

# UNOFFICIAL TRANSLATION

The Draft Bill OF the Law No:

Concerning

Eradication of the Criminal Act of Corruption

WITH THE MERCY OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

People's Initiative Proposal

**The Draft bill of The Law of the Republic Of Indonesia No... Year ...  
On Eradication of the Criminal Act of Corruption  
People's Initiative Version**

Draft 08 Per April 2009

***Formulating Team***

Arsil (LeIP)  
Hasril Hertanto (MaPPI FH UI)  
Ratna Dasahasta (KRHN)  
Muji Kartika Rahayu (KRHN)  
Hermawanto (LBH Jakarta)  
Ronald Rofiandri (PSHK)  
Sholikin (PSHK)  
Uli Parulian (ILRC)  
Febri Diansyah (ICW)  
Emerson Yuntho (ICW)  
Illian Deta Arta Sari (ICW)

The Formulation of The Draftbill is cooperation between:

**Judicial Watch Coalition**

(Indonesia Corruption Watch, Lembaga Kajian dan Advokasi Untuk Independensi Peradilan, Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia, Konsorsium Reformasi Hukum Nasional, Lembaga Bantuan Hukum Jakarta, Pusat Studi Hukum dan Kebijakan, Indonesia Legal Resource Centre)

With

**Kemitraan –The Partnership for Governance Reform**

*It is allowed to cite part or the entire draft bill by mentioning the source of the citation*

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The Draft Bill OF the Law No:  
Concerning  
Eradication of the Criminal Act of Corruption  
WITH THE MERCY OF GOD ALMIGHTY  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. That the importance of the threats and problems inflicted by corruption to the stability and public safety has weakening the democratic institutions and values, ethics and justice as well as endangering the sustainable development and legal supremacy.
  - b. That corruption is no longer a national issue but also an international issue that an international cooperation is needed to prevent and eradicate it.
  - c. That the criminal act of corruption is harming the national finance and economy, violating the people's social and economical rights, damaging the people's economic element and degrading the nation's dignity in international forum, that the corruption has been classified as an extraordinary crimes which has to be eradicated using extraordinary measures.
  - d. That the law No.31/1999 which has been changed by law no.20/2001 on Corruption Eradication is no longer adequate.
  - e. That based on the consideration in letter a, b, c, and d, it is necessary to draft another law regarding Eradication of the Criminal Act of Corruption

- In View of:
1. Article 5 sub article (1) and article 20 of the Constitution of The Republic of Indonesia
  2. Law no.28/1999 on the State management free from Corruption, Collusion, and Nepotism (state gazette of the Republic of Indonesia year 1999 No.75, additional state gazette no.3851)
  3. Law No.7/2006 on the ratification of the United Nations Convention against Corruption, 2003) (State Gazette of The Republic of Indonesia, year 2006 No.32, Additional State Gazette no.4620)

With the joint approval of  
THE HOUSE OF REPRESENTATIVES  
And  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA  
DECIDES

Stipulating:  
THE LAW REGARDING ERADICATION OF  
THE CRIMINAL ACT OF CORRUPTION

**Chapter I**  
**General Provisions**

**Article 1**

Within this law,

1. Criminal act of corruption is any action described in chapter II of this law.
2. Anyone is either individual person as well as corporation.
3. Corporation is a group of individual and or organized wealth whether it's in form of legal institution and not.
4. Public Officials are :
  - a. Civil servants  
as intended in the law of state employee.
  - b. They who  
received salary or wages from state or regional treasury.
  - c. They who  
received salary or wages from a corporation which financially subsidized by state or regional treasury.

- d. They who received salary or wages from other corporation which using state or public capital or facilities.
  - e. Director, Commissioner, and other structural office holder of state owned company or regional government owned company.
5. Foreign Public officials.
    - a. Anyone who were appointed or chosen to hold a legislative, executive, administrative or judicative office of a foreign country.
    - b. Anyone who runs public function for a foreign country including public institution or public company.
  6. International organization officials is every international civil servant or every person which given authority by such organization to act on behalf of such organization.
  7. Private sector institution is community-owned company or individual-owned company which:
    - (1) collect, manage, and or direct public money.
    - (2) have a function related to public interest.
  8. Witness and victims protection program, which therein after will be referred to as LPSK is an institution which duty and authorization is to provide protection and other rights to the witness and/or victims according to the regulation.
  9. wealth/assets is every kind of assets, fixed or non-fixed, visible or non-visible including documents or legal instruments which prove the ownership or rights or interest on such assets.
  10. Gratification is a gift in an extended meaning which includes money, things, discounts, fee, non-interest loan, tickets, accommodation facilities, travelling tour, fee medication and other facilities. Such gratification should be received either in the country and abroad and done using electronic means or without electronic means.
  11. State loss is financial loss of the state or state economy including the potentiality within it.
  12. Public loss is a loss suffered by a third party directly or indirectly.
  13. Compensation is a payment for material loss which suffered during a temporary dismissal of a public official from its post. Material loss will be counted from the amount of income which such person should receive during such time.
  14. Rehabilitation is a person's right to get a reinstatement of one's right in term of capabilities, position as well as his/her honor and dignity

## **Chapter II**

### **Criminal Act of Corruption**

#### **Article 2**

1. Anyone who Illegally act to enriched oneself or other person or a corporation which could cause a loss of state financial or state economy, is punishable to a minimum of 4 (four) year and maximum of 20 (twenty) years of imprisonment and/or fined to a minimum of Rp. 200.000.000,- (two hundred million rupiahs) and maximum of Rp. 1.000,000,000.- (One Billion Rupiahs).

- (2) Returning the state financial or state economy loss shall not remove the sentence of the crime perpetrator as intended in sub article (1).
- (3) If the state financial loss or the potential loss of the crime as intended in sub article (1) is not more than Rp.25.000.000,- (twenty five million rupiahs), then the maximum sentenced will be of 4 (four) years of imprisonment or fine with a minimum of the amount of benefit gained from such criminal act and maximum is twice of such benefit.

**Dissenting 1<sup>st</sup>:** There is no agreement concluded between the coalition member to remove or to keep article 2

>> In time of submitting this draft bill to the parliament, it is attached the “weaknesses and advantages of having this article 2

### **Article 3**

1. Public official with intention of enriching oneself or other person or a corporation then abuse the authorization, opportunity or other means that was bestowed because of his/her position or office, is punishable to a minimum of 4 (four) year and maximum of 20 (twenty) years of imprisonment and/or fined to a minimum of Rp. 200.000.000,- (two hundred million rupiahs) and maximum of Rp. 1.000,000,000.- (One Billion Rupiahs).
2. If such action as regulated in sub article (1) is done by using violence or thread of violence, the penalty will be added by one-third.
3. If the outcome of such action as intended in sub article (1) is causing a loss to a third party which could be valued with money in an amount of not more than Rp.25.000.000,- (twenty five million rupiahs) then the maximum sentenced will be of 4 (four) years of imprisonment or fine with a minimum of the amount of benefit gained from such criminal act and maximum is twice of such benefit.

