

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 1 OF 2023
ON
CRIMINAL CODE**

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that in order to realize national criminal law of the Unitary State of the Republic of Indonesia that is based on Pancasila and the 1945 Constitution of the Republic of Indonesia as well as the general principles of law recognized by the nations, it is necessary to formulate the national criminal law to replace the Criminal Code inherited from the Dutch East Indies colonial government;
- b. that the national criminal law shall be adjusted with legal politics, conditions, and development of social, national and state life which are intended to respect and uphold human rights, based on the belief in One and Only God, just and civilized humanity, unity of Indonesia, democracy led by the wisdom of the representatives of the people, and social justice for all Indonesian people;
- c. that the materials of the national criminal law shall also regulate the balance between public or state interests and individual interests, between the protection for criminal offenders and victims of crime, between elements of action and mental attitude, between legal certainty and justice, between written law and the law that lives in the community, between national values and universal values, and between human rights and human obligations;
- d. that based on the considerations as referred to in letter a, letter b, and letter c, it has been deemed necessary to enact Law on Criminal Code;

Observing:

Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia;

By the Mutual Consent of
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
AND
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact:

LAW ON CRIMINAL CODE

**BOOK ONE
GENERAL PROVISIONS**

**CHAPTER I
SCOPE OF IMPLEMENTATION OF THE PROVISIONS OF CRIMINAL LAWS AND REGULATIONS**

**Division One
Pursuant to Time**

Article 1

- (1) No act shall be sentenced with criminal sanctions and/or measures, with the exception of under the capacity of criminal regulation in the laws and regulations that existed before the act is committed.
- (2) In determining the existence of Crime, analogy must not be used.

Article 2

- (1) Provisions as referred to in Article 1 paragraph (1) shall not diminish the enforceability of the laws that live in the community which determine whether a person should be sentenced even though such act is not regulated in this Law.
- (2) The laws that live in the community as referred to in paragraph (1) shall be applicable at the place where the laws live and as long as not regulated in this Law and in accordance with the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general principles of law recognized by the nations.
- (3) Provisions regarding the procedures and criteria for the determination of laws that live in the community shall be regulated in a Regulation of the Government.

Article 3

- (1) In the event of any amendment to the laws and regulations after the act occurred, the new laws and regulations shall be applicable, with the exception if the provisions of the obsolete laws and regulations are beneficial to the offender and accomplice of the Crime.
- (2) In the event that the act that occurred is no longer a Crime in accordance with the new laws and regulations, the legal proceeding against suspects or defendants must be terminated by operation of law.
- (3) In the event that the provision as referred to in paragraph (2) is applied to suspects or defendants in detentions, the suspects or defendants must be released by the authorized Officials in accordance with the inspection level.
- (4) In the event that after the criminal decision has had a permanent legal force and the action that occurred is no longer a Crime in accordance with the new laws and regulations, the implementation of the criminal decision will be abolished.
- (5) In the event that the criminal decision has had a permanent legal force as referred to in paragraph (4), the institution or Official conducting the release shall be the authorized institution or Official.

- (6) The release as referred to in paragraph (3) and paragraph (5) does not give rise to the right of the suspect, defendant or convict to demand compensation.
- (7) In the event that after the criminal decision has had a permanent legal force and the actions that occur are threatened with a lighter sentence according to the new laws and regulations, the implementation of the criminal decision shall be adjusted to the criminal threshold according to the new laws and regulations.

**Division Two
Pursuant to Place**

**Subdivision 1
Territorial Principle**

Article 4

Criminal provisions in the Law shall be applicable to Any Person who committed:

- a. Crime within the territory of the Unitary State of the Republic of Indonesia;
- b. Crime in Indonesian Ship or Indonesian Aircraft; or
- c. Crime in the field of information technology or other Crimes which consequences are experienced or occurred within the territory of the Unitary State of the Republic of Indonesia or in Indonesian Ship or Indonesian Aircraft.

**Subdivision 2
Protective Principle and Passive Nationality Principle**

Article 5

Criminal provisions in the Law shall be applicable to Any Person outside of the territory of the Unitary State of the Republic of Indonesia who committed a Crime against the interest of the Unitary State of the Republic of Indonesia related to:

- a. state security or state administration process;
- b. dignity of the President, Vice President, and/or Indonesian Officials abroad;
- c. currency, seal, state stamp, stamp duty, or Securities issued by Indonesian Government, or credit card issued by Indonesian banking;
- d. Indonesian economy, trading, and banking;
- e. sailing and aviation safety or security;
- f. safety or security of buildings, equipment, and national assets or the state of Indonesia;
- g. safety or security of electronic communication system;
- h. Indonesian national interests as stipulated in the Law; or
- i. Indonesian Citizens based on international agreement with the country where the Crime occurred.

Subdivision 3

Universality Principle

Article 6

Criminal provisions in the Law shall be applicable to Any Person who is located outside of the territory of the Unitary State of the Republic of Indonesia who committed a Crime pursuant to international laws that has been stipulated as a Crime in the Law.

Article 7

Criminal provisions in the Law shall be applicable to Any Person who committed a Crime outside of the territory of the Unitary State of the Republic of Indonesia whose prosecution is taken over by the Indonesian Government on the basis of an international agreement which authorizes the Indonesian Government to carry out criminal prosecutions.

Subdivision 4

Active Nationality Principle

Article 8

- (1) Criminal provisions in the Law shall be applicable to any Indonesian citizens who committed a Crime outside of the Unitary State of the Republic of Indonesia.
- (2) The provision as referred to in paragraph (1) shall be applicable if such act is also a Crime in the country where the Crime is committed.
- (3) The provision as referred to in paragraph (1) is not applicable for Crimes punishable by a maximum criminal fine of category III.
- (4) Prosecution of the Crime as referred to in paragraph (1) shall be conducted even though the suspect become an Indonesian citizen after such Crime is committed, so long as such act is a Crime in the country where the Crime is committed.
- (5) Indonesian citizen outside of the Unitary State of the Republic of Indonesia who committed a Crime as referred to in paragraph (1) may not be punished with capital punishment if such Crime in accordance with the law of the country where the Crime is committed is not threatened with capital punishment.

Subdivision 5

Exception

Article 9

Implementation of the provisions as referred to in Article 4 to Article 8 shall be restricted by matters exempted pursuant to prevailing international agreements.

**Division Three
Time of Crime**

Article 10

Time of Crime is the time at which the criminal act is committed.

**Division Four
Place of Crime**

Article 11

Place of Crime is the place where the criminal act is committed.

**CHAPTER II
CRIME AND CRIMINAL LIABILITY**

**Division One
Crime**

**Subdivision 1
General**

Article 12

- (1) Crime is an act which by laws and regulations is threatened with a criminal sanction and/or measure.
- (2) In order to be declared as a Crime, an act which is threatened with a criminal sanction and/or measure by laws and regulations must be unlawful or contrary to the laws that live in the community.
- (3) Every Crime is always unlawful unless there is a lawful justification.

**Subdivision 2
Criminal Conspiracy**

Article 13

- (1) A criminal conspiracy occurs if 2 (two) persons or more agree to commit a Crime.
- (2) A criminal conspiracy to commit a Crime shall be sentenced if it is expressly specified in the Law.
- (3) The criminal sentence for a criminal conspiracy to commit a Crime shall be a maximum of 1/3 (one-third)

of the maximum principal sentence for the relevant Crime.

- (4) A criminal conspiracy to commit a Crime which is sentenced with capital punishment or life imprisonment shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (5) The additional sentence for criminal conspiracy to commit a crime is the same as the additional sentence for the relevant Crime.

Article 14

A criminal conspiracy to commit a Crime is not punished if the offender:

- a. withdraws from the agreement; or
- b. takes appropriate actions to prevent the occurrence of the Crime.

Subdivision 3

Preparation

Article 15

- (1) A preparation to commit a Crime occurs if the offender attempts to obtain or prepare facilities in the form of tools, collect information, or formulate action plans, or undertake similar actions which are intended to create conditions for the commission of an act which is directly intended for the completion of a Crime.
- (2) A preparation to commit a Crime shall be punished if it is expressly specified in the Law.
- (3) The criminal sentence for a preparation to commit a Crime shall be a maximum 1/2 (one half) of the maximum principal sentence for the relevant Crime.
- (4) A preparation to commit a Crime which is threatened with capital punishment or life imprisonment shall be sentenced with imprisonment for a maximum of 10 (ten) years.
- (5) The additional sentence for a preparation to commit a Crime is the same as the additional sentence for the relevant Crime.

Article 16

A preparation to commit a Crime shall not be sentenced if the offender stops or prevents the possibility of creating the conditions as referred to in Article 15 paragraph (1).

Subdivision 4

Attempt

Article 17

- (1) An attempt to commit a Crime shall occur if the intention of the offender is evident from the start of the execution of the intended Crime, but its execution is not completed, does not achieve the result, or does not cause the prohibited result, not solely because of his/her own will.
- (2) The start of execution as referred to in paragraph (1) occurs if:

- a. the act committed was intended or aimed at the occurrence of a Crime; and
 - b. the act committed directly has the potential to lead to the intended Crime.
- (3) The criminal sentence for an attempted Crime shall be a maximum of 2/3 (two-thirds) of the maximum principal sentence for the relevant Crime.
 - (4) An attempted Crime which is threatened with capital punishment or life imprisonment, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
 - (5) Additional sentence for an attempted Crime shall be the same as the additional sentence for the relevant Crime.

Article 18

- (1) An attempted Crime shall not be sentenced if the offender after conducting the start of the execution as referred to in Article 17 paragraph (1):
 - a. does not complete his/her actions due to his/her own will voluntarily; or
 - b. prevent the achievement of objectives or the consequences of his/her actions by his/her own will.
- (2) In the event that the attempt as referred to in paragraph (1) has caused losses or according to the laws and regulations is a separate Crime, the offender may be held accountable for said Crime.

Article 19

An attempted Crime which is only threatened with criminal fines for a maximum of category II shall not be sentenced.

Subdivision 5 Participation

Article 20

Any Person shall be sentenced as a criminal offender if:

- a. he/she commits a Crime him/herself;
- b. commits a Crime by means of a tool or ordering other persons who cannot be accounted for;
- c. participates in committing a Crime; or
- d. mobilizes other persons to commit Crime by giving or promising something, abusing their power or dignity, committing Violence, using Threats of Violence, committing misdirection, or by providing opportunities, facilities, or information.

Article 21

- (1) Any Person shall be sentenced as an accomplice to a Crime if they intentionally:
 - a. provides opportunities, facilities, or information to commit a Crime; or
 - b. provide assistance at the time the Crime is committed.

- (2) The provision as referred to in paragraph (1) does not apply for assistance in a Crime which is only sentenced with a maximum criminal fine of category II.
- (3) The criminal sentence for assistance in a Crime shall be a maximum of 2/3 (two thirds) of the maximum threat of principal sentence for the relevant Crime.
- (4) Assistance in a Crime, which is threatened with capital punishment or life imprisonment, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (5) Additional sentence for assistance in a Crime is the same as the additional sentence for the relevant Crime.

Article 22

The personal condition of offenders as referred to in Article 20 or the accomplice as referred to in Article 21 may abolish, reduce, or aggravate their crime.

Subdivision 6

Recidivism

Article 23

- (1) Recidivism of Crime occurs if Any Person:
 - a. commits the Crime again within 5 (five) years after serving all or part of the imposed principal sentence or the imposed principal sentence has been abolished; or
 - b. at the time of committing the Crime, the obligation to serve the previously imposed principal sentence has not yet expired.
- (2) The Crimes as referred to in Paragraph (1) shall include any Crimes threatened with special minimum sentence, imprisonment for 4 (four) years or longer, or a minimum criminal fine of category III.
- (3) The provision as referred to in paragraph (1) also applies to the Crime of Persecution.

Subdivision 7

Crime Warranting Complaint

Article 24

- (1) In certain cases, criminal offenders may only be prosecuted on the basis of complaints.
- (2) Crime Warranting Complaints must be expressly specified in the Law.

Article 25

- (1) In the event that the Victim of a Crime warranting complaint is not yet 16 (sixteen) years old, the parents or godparents shall be the one who has the right to file a complaint.
- (2) In the event that the parents or godparents as referred to in paragraph (1) does not exist or the parents or godparents themselves are to be reported, the complaint shall be made by blood relatives in a straight

line.

- (3) In the event that there are no blood relatives in a straight line as referred to in paragraph (2), the complaint shall be made by blood relatives in a lateral line up to the third degree.
- (4) In the event that the Victim of the Crime as referred to in paragraph (1) does not have a parent, godparent, or blood relative in a straight line vertically or laterally up to the third degree, the complaint shall be made by himself or herself and/or the caseworker.

Article 26

- (1) In the event that the victim of a crime warranting complaint is under guardianship, the one who has the right to file the complaint is the guardian, except for the victim of a crime warranting complaint who is under guardianship due to extravagance.
- (2) In the event that the guardian as referred to in paragraph (1) does not exist or the guardian itself are to be reported, the complaint shall be made by the husband or wife of the Victim or blood relatives in a straight line.
- (3) In the event that the husband or wife of the Victim or blood relatives in a straight line as referred to in paragraph (2) does not exist, the complaint shall be made by blood relatives in a lateral line up to the third degree.

Article 27

In the event that the Victim of the Crime warranting complaint passed away, the complaint may be made by the parents, children, husband, or wife of the Victim, unless the Victim previously expressly did not want any prosecution.

Article 28

- (1) Complaints are to be made through the submission of notifications and requests to be prosecuted.
- (2) Complaints as referred to in paragraph (1) shall be submitted verbally or in writing to the authorized Official.

Article 29

- (1) Complaints should be filed within the following grace periods:
 - a. 6 (six) Months from the date the person entitled to complain becomes aware of the existence of a Crime if the person entitled to complain resides in the territory of the Unitary State of the Republic of Indonesia; or
 - b. 9 (nine) Months from the date the person entitled to complain becomes aware of the existence of a Crime if the person entitled to complain resides outside the territory of the Unitary State of the Republic of Indonesia.
- (2) If there is more than 1 (one) person entitled to file a complaint, the grace period as referred to in paragraph (1) shall be calculated from the date each complainant becomes aware of the Crime.

Article 30

- (1) Complaints may be withdrawn by the complainants within 3 (three) months from the date the complaint is filed.
- (2) Complaints which are withdrawn cannot be filed again.

**Subdivision 8
Lawful Justification**

Article 31

Any Person who commits a prohibited act will not be sentenced if said act is carried out in order to implement the provisions of laws and regulations.

Article 32

Any Person who commits a prohibited act will not be sentenced if said act is carried out in order to implement an official order from the authorized Official.

Article 33

Any Person who commits a prohibited act will not be sentenced if said act is committed due to an emergency.

Article 34

Any Person who is compelled to commit a prohibited act shall not be sentenced, if said act is carried out due to a defense against an attack or threat of immediate attack which are unlawful upon oneself or another person, honor in the sense of decency, or property of oneself or that of another person.

Article 35

The absence of the unlawful nature of the Crime as referred to in Article 12 paragraph (2) shall constitute a lawful justification.

**Division Two
Criminal Liability**

**Subdivision 1
General**

Article 36

- (1) Any Person may only be held accountable for any Crime which is committed intentionally or due to negligence.
- (2) Punishable acts are Crimes which are committed intentionally, while Crimes which are committed due to

negligence may be sentenced if it is expressly specified in the laws and regulations.

Article 37

In the event that it is specified by the Law, Any Person may:

- a. be sentenced solely because the elements of a Crime have been fulfilled without regard to any fault; or
- b. be held accountable for Crimes committed by others.

Article 38

Any Person who at the time of committing a Crime has a mental disability and/or intellectual disability may have a reduced criminal sentence and/or be subject to a measure.

Article 39

Any Person who at the time of committing a Crime has a mental disability in acute relapse and accompanied by psychotic features and/or moderate or severe intellectual disability cannot be sentenced, but may be subject to a measure.

Subdivision 2 Lawful Excuse

Article 40

Criminal liability cannot be imposed on children who are not yet 12 (twelve) years old at the time of committing a crime.

Article 41

In the event that children who are not yet 12 (twelve) years old committed or are suspected of committing a Crime, investigators, community advisors, and professional social workers shall take the decision to:

- a. hand them back to the Parents/godparents; or
- b. enroll them in the education, coaching, and mentoring programs in government agencies or social welfare organizing institutions within agencies which handle social welfare, both at the central and regional levels, for a maximum of 6 (six) Months.

Article 42

Any Person who commits a Crime shall not be sentenced due to:

- a. being coerced by irresistible forces; or
- b. being compelled by unavoidable threats, pressures, or forces.

Article 43

Any Person who conducts an excessive forced defense that are directly caused by severe mental shock due to an attack or threat of immediate attack which are unlawful, shall not be sentenced.

Article 44

An official order which was given without authority shall not result in the abolishment of the criminal sentence, unless the person being ordered in good faith believes that the order was given with an authority, and its implementation falls within the scope of his/her work.

Subdivision 3 Corporate Liability

Article 45

- (1) Corporations are the subject of Crimes.
- (2) Corporations as referred to in paragraph (1) shall include legal entities in the form of limited liability companies, foundations, cooperatives, state-owned enterprises, regionally-owned enterprises or the equivalent, as well as associations both incorporated and unincorporated, business entities in the form of a firma partnership, limited partnership, or the equivalent in accordance with the provisions of laws and regulations.

Article 46

Crime by Corporations are Crimes committed by management who have functional positions within the Corporation's organizational structure or persons who, based on work relationships or based on other relationships, acting for and on behalf of the Corporations or acting in the interests of the Corporations, within the scope of said Corporations' business or activities, either individually or collectively.

Article 47

Other than the provisions as referred to in Article 46, Crimes by Corporations may be committed by the order-giver (pemberi perintah), controllers, or beneficial owners of Corporations who are outside of the organizational structure, but may control the Corporations.

Article 48

Crimes by Corporations as referred to in Article 46 and Article 47 may be accounted for, if:

- a. it is included in the scope of business or activity as determined in the articles of association or other provisions applicable to Corporations;
- b. it benefit the Corporations unlawfully;
- c. it is accepted as a Corporate policy;
- d. Corporations fail to take the necessary measures in order to implement prevention, prevent a greater impact and ensure compliance with the prevailing legal provisions in order to avoid the occurrence of Crimes; and/or
- e. Corporations allow Crimes to occur.

Article 49

Liability for Crimes by Corporations as referred to in Article 48 is imposed upon Corporations, management who have functional positions, order-givers, controllers, and/or beneficial owners of Corporations.

Article 50

Lawful justifications and lawful excuses that may be submitted by management who have functional positions, order-givers, controllers, and/or beneficial owners of Corporations may also be submitted by Corporations as long as said reasons are directly related to the Crimes which are indicted to the Corporations.

CHAPTER III

SENTENCING, CRIMINAL SENTENCE, AND MEASURE

Division One

Purpose of and Guidelines for Sentencing

Subdivision 1

Purpose of Sentencing

Article 51

The purpose of sentencing is to:

- a. prevent Crime being committed by enforcing legal norms for the sake of the protection and sanctuary of the community;
- b. accustom the convicts by holding guidance and mentoring so that they become good and useful people;
- c. resolve conflicts arising from Crimes, restore balance, as well as bring a sense of security and peace within the community; and
- d. cultivate a sense of remorse and to absolve the convicted person of guilt.

Article 52

Sentencing is not intended to degrade human dignity.

Subdivision 2

Guidelines for Sentencing

Article 53

- (1) In adjudicating a criminal case, a judge is obliged to uphold the law and justice.

- (2) If in upholding law and justice as referred to in paragraph (1) there is a contradiction between legal certainty and justice, a judge is obliged to prioritize justice.

Article 54

- (1) In sentencing, the following matters must be taken into consideration:
- a. the form of fault of criminal offenders;
 - b. motive and purpose of committing the Crime;
 - c. inner attitude of criminal offenders;
 - d. the Crime is committed either planned or unplanned;
 - e. methods of committing the Crime;
 - f. attitude and actions of the offender after committing the Crime;
 - g. curriculum vitae, social condition, and economic condition of criminal offenders;
 - h. effect of criminal sentence upon the future of criminal offenders;
 - i. effect of the Crime on the Victim or the family of the Victim;
 - j. forgiveness from the Victim and/or the family of the Victim; and/or
 - k. the values of law and justice that live in the community.
- (2) The lightness of the act, the personal condition of the offender, or the circumstances at the time the Crime was committed as well as its aftermath may be used as a basis for consideration not to impose a criminal sentence or not to impose a measure by taking the aspects of justice and humanity into account.

Article 55

Any Person who commits a Crime shall not be exempted from any criminal liability based on the reasons for the abolition of the crime, if said person has intentionally caused the occurrence of a condition which may become the reason for the said abolition of the crime.

Article 56

In sentencing toward Corporation, the following matters must be taken into consideration:

- a. the level of losses or impacts caused;
- b. the level of involvement of management who have functional positions in Corporations and/or the role of order-giver, controller and/or beneficial owner of Corporations;
- c. the duration of the Crime committed;
- d. frequency of Crime by Corporation;
- e. form of fault of the Crime;
- f. involvement of Officials;
- g. values of law and justice that live in the community;
- h. track record of Corporations in conducting business or activities;

- i. the effect of sentencing upon Corporations; and/or
- j. cooperation between Corporations in the handling of Crime.

Subdivision 3

Guidelines for the Application of Imprisonment with Single Formulation and Alternative Formulation

Article 57

In the event that a Crime is threatened with principal sentence in an alternative manner, the imposition of a lighter principal sentence shall be prioritized, in the event that it is considered to be appropriate and can support the achievement of the purpose of sentencing.

Subdivision 4

Criminal Aggravation

Article 58

Factors that may aggravate the criminal sentence shall include:

- a. Officials who commit a Crime, thus violating the obligations of a specific position or commit a Crime by abusing the authorities, opportunities, or facilities given to them due to their position;
- b. use of the national flag, national anthem or national emblem of Indonesia when committing a Crime; or
- c. recidivism.

Article 59

The aggravation as referred to in Article 58 may be increased by a maximum of 1/3 (one third) of the maximum criminal sentence.

Subdivision 5

Other Provisions on Sentencing

Article 60

- (1) Imprisonment and custody (pidana tutupan) for convicts who are already in detention shall come into force when the court decision has obtained permanent legal force.
- (2) In the event that the convict is not in detention, the criminal sentence as referred to in paragraph (1) shall apply at the time when the court decision is implemented.

Article 61

- (1) Imprisonment for a certain period of time or any imposed criminal fines shall be deducted in whole or in part from the period of arrest and/or detention that the defendant has served before the court decision has

obtained permanent legal force.

- (2) The deduction of criminal fines as referred to in paragraph (1) shall be equivalent to the calculation of imprisonment in lieu of criminal fines.

Article 62

- (1) Application for pardon shall not delay the implementation of criminal decisions for the convicted, except in the event of a capital punishment.
- (2) Provisions on the requirements and procedures for application for pardon as referred to in paragraph (1) shall be regulated under a Law.

Article 63

If convicts escape, the period during which the convict escapes is not calculated as the time spent serving their prison term.

Division Two

Criminal Sentence and Measure

Subdivision 1 Criminal Sentence

Article 64

Criminal sentence consists of:

- a. principal sentence;
- b. additional sentence; and
- c. special sentence for certain Crimes stipulated under the Law.

Article 65

- (1) The principal sentence as referred to in Article 64 letter a consist of:
 - a. imprisonment;
 - b. custody;
 - c. criminal supervision;
 - d. criminal fines; and
 - e. community services.
- (2) The order of criminal sentence as referred to in paragraph (1) shall determine the severity or lightness of the criminal sentence.

Article 66

- (1) The additional sentence as referred to in Article 64 letter b consist of:
 - a. revocation of certain rights;
 - b. confiscation of certain Goods and/or invoices;
 - c. announcement of the judge's decision;
 - d. payment of compensation;
 - e. revocation of certain licenses; and
 - f. fulfillment of local customary obligations.
- (2) The additional sentence as referred to in paragraph (1) may be imposed in the event that the imposition of the principal sentence alone is insufficient to achieve the purpose of sentencing.
- (3) The additional sentence as referred to in paragraph (1) may be imposed for 1 (one) type or more.
- (4) The additional sentence for attempt and assistance is the same as the additional sentence for the Crime.
- (5) The additional sentence for members of the Indonesian National Armed Forces who commit Crimes in a connectivity case shall be imposed in accordance with the provisions of laws and regulations for the Indonesian National Armed Forces.

Article 67

Special sentence as referred to in Article 64 letter c is the capital punishment which is always threatened as an alternative sentence.

Article 68

- (1) Imprisonment is imposed for life or for a certain period.
- (2) Imprisonment for a certain period is imposed for a maximum of 15 (fifteen) consecutive years or a minimum of 1 (one) Day, unless a specific minimum is determined.
- (3) In the event that there is a choice between the capital punishment and life imprisonment or there is an aggravation for a Crime sentenced with imprisonment for 15 (fifteen) years, imprisonment for a certain period may be imposed for a period of 20 (twenty) consecutive years.
- (4) Imprisonment for a certain period may not be imposed for more than 20 (twenty) years.

Article 69

- (1) If a convict who is serving life imprisonment has served imprisonment for a minimum of 15 (fifteen) years, then the life imprisonment may be changed into imprisonment for 20 (twenty) years by virtue of a Decree of the President after obtaining a consideration from the Supreme Court.
- (2) Provisions on the procedures for changing life imprisonment into imprisonment for 20 (twenty) years as referred to in paragraph (1) shall be regulated under a Regulation of the Government.

Article 70

- (1) By still considering the provisions as referred to in Article 51 to Article 54, imprisonment should not be

imposed if any of the following conditions are discovered:

- a. the defendant is a Child;
 - b. the defendant is over 75 (seventy-five) years old;
 - c. the defendant has only committed a Crime for the first time;
 - d. the loss and suffering of the Victim are not severe;
 - e. the defendant has paid compensation to the Victim;
 - f. the defendant is not aware that the Crime committed will result in a large loss;
 - g. the Crime occurs due to very strong incitement from another person;
 - h. the Victim of a Crime pushes or encourages the occurrence of said Crime;
 - i. the said Crime is the result of a situation that is impossible to repeat;
 - j. the personality and behavior of the defendant ensure that he/she will not commit another Crime;
 - k. the imprisonment will cause great suffering to the defendant or his/her family;
 - l. guidance outside of correctional facilities is expected to be successful for the defendant;
 - m. the imposition of a lighter sentence will not reduce the seriousness of the Crimes committed by the defendant;
 - n. Crimes occur within the family; and/or
 - o. Crimes occur due to negligence.
- (2) The provisions as referred to in paragraph (1) do not apply to:
- a. Crimes which are threatened with imprisonment for 5 (five) years or more;
 - b. Crimes which are threatened with special minimum sentence;
 - c. certain Crimes which are very dangerous or detrimental to the community; or
 - d. Crimes which are detrimental to state finances or economy.

Article 71

- (1) If a person commits a Crime which is only threatened with imprisonment for under 5 (five) years, while the judge is of the opinion that it is not necessary to impose an imprisonment after considering the purpose of sentencing and guidelines for sentencing as referred to in Article 51 to Article 54, the said person may be subject to a criminal fine.
- (2) The criminal fine as referred to in paragraph (1) may only be imposed if:
 - a. there are no Victims;
 - b. Victims make no problem out of it; or
 - c. It is not a recidivism.
- (3) The criminal fine which may be imposed based on the provision as referred to in paragraph (1) is a maximum criminal fine of category V and a minimum criminal fine of category III.
- (4) The provision as referred to in paragraph (2) letter c does not apply to persons who have been subject to imprisonment for a Crime committed before the age of 18 (eighteen) years.

Article 72

- (1) Convicts who have served at least 2/3 (two thirds) of the imprisonment imposed on them provided that the said 2/3 (two-thirds) are not less than 9 (nine) Months may be granted a parole.
- (2) Convicts who serve several consecutive imprisonments shall be considered as having a total of 1 (one) sentence.
- (3) In granting the parole as referred to in paragraph (1), a probation and the requirements which must be fulfilled during the probation shall be determined.
- (4) The probation as referred to in paragraph (3) shall be equal to the remaining period of imprisonment which has not yet been served, plus 1 (one) year.
- (5) Convicts as referred to in paragraph (1) who are detained as suspects or defendants in other cases shall not have their detention time as a probation.

Article 73

- (1) The requirements which must be fulfilled during the probation as referred to in Article 72 paragraph (3) comprises:
 - a. general requirements in the form of convicts will not commit a Crime; and
 - b. special requirements in the form of convicts must commit or abstain from committing certain acts, without prejudice to the freedom of religion, of belief and to engage in politics, unless determined otherwise by the judge.
- (2) The special requirements as referred to in paragraph (1) letter b may be changed, deleted, or have new requirements established for the sole purpose of the guidance of convicts.
- (3) Convicts who violate the requirements as referred to in paragraph (1) may have their parole revoked.
- (4) The parole as referred to in paragraph (3) may not be revoked after exceeding 3 (three) Months from the expiry of the probation, unless within 3 (three) Months from the expiry of the probation, the convicts are prosecuted for committing a Crime carried out during the probation.
- (5) In the event that the convicts as referred to in paragraph (4) are sentenced with imprisonment for a certain period or to a minimum criminal fine of category III, the relevant parole shall be revoked.

Article 74

- (1) Persons who commit a Crime which is sentenced with imprisonment due to personal circumstances may be sentenced with custody.
- (2) The custody as referred to in paragraph (1) may be imposed upon defendants who commit Crimes because they are driven by an intention that is worthy of respect.
- (3) The provision as referred to in paragraph (2) does not apply, if the method of committing or the consequences of said Crime is such that the defendant is more appropriate to be sentenced with imprisonment.

Article 75

The defendant who commits a Crime which is threatened with imprisonment for a maximum of 5 (five) years may

be subject to criminal supervision, while still observing the provisions as referred to in Article 51 to Article 54 and Article 70.

Article 76

- (1) The criminal supervision as referred to in Article 75 shall be imposed at the most equal to the imprisonment which is imposed for no more than 3 (three) years.
- (2) In the decision of criminal supervision, general requirements shall be stipulated, in the form of the convict will not commit another Crime.
- (3) In addition to the general requirements as referred to in paragraph (2), the decision may also set out special requirements, in the form of:
 - a. the convict within a certain period which is shorter than the term of criminal supervision shall replace all or part of the loss which is incurred as a result of the Crime committed; and/or
 - b. the convict must commit or abstain from committing something without prejudice to the freedom of religion, freedom of belief and/or freedom to engage in politics.
- (4) In the event that the convict violates the general requirements as referred to in paragraph (2), the convict is obliged to serve imprisonment which is no longer than the threat of imprisonment for said Crime.
- (5) In the event that the convict violates the special requirements without a valid reason, the prosecutor based on the consideration of the community advisor proposes to the judge that the convict serve imprisonment or to extend the criminal supervision period determined by the judge for a duration of no more than the criminal supervision imposed.
- (6) A prosecutor may propose a reduction in the criminal supervision period to judges if during their criminal supervision the convict demonstrates good behavior, based on the consideration of the community advisor.
- (7) Further provisions on the procedures and limits for the reduction and extension of the criminal supervision period shall be regulated under a Regulation of the Government.

Article 77

- (1) If the convict while undergoing a criminal supervision commits a Crime and is sentenced with a criminal sentence which is not a capital punishment or not an imprisonment, the criminal supervision shall still be implemented.
- (2) If the convict is sentenced with imprisonment, the criminal supervision shall be postponed and re-implemented after the convict has finished serving his/her imprisonment.

Article 78

- (1) A criminal fine shall be a certain amount of money which must be paid by the convict based on a court decision.
- (2) If no specific minimum is determined, a criminal fine is determined to be a minimum of Rp.50,000.00 (fifty thousand rupiah).

Article 79

- (1) A maximum criminal fine shall be determined based on:

- a. Category I, Rp.1,000,000.00 (one million rupiah);
 - b. Category II, Rp.10,000,000.00 (ten million rupiah);
 - c. Category III, Rp.50,000,000.00 (fifty million rupiah);
 - d. Category IV, Rp.200,000,000.00 (two hundred million rupiah);
 - e. Category V, Rp.500,000,000.00 (five hundred million rupiah);
 - f. Category VI, Rp.2,000,000,000.00 (two billion rupiah);
 - g. Category VII, Rp.5,000,000,000.00 (five billion rupiah); and
 - h. Category VIII, Rp.50,000,000,000.00 (fifty billion rupiah).
- (2) In the event of a change in the value of money, the provisions on the amount of criminal fines shall be stipulated in a Regulation of the Government.

Article 80

- (1) In imposing criminal fines, the judges are obliged to consider the ability of the defendant by taking into account the actual income and expenses of the defendant.
- (2) The provision as referred to in paragraph (1) shall not reduce the application of the special minimum criminal fine that is determined.

Article 81

- (1) Criminal fines are required to be paid within a certain period of time, as set out in court decisions.
- (2) The court decision as referred to in paragraph (1) may determine the payment of criminal fines by way of installments.
- (3) If the criminal fines as referred to in paragraph (1) is not paid within the determined period, the assets or income of the convict may be confiscated and auctioned by the prosecutor in order to settle the unpaid criminal fines.

Article 82

- (1) If the confiscation and auction of assets or revenues as referred to in Article 81 paragraph (3) is insufficient or impossible to be implemented, the said unpaid criminal fine shall be replaced with imprisonment, criminal supervision, or community service on condition that the said criminal fine does not exceed a criminal fine of category II.
- (2) The terms for substitute sentence as referred to in paragraph (1) shall consist of:
 - a. for substitute imprisonment, a minimum of 1 (one) Month and a maximum of 1 (one) year which may be aggravated for a maximum of 1 (one) year and 4 (four) Months if there is a concurrence;
 - b. for substitute criminal supervision, a minimum of 1 (one) Month and maximum 1 (one) year, the requirements as referred to in Article 76 paragraph (2) and paragraph (3) shall apply; or
 - c. for substitute community service, a minimum of 8 (eight) hours and a maximum of 240 (two hundred forty) hours.
- (3) If at the time of serving a substitute sentence, a part of the criminal fine has been paid, the length of the substitute sentence is reduced according to an equivalent size.

- (4) The calculation of the length of the substitute sentence as referred to in paragraph (3) is based on the size for each criminal fine shall be Rp.50,000.oo (fifty thousand rupiah) or less, which is equivalent to:
 - a. 1 (one) hour of substitute community service; or
 - b. 1 (one) Day of criminal supervision or substitute imprisonment.

Article 83

- (1) If the confiscation and auction of assets or income as referred to in Article 81 paragraph (3) cannot be carried out, the criminal fine above category II which is not paid shall be replaced with imprisonment for a minimum of 1 (one) year and a maximum of 1 (one) year as threatened for the relevant Crime.
- (2) The provision as referred to in Article 82 paragraph (3) shall also apply to the provision as referred to in paragraph (1) as long as it relates to substitute imprisonment.

Article 84

Any Person who has been repeatedly criminal fined for Crimes which are only threatened with a maximum criminal fine of category II may be sentenced with criminal supervision for a maximum of 6 (six) Months and an aggravated maximum criminal fine of 1/3 (one third).

Article 85

- (1) The community service may be imposed upon the defendant who commits a Crime threatened with imprisonment for a minimum of 5 (five) years and the judge impose an imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.
- (2) In imposing the community service as referred to in paragraph (1), the judges are obliged to consider:
 - a. acknowledgment of the defendant toward the Crime committed;
 - b. the ability of the defendant to work;
 - c. approval of the defendant after the objectives and all matters relating to the criminal community services;
 - d. social history of the defendant;
 - e. protection of the defendant's work safety;
 - f. the religion, belief, and political conviction of the defendant; and
 - g. ability of the defendant to pay the criminal fine.
- (3) The implementation of community service may not be commercialized.
- (4) A community service shall be imposed for a minimum of 8 (eight) hours and a maximum of 240 (two hundred forty) hours.
- (5) A community service is implemented for a maximum of 8 (eight) hours in 1 (one) Day and may be implemented in installments within a maximum period of 6 (six) Months by taking into account the activities of the convict in carrying out his/her livelihood and/or other beneficial activities.
- (6) The implementation of community services as referred to in paragraph (5) shall be contained in a court decision.
- (7) The court decision as referred to in paragraph (6) shall also contain an order that if the convict without

valid reason does not implement all or part of the community service, the convict is obliged to:

- a. repeat all or part of the said community services;
 - b. serve all or part of the imprisonment which was replaced with the said community services; or
 - c. pay all or part of the criminal fine which was replaced with community services or serve imprisonment as a substitute for a criminal fine which is not paid.
- (8) Supervision toward the implementation of community service shall be carried out by prosecutors and guidance shall be carried out by community advisors.
- (9) Court decisions on community services must also contain:
- a. the length of imprisonment or the amount of criminal fine actually imposed by the judges;
 - b. the duration of any community services must be served, by stating the number of hours per day and the period for the completion of the community services; and
 - c. sanction if the convict does not undergo the imposed community services.

Article 86

Additional sentence in the form of revocation of certain rights as referred to in Article 66 paragraph (1) letter a may be in the form of:

- a. the right to hold public position in general or certain positions;
- b. the right to be a member of the Indonesian National Armed Forces and the Indonesian National Police;
- c. the right to vote and to be elected in elections which are held in accordance with the provisions of laws and regulations;
- d. the right to become a godparent, supervisory godparent, guardian or supervisory guardian of a person who is not their own Child;
- e. the right to exercise the Power of Father, to exercise godparenting or to exercise guardianship over their own Child;
- f. the right to practice certain professions; and/or
- g. the right to obtain parole.

Article 87

Unless stipulated otherwise by Law, the revocation of rights as referred to in Article 86 letter a, letter b, letter c, and letter f may only be carried out if the offenders are sentenced for committing a Crime which is threatened with imprisonment for 5 (five) years or longer in the form of:

- a. Crimes related to positions or Crimes that violate the special obligations of a position;
- b. Crimes related to their profession; or
- c. Crimes by abusing the authorities, opportunities, or facilities granted to them due to their position or profession.

Article 88

Unless stipulated otherwise by Law, the revocation of rights as referred to in Article 86 letter d and letter e, may

only be carried out if the offenders are sentenced due to:

- a. intentionally committed a Crime together with Children who are under their control; or
- b. committed Crimes against Children who are under their control.

Article 89

Unless stipulated otherwise by Law, the revocation of rights as referred to in Article 86 letter g may only be carried out if the offenders are sentenced due to:

- a. committed a Crime of position or Crime that violates the special obligations of a position;
- b. abusing the authorities, opportunities, or facilities granted to them due to their position; or
- c. committed a Crime which is threatened with imprisonment for a maximum of 15 (fifteen) years or more.

Article 90

- (1) If the revocation of rights is imposed, the duration of the revocation must be determined if:
 - a. being sentenced with capital punishment or life imprisonment, the revocation of rights shall be carried out forever;
 - b. being sentenced with imprisonment, custody, or criminal supervision for a certain period, the revocation of rights shall be carried out for a minimum of 2 (two) years and a maximum of 5 (five) years longer from the principal sentence imposed; or
 - c. being sentenced with a criminal fine, the revocation of rights shall be carried out for a minimum of 2 (two) years and a maximum of 5 (five) years.
- (2) The provision as referred to in paragraph (1) letter b does not apply if what is revoked is the right to obtain probation.
- (3) The revocation of rights shall come into force on the date when the court decision has obtained permanent legal force.

Article 91

The additional sentence in the form of confiscation of certain Goods and/or invoice as referred to in Article 66 paragraph (1) letter b which may be confiscated includes certain Goods and/or invoice:

- a. which are used to realize or prepare Crimes;
- b. which are specifically made or intended to realize Crimes;
- c. which relate to the realization of Crimes;
- d. property of the convict or other persons obtained from Crimes;
- e. from economic benefits which are obtained, either directly or indirectly, from Crimes; and/or
- f. which are used to obstruct investigation, prosecution and examination in court hearing.

Article 92

- (1) Additional sentence in the form of confiscation of certain Goods as referred to in Article 91 may be

imposed upon Goods which are not confiscated by determining that said Goods must be handed over or replaced with an amount of money according to the judge's estimation in accordance with the market price.

- (2) In the event that the Goods that are not confiscated as referred to in paragraph (1) cannot be handed over, said Goods are replaced with an amount of money according to the judge's estimation in accordance with the market price.
- (3) If the convict is unable to pay all or part of the market price as referred to in paragraph (2), the provision on criminal sentence in lieu of criminal fines shall be imposed.

Article 93

- (1) If in a court decision it is ordered that the decision be announced, a method for the implementation of said announcement must be determined at a fee to be borne by the convict.
- (2) If the announcement fee as referred to in paragraph (1) is not paid by the convict, the provision on criminal sentence in lieu of criminal fines shall be imposed.

Article 94

- (1) In a court decision, it may be stipulated the obligation of the convict to pay compensation to the Victims or their heirs as an additional sentence as referred to in Article 66 paragraph (1) letter d.
- (2) If the obligation to pay compensation as referred to in paragraph (1) is not implemented, the provision on the implementation of criminal fines as referred to in Article 81 to Article 83 shall apply mutatis mutandis.

