



FINANCIAL SERVICES AUTHORITY  
REPUBLIC OF INDONESIA

DUPLICATE OF  
FINANCIAL SERVICES AUTHORITY REGULATION  
NUMBER 44/POJK.04/2016  
CONCERNING  
CENTRAL SECURITIES DEPOSITORIES REPORTS

BY THE GRACE OF GOD ALMIGHTY

THE BOARD OF COMMISSIONERS OF FINANCIAL SERVICES AUTHORITY

- Considering :
- a. that with the entry into force of Law Number 21 of 2011 concerning Financial Services Authority, as of 31 December 2012 regulatory and supervisory functions, duties, and authorities of the financial services activities in the Capital Market sector including regulation concerning Central Securities Depositories Reports were transferred from the Capital Market and Financial Institutions Supervisory Agency to the Financial Services Authority;
  - b. that in order to give clarity and certainty regarding the regulation of the Central Securities Depositories reports, regulation concerning Central Securities Depositories Reports issued before the establishment of the Financial Services Authority need to be amended into Financial Services Authority Regulation;
  - c. that based on consideration as referred to in letter a and letter b, it is deemed necessary to enact Financial Services Authority Regulation concerning Central Securities Depositories Reports;

- In view of:       : 1. Law Number 8 of 1995 concerning Capital Markets (State Gazette of the Republic of Indonesia of 1995 Number 64, Supplement to the State Gazette of the Republic of Indonesia number 3608);
2. Law Number 21 of 2011 concerning Financial Services Authority (State Gazette of the Republic of Indonesia of 2011 Number 111, Supplement to the State Gazette of the Republic of Indonesia 5253);

HAS DECIDED:

To enact       : FINANCIAL SERVICES AUTHORITY REGULATION  
CONCERNING CENTRAL SECURITIES DEPOSITORY REPORTS.

## CHAPTER I GENERAL PROVISIONS

### Article 1

In this Financial Services Authority (FSA) Regulation, the following definitions shall apply:

1. Central Securities Depository (CSD) is a Person that acts as a central Custodian for Custodian banks, Securities Companies, and others.
2. Securities Exchange Transaction is a contract between Members of a Securities Exchange in accordance with Exchange rules that relate to the purchase, sale, borrowing, lending, or other contractual arrangement regarding Securities or the price of Securities.

CHAPTER II  
TYPE OF REPORTS

Article 2

CSD must submit activity reports to the FSA which shall include:

- a. daily report of changes in depository and settlement of Securities Exchange Transaction;
- b. monthly report which contains:
  1. recapitulation of activities during the period with statistical data of depository and settlement volume;
  2. report of number of Issuers whose Securities listing on the shareholders registry is represented by the CSD; and
  3. activities of the users of CSD services;
- c. semi annual and annual financial statements audited by an Accountant registered with the FSA which shall include the audit opinion of the Accountant;
- d. report of budget performance and use of profit;
- e. report of General Meeting of Shareholders;
- f. report of changes in the status of the users of CSD services;
- g. report of sanctions imposed by the CGI to the users of its services; and
- h. report of special condition such as financial difficulties of the users of CSD services.
- i. report of the position of Securities account of client with 5% (five percent) or more ownership and any change of the said ownership of Issuers or Public Companies shares at the Securities account of the CSD, which shall at least contain:
  1. name of Securities account holders;
  2. name of clients (holders of Securities sub-account), domicile (if any), and nationality (for legal entity, the name of jurisdiction where the legal entity is established);
  3. name of Issuers or Public Companies issuing the shares;

4. percentage of shares ownership immediately before the change, after the change, and the change at the time when reported, from total shares issued by the Issuers or Public Companies;
5. overbooking date on Security sub-account or the first listing date for new listed shares on Security sub-account in the Collective Custody at the CSD; and

CHAPTER III  
SUBMISSION OF CENTRAL SECURITIES DEPOSITORY  
REPORTS

Part One  
Electronic Document

Pasal 3

Submission of activity reports as referred to in Article 2 by CSD to the FSA may be in the form of paper-based or electronic document.

Article 4

Receipt of CSD activity reports by the FSA as referred to in Article 2 and Article 3 is accounted based on the time the paper-based or electronic document is received by the FSA.

Part Two  
Reports Submission and Publication Period

Article 5

Daily report of changes in depository and settlement of Securities Exchange Transactions as referred to in Article 2 letter a must be submitted to the FSA no later than the following working day.

#### Article 6

- (1) Monthly report as referred to in Article 2 letter b shall include number and types of listed Securities which changes are being accounted and other information required by the FSA with respect to the CSD functions.
- (2) Monthly report as referred to in clause (1) must be submitted to the FSA no later than the 12<sup>th</sup> day of the following month.

#### Article 7

- (1) Semi annual financial statements must be submitted to the FSA no later than 60 (sixty) days after the last day of the period.
- (2) Annual financial statements must be submitted to the FSA no later than 90 (ninety) days after the last day of the financial year.
- (3) Semi annual and annual financial statements as referred to in clause (1) and clause (2) must be announced in at least two Indonesian news papers, one of which shall have national circulation, no later than 30 (thirty) days after the date of the Accountant report.
- (4) In the event that the Accountant gives other than unqualified opinion to the semi annual and annual financial statements as referred to in clause (1) and clause (2), the FSA may call the member of board of directors of the company and/or conduct inspection for further information.

#### Article 8

Report of budget performance and use of profit as referred to in Article 2 letter d, must be prepared on a quarterly basis and submitted to the FSA through the board of commissioners. The report must be presented cummulatively and received by the FSA no later than the 12<sup>th</sup> day after the end of the relevant quarterly period.

