

INDONESIA

Definition and Prosecution of Terrorist Acts

Under Article 187 of the Penal Code, “any person who with deliberate intent sets fire, causes explosion or causes a flood, shall be punished: first, by a maximum imprisonment of twelve years if thereby general danger to property is feared, second by a maximum imprisonment of fifteen years if thereby danger of life for another is feared; and third, by life imprisonment or a maximum temporary imprisonment of twenty years if thereby danger of life for another is feared and the act results in the death of someone.”

Additional legislation makes the recruitment of people to terrorist groups and the supply of weapons to terrorists illegal. Under Article 160 of the Penal Code, “any person who orally or in writing incites in public to commit a punishable act, a violent action against the public authority or any other disobedience, either to a statutory provision or to an official order issued under a statutory provision, shall be punished by a maximum imprisonment of six years....” Article 163 addresses recruitment of members to terrorist organizations: “Any person who by one of the means mentioned in Article 55 under 2 attempts to induce others to commit a crime, shall, if it does not result in the crime or a punishable attempt thereto, be punished by a maximum imprisonment of six years....”

Although the Penal Code of Indonesia does not specifically address the supply of weapons to terrorist organizations, Article 187 which prohibits causing damage to property or endangering life, also prohibits production, receipt, procurement, storage, concealment, transport, or import items which are intended to be used for such purposes. Violators are subject to maximum imprisonment of eight years.

Money Laundering – Prevention and Prosecution

Law No. 15/2002 pertaining to Crime on Money Laundering is designed to prevent the banking sector from being used as a means for money laundering activities. Regulations that attach criminal liability to those who willfully make available funds, financial assets or services to prepare for or carry out terrorist acts are contained in Law No. 15/2002 on Crimes on Money Laundering. The Bank of Indonesia has issued Regulation No. 3/10/PBI/2002 which refers to policies and procedures in place that deal with the acceptance of bank clients; identification of clients; monitoring of the accounts and financial transaction of clients.” The application of such “know your customers principles” provides legally binding safeguards against the use of the banking system by individuals or entities for acts of terror.

The procedures for the freezing of accounts and assets at banks and other financial institutions are based on five instruments. According to this procedure, the Police and the Office of the Attorney General of the Republic of Indonesia may submit a request for the freezing of accounts and assets. the Attorney General’s Office requested the Bank of Indonesia circulate the lists to all banks operating in the territory of Indonesia, and if accounts belonging to these individuals and entities are identified, to freeze them. “Requests by either the Police or the Attorney General’s office are submitted directly to the banks concerned through the Bank Indonesia.” Requests for the freezing of accounts and assets do not require the approval of the Bank of Indonesia, but should include the identity of the concerned individuals or entities, the account number, name of the bank, and legal basis for the request. “Upon the receipt of such request, the head of the bank concerned shall notify the relevant law enforcement agencies that on a specified date the account(s) has/have been frozen.”

Information Sharing

Indonesia has promoted cooperation between states within the context of the Non-Aligned Movement, the Organization of Islamic Conference, ASEAN, and APEC in order to prevent the movement and infiltration of terrorists. Such cooperation entails monitoring and collecting intelligence data along the countries' border, exchange of intelligence information, joint land and sea patrols and the coordination of patrols, and the deployment of troops in the border region. With respect to the promotion of border control, national and regional efforts have been to establishment a special inter-departmental Task Force on illegal immigration through the Regional Framework for the Prevention of Cross Border Terrorism.

The exchange of information and intelligence between states is promoted within the context of the International Criminal Police Organization (ICPO) – INTERPOL. On the regional level, the Government of Indonesia has been actively engaged with the Governments of the Philippines, Malaysia, Thailand, and Singapore in order to reach an agreement on the exchange of information and establishment of communication procedures. It should also be noted that Indonesia and the Philippines has established a Task Force on Joint Naval Patrol to prevent the smuggling of small arms. Such cooperation also entails “monitoring and collecting intelligence data along the two counties' border, exchange of intelligence information, joint land and sea patrols and the coordination of patrols, and the deployment of troops in the border region.

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Definition and Prosecution of Terrorist Acts

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3. Penal Code of Indonesia, Book II on Crimes, Chapter VII, Article 187 – Endangering the General Security of Persons and Property.

Money Laundering – Prevention and Prosecution

1. Anti – Narcotics Laws – Article 77 of the Indonesian Penal Code.
2. Law No. 15 of 2002 – Money Laundering.
3. Regulation No. 3/10/PBI of 2002 - know your customers principles.