

REPORT OF COMMERCIAL BANK ON SAVING UNDERWRITING PARTICIPANTS (Regulation of Saving Underwriting Institution Number 1 Year 2016, dated August 30, 2016)

WITH THE BLESSING OF THE ONE AND ONLY GOD

BOARD OF COMMISSIONERS
OF SAVING UNDERWRITING INSTITUTION

Considering:

- a. whereas, to implement the provision in Article 9 letter d of Law Number 24 Year 2004, concerning Saving Underwriting Institution as amended by Law Number 7 Year 2009, concerning stipulation of Government Regulation in Lieu of Law Number 3 Year 2008, concerning Amendment to Law Number 24 Year 2004, concerning Saving Underwriting Institution to change into Law, it is necessary to stipulate Regulation on Report of Commercial Bank.
- b. whereas, it is necessary to further govern obligations of Commercial Bank to submit Reports on data, information, and document as required by Saving Underwriting Institution in the context of exercising saving underwriting as referred to in Article 9 letter e of Law Number 24 Year 2004, concerning Saving Underwriting Institution as amended by Law Number 7 Year 2009, concerning stipulation of Government Regulation in Lieu of Law Number 3 Year 2008, concerning Amendment to Law Number 24 Year 2004, concerning Saving Underwriting Institution to change into Law;
- c. whereas, Regulation of Saving Underwriting Institution Number 2/PLPS/2006, concerning Report on Commercial Bank, it is necessary to make adjustment to improve effective and efficiency reporting by Commercial Bank;
- d. whereas, based on the consideration referred to in letter a, letter b, dan letter c, it is necessary to stipulate

Regulation of Saving Underwriting Institution concerning Report of Commercial Bank as participant of Saving Underwriting Participant;

In view of:

Law Number 24 Year 2004, concerning Saving Underwriting Institution (Statute Book of the Republic of Indonesia Year 2004 Number 96, Supplement to Statute Book of the Republic of Indonesia Number 4420) as amended by Law Number 7 Year 2009, concerning stipulation of Government Regulation in Lieu of Law Number 3 Year 2008, concerning Amendment to Law Number 24 Year 2004, concerning Saving Underwriting Institution to change into Law (Statute Book of of the Republic of Indonesia Year 2009 Number 8, Supplement to Statute Book of the Republic of Indonesia Number 4963);

DECIDES :

To stipulate:

REGULATION OF SAVING UNDERWRITING INSTITUTION ON REPORT OF COMMERCIAL BANK CONSTITUTING PARTICIPANT OF SAVING UNDERWRITING PARTICIPANT.

CHAPTER I

GENEAL PROVISION

Article 1

What is meant in this Regulation of Saving Underwriting Institution by:

1. Bank shall be Commercial Bank as referred to in the Law on banking and syariah commercial bank as referred to in the Law on syariah banking, including Branch Office of Commercial Bank domiciled overseas.
2. Saving shall be saving as referred to in the Law on banking and saving based on syariah principles as referred to in the Law on syariah banking.
3. Force Majeure shall be any situation that factually causes any Bank to be incapable to submit Reports, such as fire, mass riots, war, sabotage, and natural disaster, such as earthquake and floods, and ratified by the relevant authority of agency in the local area.

CHAPTER II

OBLIGATORY SUBMISSION OF REPORT

Article 2

As participant of Saving Underwriting Institution, such Bank shall be obliged to submit reports periodically to Saving Underwriting Institution covering:

- a. Report on monthly saving position;
- b. Report on monthly financial position; and
- c. Report on annual financial position that has been audited by Public Accountant.

Article 3

Other than submitting Reports periodically as referred to in Article 2, the Bank shall be obliged to submit Report on any amendment made to data of the Bank to Saving Underwriting Institution in the case of changes as cited below:

- a. name, address, legal entity, type of business of the Bank; and/or
- b. structure of Shareholders, Boards of Commissioners, and/or Directors of the Bank or other structure of the same type.

