefore, taxpayers are required to register and obtain a single tax identity number (Nomor Pokok Wajib Pajak/NPWP) and obliged to keep relevant documentations.

1.3 Type of Taxes

- Income Tax includes:
- Corporate Income Tax;
- Individual Income Tax;
- Withholding Tax on employees' remuneration;
- Withholding Tax on various payments to third parties
- Value-Added Tax (VAT) since April 2022 the tariff increase to 11%, and will increase to 12% no later than January 1st, 2025 and Luxury Goods Sales Tax (LGST) with tariffs according to the type of luxury goods
- Land and Building Tax



CHAPTER 2: CORPORATE INCOME TAX





CORPORATE INCOME TAX

2.1 Residence Status

A company is treated as a resident of Indonesia for tax purposes by having its incorporation, its domicile, or its effective place of management in Indonesia.

2.2 Permanent Establishment

A company will be considered taxable in Indonesia if it is located and conduct business in the country. It will depend on whether the entity has a "Permanent Establishment" (PE) in Indonesia. A management place, branch, representative office, office building, agent, factory or workshop, construction or mining site in Indonesia will be constituted as a PE.

Where the non-resident company is resident in a country that has a tax treaty with Indonesia, the rules on a PE may be different. A foreign company carrying out business activities through a PE in Indonesia will have the same tax obligations as a resident taxpayer.

2.3 Tax Rates

From fiscal year 2020 onward, corporations are taxed at standard rate of 22%.

(a) Reduction for Small Company:

Resident corporate taxpayers with annual gross income not more than IDR 50 billion are entitled to a reduction of 50% of the standard rate on taxable income derived from the portion of gross income up to IDR 4.8 billion. Certain corporate taxpayer (except PE) with annual gross income below IDR 4.8 billion are subject to final income tax of 0,5%. However, since the 2022 tax year, gross income is below IDR 500 million, 0.5% tax free.

(b) Reduction for Public Company:

For public companies, corporate tax deduction at 3% on the standard rate will be granted subject to the following requirements:

- 1) Minimum of 40% of its total paid-up shares traded on a stock exchange;
- 2) The minimum public ownership is 300 parties where each party holds less than 5% of the paid-in shares; and,
- 3) The above two conditions must be fulfilled for at least six months (183 days) in a fiscal year.



(c) Final Income Tax

Certain incomes are subject to a fixed percentage of gross income.

2.4 Compliance Deadline

- 2.4.1 Monthly Payment Deadline between 10th until 15th of the following month.
- 2.4.2 Monthly Filing Deadline 20th until end of month of the following month.
- 2.4.3 Annual Report Personal Filing Deadline End of the 3th month
- after the tax year ends.
- 2.4.4 Annual Report Company Filing Deadline End of the 4th month after the tax year ends, can be extended by 2 months until 6th month after the tax year ends.

Notes:

- Any underpayment of tax must be settled before submission of the annual tax return.
- Taxpayers can extend the period of submission of the annual income tax return for a maximum of two months by submitting notification to the Director General of Tax.

2.5 Tax Payments

Resident taxpayers and PE can pay their tax liabilities through direct payments, third party withholdings or both. Foreign corporations without PE have to pay their tax liabilities for the Indonesian-sourced income via withholding of the tax by the Indonesian party paying the income.

Monthly tax instalments made by the resident taxpayers and PE considered as a prepayment of their current year corporate income tax liability. Generally, the monthly tax instalment is calculated based on the recent corporate income tax return. Special instalment calculations are applicable to new taxpayers, banks, finance lease companies, listed companies, state-owned companies and other taxpayers with periodical reporting requirements.

Tax withheld by third parties on certain income or tax to be paid in advance on certain transactions also considered as pre-payments for the current year corporate income tax liability. If the total amount of tax paid in advance through the year is less than the total corporate income tax due, the taxpayer must settle the shortfall before filing its tax return.

Resident taxpayer and PE are subject to final income tax on certain types of income. For foreign companies without PE, the tax withheld from the Indonesia-sourced income by the Indonesian party paying the income



2.6 Determination of Income

(a) Inventory Valuation

Taxpayer may value the inventory at cost by using either the average or first in first out (FIFO) method. The method adopted must be consistently applied.

