



PRESIDEN  
REPUBLIK INDONESIA

**UU RI No. 31/1999  
ERADICATION OF THE CRIMINAL ACT OF CORRUPTION**

**WITH THE BLESSINGS OF THE ONE GOD  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

**Considers:**

- a. that criminal acts of corruption create huge losses for state finance and state economy and does hinder national development, so it must be eradicated in order to realize a just and prosperous society based on Pancasila and the 1945 Constitution.
- b. that criminal acts of corruption as well as creating losses to state finance and economy, can also hinder the growth of national development, which demands a high level of efficiency.
- c. that Law No. 3 of 1971 (SN No. 2080 pages 7B-1 1 B etc) on Eradication of Criminal Act Corruption is not in line any longer with the legal needs of society. For that reason, it is deemed necessary to replace it with the Law on Eradication of Criminal Act of Corruption, which is expected to be more effective in preventing and eradicating the criminal act of corruption.
- d. that based on the above considerations as referred to in letters a, b, and c, it is deemed necessary to set up a new law on Eradication of Criminal Act of Corruption.

**Recalls:**

1. Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution;
2. Decree of MPR of the Republic of Indonesia No. XI/MPR/1998 Public Administration which is clean, Free from Corruption, Collusion and Nepotism.

Under the Approval of the  
**Parliament of the Republic of Indonesia**  
And the  
**President of the Republic of Indonesia**

**A Decision has been made on :**

The implementation of :

## ERADICATION OF THE CRIMINAL ACT OF CORRUPTION

### CHAPTER I GENERAL PROVISIONS

#### Article 1

In this Law:

1. Corporation constitutes an organized collection of people and/or wealth. It can be in the form legal bodies and non legal bodies.
2. Civil servants include:
  - a. civil servants as referred to in Law on Manpower
  - b. civil servants as referred to in the Criminal Code
  - c. people receiving salaries or wages from the state finance or regional finance;
  - d. people receiving salaries from a corporation that receives assistance from state finance or regional finance, or
  - e. people receiving salaries or wages from other corporations which use capital or facilities from the state or from the public.
3. "Anyone" includes individuals and corporations.

### CHAPTER II CRIMINAL ACT OF CORRUPTION

#### Article 2

Anyone who illegally commits an act to enrich oneself or another person or a corporation, thereby creating losses to the state finance or state economy, is sentenced to life imprisonment or minimum imprisonment of 4 (four) years and to a maximum of 20 (twenty) years, and fined to a minimum of Rp200,000,000,- (two hundred million Rupiahs) and to a maximum of Rp1,000,000,000,- (one billion Rupiahs).

In the event that the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the person concerned can be sentenced to life imprisonment.

#### Article 3

Anyone with the aim of enriching oneself or another person or a corporation, abuses the authority, opportunity or facilities given to him related to his post or position, which creates losses to the state finance or state economy, is sentenced to life imprisonment or minimum sentence of 1 (one) year and maximum sentence of 20 (twenty) years or the minimum fine of Rp

50,000,000 (fifty million Rupiahs) and maximum fine of Rp, 1,000,000,000 one billion Rupiahs).

#### **Article 4**

The return of the losses suffered by state finance or economy does not abolish the imprisonment of the criminal actor as referred to in Articles 2 and 3.

#### **Article 5**

Anyone committing the criminal act as referred to in Article 209 of the Criminal Code is sentenced to a minimum of 1 (one) year and maximum of 5 (five) years, or fined to a minimum of Rp. 50,000,000,- (fifty million Rupiahs) or to a maximum of Rp. 250,000,000,- (two hundred fifty thousand Rupiahs).

#### **Article 6**

Anyone committing the criminal act as referred to in Article 210 of the Criminal Code is sentenced to a minimum of 1 (one) year, to a maximum of 15 (fifteen) years or fined to a minimum of Rp.150,000,000 (one hundred fifty million Rupiahs) or to a maximum of Rp, 750,000,000,- (seventy hundred fifty million Rupiahs).

