

# REQUIREMENT FOR PROVISION OF PROFESSIONAL SERVICES

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*ENGINEERING SERVICES*

*REPUBLIC OF INDONESIA*

PERMIT AND REGISTRATION REQUIREMENTS FOR PROVISION OF ENGINEERING SERVICES IN INDONESIA		
	DESCRIPTION	REQUIREMENTS
I	<b>Regulation and Organisation of this Professional Services</b>	
1	Please describe in general the structure and organisation of this sub-sector and how it is being regulated in your country.	Engineering works related to construction services which consist of civil, mechanical, electrical and environmental engineering works are regulated by Construction Services Act No. 18/1999. The implementation of this sub-sector is, further, regulated by Government Regulations No. 28/2000 (revised by No. 4/2010 & No. 92/2010), No. 29/2000 (revised by No. 59/2010), and No. 30/2000. The provisions of the practice of this sub-sector are regulated in detail in the Presidential Regulations, Ministerial Regulations and Construction Services Development Board (CSDB) rules and regulations as specified in Q2. Engineering services other than those specified in the Construction Services Act No. 18/1999 are regulated under Manpower Act No. 13/2003 and its Government Regulation No. 23/2004. Certainly, professionals in this sub-sector shall also comply with the Labour and Immigration Laws and Regulations.
	The range of the activities regularly practised by the professionals in this sub-sector in your country. Please indicate which of these activities that are NOT regulated in your country, if any.	Engineering works related to construction services are specified in detail in the Government Regulation No. 28/2000 and its revisions.
	Explanation of whether this sub-sector is regulated by law, self-regulated by a professional body, or a combination of both; whether the regulation is centralised or decentralised; etc.	Engineering services are regulated by laws, regulations and rules mentioned in Q1 above. In accordance to Construction Services Act No. 18/1999 and its respective Government Regulations, construction workers, including Engineers, shall be registered by CSDB (LPJK). To be registered by CSDB, an engineer shall obtain a competence certificate from any related profession association accredited by CSDB. The process of certification can either be centralized or decentralized according to the internal regulation of the respective association. To practice engineering services in the Province of Jakarta, an engineer shall further obtain professional licence from the respective local government office. The other provinces in Indonesia have not regulated this practice yet.
	List of concerned professional bodies and/or ministries/government agencies, the functions of each of them, and how they interact in regulating this sub-sector.	<ul style="list-style-type: none"> <li>• Accredited profession association/s (by CSDB): Conducting of the certification of the professionals (centralized or decentralized) according to its internal regulations.</li> <li>• CSDB (LPJK): Registering the qualified professionals that have been certified by the respective accredited association.</li> <li>• Provincial Government of Jakarta: Issuing professional licences to the qualified professionals that have been registered by CSDB to practice engineering services in Jakarta.</li> </ul>
2	Please list down the relevant legislations/rules and regulations regulating this sub-sector in your country.	A. Constructions 1). Act No 18/1999 (Construction Services) <ul style="list-style-type: none"> <li>a. Gov. Reg. No. 28/2000 (Community Efforts &amp; Roles In Construction Services)</li> <li>b. Gov. Reg. No. 4/2010, 1<sup>st</sup> revision of Gov. Reg. No. 28/2000</li> <li>c. Gov. Reg. No. 92/2010, 2<sup>nd</sup> revision of Gov. Reg. No. 28/2000</li> <li>d. Gov. Reg. No. 29/2000 (Management Of Construction Services)</li> </ul>