(b) Capital Gains

Generally, capital gains are assessable together with ordinary income and subject to tax at the standard corporate income tax rate, except for proceeds from sales of shares of listed companies and proceed from sales of land and building, which is subject to final tax.

(c) Dividend Income

Certain dividends received by companies incorporated in Indonesia where the payer is also an Indonesian company are exempt from corporate income tax. Subject to variation by tax treaties, a withholding tax of 20% is applied on the dividend if the recipient is not a resident of Indonesia.

If dividends are received by individuals, they will be subject to a dividend tax of 10%, but if committed dividends will be invested in 12 instruments determined by the government, then they are not subject to dividend tax, with a record that they must report the realization every year together with the reporting of the Annual Personal Notification Letter.

(d) Interest Income

Interest income received by a resident company or PE is taxed at final tax rate of 20%.

(e) Foreign Exchange Gains

Gains from foreign exchange are taxable.

(f) Income from Foreign Branch

If an Indonesian resident has foreign branches, the income of those branches will be taxable in Indonesia under the Controlled Foreign Company (CFC) Rules. These rules are applicable in Indonesian tax resident owing at least 50% of paid-up shares in a CFC.

Under the CFC rules, the Indonesian shareholder is deemed to receive dividend based on shareholding proportional calculation. The CFC rules also applicable even if the CFC is domiciled in a non-tax haven country, unless the CFC shares are listed on a recognised stock exchange.



2.7 Branch Income

Branch profits are subject to the standard corporate income tax rate of 22%. The after-tax profit is subject to a withholding tax (i.e. Branch Profits Tax) at 20%, regardless of whether the profits are remitted to the home country. This general rate of 20% may be reduced according to the applicable tax treaty. An exemption on the Branch Profit Tax may be granted if the profits are entirely reinvested in Indonesia.

2.8 <u>Deductible Expenses</u>

Generally, all costs and expenses incurred for obtaining, collecting, and maintaining taxable income is allowed for deduction.

However, there are some expenses that are non-deductible. Following are the major categories of non-deductible expenses.

- Benefits in Kind such as free housing (except housing provided at qualified remote areas, meals, transportation and uniforms etc.);
- Private expenses;
- Non-business gifts, aid and donations, except zakat and other compulsory religious donations approved by the government;
- Expenses relating to gross income which subject to final income tax are not allowed for deduction;
- Fines and penalties;
- Distribution of profit in the form of dividend;
- Employer's contributions for life, health and accident insurance and contribution to non-approved pension funds unless the contributions are treated as taxable income of the employee;
- Salaries received by partners in a partnership or members of a firm where their participation is not divided into shares.

(a) Depreciation / Amortization

If a corporation incurred capital expenditure in relation to assets with beneficial life of more than one year, tax relief for the cost of acquisition is granted through depreciation. The depreciation rates applicable are as follow:

		Depreciation / Amortization Straight Line Declining-Balance		
Category	Beneficial Life	Straight Line Method (%)	Declining-Balance Method (%)	
1. Non-Buildings				
Category 1	4 years	25.00	50.00	
Category 2	8 years	12.50	25.00	
Category 3	16 years	6.25	12.50	
Category 4	20 years	5.00	10.00	
2. Buildings				
Permanent	20 years	5.00	-	
Non-Permanent	10 years	10.00	-	



Notes:

Depreciation or amortization commences in the month that the property is acquired (instead of the year), which means that the first-year depreciation is accounted for in a pro-rata basis, while the net book value is depreciated accordingly over its remaining beneficial years, unless it is retired or sold within its beneficial life.

(b) Interest Expenses

Generally, interest incurred in the ordinary course of business is deductible if the loan is used for business purposes. Interest on loans where the income subject to a final tax is non-deductible expense. Interest on loans used to buy shares where dividends to be received are not subject to income tax is also non- deductible.

