



Foreign Researcher Permit in Indonesia

YMC 2015 Workshop

Jakarta, November 26, 2015

DIRECTORATE OF INTELLECTUAL PROPERTY MANAGEMENT
MINISTRY OF RESEARCH, TECHNOLOGY, AND HIGHER EDUCATION



Background

- Science and Technology (S&T) development must be supported by research activities
- Increasing number of joint-research collaboration
- Increasing interest of foreign researchers to Indonesia (biodiversities, environment, natural disasters, social & cultures)
 - **Controlling on natural resources and National securities**
 - **Need regulation for foreign research permit**



Benefit of Foreign Research

- Intensification of International Collaboration, especially in the field of S&T
 - Exchange of S&T data and information
 - Increasing the capability and experience of Indonesian scientists → transfer of technology
- Increasing Indonesian roles in global issues (eg.: environmental issues: REDD+, etc.)
- Increasing *Capacity Building*. eg. *studentship*, *lectureship*, establishment of *Research Centre*, training for local people, etc.)

Legal Aspects

National System for R&D and application of S&T

Law (UU)
18/2002

Permits for Foreign Universities, R&D Institutions, Companies & Individuals

Gov. Reg. (PP)
41/2006

Reporting the Results and Activities of Foreign Researchers in Indonesia

Ministry Reg. (Permen)
8/2007

Formation of the Coordinating Team for Foreign Research Permits

Ministry Reg. (Permen)
9/2007

- 1) International collaboration may be pursued by **all institutional elements of S&T** to enhance **transfer of technology** from other countries, and to enhance participation in international scientific communities.
- 2) The collaboration shall be conducted on the basis of **equality and mutual benefit**, and shall **not harm national interests**, and do not contravene prevailing laws and regulations.
- 3) The Government shall be responsible for **providing support** to universities and R&D bodies seeking international cooperation in S&T
- 4) Any non-resident foreign researchers that intend to conduct R&D in Indonesia shall obtain **written permits from the relevant authorities**

Article 17



Other Related Regulations

- Immigration Law and its derivatives:
 - Law (UU) no. 9/ 1992 (revised as UU no. 06/2011)
 - Govt. Regulation (PP) no. 32/ 1994
 - Directorate General Immigration Reg. no. F434.IZ.0.1.10/2006
- Police Law: UU no. 2/ 2002
- Regulation of the Home Affair Minister no. 49/ 2010
- *Natural Resources Conservation Law no. 5/ 1990*
 - Regulation of Dirjen PHKA No. SK. 192/IV-Set/Ho/2006



Other Related Regulations

- Law of the Republic of Indonesia No 17 of 1985 on Ratification of UN Convention on the Law of the Sea
- Law of The Republic of Indonesia No 11 of 2013 on Ratification of Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity
- Law of the Republic of Indonesia No 05 of 1994 on Ratification of UN Convention on Biological Diversity.



Other Related Regulations

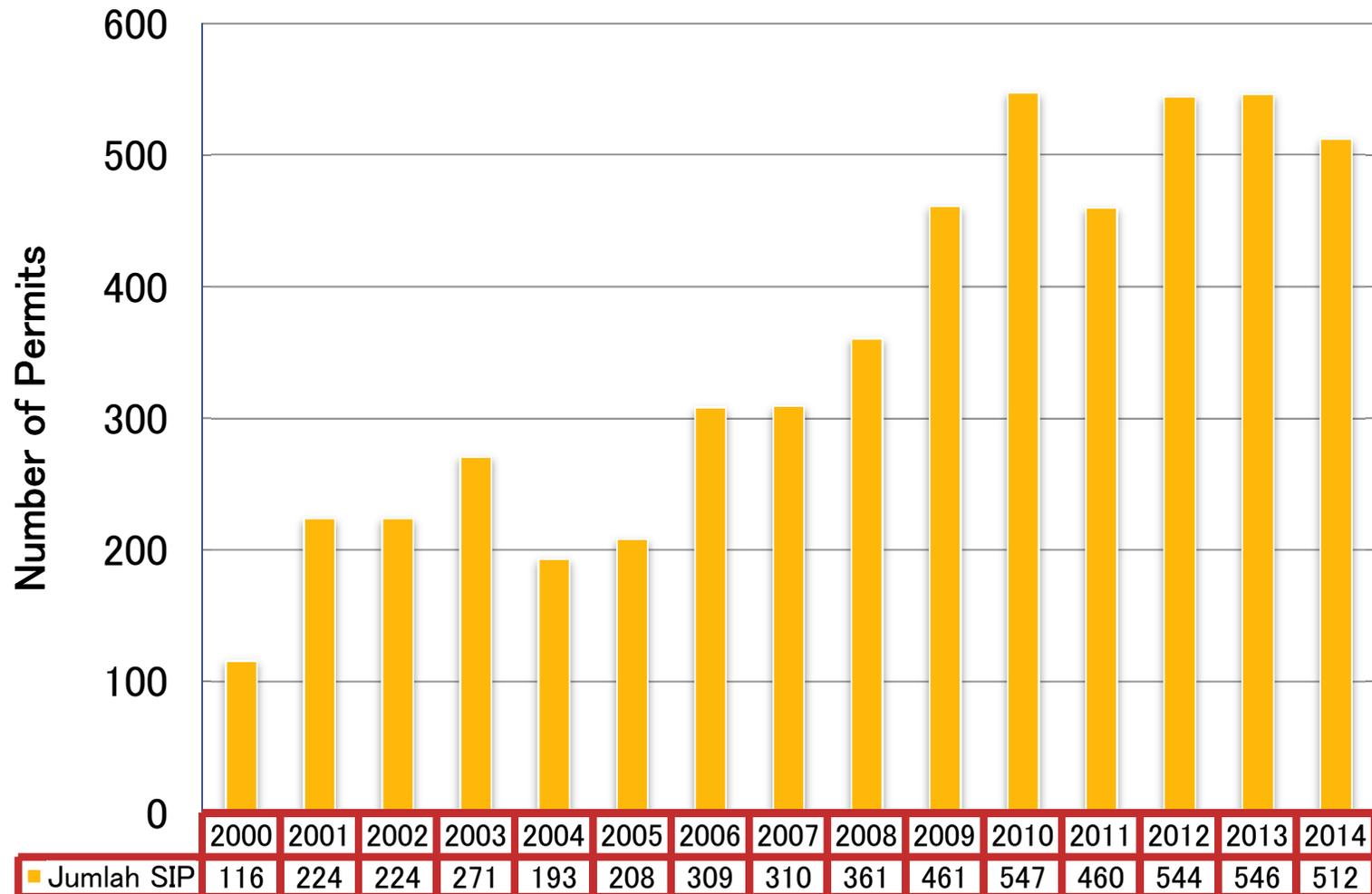
- Law of The Republic of Indonesia No 5 of 1990 on Biodiversity and Nature Resources Conservation; particularly The Regulation of Director General for Forest Protection and Nature Conservation No. SK. 192/IV-Set/Ho/2006 on Permit for Entering conservation Areas (SIMAKSI)
- Government Regulation No 9 of 2014 Regarding the Implementation of The Law Number 9 of 2014 on The Geospacial Information;