		<p>e. Gov. Reg. No. 59/2010, 1<sup>st</sup> revision of Gov. Reg. No. 29/2000</p> <p>f. Gov. Reg. No. 30/2000 (Development Management of Construction Services)</p> <p>B. Complementary</p> <ol style="list-style-type: none"> <li>1). Act No. 13/2003 (Manpower)</li> <li>2). Gov. Reg. No. 23/2004 (Indonesian Professional Certification Authority (IPCA/ BNSP))</li> <li>3). Act No. 5/1984 (Industrialization)</li> <li>4). Act No. 22/2001 (Oil &amp; Gas)</li> <li>5). Act No. 41/1999 (Forestry)</li> <li>6). Act No. 7/2004 (Water Resources)</li> <li>7). Act No. 27/2003 (Geothermal)</li> <li>8). Act No. 20/2002 (Electricity)</li> <li>9). Act No. 28/2002 (Buildings)</li> <li>10). Act No. 4/1992 (Housing &amp; Settlement)</li> <li>11). Act No. 38/2004 (Roads)</li> <li>12). Act No. 23/2007 (Railways)</li> <li>13). Act No. 18/2008 (Waste Management)</li> <li>14). Act No. 1/1987 (Indonesian Chamber of Commerce &amp; Industry)</li> <li>15). Act No. 3/1983 (Mandatory Company Registration)</li> <li>16). Act No. 3/1992 (Manpower Social Security)</li> <li>17). Act No. 9/1995 (Small Enterprises)</li> <li>18). Act No. 20/2008 (Micro, Small &amp; Medium Enterprises)</li> <li>19). Act No. 40/2007 (Limited Liability Company)</li> <li>20). Act No. 5/1999 (Prohibition of Monopolistic Practices &amp; Unfair Competition)</li> <li>21). Act No. 10/1998 (Banking)</li> <li>22). Act No. 2/1992 (Insurance)</li> <li>23). Act No. 19/2002 (Copyrights)</li> <li>24). Act No. 14/2001 (Patents)</li> <li>25). Act No. 15/2001 (Trademarks)</li> <li>26). Act No. 30/2000 (Trade Confidentiality)</li> <li>27). Act No. 31/2000 (Industrial Design)</li> <li>28). Act No. 32/2000 (Design Of Integrated Industry ...)</li> <li>29). Act No. 28/2007 (3<sup>rd</sup> revision of act no. 6/1983 Tax Provisions &amp; Procedures)</li> <li>30). Act No. 36/2008 (4<sup>th</sup> revision of act no. 7/1983 Income Tax)</li> <li>31). Act No. 8/1999 (Consumer Protection)</li> <li>32). Act No. 28/1999 (Clean Government &amp; Good Governance)</li> <li>33). Act No. 20/2001 (Eradication of Corruption as Criminal Offence)</li> <li>34). Act No. 30/1999 (Arbitration &amp; Dispute Settlement)</li> <li>35). Act No. 5/1986 (State Administration Court)</li> <li>36). Act No. 26/2007 (Zone Regulation / Land Spatial)</li> <li>37). Act No. 23/1997 (Environment)</li> <li>38). Act No. 12/2008 (2<sup>nd</sup> revision of act no. 32/2004 Local Government)</li> <li>39). Act No. 33/2004 (Financial Parity Local Government &amp; Central Government)</li> <li>40). Act No. 17/2003 (State Finances)</li> <li>41). Act No. 11/2008 (Information &amp; Electronic Transactions)</li> <li>42). Act No. 9/1992 (<i>Immigration</i>)</li> <li>43). Act No. 20/2003 (<i>National Education System</i>)</li> <li>44). CSDB Decision Letter No. 70/2001</li> <li>45). CSDB Decision Letter No. 71/2001</li> <li>46). Provincial Government Regulations of Jakarta for engineering practices in Jakarta no. 132/2007 (IP-TB)</li> </ol>
II	<b>Qualification Requirements</b>	
3	<p>What are the qualification requirements for individual practitioners in your country in terms of:</p> <p>- Professional education (e.g. whether shall be university / higher education degree, post-</p>	<p>In accordance to CSDB Decision Letter No. 70/2001, the qualification requirements for individual practitioner are :</p> <ol style="list-style-type: none"> <li>1. Junior Expert. <ul style="list-style-type: none"> <li>• Min. education: Diploma 4 (4 years) from an accredited University/Institute in the field of relevant engineering discipline;</li> </ul> </li> </ol>

