

GUIDELINES FOR HANDLING OF MUTUAL LEGAL ASSISTANCE (MLA) IN CRIMINAL MATTERS IN INDONESIA

INTRODUCTION

- 1.1. The Republic of Indonesia provides the widest measures of Mutual Legal Assistance in investigations, prosecutions, and judicial proceeding in criminal matters.
- 1.2. The Republic of Indonesia is committed to co-operating with foreign jurisdictions in combating crime. It is able to provide the following of international legal co-operation:
 - Mutual Legal Assistance in Criminal Matters (MLA);
 - Extradition.
- 1.3. These Guidelines have been prepared by the Directorate of Central Authority and International Law, Directorate General of Legal Administrative Affairs, Ministry of Law of the Republic of Indonesia. The functions of the Directorate of Central Authority and International Law include:
 - a. Negotiating bilateral agreements on Mutual Legal Assistance in Criminal Matters, on behalf of the Republic of Indonesia; and
 - b. Processing requests for Mutual Legal Assistance in Criminal Matters under International agreement and in accordance with the Law of the Republic of Indonesia Number 1 Year 2006 on Mutual Legal Assistance in Criminal Matters.

APPLICATION OF THE MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

- 2.1. The MLA law was enacted to enable assistance to be given by law enforcement authorities in the Republic of Indonesia to authorities abroad who are investigating, prosecuting or examining before the court of criminal offences overseas.
- 2.2. Assistance may be provided based on a treaty, but in the absence of treaty the assistance may be provided based on good relationship under the reciprocity principles (with forms of statement the reciprocity).
- 2.3. It is the intention of the Government of the Republic of Indonesia to continue to conclude more bilateral agreements where ever necessary to enhance and formalize international co-operation in criminal matters. Should the Government of the Republic of Indonesia conclude bilateral agreement with other State Parties of a Convention/Conventions whereby Indonesia is also State Party, therefore such agreement should govern issues that are not included in the Conventions in question.
- 2.4. Bilateral Treaties
 - Bilateral treaty with Australia signed on October 27, 1995.

- Bilateral treaty with People's Republic of China signed on July 24, 2000.
- Bilateral treaty with South Korea signed on March 30, 2002.
- Bilateral treaty with Hong Kong signed on April 3, 2008.
- Bilateral treaty with India signed on January 25, 2011.
- Bilateral treaty with Socialist Republic of Viet Nam signed on June 27, 2013.
- Bilateral treaty with United Arab Emirates signed on February 2, 2014.
- Bilateral treaty with Islamic Republic of Iran signed on December 14, 2016.
- Bilateral treaty with Swiss Confederation signed on February 4, 2019.
- Bilateral treaty with Russian Federation signed on December 13, 2019.

2.5. Multilateral Agreements

- MLA Treaty among ASEAN Member States signed on November 29, 2004. (Brunei Darussalam, Kingdom of Cambodia, Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Republic of the Union of Myanmar, Republic of the Philippines, Republic of Singapore, Kingdom of Thailand, and Socialist Republic of Viet Nam)

2.6. International Conventions

- United Nations Convention against Corruption (UNCAC)
- United Nations Convention against Transnational Organized Crime (UNTOC)
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

CENTRAL AUTHORITY FOR THE REPUBLIC OF INDONESIA

- 3.1. Directorate of Central Authority and International Law, Directorate General of Legal Administrative Affairs, Ministry of Law is the Central Authority in the Republic of Indonesia for the purposes of mutual legal assistance in criminal matters co-operation, and matters relating to the provision and obtaining of assistance under the MLA Law.
- 3.2. Foreign authorities may seek advice on the preparation of requests to the Republic of Indonesia, and draft requests may be forwarded to the Directorate for Central Authority and International Law for comment, to ensure compliance with the Republic of Indonesia's requirements.
- 3.3. All requests to the Republic of Indonesia for legal assistance under the MLA Law should be addressed to the **MINISTER FOR LAW**, who is the head of the Ministry of Law.
- 3.4. The copy of The Request shall also be forwarded to:
Director General for Legal Administrative Affairs
Jl. H.R. Rasuna Said Kav. 6-7 Kuningan, Jakarta Selatan
Call Center: 1500105
Facsimile: (021) 5221619
JAKARTA 12940
Indonesia
- 3.5. The foreign state may convey the requests for assistance directly or through diplomatic channel.