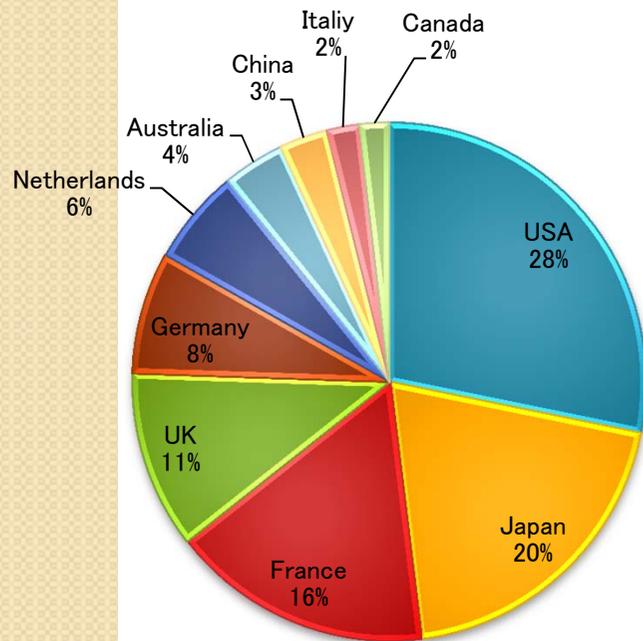


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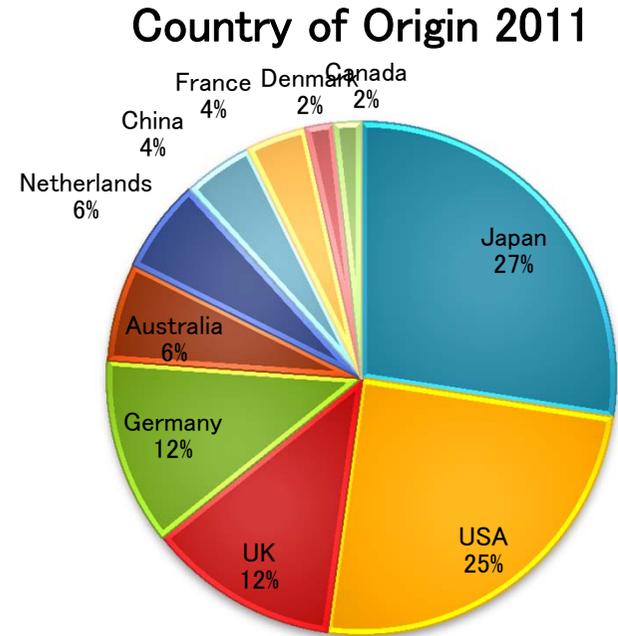
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Total Number of Foreign Researches that were granted for Permit