	<p>graduate education etc)</p> <ul style="list-style-type: none"> <li>- professional examination/assessment</li> <li>- work experience</li> <li>- practice and training</li> <li>- language skills</li> </ul>	<ul style="list-style-type: none"> <li>• Min. professional experience: 3 (three) years</li> <li>• Be a member of an accredited profession association (by CSDB) related to his/her professional field.</li> <li>• Has participated respective training conducted by the accredited profession association to whom he/she is affiliated with.</li> </ul> <p>2. Intermediate Expert</p> <ul style="list-style-type: none"> <li>• Min. education: University Degree in Architecture from accredited university in the field of relevant engineering discipline</li> <li>• Min. professional experience: 5 (five) years;</li> <li>• Be a member of an accredited profession association (by CSDB) related to his/her professional field;</li> <li>• Has participated Continuing Professional Development (CDP) program conducted by the accredited profession association to whom he/she is affiliated with.</li> </ul> <p>3. Senior Expert</p> <ul style="list-style-type: none"> <li>• Min. education: University Degree in Architecture from accredited university in the field of relevant engineering discipline;</li> <li>• Min. professional experience: 10 (ten) years;</li> <li>• Be a member of an accredited profession association (by CSDB) related to his/her professional field;</li> <li>• Has participated Continuing Professional Development (CDP) program conducted by the accredited profession association to whom he/she is affiliated with.</li> </ul> <p>Note :</p> <ul style="list-style-type: none"> <li>• Additional requirements may be applied by the profession association.</li> <li>• Provisions of the CPD are set out by the respective association.</li> </ul>
4	<p>Please specify the number of years/months required for each of the above, as well as the availability of alternative routes (e.g. degree route and non-degree route) to achieve the qualifications required. If different qualification requirements exist for different activities or types of work, please specify.</p>	<p>The required requirements and route are as specified in Q3 above.</p>
5	<p>Are there any other qualification requirements apart from those set out in Q.3 above (e.g. minimum age, registration with a professional body, restriction on the scope of practice, place of origin/citizenship/residency requirements)? Please specify.</p>	<ul style="list-style-type: none"> <li>• The required requirements are as specified in Q3 above, including membership requirements to be affiliated with and those are described in Q1.</li> <li>• No requirements on the minimum age;</li> <li>• No restriction on the scope of practice.</li> </ul> <p>Those requirements are applied to the national experts. Foreign experts have not been regulated, but it would be treated based on the equal requirements.</p>
6	<p>Who conducts/supervises the professional examination/assessment?</p>	<p>Professional assessment is conducted and supervised by the respective accredited profession association. CSDB conducts a periodical surveillance to such assessments.</p>
7	<p>Are the professional examinations/assessments conducted at regular intervals? Please specify the frequency, fees charged, and differences in practice adopted by individual provinces/states.</p>	<p>Professional assessment is conducted by the respective accredited profession association (by CSDB) at regular bases in accordance to its internal regulations/rules.</p>

