

**A GOVERNMENT REGULATION OF  
THE REPUBLIC OF INDONESIA**

**NUMBER 45 YEAR 1995  
CONCERNING**

**CAPITAL MARKET ORGANIZATION**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

- CONSIDERING:*
- a) that in order to establish an orderly, fair and efficient' Capital Market, it is necessary to set requirements to be followed by Per'sons engaged in Capital Market activities, as well as administrative sanctions for Persons that violate Capital Market rules and regulations;
  - b) that based on these considerations, it is necessary to promulgate a Government Regulation that establishes requirements and procedures for granting licenses, approvals, and for the registration of Persons engaging in Capital Market activities, as well as with respect to administrative sanctions;

- IN VIEW OF:*
- 1. Article 5 item (2), of the 1945 Constitution;
  - 2. Law No. 8 of 1995 on The Capital Market (Statute Book No. 64, Supplement to Statute Book No. 3608)

**HAS DECIDED TO ENACT:  
A GOVERNMENT REGULATION  
Concerning  
CAPITAL MARKET ORGANIZATION**

# **CHAPTER I**

## **SECURITIES EXCHANGES**

### ***Article 1***

In order to engage in business as a Securities Exchange, it is necessary to-obtain a license from BAPEPAM.

### ***Article 2***

A Securities Exchange must have a minimum paid-in capital of seven billion five hundred million Rupiah.

### ***Article 3***

- 1) A license application for a Securities Exchange must be submitted to BAPEPAM accompanied by the following documents and information:
  - a) the Company's deed of establishment, approved by the Minister of Justice;
  - b) a list of Securities Companies that are shareholders of the Securities Exchange;
  - c) the Tax Registration Number of the Company;
  - d) the economic justification for establishment of the Securities Exchange and a description of the market it will serve;
  - e) a three-year financial projection ;
  - f) a three-year operational plan, including organizational structure, communication facilities, and training programs;
  - g) a list of the candidates for directors, commissioners, and senior officials reporting to directors;
  - h) a list of Persons that intend to list Securities on the Securities Exchange;
  - i) draft rules on membership, listing, trading, fungibility of Securities, clearing and settlement of Exchange Transactions, and charges and fees for Exchange services;
  - j) the opening balance sheet of the Company, audited by an accountant registered with BAPEPAM; and
  - k) such other documents and supporting information related to the license application of the Securities Exchange, as stipulated by BAPEPAM<sup>4</sup>.
- 2) The application referred to in paragraph (1) must be submitted in the form, format. and with the content prescribed by BAPEPAM.

### ***Article 4***

BAPEPAM will evaluate the application referred to in Article 3 by considering:

- a) the integrity and expertise of candidates for director and commissioner,
- b) the feasibility of the plan; and
- c) the prospects for the establishment of an orderly, fair, and efficient market.

#### ***Article 5***

- 1) Shareholders of a Securities Exchange must be Securities Companies that are licensed as Broker-dealers.
- 2) A Securities Exchange must have at least fifty shareholders when established.
- 3) A Securities Exchange must accept applications of Securities Companies to become shareholders, until the number of shareholders that are Members reaches two hundred.

#### ***Article 6***

- 1) Only Securities Exchange shareholders that meet the Exchange's membership requirements may become Members of the Exchange.
- 2) A Securities Exchange must accept as Members, all shareholders that are qualified to become Members, until the number of Exchange Members reaches two hundred.

#### ***Article 7***

- 1) Shares of a Securities Exchange may only be transferred to Securities Companies that are licensed as Broker-dealers and that are qualified to become Members of the Exchange.
- 2) Before a share of a Securities Exchange may be transferred, the Securities Exchange must have issued a statement that the transferee is a Securities Company qualified to be a Member of the Exchange.

#### ***Article 8***

- 1) A Securities Company that is a shareholder of a Securities Exchange and is not allowed to become a Member, must transfer its share to another Securities Company qualified to be a Member, within three months from the date of acquiring the share.
- 2) A Securities Company that ceases to be a Member of a Securities Exchange must transfer its share to another Securities Company qualified to be a Member, within three months of the date that membership was terminated.
- 3) When a Securities Company does not transfer its Exchange share to another Securities Company as required in paragraphs (1) and (2), the Exchange must sell the share in auction to the highest bidder, within three months of the deadline stipulated in paragraphs (1) or (2).
- 4) When an Exchange share can not be sold within the time specified in paragraph (3), the Securities Company must sell the share to the Exchange at par value and the Exchange must buy the share at that price.