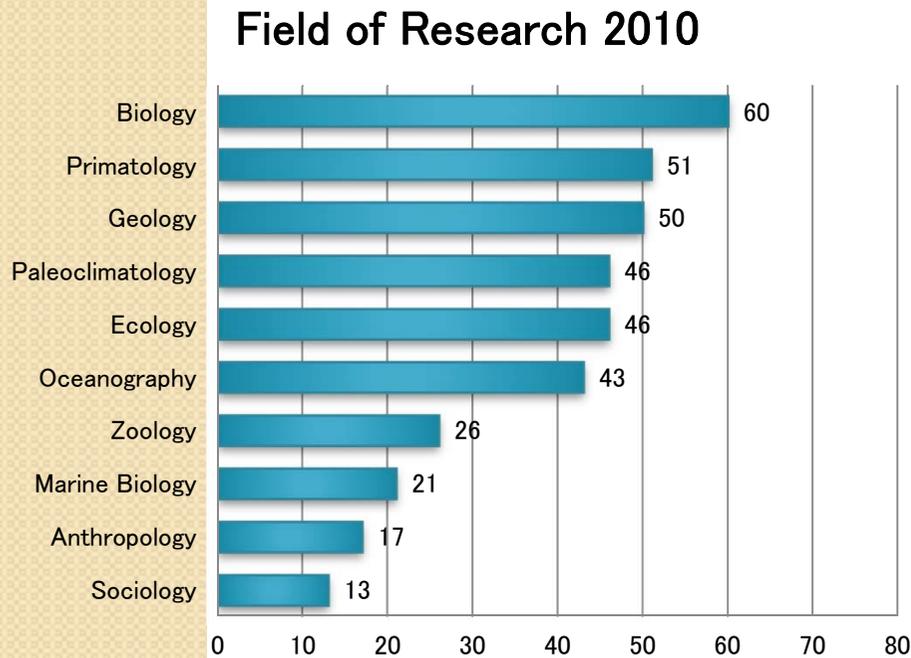




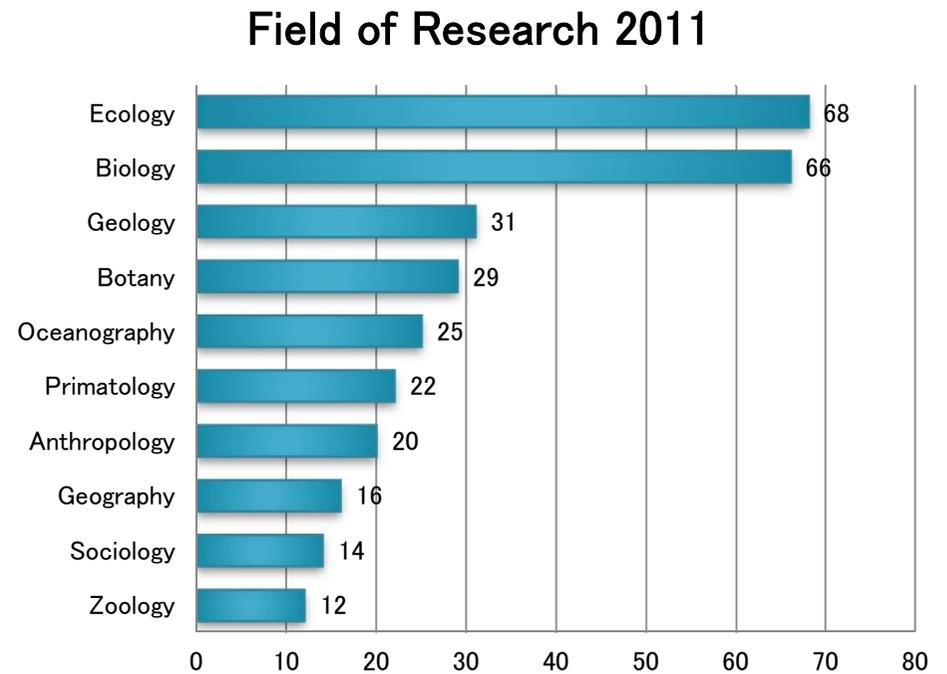
Country of Origin 2010



Country of Origin 2011

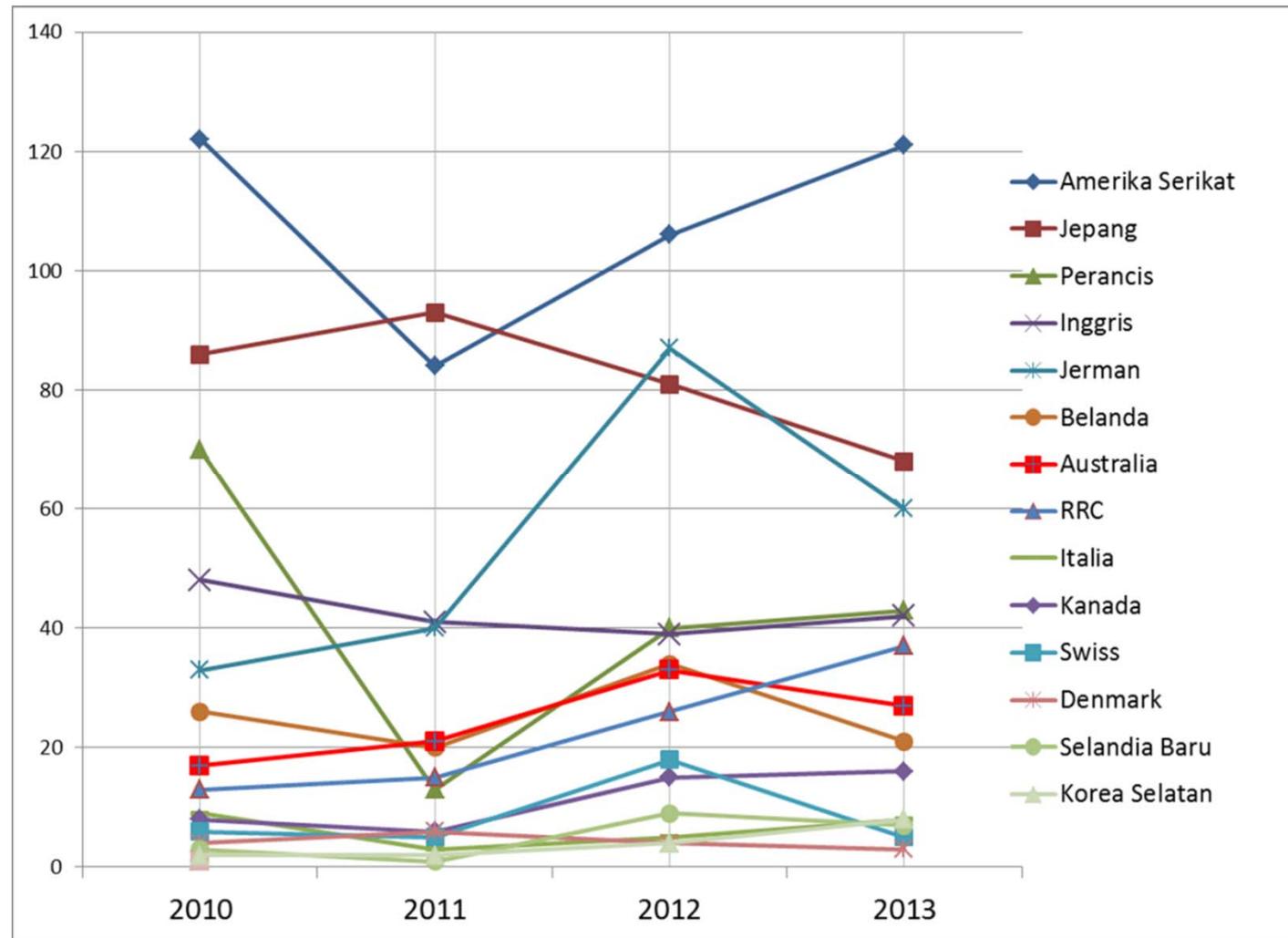


Field of Research 2010

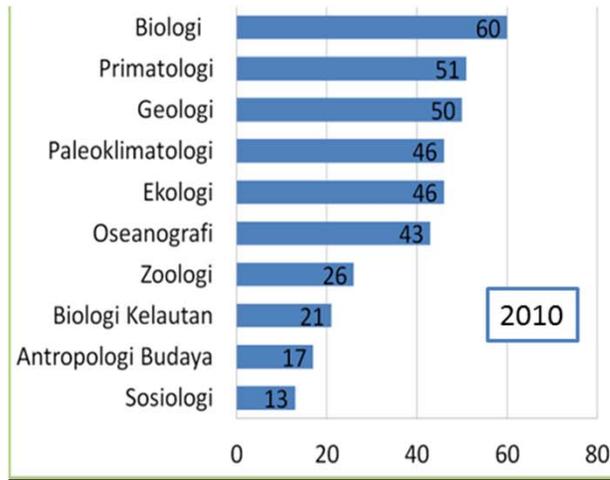


Field of Research 2011

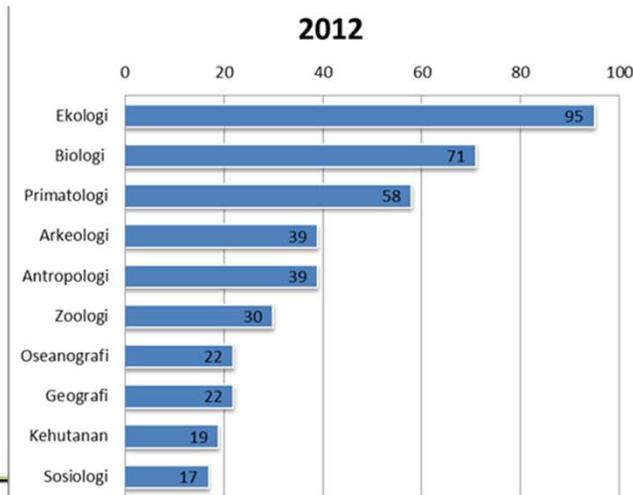
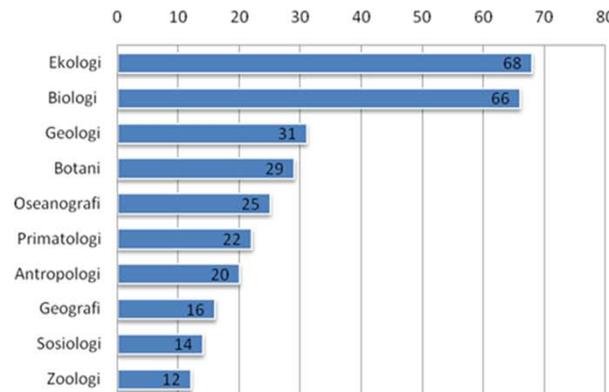
The Big 10 countries of Foreign Researchers in Indonesia



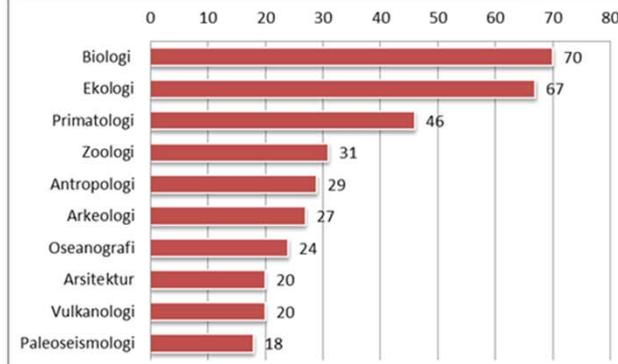
The most favorable Field of Research 2010–2013