III	<b>Qualification Procedures</b>	
8	What are the procedures involved in order to qualify as a professional in this sub-sector, including the approving authorities involved, their respective requirements, the fees charged and the timelines that need to be observed? How long does it normally take to complete the procedures?	<ul style="list-style-type: none"> <li>• The procedures are as specified in the paragraphs above, including the authorities involved.</li> <li>• The charged fees are set up by the respective association.</li> <li>• The assessment will take 12 working days as the longest.</li> </ul>
IV	<b>Recognition Arrangements</b>	
9	Are there any existing mechanisms (e.g. automatic recognition or mutual recognition arrangements at government level or between professional bodies) to take account of qualifications, experience, expertise, license etc. acquired or obtained by foreign professionals in another country? Please explain the mechanism and specific requirements.	<ul style="list-style-type: none"> <li>• Competence Certification and registration for foreign professional are conducted in accordance to the agreed MRA. Given that an engineer from ASEAM member state has not held the ACPE certificate, he/she will be treated in accordance to the equal mechanism and requirements as those applied to the national engineeri professionals.</li> <li>• Such licensing requirements and mechanism are applied in the Province of Jakarta.</li> </ul>
10	Please give a brief explanation of foreign reciprocity provisions/requirements for granting registration to professionals from foreign countries, if any.	The most important requirement to consider is the educational background, especially the one related to the expertise education program attended, while the person was in his/her country of origin, would be conversed into that of the host country (in this case, Indonesia). The authorization is regulated by the Directorate General of Advanced Education of the Ministry of National Education.
V	<b>Licensing Requirements</b>	
	<b>(a) For Individuals</b>	
11	<p>Apart from the qualification requirements mentioned above, what are the licensing requirements for individuals in your country, for example:</p> <ul style="list-style-type: none"> <li>- membership in a professional body</li> <li>- registration with the relevant ministry or any other institution</li> <li>- absence of criminal record</li> <li>- taking of an oath</li> <li>- minimum and/or maximum age</li> <li>- subscription to a professional indemnity insurance (including any minimum specification)</li> <li>- place of origin/citizenship/residency requirement</li> <li>- continuing professional development (CPD)</li> <li>- others (please specify)</li> </ul> <p>If different licensing requirements exist for different activities, please specify.</p>	<p>Qualification requirements for certification and registration of individuals, among other are :</p> <ul style="list-style-type: none"> <li>• having an university degree relevant to his/her expertise from an accredited university by presenting his/her certificate and transcript of the attended education program;</li> <li>• Submitting a CV describing his/her professional experiences related to the proposed expertise as well as CPD program attended, if any;</li> <li>• Being a member of a profession association accredited by CSDB;</li> <li>• Complying Indonesian Manpower and Immigration Laws and Regulations;</li> <li>• Complying the health provisions applied in Indonesia;</li> <li>• Complying the taxation provisions applied in Indonesia;</li> </ul>

	<b>(b) For Firms (Including Regulations Governing Establishment)</b>	
12	<p>Are professional firms regulated? If yes, are there any specific licensing requirements, for example:  legal form in which one can establish (e.g. partnership, incorporation, other)</p> <ul style="list-style-type: none"> <li>- minimum capital</li> <li>- minimum/maximum number of partners</li> <li>- qualifications of individual partners</li> <li>- membership in a professional body</li> <li>- incorporation or registration with the relevant ministry or any other institution</li> <li>- requirements regarding natural persons carrying out professional services on behalf of the firm, including any restrictions on foreign firms employing local professionals</li> <li>- requirements regarding ownership (voting rights) of the firm, including place of origin/citizenship/residency requirements of board of directors and restrictions on partnership with local firms.</li> <li>- requirements regarding management/administration of the firm, including place of origin/citizenship/residency requirements of board of directors, minimum number/ percentage of local directors, managers etc.</li> <li>- others (please specify)</li> </ul> <p>If different requirements exist for different activities, please specify.</p>	<p>Professional (Consulting) firms in the filed of construction services are regulated by :</p> <ol style="list-style-type: none"> <li>1). Indonesia Horizontal and Specific Commitments for AFAS;</li> <li>2). Act No. 18/1999;</li> <li>3). Act No. 40/2007 (Limited Liability Company);</li> <li>4). Act No. 28/2007 (3<sup>rd</sup> revision of Act no. 6/1983 Tax Provisions &amp; Procedures);</li> <li>5). Gov. Reg. No. 28 &amp; its revisions, No. 29 &amp; its revision and No. 30/2000;</li> <li>6). Ministry of Public Works Regulations No. 28/2006 (Permit for Representative of Foreign Construction Business Entity);</li> <li>7). CSDB Regulation No. 12/A/2008;</li> <li>8). City/District Government Regulations on Licensing for Construction Services Business.</li> </ol>
13	<p>Is the use of international or foreign firms names restricted? Please specify.</p>	<ul style="list-style-type: none"> <li>• Foreign company may use their own name for Representative Office and Join Operation.</li> <li>• The name of Joint Venture Company is regulated by the provisions in the Act on Limited Liability Company.</li> </ul>
VI	<b>Registration Procedures (For Both Individuals and Firms)</b>	
14	<p>What are the procedures required for application for registration and/or renewal of registration, including the authorities involved, their respective requirements (including documentation), and fees charged? How long does it normally take to obtain or renew a registration? Please specify in case of differences between individuals and firms.</p>	<p>The procedures for registration and renewal of registration are as follows:</p> <ol style="list-style-type: none"> <li>1. Applying to CSDB for registration in Indonesia.</li> <li>2. Completing and meeting all of the requirements as required in the application form provided by CSDB.</li> <li>3. Paying a registration fee:  For individuals:  US\$ 500 –US\$ 1.000,- per person /year.</li> <li>4. The registration process takes 12 working days at the longest.</li> </ol> <p>Note : They shall meet the requirements as specified in the effective general requirements, such as immigration, the required corporate body of the firm / joint venture, manpower, etc</p>