#### Article 9

Report of General Meeting of Shareholders as referred to in Article 2 letter e must be submitted to the FSA no later than 2 (two) working days after the holding date of the meeting.

#### Article 10

Report of changes in the status of the users of the CSD services as referred to in article 2 letter f must be submitted to the FSA no later than 2 (two) working days after the changes occurred.

#### Article 11

Report of sanctions imposed by the CSD to the users of its services and report of special condition as referred to in Article 2 letter g and letter h must be submitted to the FSA no later than the following working day.

#### Article 12

Report of ownership and any changes of ownership of Issuer or Public Companies shares as referred to in Article 2 letter i must be submitted to the FSA, with copies to the Securities Exchange in Indonesian where the shares are listed and to the Clearing and Guarantee Institution no later than the following working day after the overbooking or after the listing for new shares in Securities sub-account at the CSD.

#### Article 13

Securities Exchange must announce the report as referred to in Article 12 on its electronic reporting system which shall be accessible at any time by public no later than the following Exchange day after the Stock Exchange receives the copy of the report.

#### Article 14

In the event that the last day of the submission period of reports as referred to in Article 6, Article 7 clause (1) and

clause (2), and Article 8 is a holiday, the reports must be submitted on the following working day.

#### CHAPTER IV SANCTION PROVISIONS

##### Article 15

- (1) By no means undermining criminal provisions in the Capital Market sector, the FSA is authorized to impose administrative sanctions against any party who violates provisions in this FSA Regulation including those who cause the violations to occur, in the form of:
  - a. written admonition;
  - b. fine, that is an obligation to pay a certain amount of money;
  - c. restrictions on business activity;
  - d. suspension of business activity;
  - e. revocation of business license;
  - f. cancellation of approval; and
  - g. cancellation of registration.
- (2) Administrative sanctions as referred to in clause (1) letter b, letter c, letter d, letter e, letter f or letter g may be imposed with or without prior imposition of administrative sanction in the form of written admonition as referred to in clause (1) letter a.
- (3) Administrative sanction in the form of fine as referred to in clause (1) letter b may be imposed separately or collectively with the imposition of other administrative sanctions as referred to in clause (1) letter c, letter d, letter e, letter f, or letter g.

##### Article 16

In addition to administrative sanction as referred to in Article 15 clause (1), FSA may take particular actions against any party who violates the provisions in this FSA Regulation.

Article 17

FSA may announce to the public the imposition of administrative sanction as referred to in Article 15 clause (1) and particular actions as referred to in Article 16.

CHAPTER V  
CLOSING PROVISIONS

Article 18

At the time this FSA Regulation comes into force, the Decision of the Chairman of Capital Market Supervisory Agency Number Kep-182/BL/2009 dated 30 Juni 2009 concerning Central Securities Depository Reports and its attachment, namely Rule Number X.C.1, shall be revoked and declared no longer applicable.

Pasal 19

This FSA Regulation shall come into effect upon its promulgation.

For public cognizant, it is hereby ordered that this FSA Regulation be promulgated in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
on 2 December 2016  
CHAIRMAN OF BOARD OF  
COMMISSIONERS OF  
FINANCIAL SERVICES AUTHORITY,

signed

MULIAMAN D. HADAD



Promulgated in Jakarta  
on 7 December 2016

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

signed.

YASONNA H. LAOLY

GAZETTE OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER 277

A copy of the original document  
Director of Legal I  
Legal Department,

signed

Yuliana

ELUCIDATION  
OF  
FINANCIAL SERVICES AUTHORITY REGULATION  
NUMBER 44 /POJK.04/2016  
CONCERNING  
CENTRAL SECURITIES DEPOSITORY REPORTS

I. GENERAL

That as of 31 December 2012, supervisory and regulatory functions, duties and authority of financial services activities in the Capital Market, Insurance, Pension Funds, Financing Institutions, and Other Financial Services Institutions were transferred from the Minister of Finance and the Capital Market and Financial Institutions Supervisory Agency to the Financial Services Authority.

In relation to the above, it is deemed necessary to restructure the existing regulations, especially those related to the Capital Market sector by converting the Capital Market and Financial Institutions Supervisory Agency Regulations into the Financial Services Authority Regulation. The restructuring is aimed to harmonize the Financial Services Authority Regulation in the Capital Market sector with the Financial Services Authority Regulations in other sectors.

Based on the said thoughts and aspects, it is necessary to replace the law and regulations in the Capital Market sector governing Central Securities Depository Reports, namely the Decision of the Chairman of the Capital Market and Financial Institutions Supervisory Agency Number Kep-182/BL/2009 dated 30 June 2009 concerning Central Securities Depositories Reports and its attachment, namely Rule Number X.C.1, into Financial Services Authority Regulation concerning Central Securities Depositories Reports Reports.

## II. ARTICLE BY ARTICLE

Article 1

Self-Explanatory.

Article 2

Self-Explanatory.

Article 3

Self-Explanatory.

Article 4

Self-Explanatory.

Article 5

Self-Explanatory.

Article 6

Self-Explanatory.

Article 7

Self-Explanatory.

Article 8

Self-Explanatory.

Article 9

Self-Explanatory.

Article 10

Self-Explanatory.

Article 11

Self-Explanatory.

Article 12

Self-Explanatory.

Article 13

Self-Explanatory.

Article 14

Self-Explanatory.

Article 15

Self-Explanatory.

Article 16

Self-Explanatory.

Article 17

Self-Explanatory.

Article 18

Self-Explanatory.

Article 19

Self-Explanatory.

SUPPLEMENT TO THE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER  
5969