



**CORRUPTION ERADICATION COMMISSION
REPUBLIC OF INDONESIA**

**DIRECTIVE OF THE CORRUPTION ERADICATION COMMISSION OF
THE REPUBLIC OF INDONESIA**

NUMBER: KEP.07/IKPK/02/2005

**PROCEDURES FOR THE REGISTRATION, PUBLICATION, AND EXAMINATION
OF ASSET REPORTS OF GOVERNMENT OFFICIALS**

**THE CORRUPTION ERADICATION COMMISSION
OF THE REPUBLIC OF INDONESIA**

Considering: : that in the context of carrying out its authority to register, publish, and examine Asset Reports of Government Officials, it is necessary to issue a Directive of the Corruption Eradication Commission Regarding Procedures for the Registration, Publication, and Examination of Asset Reports of Government Officials.

Noting: : 1. Law Number 28 of 1999 Regarding Government Officials Who Are Innocent and Free of Corruption, Collusion, and Nepotism (State Gazette of the Republic of Indonesia Number 75 of 1999, Supplement Number 3851);
2. Law of the the Republic of Indonesia Number 30 of 2002 Regarding the Commission for Elimination of the Crime of Corruption (State Gazette of the the Republic of Indonesia Number 137 of 2002, Supplement Number 4250).

DIRECTS

Issuance of : **A DIRECTIVE OF THE CORRUPTION ERADICATION COMMISSION REGARDING PROCEDURES FOR THE REGISTRATION, PUBLICATION, AND EXAMINATION OF ASSET REPORTS OF GOVERNMENT OFFICIALS**



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**CHAPTER I
General Provisions**

Article 1

- (1) The Corruption Eradication Commission, hereinafter called the KPK, is the Commission for the Eradication of the Crime of Corruption as intended in Law Number 30 of 2002 Regarding the Commission for the Eradication of the Crime of Corruption.
- (2) A Government Official, hereinafter called a PN, is a government official as intended in Article 2 of Law Number 28 of 1999 Regarding Government Officials Who Are Innocent and Free of Corruption, Collusion, and Nepotism; Law Number 30 of 2002 Regarding the Commission for Elimination of the Crime of Corruption; Law Number 12 of *[year omitted]* Regarding the General Election of 2003; Law Number 32 of 2004 Regarding Regional Government; and other relevant laws and regulations.
- (3) Assets of a PN are assets owned by a PN, his wife, and dependent children, including movable assets, immovable assets, and other rights that can be evaluated in money, which have been obtained by the PN before, during, and after his tenure.
- (4) An Asset Report of a Government Official, hereinafter called an LHKPN, is a list of all assets of the PN and entered on LHKPN forms specified by the KPK, as attached to this directive.
- (5) The LHKPN forms intended in paragraph (4) consist of the following:
 - a. Form LHKPN Model KPK-A shall be completed by a PN who is reporting assets for the first time;
 - b. Form LHKPN Model KPK-B shall be completed by a PN who has held a position for 2 (two) years, a PN whose position has changed or who has been promoted, a PN who has concluded his tenure or who has been pensioned; or a specific PN who is asked to do so in connection with an LHKPN examination.



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**CHAPTER II
REPORTING PN ASSETS**

Article 2

- (1) Every PN shall be required to report to the KPK using LHKPN forms all assets that he owns before, during, and after his tenure.
- (2) The reporting intended in paragraph (1) shall be done by the PN using form LHKPN Model KPK-A no later than 2 (two) months after officially occupying his position or when he becomes a candidate PN required by law to report assets.
- (3) A PN as intended in paragraph (1) or a candidate PN as intended in paragraph (2) who has completed LHKPN Model KPK-A in the past shall use form LHKPN Model KPK-B.
- (4) The reporting of assets by a PN during his tenure shall be done at the request of the KPK for the purpose of examining the assets of the PN in accordance with Article 5, point 2, of Law Number 28 of 1999 Regarding Government Officials Who Are Innocent and Free of Corruption, Collusion, and Nepotism.
- (5) The reporting of assets as intended in paragraph (4) shall be done using form LHKPN Model KPK-B 2 (two) years after the PN takes his position or at any time at the request of the KPK in connection with an examination of the PN's assets.
- (6) An asset report using form LHKPN Model KPK-B shall be completed by a PN who experiences a change in position, promotion, conclusion of tenure as a PN, or retirement, and no later than 2 (two) months after handover of the position or no later than 2 (two) months after receiving the form as a PN who is to be examined.
- (7) Asset reporting as intended in paragraph (6) shall be performed by the person involved or by his heir if the PN involved is deceased.

