

PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 80 TAHUN 2007
TENTANG
PENGESAHAN AGREEMENT ON INFORMATION EXCHANGE AND
ESTABLISHMENT OF COMMUNICATION PROCEDURES
(PERSETUJUAN TENTANG PERTUKARAN INFORMASI
DAN PEMBENTUKAN PROSEDUR KOMUNIKASI)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang:

- a. bahwa di Putrajaya, Malaysia, pada tanggal 7 Mei 2002 Pemerintah Republik Indonesia telah menandatangani Agreement on Information Exchange and Establishment of Communication Procedures (Persetujuan tentang Pertukaran Informasi dan Pembentukan Prosedur Komunikasi), sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia, Pemerintah Malaysia dan Pemerintah Republik Filipina;
- b. bahwa sehubungan dengan itu, perlu mengesahkan Persetujuan tersebut dengan Peraturan Presiden;

Mengingat:

1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
2. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);
3. Undang-Undang Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 53, Tambahan Lembaran Negara Republik Indonesia Nomor 4389);

MEMUTUSKAN:

Menetapkan:

PERATURAN PRESIDEN TENTANG PENGESAHAN AGREEMENT ON INFORMATION EXCHANGE AND ESTABLISHMENT OF COMMUNICATION PROCEDURES (PERSETUJUAN TENTANG PERTUKARAN INFORMASI DAN PEMBENTUKAN PROSEDUR KOMUNIKASI).

Pasal 1

Mengesahkan Agreement on Information Exchange and Establishment of Communication Procedures (Persetujuan tentang Pertukaran Informasi dan Pembentukan Prosedur Komunikasi) yang naskah aslinya dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.

Pasal 2

Apabila terjadi perbedaan penafsiran antara naskah terjemahan Persetujuan dalam Bahasa Indonesia dengan naskah aslinya dalam Bahasa Inggris sebagaimana dimaksud dalam Pasal 1, maka yang berlaku adalah naskah aslinya dalam Bahasa Inggris.

Pasal 3

Peraturan Presiden ini mulai berlaku pada tanggal ditetapkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 19 Juli 2007
PRESIDEN REPUBLIK INDONESIA,

ttd.

DR. H. SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta
pada tanggal 19 Juli 2007
MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

ttd.

ANDI MATTALATTA

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2007 NOMOR 88

AGREEMENT ON INFORMATION EXCHANGE AND ESTABLISHMENT OF COMMUNICATION PROCEDURES

The Governments of the Republic of Indonesia, Malaysia and the Republic of the Philippines, hereinafter referred to singularly as "the Party" and collectively as "the Parties";

RECOGNIZING the value of enhancing the existing bilateral defense, border and security cooperation arrangements between them;

DESIRING to promote further cooperation in and to introduce a system to facilitate the exchange of information and intelligence and establish communication procedures among them;

REALIZING the need to establish a framework to facilitate cooperation and interoperability among themselves to address border and security incidents, transnational crimes, and other illegal activities occurring within their territories;

Have agreed as follows:

ARTICLE I
OBJECTIVE

This Agreement shall provide the framework for cooperation in the exchange of information and the establishment of communication procedures,

ARTICLE II
SCOPE AND FORMS AND COOPERATION

1. The scope of cooperation among the Parties in the exchange of information and the establishment of communication procedures shall be in relation to the areas enumerated in Article III of this Agreement.
2. Consistent with the laws, regulation and procedures in force in their respective territories, the Parties agree that the areas of cooperation enumerated in Article III of this Agreement may be carried out in the following forms:
 - (i) facilitating proper coordination and collaboration during border and/or security incidents, transnational crimes and other illegal activities where individual resources of a Party may be inadequate;
 - (ii) establishing common understanding and approaches in managing the multiple and complex issues arising from transnational crimes;
 - (iii) strengthening national and sub-regional capacities to manage border and/or security incidents and transnational crimes through information exchanges, agreed communication procedures and training;
 - (iv) reviewing and enhancing internal rules and regulations, both legal and administrative, to ensure proper, effective, and timely collaboration and responses to border and/or security incidents and in times of operational constraints in the implementation of defense, border and security arrangements;
 - (v) providing opportunities for the Parties' duly authorized representatives to establish linkages to facilitate cooperation;
 - (vi) facilitating dialogue among the Parties on criminal and related activities committed within their respective territories which may adversely affect the interests of any or all or the other Parties; and
 - (vii) establishing mechanisms for immediate response and

assistance among the Parties.

ARTICLE III
AREAS OF COOPERATION

The Parties undertake to cooperate among themselves in preventing the utilization by anyone of their land-air-sea territories for the purpose of committing or furthering any or all of the following activities:

- (i) Terrorism, which in this agreement is understood to mean any act of violence or threat thereof perpetrated to carry out within the respective territories of the Parties or in the border area of any of the Parties an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States;
- (ii) Money Laundering, which in this Agreement is understood to mean any act of a person who:
 - (a) engages directly or indirectly in a transaction that involves the proceeds of any unlawful activity;
 - (b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes, uses, removes from or brings into the territory of any of the Parties proceeds of any unlawful activity; or
 - (c) conceals, disguises or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of any unlawful activity;
- (iii) Smuggling, which in this Agreement is understood to mean:
 - (a) in relation to goods, the act of bringing into or taking out of the border area of any of the Parties goods, including arms and explosives, contrary to the laws of the respective Parties;
 - (b) in relation to persons the act of:
 - smuggling of persons, that is, the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into the territory of a Party of which the

person is not a national or a permanent resident;

- trafficking in persons, that is, the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other terms of coercion of abduction of fraud of deception, of the abuse of power of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (which includes, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labor or services slavery or practices, similar to slavery, servitude or the removal of organs.)

- (iv) Piracy/Robbery at Sea, which in this Agreement is understood to mean any unlawful act of violence, detention, intimidation or depredation committed for private ends by crew or the passengers of a seaborne vessel and directed against another seaborne vessel or against persons or properly on board such vessel or abetting any of the aforementioned acts including the seizing of or exercising of control over a seaborne vessel;
- (v) Hijacking, which in this Agreement is understood to mean any unlawful act of interference, seizing or exercising control of an aircraft, or attempting to perform any such act, by the use of force or by threats of any kind;
- (vi) Intrusion, which in this Agreement is understood to mean any unlawful clandestine attempt, activity and/ or action to introduce unobtrusively any person or small groups of persons, including insurgent elements, into the territory of any of the Parties in order to undermine the security or subvert the interest of that Party;
- (vii) Illegal Entry, which in this Agreement is understood to mean the act of entering or facilitating the entry of any person or group of persons into the territory of any of the Parties contrary to the immigration laws of that Party;
- (viii) Drug Trafficking, which in this Agreement is understood to include manufacturing, importing, exporting, keeping, concealing, buying, selling, giving, receiving storing administering, transporting, carrying, sending, delivering, procuring, supplying or distributing any dangerous drugs without lawful authority;