Starting from fiscal year 2016, the debt-equity ratio (DER) of 4:1 is applicable, which means that in order to obtain full deduction on the financing cost, the amount of debt is limited to four times of the equity amount. This rule is not applicable to certain industries.

(c) Foreign Exchange Losses

Losses incurred from foreign exchange can be treated as deductible expenses, except for those arising from transactions that are subject to final tax or are non-tax objects.

2.9 Losses Carried Forward

The carrying back of losses is not allowed. Losses may be carried forward for a maximum of five years. However, the period over which losses are able to be carried forward can be extended up to ten years by decree from the Minister of Finance.

2.10 Group Relief

Not available.



CHAPTER 3: INDIVIDUAL INCOME TAX





INDIVIDUAL INCOME TAX

3.1 Residence Status

An individual is considered as tax resident in Indonesia if he/she fulfils any of the following conditions:

- he/she resides in Indonesia; or
- he/she is present in Indonesia for more than 183 days in any 12-month period; or
- he/she is present in Indonesia during a tax year and intend to reside in Indonesia.

Certain tax treaties may modify the above rules.

3.2 Tax Rates

(a) Normal Tax Rates

Since tax year 2022, income earned by individual tax resident is subject to income tax at the following rates:

Taxable Income (IDR)	Rate (%)	Tax Payable (IDR)
0 until 60,000,000		
• On first 0		Nil
• Excess	5	3,000,000
60,000,001 until 250,000,000		
• On first 50,000,000		3,000,000
• Excess	15	28,500,000
250,000,001 until 500,000,000		
• On first 250,000,000		31,500,000
• Excess	25	62,500,000
500,000,001 until 5,000,000,000		
• On first 500,000,000		94,000,000
• Excess	30	1,350,000,000
5,000,000,001 and above		
• On first 500,000,000		1,444,000,000
• Excess	35	



(b) Tax Rates for Severance Payment

For the severance payment paid within 2 years, the tax rates are as follow:

Taxable Income (IDR)		
0-50, 000, 000		Exempted
50,000,001 - 100,000,000		
• On first 50,000,000		Exempted
• Excess	5	2,500,000
100, 000, 001 - 500,000,000		
• On first 100,000,000		2,500,000
Excess	15	60,000,000
500,000,001 and above		
• On first 500,000,000		62,500,000
• Excess	25	

Notes: Payments for year 3 onwards, normal tax rate will be applied.

(c) Tax Rates for Lump-Sum Pension Payment

For the lump-sum pension payments from a government-approved pension fund, old-age security saving payments from Social Security Agency for Worker's Social Security (BPJS Ketenagakerjaan) paid within two years, the tax rate are as follow:

Taxable Income (IDR)	
0 – 50,000,000	Exempted
50,000,001 and above	
• On first 50,000,000	Exempted
• Excess	

(d) Tax Rate for Non-Resident

Non-resident individual taxpayers are generally subject to a 20% withholding tax on income received from Indonesia. However, this rate may vary depending on the circumstances and the applicable tax treaty provisions.



3.3 Personal Deductions

The following personal deductions are available for resident individual taxpayers in calculating their taxable income.

	Deductible amount
Taxpayer	IDR 54,000,000
Spouse	IDR 4,500,000
Dependent	IDR 4,500,000 each (up to a maximum of 3 individuals related by blood or marriage)
Occupational expenses	5% of gross income (up to a maximum of IDR 6,000,000)
Pension Cost	5% of gross income (up to a maximum of IDR 2,400,000)
Contribution to approved pension fund, e.g. <i>BPJS Ketenagakerjaan</i>	Full amount of self-contribution

3.4 Registration and Filing

Every individual tax resident (include expatriates/foreign worker) must register to the Tax Office and obtain a Tax ID number. However, an exemption is granted to those individuals who:

- earn below the non-taxable income threshold;
- qualify as individual tax residents;
- married woman who will fulfil their individual tax obligation jointly with their husband.

Individual taxpayers are required to file annual individual income tax returns (Form $1770 - 1770 \, \text{S} - 1770 \, \text{SS}$). The individual taxpayers are encouraged to file their annual returns electronically via e-Form. In order to access the system, the individuals are required to obtain an e-Filing Identification Number separately from the Tax Office.