#### **Article 7**

Anyone committing the criminal act as referred to in Article 387 or 388 of the Criminal Code is sentenced to a minimum of 2 (two) years and to a maximum of 7 (seven) years or fined to a minimum of Rp. 100,000,000 (one hundred million Rupiahs) or to a maximum of Rp. 350,000,000 (three hundred million Rupiahs).

#### **Article 8**

Anyone committing the criminal act as referred to Article 415 of the Criminal Code is sentenced to a minimum of 3 (three) years and to a maximum of 15 (fifteen) years, or fined to a minimum of Rp. 150,000,000,- (one hundred fifty million Rupiahs) and to a maximum of Rp, 750,000,000,- (seven hundred fifty million Rupiahs).

#### **Article 9**

Anyone committing the criminal act as referred to in Article 416 of the Criminal Code is sentenced to a minimum of 1 (one) year and to a maximum of 5 (five) years or fined to a minimum of Rp. 50,000,000,- (fifty million Rupiahs) and fined to a maximum of Rp, 250,000,000,- (two hundred fifty million Rupiahs),

### **Article 10**

Anyone committing the criminal act as referred to in Article 417 of the Criminal Code is sentenced to a minimum of 2 (two) years, to a maximum of 7 (seven) years and fined to a minimum of Hp. 100.000.000,- (one hundred million Rupiahs) and to a maximum of Hp. 350.000.000 (three hundred fifty million Rupiahs).

### **Article 11**

Anyone committing the criminal act as referred to in Article 418 of the Criminal Code is sentenced to a minimum of 1 (one) year, to a maximum of 5 (five) years, or fined to a minimum of Rp. 50,000.000,- (fifty million Rupiahs) and fined to a maximum of Rp. 250,000,000,- (two hundred fifty million Rupiahs).

### **Article 12**

Anyone committing the criminal act as referred to in Articles 419, 420, 423, 425 or 435 of the Criminal Code is sentenced to life imprisonment or minimum sentence of 4 (four) years and maximum sentenced of 20 (twenty) years and fined to a minimum of Rp.200,000,000,- (two hundred million Rupiahs) and to a maximum of Rp. 1,000,000,000,- (one billion Rupiahs).

### **Article 13**

Anyone offering gifts/payments or promises to a civil servant with a view to abuse the power or authority vested in the post or position, or by the provision of gifts or promises is considered to have vested interests in the post or position shall be fined to a maximum of sentenced 3 (three) years and/or fined to a maximum of Rp. 150,000,000,- (one hundred fifty million Rupiahs).

### **Article 14**

Anyone violating the provision in Law which strictly states that the violation of the provision in the law as a criminal act of corruption is subjected to the provision governed in this law.

### **Article 15**

Anyone attempting, assisting or consulting for criminal act of corruption is sentenced with the sentences as referred to in Articles 2.3, 4. 5 up to 14.

## **Article 16**

Anyone outside the territory of the Republic of Indonesia who provides assistance, opportunity, facilities, or information leading to a corrupt act is sentenced as referred to in Articles 2, 3, 5 up to 14.

## **Article 17**

In addition to being sentenced as referred to in Articles 2, 3, 5 up to 14, the accused can be sentenced with additional sentences as referred to in Article 18.

## **Article 18**

- (1) In addition to the additional sentence as referred to in the Criminal Code, the additional sentences are:
  - a. confiscation of mobile goods or immobile goods or immobile goods used for or obtained from the criminal act of corruption, including the company owned by the accused, in which the criminal act of corruption is committed and any goods that have replaced the initial goods.
  - b. the compensation paid shall be to a maximum of twice the wealth obtained from the criminal act of corruption.
  - c. whole or partial closing of the company for maximum period of 1 (one) year.
  - d. revocation wholly or partially of rights or abolishment wholly or partially of profits, which have been or can be given by the government to the accused.
- (2) In the event that the accused does not pay the compensation as referred to in paragraph (1) letter b in maximum period of 1 (one) month after the verdict of the court has obtained legal permanent power, the wealth can be confiscated by the prosecutor and auctioned to cover compensation.
- (3) In the event that the accused does not have adequate wealth to pay the compensation as referred to in paragraph (1) letter b, the accused is merely sentenced to a period that does not exceed the maximum sentence the main crime, in accordance with the provision in this law, with the period of the sentence having been determined in the court verdict.