#### ***Article 9***

- 1) A Securities Exchange may not have more than seven directors and seven commissioners.
- 2) Directors may not be directors, commissioners, or officers of another company.
- 3) Directors and commissioners shall be elected for three years and may be re-elected.

#### ***Article 10***

- 1) Shares of a Securities Exchange are registered and have equal par value and voting rights.
- 2) Each shareholder of a Securities Exchange may own only one share
- 3) A Securities Company that is a shareholder of a Securities Exchange and that is not qualified to be a Member, or that is no longer a Member, does not have the right to vote the share.

- 4) A Securities Exchange is prohibited from distributing dividends to shareholders.

#### ***Article 11***

A Securities Company that is a shareholder of a Securities Exchange may not be associated with another Securities Company that is a shareholder of the same Exchange, by means of:

- a) ownership, direct or indirect, of twenty percent or more of voting shares;
- b) directors or commissioners in common; or
- c) direct or indirect control of management or company policy.

#### ***Article 12***

Shareholders of a Securities Exchange must deposit their Exchange shares with the Exchange's Clearing Guarantee Institution, in guarantee of their Securities transactions.

#### ***Article 13***

- 1) A Securities Exchange must submit its articles of association, its rules, and any amendments thereto to BAPEPAM for approval .
- 2) If BAPEPAM should reject the Exchange's articles of association, rules, or amendments, as mentioned in paragraph (1), BAPEPAM will give the reason for such rejection.
- 3) In order to establish an orderly, fair, and efficient Capital Market, BAPEPAM may order a Securities Exchange to amend its articles of association or rules.

#### ***Article 14***

BAPEPAM may further regulate organizational activities of a Securities Exchange based on this Government Regulation.

## **CHAPTER II**

### **CLEARING GUARANTEE INSTITUTIONS AND CENTRAL SECURITIES DEPOSITORIES**

#### ***Article 15***

Before engaging in business as a Clearing Guarantee Institution or as a Central Securities Depository, it is necessary to obtain a license from BAPEPAM.

#### ***Article 16***

The paid-in capital of a Clearing Guarantee Institution or a Central Securities Depository must be at least fifteen billion Rupiah.

#### ***Article 17***

- 1) A license application for a Clearing Guarantee Institution or a Central Securities Depository must be submitted to BAPEPAM accompanied by the following documents and information:
  - a) the Company's deed of establishment, approved by the Minister of Justice;
  - b) the Tax Registration Number of the Company
  - c) a three-year financial projections
  - d) a three-year operational plan, including organizational structure, communication facilities, and training programs;
  - e) a list of candidates for director, commissioner and senior officials reporting to directors;
  - f) the Securities Exchange(s) that will manage and or use the services of the Clearing Guarantee Institution or Central Securities Depository;
  - g) proposed rules on clearing, guarantee and settlement of Exchange Transactions, including service fees set by the Clearing Guarantee Institution;
  - h) proposed rules on services of the Central Securities Depository with respect to settlement of Exchange Transactions, including fees for such services set by the Central Securities Depository; and
  - i) other documents and supporting information stipulated by BAPEPAM related to the license application of a Clearing Guarantee Institution or Central Securities Depository.
- 2) The application referred to in Paragraph (1) shall be submitted in the form, format, and with the content Prescribed by BAPEPAM.

#### ***Article 18***

In evaluating the application referred to in Article 17, BAPEPAM shall consider:

- a) the integrity and expertise of the Proposed directors and commissioners;
- b) the feasibility of the plan;
- c) Prospects for the establishment of an orderly, fair and efficient market; and
- d) the safety and efficiency of clearing, guaranteed settlement, and the custodial system.

### ***Article 19***

- 1) A Clearing Guarantee Institution or a Central Securities Depository may not have more than seven directors and seven commissioners.
- 2) Directors of a Clearing Guarantee Institution or Central Securities Depository may not be directors, commissioners, or officers of another company.
- 3) Directors and commissioners are elected for three years and may be re-elected.

