

**REGULATION OF THE REPUBLIC OF INDONESIA**

**NUMBER 57 YEAR 2003**

**REGARDING**

**THE PROCEDURE FOR SPECIAL PROTECTION**

**OF REPORTING PARTIES AND WITNESSES**

**IN CRIMINAL ACTS OF MONEY LAUNDERING**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering:           whereas in implementation of the provisions of Article 40 paragraph (2) and Article 42 paragraph (2) of Law Number 15 Year 2002 concerning Criminal Acts of Money Laundering as amended by Law Number 25 Year 2003, it is necessary to stipulate a Government Regulation concerning the Procedure for Special Protection of Reporting Parties and Witnesses in Criminal Acts of Money Laundering;

In view of:           1.     Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;

                          2.     Law Number 15 Year 2002 concerning Criminal Acts of Money Laundering (State Gazette Year 2002 Number 30, Supplement to State Gazette Number 4191) as amended by Law Number 25 Year 2003 concerning Amendment to Law Number 15 Year 2002 concerning Criminal Acts of Money Laundering (State

Gazette Year 2003 Number 108, Supplement to State  
Gazette Number 4324);

**HAS DECIDED:**

To stipulate: GOVERNMENT REGULATION REGARDING THE  
PROCEDURE FOR SPECIAL PROTECTION OF  
REPORTING PARTIES AND WITNESSES IN CRIMINAL  
ACTS OF MONEY LAUNDERING.

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

Referred to herein as:

1. Special Protection shall be a form of protection provided by the state to secure Reporting Parties or Witnesses against any possible threats endangering such persons, their life, and/or their properties including their family.
2. Reporting Parties shall be anyone who:
  - a. due to their obligations under laws and regulations reports Suspicious Financial Transaction or Cash Financial Transaction as intended in the Law to the PPATK; or
  - b. voluntarily reports to investigators alleged criminal acts of money laundering as intended in the Law.

3. Witnesses shall be persons capable of providing information regarding a criminal case of money laundering that they hear by themselves, see by themselves and experience by themselves, for the purpose of investigation, prosecution, and court hearing.
4. Family shall be the core family consisting of husband/wife and children of the Reporting Parties or Witnesses.
5. Indonesian Financial Transaction Reports and Analysis Center, hereinafter referred to as the PPATK, shall be as intended in the Law.
6. The Law shall be Law Number 15 Year 2002 regarding Criminal Acts of Money Laundering as amended by Law Number 25 Year 2003.

## **Article 2**

- (1) Special protection must be provided for every Reporting Party or Witness in a case of criminal acts of money laundering, either prior to, during or following a case examination proceeding.
- (2) The Police of the Republic of Indonesia shall provide special protection as intended in paragraph (1).

## **Article 3**

Investigators, Public Prosecutors and Judges shall be obligated to provide special protection for Witnesses at every case examination level.

## **Article 4**

Reporting Parties and Witnesses shall not be charged for the special protection provided for them.

## **CHAPTER II**

### **FORM AND PROCEDURE FOR SPECIAL PROTECTION**

#### **Part One**

##### **Form of Protection**

#### **Article 5**

Special protection as intended in Article 2 and Article 3 shall be provided in the following forms:

- a. protection of personal safety and/or the safety of the relevant Reporting Party's and Witness' family against physical or mental threats;
- b. protection of the Reporting Party's and Witness' property;
- c. keeping confidential and disguise the identity of the Reporting Party and Witness concerned; and/or
- d. giving testimony without being confronted with the suspect or defendant at any case examination level.

