Considering: whereas for implementation of the provisions of Article 31 of Act Number 21 of 2011 concerning the Financial Services Authority, it is necessary to enact a Regulation of the Financial Services Authority concerning Consumer Protection in the Financial Services Sector;

In view of: Act Number 21 of 2011 concerning the Financial Services Authority (State Gazette of the Republic of Indonesia Number 111 of 2011, Supplement to the State Gazette of the Republic of Indonesia Number 5253);

HAS DECREED:

To enact: THE REGULATION OF THE FINANCIAL SERVICES AUTHORITY CONCERNING CONSUMER PROTECTION IN THE FINANCIAL SERVICES SECTOR.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regulation of the Financial Services Authority:

1. "Financial Services Business" means Commercial Bank, Rural Bank, Securities Company, Investment Advisor, Custodian Bank ...

2. "Consumers" means parties placing their funds and/or availing the services available at Financial Service Institutions, including but not limited to customers of Banks, investors on the Capital Market, policyholders in insurance and members of Pension Funds, pursuant to the laws and regulations in the financial services sector.


4. "Commercial Bank" means bank conducting conventional business and/or business based on Sharia Principles, which in the course of its business provides payment services.

5. "Rural Bank" means bank conducting conventional business or business based on Sharia Principles, which in the course of its business does not provides payment services.


7. "Securities Underwriter" means Party entering into contracts with Securities Issuers to conduct Public Offerings on behalf of the Securities Issuers with or without the obligation to purchase remaining Securities that are unsold.

8. "Securities Broker-Dealer" means Party conducting business in the sale and purchase of Securities for its own account or for other Parties.

9. "Investment Manager" means Party engaged in the business of managing Securities Portfolios for customers or managing collective investment portfolios for a group of customers, other than an insurance company, pension fund and bank conducting business for its own account pursuant to the prevailing laws and regulations.

10. “Investment ...
10. "Investment Advisor" means Party providing advice to other Parties regarding the sale or purchase of Securities, thereby earning service fees.

11. "Custodian Bank" means Commercial Bank providing custodian services for Securities and other Securities-related assets, as well as other services including receipt of dividends and other rights, settlement of Securities transactions and representation of account-holding customers.

12. "General Insurance Company" means insurance company providing services in hedging against risk of losses, loss of benefits and legal liability to third parties arising from uncertain events.

13. "Life Insurance Company" means insurance company providing services in hedging against risks pertaining to the life or death of an insured person.


15. "Multifinance Institution" has the same meaning as enterprise conducting financing in the form of provision of funds or capital goods as referred to in the laws and regulations concerning multifinance institutions.

16. "Pawn Brokerage Company" means an enterprise established to channel loans to customers against receipt of movable property as collateral.

17. "Underwriting Company" means legal entity operating in finance in which the core business is underwriting.

Article 2

Consumer Protection shall apply the principles of:

a. transparency;

b. impartial treatment;

c. reliability;

d. secrecy and security of Consumer data/information; and

e. simple, quick handling of Consumer complaints and resolution of their disputes at affordable costs.
CHAPTER II

PROVISIONS FOR CONSUMER PROTECTION IN THE FINANCIAL SERVICES SECTOR

Article 3

Financial Services Businesses have the right to ascertain the good faith of Consumers and to obtain information and/or documents about Consumers that is accurate, truthful, clear and not misleading.

Article 4

(1) Financial Services Businesses have the obligation to provide and/or convey information about products and/or services that is accurate, truthful, clear and not misleading.

(2) Information as referred to in paragraph (1) shall be set forth in documents or other instruments that may be used as instruments of evidence.

(3) Information as referred to in paragraph (1) must be:
   a. conveyed when providing explanations to Consumers about their rights and obligations;
   b. conveyed when entering into agreements with Consumers; and
   c. set forth when delivered in various media, including but not limited to advertisements in the print or electronic media.

Article 5

Financial Services Businesses shall provide Consumers with the up to date and easily accessible information about products and/or services.

Article 6 ...
Article 6

(1) Financial Services Businesses shall convey information to consumers about acceptance, deferment or rejection of applications for products and/or services.