### **Article 4**

- (1) Sentenced with a minimum of 2 (two) years of imprisonment and maximum of 10 (ten) years and or fined with a minimum of Rp.50.000.000,- (fifty million rupiahs) and maximum of Rp. 250.000.000,- (two hundred and fifty million rupiahs) anyone who :
  - a. Give or promise something, directly or indirectly to a public official regarding such official's authority or power which was bestowed by such official's rank or position.
  - b. Give or promise something directly or indirectly to a public official in the interest of such official to do or not to do something within its position which conflicted with its responsibility.
  - c. Give something directly or indirectly to a public official for having to act or not to act or related with something that conflicted with its responsibility within such official's position.

- (2) If such act as regulated in article 4 letter a,b,and c is done by a public official, then the penalty will be added by a third.

#### **Article 5**

- (1) Sentenced with a minimum of 3 years and maximum 15 (fifteen) years of imprisonment and fined to a minimum of Rp. 150.000.000,- (One hundred and fifty million rupiahs) and maximum of Rp. 750.000.000,- (Seven hundred and fifty million rupiahs) anyone who :
- a. Give or promise something, directly or indirectly to a judge with the intention of influencing the verdict of a case within such judge's jurisdiction.
  - b. Give or promise something, directly or indirectly to an investigator with the intention of influencing his/her duties as a legal enforcer.
  - c. Give or promise something, directly or indirectly to law enforcement officer with the intention of influencing his/her duties in enforcing criminal law or representing the state in a civil suit;
  - d. Give or promise something directly or indirectly to anyone who was classified as an advocate of law with the intention of interfering such advocate's advice or opinion which could detriment the client.
  - e. Give of promise something directly or indirectly to a witness or a person who will become a witness in a corruption cases with the intention of such witness or person refuse to give testimonial or to give a false testimony in the court;
- (3) If such act as regulated in article 5 letter a,b,c, d and e is done by a public official, then the penalty will be added by a third.

#### **Article 6**

Sentenced with a minimum of 2 years and maximum 8 (eight) years of imprisonment and fined to a minimum of Rp. 50.000.000,- (fifty million rupiahs) and maximum of Rp. 250.000.000,- (two hundred and fifty million rupiahs) anyone who:

- (1) Give or promise something, directly or indirectly to a foreign public official to act or not to act, which violates such official's formal duties.
- (2) Give or promise something to any person on any position in an international public organization with the intention for such official to act or not to act which violates such official's formal duties.
- (3) Give or promise something to anyone who works in an institution in private sector with the intention of persuading such person to act or not to act in such person's line of duty which oppose his/her authority or liability in relation with public interest and could harm other people.

#### **Article 7**

Anyone who promise or offer or give something directly or indirectly to a public official or other person to abuse his/her real influence with the intention to gain an administrative or public authority from a public official or other person an improper benefit for the interest of the real perpetrator of the act or other person shall be punished with a minimum of 2 years and

maximum 8 years of imprisonment and/or fined with a minimum of Rp.50.000.000,- and maximum of Rp.250.000.000,-.

#### Article 8

Public official who receive gift or promises both directly and indirectly, which such official know or should realized that such gift or promise is given to use such official's authority or influence to gain an improper benefit for administrative authority or public official for the benefit of the one who give such gift or promise shall be punished with a minimum of 2 years or maximum 8 years of imprisonment and/or fined with a minimum of Rp.50.000.000,- and maximum of Rp.250.000.000,-.

#### Article 9

- (1) Punishable with a minimum of 2 years and 6 month and maximum of 12 year and/or fined with a minimum of Rp.200.000.000,- and maximum of Rp. 1.000.000.000,-, any ;
  - a. Public Official who accept give or promise when if such official knows or should consider that such gift or promises is given in relation with such official's position or according to the person who give the promise or gift has anything to do with the position.
  - b. Public official who accept gift or promise even if it known or should be suspected that such gift or promise is given to encourage such official to do or not to do something within his/her line of duty, which violate his/her liabilities.
  - c. public official who accept gift even it should be known or considered that such gift was given as a consequence or caused by doing or not doing something within such officials line of duty which violate his/her responsibilities.
- (2) Every gratification which accepted by public official will be considered as a bribery which punishable as a crime as stated in article 1 of this law except If the accused could proof that such gratification is not related whatsoever with such official's authority or power bestowed by such official's position.
- (3) The stipulation in article (2) will not be in effect if in maximum 14 (fourteen) days after the gratification has been accepted, the official who accept it report and surrender such gratification to the Corruption Eradication Commission to be determined whether such gratification is deemed as the right of the receiver or belonging to the state.
- (4) Gratification reporting done by gratification receiver will not remove the right to legally process the gratification giver.
- (5) Regulation concerning reporting system as intended in sub-article (2) will be further regulated on the law regarding the corruption eradication commission

#### Article 10

- (6) Punishable with a minimum of 4 years and maximum of 20 year and/or fined with a minimum of Rp.200.000.000,- and maximum of Rp. 1.000.000.000,-, any ;
- (1)
- a. Judge who accept give or promise even if such judge knows or should be able to consider that such gift or promises are given in the interest of influencing a case verdict.
  - b. Investigator who accept give or promise even if such investigator knows or should be able to consider that such gift or promises are given in the interest of influencing the investigator's duties in criminal law enforcement effort.
  - c. law enforcer who accept give or promise even if it known or should be considered that such gift or promises is given in the interest of influencing the law enforcer's duties in enforcing both the criminal law or in representing he state in a civil case.
  - d. advocate who accept give or promise directly or indirectly, even if it known or should be considered that such gift or promises is given in the interest of influencing the advocate's opinion or advise which could harm the interest of the client.
  - e. Witness who accept gift or promise directly or indirectly, even if it known or shall be considered that such present or promise is given for the witness not to testify or to give a false testimony in front of the authority.
- (2) Such stipulations as stated in article 9 sub article (2),(3),(4), and (5) will also in effect for sub article 1.

#### Article 11

- Punishable with a minimum of 2 years and maximum of 10 year and/or fined with a minimum of Rp.200.000.000,- and maximum of Rp. 1.000.000.000,-, any ;
- (1) Foreign public official who accept give or promise, if such official knows or should consider that such gift or promises is given in relation with such official's position or according to the person who give the promise or gift has anything to do with the position.
- (2) International Organization Official who accept give or promise even if such official knows or should consider that such gift or promises is given in relation with such official's position or according to the person who give the promise or gift has anything to do with the position.
- (3) anyone who works in an institution in private sector who accept gift or promise even if such official knows or should consider that such gift or promises is given to do or not to do something in such person's line of duty which oppose his/her authority or liability in relation with public interest and could harm other people.

#### Article 12

2. Punishable with a minimum of 2 years 6 month and maximum of 12 year and/or fined with a minimum of Rp.100.000.000,- and maximum of Rp. 350.000.000,-, any public official or

any person beside public official which authorized to run a public position either fixed or temporary term which deliberately embezzled money, bond or other valuables which were kept because of such position, or to let or to help other person to embezzled such money, bond or other valuables.