### ***Article 20***

- 1) Shares of a Clearing Guarantee Institution or a Central Securities Depository are registered and have equal par value and voting rights.
- 2) Shares of a Clearing Guarantee Institution or Central Securities Depository may be owned only by Securities Exchanges, Securities Companies, Securities Administration Agencies, Custodian Banks, and other Persons approved by BAPEPAM.
- 3) The majority of shares of a Clearing Guarantee Institution Must be owned by a Securities Exchange.
- 4) Shares of Clearing Guarantee Institutions . or Central Securities Depositories may be transferred only to Securities Exchanges, Securities Companies, Securities Administration Agencies, Custodian Banks, or other Persons approved by BAPEPAM.
- 5) Shares of a Clearing Guarantee Institution may be transferred to Persons who are not Securities Exchanges as long as a Securities Exchange still owns the majority of the Clearing Guarantee Institution's shares.
- 6) A Clearing Guarantee Institution or Central Securities Depository may not distribute dividends to shareholders.

### ***Article 21***

- 1) A Clearing Guarantee Institution and a Central Securities Depository must submit their articles of association, rules, and amendments thereto, to BAPEPAM for approval.
- 2) When BAPEPAM rejects the articles of association, rules, or amendments thereto, of a Clearing Guarantee Institution or Central Securities Depository, as referred to in paragraph (1), it will give the reason for such rejection .
- 3) In order to develop an orderly, fair, and efficient Capital Market BAPEPAM may order a Clearing Guarantee Institution or Central Securities Depository to amend its articles of association or rules.

### ***Article 22***

BAPEPAM may establish further requirements regarding the organization of Clearing Guarantee Institutions and Central Securities Depositories, based on this Government Regulation.

## **CHAPTER III**

### **INVESTMENT FUNDS**

#### ***Article 23***

A license from BAPEPAM is required to operate an Investment Fund in corporate form.

#### ***Article 24***

- 1) The license application for the type of Investment Fund referred to in Article 23 must be submitted to BAPEPAM accompanied by the following documents and information:
  - a) the company's deed of establishment, approved by the Minister of Justice;
  - b) the name and address of the founder(s) of the Investment Fund;
  - c) the name and address of the directors of the Investment Fund;
  - d) the name and address of the Investment Manager and Custodian Bank;
  - e) the Investment Fund management contract;
  - f) the Custodial contract with respect to the assets of the Investment Fund;
  - g) the Capital Market Supporting Professionals that will provide services to the Fund; and
  - h) other documents and information related to the license application as required by BAPEPAM.
- 2) The application referred to in paragraph (1) shall be submitted in the form, format, and with the content prescribed by BAPEPAM.

#### ***Article 25***

The purpose of an Investment Fund in corporate form is to carry on business as an Investment Fund.

#### ***Article 26***

An open-end Investment Fund in corporate form may issue, repurchase, and transfer shares without approval of a Shareholders' General Meeting.

#### ***Article 27***

An Investment Fund in corporate form must be dissolved when its license is revoked by BAPEPAM.

#### ***Article 28***

When an Investment Manager or director of an Investment Fund in corporate form violates Law Number 8 of 1995, its implementing regulations, the Investment Fund management contract, or the Investment Fund's articles of association, BAPEPAM may revoke the Investment Fund's license and/or suspend operations of the Fund, placing the assets in safekeeping and naming another Investment Manager to manage the Fund.

#### ***Article 29***

When the Investment Manager of an Investment Fund organized as a collective investment contract, violates Law Number 8 of 1995, its implementing regulations, or the collective

investment contract, BAPEPAM may dissolve the Investment Fund, or suspend the operations of the Fund, placing the assets in safekeeping, and naming another Investment Manager to manage the Investment Fund's assets.

***Article 30***

BAPEPAM may further regulate the activities of Investment Funds based on this Government Regulation.

## **CHAPTER IV**

### **SECURITIES COMPANIES**

***Article 31***

A Securities Company must obtain a license from BAPEPAM before engaging in business as an Underwriter, Broker-dealer and/ or Investment Manager.

