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Restricting Activists' Bank Accounts: Banking Powers, Criminal Procedure and Human Rights Defenders

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Abstract

Bank accounts have become essential infrastructure for civic participation, particularly for grassroots groups that rely on public donations. Using a publicly reported Indonesian case in which transactions on a protest coordinator's donation account were halted shortly before a demonstration, this article asks under which legal regime, and subject to which safeguards, such an account may be restricted. Employing doctrinal research with statutory, conceptual, and case approaches, and relying on officially attributed statements because the police letter and bank records were unavailable, it separates three regimes that public debate conflated: the bank's own postponement under the Anti-Money Laundering Law, postponement or blocking ordered by law enforcement under that law, and blocking as a coercive measure under the 2025 Criminal Procedure Code. Each regime presupposes suspected proceeds of a predicate offense, a condition the only disclosed allegation, collecting donations without a permit, does not appear to meet; whether the restriction was unlawful depends on undisclosed documents. The article frames financial access as an enabling condition for civic participation and proposes a calibrated safeguard for the Human Rights Bill that preserves legitimate anti-money laundering functions.

1. Introduction

Civil society in Indonesia increasingly funds its work through public fundraising via personal bank accounts, crowdfunding platforms, and digital wallets, because many grassroots groups lack legal status and access to formal funding. Bank accounts have thus become part of the infrastructure of public participation.

Restrictions on such accounts therefore directly affect civic activity. In August 2026, transactions on a Bank Mandiri account held by Supriyono (Botok), coordinator of the Pati United Community Alliance (*Aliansi Masyarakat Pati Bersatu*, AMPB), could not be carried out ahead of a protest planned for August 27 before the House of Representatives. The account held personal funds and citizens' donations of approximately IDR 80.9 million. Bank Mandiri said it acted on a request from law enforcement but did not name the agency, duration, or procedure for lifting the measure.[1] PPATK denied involvement.[2] The Jakarta Metropolitan Regional Police acknowledged sending a letter, described as a request to postpone transactions under Article 26 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering (Anti-Money Laundering Law), issued in an inquiry into public fundraising through a personal account.[3] The OJK likewise called it a postponement under OJK Regulation No. 8 of 2023.[4] Access was restored on August 26, 2026.[5] This article uses the neutral term "restriction"; "freeze," "blocking," or "postponement" refers only to a specific legal regime or a party's own wording.

The factual record has clear gaps. The police letter, sent on or before August 22 on an undisclosed date, has been acknowledged, but its number, date, signatory, and stated offense are unknown. The halting of transactions on August 22 is known only from media reports; no bank record (*berita acara*) or notice to the account holder is publicly available. The statements of the police on August 24, of PPATK on August 24–25, of the OJK on August 25, and of Bank Mandiri at the House of Representatives on August 26 are officially attributed, but they were made to the press rather than

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[1] AFU.id, "Bank Mandiri Apologizes for Freezing Mas Botok AMPB's Account, Citing a Request from Law Enforcement," August 2026, https://afu.id/nasional/blokir-rekening-mas-botok-ampb-bank-mandiri-minta-maaf-sebut-ada-permintaan-dari-aparat-penegak-hukum.

[2] Sindonews, "Bank Mandiri Blocks Pati Activist's Donation Account; PPATK: We Did Not Request It," August 2026, https://ekbis.sindonews.com/read/1742395/178/bank-mandiri-blokir-rekening-donasi-aktivis-pati-ppatk-bukan-kami-yang-minta-1787551687.

[3] Disway, "Police Speak Out on the Freezing of Supriyono Botok's Account: It Wasn't Frozen, but Transactions Were Paused," August 2026, https://harian.disway.id/amp/964609/polisi-buka-suara-soal-pemblokiran-rekening-supriyono-botok-bukan-diblokir-tapi-ditunda-transaksinya; IDN Times, "Polda Metro Reveals Why AMPB's Account Was Restricted over Its Donation Drive," August 24, 2026, https://www.idntimes.com/news/indonesia/polda-metro-ungkap-alasan-rekening-ampb-diblokir-karena-galang-donasi-00-481xk-vy3rml.

[4] Klikfakta, "Response Regarding the Freezing of a Pati Activist's Account: OJK Says It's Just a Transaction Delay," August 2026, https://klikfakta.com/2026/08/respons-soal-pemblokiran-rekening-aktivis-pati-ojk-hanya-penundaan-transaksi/; Infobanknews, "OJK's Statement on the Restriction of Botok's Account at Bank Mandiri," August 25, 2026, https://infobanknews.com/ini-pernyataan-ojk-terkait-pemblokiran-rekening-botok-di-bank-mandiri.

