

REGULATION OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA
NUMBER 110 OF 2017

ON
HAJJ FUND MANAGEMENT AGENCY

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement the provisions of Article 28 section (4), Article 30 section (4), and Article 33 section (3) of Law Number 34 of 2014 on Hajj Fund Management, it is necessary to issue a Presidential Regulation on Hajj Fund Management Agency;

Observing : 1. Article 4 section (1) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 34 of 2014 on Hajj Fund Management (State Gazette of the Republic of Indonesia of 2014 Number 296, Supplement to the State Gazette of the Republic of Indonesia Number 5605);

HAS DECIDED:

To issue : PRESIDENTIAL REGULATION ON HAJJ FUND MANAGEMENT AGENCY.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Presidential Regulation:

1. Hajj Fund means all rights and obligations of the Government that have monetary value related to the organisation of hajj and all assets in terms of money or valuable goods resulting from the implementation of those rights and obligations which resulted from the hajj pilgrims' fund and other legal and non-binding sources.
2. *Badan Pengelola Keuangan Haji* (Hajj Fund Management Agency), hereinafter referred to as BPKH, means an institution carrying out Hajj Fund Management.
3. Executive Board means an organ of BPKH that carries out Hajj Fund planning, implementation as well as accountability and reporting.
4. Supervisory Board means an organ of BPKH that supervises planning, implementation and accountability and reporting of Hajj Fund.
5. BPKH employees mean Indonesian citizens who, owing to their expertise, are appointed as BPKH employees.
6. Minister means the minister administering government's religious affairs.

CHAPTER II

ESTABLISHMENT, STATUS AND DOMICILE

Article 2

BPKH is established based on this Presidential Regulation.

Article 3

- (1) BPKH as referred to in Article 2 is a public legal entity based on Law Number 34 of 2014 on Hajj Fund Management.
- (2) BPKH as referred to in section (1) is independent and responsible to the President through the Minister.

Article 4

- (1) BPKH as referred to in Article 2 and Article 3 is domiciled and headquartered in the capital city of the Republic of Indonesia.

- (2) BPKH as referred to in section (1) may have representative offices in the province and branch offices in the regency/municipality.

Article 5

BPKH's organs consists of the Executive Board and the Supervisory Board.

Article 6

- (1) The Executive Board as referred to in Article 5 consists of at least 5 (five) members from professional elements.
- (2) The Executive Board members as referred to in section (1) are appointed and dismissed by the President.
- (3) The Executive Board members are appointed for a term of 5 (five) years and may be proposed to be reappointed for another 1 (one) office term.
- (4) The Executive Board members as referred to in section (1) are elected by a selection committee established by the President.

Article 7

- (1) The Supervisory Board as referred to in Article 5 consists of 7 (seven) members from professional elements.
- (2) The Supervisory Board as referred to in section (1) consists of 2 (two) persons from the government element and 5 (five) persons from the community element.
- (3) The Supervisory Board members from the government element as referred to in section (2) consist of:
 - a. 1 (one) person from the ministry administering government's religious affairs; and
 - b. 1 (one) person from the ministry administering government affairs in the field of finance.
- (4) The Supervisory Board members from the community element as referred to in section (2) are elected by a selection committee established by the President.

Article 8

The selection of the Executive Board members and the Supervisory Board members by the selection committee as referred to in Article 6 section (4) and Article 7 section (4) is carried out in accordance with the provisions of legislation.

CHAPTER III FUNCTIONS, DUTIES, AND AUTHORITY OF EXECUTIVE BOARD

Part One

Functions

Article 9

The Executive Board has the functions of planning, implementing, as well as accountability and reporting on Hajj Fund.

Part Two

Duties

Paragraph 1

Planning

Article 10

To carry out the Hajj Fund planning function as referred to in Article 9, the Executive Board has duties :

- a. to formulate policies;
- b. to prepare strategic plan; and
- c. to prepare annual work plan and budget, Hajj Fund management.

Article 11

- (1) The formulation of the policy as referred to in Article 10 point a is based on:
 - a. Hajj Fund capability;
 - b. economic development; and

- c. the results of monitoring and evaluating the of the hajj administration.
- (2) The Hajj Fund Capability as referred to in section (1) point a, is measured by considering at least the liquidity, profitability, solvency, and Hajj Fund balance aspects.
- (3) To formulate the policy as referred to in section (1), the Executive Board coordinate with the ministry administering the government's religious affairs and/or relevant ministries/non-ministerial institutions.
- (4) The Executive Board is obligated to submit the policy formulation as referred to in section (3) to the Supervisory Board to obtain assessment and approval.
- (5) In the event that the Supervisory Board approves the formulation of the policy as referred to in section (4), the Executive Board stipulates it as the policy on the Hajj Fund management

Article 12

- (1) The preparation of the strategic plan as referred to in Article 10 point b is based on the policy on the Hajj Fund management.
- (2) The strategic plan as referred to in section (1) is effective for term of 5 (five) years.
- (3) The strategic plan as referred to in section (1) contains at least:
 - a. vision, mission, and objective;
 - b. policy direction and strategy;
 - c. regulatory and institutional framework; and
 - d. performance targets and Hajj Fund development framework.