***Article 32***

- 1) A Securities Company as referred to in Article 31 may be organized as:
  - a) a national Securities Company, the shares of which are owned only by Indonesian legal entities or Indonesian citizens;
  - b) a joint-venture Securities Company, the shares of which are owned by Indonesian citizens, Indonesian legal entities, and/ or foreign legal entities that operate in the financial sector.
- 2) Terms of paragraph (1) do not apply to Securities Companies that have made a Public Offering.
- 3) Provisions regarding the ownership of shares of a Securities Company by a foreign citizen and/or foreign legal entity, shall be determined by the Minister of Finance..

***Article 33***

- 1) A Securities Company must meet the following capital requirements:
  - a) The capital of a national Securities Company shall be as follows:
    - i) To operate as an Underwriter and Brokerdealer, a national Securities Company must have paid-in capital of at least ten billion Rupiah and must maintain Net Adjusted Working Capital of at least five hundred million Rupiah.
    - ii) To operate as a Broker-dealer, a national Securities Company must have paid-in capital of at least five hundred million Rupiah and must maintain Net Adjusted Working Capital of at least two hundred million Rupiah.
    - iii) To operate as an Investment Manager, a national Securities Company must have paid-in capital of at least five hundred million Rupiah and must maintain Adjusted Net Working Capital of at least two hundred million Rupiah;
    - iv) To operate as an Underwriter, Broker-dealer, and Investment Manager, a national Securities Company must have paid-in capital of at least ten billion and five hundred



- million Rupiah and must maintain Net Adjusted Working Capital of at least seven hundred million Rupiah;
- v) To operate as a Broker-dealer and Investment Manager, a national Securities Company must have paid-in capital of at least one billion Rupiah and must maintain Net Adjusted Working Capital of at least four hundred million Rupiah.
- b) The capital of a joint-venture Securities Company shall be as follows:
- i) To operate as an Underwriter and Brokerdealer. a joint-venture Securities Company must have paid-in capital of at least ten billion Rupiah and must maintain Net Adjusted Working Capital of at least five hundred million Rupiah;
  - ii) To operate as a Broker-dealer, a jointventure Securities Company must have paidin capital of at least one billion Rupiah and must maintain Net Adjusted Working capital of at least two hundred million Rupiah;
  - iii) To operate as an Investment Manager, a joint-venture Securities Company must have paid-in capital of at least one billion Rupiah and must maintain Net Adjusted Working Capital of at least two hundred million Rupiah;
  - iv) To operate as an Underwriter, Broker-dealer, and Investment Manager, a joint-venture Securities Company must have paid-in capital of at least eleven billion Rupiah and must maintain Net Adjusted Working Capital of at least seven hundred million Rupiah; and
  - v) To operate as a Broker-deaier and Investment Manager, a joint venture Securities Company must have paid-in capital of at least two billion Rupiah and must maintain Net Adjusted Working Capital of at least four hundred million Rupiah.
- 2) The Ministry of Finance may determine paid-in capital requirements for Securities Companies that 'are different from the amounts indicated in paragraph (1).
- 3) BAPEPAM may determine maintenance requirements for Net Adjusted Working Capital of Securities Companies that are different from the amounts indicated in paragraph (1).

#### ***Article 34***

- 1) A license application to engage in business as a Securities Company shall be submitted to BAPEPAM accompanied by the following documents and information:
- a) the company's deed of establishment, approved by the Minister of Justice;
  - b) the Tax Registration Number of the Company;
  - c) the names of the directors and expects who have individual licenses from BAPEPAM to act as the Securities Company's representatives; and
  - d) other documents and supporting information related to the license application as required by BAPEPAM.
- 2) the application referred to in paragraph (1) shall be submitted in the form, format, and with the content prescribed by BAPEPAM.

#### ***Article 35***

- 1) A Securities Company may not be controlled, either directly or indirectly, by individuals who:
- a) have committed a shameful act or that have been convicted of a crime involving a financial transaction;or
  - b) lack good character and morals.

- 2) Directors, commissioners, and Representatives of a Securities Company must:
  - a) be legally competent;
  - b) have not been declared bankrupt or have been the director or commissioner that caused the bankruptcy of a company;
  - c) have never committed a disgraceful act or have been convicted of a crime involving a financial transaction;
  - d) have good character and morals; and
  - e) have Capital Market expertise.