[5] AFU.id, "Finally, Bank Mandiri Reactivates Mas Botok Pati's Account for the August 27 Protest," August 2026, https://afu.id/hukum-kriminal/akhirnya-bank-mandiri-aktifkan-lagi-rekening-mas-botok-pati-untuk-aksi-27-agustus; Tangsel Pos, "Bank Mandiri Restores Botok's Account after Receiving a Request from Polda Metro," August 26, 2026, https://tangselpos.id/detail/53518/bank-mandiri-pulihkan-rekening-botok-usai-terima-permintaan-polda-metro.

in formal documents. The facts used in this article are therefore limited to what these attributed statements consistently report.

"Blocking," "postponement," and "temporary suspension" of transactions belong to different regimes, officials, conditions, and timeframes; when used interchangeably, customers cannot know the basis of a restriction or where to object. In 2021, PPATK suspended transactions in 59 accounts linked to the Islamic Defenders Front (FPI), and in 2025 it suspended a large number of dormant accounts, prompting criticism on legal certainty.[6] These incidents suggest a recurring pattern: restrictions imposed without prior judicial oversight, with a legal basis explained only after objections arose.

Indonesian analyses of account restrictions have generally focused on a single framework. Sutiawan, Mulyati and Tajudin show that customers whose accounts are frozen in money laundering cases lack clear protection, particularly on duration.[7] Sopamena treats unilateral freezing by banks as breach of contract, while others examine PPATK's authority over dormant accounts and the protection of their holders.[8] Studies on human rights defenders highlight criminalization and SLAPP: Rahayu noted the absence of specific regulation, Rizal proposes criminal immunity, Bone, Rahayu, and Herawati attribute weak protection to missing legislation and a repressive enforcement culture, and Wongkar, Achmadi, and Iswarini show that SLAPP cases persist despite Article 66 of the Environmental Protection and Management Law.[9] International research concentrates on defenders' physical security and questions how the category of "defender" is identified.[10]

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[6] PPATK, "Press Release on the Suspension of Transactions and Account Activities of the Islamic Defenders Front (FPI)," January 2021, https://www.ppatk.go.id/siaran_pers/read/1114/keterangan-pers-penghentian-transaksi-dan-aktivitas-rekening-ormas-front-pembela-islam.html; PPATK, "PPATK Temporarily Suspends Transactions in Dormant Accounts to Protect the Public Interest," 2025, https://www.ppatk.go.id/siaran_pers/read/1476/ppatk-hentikan-sementara-transaksi-rekening-dormant-untuk-lindungi-kepentingan-publik.html.

[7] H. A. Sutiawan, E. Mulyati, and I. Tajudin, "Customer Protection Regarding the Disclosure of Bank Secrets," *Journal of Law & Development* 48, no. 3 (2018): 630–50, https://doi.org/10.21143/jhp.vol48.no3.1257.

[8] Ronald Fadly Sopamena, "Unilateral Account Freezing by Banks," *Bacarita Law Journal* 3, no. 1 (2018): 9–14; Julio Waraney Wuisang, "Legal Protection for Bank Customers Regarding the Freezing of Dormant Accounts Based on Policies of the Financial Transaction Reporting and Analysis Center," *Lex Crimen* 14, no. 5 (2026); M. D. D. Dzaputra, M. Arif, and T. A. Ma'ruf, "From Inactive to Inaccessible: Legal Protection of Dormant Accounts in the Banking System," *Advanced Private Legal Insights* 1, no. 2 (2026): 1–11, https://doi.org/10.56087/hzmejg73.

[9] Rahayu, "The Urgency of Legal Protection for Human Rights Defenders in Indonesia," *Legal Issues* 39, no. 2 (2010): 87–95, https://doi.org/10.14710/mmh.39.2.2010.87-95; Moch. Choirul Rizal, "Legal Protection for Human Rights Defenders from the Perspective of the Theory of Justifications for Exemption from Criminal Liability," *Arena Hukum* 16, no. 1 (2023): 18–41, https://doi.org/10.21776/ub.arenahukum.2023.01601.2; Sholihin Bone, Rahayu, and Ratna Herawati, "The Legal Politics of Human Rights Defenders' Protection: Criticism of Criminalization Practices and the Path to Justice," *As-Siyasi: Journal of Constitutional Law* 6, no. 1 (2026): 17–42, https://doi.org/10.24042/as-siyasi.v61.29012; E E L T Wongkar, J C Achmadi, and T Iswarini, "Anti-SLAPP Provisions and Enforcement Regarding Women Human Rights Defenders of the Environment from the Perspective of Feminist Legal Theory," *Indonesian Journal of Environmental Law* 8, no. 1 (2022): 35–72, https://doi.org/10.38011/jhli.v8i1.371.

