



KEMENTERIAN KOORDINATOR BIDANG PEREKONOMIAN
REPUBLIK INDONESIA



ROADMAP BENEFICIAL OWNERSHIP (BO) INDUSTRI EKSTRAKTIF

Disampaikan dalam Acara Sosialisasi Pelaporan BO Industri Ekstraktif

Sekretariat EITI

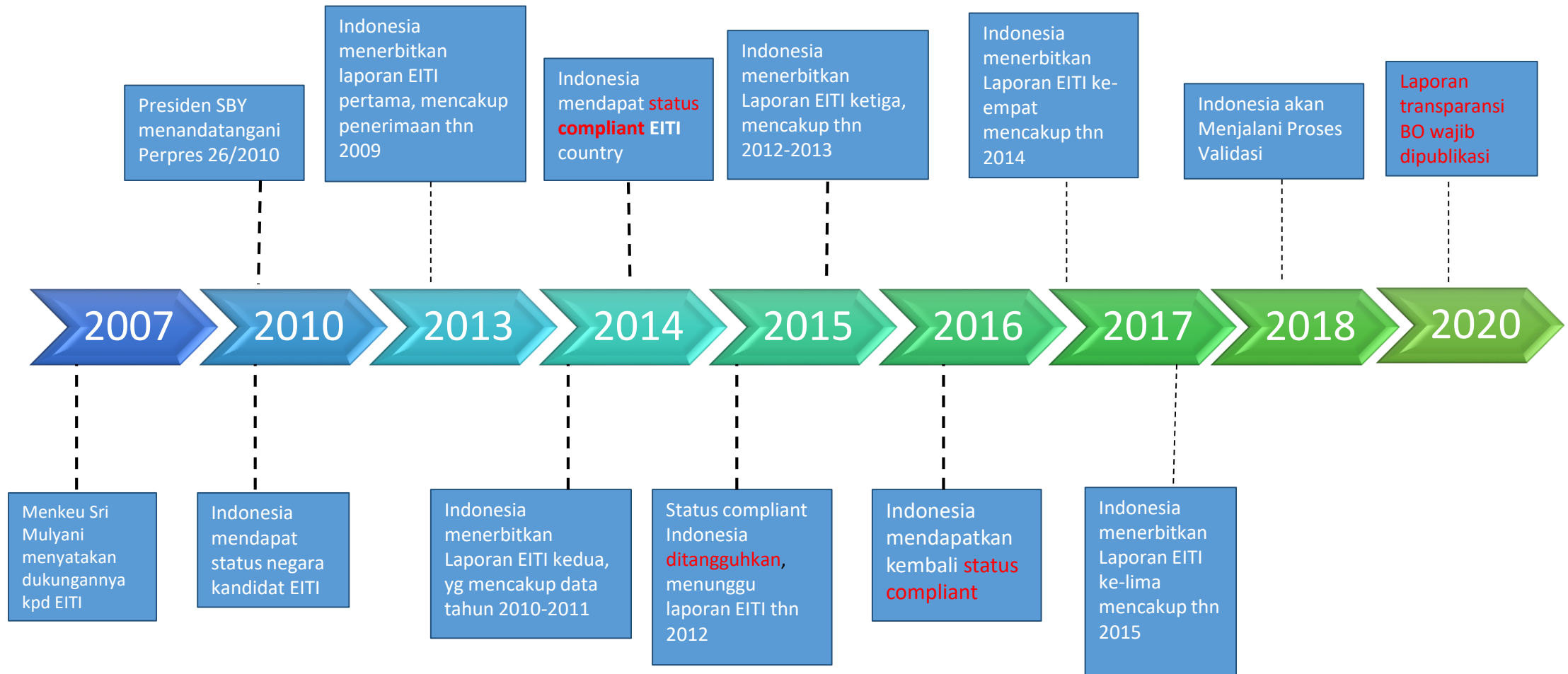
Bali, 10 Agustus 2018

Pendahuluan



- Indonesia menjadi negara pelaksana EITI sejak tahun 2010 yaitu sejak dikeluarkannya Perpres 26/2010 tentang Transparansi Pendapatan Negara dan Pendapatan Daerah dari Industri Ekstraktif (lihat diagram)
- Pada tahun 2010 Indonesia juga diterima sebagai *candidate country* oleh EITI International, sehingga selanjutnya Indonesia diwajibkan untuk mempublikasikan Laporan tentang Transparansi industri ekstraktif di Indonesia setiap tahunnya
- Dengan adanya Perpres, dibentuk Tim Transparansi yang bertugas untuk menyusun dan mempublikasikan laporan transparansi setiap tahunnya
- Pada awalnya, substansi dari laporan transparansi adalah pelaporan tentang penerimaan negara dan penerimaan daerah dari industri ekstraktif. Dalam laporan diuraikan hasil rekonsiliasi penerimaan negara yang dilaporkan dari dua pihak berbeda, yaitu dari perusahaan migas dan minerba dibandingkan dengan informasi dari pemerintah
- Setelah beberapa tahun pelaksanaan, pelaporan tentang penerimaan negara saja dirasakan tidak mencukupi sehingga Standard EITI diperkaya dengan memasukkan isu tentang transparansi tata kelola secara menyeluruh. Indonesia mulai menyusun laporan menyeluruh sejak tahun 2015 yang menganalisis data tahun 2012-2013. Analisis rekonsiliasi data penerimaan negara sudah dilakukan untuk data sejak tahun 2009
- Kewajiban pelaporan informasi BO untuk negara-negara pelaksana EITI terdapat dalam Standard EITI 2016, dimulai dengan kewajiban menyusun BO Roadmap pada 2016 dan selanjutnya mewajibkan keterbukaan informasi BO industri ekstraktif mulai 2020

Pelaksanaan EITI di Indonesia



Tujuan Acara Sosialisasi:

- Melakukan sosialisasi regulasi yang mewajibkan keterbukaan informasi BO, khususnya bagi industri ekstraktif di Indonesia, dan mekanisme untuk pelaporannya
- Melakukan sosialisasi Roadmap BO industri ekstraktif dan target pelaporan dalam Laporan EITI