VII	<b>Regulations Governing Entry and Temporary Stay of Natural Persons for the Purpose of Supplying the Professional Services</b>	
15	Is the entry and stay of professionals subject to labour market tests or any other restrictions? Please specify.	The entry and stay of professional are regulated in accordance to Manpower and Immigration Laws and Regulations.
VIII	<b>Professional Ethics</b>	
16	What activities/disciplines are subject to professional ethical codes? Please specify the main policy objectives of these codes.	Both CSDB and accredited profession associations have their respective ethical codes which maintain the professional's standard behaviour. Basically, the ethical codes govern matters related to ethics and moral conducted by the professional in implementing their professions.
17	Which body or institution develops this code and monitors its implementation? What are the consequences in case of breach of the ethical code by a professional or a firm?	Both CSDB and accredited profession association have their respective units to specifically oversight and monitor activities of companies and individuals working in the fields.  The consequence for violating the ethical codes depends on how serious the violation committed. The sanction given may take the form of warning, temporary or permanent permit cancellation, imprisonment, civil sanction, fine, etc.
IX	<b>Appeal Mechanisms and Dispute Resolution Procedures</b>	
18	Do individuals or firms have the right to appeal if their application is rejected or their license withdrawn?	On each level of the existing registration institutions there is an appeal unit, where the applicant is granted with a chance to counter the decision issued by the institution.
19	What body or institution is responsible for the resolution of disputes?	National Arbitration Institution Arbitration institution specified for construction services Tripartite institution of the Department of Manpower Judicial institutions Courts of all levels Supreme Court.
20	Please provide a summary of the mechanism/procedures and a list of relevant legislation/regulations.	flow chart t.b.a.
X	<b>Additional Information</b>	
21	Is it possible to obtain further or updated information on the regulatory regimes of the professional services concerned through web-sites, journals, or brochures? What sort of information is included? Please give details.	Information regarding construction services can be found on the LPJKN website, <a href="http://www.lpjkn.org">http://www.lpjkn.org</a> Or <a href="http://www.pu.go.id">http://www.pu.go.id</a> Most of the associations have had their own websites. Attached are the addresses of professional associations that are accredited by CSDB as well as related technical departments.
22	Please provide contact details (name, address, fax, telephone, email address, etc.) of the persons who can provide further information/clarification on this sub-sector in your country.	LEMBAGA PENGEMBANGAN JASA KONSTRUKSI NASIONAL (Construction Services Development Board) Grha LPJKN Jl. Arteri Pondok Indah no.82 Kebayoran Lama - Jakarta 12160 Telp. 062.21.7231556, 062.21.7230827, 062.21.7234482 Fax. 062.21.7396974 <a href="http://www.lpjk.org">http://www.lpjk.org</a> Email. <a href="mailto:lpjkn@lpjk.org">lpjkn@lpjk.org</a>

