



Indonesia: Outlawing the Financing of Terrorism

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Indonesia: Outlawing the Financing of Terrorism

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SUMMARY Indonesia has a number of legal instruments that outlaw financing or otherwise supporting terrorist operations. These include both international agreements to which Indonesia is a party and general and specific domestic legislation.

I. International Agreements

A. United Nations Treaty

Indonesia is a party to the International Convention for the Suppression of the Financing of Terrorism, which was adopted by the United Nations General Assembly on December 9, 1999.¹ Indonesia signed this agreement on September 24, 2001, and ratified it on June 29, 2006.² The Treaty specifies that each state party must adopt measures to criminalize the offenses outlined in the Treaty and establish punishments for them.³

B. Regional Treaty

Indonesia is also a party to the Association of Southeast Asian Nations Convention on Counter Terrorism of 2007, which states that one of the areas in which the member countries are to cooperate is to “prevent and suppress the financing of terrorist acts.”⁴

II. Domestic Legislation

A. Penal Code

As in many countries, abetting criminal acts in Indonesia, presumably including acts connected with terrorism, is a punishable offense. Indonesia’s Penal Code specifies that punishment may be given to those who act as accomplices to others who commit crimes, stating that both those who deliberately aid in criminal acts and those who deliberately provide “opportunity, means or information for the commission of the crime” are punishable.⁵ The Penal Code does not contain

¹ International Convention for the Suppression of the Financing of Terrorism, G.A. Res. 54/109 (Dec. 9, 1999), <http://www.un.org/law/cod/finterr.htm>.

² *International Convention for the Suppression of the Financing of Terrorism: Status as at: 18-08-2014*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-11&chapter=18&lang=en#EndDec.

³ International Convention for the Suppression of the Financing of Terrorism, *supra* note 1, art. 4.

⁴ ASEAN Convention on Counter Terrorism art. 6(1)(c), Jan. 13, 2007, <http://www.asean.org/news/item/asean-convention-on-counter-terrorism> (signed by Indonesian President Susilo Bambang Yudhoyono on Jan. 13, 2007).

⁵ PENAL CODE OF INDONESIA, Law No. 27, art. 56, available at http://www.unodc.org/res/cld/document/idn/indonesian_penal_code_html/I.1_Criminal_Code.pdf.

specific terrorism related provisions, and Indonesian authorities increasingly prosecute crimes of terrorism under special counterterrorism legislation rather than regular criminal statutes.⁶

B. Terrorism Financing Law

In 2013, Indonesia adopted specific legislation on the financing of terrorism, the Act on the Prevention and Eradication of Terrorism Financing.⁷ That Act applies to “every person who commits or intends to commit the crime of financing terrorism in the territory of the Republic of Indonesia and outside the territory of the Republic of Indonesia.”⁸

That Law specifies that

[a]ny person who knowingly provides, gathers, gives, or lends funds, either directly or indirectly, with the intent that it be used in whole or in part to carry out terrorism, for terrorist organizations, or for a terrorist, when convicted of the criminal offense of financing terrorism can be punished with imprisonment for 15 (fifteen) years and a maximum fine of 1,000,000,000 (one billion) rupiah [approximately US\$85,600].⁹

When this Act was adopted, the Minister of Justice and Human Rights of Indonesia, Amir Syamsuddin, said that it would “strengthen our international cooperation when cracking down on terrorism funding [from overseas].”¹⁰ Reportedly the main advantage gained in the effort to fight the funding of terrorist acts is increased law enforcement powers to “freeze and even seize suspicious bank accounts and assets of individuals and companies, both in Indonesia and abroad, if those funds and assets were either created by or directly financed terroristic activities.”¹¹

⁶ U.S. State Department, *East Asia and Pacific Overview*, COUNTRY REPORTS ON TERRORISM 2013, <http://www.state.gov/j/ct/rls/crt/2013/224821.htm> [scroll down to section on Indonesia].

⁷ Law No. 9, 2013, on the Prevention and Eradication of Terrorism Financing, available at <http://www.hukumonline.com/pusatdata/detail/lt51667443e5d3d/node/lt52283d8baca11/uu-no-9-tahun-2013-pencegahan-dan-pemberantasan-tindak-pidana-pendanaan-terorisme> (click on “Dokumen” to open the file) (in Indonesian).

⁸ *Id.* art. 2(1).

⁹ *Id.* art. 4.

¹⁰ Jerry Bonkowski, *Indonesia Law Strengthens Fight Against Terror Funding*, ASIA PACIFIC DEFENSE FORUM (Feb. 20, 2013), http://apdforum.com/en_GB/article/rmiap/articles/online/features/2013/02/20/indonesia-terror-battle.

¹¹ *Id.*