Article 4

Bank shall be obliged to prepare such Reports as referred to in Article 2 and Article 3 comprehensively and submit them to Saving Underwriting Institution in timely manner.

Article 5

Further provision on the format of Reports and procedure for filling-in the Reports as referred to in Article 2 dan Article 3 shall be governed in Circular Letter of Saving Underwriting Institution.

CHAPTER III

TIME LIMIT FOR REPORT SUBMISSION

Article 6

- (1) The periodical Reports referred to in Article 2 must be submitted to Saving Underwriting Institution at the latest on:

- a. 10th of the following month for Report on Financial Position monthly Saving;
- b. 10th of the following month, for monthly Report on Financial Position; and
- c. 31st of May the following Year, for Report on Annual Financial Position that has been audited by Public Accountant.

- (2) The Bank shall be declared to have delayed in submitting Periodical Reports as referred to in Article 2 if the Bank submits such Reports that has elapsed the time limit as referred to in paragraph (1).

Article 7

- (1) The Report on amendment to data of the Bank as referred to in Article 3 must be submitted to Saving Underwriting Institution within 14 (fourteen) working days as of the date amendment to data is made.
- (2) The Bank shall be declared delayed in submitting report on the amendment made to the data of the Bank as referred to in Article 3 if the Bank submitted such report the time limit as referred to in paragraph (1) has elapsed.

CHAPTER IV

PROCEDURE FOR REPORT SUBMISSION

Article 8

- (1) The Bank shall submit the Reports referred to in Article 2 and Article 3 electronically through the information system provided by Saving Underwriting Institution.
- (2) The Reports referred to in paragraph (1) may be submitted on Saturday, Sunday, and on national or local holiday, and mass vacation as stipulated by the Government may be made on Saturday, Sunday, national and local holiday as stipulated by the Government.
- (3) The Reports referred to in paragraph (1) must be submitted with electronic notification through the information system provided by Saving Underwriting Institution.

Article 9

- (1) The Bank shall appoint Official to be responsible for submitting Reports electronically as referred to in Article 8 paragraph (1).
- (2) Bank shall submit List of Appointed Officers as referred paragraph (1) and/or and amendment thereof to Saving Underwriting Institution within seven (7) working days at the latest as of the date of appointment.
- (3) Bank shall submit List of Officers as referred to in paragraph (2) to Saving Underwriting Institution supported by Appointment Letter signed by the Board of Directors or authorized Official of the Bank.
- (4) If the Appointment Letter referred to in paragraph (3) is signed by authorized Official of the Bank, the Bank shall also submit document constituting the basis for authorization of the Official of the Bank.
- (5) The appointment of Officers referred to in paragraph (1) shall not minimize or eliminate responsibility of the Board of Directors of the Bank on the authenticity of the data submitted, and in compliance with the obligatory reporting by the Bank to Saving Underwriting Institution.

Article 10

- (1) In the event of technical disruption in information system provided by Saving Underwriting Institution causing the Bank to be unable to submit Reports electronically as referred to in Article 8 paragraph (1), the Bank shall be obliged to submit Reports in the form of recorded data in compact disc (CD), USB flash drive, or other electronic data recording media and supported by computer printout (hardcopy) as requested by Saving Underwriting Institution.
- (2) Saving Underwriting Institution shall notify the Bank on the event of technical disturbance in the information system as referred to in paragraph (1) in writing or by other means.

Article 11

- (1) Time limit for submitting Reports in recorded data as referred to in Article 10 paragraph (1) shall comply with the provisions in Article 6 paragraph (1) and Article 7 paragraph (1), with the provision that if the time

limit falls on Saturday, Sunday, national holiday, and local holiday, as well as mass vacation as stipulated by the Government, the time limit for submitting Reports shall be the first working day after the holiday.