- 3.6. Requests sent to the Directorate of Central Authority and International Law will be processed expeditiously. The Directorate of Central Authority and International Law will acknowledge the request within 5 (five) working days for MLA and in more complex cases to provide an interim reply within 20 (twenty) working days. For Requests which need more information or documents, the Requesting State will be advised promptly with reasons and advice, so it can be execute in Indonesia.

ASSISTANCE UNDER THE MLA LAW

4.1. Scope of Assistance

MLA shall be a request for Assistance in relation with the investigation, prosecution and examination before the court in accordance with domestic laws and regulations of the Republic of Indonesia related to criminal matters.

4.2. Types of Assistance

- a. identifying and locating persons;
- b. obtaining statements or other forms thereof;
- c. providing documents or other forms thereof;
- d. making arrangements for persons to provide statement or to assist in the investigation;
- e. delivering letters;
- f. executing the inquiry of search warrant and seizure;
- g. the forfeiture of proceeds of crime;
- h. the recovery of pecuniary penalties in respect to the crime;
- i. the restraining of dealings in property, the freezing of property that may be recovered or confiscated, or that may be needed to satisfy pecuniary penalties imposed, in respect to the crime;
- j. locating property that may be recovered, or may be needed to satisfy pecuniary penalties imposed, in respect to the crime, and/or
- k. Other assistance in accordance with MLA Act.

REQUESTS TO BE MADE BY FOREIGN STATE'S CENTRAL AUTHORITY

- 5.1. A request to the Republic of Indonesia must be made by the Central Authority of the Requesting State who has authority under the law of the requesting country to make a request to Republic of Indonesia for assistance in investigation, prosecution, and judicial proceeding in criminal matters.

CONTENTS OF REQUEST

- 6.1. A request to the Republic of Indonesia for assistance should be writing and must include the following:
- a. the purpose of such request and a description of requested assistance;
 - b. the name of Agency and Official conducting the investigation, prosecution or examination before the court related with said request;
 - c. description of the crime, case settlement phase, statutory provisions, content of articles and sanctions imposed;
 - d. description of the act or condition being alleged as criminal, except in case of the request for Assistance for conducting service of process;
 - e. relevant judgment and information that such judgment has permanent legal force in the event of the request for Assistance to execute a judgment;
 - f. details of specific procedures or requirements desired to be complied with, including information concerning whether or not legal means of proof required are to be made under oath or pledge;
 - g. requirement, if any, concerning confidentiality and the reason therefore; and
 - h. the desired time limit for carrying out said request.
- 6.2. the Request for Assistance, to the extent that it is necessary and possible, must also contain the following:
- a. identity, citizenship, and domicile of the Person deemed able to provide statement or depositions related with the investigation, prosecution and examination before the court;
 - b. a description concerning the requested statement or deposition;
 - c. a description concerning required documents or other legal means of proof articles to be submitted, including a description concerning the Person deemed able to provide such evidence; and
 - d. information concerning expenses and accommodations required from the Person requested to be present in said Foreign State.
- 6.3. in addition, other information and documents may be required for specific types of assistance sought. There are more details about this in the next chapter.

How Requests Are Executed

- 6.4. Minister for Law may ask for additional information if the information contained in the request for Assistance is not sufficient to approve such request for Assistance.
- 6.5. A conveyance of the request for Assistance, information or other communications drawn up hereunder may be drawn up in the language of the Requesting State and/or in English and the Indonesian translation thereof shall be made.
- 6.6. In the event that the request for Assistance has met requirements, Ministry of Law as the Central Authority shall notify Indonesian National Police (INP) or the Attorney General's Office, or the Commission for the Eradication of Corruption (KPK) to be followed up.
- 6.7. Ministry of Law as the Central Authority shall establish coordination with relevant agencies prior to take follow-up to the request.