3.5 Tax Payments

Most of the individual income tax is collected through withholding by third parties. Employers are required to withhold the salaries and other compensation payable to their employees on monthly basis based on the tax rate at Section 3.2 above.

The following other payments to individuals are subject to withholding tax at normal tax rates as per Section 3.2 above:

- severance payments;
- pension payments made by government-approved pension funds;
- old-age security saving payments from BPJS Ketenagakerjaan;
- prizes / awards;
- fees for services.



Effective from January 1st, 2016, the Director General of Tax has introduced online e-Billing system for tax payments. This new system will replace the hard copy tax payment slip. In order to validate the tax payment, taxpayers are required to generate an e-Billing code via the system. The specific billing code is valid for 30 days and will need to be given to the bank to process the tax payment.

3.6 Benefits In Kind (BIK)

Generally, BIK received by employees such as cars, houses and education are not taxable to the employees.

However, BIK are taxable in the hands of the employee if they are provided by:

- Representative offices of offshore companies which is not Indonesian taxpayers;
- Mining companies and production sharing contractors which are subject to tax under the old tax laws, i.e. pre 1984 Income Tax Laws;
- Companies that subject to final tax;
- Companies that taxed at a deemed-profit (includes airline and shipping companies).

3.7 **Social Security System**

The government of Indonesia has introduced comprehensive social security schemes, i.e., Manpower Scheme (*BPJS Ketenagakerjaan*) and Healthcare Scheme (*BPJS Kesehatan*). This system is applicable to all employees include foreigners who work in Indonesia for at least 6 months. Expatriates need to be able to prove their participation in the social security schemes when renewing their work permits.

The compulsory requirement for health insurance will be applicable from:

- January 1st, 2015 for state-owned enterprises, large, medium and small enterprises
- January 1st, 2016 for micro enterprises
- January 1st, 2019 for independent workers and non-workers Following are the premium contribution for each scheme:

Social Security	Areas Covered	Percentage of regular salaries / wages	
Scheme		Borne by employers	Borne by employees
BPJS	Working accident	0.24% - 1.74%	-
Ketenagakerjaan	protection		
(Manpower	Death insurance	0.3%	-
Scheme)	Old age saving	3.7%	2%
	Pension plan	2%	1%
BPJS Kesehatan (Healthcare Scheme)		4%	1%



CHAPTER 4: WITHHOLDING TAX AND FINAL TAX





WITHHOLDING TAX AND FINAL TAX

4.1 Withholding Tax (WHT)

Generally, taxpayers are required to withhold taxes on various payments to residents and non-residents. The tax withheld from payments made to residents may represent the resident's final tax or advance tax which may set off against their final tax liability or refundable. The tax withheld from payments made to non-residents is a final tax.

WHT are collected when the taxable transaction takes place or payments become due. The WHT rates are as follow:

	WHT rate (on gross amount)		
Type of Payment	Residents	Non-resident	
	(%)	(%)	
Dividends ^{1/2}	0	20	
Interest	15	20	
Royalties	15	20	
Prizes and awards	15	20	
Rental and other income related to the use of	2	20	
property, other than land/space rental	2	20	
Technical, management, consulting and other	2	20	
services			

Notes:

- 1) WHT on dividends paid to Indonesian corporate shareholders will be exempted only if the following conditions are fulfilled:
 - a) The dividend is sourced from retained earnings;
 - b) Effective 02 November 2020 the recipient not holds minimum 25% shares in the payer, and then rate 0% for domestic shareholders
- 2) Effective November 2nd, 2020, dividends distribute to an individual resident taxpayer are subject to final tax at a maximum rate of 10%, However, if the dividends received are invested in 12 instruments determined by the government, they are not subject to dividend tax, provided that they are required to report the realization of investments for 3 consecutive years.
- 3) A 100% WHT is imposed in addition to the applicable tax rate for taxpayers that do not have tax identification number.