## ATTACHMENT

1 **HAKI** (Himpunan Ahli Konstruksi Indonesia)

Jl. Tebet Barat Dalam X No.5

Kota Jakarta Selatan

Telp : +62-21-8298518,

Fax :

<http://www.haki-konstruksi.com>

Email : **haki@cbn.net.id**

2 **HPJI** (Himpunan Pengembangan Jalan Indonesia)

Graha Iskandarsyah, Lt IV Jl. Iskandarsyah Raya No. 66 C, Kebayoran Baru

Kota Jakarta Selatan

Telp : +62-21-7251864

Fax :

<http://www.hpji.or.id>

Email : (hpji@pu.go.id) **dpp\_hpji75@yahoo.com**

3 **APEI** (Asosiasi Profesionalis Elektrikal Indonesia)

Jl. Matraman Raya No. 113 Palmeriam

Kota Jakarta Timur

Telp : +62-21-85907732, 8597739

Fax :

<http://www.apei.or.id>

Email : pp-apei@rad.net.id

4 **PII** (Persatuan Insinyur Indonesia)

Jl. Halimun No.39 Guntur, Manggarai

Kota Jakarta Selatan

Telp : +62-21-8352180

Fax : +62-21-

<http://www.pii.or.id>

Email : **info@pii.or.id**

5 **HTII** (Himpunan Ahli Teknik Iluminasi Indonesia)

Gedung Jakarta Design Centre Lt.7 Jl. Gatot Subroto Kav.53

Kota Jakarta Pusat

Telp : +62-21-5495169

Fax :

<http://iluminasi.org/>

Email : (htii@cbn.net.id) **info@iluminasi.org**

6 **HATTI** (Himpunan Ahli Teknik Tanah Indonesia)

Gedung Al Devco Oktagon Lt. Dasar Jl. Warung Jati Barat Raya 75

Kota Jakarta Selatan

Telp : +62-21-7974795

Fax :

<http://www.hatti.or.id>

Email : (hatti@indosat.net.id) **sekretariat@hatti.or.id**



- 7 **IAMPI** (Ikatan Ahli Manajemen Proyek Indonesia)
- d.a. P.T. Prosys Bangun PersadaJl. M.T. Haryono Kav.33  
Kota Jakarta Selatan  
Telp : +62-21-7659229,  
Fax :  
<http://www.iampi.org>  
Email : **sekretariat@iampi.org**
- 8 **HATHI** (Himpunan Ahli Teknik Hidraulik Indonesia)
- Gedung VI Direktorat SDAJl. Pattimura No.20  
Kota Jakarta Selatan  
Telp : +62-21-72792263  
Fax :  
<http://www.hathi-pusat.org>  
Email : **hathi@pu.go.id**
- 9 **IAP** (Ikatan Ahli Perencanaan Indonesia)
- Jl. Tambak No.21Pegangsaan  
Kota Jakarta Pusat  
Telp : +62-21-3905067  
Fax :  
<http://www.iap.or.id>  
Email : **bsp\_iap@yahoo.com**
- 10 **KNIBB** (Komite Nasional Indonesia untuk Bendungan Besar)
- Jl. H. Agus Salim No.69  
Kota Jakarta Pusat  
Telp : +62-21-331606  
Fax :  
<http://www.knibb-inacold.com>  
Email : **inacold@cbn.net.id**
- 11 **HAEI** (Himpunan Ahli Elektro Indonesia)
- Jl. Bendungan Hilir No. 144  
Kota Jakarta Selatan  
Telp : +62-21-5720830  
Fax :  
<http://www.freewebs.com/haei/index.htm>  
Email : **haei\_pusat@cbn.net.id**
- 12 **PATI** (Perhimpunan Ahli Teknik Indonesia)
- Gedung PT Indosat Lt. 25, Jl. Merdeka Barat No. 21  
Kota Jakarta Pusat  
Telp : +62-21-3869965  
Fax :  
<http://www.pati.or.id>  
Email : (pp\_pati@hotmail.com) **pp\_pati@ pati.or.id**

