



# **ASIAN ROUNDTABLE ON CORPORATE GOVERNANCE**

**OFFICIAL PRESENTATION of the WHITE PAPER on  
CORPORATE GOVERNANCE IN ASIA**

## ***INDONESIA - QUESTIONNAIRE***

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## Question for Asian Roundtable Workshop - INDONESIA

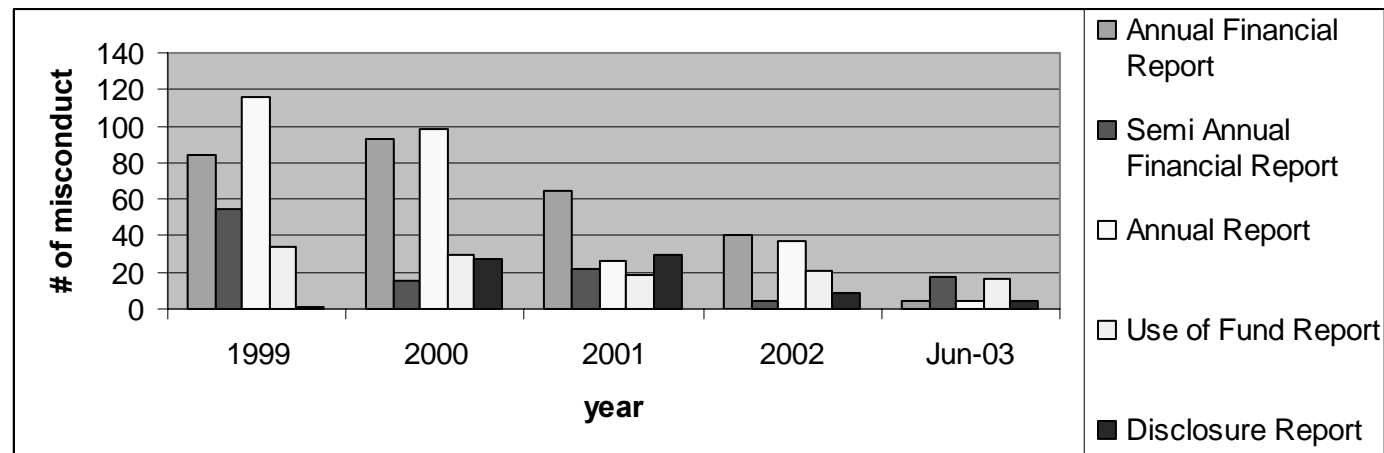
1. Please describe how the following factors affect the decision to pursue criminal, civil or administrative sanction:

a. Efficacy of sanction/enforcement powers and procedures under applicable law

Based on The Capital Market Law, Bapepam has the power to pursue both formal and criminal investigations. Formal investigation results in administrative sanctions. Criminal investigation follow the criminal justice system procedures in which judge decide the criminal sanctions.

b. Value of successful enforcement action in deterring other potential wrongdoers

The Formal investigations and its sanction have successfully reduced the number of Capital Market misconducts by the issuers and public companies, as it shown graph below.



c. Tour own resource constrains in investigating and pursuing an enforcement action

The constraints in pursuing criminal action are lack of resources and funding to fully conduct the ideal criminal investigations. Other countries jurisdiction is also one of the constraints.

d. Capacity constrains (expertise, even-handedness, timelines) of courts

Since Bapepam has never accomplished in taking up criminal case to the courts so we have never experienced with any constrains related to this issue.

2. Please fill in the following tables for the latest year in which data are available:

<b>Number of Company Indicated to Breaking Law/Rule</b>	<b>Number of Enforcement Actions Underway</b>	<b>Number of Enforcement Concluded with Sanction</b>
41 cases	28 cases are underway, 3 cases brought to criminal investigation process	13 cases are completed and 6 of them concluded with administratif sanction.

Note: Actual data.

**For each 100 public companies, what is the approximate number of personnel employed by the securities regulator:**

Manager	123 (Division Head and Sub Division Head).
Investigators	126 (all official with Criminal Investigator Licence)
Policy experts	No specific position. Policy development handled by research & Investment Bureau.
Technical reviewers	269 Senior Staff
Prosecutors	Bapepam does not have power of prosecution (handled by the Office of General Attorney)
Support staff	37

Note : The number is the total of employee. Not for each 100 public companies.

	<b>% of investigation triggered by news reports</b>	<b>% of investigation triggered by review of regulatory filing</b>	<b>% of investigation triggered by tip from another governmental agency</b>	<b>% of investigation triggered by tip from insider</b>	<b>% of investigation triggered by tip from investor</b>	<b>% of investigation triggered by tip from supplier or customer</b>
<b>The number case</b>	9,7%	95%	2,5 %	0%	19,5%	0%

Note : Some cases might be triggered from more than 1 source. Therefore the total of percentage is more than 100 %.