Article 95

- (1) Additional sentence in the form of revocation of license shall be imposed upon the offender and accomplice of the Crime who commit the Crime in relation to the license they have.
- (2) The revocation of license as referred to in paragraph (1) shall be carried out by considering:
 - a. circumstances accompanying the Crime which was committed;
 - b. conditions accompanying the offenders and accomplices of the Crime; and
 - c. relation of license ownership with the business or activity which was carried out.
- (3) In the event of being sentenced with imprisonment, custody, or criminal supervision for a certain period, the revocation of license shall be carried out for a minimum of 2 (two) years and for a maximum of 5 (five) years from the principal sentence imposed.
- (4) In the event that a criminal fine is imposed, the revocation of license shall be valid for a minimum period of 1 (one) year and a maximum of 5 (five) years.
- (5) The revocation of license comes into force on the date when the court decision has obtained permanent legal force.

Article 96

- (1) Additional sentence in the form of fulfillment of local customary obligation shall be prioritized if the Crime committed fulfills the provision as referred to in Article 2 paragraph (2).
- (2) The fulfillment of local customary obligations as referred to in paragraph (1) is considered proportional to a

criminal fine of category II.

- (3) In the event that the customary obligations as referred to in paragraph (1) are not fulfilled, the fulfillment of customary obligations shall be replaced with compensation whose value is equivalent to a criminal fine of category II.
- (4) In the event that the compensation as referred to in paragraph (3) is not fulfilled, the compensation shall be replaced with criminal supervision or community services.

Article 97

Additional sentence in the form of fulfillment of local customary obligations may be imposed even though they are not included in the formulation of the Crime by still observing the provisions of Article 2 paragraph (2).

Article 98

The capital punishment is threatened as an alternative as the last resort to prevent the commission of Crimes and to protect the community.

Article 99

- (1) The capital punishment may be implemented after the application for pardon for the convict is rejected by the President.
- (2) The capital punishment as referred to in paragraph (1) shall not be implemented in public.
- (3) The capital punishment shall be executed by shooting the convict to death by firing squad or by any other method which is stipulated by the Law.
- (4) The implementation of capital punishment upon pregnant women, women who are breast-feeding their babies, or mentally ill persons is postponed until said women give birth, said women no longer breastfeeding their babies, or mentally ill persons are recovered.

Article 100

- (1) Judges shall impose capital punishment with a probation of 10 (ten) years by taking into account:
 - a. the defendant's remorse and there are hope for improvement; or
 - b. the role of the defendant in the Crime.
- (2) Capital punishment with a probation as referred to in paragraph (1) shall be included in the court decision.
- (3) The grace period of a probation of 10 (ten) years commences 1 (one) Day after the court decision obtained permanent legal force.
- (4) If the convict during the probation as referred to in paragraph (1) shows a commendable attitude and actions, the capital punishment may be changed to life imprisonment with a Decree of the President after obtaining a consideration from the Supreme Court.
- (5) Life imprisonment as referred to in paragraph (4) shall be calculated from the stipulation of Decree of the President.
- (6) If the convict during the probation as referred to in paragraph (1) does not show a commendable attitude and actions and there is no hope to be corrected, the capital punishment may be implemented on the order of the Attorney General.

Article 101

If the application for pardon of the death row convict is rejected and the capital punishment is not implemented for 10 (ten) years since the pardon is rejected not because the convict has run away, then the capital punishment may be changed into life imprisonment by a Decree of the President.

Article 102

Further provisions regarding the procedures for the implementation of the capital punishment shall be regulated by Law.

Subdivision 2

Measures

Article 103

- (1) Measures which may be imposed in conjunction with the principal sentence shall be in the form of:
 - a. counseling;
 - b. rehabilitation;
 - c. job training;
 - d. treatment in an institution; and/or
 - e. remedy for the consequences of Crimes.
- (2) Measures which may be imposed upon Any Person as referred to in Article 38 and Article 39 shall be in the form of:
 - a. rehabilitation;
 - b. handover to someone;
 - c. treatment in an institution;
 - d. handover to the government; and/or
 - e. treatment in a mental hospital.
- (3) The type, period, place and/or implementation of the measures as referred to in paragraph (1) and paragraph (2) shall be determined in a court decision.

Article 104

In imposing a decision in the form of measures, judges are obliged to pay attention to the provisions as referred to in Article 51 to Article 54.

Article 105

- (1) The rehabilitation measure shall be imposed upon defendants who:

- a. are addicted to alcohol, narcotics, psychotropic, and other addictive substances; and/or
 - b. have a mental disability and/or intellectual disability.
- (2) The rehabilitation as referred to in paragraph (1) consists of:
- a. medical rehabilitation;
 - b. social rehabilitation; and
 - c. psychosocial rehabilitation.

Article 106

- (1) In imposing a job training measure, judges are obliged to consider:
- a. expediency for the defendant;
 - b. ability of the defendant; and
 - c. types of job training.
- (2) In determining the type of job training as referred to in paragraph (1) letter c, judges are obliged to pay attention to the work experience and the place of residence of the defendant.

Article 107

The measure of treatment in an institution are imposed based on the defendant's personal circumstances as well as in the interests of the defendant and the community.

Article 108

The measure of remedy for the consequences of Crimes is an effort to restore or repair the damage caused by Crimes to be as before.

Article 109

The measure of handover of the defendant to the government or someone is imposed in the interests of the defendant and the community.

Article 110

- (1) The measure of treatment in a mental hospital shall be imposed upon defendants who are acquitted of all lawsuits and are still deemed dangerous based on the results of an assessment by a psychiatrist.
- (2) Termination of the measure of treatment in a mental hospital is carried out if the person concerned does not require further treatment based on the results of an assessment by a psychiatrist.
- (3) Termination of the measure as referred to in paragraph (2) shall be carried out based on a ruling of the judge who examined the case at the first instance proposed by the prosecutor.

Article 111

Further provisions on procedures for the implementation of criminal sentences and measures as referred to in

Article 68 to Article 110 shall be regulated by a Regulation of the Government.

Division Three
Diversion, Measure, and Criminal Sentence for Children

Subdivision 1
Diversion

Article 112

Children who commit Crimes which are threatened with imprisonment under 7 (seven) years and are not a recidivism must be sought for diversion.

Subdivision 2
Measure

Article 113

- (1) Any Child may be sentenced with measures in the form of:
 - a. returns to parents/godparents;
 - b. handover to someone;
 - c. treatment in a mental hospital;
 - d. treatment in an institution;
 - e. obligation to attend formal education and/or training organized by the government or a private entity;
 - f. revocation of driver's license; and/or
 - g. remedy for the consequences of Crime.
- (2) The measures as referred to in paragraph (1) letter d, letter e, and letter f shall be imposed for a maximum of 1 (one) year.
- (3) Children under the age of 14 (fourteen) years old may not be sentenced with criminal sentence and may only be sentenced with measures.

Subdivision 3
Criminal Sentence

Article 114

Criminal sentences that may be imposed upon Children shall be in the form of:

- a. principal sentence; and

- b. additional sentence.

Article 115

The principal sentence as referred to in Article 114 letter a consists of:

- a. warnings;
- b. conditional sentence:
 - 1. guidance outside an institution;
 - 2. community service; or
 - 3. criminal supervision.
- c. job training;
- d. guidance in an institution; and
- e. imprisonment.

Article 116

The additional sentence as referred to in Article 114 letter b consists of:

- a. confiscation of profits obtained from the Crime; or
- b. fulfillment of customary obligations.

Article 117

Provisions regarding diversion, measure, and criminal sentence as referred to in Article 112 to Article 116 shall be implemented in accordance with the provisions of laws and regulations.

Division Four

Criminal Sentence and Measure for Corporations

Subdivision 1

Criminal Sentence

Article 118

Criminal sentence for Corporations consists of:

- a. principal sentence; and
- b. additional sentence.

Article 119

The principal sentence as referred to in Article 118 letter a is a criminal fine.

Article 120

- (1) Additional sentence for Corporations as referred to in Article 118 letter b consists of:
 - a. payment of compensation;
 - b. remedy for the consequences of Crimes;
 - c. implementation of obligations which have been neglected;
 - d. fulfillment of customary obligations.
 - e. financing of job training;
 - f. confiscation of Goods or profits obtained from Crimes;
 - g. announcement of court decision;
 - h. revocation of certain licenses;
 - i. permanent ban on certain actions;
 - j. the closure of all or part of the places of business and/or activities of Corporations;
 - k. suspension of all or part of the business activities of Corporations; and
 - l. dissolution of Corporations.
- (2) The additional sentence as referred to in paragraph (1) letter h, letter j, and letter k shall be imposed for a maximum of 2 (two) years.
- (3) In the event that Corporations fail to implement the additional sentence as referred to in paragraph (1) letter a to letter e, the assets or income of the Corporations may be confiscated and auctioned by the prosecutor in order to fulfill the additional sentence which is not fulfilled.

Article 121

- (1) Criminal fines for Corporations shall be imposed at a minimum of category IV, unless otherwise stipulated by the Law.
- (2) In the event that the Crime committed is threatened with:
 - a. imprisonment under 7 (seven) years, the maximum criminal fine for Corporations is category VI;
 - b. imprisonment for a maximum of 7 (seven) years up to a maximum of 15 (fifteen) years, the maximum of criminal fine for Corporations is category VII; or
 - c. capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years, the maximum criminal fine for Corporations is category VIII.

Article 122

- (1) Criminal fines must be paid within a certain period as set out in the court decision.
- (2) The court decision as referred to in paragraph (1) may determine the payment of a criminal fine by way of installments.
- (3) If the criminal fine as referred to in paragraph (1) is not paid within the determined period, the assets or income of the Corporation may be confiscated and auctioned by the prosecutor in order to settle the

unpaid criminal fine.

- (4) In the event that the assets or income of the Corporations are insufficient to settle the criminal fines as referred to in paragraph (3), the Corporations shall be sentenced with a substitute sentence in the form of suspensions of part or all of the Corporations' business activities.

Subdivision 2

Measures

Article 123

Measures which may be imposed upon Corporations are:

- a. Corporate takeover;
- b. placement under supervision; and/or
- c. placement of Corporations under guardianship.

Article 124

Further provisions on procedures for the implementation of criminal sentence and measure for Corporations as referred to in Article 118 to Article 123 shall be regulated by a Regulation of the Government.

Division Five

Concurrence

Article 125

- (1) An act which fulfills more than 1 (one) criminal provision which is threatened with the same criminal sentence will only be subject to 1 (one) criminal sentence, while if the threat of criminal sentence is different, it shall be subject to the most severe principal sentence.
- (2) An act which is regulated under the general criminal regulations and the special criminal regulations shall only be subject to special criminal regulations, unless the Law determines otherwise.

Article 126

- (1) If there is a concurrence of several interconnected Crimes so that they are considered as continuous acts and are threatened with the same criminal sentence, they shall only be subject to 1 (one) criminal sentence.
- (2) If the concurrent Crime as referred to in paragraph (1) is threatened with different criminal sentences, it shall only be subject to the most severe principal sentence.

Article 127

- (1) If there is a concurrence of several Crimes which should be considered as independent Crimes and which are threatened with similar principal sentence, only 1 (one) sentence shall be imposed.

- (2) The maximum criminal sentence for concurrent Crimes as referred to in paragraph (1) is the amount of criminal sentence which is imposed on all of said Crimes, but it does not exceed the most severe sentence plus 1/3 (one third).

Article 128

- (1) If there is a concurrence of several Crimes which should be considered as independent Crimes and which are threatened with different types of principal sentence, the sentence which are imposed shall all types of criminal sentence for each Crime, but it shall not exceed the maximum sentence which is the most severe plus 1 /3 (one third).
- (2) In the event that the provision as referred to in paragraph (1) is threatened with a criminal fine, the calculation of the criminal fine shall be based on the maximum length of imprisonment in lieu of criminal fines.
- (3) If the Crimes committed are threatened with a minimum sentence, then the minimum sentence for concurrence as referred to in paragraph (1) shall be the amount of special minimum sentence for each Crime, but shall not exceed the special minimum sentence which is the most severe plus 1/3 (one third).

Article 129

If the concurrent Crimes is sentenced with capital punishment or life imprisonment, the defendant may not be sentenced with any other sentence, except for additional sentence, namely:

- a. revocation of certain rights;
- b. confiscation of certain Goods; and/or
- c. announcement of court decision.

Article 130

- (1) If there is a concurrence as referred to in Article 127 and Article 129, the imposition of additional sentence shall be carried out under the following conditions:
 - a. the criminal sentence of revocation of the same rights shall be merged into one with the following provisions:
 1. shall be a minimum of 2 (two) years and a maximum of 5 (five) years longer than the principal sentence that are imposed; or
 2. if the principal sentence which is threatened is only a criminal fine, the term of imprisonment shall be a minimum of 2 (two) years and a maximum of 5 (five) years.
 - b. the criminal sentence of revocation of different types of rights shall be imposed separately for each Crime without deduction; or
 - c. for the criminal sentence of confiscation of certain Goods or substitute sentence shall be imposed separately for each Crime without deduction.
- (2) For provisions regarding the length of substitute sentence for the criminal sentence of confiscation of certain Goods as referred to in paragraph (1) letter c, the provision on criminal sentence in lieu of criminal fines shall be imposed.

Article 131

- (1) If any Person has been subject to a criminal sentence and is again found guilty of committing another Crime prior to the said criminal decision is rendered, the previous criminal sentence shall be calculated against the criminal sentence to be imposed by using the rule on concurrence as referred to in Article 125 to Article 130, as if the Crime shall be put on trial jointly.
- (2) If the imposed sentence as referred to in paragraph (1) has reached the maximum sentence, the judges simply declare that the defendants are guilty without the need to be followed by criminal sentence.

CHAPTER IV

LAPSE OF THE AUTHORITY TO PROSECUTE AND IMPLEMENT CRIMINAL SENTENCE

Division One

Lapse of the Authority to Prosecute

Article 132

- (1) The authority to prosecute shall be declared invalid if:
 - a. there is a court decision which has obtained permanent legal force against any Person for the same case;
 - b. the suspect or defendant passed away;
 - c. expiration;
 - d. the maximum criminal fine is paid voluntarily for a Crime which is only threatened with a maximum criminal fine of category II;
 - e. the maximum criminal fine of category IV is paid voluntarily for a Crime which is threatened with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III;
 - f. withdrawal of complaint for Crime warranting complaint;
 - g. there has been a settlement outside of the judicial process as regulated by the Law; or
 - h. the granting of amnesty or abolition.
- (2) Provisions on the lapse of the authority to prosecute for Corporations shall take into account the provisions as referred to in Article 121.

Article 133

- (1) Criminal fines as referred to in Article 132 paragraph (1) letter d and e, as well as costs incurred if the prosecution has been started, shall be paid to the authorized Official within the determined period.
- (2) If there is also a threat of an additional sentence in the form of confiscation of Goods or invoices, the confiscated Goods and/or invoices shall be handed over or paid for according to an estimation of the Official as referred to in paragraph (1) in the event that said Goods and/or invoices are no longer in the possession of the convict.
- (3) If the criminal sentence is aggravated due to recidivism, the aggravation shall remain valid even if the authority to prosecute toward the Crime which was committed earlier is invalid based on the provisions as referred to in Article 132 paragraph (1) letter d and letter e.

Article 134

Individuals cannot be prosecuted for the second time in the same 1 (one) case if for said case there has been a court decision that has obtained permanent legal force.

Article 135

If the decision as referred to in Article 134 originates from a foreign court, a prosecution shall not be made toward Any Person who commits the same Crime in the following event:

- a. a decision declaring free from accusations (acquittal) or free from all lawsuits (dismissal); or
- b. a decision in the form of sentencing and the criminal sentence has been fully served, pardons have been granted, or the implementation of said criminal sentence has expired.

Article 136

(1) The authority to prosecute shall be declared invalid due to expiration if:

- a. after exceeding a period of 3 (three) years for Crimes which are threatened with imprisonment for a maximum of 1 (one) year and/or only a maximum criminal fine of category III;
- b. after exceeding a period of 6 (six) years for Crimes which are threatened with imprisonment for more than 1 (one) year and for a maximum of 3 (three) years;
- c. after exceeding a period of 12 (twelve) years for Crimes which are threatened with imprisonment for more than 3 (three) years and for a maximum of 7 (seven) years;
- d. after exceeding a period of 18 (eighteen) years for Crimes which are threatened with imprisonment for more than 7 (seven) years and for a maximum of 15 (fifteen) years; dan
- e. after exceeding a period of 20 (twenty) years for Crimes which are threatened with imprisonment for a maximum of 20 (twenty) years, life imprisonment, or capital punishment.

(2) In the event that the Crime is committed by a Child, the grace period for the lapse of authority to prosecute due to expiration as referred to in paragraph (1) shall be reduced to 1/3 (one third).

Article 137

The expiration period is calculated from the following day after the act is committed, except for:

- a. Crime of forgery and Crime of currency destruction, the expiration is calculated from the following day after the forged Goods or damaged currency is used; or
- b. Crimes as referred to in Article 450, Article 451, and Article 452 shall be calculated from the following day after the Victim of Crime is released or dies as a direct result of said Crime.

Article 138

- (1) The act of prosecuting a Crime terminates the expiration date.
- (2) The termination of the expiration date as referred to in paragraph (1) shall be calculated on the following day after the suspects or defendants become aware of or is notified about the prosecution against them which is carried out in accordance with the provisions of laws and regulations.

- (3) Once the expiration date has been terminated due to an act of prosecution, a new expiration date shall be enforced.

Article 139

If a prosecution is temporarily suspended due to a legal dispute which has to be decided first, the expiration date of the prosecution will be postponed until the relevant dispute has received a decision.

Division Two

Lapse of the Authority to Implement Criminal Sentence

Article 140

The authority to implement criminal sentence shall be declared invalid, if:

- a. the convict passed away;
- b. expiration;
- c. the convict receives pardon or amnesty; or
- d. handover for the implementation of criminal sentence to other countries.

Article 141

If the convict passed away, the confiscation of certain Goods and/or invoices that has been confiscated may still be implemented.

Article 142

- (1) The authority to implement a criminal sentence shall lapse due to expiration after the enforcement of a grace period equal to the expiration date of the authority to prosecute as referred to in Article 136 plus 1/3 (one-third).
- (2) The expiration date for the implementation of a criminal sentence must exceed the length of the criminal sentence imposed, except for life imprisonment.
- (3) The implementation of the capital punishment does not have an expiration date.
- (4) If the capital punishment is changed into life imprisonment as referred to in Article 101, the authority to implement the criminal sentence shall lapse due to expiration after the elapsed time equal to the expiration date of the authority to prosecute as referred to in Article 136 paragraph (1) letter e plus 1/3 (one third) of the expiration date.

Article 143

- (1) The expiration date for the implementation of a criminal sentence shall be calculated on the following day after a court decision can be implemented.
- (2) If a convict escapes while serving a criminal sentence, then the expiration date shall be calculated on the following day from the date upon which the convict escaped.

- (3) If a parole towards a convict is revoked, the expiration date shall be calculated on the following day since the date of revocation.
- (4) The expiration date for the implementation of criminal sentence shall be postponed so long as:
 - a. the implementation of the said criminal sentence is postponed based on laws and regulations; or
 - b. the convicts are deprived of their freedom even though the deprivation of their freedom is related to a court decision for another Crime.

CHAPTER V DEFINITIONS OF TERMS

Article 144

Crime (Tindak Pidana) shall also include criminal conspiracy, preparation, attempt, and assistance in committing Crimes, unless otherwise stipulated in the Law.

Article 145

Any Person is an individual person, including Corporation.

Article 146

Corporation is an organized group of persons and/or assets, both in the form of legal entities that take the form of limited liability companies, foundations, associations, cooperatives, state-owned enterprises, regionally-owned enterprises, village-owned enterprises, or the equivalent, and unincorporated associations or business entities in the form of firma partnerships, limited partnerships or the equivalent.

Article 147

Goods are tangible or intangible objects, movable or immovable objects including water and demand deposits, electricity, gas, data, and Computer programs.

Article 148

Letter (Surat) is a document written on a paper, also include documents or data written or stored in a diskette, magnetic tape, or computer storage media or other electronic data storage media.

Article 149

Victim is a person who experiences physical and mental suffering and/or economic loss due to a Crime.

Article 150

Child is a person who is not yet 18 (eighteen) years old.

Article 151

Parent also include the head of the family.

Article 152

Father also include a person who exercises the same power as a Father.

Article 153

Power of the Father also include the power of the head of the family.

Article 154

Officials (Pejabat) are any Indonesian citizens who fulfilled the stipulated requirements, appointed by an authorized official and entrusted with state duties, or entrusted with other duties by the state, and paid based on the provisions of laws and regulations, namely:

- a. state civil apparatuses, members of the Indonesian National Police, and members of Indonesian National Armed Forces;
- b. state officials;
- c. public officials;
- d. regional officials;
- e. persons who receive salaries or wages from state or regional finance;
- f. persons who receive salaries or wages from Corporations which capital is entirely or largely owned by the state or region; or
- g. other officials stipulated based on the laws and regulations.

Article 155

Serious Injury is:

- a. illness or injury for which there is no hope of complete recovery or which may cause death;
- b. are constantly incapable of performing their duties, positions or work;
- c. unable to use any of the five senses or any of the body's limbs;
- d. severe disability or permanent disability;
- e. paralyzed;
- f. disturbed thinking power for more than 4 (four) weeks;
- g. miscarriage or stillbirth; or
- h. impaired reproductive function.

Article 156

Violence is any action with or without using physical strength that pose a hazard to body or life, cause physical,

sexual, or psychological sufferings, and deprives freedom, including rendering people unconscious or incapacitated.

Article 157

Threat of Violence is any action in the form of remarks, writings, images, symbols, or body movements, both with and without using electronic or non-electronic means, which may cause fear, anxiety, or worry that Violence will be committed.

Article 158

In Public is in a place or Space that can be seen, visited, known or witnessed by other persons both directly and indirectly through electronic media that allows the public to access Electronic Information or electronic documents.

Article 159

Assets (Harta Kekayaan) are movable or immovable objects, both tangible and intangible, that have economic value.

Article 160

Treason is the intention to carry out an attack that has been realized by the preparation of the act.

Article 161

War also include civil War by taking up arms.

Article 162

Time of War also include the time when the danger of the War threaten and/or there is an order for the mobilization of the Indonesian National Armed Forces and as long as the state of the mobilization is still in progress.

Article 163

Enemy also include rebels and the state or power expected to be War enemies.

Article 164

Entering also include accessing Computer or Entering into a Computer system.

Article 165

Climbing also include Entering through a hole that already existed but whose purpose is not for people to pass, or Entering through underground hole that is deliberately dug, or Entering through or crossing a gutter or ditch that is used as a yard divider.

Article 166

Counterfeit Key is a duplicate key including also all tools, electronic systems, or the equivalent that are not intended to open a lock which is used to open a lock.

Article 167

Space also include a stretch or Computer terminal that can be accessed in a certain way.

Article 168

Electrical Grids are buildings that are used to generate, distribute, convert, or transfer electricity, including devices related to it, namely safety guards, installation devices, supporting devices, deterrents, or warning devices.

Article 169

Computer is a device to process electronic, magnetic, optical data, or a system that operate logic, arithmetic, and storage functions.

Article 170

Electronic Information is one or a set of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, exchange of data electronically, electronic Letter, telegram, remote copying or the like, letters, signs, numbers, Access Codes, symbols or perforations that have been processed and which have meaning or can be understood by people who are able to understand them.

Article 171

Access Codes are number, letters, other symbols or a combination of them which is the key to gain access to Computer, Computer network, internet, or other electronic media.

Article 172

Pornography is any pictures, sketches, illustrations, photographs, voices, sounds, motion pictures, animations, cartoons, conversations, gestures or other messages through various forms of communication media and/or performances In Public containing obscenity or sexual exploitation which violate norms of decency in the community.

Article 173

Entrepreneur is any person who operate a company or trading business.

Article 174

Ships are water vehicles of any form and type, which are driven by mechanical power, wind power, or towed, including dynamically powered vehicles, underwater vehicles, as well as floating equipment and fixed floating

buildings.

Article 175

Passenger is any person other than the Captain and Crewmen who are on the Ships or people other than the pilots and other crews of Aircrafts who are in the Aircraft.

Article 176

Crewmen are the Ship Crews other than the Captain.

Article 177

Ship Crew is any person who works or is employed onboard a Ship by the owner or operator of a Ship who performs duties aboard the Ship in accordance with their position.

Article 178

Indonesian Ship is a Ship registered in Indonesia and obtained an Indonesian Ship nationality certificate in accordance with the provisions of laws and regulations.

Article 179

Captain is one of the Ship Crew who become the highest leader on the Ship and has certain authority and responsibility in accordance with the provisions of laws and regulations.

Article 180

Aircraft is any machine or device that can fly in the atmosphere due to the lifting force of the air reaction, but not due to the reaction of the air to the earth's surface which is used for flight.

Article 181

During Flight is a period of time from the moment all exterior doors of the Aircraft are closed after the boarding of Passengers until the moment the doors are opened for Passengers to disembark, or in the event of emergency landing the flight shall be considered to continue until such time that the competent authority takes over the responsibility for the Aircraft and Goods in the Aircraft.

Article 182

During Flight Service is the period from the time when the Aircraft is prepared by the ground crew or by the flight crew for certain flights until after 24 (twenty-four) hours after the landing.

Article 183

Livestock is any domesticated animals designated as a source of food and a source of livelihood.

Article 184

Month is a 30 (thirty) Days period.

Article 185

Day is a 24 (twenty-four) hour period.

Article 186

Evening is the time between the sunsets until the sunrise.

**CHAPTER VI
CLOSING PROVISION**

Article 187

Provision in Chapter I to Chapter V of Book One shall also be applicable to any act that may be convicted under other laws and regulations, unless otherwise stipulated under the Law.

**BOOK II
CRIMES**

**CHAPTER I
CRIMES AGAINST STATE SECURITY**

**Division One
Crimes against State Ideology**

Subdivision 1

Dissemination and Development of the Teachings of Communism/Marxism-Leninism or Other Concepts that are Contrary to Pancasila

Article 188

- (1) Any Person who disseminate and develop the teachings of communism/Marxism-Leninism or other concepts that are contrary to Pancasila in Public verbally or in writing, including the dissemination or development through any media, shall be sentenced with imprisonment for a maximum of 4 (four) years.
- (2) In the event that the act as referred to in paragraph (1) is committed with the intention of changing or replacing Pancasila as the basis of the state, shall be sentenced with imprisonment for a maximum of 7

(seven) years.

- (3) In the event that the act as referred to in paragraph (1) or paragraph (2) results in riots within the community or loss of Assets, shall be sentenced with imprisonment for a maximum of 10 (ten) years.
- (4) In the event that the act as referred to in paragraph (3) causes a person to suffer Serious Injury, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (5) In the event that the act as referred to in paragraph (3) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (6) Persons who conduct a study of the teachings of communism/Marxism-Leninism or other concepts that are contrary to Pancasila for the benefit of science shall not be sentenced.

Article 189

Shall be sentenced with imprisonment for a maximum of 10 (ten) years, Any Person who:

- a. establish an organization that is known or reasonably suspected of adhering to the teachings of communism/Marxism-Leninism or other concepts that are contrary to Pancasila; or
- b. enter into relations with or provide assistance to or receive assistance from an organization, both inside and outside the country, which is reasonably known to adhere to the teachings of communism/Marxism-Leninism or other concepts that are contrary to Pancasila, with the intention of changing the basis of the state or overthrowing the government.

Subdivision 2

Elimination and Replacement of Pancasila Ideology

Article 190

- (1) Any Person who express their desire in the Public verbally, in writing, or through any media to eliminate or replace Pancasila as the basis of the state, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (2) In the event that the act referred to in paragraph (1) results in:
 - a. the occurrence of riots within the community or the occurrence of loss of Assets, shall be sentenced with imprisonment for a maximum of 10 (ten) years;
 - b. the occurrence of riots within the community resulting in a person suffering Serious Injury, shall be sentenced with imprisonment for a maximum of 12 (twelve) years; or
 - c. the occurrence of riots within the community resulting in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Division Two

Crimes of Treason

Subdivision 1

Treason against the President and/or Vice President

Article 191

Any Person who commit Treason with the intention of killing or depriving the freedom of the President and/or Vice President or rendering the President and/or Vice President incapable of running the government, shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) year.

Subdivision 2

Treason against the Unitary State of the Republic of Indonesia

Article 192

Any Person who commit Treason with the intention that part or all of the territory of the Unitary State of the Republic of Indonesia falls into the hands of foreign authorities or to separate themselves from the Unitary State of the Republic of Indonesia, shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) year.

Subdivision 3

Treason against the Government

Article 193

- (1) Any Person who commit Treason with the intention to overthrow the government, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) The leader or organizer of the Treason as referred to in paragraph (1) shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 194

- (1) Shall be sentenced with imprisonment for a maximum of 15 (fifteen) years due to rebellion, Any Person who:
 - a. opposes the government by using force of arms; or
 - b. with the intention to oppose the government, move together or unite with groups that oppose the government by using force of arms.
- (2) The leader or organizer of the rebellion as referred to in paragraph (1) shall be sentenced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Article 195

- (1) Shall be sentenced with imprisonment for a maximum of 10 (ten) years, Any Person who:
 - a. enter into relations with persons or organizations which are domiciled abroad with the following intentions:
 1. persuading persons or organizations;

2. strengthening the intention of persons or organizations;
 3. promising or providing assistance to persons or organizations; or
 4. bringing Goods into the territory of the Unitary State of the Republic of Indonesia, to overthrow or take over the government;
- b. bring Goods into the territory of the Unitary State of the Republic of Indonesia which may be used to provide material assistance in preparing, facilitating, or carrying out the overthrowing and/or takeover of the government, even though it is known or there is strong reason to suspect that the Goods are being used for the said purpose; or
 - c. control or make a Goods as the subject of an agreement that can be used to provide material assistance in preparing, facilitating, or carrying out the overthrowing and/or takeover of the government, even though it is known or there is strong reason to suspect that the Goods are being used for the said purpose, or other Goods as the substitutes are brought into the territory of the Unitary State of the Republic of Indonesia for the said purpose, or are used for the said purpose by persons or entities which are domiciled abroad.
- (2) Goods that are used to commit or those that are related to the Crime as referred to in paragraph (1) letter b and letter c shall be confiscated for the state or destroyed.

Article 196

- (1) Any Person who commit criminal conspiracy or preparation to commit the Crimes as referred to in Articles 191 up to 194 shall be sentenced.
- (2) Any Person who prepare changes to state administration constitutionally, shall not be sentenced.

Division Three

Crimes against National Defense

Subdivision 1

National Defense

Article 197

Any Person who without authority make, collect, possess, store, hide, or transport portraits, paintings, hand drawings, or videos of measurement, writings, information, or other instructions regarding a matter that is related to the interests of national defense, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category IV.

Article 198

Any Person who are assigned by the Government of Indonesia to hold negotiations with foreign countries acting detrimental to the national defense, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Article 199

- (1) Any Indonesian citizens who participate in War or military training or join a certain organization to conduct War or military training abroad, shall be sentenced with imprisonment for a maximum of 6 (six) years.
- (2) The provisions as referred to in paragraph (1) shall not apply to members of the Indonesian National Armed Forces and the Indonesian National Police who have received approvals from the Government of Indonesia.

Article 200

Shall be sentenced with imprisonment for a maximum of 7 (seven) years, Any Person who:

- a. in a War that does not involve Indonesia, commit an act that shall endanger the neutral position of the state or violate a special regulation made by the Government of Indonesia to maintain the neutrality of the state; or
- b. in Time of War, violate a regulation which is issued and announced by the Government of Indonesia for the purpose of national defense and security.

Article 201

Any Person who, without a permit from the President or an authorized Official, invite Indonesian citizens to become members of a foreign army, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 202

Shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category II, Any Person who without authority:

- a. enter an area that is being built for the purpose of the state defense and security within a distance of less than 500 (five hundred) meters, except on main roads for public traffic;
- b. enter a building of the army, navy, or air force, as well as Aircrafts or warships through a way other than the usual Entrance;
- c. bring image capturing device (alat pemotret) into a part of the field that is prohibited by the provisions of laws and regulations; or
- d. have photographs, pictures, or descriptions of the national defense and security projects from all or part of the field as referred to in letter c.

Subdivision 2

Betrayal of the State and Leaking State Secrets

Article 203

- (1) Shall be sentenced with imprisonment for a maximum of 12 (twelve) years, Any Person who:
 - a. enter into relations with a foreign country or foreign organization with the intention of inciting them to commit an act of hostility or War with the Unitary State of the Republic of Indonesia;
 - b. strengthen the intention of the said foreign country or foreign organization to commit the act as referred to in letter a; or

- c. promise assistance or assist a foreign country or foreign organization to prepare for the act as referred to in letter a.
- (2) If the act of hostility as referred to in paragraph (1) results in War, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 204

Any Person who announce, notify, or give Letters, news, or information regarding a matter to a foreign country or foreign organization, even though the said persons know that this matter must be kept secret for the interest of the state, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Article 205

Any Person who announce, notify, or give to persons who are not entitled to know all or part of Letters, earth maps, plans, drawings, or Goods that are state secrets in nature which are related to the state defense and security against attacks from outside, which are in their possessions, or which they know regarding the content, shape, or method for the making of the said secret Goods, shall be sentenced with imprisonment for a maximum of 5 (five) years.

Article 206

Shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category IV, Any Person who:

- a. provide facilities to persons who they know do not have the authority, who have the intention or are trying to find out all or part of Letters, earth maps, plans, drawings, or Goods that are state secrets in nature as referred to in Article 205 or to find out the location, shape, composition of arms, supplies, ammunition equipment, or the strength of people from a national defense project or something else which is related to the interests of national defense; or
- b. hide Goods that they know will be used to commit the act as referred to in letter a.

Article 207

Any Person who because of their duties are required to keep Letters, earth maps, plans, drawings, or Goods which are state secrets in nature as referred to in Article 205, which due to their negligence cause the contents, shapes, or methods for the making of them, wholly or partially known by other persons who do not have the right to know, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months.

Article 208

Shall be sentenced with imprisonment for a maximum of 4 (four) years, Any Person who:

- a. see or study Letters, earth maps, plans, drawings, or Goods which are state secrets in nature as referred to in Article 205, all or part of which they knew, or it is reasonably suspected that the said Letters, earth maps, plans, drawings, or Goods which are state secrets in nature may not be known by them;
- b. make or ask to make prints, drawings, or imitations of Letters, earth maps, plans, drawings, or Goods which are state secrets in nature as referred to in letter a; or
- c. do not deliver Letters, earth maps, plans, drawings, or Goods which are state secrets in nature to an

authorized Official, even though the said Letters, earth maps, plans, drawings, or Goods which are state secrets in nature fall into their hands.

Article 209

Any Person who commit the Crimes as referred to in Article 197, Article 202, Article 205, Article 206, or Article 208 by using fraudulent means or those that are conducted by giving or receiving, raising hopes, or promising gifts, benefits, or rewards in any forms whether or not committed with Violence or Threats of Violence, shall be sentenced with 2 (two) times of the criminal sentence as referred to in Article 197, Article 202, Article 205, Article 206, or Article 208.

Subdivision 3

Sabotage and Crimes in Time of War

Article 210

Shall be sentenced with imprisonment for a maximum of 15 (fifteen) years due to sabotage, Any Person who:

- a. damage, destroy, render unusable, or annihilate state installations or military installations;
- b. impede or frustrate the procurement or distribution of basic commodities that affect the livelihood of many people in accordance with government policies; or
- c. disrupt or extensively damage land, sea, air transportation or telecommunications.

Article 211

Any Indonesian citizen who voluntarily become foreign soldiers who are at war with the Unitary State of the Republic of Indonesia or are likely to face a War with the Unitary State of the Republic of Indonesia, and if the War actually occurs, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 212

- (1) Any Person who during the Time of War provide assistance to Enemy or cause harm to the state for the interest of the Enemy shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) Shall be sentenced with imprisonment for a maximum of 15 (fifteen) years, Any Person as referred to in paragraph (1), who:
 - a. notify or deliver maps, plans, drawings, or descriptions of an army building or information about army movements or army plans to the Enemy; or
 - b. work for the Enemy as a spy, which shall include:
 1. possess, control, or obtain with the intention of passing directly or indirectly to the Enemy of the Unitary State of the Republic of Indonesia, a map, plan, drawing, or writing concerning military buildings or military secrets or information regarding government secrets in the politic, diplomacy, or economy sector;
 2. conduct investigations for the Enemy as referred to in letter a or accept lodging, hide, or help an Enemy investigator;
 3. conduct, facilitate, or disseminate propaganda for the Enemy;

4. conduct any business that contradicts with the interests of the state so that a person may be investigated, prosecuted, confiscation, or deprivation of freedom, imposition of a criminal sentence, or other measures by or based on the authority of the Enemy; or
 5. give to or receive from the Enemy or the Enemy's helper, Goods or money, or do something that benefits the Enemy or the Enemy's helper, or make it difficult or hinder or frustrate any actions against the Enemy or the Enemy's helper.
- (3) Shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years, if Any Person as referred to in paragraph (1) who:
- a. betray for the interest of the Enemy, deliver to the authority of the Enemy, destroy or render unusable a place or guard point which is fortified or occupied, means of transportation, War supply, or War treasury, or a part thereof or hinder or frustrate a military effort which is planned or organized to fend off or attack; or
 - b. cause or facilitate riots, rebellion, or desertion among soldiers.

Article 213

Shall be sentenced with imprisonment for a maximum of 4 (four) years, Any Person who at the Time of War, without the aim of helping the Enemy or causing harm to the state for benefit the Enemy:

- a. provide facilities, places for accommodation, hiding, or assisting the Enemy's spies; or
- b. cause or facilitate desertion among soldiers.

Article 214

Shall be sentenced with imprisonment for a maximum of 5 (five) years, Any Person who:

- a. at the Time of War through fraudulent acts deliver Goods required by the army; or
- b. are assigned to oversee the delivery of the Goods as referred to in letter a to allow such fraudulent acts.

Article 215

The criminal provisions as referred to in Article 210 up to Article 214 shall also apply, if one of those acts is committed against or related to an allied country in a joint War.

Article 216

Any Person who commit criminal conspiracy and preparations to commit the Crime as referred to in Article 210 or Article 212 shall be sentenced.

CHAPTER II

CRIME AGAINST THE DIGNITY OF THE PRESIDENT AND/OR VICE PRESIDENT

Division One

Assaults against the President and/or Vice-President

Article 217

Any Person who assault the President and/or Vice President that does not fall under a more severe criminal provision, shall be sentenced with imprisonment for a maximum of 5 (five) years.

Division Two

Assault on the Honor or Dignity and Prestige of the President and/or Vice President

Article 218

- (1) Any Person who assault the honor or dignity and prestige of the President and/or Vice President in public, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (2) It shall not constitute an assault to the honor or dignity and prestige as referred to in paragraph (1), if the act is carried out in the public interest or self-defense.

Article 219

Any Person who broadcast, display, or attach writings or pictures that are visible to the public, play recordings that can be heard by the public or disseminate by means of information technology in which the content is assaulting on the honor or dignity and prestige of the President and/or Vice-President with the intention that the contents are publicly known or more publicly known, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Article 220

- (1) Crime as referred to in Article 218 and Article 219 may only be prosecuted based on a complaint.
- (2) Complaints as referred to in paragraph (1) may be made in writing by the President and/or Vice President.

CHAPTER III

CRIMES AGAINST FRIENDLY COUNTRIES

Division One

Treason against Friendly Countries

Subdivision 1

Treason to Release the Territory of Friendly Countries

Article 221

Any Person who commit Treason with the intention to release the territory of a friendly country, whether in whole

or in part from the government authority, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V.

Article 222

Any Person who commit Treason with the intention to illegally eliminate or change the existing form of the government of a friendly country shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum criminal fine of category IV.

Article 223

Any Person who commit criminal conspiracy and preparation to commit the Crimes as referred to in Article 221 and Article 222 shall be sentenced.

Subdivision 2

Treason against Heads of Friendly Countries

Article 224

Any Person who commit Treason with the intention of killing or depriving the freedom of the head of a friendly country shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Division Two

Assault against Heads of Friendly Countries and Deputy Heads of Friendly Countries and Desecration of Flags

Subdivision 1

Assaults against Heads of Friendly Countries and Deputy Heads of Friendly Countries

Article 225

Any Person who assault the person of the head of a friendly country and the deputy head of a friendly country that does not fall under a more severe criminal provisions, shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) months.

Subdivision 2

Assaults against the Honor or Dignity and Prestige of Heads of Friendly Countries and Representatives of Friendly Countries

Article 226

Any Person who in Public assaulted the honor or dignity and prestige of the head of a friendly country who is carrying out state duties in the Unitary State of the Republic of Indonesia shall be sentenced with imprisonment

for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 227

Any Person who in Public assaulted the honor or dignity and prestige of a representative from a friendly country serving in the Unitary State of the Republic of Indonesia shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 228

- (1) Any Person who broadcast, show, or attach writings or pictures so as to become visible to the public, play recordings so that they are heard by the public, or disseminate by means of information technology containing assaults against the honor or dignity and prestige of the head of a friendly country or a representatives of a friendly country in the Unitary State of the Republic of Indonesia with the intention that the contents of assault against the honor or dignity and prestige are publicly known, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (2) If Any Person as referred to in paragraph (1) commit the said act while carrying out their professions and at that time it has not passed 2 (two) years since a criminal decision that has obtained permanent legal force for committing the same Crime, they may be sentenced with an additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Article 229

- (1) The Crimes as referred to in Article 226 up to Article 228 may only be prosecuted based on a complaint.
- (2) The complaint as referred to in paragraph (1) may be filed in writing by the head of a friendly country and a representative of a friendly country.

