

2020/ACT/WKSP/010

Beneficial Ownership Transparency in Indonesia

Submitted by: Indonesia



Capacity Building Workshop on Exposing the Unseen Hands: Tackling Concealment of Beneficial Ownership 19 October 2020



BENEFICIAL OWNERSHIP TRANSPARENCY IN INDONESIA

Presented by Mr. Santun M. Siregar

Director of Civil Affairs, Ministry of Law and Human Rights, Republic of Indonesia



LEGAL BASIS



Presidential Regulation Number 13 Year 2018 regarding Implementation of Principle of Corporate Beneficiary Identification for Preventing and Eradicating Criminal Actions of Money Laundering and Terrorism Financing.

Ministry of Law and Human Rights Regulation Number 15 Year 2019 regarding Procedure on Implementation of Principle of Corporate Beneficiary Identification

Ministry of Law and Human Rights Regulation Number 21 of 2019 Procedure on Beneficiary Ownership Supervision

Ministry of Law and Human Rights Regulation Number 9 Year 2017 regarding Knows Your Customers Principle for Public Notary





Kind of Corporation(s)

Limited Liability Company

Foundation

NGO

Cooperation

Firm

Limited Partnership

Civil Partnership

*and other corporate form in the near future



Beneficial ownership qualification (GENERAL BENEFICIAL **OWNERSHIP**)



owns more than 25% (twenty five percent) shares in the limited liability company as contained in the articles of associations of the Corporation



owns more than 25% (twenty five percent) voting right in the limited liability company as contained in the articles of associations of the Corporation;



receives more than 25% (twenty five percent) of the annual profit obtained by the Corporation



is the actual owner of the share ownership fund of the limited liability company



BENEFICIAL OWNERSHIP QUALIFICATION (ULTIMATE BENEFICIAL OWNERSHIP)



- is entitled to appoint, replace, or terminate members of the board of directors, and members of the board of commissioners;
- is authorized or entitled to influence or control the limited liability company without any prior authorization from any party whatsoever;
- receive benefits from the Corporation.



INDONESIA'S MONEY LAUNDRING CASE(S) CONDUCTED BY CORPORATE'S ULTIMATE BENEFICIAL OWNERSHIP



KORPORASI SEBAGAI MEDIA PENCUCIAN UANG



Cuci Uang, Nazaruddin Diduga Borong Saham Garuda



Rabu, E Mei 2

VIVAnews - Kornisi Pemberantasan Korupai (KPK) menjadwalkan pemerikaaan terhadap heles programs Personal Strain, Party Chercian, contract prospection because the project personal personal party (1999), deploy personal persona Indonesia, Pulti, S. Mai 2013, la dipartina antagal adial priud terrangka marean Sandatara (Joseph Parky Dannebal Muhammad Nacastellin

"Yang bersangkutan diperiksa untuk tersangka MN," kata Priharsa Nugraha, Kepala Bagian Pemberitaan dan informasi KPK saat dikonfirmasi.

Seperti diketahui, KPK telah menetapkan Muhammad Nazaruddin sebagai tersangka kassa tindak pidana pencusian uang dalam pembelian saham PT Garuda. KPK menduga pembelian saham tersebut berasal dari uang hasil korupai.

Dalam kesaksian mantan Wakif Direktur Keuangan Permai Grup Yulianis untuk terdakwa Nazaruddin, terungkap perusahaan Muhammad Nazaruddin, PT Permai Grup, membeli saham perdana Garuda Indonesia senilai total Rp300,8 miliar

Pembelian saham tersebut menggunakan keuntungan yang diperoleh Grup Permai pada proyek-proyek di pemerintah. Menurut Yulianis, pada 2010, Permai Grup memperoleh keuntungan sekitar Ap 200 miliar dari proyek senilai Ap 600 miliar

Uang itu dibelikan saham Garuda oleh lima anak perusahaan Permai Grup, PT Permai Raya. Winata membeli 36 juta lembar saham serilai 8p22,7 miliar. PT Cakrawala Abadi 50 juta lembar saham senilai Rp37,5 miliar, PT Exartech Technology Utama sebanyak 150 jula iembar sabam senilai Rp124,1 miliar. PT Pacific Putra Metropolitan sebanyak 100 juta lembar saham senilai Rp 75 miliar, dan PT Darmakusuma sebenyak Rp 55 jula lembar saham senilai Rp 41 millar rupiah.

KPK menjerat Nazaruddin dengan Pasal 12 huruf a atau huruf b, subsider pasal 5 ayat (2), subsider Pasal 11 UU Tipikor, Selain itu KPK juga menggunakan UU TPPU yakni Pasal 3 atau Panel 4 jo. Panel 6 UU Nomor 8 Tahun 2010 jo. Panel 55 ayat 1 ke satu KUHP (eh)

Sindikat Narkotika Cuci Uang Rp 6,4 Triliun dengan Modus Ekspor-Impor

Persulis: Dirnes Jarot Bayu Editor: Yulkawati Parks 28/3/30116, 14,30 Web

Anggota sindikat narkotika mendirikan enam perusahaan fiktif yang bergerak di bidang ekspor-impor untuk cuci uang hasil kejahatan senilai Rp 6,4 triliun.



