

**STEP-BY-STEP GUIDE FOR ASSET RECOVERY**  
**FROM G20 COUNTRIES**

## **INDONESIA**

### **I. INTRODUCTION**

Any asset recovery request to Indonesia must be submitted in the form of a Mutual Legal Assistance in Criminal Matters (MLA) request. The request has to be submitted through the Indonesian Central Authority under the Ministry of Law and Human Rights (profile provided below). Based on Indonesian MLA Law No. 1 of 2006, the assistances available to be rendered are related to the asset recovery process are, inter alia:

1. Executing search warrant and seizure;
2. Forfeiture of proceeds of crime;
3. Recovery of pecuniary penalties in respect to the crime;
4. Restraining of dealings of property, including provisional measures (i.e. postpone of transactions), the freezing of property that may be recovered or confiscated, or maybe needed to satisfy pecuniary penalties imposed, in respect to the crime;
5. Identifying, tracing and locating property that maybe recovered or maybe needed to satisfy pecuniary imposed in respect to the crime;
6. Other assistance in accordance with Indonesian MLA Law.

MLA on asset recovery may be provided based on a treaty, however in the absence of a treaty the assistance may be provided based on good relationship under the reciprocity principle. In submitting a request for assistance, several requirements must be met by the Requesting Party as stipulated in Article 28 of the Indonesian MLA Law.

Indonesia will only accept MLA request on asset recovery which is based on criminal conviction. According to Article 6 of the Indonesian MLA Law, the request shall be refused if it relates to the investigation, prosecution or examination before the court or punishment of a person for the crime that is alleged to have committed a crime of a political nature, a crime under military law and/or does not meet the dual criminality requirements.

Key legislations related to asset recovery process are:

1. Law No. 8 of 1981 Criminal Procedural Code (KUHAP);
2. Law No. 1 of 1946 Criminal Code (KUHP) as amended with Law No. 1 of 2023 (effective in 2026);
3. Law No. 1 of 2006 on Mutual Legal Assistance in Criminal Matters (MLA);
4. Law No. 8 of 2010 on Anti-Money Laundering (TPPU);
5. Law No. 31 of 1999 jo Law No. 20 of 2001 on Anti Corruption(TPK).

## **II. HOW TO SEEK RESTRAINT, SEIZURE AND FORFEITURE/CONFISCATION FROM INDONESIA**

In order to seek the restraint, seizure and forfeiture/confiscation of criminal proceeds from Indonesia, the following steps should be followed:

### **1. IDENTIFICATION OF THE ASSET**

In order to assist identification of assets in Indonesia, the following mechanisms are available:

- For identifying and locating assets located in Providers of Financial Services (PFS) and other goods and/or services provider (refer to art. 17 AML Law), as well as designated professions (refer to Government Regulation No. 43 of 2015 as amended with Government Regulation on No. 61 of 2021), a request must be sent to all financial institutions and designated non-financial and business professions (DNFBPs) when the parties have been sent by PPATK to investigator, upon investigation and court proceeding. In 2010, Indonesia has enacted a new Anti-Money Laundering Law (AML), which authorizes multiple investigators from the Attorney General's office, Indonesian National Police (INP), Anti Corruption Commission, National Drugs Agency, Directorate General of Tax, and Directorate General of Customs and Excise to investigate money laundering.
- Following the judicial review of elucidation of Article 74 of the AML Law by the Constitutional Court in 2021, all investigators of predicate crime now have the authority to investigate ML. Therefore, the ML Investigators also included civil servant investigators from the Ministry of Environment and Forestry, Ministry of Marine Affairs and Fisheries, Ministry of Manpower, Directorate General of Immigration MLHR, and Food and Drug Authority. In addition, there is also investigator from the National Armed Forces and Investigator from the OJK (Referring to the Law on the Development and Strengthening of the Financial Sector).
- In addition, the AML Law allows investigators to directly request information concerning the suspect's wealth from PFS and DNFBPs. In requesting and collecting records of such information, financial transactions secrecy provisions are not applicable. In addition, the Criminal Procedures Code confers investigators the authority to obtain/request a court order, request hard copies of transaction documentation from bank accounts upon obtaining permission from the Central Bank.

In 2014, Indonesia FIU has developed an Integrated Customer Information System which contains specific information (profiles) of financial service provider customers (called SIPESAT), but not including their balance and transaction information. This Integrated Customer Information system will be useful in tracing assets ownership in financial system.

SIPESAT information can be delivered by PPATK to LEAs which will then be used as initial information for LEAs. Furthermore, for LEAs to obtain more detailed information regarding balance and transaction information and other information, they can utilize their authority under Article 72 of AML Law where LEAs can obtain information directly from the reporting parties (PFS and DNFBPs).

- For identifying real estate, landowners' registration/deed registration with the National Land Agency is mandatory, real estate salesperson need no license in order to conduct a real estate transaction, and the beneficial owner is not disclosed in real estate transactions and such identity can be easily hidden behind legal structures.

FIU Regulation PER-10/1.02.1/PPATK/09/11 obligates reporting parties of other goods and/or service providers to identify any beneficial owners, including among others real estate agents, motor vehicle, diamond and art traders. The identification of beneficial owners is useful in identifying the natural person who ultimately controls or owns the asset.

Moreover, in 2015, Indonesia designated new AML reporting parties, which are designated profession, which are lawyer, accountant, public accountant, notary, land register officer, and financial planner. Those professions are required to conduct preventive measures on money laundering, such as customer due diligence for customer (permanent and occasional customer) and their beneficial owner, enhance due diligence, and reporting the suspicious transaction reports (STRs) to FIU.