Article 230

It shall not constitute an assault against the honor or dignity and prestige as referred to in Article 226 up to Article 228, if the act is carried out in the public interest or self-defense.

Subdivision 3

Desecration of National Flags of Friendly Countries

Article 231

Any Person who desecrate the national flag of a friendly country, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

CHAPTER IV

CRIMES AGAINST THE ORGANIZATION OF MEETINGS OF LEGISLATIVE INSTITUTIONS AND GOVERNMENT AGENCIES

Article 232

Any Person who with Violence or Threats of Violence disperse the meeting of legislative institution and/or government agency or forces said institution and/or agency to adopt or not to adopt a decision, or evict the chairman or members from said meeting, shall be sentenced with imprisonment for a maximum of 6 (six) years.

Article 233

Any Person who with Violence or Threats of Violence, hinder the chairman or members of legislative institution and/or government agency from attending the meeting of said institution and/or agency, or performing their obligations freely and undisturbed in the meeting of said institution and/or agency, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III.

CHAPTER V

CRIMES AGAINST PUBLIC ORDER

Division One

Insults against State Symbols, Government or State Institutions, and Population Groups

Subdivision 1

Desecration of the National Flag, National Emblem, and National Anthem

Article 234

Any Person who damage, tear, trample, burn, or conduct other actions against the national flag with the intention of desecrating, insulting, or demeaning the honor of the national flag, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 235

Shall be sentenced with a maximum criminal fine of category II, Any Person who:

- a. use the national flag for billboards or commercial advertisements;
- b. fly the national flag which is damaged, torn, faded, crumpled, or dull;
- c. print, embroider, and write letters, numbers, pictures or other signs, or put a badge or any other goods on the national flag; or
- d. use the national flag as ceiling, roof, packaging of Goods, and cover of Goods that can reduce the honor of the national flag.

Article 236

Any Person who cross out, write, draw or draw on, or damage the national emblem with the intention of desecrating, insulting, or demeaning the honor of the national emblem shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 237

Shall be sentenced with a maximum criminal fine of category II, Any Person who:

- a. use the national emblem that is damaged and does not match the shape, color, and size ratio;
- b. create emblems for individuals, political parties, associations, organizations, and/or companies that are the same or resemble the national emblem; or
- c. use the national emblem for the purposes other than those which are regulated under the provisions of the Laws.

Article 238

Any Person who desecrate or insult the national anthem by changing the national anthem with other tones, rhythms, words, and compositions with the intention to insult or degrade the honor of the national anthem, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 239

Shall be sentenced with a maximum criminal fine of category II, Any Person who desecrate or insult the national anthem by:

- a. playing, singing, or disseminating the modified national anthem for a commercial purpose; or
- b. using the national anthem for advertising with the intention of a commercial purpose.

Subdivision 2

Insults against the Government or State Institutions

Article 240

- (1) Any Person who in Public insult verbally or in writing the government or state institutions, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category II.
- (2) In the event that the Crime as referred to in paragraph (1) results in riots within the community, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (3) The Crime as referred to in paragraph (1) may only be prosecuted based on the complaint of insulted parties.
- (4) The complaint as referred to in paragraph (3) shall be conducted in writing by the head of the government or state institutions.

Article 241

- (1) Any Person who broadcast, show, or attach writings or pictures so that they are visible to the public, play recordings so that they are heard by the public, or disseminate through means of information technology, containing insults against the government or state institutions, with the intention that the contents of the insult are known by the public, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

- (2) In the event that the Crime as referred to in paragraph (1) results in riots within the community, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (3) The Crime as referred to in paragraph (1) may only be prosecuted based on the complaint of insulted parties.
- (4) The complaint as referred to in paragraph (3) shall be conducted in writing by the head of the government or state institutions.

Subdivision 3

Insults against Population Groups

Article 242

Any Person who in Public express feelings of hostility, hatred, or insult against one or several groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, sex, mental disability, or physical disability, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 243

- (1) Any Person who broadcast, show, or attach writings or pictures so that they are visible to the public, or play recordings so that they are heard by the public, or disseminate through means of information technology, containing statements of the feelings of hostility with the intention that the contents are known or better known by the public, against one or several groups or parties of the Indonesian population based on race, nationality, ethnicity, skin color, religion, belief, sex, mental disability, or physical disability which result in Violence against people or Goods, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (2) If Any Person as referred to in paragraph (1) commit the said Crime while carrying out their professions and at that time it has not passed 2 (two) years since a criminal decision has obtained permanent legal force for committing the same Crimes, the offender may be sentenced with an additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Subdivision 4

Crimes Based on Racial and Ethnic Discrimination

Article 244

Any Person who conduct differentiation, exclusion, restriction, or selection based on race and ethnicity which result in the revocation or reduction of the recognition, acquisition, or implementation of human rights and basic freedoms in an equality in the civil, political, economic, social, and cultural sector, shall be sentenced with a maximum imprisonment of 1 (one) year or a maximum criminal fine of category III.

Article 245

Any Person who commit deprivation of life, persecution, rape, obscenity, theft with Violence, or deprivation of freedom based on racial and ethnic discrimination, the criminal sentence may be increased by 1/3 (one third).

Division Two**Incitement and Offering to Commit Crimes****Subdivision 1****Incitement to Oppose Public Authorities****Article 246**

Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V, Any Person who in Public verbally or in writing:

- a. incite people to commit Crimes; or
- b. incite people to oppose public authorities with Violence.

Article 247

Any Person who broadcast, show, or attach writings or pictures so that they are visible to the public, or play recordings so that they are heard by the public, or disseminate through means of information technology, containing incitement to commit Crimes or oppose public authorities with Violence, with the intention that the contents of incitement are known or better known by the public, shall be sentenced with imprisonment for a maximum of 4 (four) years and 6 (six) months or a maximum criminal fine of category V.

Article 248

- (1) Any Person who mobilize other persons as referred to in Article 20 letter d to commit Crimes but the said Crimes or the attempt which can be sentenced do not take place, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.
- (2) Any Person as referred to in paragraph (1) shall not be subject to criminal sentence that is more severe than what can be imposed for an attempt to commit the said Crimes or if the said attempt cannot be sentenced, then they shall not be subject to a criminal sentence that is more severe than what is determined for the said Crimes.
- (3) The provisions as referred to in paragraph (1) and paragraph (2) shall not apply if the said Crimes or the attempt that could be sentenced do not take place caused by their own will.

Subdivision 2**Offerings to Commit Crimes****Article 249**

Any Person who in Public offer verbally or in writing to provide information, opportunities, or facilities to commit Crimes, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Article 250

- (1) Any Person who broadcast, show, or attach writings or pictures so that they are visible to the public, or play recordings so that they are heard by the public, or disseminate through means of information technology, containing offerings to provide information, opportunities, or facilities to commit Crimes with the intention that the said offering is known or better known by the public, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.
- (2) If Any Person as referred to in paragraph (1) commit the said act while carrying out their professions and at that time it has not passed 2 (two) years since a criminal decision has obtained permanent legal force for committing the same Crimes, they may be sentenced with an additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Article 251

- (1) Any Person who provide drugs or asks a woman to use drugs by notifying or raising hopes that the drugs can cause an abortion, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (2) If Any Person as referred to in paragraph (1) commit the said act while carrying out their professions, they may be sentenced with an additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Article 252

- (1) Any Person who declare themselves to have supernatural powers, notify, give hope, offer, or provide service assistance to other persons that their actions can cause illness, death, or mental or physical suffering of a person, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category IV.
- (2) If Any Person as referred to in paragraph (1) commit the said act in order to seek profits or make it as a livelihood or habit, the criminal sentence can be increased by 1/3 (one third).

Division Three

Not Reporting or Notifying the Existence of Persons who Want to Commit Crimes

Subdivision 1

Not Reporting the Existence of Criminal Conspiracies

Article 253

Any Person who know that there is a criminal conspiracy to commit one of the Crimes as referred to in Article 191 to Article 194, Article 205, Article 208, Article 212, Article 308, or Article 310, do not notify an authorized Official or the persons who are threatened even though there is still time to prevent the occurrence of said Crimes, if the said Crimes actually occur, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Subdivision 2

Not Notifying to Authorized Officials of the Existence of Persons Planning to Commit Crimes

Article 254

- (1) Any Person who know that there are persons who intend to commit:
 - a. one of the Crimes as referred to in Article 191 to Article 198, Article 200, Article 202, Article 205, Article 206, Article 208, Article 211 to Article 217;
 - b. desertion in Time of War or betrayal of army; or
 - c. Crimes of premeditated murder, kidnapping, rape, or one of the Crimes that endanger public security, for persons, health, goods, and the environment which result in endangering people's lives,who do not notify an authorized Official or the persons who are threatened even though there is still time to prevent the occurrence of said Crimes, if the Crimes occur, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) The criminal provisions as referred to in paragraph (1) shall also apply to persons who know that one of the Crimes as referred to in paragraph (1) has been committed and has endangered people's lives while the consequences can still be prevented, who do not notify an authorized Official or to the persons who are threatened.

Article 255

The provisions as referred to in Articles 253 and 254 shall not apply to persons who, if they notify an authorized Official or the persons who are threatened, will bring about the danger of criminal prosecution for themselves, blood relatives, or in-laws in a straight line or lateral line of the second or third degree from the husband or wife or ex-husband or ex-wife, or for other persons who, if prosecuted related to their positions or professions, are allowed pursuant to law to be released as witnesses against the said persons.

Division Four

Disturbance to Public Order and Peace

Subdivision 1

Organization of Marches, Rallies, or Demonstrations

Article 256

Any Person who, without prior notification to the authorities, organize a march, rally, or demonstration on a public road or public place that causes disturbance to the public interests, creates commotion, or riots within the community, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

Subdivision 2

Entering Other Persons' Homes and Yards

Article 257

- (1) Any Person who unlawfully forces Entry into a house, closed room, or closed yard that is used by other persons or those who are already in it unlawfully, and do not immediately leave the place at the request of the persons entitled to it or their messengers, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) It is considered as forced Entry as referred to in paragraph (1), Any Person who Enter by way of destroying, or Climbing, using fake keys, fake orders, or fake official uniforms, or without prior knowledge of the party entitled to and not because of an oversight of Entry and are found in that place on the Evening.
- (3) If Any Person as referred to in paragraph (1) and paragraph (2) use threats or utilize means that can be frightening, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.
- (4) In the event that the Crimes as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons in partnership and together, the criminal sentence may be increased by 1/3 (one third).

Subdivision 3

Tapping

Article 258

- (1) Any Person who unlawfully listen, record, divert, modify, inhibit, and/or take note of the transmission of Electronic Information and/or Electronic Documents that are not public in nature, either by using a wired communication network or a wireless network, shall be sentenced with imprisonment for a maximum 10 (ten) years or a maximum criminal fine of category VI.
- (2) Any Person who broadcast or disseminate the results of the discussion or recording as referred to in paragraph (1) shall be sentenced with imprisonment for a maximum of 10 (ten) years or a maximum criminal fine of category VI.
- (3) The provisions as referred to in paragraph (1) shall not apply to Any Person who implement the provisions of laws and regulations or those who implement the official order as referred to in Article 31 and Article 32.

Article 259

Shall be sentenced imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI, Any Person who:

- a. utilize the opportunities that they obtain through deception or unlawfully to record pictures of a person or more who is in a house or room that is not open to the public by using technical equipment so that they harm the legal interests of the said person;
- b. have pictures that are known or reasonably suspected to have been obtained through the actions as referred to in letter a; or
- c. broadcast or disseminate the pictures as referred to in letter b by using means of information technology.

Subdivision 4

Forced Entry to Government Offices

Article 260

- (1) Any Person who unlawfully forces Entry into a government office that serves the public interest or those who are in it unlawfully and at the request of an authorized Official do not immediately leave the place, shall be sentenced with imprisonment for a maximum of 1 (one) year and 3 (three) months or a maximum criminal fine of category II.
- (2) It is considered as a forced Entry as referred to in paragraph (1), Any Person who Enter by damaging, Climbing, or by using Fake Keys, fake orders, fake official uniforms, or without the prior knowledge of the authorized Official and not because of an oversight of Entry and are found in the place on the Evening.
- (3) If Any Person as referred to in paragraph (1) and paragraph (2) use threats or utilize means that can be frightening, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.
- (4) In the event that the Crimes as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons in partnership and together, the criminal sentence may be increased by 1/3 (one third).

Subdivision 5

Participation in Organizations Aimed at Committing Crimes

Article 261

- (1) Any Person who join themselves in an organization Aimed at committing Crimes or an organization that is prohibited by Laws or a court decision that has obtained permanent legal force, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (2) The founder or management of the organization as referred to in paragraph (1) may have the criminal sentence increased by 1/3 (one third).

Subdivision 6

Committing Violence against Persons or Goods Jointly in Public

Article 262

- (1) Any Person who openly or in Public and with joint force commit Violence against Persons or Goods, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (2) If the Violence as referred to in paragraph (1) results in the destruction of Goods or causes injury, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category IV.
- (3) If the Violence as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (4) If the Violence as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 12 (twelve) years
- (5) Any Person as referred to in paragraph (1) and paragraph (2) may be sentenced with an additional sentence in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.

Subdivision 7

Broadcasting or Dissemination of Counterfeit News or Notifications

Article 263

- (1) Any Person who broadcast or disseminate news or notifications that they know that the news or notifications are counterfeit resulting in riots within the community, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.
- (2) Any Person who broadcast or disseminate news or notifications despite it should be reasonably suspected that the news or notifications are counterfeit which may result in riots within the community, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Article 264

Any Person who broadcast news that is uncertain, exaggerated, or incomplete while they know or it is reasonably suspected that such news can result in riots within the community, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Subdivision 8

Disturbance to the Peace of Neighborhoods and General Meetings

Article 265

Shall be sentenced with a maximum criminal fine of category II, Any Person who disturb the peace of neighborhoods by:

- a. making uproar or noises against neighbors at the Evening; or
- b. making false alarm calls or signs.

Article 266

Any Person who make chaos so as to disturb a legal general meeting, shall be sentenced with a maximum criminal fine of category II.

Article 267

Any Person who with Violence or Threats of Violence obstruct or disperse a legal general meeting, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Subdivision 9

Disturbance to Funerals and Bodies

Article 268

Any Person who hinder, obstruct, or disturb the Entrance to a cemetery, the transportation of body to the cemetery, or the funeral ceremony, shall be sentenced with a maximum criminal fine of category II.

Article 269

Any Person who deface or unlawfully damage or destroy a grave or the signs on top of it, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Article 270

Any Person who bury, hide, carry, or remove bodies to hide their death or birth, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category II.

Article 271

Any Person who unlawfully dig or dismantle a grave, take, move, or transport the body, and/or treat the body in an uncivilized manner, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Division Five

Use of Counterfeit Diplomas or Academic Titles

Article 272

- (1) Any Person who falsify or counterfeit diplomas or competency certificates and their accompanying documents, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.
- (2) Any Person who use counterfeit diplomas, competency certificates, academic titles, professional titles, or vocational titles, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.
- (3) Any Person who issue and/or provide counterfeit diplomas, competency certificates, academic titles, professional titles, or vocational titles shall be sentenced with imprisonment for a maximum of 10 (ten) years or a maximum criminal fine of category VI.

Division Six

Licensing Crimes

Subdivision 1

Pawn without Licenses

Article 273

Any Person who without a license lend money or Goods in the form of pawn, purchase and sale that may be re-purchased, or commission agreements as a means of livelihood, shall be sentenced with imprisonment for a

maximum of 1 (one) year or a maximum criminal fine of category III.

**Subdivision 2
Organization of Parties or Gatherings**

Article 274

- (1) Any Person who without a permit hold a party or gathering for the public on a public road or in a public place, shall be sentenced with a maximum criminal fine of category II.
- (2) Any Person who commit the Crimes as referred to in paragraph (1) which cause disruption to the public interests, create chaos, or riots within the public, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

**Subdivision 3
Performing Works without a Permit or Exceeding Authority**

Article 275

Shall be sentenced with a maximum criminal fine of category II, Any Person who:

- a. without a permit perform works that in accordance with the provisions of laws and regulations must have a permit; or
- b. exceeded the authority that is permitted in performing works in accordance with the provisions of laws and regulations.

**Subdivision 4
Giving or Receiving of Goods to and from Convicts**

Article 276

Any Person who without a permit give or receive Goods to/from convicts, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

**Division Seven
Disturbance to Soil, Seed, Plants, and Yard**

Article 277

Shall be sentenced with a maximum criminal fine of category II, Any Person who:

- a. walk or drive on lands for seeding, planting, or those that are prepared for that which are owned by other persons; or
- b. without any right walk or drive on lands which, by the owner, are prohibited for Entry or those that have

been given a clear prohibition for Entry.

CHAPTER VI CRIME AGAINST JUDICIAL PROCESS

Division One Misrepresentation of Judicial Process

Article 278

- (1) Shall be sentenced due to misrepresentation of judicial process with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V, Any Person who:
 - a. falsify, create, or submit forged evidence to be used in the judicial process;
 - b. direct witnesses to give false information in court hearing;
 - c. alter, damage, hide, eliminate or destroy forms of evidence;
 - d. alter, damage, hide, eliminate or destroy Goods, tools, or means that are used to commit a Crime or become the object of a Crime, or a result that may become physical evidence of a Crime, or withdraw it from an examination conducted by the authorized Official after the Crime occurred; or
 - e. present themselves as if they were the Criminal offenders so that the person concerned undergoes the criminal justice process.
- (2) In the event that the Crime as referred to in paragraph (1) is committed:
 - a. in the judicial process, shall be sentenced with imprisonment for a maximum of 7 (seven) years and 6 (six) months or a maximum criminal fine of category VI; and
 - b. by law enforcement officers or court officials, shall be sentenced with imprisonment for a maximum of 9 (nine) years or a maximum criminal fine of category VI.
- (3) If the act as referred to in paragraph (2) resulting in a person:
 - a. who should be guilty, is found not guilty;
 - b. who should be innocent, is found guilty; or
 - c. become subject to a lighter or heavier article than it should be,the criminal sentence may be increased by 1/3 (one third) of the criminal sentence as referred to in paragraph (2).

Division Two Interrupting and Obstructing the Judicial Process

Article 279

- (1) Any Person who makes noise near the Courtroom while a court hearing is in progress and do not leave after being ordered 3 (three) times by or on behalf of the authorized officer, shall be sentenced with a

maximum criminal fine of category I.

- (2) Any Person who makes noise in a court hearing and do not leave after being ordered 3 (three) times by or on behalf of the judge shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

Article 280

- (1) Shall be sentenced with a maximum criminal fine of category II, Any Person who while a court hearing is in progress:
 - a. fail to comply with court orders that are issued for the interest of the judicial process;
 - b. are being disrespectful towards law enforcement officials, court officials, or the court, even though they have been warned by a judge;
 - c. assault the integrity of law enforcement officials, court officials, or the court in a court hearing; or
 - d. without permission from the court, publishes the judicial proceedings live.
- (2) The Crime as referred to in paragraph (1) letter b or letter c may only be prosecuted based on a complaint.
- (3) Complaints as referred to in paragraph (1) may be made in writing by the judge.

Article 281

Any Person who obstruct, intimidate, or influence any Officials who carry out the duties of investigation, prosecution, examination in court hearing, or court decision with the intention of forcing or persuading them to perform or not perform their duties shall be sentenced with imprisonment for a maximum of 7 (seven) years and 6 (six) months or a maximum criminal fine of category VI.

Article 282

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III, Any Person who:
 - a. hide the person who commits the Crime or the person who is being charged or sentenced; or
 - b. provide assistance to the person who commits the Crime to escape from investigations, prosecutions, or implementation of criminal decisions by authorized Officials.
- (2) In the event that the Crime as referred to in paragraph (1) is a Crime that is threatened with imprisonment for 5 (five) years or longer, shall be sentenced with imprisonment for a maximum of 3 (three) years or a criminal fine of category IV.
- (3) The provision as referred to in paragraph (1) does not apply if such act is conducted with the intention to avoid prosecution against blood relatives or in-laws in a straight line of the second degree or in a lateral line of the third degree, against wife or husband, or against ex-wife or ex-husband.

Article 283

Any Person who prevent, hinder, or thwart the examination of a body for judicial purpose, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 284

Any Person who release or provide assistance when a person escapes from detention which is conducted by order of an authorized Official or escapes from imprisonment or custody, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 285

Any Person who unlawfully do not appear when summoned as a witness, expert, or interpreter, or do not fulfill an obligation that must be fulfilled in accordance with the provisions of laws and regulations, shall be sentenced with:

- a. imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II, for criminal cases; or
- b. imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II, for other cases.

Article 286

Any Person who has been declared bankrupt or declared incapable of paying a debt, or becomes the wife or husband of a person in bankrupt condition in a marriage with a union of Assets, or as an administrator or commissioner of a civil partnership, association, or foundation which has been declared bankrupt, and who does not present after being duly summoned based on laws and regulations to provide information, or refusing to provide the requested information, or providing false information, shall be sentenced with imprisonment for a maximum of 1 (one) year and 3 (three) months or a maximum criminal fine of category III.

Article 287

Any Person who fails to fulfill an order from an authorized Official in a judicial process to submit a Letter that is deemed fake or forged or which must be used to be compared with other Letter which is allegedly fake or forged or whose truth is refuted or not acknowledged, shall be sentenced with:

- a. imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II, for criminal cases; or
- b. imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II, for other cases.

Article 288

Any Person who without valid reason does not appear or in cases where permitted does not request their representatives to appear, when summoned before the court to be heard as blood relatives or in-laws, husband or wife, godparent or supervisory godparent, guardian or supervisory guardian in the case of a person who will be placed or who has been placed under guardianship or in the case of a person who will be placed or has been placed to a mental hospital, shall be sentenced with a maximum criminal fine of category II.

Article 289

- (1) Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V, Any Person who:
 - a. withdraw confiscated Goods based on laws and regulations or which are deposited under a court order or hide Goods, even though it is known that said Goods are in confiscation or deposit; or

- b. damage, destroy, or render unusable confiscated Goods based on the provisions of laws and regulations.
- (2) The depositor of Goods who commits, allows, or helps carry out the act as referred to in paragraph (1), shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (3) If the act as referred to in paragraph (2) occurs due to negligence of the depositor, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 290

Any Person who unlawfully sells, leases, owns, pawns or uses confiscated objects for non-judicial process purposes, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 291

- (1) Any Person who, based on the provisions of laws and regulations must provide information under an oath or said information has legal consequences, provide false information under oath, either verbally or in writing, which is conducted by themselves or by their proxies who are specially appointed for that purpose and which is given in case examination during a judicial process, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) is detrimental to the suspect, the defendant, or the opposing party, the criminal sentence may be increased by 1/3 (one-third).

Article 292

- (1) Any Person who mentions the identity of the informant, witness, or Victim or any other matter which gives the possibility of knowing said identity even though they have been notified that the identity must be kept confidential, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (2) The provision as referred to in paragraph (1) only applies if the obligation to keep the identity of the informant, witness, or Victim confidential is expressly specified in the Law.

Division Three

Destruction of Court Buildings, Courtrooms, and Courtroom Equipment

Article 293

- (1) Any Person who damages the court building, courtroom, or courtroom equipment which results in judges being unable to hold court hearings, shall be sentenced with imprisonment for a maximum of 4 (four) years.
- (2) If the Crime as referred to in paragraph (1) is committed while a court hearing is in progress which causes the court hearing to be unable to proceed, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (3) If the Crime as referred to in paragraph (1) results in law enforcement officers who are carrying out their

duties or witnesses when giving their statement suffering from Serious Injury, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

- (4) If the Crime as referred to in paragraph (1) results in the death of law enforcement officers who are carrying out their duties or witnesses while giving their statement, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Division Four

Protection of Witnesses and Victims

Article 294

Shall be sentenced with imprisonment for a maximum of 7 (seven) years, Any Person who commits direct Violence to:

- a. witnesses when giving their statements; or
- b. law enforcement officers or court officials who are carrying out their duties which result in witnesses being unable to give their statements.

Article 295

- (1) Shall be sentenced with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a minimum criminal fine of category II and maximum of category V, Any Person who:
 - a. use Violence, Threats of Violence, or other ways against witnesses and/or Victims so that they are unable to provide their statements in the judicial process; or
 - b. influence the authorized Officials resulting in witnesses and/or Victims not obtaining protection in accordance with the provisions of laws and regulations so that witnesses and/or Victims are unable to provide their statements in the judicial process.
- (2) If the Crime as referred to in paragraph (1) results in Serious Injury to the witness and/or Victim, shall be sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and criminal fine for a minimum of category III and a maximum of category V.
- (3) If the Crime as referred to in paragraph (1) letter a results in the death of a witness and/or Victim, shall be sentenced with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years and criminal fine for a minimum of category V and a maximum of Category VII.

Article 296

Any Person who obstructs the Witness and/or Victim resulting in not obtaining their protection or rights, shall be sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and criminal fine for a minimum of category III and a maximum of category V.

Article 297

Any Person who causes witnesses, Victims, and/or their families to lose their jobs due to witnesses and/or Victims giving valid statements in the judicial process, shall be sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a minimum criminal fine of category III and a maximum of category V.

Article 298

Any Official who fails to fulfill the rights of witnesses and/or Victims even though the witnesses and/or Victims have given valid statements in the judicial process, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 299

Any Person who unlawfully notifies the existence of witnesses and/or Victims who are under protection in a temporary residence or new residence, shall be sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a minimum criminal fine of category III and a maximum of category V.

CHAPTER VII

CRIMES AGAINST RELIGIONS, BELIEFS, AND RELIGIOUS OR BELIEF LIFE

Division One

Crimes against Religions and Beliefs

Article 300

Any Person in Public who:

- a. commit acts which are hostile in nature;
- b. express hatred or hostility; or
- c. incite to commit hostility, Violence, or discrimination,

against religions, other persons' beliefs, parties, or groups based on religion or belief in Indonesia, shall be punished with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 301

- (1) Any Person who broadcast, show, attach a writing or picture, or transmit a recording, including disseminating through means of information technology, containing Crimes as referred to in Article 300, with the intention that the contents of the writing, picture, or recording are known or more known to the public, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (2) If Any Person as referred to in paragraph (1) commit the said acts in implementing their professions and at that time it has not passed 2 (two) years since a criminal decision has obtained a permanent legal force for committing the same Crimes, they may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Article 302

- (1) Any Person who in Public incite persons with the intention that the persons have no religion or belief which is adhered to in Indonesia, shall be punished with imprisonment for a maximum of 2 (two) years or a

maximum criminal fine of category III.

- (2) Any Person who with Violence or Threats of Violence force someone to have no religion or belief or to convert a religion or belief which is adhered to in Indonesia, shall be punished with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Division Two

Crimes against Religious or Belief Life and Facilities of Worship

Article 303

- (1) Any Person who make a noise near a place for the implementation of worship while a worship is in progress, shall be punished with a maximum criminal fine of category I.
- (2) Any Person who with Violence or Threats of Violence disturb, obstruct, or disperse a religious or belief meeting, shall be punished with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.
- (3) Any Person who with Violence or Threats of Violence disturb, obstruct, or disperse persons who are carrying out worship or religious or belief ceremonies, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV.

Article 304

Any Person who in Public conduct insults toward persons who are carrying out or leading the organization of a religious or belief worship or ceremony, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 305

- (1) Any Person who desecrate a place for performing worship or religious or belief ceremony or an object that is used for worship or religious or belief ceremony, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) Any Person who unlawfully destroy or burn a building for worship or religious or belief ceremony or an object that is used for worship or religious or belief ceremony, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

CHAPTER VIII

CRIMES THAT ENDANGER PUBLIC SECURITY FOR PEOPLE, HEALTH AND GOODS

Division One

Crimes that Endanger Public Security

Subdivision 1

Crimes Regarding Firearms, Ammunitions, Explosives and Other Weapons

Article 306

Any Person who illegally imports into the territory of the Unitary State of the Republic of Indonesia, produces, receives, attempts to obtain, transfers or attempts to transfer, controls, carries, has supplies, possesses, stores, transports, hides, uses, or exports from the territory of the Unitary State of the Republic of Indonesia, firearms, ammunition, explosives, or other hazardous materials, tear gas, or rubber bullets, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 307

- (1) Any Person who illegally imports into the territory of the Unitary State of the Republic of Indonesia, produces, receives, attempts to obtain, transfers or attempts to transfer, controls, carries, has supplies, possesses, stores, transports, hides, uses, or exports from the territory of the Unitary State of the Republic of Indonesia, striking, stabbing, or piercing weapons, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) The provisions as referred to in paragraph (1) are exempted for striking, stabbing, or piercing weapons which are actually used for agriculture, for domestic work, for the purpose of carrying out work legally, or which clearly have the purpose of being heirlooms or antiquities.

Subdivision 2

Causing Fires, Explosions and Floods

Article 308

- (1) Any Person who commits an act that results in a fire, explosion or flood so as to endanger the public security of persons or property, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (2) If the act as referred to in paragraph (1) results in Serious Injury to another person, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (3) In the event that the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with a maximum of 15 (fifteen) years in prison.

Article 309

Any Person who commits a criminal conspiracy and preparation to commit a Crime Acts as referred to in Article 308 shall be sentenced.

Article 310

Any Person who unlawfully damages, destroys, or renders unusable a building to retain water or a building to distribute water which results in a flood hazard, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Article 311

Any Person who due to their negligence causes fire, explosion or flood which results in a general hazard to

Goods, a hazard to the life of another person, or results in the death of a person, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

**Subdivision 3
Obstructing Firefighting and Flood Mitigation Works**

Article 312

Any Person who at the time a fire occurs or will occur, hides or renders unusable firefighting tools or equipment or in any way obstructs or hinders firefighting works, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.

Article 313

Any Person who at the time a flood occurs or will occur, hides or makes unusable materials for embankments or tools, thwarts efforts to repair embankments or other irrigation structures, or hinders efforts to prevent or stem floods, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.

**Subdivision 4
Causing General Hazards**

Article 314

Any Person who without the permission of the Authorized Official burns their own objects which may result in general hazards, shall be sentenced with a maximum criminal fine of category II.

Article 315

Shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II, Any Person who:

- a. ignites fires or unreasonably opens fire on public roads or on the edge of public roads, or in places adjacent to buildings or goods that may result in a fire hazard; or
- b. releases hot air balloons which are attached with burning materials.

Article 316

- (1) Any person who is intoxicated in a public place and disturbs public order or threatens the safety of others, shall be sentenced with a maximum criminal fine of category II.
- (2) Any Person who in a state of intoxication performs work which must be carried out with great care or may result in hazards to the life or health of other persons, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 317

Any Person who unlawfully impedes the freedom of movement of another person on a public road, or follows another person in a disturbing manner, shall be sentenced with a maximum criminal fine of category II.

**Subdivision 5
Making Explosives Illegally**

Article 318

Any Person who without a permit from the Authorized Official produces materials for explosives, boosters, or bullet points for firearms, shall be sentenced with a maximum criminal fine of category II.

**Division Two
Crime of Destruction of Buildings**

**Subdivision 1
Electrical Grids**

Article 319

Any Person who unlawfully damages, destroys, or renders unusable Electrical Grids or causes the function of said buildings to be disrupted, or thwarts or complicates the rescue or repair of said buildings, shall be sentenced with:

- a. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in obstacles or difficulties in the flow of electricity in the public interest;
- b. imprisonment for a maximum of 7 (seven) years, if said act resulted in general hazard to persons or goods;
- c. imprisonment for a maximum of 9 (nine) years, if said act resulted in Serious Injury; or
- d. imprisonment for a maximum of 12 (twelve) years, if said act resulted in the death of a person.

Article 320

Any Person who due to their negligence results in an Electrical Grid being damaged, destroyed, rendered unusable, causing the operation or the work of the building to be disrupted, or efforts to maintain the safety or repair of said building fail or are difficult shall be sentenced with:

- a. imprisonment for a maximum of 1 (one) year and 6 (six) Months or a maximum criminal fine of category III, if said act results in obstacles or difficulties in the flow of electricity in the public interest or causes general hazard to persons or goods;
- b. imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in the death of a person.

Subdivision 2 Public Traffic Buildings

Article 321

Any Person who unlawfully damages, destroys, or renders unusable buildings for public traffic, obstructs public land or water roads, or thwarts efforts to maintain the safety of said buildings or roads shall be sentenced with:

- a. imprisonment for a maximum of 7 (seven) years, if said act resulted in a hazard to traffic security;
- b. imprisonment for a maximum of 9 (nine) years, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 12 (twelve) years, if said act resulted in the death of a person.

Article 322

Any Person who due to negligence causes buildings for public traffic to be damaged, destroyed, or rendered unusable, resulting in public land or water roads being blocked, or causing efforts to secure said buildings or roads to fail, shall be sentenced with:

- a. imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III, if said act resulted in a hazard to traffic security;
- b. imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in the death of a person.

Article 323

- (1) Any Person who commits an act that results in a hazard to public train traffic, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the Criminal Act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) If the Criminal Act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Article 324

- (1) Any Person who due to their negligence results in a hazard to public train traffic, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (2) If the Criminal Act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (3) If the Criminal Act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI.

Subdivision 3 Sailing Signs

Article 325

Any Person who unlawfully takes, moves, damages or destroys any signs which are installed for the safety of sailing, obstructs said signs from working, or installs incorrect signs, shall be sentenced with:

- a. imprisonment for a maximum of 7 (seven) years, if said act resulted in hazard to the safety of sailing;
- b. imprisonment for a maximum of 9 (nine) years, if said act resulted in hazard to the safety of sailing and results in Ships being sunk or stranded;
- c. imprisonment for a maximum of 12 (twelve) years, if said act resulted in Serious Injury to a person; or
- d. imprisonment for a maximum of 15 (fifteen) years, if said act resulted in the death of a person.

Article 326

Any Person who due to their negligence results in signs which are installed for the safety of sailing being taken away, displaced, damaged, destroyed, or obstruction to the work of said signs, or the installation of incorrect signs, shall be sentenced with:

- a. imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III, if said act results in hazard to sailing;
- b. imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, if said act resulted in Ships being sunk or stranded;
- c. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in Serious Injury to a person; or
- d. imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI, if said act resulted in the death of a person.

Subdivision 4

Destruction of Buildings

Article 327

Any Person who unlawfully damages, destroys, or renders unusable a building or other structures, shall be sentenced with:

- a. imprisonment for a maximum of 9 (nine) years, if said act causes general hazard to persons or Goods;
- b. imprisonment for a maximum of 12 (twelve) years, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 15 (fifteen) years, if said act resulted in the death of a person.

Article 328

Any Person who due to their negligence causes a building or other structures to be damaged, destroyed, or rendered unusable, shall be sentenced with:

- a. imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III, if said act resulted in general hazard to persons or goods;

- b. imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in the death of a person.

Division Three
Crime of Ship Destruction

Article 329

Any Person who unlawfully strands, damages, sinks, destroys, or renders unusable a Ship, shall be sentenced with:

- a. imprisonment for a maximum of 9 (nine) years, if said act causes general hazard to persons or Goods;
- b. imprisonment for a maximum of 12 (twelve) years, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 15 (fifteen) years, if said act resulted in the death of a person.

Article 330

Any Person who due to their negligence causes a ship to be stranded, damaged, sunk, destroyed, or rendered unusable, shall be sentenced with:

- a. imprisonment for a maximum of 2 (two) years, if said actions cause general hazard to persons or goods;
- b. imprisonment for a maximum of 3 (three) years, if said act resulted in Serious Injury; or
- c. imprisonment for a maximum of 5 (five) years, if said act resulted in the death of a person.

Division Four
Crime of Delinquency against Persons or Goods

Article 331

Any Person who in a public place commits a delinquency to persons or Goods that may cause hazard, loss, or distress, shall be sentenced with a maximum criminal fine of category II.

Division Five
Crime against Informatics and Electronics

Subdivision 1
Use and Destruction of Electronic Information

Article 332

- (1) Any Person who intentionally and illegally or unlawfully accesses Computers and/or Electronic Systems of other Persons in any way, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.
- (2) Any Person who intentionally and illegally or unlawfully accesses Computers and/or Electronic Systems in any way for the purpose of obtaining Electronic Information and/or Electronic Documents, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category V.
- (3) Any Person who intentionally and illegally or unlawfully accesses Computers and/or Electronic Systems in any way by violating, bypassing, exceeding, or breaking through the security system, shall be sentenced with imprisonment for a maximum of 8 (eight) years or a maximum criminal fine of category VI.

Subdivision 2

Using or Accessing Computers and Electronic Systems without Rights

Article 333

Shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI, Any Person who:

- a. without rights using or accessing Computers or electronic systems in any way, with the intention of obtaining, altering, damaging, or eliminating information on national defense or international relations that may cause interference or danger to the state or relationship with the subjects of international law;
- b. without rights carrying out any actions that cause transmissions from programs, information, codes or orders that are protected by the state to be damaged;
- c. without rights or exceeding their authority, using or accessing Computers or electronic systems, both from within and outside the country to obtain information from Computers or electronic systems that are protected by the state;
- d. without rights using or accessing government-owned Computers or electronic systems;
- e. without rights or exceeding their authority, using or accessing Computers or electronic systems that is protected by the state, which results in said Computer or electronic system become damaged;
- f. without rights to or exceeding their authority, using or accessing Computers or electronic systems that is protected by the community, which results in said Computer or electronic system become damaged;
- g. affects or causes disruption to Computers or electronic systems used by the government;
- h. disseminates, trades, or utilizes Access Codes or similar information, which may be used to bypass Computers or electronic systems with the aim of abusing Computers or electronic systems that are used or protected by the government; or
- i. commits acts in the framework of international relations with the intention of damaging Computers or other electronic systems that are protected by the state and are located in the jurisdiction of Indonesia and are addressed to anyone.

Article 334

Shall be sentenced with imprisonment for a maximum of 10 (ten) years or a maximum criminal fine of category VI, Any Person who:

- a. without rights or exceeding their authority, using or accessing Computers or electronic systems with the

- intention of obtaining profit or obtaining financial information from central banks, banking institutions or financial institutions, credit card issuers, or payment cards or those containing data on their customers' reports;
- b. without rights using data or accessing in any way credit cards or payment cards belonging to other persons in electronic transactions in order to obtain profits;
 - c. without rights or exceeding their authority, using or accessing Computers or electronic systems of central bank, banking institution or financial institution that are protected, with the intention of abusing, or to obtain profit from them; or
 - d. disseminates, trades, or utilizes Access Codes or similar information which may be used to bypass Computers or electronic systems with the intention of abusing them which as a result may affect the electronic systems of central bank, banking institution or financial institution, as well as commerce within and outside the country.

Article 335

Any Person who illegally uses or accesses Computers or electronic system in any way, with the intention of obtaining, altering, damaging, or eliminating government-owned information which due to its status must be kept confidential or protected, shall be sentenced with imprisonment for a maximum of 12 (twelve) years or a maximum criminal fine of category VII.

Division Six

Crime of Harassment, Careless Maintenance and Abuse of Animals

Article 336

Shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II, Any Person who:

- a. harasses animals so as to endanger people;
- b. harasses animals that are being ridden or animals that are pulling carriages, wagons, or those loaded with Goods;
- c. does not prevent animals in his/her care from attacking persons or animals;
- d. does not take proper care of wild animals in his/her care; or
- e. keeps dangerous wild animals and does not report it to the authorized Officials.

Article 337

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II due to abuse of animals, Any Person who:
 - a. injures or hurts animals or harms their health by transgressing or without proper purpose; or
 - b. has sexual intercourse with animals.
- (2) If the acts as referred to in paragraph (1) resulted in an animal being sick for more than 1 (one) week, being disabled, being seriously injured, or dying, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) Months or a maximum criminal fine of category III.

- (3) In the event that the animal as referred to in paragraph (1) belongs to the criminal offender, said animal may be confiscated and placed in a suitable place for animals.

Article 338

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II, Any Person who:
- uses and utilizes animals beyond their natural capabilities which may damage the health, threaten the safety, or cause the death of animals;
 - provides materials or drugs that may endanger animal health; or
 - utilizes animal body parts or organs for inappropriate purposes.
- (2) Any Person who implements modern biotechnology to produce transgenic animals or animal products that endanger the preservation of animal resources, public health and safety, and the preservation of environmental functions, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category IV.