[10] Alice M. Nah et al., "A Research Agenda for the Protection of Human Rights Defenders," *Journal of Human Rights Practice* 5, no. 3 (2013): 401–20, https://doi.org/10.1093/jhuman/hut026; Karen

These bodies of work rarely meet. Banking studies treat restricted accounts as a customer-protection problem without asking what the funds are for; procedural scholarship has not yet examined blocking under the 2025 Criminal Procedure Code, in force only since January 2026; and defender studies focus on criminalization and foreign-funding restrictions rather than non-prosecutorial restrictions on domestic donation accounts. Within the literature reviewed, no study asks which regime governs a restriction on an activist's donation account and what safeguards it requires. Research on "closing" or "squeezing" civic space shows that restricting funding weakens civil society without anyone being prosecuted,[11] and studies of Indonesia document declining civic freedoms.[12] The question is timely: Law No. 20 of 2025 on the Criminal Procedure Code (KUHAP), effective January 2, 2026, classifies blocking as a coercive measure, and the draft revision of Law No. 39 of 1999 on Human Rights includes provisions on defenders for the first time.

This article therefore aims to delineate the regimes under which banks and authorities may restrict accounts, to identify the conditions for a lawful criminal coercive measure and apply them conditionally to the AMPB case, and to assess how the Human Rights Bill should protect defenders against financial restrictions. Its novelty lies in reading banking, anti-money laundering, criminal procedure, and defender standards as one regulatory field. Its conceptual contribution is to frame financial access as an enabling condition for civic participation, so that restrictions on it are assessed as restrictions on the freedoms of association and assembly, not merely as banking or investigative matters.

Three research questions follow. First, under which regimes, and within what limits, may banks and related institutions postpone, suspend, or block transactions in customer accounts? Second, what conditions govern account blocking as a criminal coercive measure, and how do they apply to an activist's donation account? Third, how should protection of human rights defenders against financial restrictions be formulated in the revision of the Human Rights Law?

Bennett et al., "Critical Perspectives on the Security and Protection of Human Rights Defenders," *The International Journal of Human Rights* 19, no. 7 (2015): 883–95, https://doi.org/10.1080/13642987.2015.1075301.

[11] Thomas Carothers and Saskia Brechenmacher, *Closing Space: Democracy and Human Rights Support Under Fire* (Washington, DC: Carnegie Endowment for International Peace, 2014); Antoine Buyse, "Squeezing Civic Space: Restrictions on Civil Society Organizations and the Linkages with Human Rights," *The International Journal of Human Rights* 22, no. 8 (2018): 966–88, https://doi.org/10.1080/13642987.2018.1492916; Kendra Dupuy, James Ron, and Aseem Prakash, "Hands Off My Regime! Governments' Restrictions on Foreign Aid to Non-Governmental Organizations in Poor and Middle-Income Countries," *World Development* 84 (2016): 299–311, https://doi.org/10.1016/j.worlddev.2016.02.001; Suparna Chaudhry, "The Assault on Civil Society: Explaining State Crackdown on NGOs," *International Organization* 76, no. 3 (2022): 549–90, https://doi.org/10.1017/S0020818321000473.

[12] Ken M. P. Setiawan and Dirk Tomsa, "Defending a Vulnerable Yet Resilient Democracy: Civil Society Activism in Jokowi's Indonesia," *Journal of Current Southeast Asian Affairs* 42, no. 3 (2023): 308–35, https://doi.org/10.1177/18681034231209058; Marcus Mietzner, "Sources of Resistance to Democratic Decline: Indonesian Civil Society and Its Trials," *Democratization* 28, no. 1 (2021): 161–78, https://doi.org/10.1080/13510347.2020.1796649; Thomas P. Power, "Jokowi's Authoritarian Turn and Indonesia's Democratic Decline," *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 307–38, https://doi.org/10.1080/00074918.2018.1549918.

2. Method

This is doctrinal (normative) legal research on positive norms, principles, and doctrine.[13] It analyzes a publicly reported case; it does not adjudicate the legality of a concrete act. The statutory approach examines the Banking Law as amended by Law No. 4 of 2023, the Anti-Money Laundering Law, Law No. 9 of 1961 on the Collection of Money or Goods, the 2025 KUHAP, Law No. 1 of 2026 on Criminal Penalty Adjustment, Law No. 39 of 1999, and implementing regulations, including OJK Regulations No. 8 of 2023 and No. 44 of 2024. The conceptual approach distinguishes postponement (*penundaan transaksi*), temporary suspension (*penghentian sementara transaksi*), and blocking (*pemblokiran*), and clarifies the concept of defenders and the test for restricting rights. The case approach applies these norms to the AMPB case, with reference to the FPI (2021) and dormant-account (2025) suspensions.

Primary materials are domestic legislation, the ICCPR, the UN Declaration on Human Rights Defenders, and General Comment No. 37; secondary materials are books, peer-reviewed articles, UN Special Rapporteur reports, and FATF documents. The Human Rights Bill is examined in the version released for public consultation on May 11, 2026, and treated as *ius constituendum*.