Allement Revenue The Mulyam (name in the barrants Repairs Divi (nomine Pol Bud) (names) (hadius harran), Direct Bas Cultar Hernitud). thattus km). Deput Remberatraser Still User Hol Arman Depart (Unit) seet turferend pers pengunghaser jarngen nerhotike Int.

> Badan Narkotika Nasional (BNN) mengungkap tindak pidana pencucian uang (TPPU) yang beranal dari kepahatan narkotika sersitai Rp 6,4 trilian. Liang teraebut didepatkan dari hasil pengembangan kasus sindikat narkotika almarhum Freddy Budiman serta anak buahnya, Togomen den Haryento Candra yang tengah menjalani pidana.

> Deputi Pemberantasan litiN inspektur Jenderal Arman Depart mengatakan, pihaknya menangkap tiga orang yang diduga melakukan TPPU, yakni Devi Yuliana, Hendi Rantii, dan Fredy Heronusa Putra. Ketiganya ditangkap di Jakarta pada rentang 12-14 Februari 2018.

> > reference: Indonesia digital news

MN case



In this case, MN was accused upon a corruption case in total amount Rp300.000.000.000, in exchange to Garuda Indonesia's 29.937.500 shares. MN also hide his crime, by bought 8 companies by the name of his wife, Neneng Sri Wahyuni, and Permai Group's subsidiaries

KORPORASI SEBAGAI PELAKU PENCUCIAN UANG



PT Putra Ramadhan, Korporasi Pertama yang Jadi Tersangka Pencucian Uang

Puteranegara Batubara, Jurnalis ... Junrat 18 Mes 2018 19:18 WIB



Wakil Ketua RPK Laode M Svarif (Fists: Okepine)





















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JAKARTA - Komisi Pemberantasan Korupsi (KPK) menatapkan PT Putra. Ramadhan atau PT Tradha sebagai tersangka kasus tindak pidana pencucian uang (TPPU). Dijeratnya korporasi tersebut, merupakan perkara pertama yang ditangani tembaga antirasuah.

Wakii Ketua KPK Laode M Syarif menyebut, penetapan PT Putra Ramadhan sebagai tersangka merupakan pengembangan dari kasus suap dan grafifikasi yang menjerat Bupati Kebumen Mchammad Yahya Fued.

Pertama Di Indonesia, Kejati Bengkulu Menangi Perkara Money Laundry



RedAksiBengkuba.co.id, BENGKUIAI - Kejakusan Tinggi (Birjati) Bengkulu skibirreya memenangi perhana Tindak Pidana Pencucian Uang (TPPU) atau money daundry atau hanus kerupat Provek. Pendiangunun Pengendali Bantir (PPB) Tahun Anggaran 3034 dengan terdakon korporaat PT Beringin Bangun Utama (BBC) yang digelar di Pengadilan Tiptkor Bengkulu. Ini diketahui baru pertama kali an bisdonesta.

Kepala Keraksaan Tinggi (Karati) Benghulu, Sendrun Manulang melalui Aststen Timlak Pidana Khusus (Apphdara) Henri Namggolan menjelaskan, pibaknya mengacapkan tertinakanth kepada majelis baktin yang sudah menyidangkannya.

"HARI INI, SEKITAR PUKUL 14.00 WIB, ALHAMDULILLAH SUDAH DIGELAR SIDANG TPPU KORPORASI PT BBU DAN HAKIM MENGABULKAN TUNTUTAN KAMI. TERIMAKASIH PAK HAKIM KARENA SUDAH MENGERTI DAN MENDALAMI CAPEKNYA KERJA JAKSA DENGAN DITERIMANYA TUNTUTAN KAMI DAN TERBUKTI KORPORASINYA", UJAR HENRI YANG JUGA DIDAMPINGI KASI PENKUM DAN ASINTEL KEJATI, KAMIS (18/5/2017).

Panal yang dibuktikan, lanjut Henri, adalah panal 3 Undang-undang Nomor S1 Tahun 1999 sebagaimana telah disbah dengan Codang undang Nemos 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Roruput (Tipfkor) dan pasal 3 Undang-undang Normor 8 Tahun 2010 tentang Penorgahan dan Pemberantasan TPPU.

reference: Indonesia digital news



PT Putra Ramadhan, is the first company as the suspected of money



laundering case

PT Putra Ramadhan ("The Company") is a limited liability company established by the Kebumen Regent, M. Yahya Fuad. Before his inauguration on February 17, 2016, Yahya changed the composition of board of directors, board of commissioners, and the company's share ownership, even though he's no longer a Director.