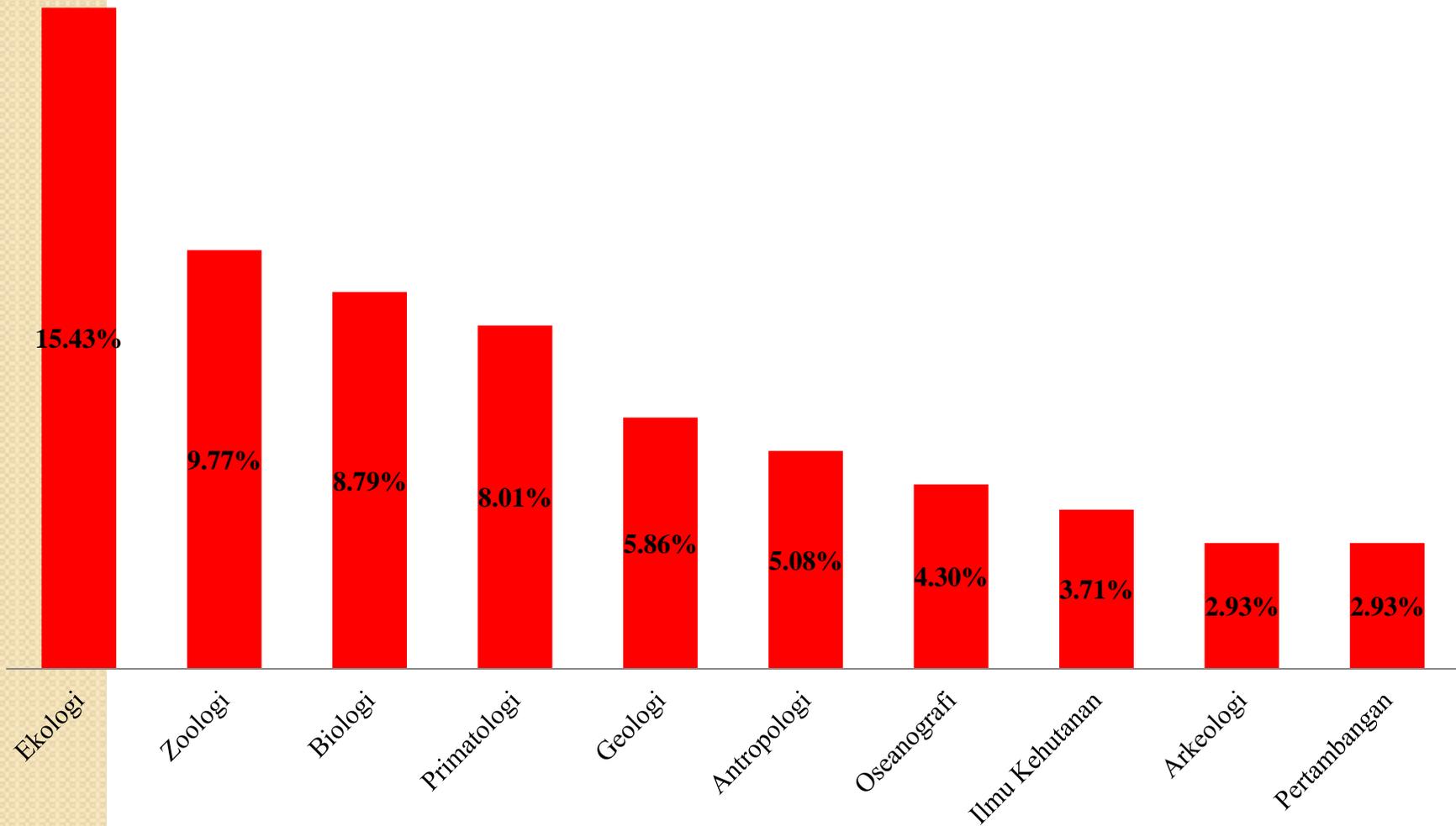
Top 10 Bidang Penelitian Asing 2011



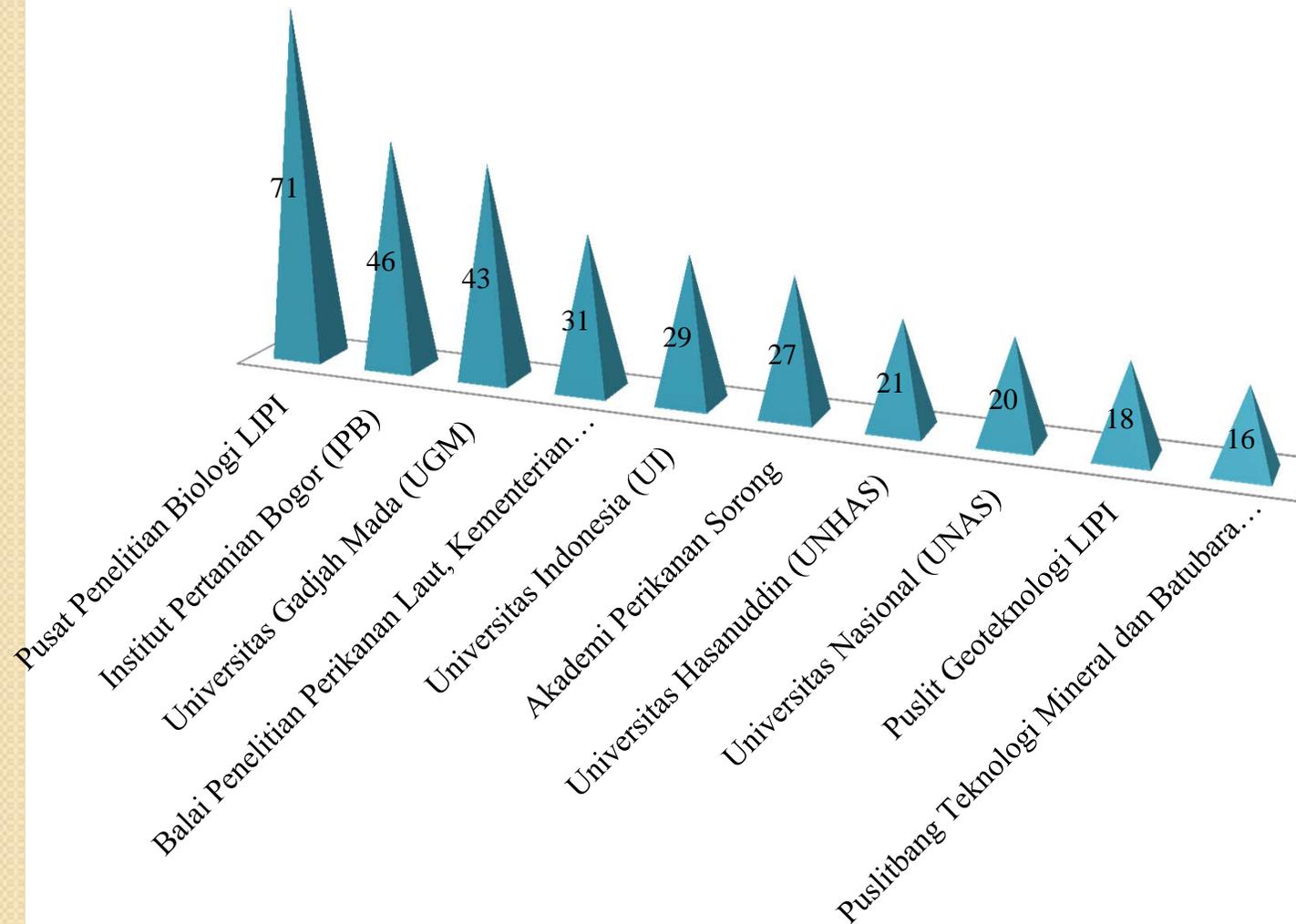
Bidang Penelitian Asing 2013



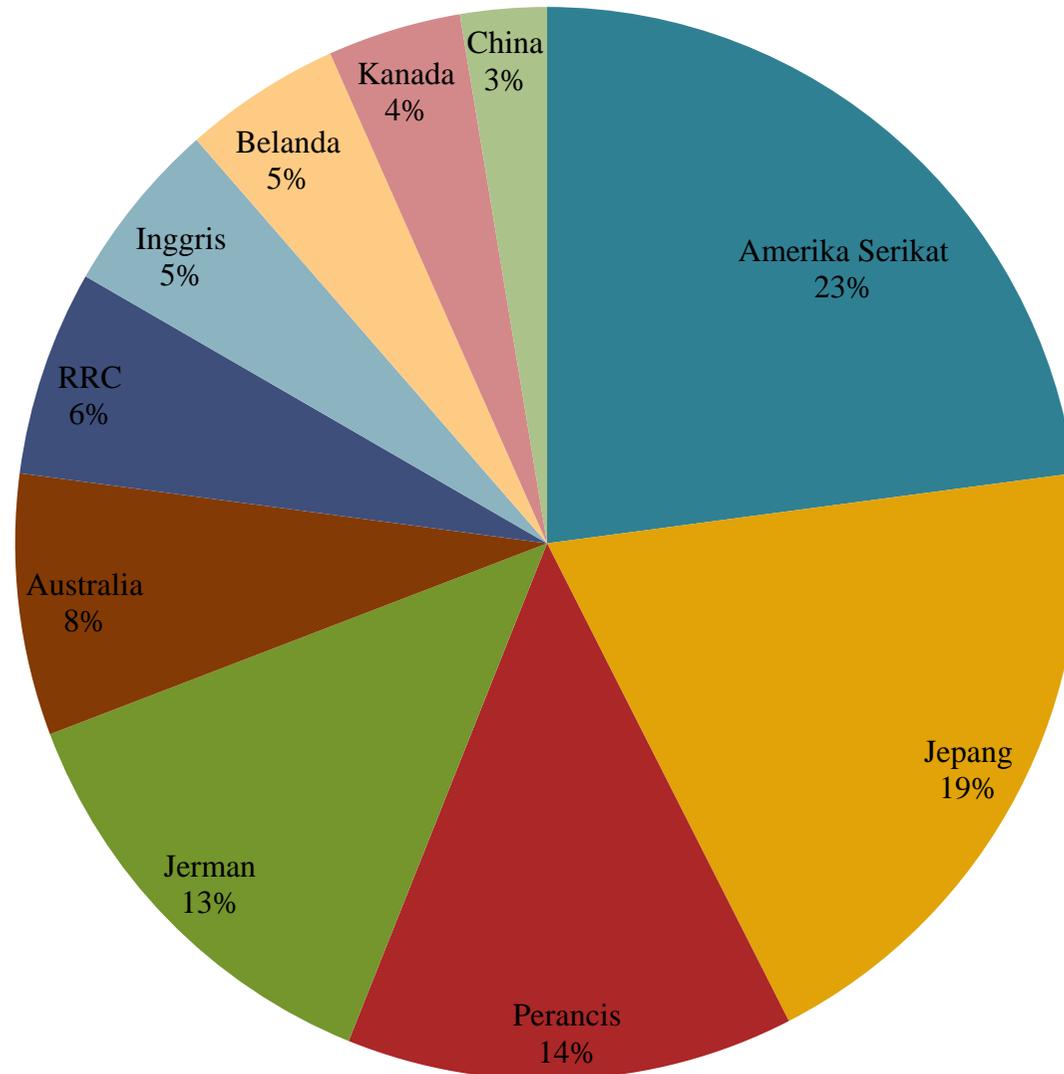
Top 10 of Field Study 2014



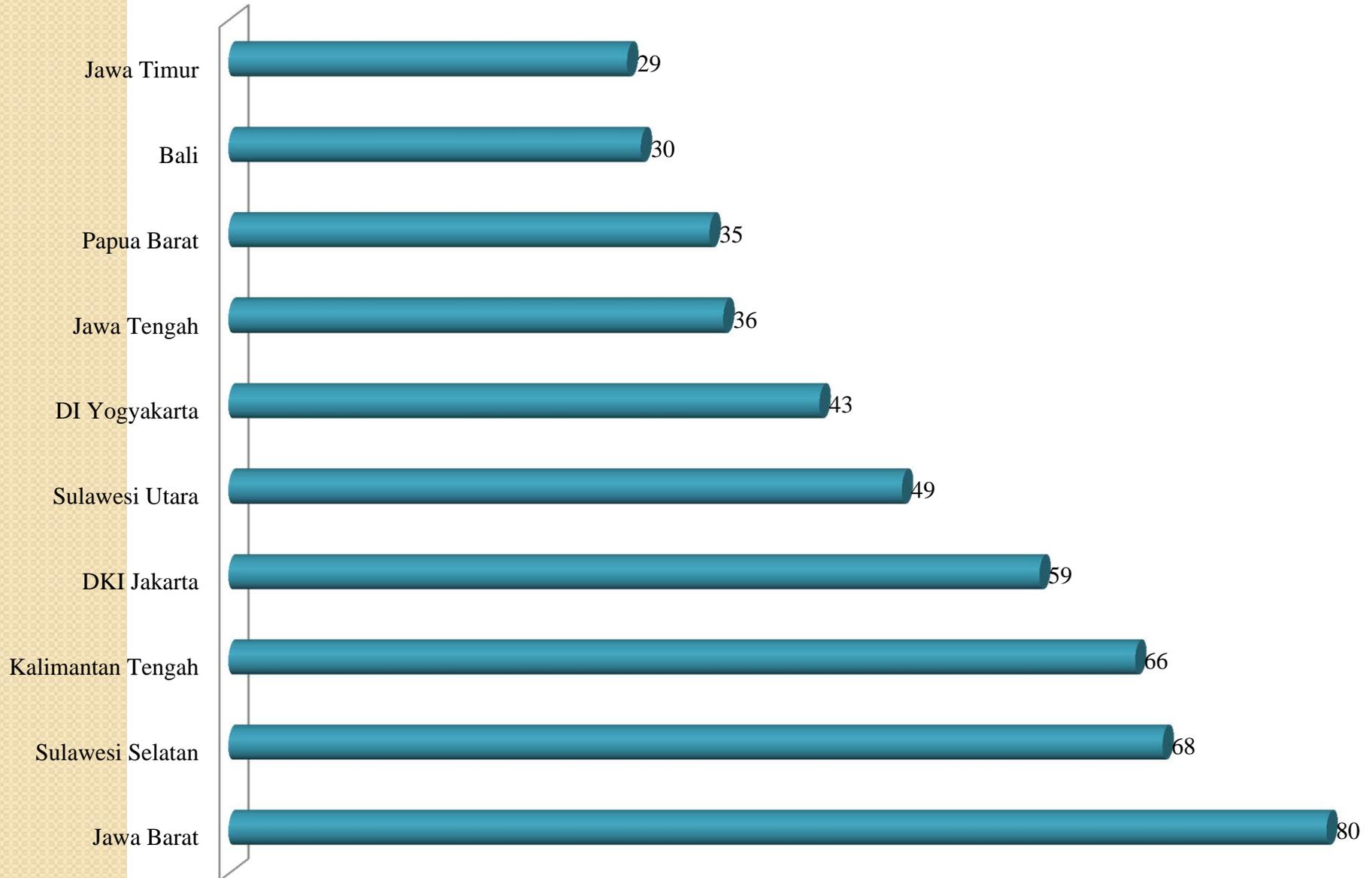
Top 10 of Indonesian Counterpart 2014

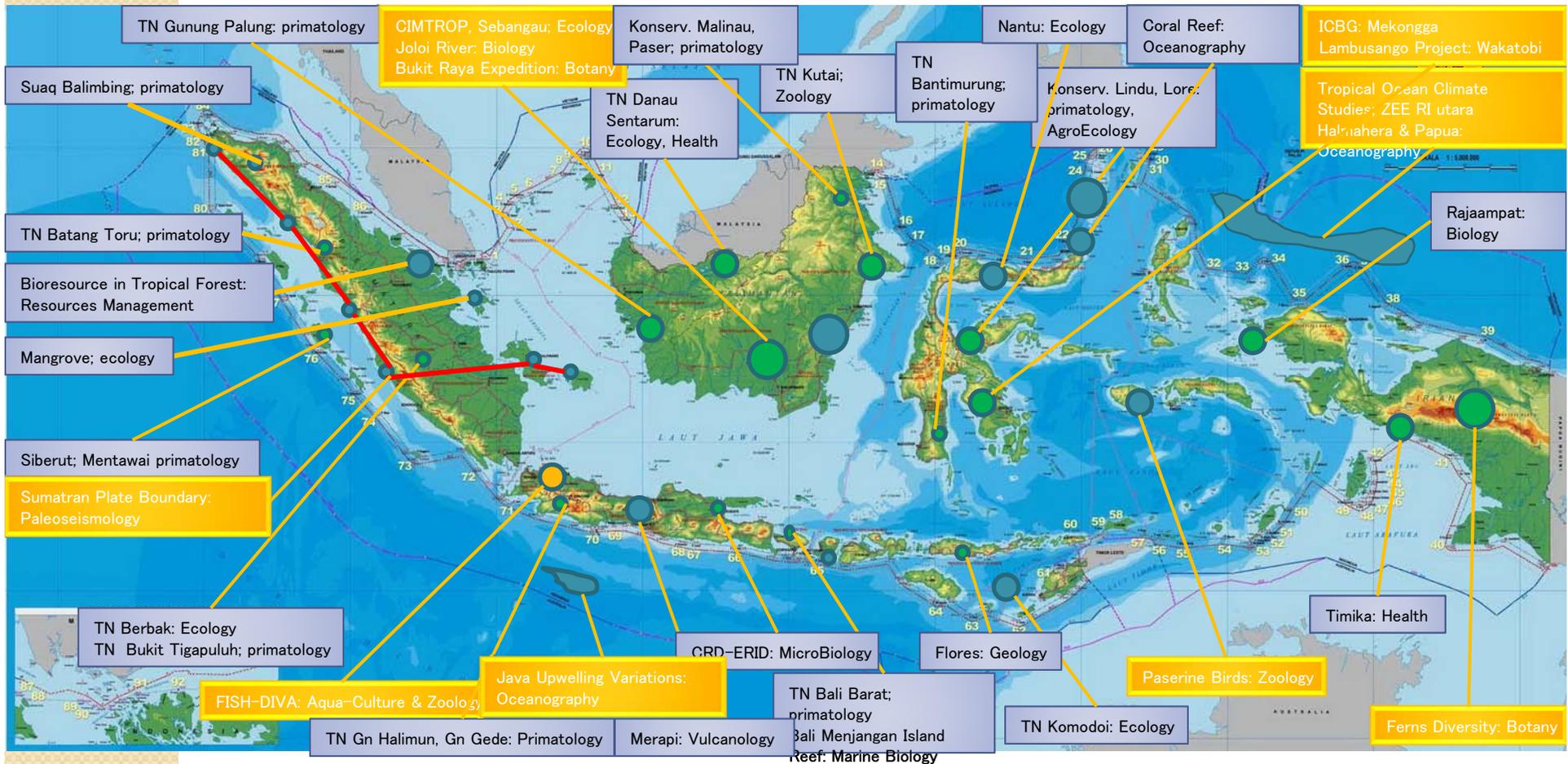


Top 10 of Researchers' Nationality 2014



Top 10 of Research Sites 2014





HOT-SPOTS of Foreign Researches 20



Evaluation Points of Permit

- Bilateral/ Multilateral Relationship
- S&T Benefits
- Environmental Reservation
- Politics
- Defense & Security
- Social
- Cultural
- Religion
- Economic
- Equal Partnership

Application Documents (1)

Formal Application Letter to conduct research in Indonesia, addressed to the Secretariat of the Ministry of Research & Technology

Recommendation letter from Indonesian Embassy

Research Proposal

CV of the Researchers

Recommendation letter from the Profesor/ Senior Researcher & affiliation Institution

Recommendation Letter from Indonesian Counterpart

Application Documents (2)