Article 13

- (1) The Executive Board submits a draft of strategic plan to the Supervisory Board to obtain assessment and approval.
- (2) The draft of strategic plan already subjected to assessment and approved by the Supervisory Board as

- referred to in section (1) is submitted by the Executive Board to the House of Representatives to obtain approval.
- (3) The draft of strategic plan to the House of Representatives as referred to in section (2) is submitted not later than 7 (seven) work days after obtaining approval from the Supervisory Board.
 - (4) The draft of strategic plan that already approved by the House of Representatives as referred to in section (3) is stipulated by the Executive Board as the Strategic Plan of the Hajj Fund Management.

Article 14

- (1) The preparation of the annual work plan and budget as referred to in Article 10 point c is based on the strategic plan of the Hajj Fund Management.
- (2) The annual work plan and budget as referred to in section (1) is effective for term of 1 (one) year.
- (3) The annual work plan and budget as referred to in section (1) at least contain:
 - a. program;
 - b. activity;
 - c. budget; and
 - d. performance target.

Article 15

- (1) The Executive Board submits the draft of annual work plan and budget to the Supervisory Board for assessment and approval.
- (2) The draft of annual work plan and budget already subjected to assessment and approval by the Supervisory Board as referred to in section (1) is submitted by the Executive Board to the House of Representatives to obtain approval.
- (3) The draft of the annual work plan and budget already subjected to approval by the House of Representatives as referred to in section (2) is stipulated by the Executive Board as the action plan and annual budget of the Hajj Fund management.

- (4) The annual work plan and budget of the Hajj Fund management as referred to in section (3) is effective as of January 1 to December 31.
- (5) The subsequent annual work plan and budget of the Hajj Fund management is required to be submitted to the House of Representatives s August 1 of the current year.

Paragraph 2
Implementation

Article 16

- (1) To carry out the implementation function as referred to in Article 9, the Executive Board has duties:
 - a. to implement the determined Hajj Fund Management program and recommendations to the results of supervision and monitoring from the Supervisory Board;
 - b. to administer the Hajj Fund Management and BPKH's assets in accordance with the provisions of legislation;
 - c. to determine technical provisions of BPKH operational implementation; and
 - d. to organize the administration of Hajj Fund Management in accordance with the provisions of legislation.
- (2) To carry out the administration of Hajj Fund Management as referred to in section (1) point b, the Executive Board determines the accounting policy and accounting system of the Hajj Fund Management.
- (3) The accounting policy and accounting system of the Hajj Fund Management as referred to in section (2) is prepared in accordance with financial accounting standards.

Paragraph 3
Accountability and Reporting

Article 17

- (1) To carry out the accountability and reporting function of the Hajj Fund as referred to in Article 9, the Executive Board has duties
 - a. to prepare progress reports and financial statement by monthly, quarterly, semester and annually; and
 - b. to prepare the accountability report on the implementation of Hajj Fund management.
- (2) The accountability report on implementation of Hajj Fund management prepared periodically by monthly, quarterly, and semi-annually becomes the material for preparing the Hajj Fund accountability report to the President and DPR through the Minister by semi-annually.
- (3) The Executive Board submits the accountability report on the implementation of Hajj Fund management to the Minister not later than July 20 of the current year.
- (4) The Minister submits the accountability report on the implementation of Hajj Fund management to the President and the House of Representatives as referred to in section (2) not later than July 31 of the current year.
- (5) The accountability report on the implementation of Hajj Fund management prepared by semi- annually in the current year becomes the material for preparing the annual accountability report on implementation of Hajj Fund management.
- (6) The annual accountability report on the implementation of Hajj Fund management as referred to in section (4) in accordance with the provisions of legislation.

Part Three
Authority

Article 18

To carry out the duties as referred to in Article 10 to Article 17, the Executive Board has the authority:

- a. to place and invest the Hajj Fund in accordance with the sharia, prudence, safety, and benefit value principles;
- b. to enter into cooperation with other institutions in the management of Hajj Fund;
- c. to determine the organizational structure and duties and functions, organizational work procedures, and staffing systems;
- d. to organize BPKH staffing management, including appointing, transferring, and dismissing BPKH employees and determining the BPKH employees' salary;
- e. to address proposal to the President through the Minister on honorarium for the Supervisory Board and the Executive Board; and
- f. to determine the provisions and procedures for the goods and services procurement for the implementation of BPKH's duties by considering the transparency, accountability, efficiency and effectiveness principles.