4.2 Final Tax

The following transactions are subject to a final tax, either by the way of withholding or through self-assessment. These taxes apply to residents and permanent establishments of non-residents.

Type of Income	Final Tax
Sale of listed shares ¹	0.1% of the gross proceeds
Additional tax on sale of Founder shares; by	0.5% of the IPO price
a founder shareholder ¹	
Sale of land or building ¹	 5% of the sales value (final tax for individuals, foundations and corporations). An extra 5% stamp duty for the land and/or building acquisition rights is payable by the purchaser.
Interest or discount on Bank Indonesia Certificates, savings and fixed deposits ²	20% (except for banks and certain approved pension and mutual funds for certain periods)
Asset revaluation approved by the Tax Officer	10% of the difference between the book value and the revalued amount of the assets (unless current year tax losses, which will firstly be applied against the revaluation difference)
Lottery prizes	25% of gross proceeds
Land and/or building rental (include service)	10% of gross proceeds
Final Income Tax Construction Services by Service Provider: - have a small qualifying business entity	1,75%
certification - do not have a business entity certificationNon-certified contractors	4,00%
- in addition to the two types of clarification above	2,65%
Integrated construction service income tax by service providers :	
- Qualified enterprises	2,65%
- Non-qualified enterprises	4,00%
Income tax on construction consulting services by service providers :	
- Qualified enterprises	3,50%
- Non-qualified enterprises	6,00%

Notes:

- 1) These rates also apply to non-residents, subject to reduced rate or exemption based on applicable Tax Treaty.
- 2) No WHT is payable in respect of Bank Indonesia Certificates, savings and fixed deposit with a principal amount of maximum IDR 7,500,000.



4.3 Withholding Tax - Article 22

Article 22 income tax is applicable to the following:

- 1) For importation of goods. A creditable WHT of 2.5% for importers with an import license or 7.5% for importers without appropriate import license;
- 2) For sale of goods to the Government which requiring payment from the State Treasury, the State Budget General Directorate, or certain State-owned companies. WHT of 1.5% on the selling price is imposed on these transactions.
- 3) For sale/purchase of steel, cars, cement and paper products. The WHT rate applied are:
 - purchase of steel 0.30% of its selling price
 - automotive products 0.45% of its selling price
 - cement 0.25% of its selling price
 - paper products 0.10% of its selling price
- 4) For sale/purchase of high value luxury goods, WHT rate of 5% is imposed.

Notes:

- A 100% WHT is imposed in addition to the applicable tax rate for taxpayers that do not have tax identification number.



CHAPTER 5: VALUE-ADDED TAX (VAT)





VALUE-ADDED TAX (VAT)

5.1 Threshold for Registration

Entrepreneurs with annual sales more than IDR 4.8 billion from sales of taxable goods and/or services are required to register. However, entrepreneurs domiciled in a Free Trade Zone are not required to register.

5.2 VAT Rates

Since April 2022 General rate of 11 % is imposed on importers, manufacturers, wholesalers and retailers and on the provision of most services.

However, a VAT rate of 0% is applied to the following taxable events:

- a) Export of taxable goods;
- b) Export of intangible goods; and
- c) Export of certain taxable services, i.e.:
 - toll manufacturing;
 - repair and maintenance services related to movable goods utilized outside the Customs Zone; and
 - constructions service related to immovable goods that are located outside the Customs Zone.

The VAT rate is calculated based on the sale price/service fee or import/export value.

5.3 Payment and submission

VAT filing is done based on monthly basis, with payment and filing being due no later than the last day of the following month of the taxable delivery.



CHAPTER 6: OTHER TAXES





OTHER TAXES

6.1 <u>Luxury-goods Sales Tax (LGST)</u>

Effective from April 1st, 2010 and in addition to VAT, certain goods (e.g. certain household appliances, sport equipments, motor vehicles and luxury residences) are subject to LGST upon import or delivery by the manufacturer to another party at rates currently ranging from 10% to 125%. However, export of luxury goods is taxed at 0% tariff.

Payment of LGST is required to be made by 15th day of the following month and returns need to be submitted by 20th day of the following month.