Recommendation Letter from the Sponsor

Letter of Financial Guarantee for the Research

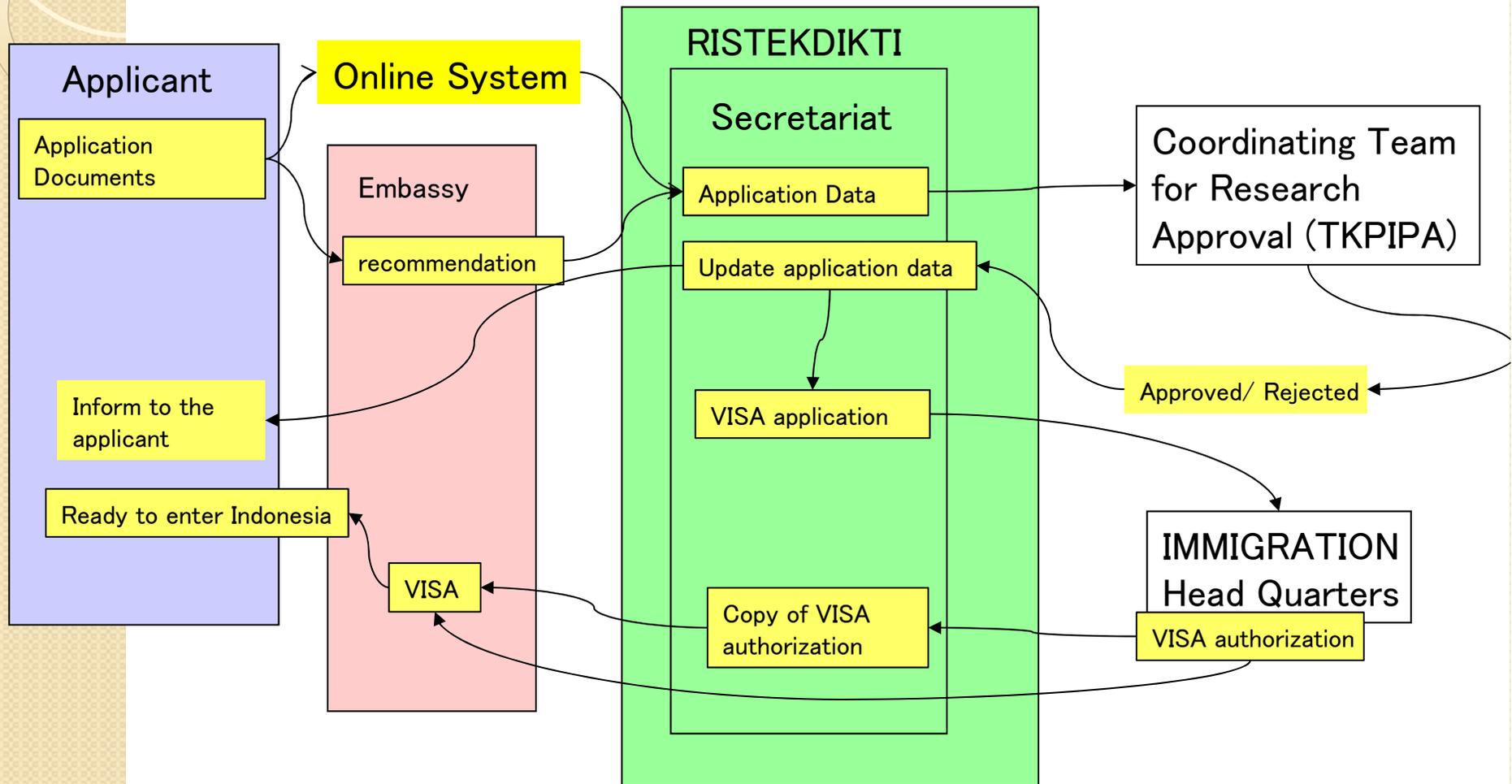
Letter of Good Health

List of equipments to be brought (if any)

Photocopy of Passport of the researchers (and dependents)

Pass photo 4x6 cm (4 pieces)

Pre-Arrival Procedures



Total time since application to approval decision: 2 weeks
Plus processing the Visa Authorization : 10 working days

Representatives of the Coordinating Team for Research Permit (TKPIPA)

Setneg, Kemlu,
KemkumHAM, Kemdagri

POLRI, BAIS-TNI, BIN,
Kemhan

RISTEKDIKTI

Chairman & Secretary of
TKPIPA

KKP, Kemkes, Kemhut,
Kemtani, Kemdiknas, Kemenag
Kembudpar, ESDM, LHK

BPPT, LIPI, LAPAN, BIG

Marine Scientific Research

- Law of the Republic of Indonesia No 17 of 1985 on Ratification of UN Convention on the Law of the Sea
- Research by Using Research Vessel in Indonesian waters and EEZ
- Security Clearance & Security Officer

Marine Scientific Research

Permit Applicant



MINISTRY OF RISTEKDIKTI
Coordinating Team of Foreign Research Permit
(TKPIPA) 2 weeks