Article 19

The authority of the Executive Board as referred to in Article 18 point a and point b, is carried out in accordance with the provisions of the legislation.

Article 20

- (1) To carry out the authority in determining the organizational structure together with the duties and functions, organizational work procedures, and staffing system as referred to in Article 18 point c, the Executive Board coordinate with the state ministry administering government affairs in the field of state apparatus empowerment.
- (2) The organizational structure as referred to in section (1), at least covers the functions of development or investment, finance (treasury), operations, risk management, law, and personnel.
- (3) Further provisions on the organizational structure as well as duties and functions, organizational work procedures,

and staffing system as referred to in section (1) are regulated in BPKH Regulations.

Article 21

- (1) The implementation of the authority in carrying out the management of BPKH staffing, including the appointment, transfer, and dismissal of BPKH Employees as well as stipulating the salary of BPKH Employees as referred to in Article 18 point d, is regulated by a Regulation of the Head of Executive Board.
- (2) Further provisions on the amount of BPKH Employees' salary as referred to in section (1) are regulated by BPKH Regulations after consultation with ministry administering government affairs in the field of finance and ministry administering government affairs in the field of state apparatus empowerment.

Article 22

- (1) The proposal on the honorarium of the Supervisory Board and the Executive Board as referred to in Article 18 point e is prepared by the Executive Board by taking into account the appropriate level based on the Hajj Fund capability, inflation rates, and performance.
- (2) The proposal on the honorarium of the Supervisory Board and the Executive Board as referred to in section (1) is submitted to the Minister.
- (3) The Minister submits the proposal on the honorarium of the Supervisory Board and the Executive Board as referred to in section (2) to the President to obtain approval.

Article 23

The implementation of authority to determine the provisions on the goods and services procurement by the Executive Board as referred to in Article 18 point f, coordination with agency administering affairs in goods and services procurement may be conducted.

CHAPTER IV
FUNCTIONS, DUTIES, AND AUTHORITY
OF SUPERVISORY BOARD

Article 24

- (1) The Supervisory Board has functions to carry supervision to the planning, implementation, and accountability and reporting of Hajj Fund.
- (2) In carrying out the functions referred to in section (1), the Supervisory Board has duties:
 - a. to carry out an assessment of the formulation of policies, strategic plan, annual work plan and budget of Hajj Fund management;
 - b. to carry out supervision and monitoring to the implementation of Hajj Fund management; and
 - c. to assess and provide consideration to the accountability report on the implementation of Hajj Fund management and the administration of BPKH before it is published as BPKH report.
- (3) In carrying out the duties as referred to in section (2), the Supervisory Board has the authority:
 - a. to approve the strategic plan and annual work plan and budget of the Hajj Fund Management;
 - b. to approve the placement and/or investment of Hajj Fund;
 - c. to obtain and/or request for report from the Executive Board;
 - d. to access data and information on Hajj Fund management;
 - e. to review data and information on the Hajj Fund management; and
 - f. to provide advice and recommendations to the President through the Minister on the performance of the Executive Board.

Article 25

The Supervisory Board carries out supervision through:

- a. monitoring and evaluation to the implementation of Hajj Fund management;
- b. to provide approval to the formulation of policies, draft of strategic plan, draft of annual work plan and budget of the Hajj Fund management; and
- c. to provide assessment and consideration to the accountability report on the implementation of Hajj Fund management and the administration of BPKH prepared by the Executive Board .

Article 26

In carrying out the supervision as referred to in Article 25, the Supervisory Board:

- a. prepares guidelines for supervision and monitoring to the implementation of Hajj Fund Management;
- b. assesses the draft of policy formulation, strategic plan, and annual work plan and budget of Hajj Fund Management not later than 14 (fourteen) work days after the receipt thereof from the Executive Board;
- c. reviews and examines performance reports and financial statement;
- d. provides guidance on the preparation of accountability report on the implementation of Hajj Fund Management and the administration of BPKH;
- e. prepares procedures for granting of approval to the strategic plan and annual work plan and budget of the Hajj Fund management and Hajj Fund placement and/or investment;
- f. may establish Audit Committee to carry out review and examination to accountability report on the implementation of Hajj Fund management;
- g. provides reprimand to the Executive Board for the delay in submission of the accountability report and the delay in accessing data and information on Hajj Fund management; and
- h. provides advice and recommendations to the President through the Minister on the performance of the Executive Board based on the results of supervision.