## **Article 19**

- (1) The court verdict on the confiscation of goods not belonging to the accused shall not be commuted in the event that the rights of the third party with ownership of those goods are harmed.
- (2) In the event that the court verdict as referred to in paragraph 1 (one) also includes the goods of a third party having good will, the third party can

then submit a letter of objection to the relevant court, within a maximum period of 2 (two) months following the verdict has been commuted in a trial which is open to the public.

- (3) The submission of the objection letter as referred to in paragraph (2) does not delay or stop the implementation of the court verdict.
- (4) Under the circumstances as referred to in paragraph (2) the judge seeks information of the public prosecutor and the concerned party.
- (5) The applicant or the public prosecutor can request appeal to the Supreme Court for the determination of the judge on the letter of objection under the circumstances as referred to in paragraph (2).

#### **Article 20**

- (1) In the event that the criminal act of corruption is committed by or on behalf of a corporation, the lawsuit and the sentence can be instituted against and imposed on the corporation or its board of directors.
- (2) The criminal act of corruption is taken to be committed by a corporation in the event that people who are, based on work commit the act and other relations, act in the corporate environment, both personally and collectively.
- (3) In the event that the lawsuit is imposed on the corporation, the board represents the corporation.
- (4) The board representing the corporation as referred to in paragraph (3) can be represented by another person.
- (5) The judge can order that the board of the corporation should be summoned to the court and he can also order that the board be brought to the court.
- (6) In the event that the lawsuit is imposed on the corporation, the court then submits the letter of summons to the residence of the board or the office of the board.
- (7) The main sentence, which can be commuted to a corporation, is only the fine, with the understanding that the maximum sentence is increased by one-thirds.

### **CHAPTER III OTHER CRIMINAL ACTS RELATING TO CORRUPTION**

#### **Article 21**

Anyone purposely preventing, barring or foiling directly or indirectly the investigation, lawsuit and investigation in the court of the suspect, accused, and witnesses in the case of corruption, shall be sentenced to a minimum of 3 (three) years and to a maximum of 12 (twelve) years or fined to a minimum of Rp.150,000,000 (one hundred fifty million Rupiahs) and to a maximum of Rp 600,000,000,- (six hundred million Rupiahs).

## **Article 22**

Anyone as referred to in Articles 28, 29, 35 or 36 who purposely rejects to provide information or who provides incorrect information shall be sentenced to a minimum of 3 (three) years, to a maximum of 12 (twelve) years, or fined to a minimum of Rp. 150,000,000,- (one hundred fifty million Rupiahs) and to a maximum of fined Rp. 600,000,000,- (six hundred million Rupiahs).

## **Article 23**

In the case of corruption, the violation to this provision as referred to in Articles 220, 231, 421, 422, 429 or 430 of the Criminal Code shall be sentenced to a minimum of 1 (one) year, sentenced to a maximum of 6 (six) years, fined to a minimum of Rp.50,000,000,- (fifty million Rupiahs) and sentenced to a maximum of Rp.300.000.000,- (three hundred million Rupiahs).

## **Article 24**

Witnesses not meeting the provision as referred to in Article 32, shall be sentenced to a maximum of 3 (three) years or fined to a maximum of Rp. 150,000,000 (one hundred fifty million Rupiahs).

## **CHAPTER IV INDICTMENT, PROSECUTION, AND INTERROGATION IN COURT SESSION**

### **Article 25**

The indictment, prosecution and interrogation processes within a court session of a corruption case shall be prioritized for prompt settlement.

### **Article 26**

Indictment, prosecution and interrogation within a court session of a corrupt act shall be conducted on the basis of the existing criminal law procedures, unless otherwise stipulated.

### **Article 27**

In the event a corrupt act is detected that is very hard to prove, a joint team shall be set up under the coordination of the Attorney General.

### **Article 28**

In the interest of the indictment, the suspect shall provide information on all of his assets, and the assets of his wife or her husband, children, and the assets of anyone who are alleged to be related to the criminal act committed by the suspect.