Case facts were handled in three steps. Selection: only statements attributed by name or office to the bank, police, PPATK, and OJK were used. Corroboration: a fact was accepted only if reported consistently by at least two outlets or confirmed by the institution; divergences, such as whether inquiry officers (*penyelidik*) or investigators (*penyidik*) made the request, are recorded, not resolved. Weighting: institutional self-characterizations were treated as claims to be tested against statutory criteria. The police letter, the bank's record (*berita acara*), and any notice to the account holder could not be obtained. The analysis therefore identifies the regimes that could have applied and the conclusions that follow under each, without determining whether the restriction was lawful.

Legal materials were analyzed prescriptively by (1) grammatical and systematic interpretation of each provision's addressee, trigger, form, and duration; (2) ordering norms by the hierarchy in Article 7 of Law No. 12 of 2011; (3) resolving conflicts through *lex specialis*, *lex posterior*, and *lex superior*; and (4) evaluating the framework against constitutional and international human rights standards.

3. Analysis or Discussion

3.1. Limits on Banks' Authority to Restrict Customer Accounts

3.1.1 The Relationship Between Banks and Customers and the Principle of Bank Secrecy

The bank–depositor relationship arises from contract but is characterized as fiduciary: the customer entrusts funds in confidence that the bank will manage them prudently, keep them confidential, and return them on instruction.[14] Two obligations follow: to carry out the customer's instructions absent a valid legal basis to refuse, and to keep depositor information confidential under Article 40 of the

[13] Peter Mahmud Marzuki, *Legal Research*, Rev. (Jakarta: Kencana, 2017).
[14] Hermansyah, *Indonesian National Banking Law*, Rev. (Jakarta: Kencana, 2005).

Banking Law as amended by Law No. 4 of 2023, subject to exceptions including disclosure for criminal proceedings with OJK permission under Article 42 and OJK Regulation No. 44 of 2024.

These obligations concern different objects and authorities. Secrecy exceptions govern disclosure; they allow an investigator to know, not to restrict. Restricting the use of funds requires a separate basis in contract, anti-money laundering compliance, or criminal procedure. The former rule that blocking a suspect's deposits needed no central bank permission (Article 12(1) of Bank Indonesia Regulation No. 2/19/PBI/2000) reflected this separation; it was revoked by OJK Regulation No. 44 of 2024, which concerns access to information. A permission to open bank secrecy thus cannot justify restricting an account. Sutiawan et al. show that police requests to freeze funds have at times rested on insufficient grounds, leaving customers vulnerable.[15]

Banks may therefore restrict transactions only on three grounds: contract (for example, collateral or the customer's own request); the bank's own obligations as a reporting party, including postponement under Article 26 of the Anti-Money Laundering Law; or a written order or request from an authorized official. Other unilateral restrictions breach the contract and may constitute an unlawful act, opening complaints to the OJK, alternative dispute resolution, or civil suits.[16]

3.1.2 Four Restriction Regimes in the Anti-Money Laundering Law

The Anti-Money Laundering Law recognizes four restrictions. The first is postponement by the financial service provider (Article 26), for up to five business days, where the user conducts a transaction reasonably suspected of involving proceeds of an offense under Article 2(1), holds an account for such proceeds, or uses forged documents. The postponement must be recorded in a *berita acara*, copied to the user, and reported to PPATK within 24 hours; on the fifth day the provider must execute or reject the transaction. It is an action on the provider's own initiative and assessment; Article 26 itself does not provide for a request or order by another party.

The second is postponement ordered by an investigator, public prosecutor, or judge (Article 70) for assets known or reasonably suspected to be proceeds of crime. The order must be written, naming the official, the person concerned, the reasons, and the location of the assets; it lasts up to five business days; and the reporting party must execute it immediately and report back within one business day. Unlike Article 71, Article 70 does not limit whose transactions may be postponed, but it shares the condition of suspected proceeds of crime. Article 47 of OJK Regulation No. 8 of 2023 obliges providers to postpone transactions upon an order or request from PPATK, investigators, prosecutors, or judges.

The third is temporary suspension at PPATK's request (Article 44(1)(i) in conjunction with Article 65), used for the FPI and dormant accounts; only PPATK may request it. The fourth is blocking (Article 71): investigators, prosecutors, or judges may order the reporting party to block suspected proceeds of crime belonging to a person reported by PPATK, a suspect, or a defendant. The written order must state the official, the person, the grounds, the offense suspected or

[15] Sutiawan, Mulyati, and Tajudin, "Customer Protection Regarding the Disclosure of Bank Secrets."
[16] Sopamena, "Unilateral Account Freezing by Banks."

charged, and the location of the assets; blocking lasts up to 30 business days and then ends by operation of law. Liability rests with the ordering official.

In short, an Article 26 postponement is the bank's own decision; an Article 70 postponement is one the bank must execute on a written order; a temporary suspension follows PPATK's request; and blocking follows a written order concerning a reported person, suspect, or defendant. Each allocates liability and avenues of objection differently.