- 13 PIPI** (Persatuan Insinyur Profesional Indonesia)
- Komplek GOLDEN PLAZA, Blok H no.1, Jl. RS Fatmawati No.15  
Kota Jakarta Selatan  
Telp : +62-21-75900927, +62-21-7511683  
Fax :  
<http://www.pipi.or.id>  
Email : (kepipi@jakarta3.wasantara.net.) **pipi@cbn.net.id;**  
**info@pipi.or.id**
- 14 A2K4** (Asosiasi Ahli Keselamatan dan Kesehatan Kerja Konstruksi)
- Gedung STTST Lt.5 Jl.D.I. Panjaitan Kav.12-13 Cawang Jakarta Timur  
Telp : +62-21-85900386  
Fax :  
<http://www.a2k4-ina.org>  
Email : **a2k4\_ina@yahoo.com; sekretariat@a2k4-ina.org**
- 15 HAMKI** (Himpunan Ahli Manajemen Konstruksi Indonesia)
- Jl. Ampera III No.23  
Kota Jakarta Selatan  
Telp : +62-21-7806162  
Fax :  
<http://www.hamki.org>  
Email : **hamki@cbn.net.id**
- 16 IATPI** (Ikatan Ahli Teknik Penyehatan dan Teknik Lingkungan Indonesia)
- Jl. RS Fatmawati No.53  
Kota Jakarta Selatan  
Telp : +62-21-75905702  
Fax :  
<http://www.iatpi.org>  
Email : **sekretariat@iatpi.org**
- 17 ISI** (Ikatan Surveyor Indonesia)
- Kantor BAKOSURTANAL Jl. Raya Jakarta Bogor KM.46 Cibinong  
Kab. Bogor  
Telp : +62-21-8758061  
Fax :  
<http://www.isi.or.id>  
Email : **info@isi.or.id**
- 18 HAPBI** (Himpunan Ahli Perawatan Bangunan)
- Stadion Sanggraha Pelita Jaya, Jl. Raya Jagorawi No. 1, Lebak Bulus  
Kota Jakarta Selatan  
Telp : +62-21-7581771, +62-21-7692751  
Fax :  
N/A  
Email : **dpphapbi@indo.net.id**

**19 ASTTI (Asosiasi Tenaga Teknik Indonesia)**

Jl. Jakarta Komp. Kota Kembang Permai No. 22 Kav.40

Kota Bandung

Telp : +62-22-7207240 - +62-22-7207243

Fax :

<http://www.astti.or.id>

Email : (astti\_bdg@i-p.com, astti\_bdg@plasa.com)

Email : **astti@bdg.centrin.net; astti@astti.or.id**

**20 ATAKI (Asosiasi Tenaga Ahli Konstruksi Indonesia)**

Jl. Pemuda , Komplek Ruko Graha Mas Blok AD no 3, Rawangun Jakarta

Telp : +62-21-4711796

Fax :

<http://www.ataki.org>

Email : (rmhs1154@centrin.net.id) **info@ataki.org**

**21 APKA (Asosiasi Profesi Perkeretaapian Indonesia)**

Jl Stasiun Timur No. 14, Bandung,

Kota Bandung

Telp : 022-4222275

Fax :

<http://apka-pusat.org>

Email :

**22 INTAKINDO (Ikatan Nasional Tenaga Ahli Konsultan Indonesia)**

Jl. Pasar Minggu Raya 12A Km.17

Kota Jakarta Selatan

Telp : +62-21-7918365355

Fax :

<http://www.intakindo.org>

<http://intakindo.info>

Email : **intakindo@gmail.com**