- 6.8. In the event that the request for Assistance from the Requesting State is refused, Ministry of Law as the Central Authority must inform said refusal to the competent official of the Requesting State together with the reasons for said refusal.

Standard form of Request

- 6.9. The Appendix to these guidelines contains a suggested format for a request to Republic of Indonesia for assistance in criminal matters. Requesting authorities may base their requests to the Republic of Indonesia on this form.

INDIVIDUAL TYPES OF ASSISTANCE

7.1. Assistance for Locating and Identifying Persons

- 7.1.1. A Requesting State may convey the request for Assistance to locate or identify a Person believed to be in Indonesia.
- 7.1.2. The request for Assistance must include the following information, in addition to meet general requirements:
- a. Such request for Assistance is related with the investigation, prosecution and examination before the court in such Requesting State;
 - b. The person related to said request for Assistance is suspected or reasonably suspected involved in a crime or is able to give Deposition or other Assistance in an investigation, prosecution and examination before the court; and
 - c. The person is presumed to be in Indonesia.

How Requests are executed

- 7.1.3. In the event that the request for Assistance has met requirements, Ministry of Law as the Central Authority shall order the INP to carry it out and to inform and to submit the results to the Central Authority.
- 7.1.4. Ministry of Law as the Central Authority shall inform the result of the implementation of the request for Assistance to the Requesting State.

Assistance for Deriving Depositions, Documents and Other Evidences Voluntarily

- 7.2. A Requesting State may convey the request for Assistance for Taking a Deposition from a person in Indonesia or Delivering Documents and other legal means of evidence located in Indonesia.
- 7.2.1. In addition to general requirements, the request for Assistance must also include the following:
- a. Explanation that the request for Assistance is related with an investigation, prosecution and examination before the court in the Requesting State and the status of the person is as a suspect or a witness;
 - b. The matters to be questioned in the form of a list of questions; and/or

- c. Description of deposition can be taken in Indonesia or documents or other legal means of proof being requested are in Indonesia.

How Requests are executed

- 7.2.2. In the event the request for Assistance has met requirements as referred to in point 7.2.1, Ministry of Law as the Central Authority may ask and follow up the competent authorities in Indonesia in accordance with the phrases of case examination in the Requesting State.
- 7.2.3. In the event that the competent authorities have taken measures as referred to in point 7.2.2., the competent authorities shall deliver the results to the Central Authority.
- 7.2.4. In the event that the provision of Assistance is approved pursuant to the provisions as referred to in point 7.2.1., and the Requesting state requests that copies of documents be legalized, Ministry of Law as the Central Authority shall order a competent official in relevant jurisdiction to legalize and return them to the Central Authority.
- 7.2.5. A person involved in the process of investigation, prosecution and examination before the court in the Requesting State may not be forced to give a Deposition in Indonesia.
- 7.2.6. Any person related to the request for Assistance as refer to point 7.2. may not be forced to give a Deposition, to deliver documents or other evidence in an investigation, prosecution and examination before the court in the Requesting State if prohibited by Indonesian Law.
- 7.2.7. The Person as referred to point 7.2.5. and 7.2.6. shall have the right for not being:
 - a. detained, prosecuted, adjudicated and convicted based on domestic laws of the Requesting State for any crime alleged to have committed, or that was committed before his/her departure from Indonesia to fulfill said request;
 - b. sued in any civil proceeding in the Requesting State with respect with any act or omission, that occurred before the person's departure from Indonesia to fulfill said request; or
 - c. required to provide a statement or other Assistance in relation with any criminal matter in Indonesia other than the criminal matter to which the request related; or
 - d. required, in the process of investigation, prosecution, or examination before the court related with said request for Assistance, to answer any question that the Person would not be required to answer under the law of his/her state.
- 7.2.8. For the purposes as set forth in point 7.2.6., an immunity certificate authenticated based on the law of the Requesting State shall be acknowledged as authenticated evidence, unless proved otherwise with regard to the matters mentioned in a Deposition.
- 7.2.9. Any person related to the request for Assistance as set forth in point 6.8., shall have the same privileges with respect to provision of a Deposition and delivery of Documents and other legal means of proof as if the investigation, prosecution

and examination before the court on such person had not yet obtained a binding court decision in Indonesia.