(2) If a Financial Services Business conveys information about deferment or rejection of an application for products and/or services as referred to in paragraph (1), the Financial Services Business shall convey the reason for deferment or rejection unless stipulated otherwise in laws and regulations.

Article 7

(1) Financial Services Businesses shall use simple terminology, phrases and/or sentences in the Indonesian language easily understood by Consumers in each document that:
   a. sets forth the rights and obligations of Consumers;
   b. may be used by Consumers to make decisions; and
   c. sets forth conditions and may become legally binding on the Consumer.

(2) In documents as referred to in paragraph (1), the Indonesian language may be set out side-by-side with another language if needed.

(3) Financial Services Businesses shall use characters, script, symbols, diagrams and marks that are clearly legible.

(4) Financial Services Businesses shall provide explanations for terminology, phrases, sentences and or symbols, diagrams and marks not understood by Consumers.

(5) In the event that documents as referred to in paragraph (1) employ a foreign language on the basis of legal and regulatory provisions, the foreign language must be presented side-by-side with the Indonesian language.

Article 8

(1) Financial Services Businesses shall put together and provide summarised information about products and/or services.

(2) Summarised ...
(2) Summarised information about products and/or services as referred to in paragraph (1) shall be made in writing and contain at least the following:
   a. benefits, risks and costs of products and/or services; and
   b. terms and conditions.

Article 9
Financial Services Businesses shall provide Consumers with an understanding of the rights and obligations of Consumers;

Article 10
(1) Financial Services Businesses shall provide information about the charges that must be borne by Consumers for each product and/or service provided by the Financial Services Business.
(2) Financial Services Businesses are prohibited from automatically extending facilities that incur extra charges without the written consent of the Consumer.

Article 11
(1) Before a Consumer signs a document and/or agreement for a product and/or service, the Financial Services Business must convey to the Consumer the document containing the terms and conditions for the product and/or service.
(2) Terms and conditions for a product and/or service as referred to in paragraph (1) shall set forth at least the following:
   a. details of costs, benefits and risks; and
   b. procedures for complaint service and resolution at the Financial Services Business.

Article 12
(1) Financial Services Businesses shall inform Consumers of any amendment to the benefits, charges, risks, terms and

conditions ...
conditions set forth in the documents and/or agreements concerning the products and/or services of the Financial Services Business.

(2) In any amendment of the benefits, charges, risks, terms and conditions in regard to the products and/or services of the Financial Services Business, Consumers shall be notified of the information referred to in paragraph (1) at least 30 (thirty) days before such amendment becomes effective.

(3) In the event that a Consumer does not agree to an amendment of the conditions of a product and/or service as referred to in paragraph (1), the Consumer is entitled to discontinue the product and/or service without being charged any compensation whatsoever.

(4) In the event that a Consumer have been given time to provide his/her opinion as referred to in paragraph (2) and the Consumer has not expressed his/her opinion, the Financial Services Business shall deem the Consumer to have agreed to the amendment.

Article 13
Financial Services Businesses shall prepare guidelines for charging or pricing of financial service products and/or services.

Article 14
(1) Financial Services Businesses shall provide education to Consumers and/or the public within the framework of improving financial literacy.

(2) Plans for provision of education as referred to in paragraph (1) shall be formulated in an annual programme and reported to the Financial Services Authority.

(3) Further provisions concerning reports of plans for provision of education as referred to in paragraph (2) shall be stipulated in a Circular Letter of the Financial Services Authority.
Article 15

(1) Financial Services Businesses shall provide equitable access to each Consumer in accordance with Consumer classifications with regard to the products and/or services of the Financial Services Business.

(2) A Financial Services Business may classify Consumers as referred to in paragraph (1) on the basis of:
   (a) background of the Consumer;
   (b) information about occupation;
   (c) average income;
   (d) purpose and objective of using the product and/or service of the Financial Services Business; or
   (e) other information used to determine Consumer classification.

Article 16

Financial Services Businesses must consider appropriate matching of Consumer needs and ability to pay to the product and/or service offered to the Consumer.

Article 17

Financial Services Businesses are prohibited from employing strategies for marketing products and/or services in a manner that disadvantages Consumers by exploiting the condition of a Consumer who has no other option in taking a decision.