***Article 36***

- 1) To operate as an Underwriter, a Securities Company must have at least one director and one officer that are each licensed as an Underwriter's Representative.
- 2) To operate as a Broker-dealer, a Securities Company must have at least one director and one officer that are each licensed as a Broker-dealer's Representative or Underwriter's Representative.
- 3) To operate as an Investment Manager, a Securities Company must have at least one director and one officer that are each licensed as an Investment Manager's Representative.

***Article 37***

BAPEPAM may establish further provisions necessary to implement the activities of Securities Companies based on this Government Regulation.

## **CHAPTER V**

### **SECURITIES COMPANY REPRESENTATIVES**

***Article 38***

- 1) An individual license as:
  - a) an Underwriter's Representative may only be granted to an individual who has expertise in underwriting and Broker-dealer activities;
  - b) a Broker-dealer's Representative may only be granted to an individual who has expertise in Brokerdealer activities; and;
  - c) an Investment Manager's Representative may only be granted to an individual who has expertise in Securities analysis and Securities Portfolio management.
- 2) Requirements regarding the expertise referred to in paragraph (1) shall be determined by BAPEPAM.

***Article 39***

- 1) An application for a license as a Securities Company's representative shall be submitted to BAPEPAM with the following documents and information:
  - a) a certificate of formal education;

- b) a certificate of expertise and/or a description of work experience; and;
  - c) other documents and supporting information related to the license application as determined by BAPEPAM.
- 2) The application referred to in paragraph (1) must be submitted in the form, format, and with the content prescribed by BAPEPAM.

***Article 40***

Based on this Government Regulation, BAPEPAM may stipulate further requirements with respect to the licensing of Securities Company Representatives.

## **CHAPTER VI**

### **INVESTMENT ADVISORS**

***Article 41***

- 1) Before engaging in business as an Investment Advisor, an individual or company must to obtain a license from BAPEPAM.
- 2) In order to carry on business as an Investment Advisor, or to be a director, commissioner, or to directly or indirectly control a corporation acting as an Investment Advisor, an individual must:
  - a) have not committed a disgraceful act and/or been convicted of a crime involving a financial transaction;
  - b) have good character and morals; and
  - c) have Capital Market expertise.

***Article 42***

The Investment Advisor referred to in Article 41 must have at least one expert that is licensed as an Investment Manager's Representative

***Article 43***

In order to engage in the Securities rating business, an investment Advisor must.

- a) be incorporated;
- b) have paid-in capital of five hundred million Rupiah; and
- c) have at least one director with expertise in Securities rating.

***Article 44***

- 1) A license application for Investment Advisor must be submitted to BAPEPAM with the following documents and information:
  - a) the license as Investment Manager's Representative;
  - b) the Tax Registration Number; and
  - c) other related documents and supporting information stipulated by BAPEPAM.

- 2) The application referred to in the paragraph (1) must be submitted in the form, format, and with the content prescribed by BAPEPAM.

***Article 45***

Based on this Government Regulation, BAPEPAM may determine further requirements to engage in Investment Advisor activities.

## **CHAPTER VII**

### **COMMERCIAL BANK CUSTODIANS**

***Article 46***

A Commercial Bank may engage in business as a Custodian in the Capital Market after obtaining approval from BAPEPAM.

***Article 47***

- 1) The application for approval as a Custodian must be submitted to BAPEPAM with the following documents and information:
  - a) the articles of association;
  - b) the Tax Registration Number;
  - c) the Commercial Bank license;
  - d) the latest annual financial statement, audited by an Accountant registered with BAPEPAM;
  - e) an operations manual with respect to Custodial activities and information on the physical facilities to be used;
  - f) a recommendation from Bank Indonesia; and
  - g) other related documents and supporting information as determined by BAPEPAM.
- 2) The application referred to in the paragraph (1) must be submitted in the form, format, and with the content prescribed by BAPEPAM.

***Article 48***

Based on this Government Regulation, BAPEPAM may prescribe additional requirements to engage in business as a Custodian.

