



April 2021 – Issue 1

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The Architects Sector – New Government Regulation of the Omnibus Law on Job Creation

On 2 February 2021, the Indonesian Government has issued Government Regulation No. 15 of 2021 (“**GR 15/2021**”), the implementing regulation of Law No. 6 of 2017 on Architects (“**Architects Law**”) which was recently amended by Law No. 11 of 2020 on Job Creation (the “**Omnibus Law**”).

As an implementing regulation of the Architects Law, GR 15/2021 provides more detailed explanations of the provisions of the Architects Law and this advisory highlights the key provisions of GR 15/2021.

Please note that GR 15/2021 applies to individuals and an ‘architect’ is defined as any person who has the required qualifications and has been appointed by the Indonesian Architects Council (*Dewan Arsitek Indonesia* - “**Council**”) to provide architectural services.

Architects’ Performance Standards

GR 15/2021 requires all architectural services to meet the architects’ performance standards, which are the benchmarks that guarantee the efficiency, effectiveness and quality requirements that are used as guidelines for architectural services.

The scope of architectural services includes the following:

- a. preparing the initial architectural study;
- b. designing the building and its environment;
- c. preserving buildings and their environment;
- d. providing the layout design of a building and its environment;
- e. preparing technical planning documents; and
- f. supervising the architectural aspects of a building's construction and its environment.

In addition, other architectural services can be provided jointly with other professionals related to the following:

- a. urban planning and land use;
- b. project management and construction management;
- c. community assistance; and
- d. other construction services.

I. Architect's Registration Certificate (*Surat Tanda Registrasi Arsitek* - "STRA")

To provide architectural services an STRA is required. STRAs are issued by the Council at least three times a year according to the schedule set by the Council. To obtain an STRA, the applicant must:

- a. undergo an internship of at least 2 years continuously having passed a national or foreign architecture education program recognized by the Central Government or have at least 10 years practical work experience for those who qualify for past learning recognition; and
- b. pass the competence examination as evidenced by a competence certificate.

II. The Architect's License

A. The Issuance of the License

Every architect must have a license to participate in building operations. Building operations are activities related to Building Approval (*Persetujuan Bangunan Gedung* - PBG) and other licenses required for the public's protection. If an architect does not have a license, the architect must cooperate with another architect who does have a license.

These licenses are issued and signed by the regional civil service office in charge of building matters. A license is valid for the province in which it is issued and an architect may have more than 1 License.

In order to obtain a license, an architect must:

- a. hold a valid STRA; and
- b. obtain a recommendation from the Indonesian Architects Association at the provincial level.

III. The Transfer of the Expertise and Knowledge of Foreign Architects

Foreign architects may provide architectural services:

- a. at the request of a business entity in Indonesia;
- b. on the initiative of a foreign architectural business entity;
- c. at the request of an Indonesian architect; or
- d. at the request of the office or institution where the foreign architect works.

To provide his/her services a foreign architect must satisfy the following requirements:

- a. have an Indonesian work permit as required under the prevailing laws and regulations on the utilization of foreign manpower;
- b. have a valid architect's competence certificate issued by an official certification body or one recognized by his/her country of origin or another country, that has been verified and registered by the Council; and
- c. partner with other architects.

Foreign architects who provide architectural services in Indonesia are required to transfer expertise and transfer knowledge to Indonesian architects on an equal basis through the following measures:

- a. developing and improving the services of Indonesian architects in the workplace;
- b. transferring professional knowledge and abilities to Indonesian architects; and/or
- c. providing education and/or training in educational institutions, research institutions, and/or development institutions in the field of architecture free of charge.

IV. Administrative Sanctions

The government can impose administrative sanctions for violations regarding the following:

- a. ownership of an STRA;
- b. meeting the architects' performance standards;
- c. complying with the foreign architect competence requirements;
- d. the transfer of expertise and transfer of knowledge by foreign architects;
- e. foreign architect partnerships with Indonesian architects; and
- f. the use of licenses.

Indonesian architects who do not meet architect performance standards are liable to the following administrative sanctions:

- a. written warnings;
- b. a temporary suspension of their architectural services;
- c. the freezing of their STRA; and/or
- d. the revocation of their STRA.

Foreign architects are liable to an administrative sanction of a suspension of their architectural services if it is found that they do not hold a registration certificate. Their architectural services will be suspended until they are registered. If a foreign architect continues to provide his/her architectural services after being sanctioned, the Council will submit a recommendation to revoke his/her license to the Minister of Manpower.

Any foreign architect who fails to transfer expertise and knowledge will have the following administrative sanctions imposed on him/her:

- a. written warnings;
- b. a temporary suspension of his/her services; and/or
- c. the freezing of his/her registration letter.

Furthermore, any foreign architect who does not partner with an Indonesian architect will have the following administrative sanctions imposed on him/her:

- a. written warnings;
- b. a temporary suspension of his/her services; and/or
- c. the freezing of his/her registration letter.

V. Transitional Provisions

The transitional provision of GR 15/2021 provide that when GR 15/2021 comes into effect:

- a. certificates of the person in charge of an architectural service issued by a Regional Government before the issuance of GR 15/2021 will remain valid until they expire;
- b. applications for a certificate of the person in charge of an architectural service which are still being processed will be issued according to the laws and regulations prevailing before GR 15/2021 was issued;
- c. administrative sanctions imposed before the issuance of GR 15/2021 will remain in effect until they expire; and
- d. violations that are still being processed will be dealt with according to the laws and regulations prevailing before GR 15/2021 was issued.



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