Article 18

(1) Financial Services Businesses may sell products and/or services in a single package with other products and/or services (bundling of products/services).

(2) If a Financial Services Business sells products and/or services as referred to in paragraph (1):

   a. the ...
a. the Financial Services Business is prohibited from coercing Consumers to buy the other product and/or service in the product and/or service package; and

b. the Consumer may select another product and/or service provider in that product and/or service package.

(3) If the other product and/or service in the offered product and/or service package represents the choice of the Consumer, risks arising from this choice shall constitute the responsibility of the Consumer.

Article 19

Financial Services Businesses are prohibited from offering products and/or services to Consumers and/or the public using personal means of communication without the consent of the Consumer.

Article 20

(1) In each offering or promotion of products and/or services, Financial Services Businesses shall list and/or state:

a. the name and/or logo of the Financial Services Business; and

b. a statement that the Financial Services Business is registered with and supervised by the Financial Services Authority.

(2) In the event that the sale of a product and/or service may be conducted only by an individual registered with the Financial Services Authority, an offer or promotion as referred to in paragraph (1) shall include a statement that the individual is registered with and supervised by the Financial Services Authority.
Article 21

Financial Services Businesses shall comply with equitable treatment, non-partiality and fairness in drawing up agreements with Consumers.

Article 22

(1) If a Financial Services Business uses a standard agreement, the standard agreement must be formulated in accordance with laws and regulations;

(2) Standard agreements as referred to in paragraph (1) may exist in digital or electronic form to be offered by Financial Services Businesses over electronic media.

(3) Standard agreements as referred to in paragraph (2) used by a Financial Services Businesses are prohibited from:

a. stating any transfer of responsibility or obligation from the Financial Services Business to the Consumer;

b. stating that the Financial Services Business reserves the right to refuse a refund of monies paid by the Consumer for the purchased product and/or service;

c. stating an authorisation by the Consumer to the Financial Services Business, whether directly or indirectly, to take all unilateral actions towards the goods pledged as collateral by the Consumer, unless such unilateral actions are taken pursuant to laws and regulations;

d. stipulating in regard to burden of proof borne by the Consumer, if the Financial Services Business declares that loss of use of a product and/or service purchased by the Consumer does not constitute the responsibility of the Financial Services Business;

e. assigning rights to the Financial Services Business to diminish the use of the product and/or service or diminish the property of the Consumer comprising the object of the agreement for the product or service;

f. stating ...
f. stating that the Consumer is subject to a new, additional, subsequent and/or amended regulation made unilaterally by the Financial Services Business during the time that the Consumer makes use of the purchased product and/or service; and/or

g. stating that the Consumer authorises the Financial Services Business to place an encumbrance by mortgage, pledge or guarantee with regard to a product and/or service purchased by the Consumer with instalment payments.

Article 23

(1) Financial Services Business, sales agents and the management/employees of Financial Services Businesses shall avoid conflict of interest between the Financial Services Business and Consumers.

(2) Financial Services Businesses shall provide information of the existence of any conflict of interest or potential conflict of interest.

Article 24

Financial Services Businesses shall provide special services to Consumers with special needs.

Article 25

Financial Services Business shall ensure the security of Consumer deposits, funds or assets placed under the responsibility of the Financial Services Business.
Article 26

Financial Services Businesses shall promptly issue a document to Consumers to certify ownership of a product and/or use of a service as stipulated in the agreement with the Consumer.

Article 27

Financial Services Businesses shall provide accurate and timely reports to Consumers on the account balance and entries of Consumer deposits, funds, assets or liabilities using a method or means as stipulated in the agreement with the Consumer.

Article 28

Financial Services Businesses shall execute the instructions of the Consumer in accordance with the agreement with the Consumer and legal and regulatory provisions.

Article 29

Financial Services Businesses shall bear responsibility for Consumer losses incurred as a consequence of errors and/or negligence on the part of the management and/or employees of the Financial Services Business and/or third parties working on behalf of the Financial Services Business.

Article 30

(1) Financial Services Businesses shall prevent their management, supervisors and employees from engaging in the following behaviours:
   a. enriching or seeking advantage for themselves or other parties,
   b. abuse of power, opportunities or means available to them by reason of their position or standing,
   in a manner that may disadvantage Consumers.

