

LAW OF
THE REPUBLIC OF INDONESIA
NUMBER 7 YEAR 2009
REGARDING
THE STIPULATION OF GOVERNMENT REGULATION IN LIEU OF LAW
NUMBER 3 YEAR 2008 REGARDING AMENDMENT TO LAW NUMBER 24
YEAR 2004 REGARDING INDONESIA DEPOSIT INSURANCE
CORPORATION TO BECOME A LAW

BY THE GRACE OF THE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. whereas in relation to the global financial crisis affecting the stability of the national financial system including Banking, it is necessary to make efforts to maintain public trust in the banking;
- b. whereas Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation has not yet provided for that the crisis threat resulting in the decreased public trust in the Banking and endangering the financial stability as one of the criteria to change the value of the insured deposits;
- c. whereas the global financial crisis affecting the stability of the national financial system including banking that can result in the decreased public trust in the Banking has indicated to a state of emergency, that the President has stipulated Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation;
- d. whereas the addition of criteria of the crisis threats resulting in the decreased public trust in the banking and endangering the financial stability to change the value of insured deposits by stipulating Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation shall constitute appropriate measures for maintaining the public trust in the banking;
- e. whereas based on the considerations as intended in points a, b, c, and d, it needs to stipulate Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation to become a Law;

In view of:

1. Article 5 paragraph (1), Article 20 paragraph (1), and Article 22 paragraphs (1) and (2) of the 1945 Constitution of the State of the Republic of Indonesia;

2. Law Number 7 Year 1992 regarding Banking (State Gazette of the Republic of Indonesia Year 1992 Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 3472) as amended by Law Number 10 Year 1998 regarding Amendment to Law Number 7 Year 1992 regarding Banking (State Gazette of the Republic of Indonesia Year 1998 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 3790);
3. Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation (State Gazette of the Republic of Indonesia Year 2004 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 4420);

With a Joint Approval of
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To stipulate: LAW REGARDING THE STIPULATION OF GOVERNMENT REGULATION IN LIEU OF LAW NUMBER 3 YEAR 2008 REGARDING AMENDMENT TO LAW NUMBER 24 YEAR 2004 REGARDING INDONESIA DEPOSIT INSURANCE CORPORATION TO BECOME A LAW.

Article 1

Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation (State Gazette of the Republic of Indonesia Year 2008 Number 143, Supplement to the State Gazette of the Republic of Indonesia Number 4902) shall be stipulated to become a Law and shall attach it as an inseparable part of this Law.

Article 2

This Law shall come into force as from its date of promulgation.

For public cognizance, hereby ordering the promulgation of this Law by placing it in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
On January 13, 2009

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,
Sgd.
DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
On January 13, 2009

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF
INDONESIA,

Sgd.

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2009 NUMBER 8

Issued as a true copy

THE STATE SECRETARIAT OF THE REPUBLIC OF INDONESIA

The Head of Laws and Regulations Bureau

In the Field of Economy and Industry,

Sgd. and seal

SETIO SAPTO NUGROHO

ELUCIDATION ON
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 7 YEAR 2009
REGARDING
LAW REGARDING THE STIPULATION OF GOVERNMENT REGULATION
IN LIEU OF LAW NUMBER 3 YEAR 2008 REGARDING
AMENDMENT TO LAW NUMBER 24 YEAR 2004
REGARDING INDONESIA DEPOSIT INSURANCE CORPORATION TO
BECOME A LAW

I. GENERAL

The public trust in the national banking constitute one of the keys to maintain banking stability. This trust can be obtained upon the existence of certainty of the law in the regulating and supervising of banks as well as deposit insurance of bank customers for improving the continuity of bank business in a sound manner. The continuity of sound bank business can insure the safety of deposits of its customers as well as improving the role of banks as development fund provider and banking services provider.

The deposits insurance of bank customers, which all this time has been conducted through the insurance program of Indonesia Deposit Insurance Corporation , has been evidently capable of maintaining the public trust in the banking industry in the aftermath of the 1998 crisis. However, with the

present global financial crisis, it is necessary to take anticipatory measures for the purpose of avoiding a rush on banking fund due to the decreased public trust in the guaranty of safety of money deposited.

One of the efforts for maintaining the public trust in the guaranty of safety of money deposited shall be by adding the crisis threat resulting in the decreased public trust in the Banking and endangering the financial stability as one of the criteria to change the value of insured deposits as stipulated in Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation.

The stipulation of Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation by the President by virtue of Article 22 paragraph (1) of the 1945 Constitution of the State of the Republic of Indonesia for fulfilling very urgent needs and a state of emergency shall constitute appropriate measures for maintaining the public trust in the banking in facing the threats of the global financial crisis, hence, Government Regulation In Lieu of Law Number 3 Year 2008 regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation needs to obtain an approval from the House of Representatives to be stipulated to become a Law pursuant to Article 22 paragraph (2) of the 1945 Constitution of the State of the Republic of Indonesia.

II. ARTICLE BY ARTICLE

Article 1
Self-explanatory.