3. Punishable with a maximum of 10 years and/or fined with a minimum of Rp.50.000.000,- and maximum of Rp. 350.000.000,-, any person in any position in private sector both for fixed or temporary term which deliberately embezzled money, bond or other valuables which were kept because of such position, or to let or to help other person to embezzled such money, bond or other valuables which could harm public interest.
4. If such action stipulated in sub article 1 letter a interrupts public service which should be given by the institution or organization which the embezzlement take place or the action stipulated in sub article 1 letter b has in reality harming public interest, the penalty will be added by a third.

#### Article 13

1. Punishable with a minimum of 2 years and maximum of 8 year and/or fined with a minimum of Rp.150.000.000,- and maximum of Rp. 750.000.000, any contractor or developer which on the time of a building project or -;
  - a. Any building material seller who in time of delivering the material committing fraudulency which could potentially harms either public or material safety, or state security in time of war.
  - b. Any person in charge of supervising such building or delivery of such materials which deliberately permitting for such fraud as mentioned in letter (a) to happen.
  - c. Any person on the time of providing the goods needed by the Indonesian Army or the Indonesian National Police commits fraudulency in which could harm national security in time of war.
  - d. Any person in charge of supervising the provision of such goods which deliberately permitting for such fraud as mentioned in letter c to happen.
- (2) Anyone receive the provision of building materials or Indonesian Army or Indonesian Police supplies and permitting for such fraud as mentioned in sub article 1 letter a and c to happen will be a subject to punishment mentioned in sub article 1.

#### Article 14

Punishable with a minimum of 1 year 6 month and maximum of 6 year and/or fined with a minimum of Rp.100.000.000,- and maximum of Rp. 350.000.000, any public official or anyone besides public official which were given task to perform a public position either permanent or temporary which deliberately: -;

- a. Faking books or lists which were intended specially for administrative supervision
- b. Embezzle, destroy, damage, or making useless any properties, acts, letter, or lists which were trusted to such person based on the position in which could be used to convince or as evidence to the authority.
- c. Letting other person to embezzle, destroy, damage, or making useless such properties, acts, letter, or lists
- d. Helping other person to embezzle, destroy, damage, or making useless such properties, acts, letter, or lists

#### Article 15

- (1) Public official which has increase of profit which was unbalance with such official's income could be punished with a minimum of 2 years and maximum of 8 years of imprisonment and/or fined with a minimum of Rp.100.00.000,- and maximum Rp. 350.000.000,-
- (2) Such profit which comes from illegal source as mentioned in sub article 1 will be confiscated for benefit of the state.

#### Article 16

Any one who violates any stipulations which clearly states that such violation is regarded as a crime of corruption will be prosecuted using this law.

#### Article 17

Any one who attempted, assisted, or collaborated to commit the crime of corruption will be also is subjected to article 2 to article 16 of this law.

#### Article 18

Anyone outside Indonesian Jurisdiction which provides help, opportunity, means, or information for a crime of corruption to happen will be treated similarly to a corruption perpetrator as stipulated in article 2 to article 16 of this law.

#### Article 19

- (1) In term of such crime is done by or in the name of a corporation, then the prosecution and the penalization could be done to the corporation and/or the management,
- (2) Criminal acts considered to be committed by a corporation if such criminal acts are done in such company environment by anyone either based on employment relationship or other relationship and either individual or cooperate.
- (3) In term of a crime is determined to be committed by a corporation then such corporation will be represented by the management.
- (4) Management who represent the corporation as stipulated in sub article 3 could be represented by other person.

- (5) Judge could order for corporation management to represent them in front of the court and could also order for the management to be brought in front of the court.
- (6) In term of a prosecution to a corporation, then the summon letter will be addressed to the management either in their home address or their office address.
- (7) Capital punishment which could be taken toward corporation is only in form of fine with a maximum addition of 1/3 (a Third) from such fine.
- (8) Fine as intended in sub article 7 will not remove the punishment to the corporation management.

#### Article 20

- (1) Every punishment on criminal act of corruption should be based on judge's verdict.
- (2) Such verdict stipulated in sub article 1 will consist of brief summary of the crime, full name and a photograph of the convicted and shall be publicized in several national scale media.
- (3) Such publication will be done by the state attorney.
- (4) Every cost needed for such publication will be taken from the fine given by judge to the convict.

#### Article 21

- (1) Every punishment to the criminal act of corruption should be accompanied with the prohibition on the rights to hold public position or other position in particular time.
- (2) In deciding such ban as stipulated in sub article 1, the judge will decide the duration of the banning.
- (3) Such banning will be started after the penalty has been served.

#### Article 22

- (1) Other than the additional punishment as intended in the penal code, other additional punishment could take form in :
  - a. Confiscation of non-fixed assets either visible or invisible or fixed assets which were used or gained from the crime of corruption, including convict's corporation which the criminal act of corruption took place, as well as other things that could substituted such assets.
  - b. Compensation will be set for a maximum is the same amount with the wealth gained from the criminal act of corruption
  - c. Termination of business activities of all or part of the corporation for a maximum of 1 (one) years period.
  - d. Withdrawal of all or part of particular rights or removal of all or part of particular benefit which has or could be given by the state to the convict
- (2) In deciding for compensation, the judge should made it clear to whom should the compensation be given.
- (3) Compensation will not remove the state or the third party's rights to file a civil suit to the convict.
- (4) If the convict is not paying the compensation as stipulated in sub article 1 letter b, then after a maximum of 1 (one) year after the verdict which already has legal power, then the

convict's assets could be confiscated by the public prosecutor and could be auctioned to cover such compensation.

- (5) In term of the convict having enough wealth to pay for such compensation as intended in sub article 1 (one) letter b, then such person will be punishable with imprisonment for a duration which not exceeds the maximum thread of the capital punishment as regulated in this law and the punishment duration should already be decided during the verdict.

### **Chapter III**

#### **Other Crimes**

##### **Article 23**

Any public official which according to the law are obliged to report their wealth, if they failed to so to the authorized institution/organization in 30 days duration since receiving the notification of such obligation, then such official could be sentenced with a maximum of 6 years imprisonment.

##### **Article 24**

Anyone who deliberately prevent, hinder, or interrupt, either directly or indirectly any investigation, prosecution, or trial process of a crime toward any suspect or accused or any witnesses in a corruption case shall be punished with a minimum of 4 years and maximum of 15 years of imprisonment.

##### **Article 25**

anyone who because of the position of the work could have information on telephone tapping or any recording which are done by any institution authorized to do such thing in the effort of eradicating the crime of corruption and the deliberately leaking either the plan or the results of such tapping and recording to any unauthorized person shall be sentenced with a minimum of 4 years ad maximum if 15 years.

##### **Article 26**

Anyone who used violence, threats of violence or intimidation to the witness in order to influence the testimonial or in providing the evidence in a corruption case shall be punishable with a minimum of 4 years and maximum of 15 years.

#### Article 27

Anyone who is obliged to become a witness according to the law, which then deliberately giving a false testimony or not giving testimony shall be sentenced with a maximum of 4 years imprisonment.