(2) In ...
(2) In serving Consumers, the management and employees of a Financial Services Business shall abide by a code of ethics adopted by each Financial Services Business.

(3) Financial Services Businesses shall bear responsibility toward Consumers for actions taken by third parties acting on behalf of the Financial Services Business.

Article 31

(1) Financial Services Businesses are prohibited from providing data and/or information about their Consumers to third parties in any manner whatsoever.

(2) The prohibition referred to in paragraph (1) shall be waived in the following events:
   a. the Consumer provides consent in writing; and/or
   b. the action is required by laws and regulations.

(3) If a Financial Services Business obtains private data and/or information of a person and/or group of persons from another party and the Financial Services Business intends to use the data and/or information for its activities, the Financial Services Business is required to hold in possession a written statement affirming that the other party has obtained written consent from the person and/or group of persons to provide the personal data and/or information to any party, including the Financial Services Business.

(4) Any cancellation or amendment in part of a consent for disclosure of data and/or information as referred to in paragraph (2) letter a shall be made by the Consumer in writing, in the form of a declaration.

Article 32

(1) A Financial Services Business must have and operate a mechanism for complaint service and resolution for Consumers.

(2) The ...
(2) The mechanism for complaint service and resolution as referred to in paragraph (1) must be disclosed in information to Consumers.

Article 33

Financial Services Businesses are prohibited from charging Consumers fees for launching complaints.

Article 34

(1) Financial Services Businesses must report periodically to the Financial Services Authority, in this case the Chief Executive supervising the activities of the Financial Services Business, about Consumer complaints and follow up involving Complaint service and resolution for these Consumers.

(2) Reports as referred to in paragraph (1) shall be submitted no later than the 10th (tenth) day of the month every 3 (three) months. If the 10th (tenth) day of the month falls on a Saturday, Sunday or official holiday, the report shall be submitted on the first working day after that Saturday, Sunday or official holiday.

Article 35

(1) Financial Services Businesses shall take immediate action to follow up and resolve complaints no later than 20 working days after the date of receiving the complaint.

(2) Under certain conditions, a Financial Services Business may extend the period up to no more than the subsequent 20 working days.

(3) The conditions referred to in paragraph (2) are:
   a. the office of the Financial Services Business receiving the complaint is not the same as the office of the Financial Services Business at which the issue at complaint has arisen and communication is hindered between the two offices of the Financial Services Business.

b. the ...
b. the financial transaction at issue in the Consumer’s complaint requires special examination of the documents of the Financial Services Business; and/or
c. circumstances exist outside the control of the Financial Services Business, such as involvement of third parties outside the Financial Services Business in the financial transaction conducted with the Consumer.

(4) In any extension of the complaint resolution period as referred to in paragraph (2), the Consumer launching the complaint must be notified in writing before expiration of the period referred to in paragraph (1).

Article 36

(1) A Financial Services Business must have a unit and/or function for handling and resolving complaints brought by Consumers.

(2) The powers of the unit and/or function as referred to in paragraph (1) shall be stipulated in the complaint service and resolution mechanism referred to in Article 32.

(3) A Financial Services Business shall appoint 1 (one) employee in each office of the Financial Services Business to handle the resolution of Consumer complaints.

Article 37

In the event that a Consumer complaint is related to a transaction or activity involving a Financial Services Business employee authorised to handle complaints or a Financial Services Business employee who resolves these complaints, the handling and resolution of the complaint must be undertaken by another employee.

Article 38

After receiving a Consumer complaint, the Financial Services Business must:

a. conduct ...
a. conduct a competent, truthful and objective internal examination of the complaint;
b. conduct an analysis to ascertain the legitimacy of the complaint; and
c. convey an apology and offer redress/remedy or a rectification of the product and/or service, if the Consumer complaint is legitimate.

Article 39

(1) In the event that no agreement is reached for resolution of a complaint, the Consumer may pursue dispute resolution out of court or in court.

(2) Out of court dispute resolution as referred to in paragraph (1) shall take place at an institution for alternative dispute resolution.