CHAPTER V
CONDITIONS AND PROCEDURES OF APPOINTMENT AND
TERMINATION OF BPKH EMPLOYEES

Part One

General

Article 27

- (1) BPKH employees consist of:
 - a. permanent employee; and
 - b. employee based on employment contract.
- (2) BPKH employees are appointed and dismissed by the Head of Executive Board.

Part Two

Requirements

Article 28

- (1) To be appointed as a permanent employee of the BPKH, prospective employees must at least meet the following requirements:
 - a. Indonesian citizens;
 - b. Muslim;
 - c. physically and mentally healthy;
 - d. having good integrity and personality;
 - e. having qualifications and competencies according to needs;
 - f. free from any judicial process whether as the suspect or accused; and
 - g. never being subjected to criminal sanction or imprisonment based on the absolute court judgment due committing criminal offense threatened with imprisonment of 5 (five) years or more.
- (2) To be appointed as employee with employment contract with BPKH, prospective employees must also be willing to sign an employment contract with BPKH, in addition to fulfilling the requirements as referred to in section (1).

- (3) Further provisions on the qualifications for permanent employees and employees with employment contract with BPKH as referred to in section (1) and section (2) are regulated by BPKH Regulation.

Part Three Procedure

Article 29

The appointment of permanent employees as referred to in Article 27 point a and point b, is made through the phases:

- a. formation of the Selection Committee;
- b. announcement on registration admission;
- c. registration and selection; and
- d. announcement of selection results.

Article 30

- (1) Any employees with employment contract as referred to in Article 27 point b is appointed for work period 2 (two) years based on the employment contract.
- (2) In the event that the work period of employees with an employment contract as referred to in section (1) expires, they may be reappointed according to the need.

Part Four Dismissal

Article 31

- (1) BPKH permanent employees are honorably dismissed because of:
 - a. death;
 - b. resignation;
 - c. reaching the retirement age limit; or
 - d. physically and/or mentally incapable thereby unable to perform their duties and obligations.
- (2) BPKH permanent employees are dishonorably dismissed because of:

- a. breaching Pancasila and Constitution of the 1945 Republic of Indonesia;
- b. imprisonment based on binding court judgment for committing a crime with a minimum sentence of imprisonment of 2 (two) years;
- c. imprisonment based on absolute court judgment for committing a crime of corruption; or
- d. being member and/or management of a political party.

Article 32

- (1) Employees with employment contract with BPKH are honorably dismissed because of:
 - a. expiration of the employment contract term;
 - b. death;
 - c. resignation;
 - d. BPKH organization retrenchment; or
 - e. physically and/or mentally incapable thereby unable to perform their duties and obligations as those agreed in the employment agreement.
- (2) Employees with employment contract with BPKH are dishonorably dismissed because of:
 - a. breaching Pancasila and Constitution of the 1945 Republic of Indonesia;
 - b. imprisonment based on the final and binding court judgment for committing a crime with minimum imprisonment of 2 (two) years.
 - c. committing serious violation of discipline;
 - d. failing to meet the performance target as agreed in the employment contract;
 - e. imprisoned based on absolute court judgment for committing a crime of corruption; or
 - f. being member and/or management of a political party.

Article 33

Further provisions on the procedures for appointment and dismissal of BPKH Employees as referred to in Article 27 section (1) are regulated by BPKH Regulation.

CHAPTER VI
TRANSITIONAL PROVISIONS

Article 34

- (1) BPKH is provided with funds for employee expenditure and office operational expenditure for a maximum of 6 (six) months until the transfer of all assets and liabilities as well as legal rights and obligations to Hajj Funds and assets from the ministry administering government's religious affairs to BPKH.
- (2) The amount of funds as referred to in section (1) is provided after obtaining written approval from the Minister.
- (3) The fund as referred to in section (1) is calculated as part of employee expenditure and office operational expenditure derived from the benefit value.

Article 35

In performing its duties and functions, BPKH receives technical and administrative support from the ministry of administering government's religious affairs for maximum 6 (six) months.

CHAPTER VII
CLOSING PROVISIONS

Article 36

At the time this Presidential Regulation comes into force:

- a. the draft of strategic plan as referred to in Article 12 for the first time is prepared within not later than 6 (six) months as of the establishment of the BPKH.

- b. the strategic plan as referred to in Article 12 is subsequently prepared within not later than 6 (six) months before the expiry of the strategic plan.

Article 37

This Presidential Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Presidential Regulation of the President by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta

on 11 December 2017

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta

on 12 December 2017

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2017 NUMBER 253

Jakarta, 16 November 2021

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



In order that every person may know hereof, it is ordered to promulgate this Presidential Regulation of the President by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta

on 11 December 2017

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta

on 12 December 2017

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2017 NUMBER 253

Jakarta, 16 November 2021

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DIRECTOR GENERAL OF LEGISLATION,



BENNY RIYANTO