Yahya acted to control the Company, and tried to hide his identity in every procurement project, and also used another 5 different companies to conceal his identity





Komentar

AMBARANIE NADIA KEMALA MOVANITA







Direktur PT Rifuel, Riefan Avrian hadir saat persidangan kasus dugsan korupsi proyek pengadaan videotron di Kementerian Koperasi dan Usaha Kecil Menengah dengan terdakwa Hendra Saputra di Pengadilan Tipikor, Jakarta, Rabu (18/6/2014). Hendra yang sebelumnya bekerja sebagai office boy diangkat oleh Riefan Avrian sebagai Direktur Utama PT Imaji Media yang diduga sengaja didirikan untuk mendapatkan proyek videotron. (KOMPAS/HERU SRI KUMORO)

reference: Indonesia digital news

Iklan ditutup oleh Google

Stop lihat iklan ini

Mengapa iklan ini? ①

Skandal "Office Boy" Jadi Dirut Perusahaan, Anak Menteri Mengaku Tak Tahu Hendra Tidak Tamat SD

DIAN MAHARANI

Kompas.com - 15/05/2014, 02:23 WIB-

BAGIKAN: (f)





Iklan ditutup o

Stop lihat

Mengapa ikl



Riefan Avrian bersaksi dalam sidang kasus dugaan korupai proyek videotron untuk terdakwa Hendra Saputra di Pengadilan Tindak Pidana

Videotron case



- President Director of PT Rifuel, RA, is accused for conducted corruption in related to videotron procurement project, in Ministry of Cooperative and Small-Medium-Enterprises.
- By settled PT Imaji Media and pointed the company's office boy as the President Director, and also pointed Akhmad Kamaludin (staff) as the Commissioner, which is stated in the Deed of Establishment Number 2 dated February 1, 2012, by Jhonni M. Sianturi (public notary)
- Then, RA made a "letter of authority" from President Director of PT Imaji Media, which gave authorities to Riefan as:
- Control company' financial;
- Sign the cheque(s);
- Request of company's balance, etc



20 SEBARAN







Yandi Mohammad 04:15 WIB - Robu, 14 Moret 2018



Terdakwa kasus korupsi KTP Elektronik Setya Novanto mengikuti sidang lanjutan di Pengadilan Tipikor, Jakarta, Senin (12/3/2018). | Akbar Nugroho Gumay /Antara Foto

Terdakwa dalam kasus korupsi pengadaan Kartu Tanda Penduduk berbasis elektronik (e-KTP) Setya Novanto dapat dikategorikan sebagai beneficial owner atau pemilik manfaat dari salah satu perusahaan peserta lelang e-KTP, PT Murakabi Sejahtera. Posisi Novanto sebagai pemilik manfaat kian mendekatkan jerat pasal pencucian uang. Kamis 29 Maret 2018, 14:47 WIB

Sidang Tuntutan Novanto

Jaksa KPK: Kasus Korupsi e-KTP Bercita Rasa Pencucian Uang

Faiq Hidayat - detikNews









3 komentar



reference: Indonesia digital news



NATIONAL IDENTIFICATION NUMBER PROCUREMENT CASE (E-KTP)

Former Chief of House of Representative, SN, was deemed as a beneficial owner from one of the bidders in e-KTP procurement, PT Murakabi Sejahtera. In the trial, the Prosecutor was successfully proving that USD 7.3 million was delivered to SN. The money was submitted by his niece Irvanto Hendra Pambudi and his colleague, Made Oka Masagung. Nevertheless, there is no SN name in the company profile



Article 18 paragraph (3) Presidential Regulation Number 13 of 2018

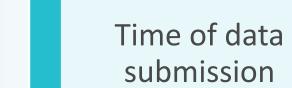


Who can submit the BO data:

- a. The founder or the management (of the corporation);
- b. Public Notary; or
- c. Other person who possessed the authority from the corporation.







at the registration/ establishment

when the corporation starts to operate its business

The Differences
between Submission,
Amendment, and
Updating BO data



Submission (when a Corporation **first** declare its BO)





Amendment (when a corporation intends to change or remove the BO data)



Updating (mandatory in every year)





APEC 2020 MALAYSIA

(*MLHR Regulation Number 21 of 2019 is enacted on September 2019, but hasn't yet to be adopted)

- 1. Through regulation enactment or standard operational procedure
- 2. Audit (online or offline)
- 3. Other administrative activities
- MLHR cooperates with other ministry or related agency
- MLHR may set a team





What are the Major Challenges to gather Beneficial Ownership Data?

- 1. The Beneficial Ownership submission rely on Corporate's good faith
- 2. In order to disclose Beneficiary Ownership Data to public, it is hard to make a balance between the corporate's obedience and personal information issue





THANK YOU