#### Article 28

- (1) Punishable with a maximum of 4 years of imprisonment
  - a. Any witness who reveals the identity of a reporter as intended in article 54 of this law
  - b. Any one who because of his/her position knows the identity of the reporter and deliberately reveals such identity or any other information which should be confidential in nature,
- (2) If such action stipulated in sub article (1) letter b is done because of his/her negligence, the penalty could be lessen by a third

#### Article 29

Investigator which use the evidence which is known to him/her to be a false evidence in order to gain a permit to do a tapping is threatened with a minimum of 3 (three) years and maximum of 5 (five) years of imprisonment.

### **Chapter IV**

#### **Investigation, prosecution and Cross Examination in court.**

#### **Part One**

#### **General provision**

#### Article 30

- 1) Investigation, prosecution and trial in court for corruption cases shall be prioritized above other cases in order to get a fast result.
- 2) Investigation of the criminal act of corruption shall be done by the Indonesian National Police, Indonesian Public Prosecutor and the Corruption Eradication Commission.
- 3) The prosecution of the criminal act of corruption will be done by the Indonesian Public Prosecutor and the corruption eradication commission.
- 4) Corruption cases as intended in this law will be trial and decided by the Special Court for Criminal Act of Corruption.

#### Article 31

Investigation, prosecution and cross-examination in court towards corruption cases will be done in corcondance with the existing Law on Criminal Law Procedure.

#### Article 32

- (1) Investigation, prosecution and cross-examination in front of the court towards corruption cases which are perpetrated by public official will requires no permit from the president or other officials.
- (2) Public official which has been declared as a suspect of corruption shall be dismissed temporarily from his/her office until the case has been decided and has taken into effect.
- (3) Such temporary dismissal of a public official as intended in sub article (2) will be submitted by the investigator to his/her direct superior and/or to the one who appoints such investigator based on the existing regulation.
- (4) The verdict on temporary dismissal as stipulated in sub article (3) will be given in a maximum of 7 (seven) working days since the submission of the request.
- (5) During such temporary dismissal, a public official is prohibited to do the duty and authorization as a public official.

#### Article 33

- (1) Public official who was temporary dismissed from his/her position is subject to rehabilitation and/or compensation whenever the court has declared such officials to be free or released from every legal charges and if the verdict has been taken into effect.
- (2) The request of rehabilitation and/or compensation as intended in sub article (1) will be addressed to the Special Court For Corruption case
- (3) Types, amounts, duration, and the guidance of such rehabilitation and/or compensation will be furthermore stipulated in a government regulation.

### **Part Two**

#### **Arrest and detention**

#### Article 33

For the purpose of corruption cases investigation, the maximum duration of the arrest is 3 x 24 hours.

#### Article 34

- (1) Detention for the purpose of investigation a criminal act of corruption could be undertaken for a maximum of 90 (ninety) days.
- (2) Such duration as mentioned in sub article (1) could be extended for a maximum of 60 (sixty) days by the public prosecutor within the legal jurisdiction.

#### Article 35

- (1) Detention for the purpose of the prosecution of a criminal act of corruption could be taken for a maximum of 30 (thirty) days.
- (2) The duration as intended in sub article (1) could be extended for a maximum of 30 (thirty) days by the head of the court in its legal jurisdiction.

#### Article 36

- (1) Detention for the purpose of the trial in court could be taken for a maximum of 90 (ninety) days.
- (2) Such duration as mentioned in sub article (1) could be extended for a maximum of 30 (thirty) days by the head of the state court within its jurisdiction.

#### Article 37

- (1) Detention for the purpose of appeal trial in the high court could be taken for a maximum of 30 (thirty) days.
- (2) Such duration as mentioned in sub article (1) could be extended for a maximum of 60 (sixty) days by the head of the high court within its jurisdiction.

#### Article 38

- (1) Detention for the purpose of cassation trial in the Supreme Court could be taken for a maximum of 60 (sixty) days.
- (2) Such duration as mentioned in sub article (1) could be extended for a maximum of 30 (thirty) days by the chief of justice.

### **Part III**

#### **Coercive Action**

#### Article 39

- (1) Investigator, prosecutor and judges, for the purpose of the investigation, prosecution and cross examination in the court, are authorized to :
  - a. Asking the Center of Financial Transaction Analysis and reporting to give any information or remark regarding the flow of fund of the suspect or the accused in concordance with the existing regulation.
  - b. Asking for information to the bank or other financial institution regarding the condition of the suspect's and/or other person's financial status which were suspected to be related with a criminal act of corruption.
  - c. Ordering to freeze the account of the suspect and/or other party which are suspected to be related with a criminal act of corruption.
  - d. Stop a financial transaction, trade, and other transaction or the withdrawal of permit, license, and concession within a temporary times, ordering the Stock Market and Financial Supervisory Institution to freeze stock transaction or bonds or other similar valuable letters which are indicated of having a relation with a criminal act of corruption.
- (2) Request and/or order as intended in sub article 1 shall be addressed to the head of the bank or other financial institution in which the suspect and/or other person suspected of corruption saving their account or financial statement.
- (3) The head of the bank or other financial institution as intended in sub article (2) is obliged to fulfill the request and/or order maximum 2x24 hours prior to such request and/order were received.
- (4) The head of the bank or other financial institution which not commencing the stipulation as intended in sub article (3) is threatened with a penalty according to the existing law.
- (5) In term of the investigation outcome of the suspect or the convict shows inadequate evidence, then under the request of the investigator, prosecutor or based on judge's verdict, the bank, or other financial institution on the same day should revoke the ban and or the stoppage of financial transaction or other measures as intended in sub article 1 letter c and d.

#### Article 40

- (1) Investigator, based on adequate starting evidence could undertake tapping and/or recording to any person which highly suspected of having done or will done a criminal act of corruption.
- (2) Such tapping and recording as intended in sub article (1) could be done only after there's a permit/notification from the head of the state court within its jurisdiction.
- (3) Such tapping and recording as intended in sub article (1) could be done by ordering the telecommunication provider based on Law of Telecommunication or by using particular tools.
- (4) Such tapping and recording only could be done for a maximum of 30 days and could be extended to a maximum of 30 days under the permit from the head of the court.
- (5) Such tapping and recording will be done discreetly under the supervision of the head of the state court.
- (6) The outcome of the tapping and recording shall be reported to the head of the state court.

Dissenting ke-2: there are two opinions with no agreement regarding sub article (2)

**First Opinion:** The tapping which violates other people human rights will needs the permit from the head of the court.

**Second Opinion:** There's no need for the permit, just notification to the head of the state. The tapping could be done only by meeting some requirements such as: Adequate Preliminary Evidence.

#### Article 41

The investigator is authorized to open, check, confiscate mail and postal package, telecommunication or other tools which highly suspected of having related with a case of corruption under investigation.