## **CHAPTER VIII**

### **SECURITIES ADMINISTRATION AGENCIES**

#### ***Article 49***

Before engaging in business as a Securities Administration Agency, it is necessary to obtain a license from BAPEPAM.

#### ***Article 50***

A Securities Administration Agency must have paid-in capital of at least five hundred million Rupiah.

#### ***Article 51***

- 1) A license application for a Securities Administration Agency business must be submitted to BAPEPAM with the following documents and information:
  - a) the deed of establishment, approved by the Minister of Justice;
  - b) the Tax Registration Number of the Company;
  - c) an operations manual on activities to be conducted and information regarding the physical facilities to be used; and
  - d) other related documents and supporting information as determined by BAPEPAM.
- 2) The application referred to in paragraph (1) must be submitted in the form, format, and with the content prescribed by BAPEPAM.

#### ***Article 52***

Based on this Government Regulation, BAPEPAM may establish further requirements to engage in business as a Securities Administration Agency.

## **CHAPTER IX**

### **TRUST-AGENTS**

#### ***Article 53***

- 1) Only a Commercial Bank may carry on business as a Trustagent.
- 2) Only a Trust-agent that has registered with BAPEPAM may engage in Trust-agent business in the Capital Market.

#### ***Article 54***

- 1) An application for registration as a Trust-agent must be submitted to BAPEPAM with the following documents and information:
  - a) the articles of association;

- b) the Tax Registration Number;
  - c) the license as a Commercial Bank;
  - d) the latest annual financial statements, audited by an Accountant registered with BAPEPAM;
  - e) a recommendation from Bank Indonesia; and
  - f) other related documents and supporting information as determined by BAPEPAM.
- 2) The application referred to in paragraph (1) must be submitted in the form, format, and with the content prescribed by BAPEPAM.

***Article 55***

Based on this Government Regulation, BAPEPAM may determine further requirements to engage in business activities as a Trust-agent.

## **CHAPTER X**

### **CAPITAL MARKET SUPPORTING PROFESSIONALS**

***Article 56***

- 1) The activities of Capital Market Supporting Professionals are those of:
- a) Accountants;
  - b) Legal Consultants;
  - c) Appraisers; and
  - d) Notaries.
- 2) Capital Market Supporting Professionals may provide services in the Capital Market only after registering with BAPEPAM.

***Article 57***

- 1) An application for registration as a Capital Market Supporting Professional must be submitted in the form, format, and with the content prescribed by BAPEPAM.
- 2) Individual applicants referred to in paragraph (1), MUST27:
- a) have not committed a disgraceful act and/or have been convicted of a crime involving a financial transaction;
  - b) have good character and morals; and
  - c) have Capital Market expertise

***Article 58***

Based on this Government Regulation, BAPEPAM may determine further requirements for Professionals that provide services in the Capital Market.

## **CHAPTER XI**

### **PROCEDURES FOR ISSUING OR REJECTING A LICENSE, OR REGISTRATION**

#### ***Article 59***

- 1) The approval or rejection of an application by BAPEPAM with respect to a license, approval, or registration, must be done within forty-five days from the date the complete application is received by BAPEPAM.
- 2) Within the period referred to in paragraph (1), BAPEPAM may request amendments and/or additional information to complete the application for licensing, approval, or registration.
- 3) When BAPEPAM requests an amendment and/or additional information as specified in paragraph (2), the period for approval or denial shall be counted from the date such amendment and/or additional information is received by BAPEPAM.

#### ***Article 60***

- 1) Approval or rejection of applications for changes in the rules of a Securities Exchange, a Clearing Guarantee Institution, or a Central Securities Depository must be made within sixty days of receipt by BAPEPAM of the complete application.
- 2) During the period stipulated to in paragraph (1), BAPEPAM may request amendments to the proposed rule changes and/or request additional information related to such proposed rule changes.
- 3) When BAPEPAM requests modifications or additional information as provided in paragraph (2), the period for acting on the proposal shall be counted from the date that such modifications or information is received by BAPEPAM.