Article 2
Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 4963

ATTACHMENT TO
LAW OF THE REPUBLIC OF INDONESIA
NUMBER : 7 YEAR 2009
DATE : JANUARY 13, 2009

GOVERNMENT REGULATION IN LIEU OF LAW

OF THE REPUBLIC OF INDONESIA
NUMBER 3 YEAR 2008
REGARDING
AMENDMENT TO LAW NUMBER 24 YEAR 2004 REGARDING INDONESIA
DEPOSIT INSURANCE CORPORATION

BY THE GRACE OF THE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC INDONESIA,

Considering:

- a. whereas in connection with the global financial crisis that affects the stability of the national financial system, it is necessary to make efforts to keep public trust to banking;
- b. whereas in the context of keeping public trust to banking, it is necessary to make an amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation regulating criteria for the change of deposit value insured ;
- c. whereas based on the considerations as intended in points a and b, it is necessary to stipulate a Government Regulation in Lieu of Law regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation;

In View of:

- a. Article 22 paragraph (1) of the 1945 Constitution of the State of the Republic of Indonesia;
- b. Law Number 7 Year 1992 regarding Banking (State Gazette of the Republic of Indonesia Year 1992 Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 3472) as amended by Law Number 10 Year 1998 (State Gazette of the Republic of Indonesia Year 1998 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 3790);
- c. Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation (State Gazette of the Republic of Indonesia Year 2004 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 4420);

HAS DECIDED:

To Stipulate: GOVERNMENT REGULATION IN LIEU OF LAW REGARDING
AMENDMENT TO LAW NUMBER 24 YEAR 2004 REGARDING
INDONESIA DEPOSIT INSURANCE CORPORATION.

Article I

Provisions of Article 11 of Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation (State Gazette of the Republic of Indonesia Year 2004 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 4420) shall be amended so as to read as follows:

Article 11

- (1) The value of insured deposit for every customer at one bank shall be in the maximum of Rp.100,000,000.00 (one hundred million Rupiah).
- (2) The value of deposit can be changed if one or more of the following criteria is/are met:
 - a. there has been a rush;
 - b. inflation has been so high in several years;
 - c. the number of customers whose entire deposits insured are becomes less than 90% (ninety percent) of the number of saving customers of the entire banks; or
 - d. there has been crisis threat having a potential of causing the deterioration of public trust to banking and jeopardize the stability of financial system.
- (3) In the event that the situations as intended in paragraph (2) subparagraphs a and d have been coped with, the amount of Deposit value insured can be re-adjusted.
- (4) The change of the amount of Deposit value as intended in paragraph (2) shall be stipulated in a Government Regulation and shall subsequently be reported to the House of Representatives.
- (5) The adjustment to the amount of Deposit value as intended in paragraph (3) shall be stipulated in a Government Regulation after being consulted with the House of Representatives.
- (6) Further provisions regarding the Stipulation of the Deposit value insured for every saving customer at one bank as intended in paragraph (1) shall be provided for in a Regulation of Indonesia Deposit Insurance Corporation.

Article II

This Government Regulation in Lieu of Law shall come into effect as of its date of promulgation.

For public cognizance, hereby ordering the promulgation of this Government Regulation in Lieu of Law by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On October 13, 2008

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,
Signed
DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
On October 13, 2008

THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,
Signed
ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2008 NUMBER
143

ELUCIDATION ON
GOVERNMENT REGULATION IN LIEU OF LAW
OF THE REPUBLIC OF INDONESIA
NUMBER 3 YEAR 2008
REGARDING
AMENDMENT TO LAW NUMBER 24 YEAR 2004 REGARDING INDONESIA
DEPOSIT INSURANCE CORPORATION

I. GENERAL

The deposits insurance of bank customers that has been conducted through an insurance program by the Indonesia Deposit Insurance Corporation has been evidently capable of maintaining public trust in banking industry in the aftermath of the 1998 crisis. However, the currently global financial crisis needs to be anticipated so as not to result in a rush due to the deterioration of public trust to the security guaranty of the money saved.

Based on the considerations above, in order to fulfill very urgent needs and crucial circumstances, it is necessary to stipulate a Government Regulation in Lieu of Law regarding Amendment to Law Number 24 Year 2004 regarding Indonesia Deposit Insurance Corporation based on Article 22 paragraph (1) of the 1945 Constitution of the State of the Republic of Indonesia.

This Government Regulation in Lieu of Law shall regulate additional criteria for the change of the amount of deposit value insured to anticipate the impacts of the global financial crisis.

II. ARTICLE BY ARTICLE

Article I

Article 11

Paragraph (1)

It is hoped that the value insured can protect all deposits owned by small customers constituting the majority of bank customers in Indonesia.

Paragraph (2)

Sub-paragraph a

Self-explanatory.

Sub-paragraph b

Self-explanatory.

Sub-paragraph c

Self-explanatory.

Sub-paragraph d

Referred to as "crisis threat having a potential of causing a deterioration of public trust to banking and jeopardize the stability of financial system" shall among other things be indicated by a fact that several banks and/or non-bank financial institutions suffer from liquidity difficulties, or the occurrence of an upheaval that can negatively affect the stability of the national financial system.

Paragraph (3)

The readjustment of the deposit value insured can be made in stages in accordance with the level of new balance that fulfills the objective of insurance to maintain the stability of the financial system.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Further provisions provided in the Regulation of the Indonesia Deposits Insurance Corporation shall be, as among other things, the deposit value and its calculation of interest as well as rights and capacity of customers.

Article II

Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 4902