Article 3

- (1) With an LHKPN, as intended in Article 1, paragraph (5), which has been completed by a PN in accordance with instructions, there shall be attachments consisting of photocopies of instruments/proofs/deeds showing ownership of assets. These shall be done in duplicate, and the original file to be delivered to the KPK, and one file shall be retained by the PN involved.



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- (2) A declaration and a power of attorney, which shall be inseparable parts of an LHKPN, shall be signed on revenue stamps by the PN involved in accordance with relevant laws and regulations.
- (3) An LHKPN and its attachments which have been submitted to the KPK, as intended in paragraph (1), shall constitute official government documents.

**CHAPTER III
DATA COLLECTION ON A PN AND REGISTRATION OF AN LHKPN**

Article 4

- (1) The KPK shall collect data on a PN and shall register the LHKPN submitted by said PN.
- (2) The collection of data on a PN shall consist of an inventory and of identification of the PN, who is obligated to report his assets in accordance with relevant laws and regulations.
- (3) The registration intended in paragraph (1) shall be a series of activities to record, verify, and process LHKPN data into the KPK information system.
- (4) The recording of an LHKPN, as intended in paragraph (2), shall consist of activities to set an agenda, assign a registration number, and provide a receipt to the PN involved for the LHKPN submitted to the KPK.
- (5) The processing of LHKPN data into the KPK information system, as intended in paragraph (3), shall consist of processing the data into a format determined by the KPK for the purpose of facilitating both publication and examination.
- (6) The verification intended in paragraph (2) shall consist of activities to examine the truth of entries on the form, examine the completeness of evidence/documents that support ownership noted on the LHKPN, and examine the declaration and power of attorney signed by the PN, in accordance with instructions determined by the KPK.

**CHAPTER IV
PUBLICATION OF PN ASSET REPORTS**

Article 5

- (1) The publication of an LHKPN shall be done after the LHKPN has been received by the KPK and verification has been done.



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- (2) The publication of assets, as intended in paragraph (1), shall be done before, during, and after the PN's tenure through publication of the LHKPN in the State Gazette of the Republic of Indonesia/State Gazette Supplement and/or other media as determined by the KPK.
- (3) Other media to be determined by the KPK, as intended in paragraph (2), shall include the following:
 - a. A KPK web site with a special format, or;
 - b. A bulletin board at the KPK office, or;
 - c. A bulletin board at the agency where the PN works, or;
 - d. National daily newspapers or local newspapers in the regency and/or province where the PN is domiciled.
- (4) The publication of an LHKPN shall be done by the PN involved and/or the KPK in accordance with the power of attorney submitted by the PN to the KPK.
- (5) If the publication is to be done by placement on a bulletin board at the agency where the PN involved works, as intended in paragraph (3), the KPK shall send the format for LHKPN publication to the chief of the agency where the PN works so that he can instruct the PN involved to place the LHKPN on an official agency bulletin board for a continuous period of 1 (one) month, beginning the day after publication format is received.
- (5) *[sic]* The publication of assets by the PN involved through the State Gazette of the the Republic of Indonesia/State Gazette Supplement and/or in a national daily newspaper or local daily newspaper in the regency and/or province where the PN lives shall be at the official's expense, shall use the publication format specified by the KPK, and shall be done within 30 (thirty) working days after the KPK declares the LHKPN to be complete.
- (6) Copies or photocopies of a PN's asset publication shall be submitted to the KPK no later than 30 (thirty) working days after the date of publication by the PN involved.
- (7) For the sake of the public interest, accountability, and transparency, the KPK shall grant access to LHKPN information by the public, with information access requirements as specified by the KPK.



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- (8) Information access requirements set by the KPK, as intended in paragraph (7), must be complied with by those requesting LHKPN information, which shall be done through a memo using a format determined by the KPK for requesting/borrowing LHKPN data/information/documents.