### **Article 29**

- (1) In the interest of the indictment, prosecutions or interrogations within court sessions; the indictor, the public prosecutor, and the judge each has the authority to request information from banks on the financial standing of the suspect or the accused.
- (2) The request for information from banks as referred to in paragraph (1) shall be submitted to the Governor of Bank Indonesia in accordance with existing legislation.
- (3) The Governor of Bank Indonesia shall meet the request as referred to in paragraph (2) within a maximum period of 3 (three) work days, as of the date on which the request documents have been duly received.
- (4) The indictor, public prosecutor, or the judge can request the bank to block the deposit account owned by the suspect or the accused, provided it was alleged to have been acquired through corruption.
- (5) In the event that the interrogation on the suspect or the accused does not produce adequate evidences, at the request of the indictor, public prosecutor, or the judge, on that very day the bank also revokes the blockage.

### **Article 30**

The indictor shall reserve the right to open, examine and confiscate letters and dispatches through mail, telecommunications, or other instruments, which are suspected to be related to the corrupt act under examination.

### **Article 31**

- (1) During the indictment and interrogation processes in court proceedings, the witness and other people relating to the corrupt act shall not mention the name or address of the whistleblower, or other matters, which may uncover the identity of the whistleblower.
- (2) Prior to the interrogation, the prohibition as referred to in paragraph (1) is notified to the witness and other relevant individuals.



### **Article 32**

- (1) In the event that the indictor detects and is of the opinion that one element or more of a corrupt act is not supported by adequate evidence, while loss of state finance has been concretely established, the indictor shall immediately present the result of the indictment to the Prosecutor's Office or to the agency which shouldered the financial burden for filing the lawsuit.
- (2) The acquittal verdict in a corrupt act does not abolish the right to claim the loss inflicted to state finance.

### **Article 33**

In the event that the suspect dies at the time of indictment while loss has been concretely established for state finance, the indictor shall submit the dossier of the case resulting from the indictment to the Prosecutor's Office or submitted to the agency, which shoulders the financial burden in order to file the lawsuit against the heir.

### **Article 34**

In the event that the accused dies at the time of the indictment during a court session, while loss has been concretely established for state finance, the public prosecutor immediately submits the copy of the official report on the session to the Prosecutor's Office or to the agency which shoulders the financial burden in order to file the lawsuit to the heir.

### **Article 35**

- (1) Anyone may provide information as a witness or expert, except the father, mother, grandfather, grandmother, natural brother/sister, children and grandchildren of the accused.
- (2) Persons acquitted from becoming a witness as referred to in paragraph (1) can be asked to perform as a witness, in the event that they request to perform this duty and their decision to do so is sternly approved by the accused.
- (3) With the approval as referred to paragraph (2), they may provide information as witness without taking an oath.

### **Article 36**

The obligation to give testimony as referred to in Article 35 is also applied to those who are limited by their profession, dignity, or post, to keep secrets, except religious officers who usually keep secrets in accordance to their religions.

### Article 37

- (1) The accused shall reserve the right to prove that he did not commit the corrupt act;
- (2) In the event that the accused can prove that he did not commit the corrupt act the information is used as material that is beneficial to him;
- (3) The accused shall provide information on all of his assets and the assets of his wife, her husband, children and the assets of anyone or any corporation that are alleged to have been related with the corrupt act;
- (4) In the event that the accused cannot sufficiently answer any imbalance between his wealth and his source of wealth, then any information gleaned in (1) may be included to strengthen the case against him;
- (5) Rules described in paragraphs (3) and (4) are relevant to criminal acts or central cases as described in articles 2,3,4,13,14,15, and 16 of Law No. 31 of 1999 as well as Articles 5 to 12 of this Law, which stresses that the public prosecutor is obliged to provide evidence to his accusations.