### Part Four

#### Expiration of the Competence to Prosecute on Corruption Case.

#### Article 42

- (1) The competence to prosecute corruption case will be expired after 30 (thirty) years prior to the end of the criminal act.
- (2) Every prosecution will stop the expiration if such prosecution is known by the prosecuted or have been informed using the ways as stipulated in the general provisions.

#### Article 43

- (1) The competence in prosecuting the criminal act of corruption which were regulated in article (2) sub article (3) and article 3 sub article (3) will be expired if before the case submitted to the court, the suspect admitting his/her crime, and returning the benefit of the crime and willfully pay for a fine of Rp.25.000.000,- and other costs which has been spend by the state for the investigation and prosecution of such case.
- (2) the stipulation of sub article (1) will not be in effect if the crime is a repeated offence either on a case which has been legally decided or on a case which investigation has been freeze according the sub article (1)
- (3) Such admission as intended in sub article (1) above shall be done with prerequisite as follows :
  1. The suspect in front of the investigator or public prosecutor clearly admits his/her crime and will return all the benefit gained from such crime along with all the cost which the state has been spent and fine of Rp.25.000.000,-
  2. Admission as stated in number 1 will be done in written in a form specialized for such admission and signed by the suspect and the authorized investigator or the public prosecutor. Such form also includes the benefit gained from the crime which will be returned, fine and other state cost which will be paid and the time of such payment.

3. The maximum length of time of the payment and the reversion of the benefit gained from the crime intended in letter 2 shall not exceed 30 (thirty) days since the signing of the admission letter.
4. The investigator or public prosecutor which is authorized then make a copy of such admission form and then create a decree the discontinuation of the investigation or the prosecution based on article 39 sub article 1 which subsequently such copies and decree will ne submitted to the court within its jurisdiction.
5. After the decree has been legalized, then the competence on investigating or prosecuting to the suspect will be expired, unless if in the deadline stated in the admission letter as stated in letter 2, the suspect is not doing his/her obligation or if in the future, new evidences reveals that the corruption done by the suspect is not the corruption as intended in article 3 sub article (3).

**Dissenting 3<sup>th</sup>:**

- **Restorative and Penalization** related to the competence of prosecution if such corruption is worth below Rp. 25 million.

**Article 44**

- (1) If the suspect passed away during the investigation while there has been a factual loss to the state finance, then the investigator shall submit the case investigation report to the state attorney or to be given to the harmed institution for them to file a civil suit against his/her kin.
- (2) If the suspect passed away during the trial while there has been a factual loss to the state finance, then the public prosecutor shall submit the transcript of proceedings to the state attorney or to be given to the harmed institution for them to file a civil suit against his/her kin.

**Part Five**

**In Absentia Proceedings**

**Article 45**

- (1) If the accused could not be presented and or giving testimony in court then under the permit of the chief of justice, the case could be preceded and decided in absentia.
- (2) Such stipulation in sub article (1) could also be in effect if before the judge gives his/her verdict, the accused is running away.
- (3) The verdict which was given in absentia will be pronounced by the public prosecutor in the court notification board, regional government office or informed to the accused lawyers and families.

#### Article 46

- (1) If the suspect passed away during the investigation while there has been a factual loss to the state finance, then the investigator shall submit the case investigation report to the state attorney or to be given to the harmed institution for them to file a civil suit against his/her kin.
- (2) If the suspect passed away during the trial while there has been a factual loss to the state finance, then the public prosecutor shall submit the transcript of proceedings to the state attorney or to be given to the harmed institution for them to file a civil suit against his/her kin.

### **Part Six**

#### **Evidence**

#### Article 47

Legal evidence as stipulated in the law of criminal procedure code is also includes:

- (1) Information which said, sent, received or saved in an electronic means with optical devices or other devices similar with it.
- (2) Documents including data, records or information which could be see, read and/or heard, which could be put out with or without using any tools, whether written in paper or other physical means besides paper or which were recorded electronically including but not limited to writing, voice or pictures, map, designs, photograph or other similar things, any letter, number, symbols, or perforation which has meanings or could be understand by people who could read or understand it.

#### Article 48

They who because of the job, dignitary or position are obliged to keep a secret, could asked to the judge to be released from the obligation to give testimony.

#### Article 49

- (1) In term of criminal act of corruption is done cooperatively, the suspect or the accused which the role considered being the most insignificant, then the penalty for him shall be a maximum of a third from the maximum threat if he/her is willing to cooperate with the investigator/prosecutor to reveal such corruption.
- (2) Such suspect as intended in article 54 (1) will request the reduction of the penalty to the public prosecutor.
- (3) The public prosecutor then will deliver the request as intended in sub article 1 to the head of the state court where the trial will be held.

- (4) The head of the state court will examine the request submitted by the suspect through the prosecutor and will consider the value of the information and evidences that the suspect has in helping to reveal the intended criminal act of corruption.
- (5) The head of the state court will out his/her decision upon such request as intended in sub article (3) in a written decree.
- (6) The prosecutor and the head of the state court has to commence all phase of such request as intended in sub article (1) to Sub article (3) in a discreet nature.
- (7) The request of the penalty reduction as intended in sub article (1) could also be done through the prosecutor without waiting for a request from the suspect.

## **Part Seven**

### **The Reversal of the Burden of Proof**

#### **Article 50**

- (1) Reversal of the burden of proof could be taken toward the crime of corruption as intended in article 9 and article 15.
- (2) The reversal of the burden of proof could be done in the preliminary investigation or on the evidence examination phase in the court.

## **Part Eight**

### **Implementation of the Verdict**

#### **Article 51**

- (1) The implementation of the verdict of a corruption case which already be in effect shall be done maximum 30 (thirty) days after such verdict is being read.
- (2) The implementation of the verdict which ordering the accused to be imprisoned and pay the fine will be done by the supervisory judge or other supervisor which will be appointed by the head of the state court.
- (3) Supervisory judge appointed as intended in sub article (2) will deliver a written report. The outcome of such supervision will be given to the head of the state court.

#### **Article 52**

There is no termination date on the implementation of the verdict regarding corruption cases which already are in effect.

#### **Article 53**

Any third party or victim of the crime could file a civil suite to the convict regarding the wealth/benefit which they should gained if the corruption cases was never done by the convict

## **Chapter V**

### **Protection to Witness and whistleblower**

#### **Article 54**

- (1) Whistleblower has the right to be protected concerning his/her identity.
- (2) Investigator has the obligation toward the whistleblower which has good intention in form of :
  - a. Give away any information to the whistleblower regarding the rights that such whistleblower has in relation with the reported case of corruption.
  - b. Providing protection on private security, family, and assets as well as free from any threats regarding the report which has been given.
  - c. Giving Information regarding the development of the case, the verdict and if the convict is released
- (3) Any whistleblower with good intention in corruption cases could not be prosecuted or charged for the report that they give.
- (4) In doing the stipulation in sub article (2) and (3), the investigator could coordinate with related stakeholder.