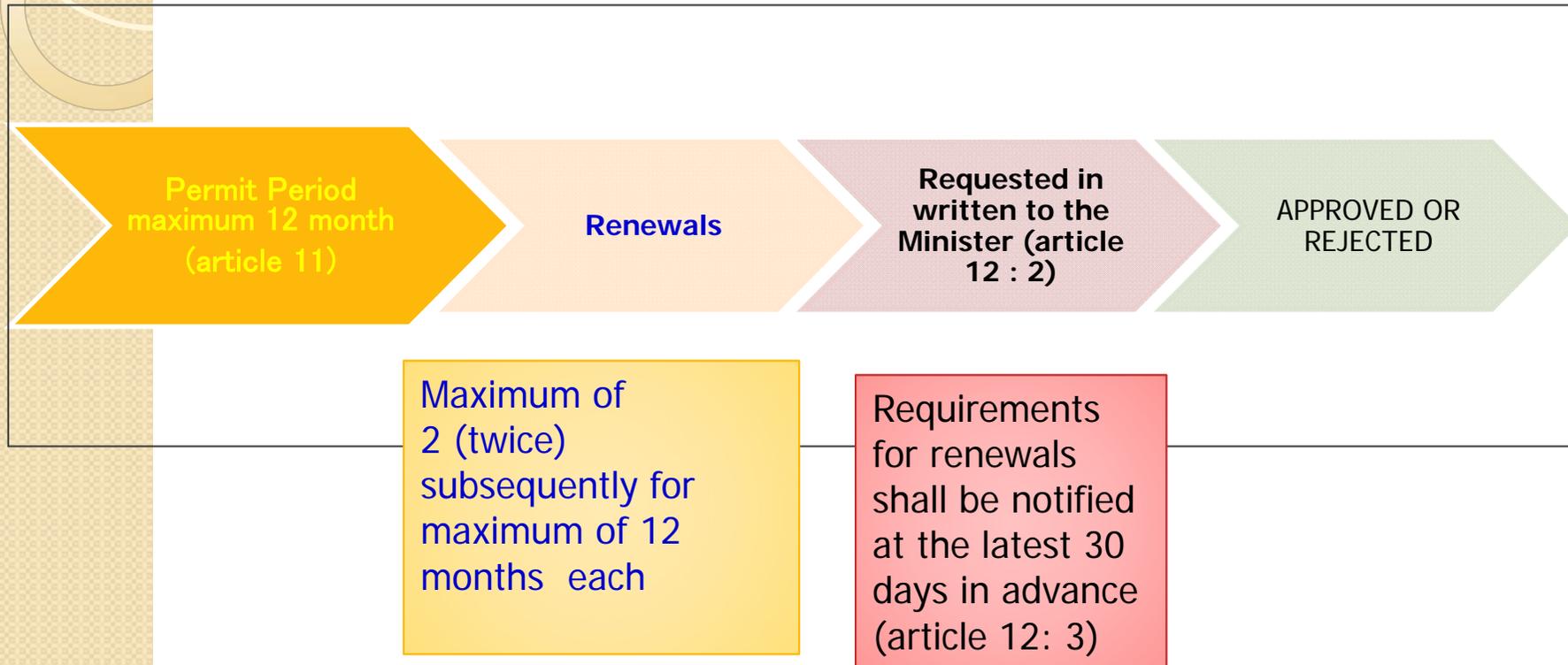
Research Permit



Ministry of Defense
SC & SO
30 days

Immigration HQ
Special Visa
(ITAS Perairan)
2 weeks

Permit period and its renewals



Sponsor & Counterpart

■ Sponsor

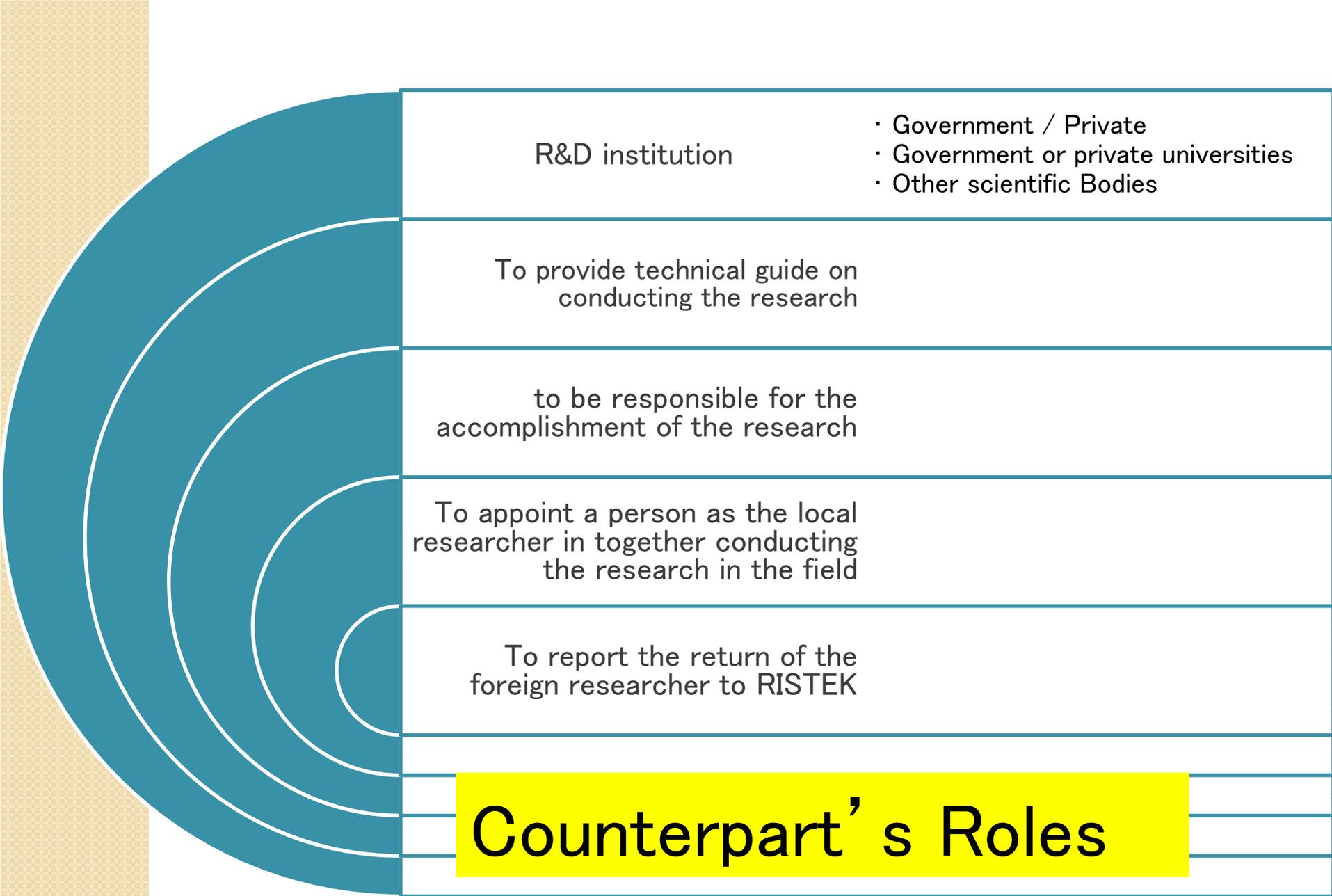
- ▶ Individual or Organisation residing in or outside Indonesia which is established under Indonesian Law or other jurisdiction that undertakes responsibility for R&D activities by foreign researchers – (Article 1: 9)

■ Counterpart

- ◆ Indonesian private or state-owned corporate R&D institute and/ or university – (Article 1:10)

Sponsor & Counterpart (continued...)

- The competence and qualification of the sponsor and the counterpart shall be decided by the coordinating team—
article 14 ayat (2)
- The sponsor shall be responsible for the foreign researchers during their presence in Indonesian territory to conduct R&D activities – *article 15*
- The counterpart shall be responsible for the conduct of R&D activities – *article 16*
- The requirement to having a sponsor may be exempted in case that the counterpart has the competence and qualification as a sponsor – *article 17*



R&D institution

- Government / Private
- Government or private universities
- Other scientific Bodies

To provide technical guide on
conducting the research

to be responsible for the
accomplishment of the research

To appoint a person as the local
researcher in together conducting
the research in the field

To report the return of the
foreign researcher to RISTEK

Counterpart's Roles

FR Obligations

To report his/ her arrival to RISTEK in order to obtain the Research Permit Letter

To arrange for other administrative process (Travelling Permit, Research Notification Letter, Police Registration Card, Limited Stay Permit Card, Local Authority Permit, etc.)

To obey all prevailing law and regulations and to obey local community norms; to consult always with his/ her counterpart

not to perform any activities other than research activities as stated in the permit

To deliver research report to RISTEK

Monitoring – Reporting

- article 19 PP 41/2006:
 - The foreign researchers shall provide the Minister with report on the progress of their R&D activities on periodical basis
- article 2 (2) Permen 8/2007:
 - The reports shall be provided on written to the Ministry via the Head of Coordinating Team with cc to the counterpart and Local Authorities where the research take place.
- article 4 Permen 8/2007 :
 - The report consist of Progress Report and Final Report

Supervision and Sanctions

■ Supervision

- ◆ The Government shall supervise the conduct of R&D activities of foreign researchers – Article 22: (1)

■ Sanctions

- ◆ Any violation of the permit shall be subject to administrative sanctions, may be in the form of:
 - a) Oral warning;
 - b) Written warning;
 - c) Suspension of activity;
 - d) Annulment and/ or revocation of the permit.
- ◆ The Minister shall have the authority to impose administrative punishment in the form of annulment and/ or revocation of the R&D permit – Article 23:(3)
- ◆ The imposition of the administrative sanctions shall be without prejudice to the government's right to prosecute the violator in accordance with other prevailing laws and regulations– article 25

Material Transfer Agreement

Article 20 :(2):

- Foreign universities, R&D institutes, entities or individuals **may not take any sample and/ or specimen** from their R&D activities **out of the territory of Indonesia** unless specified otherwise by the statutory provisions.

Elucidation of article 20: (2):

- The statutory provisions under this article means Law number 4 of 2006 on Ratification of *International Treaty on Plant Genetic Resources for Food and Agriculture* which provides for *Material Transfer Agreement* that allows for the exchange of samples and/ or specimens among countries for research purposes.

Regulation by Ministry of Agriculture No:15/Permentan/OT.140/3/2009 on the Guidelines for MATERIAL TRANSFER AGREEMENT

Regulation by Ministry of Health No. 657/2009 on the Delivery and Use of Clinical Specimens, Biological materials and their information contents



Material Transfer Agreement

- **The Decree of The Minister of Health No. 732/Menkes/SK/VII/2008 Regarding The Guideline for The Transferring Specimens for Health Research and Development Purposes**
- **The Decree of The Minister of Agriculture No.15/Permentan/OT.140/3/2009 Regarding the Material Transfer Agreement**
- **Law of The Republic of Indonesia No 11 of 2013 on the Ratification of Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity**



Thank you ...

Secretariat Address

The Ministry of Research,
Technology, and Higher
Education

Directorate of Intellectual
Property Management

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10340 Gedung BPPT II Lt. 20

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