### Article 38

- (1) In the event that the accused has been legally summoned, but he is not present in the court session without valid reasons, the case can be examined and verdict can be uttered without his presence.
- (2) In the event that he is present in the subsequent court session before the utterance of the verdict, the accused is obliged to be examined and all information from the witness and documents read out in the previous session are considered as being read out in the present session
- (3) The verdict, which is uttered without the existence of the accused, is announced by the public prosecutor on the announcement board of the court, office of Provincial Government, or notified to the proxy.
- (4) The accused or proxy can submit the appeal on the verdict as referred to in paragraph (1).
- (5) In the event that the accused dies before the utterance of the verdict, and adequate strong evidences exist that the relevant person has committed corrupt act, the judge according to the prosecutor's decisions stipulates the seizure of the confiscated goods.
- (6) The stipulation as referred to in paragraph (5) cannot be used as a request for appeal.
- (7) Anyone with an interest may submit objections to the court that has made the stipulations referred to in paragraph (5) , within a maximum period of 30 (thirty) days as of the date of announcement as referred to in paragraph (5).

### **Article 39**

The Attorney General coordinates and controls the indictment, interrogation and prosecution of the corrupt act, which are conducted jointly with other persons, who abide by the Public Justice and Military Justice.

### **Article 40**

In the event that adequate reasons exist to submit the corruption case within the circles of Military Justice, the provision as referred to in Article 123 paragraph (1) letter a of Law No. 31 of 1997 on Military Justice cannot be applied.

## **CHAPTER V PUBLIC PARTICIPATION**

### **Article 41**

- (1) The public can play a role and assist with the efforts to avoid and eradicate corrupt acts.
- (2) Public participation as referred to in paragraph (1) is realized in the following forms:
  - a. the right to seek, obtain and provide information on the allegation that a corrupt act has taken place.
  - b. the right to obtain services in viewing, obtaining and providing information on the allegation that a corrupt act has taken place, to the law enforcers who handles the corruption case.
  - c. the right to convey recommendations and opinions responsibly to law enforcers who handle the corruption case.
  - d. the right to obtain replies to their questions to law enforcers within a maximum period of 30 (thirty) days.
  - e. the right to obtain legal protection in the following matters:
    - 1) exercising the rights as referred to in letters a, b and c.
    - 2) asked to be present in the processes of indictment and interrogation in the court session as whistleblowers, witnesses, or expert witnesses in accordance with me existing legislations.
- (3) The public as referred to in paragraph (1) has the right and responsibility in the efforts to prevent and eradicate corrupt acts.
- (4) The right and responsibility as referred to in paragraphs 2 and 3 are exercised by adhering to the principles or provisions governed in the existing legislations and by abiding to the norms of society.
- (5) The provision on the procedure for the public participation in preventing and eradicating corrupt acts as referred to in this Article, is further governed by a Governmental Regulation.

### **Article 42**

- (1) The government gives tokens of appreciations to members of the community who has assisted the efforts to prevent and eradicate corrupt acts.
- (2) The provision on the appreciation as referred to in paragraph (1) is further governed in the Government Regulation.

## **CHAPTER VI OTHER PROVISIONS**

### **Article 43**

- (1) Within a maximum period of 2 (two) years since this Law takes effect, a Corruption Eradication Commission is set up.
- (2) The commission as referred to in paragraph (1) has the duties and authority to establish coordination and supervision activities, including conducting indictments, interrogations and prosecutions against corrupt acts in accordance to existing legislations.
- (3) The members of the Commission as referred to in paragraph (1) comprise elements of the government and the public.
- (4) The provision on its establishment, organization structure, management, accountability, duties and authority as well as the membership of the Commission as referred to paragraphs 1,2 and 3 shall be governed by law.

## **CHAPTER VII CONCLUDING PROVISION**

### **Article 44**

At the time this Law starts to take effect, Law No 3 of 1971 on Eradication of Corrupt act (Statute Book No. 19 of 1971, Supplement to Statute Book No. 2958) shall be declared void.

### **Article 45**

This Law takes effect as of the date on which it is promulgated. In order to allow all interested parties to observe it, the promulgation of this Law shall be placed in the Statute Book of the Republic of Indonesia.

Promulgated in Jakarta  
on August 16, 1999  
THE MINISTER/STATE  
SECRETARY

sgd.

MULADI

Ratified in Jakarta  
on August 16, 1999  
THE PRESIDENT OF THE  
REPUBLIC OF INDONESIA

sgd.

BACHRUDDIN JUSUF  
HABBIBIE