#### **Article 55**

Investigator and Public prosecutor shall coordinate with LPSK in giving the priority of protection to the suspect or accused which are willing to cooperate as intended in article 47 sub articles (1)

## **Chapter V**

### **Third Party's Rights**

#### **Article 56**

- (1) Anyone who suffers losses directly because of corruption has the rights to claim restitution based on a verdict which already be in effect.
- (2) Such claim as intended in sub article (1) could be filed by explaining the reason and the evidence of the loss suffered.
- (3) Such claim as intended in sub article (1) shall be addressed to the state court.
- (4) The court shall asses the properness of such claim as intended in sub article (1)

- (5) Fulfillment to such claim as intended in sub article (1) shall be done in 90 (ninety) days time prior to the acceptance of such claim.

#### **Article 57**

- (1) Any party and/or community could request for an annulment on contracts which considered to be created by an act of corruption.
- (2) Such claim as intended in sub article (1) shall be addressed to the state court.
- (3) The court will assess the properness of such claim as intended in sub article (1)
- (4) Fulfillment to such claim as intended in sub article (1) and (2) shall be done in 90 (ninety) days time prior to the acceptance of such claim.
- (5) When the annulment of the contract is being carried out, the rights of the third party with good intention should be protected.

#### **Article 58**

The examination on the claim for restitution and contract annulment will be done according to the civil procedure code unless stated otherwise in this law.

#### **Article 59**

The examination on the claim for restitution and contract annulment will be done according to the civil procedure code unless stated otherwise in this law.

### **Chapter VII**

#### **International Cooperation**

##### **Part One**

#### **International Cooperation**

#### **Article 60**

- (1) In order to prevent and to eradicate transnational corruption act, cooperations will be conducted between the Government of Republic Indonesia with other countries.
- (2) Such cooperation as intended in sub article (1) includes ::
  - a. Extradition
  - b. Mutual assistance on criminal matters
  - c. transfer of criminal proceedings

- d. Cooperative investigation based on the regulation
  - e. Assets reversion
- (3) The code of conduct for the international cooperation stated in sub article 2 letter e will be furthermore regulated in a government regulation

## **Part two**

### **Extradition**

#### **Article 61**

- (1) Extradition could be done either based on an agreement or without an agreement
- (2) As long as the other country allows it, the government could as to extradite an Indonesian citizen which was suspected of committing a corruption even if such corruption is not a crime in such country.
- (3) Stipulation in the extradition agreement could diverged from general principles of extradition as acknowledged in the International law as long as it is also acknowledge in Indonesian Law
- (4) Such stipulation in sub article (1) is also valid for any foreign citizen which in time of committing corruption is has Indonesian Citizenship.

#### **Article 62**

The crime as stipulated in UN convention of Anti Corruption which has been ratified by the law no.7/2006 is a crime which allows extradition even if there's no bilateral agreement between Indonesia and particular countries.

### **Part Three**

#### **Mutual Assistance in Criminal Matters**

##### **Article 63**

- (1) Mutual assistance in criminal matters could be commence with or without any agreement
- (2) Mutual assistance in criminal matters shall meet the stipulation of the existing law.
- (3) Mutual assistance agreement in combating corruption could diverge from mutual assistance general principles acknowledged by International law and as long as it is also acknowledged in Indonesian Law.

### **Part Four**

#### **Coordination of the Commencement of the Cooperative Agreement**

##### **Article 64**

- (1) The preparation and the commencement of the cooperative agreement as intended in article 58, 59, and 60 shall be stated based on the Foreign minister decree in coordination with the Minister of law and human rights.
- (2) To commence such agreement as intended in sub article (1), a task group will be formed under presidential decree.
- (3) Such task group intended in sub article (2) will consist of government elements, Police, Public Prosecutor, and KPK.
- (4) All the cost needed for such coordination will be burdened to the Department of Foreign Affairs Budget.

### **Chapter VIII**

#### **Corruption Assets Management Institution**

##### **Article 65**

- (1) To manage the corruption assets, the government will form an Institution to manage such assets
- (2) the institution will directly responsible to the president
- (3) The institution will have the authority to save, manage the assets from corruption cases and commencing the court's verdict related to restitution and claim of restitution from third party which suffers losses caused by corruption cases.
- (4) Such institution will cooperate with the investigator and public prosecutor and other stakeholders.
- (5) In doing its task, the institution is obliged to regard transparency, accountability and efficiency principles with high integrity,

- (6) The task, mechanism of the management, and the usage of the assets, structure, and other matters regarding the institution will be regulated in a government regulation.

## **Chapter IX**

### Public Participation

#### **Article 66**

- (1) The Public could participate and assisting in preventing and eradicating a corruption act.
- (2) The public as mentioned in sub article (1) have the rights to obtains information for the suspicion that a corruption act is happened and the development of corruption case proceedings.
- (3) Related law enforcer and institution are obliged to provide information to the public regarding the suspicion that a corruption act is happened and the development of a corruption case proceedings
- (4) The mechanism of the public participation in preventing and eradicating a corruption act will furthermore is regulated by government regulation.

#### **Article 67**

- (1) The government is obliged to give reward in form of a certificate and/or premium to the public which has been very helpful in preventing, eradicating, or revealing corruption cases.
- (2) The premium as intended in sub article (1) should be at most 2, 5 % (two and a half percent) from the saved state assets.
- (3) Such reward and premium intended in sub article (1) and (2) will be furthermore regulated in a government regulation.

#### **Article 68**

- (1) The public could request the court to investigate and decides :
  - a. The legality of an investigation or prosecution dismissal.
  - b. A corruption case proceedings which takes forever without any clear and liable reason
  - c. Any law enforcer and institution which not do their duties as regulated in article 67 sub article (3)
  - d. The government refused to give premium as stipulated in article 68 sb article (1) and (2)
  - e. The goverment declaring policies which could hinder the effort of preventing and eradicating corruption.
- (2) The authoritative institution as intended in subarticle (1) is the pretrial review.
- (3) Such request as intended in sub article (1) could be requested by :
  - a. Individual
  - b. Group representatives; and/or

c. NGO

## Chapter X

### Monitoring and Evaluation to the Law

#### Article 69

- (1) The parliament alongside the government shall supervise and evaluate the effectivity of the Law of The Criminal act of Corruption
- (2) Such evaluation as intended in sub article (1) will be done each years and for the first time will be done at the end of the fifth years after this law has been taken into effect.
- (3) The parliament should allocate time for discussion in order to evaluate the law as intended in sub article (1)
- (4) The parliament in evaluating the law should publicize the parameter used to evaluate and the outcome of the evaluation to the public.
- (5) **The parliament could propose changes to the substance of the law or to restate it again based on the outcome of the evaluation.**

## Chapter XI

### TRANSITIONAL CLAUSE

#### Article 70

1. A corruption act committed before this law is legalize, is still investigated and sentenced based on Law Number 31 year 1999 regarding the eradication of corruption as already changed by Law number 20 year 2001 regarding the changing of Law number 31 year 1999 regarding the eradication of Corruption Act.
2. Investigation, prosecution and court proceedings of the crime as intended in sub article (1) shall be done according to the mechanism stipulated in this law.