#### **Part Two**

##### **Procedure for Protection**

#### **Article 6**

- (1) Special protection by the Police of the Republic of Indonesia as intended in Article 2 paragraph (2) shall be provided based on any possible threats endangering personal safety, life safety and/or the safety of properties including the relevant Reporting Party's and Witness' family as a consequence of:
  - a. the submission of reports concerning Suspicious Financial Transactions or Cash Financial Transactions by Reporting Parties as intended in Article 1 paragraph 2 sub-paragraph a or by the PPATK to the Police of the Republic of Indonesia;
  - b. the submission of reports concerning alleged criminal acts of money laundering by Reporting Parties as intended in Article 1 paragraph 2 sub-paragraph b or by the PPATK to the Police of the Republic of Indonesia; or
  - c. the determination of a person as Witness in a criminal case of money laundering.
- (2) By no later than 1 x 24 (one times twenty-four) hours as from the receipt of reports or as from the determination of a person as Witness, the Police of the Republic of Indonesia shall clarify the accuracy of reports and shall identify the form of protection required.
- (3) The Reporting Parties and/or Witnesses concerned must be notified in writing about the special protection provided as intended in paragraph (1)

hereinabove, within 1 x 24 (one times twenty-four) hours prior to the protection being provided.

### **Article 7**

- (1) In the event that special protection as intended in Article 6 has not been provided yet, Reporting Parties, Witnesses, the PPATK, Investigators, Public Prosecutors or Judges may submit a written request for special protection to the Police of the Republic of Indonesia.
- (2) Request for special protection by Investigators, Public Prosecutors or Judges shall be submitted in accordance with the level of case examination of criminal acts of money laundering.
- (3) Written request for special protection as intended in paragraph (1) shall be submitted to the Police of the Republic of Indonesia the working territory of which covers the residence of the Reporting Parties and/or Witnesses concerned.
- (4) By no later than 1 x 24 (one times twenty-four) hours as from the receipt of written request for special protection, the Police of the Republic of Indonesia shall clarify the accuracy of the request and shall identify the form of special protection required.
- (5) The Reporting Parties and/or Witnesses concerned must be notified in writing about the special protection provided as intended in paragraph (1)

hereinabove, within 1 x 24 (one times twenty-four) hours prior to the protection being provided.

### **Article 8**

The Police of the Republic of Indonesia shall coordinate the implementation of the provisions of Articles 6 and 7 with the PPATK, Investigators, Public Prosecutors and Judges handling cases of criminal acts of money laundering.

### **Article 9**

The technical implementation of special protection as intended in Article 5 paragraphs a, b and c shall be provided for in a Decision of the Head of the Police of the Republic of Indonesia with due observance of the inputs from related agencies.

### **Article 10**

- (1) Special protection for Reporting Parties and/or Witnesses shall no longer be provided in the following cases:
  - a. based on the assessment of the Police of the Republic of Indonesia according to which such protection is no longer required; or
  - b. at the request of the person concerned.
  
- (2) The Reporting Parties, Witnesses and/or their family must be informed about the termination of special protection as intended in paragraph (1)

sub-paragraph a by no later than 3 x 24 (three times twenty-four) hours prior to terminating such special protection.

- (3) If the Reporting Parties and/or Witnesses concerned deem that special protection is still required, the Police of the Republic of Indonesia based on the written request of such Reporting parties and/or Witnesses shall be obligated to continue to provide such terminated special protection for the Reporting Parties and/or Witnesses concerned.

### **Article 11**

- (1) If a Witness is brought in from a territory outside the Republic of Indonesia, the above-mentioned special protection for Witnesses shall be provided in cooperation with the competent police officers in such state based on mutual assistance cooperation agreement in the field of criminal acts between the Indonesian Government and the state concerned.
- (2) If there is no mutual assistance cooperation agreement as intended in paragraph (1), special protection shall be provided based on the principle of reciprocity.

## **CHAPTER III**

### **FINANCING**

#### **Article 12**



All costs related to special protection for Reporting Parties and Witnesses shall be charged to the budget of the Police of the Republic of Indonesia.

**CHAPTER IV**  
**CLOSING PROVISIONS**

**Article 13**

This Government Regulation shall come into effect as from the date of its promulgation.