For identifying companies, a registry exists at national level and maintained by the Direktorat Jenderal Administrasi Hukum Umum, Kementerian Hukum dan Hak Asasi Manusia (Directorate General of Legal Administrative Affairs, Ministry of Law and Human Rights)

## **2. CONFISCATION OF PROPERTY RELATING TO FOREIGN OFFENCES**

### **a. Postpone Transaction (provisional measures)**

According to article 44(1)(i) of AML Law giving The Indonesian Financial Transaction Reports and Analysis Center/INTRAC (Indonesian FIU) an authority to conduct postpone transaction for at least 20 (twenty) working days. FIU may conduct this authority spontaneously or upon request from domestic (i.e. the Indonesian National Police (INP), other law enforcement agencies) or foreign competent authorities (i.e. foreign FIU and foreign non-counterpart).

### **b. Implementation of Article 67 AML Law (provisional measures)**

In the event that the law enforcement agencies are not known or reasonably suspected that the assets are the proceeds of a crime (i.e. the perpetrator using fake ID or died), PPATK may conduct a postponement of transaction as explained in letter a above. Then in the event that there is no objection to the said of its assets within 20 days since the date of the postponement of the transaction, then PPATK will hand over the handling of its assets to the investigator for further investigation, including seeking the existence of the suspect. In accordance with the article 67 AML Law states if the existence of suspect is not known, the investigator may submit the application of confiscation to the court. The procedure to confiscate the assets of unknow suspects are regulated under Supreme Court Regulation No. 1 of 2013.

### **c. Seizure, restraining or confiscation assets**

The request to seize, restrain, or confiscate any assets in Indonesia has to be made through a MLA request. The requirements are defined in article 28 and 41 of the

Indonesian MLA Law. The request must also enclose the seizure warrant issued by the authorized institutions in the Requesting Party;

- d. In the matter of execution of foreign confiscation order, the Requesting Party may request through a MLA such as: confiscation and forfeiture of assets, imposition of penalties, or payment of compensation. The requirements are stipulated in article 28 and 51 of the Indonesian MLA Law. The request must also include the description of said assets, location of assets, certificate of ownership;
- e. If all the requirements have been met, the request will be directed to the Indonesian Attorney General Office (AGO) who will seek for a Court Decisions on confiscation of the said assets. The owners of the confiscated assets may object to the court decision within 3 (three) months following the notifications such seizure or confiscation. Other third parties may also file an objection or challenge the court issuing the seizure warrant by no later than 6 (six) months following the announcement.
- f. If there are no challenges or objections in the said period of time the court may issue and order to seize such assets based on the request of the AGO.

### **3. DISPOSAL/RETURN OF ASSETS**

The Indonesian Central Authority will notify the requesting party regarding the progress of the seizure. The delivery or return of assets will be decided based on further negotiation or agreement between Indonesia and requesting party.

FIU Regulation PER-10/1.02.1/PPATK/09/11 obligates reporting parties of other goods and/or service providers to identify any beneficial owners, including among others real estate agents, motor vehicle, diamond and art traders. The identification of beneficial owners is useful in identifying the natural person who ultimately controls or owns the asset. In addition, there is also Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering as amended with Government Regulation No. 61 of 2021 that regulates about the obligation to report STRs by designated professions as reporting parties namely notary, land titles registrar, accountant, public accountant, and financial planner. There are several implementation regulations and preventive measure for designated professions as follow:

- a. PPATK Regulation No. 6 of 2017 on AML CFT Requirements for Financial Planners
- b. PPATK Regulation Number 7 of 2017 on AML CFT Requirements for Lawyer
- c. Ministry of Law and Human Rights Regulation Number 9 of 2017 on AML CFT Requirements for Notary
- d. Ministry of Finance Regulation Number 55 of 2017 on AML CFT Requirements for Accountant and Public Account as amended with Ministry of Finance Regulation No 155 of 2017
- e. Ministry of Land Register Regulation Number 21 of 2022 on AML CFT Requirements for Land Register Officer

### III. ASSET RECOVERY AGENCY/ AGENCIES – CONTACT INFORMATION

Based on Indonesian MLA Law, Central Authority for asset recovery process is The Minister of Law of Human Rights. Documents and letters of request to Indonesia for MLA under the MLA law may be submitted to :

H.E. Minister for Law and Human Rights  
Directorate General of Legal Administrative Affairs  
Jl. H.R. Rasuna Said Kav. X-6 Jakarta 12940 Indonesia  
Telephone +62 21 520 23 91  
Facsimile +62 21 526 10 82

The Technical Unit under Directorate General for Legal Administrative Affairs deals with legal assessment, drafting, and communication:

Directorate of International Law and Central Authority  
Jl. H.R. Rasuna Said Kav. X-6 Immigration Building, 6th Floor  
Jakarta 12940 Indonesia  
Telephone +62 21 522 1619  
Facsimile +62 21 526 3996  
Email: otoritaspusat@kemenkumham.go.id, dir.hi@djahu.kemenkumham.go.id

The Indonesian AGO has actively participated in CARIN (Camden Asset Recovery Interagency Network). The Indonesian AGO holds the presidency of ARIN AP (a CARIN type informal network for Asia and the Pasific countries) for 2014. The Indonesia Financial Transaction Reports and Analysis Center (INTRAC) is a member of the EGMONT Group.

### IV. OTHER USEFUL REFERENCES

Requesting countries are encouraged to refer to Directorate General of Legal Administrative Affairs website at yg ini kuganti alamat website general nya ahu aja ya yg di <https://centralauthority.kemenkumham.go.id/> for additional guidance on making asset recovery requests to Indonesia