- (2) Saving Underwriting Institution may make change the time limit for submitting Reports as referred to in paragraph (1).
- (3) Bank shall be declared to have delayed in submitting Reports in recorded data as referred to in paragraph (1) if:
 - a. such Reports are submitted directly to Saving Underwriting Institution after the time limit as referred to in paragraph (1) or paragraph (2), by referring to the date when the Reports are received from Saving Underwriting Institution; or
 - b. such Reports are transmitted to Saving Underwriting Institution by post or courier after the time limit elapsed as referred to in paragraph (1) or paragraph (2), by referring to the postal stamp of receipt of such delivery from the courier.

Article 12

- (1) The Reports in recorded data as referred to in Article 10 paragraph (1) must be submitted to Saving Underwriting Institution by transmittal letter signed by either members of the Board of Directors of the Bank or authorized Official of the.
- (2) If the transmittal letter referred to in paragraph (1) is signed by the authorized Official of the Bank, the Bank shall be obliged to provide supporting document that constitutes as the basis for the authority of the Official of the Bank.
- (3) Reports in the form of recorded data as referred to in paragraph (1) must be transmitted to Saving Underwriting Institution to the address below:

Group of Underwriting

Saving Underwriting Institution

Gedung Equity Tower Lt. 20

Sudirman Central Business District (SCBD) Lot 9

Jalan Jenderal Sudirman Kav. 52-53

Jakarta 12190

- (4) If there is a change to the address as referred to in paragraph (3), Saving Underwriting Institution shall notify such change of address to the Bank.

Article 13

Further provision on submission of Reports shall be governed in Circular Letter of Saving Underwriting Institution.

CHAPTER V

EXEMPTION

Article 14

- (1) Bank shall be exempted from obligatory submission of periodical Reports as referred to in Article 2 if the Bank encounters Force Majeure to submit Reports in one period or more.
- (2) Bank shall be exempted from the time limit for submitting Reports periodically as referred to in Article 6 paragraph (1) if the Bank encounters Force Majeure less than one period of submission of Reports.
- (3) One period of Reports submission referred to paragraph (1) and paragraph (2) shall be:
- a. effective as of 11 current months up to the 10th of the following month, for Monthly Report of saving position and Report on the following month, for Report on the position of monthly Saving and monthly financial position; and

- b. effective as of June 1 of current year up to May 31 the following year, for Financial Annual Report.
- (4) Bank shall be exempted from time limit for submitting report on amendment made to data of the Bank as referred to in Article 7 paragraph (1) if such Bank encounters Force Majeure during the period of Reports submission.
- (5) The period for submitting Reports referred to in paragraph (4) shall be effective as of amendment is made data of the Bank up to expiry of the time limit as referred to in Article 7 paragraph (1).
- (6) Bank encountering Force Majeure shall be obliged to submit written request to Saving Underwriting Institution to the address as referred to in Article 12 paragraph (3) to obtain exemption from the obligatory submission of Reports supported by Statement Letter on the event of Force Majeure from the relevant authority or the local Regional authority.
- (7) The exemption referred to in paragraph (1), paragraph (2), and paragraph (4) takes effect as soon as the Bank obtains approval from Saving Underwriting Institution.
- (8) Bank shall be obliged to submit Reports during the course of the time batas as referred to in Article 6 paragraph (1) and Article 7 paragraph (1) as soon as the Bank recovered from Force Majeure.

CHAPTER VI

OBLIGATION TO SUBMIT SPECIAL REPORT

Article 15

- (1) Other than submitting the Reports referred to in Article 2 and Article 3, Bank that complies with certain condition shall be obliged to submit Special Report to Saving Underwriting Institution in the implementation of the function on Saving Underwriting.
- (2) Bank shall be obliged to keep data that constitutes the basis for compiling Special Report as referred to in paragraph (1) and ascertain such data available as required at any time by Saving Underwriting Institution.