- Menyampaikan rencana uji coba penerapan pelaporan informasi BO dalam Laporan EITI tahun 2018

Definisi BO (Pemilik Manfaat):

- **Pemilik Manfaat** adalah orang perseorangan yang dapat menunjuk atau memberhentikan direksi, dewan komisaris, pengurus, pembina, atau pengawas pada Korporasi, memiliki kemampuan untuk mengendalikan Korporasi, berhak atas dan/atau menerima manfaat dari Korporasi baik langsung maupun tidak langsung, merupakan pemilik sebenarnya dari dana atau saham Korporasi dan/atau memenuhi kriteria sebagaimana dimaksud dalam Peraturan Presiden ini (Definisi BO dalam Perpres nomor 13/2018)
- ***Beneficial owner** in respect of a company means the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity (EITI Standard 2.5.f)*

Dorongan Untuk Transparansi BO

Dorongan transparansi BO dilakukan untuk menghindari beberapa isu sbb:

- Hilangnya pendapatan negara (*Loss of state revenue*)
- Terjadinya korupsi dan tata kelola yang buruk (*Corruption and poor governance*)
- Pencucian uang (*Money Laundering*)
- Monopoli terselubung (*Hidden monopolies*)

The EITI Requirements 2.5:



- a. Recommendation that a country maintain a publicly available register of beneficial owners of business that involved in extractive industry
- b. Requirement on EITI reports to document the government policy and multi-stakeholder group discussion on disclosure of beneficial ownership. This also includes establishment of national roadmap of BO disclosure, by 1 January 2017
- c. As of 1 January 2020, it is required that EITI member countries to request and companies to disclose the information of their beneficial owners
- d. Information about the identity of beneficial owners should include name of BO, nationality, country of residence and identifying politically exposed person (PEP)
- e. Defining the approach of assuring BO information accuracy
- f. Definition of beneficial ownership as shown in the EITI standard is the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity. This definition has to be agreed among the multi-stakeholder group, and aligned with international norms and national laws
- g. Along with beneficial owners, legal owners should be mentioned in EITI reports as well.