Division Seven

Criminal Acts of Carelessness that are Harmful to the Public

Article 339

Shall be sentenced with a maximum criminal fine of category II, Any Person who:

- does not illuminate sufficiently and does not put a mark according to the custom on holes or excavations or piles of excavated soil in public roads which they made themselves or on their orders, or on objects which are placed in said places by themselves or at their order;
- does not give a warning sign that there is a possibility of hazard arising while carrying out the work as referred to in letter a;
- places or hangs Goods on a building, throws or disposes Goods outside a building in such a way that it may result in losses to people who are using public roads;
- allows animals to be ridden, to tow, to transport, or to allow animals they bring without taking necessary precautions on public roads;
- let the Livestock under their care to roam on public roads without taking necessary precautions; or
- without permission from the authorized Official obstructs public roads on land or in water or obstructs traffic in such places or causes obstacles or obstructions due to the use of vehicles in said places without purpose.

Article 340

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III, Any Person who without a permit from the authorized Officials:
- installs traps, snares, or other tools to catch or kill wild animals in places passed by people, which may result in hazard to people; or
 - hunts or carries firearms into state forests.

- (2) Animals shot or captured as referred to in paragraph (1) and equipment used to commit said Crime may be confiscated for the state or confiscated to be destroyed.

Article 341

Any Person who is obliged to take care of a child, leave the child unsupervised, or leave said child unattended so as to cause hazard to said child or other persons, shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.

Division Eight

Acts that Endanger Life or Health

Article 342

- (1) Any Person who sells, delivers, offers, or distributes any materials that endanger life or health, even though it is known that said materials and the hazardous nature of said materials are not notified to the buyers or those who obtain them, shall be sentenced with imprisonment for a maximum of 10 (ten) year.
- (2) If the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (3) The hazardous materials as referred to in paragraph (1) and paragraph (2) may be confiscated for the state.

Article 343

- (1) Any Person who due to their negligence causes in a material that endangers health or life, is sold, handed over, offered or distributed without any knowledge of the hazardous nature of said material by the buyer or those who obtains it, shall be sentenced with imprisonment for a maximum of 2 (two) years and 6 (six) Months or a maximum criminal fine of category III.
- (2) In the event that the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (3) The hazardous materials as referred to in paragraph (1) and paragraph (2) may be confiscated for the state.

Article 344

Any Person who sells, offers, delivers, distributes, or has supplies for sale or distribution of fake or rotten food or beverages, or the milk of animals that are sick or which may be detrimental to health, or the meat of animals that are slaughtered due to illness or died not due to being slaughtered, shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.

Division Nine

Crime of Selling and Buying Human Organs, Tissues, and Blood

Article 345

Any Person who for any reason trades:

- (1) human organs or tissues, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI; or
- (2) human blood, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 346

- (1) Any Person who conducts commercialization in the implementation of transplantation of human organs or human tissues or transfusion of human blood, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.
- (2) Transplantation of human organs or human tissues or transfusion of human blood as referred to in paragraph (1) may only be carried out for humanitarian purposes.

CHAPTER IX CRIMES AGAINST THE POWER OF GOVERNMENT

Division One Crime against Officials Subdivision 1 Coercion of Officials

Article 347

Any Person who with Violence or Threats of Violence coerces an Official to commit or abstain from committing an act within their legitimate position, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Article 348

Any Person who with Violence or Threats of Violence opposes an Official who is carrying out a legitimate duty, or a person who according to obligations based on the provisions of laws and regulations or based on a valid order from the Official, shall be sentenced due to resisting the Officials, with imprisonment for a maximum of 2 (two) years or a criminal fine for a maximum of category III.

Article 349

Any Person who commits the Crime as referred to in Article 347 and Article 348, shall be sentenced with:

- a. imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, if said act resulted in an injury;
- b. imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI, if said act resulted in Serious Injury; or

- c. imprisonment for a maximum of 10 (ten) years, if said act resulted in death.

Article 350

In the event that the Crime as referred to in Article 347 is committed jointly and in an alliance, the criminal sentence may be increased by 1/3 (one-third).

Subdivision 2

Neglect of Orders of Authorized Officials

Article 351

Any Person who neglects orders or instructions from an Authorized Official, which are given to prevent accidents and avoid public traffic jams during parties, marches, or similar crowds, shall be sentenced with a maximum criminal fine of category II.

Article 352

Any Person who neglects orders or requests from an authorized Official who is assigned based on the provisions of laws and regulations to supervise something or who is assigned or authorized to investigate or examine a Crime, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.

Article 353

Any Person who prevents, hinders, or thwarts the actions of an authorized Official to implement the provisions of laws and regulations, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.

Article 354

Any Person who crowds or gathers which may cause chaos and does not leave after being ordered 3 (three) times by the authorized Officials or on their behalf, shall be sentenced with a maximum criminal fine of category II.

Article 355

Any Person who utilizes a right, which they know that said right has been repealed based on a court decision, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.

Article 356

Any Person who is summoned before Property and Heritage Agency or at the request of Property and Heritage Agency or before the authorized Official, and without valid reason does not appear or in cases where permitted does not request their representatives to appear, in the case of a person who will be placed or who has been placed under guardianship, shall be sentenced with a maximum criminal fine of category II.

Article 357

Any Person who is summoned before the authorized Officials, and without a valid reason does not appear before them or in cases where permitted does not request their representatives to appear in the case of a minor, shall be sentenced with a maximum criminal fine of category II.

Article 358

- (1) Any Person who, at the time of any hazard to the public security of a person or property or when a person is caught red-handed committing a Crime, refuses to provide assistance which is requested by an authorized official, even though said assistance may be granted without directly endangering themselves, shall be sentenced with a maximum criminal fine of category II.
- (2) The criminal provision as referred to in paragraph (1) does not apply to any person who rejects the request for help at the time when a person is caught red-handed committing a Crime because they want to avoid the danger of prosecution are one of their blood relatives or in-laws in a straight line or in the second or third degree of the lateral line of their husband or wife, or ex-husband or ex-wife.

Subdivision 3

Neglect of Mandatory State Defense

Article 359

- (1) Shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II, Any Person who:
 - a. make themselves or ask someone else to make themselves unable to fulfill the mandatory state defense as referred to in the Law; or
 - b. at the request of another person to make the said person unable to fulfill the mandatory state defense in accordance with the provisions set out in the Law.
- (2) If the act as referred to in paragraph (1) letter b results in death, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Subdivision 4

Destruction of State Declarations

Article 360

Any Person who unlawfully tears up, renders unreadable, or damages declarations which are announced on behalf of the authorized Officials or based on the provisions of laws and regulations with the intention to prevent or make it difficult for people to know the contents of said declarations, shall be sentenced with a maximum criminal fine of category II.

Subdivision 5

False Reports or Complaints

Article 361

Any Person who reports or complains to the Authorized Official that a Crime has occurred, even though it is known that said Crime did not occur, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Subdivision 6

Utilization of Ranks, Titles, and Insignia

Article 362

Any Person who unlawfully uses a rank insignia which is not their right, commits an act relating to position which is not held by them, or commits an act relating to position which is temporarily suspended for them, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 363

Any Person who unlawfully wear an insignia which is related to a rank, position or title which is not their right, shall be sentenced with a maximum criminal fine of category II.

Subdivision 7

Destruction of Proof of in the Form of Letters for the Interest of Public Positions

Article 364

- (1) Any Person who unlawfully shatters, removes, or damages the seal that is attached to the sealed Goods by or on behalf of the authorized Official or in any other way thwarts the sealing of the Goods that will be sealed, shall be sentenced with imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum criminal fine of category III.
- (2) Depositor of sealed Goods who commits, allows the act, or assists in carrying out the acts as referred to in paragraph (1), shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) Months or a maximum criminal fine of category IV.
- (3) If the act as referred to in paragraph (2) occurs due to negligence, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 365

Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V, Any Person who damages, destroys, makes unusable, or eliminates:

- a. Goods used to convince or serve as evidence for authorized Officials; or
- b. any deed, letter, or register permanently or temporarily stored by an authorized Official's order or handed over to an Official or another person for the benefit of a public position.

Article 366

Any Person who unlawfully does something that causes the Letters or Goods not to arrive at the address, opens or damages Letters or other Goods that have been delivered to a post organizer, mailbox, or handed over to Letter courier, shall be sentenced with imprisonment for a maximum of 1 (one) year and 9 (nine) Months or a maximum criminal fine of category III.

Article 367

Any Person who commits the act as referred to in Article 289 and Article 364 to Article 366, to Enter the place where a Crime occurred or can reach said object by breaking open, damaging, climbing, using a False Key, based on a false order or by wearing fake official attire, shall be subject to a maximum of 2 (two) times of the sentence that is imposed.

Division Two

Encouragement of Desertion, Rebellion and Disobedience of Indonesian National Armed Forces

Article 368

Any Person who, in times of peace, uses one of the methods as referred to in Article 20 letter b to encourage members of the Indonesian National Armed Forces who are currently in active service to escape or by using one of the methods as referred to in Article 21 paragraph (1) to facilitate the escape, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.

Article 369

Any Person who, in times of peace, uses one of the methods as referred to in Article 20 letter b to encourage riots or rebellions among the Indonesian National Armed Forces, or by using one of the methods as referred to in Article 21 paragraph (1) to facilitate or the riots or rebellions, shall be sentenced with imprisonment for a maximum of 6 (six) years and 6 (six) months or a maximum criminal fine of category V.

Division Three

Misuse of Livestock Transportation Letters

Article 370

Any Person who in the transportation of Livestock that is required to use travel Letter, uses a travel Letter given to other Livestock, shall be sentenced with a maximum criminal fine of category II.

Division Four

Crime of Irrigation

Article 371

Any Person who violates the regulations stipulated by the authorized Official and which has been announced as

regards the use and distribution of water from waterworks buildings or irrigation buildings in the public interest, shall be sentenced with a maximum criminal fine of category II.

Division Five

Multiplication of Official State Letters without Permission

Article 372

- (1) Shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II, Any Person who without permission from the authorized Officials:
 - a. make copies or take excerpts from official Letters of the state or government agencies, which should be kept confidential;
 - b. announce all or part of the Letter as referred to in letter a; or
 - c. announce the information contained in the Letter as referred to in letter a, even though it is known or reasonably suspected that said information must be kept confidential.
- (2) The Crime as referred to in paragraph (1) cannot be sentenced, if the secrecy order is given due to other reasons that are not services interests or public interests.

CHAPTER X

CRIME OF FALSE STATEMENTS UNDER OATH

Article 373

- (1) Any Person who, based on the provisions of laws and regulations, must provide information under oath, or said information has legal consequences, but gives false information under oath, either verbally or in writing, which is committed by themselves or by their proxies who are specifically appointed for it, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) To be equated with the oath as referred to in paragraph (1) is a confirming promise or statement which is required based on the provisions of laws and regulations or which is a substitute for an oath.
- (3) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XI

CRIME OF COUNTERFEITING CURRENCY AND BANKNOTES

Article 374

Any Person who counterfeits currency or banknotes issued by the state, with the intention of circulating it or requesting it to be circulated as genuine money and not counterfeit, shall be sentenced with imprisonment for a maximum of 10 (ten) years or a maximum criminal fine of category VII.

Article 375

- (1) Any person who stores physically in any way that he knows to be counterfeit currency as referred to in Article 374, shall be sentenced with imprisonment for a maximum of 10 (ten) years and a maximum criminal fine of category VII.
- (2) Any person who circulates and/or spends any currency known to be counterfeit as referred to in Article 374, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years and a maximum criminal fine of category VIII.
- (3) Any person who brings or imports currency into and/or out of the Territory of the Unitary State of the Republic of Indonesia as referred to in Article 374, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years and a maximum criminal fine of category VIII.

Article 376

Any Person who reduces the value of currency with the intention to circulate or request to circulate depreciated currency shall be sentenced of tampering with currency, with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI.

Article 377

Shall be sentenced with imprisonment for a maximum of 10 (ten) years or a maximum criminal fine of category VI, Any Person who:

- a. circulates any depreciated currency or circulate any currency which at the time of its receipt is known that the currency is damaged as undamaged currency; or
- b. store, import into the territory of the Unitary State of the Republic of Indonesia the currency as referred to in letter a, with the intention to circulate or request to circulate as undamaged currency.

Article 378

Any Person who receives currency or banknotes issued by the state which are subsequently discovered to be non-genuine, counterfeited or damaged, but continues to circulate them, except as stipulated in Article 375 and Article 377, shall be sentenced with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.

Article 379

Any Person who sells, buys, distributes, manufactures, or has a stock of materials or objects which he knows to be used or will be used in order to counterfeit or reduce the value of currency or to counterfeit banknotes issued by the state, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.

Article 380

- (1) Any Person who without the permission of the Authorized Official keeps or imports into the territory of the Unitary State of the Republic of Indonesia silver pieces or sheets, whether stamped or not, or which, after a little work may be considered as currency, even though they are not used as jewelry or commemorative signs, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.
- (2) Any Person who manufactures, distributes, or provides for sale or circulation, or brings into the territory of

the Unitary State of the Republic of Indonesia, printed goods, scraps of metal or other objects resembling banknotes or currency, or which resembles gold or silver which uses state stamp, resembling a stamp duty, or postal seal, shall be sentenced with a maximum criminal fine of category II.

Article 381

- (1) Any Person as referred to in Article 374 to Article 377 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.
- (2) Counterfeit, counterfeited or tampered currency, counterfeit or forged state banknotes, materials or objects which by their nature are used to imitate, counterfeit, or reduce the value of currency or banknotes which are used to commit a Crime or become the subject matter of a Crime as referred to in paragraph (1), shall be confiscated for the state or be confiscated to be destroyed.

CHAPTER XII

CRIME OF STAMP DUTY, STATE SEALS AND STATE INSCRIPTION FORGERY

Division One

Stamp Duty Forgery

Article 382

Shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category V, Any Person who:

- a. imitates or forge a stamp duty which is issued by the Government of the Republic of Indonesia with the intention of using or requesting another person to use such stamp duty as genuine, not forged, or valid stamp duty; or
- b. with the same purpose as referred to in letter a, making stamp duty by using the genuine stamp unlawfully.

Article 383

Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, Any Person who:

- a. removes the mark which is used to indicate that a stamp duty cannot be used anymore on the stamp duty of the Government of the Republic of Indonesia which has been used with the intention to use it or requesting other persons to use it as if said stamp duty has not been used;
- b. for the same purpose as referred to in letter a, removes the signature, characteristic or mark of the time of use of a stamp duty of the Government of the Republic of Indonesia which has been used in accordance with the provisions of the laws and regulations shall be affixed on top of or on such stamp duty; or
- c. use, sell, offer, transfer, possess inventory for sale, or import into the territory of the Unitary State of the Republic of Indonesia a stamp duty whose mark, signature, characteristic, or date of use are removed, as if the said stamp duty had not been used.

Division Two

Forgery and Use of State Seal and State Inscription

Article 384

- (1) Shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category V, Any Person who:
 - a. affixes gold or silver Goods with a forged state seal according to the Law or forge a state seal with the intention to use it or to request others to use it, as if said stamp is genuine or not forged;
 - b. affixes the state seal to gold or silver Goods by using the original seal unlawfully with the intention to use it or asking others to use it; or
 - c. give, add or transfer the original state seal according to the Law on other gold or silver Goods than the one originally affixed with the seal, with the intention of using or asking others to use it, as if said stamp had originally existed on the gold or silver Goods.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of announcing the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 385

- (1) Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V, Any Person who:
 - a. affixes Goods which must be inscribed or upon the request of the concerned are permitted to be inscribed or inscribed again with a forged state inscription of the Republic of Indonesia;
 - b. forge an original state inscription with the intention of using or asking others to use said Goods as if the state inscription are original or not forged;
 - c. unlawfully affixes the inscription to the Goods as referred to in letter a with the original seal with the same purpose as referred to in letter b; or
 - d. gives, add, or transfers the original inscription of the Republic of Indonesia on other Goods that are originally affixed with such original inscription, with the intention of using or asking other persons to use it as if the said inscription had been there from the beginning on said Goods.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of announcing the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 386

- (1) Shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum criminal fine of category IV, Any Person who:
 - a. forges a size, measure, weight, or scale after being affixed with an inscription, with the intention of using it or asking others to use it as if it were original or not forged; or
 - b. uses forged size, measure, weights, or scales, as if they were original or not forged.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of announcing the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 387

- (1) Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, Any Person who:
 - a. remove the cancel mark on inscribed Goods, with the intention of using the said Goods as if they can still be used; or
 - b. uses, sells, offers, transfers, or possess inventory for sale, a Goods which has the cancel mark removed as if said Goods can still be used.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of announcing the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 388

- (1) Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V, Any Person who:
 - a. affixes stamp or other mark other than as referred to in Article 384 and Article 385, in accordance with the provisions of laws and regulations must or may be affixed to the Goods or its packaging falsely or forge a stamp or other mark which are original with the intention to use or asking other persons to use said Goods as if the stamp or other marks were original or not forged;
 - b. affixes stamps or other marks on Goods or their packaging by using the original stamp unlawfully with the intention to use or ask other persons to use the Goods; or
 - c. uses original stamps or other marks for Goods or their packaging, even though said stamp or other marks are not for said Goods or packaging, with the intention to user them as if said other stamps or marks were determined for said Goods.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.
- (3) The Crime as referred to in paragraph (1) shall not be prosecuted except on the basis of a complaint of the party whose brand was forged.

Division Three

Circulation of Counterfeit Stamp Duty, Stamp or Mark

Article 389

Shall be sentenced with criminal sentences as referred to in Article 382, Article 384, Article 385, and Article 388 according to the differences stipulated in said Articles, Any Person who uses, sells, offers, delivers, possess inventory to be sold or import into the territory of the Unitary State of the Republic of Indonesia:

- a. stamp duty, stamp or mark which is not genuine, forged or unlawfully made as if it were genuine, not forged and made lawfully; or
- b. The Goods which are affixed with the stamp duty, stamp or mark as referred to in letter a, as if the Goods are genuine, not forged and made lawfully.

Article 390

- (1) Any Person who stores materials or objects which are known to be used or will be used to commit any of the Crimes as referred to in Article 382, shall be sentenced with imprisonment for a maximum of 3 (three)

years or a maximum criminal fine of category IV.

- (2) The materials or objects as referred to in paragraph (1) are confiscated for the state or confiscated to be destroyed.

CHAPTER XIII CRIME OF LETTER FORGERY

Division One Letter Forgery

Article 391

- (1) Any Person who made falsely or forges a Letter which may lead to a right, contract or debt relief, or those intended as evidence of a certain matter, with the intention of using it or asking another person to use it as if the content is true and not forged, if the use of said Letter may result in a loss, shall be sentenced due to a Letter forgery, with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category VI.
- (2) Any Person who uses a Letter that contains false or forged content, as if it is true or not forged, if the use of said Letter may result in a loss shall be sentenced with the same criminal sentence as in paragraph (1).

Article 392

- (1) Shall be sentenced with imprisonment for a maximum of 8 (eight) years, Any Person who commit Letter forgery against:
 - a. authentic deed;
 - b. debenture or debt certificates from a country or its part or from a public institution;
 - c. shares, debentures, share certificates, debt certificates from an association, foundation, company, or partnership;
 - d. talon, dividend receipt or interest receipt of any of the Letters as referred to in letter b and letter c or receipt issued in lieu of the said Letter;
 - e. Letter of credit or letter of trade intended for circulation;
 - f. Certificate of land title; or
 - g. Other securities as determined under the laws and regulations.
- (2) Any Person who uses a Letter as referred to in paragraph (1) which content is not true or forged, as if it were true or not forged, if the use of said Letter may result in loss, shall be sentenced with the same sentence as referred to in paragraph (1).

Article 393

- (1) Any Person who stores materials or equipment known to be used to commit the Crime as referred to in Article 392 paragraph (1), shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

- (2) The materials and equipment as referred to in paragraph (1) shall be confiscated for the state or confiscated for destruction.

Division Two

False Information in Authentic Deeds

Article 394

Any Person who asks to have false information included in an authentic deed regarding a matter whose validity should have been stated by said deed, with the intention to use or ask others to use it as if said information was in accordance with the truth, if such use may cause losses, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI.

Division Three

Forgery against Certificate

Article 395

- (1) A physician who issues a Certificate on the state of health or death of a person that is not in accordance with the actual conditions, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (2) If the information as referred to in paragraph (1) is given with the intention of admitting or detaining someone in a mental hospital, shall be sentenced with imprisonment for a maximum of 8 (eight) years or a maximum criminal fine of category VI.
- (3) The criminal sentence as referred to in paragraph (1) and paragraph (2) shall also apply to any Person who uses said forged Certificate as if its contents were in accordance with the actual condition.

Article 396

Shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum criminal fine of category V, Any Person who:

- a. makes falsely or forge a doctor's certificate on the presence or absence of any disease, weakness, or disability, with the intention of misleading the authorized Official or the insurer; or
- b. uses a doctor's certificate which is false or forged, as if the certificate is true or not false with the intention to mislead the authorized Official or the insurer.

Article 397

Shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category III, Any Person who:

- a. makes falsely or forge a certificate of never being involved in a Crime, proficiency, financial inadequacy, disability, or other conditions, with the intention to use or ask others to use it in order to be accepted in a work or in order to cause compassion and favor; or
- b. uses false or forged certificates as referred to in letter a, as if the said Letters are true or not false.

Article 398

- (1) Any Person shall be sentenced with imprisonment for a maximum of 5 (five) years and a maximum criminal fine of category V, if:
- a. making falsely or forge passports, travel documents in lieu of passport, or Letters granted in accordance with the provisions of the Law on the granting of permits to foreigners to Enter and settle in Indonesia; or
 - b. asking to provide a similar Letter under a false name or false nickname or by pointing to a false condition,
- with the intention of using it or asking other persons to use it as if it were true or not false.
- (2) Any Person who uses a false or forged Letter as referred to in paragraph (1) as if it were true and not forged, or as if its content is in accordance with the truth, shall be sentenced with the same criminal sentence.

Article 399

Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, Any Person who:

- a. makes falsely or forge a letter of introduction for animals or Livestock, or order to give a similar letter under a false name or by pointing to a false condition, with the intention to use or ask other persons to use said Letter as if it were true and not false; or
- b. uses a false or forged Letter as referred to in letter a, as if the said Letter is true or not false.

Article 400

Shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV, Any Person who:

- a. makes falsely or forge a statement Letter of an Official authorized to draw up information on property rights or other rights over an object, with the intention of facilitating the transfer or guarantee or to mislead law enforcement Officials as to the origin of said objects; or
- b. uses the certificate as referred to in letter a, as if the said Letter is true or not false.

CHAPTER XIV**CRIME OVER ORIGIN AND MARRIAGE****Article 401**

Any Person who embezzles the origin of a person, shall be sentenced due to embezzlement of origin, with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.

Article 402

- (1) Shall be sentenced with imprisonment for a maximum of 4 (four) years and 6 (six) Months or a maximum

criminal fine of category IV, Any Person who:

- a. holds a marriage, even though it is known that an existing marriage is a legitimate barrier from holding said marriage; or
 - b. enters into a marriage, even though it is known that an existing marriage of the other party is a legitimate barrier from holding said marriage.
- (2) If any Person as referred to in paragraph (1) letter a hides from the other party that an existing marriage is a legitimate barrier from holding said marriage, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.

Article 403

Any Person who holds a marriage and does not notify the other party that for them there is a legitimate barrier, and based on that barrier the marriage is then declared invalid, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.

Article 404

Any Person who does not fulfill the obligation in accordance with the provisions of laws and regulations to report to the authorized Official as regards birth, marriage, divorce or death, shall be sentenced with a maximum criminal fine of category II.

Article 405

Any Person as referred to in Article 403 may be subject to additional sentence in the form of revocation of rights as referred to in Article 86 letter d and/or letter e.

CHAPTER XV CRIME OF DECENCY

Division One Decency in Public

Article 406

Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II, Any Person who:

- a. violates decency in Public; or
- b. violates decency in front of other persons who are present without the will of the person present.

Division Two Pornography

Article 407

- (1) Any Person who produces, manufactures, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, trades, rents, or provides pornography, shall be sentenced with imprisonment for a minimum of 6 (six) Months and imprisonment for a maximum of 10 (ten) years or a minimum criminal fine of category IV and a maximum criminal fine of category VI.
- (2) The act as referred to in paragraph (1) shall not be sentenced if it is a work of art, culture, sport, health, and/or science.

Division Three

Demonstration of Contraceptives and Abortion Equipment

Article 408

Any Person who openly demonstrates, offers, broadcasts writings, or shows that they are able to obtain contraceptives to children, shall be sentenced with a maximum criminal fine of category I.

Article 409

Any Person who illegally and openly demonstrates an abortion equipment, offers, broadcasts writings, or shows in order to obtain an abortion equipment to children, shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.

Article 410

- (1) The act as referred to in Article 408 shall not be sentenced if it is carried out by authorized officials in the context of implementing family planning, prevention of sexually transmitted infectious diseases, or for the benefit of health education and counseling.
- (2) The act as referred to in Article 409 shall not be sentenced if it is carried out in the interest of science/education.
- (3) The authorized officer as referred to in paragraph (1) includes a competent volunteer assigned by the authorized Official.

Division Four

Adultery

Article 411

- (1) Any Person who has sexual intercourse with a person who is not their husband or wife, shall be sentenced due to adultery, with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) The Crime as referred to in paragraph (1) shall not be prosecuted except due to complaints from:
 - a. the husband or wife, for persons bound by marriage.
 - b. Parents or their children, for persons who are not bound by marriage.

- (3) Toward Complaints as referred to in paragraph (2), the provisions as referred to in Article 25, Article 26, and Article 30 shall not apply.
- (4) Complaints may be withdrawn as long as the examination in court hearing has not yet started.

Article 412

- (1) Any Person who lives together as husband and wife outside of marriage shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.
- (2) The Crime as referred to in paragraph (1) shall not be prosecuted except due to complaints from:
 - a. the husband or wife, for persons bound by marriage; or
 - b. Parents or their children, for persons who are not bound by marriage.
- (3) Toward complaint as referred to in paragraph (2), the provisions of Article 25, Article 26, and Article 30 shall not apply.
- (4) Complaints may be withdrawn as long as the examination in court hearing has not yet started.

Article 413

Any Person who has sexual intercourse with someone whom they know that the person is a member of their nuclear family, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Division Five

Obscenity

Subdivision 1

Fornication

Article 414

- (1) Any Person who commits obscene acts toward other persons of the same or different sex:
 - a. in public, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) Months or a maximum criminal fine of category III;
 - b. by force with Violence or Threats of Violence, shall be sentenced with imprisonment for a maximum of 9 (nine) years; or
 - c. which are published as pornographic content, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (2) Any Person who with Violence or Threats of Violence forces another person to commit obscene acts against them, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 415

Shall be sentenced with imprisonment for a maximum of 9 (nine) years, Any Person who:

- a. engages in obscene acts with a person who is known to be unconscious or incapacitated; or
- b. commits obscene acts with someone who is known or reasonably suspected to be a Child.

Article 416

- (1) If any of the Crime as referred to in Article 414 and Article 415 letter a and letter b result in Serious Injury, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) If any of the Crime as referred to in Article 414 and Article 415 letter a and letter b result in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 417

Any Person who gives or promises to give a gift, abuses their authority arising from a relationship of circumstances or by misdirection, drive a person who is known or reasonably suspected to be a Child, to commit an obscene act or to allow an obscene act committed against them, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 418

- (1) Any Person who commits fornication with biological children, stepchildren, adopted children, or children under their supervision who is entrusted to them to be nurtured or educated, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) Shall be sentenced with imprisonment for a maximum of 12 (twelve) years:
 - a. Officials who commit fornication with their subordinates or with people who are entrusted to them to be guarded; or
 - b. physicians, teachers, employees, administrators or officers in correctional facilities, state institutions, workplaces, educational houses, orphanages for the fatherless and/or motherless, mental hospitals or social institutions who commit obscene acts with people who are admitted to said institutions, houses, or residences.

Subdivision 2

Facilitation of Fornication and Sexual Intercourse

Article 419

- (1) Any Person who connects or facilitates another person to commit obscene acts or have sexual intercourse with a person who is known or reasonably suspected to be a Child, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the Crime as referred to in paragraph (1) is committed against biological children, step children, adopted children, or children under their supervision who are entrusted to them to be nurtured, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 420

Any Person who connects or facilitates another person to commit obscene acts, shall be sentenced with

imprisonment for a maximum of 2 (two) years.

Article 421

If the Crime as referred to in Article 419 or Article 420 is committed as a habit or to attract profit as a livelihood, the criminal sentence may be increased by 1/3 (one third).

Article 422

- (1) Any Person who moves, carries, places, or surrenders a Child to another person in order to commit fornication, prostitution, or other acts of indecency, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (2) If the Crime as referred to in paragraph (1) is committed by promising the Child to obtain a job or other promises, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Article 423

The Crimes as referred to in Article 414 to Article 422 is a crime of sexual violence.

Division Six

Intoxicating Beverages and Substances

Article 424

- (1) Any Person who sells or gives intoxicating beverages or substances to persons who are intoxicated shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) Any Person who sells or provides intoxicating beverages or materials to Children shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category II.
- (3) Any Person who, through violence or threats of violence, forces a person to drink or use intoxicating substances, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III.
- (4) If the acts as referred to in paragraph (1) to paragraph (3):
 - a. result in Serious Injury, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV; or
 - b. result in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (5) If the offender of the Crime as referred to in paragraph (1) to paragraph (3) commits said act in carrying out their profession, then they may be sentenced with an additional crime in the form of revocation of rights as referred to in Article 86 letter f.

Division Four

Utilization of Children for Begging

Article 425

- (1) Any Person who gives or transfers to another person a child who is under their legal control and is not yet 12 (twelve) years old, even though it is known that the child in question will be used to commit acts of begging or to perform work which are dangerous or which may endanger their health, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (2) Any Person who accepts a child to be utilized as referred to in paragraph (1) shall be sentenced the same criminal sentence.

Division Eight

Gambling

Article 426

- (1) Shall be sentenced with imprisonment for a maximum of 9 (nine) years or a maximum criminal fine of category VI, Any Person who without a permit:
 - a. offers or provides opportunities to gamble and make it a livelihood or participates in gambling companies;
 - b. offers or provides opportunities for the general public to gamble or to participate in gambling companies, regardless of whether there are requirements or procedures that must be fulfilled in order to use said opportunities; or
 - c. makes participation in gambling games as a livelihood.
- (2) If the Crime as referred to in paragraph (1) is committed in carrying out the profession, may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

Article 427

Any Person who takes the opportunity to play gambling that is held without permission, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III.

CHAPTER XVI

THE CRIME OF ABANDONMENT OF PEOPLE

Article 428

- (1) Any Person who places or leaves a person in an abandoned condition, while according to the law that applies to them or due to an agreement must provide a living, take care of, or look after said person, shall be sentenced with imprisonment for a maximum of 2 (two) years and 6 (six) Months or a maximum criminal fine of category III.
- (2) If the act as referred to in paragraph (1) is carried out by an Official who has the obligation to care for abandoned people, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III.
- (3) Any Person as referred to in paragraph (1) and paragraph (2) shall be sentenced with:
 - a. imprisonment for a maximum of 5 (five) years, if said act resulted in Serious Injury; or

- b. imprisonment for a maximum of 7 (seven) years, if said act resulted in death.

Article 429

- (1) Any Person who leaves a child who has not yet reached the age of 7 (seven) years with the intention to release the responsibility for the child, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV.
- (2) Any Person as referred to in paragraph (1) shall be sentenced with:
 - a. imprisonment for a maximum of 7 (seven) years, if said act resulted in Serious Injury; or
 - b. imprisonment for a maximum of 9 (nine) years, if said act resulted in death.
- (3) In the event that the Crime as referred to in paragraph (1) and paragraph (2) is committed by the Father or mother of the child as referred to in paragraph (1), the sentence may be increased by 1/3 (one-third).

Article 430

A mother who disposes of or leaves her child shortly after being born for fear of the birth of the child being discovered by others, with the intention that the child is found by others or with the intention of relinquishing her responsibility for the child who is born, shall be sentenced with 1/2 (one half) of the criminal sentence as referred to in Article 429 paragraph (1) and paragraph (2).

Article 431

Any Person as referred to in Article 428 and Article 429 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter d.

Article 432

Any Person who, when witnessing a person in danger of death, fails to provide assistance which may be provided to them without causing any hazard to themselves or to others, if said person dies, shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.

CHAPTER XVII

CRIME OF DEFAMATION

Division One

Slander

Article 433

- (1) Any Person who verbally assault someone's honor or reputation by accusing something, with the intention that it is known to the public, shall be sentenced due to slander, with imprisonment for a maximum of 9 (nine) months or a maximum criminal fine of category II.
- (2) If the act as referred to in paragraph (1) is carried out with writings or pictures that are broadcast, displayed, or attached in public places, shall be sentenced due to libel, with imprisonment for a maximum

of 1 (one) year and 6 (six) months or a maximum criminal fine of Category III.

- (3) The acts as referred to in paragraph (1) and paragraph (2) shall not be sentenced if it is conducted in the public interest or out of necessity of self-defense.

Division Two

Calumny

Article 434

- (1) If Any Person as referred to in Article 433 is given the opportunity to prove the validity of the alleged matter but is unable to prove it, and said allegation is contrary to what they know, shall be sentenced due to calumny, with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.
- (2) Proving the validity of allegations as referred to in paragraph (1) may only be conducted in the event that:
 - a. the judge deems it necessary to examine the validity of the allegation to consider the defendant's statement that the defendant committed said action in the public interest or out of necessity of self-defense; or
 - b. Officials are accused of doing something in carrying out their official duties.
- (3) Proving as referred to in paragraph (2) cannot be carried out if the alleged matter may only be prosecuted upon a complaint and no complaint has been filed.

Article 435

- (1) If a court decision that has obtained permanent legal force still declares that the insulted person is guilty of the alleged matter as referred to in Article 434, they shall not be sentenced for calumny.
- (2) If a court decision that has obtained permanent legal force declares the insulted person to be acquitted of the alleged matter, the decision shall be considered as a valid proof that the alleged matter is not true.
- (3) If the criminal prosecution of an insulted person has already been initiated due to the alleged matter, the prosecution for calumny shall be suspended until a court decision that has obtained permanent legal force is reached regarding the alleged matter.

Division Three

Minor Defamation

Article 436

Defamation that are not slander or libel which are committed against someone either in public verbally or in writing, as well as in front of the persons who are insulted verbally or by action or in writing which are sent to or received by them, shall be sentenced due to minor defamation with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.

Division Four

Calumny Complaints

Article 437

- (1) Any Person who submits a false complaint or notification in writing or asks another person to write down the false complaint or notification to the authorized Official regarding someone to assault the honor or reputation of that person, shall be sentenced due to committing a calumny complaint, with imprisonment for a maximum of 3 (three) year and 6 (six) months or a maximum criminal fine of category IV.
- (2) Any Person as referred to in paragraph (1) may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a and/or letter b.

**Division Five
False Allegation****Article 438**

Any Person who with an act raises a false allegation against someone that said person commits a Crime, shall be sentenced due to raising a false allegation, with imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum criminal fine of category IV.

**Division Six
Defamation of the Dead****Article 439**

- (1) Any Person who slanders or libels a dead person shall be sentenced with a maximum imprisonment of 6 (six) months or a maximum criminal fine of category II.
- (2) If any Person as referred to in paragraph (1) commits said Crime in carrying out their profession and at that time 2 (two) years have not elapsed since the court decision that has obtained permanent legal force due to committing the same Crime, may be subject to additional sentence in the form of revocation of rights as referred to in Article 86 letter f.
- (3) The Crime as referred to in paragraph (1) shall not be prosecuted if there is no complaint from the husband or wife, or from one of the blood relatives or in-laws in a straight line or lateral line up to the second degree of the dead person.
- (4) In a matriarchal community, complaints may also be made by other persons who exercise the Power of Father.

**Division Seven
Complaints, Criminal Aggravation, and Additional Sentence****Article 440**

The Crimes as referred to in Article 433, Article 434, and Article 436 to Article 438 shall not be prosecuted, if no complaint has been made by the Victim of the Crime.

Article 441

- (1) The criminal provisions as referred to in Article 433 to Article 439 may be increased by 1/3 (one-third) if carried out by means of information technology.
- (2) The criminal provisions as referred to in Article 433, Article 434, and Article 436 may be increased by 1/3 (one third), if the one who is defamed or subject to calumny is an Official who is carrying out their legitimate duties.

Article 442

Any Person as referred to in Article 434 and Article 436 to Article 439 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XVIII CRIME OF REVELATION OF SECRETS

Article 443

- (1) Any Person who reveals a secret which must be kept due to his/her position, profession or duty assigned by a government agency, either current or former secret, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.
- (2) If the Crime as referred to in paragraph (1) is committed in relation to the secrets of another person, then it may only be prosecuted upon the complaint of said person.

Article 444

- (1) Any Person who reveals specific information regarding a company in which he/she works or has previously worked for, which must be kept confidential, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.
- (2) The Crime as referred to in paragraph (1) may only be prosecuted upon the complaint of the management of the company in question.

Article 445

Any Person as referred to in Article 443 and Article 444 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c and/or letter f.

CHAPTER XIX CRIME AGAINST THE INDEPENDENCE OF PEOPLE

Division One Deprivation of Freedom of Persons and Coercion

Article 446

- (1) Any Person who unlawfully deprives a person's freedom or continues such deprivation, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (4) The criminal provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) shall also apply to the person who gives place to the deprivation of freedom or continues such unlawful deprivation of freedom.

Article 447

- (1) Any Person who due to their negligence causes another person to be deprived of their freedom unlawfully or the continuation of such deprivation of freedom, shall be sentenced with imprisonment for a maximum of 6 (six) Months or a maximum criminal fine of category II.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 1 (one) year.
- (3) If the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with a maximum of 2 (two) years in prison.

Article 448

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II, Any Person who:
 - a. unlawfully forces other persons to do, not to do, or allow something, with Violence or Threats of Violence, either toward the person themselves or other persons; or
 - b. forces another person to do, not to do or to allow something with the threat of slander or libel.
- (2) The Crime as referred to in paragraph (1) letter b may only be prosecuted upon complaints from the Victims of Crime.

Article 449

- (1) Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV, Any Person who threatens with:
 - a. Violence openly with collective labor which is committed against persons or Goods;
 - b. a Crime that results in hazard to the public security of persons or Goods;
 - c. rape or obscenity;
 - d. a Crime against people's lives;
 - e. severe persecution; or
 - f. incineration.

- (2) If the threat as referred to in paragraph (1) is carried out in writing and with certain conditions, shall be sentenced with imprisonment for a maximum of 3 (three) years and 6 (six) Months or a maximum criminal fine of category IV.

**Division Two
Deprivation of People's Freedom**

Subdivision 1

Abduction

Article 450

Any Person who brings a person with the intention to unlawfully place said person under their control or the power of another person or to place said person in a state of helplessness, shall be sentenced due to abduction with imprisonment for a maximum of 12 (twelve) years.

Subdivision 2

Hostage-Taking

Article 451

Any Person who detains a person with Violence or Threats of Violence with the intention to unlawfully place said person under their control or the power of another person or to place said person in a state of powerlessness, shall be sentenced due to hostage-taking, with a maximum imprisonment of 12 (twelve) year.

**Division Three
Deprivation of Freedom of Children and Women**

Subdivision 1

Transfer of Power

Article 452

- (1) Any Person who withdraws a Child from the power in accordance with the provisions of laws and regulations which are determined upon them or from the supervision of the person authorized for it, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.
- (2) If the act as referred to in paragraph (1) is carried out by deceit, Violence or Threats of Violence, or against a child who has not yet reached the age of 12 (twelve) years, shall be sentenced with a maximum imprisonment of 8 (eight) years or a maximum criminal fine of category V.

Subdivision 2

Hiding Children

Article 453

- (1) Any person who hides a child who has been withdrawn or withdraws from power themselves in accordance with the provisions of laws and regulations determined for them or from the supervision of a person authorized for that, or withdraws them from the investigation of an authorized Official, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category III.
- (2) If the act as referred to in paragraph (1) is committed against a child under the age of 12 (twelve) years, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Subdivision 3

Taking Away Children and Women

Article 454

- (1) Any Person who takes away a Child against the will of the Parents or godparents, but with the consent of the Child themselves, in order to ensure control over said Child, either inside or outside of marriage, shall be sentenced due to taking away of a Child, with imprisonment for a maximum of 7 (seven) years.
- (2) Any Person who takes away women with deceit, Violence or Threats of Violence, with the intention of ensuring control over said women, both inside and outside of marriage, shall be sentenced due to taking away women with imprisonment for a maximum of 9 (nine) years.
- (3) The Crime as referred to in paragraph (1) may only be prosecuted upon a complaint from the Child, Parents, or godparents.
- (4) The crime as referred to in paragraph (2) may only be prosecuted upon a complaint from the woman or her husband.
- (5) If the person who takes away a woman married the woman who is taken away and the marriage is carried out in accordance with the provisions of the laws and regulations on marriage, it cannot be sentenced before the marriage is declared annulled.

Division Four

Human Trafficking

Article 455

- (1) Any Person who recruits, transports, accommodates, sends, transfers or receives a person by means of the Threat of Violence, the use of Violence, abduction, confinement (penyekapan), forgery, fraud, abuse of power or position of vulnerability, entanglement in debt, or the provision of payments or benefits despite obtaining approval from a person who has control over another person, for the purpose of exploiting said person within the territory of the Unitary State of the Republic of Indonesia, shall be sentenced due to committing the Crime of Human Trafficking, with a minimum imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a minimum criminal fine of category IV and a maximum of category VII.
- (2) If the act as referred to in paragraph (1) result in people being exploited, the offender shall be sentenced with the same criminal sentence.