- 7.2.10. Any person involved in the process of investigation, prosecution and examination before the court as intended in point 7.2.5., must appear and give a Deposition alone or accompanied by his advocate and may be witnessed by officials from the Requesting State.
- 7.2.11. Documents and/or other articles may be presented directly or through legal representatives and may be witnessed by representative officials of the Requesting State.

Assistance for Arranging the Attendance of a Person in the Requesting State

7.3. Requesting State may convey the request for Assistance to the Ministry of Law as the Central Authority to arrange the attendance of a person being in Indonesia in the Requesting State.

- 7.3.1. In addition to general requirements, a request for Assistance must also include:
 - a. explanation that said request for Assistance is related with an investigation, prosecution and examination before the court, including the appearance before the court hearing in said Requesting State; and
 - b. explanation that the person whose attendance requested to be arranged is deemed to be able to give or present statement related with an investigation, prosecution and examination before the court in said Requesting State; and
 - c. adequate guaranty in relation with the matters as set forth in point 7.3.4.

How Requests are executed

- 7.3.2. If requirements as referred to point paragraph 7.3.1. have been met and the person whose attendance is requested, without any coercion, has agreed to be present, the aforementioned request for Assistance may be granted.
- 7.3.3. In the event the provision of Assistance is granted in accordance with the provisions in paragraph 7.3.2., Ministry of Law as the Central Authority may:
 - a. in case that the person who attendance is requested is a convict, order the convict to be released from the correctional institution and arrange for his travel to the Requesting State in the custody of the competent authority;
 - b. in case that the person who attendance is requested is a detainee, order the detainee to be released from detention, make arrangements for his travel to the Requesting State in the custody of the competent authority.
- 7.3.4. Prior to giving approval for the provision of Assistance as referred to in point 7.3., the Ministry of Law as the Central Authority must receive assurances from the Requesting State with respect to the following matters:
- 7.3.5. that the person who attendance is requested will not:
 - a. be detained, prosecuted or tried for any violation of the law of the Requesting State alleged to have been committed by the Person before he left Indonesia;

- b. be charged in a civil case that may be filed against him/her if he/she is in the Requesting State; or
 - c. be requested to provide statement or other legal means of proof with respect with any investigation, prosecution and examination before the court in said Requesting State other than an investigation, prosecution and examination before the court related with said request;
 - d. unless the person concerned has left the Foreign State, or has had opportunity to leave the Foreign State but is still in the Foreign State for the purposes other than giving statement or providing other legal means of proof with respect to an investigation, prosecution and examination before the court related to said request.
- 7.3.6. that any statement given by the Person whose attendance requested may not be recognized or used in the prosecution against the Person concerned for violation of laws of the Requesting State, other than violations in the form of provision of false information or perjury.
- 7.3.7. That the person who attendance requested will be returned to Indonesia in accordance with the arrangement approved by the Ministry of Law as the Central Authority as soon as possible after giving Statements;
- 7.3.8. In the event the Person whose attendance is requested is a prisoner or detainee in Indonesia, the Ministry of Law as the Central Authority shall request the Requesting State to arrange that a prisoner or detainee concerned remains in custody during his/her stay in said Requesting State and shall require it to repatriate him/her to Indonesia following the completion of the assistance.
- 7.3.9. The person related with the request for Assistance as referred to in point 7.3. will not be subject to sanctions or encumbered with any obligation, or charged pursuant to the law only by reason of that person's refusal or failure to consent to attend as requested.
- 7.3.10. The convict or detainee who pursuant to the approval for the provision of Assistance as referred to in point 7.3.3. being released from the correctional institution where he/she is convicted or detained shall be considered to continue their imprisonment or detention term during their detention in the Requesting State, including during his/her travel.