Roadmap BO Industri Ekstraktif

- Roadmap BO industri ekstraktif adalah: satu strategi untuk merumuskan sekumpulan kegiatan dan langkah-langkah yang disusun dalam urutan tata waktu selama tiga tahun sehingga membentuk peta jalan untuk mencapai keterbukaan informasi terkait BO industri ekstraktif pada tahun 2020
- Roadmap BO digunakan sebagai acuan pelaksanaan berbagai kegiatan yang dilakukan oleh berbagai K/L terkait untuk mencapai tujuan keterbukaan informasi BO di Indonesia

Tujuan Penyusunan Roadmap BO

- a. Memberi gambaran tentang kondisi keterbukaan informasi BO di Indonesia
- b. Mengidentifikasi hubungan antara keterbukaan informasi BO dengan agenda nasional
- c. Mengusulkan kegiatan dan langkah-langkah yang dibutuhkan untuk mengembangkan keterbukaan informasi BO di industri ekstraktif
- d. Mendefinisikan kerangka waktu dan manfaat dari setiap kegiatan dan langkah-langkah yang diidentifikasi

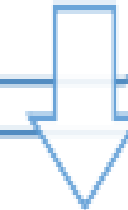
Factor-faktor Yang Mendukung Keterbukaan Informasi BO



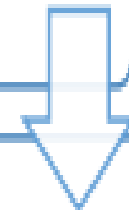
- a. Komitmen Politik
- b. Kerjasama diantara EITI Multi Stakeholder Group (MSG) dan pembuat regulasi
- c. Desain dari Regulasi BO
- d. Dorongan international dalam keterbukaan BO
- e. Payung hukum terhadap perlindungan data dan pertukaran informasi