6.2 Import Duty

Import duty is payable at rates from 0% to 150% on the customs value of imported goods. The customs value is calculated based on the cost, insurance and freight (CIF) level.

6.3 Land and Building Tax

Land and building tax (*Pajak Bumi dan Bangunan* or *PBB*) is a part of regional taxes, which are governed under Regional Taxed and Retribution (*Pajak Daerah dan Retribusi Daerah* or *PDRD*) Law.

The PBB tax due is calculated by applying the tax rate on the sale value of the tax object (Nilai Jual Objek Pajak or NJOP) deducted by non-taxable NJOP.

Although the *PBB* tariff and the non-taxable threshold can vary from one area to another, the central government had set a ceiling on the PBB tariff and non-taxable threshold as follows:

- the maximum *PBB* tariff is 0.3%; and
- the non-taxable *NJOP* entitlement for each taxpayer is set at a minimum of IDR 10 million.

The scope of *PBB* under *PDRD* Law includes all land and buildings except for the following industries, which are governed by separate regulations:

- forestry;
- plantation;
- mineral and coal mining;
- oil, gas and geothermal mining; and
- other industries located in national waters outside the territory of the regional area.



6.4 Duty on the Acquisition of Land and Building Rights

Duty on the acquisition of land and building rights (*Bea Pengalihan Hak Atas Tanah dan Bangunan* or *BPHTB*) is a part of regional taxes. During the transfer, the acquirer is liable for the duty at maximum rate of 5% of the transaction value or % of the government-determined value, whichever is greater.

6.5 Stamp Duty

Since January 2021 Stamp duty is of a single nominal amount of IDR 10,000. The types of documents upon which stamp duty is payable include:

- letter of agreement, prepared for the purpose of evidencing acts, facts or conditions of a civil nature;
- notarial deeds; and
- all documents bearing a sum of money including letters of promise to pay, securities or cheques.

6.6 Transfer Pricing

Transactions between related parties must be consistent with the arm's-length principle. Failing which, the Director General of Tax is allowed to reassess the taxable income or deductible expenses arising from the related parties.



CHAPTER 7: TAX AUDIT





TAX AUDIT

Tax audit may be conducted at the company's premises, DGT offices, or both.

The DGT can issue an underpaid tax assessment letter within five years after the incurrence of a tax liability, the end of a tax period (month), or the end of (part of) a tax year.

Conditions that may trigger a tax audit:

- taxpayer request for tax refund;
- tax return in an overpayment position (not necessarily accompanied by a refund request);
- the taxpayer has changed its fiscal year or bookkeeping method or performed fixed assets revaluation;
- a tax return not filed within the prescribed time or filed after the deadline stated in a warning letter, which has been selected to be audited based on a risk analysis; and
- any tax return meeting certain DGT criteria (undisclosed by DGT).



ABOUT: BENNY GUNAWAN & PARTNERS





ABOUT BENNY GUNAWAN & PARTNERS

Company Background

Our tax consultant firm, Benny Gunawan & Partners was established in 1992 and offers a broad range of tax services in the Republic of Indonesia. We have been providing the highest standard of tax services and tax solutions to our clients for more than 30 years. It is our fundamental principle to have best quality services, good technical skill, on time schedule, and work smart.

Services provided:



Tax

- · Tax Consulting and Planning
- · Tax Review and Compliance
- · Tax Return Preparation
- Tax Verifications
- Tax Objection and Litigation



- · General Audit
- · Operational/ Management Audit
- · Internal Audit Outsourcing
- Due Diligence
- · Compilation and Review of Financial Statements



- · Accounting and Management Information System Design
- Organization Structure and Job **Description Design**
- · Feasibility Study
- · Company Share Valuation
- · Initial Public Offering Assistance

Actuary & **Appraisal**

- · Evaluate, Manage, & Advise on Financial Risks
- Developing New Financial Products
- · Conducting Valuations of Assets and Liabilities

Computer

- Tax Software
- · Accounting Software

Recruitment

- Executive Recruitment
- Employee Recruitment
- Interview Service

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