(3) In the event that dispute resolution is not conducted at an institution for alternative dispute resolution as referred to in paragraph (2), the Consumer may submit an application to the Financial Services Authority for facilitation of complaint resolution for a Consumer disadvantaged by an actor at a Financial Services Business.

CHAPTER III
CONSUMER COMPLAINTS AND PROVISION OF COMPLAINT RESOLUTION FACILITIES BY THE FINANCIAL SERVICES AUTHORITY

Article 40

(1) Consumers may bring complaints stating indications of a dispute between the Financial Services Business and the Consumer to the Financial Services Authority.

(2) Consumers and/or members of the public may bring complaints stating indications of a violation of legal and regulatory provisions in the financial services sector to the Financial Services Authority.

(3) Complaints ...
(3) Complaints as referred to in paragraph (1) and paragraph (2) shall be brought to the Financial Services Authority, in this matter the Member of the Board of Commissioners in charge of Consumer education and protection.

Article 41

The facility for resolution of Consumer complaints by the Financial Services Authority shall be provided for complaints stating indications of dispute in the financial services sector as referred to in Article 40 paragraph (1) and that satisfy the following requirements:

a. the Consumer has sustained financial losses caused by:

1. a Financial Services Business operating in Banking, the Capital Market, Pension Funds, Life Insurance, Financing, Pawn Brokerage Company or Underwriter to no more than Rp 500,000,000.00 (five hundred million rupiahs);

2. a Financial Services Business operating in general insurance to no more than Rp 750,000,000.00 (seven hundred and fifty million rupiahs);

b. the Consumer shall submit a written application enclosing supporting documents pertaining to the complaint;

c. the Financial Services Business has made efforts to resolve the complaint but the Consumer is unable to accept this resolution or the deadline stipulated in this Regulation of the Financial Services Authority has expired;

d. the complaint brought does not constitute a dispute in process or previously adjudicated by an arbitration tribunal or court or other mediation institution;

e. the complaint brought represents a matter for civil law;

f. the complaint brought has not previously undergone facilitation by the Financial Services Authority; and

g. dispute resolution is applied for no later than 60 (sixty) working days after the date of the Complaint resolution letter conveyed ...
conveyed by the Financial Services Business Actor to the Consumer.

Article 42
The provision of complaint resolution facilities by the Financial Services Authority as referred to in Article 41 shall comprise efforts to bring together the Consumer and the Financial Services Business to review the underlying issues in order to obtain an agreement for resolution.

Article 43
The Financial Services Authority shall appoint facilitators to discharge the function of complaint resolution.

Article 44
The Financial Services Authority shall commence a facilitation process after the Consumer and the Financial Services Business agree for facilitation to be provided by the Financial Services Authority, expressed in a facilitation agreement setting forth the following:

a. an understanding to elect complaint resolution facilitated by the Financial Services Authority; and
b. agreement to comply with and abide by the rules of facilitation stipulated by the Financial Services Authority.

Article 45
(1) The proceedings of the facilitation process until the signing of a Binding Memorandum of Understanding shall be conducted over a period not exceeding 30 (thirty) working days after the Consumer and the Financial Services Business sign the facilitation agreement as referred to in Article 44.

(2) The period for the facilitation process as referred to in paragraph (1) may be extended for the subsequent 30 (thirty) working days pursuant to a Binding Memorandum of Understanding...
Understanding by the Consumer and the Financial Services Business.

Article 46

(1) The understanding reached between the Consumer and the Financial Services Business resulting from the facilitation process as referred to in Article 45 shall be set forth in a Binding Memorandum of Understanding signed by the Consumer and the Financial Services Business.

(2) In the event that no agreement is reached between the Consumer and the Financial Services Business, this absence of agreement shall be set forth in an official record of the facilitation outcome signed by the Consumer and the Financial Services Business.

CHAPTER IV

INTERNAL CONTROL

Article 47

(1) The Board of Directors or management of a Financial Services Business shall bear responsibility for compliance in implementing the provisions of this Regulation.

(2) The Board of Commissioners or supervisory board of the Financial Services Business shall oversee the discharge of the responsibility of the Board of Directors or management for compliance in implementing the provisions of this Regulation.