For public cognizance, hereby ordering the promulgation of this Government Regulation by publishing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On November 11, 2003

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta

On November 11, 2003

STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

BAMBANG KESOWO

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2003

NUMBER 126

The copy is in accordance with the original hereof

CABINET SECRETARIAT OF THE REPUBLIC OF INDONESIA

The Head of Regulations and Legislation II Bureau,

Edy Sudiby

**ELUCIDATION ON THE  
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NUMBER 57 YEAR 2003  
REGARDING  
THE PROCEDURE FOR SPECIAL PROTECTION OF REPORTING PARTIES  
AND WITNESSES IN CRIMINAL ACTS OF MONEY LAUNDERING**

**I. GENERAL**

In the context of the implementation of examination process of criminal acts of money laundering, in accordance with Law Number 15 Year 2002 regarding Criminal Acts of Money Laundering as amended by Law Number 25 Year 2003, Reporting Parties and Witnesses need to obtain special protection from the state against any threats endangering themselves, the safety of their life and/or properties including their family from any party whatsoever.

It is expected that by providing such special protection both Reporting Parties and Witnesses will feel that their safety is guaranteed enabling them to provide accurate information for appropriate implementation of the judicial process in criminal acts of money laundering. Hence, it is expected that Reporting Parties and Witnesses will be able to participate actively in endeavors to prevent and eradicate criminal acts of money laundering.

This Government Regulation provides for the form and procedure for special protection granted to Reporting Parties and Witnesses including

the protection for personal safety and/or the safety of the Reporting Parties' and Witnesses' family against physical or mental threats, protection of their properties, keeping confidential and disguising the identity of Reporting Parties and Witnesses, and/or giving testimony without being confronted with the suspect or defendant at any case examination level.

In addition to the above, in the context of preventing and eradicating Criminal Acts of Money Laundering, special protection for Witnesses with regard to mutual assistance cooperation agreement in criminal cases with other states is also provided for.

## **II. ARTICLE BY ARTICLE**

### Article 1

Self-explanatory.

### Article 2

Self-explanatory.

### Article 3

Referred to as "case examination level" shall be the examinations at the investigation, prosecution and examination levels in a court hearing.

### Article 4

Self-explanatory.

## Article 5

### Sub-article a

Protection of the personal security and/or the safety of the Reporting Parties' and Witnesses' family against physical and mental threats can be provided, for example, in the form of physical safeguard conducted for a certain period of time, evacuation or relocation of the Reporting Parties and Witnesses to other places that are secure and free from threats.

### Sub-article b

Self-explanatory.

### Sub-article c

Referred to as keeping confidential shall be, for example, not mentioning at all the identity of the Reporting Parties and Witnesses. Disguise shall be, for example, mentioning identity other than the actual identity of the Reporting Parties and Witnesses.

### Sub-article d

"Suspect or defendant" shall include their legal representatives.

## Article 6

Self-explanatory.

## Article 7

Self-explanatory.

## Article 8

“Coordinating” shall mean that, in providing special protection for Reporting Parties and Witnesses, the Police of the Republic of Indonesia shall cooperate with the PPATK, Investigators, Public Prosecutors and Judges handling cases of criminal acts of money laundering for the optimal results of such protection.

## Article 9

Referred to as “related agencies” shall be the PPATK, Public Prosecutor’s Office, Courts and other agencies related to the prevention and eradication of criminal acts of money laundering.

## Article 10

### Paragraph (1)

The assessment of the Police of the Republic of Indonesia of the reasons for terminating special protection shall be made thoroughly and carefully, with due observance of the interest of the Reporting Parties and Witnesses concerned.

### Paragraph (2)

Self-explanatory.

### Paragraph (3)

Self-explanatory.

Article 11

Self-explanatory.

Article 12

It is expected that by providing a separate budget item in the budget of the Police of the Republic of Indonesia there will be adequate funds available for an effective and efficient prevention and eradication of criminal acts of money laundering.

Article 13

Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NUMBER 4335