3.1.3 Classifying the Restriction in the AMPB Case

The parties' statements do not identify which regime was used. The police invoked Article 26, which concerns the provider's own postponement; the bank cited a law enforcement request; the OJK referred to Article 47 of OJK Regulation No. 8 of 2023;[17] and PPATK denied involvement. Without the letter, four classifications are possible.

First, if the letter was a written order under Article 70, the bank was bound to execute it and responsibility lies with the ordering official. The question is then whether the order met Article 70 formally (a written instrument with the required contents) and materially (suspected proceeds of an offense under Article 2(1)). Citing Article 26 would be a mislabeling, which alone would not invalidate a compliant order. Reports also diverge on whether inquiry officers or investigators made the request;[18] Article 70 empowers only investigators, prosecutors, and judges.

Second, if the letter merely requested information or coordination, the bank could postpone only on its own Article 26 assessment, which requires its own reasonable suspicion under Article 26(2), a record copied to the customer, and a report to PPATK. A police letter may prompt but cannot replace that assessment; nor does it prove that the bank made none, which only its records can show.

Third, a PPATK suspension is excluded by PPATK's denial. Fourth, Article 71 blocking would have required the account holder to be a reported person, suspect, or defendant, whereas the coordinator had only been asked for clarification;[19] its subject requirement does not appear to have been met, which may explain the "postponement" label. Classification determines accountability and the avenue of objection, and the divergent descriptions left the customer unable to identify either.

A bank executing a binding order is protected, but a bank acting on a non-binding request without its own assessment cannot shift responsibility to the requester. OJK Regulation No. 22 of 2023 on Consumer and Public Protection requires fair treatment and clear information. The bank's refusal to disclose the requesting agency, duration, and procedure for lifting the restriction is difficult to reconcile with these obligations, and for an Article 26 postponement, Article 26(4) required a copy of the record to be given to the customer.

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[17] Infobanknews, "OJK's Statement."
[18] Tangsel Pos, "Bank Mandiri Restores Botok's Account."
[19] Arina.id, "The Mystery of the Freezing of Supriyono 'Botok's' Account: PPATK Denies Involvement, Police Admit They Asked Bank Mandiri to Halt Transactions," August 2026, https://www.arina.id/berita/ar-c7fzw/teka-teki-pemblokiran-rekening-supriyono--botok---ppatk-membantah--polisi-akui-minta-bank-mandiri-menghentikan-transaksi.

3.2. Limits on Criminal Enforcement Measures Against Personal Accounts

3.2.1 Blocking as a Coercive Measure

Blocking assets is a coercive measure because it restricts property rights before judgment, and is valid only if formal requirements (authorized official, form, procedure) and substantive requirements (a suspected offense and a link between the property and that offense) are met. In Packer's terms, insistence on these requirements distinguishes the due process model from the crime control model.[20]

The 2025 KUHAP defines blocking as preventing access to the use or transfer of assets on the order of an investigator, prosecutor, or judge (Article 1 point 37) and lists it among coercive measures (Article 89(h)). Under Article 140, blocking requires the permission of the chief judge of the district court; the application must state the offense, the facts linking each object to it, and the form and purpose of blocking; the court decides within two days; and blocking may last one year, extendable twice by six months. In urgent circumstances, including risk of asset transfer and "the investigator's assessment," blocking may precede permission, but approval must be sought within 2×24 hours, and a refused blocking must be lifted within three working days. Article 158(a) allows pretrial review of the lawfulness of coercive measures, continuing the direction of Constitutional Court Decision No. 21/PUU-XII/2014.

Article 68 of the Anti-Money Laundering Law applies general procedural law "unless otherwise provided in this Law," and Article 74 assigns money laundering investigations to predicate-offense investigators; Article 367 of the 2025 KUHAP preserves procedural rules specifically regulated in sectoral statutes. Three propositions follow. First, in money laundering or predicate-offense investigations, Articles 70 and 71 operate as *lex specialis* and need no prior court permission under Article 140, though their own conditions apply and pretrial review under Article 158(a) is arguably not excluded. Second, where the offense is not a predicate offense, Articles 70 and 71 are unavailable, and any restriction by investigators falls under Article 140. Third, a measure preventing the use of funds, as a five-day postponement does, falls within the KUHAP definition of blocking whatever its label.

Hence, if the AMPB measure was a genuine Article 26 postponement, KUHAP does not apply; if it was in substance a law enforcement restriction in an inquiry into a non-predicate offense, Article 140 safeguards would have applied and, on the public record, were not used. This conclusion remains provisional until the letter is disclosed.

3.2.2 Substantive Requirements for the Underlying Criminal Offense and the Connection of Funds

Articles 26, 70, and 71 all require assets reasonably suspected to derive from an offense under Article 2(1), which lists predicate offenses, including fraud (*penipuan*) and embezzlement (*penggelapan*) without any penalty threshold, and a residual category of offenses punishable by four years' imprisonment or more. The only disclosed allegation is collecting public funds without a permit under Law No. 9 of 1961. Article 2(1) of that law requires prior permission, Article 2(2) exempts collections required by religion or custom and those "within a limited environment,"

[20] Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford: Stanford University Press, 1968).

and Article 8(1) originally punished violations with up to three months' light imprisonment (*kurungan*) or a fine; Law No. 1 of 2026 converts such *kurungan* threats outside the Penal Code into fines.

The offense is not a listed predicate offense and falls far below the four-year threshold. Two qualifications apply. If investigators had concrete indications that donations were solicited deceptively or misappropriated, fraud or embezzlement could be relevant; no such allegation was disclosed, and the police described their inquiry as concerning the purpose and legality of the fundraising.[21] Moreover, whether solidarity funds for a protest fall within the law's scope (social welfare, religious, physical, and cultural development, Article 1) or its limited-environment exemption is unsettled. On the disclosed facts, the shared material condition of Articles 26, 70, and 71 does not appear to be met; this is a conclusion about the disclosed allegation, not a finding that no offense could exist.

Voluntary donations are not proceeds of crime in the sense of funds obtained by harming others and disguised. Even if a permit was required, the breach of a licensing rule now sanctioned only by a fine does not transform donations into proceeds of crime. Sjahdeini notes that the anti-money laundering regime aims to sever the flow of proceeds of serious crime to perpetrators;[22] using it against transparent civic fundraising would deviate from that purpose.

3.2.3 Timing of Restrictions and the Risk of Abuse of Coercive Measures

The restriction was imposed days before the protest and lifted one day before it, after the police said they had obtained information on the source of the funds.[23] This does not prove that less restrictive means would have sufficed from the outset, since investigators decide on the information then available; it does show that the information needed, donor identity and records of use, is ordinarily obtainable through requests for clarification and documents. The public record does not establish the motive, and no inference about it is drawn.

3.3. Protection of Human Rights Defenders Against Restrictions on Financial Access

3.3.1 Affected Rights

Restrictions on activists' accounts affect several rights: property (Article 28H(4) of the 1945 Constitution; Article 36 of Law No. 39 of 1999); the freedoms of association, assembly, and expression (Article 28E(3) of the Constitution; Articles 24–25 of the Human Rights Law; Articles 19, 21, and 22 of the ICCPR, ratified by Law No. 12 of 2005); collective advocacy (Article 28C(2)); and an effective remedy.

Demonstrations require transport, food, supplies, and legal aid; restricting their funding restricts assembly even without a ban. General Comment No. 37 affirms that Article 21 of the ICCPR covers activities associated with organizing an assembly, including mobilizing resources and planning.[24]

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[21] IDN Times, "Polda Metro Reveals Why."
[22] Sutan Remy Sjahdeini, *The Ins and Outs of Money Laundering and Terrorist Financing* (Jakarta: Pustaka Utama Grafiti, 2004).
[23] AFU.id, "Finally, Bank Mandiri Reactivates Mas Botok Pati's Account for the August 27 Protest."
[24] UN Human Rights Committee, "General Comment No. 37 (2020) on the Right to Peaceful Assembly (Article 21)," September 2020.

3.3.2 The Right to Resources in International Standards

Article 13 of the 1998 Declaration on Human Rights Defenders grants everyone the right to solicit, receive, and utilize resources to promote and protect human rights by peaceful means.[25] Special Rapporteur Maina Kiai stressed that this ability is integral to freedom of association, without which that freedom loses its meaning.[26]

Special Rapporteur Fionnuala Ní Aoláin found that overbroad application of FATF Recommendation 8 led states to regulate civil society without regard to necessity and proportionality, and that banks restricted services and closed accounts of civil society actors on a "de-risking" basis.[27] The FATF revised Recommendation 8 on November 16, 2023, to curb disproportionate measures against nonprofits.[28] Since Indonesia's regime was built to meet FATF standards, its interpretation should follow these corrections.

3.3.3 Qualifying the AMPB Coordinator as a Human Rights Defender

Article 13 protects activities to promote and protect rights by peaceful means, so the coordinator's status must be shown, not assumed. Article 1 of the Declaration is functional: what matters is the activity, not profession or self-designation. OHCHR identifies minimum criteria: acting to promote or protect human rights, accepting their universality, and acting peacefully.[29] These criteria are open-textured and require case-by-case assessment, and protection should follow the risk created by the activity.[30]

Participating in a protest or collecting donations is not by itself sufficient. As reported, the coordinator organized residents to join an announced, donation-funded protest before the House of Representatives, with no allegation of violence. To the extent that the protest conveyed collective grievances to state institutions peacefully, the activity concerns assembly, expression, and participation in public affairs (Articles 19, 21, and 25 ICCPR) and meets the functional criteria.

The coordinator is therefore treated as a defender, with two caveats: the classification depends on peacefulness and is rebuttable, and the property and assembly rights discussed here apply regardless of status. The status matters chiefly

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[25] United Nations General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," December 1998.

[26] Maina Kiai, "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association," April 2013.

[27] Fionnuala Ní Aoláin, "Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Impact of Measures to Address Terrorism and Violent Extremism on Civic Space and the Rights of Civil Society Actors and Human Rights Defenders," February 2019, https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/A_HRC_40_52_EN.pdf.

[28] Financial Action Task Force, "Non-Profit Organizations," 2026, https://www.fatf-gafi.org/en/topics/non-profit-organisations.html.

[29] Office of the United Nations High Commissioner for Human Rights, *Human Rights Defenders: Protecting the Right to Defend Human Rights*, Fact Sheet No. 29 (United Nations, 2004).

[30] Aikaterini Christina Koula, "The UN Definition of Human Rights Defenders: Alternative Interpretative Approaches," *Queen Mary Human Rights Law Review* 5, no. 1 (2019): 1–20; Nah et al., "A Research Agenda."

for Article 13 and for statutory safeguards, which should define the protected activity rather than the protected person.

3.3.4 Testing Restrictions on Rights

Property and association are not absolute. Article 28J(2) of the Constitution permits restrictions by law for the rights of others, morality, religious values, security, and public order, and Article 22(2) of the ICCPR requires necessity in a democratic society. Article 28J(2) has not yet been applied through a structured proportionality test.[31] Under the standard framework, a restriction must have a legal basis, pursue a legitimate aim, and be suitable, necessary, and proportionate in the strict sense.[32]

Within the evidentiary limits stated above, the stages yield conclusions of different strength. Legal basis: the provision used is not identified, and under each plausible classification the condition of suspected proceeds of a predicate offense does not appear to be met. This is a serious doubt about legality, not an established violation, and an order showing a predicate-offense basis could dispel it; the lack of notice of the basis, official, and duration is independently a foreseeability problem. Legitimate aim: verifying lawful fundraising and protecting donors relate to public order and the rights of others. Suitability: halting transactions can preserve funds pending verification.

Necessity, judged at the time of decision: document requests, clarification, a bank secrecy disclosure request, or limiting only large outgoing transfers were available, and no risk of dissipation is disclosed. Balancing: examining a fine-only licensing offense weighs against directly impeding a constitutionally protected assembly. Unless the undisclosed documents reveal a more serious suspicion, the balance does not appear to favor the restriction.

The documented harm is that protest funds could not be used in the days before the protest. A chilling effect on donors and other activists is a probable consequence identified in the literature, but no data for this case are available. Funding restrictions weaken civil society precisely because they appear administrative and are rarely recognized as rights violations.[33]

3.3.5 Gaps in Protection and Regulatory Direction in the Revision of the Human Rights Law

Law No. 39 of 1999 does not recognize human rights defenders; Articles 100–103 regulate participation without specific protection. Existing protection is sectoral: Article 66 of Law No. 32 of 2009, Supreme Court Regulation No. 1 of 2023, and Ministry of Environment and Forestry Regulation No. 10 of 2024 cover environmental defenders only, and Komnas HAM Regulation No. 5 of 2015 binds

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[31] Muhamad Dzadit Taqwa, "Tracing the Proportionality in Article 28J(2) of the 1945 Constitution of the Republic of Indonesia," *Jurnal Konstitusi* 22, no. 3 (2025): 483–507, https://doi.org/10.31078/jk2234.

[32] Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations* (Cambridge: Cambridge University Press, 2012); Alec Stone Sweet and Jud Mathews, "Proportionality Balancing and Global Constitutionalism," *Columbia Journal of Transnational Law* 47 (2008): 72–164.

[33] Carothers and Brechenmacher, *Closing Space: Democracy and Human Rights Support Under Fire*; Buyse, "Squeezing Civic Space."

neither law enforcement, the OJK, PPATK, nor banks. Rizal notes that protection must then rely on general criminal defenses that operate only after prosecution.[34] None addresses financial access.

The government's draft revision examined here is the version released by the Ministry of Human Rights for public consultation on May 11, 2026, and published on its website.[35] A civil society coalition that reviewed this version identifies two relevant provisions.[36] Article 1 point 14 recognizes defenders as individuals or groups engaged in peaceful, nonviolent activities to protect, promote, uphold, fulfill, and respect human rights. Article 115 grants immunity from criminal prosecution and civil suit, conditioned on good faith and non-violence. The government also promised protection from intimidation and public funding support.[37]

The coalition warns that "non-violence" and "good faith" invite narrow interpretation and that the draft lacks protection, complaint, risk-mitigation, and recovery mechanisms and provisions for women and environmental defenders. None of the provisions identified addresses defenders' access to resources or financial services. The draft's model thus remains immunity from prosecution and suit. It does not reach restrictions that are not legal actions, such as account restrictions or denial of financial services: the AMPB coordinator was neither prosecuted nor sued, yet his capacity to act was paralyzed.

This article proposes four sets of provisions. First, explicit recognition of defenders' right to solicit, receive, and use resources, including public donations, as in Article 13 of the Declaration. Second, a safeguard calibrated to the type of restriction rather than a blanket prohibition, distinguishing (a) banks' own prudential and anti-money laundering measures, including Article 26 postponement, which must remain available; (b) suspensions, postponements, and blocking by PPATK or law enforcement under Articles 65, 70, and 71; and (c) restrictions under Article 140 of the 2025 KUHAP for other offenses. None should be prohibited, but where an account collects funds for peaceful human rights activity, measures in categories (b) and (c) must rest on a written, reasoned instrument stating the legal basis, official, suspected offense, and duration, and category (a) measures exceeding their statutory period must be lifted or converted.

Third, procedural guarantees: notice to the account holder within one working day, with narrow, time-limited deferral only where notice would defeat an ongoing investigation; expedited district court review building on the pretrial mechanism; the burden of justification on the restricting authority, with good faith presumed;

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[34] Rizal, "Legal Protection for Human Rights Defenders: A Perspective from the Theory of Justifications for Exemption from Criminal Liability."

[35] Komnas HAM, "Press Release No. 20/HM.00/V/2026," May 26, 2026, https://www.komnasham.go.id/uploads/20260526-keterangan-pers-nomor-20-HM-00-V-2026-final%201.pdf.

[36] YLBHI et al., "Problems with the Revision of the Human Rights Law: Rejection and Critical Notes from the Civil Society Coalition," 2026, https://ylbhi.or.id/informasi/siaran-pers/problema-revisi-uu-ham-penolakan-dan-catatan-kritis-koalisi-masyarakat-sipil/.

[37] Eka Siburian, "Human Rights Bill: Defending Human Rights Defenders," June 2026, https://www.antaranews.com/berita/5615216/ruu-ham-membela-pembela-hak-asasi-manusia; Tirto.id, "Revision of the Human Rights Law: Human Rights Activists Cannot Be Subject to Criminal or Civil Sanctions," May 2026, https://tirto.id/revisi-uu-ham-aktivis-ham-tak-bisa-disanksi-pidana-dan-perdata-hwJM.

and remedies, including immediate release of funds and compensation for unlawful restrictions. Fourth, an emergency mechanism through an independent national human rights institution empowered to request clarification or cessation from law enforcement, the OJK, PPATK, and providers. Such a safeguard does not exempt defenders from anti-money laundering supervision, which revised Recommendation 8 frames as risk-based and proportionate, but makes financial restrictions on civic activity visible, reasoned, and reviewable.

The OJK and PPATK should issue joint guidelines clarifying that Article 26 postponement is the provider's own decision, that law enforcement requests must take the form of an order under Article 70 or 71 or follow Article 140 of the 2025 KUHAP, and that banks must inform customers of the basis of any restriction where the law permits. This also responds to Bone, Rahayu, and Herawati's finding that weak protection stems from enforcement institutions' failure to internalize human rights values.[38]

4. Conclusion

First, Indonesian law recognizes distinct restriction regimes that the AMPB debate conflated: a provider's postponement (Article 26), a law-enforcement-ordered postponement (Article 70), a PPATK suspension (Article 65), blocking (Article 71), and blocking under Article 140 of the 2025 KUHAP. They differ in addressee, trigger, form, duration, and avenue of objection, and bank secrecy exceptions, which concern disclosure, substitute for none of them.

Second, every anti-money laundering regime presupposes suspected proceeds of a predicate offense. On the disclosed facts, the only allegation, unlicensed fundraising now punishable only by a fine, does not meet that condition, and Article 71's subject requirement appears unmet. If the measure was in substance a law enforcement restriction in a non-predicate inquiry, KUHAP court permission and pretrial review would have applied. These conclusions are conditional on documents not yet disclosed.

Third, under the five-stage test the restriction raises serious doubts on legality and necessity and does not appear proportionate. The coordinator's activities, as reported, meet the functional criteria of a defender, but neither Law No. 39 of 1999 nor the draft Bill addresses financial restrictions.

Conceptually, the article frames financial access as an enabling condition for civic participation. Its main limitation is evidentiary, resting on attributed public statements rather than primary documents. In policy terms, it supports a calibrated safeguard in the Human Rights Bill, comprising reasoned written instruments, prompt notice, expedited review, a burden of justification on the authority, and remedies, together with joint OJK–PPATK guidance that preserves legitimate prudential and anti-money laundering functions.

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