## Chapter XII

### Closing Clause

#### Article 71

Law Number 31 year 1999 regarding the eradication of corruption act (state gazette of Republic Indonesia year 1999 Number 140, Additional State Gazette of Republic Indonesia Number 3874) as already changed by law Number 20 year 2001 regarding the changing of law Number 31 year 1999 regarding the eradication of corruption act (State Gazette of Republic Indonesia year 2001 Number 134, Additional State Gazette of Republic Indonesia Number 4150) Is withdrawn and stated as not valid.

For everyone to know this, the promulgation of this law is ordered to be situated in the State Gazette of the Republic of Indonesia

Legalized in Jakarta

President Republic of Indonesia

Susilo Bambang Yudhoyono

Legalized in Jakarta

State Secretary Minister

Hatta Radjasa

State Gazette of Republic Indonesia Year: Number:

## **Explanation**

### **On the Draft bill of the Law of the Republic of Indonesia**

**No: ....**

**On**

### **Eradication of the Criminal Act of Corruption**

#### **General**

Upon the ratification of the UN Convention of Anti Corruption through the Law No.7/2006 on the ratification of the UN Convention Against Corruption, 2003 (UNCAC 2003), a new phase has been opened for the effort in eradicating Corruption in Indonesia. The effort in eradicating corruption is not solely Indonesian problem, but it is also an International problem which many things around it should be solved in cooperation with other countries. By ratifying the UNCAC, it is meant that not just the Anti Corruption law which will implement the principal in UNCAC, but other law such as the money laundering law, the freedom of information law, an other regulation regarding the provision of goods and services should also implement such principles although at the moment, the biggest influence will be upon the Law No.31/1999 which has been changed by the Law.No.20/2001.

Regarding the Corruption eradicating effort in UNCAC in chapter III which regulates on the criminality and legal enforcement, there are 11 (eleven) form of crime. Basically such crimes were already considered as a crime in our national legal system but not yet considered as corruption such as bribery in private sector which has been regulated in the law No.11/80 on the crime of bribery, embezzlement in private sector which has been regulated in Indonesian Penal Code, and also money laundering which has been regulated in the law no.15/2002 which has been changed with the law no.25/2002. Upon bribery and embezzlement in the private sector, considering that nowadays, the global economy system is considered to be in favor of neoliberalism whereas the state as well as global economy is not bigger than the private sector then it is very wise to put those two crime as a criminal act of corruption, as well as bribery to the foreign public officials as well as International Organization.

UNCAC has also presenting two new form of crime which has not been regulated yet in our national legal system which are: Trading in Influence and Illicit Enrichment. Trading in influence needs to be regulated to prevent the abuse of authority of a public official to influence other public official to give a certain benefit to other person. While Illicit Enrichment needs to be regulated/adopted considering this stipulation is considered effective in eradicating corruption in other countries which has been regulated on it. By adopting illicit enrichment, then the burden of proof could be done more effectively, nevertheless it also needs support from other instruments such as the wealth reporting which by now is under the authority of the Corruption Eradication Commission. In this law, there is also a stipulation which regulates any public official who avoid reporting his/her wealth to the KPK.

Besides the relation with UNCAC, this law is also intended to restore the mistakes in the previous law such as the suitability of the penalty with the crime, duplication in passive bribery which regulated in 3 (three) articles but with different sanction, obscurity in the stipulation regarding gratification, and the reversal of the burden of proof.

Within the procedural stipulation, there are some new stipulation such as in corruption cases there's permit from the president or any authorized official is not needed in term of the suspect is a state official, the stipulation concerning tapping and recording to avoid its abuse by the law enforcer, the extension of the expiration date of the competence to proceed corruption case. For petit corruption, the competence to precede the case could be remove if the perpetrator is willing to admit the crime and return the assets and pay the fine to the state.

Other matters related with International cooperation is also regulated in this law such as for extradition agreement between the participatory countries in UNCAC, that for the crimes regulated in chapter III of UNCAC, as long as the countries has adopted UNCAC then they will also become a part of the extradition agreement. This stipulation is intended so that the existing extradition agreement will not be changed just to put such crime into it.

In regards to the asset which were saved or returned from a corruption case, an Assets management institution will be formed. This institution is needed especially to manage assets in form of a company or legal institution so that the value is not plummeted or suffering losses.

## **Article by Article**

Article 1  
Clear enough

Article 2  
Clear enough

Article 3  
Sub article (1)  
Clear enough

Sub article (2)

What is means with violence or threat of violence is also include blackmail

Sub article (3)

This stipulation should not be taken that the act stipulated in sub article (1) is a material delict but sub article (3) means that if the act is causing loss to third party and such loss is estimated to be no more than RP. 25.000.000,- then the stipulation in sub article (3) will be valid for such case.

Third party means either state or public or individual.

Article 4

Sub article (1)

Clear enough

Sub article (2)

This stipulation is a stronger clause for sub article (1)

Article 5

Sub article (1)

Letter d

Client in this article follows the definition in the law regarding advocates.

Article 6

Clear enough

Article 7

Clear enough

Article 8

Clear enough

Article 9

Sub article (1)

Clear enough

Sub article (2)

This stipulation is about reversal of the burden of proof as regulated in article...

Sub article (3)

Clear enough

Sub article (4)

This stipulation means that if the gratification giver is suspected to ...

Article 10

Clear enough

Article 11

Clear enough

Article 12

Clear enough

Article 13

Sub article (1) letter a

This stipulation is different with the penal stipulation in law no.18/1999 concerning the Construction Service because in this stipulation there's another element which is fraud.

Article 14

Letter a

Forgery could also means making a double bookkeeping on a financial or other administration data

Letter b

Embezzlement is not limited to the definition of embezzlement in article 372 KUHP, but also includes making disappear of things, act, letter or list.

Article 15

This stipulation is an implementation on the principal of reversal burden of proof which stipulated in article ...

Wealth in this article includes the wealth of the spouse and children of the accused.

Article 16

This stipulation is to make clear that the criminal act of corruption which regulated outside this law will also count as a criminal act of corruption according to this law that the stipulations in this law could also be valid to such crime.

Article 17

Clear enough

Article 18

Clear enough

Article 19

Management is the corporate organ which runs the corporation in which related to the statute including they who in reality have the authorization and participated in deciding the policy of the corporate which could be qualified as a criminal act of corruption

Article 20

The verdict notification shall not be defined as opening the access of public to the copy of the verdict. Such notification in this stipulation is an additional penalty as mentioned in the KUHP. The intention of this stipulation is to give a warning to the public to be very careful with the suspect in the future.

Article 21

Sub article (2)

The meaning of this stipulation is to make clear to whom the restitution money should be given.

Article 22

Clear enough

Article 23

Clear enough

Article 24

What is meant by anyone because of the position or the task is anyone who work in place where the permit to do tapping or recording is given, the institution which runs the tapping.

Article 25

Clear enough

Article 26

Clear enough

Article 27

Sub article (2)

Anyone because of the position also includes the civil servants who work in the police institution, prosecutor office or court.