Article 48

(1) Financial Services Businesses shall have a system of oversight for the Board of Directors or executive management with the framework of Consumer protection.

(2) Financial Services Business shall establish a reporting system to provide assurance of optimum oversight of the Board of Directors ...
Directors or management regarding compliance in implementing this Regulation.

Article 49

(1) Financial Services Businesses must have and apply a written policy and procedures for Consumer protection.

(2) The policy referred to in paragraph (1) shall be set forth in the standard operating procedures that shall subsequently serve as guidelines for the entire operational activities of the Financial Services Business.

(3) The management and employees of a Financial Services Business shall comply with policy and procedures as referred to in paragraph (1).

Article 50

(1) Financial Services Businesses must have an internal control system related to Consumer protection.

(2) The scope of an internal control system as referred to in paragraph (1) shall cover at least the following:
   a. compliance of the Financial Services Business with the operation of Consumer protection principles; and
   b. system for reporting and monitoring follow up to Consumer complaints.

CHAPTER V
OVERSIGHT OF CONSUMER PROTECTION IN THE FINANCIAL SERVICES SECTOR

Article 51

(1) The Financial Services Authority shall oversee the compliance of Financial Services Businesses with the application of Consumer protection provisions.

(2) Oversight as referred to in paragraph (1) shall encompass direct and indirect supervision.

Article 52 ...
Article 52

(1) For the purposes of overseeing the compliance of Financial Services Businesses in application of provisions for Consumer protection as referred to in Article 51, the Financial Services Authority has powers to request data and information from Financial Services Businesses pertaining to implementation of the Consumer protection provisions.

(2) Requests for data and information as referred to in paragraph (1) may be made periodically or at any time as may be necessary.

CHAPTER VI
SANCTIONS
Article 53

(1) Any Financial Services Business and/or party violating the provisions of this Regulation of the Financial Services Authority shall be liable to administrative sanctions, including but not limited to:
   a. Written warning;
   b. Fine, that is to say, the obligation to pay a specified sum of money;
   c. Restrictions on business operations;
   d. Freezing of business operations; and
   e. Revocation of business licence.

(2) Sanctions as referred to in paragraph (1) letter b, letter c, letter d or letter e may be imposed with or without prior imposition of a written warning as referred to in paragraph (1) letter a.

(3) A fine as referred to in paragraph (1) letter b may be imposed separately or jointly with imposition of sanctions as referred to in paragraph (1) letter c, letter d or letter e.

(4) The amount of a fine as referred to in paragraph (1) letter b shall be determined by the Financial Services Authority, based
on the provisions concerning the applicable administrative sanctions in the form of fine for each financial services sector.

(5) The Financial Services Authority may announce imposition of administrative sanctions as referred to in paragraph (1) to the public.

CHAPTER VII
TRANSITIONAL PROVISIONS

Article 54
Any standard agreement previously made by Financial Services Businesses prior to the enactment of this Regulation of the Financial Services Authority shall be brought into conformity with the provisions referred to in Article 22 no later than the enactment of this Regulation of the Financial Services Authority.

CHAPTER VIII
CONCLUDING PROVISIONS

Article 55
Implementing provisions governing Consumer protection in the financial services sector are declared to remain valid insofar as they do not contravene this Regulation of the Financial Services Authority.

Article 56
Financial Services Business shall have internal arrangements in place for implementing this Regulation of the Financial Services Authority no later than 1 (one) year after the promulgation of this Regulation of the Financial Services Authority.

Article 57
This Regulation of the Financial Services Authority shall enter into force 1 (one) year after the date of its promulgation.
For the public to be informed, it is ordered that this Regulation of the Financial Services Authority be promulgated in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
dated 26 July 2013

CHAIRMAN
OF THE BOARD OF COMMISSIONERS
FINANCIAL SERVICES AUTHORITY,

(signed)

MULIAMAN D. HADAD

Promulgated in Jakarta
dated 6 August 2013

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

(signed)

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 118 OF 2013

Authenticated copy
HEAD OF THE LEGAL AID DIVISION
DIRECTORATE OF LEGAL AFFAIRS,

(signed)

MUFLI ASMAWIDJAJA