**Division Five
Additional Sentence**

Article 456

Any Person who commits any of the Criminal Acts as referred to in Article 446 and Article 450 to Article 455 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

**CHAPTER XX
HUMAN SMUGGLING**

Article 457

Any Person who commits an act aimed at seeking profit, either directly or indirectly, for themselves or for another person by bringing a person or group of people, either in an organized or unorganized manner, or orders another person to bring a person or group of people, either in an organized or unorganized manner, who does not have the right to enter legally into Indonesian Territory or exit from the Indonesian Territory and/or enter the territory of another country, for which the person in question does not have the right to enter said territory legally, either by using valid documents or forged documents, or without the use of Travel Documents, either through immigration examination or not, shall be sentenced due to human smuggling with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years or a minimum criminal fine of category V and a maximum of category VII.

**CHAPTER XXI
CRIME AGAINST LIFE AND FETUS**

**Division One
Murder**

Article 458

- (1) Any Person who robs another person's life shall be sentenced due to murder, with imprisonment for a maximum of 15 (fifteen) years.
- (2) If the Crime as referred to in paragraph (1) is committed against their mother, father, wife, husband or child, the criminal sentence may be increased by 1/3 (one third).
- (3) Murder followed by, accompanied by, or preceded by a Crime committed with the intention of preparing or facilitating its implementation, or to release themselves or other participants from criminal sentence in the event of being caught red-handed, or to ensure possession of the Goods they obtained unlawfully, shall be sentenced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Article 459

Any Person who with prior planning takes the life of another person, shall be sentenced due to premeditated murder, with a capital punishment or life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Article 460

- (1) A mother who takes the life of her child at the time of or shortly after birth, for fear of the birth of the child is known to others, shall be sentenced due to the murder of her own child, with imprisonment for a maximum of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) is carried out with a plan in advance, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) Other Persons who participate in committing the Crime as referred to in:
 - a. paragraph (1) shall be sentenced with the same criminal sentence as Article 458 paragraph (1); or
 - b. paragraph (2) shall be sentenced with the same criminal sentence as Article 459.

Article 461

Any Person who takes the life of another person at the request of the person themselves which is clearly stated with sincerity, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 462

Any Person who encourages, assists, or provides means to another person to commit suicide and said person dies due to suicide, shall be sentenced with imprisonment for a maximum of 4 (four) years.

Division Two

Abortion

Article 463

- (1) Any woman who has an abortion shall be sentenced with imprisonment for a maximum of 4 (four) years.
- (2) The provision as referred to in paragraph (1) does not apply in the event that women are the Victims of Crime of Rape or other Crimes of sexual violence that cause pregnancy whose gestational age does not exceed 14 (fourteen) weeks or has indication of medical emergency.

Article 464

- (1) Any Person who performs an abortion on a woman:
 - a. with the consent of the woman, shall be sentenced with imprisonment for a maximum of 5 (five) years; or
 - b. without the consent of the woman, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) If the act as referred to in paragraph (1) letter a results in the death of the woman, shall be sentenced with imprisonment for a maximum of 8 (eight) years.

- (3) If the act as referred to in paragraph (1) letter b results in the death of the woman, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 465

- (1) Physicians, midwives, paramedics, or pharmacists who commit the Crime as referred to in Article 464 may have their criminal sentence increased by 1/3 (one-third).
- (2) Physicians, midwives, paramedics, or pharmacists who commit the Crime as referred to in paragraph (1) may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a and letter f.
- (3) Physicians, midwives, paramedics, or pharmacists who perform abortions due to indications of medical emergencies or to the Victims of Crime of Rape or other Crimes of sexual violence that lead to pregnancy as referred to in Article 463 paragraph (2) shall not be sentenced.

CHAPTER XXII CRIME AGAINST THE BODY

Division One

Persecution

Article 466

- (1) Any Person who commits a persecution, shall be sentenced with imprisonment for a maximum of 2 (two) years and 6 (six) Months or a maximum criminal fine of category III.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (4) Included as a persecution as referred to in paragraph (1) are actions that damage health.
- (5) Attempts to commit a Crime as referred to in paragraph (1) shall not be sentenced.

Article 467

- (1) Any Person who commits persecution with prior planning shall be sentenced with imprisonment for a maximum of 4 (four) years.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 468

- (1) Any Person who seriously injures another person, shall be sentenced due to severe persecution, with

imprisonment for a maximum of 8 (eight) years.

- (2) If the act as referred to in paragraph (1) results in death, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Article 469

- (1) Any Person who commits severe persecution with prior planning shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 470

The Crimes as referred to in Article 466 to Article 469, the criminal sentence may be increased by 1/3 (one third), if said Crime is committed:

- a. against Officials when or due to carrying out their legitimate duties;
- b. by providing materials which are hazardous to life or health; or
- c. towards mother or Father.

Article 471

- (1) In addition to the persecution as referred to in Article 467 and Article 470, any persecution which does not cause any disease or hindrance to the performance of any professional position or livelihood, shall be sentenced due to minor persecution, with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.
- (2) If the Crime as referred to in paragraph (1) is committed against a person who works for them or becomes their subordinate, the criminal sentence may be increased by 1/3 (one-third).
- (3) Attempts to commit the Crime as referred to in paragraph (1) shall not be sentenced.

Division Two

Assault and Group Fighting

Article 472

Any Person who takes part in an assault or fight involving several persons, in addition to their respective responsibilities for the specific Crime, shall be sentenced with:

- a. imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum criminal fine of category III, if said assault or fight resulted in Serious Injury; or
- b. imprisonment for a maximum of 4 (four) years, if said assault or fight resulted in the death of a person.

Division Three

Rape

Article 473

- (1) Any Person who, through Violence or Threats of Violence, forces someone to have sexual intercourse with them, shall be sentenced due to committing rape, with imprisonment for a maximum of 12 (twelve) years.
- (2) Including the Crime of Rape and being sentenced as referred to in paragraph (1) consists of the following acts:
 - a. sexual intercourse with a person with their consent, because the person believes that the person is a legitimate husband/wife;
 - b. sexual intercourse with a Child;
 - c. sexual intercourse with a person, even though it is known that the other person is in a state of unconsciousness or helpless; or
 - d. sexual intercourse with persons with mental disabilities and/or intellectual disabilities by giving or promising money or goods, abusing the authority arising from relationship of circumstances, or by misleading them into engaging in or allowing sexual intercourse with them, even though the disability is known.
- (3) Shall also be deemed to have committed the Crime of Rape, if under the circumstances as referred to in paragraph (1) and paragraph (2), by way of:
 - a. inserting the genital into the anus or mouth of another person;
 - b. inserting another person's genital into their own anus or mouth; or
 - c. inserting non-genital parts of their body or objects into the genital or anus of other.
- (4) In the event that the Crimes as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) are committed against Children, shall be sentenced with imprisonment for a minimum of 3 (three) years and maximum of 15 (fifteen) years and a minimum criminal fine of category IV and a maximum of category VII.
- (5) The provisions as referred to in paragraph (4) shall also apply to Any Person who forces a Child to commit a Crime as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) with other persons.
- (6) In the event that the Crime as referred to in paragraph (1) is committed in marriage, no prosecution shall be conducted except upon the complaint from the Victim.
- (7) If any of the Crime as referred to in paragraph (1) to paragraph (3) results in Serious Injury, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (8) If any of the Crime as referred to in paragraph (1) to paragraph (3) results in the death of a person, the criminal sentence may be increased by 1/3 (one-third) of the criminal threat as referred to in paragraph (1).
- (9) If the Victim as referred to in paragraph (4) is a biological child, stepchild, or child under their godparent, the criminal sentence may be increased by 1/3 (one third) of the criminal threat as referred to in paragraph (4).
- (10) In the event that the Crime as referred to in paragraph (1) to paragraph (9) is committed jointly and in alliance, or is committed against a person in a state of danger, emergency, conflict situation, disaster, or war, criminal the sentence may be increased by 1/3 (one third).
- (11) The Crime as referred to in paragraph (1) to paragraph (10) is a crime of sexual violence.

CHAPTER XXIII

CRIMINES THAT RESULT IN DEATH OR INJURY DUE TO NEGLIGENCE

Article 474

- (1) Any Person who due to their negligence injures another person resulting in illness or hindrance in carrying out their position, livelihood, or profession for a certain time, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.
- (2) Any Person who due to their negligence causes another person to be seriously injured, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III.
- (3) Any Person who due to their negligence results in the death of another person shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 475

- (1) If the Crime as referred to in Article 474 is committed in carrying out their position, livelihood or profession, the criminal sentence may be increased by 1/3 (one third).
- (2) Any Person as referred to in paragraph (1) may also be sentenced with additional sentence in the form of the announcement of judge's decision as referred to in Article 66 paragraph (1) letter c and revocation of rights as referred to in Article 86 letter f.

CHAPTER XXIV

THE CRIME OF THEFT

Article 476

Any Person who takes Goods which partially or wholly belongs to another person, with the intention to be owned unlawfully, shall be sentenced with theft, with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 477

- (1) Shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category V, Any Person who conducts:
 - a. theft of religious sacred objects or beliefs;
 - b. theft of antiquities;
 - c. theft of Livestock or Goods which are a person's source of livelihood or main source of livelihood;
 - d. theft during fire, explosion, natural disaster, Shipwreck, stranded Ship, aircraft accident, train accident, road traffic accident, riot, rebellion, or War;
 - e. theft at the Evening in a house or in a closed yard with a house, which is carried out by a person whose presence there is unknown or is not desired by the entitled;
 - f. theft by way of damaging, dismantling, cutting, breaking, Climbing, wearing False Keys, using false orders, or wearing fake official clothes, to Enter the place of committing the Crime or to arrive at the

taken Goods; or

g. joint and allied theft.

- (2) If the acts as referred to in paragraph (1) letter e is accompanied by one of the methods as referred to in paragraph (1) letter f and letter g, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 478

If the Crime as referred to in Article 476 and Article 477 paragraph (1) letter f and letter g are committed not in a house or enclosed yard with a house, and the price of the stolen Goods is not more than Rp.500,000.00 (five hundred thousand rupiahs), will be sentenced due to minor theft, with a maximum criminal fine of category II.

Article 479

- (1) Any Person who commits theft which is preceded, accompanied by, or followed by Violence or Threat of Violence against persons, with the intention of preparing or facilitating theft or in the event of being caught red-handed, in order to allow himself/herself or another person to retain possession of the stolen Goods, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (2) Sentenced with imprisonment for a maximum of 12 (twelve) years, Any Person who commits the act as referred to in paragraph (1):
- at the Evening in a house or a closed yard with a house, on a public road, or in a moving public transportation vehicle;
 - theft by way of damaging, dismantling, cutting, breaking, Climbing, using False Keys, using false orders, or using fake official clothes, to Enter the place committing the Crime or to arrive at the taken Goods;
 - result in Severe Injuries to persons; or
 - jointly and in alliance.
- (3) If the act as referred to in paragraph (1) or paragraph (2) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (4) If the act as referred to in paragraph (1) results in Serious Injury or death of a person, which is carried out jointly and, in an alliance, accompanied by one of the things as referred to in paragraph (2) letter a and letter b, shall be sentenced with capital punishment or life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Article 480

Any Person as referred to in Article 476 to Article 479 may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Article 481

- (1) A criminal prosecution shall not be carried out if those committing one of the Crimes as referred to in Article 476 to Article 479 is the husband or wife of the Victim of Crime whose table and bed are not separated or have no separation of Assets.
- (2) A criminal prosecution may only be carried out upon the complaint of the Victim if the offender as referred to in paragraph (1) is the husband or wife of the Victim of Crime whose table and bed are not separated or

have no separation of Assets, or is a blood relative or in-laws either in a straight line or in a lateral line up to the second degree.

- (3) In a community which utilizes the matriarchal system, complaints may also be made by other persons who exercise the Power of Father.

CHAPTER XXV THE CRIME OF EXTORTION AND THREATS

Article 482

- (1) Shall be sentenced due to extortion with imprisonment for a maximum of 9 (nine) years, Any Person who, with the intention of unlawfully benefiting themselves or others, forces a person with Violence or Threat of Violence to:
- a. give Goods, which are partially or wholly owned by said person or owned by another person; or
 - b. give debts, make acknowledgments of debts, or write off receivables.
- (2) The provisions as referred to in Article 479 paragraph (2) to paragraph (4) shall also apply to extortion as referred to in paragraph (1).

Article 483

- (1) Shall be sentenced due to threats with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV. Any Person who, with the intention of unlawfully benefiting themselves or others, with threats of slander or libel or threats to disclose any secrets, forces a person to:
- a. give Goods which are partially or wholly owned by said person or owned by another person; or
 - b. give debts, make acknowledgments of debts, or write off receivables.
- (2) The Crimes as referred to in paragraph (1) may only be prosecuted upon a complaint from the Victim of Crime.

Article 484

The provisions as referred to in Article 481 shall also apply to the Crimes as referred to in Article 482 and Article 483.

Article 485

Any Person as referred to in Article 482 to Article 483 may be sentenced with additional sentence as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XXVI THE CRIME OF EMBEZZLEMENT

Article 486

Any Person who unlawfully owns Goods which partially or wholly owned by another person, which is in his/her control not due to a Crime, shall be sentenced due to embezzlement, with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Article 487

If what is embezzled is not Livestock or Goods which are not a source of livelihood or living, the value of which is no more than Rp.1,000,000.00 (one million rupiah), Any Person as referred to in Article 486, shall be sentenced due to minor embezzlement, with a maximum criminal fine of category II.

Article 488

In the event that the act as referred to in Article 486 is carried out by a person whose possession of said Goods is due to a work relationship, due to their profession, or due to receiving a wage for the possession of said Goods, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 489

In the event that the act as referred to in Article 486 is carried out by a person who receives the Goods from other persons who are forced to hand over the Goods to them for storage or by godparents, guardians, administrators or executors of wills, administrators of social institutions or foundations against the Goods they control, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 490

The provisions as referred to in Article 481 shall also apply to the Crimes as referred to in Article 486 until Article 489.

Article 491

- (1) Any Person as referred to in Article 486, Article 488 or Article 489, may be sentenced with additional sentence in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c and revocation of one or more rights as referred to in Article 86.
- (2) If the Crime as referred to in paragraph (1) is committed in carrying out their profession, the offender may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 letter f.

CHAPTER XXVII CRIME OF FRAUDULENT ACTS

Article 492

Any Person who intends to unlawfully benefit themselves or another person by using a false name or false position, using deceit or a series of lies, inducing people to hand over Goods, giving a debt, making an acknowledgment of debt, or writing off a receivables, shall be sentenced due to fraud, with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V.

Article 493

Shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category IV, sellers who deceive buyers:

- a. by delivering other Goods other than those which have been determined by the buyer; or
- b. on the condition, nature or amount of the delivered Goods.

Article 494

Shall be sentenced due to minor fraud with a maximum criminal fine of category II, if:

- a. The delivered goods as referred to in Article 492 are not Livestock, not sources of livelihood, debts or receivables which value is not more than Rp1,000,000.00 (one million rupiah); or
- b. the value of profits that are obtained shall not be more than Rp1,000,000.00 (one million rupiah) for the offenders as referred to in Article 493.

Article 495

Any Person who commits an act fraudulently which results in another person suffering economic loss, through false confession or by not informing the actual condition, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Article 496

Any Person who fraudulently obtains a service for themselves or another person from a third party without fully paying the utilization of said service shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Article 497

Any Person who makes as a livelihood or a habit of buying Goods with the intention of owning said Goods for themselves or another person without settling the payment, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 498

Any Person who, through deception, misleads an insurer on matters relating to insurance so that the insurer draws up an agreement in which they will not make such conditions if the actual condition is known, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) Months or a maximum criminal fine of category III.

Article 499

Shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V, Any Person who intends to unlawfully benefit themselves or another person by harming an insurer or a person who legally holds the Letter of guarantee of Goods in the transportation vehicle, by:

- a. incinerating or causing an explosion of any Goods that are Included in fire insurance so that it can no longer be used;
- b. sinking, stranding, damaging, destroying or rendering unusable an insured Ship or insured cargo or for which the fee of transportation to be paid has been insured or in order to complete said Ships had been granted loan money for the expense of Ships; or
- c. damaging, destroying or rendering unusable an insured Ship or insured cargo or for which the fee of transportation to be paid have been insured or in order to complete said Ships had been provided loan money for the expense of Ships.

Article 500

Any Person who commits a fraudulent act in order to mislead a large number of people or a certain person with the intention of establishing or increasing the trading income of their company or another person, that may cause losses to their competitors or competitors of other person, shall be sentenced due to unfair competition, with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 501

Any holder of bill of lading who encumbers a copy of the bill of lading with a reciprocal agreement with several recipients of the relevant Goods, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 502

Shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V, Any Person who intends to unlawfully benefit themselves or other person by:

- a. selling, exchanging, or encumbering with a mortgage, a right to use state land or house, plant or nursery business on land where a person exercise their land rights, even though other persons are entitled or co-entitled to said land or Goods;
- b. selling, exchanging, or encumbering with a mortgage, a right to use state land or building, plant or nursery business on land where a person exercise their land rights, even though the land or Goods in question have been encumbered with a mortgage, without notifying the other relevant parties;
- c. encumbering with a mortgage a right to use state land by hiding it from other parties, even though the land where people exercising said right has been pledged;
- d. pledging or leasing a plot of land in which people exercise their land right, even though other persons are entitled or co-entitled to said land;
- e. leasing, selling or exchanging land that has been pawned without notifying the other party that the land has been pawned; or
- f. leasing a plot of land on which a person may exercise their land right for a certain period of time, even though said land has also been leased to someone else.

Article 503

- (1) Any Person who sells, offers, or delivers Goods in the form of food, beverages or drugs, which they know to be counterfeit and conceal said counterfeit, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

- (2) If the Crime as referred to in paragraph (1) results in Serious Injury or disease, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (3) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 504

Any Person who produces food to be distributed using food additives that exceed the maximum threshold as stipulated by the authorized Official or uses prohibited materials as additives, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category V.

Article 505

Any Person who intends to unlawfully benefit themselves or other person, damage, destroy, transfer, dispose, or render unusable Goods that are used to determine the legitimate boundaries of yards or boundaries of land rights, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 506

Any Person who intends to unlawfully benefit themselves or other persons by broadcasting false news which results in an increase or decrease in the price of traded Goods, funds, financial transactions, or Securities, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 507

Any Person who sells or assists in selling debentures of a country or parts of said country, shares or debentures of an association, foundation or company, inducing to buy or take part, hide or cover up the actual condition or matter, or give false hope, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category V.

Article 508

Entrepreneurs, management, or commissioners of Corporations who announce incorrect conditions or balance sheets, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category III.

Article 509

The following shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III:

- a. an advocate who include or ask to include in their lawsuits or divorce applications or bankruptcy declaration, information on the domicile or residence of the defendants or debtors, even though it is known or reasonably suspected that said information is contrary to the actual situation;
- b. a husband or wife who files a lawsuit or divorce application that provides information that is contrary to the actual situation to an advocate as referred to in letter a; or
- c. a creditor who submits a bankruptcy declaration and provides information that is contrary to the actual

situation to an advocate, as referred to in letter a.

Article 510

Criminal provisions as referred to in Article 481 shall also apply to Crimes as referred to in Articles 492 to Article 509, except for the provisions as referred to in Article 509 letter b.

CHAPTER XXVIII

CRIME AGAINST TRUST IN BUSINESS OPERATION

Division One

Adverse Actions and Fraud against Creditors

Article 511

Entrepreneurs who are declared bankrupt or who are permitted to dispose of their assets according to court decisions shall be sentenced due to causing harm to debtors, with imprisonment for a maximum of 1 (one) year and 6 (six) months or a criminal fine of category III, if:

- a. living too extravagantly;
- b. with the intention of suspending the bankruptcy, borrowing money under an agreement which is incriminating for them, while knowing that said loan will not be able to prevent them from falling into bankruptcy; or
- c. cannot show in their entirety the books, Letters which contain notes describing the state of company assets, and other Letters which must be drawn up and stored in accordance with the provisions of laws and regulations.

Article 512

Entrepreneurs who are declared bankrupt or who are permitted to dispose of their assets based on court decisions, shall be sentenced due to causing harm to debtors in fraudulent manner with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI, if:

- a. fabricating debts, not accounting for profits, or withdrawing Goods from company assets;
- b. disposing the Company's Goods, either free of charge or at a price far below its price;
- c. by way of benefiting one of the creditors at the time of bankruptcy or when it is discovered that said bankruptcy is unavoidable; or
- d. does not fulfill the obligation to record everything in accordance with the provisions of laws and regulations, to store and show books, letters, and other letters as referred to in Article 511 letter c.

Article 513

The Crimes as referred to in Article 511 and Article 512 may also be committed by Corporations.

Article 514

Shall be sentenced due to fraud against creditor rights with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category VI, Any Person who:

- a. collecting payments either from receivables that are not yet due or are due, even though the debtor already knows that the bankruptcy or settlement of debtor companies has been applied for or as a result of negotiations with the debtor, at the time of disposal of assets based on court decisions, bankruptcy, or is ordered by the court to conduct company settlements, or at a time when it is known or reasonably suspected that any of the foregoing will occur, and subsequently such disposal of assets, bankruptcy or settlement of the company in question actually occurs; or
- b. fabricating any non-existent receivables or increasing the amount of existing receivables, during the verification of receivables in the event of disposals of assets based on court decisions, bankruptcy or company settlements.

Article 515

Any Person who is declared incapable or if the person concerned is not an Entrepreneur, is declared bankrupt or based on a court decision is permitted to dispose of his/her assets, fraudulently reduce the rights of his/her creditors by fabricating debts, hiding income, and withdrawing Goods from his/her assets, or dispose the Goods free of charge or significantly below its price, or in the event of incapability, the disposal of his assets or bankruptcy, or upon learning that one of the abovementioned conditions cannot be prevented, benefiting one of its creditors in any way, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category VI.

Division Two

Fraudulent Acts of Managers or Commissioners

Article 516

Managers or commissioners of a Corporation which is declared bankrupt or ordered to settle the company, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category VI, if:

- a. facilitates or allows the conduct of actions that are contrary to the articles of association resulting in losses to the Corporation;
- b. with the intention of suspending bankruptcy or settlement of companies, facilitating or permitting borrowing of money under onerous conditions, even though it is known that the state of bankruptcy or settlement of companies in question cannot be prevented; or
- c. does not fulfill the obligation to organize records as determined in the provisions of laws and regulations or is unable to show records in actual conditions.

Article 517

Managers or commissioners of a Corporation which is declared bankrupt or ordered to settle the company based on court decisions fraudulently reduce the rights of creditors as referred to in Article 512, shall be sentenced with imprisonment for a maximum of 7 (seven) years or a maximum criminal fine of category VI.

Article 518

Managers or commissioners of a Corporation who, outside of the provisions as referred to in Article 516, assist in or authorize acts which are contrary to the articles of association and which result in the Corporation being unable to fulfill its obligations or must be dissolved, shall be sentenced with a maximum criminal fine of category VI.

Division Three

Reconciliation for Profit

Article 519

The following shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category III:

- a. creditor who approves the reconciliation offer in court hearing due to having entered into an agreement with the debtor or with a third party and asking a special advantage; or
- b. a debtor who approves an offer of reconciliation in court hearing due to having entered into an agreement with a creditor or with a third party and asking a special advantage.

Division Four

Unauthorized Withdrawal of Goods

Article 520

- (1) Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category V, Any Person who:
 - a. withdraw part or all of or Goods belonging to another person for the purposes of the owner, from another person who buys have a lien, the right to withhold, the right to collect the proceeds, or the right to use the Goods;
 - b. withdraw part or all of their Goods or goods belonging to another person for the purposes of the owner, from the agreement on the debt of the mortgage for said goods, to the detriment of the person who owes the mortgage right;
 - c. withdraws part or all of the Goods by which they are encumbered with harvest bonds, or for those who give bonds withdraw a Goods which by other persons are encumbered with harvest bonds at the expense of the said bond's holders; or
 - d. withdraws part or all of their Goods or for the purposes of the owner of the credit bond of said Goods at the expense of the credit holder.
- (2) The criminal provisions as referred to in Article 481 shall also apply to the Crime as referred to in paragraph (1).

CHAPTER XXIX

CRIME OF DAMAGING AND DESTRUCTION OF GOODS AND BUILDINGS

**Division One
Damaging and Destruction of Goods**

Article 521

- (1) Any Person who unlawfully damages, destructs, renders unusable, or removing Goods which are a building or are entirely owned by another person, shall be sentenced with imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum criminal fine of category IV.
- (2) If the Crime as referred to in paragraph (1) results in a loss of no more than Rp500,000.00 (five hundred thousand rupiah), the offender of the Crime shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

**Division Two
Damaging and Destruction of Buildings**

Article 522

Any Person who unlawfully damages a building for public service means, infrastructure, and/or facilities, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 523

Any Person who unlawfully destructs or renders unusable a building for public service means, infrastructure, and/or facilities, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.

Article 524

Any Person whose negligence cause a building to be damaged, destructed, or rendered unusable, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 525

Any Person who unlawfully destructs or renders unusable a building, Ship, train, or other means of mass transportation which is partly or entirely owned by another person, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category V.

Article 526

Provisions as referred to in Article 481 shall also be applicable to Crimes as referred to in Article 521 to Article 525.

**CHAPTER XXX
CRIME OF POSITION**

Division One

Refusal or Neglect of Requested Tasks

Article 527

Any commander of the Indonesian National Armed Forces who refuses or neglects a request for the granting of assistance from the forces under his command when requested by an authorized Official according to the Law, shall be sentenced with imprisonment for a maximum of 4 (four) years.

Article 528

- (1) Any civil official who requests the assistance of the Indonesian National Armed Forces or the Indonesian National Police to oppose the implementation of laws and regulations or a valid order from an authorized official, court decision or court order, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (2) If the implementation of laws and regulations or valid orders from authorized Officials, court decisions, or court orders are obstructed due to the request as referred to in paragraph (1), said civil Officials shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Division Two

The Crime of Coercion and the Crime of Torture

Article 529

Officials who in criminal cases coerced a person to confess or give information, shall be sentenced with imprisonment for a maximum of 4 (four) years.

Article 530

Any Official or any other person acting in the capacity of an official, or a person acting due to being driven by or with the knowledge of a public Official, commits an act that causes physical or mental suffering upon a person to obtain information or confession from said person or a third person, punishing them for the action that is committed or alleged to have been committed by them or a third person, or intimidating or coercing said person or a third person based on any form of discrimination, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Division Three

Abuse of Position or Authority

Article 531

- (1) An Official who is assigned to guard a detained person based on the order of an authorized official or a court decision or ruling, allows said person to escape, releases said person, or helps said person when he/she are released or releasing him/herself, shall be sentenced with imprisonment for a maximum of 4

(four) years.

- (2) The Official, as referred to in paragraph (1), who, due to negligence, causes the detained person to escape, shall be sentenced with imprisonment for a maximum of 1 (one) year.

Article 532

- (1) Shall be sentenced with imprisonment for a maximum of 4 (four) years, Officials who:
- a. have duties as a Criminal investigator, fail to fulfill a request to declare that there is a person who has unlawfully been deprived of his/her freedom or fails to notify that matter to their superiors immediately; or
 - b. in carrying out their duties, knows that there are people who are unlawfully deprived of their freedom and fail to notify it immediately to the Official in charge as Criminal investigator.
- (2) Officials who, due to negligence, fail to fulfill the obligations as referred to in paragraph (1) shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category III.

Article 533

The Head of a Penitentiary Institution, Head of a State Detention Center, Head of a Child Special Development Institution, Head of a Temporary Child Placement Institution, or Head of a Mental Hospital who rejects a valid request from an authorized Official to present a person, show a list of data about the people that are put into said place, show a court decision or ruling, or show other Letters which based on the provisions of laws and regulations must be fulfilled to put a person to said place, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months.

Article 534

The Head of a Penitentiary Institution, Head of a State Detention Center, Head of a Child Special Development Institution, Head of a Temporary Child Placement Institution, or Head of a Mental Hospital who put people in said places without asking to show them a court decision or ruling, or other letters that must be fulfilled in accordance with the provisions of laws and regulations, or fail to record in a list the data about the person who are put in, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

Article 535

Shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months, Officials who:

- a. exceeds their authority or does not pay attention to procedures in accordance with the provisions of laws and regulations, forces entry into a house or a room or a closed yard that other persons use, or is unlawfully in such places, and does not leave immediately after being warned by or on behalf of eligible persons; or
- b. at the time of searching the house has exceeded their authority or without paying attention to procedures in accordance with the provisions of laws and regulations, examines and confiscates Letters, books, or other real evidences.

Article 536

Shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category

IV, Officials who:

- a. exceeds their authority and ask people to show them or confiscate Letters, postcards, Goods, or packages which are entrusted to a transportation agency or delivery service; or
- b. exceeds their authority and ask electronic system organizers to provide Electronic documents and Information regarding the communication that occurs through the said electronic system network.

Article 537

Shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV, an Official of an agency in charge of the delivery of Letters or Goods who:

- a. deliver Letters, postcards, Goods, or packages to persons other than the entitled parties;
- b. damage, destroy or eliminate said Letters, postcards, Goods or packages;
- c. change the content of Letters, postcards, Goods or packages; or
- d. stole Goods in a Letter or package for themselves.

Article 538

Officials of an agency in charge of the delivery of Letters or Goods who allow another person to commit the Crime as referred to in Article 537 and/or assist the other person in committing the act, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV.

Article 539

- (1) An authorized official who marries a person, knowing that the existing marriage becomes a legitimate obstacle for him/her to remarry, shall be sentenced with imprisonment for a maximum of 4 (four) years and 6 (six) months.
- (2) An authorized official who marries a person, knowing that that there is a legitimate obstacle to the marriage in addition to the obstacle as referred to in paragraph (1) shall be sentenced with imprisonment for a maximum of 5 (five) years.

Article 540

Authorized official who issues a copy or excerpt of court decision before the decision is signed properly, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 541

Any ex-Official who, without permit from an authorized Official, withholds an official Letter in his/her possession, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

CHAPTER XXXI SAILING CRIME

Division One

Piracy and Violence against and onboard Ships

Article 542

Any Person who uses Ships to detain or commit Violence or Threats of Violence against other Ships or against persons or Goods that are onboard Ships on the high seas or in a place outside the jurisdiction of any country with the intention of unlawfully controlling people or securing or possessing Ships or Good, shall be sentenced due to piracy at sea with imprisonment for a maximum of 12 (twelve) years.

Article 543

- (1) Any Person who, on land or water around the coast or in the mouth of a river, commits Violence or Threats of Violence against persons or Goods in said place after first crossing the sea, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (2) Any Person who uses a Ship to commit Violence or Threats of Violence against other Ships or persons or Goods in Indonesian waters to unlawfully control people or secure or possess Ships or Goods, shall be sentenced with the same criminal sentence as referred to in paragraph (1).

Article 544

Any Person who commits the acts as referred to in Article 542 and Article 543 which results in:

- a. Serious Injury, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years; or
- b. the death of a person, shall be sentenced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Article 545

Any Person who:

- a. works as a captain or performs a profession as a captain on a Ship, even though it is known that the Ship is used to commit the acts as referred to in article 542 and article 543, shall be sentenced with imprisonment for a maximum of 12 (twelve) years; or
- b. works as a Ship's Crew, even though it is known that said Ships are used to commit the acts as referred to in Article 542 and Article 543, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 546

- (1) Any Person who hands over Indonesian Ships into the control of the person who commits the acts as referred to in Article 542 and Article 543, shall be sentenced with imprisonment for a maximum of 10 (ten) years.
- (2) In the event that the act as referred to in paragraph (1) is carried out by the captain, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Article 547

Indonesian Ship's Passengers who seize the authority over that Ship, shall be sentenced with imprisonment for a maximum of 6 (six) years.

Article 548

The Captain of an Indonesian Ship who takes over or tows Ships from their owners or from the Entrepreneurs who own them and use said Ships for their own benefit, shall be sentenced with imprisonment for a maximum of 8 (eight) years.

Division Two

Falsification of Ship Certificates and False Reports

Article 549

The Captain of an Indonesian Ship who draws up or asks another person to draw up a Ship Certificate which is known that the content of the Certificate is contrary to the truth, shall be sentenced with imprisonment for a maximum of 5 (five) years.

Article 550

Any Person who, in order to comply with the provisions of laws and regulations on the registration of Ships, shows a Certificate which is known that the content of the Certificate is contrary to the truth, shall be sentenced with imprisonment for a maximum of 5 (five) years or a maximum criminal fine of category IV.

Article 551

Shall be sentenced with imprisonment for a maximum of 8 (eight) years, Any Person who:

- a. draws up or asks another person to include false information in the official report of a Ship's information on a condition that must be stated in a deed, with the intention of using it for themselves or instructing another person to use the deed as if the information in the official report is in accordance with the truth, if the use of said deed may result in a loss; or
- b. uses the deed as referred to in letter a as if its contents were in accordance with the truth, if the use of said deed may result in a loss.

Article 552

Captains who, with the intention of benefiting themselves or others, make or provide false reports on the accidents of Ships they lead or other Ships, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of category IV.

Division Three

Assault, Mutiny and Insubordination on Ships

Article 553

- (1) The following shall be sentenced due to an assault on a Ship with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category III:
 - a. Indonesian Ship's Passengers who onboard the Ship assaulted or opposed the Captain with Violence or Threats of Violence with the intention of depriving his/her freedom to move; or
 - b. Indonesian Ship's Crews who onboard the Ship or in performing their professions committed the acts as referred to in letter a to persons with higher rank.
- (2) The act as referred to in paragraph (1) shall be sentenced with:
 - a. imprisonment for a maximum of 5 (five) years, if said act or other acts accompanying it results in an injury;
 - b. imprisonment for a maximum of 7 (seven) years, if it results in Serious Injury; or
 - c. imprisonment for a maximum of 9 (nine) years, if it results in the death of a person.

Article 554

- (1) In the event that the act as referred to in Article 553 paragraph (1) is carried out by 2 (two) or more persons in an alliance or jointly, shall be sentenced due to mutiny on a Ship, with imprisonment for a maximum of 7 (seven) years.
- (2) The act as referred to in paragraph (1) shall be sentenced with:
 - a. imprisonment for a maximum of 9 (nine) years, if said act or other acts accompanying it results in an injury;
 - b. imprisonment for a maximum of 12 (twelve) years, if it results in Serious Injury; or
 - c. imprisonment for a maximum of 15 (fifteen) years, if it results in the death of a person.

Article 555

Any Person onboard an Indonesian Ship inducing another person to commit a mutiny on a Ship shall be sentenced with imprisonment for a maximum of 6 (six) years.

Article 556

- (1) Shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II, any Indonesian Ships' Passengers who:
 - a. disobeyed the Captain's order which is given for security purposes or to bring order and discipline onboard the Ship;
 - b. fail to provide assistance according to their ability to the Captain when they find out that the Captain's freedom to move is deprived; or
 - c. fail to notify the Captain at the right time when they know there is an intention from other persons who are onboard the Ship to carry out an assault on the Ship.
- (2) The provision as referred to in paragraph (1) letter c does not apply if the assault on the Ship does not occur.

Article 557

If Any Person as referred to in Article 547 and Article 553 to Article 556 has the rank of Ship officer, the sentence may be increased by 1/3 (one third).

Division Four

Abuse of Authority and Violation of Obligations by the Captains of Ships

Article 558

Shall be sentenced with imprisonment for a maximum of 7 (seven) years, the Captain of an Indonesian Ship who with the intention of unlawfully benefiting themselves or others or to hide benefits by way of:

- a. selling Ships;
- b. encumbering with fiduciary guarantee, mortgage or pawn the Ship or its equipment;
- c. selling or pawning the cargo or supplies of the Ship; or
- d. calculating any unrealistic losses or expenses.

Article 559

Any Person who equips a Ship at their own expense or at the expense of another person, with the intention of being used to commit the Crimes as referred to in Article 542 and Article 543, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Article 560

Any Person who at their own expense or at the expense of another person either directly or indirectly participates in the chartering, loading or insurance of Ships, even though it is known that the Ships will be used or intended to be used for the purposes as referred to in Article 542 and Article 543, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Article 561

Captains of Indonesian Ships who with the intention of unlawfully benefiting themselves or others or to hide such benefits by changing the course of their Ships, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.

Article 562

- (1) Captains of Indonesian Ships who, when not in a state of emergency and without the knowledge of the Ships' owners or Entrepreneurs, commit or allow an act which they know will cause the Ship or their cargo to be towed, terminated, or detained, shall be sentenced with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum criminal fine of category III.
- (2) Any Passenger who, when not in a state of emergency and without the knowledge of the Captain, commits or allows the act as referred to in paragraph (1), shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category II.

Article 563

Captains of Indonesian Ships who, when not in a state of emergency do not give something that must be given to their Passengers, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Article 564

Captains of Indonesian Ships who, when not in a state of emergency or contrary to the applicable law, disposing the Ships' cargo, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 565

Captains of the Ships whose Ships use Indonesian flags, even though it is known that they are not entitled to use the flag, shall be sentenced with imprisonment for a maximum of 2 (two) years or a maximum criminal fine of category III.

Article 566

Captains of the Ships whose Ships use signs which make it appear as if the Ships are Indonesian warships or government ships other than warships on duty in the field of security and order at sea or pilot boats operating within Indonesian waters, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 567

Captains of Indonesian Ships who fail to fulfill the obligation to record and notify the births or deaths of persons onboard the Ships during sailing in accordance with the provisions of laws and regulations, shall be sentenced with a maximum criminal fine of category II.

Article 568

Captains of Indonesian Ships who without valid reason reject the request to transport the suspect, defendant, convict, prisoner, and/or goods related to criminal cases in accordance with the provisions of laws and regulations, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category III.

Article 569

- (1) An Indonesian Ship's captain who allows escaping or release of a suspect, defendant, convict, or prisoner or provides assistance when he/she are released or releasing him/herself, even though the person is being transported on his/her Ship based on a request in accordance with the provisions of laws and regulations, shall be sentenced with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of category IV.
- (2) In the event that due to the negligence of the captain resulted in the suspect, defendant, convict, or prisoner as referred to in paragraph (1) to release or escape, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

Division Five
Destruction of Cargo and Goods for Ships Needs

Article 570

Any Person who unlawfully destroys or damages cargo, supplies, or Necessities onboard the Ship, shall be sentenced with imprisonment for a maximum of 3 (three) years or a maximum criminal fine of category IV.

Division Five
Carrying out the Profession as Crew

Article 571

Any Person who, when not in a state of emergency without the right to carry out a profession as a captain, helmsman, or engineer on an Indonesian Ship, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of category IV.

Article 572

Any Person who without right wears an identity card, even though it is a little different, the use of which is in accordance with the provisions of laws and regulations only for hospital ships or lifeboats from such Ships or for small ships used to help sick people, shall be sentenced with imprisonment for a maximum of 6 (six) months or a maximum criminal fine of category II.

Division Seven
Signing of Bills of Lading and Travels Tickets

Article 573

Shall be sentenced with a maximum criminal fine of category IV, Any Person who:

- a. sign a bill of lading which is issued by violating the provisions of laws and regulations; or
- b. sign the bill of lading as referred to in letter a based on their authority, if that bill of lading is issued.

Article 574

- (1) Shall be sentenced with a maximum criminal fine of category IV, Any Person who:
 - a. sign the Passenger Ship ticket which is issued by violating the provisions of laws and regulations; or
 - b. sign the Passenger Ship ticket as referred to in letter a based on their authority, if said ticket is subsequently issued.
- (2) The Crime as referred to in paragraph (1) shall also apply to any Person who grants a Passenger Ship ticket which is not in accordance with the provisions of laws and regulations.

CHAPTER XXXII

CRIME OF AVIATION AND CRIME AGAINST AVIATION FACILITIES AND INFRASTRUCTURE

Division One

Destruction of Aviation Facilities and Aircrafts

Article 575

- (1) Any Person who unlawfully damages, destroys, or renders unusable buildings for air traffic security or thwarts any efforts to secure said buildings, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the Crimes as referred to in paragraph (1) pose a hazard to air traffic security, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 576

- (1) Any Person who due to his/her negligence causes a building for air traffic security to be damaged, destroyed, or rendered unusable or the failure of any effort to secure said building, shall be sentenced with imprisonment for a maximum of 3 (three) years.
- (2) If the Crimes as referred to in paragraph (1) result in hazard to air traffic security, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (3) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Article 577

- (1) Any Person who unlawfully damages, destroys, takes, or moves any sign or device for aviation security, thwarts the operation of said sign or device, or installs the wrong sign or device, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) If the Crimes as referred to in paragraph (1) pose a hazard to aviation security, shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) If the Crimes as referred to in paragraph (1) result in an Aircraft accident, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.
- (4) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 578

- (1) Any Person who due to his/her negligence results in any sign or device for aviation security being damaged, destroyed, taken, or moved, or resulting in the inability to work or resulting in the installation of an incorrect sign or device for aviation security, shall be sentenced with imprisonment for a maximum of 2

(two) years.

