

Covid-19 and tax litigations

Filing deadlines shifted, court hearings rescheduled

The Tax Court issued circular letter No. SE-03/PP/2020 (SE-03) on 2 April 2020 setting out some guidelines to deal with the current development of covid-19. Firstly, SE-03 specifies the period from **17 March to 21 April 2020** as the Covid-19 Spread Prevention (CSP) period. It then set out some adjustments to the litigation submission times that otherwise would hit the deadline in the CSP period and tax hearing schedules supposed to take place then.

Issues	Treatment
1. Tax dispute hearings supposed to take place in the CSP period	The hearing shall be rescheduled for some day after the end of the CSP period, the precise date to be notified by email by the hearing clerk to the disputing parties.
2. Time allotted for an appeal submission (by default three months)	<p>The CSP is treated differently depending on how an appeal which otherwise would be due in the CSP period is submitted:</p> <ul style="list-style-type: none">• If the appeal is submitted by hand, the 36-days of the CSP period shall not be counted in the submission time. By way of an example, an appeal which otherwise would hit the deadline on 17 March 2020, will see the submission deadline shifted to the next 36 days from 17 March 2020 to 22 April 2020 ;• If the appeal is submitted by registered mail, the submission time "shall refer to the provision of Law No. 14/2002 regarding Tax Court", suggesting that the deadline is unaffected by the CSP.
3. Time allotted for a lawsuit submission (by default one month)	<p>A plaintiff has by default one month from the receipt of a certain decision to submit a lawsuit against it to the tax court. However, it is not binding if the plaintiff is unlikely to satisfy the rule due to a situation beyond its control. The Tax Court law allows an extension of the lawsuit submission time for a maximum of 14 days from the end of such that situation.</p> <p>SE 03 appears to just follow the Tax Court Law's guidelines as far as by-hand submissions are concerned. The CSP firstly is designated as a situation beyond any plaintiff's control to satisfy</p>

Issues	Treatment
	<p>the one-month rule. A 14-day extension is then added to the default submission time, to be counted from the end of the CSP period. Hence, lawsuit submissions which otherwise would fall due in <i>any</i> day within the CSP period, if submitted by hand, will have the same deadline of 5 May 2020.</p> <p>The time extension is not applicable for lawsuits submitted by registered mail. In this case, the submission time “shall refer to the provision of Law No. 14/2002 regarding Tax Court”, suggesting that the deadline is unaffected by the CSP.</p>
4. Judges’ preparation for a dispute hearing	Judges shall commence a dispute hearings within six months after the appeal submission or three months in the case of a lawsuit. The time allotted for hearing preparation shall not take into account the 36-days of the CSP period.
5. Helpdesk service for by-hand appeal/ lawsuit submissions	Not available during the CSP period.
6. Helpdesk service for by-hand case review request submissions	Not available during the CSP period.
7. Helpdesk service for other affairs	Services for-hand submission of any other letters are not available. Letters are to be sent by email to informasipp@kemenkeu.go.id . Information may sought from www.setpp.kemenkeu.go.id or by phone/WA from 08119202032.

Please stay in touch with us for further update.

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