Article 28

Clear enough

Article 29

Clear enough

Article 30

Clear enough

Article 31

The law of procedure which valid including the procedures which stipulated in KUHAP and in the Anti Corruption Law

Article 32

Sub article (1)

Clear enough

Sub article (2)

This stipulation is a special regulation from other stipulations that regulates the permit to do investigation or cross examination in the court for particular public official which were regulated in several law and regulations...

Sub article (3)

This stipulation is a formal requirement which has to be fulfilled by the investigator as a ground fro temporary dismissal of related official.

Sub article (4)

Clear enough

Sub article (5)

Clear enough

Sub article (6)

Clear enough

Article 33

Sub article (1)

Limited rehabilitation on the condition or situation before declared as a suspect, accused or convict.

Compensation is a payment for material losses suffered during a public official was temporary dismissed from his/her position. Material losses will be counted from the amount of income which such official should get during the temporary dismissal.

Sub article (2)

Clear enough

Sub article (3)

Clear enough

Article 34

Clear enough

Article 35

Clear enough

Article 36  
Clear enough

Article 37  
Clear enough

Article 38  
Clear enough

Article 39  
Clear enough

Article 40  
Clear enough

Article 41  
Sub article (1)

Tapping and recording of dialog as intended in sub article (1) is not a violation of article 40 of the law no.36/1999 on telecommunication. Other devices include pictures, photocopy, computer data, short messages service, email, telegram, telex, facsimile, internet, video, recording or disc.

Sub article (2)

Clear enough

Sub article (3)

Clear enough

Sub article (4)

Clear enough

Sub article (5)

Clear enough

Sub article (6)

Clear enough

Article 42

Clear enough

Article 43

Sub article (1)

This stipulation is a deviance from the stipulation regarding the expiration on the competence to prosecute which regulated in KUHP

Sub article (2)

Clear enough

Article 44

Sub article (1)

This stipulation is intended to...

Sub article (2)

Clear enough

Sub article (3)

Clear enough

Article 45

Sub article (1)

Clear enough

Sub article (2)

Clear enough

Article 46

Clear enough

Article 47  
Sub article (1)

Clear enough

Sub article (2)

Clear enough

Article 48  
Such protection will only be given within the related case

Article 49  
Clear enough

Article 50  
Clear enough

Article 51  
Clear enough

Article 52  
Clear enough

Article 53  
Clear enough

Article 54  
Clear enough

Article 55  
Clear enough

Article 56

Sub article (1)

Contract as intended in subarticle (1) is a contract which has been declared by the authorized institution e.g BPK and BPKP as to have inflicted state loss.

Sub article (5) the rights of the third party includes restitution, ongoing project.

Article 57

Clear enough

Article 58

Clear enough

Article 59

Clear enough

Article 60

Clear enough

Article 61

Clear enough

Article 62

Clear enough

Article 63

Clear enough

Article 64

Clear enough

Article 65

Clear enough

Article 66

This stipulation is intended to encouraged public participatory in eradicating corruption

Article 67

Clear enough

Article 68

Clear enough

Article 69

Clear enough

Article 70

Clear enough

**Article 71**

Clear enough

**Article 72**

Clear enough

ADDITIONAL STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO...

### **Judicial Watch Coalition Profile**

The Judicial Watch Coalition is formed of Indonesia Corruption Watch (ICW), Lembaga Kajian dan Advokasi Untuk Independensi Peradilan (**LeIP**), Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (**MaPPI FH UI**), Konsorsium Reformasi Hukum Nasional (**KRHN**), Lembaga Bantuan Hukum (**LBH**) Jakarta, Pusat Studi Hukum dan Kebijakan (**PSHK**), Indonesia Legal Resource Center (**ILRC**). This NGO coalition was established in 2001 as a response to several issues in the judicial and corruption eradication process.

Many activities has been done together by the coalition such as Examination on controversial verdict such in Bulog Goro ruislag cases with Tommy Soeharto as the accused and the non budgeter fund corruption case with Akbar Tanjung as the accused, the drafting of the Anti Corruption Law bill - Public Version ad the drafting of the anti corruption court bill as well as monitoring the implementation of the UN convention of Anti Corruption (UNCAC)

Other than that, the coalition is from the beginning already have the tradition of "escorting" the selection process of public officials in judicial field such as the Chief Justices Selection process, KPK leader selection process (2003 and 2007) and Judicial commission member selection process, Corruption Court ad hoc Judges selection process and Prosecutor Commission member selection process.

**Indonesia Corruption Watch (ICW)**

Jalan Kalibata Timur IV/D No 6 Jaksel

Telp. 021-7901885 Fax. 021-7994005 Email: [icwmail@indosat.net.id](mailto:icwmail@indosat.net.id) Web: [www.antikorupsi.org](http://www.antikorupsi.org)

**Konsorsium Reformasi Hukum Nasional (KRHN)**

Jl. Talang No. 23 Menteng Jakarta Pusat – Indonesia

Telp :021-3928384 Fax : (62-21) 3904381 Email: [info@reformasihukum.org](mailto:info@reformasihukum.org), Web:[www.reformasihukum.org](http://www.reformasihukum.org)

**Masyarakat Pemantau Peradilan Indonesia (MaPPI) Fakultas Hukum Universitas Indonesia**

Gedung D Lantai 4 Kampus Baru UI Depok

Telp. 021-70737874 Email: [mappi@pemantauperadilan.com](mailto:mappi@pemantauperadilan.com) Web: [www.pemantauperadilan.com](http://www.pemantauperadilan.com)

**Lembaga Kajian dan Advokasi Untuk Independensi Peradilan (LeIP)**

Puri Imperium Office Plaza, UG 11-12 Jl Kuningan Madya Kav 5-6 Jaksel

Telepon : 021-8302088, 83701809 Fax : 021-83701810 Email : [informasi@leip.or.id](mailto:informasi@leip.or.id) Web:[www.leip.or.id](http://www.leip.or.id)

**Pusat Studi Hukum dan Kebijakan (PSHK)**

Puri Imperium Office Plaza Upper Ground Floor, Unit UG 11-12 Jl. Kuningan Madya Kav. 5-6, Kuningan Jakarta

Tlp(62-21) 8370 1809 Fax(62-21) 8370-1810 E-mail [pshukum@cbn.net.id](mailto:pshukum@cbn.net.id) Web:[www.pshk.or.id](http://www.pshk.or.id)

**Lembaga Bantuan Hukum (LBH) Jakarta**

Jalan Diponegoro No 74 Jakarta Pusat Telp. 021-3145518 Fax. 021-3912377 Email: [lbhikt@indosat.net.id](mailto:lbhikt@indosat.net.id)

Web: [www.bantuanhukum.org](http://www.bantuanhukum.org)

**Indonesia Legal Resource Centre (ILRC)**

Jalan Tebet Timur I No. 4, Tebet Jakarta Selatan

Telp 021-93821173 Fax. 021-8356641 email: [Indonesia\\_lrc@yahoo.com](mailto:Indonesia_lrc@yahoo.com),

Web: [www.mitrahukum.org](http://www.mitrahukum.org)