- (2) If the Crime as referred to in paragraph (1) which results in hazard to aviation, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (3) If the Crime as referred to in paragraph (2) results in an Aircraft accident, shall be sentenced with imprisonment for a maximum of 6 (six) years.
- (4) If the Crime as referred to in paragraph (3) results in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Division Two Aircraft Hijacking

Article 579

- (1) Shall be sentenced due to hijacking in the air with imprisonment for a maximum of 12 (twelve) years, Any Person who:
 - a. seizes or defend the seizure; or
 - b. unlawfully dominates or controls,
an Aircraft In Flight.
- (2) Any Person who commits the Crime as referred to in paragraph (1) with Violence, Threats of Violence, or threats in other forms, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.

Article 580

- (1) Shall be sentenced with imprisonment for a maximum of 15 (fifteen) years, if the Crime as referred to in Article 579:
 - a. conducted by 2 (two) persons or more in alliance and jointly;
 - b. as a continuation of a criminal conspiracy;
 - c. carried out by planning;
 - d. result in Serious Injury;
 - e. result in damage to the Aircraft which may endanger the flight; or
 - f. carried out with the intention of depriving someone of their freedom or continuing to deprive someone of their freedom.
- (2) If the Crime as referred to in paragraph (1) results in the death of a person or the destruction of said Aircraft, shall be sentenced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

Division Three Acts that Endanger Aviation Safety

Article 581

Any Person who unlawfully damages, destroys, or renders unusable any Aircraft which is partially or entirely owned by another person, shall be sentenced with imprisonment for a maximum of 9 (nine) years.

Article 582

Any Person who unlawfully damages any Aircraft within the Aviation Service or causes damage to an Aircraft so that it cannot fly or endanger aviation safety, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Article 583

Any Person who harms, damages, destroys, or renders unusable Aircraft in Flight shall be sentenced with:

- a. imprisonment for a maximum of 12 (twelve) years, if said act poses a hazard to the life of another person; or
- b. imprisonment for a maximum of 15 (fifteen) years, if said act resulted in the death of any person.

Article 584

- (1) Any Person who due to his/her negligence causes an Aircraft to be harmed, damaged, destroyed, or rendered unusable, shall be sentenced with imprisonment for a maximum of 3 (three) years.
- (2) If the Crimes as referred to in paragraph (1) cause hazard to the lives of others, shall be sentenced with imprisonment for a maximum of 5 (five) years.
- (3) If the Crime as referred to in paragraph (1) results in the death of a person, shall be sentenced with imprisonment for a maximum of 7 (seven) years.

Article 585

Any Person who is onboard an Aircraft commits any act which endangers the safety of the Aircraft In-flight, shall be sentenced with imprisonment for a maximum of 5 (five) years.

Article 586

Any Person who unlawfully commits Violence against persons onboard an Aircraft which jeopardizes the safety of said flight, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Article 587

Any Person who unlawfully places or causes to be placed in any way any equipment or materials onboard any Aircraft within the Aviation Service which may destroy or result in damage to said Aircraft so that it cannot fly or endanger aviation safety, shall be sentenced with imprisonment for a maximum of 10 (ten) years.

Article 588

- (1) If the Crimes as referred to in Article 586 and Article 587:
 - a. are conducted by 2 (two) persons or more jointly and in an alliance;

- b. as a continuation of a criminal conspiracy; or
- c. causes serious injuries,

the criminal sentence may be increased by 1/3 (one-third).

- (2) If the Crime as referred to in paragraph (1) results in the death of a person or that Aircraft to be destroyed, shall be sentenced with the capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years.

Article 589

- (1) Any Person who provides any information which they know to be false and such act endangers the safety of the Aircraft In-flight, shall be sentenced with imprisonment for a maximum of 7 (seven) years.
- (2) Any Person who commits the Crime as referred to in paragraph (1) which results in Serious Injury shall be sentenced with imprisonment for a maximum of 9 (nine) years.
- (3) Any Person who commits the Crime as referred to in paragraph (1) which results in the death of a person, shall be sentenced with imprisonment for a maximum of 12 (twelve) years.

Division Four

Aircraft Insurance Crimes

Article 590

- (1) Any Person who with the intention of benefiting themselves or another person unlawfully for the loss of an insurer causes fire or explosion, accident, destruction, damage, or renders unusable the Aircraft insured against said danger or whose cargo or wages will be accepted for the transportation of the said cargo are insured, or in which an insurance money has been received for the interest of said cargo, shall be sentenced with imprisonment for a maximum of 10 (ten) years.
- (2) If the Crime as referred to in paragraph (1) occurs in an Aircraft in Flight, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
- (3) If the Crime as referred to in paragraph (1) results in the Passenger insured against danger getting an accident, shall be sentenced with:
 - a. imprisonment for a maximum of 12 (twelve) years, if it results in Serious Injury; or
 - b. imprisonment for a maximum of 15 (fifteen) years, if resulting in the death of any person.

CHAPTER XXXIII

CRIME OF FENCING, PUBLISHING AND PRINTING

Division One

Crime of Collection

Article 591

Shall be sentenced due to fencing with imprisonment for a maximum of 4 (four) years or a maximum criminal fine of Category V, Any Person who:

- a. purchase, offer, lease, exchange, receive guarantees or pawns, accept gifts or to draw profits, sell, lease, exchange, pawn, transport, store or hide any objects which are known or reasonably suspected to have been obtained through Crimes; or
- b. draw profits from the proceeds of an object, which is known or reasonably suspected that the object is obtained from a Crime.

Article 592

- (1) Any Person who makes it a habit to purchase, exchange, receive guarantees or pawns, store, or hide objects obtained from Crime, shall be sentenced with imprisonment for a maximum of 6 (six) years or a maximum criminal fine of Category V.
- (2) If the offenders of the Crime as referred to in paragraph (1) commits said act as a livelihood, may be sentenced with additional sentence in the form of revocation of rights as referred to in Article 86 paragraph (1) letter a, letter b, letter c, and/or letter g.

Article 593

If the Crime as referred to in Article 591 have a value of Goods not exceeding Rp500,000.00 (five hundred thousand rupiah), shall be sentenced due to minor fencing, with a maximum criminal fine of Category II.

Division Two

Crime of Publishing and Printing

Article 594

Any Person who publishes writings or drawings which, by their nature, may be sentenced, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of Category II, if:

- a. the person requesting to publish the writing or drawing is unknown, or at the first reprimand after the prosecution has been initiated, is not revealed; or
- b. the publisher knows or should reasonably suspect that the person requesting to publish, at the time of publishing, cannot be prosecuted or settled abroad.

Article 595

Any Person who prints writings or graphics which, by their nature, may be sentenced, shall be sentenced with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of Category II, if:

- a. the person requesting to print the writings or pictures is unknown, or at the first reprimand after the prosecution has been initiated, is not revealed; or
- b. the printmaker knows or should reasonably suspect that the person requesting to print, at the time of publishing, cannot be prosecuted or settled abroad.

Article 596

If the nature of the writing or drawing as referred to in Article 594 and Article 595 constitutes a Crime that can only be prosecuted upon complaints, the publisher or printmaker may only be prosecuted upon complaints from persons affected by said Crime.

CHAPTER XXXIV
CRIMINAL ACTS BASED ON THE LAW THAT LIVES IN THE COMMUNITY

Article 597

- (1) Any Person who commits an act which, according to the law that lives in the community, is declared as a prohibited act, shall be threatened with a criminal sentence.
- (2) The criminal sentence as referred to in paragraph (1) shall be in the form of fulfillment of customary obligation as referred to in Article 66 paragraph (1) letter f.

CHAPTER XXXV
SPECIAL CRIMES

Division One

Serious Crime against Human Rights

Article 598

Shall be sentenced due to genocide Any Person who with the intention of destroying or annihilating all or part of a national, racial, ethnic, religious or belief group, by means of:

- a. killing group members;
- b. cause severe physical or mental suffering to any members of the group;
- c. creating living conditions for the group which are calculated to lead to its physical annihilation, either in its entirety or in part;
- d. imposing measures aimed at preventing births within the group; or
- e. forcibly transferring children from one group to another,

with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years.

Article 599

Shall be sentenced due to Crime against humanity Any Person who commits an act as part of a widespread or systematic attack that is known to that person that the attack is directed against civilian population, in the form of:

- a. murder, annihilation, forcible expulsion or transfer of population, deprivation of freedom or other deprivation of physical freedom that violates the basic rules of international law, or the crime of apartheid, with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years;

- b. slavery, torture, or other inhumane acts of the same nature aimed at causing severe suffering or serious injury to the body or physical and mental health, with criminal sentence for a minimum of 5 (five) years and a maximum of 15 (fifteen) years;
- c. persecution of groups or associations based on politics, race, nationality, ethnicity, culture, religion, belief, sex, or persecution for other discriminatory reasons that have been universally acknowledged as prohibited under international law, with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years; or
- d. rape, sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilization or other forms of sexual Violence of the same level, or enforced disappearance, shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years.

Division Two Crime of Terrorism

Article 600

Any Person who uses Violence or Threats of Violence which creates an atmosphere of terror or widespread fear toward people, inflicts mass Victims by seizing the independence or loss of life and property of others, or results in damage or destruction of strategic vital objects, the environment, public facilities, or international facilities, shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or the capital punishment.

Article 601

Any Person who uses Violence or Threats of Violence which is intended to create an atmosphere of terror or widespread fear toward people, inflicts mass Victims by seizing the independence or loss of life and property of others, or to cause damage or destruction of strategic vital objects, the environment, public facilities, or international facilities, shall be sentenced with imprisonment for a minimum of 3 (three) years and a maximum of 20 (twenty) years or life imprisonment.

Article 602

Any Person who provide, collect, grant, or lend funds, either directly or indirectly, with the intention to be used entirely or partly to commit Crimes of terrorism, terrorist organization, or terrorist, shall be sentenced due to the Crime of financing terrorism with imprisonment for a maximum of 15 (fifteen) years and a maximum criminal fine of category V.

Division Three Crime of Corruption

Article 603

Any Person who unlawfully enriches themselves, other persons or Corporations and who harm state finances or the state economy, shall be sentenced with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a minimum criminal fine of category II and a maximum of category VI.

Article 604

Any Person who, with the aim of benefiting themselves, other persons or Corporations, abuses the authority, opportunity or facilities available to them due to their position or standing which is detrimental to state finances or the state economy, shall be sentenced with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a minimum criminal fine of category II and a maximum of category VI.

Article 605

- (1) Shall be sentenced with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a minimum criminal fine of category III and a maximum of category V, Any Person who:
 - a. grants or promises something to civil servants or state administrators with the intention that the civil servants or state administrators in question does or does not do something in their position, which is contrary to their obligations; or
 - b. grants something to civil servants or state administrators due to or relating to something which is contrary to the obligation, which is performed or not performed in the position.
- (2) Civil servants or state administrators who accept the grants or promises as referred to in paragraph (1), shall be sentenced with imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a minimum criminal fine of category III and a maximum of category V.

Article 606

- (1) Any Person who grants reward or promise to civil servants or state administrators by taking into consideration the power or authority attached to their position or standing, or by the grantor or promisor is considered attached to the position or standing, shall be sentenced with imprisonment for a maximum of 3 (three) years and a maximum criminal fine of category IV.
- (2) The civil servants or state administrators who accepts the reward or promise as referred to in paragraph (1), shall be sentenced with imprisonment for a maximum of 4 (four) years and a maximum criminal fine of category IV.

Division Four Money Laundering Crime

Article 607

- (1) Any Person who:
 - a. places, transfers, diverts, spends, pays, grants, entrusts, carries abroad, changes the form of, exchanges with currency or Securities or other actions upon Assets which are known or reasonably suspected to be the result of a Crime with the aim of concealing or disguising the origin of Assets shall be sentenced with imprisonment for a maximum of 15 (fifteen) years and a maximum criminal fine of category VII;
 - b. conceals or disguises the origin, source, location, designation, transfer of rights, or actual ownership of any Assets which are known or reasonably suspected to be the result of a Crime shall be sentenced with imprisonment for a maximum of 15 (fifteen) years and a maximum criminal fine of category VI;

- c. receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or use of Assets which are known or reasonably suspected to be the result of a Crime, shall be sentenced with imprisonment for a maximum of 5 (five) years and a maximum criminal fine of category VI.
- (2) Result of a Crime as referred to in paragraph (1) is the Assets obtained from the following Crimes:
- a. corruption;
 - b. bribery;
 - c. narcotics;
 - d. psychotropic;
 - e. labor smuggling;
 - f. migrants smuggling;
 - g. in the field of banking;
 - h. in the field of capital market;
 - i. in the field of insurance;
 - j. customs;
 - k. excise;
 - l. human trafficking;
 - m. illicit arms trade;
 - n. terrorism;
 - o. abduction;
 - p. theft;
 - q. embezzlement;
 - r. fraud;
 - s. money counterfeiting;
 - t. gambling;
 - u. prostitution;
 - v. in the field of taxation;
 - w. in the field of forestry;
 - x. in the field of environment;
 - y. in the field of marine and fisheries; or
 - z. other Crimes which are sentenced with imprisonment for 4 (four) years or longer.
- (3) Crimes as referred to in paragraph (1) are money laundering crimes.

Article 608

The provision as referred to in Article 607 paragraph (1) letter c does not apply to the reporting party who fulfilled the reporting obligation as regulated in the Law on the Prevention and Eradication of Money Laundering Crime.

**Division Five
Narcotic Crime**

Article 609

- (1) Any Person who illegally owns, keeps, controls, or provides:
 - a. non-plant Category I Narcotics shall be sentenced with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a minimum criminal fine of category IV and a maximum of category VI;
 - b. Category II Narcotics shall be sentenced with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a minimum criminal fine of category IV and a maximum of category VI; and
 - c. Category III Narcotics shall be sentenced with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a minimum criminal fine of category IV and a maximum of category VI.
- (2) In the event that the acts as referred to in paragraph (1) are conducted on:
 - a. non-plant Category I Narcotics weighing more than 5 (five) grams shall be sentenced with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum criminal fine of category V and a maximum of category VI;
 - b. Category II Narcotics weighing more than 5 (five) grams shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum criminal fine of category V and a maximum of category VI; and
 - c. Category III Narcotics weighing more than 5 (five) grams shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum criminal fine of category V and a maximum of category VI.

Article 610

- (1) Any Person who illegally produces, imports, exports, or distributes:
 - a. Category I Narcotics shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum criminal fine of category IV and a maximum of category V;
 - b. Category II Narcotics shall be sentenced with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a minimum criminal fine of category IV and a maximum of category V; and
 - c. Category III Narcotics shall be sentenced with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a minimum criminal fine of category IV and a maximum of category V.
- (2) In the event that the acts as referred to in paragraph (1) are conducted on:
 - a. plant-based Category I Narcotics weighing more than 1 (one) kilogram or more than 5 (five) trees, or non-plant Category I Narcotics weighing more than 5 (five) grams shall be sentenced with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum criminal fine of category V and a maximum of category VI;

- b. Category II Narcotics weighing more than 5 (five) grams shall be sentenced with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum criminal fine of category V and a maximum of category VI; and
- c. Category III Narcotics weighing more than 5 (five) grams shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum criminal fine of category V and a maximum of category VI.

Article 611

Provisions regarding the categorization and amount of narcotics shall refer to the Law that regulates Narcotics.

Division Six

Criminal Conspiracy, Preparation, Attempt, and Assistance of Special Crimes

Article 612

Provisions regarding the criminal conspiracy, preparation, attempt, and assistance regulated in the Laws on serious Crimes on human rights, Crime of terrorism, Crime of corruption, money-laundering Crime, and narcotic Crimes, shall apply in accordance with the provisions of the relevant Laws.

CHAPTER XXXVI

TRANSITIONAL PROVISIONS

Article 613

- (1) At the time this Law comes into force, any Law and Regional Regulation of the Region that contain criminal provisions shall adjust to the provisions in Book One of this Law.
- (2) Provisions on the adjustment of criminal provisions as referred to in paragraph (1) shall be regulated with a Law.

Article 614

At the time this Law comes into force:

- a. the terms felony (kejahatan) and misdemeanor (pelanggaran) used in the Laws other than this Law and Regulations of the Region shall be replaced with Crime (Tindak Pidana);
- b. the terms legal entities that take form of limited liability companies, foundations, associations, cooperatives, state-owned enterprises, regionally-owned enterprises, village-owned enterprises, or the equivalent, and unincorporated associations or business entities in the form of firma partnerships, limited partnerships or the equivalent that are regulated in the laws and regulations other than this Law shall be equated with Corporation as stipulated in this Law;
- c. the terms tangible or intangible objects, movable or immovable objects including water and demand deposits, electricity, gas, data, and Computer programs that are regulated in the Laws other than this Law shall be equated with Goods as stipulated in this Law;
- d. the terms civil servants, state civil apparatuses, members of the Indonesian National Police, and members

of Indonesian National Armed Forces, state officials, public officials, regional officials, persons who receive salaries or wages from state or regional finance, persons who receive salaries or wages from Corporations which capital is entirely or largely owned by the state or region, or other officials regulated under the laws and regulations other than this Law and fulfilled the provisions as referred to in Article 154 shall be Officials as stipulated in this Law.

Article 615

- (1) At the time this Law comes into force, confinement (kurungan) under the Laws other than this Law and Regulations of the Region shall be replaced with criminal fines under the following provisions:
 - a. confinement of less than 6 (six) Months shall be replaced with a maximum criminal fine of category I; and
 - b. confinement of 6 (six) Months or more shall be replaced with a maximum criminal fine of category II.
- (2) In the event of a criminal fine which is alternatively threatened with confinement as referred to in paragraph (1) exceeded category II, the provisions under the relevant laws and regulation shall prevail.

Article 616

At the time this Law comes into force, Laws other than this Law that stipulated criminal fine that exceed the amount of category VIII shall be replaced with criminal fine of category VIII.

Article 617

At the time this Law comes into force, if the criminal provisions under the Laws other than this Law refer to certain articles regulated in the Criminal Code which was enforced by Law Number 1 of 1946 on Criminal Law Regulations and Law Number 73 of 1958 on Declaring the Enforcement of Law Number 1 of 1946 on Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code, they shall be adjusted to the changes contained in this Law.

Article 618

At the time this Law comes into force, any Crime which are currently undergoing judicial proceedings shall use the provisions of this Law, unless the Law which addresses said Crime is more beneficial for the suspect or defendant.

Article 619

At the time this Law comes into force, custody (pidana tutupan) shall remain to be implemented based on Law Number 20 of 1946 on Custody Sentence until the establishment of new Law on custody.

Article 620

At the time this Law comes into force, the provisions of the Chapter on Special Crimes under this Law shall be enforced by the law enforcement agencies based on the duties and authorities regulated in each Law.

CHAPTER XXXVII

CLOSING PROVISIONS

Article 621

Implementing regulations of this Law shall be established by no later than 2 (two) years from the promulgation of this Law.

Article 622

- (1) At the time this Law comes into force, provisions under:
- a. Law Number 1 of 1946 on Criminal Law Regulations (Official Gazette of the Republic of Indonesia II Number 9);
 - b. Article 5 paragraph (3) letter b and letter c of the Emergency Law of the Republic of Indonesia Number 1 of 1951 on Temporary Measures to Organize the Unitary Power Structure and Procedure of the Civil Courts (State Gazette of the Republic of Indonesia Number 9 of 1951, Supplement to the State Gazette Republic of Indonesia Number 81);
 - c. Article 1 and Article 2 of Emergency Law Number 12 of 1951 on Amendment to “Ordonnantie Tijdelijke Byzondere Strafbepalingen” (Stbl. 1948 No. 17) and Law of the Republic of Indonesia formerly NR 8 of 1948 (State Gazette of the Republic of Indonesia Number 78 of 1951);
 - d. Law Number 73 of 1958 on Declaring the Enforcement of Law Number 1 of 1946 on Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code (State Gazette of 1958 Number 127, Supplement to the State Gazette Number 1660);
 - e. Law Number 1 of 1960 on Amendment to the Criminal Code;
 - f. Regulation of the Government in Lieu of Law Number 16 of 1960 on Several Amendments to the Criminal Code (State Gazette of 1960 Number 50, Supplement to the State Gazette Number 1976);
 - g. Regulation of the Government in Lieu of Law Number 18 of 1960 on Amendment to the Amount of Criminal Fines in the Criminal Code and in Other Criminal Provisions Issued Before 17 August 1945 (State Gazette of 1960 Number 52, Supplement to the State Gazette Number 1978);
 - h. Article 4 of Edict of the President Number 1 of 1965 on Prevention of Religious Abuse and/or Blasphemy (State Gazette of the Republic of Indonesia of 1965 Number 3, Supplement to the State Gazette of the Republic of Indonesia Number 2726);
 - i. Law Number 7 of 1974 on Gambling Control (State Gazette of the Republic of Indonesia of 1974 Number 54, Supplement to the State Gazette of the Republic of Indonesia Number 3040);
 - j. Law Number 4 of 1976 on Amendment to and Addition of Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Provisions of Criminal Laws and Regulations, Aviation Felony, and Felony against Aviation Facilities/Infrastructure (State Gazette of 1976 Number 26, Supplement to the Gazette State Number 3080);
 - k. Law Number 27 of 1999 on Amendment to the Criminal Code relating to Felony Against State Security (State Gazette of the Republic of Indonesia of 1999 Number 74, Supplement to the State Gazette of the Republic of Indonesia Number 3850);
 - l. Article 2 paragraph (1), Article 3, Article 5, Article 11, and Article 13 of Law Number 31 of 1999 on the Eradication of Crime of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 on Amendment to Law Number 31 of 1999 on the Eradication of Crime of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the

- State Gazette of the Republic of Indonesia Number 4150);
- m. Article 8, Article 9, and Article 36 to 40 of Law Number 26 of 2000 on Human Rights Court (State Gazette of the Republic of Indonesia of 2000 Number 208, Supplement to the State Gazette of the Republic of Indonesia Number 4026);
 - n. Article 81 paragraph (1) and Article 82 of Law Number 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia of 2002 Number 109, Supplement to the State Gazette of the Republic of Indonesia Number 4235) as amended several times, most recently by Law Number 17 of 2016 on the Stipulation of Regulation of the Government in Lieu of Law Number 1 of 2016 on Second Amendment to Law Number 23 of 2002 on Child Protection into Law (State Gazette of the Republic of Indonesia of 2016 Number 237, Supplement to the State Gazette of the Republic of Indonesia Number 5946);
 - o. Article 6 and 7 of Law Number 15 of 2003 on the Stipulation of Regulation of the Government in Lieu of Law Number 1 of 2002 on the Eradication of Crime of Terrorism into Law (State Gazette of the Republic of Indonesia of 2003 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 4284) as amended by Law Number 5 of 2018 on Amendment to Law Number 15 of 2003 on the Stipulation of Regulation of the Government in Lieu of Law Number 1 of 2002 on the Eradication of Crime of Terrorism into Law (State Gazette of the Republic of Indonesia of 2018 Number 92, Supplement to the State Gazette of the Republic of Indonesia Number 6216);
 - p. Article 69 of Law Number 20 of 2003 on the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);
 - q. Article 2 of Law Number 21 of 2007 on the Eradication of Human Trafficking Crime (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4720);
 - r. Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), Article 30, Article 31 paragraph (1), Article 31 paragraph (2), Article 36, Article 45 paragraph (1), Article 45 paragraph (3), Article 45A paragraph (2), Article 46, Article 47, and Article 51 paragraph (2) of Law Number 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia of 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843) as amended by Law Number 19 of 2016 on Amendment to Law Number 11 of 2008 on Electronic Information and Transaction (State Gazette of the Republic of Indonesia of 2016 Number 251, Supplement to the State Gazette of the Republic of Indonesia Number 5952);
 - s. Article 15 and Article 17 of Law Number 40 of 2008 on the Elimination of Racial and Ethnic Discrimination (State Gazette of the Republic of Indonesia of 2008 Number 170, Supplement to the State Gazette of the Republic of Indonesia Number 4919);
 - t. Article 29 of Law Number 44 of 2008 on Pornography (State Gazette of the Republic of Indonesia of 2008 Number 181, Supplement to the State Gazette of the Republic of Indonesia Number 4928);
 - u. Article 66 to Article 71 of Law Number 24 of 2009 on the Official Flag, Language and Emblem, as well as the National Anthem (State Gazette of the Republic of Indonesia of 2009 Number 109, Supplement to the State Gazette of the Republic of Indonesia Number 5035);
 - v. Article 192, Article 194, and Article 195 of Law Number 36 of 2009 on Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 - w. Article 111 to Article 126 of Law Number 35 of 2009 on Narcotics (State Gazette of the Republic of Indonesia of 2009 Number 143, Supplement to the State Gazette of the Republic of Indonesia of

2009 Number 5062) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);

- x. Article 2 paragraph (1), Article 3, Article 4 and Article 5 of Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering Crime (State Gazette of the Republic of Indonesia of 2010 Number 122, Supplement to the State Gazette of the Republic of Indonesia Number 5164);
- y. Article 120 paragraph (1) and Article 126 letter e of Law Number 6 of 2011 on Immigration (State Gazette of the Republic of Indonesia of 2011 Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 5216) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
- z. Article 36 paragraph (1), paragraph (2), paragraph (3) and paragraph (4) of Law Number 7 of 2011 on Currency (State Gazette of the Republic of Indonesia of 2011 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 5223) ;
- aa. Article 136 of Law Number 18 of 2012 on Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
- ab. Article 4 of Law Number 9 of 2013 on the Prevention and Eradication of Crime of Terrorism Financing (State Gazette of the Republic of Indonesia of 2013 Number 50, Supplement to the State Gazette of the Republic of Indonesia Number 5406); and
- ac. Article 37, Article 38, Article 39 and Article 41 of Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia of 2006 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4635) as amended by Law Number 31 of 2014 on Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia of 2014 Number 293, Supplement to the State Gazette of the Republic of Indonesia Number 5602),

are repealed and declared invalid.

- (2) In the event that the provisions of the articles regarding Crimes on firearms, ammunitions, explosives, and other weapons as referred to in paragraph (1) letter c are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
 - a. reference of Article 1 shall be replaced with Article 306; and
 - b. reference of Article 2 shall be replaced with Article 307.
- (3) In the event that the provisions of articles regarding Crimes against religions and beliefs as referred to in paragraph (1) letter h refer to Article 4 of the relevant Law, the reference shall be replaced with Article 300 and Article 302 paragraph (1) of this Law.
- (4) In the event that the provisions of articles regarding the Crime of corruption as referred to in paragraph (1) letter l are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
 - a. reference of Article 2 paragraph (1) shall be replaced with Article 603;
 - b. reference of Article 3 shall be replaced with Article 604;
 - c. reference of Article 4 shall be replaced with Article 605;
 - d. reference of Article 11 shall be replaced with Article 606 paragraph (2); and

- e. reference of Article 13 shall be replaced with Article 606 paragraph (1).
- (5) In the event that the provisions of articles regarding serious Crime against human rights as referred to in paragraph (1) letter m are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. references of Article 8 and Article 36 shall be replaced with Article 598; and
 - b. references of Article 9 and Article 37 to Article 40 shall be replaced with Article 599.
- (6) In the event that the provisions of articles regarding Crime of intercourse or obscenity with Child as referred to in paragraph (1) letter n refer to Article 81 paragraph (1) of the relevant Law, the reference shall be replaced with Article 473 paragraph (4) of this Law.
- (7) In the event that the provisions of articles regarding the Crime of terrorism as referred to in paragraph (1) letter o are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. reference of Article 6 shall be replaced with Article 600; and
 - b. reference of Article 7 shall be replaced with Article 601.
- (8) In the event that the provisions of articles regarding Crimes of the use of false diploma or academic degree as referred to in paragraph (1) letter p refer to Article 69 of the relevant Law, the reference shall be replaced with Article 272 paragraph (2) of this Law.
- (9) In the event that the provisions of articles regarding human trafficking Crime as referred to in paragraph (1) letter q refer to Article 2 of the relevant Law, the reference shall be replaced with Article 455 of this Law.
- (10) In the event that the provisions of articles regarding Crime on informatics and electronica as referred to in paragraph (1) letter r are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. references of Article 27 paragraph (1) and Article 45 paragraph (1) shall be replaced with Article 407;
 - b. references of Article 27 paragraph (3) and Article 45 paragraph (3) shall be replaced with Article 441;
 - c. references of Article 28 paragraph (2) and Article 45A paragraph (2) shall be replaced with Article 243;
 - d. references of Article 30 and Article 46 shall be replaced with Article 332; and
 - e. references of Article 31 paragraph (1), Article 31 paragraph (2), and Article 47 shall be replaced with Article 258 paragraph (2).
- (11) In the event that the provisions of articles regarding Crime on the basis of racial and ethnical discriminations as referred to in paragraph (1) letter t are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. reference of Article 15 shall be replaced with Article 244; and
 - b. reference of Article 17 shall be replaced with Article 245.
- (12) In the event that the provisions of articles regarding the Crime of Pornography as referred to in paragraph (1) letter t refer to Article 29 of the relevant Law, the reference shall be replaced with Article 407 of this Law.
- (13) In the event that the provisions of articles regarding Crime on the blasphemy against official flag, official

emblem, and national anthem as referred to in paragraph (1) letter u are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:

- a. reference of Article 66 shall be replaced with Article 234;
- b. reference of Article 67 shall be replaced with Article 235;
- c. reference of Article 68 shall be replaced with Article 236;
- d. reference of Article 69 shall be replaced with Article 237;
- e. reference of Article 70 shall be replaced with Article 238; and
- f. reference of Article 71 shall be replaced with Article 239.

(14) In the event that the provisions of articles regarding Crime against human organ, human body tissue, human blood, and abortion as referred to in paragraph (1) letter v are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:

- a. reference of Article 192 shall be replaced with Article 345 letter a;
- b. reference of Article 194 shall be replaced with Article 463, Article 464, and Article 465; and
- c. reference of Article 195 shall be replaced with Article 345 letter b.

(15) In the event that the provisions of articles regarding narcotic Crimes as referred to in paragraph (1) letter w are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:

- a. reference of Article 112 paragraph (1) shall be replaced with Article 609 paragraph (1) letter a;
- b. reference of Article 112 paragraph (2) shall be replaced with Article 609 paragraph (2) letter a;
- c. reference of Article 113 paragraph (1) shall be replaced with Article 610 paragraph (1) letter a;
- d. reference of Article 113 paragraph (2) shall be replaced with Article 610 paragraph (2) letter a;
- e. reference of Article 117 paragraph (1) shall be replaced with Article 609 paragraph (1) letter b;
- f. reference of Article 117 paragraph (2) shall be replaced with Article 609 paragraph (2) letter b;
- g. reference of Article 118 paragraph (1) shall be replaced with Article 610 paragraph (1) letter b;
- h. reference of Article 118 paragraph (2) shall be replaced with Article 610 paragraph (2) letter b;
- i. reference of Article 122 paragraph (1) shall be replaced with Article 609 paragraph (1) letter c;
- j. reference of Article 122 paragraph (2) shall be replaced with Article 609 paragraph (2) letter c;
- k. reference of Article 123 paragraph (1) shall be replaced with Article 610 paragraph (1) letter c;
- l. reference of Article 123 paragraph (2) shall be replaced with Article 610 paragraph (2) letter c;

(16) In the event that the provisions of articles regarding money laundering Crime as referred to in paragraph (1) letter x are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:

- a. reference of Article 2 paragraph (1) shall be replaced with Article 607 paragraph (2);
- b. reference of Article 3 shall be replaced with Article 607 paragraph (1) letter a;
- c. reference of Article 4 shall be replaced with Article 607 paragraph (1) letter b;

- d. reference of Article 5 paragraph (1) shall be replaced with Article 607 paragraph (1) letter c; and
 - e. reference of Article 5 paragraph (2) shall be replaced with Article 608.
- (17) In the event that the provisions of articles regarding Crimes of human smuggling or falsification of passport, travel document in lieu of passport, or Letter issued based on the provisions of the Law on immigration as referred to in paragraph (1) letter y are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. reference of Article 120 paragraph (1) shall be replaced with Article 457; and
 - b. reference of Article 126 paragraph (1) shall be replaced with Article 398 paragraph (1).
- (18) In the event that the provisions of articles regarding Crimes of forgery of currency or banknotes as referred to in paragraph (1) letter z are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. reference of Article 36 paragraph (1) shall be replaced with Article 374;
 - b. reference of Article 36 paragraph (2) shall be replaced with Article 375 letter b;
 - c. reference of Article 36 paragraph (3) shall be replaced with Article 375 letter a; and
 - d. reference of Article 36 paragraph (4) shall be replaced with Article 375 letter b.
- (19) In the event that the provisions of articles regarding Crimes in the field of foods as referred to in paragraph (1) letter aa refer to Article 136 of the relevant Law, the reference shall be replaced with Article 504 of this Law.
- (20) In the event that the provisions of articles regarding the Crime of terrorism financing as referred to in paragraph (1) letter bb refer to Article 4 of the relevant Law, the reference shall be replaced with Article 602 of this Law.
- (21) In the event that the provisions of articles regarding Crimes against witness and victim as referred to in paragraph (1) letter cc are referred to by the provisions of the articles under the relevant Law, the reference shall be replaced with the articles of this Law under the following provisions:
- a. reference of Article 37 shall be replaced with Article 295;
 - b. reference of Article 38 shall be replaced with Article 296;
 - c. reference of Article 39 shall be replaced with Article 297; and
 - d. reference of Article 41 shall be replaced with Article 299.

Article 623

This Law may be referred to as Criminal Code (KUHP).

Article 624

This Law shall come into force after 3 (three) years from the date of its promulgation.

For public cognizance, it is hereby ordered that this Law be promulgated in the State Gazette of the Republic of Indonesia.

Established in Jakarta,

On 2 January 2023

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed.

JOKO WIDODO

Promulgated in Jakarta,

On 2 January 2023

THE MINISTER OF STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

Signed.

PRATIKNO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2023 NUMBER 1



**ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 1 OF 2023
ON
CRIMINAL CODE**

I. GENERAL

The drafting of this Law is intended to replace *Wetboek van Strafrecht* or what is referred to as the Criminal Code as enacted by Law Number 1 of 1946 on Criminal Law Regulations which has been amended several times. Such replacement is one of the efforts in the development of national law. These efforts are carried out in a directed, integrated, and planned manner so that it can support national development in various fields in accordance with the demands of development as well as the level of legal awareness and the dynamics that develop in the community.

In its development, the reforming of this Law which is directed to the sole mission which contain “de-colonization” of the Criminal Code in the form of “recodification”, in the course of the nation’s history, eventually also contains several broader missions in regards to the development, both national and international. As for the second mission, it is the “democratization of criminal law”. The third mission is the “consolidation of criminal law” mission because since independence, the laws and regulations regarding criminal law have undergone rapid development, both within and outside the Criminal Code with the various characteristics, thus it has been deemed necessary to be reorganized within the framework of criminal law principles which is regulated under Book I of the Criminal Code. Moreover, the drafting of this Law is conducted on the basis of the fourth mission, which is the mission of adaptation and harmonization of the various legal developments that occurred, both due to developments in the field of criminal law as well as the development of values, standards, and norms which are acknowledged by nations internationally.

Such missions are to be placed within the framework of legal politics by formulating this Law in the form of codification and unification which are intended to create and enforce consistency, justice, correctness, order, expediency and legal certainty by taking into account the balance between national interests, public interests and individual interests within the Unitary State of the Republic of Indonesia that are based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

After tracing the history of criminal law in Indonesia, it is known that the Criminal Code applicable in Indonesia originated from *Wetboek van Strafrecht voor Nederlandsch-Indie* (*Staatsblad* 1915:732). After Indonesia’s independence in 1945, the *Wetboek van Strafrecht* is still valid based on Article I of the Transitional Regulations of the 1945 Constitution of the Republic of Indonesia.

Based on Law Number 1 of 1946 on Criminal Law Regulations (*Official Gazette of the Republic of Indonesia* II Number 9), *Wetboek van Strafrecht voor Nederlandsch-Indie* is referred to as the Criminal Code and is declared valid for Java and Madura, while for other regions it shall be determined later by the President. Efforts to realize the existence of a unity of criminal law for the entire territory of the Unitary State of the Republic of Indonesia, in actuality unable to be realized because there are areas occupied by the Netherlands as a result of the military actions of the Netherlands I and II where the *Wetboek van Strafrecht voor Nederlandsch-Indie* (*Staatsblad*, 1915:732) with all of its amendments are still valid. Since then, it can be said that after independence in 1945 there was a dualism of criminal law that prevailed in Indonesia and this situation lasted until 1958 with the promulgation of Law Number 73 of 1958. The Law stipulated that Law Number 1 of 1946 on Criminal Law Regulations with all of its amendments and additions shall apply to the entire territory of the Unitary State of the Republic of Indonesia. Thus, uniform

material criminal law for the whole of Indonesia that are sourced from the applicable law which came into force on 8 March 1942, namely *Wetboek van Strafrecht voor Nederlandsch-Indie*, from this point onwards is referred to as the Criminal Code.

Since the independence of Indonesia there are many efforts taken to adjust the Criminal Code inherited from the colonial in accordance with other developments of the social life, both nationally and internationally. Criminal Code also have gone through several reforms and amendments, among others through:

1. Law Number 1 of 1946 on Criminal Law Regulations (State Gazette of the Republic of Indonesia Number 9);
2. Law Number 73 of 1958 on Declaring the Enforcement of Law Number 1 of 1946 on Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code (State Gazette of 1958 Number 127, Supplement to the State Gazette Number 1660);
3. Law Number 1 of 1960 on Amendment to the Criminal Code, which raised the threat of criminal sentence under Article 359, Article 360 and Article 188 of the Criminal Code;
4. Regulation of the Government in Lieu of Law Number 16 of 1960 on Several Amendments to the Criminal Code (State Gazette of 1960 Number 50, Supplement to the State Gazette Number 1976) which amended the phrase “vijf en twintig gulden” in Article 364, Article 373, Article 379, Article 384, and Article 407 paragraph (1) of the Criminal Code into the phrase “two hundred and fifty rupiah”;
5. Regulation of the Government in Lieu of Law Number 18 of 1960 on Amendment to the Amount of Criminal fines in the Criminal Code and in Other Criminal Provisions Issued Before 17 August 1945 (State Gazette of 1960 Number 52, Supplement to the State Gazette Number 1978);
6. Edict of the President Number 1 of 1965 on Prevention of Religious Abuse or Blasphemy (State Gazette of the Republic of Indonesia of 1965 Number 3, Supplement to the State Gazette of the Republic of Indonesia Number 2726), which among others has added the provision of Article 156a to the Criminal Code;
7. Law Number 7 of 1974 on Gambling Control (State Gazette of the Republic of Indonesia of 1974 Number 54, Supplement to the State Gazette of the Republic of Indonesia Number 3040), which amended the criminal threat in Article 303 paragraph (1), Article 542 paragraph (1), and Article 542 paragraph (2) of the Criminal Code and amend the term Article 542 to Article 303 bis;
8. Law Number 4 of 1976 on Amendment to and Addition of Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Criminal Laws and Regulations, Aviation Felony, and Felony against Aviation Facilities/Infrastructure (State Gazette of the Republic of Indonesia of 1976 Number 26, Supplement to the State Gazette of the Republic of Indonesia Number 3080);
9. Law Number 27 of 1999 on Amendment to the Criminal Code Relating to Felony Against State Security (State Gazette of the Republic of Indonesia of 1999 Number 74, Supplement to the State Gazette of the Republic of Indonesia Number 3850), specifically in relation to criminalization toward of the spread of Marxism and Leninism teachings; and
10. Law Number 31 of 1999 on the Eradication of Crime of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 on Amendment to Law Number 31 of 1999 on the Eradication of Crime of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150).

The various reforms or amendments have yet to fulfill the 4 (four) fundamental amendment missions as elaborated above, namely de-colonization, democratization, consolidation, and harmonization, therefore, so that the drafting of Law on Criminal Code shall be conducted thoroughly and in a codified manner.