Tahapan Kegiatan BO Roadmap

Stage 1: 2017 Defining Beneficial Owners in Indonesian Context

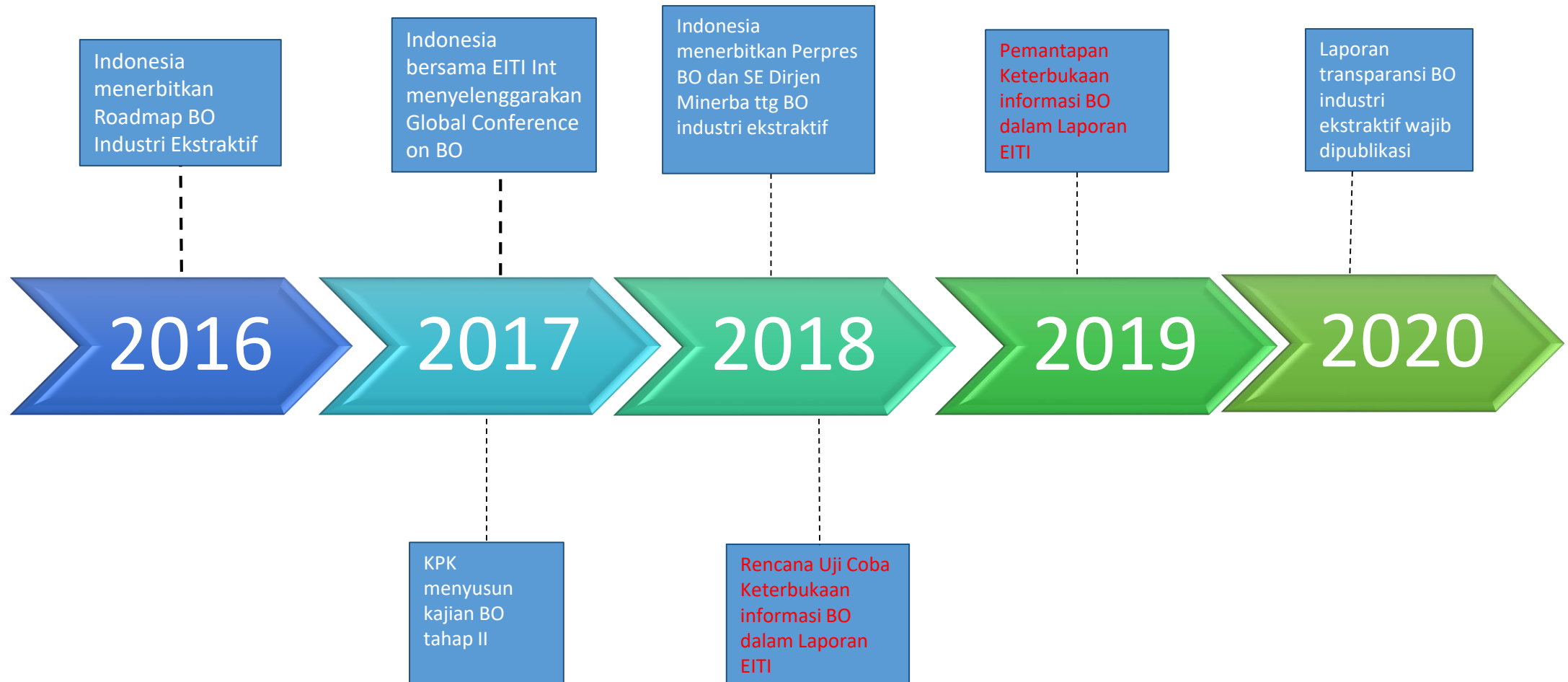


Stage 2: 2017: Developing Institutional and Regulatory Framework of Beneficial Ownership Strategy



Stage 3: 2019: Implementation of Transparency of Beneficial Ownership in Extractive Industries

Agenda Pelaksanaan BO di Indonesia



Rencana Uji Coba Keterbukaan BO Industri Ekstraktif



- Uji coba dilaksanakan tahun 2018 s/d 2019 melalui Laporan EITI. Pada tahun 2020 pelaporan BO wajib dilaksanakan oleh perusahaan industri ekstraktif
- Informasi BO yang disampaikan meliputi:
 - Nama lengkap
 - Nomor identitas kependudukan, surat izin mengemudi, atau paspor;
 - Tempat dan tanggal lahir;
 - Kewarganegaraan;
 - Alamat tempat tinggal yang tercantum dalam kartu identitas;
 - Alamat di negara asal dalam hal warga negara asing;
 - Nomor Pokok Wajib Pajak atau nomor identitas perpajakan yang sejenis; dan
 - Hubungan antara Korporasi dengan Pemilik Manfaat.
- Perusahaan yang akan menjadi sasaran uji coba adalah seluruh perusahaan ekstraktif yg diwajibkan menyampaikan laporan untuk Laporan EITI (sekitar 70 perusahaan migas dan 112 perusahaan minerba)

BO ROADMAP MATRIX

BO Roadmap Matrix

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
2017 Strategy Stage I - Defining Beneficial Owners in Indonesian Context						
1	Consider links between BO and national reform priorities	To define the connection between BO framework and national reform priorities	Discussion among stakeholders on national priorities on BO transparency	Bappenas, Kemenko Ekon, KSP		2016-2017
2		To develop objective measurable outcomes of implementation of beneficial ownership transparency	Discussion among stakeholders on the objective of beneficial ownership transparency	Bappenas, Kemenko Ekon, KSP	Measurable outcomes of beneficial ownership transparency	2017
3	Beneficial ownership definition	To define the appropriate BO and PEP concept for Indonesian context	Analysis on appropriate BO concept for Indonesian context: Definition, threshold, level of ownership	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham, KSP	Tailor-made definition of beneficial owner for Indonesian context	2017
4			Discussion among relevant stakeholders on the definition of BO	Kemenko Ekon		2017
5	Reporting obligations for Politically Exposed Persons	To explore possible links between PEP and BO	Discussion among regulatory institutions on obligations of PEP	Kemenkumham	A policy framework that defines the obligations of PEP	2017
6	Level of detail to be disclosed	To identify natural persons that is required to disclose BO	Analysis on risk assessment of legal person in Indonesia	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	Clear types of information that is required to be disclosed, aligned with beneficial owner definition	2017
7			Consultations of levels of detail to be disclosed	All relevant stakeholders		2017