Transit

- 7.4. Foreign States may convey to the Ministry of Law as the Central Authority for obtaining transit approval for witnesses who have the status as detainees or prisoners.
- 7.4.1. Such request must include:
- a. Description of the route, time, mode of transportation used and duration of transit;
 - b. The identity and trip documentations of the detainees or prisoners and the guards; and
 - c. Facilities requested.

How Requests are executed

- 7.4.2. The Ministry of Law as the Central Authority shall order the INP or the relevant Officials to follow up the request or provide facilities required during transit.
- 7.4.3. Based on the aforementioned order, INP or relevant Officials shall follow up the same by:
 - a. Placing them in a transit room in the custody of competent official of the foreign state for a maximum period of 12 (twelve) hours; and
 - b. In the event that the aircraft or ship which the person is transported lands or moors at a place in Indonesia for more than 12 (twelve) hours, the person concerned must be placed in the nearest Penitentiary.
- 7.4.4. In the event that the transit period has exceed the request, the Ministry of Law as the Central Authority may order that the person be returned to the Foreign State from which the Person first departed.

Assistance for Conducting Search and Seizure of Goods, Articles or Assets

- 7.5. Requesting States may submit the request for Assistance to the Ministry of Law as the Central Authority for conducting search warrant and seizure of goods, articles or assets existing in Indonesia based on warrant and/or court stipulation for the purpose of investigation or examination before the court.
- 7.5.1. In addition to the obligation to meet general requirements, the request as intended in point 7.5. must also enclose the search and seizure warrants issued by competent officials in the Requesting States.

How Requests are executed

- 7.5.2. If the request has met requirements stipulated herein, the Ministry of Law as the Central Authority may forward the same to INP for the purpose of investigation or the Attorney General for the purpose of prosecution before the court of law in the Requesting states.
- 7.5.3. For implementing the request for Assistance as referred to in point 7.5.2, INP or Attorney General's Office shall apply for search and seizure warrants to the Head of the local District Court.
- 7.5.4. The Head of the Local District Court may issue search and seizure warrants with respect to the object if it is believed that in or at a certain place there are goods, articles or assets that are:
 - a. allegedly obtained from or the proceeds of crime under the law of the Requesting State that have been or allegedly have been committed;
 - b. used to commit or prepare such crime;
 - c. particularly designed or allocated to commit such crime;
 - d. related to such crime;
 - e. that is believed to be evidence in such crime; or
 - f. that was used to hamper the investigation, prosecution and examination before the court of such crime;

- 7.5.5. Search and seizure warrants as referred to point 7.5.4. shall contain the following elements:
- a. alleged crime that is related to the issuance of the warrant;
 - b. a searchable place based on the relevant warrant;
 - c. description on goods, objects or assets approved to be seized;
 - d. the time limit of a warrant;
 - e. other terms and conditions related to goods, objects or assets.
- 7.5.6. A warrant as referred to point 7.5.4. shall grant to the police officers or prosecutors to conduct a search and seizure.
- 7.5.7. A search and seizure as referred to point 7.5.6. shall be conducted based on applicable criminal procedure code.
- 7.5.8. the Police officers or prosecutors conducting seizure of any good, object or asset based on a warrant as referred to point 7.5.4. must deliver said good, object or asset to the State Storehouse for Seized Goods for safekeeping.
- 7.5.9. In the event that goods, objects or assets cannot be kept in the State Storehouse for Seized Goods, the Head of the State Storehouse for Seized Goods may request for assistance to the National Police of the Republic of Indonesia for safety of said goods, objects or assets.
- 7.5.10. The seizure as referred to point 7.5.6. may be conducted for not longer than the issuance of decision by a court of the Foreign State having permanent legal force or notification from the Requesting State that the seizure is no longer required.
- 7.5.11. If there is a party harmed by the seizure as referred to point 7.5.6., the party concerned or the legal counsel thereof may file an objection or defense to the District Court issuing the seizure warrant in accordance with the applicable procedural code.
- 7.5.12. The Ministry of Law as the Central Authority shall notify the Requesting State on the progress in the seizure as referred to point 7.5.8 conducted by INP or Attorney General's Office.
- 7.5.13. In the event that the Requesting State asks that goods, objects, assets or evidence of seizure of goods, objects or assets be sent to the Requesting State for the purpose of criminal proceeding and the Ministry of Law as the Central Authority considers that such request can be granted and there is a guarantee that the Requesting State will return the aforementioned goods, objects or assets, the Ministry of Law as the Central Authority shall send goods, objects or assets to the Requesting State.

Assistance for the Service of Letters

- 7.6. The Requesting State may make convey the request for Assistance to the Ministry of Law as the Central Authority to deliver a Letter to a person in Indonesia.
- 7.6.1. The Ministry of Law as the Central Authority may approve the Assistance based on a request for Assistance as referred to point 7.6., if:

- a. The request for Assistance relates to a process of investigation, prosecution and examination criminal proceeding in the Requesting State;
- b. The prospective recipient of the Letter is believed to be in Indonesia; and
- c. In the event that the request for Assistance relates to the service of a summons to provide statement in said Requesting State, then:
 - Said request for Assistance shall be made by no later than 45 (forty-five) days prior to the date the person is required to appear; and
 - The Requesting State has given adequate assurances with respect to matters as referred to in paragraph 7.3.4.

How Requests are executed

- 7.6.2. In the event that the Assistance is approved in accordance with the provision as referred to point 7.6.1, the Ministry of Law as the Central Authority shall order INP to arrange the delivery of the Letter.
- 7.6.3. The INP must make an effort to deliver the letter:
 - a. In accordance with the procedure proposed in the request, or
 - b. In accordance with Indonesian Law, if
 - 1. The procedure as intended in letter (a) breaches the law;
 - 2. It is inappropriate for implementation in Indonesia; or
 - 3. the Requesting State does not propose any procedure.
- 7.6.4. In the event that the Letter has been delivered, INP must send a statement regarding the delivery of a Letter to the Ministry of Law as the Central Authority to be forwarded to the Requesting State.
- 7.6.5. In the event that the aforementioned Letter as referred to point 7.6.4 is not delivered, INP must return it to the Ministry of Law as the Central Authority along with the reason of the failure.
- 7.6.6. Prior to giving approval for the Assistance requested in accordance to point 7.6.1 letter c, the Ministry of Law as the Central Authority shall have received assurances from the Requesting State that the Person related to the request for Assistance shall not be subject to any sanction, subjected to any obligation, or charged based on law only because of that person's refusal or failure to fulfill the summons.
- 7.6.7. In the event that the request for Assistance as referred to 7.6.1 letter c is approved but the Person related with the request for Assistance refuses or fails to fulfill the summons, such person shall not be subject to any sanction or encumbered with any obligation or charged based on law.

Assistance for Following Up Court Decision of the Requesting State

- 7.7. The Requesting State may convey the request for Assistance to the Ministry of Law as the Central Authority to follow up decisions in the following

forms Confiscation and forfeiture of assets, Imposition of penalty; or Payment of compensation.

- 7.7.1. In addition to requirements as referred to in Article 28, the request for Assistance must also include the following:
 - a. Description of said assets;
 - b. Location of assets;
 - c. Certificate of ownership.
- 7.7.2. If the request for Assistance has met requirements as referred to in paragraph (2), the Ministry of Law as the Central Authority may request the Attorney General's Office to follow up the order.
- 7.7.3. Based on the request of the Ministry of Law as the Central Authority as referred to in Article 51 paragraph (3), the Attorney General's Office or officials appointed by the Attorney General's Office shall submit application for seizure warrant of assets as referred to in Article 51 to the Local District Court.
- 7.7.4. After receiving the application as referred to in paragraph (1), the local District Court shall:
 - a. Scrutinize and examine the application dossier along with the attachments thereto;
 - b. Issue a seizure warrant; and
 - c. Order the Prosecutors' office to conduct seizure
- 7.7.5. After obtaining a seizure warrant from the District Court, the Prosecutors' Office may conduct the seizure in accordance with the applicable Criminal Procedure Code and announce the seizure within no less than 2 (two) national daily newspapers.
- 7.7.6. Owners having objection to the seizure conducted as referred to in paragraph (3) may contest the same to the District Court within 3 (three) months following the notification on the seizure legally conveyed to relevant parties.
- 7.7.7. In the event that there are other parties harmed due to the seizure as referred to in paragraph (3), such parties may file objection or challenge to the District Court issuing the seizure warrant by no later than 6 (six) months following the announcement.
- 7.7.8. If there are no challenge in the period of time as referred to in paragraphs (4) and (5), the District Court may issue an order to seize based on the request of the Prosecutors' Office.
- 7.7.9. The Ministry of Law as the Central Authority shall notify the Requesting State regarding the progress of the seizure as referred to in Article 52 having been conducted by the Attorney General and shall negotiate and arrange the delivery of the result of the seizure.
- 7.7.10. A requesting state may submit changes to a request for Assistance in the form of addition, deletion or cancellation to the Ministry of Law as the Central Authority before the announcement of confiscation and intended in Article 52 paragraph (3).
- 7.7.11. In the event of changes to a request for Assistance in the form of addition, the Ministry of Law as the Central Authority shall ask the Attorney

General's Office to submit application to the local District Court to issue a search warrant in the form of new stipulation.

- 7.7.12. In the event of changes to a request for Assistance in the form of deletion, the Ministry of Law as the Central Authority shall ask the Attorney General's Office to submit a request to the local District Court to issue a seizure warrant in the form of new stipulation and to annul the previous stipulation.
- 7.7.13. In the event of a cancellation of a request for Assistance, the Ministry of Law as the Central Authority shall ask the Attorney General's Office to submit a request to the local District Court to revoke the seizure warrant issued by issuing a new order and ask to the Requesting State to give compensation and/or rehabilitation pursuant to the treaty.
- 7.7.14. If the change of request is received during an examination process due to a contest or objection, the Ministry of Law as the Central Authority shall ask the Attorney General's Office to submit a request to the District Court examining the case to consider the change of request in its decision.

GROUND FOR REFUSAL OF ASSISTANCE

- 8.1. The request for Assistance shall be refused if:
 - 8.1.1. the request for Assistance relates to the investigation, prosecution or examination before the court or punishment of a person for the crime that is alleged:
 - a. to have committed a crime of political nature, except a crime or attempted crime against the life or person of a Head of State/a Head of Central Government, terrorism; or
 - b. to have committed a crime under military law.
 - 8.1.2. the request for Assistance relates to the investigation, prosecution and examination before the court on a person for a crime the perpetrator of which has been acquitted, awarded with clemency, or has completed serving the criminal sanction;
 - 8.1.3. the request for Assistance relates to the investigation, prosecution and examination before the court on a person for a crime which if it is committed in Indonesia, it cannot be prosecuted;
 - 8.1.4. the request for Assistance is conveyed for prosecuting or bringing a person into justice based on a person's race, gender, religion, nationality, or political belief;
 - 8.1.5. an approval for providing the Assistance upon its request will be harmful to the sovereignty, security, interests, and national law;
 - 8.1.6. the foreign state may not assure that the items requested for will not be used for a matter other than the criminal matter in respect to which the request was made; or
 - 8.1.7. the foreign state may not assure to return, upon its request, any item obtained pursuant to the request.

8.2. The request for Assistance may be refused if:

- 8.2.1. the request for Assistance relates to the investigation, prosecution, and examination before the court or punishment of a person for a crime that if said crime committed within the territory of the Republic of Indonesia is not a crime;
- 8.2.2. the request for Assistance relates to the investigation, prosecution, and examination before the court or punishment of a person for a crime that if said crime committed outside the territory of the Republic of Indonesia is not a crime;
- 8.2.3. the request for Assistance relates to the investigation, prosecution and examination before the court or punishment of a person for a crime that is subject to capital punishment; or
- 8.2.4. an approval for providing Assistance upon said request will be harmful for the investigation, prosecution and examination before the court in Indonesia, endanger the safety of person, or burden the assets of the state.

Minister Consideration

The Ministry of Law as the Central Authority must consider an approval for providing Assistance based on specific procedures and requirements complied with before refusing the request for Assistance.