BOOK ONE

1. Book One contains general rules as a guideline for the implementation of Book Two as well as Laws other than this Law, Regulations of the Province, and Regulation of the Regency/City, unless otherwise stipulated based on Law, thus Book One also become the basis for Laws other than this Law. The Definitions of Terms in Book One are placed under Chapter V because the definitions of such terms do not only apply to this Law but also to *lex specialis* Laws, unless otherwise stipulated under the Law. This Book One contains the substance of, among others, the scope of the enforcement of criminal law, Crime and criminal liability, sentencing, criminal sentence, diversion, and action, as well as the purpose of and guidelines for sentencing, mitigating factors of criminal sentence, aggravating factors of criminal sentence, concurrence, as well as the failure of the authority to prosecute and implement criminal sentence, definitions of terms and closing rules.
2. Overall, the fundamental difference between *Wetboek van Strafrecht* and this Law is the underlying philosophy. *Wetboek van Strafrecht* is based on the thought of the Classical School developed in the 18th Century which focused its attention on criminal law on the action or Crime. This Law based itself on the neo-classical school of thoughts that maintain the balance between objective factors (action/external) and subjective factors (person/internal/inner attitude). This school is developed in the 19th century which focused its attention not only on the action or Crime that occurred, but also on the individual aspects of the offenders of the Crime. Another fundamental thought which influenced the drafting of this Law is the development of science on felony Victim (victimology) which was developed after World War II, and which pays great attention to the fair treatment of Victims of felony and abuse of power. The *daad-dader strafrecht* and victimology philosophies will affect the formulation of 3 (three) main issues in criminal law, namely the formulation of unlawful acts, liability on crime and fault, and punishments (punishment and actions) that can be imposed along with the underlying criminal law principles.
3. This more humane character of *daad-dader strafrecht* systemically characterizes this Law, among others, is also expressed and implied by the existence of various arrangements that attempt to maintain a balance between objective elements or factors and subjective elements or factors. This, among others, is reflected in various arrangements on the purpose of sentencing, sentencing requirements, pairing of sanctions in the form of criminal sentence and actions, development of alternatives to the criminal sentence of short-term deprivation of independence, sentencing guidelines or rules, capital punishment which is a special crime and always have imprisonment for life or a maximum of 20 (twenty) years used as its alternative, as well as setting the minimum age for criminal liability, criminal sentence, and action for a Child.
4. The material criminal law reform under this Law no longer differentiates between Crimes in the form of felony and misdemeanor. For both, the term Crime is used. Thus, this Law only consists of 2 (two) Books, namely Book One on General Provisions and Book Two on Crime. Meanwhile, Book Three on Misdemeanors in *Wetboek van Strafrecht* has been removed, however, its substance has been selectively accommodated in Book Two of this Law.

The reason for the removal is based on the fact that conceptually the difference between felony as *rechtsdelict* and misdemeanor as *wetsdelicts* turns out to be untenable because in its development not a few *rechtsdelicts* are qualified as misdemeanor and on the other hand several acts which should be *wetsdelicts* are formulated as felony, only because their criminal threats are increased. In fact, it has been proven that the seriousness of the quality and impact of felony and misdemeanor is also relative, so that qualitative criteria of this kind can no longer be consistently maintained.

This Law also acknowledges the existence of Crime based on the law that live in the community or which were previously known as customary Crimes to better fulfill the sense of justice that lives in the community. In fact, in several regions in the country, there are still unwritten legal provisions, which live and are recognized as laws in the relevant regions, which determine that violation in regards to this law should be criminalized. In this case, the judge may stipulate criminal sentences in the form of fulfillment of local customary obligations that must be implemented by the offenders of the Crime. This means that the standards of values and norms that exist within the local community

are still protected in order to fulfill the sense of justice that exists within certain communities. Such a situation will not disturb and still guarantee the implementation of the legality principle as well as the prohibition of analogy which is adhered to under this Law.

5. Due to the progress made in the fields of finance, economy and trade, especially in the era of globalization, as well as the development of organized Crime, both domestic and transnational in nature, subject of criminal law cannot be restricted only to humans by nature, but also includes Corporations, namely an organized group of people and/or assets, both incorporated and unincorporated. In this case, Corporations can be used as a means to commit Crimes and may also obtain profits from a Crime. By adopting the notion that Corporations are the subject of Crime, it means that Corporations, both as legal entities and non-legal entities, are considered capable of committing Crimes and can be accounted for under criminal law. In addition, it is still possible to for joint criminal liability by Corporations and their management who has functional positions within the Corporations or only their management who can be accounted for under criminal law. With the regulation of criminal liability by Corporations under Book I of this Law, the criminal liability of Corporations which was originally only applicable for certain Crimes outside of this Law, shall also generally apply to other Crimes, both within and outside this Law. Criminal sentences against Corporations may be in the form of criminal sentence, but may also be in the form of actions. In this case, the fault of the Corporation is identified from the error of the management who has functional positions (has the authority to represent a Corporation, make decisions on behalf of a Corporation, and has the authority to implement supervision toward a Corporation) who committed the Crime by benefiting the Corporation, either as an offender or accomplice of Crime within the scope of business or work of the Corporation, including the controller of the Corporation, the giver of the order, and the beneficiary.
6. The principle of no crime without fault remains one of the main principles in criminal law. However, in certain cases, as an exception, it is possible to implement the principle of strict liability and the principle of vicarious liability. In terms of strict liability, the offender of a Crime may be convicted only because the elements of the Crime committed by the offender have been fulfilled. Meanwhile, in the case of vicarious liability, someone's criminal liability is extended to the actions of their subordinates who perform work or deeds for them or within the limits of their order.
7. Under this Law is regulated the types of criminal sentence in the form of principal sentence, additional sentence, and special sentence (capital punishment) for certain Crime stipulated in the Law.

The types of principal sentences are as follows:

- a. imprisonment;
- b. custody;
- c. criminal supervision;
- d. criminal fine; and
- e. social service.

In the principal sentence new types of criminal sentence are regulated in the form of criminal supervision and social service. Criminal supervision, criminal fines, and social service should be developed as an alternative to the short-term deprivation of independence which will be imposed by judges because the implementation of these three types of criminal sentences may help the convicts to absolve themselves of guilt.

Similarly, the community may interact and participate actively in assisting the convict in carrying out their social life in a reasonable manner by doing useful things.

The order of such principal sentences determines the severity of the criminal sentence. Judges may

choose the type of criminal sentence to be imposed among the five types of criminal sentence, although in Book Two of this Law there are only three types of criminal sentence formulated, namely imprisonment, criminal fines, and capital punishment.

Custody, criminal supervision, and social service are essentially a way to implement the criminal sentence as an alternative to imprisonment.

The capital punishment is not listed in the order of the principal types of criminal sentence. The capital punishment is determined in a separate article in order to show that this type of criminal sentence is truly special in nature as a last resort to protect the community. The capital punishment is the most severe and must always be threatened along with imprisonment for life or a maximum of 20 (twenty) years as the alternatives. The capital punishment is imposed on probation. Within the grace period of the probation, the convicts are expected to improve themselves so that the capital punishment does not need to be implemented and can be replaced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

8. In sentencing, double-track system is adopted, namely other than the type of criminal sentence, this Law also regulate the type of action. In this case, judges may impose actions upon those who commit Crime, but are not or less able to account for their actions due to the fact that the offenders have mental disabilities and/or intellectual disabilities.

In addition to being sentenced in certain cases, convicts may also be subject to actions with the aim of providing protection to the community and realizing social order.

9. Special minimum sentence may be threatened based on the following considerations:
 - a. avoid the existence of very glaring criminal sentence disparities for Crimes of the same or more or less the same quality;
 - b. making the influence of general prevention more effective, especially for Crime which is considered dangerous and disturbing the community; and
 - c. if under certain circumstances the maximum sentence can be aggravated, it may also be considered that the minimum sentence for certain crimes can be aggravated.

In principle, special minimum sentence constitute an exception, namely only for certain Crimes which are considered very harmful, very dangerous, or very disturbing to the community and for Crimes which are qualified or are aggravated by its consequences.

10. Under this Law, the types of criminal fines are formulated through the use of a category system. The purpose of this system is that in the formulation of Crimes it is not necessary to mention a certain amount of criminal fine, but instead it is sufficient to appoint the category of criminal fine which has been determined in Book One. The rationale for the use of the abovementioned categorization system is that criminal fines are a type of criminal sentence which change in value relatively frequently due to the development of currency values as consequence to the economic situation. Thus, should any changes occur in currency values, the categorization system will be more easily modified or adjusted.
11. This Law also regulates diversion and types of actions as well as criminal sentence for the Child. This arrangement is intended to be in the best interest of the Child as it relates to the Law on the Criminal Justice System for Children and in addition, Indonesia has ratified the International Convention on the Rights of the Child.

BOOK TWO

1. In order to produce the Law on Criminal Code which has the nature of codification and unification, in addition to evaluating and selecting various Crimes contained in the Wetboek van Strafrecht as stipulated by Law Number 1 of 1946 on Criminal Law Regulations, appreciation shall also be made to various developments of Crimes outside of Wetboek van Strafrecht, among others, the Laws

- which regulate the prevention and eradication of money laundering Crime, the eradication of Crime of terrorism, the eradication of Crime of corruption, the eradication of human trafficking Crime, and human rights court.
2. In an anticipatory and proactive manner, it also includes, among others, the regulation of the Crime of Pornography, Crime of informatics and electronics, the Crime of aviation, Crimes against human organ, body tissue and blood, and the Crime of judicial processes.
 3. In addition, this Law also adopts international conventions, both those which have been ratified and which have not yet been ratified, such as Law Number 5 of 1998 on the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 4. Based on the abovementioned Crime formulation system, for serious Crimes against human rights, Crime of terrorism, Crime of corruption, money laundering Crime, and narcotic Crime are classified into 1 (one) separate chapter, which is named “Chapter on Special Crimes”. The placement in a separate chapter is based on special characteristics, namely:
 - a. the impact of victimization (the Victim) is large;
 - b. often are Trans-National Organized Crimes;
 - c. the procedural criminal regulation is special in nature;
 - d. often deviate from the general principles of material criminal law;
 - e. the existence of supporting institutions for law enforcement with special nature and authority (e.g. the Corruption Eradication Commission, the National Narcotics Agency, and the National Commission on Human Rights);
 - f. supported by various international conventions, both ratified and unratified; and
 - g. is an act that is considered very malicious (super mala per se) and reprehensible and is highly condemned by the community (strong people condemnation).

With the arrangement of the “Chapter on Special Crimes”, the existing authority of law enforcement agencies will not be reduced and will remain authorized to handle serious Crimes against human rights, Crime of terrorism, Crime of corruption, money laundering Crime, and narcotic Crime.

5. The formulation of this Law also takes into account the decisions of the Constitutional Court relating to the review of the Criminal Code, among others, on the Crime of insulting the president, the Crime of blasphemy, and the Crime of indecency.
6. In line with the process of globalization, the pace of development and social development which is accompanied by rapid social mobility as well as advances in science and technology, it is estimated that new types of Crime will still emerge in the future. Therefore, arrangements for new types of Crime which have not yet been regulated under this Law or which will emerge in the future may be made through amendments to this Law or regulated under a separate Law due to its specificity based on Article 187 of Book One.

The general Elucidation and article by article Elucidation of this Law shall constitute the official interpretation of certain norms in the body. Elucidation as a means to clarify the norms in the body so that it should not lead to the occurrence of ambiguity of the norms in question. For this reason, the elucidation set out in this Law constitute an integral part of the articles in the body which describe the purposes and meanings of said articles.

II. Article by Article

Article 1

Paragraph (1)

This provision contains the principle of legality which determines that an act constitutes a Crime if determined by or based on the laws and regulations. Laws and regulations under this provision are the Laws and Regulations of the Regions. The principle of legality is the main principle in criminal law. Therefore, laws and regulations that contain criminal threats must already exist before the Crime is committed. This means that criminal provisions must not be applied retroactively.

Paragraph (2)

“analogy” is the interpretation by way of the imposition of a criminal provision upon incidents or events which are not regulated or expressly mentioned in the Laws and Regulations of the Region by equating or imagining said incidents or events with other incidents or events that have been regulated in the Laws and Regulations of the Region.

Article 2

Paragraph (1)

“laws that live in the community” is the customary law which determines that a person who commits a certain deed should be convicted. The laws that live in the community under this article relates to the unwritten law which is still applicable and developing in the life of the people in Indonesia. In order to strengthen the applicability of the laws that live in the community, Regulations of the Region regulate said customary Crimes.

Paragraph (2)

“applicable at the place where the laws live” is applicable to Any Person who commits a customary Crime in said region.

This paragraph contains guidelines in establishing customary criminal law, the validity of which is acknowledged by this Law.

Paragraph (3)

The Regulation of the Government in this provision shall serve as a guideline for the region in establishing the laws that live in the community under Regulations of the Region.

Article 3

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

“adjusted to the criminal sentence threshold” is only for criminal decisions which are more severe than the maximum criminal threat under the new laws and regulations, including adjustments to different types of criminal threats.

Article 4

Letter a

“territory of the Unitary State of the Republic of Indonesia” means a unity of sovereignty over land, inland waters, archipelagic waters along with the seabed and subsoil thereof, and the airspace above it, as well as all areas covered by state boundaries and rights within the territorial sea, contiguous zones, exclusive economic zones and continental shelves regulated under the Law.

Letter b

Self-explanatory.

Letter c

“Other Crime” means, for example, Crimes against state security or Crimes formulated in international agreements which have been ratified by Indonesia.

Article 5

This provision is intended to protect the legal interests of the country or certain national interests abroad.

The determination of certain national interests which are to be protected under this provision shall use a limited and open formulation. This means that the scope of the national interest to be protected is determined in a limited manner, but the types of Crime are not determined with certainty. Determination of the types of Crime deemed offensive or harmful to the national interest shall be submitted in an open practice within the limits that have been determined as a Crime according to Indonesian criminal law.

This open limitation formulation is intended to provide flexibility in practice and in the development of formulations of Crimes by Lawmakers in the future. This flexibility remains within the limits of certainty in accordance with the provisions of the laws and regulations. Determination of Crimes that attack national interests is limited to certain actions that actually violate the protected interests of national law. Offenders are only to be prosecuted for Crimes under Indonesian criminal law.

Criminal offenders who are subject to this provision are Any Person, both Indonesian citizens and foreigners, who commit Crimes outside the territory of the Unitary State of the Republic of Indonesia.

The reason for the application of the passive nationality principle is that in general, Crimes that are detrimental to the legal interests of a country, are not always considered as an act that must be prohibited and threatened with a criminal sentence by the country where the Crime is committed.

Article 6

This provision contains a universality principle that protects the legal interests of Indonesia and/or the legal interests of other countries. The basis for arrangement of this principle can be found in international conventions

which have been ratified by Indonesia, for example:

- a. international conventions on counterfeit money;
- b. international conventions on the high seas and the law of the sea which regulates the Crime of piracy;
- c. international conventions on aviation felony and felony against aviation facilities or infrastructure; or
- d. international convention on the eradication of illicit traffic of narcotics and psychotropic.

Article 7

This provision is intended to anticipate the development of agreements between Indonesia and other countries that allow the prosecution of citizens of other countries to be taken over and tried by Indonesia for committing certain Crimes regulated in the said agreement.

Article 8

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Time of Crime in this provision is for example:

- a. when the physical act is performed;
- b. when tools or materials work for perfecting the Crime; or
- c. upon the occurrence of the consequences of the Crime.

This provision does not differentiate between formal Crimes and material Crimes.

Article 11

Places of Crime under this provision is for example:

- a. the place where the physical act is performed;
- b. the place where tools or materials work for perfecting the Crime; or
- c. place of occurrence of the consequences of the Crime.

Article 12

Self-explanatory.

Article 13

Paragraph (1)

Criminal conspiracy to commit a Crime is only subject to criminal sentence upon a very serious crime.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Paragraph (1)

“facilities” are all things that can be used as a tool to achieve an objective.

Preparation for committing a Crime is only subject to criminal sentence on a very serious crime. Thus, the criteria for the preparation of a Crime should be emphasized on the dangerous nature of the crime, for example, the importation of chemical substances or explosives in preparation for committing a crime.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 16

“stops” means, for example, have purchased chemicals but have not processed them into explosives in order to achieve the purpose of a Crime.

“prevent” means, for example, reporting to the authorized party as regards the existence of facilities to be used for a Crime.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Letter a

Self-explanatory.

Letter b

“By means of a tool” means, for example, a remote control which is used indirectly to commit a Crime.
In the event of ordering, the person who is ordered to commit a Crime shall not be sentenced because there is no element of fault.

Letter c

“Participates in committing a Crime” are those who cooperate consciously and physically together in committing a Crime, however, not all persons who participates in committing a Crime must fulfill all elements of the Crime, although all of them are threatened with the same criminal sentence.

Within participation in committing a crime, the acts of each person who participates in committing a crime are seen as a single unit.

Letter d

“Mobilizes other persons to commit a Crime” includes persuading, recommending, luring, or attracting other persons in certain ways.

Article 21

Paragraph (1)

Letter a

Under this provision, assistance is conducted before and since the implementation of a Crime by providing opportunities, facilities, and information.

Letter b

Under this provision, providing assistance at the time a Crime is committed is almost the same as participates in committing a Crime.

Within participation in committing a crime, there is close cooperation between those who participate in committing a crime, but within assistance in committing a crime, the cooperation between the offender of a crime and the person who helps is not as close as cooperation within participation in committing a crime.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 22

“Personal condition” are conditions in which the offender or accomplice is older or younger, holds a certain position, have a certain profession, or suffers from a mental disorder.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

“caseworker” is a person who is trusted by the Victim of a Crime who is under the age of 16 (sixteen) years old to accompany him/her during the criminal justice process.

Article 26

Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Under this provision, there must be a public legal relationship between the one who gives the order and the one who implements the order. This provision does not apply to civil relations.

Article 33

“emergency” means, for example:

- a. when Ships in the middle of the sea sank, there is a struggle for lifebuoys between 2 (two) persons, causing one of them to die;
- b. actions of physicians who face a situation of pregnant women with high risk, whether the physician will save the mother with the risk of the baby dying or save the baby with the risk of the mother dying; or
- c. firefighters who are faced with a choice between saving nearby houses by bringing down the burning houses.

Article 34

This provision regulates forced defense which requires 4 (four) circumstances, namely:

- a. there must be an immediate attack or threat of unlawful attack;
- b. the defense is conducted because there is no other way (subsidiarity) to repel attacks;
- c. the defense may only be conducted against interests which are determined in a limited manner, namely the legal interests of oneself or others, honor in the sense of decency, or assets; and
- d. balance between defenses that are conducted and attacks that are received (proportionality).

Article 35

Self-explanatory.

Article 36

Paragraph (1)

This provision affirms the principle of no crime without fault. In a doctrinal manner, the form of fault can be in the form of intentional or negligence.

Paragraph (2)

The provision in this paragraph is intended that any Crime under the laws and regulations must always be considered to be committed intentionally and this intentional element must be proven at every stage of case examination.

Other forms of intentional are usually formulated in laws and regulations using the terms "with the intention of", "knowing", "which he/she knew", "even though he/she knew" or "while he/she knew".

Article 37

This provision is intended for Crimes containing the principle of strict liability or vicarious liability which is expressly stated by the Law concerned.

Letter a

This provision contains the principle of strict liability which stipulates that the Criminal offender can be sentenced only because the elements of Crime of their act have been fulfilled.

Letter b

This provision contains the principle of vicarious liability, which stipulates that any Person is responsible for the actions of other persons who perform the work or actions for them or within the limits of their orders, for example, the head of a company responsible for the actions of their subordinates.

Article 38

"mental disability" means the disruption of thought, emotional, and behavioral functions, such as:

- a. psychosocial, such as, schizophrenia, bipolar, depression, anxiety, and personality disorder; and
- b. developmental disabilities that affect social interaction skills, such as autism and hyperactivity.

"intellectual disability" means the disruption of thought function due to a below-average level of intelligence, such as, slow learners, mental disabilities, and down syndrome.

Criminal offenders who have mental disabilities and/or intellectual disabilities are considered less able to realize the unlawful nature of the acts committed or to act based on a conviction that can be sentenced.

Article 39

Under this provision, persons with mental disabilities who are in acute relapse and accompanied by psychotic features and/or persons with moderate or severe intellectual disabilities are unable to be held accountable.

In order to be able to explain the inability to be held accountable from a medical perspective, it has been deemed necessary to present an expert so that the Criminal offender is seen or assessed as unable to be held accountable.

Article 40

This provision regulates the minimum age limit to be held criminally accountable for children who commit

Crimes. The determination of the age limit of 12 (twelve) years old is based on psychological considerations, namely the emotional, intellectual, and mental maturity of children. Children below the age of 12 (twelve) years old cannot be held criminally accountable and therefore the handling of cases is carried out in accordance with the provisions of laws and regulations governing the juvenile criminal justice system.

Article 41

Letter a

Self-explanatory.

Letter b

Participation in education, coaching and mentoring programs under this provision shall include social rehabilitation and psychosocial rehabilitation.

Under this provision, children who are still in school may still attend formal education, whether organized by government or private institutions.

The implementation of education, coaching and mentoring programs may involve the education office, social office, community advisor, educational institution, and social welfare organization.

Article 42

This provision relates to coercion which is divided into absolute coercion and relative coercion.

Letter a

“being coerced by irresistible forces” or absolute coercion is a condition that causes the offender to have no other choice, except to commit the said act. Due to the condition surrounding the offender, it is impossible for him/her to refuse or choose when committing the act.

Letter b

“being compelled by unavoidable threats, pressures or forces” or relative coercion are:

1. such threat, pressure, or force, according to common sense, cannot be expected that he/she will be able to hold a fight; and
2. if the interests which are being sacrificed are in balance or slightly more than the interests which are saved.

Psychological pressure from outside is the main requirement. It is also possible for someone to experience psychological distress, but not because of anything that comes from the outside, but because of objections which are based on considerations of their own mind. Such a thing is not a lawful excuse capable of eliminating the criminal sentence.

Article 43

This provision regulates excessive forced defense, on condition that:

- a. the defense exceeds the limit or is disproportionate to the attack or threat of immediate attack; and
- b. it is caused by severe mental shock due to an attack or a threat of immediate attack.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

“Functional position” means that the person in question has the authority to represent, make decisions, and to implement supervision upon said Corporations, including those who have the position of a person ordering them to commit, participate in committing, mobilizing other persons to commit Crimes, or assisting the said Crime.

“other relationships” are, for example, temporary employment contracts.

Article 47

“controller” is any Person who has the power or authority to determine the policies of the Corporation or has the authority to implement the policies of the Corporation without having to obtain authorization from their superiors.

Article 48

Regarding the position as Criminal offenders and the nature of criminal liability of Corporations, the following possibilities exist:

- a. under this provision “the scope of business or activity” also includes business activities which are generally conducted by Corporations;
- b. Corporations as Criminal offenders and responsible management; or
- c. Corporations as Criminal offenders and also as those responsible.

Therefore, if a Crime is committed by and for a Corporation, then its prosecution may be conducted and the criminal sentence may be imposed upon the Corporation itself, or the Corporation and its management, or its management only.

Article 49

Self-explanatory.

Article 50

In the event that said individual has a functional position in the organizational structure of the Corporation, who are acting for and on behalf of the Corporation or in the interests of the Corporation, based on work relationship or based on other relationships, within the business scope of the Corporation, the lawful justification may be submitted on behalf of the Corporation. For example, a company employee who breaks a government-owned sewage pipe in order to save company employees.

Article 51

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

Legal certainty and justice are 2 (two) objectives of law that are often not in line with each other and are difficult to avoid in the practice of law. The more laws and regulations that satisfy the demands of legal certainty, the greater the possibility of justice aspect to be pressed. In practice, the imperfections of these laws and regulations can be overcome by way of giving interpretations to the laws and regulations in question in their application to concrete events.

If in a concrete implementation, there is a conflict between legal certainty and justice, the judge should as far as possible prioritize justice over legal certainty.

Article 54

Paragraph (1)

This provision contains sentencing guidelines which are very helpful for judges in considering the dose or severity of the criminal sentence to be sentenced.

By taking into account the matters detailed in the abovementioned guidelines, it is hoped that the imposed criminal sentence will be proportional and understandable to both the community and the convicts. The details in this provision are non-limitative, meaning that judges may add other considerations in addition to the ones set out in this paragraph (1).

Paragraph (2)

The provision in this paragraph is known as the rechterlijke pardon or judicial pardon principle which authorizes judges to pardon someone who is guilty of a minor Crime. This pardon should be included in the judge's decision and it must still be stated that the defendant is proven to have committed the Crime for which he/she was charged.

Article 55

"intentionally caused the occurrence of a condition which may become the reason for the said abolition of the Crime" is that the offenders intentionally condition themselves or a certain condition in order to be released from criminal liability due to lawful justification or lawful excuse.

Article 56

Self-explanatory.

Article 57

Although judges have a choice in dealing with alternative criminal formulations, however in making such choices, judges are always oriented to the purpose of sentencing, by putting first or prioritizing lighter types of criminal sentence if it has fulfilled the purpose of sentencing.

Article 58

Self-explanatory.

Article 59

This provision aims to provide certainty (guidance) for judges in imposing a criminal sentence if there are things that aggravate the criminal by the stipulation of the maximum criminal sentence increased by 1/3 (one third).

Article 60

Self-explanatory.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Paragraph (1)

This provision contains the types of principal sentence that may be imposed by judges. The threat of principal sentence against the Crimes formulated in the Second Book basically encompass the types of imprisonment and criminal fines.

Custody, criminal supervision, and community services are basically a model for the implementation of criminal sentence as an alternative to imprisonment. Inclusion of this type of criminal sentence is a consequence of the acceptance of criminal law which pays attention to the balance of interests between the actions and circumstances of Criminal offenders (daad-daderstrafrecht) in order to develop alternatives to imprisonment.

Through the imposition of this type of criminal sentence, the convict can be freed from guilt, and the community can actively participate in accustoming the convict by doing useful things, for example, the

imposition of criminal sentences in the form of community services.

Paragraph (2)

Basically, judges have the option to impose one of the alternatives of Crime, however in making this choice, judges are always oriented to the purpose of sentencing, by prioritizing or putting first lighter types of criminal sentence if it has fulfilled the purpose of sentencing.

Article 66

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Compensation under this provision is the same as restitution as regulated under the laws and regulations governing the protection of witnesses and victims.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 67

Under this provision, the Crimes which may be threatened with special criminal sentences are Crimes that are very serious or extraordinary, such as, narcotic Crime, Crime of terrorism, Crime of corruption, and serious Crimes against human rights. For this reason, the capital punishment shall be included in a separate section to indicate that this type of criminal sentence is truly special. When compared with other types of criminal sentence, the capital punishment is the most severe type of criminal sentence. Therefore, it must always be threatened as an alternative to other types of criminal sentence, namely life imprisonment or imprisonment for a maximum of

20 (twenty) years.

Article 68

Self-explanatory.

Article 69

Paragraph (1)

This provision regulates the minimum period of serving an imprisonment of 15 (fifteen) years before being amended from life imprisonment to imprisonment for 20 (twenty) years which is calculated as the period of serving criminal sentence after the amendment.

Paragraph (2)

Self-explanatory.

Article 70

Self-explanatory

Article 71

Paragraph (1)

This provision is intended to overcome the rigid nature of the formulation of a single criminal sentence which seems to require judges to only impose imprisonment. In addition, it is also intended to avoid the imposition of short imprisonment.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Based on this provision, the authority of judges to impose criminal fines in lieu of imprisonment is limited by the provisions that Criminal offenders are still sentenced with imprisonment even though they are threatened with a single sentence if they have been sentenced with imprisonment due to the Crime they committed after the age of 18 (eighteen) years old.

Article 72

Paragraph (1)

This provision contains parole for convicts who are serving their imprisonment. Under this provision, convicts who are granted parole are only convicts whose terms of criminal sentence are at least 1 (one) year and after the convicts have served imprisonment for a minimum of 9 (nine) months in a correctional facility and of good behavior. Parole is granted with the hope that convicts can be guided in such a way as to reintegrate with the community. Therefore, while serving a criminal sentence in a correctional facility, every convict must be monitored for the development of the results of their guidance. Parole should be

seen as a guidance effort and not as a reward for good behavior.

Paragraph (2)

Convicts who have committed several Crimes and therefore have to serve several imprisonments consecutively, thus in order to consider the possibility of granting parole, said criminal sentence shall be added together and considered as 1 (one) criminal sentence.

Paragraph (3)

Self-explanatory.

Paragraph (4)

The granting of parole shall be accompanied by a probation which is equal to the remaining period of imprisonment which has not yet been served added 1 (one) year. During the probation, the conditions which must be fulfilled by the convict are determined.

Paragraph (5)

Self-explanatory.

Article 73

Paragraph (1)

This provision sets out the requirements which must be fulfilled during the probation. The requirements not to commit a Crime during the probation is a general requirement. Meanwhile, special requirements during the probation are certain actions that must be avoided or must be performed by convicts, for example, must not drink alcohol. These special requirements must not diminish the rights of convicts, for example, the right to adhere to and practice their worship in accordance with their religion or belief.

Paragraph (2)

Under this provision, amendments to the special requirements may be made by considering the results of the guidance of the convicts concerned.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 74

Paragraph (1)

Consideration for the imposition of custody is based on the motive of the Criminal offender, namely because it is driven by an intention that should be respected. The Crime which are committed for this reason are essentially political Crimes.

Paragraph (2)

Under this provision, the intention that should be respected must be determined by the judge and should be incorporated into the consideration of the decision.

Paragraph (3)

Self-explanatory.

Article 75

Criminal supervision is one of the type of principal sentence, however, it is actually a way of implementing imprisonment so that it is not specifically threatened in the formulation of a Crime. Criminal supervision is guidance outside of institutions or outside of prisons, which is similar to the conditional imprisonment contained in the Wetboek van Strafrecht (Indonesian Criminal Code as established by Law Number 1 of 1946 on Criminal Law Regulations). This criminal sentence is an alternative to imprisonment and is not intended for severe Crimes.

Article 76

Paragraph (1)

The imposition of criminal supervision upon persons who commit Crimes which are threatened with imprisonment, entirely lies in the consideration of judges, by taking into account the circumstances and actions of the convicts. This type of criminal sentence is imposed upon the person who commits a Crime for the first time.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

“convict” is a correctional client.

“serve imprisonment which is no longer than the threat of imprisonment for said Crime” is serving a criminal sentence which is implemented after the convict has finished serving the imprisonment for the new Crime.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Paragraph (1)

Money under this provision is money issued by the Unitary State of the Republic of Indonesia, namely the Rupiah (Rp.).

Paragraph (2)

In determining the smallest criminal fine as determined in this paragraph, the amount of the daily minimum wage shall be used.

Article 79

Paragraph (1)

Under this provision, criminal fines are formulated categorically. This categorical formulation is intended to:

- e. obtain clear amounts of the maximum criminal fines included for various Crimes; and
- f. it is easier to make adjustments, in the event of economic and monetary changes.

The determination of the tiers of category I to category VIII shall be calculated as follows:

- a. Maximum category of the lightest criminal fine (category I) is a multiple of 20 (twenty) of the general minimum;
- b. Category II is a multiple of 10 (ten) times of category I; category III is a multiple of 5 (five) times of category II; and category IV is a multiple of 4 (four) times of category III.
- c. Category V to category VIII is determined from the distribution of the highest category with the same pattern, namely category VII is the result of division by 10 (ten) of category VIII, category VI is the result of division by 2.5 (two point five) of category VII, and category V is the result of division by 2 (two) of category VI.

Paragraph (2)

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Paragraph (1)

Court decisions in this provision include, among others, the following:

- a. time for the implementation of the criminal fine;
- b. procedures for the implementation of criminal fine;
- c. confiscation and auction; and
- d. criminal sentence in lieu of criminal fines.

Paragraph (2)

Self-explanatory.

Paragraph (3)

“unpaid” is not being paid at all or being paid in part.

Article 82

Paragraph (1)

“impossible” is, for example, that an owned asset is still in the possession of a third party who has good faith.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Self-explanatory.

Article 83

Article 84

This provision is intended to prevent the possibility of ineffectiveness of imposing a criminal fine for someone who has repeatedly committed a Crime which is only threatened with a criminal fine.

Article 85

Paragraph (1)

Community services can be applied as an alternative to short-term imprisonment and light criminal fines. The implementation of community services can be carried out in hospitals, orphanages, elderly homes, schools or other social institutions, with as much as possible adjusted to the profession of the convict.

Paragraph (2)

This provision is intended as a guideline for judges to impose community services.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

One of the considerations that must be considered in the imposition of community services is the approval of the defendant in accordance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedom (Treaty of Rome 1950) and the International Covenant on Civil and Political Rights (the New York Convention, 1966).

Letter d

The social history of the defendant is required to assess the background of the defendant as well as

the readiness of the relevant person, both physically and mentally in undergoing community services.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (3)

This community service is unpaid due to its nature as a criminal sentence. Therefore, the implementation of this criminal sentence must not contain matters of a commercial nature.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

In conducting guidance, community advisors may cooperate with government agencies in charge of community services.

Paragraph (9)

Self-explanatory.

Article 86

The rights of the convict which may be revoked by way of a judge's decision shall be determined on a limited basis, i.e. limited to those set out in this article. In the imposition of additional sentence, it should be noted that said revocation of rights should not result in the civil death of a person, that is to say, the person concerned totally loses his/her rights as a citizen who must be able to live naturally and humanely.

Rights that can be revoked are always associated with the Crime committed by the convict. This is intended to achieve one of the purposes of sentencing, specifically for the sake of protection or sanctuary of the community.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

“profession” is a job which requires certain expertise and which has a certain code of ethics.

Letter g

Self-explanatory.

Self-explanatory.

Article 87

Self-explanatory.

Article 88

Self-explanatory.

Article 89

Self-explanatory.

Article 90

Article 91

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

This includes assets acquired through Crimes.

Letter f

Self-explanatory.

Article 92

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Provisions on substitute criminal sentence for additional sentence are formulated as an effort to settle the implementation of judges' decisions.

Article 93

Paragraph (1)

Additional sentence in the form of announcement of the judge's decision is intended so that the community knows what acts and which criminal sentences are imposed upon the convict. This additional sentence is intended to provide protection to the community.

Paragraph (2)

As in the case of the criminal sentence of confiscation of certain Goods, if the convict fails to pay the announcement fee, then the same provisions as regards the criminal sentence in lieu of criminal fine shall apply.

Article 94

Paragraph (1)

Inclusion of additional sentence in the form of compensation payment shows an understanding of the suffering of the Victim of a Crime. Compensation must be paid to the Victim or to the Victim's heirs. For this reason, the judge determines who the Victim who needs to be compensated is. If the convict does not pay the compensation determined by the judge, he/she shall be subject to the provision of criminal sentence in lieu of criminal fine.

Paragraph (2)

Provisions regarding the implementation of criminal fines shall be applied to the payment of compensation provided that the convict pays the money to the Victim and not to the state.

Article 95

Self-explanatory.

Article 96

Self-explanatory.

Article 97

Self-explanatory.

Article 98

The capital punishment is not included in the stelsel of principal sentence. The capital punishment is determined in a separate article in order to show that this type of criminal sentence is truly special in nature as a last resort to protect the community. The capital punishment is the most severe criminal sentence and must always be threatened as an alternative to life imprisonment or imprisonment for a maximum of 20 (twenty) years. The capital punishment is sentenced with probation, so that within the grace period of the probation, the convicts are expected to improve themselves so that the capital punishment does not need to be implemented, and can be replaced with life imprisonment.

Article 99

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The implementation of the capital punishment by shooting convicts is based on the consideration that until now the method is considered the most humane. In the event that in the future there are other, more humane methods than by shooting the convict, the implementation of the capital punishment shall be adjusted to such developments.

Paragraph (4)

The implementation of the capital punishment against pregnant women should be postponed until she gives birth and until the baby no longer consumes breast milk. This is intended so that the implementation of the capital punishment does not result in the killing of 2 (two) being and guarantees the human rights of newborns.

Article 100

Self-explanatory.

Article 101

Self-explanatory.

Article 102

Self-explanatory.

Article 103

Paragraph (1)

Letter a

“counseling” is the process of providing guidance or assistance in order to overcome problems and change behavior into positive and constructive ones.

Letter b

“rehabilitation” shall include, among others, medical rehabilitation or social rehabilitation as an integrated recovery process, either physically, mentally or socially, so that the person concerned may re-implement positive and constructive social functions in order to restore him/her to become a good and useful citizen.

Letter c

“job training” is the activities of provision of skills to a person provided with a measure in order to prepare him/her to return to the community and to enter employment.

Letter d

“institution” is an institution which organizes social welfare affairs, either by the government or the private sector.

Letter e

Self-explanatory.

Paragraph (2)

Letter a

“rehabilitation” in this provision is the process of services provided to a person who has been disabled since birth or not since birth in order to restore and maintain his/her function as well as develop independence, so as to be able to engage in activities and fully participate in all aspects of life.

Letter b

“someone” is the family who is able to take care of or other parties who are concerned and able to take care of the person in question.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 104

Self-explanatory.

Article 105

Self-explanatory.

Article 106

Paragraph (1)

Self-explanatory.

Paragraph (2)

“work experience” includes interests, talents, or work training that have been attended.

Article 107

Self-explanatory.

Article 108

Self-explanatory.

Article 109

Self-explanatory.

Article 110

Paragraph (1)

Mental hospitals under this provision are government-owned hospitals.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 111

Self-explanatory.

Article 112

Self-explanatory.

Article 113

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

“institution” is a Social Welfare Organization in an agency which handles social welfare sector, either at the central or regional level.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Self-explanatory.

Article 114

Self-explanatory.

Article 115

Article 116

Self-explanatory.

Article 117

Self-explanatory.

Article 118

Self-explanatory.

Article 119

Self-explanatory.

Article 120

Self-explanatory.

Article 121

Self-explanatory.

Article 122

Self-explanatory.

Article 123

Self-explanatory.

Article 124

Self-explanatory.

Article 125

Paragraph (1)

This provision, it is regulated as regards the concurrent regulation or concursus idealis, in which there is unity of act, therefore the sentencing system used is the absorption system. In the event that a person commits an act and it turns out that said act violates more than one criminal provision, then only one criminal provision, namely the most severe, applies.

Paragraph (2)

This provision addresses the *lex specialis derogat legi generali* principle. This principle is included so that there is no doubt in the judges if there is a case which is regulated under 2 (two) Laws.

Article 126

Paragraph (1)

In this provision, it regulates the sentencing if there is a continuous crime (*voortgezette handeling*). As is the case with *concurus idealis*, in a continuous crime there is a unity of action which is seen from the legal point of view. In the case of continuous crime, the absorption sentencing system is used.

Paragraph (2)

Self-explanatory.

Article 127

Paragraph (1)

This provision regulates the concurrent action or concursus realis. The sentencing system used is the limited accumulation system.

Paragraph (2)

Self-explanatory.

Article 128

Paragraph (1)

The provision in this paragraph regulates the concurrent actions, however, the threat of criminal sentences against the acts committed are sentenced with a dissimilar criminal sentence. Provided that, the amount of criminal sentences imposed shall not exceed the maximum of threat of most severe criminal sentence plus 1/3 (one third). Therefore, this provision utilizes a softened accumulation system.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Self-explanatory.

Article 129

Self-explanatory.

Article 130

Self-explanatory.

Article 131

Article 132

Under this provision, "prosecution" is a judicial process which begins with an investigation.

Paragraph (1)

Letter a

This provision relates to the ne bis in idem principle.

Letter b

If a suspect or defendant passed away, the prosecution of said case cannot be carried out. Failure to prosecute because one person's fault cannot be transferred to another person.

Letter c

Self-explanatory.

Letter d

For minor Crimes which are only threatened with criminal fines of Category I or Category II, it is considered sufficient if the person who commits the said Crime is not subject to prosecution, provided that they pay the maximum criminal fine which is threatened. The public prosecutor must accept the defendant's desire to fulfill the maximum criminal fine.

Letter e

For Crimes which are threatened with imprisonment for a maximum of 1 (one) year or a maximum criminal fine of Category III, if the public prosecutor approves, then the defendant may fulfill the maximum criminal fine in order to abort the prosecution.

Letter f

Towards a Crime which can only be prosecuted based on a complaint, then if the complaint is withdrawn it shall be considered as no complaint, provided that it is carried out within the grace period which has been determined in this Law.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 133

Paragraph (1)

Self-explanatory.

Paragraph (2)

This provision only applies to Crimes which are threatened with additional sentence in the form of confiscation of Goods and/or invoices.

Paragraph (3)

Although the Crime committed first has had its right to prosecute become void based on Article 132 paragraph (1) letter e and letter f, however if the defendant repeats the act, then against the second and subsequent Crimes shall still apply to the provisions on the aggravation of threat of criminal sentences for the recidivism in accordance with the provisions applicable to it.

Article 134

This provision is intended to provide legal certainty by prioritizing the ne bis in idem principle.

Article 135

Self-explanatory.

Article 136

Paragraph (1)

The expiration provision of this provision is intended to provide legal certainty regarding the status of the Crime committed. This is due to the fact that with the lapse of this period, it is generally difficult to determine the forms of evidence.

The determination of the grace period of expiration is adjusted to the severity of the Crime committed. For more severe Crimes, the grace period of expiration shall be longer than the grace period for lighter Crimes.

Paragraph (2)

The provisions in this paragraph shall be adjusted to the principle in criminal law which treats Children in a special manner. Therefore, the grace period of expiration for Crimes committed by children is shorter than for Crimes committed by adults.

Article 137

Letter a

Self-explanatory.

Letter b

In accordance with the nature of Crimes that have continuity, then the completion of the Crime as referred to in this provision is when the Victim who was taken away, abducted, or deprived of their freedom, is released. If the Victim ended up to be killed, then the time for the lapse of prosecution shall be calculated from the subsequent day from the time of the Victim's death.

Article 138

Self-explanatory.

Article 139

“legal dispute” is a difference of opinion on legal matters which must be decided first by other courts before the main case is decided.

Article 140

Letter a

Self-explanatory.

Letter b

“expiration” is the expiry in implementing a court decision.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Article 141

Self-explanatory.

Article 142

Self-explanatory.

Article 143

Self-explanatory.

Article 144

Self-explanatory.