- (3) The provisions referred to in Article 4, Article 8, Article 9, Article 10, and Article 12 apply *mutatis mutandis* on the Special Report referred to in paragraph (1), unless governed otherwise by the Saving Underwriting Institution.
- (4) Further provisions on Special Report as referred to in paragraph (1) cover certain conditions that the Bank is obliged to comply with are: to submit Reports, formulating Reports, formulate procedure for filling-in Questionnaire of Reports, procedure for submitting Reports, and exception due to Force Majeure, shall be governed in Circular Letter of Saving Underwriting Institution.

CHAPTER VII

PENALTY

Article 16

- (1) Bank that delays in submitting periodical Reports as referred to in Article 2, is subject to administrative penalty in the form of a fine of Rp.1.000.000,00 (one million Rupiahs) per calendar day of delay for each Report that is must be submitted.
- (2) The fine referred to in paragraph (1) survives for 12 (twelve) months, with total number of days at the longest 365 (three hundred sixty-five) days.
- (3) Bank shall pay the penalty referred to in paragraph (1) by transfer to the Account of Saving Underwriting Institution at Bank Indonesia.

Article 17

- (1) Saving Underwriting Institution shall compute and determine the amount of administrative penalty as referred to in Article 16 payable by the Bank for delaying submission of the Reports.
- (2) Saving Underwriting Institution shall notify in writing the Bank that is subject to penalty for delaying submission of Reports and on the amount of penalty to be paid by the Bank..

Article 18

Members of the Boards of Directors and Commissioners, and/or Shareholder of the Bank that fails to comply with and/or causing the Bank to be incapable to submit report on the amendment to data of the Bank as referred to in Article 3, the obligation to submit Special Report as referred to in Article 15, and/or obligation to pay administrative penalty as referred to in Article 16 is subject to criminal penalty as referred to in Article 94 paragraph (1) Law Number 24 Year 2004, on Saving Underwriting Institution as amended by Law Number 7 Year 2009, concerning stipulation of Government Regulation in Lieu of Law Number 3 Year 2008 on Amendment to Law Number 24 Year 2004, concerning Saving Underwriting Institution to change into Law.

Article 19

Any person or entity, including members of the Boards of Directors and Commissioners, and/or Shareholder of the Bank, providing false and/or fake data, information, and/or report as referred to in Article 2, Article 3, and Article 15, is subject to penalty as referred to in Article 95 paragraph (3) Law Number 24 Year 2004 concerning Saving Underwriting Institution as amended by Law Number 7 Year 2009 effective as of stipulation of Government Regulation in Lieu of Law Number 3 Year 2008, concerning Amendment to Law Number 24 Year 2004, on Saving Underwriting Institution to change into Law.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 20

Data for the month of December 2016 shall be reported in line with the Regulation of Saving Underwriting Institution Number 2/PLPS/2006, concerning Reports on Commercial Bank.

Article 21

Reporting in line of this Regulation of Saving Underwriting Institution takes effect as of the reporting of data during the month of January Year 2017.

Article 22

For the first time, List of Appointed Officers as referred to in Article 9 paragraph (2) must be submitted to Saving Underwriting Institution by December 31, 2016 at the latest.

CHAPTER IX

CLOSING PROVISION

Article 23

By the time this Regulation of Saving Underwriting Institution comes to force, Regulation of Saving Underwriting Institution Number 2/PLPS/2006 concerning Reports of Commercial Bank, shall revoke and declared null and void.

Article 24

This Regulation of Saving Underwriting Institution takes effect on the date it is enacted.

For public cognizance, this Regulation of Saving Underwriting Institution shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated August 2016

**The IRMAN OF THE BOARD OF COMMISSIONERS
OF SAVING UNDERWRITING NSTITUTION,**

sgd.

HALIM ALAMSYAH

Enacted in Jakarta

Dated September 1, 2016

**DIRECTOR GENERAL OF STATUTORY REGULATION
MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,**

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2016 NUMBER 1277

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