**CHAPTER V
EXAMINATION OF A PN ASSET REPORT**

Article 6

- (1) The KPK shall examine a PN's LHKPN before, during, and after the tenure of the PN involved.
- (2) The examination intended in paragraph (1) shall consist of the following:
- Administrative examination;
 - Examination of substance;
 - Special examination.
- (3) An administrative examination, as intended in paragraph (2), shall be a series of activities performed to examine the material truth of entries on the form and the validity of supporting/documentary proof of asset ownership.
- (4) An examination of substance, as intended in paragraph (2), shall be a series of activities consisting of an analysis of assets before, during, and after tenure; the origin of assets; analysis of the difference between income and expenditures; analysis of experience during tenure; analysis of asset growth; plus other activities including clarification, on-site examination, and confirmation.
- (5) A special examination, as intended in paragraph (2), shall be a follow-up examination, dependent on findings from the examination of substance and from public complaints, to determine the truth regarding assets obtained improperly and having indications of crimes of corruption.
- (6) The examinations intended in paragraph (2) shall be conducted by KPK employees and/or other examiners assigned to conduct LHKPN examinations for and in the name of the KPK.
- (7) Examination of an LHKPN, as intended in paragraph (2), shall follow general guidance for examinations and guidance set by KPK management for examining an LHKPN.
- (8) Before performing the task of examination, the KPK shall give written notification to the PN involved and to the chief of the agency where the PN is assigned.



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- (9) The notification intended in paragraph (5) [*sic*] shall be delivered no later than 7 (seven) working days before the examination is to be conducted.

Article 7

- (1) The examination of an LHKPN by the KPK shall be done after designating a specific PN as a *sampling* or because the PN is suspected of having obtained assets dishonestly or improperly or because of reports from the public regarding falsehood in the PN's LHKPN.
- (2) Examination of an LHKPN shall be conducted by an examiner on the basis of an assignment document signed by the chief of the KPK or other KPK official appointed by the chief of the KPK.
- (3) Examination activities shall include the following:
- Examine and test the validity of PN asset ownership documents/proofs;
 - Seek and find all data and information connected with assets of the PN and his family, both that which is reported in the LHKPN as well as that which is hidden;
 - Request information from individuals, corporations, government agencies, and the public with regard to assets of the PN and his family;
 - Make photographs and/or visualizations [*sic*] of examination targets.

Article 8

- (1) Every person, corporation, government agency, and/or member of the public must provide information about the assets of a PN whenever requested to do so by an examiner, as intended in Article 7, paragraph (3), point c, in accordance with the provisions of relevant laws and regulations.
- (2) A request for information, as intended in Article 7, paragraph (3), point c, connected with a bank or other financial institution, shall be submitted in writing by KPK management to the management of the bank or other financial institution on the basis of a special power of attorney from the PN involved as a customer of the bank and whose LHKPN is being examined.
- (3) The management of the bank or other financial institution as intended in paragraph (2) must reply no later than 14 (fourteen) working days from the date on which the letter requesting information is received.

**CHAPTER VI
REPORT ON OUTCOME OF A PN ASSET EXAMINATION**



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Article 9

- (1) An Examination Outcome Report must be prepared after each LHKPN examination.
- (2) An Examination Outcome Report, as intended in paragraph (1), must be completed by the examiner no later than 15 (fifteen) days after an administrative examination or examination of substance is declared concluded.
- (3) An Examination Outcome Report, as intended in paragraph (1), shall be signed by the examiner and acknowledged by the Deputy for Prevention or other official who is appointed.
- (4) If an indication of a crime of corruption is found, the KPK shall conduct a special examination in accordance with guidelines laid down by the KPK.

Article 10

An examination of a PN who has concluded his tenure shall be conducted by the KPK no later than 5 (five) years after the date on which the tenure of the PN ended.

**CHAPTER VII
RELATIONSHIP BETWEEN THE KPK AND
AGENCIES INVOLVED**

Article 11

- (1) The management of each institution/agency, whether at the capital or regional level, shall submit a list of PNs in its sphere and shall instruct certain PNs to publicize their LHKPNs.
- (2) A list of PNs, as intended in paragraph (1), shall contain the names and positions of PNs who are required to report their assets and shall include changes in the names and positions of the PNs.



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Article 12

The KPK shall maintain cooperation with the management of institutions/agencies at the capital and regional levels for the purpose of performing registration, publication, and examination of LHKPNs in their respective spheres, in accordance with relevant laws and regulations.

**CHAPTER VI *[sic]*
PENALTIES**

Article 13

In the case of a PN who does not report and publicize his assets in accordance with the specified time and format and who is not willing for his assets to be examined, KPK management may recommend to an investigator or manager involved that action be taken in accordance with applicable rules.

**CHAPTER VII
FINAL PROVISIONS**

Article 14

This directive shall become effective on the date of its issuance.

So that everyone may know, we order the enactment of this directive into law by its placement in the State Gazette of the the Republic of Indonesia.

Issued in Jakarta
On February 18, 2005

KPK MANAGEMENT

Drs. Taufieqrahman Ruki, SH
Chairman