Article 145

Self-explanatory.

Article 146

Self-explanatory.

Article 147

Self-explanatory.

Article 148

Self-explanatory.

Article 149

Self-explanatory.

Article 150

Self-explanatory.

Article 151

Self-explanatory.

Article 152

Self-explanatory.

Article 153

Self-explanatory.

Article 154

Self-explanatory.

Article 155

Self-explanatory.

Article 156

Self-explanatory.

Article 157

Self-explanatory.

Article 158

Self-explanatory.

Article 159

Self-explanatory.

Article 160

Self-explanatory.

Article 161

Self-explanatory.

Article 162

Self-explanatory.

Article 163

Self-explanatory.

Article 164

Self-explanatory.

Article 165

Self-explanatory.

Article 166

Self-explanatory.

Article 167

Self-explanatory.

Article 168

Self-explanatory.

Article 169

Self-explanatory.

Article 170

Self-explanatory.

Article 171

Self-explanatory.

Article 172

Self-explanatory.

Article 173

Self-explanatory.

Article 174

Self-explanatory.

Article 175

Self-explanatory.

Article 176

Self-explanatory.

Article 177

Self-explanatory.

Article 178

Self-explanatory.

Article 179

Self-explanatory.

Article 180

Self-explanatory.

Article 181

Self-explanatory.

Article 182

Self-explanatory.

Article 183

Self-explanatory.

Article 184

Self-explanatory.

Article 185

Self-explanatory.

Article 186

Self-explanatory.

Article 187

The phrase “under the Law” in this provision is only related to the Law that specifically regulates Crimes which in nature:

- a. the impact of victimization (the Victim) is large;
- b. often are Trans-National Organized Crimes;
- c. the procedural criminal regulation is special in nature;
- d. often deviate from the general principles of material criminal law;
- e. the existence of supporting institutions for law enforcement with special nature and authority (e.g. the Corruption Eradication Commission, the National Narcotics Agency, and the National Commission on Human Rights);
- f. supported by various international conventions, both ratified and unratified; and
- g. is an act that are considered very malicious (*super mala per se*) and reprehensible and is highly condemned by the community (strong people condemnation)

For the purpose of consolidation under a law codification, several Crimes which are considered to have possessed the abovementioned characteristics shall be grouped into 1 (one) separate Chapter named the Chapter on Special Crimes, which are formulated in general/core Crimes which function as the bridging article between this Law and Laws other than this Law which regulate Crimes under the Chapter on Special Crimes. Such Crimes are Serious Crimes against Human Rights, Crime of Terrorism, Crime of Corruption, Money Laundering Crime, and Narcotic Crime. The existence of the said Chapter on Special Crimes does not diminish the authority of supporting institutions for law enforcement which have been determined under the Law.

The above exemption also applies to the amount of criminal fines set out under the Law on Crimes which have the potential to cause substantial losses to the state/community.

Regulation of new types of Crime which have not been regulated under this Law or which will appear in the future may be conducted through amendment to this Law or through regulation under a separate Law due to its specificity based on this article.

Article 188

Paragraph (1)

“Disseminate and develop” are inviting other persons to embrace the teachings communism or Marxism/Leninism or other concepts that are contrary to Pancasila and turning it into a group movement aimed at opposing the Pancasila value.

“Other concepts that are contrary to Pancasila” are the concept of political ideology which is manifested in the form of a political movement against Pancasila.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

“A study of the teachings of communism/Marxism-Leninism for the benefit of science” is, for example, teaching, studying, thinking about, testing, and reviewing in educational institutions or research and study institutions without intending to disseminate or develop the teachings of communism/Marxism-Leninism.

Article 189

Letter a

Self-explanatory.

Letter b

“Assistance” is, for example, money, facilities, training, information technology, and so forth.

“Organization” is an organization whether it is incorporated or unincorporated.

Article 190

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Riot” is a condition that gives rise to Violence against persons or Goods which is committed by a group of at least 3 (three) people.

Article 191

Self-explanatory.

Article 192

Crimes which are committed with the intention that part or all of a country's territory falls to foreign powers, shall constitute external treason (landverraad) because they involve a foreign country.

Crimes which are committed with the intention of separating parts of the country's territory shall constitute internal treason or (hoogverrad), because they do not involve any foreign countries, although gradually they may also involve foreign powers.

Article 193

Paragraph (1)

“To overthrow the government” is to eliminate or change the structure of the government in an illegal manner pursuant to the 1945 Constitution of the Republic of Indonesia.

There are 2 (two) Crimes under this provision, namely eliminating the structure of the government pursuant to the 1945 Constitution of the Republic of Indonesia and changing the structure of the government in an illegal manner pursuant to the 1945 Constitution of the Republic of Indonesia.

Eliminating the structure of the government means eliminating the existing structure of the government and replacing it with a new one.

Changing the structure of the government means not eliminating the previous structure of the government, but only changing it.

Paragraph (2)

Self-explanatory.

Article 194

Paragraph (1)

This provision is aimed at a group of people which for some reasons take up arms against the government.

“Arms” are any types of arms, both modern arms and traditional arms.

Paragraph (2)

Self-explanatory.

Article 195

Paragraph (1)

Letter a

This provision is intended to prevent acts which are conducted abroad that aim to overthrow the government.

For the meaning of “To overthrow the government” see the elucidation of Article 193.

Letter b

“Goods” are, for example, explosives, ammunition, or other materials that can be used as explosives.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 196

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Prepare” is, for example, preparing for an amendment to the 1945 Constitution of the Republic of

Indonesia.

Article 197

This provision is intended to protect the interests of national defense which must be kept secret so that they do not fall into the hands of the Enemy.

“The interests of national defense” are the interests in order to maintain state sovereignty and territorial integrity.

Article 198

Under this provision, the subject of Crimes is Any Person who are in charge of conducting negotiations with foreign countries on behalf of the Government of Indonesia. This means that the person concerned represents the Government of Indonesia and all consequences of the negotiation shall be the responsibility of the Government of Indonesia. Therefore, based on this provision, the said person is prohibited from acting detrimental to the national defense.

Article 199

Paragraph (1)

This provision is intended as a form of protection of the national sovereignty, free and active foreign policies, and territorial integrity.

Paragraph (2)

Self-explanatory.

Article 200

Letter a

“An act that shall endanger the neutral position of the state” is, for example, participating in a War, helping by sending personnel, funding, Goods, or arms.

Letter b

Self-explanatory.

Article 201

“A foreign army” is an official army from a foreign country or an army that will rebel against the said foreign country.

Article 202

This provision is intended to maintain and protect state secrets, namely information, objects, and/or activities that are officially determined to be kept confidential.

Article 203

Paragraph (1)

Letter a

Self-explanatory

Letter b

“Strengthening” is, for example, conducting provocation or incitement.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 204

Self-explanatory.

Article 205

Self-explanatory.

Article 206

Self-explanatory.

Article 207

Self-explanatory.

Article 208

Self-explanatory.

Article 209

“Fraudulent means” are, for example, deceiving, disguising, using a false name, or using a false position.

Article 210

Letter a

“State installations” are important installations, for example the State Palace, the official residence of the President and/or Vice President, buildings of state and government institutions, and buildings which are used for state guests who are on the same level as the President.

“Military installations” are vital military installations.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Article 211

Self-explanatory.

Article 212

Self-explanatory.

Article 213

Self-explanatory.

Article 214

Letter a

“Through fraudulent acts deliver Goods required by the army” is, for example, a supplier who delivers Goods whose number, weight, or condition is inadequate or not in accordance with what has been agreed upon.

Letter b

Self-explanatory.

Article 215

Self-explanatory.

Article 216

Self-explanatory.

Article 217

In general, the Crime of assaulting a person may constitute various crimes, such as persecution or committing violence. Since the Crime as referred to in this article is addressed to the President and/or Vice President, then if the threat of criminal sentence is not classified as a heavier sentence, then the provisions of this article shall apply.

Article 218

Paragraph (1)

“Assault the honor or dignity and prestige” shall mean any act which degrades or damages reputation or

pride, including blasphemy or calumny.

Paragraph (2)

“Carried out in the the public interest” is the protection of the interest of the community which is expressed through the right to freedom of expression and the right to democracy, for example through rallies, criticism, or opinions which differ from the policies of the President and/or Vice President. In a democratic country, criticism becomes an important matter as part of the freedom of expression which should be as constructive as possible, even if it contains disapproval of the actions, policies, or measures of the President and/or Vice President.

In essence, the criticism in this article is a form of supervision, correction and suggestion on matters relating to the interest of the community.

Article 219

Self-explanatory.

Article 220

Self-Explanatory

Article 221

“A friendly country” is a foreign country that is not in conflict with Indonesia or a foreign country that has a diplomatic relation with Indonesia or a foreign country that enters into an agreement with Indonesia.

Article 222

Self-explanatory.

Article 223

Self-explanatory.

Article 224

Under this provision, in order to be sentenced, Criminal offenders must know that the Victim is the head of a friendly country.

Article 225

“Assault the person” is, for example, slapping or throwing shoes.

Article 226

See the elucidation of Article 218 paragraph (1).

Article 227

“A representative from a friendly country” is, among others, a minister or those who is at the same level as a minister or an official who is appointed to represent the country.

Article 228

Self-explanatory.

Article 229

Self-explanatory.

Article 230

Self-explanatory.

Article 231

“Desecrate” is an act in any forms which is conducted with the intention of insulting.

Article 232

“Violence or Threats of Violence” shall refer to not only threats to persons, but also to Goods, for example, by setting fire to the meeting place.

Article 233

“hinder” is the prevention of attending a meeting.

Article 234

Self-explanatory.

Article 235

Self-explanatory.

Article 236

“Desecrating, insulting, or demeaning the honor of the national emblem” is an act in the form of crossing out, writing, drawing or drawing on, damaging the National Emblem, including using it not in accordance with the shape, size, color, and size ratio, which is carried out intentionally or with the intention of insulting or demeaning the honor.

Article 237

Self-explanatory.

Article 238

Self-explanatory.

Article 239

Self-explanatory.

Article 240

“Insult” is an act that demeans or disgraces the honor or image of the government or state institutions, including insulting or slandering.

Insulting is different from criticism which constitutes the right to expression and the right to democracy, for example through demonstrations or conveying opinions that are different from government policies or state institutions.

In a democratic country, criticism is important as part of freedom of expression which is as constructive as possible, even if it contains disapproval of the actions, policies, or measures of the government or state institutions.

Basically, criticism under this provision is a form of supervision, correction, and suggestion on matters related to the interest of the community.

Paragraph (1)

“Government” is the President of the Republic of Indonesia who holds the administrative power of the Republic of Indonesia and who is assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

“State institutions” are the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, the Supreme Court, and the Constitutional Court.

Paragraph (2)

See the Elucidation of Article 190 paragraph (2).

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 241

Self-explanatory.

Article 242

Self-explanatory.

Article 243

Self-explanatory.

Article 244

“Differentiation” is, for example, the leadership of a company that differentiates the salary or wage of its employees based on a certain ethnicity.

“Exclusion” is, for example, the exclusion of a person from a certain race or ethnicity from becoming a certain employee or manpower.

“Restriction” is, for example, a restriction on someone from a certain race or ethnicity from entering an educational institution or holding a public position only on someone from a certain race or ethnicity.

“Selection” is, for example, the selection for a certain position based on a certain race or ethnicity.

Article 245

Self-explanatory.

Article 246

“Incite” is encouraging, inviting, arousing, or burning people's enthusiasm to do something. Incitement may be conducted verbally or in writing, and must be conducted in Public, meaning in a place where the public visits or in a place where the general public can find out.

Article 247

“Broadcast” shall include the act of transmitting, distributing, and making Electronic Information and electronic documents accessible in an electronic system.

Article 248

Paragraph (1)

This provision regulates the failed mobilization. Pursuant to this article, the person who mobilizes can already be sentenced, even though persons who are mobilized have not yet committed Crimes or an attempt that can be sentenced. This mobilization must use the facilities as determined under Article 20 letter d. The mobilizer cannot be sentenced if persons being mobilized do not commit the Crime or an attempt that can be sentenced due to something that lies in the will of the mobilizer himself/herself, for example the mobilizer withdraws the recommendation, obstructs it, and so forth.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 249

“Offer” is, for example, a person who provides services in the form of information by asking for compensation.

Article 250

Self-explanatory.

Article 251

Self-explanatory.

Article 252

Paragraph (1)

This provision is intended to prevent the practice of vigilante by members of the community against someone who claims to have supernatural powers and is capable of committing acts that can cause sufferings to other persons.

Paragraph (2)

Self-explanatory.

Article 253

In order to be sentenced under this provision, Crimes must have been committed or must have actually occurred. If they do not happen then, they cannot be sentenced.

Article 254

Self-explanatory.

Article 255

Self-explanatory.

Article 256

“Disturbance to the public interests” is the malfunction or inaccessibility of public services due to damage arising from marches, rallies, or demonstrations.

Article 257

Paragraph (1)

“Forces Entry” is the Entry against the will which is expressed by the person entitled. The person entitled is the person who has the power to obstruct or to prohibit Entry or to be in that place.

“House” shall also include a boat or vehicle which is used as a place to live.

“Closed room” is a room that may only be entered by a certain person and not for public.

“Closed yard” is a yard that clearly has boundaries such as a fence around the yard.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 258

Paragraph (1)

This provision aims to protect the interests of the speaker against persons who unlawfully hear or record the conversation being conducted. The inclusion of the unlawful element under this provision is intended to prevent acts that should not be sentenced, become subject to the provisions of this article, for example, if:

- a. the said technical equipment is installed by the occupants of the house or the room concerned and causes the conversation in the room to be accidentally heard or recorded;
- b. the conversation takes place through radio telephone and is accidentally received by someone through his/her radio telephone receiver; or
- c. the conversation through telephone is heard at the order of the authorized telephone clerk or in connection with the monitoring of the proper functioning of the telephone network.

Paragraph (2)

Under this provision, those that are excluded is listening to or recording conversations that are conducted for the purposes in accordance with the provisions of laws and regulations.

Paragraph (3)

Self-explanatory.

Article 259

Self-explanatory.

Article 260

Paragraph (1)

“A government office that serves the public interest” is, among others, the police office, prosecutor's office, court office, tax office, post office, government hospital, Governor/Regent/Mayor office, and sub-district office.

“An authorized Official” is an Official who is granted the authority over all offices or an employee who is solely assigned the task of maintaining the order in the said office.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 261

Paragraph (1)

“Join” does not mean that one has to actively commit an act that is prohibited under the provisions of laws and regulations. Just being a member of the organization as referred to in this provision is already threatened with criminal sentence.

Paragraph (2)

Self-explanatory.

Article 262

Self-explanatory.

Article 263

Self-explanatory.

Article 264

Self-explanatory.

Article 265

Letter a

Self-explanatory.

Letter b

“False alarm signs” are, for example, a person shouting there is a fire when there is no fire or banging a bell to indicate there has been a murder or theft even though there is no murder or theft.

Article 266

Self-explanatory.

Article 267

Self-explanatory.

Article 268

The funeral ceremony for the body shall include a ceremony which is conducted while the body is still at the funeral home, on the way to the cemetery, or at the burial site.

“Funeral” shall include a series of traditional or religious ceremonies.

Article 269

“Deface” is, for example, using a grave as a place to commit immoral acts or dispose of waste.

“A grave” is a hole or room in which the body is buried with or without a coffin, including the ground covering it and any signs on top of it in any forms.

“The signs on top of a grave” are, for example, tombstones, crosses, or piles of stones arranged over a grave.

Article 270

This provision is intended to protect the body and Goods that are with the body in the grave.

“Bodies” are persons who have died and have been buried, whether intact or not but most parts of the body's organs are still intact.

Article 271

Self-explanatory.

Article 272

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Academic titles” are any titles which are awarded by a university through formal education.

“Professions” are, for example, physician, pharmacist, or notary.

Paragraph (3)

Self-explanatory.

Article 273

Self-explanatory.

Article 274

Self-explanatory.

Article 275

Self-explanatory.

Article 276

“Without a permit” is without permit from an authorized official, for example, the Head of a Correctional Facility, the Head of a Detention Center, or an appointed Official.

Article 277

“Drive” is, for example, using bicycles, motorcycles, or other means of transportation.

Article 278

Paragraph (1)

Crimes which are regulated under this provision shall be conducted prior to the examination process in court hearing is in progress.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 279

Self-explanatory.

Article 280

Paragraph (1)

Letter a

“Fail to comply with court orders that are issued for the interest of the judicial process” shall mean taking actions to oppose said orders in a manner which is not permitted by law.

Letter b

“Disrespectful” shall mean behaving, speaking or making statement which degrade the dignity of law enforcement officials, court officials or court hearing, or disobey the court code of conduct.

Letter c

“Assault the integrity” includes accusing judges of being partial or dishonest.

Letter d

“Publishes the proceedings live” shall mean a live-streaming.

Does not reduce the freedom of journalists or reporters to write stories and publish them after a court hearing.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 281

Self-explanatory.

Article 282

Self-explanatory.

Article 283

“Examination of a body for judicial purposes” is an examination conducted by an expert in order to determine the cause of death for the purpose of examination in court hearing. This provision does not apply if the belief and faith prohibit the examination of the body.

Article 284

“Authorized officials” are investigators, public prosecutors or judges in accordance with the level of examination of the relevant case.

Article 285

“Witness, expert or interpreter” shall mean that it is in accordance with the provisions of the applicable procedural law.

Article 286

Self-explanatory.

Article 287

Under this provision, refusing to comply with an order from an authorized Official to submit a Letter which is deemed to be forged or falsified, while said Letter is required in a judicial process as means of evidence, either in a criminal case or civil case, shall be considered as an act which disrupts the organization of justice.

Article 288

Self-explanatory.

Article 289

Paragraph (1)

Letter a

All unlawful acts toward confiscated Goods in accordance with the provisions of laws and regulations shall be considered as an attempt to thwart the search for justice.

“Withdraw Goods” includes the act of selling, using, transferring.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Self-explanatory.

Article 290

Self-explanatory.

Article 291

Article 292

“Informant” shall refer to a person who provides a report, information, or statement to law enforcers regarding any upcoming, ongoing or already occurring Crime.

Article 293

Self-explanatory.

Article 294

“Witnesses” shall refer to a witness in all judicial environment and the Constitutional Court.

Article 295

Self-explanatory.

Article 296

Self-explanatory.

Article 297

“Loss of job” shall include termination or demotion.

Article 298

Self-explanatory.

Article 299

Self-explanatory.

Article 300

Any actions or written as well as verbal statements that are conducted objectively, limited to one’s own circle, or scientific in nature regarding a religion or belief which is equipped with efforts to avoid the presence of words or sentence arrangements that are hostile in nature, statements of hatred or hostility, or incitement to commit hostility, Violence, discrimination, or defamation do not constitute Crimes in accordance with this article.

Article 301

Self-explanatory.

Article 302

Paragraph (1)

This provision is not a restriction for someone to convert religion or belief which exists in the Unitary State of the Republic of Indonesia.

Paragraph (2)

Self-explanatory.

Article 303

Paragraph (1)

Self-explanatory.

Paragraph (2)

“Religious meeting” is an activity which is related to a religion or belief.

Paragraph (3)

“Religious ceremony” is a ceremony which is related to a religion or belief.

Article 304

A person or religious community that are carrying out or leading worship services or an official of a religion or belief who is carrying out the duties must be respected. Therefore, the act of ridiculing or mocking such matters shall be sentenced for violating the principle of social life which respects freedom of religion or belief and freedom of worship, in addition to causing clashes within and between community groups.

Article 305

Under this provision, destroying or incinerating a building for worship or an object which is used for worship is a disgraceful act, because it really offends the religious community concerned. Therefore, the offenders should be sentenced. To be sentenced based on the provisions of this article, said act must be committed unlawfully. The destruction and incineration must be conducted unlawfully.

Article 306

Self-explanatory.

Article 307

Self-explanatory.

Article 308

Self-explanatory.

Article 309

Self-explanatory.

Article 310

"a building to retain water" are, for example, dams or floodgates.

"a building to distribute water" are, for example, ditches, drains, or canals which function to distribute water.

Article 311

Self-explanatory.

Article 312

Self-explanatory.

Article 313

Self-explanatory.

Article 314

The burning of any immovable objects, even if they are one's own, such as a house or a ship of a certain size which, according to the Law, constitute an immovable object, shall always be with a permit from the authorized Official. The objective is to prevent the occurrence of fires which may harm the environment and the social

function of said objects.

Article 315

Self-explanatory.

Article 316

In a state of intoxication a person cannot fully take charge of or control himself/herself. Therefore, under such circumstances a person is prohibited from committing the act as referred to in this Article.

Article 317

Self-explanatory.

Article 318

“boosters” are gunpowder in the fuse of firearms to detonate bullets.

Article 319

Self-explanatory.

Article 320

Self-explanatory.

Article 321

Self-explanatory.

Article 322

Self-explanatory.

Article 323

Paragraph (1)

"hazard" is a danger to the public train traffic. Therefore, special trains for the transportation of sugar cane to factories owned by a plantation company are not included in the provisions of this Article. Any actions which are deemed to be harmful to the public train traffic may take the form of installing obstacles or removing the spikes on the track pads so as to endanger the trains passing through them.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 324

Self-explanatory.

Article 325

"Signs which are installed for the safety of sailing" are, for example, lighthouses, sea-lanterns or buoys.

Article 326

Self-explanatory.

Article 327

Self-explanatory.

Article 328

Self-explanatory.

Article 329

Self-explanatory.

Article 330

Self-explanatory.

Article 331

"delinquency" means, for example, doodling walls on public roads.

Article 332

"Electronic system" means a series of electronic devices and procedures which function to prepare, collect, process, analyze, store, display, announce, send, and/or disseminate Electronic Information.

Article 333

Self-explanatory.

Article 334

Self-explanatory.

Article 335

Self-explanatory.

Article 336

Letter a

"harasses animals" is to make animals react in panic so as to cause the animals to be aggressive, cause anxiety, or fear in animals that may endanger humans, animals and goods.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Article 337

Self-explanatory.

Article 338

This provision is not intended for sentencing acts which are committed to cultural/customary, religious activities or beliefs.

Paragraph (1)

Letter a

"Natural abilities" is the natural ability of animals.

Letter b

Self-explanatory.

Letter c

"Inappropriate purposes" are, among others, other than for scientific, research and medical purposes.

Paragraph (2)

Self-explanatory.

Article 339

This provision is intended to prevent the occurrence of hazards and other disturbances to public traffic.

Article 340

Self-explanatory.

Article 341

"Child" is a child who has not yet reached the age of 7 (seven) years old.

Article 342

Paragraph (1)

"ingredients" are not only foodstuffs, but also cosmetics, household cleaners, and so forth.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 343

Self-explanatory.

Article 344

This provision aims to prevent the circulation of food or drink that can damage health.

Article 345

Self-explanatory.

Article 346

Self-explanatory.

Article 347

"coerces" shall mean to put pressure on someone to do or abstain from doing something which in fact the act would not have been done if there was no pressure.

"Committing an act within their position" shall mean any acts which are performed by a person who is on duty in accordance with the duties which is delegated to them in accordance with the provisions of laws and regulations.

Article 348

Opposition as referred to in this provision is carried out not only against civil servants who are carrying out their legitimate duties, but also against people who helped, even though they are not civil servants.

Article 349

Self-explanatory.

Article 350

Self-explanatory.

Article 351

“Crowds” shall mean rallies or demonstrations.

Article 352

Self-explanatory.

Article 353

“Prevents” shall mean an attempt to prevent the relevant authorized Official from taking action.

“Hinders” shall mean if the authorized Official in question has acted and is prevented from taking such action.

“thwarts” shall mean nullifying the result of an action which has been taken by the authorized Official in question.

Article 354

Self-explanatory.

Article 355

Self-explanatory.

Article 356

The Crime in this provision is negligence of responsibilities of Any person in assisting the achievement of justice, specifically in relation to guardianship and godparenting.

Article 357

Self-explanatory.

Article 358

Paragraph (1)

This provision is intended to address the obligation of Any Person to assist the authorized Official in carrying out their duties in accordance with the provisions of laws and regulations, such as the existence of hazard to public security or when a person is caught in the act of committing a Crime, and so forth. Therefore, an action of not assisting, even though the action will not harm him/her, should be reproached.

Paragraph (2)

Self-explanatory.

Article 359

Self-explanatory.

Article 360

“Declarations” shall mean announcements which are issued by authorized Officials.

Article 361

This provision constitutes a Crime which is known as false reporting or complaint. What is reported or complained is the occurrence of a Crime, not an act that does not constitute a Crime.

Article 362

Under this provision, an act relating to position or of wearing a rank insignia is an act relating to position or of wearing a rank insignia, either civil or military.

Article 363

“Insignia” shall refer to those which relate to rank or position in public authority, either civil or military.

Article 364

Self-explanatory.

Article 365

Self-explanatory.

Article 366

This provision is intended to protect the organization of postal activities which are authorized in accordance with the provisions of laws and regulations.

“Letters” are, among others, postcards, postal draft, printed Letters or telegrams.

Article 367

Self-explanatory.

Article 368

Self-explanatory.

Article 369

Self-explanatory.

Article 370

Under this provision, transporting Livestock from one place to another, which are in accordance with the provisions of laws and regulations is required to use a Travel Letter issued by the authorized Official. This is intended to prevent the transportation of stolen Livestock, sick Livestock, or prevent the emergence of disease in other Livestock or in humans who consume the Livestock's meat.

Article 371

Self-explanatory.

Article 372

Paragraph (1)

Letter a

"Excerpts from official state Letters" include copying and quoting of the entirety or part of the contents of the letter.

"Make copies" shall include photocopying and so forth in accordance with technological advances.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 373

Paragraph (1)

The falsehood of any false information as referred to in this provision must be known by the person providing said information.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 374

Under this provision, counterfeited or imitation money is not only the currency or banknotes of Indonesia, but also the money of foreign countries. This is based on the International Convention on counterfeit money of 1929 which has been ratified by Indonesia under Law Number 6 of 1981 on Ratification of the International Convention for the Suppression of Counterfeiting Currency and Protocol, Geneva, 1929.

Article 375

Self-explanatory.

Article 376

“reduces the value of currency” means, for example, the filing of gold or silver currency.

Article 377

Letter a

Under this provision, any person who circulates counterfeit money without being aware of the counterfeit status cannot be sentenced.

Letter b

Self-explanatory.

Article 378

The person who is subject to this provision is the person who finds out that said money is counterfeit or faked either at the time of receiving said money or a little time after that, and then continues to circulate it.

Article 379

People who are sentenced are not only those who imitate, forge, or reduce the value of the currency, but also people who commit acts of making or providing materials or objects, which are aware that the materials or objects in question will be used to imitate, forge, or reduce the value of official money.

Article 380

Paragraph (1)

This provision is intended to prevent the circulation within Indonesia of Goods which are similar to currency. The storage or importation of such objects into Indonesia is only permitted if a permit is granted and if they are to be used for jewelry, for example in the form of necklaces or bracelets or as keepsakes.

Paragraph (2)

Self-explanatory.

Article 381

Self-explanatory.

Article 382

“stamp duty” is defined as a postage stamp, stamp duty patch, television tax stamp duty, and other types of stamp duty.

This provision is intended to protect the stamp duty which are issued by the Government of the Republic of Indonesia from being imitated or counterfeited. Any imitation or forgery will lead to reduced trust in Indonesia's stamp duty and reduce state revenue from the issuance of stamp duties.

Article 383

Self-explanatory.

Article 384

Paragraph (1)

This provision is intended to guarantee the validity or authenticity of the state seal or mark of expertise of the Criminal offender ordered by the provisions of the laws and regulations which are affixed to certain gold or silver Goods. Thus, this provision is intended to protect said Goods from any counterfeiting attempt which will harm consumers.

Paragraph (2)

Self-explanatory.

Article 385

Self-explanatory.

Article 386

Paragraph (1)

In order to guarantee the validity and accuracy of the size, measurement or scale used in trade, there are provisions of laws and regulations that require Goods used for sizing, measuring, and weighing (including their equipment) to be inscribed by the Official who is authorized to do so. The mandatory inscription is to prevent any unfair trading practices that will harm consumers. This provision is intended to prevent the occurrence of counterfeiting of said inscription.

Paragraph (2)

Self-explanatory.

Article 387

Paragraph (1)

The unmarking of the inscribed Goods is carried out by the metrology office and by removing the mark on the inscribed Goods, it can no longer be used by its owner.

Letter a

“Cancel mark” means a mark given to Goods which do not or no longer meet the requirements to be used.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 388

Self-explanatory.

Article 389

Self-explanatory.

Article 390

Self-explanatory.

Article 391

“Letter” means all thoughts in the mind which are embodied in words, i.e., those which are set forth in writing either by hand or through a machine, including among others copies, photocopies, and facsimiles of said Letters. Forged letters must be able to:

- a. give rise to a right, for example a ticket or entry sign;
- b. give rise to a contract, for example credit, sale and purchase, lease agreement;
- c. issues a debt relief; or
- d. used as evidence for an act or event, for example, savings book, birth certificate, transportation certificate, cash book, and so forth.

Article 392

The letter under this provision is more important than the letter in general, therefore the threat of criminal sentence are heavier than the threat of criminal sentence for acts regulated under Article 389.

Article 393

Self-explanatory.

Article 394

Self-explanatory.

Article 395

Paragraph (1)

“Certificate on the state of health” includes both physical and mental health.

“Certificate on the state of death” includes a statement on the death of a person or cause of death (visum et repertum).

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 396

Self-explanatory.

Article 397

Self-explanatory.

Article 398

The prohibited actions in this provision violate the provisions of laws and regulations in the immigration sector.

Article 399

Self-explanatory.

Article 400

Self-explanatory.

Article 401

“embezzles the origin of a person ” is any form of action that is done intentionally so that the origin of a person become unclear, for example, swapping a Child, adopt a Child who is said to be their own Child, or concealing the identity of a Child's birth.

Article 402

“marriage” is between a man and a woman based on the Law on marriage.

“an existing marriage is a legitimate barrier” is a marriage that can be used as an excuse to prevent or annul the next marriage performed by one of the parties bound by said marriage as stipulated in the Law on marriage.

Article 403

“legitimate barrier” are marriage requirements that must be fulfilled in order for a marriage to take place as regulated in the Law on Marriage.

Article 404

“laws and regulations” are the Law on marriage and its implementing regulations and other laws and regulations related to registration of births and deaths.

Article 405

Self-explanatory.

Article 406

Letter a

“violates decency” is committing an act of displaying nudity, genitals, and sexual activity that is contrary to the values that live in the community at the place and time the act is committed.

Letter b

Self-explanatory.

Article 407

The interpretation of the definition of pornography is adjusted to the standards that apply to community at a certain time and place (contemporary community standards).

Making pornography in this provision is not included for oneself or one's own interests.

Article 408

“openly” is to directly commit the said act to the Child.

Article 409

“abortion equipment” is any object which, according to the nature of its use, can cause an abortion.

Article 410

Self-explanatory.

Article 411

Paragraph (1)

"not their husband or wife" means:

- a. a man who is in a marriage bond has sexual intercourse with a woman who is not his wife;
- b. a woman who is in a marriage bond has sexual intercourse with a man who is not her husband;
- c. a man who is not in a marriage bond has sexual intercourse with a woman, even though it is known that the woman is in a marriage bond;
- d. a woman who is not in a marriage bond has sexual intercourse with a man, even though it is known that the man is in a marriage bond; or
- e. a man and a woman who are not bound by marriage has sexual intercourse.

Paragraph (2)

"their children" in this provision is biological children who are already 16 (sixteen) years old.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 412

Provisions regarding living together as husband and wife outside of marriage are known as cohabitation.

This provision at the same time overrides the laws and regulations under the Law which regulates living together as husband and wife outside of marriage, as long as they are not regulated in specific or special laws and regulations.

Paragraph (1)

Self-explanatory.

Paragraph (2)

See the elucidation of Article 411 Paragraph (2).

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 413

"nuclear family" consists of father, mother, and biological children.

Article 414

Self-explanatory.

Article 415

“obscene act” is sexual contact related to lust, except for rape.

Article 416

Self-explanatory.

Article 417

The Criminal Act in this provision is the act of inciting someone who is a minor, not married, and has good behavior to commit an obscene act or has sexual intercourse with them or allow them to commit an obscene act. The way to incite someone is by giving a gift or promising to give a gift, and in this way the Criminal offender abuses the authority that arises from a relationship or circumstances or misleads the person.

Article 418

Paragraph (1)

The Crime regulated in this provision is known as incest.

Paragraph (2)

The Crime regulated in this provision are basically the same as the obscene acts or sexual intercourse regulated in the previous article. However, the obscene acts or sexual intercourse regulated in this provision are committed against people who have a special relationship with the Criminal offenders.

Article 419

Self-explanatory.

Article 420

Self-explanatory.

Article 421

This provision is intended to eradicate brothels.

Article 422

Included in this Crime is sending a man or woman who is not yet an adult to another region or abroad to engage in prostitution or other acts that violate decency.

Article 423

Self-explanatory.

Article 424

Self-explanatory.

Article 425

Paragraph (1)

"children who is under their legal control" are biological children, stepchildren, adopted children, or children under their supervision, or children entrusted to be nurtured, educated, or cared for and who are not yet 12 (twelve) years old.

Paragraph (2)

Self-explanatory.

Article 426

Paragraph (1)

"permit" is a permit issued by the government by taking into account the laws that live in the community.

Paragraph (2)

Self-explanatory.

Article 427

Self-explanatory.

Article 428

Paragraph (1)

In this provision, the judge needs to examine each incident, whether the relationship between the defendant and a person who is in an abandoned condition is really controlled by law or an agreement that obliges the defendant to provide a living for, care for, or look after the abandoned person.

Paragraph (2)

Included as Officials are people who are entrusted with the obligation to care for or look after abandoned persons in a social organization whose funding comes from the community or government aid.

Paragraph (3)

Self-explanatory.

Article 429

Self-explanatory.

Article 430

This provision contains a reduction in threats of criminal sentence based on the consideration that the fear of a mother giving birth to be known by others has been deemed a suffering.

Article 431

Self-explanatory.

Article 432

This provision shows that it is Any Person's obligation to save the lives of other persons from death, as long as the help does not endanger themselves or other persons.

Article 433

Paragraph (1)

The nature of the act of slander is if the act of slander is carried out by way of accusing, either verbally, in writing, or through pictures, which assault the honor and reputation of a person, thus causes loss to that person. The alleged act does not have to be a Crime. The object of the Crime according to the provisions in this article are individuals. Blasphemy against a government institution or a group of people does not fall under the provision of this article.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The unlawful nature of said act shall be eliminated due to lawful excuse, namely if the act is carried out in public interest or due to being coerced to defend themselves.

Article 434

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

In the event that the criminal offender as referred to in this provision is given the opportunity by the judge to prove the truth of what is alleged, but unable to prove that what is alleged is true, the criminal offender shall be sentenced as calumny.

Letter b

Self-explanatory.

Paragraph (3)

Proving the truth of an allegation is only permitted if the judge deems it necessary to examine the truth that the defendants committed the act in public interest or were coerced to defend themselves Proving the truth of an allegation is also allowed if the accused is a civil servant and what is alleged are related to carrying out their duties.

Article 435

Paragraph (1)

If the insulted person namely the one who is accused of committing an act and thus has had his/her honor or reputation, with a court decision that already has permanent legal force, it turns out to be guilty upon what is accused, the accuser shall not be sentenced due to calumny.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 436

This provision regulates the insults committed by issuing indecent words toward other persons. The insult is carried out in public either verbally or in writing, or in front of the insulted person either verbally or in writing, or by a writing sent to him/her.

Article 437

Must be proven that the offender knew that the complaint was not true and the nature assaulted the honor or reputation of a person. Complaints or notifications must be submitted in writing or by ordering someone else to write it and the signature of the complainant is not required. Therefore, false complaints or notifications through anonymous Letter (blackmail) may be sentenced in accordance with the provisions of this article.

Article 438

The Crime under this provision occurs if a person with an act raising an allegation that other persons have committed criminal act and said allegation is not true, for example, A puts C's watch in B's drawer with the intention that B is accused of stealing C's watch.

Article 439

This Crime is a Crime warranting complaint and the complaint may only be submitted by the husband or wife, or by one of the blood relatives or in-laws in a straight line or lateral line up to the second degree of the deceased.

Article 440

Self-explanatory.

Article 441

Self-explanatory.

Article 442

Self-explanatory.

Article 443

Paragraph (1)

“secret” means any information which may only be known by an interested person, while no other person may know about it. In order to identify which persons are required to keep secrets, they should be scrutinized on a case-by-case basis in accordance with the provisions of the law or customs which apply in that environment in which there is such an obligation, for example, the obligation of archivists to maintain the confidentiality of any confidential files and the obligation of physicians to maintain the confidentiality of the patients they treat. This Crime becomes a Crime warranting complaint if it is committed against certain persons.

Paragraph (2)

Self-explanatory.

Article 444

This provision is intended to prevent unfair competition within the business world.

Article 445

Self-explanatory.

Article 446

Paragraph (1)

In this provision, deprivation of freedom is carried out both physically and psychologically.

"unlawfully" is the act of depriving the freedom of a person not in order to carry out their duties and obligations in accordance with the provisions of laws and regulations. For example, a police officer who arrests and detains a person in the event that they are caught in the act of committing a crime.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 447

Self-explanatory.

Article 448

Self-explanatory.

Article 449

Paragraph (1)

The Crime in this provision is classified as a Criminal Act of extortion which involves deprivation of freedom. Extortion can be carried out in various ways and through various forms of threats.

Paragraph (2)

Self-explanatory.

Article 450

Abduction is a form of Crime that deprive the freedom of a person. Unlike the previous provisions, deprivation of freedom in abduction is not intended to traffic people, but to unlawfully place the person under their control or render the person powerless.

Article 451

Hostage-taking is a form of Crime that deprive the freedom of a person. In contrast to abduction, hostage-taking is carried out so that the person being held hostage remains at their residence or elsewhere and is carried out with Violence or Threats of Violence.

Article 452

Paragraph (1)

This provision is intended to provide protection for children who have received legal protection. For example, children who are placed in orphanages, if they are being taken away, then the criminal offenders can be sentenced.

Paragraph (2)

Self-explanatory.

Article 453

Paragraph (1)

This provision relates to Children who are withdrawn from legitimate power or supervision, then being hidden or concealed from the interests of investigations by authorized officials.

Paragraph (2)

Self-explanatory.

Article 454

Paragraph (1)

Self-explanatory.

Paragraph (2)

The meaning of "take away women " or "fleeing women" in this provision is different from "abduction" in Article 450 and "hostage taking" in Article 451.

The act of taking a woman away generally occurs between a man (who carries out the fleeing) and a woman (who is being fled) in connection with a love affair, and because of this the act is carried out with the consent of the woman.

The element of Crime in this paragraph is related to the minor age of the woman who was taken away. In addition to the minor element, what needs to be considered is that the person concerned is still under the supervision of her parents or godparents.

The element of Crime in this provision is not related to the age of the woman who is taken away, is still immature, or is still underage, whether married or not, but if the woman is taken away by trickery, Violence or Threats of Violence, then the threat of criminal sentence is heavier.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Self-explanatory.

Self-explanatory.

Self-explanatory.

Paragraph (1)

Murder is always interpreted that the Victim must die and this death is desired by the offender. Thus the notion of murder implicitly contains an element of intent. If there is no intentional element or there is no intention or intent to kill a person, but then it turns out that the person is dead, the said act cannot qualify as a Crime of murder according to this paragraph.

This provision does not include the element "intentionally", because this has been regulated in Article 36 and Article 54 Letter j. Thus the judge will prioritize to consider the motives, methods, means, or attempts to kill, as well as the consequences and impact of a murder to the community.

Paragraph (2)

"mother, father, or child" includes mother, father, or step/adopted child.

The aggravation of criminal sentence in this provision is based on the consideration that there is a

relationship between the Criminal offender and the Victim, where the Criminal offender should be obliged to provide protection to the Victim.

Paragraph (3)

Self-explanatory.

Article 459

Self-explanatory.

Article 460

Paragraph (1)

This provision contains a reduction in threats of criminal sentences based on the consideration that the fear of a mother giving birth to be known by others has been deemed a suffering.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Because the other person who took part in the murder as referred to in Paragraph (1) and paragraph (2) is not in the same psychological condition as the mother who committed the Crime, the principle of participation does not apply to the provision of this paragraph.

Article 461

This provision regulates a Crime known as active euthanasia.

Even though active euthanasia is carried out at the request of the person concerned which is expressed in sincerity, but the act is still threatened with criminal sentence. This is based on a consideration because the act is considered contrary to religious morality. In addition, to prevent undesirable possibilities, for example, the criminal offender creates a situation in such a way that a request arises to take the life of the person concerned.

Threats of criminal sentence here are not aimed at a person's life, but are aimed at respecting human life in general, even though the person is in a very suffering condition, both physically and spiritually. Therefore the offender's motive is irrelevant to be considered in a Crime.

Article 462

If the person who was encouraged, assisted, or given the means to commit suicide does not die, the person who encouraged, assisted, or provided the means is not subject to criminal sentence.

This is based on the consideration that suicide is not a Crime. