

BLP NEWSLETTER

ISSUE 104 • MARCH 2025

As we welcome the month of March, we bring you essential regulatory updates that will impact Indonesia's financial and investment landscape. From the foreign exchange earnings from natural resources exports placement obligation and updated provisions on bank secrecy to the transfer of regulatory and supervisory duties for crypto assets and financial derivatives, these changes highlight the government's continued efforts to strengthen compliance, transparency, and market stability.

Additionally, we cover Bank Indonesia's latest regulation on financial data oversight, new rules on mutual fund transactions, and enhancements to Indonesia's capital market infrastructure. Lastly, we discuss the updated procedures for supervising beneficial ownership identification, reinforcing corporate governance standards.

As this edition coincides with the holy month of Ramadan and Eid al-Fitr, we extend our warmest wishes to those celebrating. Eid Mubarak! May this festive season bring you peace, prosperity, and happiness.

Warm regards,
The BLP Team



Regulatory And Supervisory Duties Related To Crypto Assets And Financial Derivatives Have Been Transferred

by Faudzan Eka Putra

To implement the provisions stipulated in Law No. 4 of 2023, a new regulation* has been issued governing the transfer of the regulatory and supervisory duties of digital financial asset activities including crypto assets and financial derivatives.

Previously, these duties were under the jurisdiction of the Commodity Futures Trading Supervisory Agency (*Badan Pengawas Perdagangan Berjangka Komoditi*/"**Bappebti**"). However, the responsibility has now been transferred to the Financial Services Authority (*Otoritas Jasa Keuangan*/"**OJK**") and Bank Indonesia ("**BI**").

The regulatory and supervisory duties transferred from Bappebti to OJK include:

- digital financial assets, including crypto assets, in accordance with OJK's authority under the Law on the Development and Strengthening of the Financial Sector.
- financial derivatives, specifically instruments whose values are derived from underlying assets related to securities in the capital market.

Meanwhile, the regulatory and supervisory duties transferred from Bappebti to BI apply to financial derivatives whose values are derived from underlying assets, including instruments in the money market and instruments in the foreign exchange market.

With the transfer of regulatory and supervisory duties of digital financial assets including crypto asset, then:

- offering and trading activities of digital financial assets including crypto assets to the public and the settlement of transactions; and
- supporting infrastructure for the digital financial asset activities, including crypto asset,

must meet the requirements set out by the OJK.

Additionally, any financial derivatives transacted in Indonesia must obtain approval from OJK and BI, depending on their respective regulatory scope.

*Government Regulation No. 49 of 2024 on the Transfer of Regulatory and Supervisory Duties of Digital Financial Assets Including Crypto Assets and Financial Derivatives

100% DHE SDA Placement Obligation – Amendment of Government Regulations

by Annisa Ayu A.

Indonesia has strategically recalibrated its export revenue regulations with the introduction of Government Regulation No. 8/2025*, which took effect on 1 March 2025 and amends Government Regulation No. 36/2023**. This new regulation brings significant changes to the placement of foreign exchange export proceeds derived from the business, management, and/or processing of natural resources (*Sumber Daya Alam* or SDA) (“**DHE SDA**”). For corporate leaders, these changes will have a major impact on cash flow management and strategic financial planning.

Under the previous regulation, exporters in the SDA sector were required to deposit 30% of their DHE SDA into a designated account at a domestic foreign exchange bank and/or the Indonesian Export Financing Institution (*Lembaga Pembiayaan Ekspor Indonesia* or LPEI) for a 3 months retention period, provided that the export value met or exceeded USD250,000 (or its equivalent). Exporters below this threshold had the option to voluntarily deposit their DHE SDA.

With the introduction of Government Regulation No. 8/2025, the key changes are as follows:

1. **100% Mandatory Placement:** Exporters in the mining (except oil and gas), plantation, forestry, and fisheries sectors must now deposit 100% of their DHE SDA into the national financial system for 12 months. Meanwhile, oil and gas exporters remain subject to Government Regulation No. 36/2023, which mandates a 30% deposit for three months;
2. **Removal of the Voluntary Deposit Option:** Exporters whose DHE SDA proceeds fall below the USD250,000 threshold are no longer allowed to voluntarily deposit their earnings.

While the new regulation extends the retention period, it also provides greater flexibility for non-oil and gas exporters by allowing them to use their DHE SDA for specific financial transactions, including:

1. exchanging foreign currency for Rupiah through a designated foreign exchange bank, in accordance with Bank Indonesia’s regulations;
2. paying taxes, non-tax state revenues, and other government obligations in foreign currency as required by law;
3. disbursing dividends in foreign currency;
4. settling payments for goods and services in foreign currency when purchasing raw materials, auxiliary materials, or capital goods that are unavailable, partially available, or do not meet domestic specifications; and/or
5. repaying loans taken for capital expenditures in foreign currency.

These provisions offer greater flexibility in managing DHE SDA, enabling businesses to address essential operational needs while adhering to retention requirements.

Exporters must ensure strict compliance with these regulations, as non-compliance may result in administrative sanctions, including the potential suspension of export services.

*Regulation of the Government of the Republic of Indonesia Number 8 of 2025 on the Amendment to Regulation of the Government Number 36 of 2023 on Foreign-Exchange Export Proceeds from Business, Management, and/or Processing Activities of Natural Resources (“**Government Regulation No. 8/2025**”).

Regulation of the Government Number 36 of 2023 on Foreign-Exchange Export Proceeds from Business, Management, and/or Processing Activities of Natural Resources (“Government Regulation No. 36/2023**”).

Indonesia Tightens Financial Data Oversight: New Bank Indonesia Regulation Redefines Business Compliance

by Kumalasari Retnopati



Bank Indonesia (“**BI**”) has recently introduced New Regulation* to strengthen financial data policies. Its primary objectives are to stabilize the Indonesian Rupiah, maintain payment system integrity, and contribute to overall financial system stability—ultimately fostering sustainable economic growth. This regulation signals a shift toward a more stringent compliance framework, requiring businesses to adapt not only to meet regulatory obligations but also to ensure long-term resilience.

At its core, the New Regulation establishes guidelines for the acquisition, processing, and dissemination of financial data and information by BI. The New Regulation defines data and information as follows:

- a. **Data:** a record of a collection of facts or descriptions in the form of numbers, characters, symbols, pictures, maps, signs, gestures, writings, voice, and/or sounds, which represent the actual situation or indicate an idea, object, condition, or situation;
- b. **Information:** a basic data or a collection of data that has been processed, organised, and interpreted so that it has meaning and relevance that is presented in various packaging and formats.

Under its legal authority, BI may require individuals, business entities, government ministries, institutions, and international organizations to provide data and information. To acquire this data, BI employs various methods, including surveys, reporting mechanisms, cooperative arrangements, direct requests, and direct access protocols.

Once acquired, BI undertakes a rigorous processing phase to ensure the accuracy and usability of the data. Following this, BI may disseminate the processed data and information to relevant external parties.

*BI Regulation No. 12 of 2024 concerning Data and Information Policy, effective as of 31 December 2024

Updated Provision on Bank Secrecy

by Mohammad Faiq Abiyani

The Financial Services Authority (“**OJK**”) has issued new regulation on bank secrecy*, revoking the previous regulation**. The new regulation serves as a guideline for all stakeholders, ensuring greater clarity and alignment with the development and strengthening of the financial sector law.

Under the previous regulation, bank secrecy was broadly defined as “everything” related to banking activities. The new regulation, however, narrows and refines this definition, specifying that bank secrecy pertains strictly to “information”. This clarification enhances legal certainty by explicitly defining the scope of confidentiality obligations in the banking sector.

The regulation introduces additional circumstances under which banking secrecy can be disclosed, including:

1. requests from court-appointed curators for asset liquidation;
2. Bank Indonesia’s duties, including monetary policy implementation, macroprudential oversight, and payment system operations; and
3. the Deposit Insurance Corporation (*Lembaga Penjamin Simpanan* or LPS) in performing its regulatory functions.

These exceptions establish a more structured framework for disclosure while balancing confidentiality obligations with the need for transparency in financial regulation.

The new regulation also outlines clearer procedures for secrecy disclosure. There are now two mechanisms for disclosure, disclosure requiring OJK approval and direct requests to banks without OJK approval.

*Financial Services Authority Regulation Number 44 of 2024 regarding Bank Secrecy.

**Bank Indonesia Regulation Number 2/19/PBI/2000 regarding Requirements and Procedures for Giving Written Orders or Permission to Reveal Bank Confidentiality.

Mutual Funds Transactions: New Regulation

by Rizky Aprihandini



On 19 December 2024, the Financial Services Authority (“**OJK**”) issued a New Regulation* as the implementation of Law No. 4 of 2023**. This regulation aims to enhance governance and operational standards in investment management within Indonesia’s capital markets.

Effective as of 23 December 2024, the New Regulation introduces key requirements for mutual funds, particularly concerning loan transactions and investment limitations.

First, concerning the receipt and extension of loans, mutual funds may only receive loans in the form of funds from Financial Services Institutions (“**LJK**”) and/or Securities Financing Institutions (“**LPE**”), with a maximum limit of 10% of their Net Asset Value (“**NAV**”). Similarly, mutual funds may extend loans in the form of securities to the Clearing and Guarantee Institution, with a limit of 30% of their NAV.

Second, the regulation sets out provisions regarding mutual fund investments in shares of Corporate Mutual Funds or participation units of other Collective Investment Contract Mutual Funds. Investment limitations vary based on the type of mutual fund—such as foreign mutual funds, sharia mutual funds based on foreign securities, or target date mutual funds. Investment managers must ensure compliance with these requirements when determining the placement of mutual fund investments, as stipulated under the New Regulation.

To streamline regulatory compliance, this regulation revokes several provisions under existing regulations***.

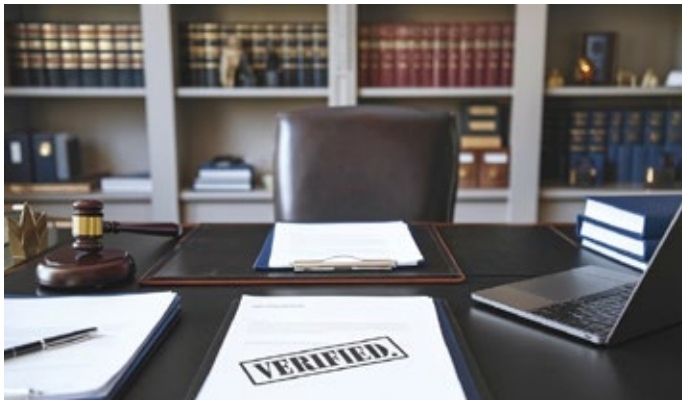
*Financial Services Authority Regulation No. 33 of 2024 concerning Development and Strengthening of Investment Management in the Capital Market

**Law No. 4 of 2023 concerning the Development and Strengthening of the Financial Sector.

***Article 6(1)(p) and (q) of OJK Regulation No. 23/POJK.04/2016, Article 3(m) of OJK Regulation No. 32/POJK.04/2017, and Article 15(m) of OJK Regulation No. 33/POJK.04/2017.

Procedures for Supervising the Implementation of the Principle of Identifying Beneficial Owners of Corporations: New Regulations

by Valya Hermayrani



In a strategic move to enhance compliance and data accuracy, Indonesia has introduced New Regulation* on the supervision of beneficial ownership identification. This New Regulation, effective 4 February 2025, is a part of the government's broader efforts to combat money laundering and terrorism financing.

Under the New Regulation, Corporation** must implement the beneficial ownership identification principle through three key stages, by conducting identification and verification, determining the Corporation's beneficial owner, and submitting the relevant information to the Minister of Law (**Minister**).

The New Regulation also expands the scope of entities subject to beneficial ownership reporting by including civil partnerships (*persekutuan perdata*). Additionally, Corporation are now required to update their beneficial ownership information to the Minister at least once a year.

A key distinction from the previous regulations is that the Minister now has the authority to determine a different beneficial owner than the one reported by the Corporation, based on verification findings and data analysis.

Given these obligations, it is essential for Corporation to determine and report their beneficial owners periodically with accurate information. Failure to comply may result in administrative sanctions imposed by the Minister, including warnings, blacklisting, and the restriction of access to the general legal administration online system.

*Regulation of the Minister of Law Number 2 of 2025 on Verification and Supervision of Beneficial Owners of Corporation

**Corporation means Limited Liability Company, Foundation, Association, Cooperative, Limited Partnership, General Partnership and Civil Partnership

Reinforcement of Indonesia's Capital Market Infrastructure

by Shafa Femalea Sekar Nuswantari

In December 2024, the Financial Services Authority (*Otoritas Jasa Keuangan* or "**OJK**") enacted a New Regulation* aimed at enhancing and strengthening financial infrastructure in Indonesia's capital market sector.

The New Regulation allows securities institutions, including stock exchanges, clearing and guarantee institutions, and securities depository and settlement institutions, to provide additional services in capital market sector beyond their primary functions under the Capital Market Law**.

Stock exchanges may now offer services such as providing services in operating alternative carbon trade through the carbon exchange, electronic public offering system, capital market data and/or index compilation, and other services mandated by OJK.

Meanwhile, clearing and guarantee institutions are permitted to provide triparty repurchase agreement and lending infrastructure, collateral management services, risk management facilities, electronic public offering systems, information and data reporting, as well as other services mandated by OJK.

Additionally, securities depository and settlement institutions are now authorized to offer services such as electronic recording of non-collectively deposited securities, fund storage, data and information administration, electronic general meetings of securities holders, and international securities coding, among other services mandated by OJK.

These services may only be conducted if permitted or mandated by OJK. Furthermore, services provided by these securities institutions must comply with legal provisions and be subject to adequate risk management measures. Violations of these regulations may result in administrative sanctions.

*OJK Regulation No. 32 of 2024 concerning the Development and Strengthening of Transactions and Securities Institutions ("**New Regulation**")

Law No. 8 of 1995 concerning Capital Market as amended by Law No. 4 of 2023 concerning Development and Strengthening of the Financial Sector ("Capital Market Law**")

CONTACT US

The AXA Tower - Kuningan City, 28th Floor
Jl. Prof Dr. Satrio Kav.18, Kuningan - Setiabudi
Jakarta 12940, Indonesia
t : +6221-3048 0718
f : +6221-3048 0715
e : budiarto@blp.co.id

This is a digital publication prepared by the Indonesian law firm, BUDIARTO Law Partnership. It is only intended to inform generally on the topics covered and should not be treated as legal advice or relied upon when making investment or business decisions. Should you have any questions on any matter contained in this publication, or other comments generally, please contact your usual BUDIARTO Law Partnership contact. Website: blp.co.id