No .	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
8	Data collection, Data timeliness, Data accessibility	To identify the most effective and efficient way on BO data management	Analysis on options of data collection mechanisms, assurances and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	A working framework that elaborates data collection mechanism, data assurance, data timeliness	2017
9		To have a prospective model of BO registries	Design and feasibility study of data interfacing among registries	KSP, Kemenkeu		2017
10		To ensure data collections, assurance and timeliness	Consultation of the method of data collection, assurance and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2017
2018 Strategy Stage II - Developing Institutional and Regulatory Framework of Beneficial Ownership Transparency						
11	Consider the institutional framework for BO disclosure	To define the institutional framework of BO registry	Review on strength and weakness each register on regulatory institutions	KSP, Kemenkeu	Clear institutional framework of BO information management system, including: a) clear division of responsibilities, b) clear procedures of BO data collection, c) mutual agreement on the model of BO registry, d) standards on security clearance, public access, e) standards on data verification and assurance, f) clear data collection period	2018
12			Development/Refinement of data interfacing among registries	KSP, Kemenkeu		2018
13			Discussion among regulatory enforcement	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2018

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
14			Study and discussion to define the responsibilities of BO data collection, assurance, transparency, security clearance, public access and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2018
15		To identify regulations that in support and/or hampering BO implementation	Review on existing respective regulatory body law products to identify gaps between regulations and international standards	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	Each regulator identified the regulations/law products that requires amendments/enhancement	2018
16		To promote cooperation among regulatory institutions on implementing BO roadmap	Discussion on potential harmonization of regulations among regulatory institutions	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	Legal frameworks for each regulators should allow cooperation and coordination, i.e data exchange	2018
17		To improve legal framework for BO transparency	Consultation among relevant stakeholders to take possible measures in improving legal framework for BO transparency	Bappenas	Legal frameworks for each regulators should allow the implementation of previously developed BO information management system	2018
18		To have a robust monitoring and evaluation mechanism based on measurable outcomes	Discussion on monitoring and evaluation mechanism among regulators and stakeholders	All relevant stakeholders	A system of monitoring and evaluation of beneficial ownership roadmap implementation	2018

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
19		To promote the BO transparency policy among industries	Socialization of BO transparency regime: data submission, public registry, sanctions and conflict resolution mechanism	All relevant stakeholders	Good understanding of newly developed beneficial ownership transparency regime by all stakeholders	2018
20	Capacity building needs	To provide capacity building activities	Knowledge sharing activities (e.g. Civil Society, Business Sectors, Journalists, Academicians)	NGOs	a) Regulatory institutions are capable of implementing BO information management systems, b) Companies are able to provide accurate information of their beneficial owners, c) Civil societies are able to access and initiate discussions based on disclosure and transparency of BO	2017-2020
2019 Strategy - Implementation of Transparency of Beneficial Ownership in Extractive Industries						
21	Implementation of public registry of BO information	To implement the BO registry	Start database implementation process (mainstreaming of interfaced database, database infrastructure, maintenance)	All relevant stakeholders	All processes within BO information management system are started widely among regulatory institutions, based on previously agreed legal and institutional framework	2019
22			Start periodic data collection process based on developed SOP	All relevant stakeholders		2019
23			Start the implementation of sanctions and conflict resolution,	All relevant stakeholders		2019

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
24	Assuring the accuracy of the data	To assure the accuracy of the data	Start data assurance process	All relevant stakeholders	Companies provide accurate informations and assurance system is capable to maintain this transparency	2019
25		To provide rewards as incentives on complying companies	Discussion on incentives for complying industries	All relevant stakeholders	An objective incentive system to encourage company to be more transparent, especially on disclosing their beneficial owner information	2019
26	Monitoring and Evaluation	To monitor the implementation of BO Roadmap	Conduct periodic meeting on progress of BO roadmap implementation	MSG	Improvement of BO system based on evaluation	End of each Year
27		To evaluate the impact of implementation of beneficial ownership transparency	Conduct impact evaluation study	MSG through independent administrator	Increased BO transparency among business, based on objective indicators	End of 2019

TERIMA KASIH