## **CHAPTER XII**

### **ADMINISTRATIVE SANCTIONS**

#### ***Article 61***

Violations of Capital Market rules and regulations by Issuers, Public Companies, Securities Exchanges, Clearing Guarantee Institutions, Central Securities Depositories, Investment Funds, Securities Companies, Investment Advisors, Underwriter's Representatives, Brokerdealer's Representatives, Investment Manager's Representatives, Securities Administration Agencies, Custodians, Trust-agents, Capital Market Supporting Professionals, and other Persons that have obtained a license, approval, or registration from BAPEPAM, and by directors, commissioners, and any Person owning five percent or more of the shares of an Issuer or Public Company, are subject to the following administrative sanctions:

- a) a written warning;

- b) a fine or obligation to pay a certain amount of money;
- c) restrictions on business activity;
- d) the suspension of business activity;
- e) revocation of a license;
- f) cancellation of an approval; and
- g) cancellation of registration.

#### ***Article 62***

- 1) The sanctions stipulated to in Article 61 letters b through g may be imposed without the written warning referred to in letter a of Article 61.
- 2) The fine stipulated to in letter b of Article 61 may be imposed separately or together with any of the sanctions stipulated in letters c through g of Article 61.

#### ***Article 63***

Persons referred to in Articles 85, 86, and 87 of Law No. 8 of 1995 that are late in submitting reports prescribed by BAPEPAM, are subject to the following administrative sanctions:

- a) a Securities Exchange, Clearing Guarantee Institution or Central Securities Depository may be subject to a fine of five hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of five hundred million Rupiah;
- b) a Securities Administration Agency, Custodian Bank, or Trust-agent may be subject to a fine of Rp one hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of one hundred million Rupiah;
- c) a Securities Company may be subject to a fine one hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of one hundred million Rupiah 29;
- d) an Investment Advisor may be subject to a fine of one hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of one hundred million Rupiah;
- e) An Issuer whose Registration Statement has become effective may be subject to a fine of one million Rupiah for each day of delay in submitting a report, up to a maximum fine of five hundred million Rupiah;
- f) A Public Company that is late in submitting a Registration Statement may be subject to a fine of one hundred thousand Rupiah for each day of delay, up to a maximum fine of one hundred million Rupiah;
- g) A director or commissioner of an Issuer or Public Company, and every Person with five percent or more of the shares of an Issuer or Public Company, may be subject to a fine of one hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of one hundred million Rupiah;
- h) Persons other than those mentioned in letters a through g that have a license, approval, or registration from BAPEPAM, may be subject to a fine of one hundred thousand Rupiah for each day of delay in submitting a report, up to a maximum fine of one hundred million Rupiah:

#### ***Article 64***

- 1) Monetary sanctions for violation of Capital Market Regulations, other than those stipulated to in Article 63, may be imposed on Persons mentioned in Article 61 up to a maximum of



one hundred million Rupiah for individuals and five hundred million Rupiah for non-individuals.

- 2) BAPEPAM may determine further stipulations regarding the imposition of the sanctions mentioned in paragraph (1).

***Article 65***

- 1) The sanctions referred to in Articles 63 and 64 are imposed for each violation of Capital Market rules and regulations.
- 2) The administrative sanctions referred to in Article 61 may be announced in the mass media by BAPEPAM.

## **CHAPTER XIII**

### **CLOSING PROVISIONS**

***Article 66***

- 1) A national Securities Company licensed as an Underwriter prior to the effectiveness of this Government Regulation, must meet the paid-in capital requirements stipulated in paragraph (1), letter a, number 1 of Article 33, within two years of the effectiveness of this Government Regulation.
- 2) Securities Companies that have been licensed before the effectiveness of this Government Regulation, must comply with the stipulations of Article 36 within one year of the effectiveness of this Government Regulation.

***Article 67***

Upon the effectiveness of this Government Regulation, Presidential Decree No 53 of 1 990 on the Capital Market is revoked.

***Article 68***

This Government Regulation shall be effective on January 1, 1996.

In order that all may be informed, this Government Regulation shall be promulgated by publication in the State Gazette of the Republic of Indonesia.

Authorized in Jakarta  
on November 10, 1995  
THE PRESIDENT OF THE REPUBLIC OF  
INDONESIA

**S O E H A R T O**

Promulgated in Jakarta  
on November 10, 1995

THE MINISTER STATE SECRETARY  
THE REPUBLIC OF INDONESIA

MOERDIONO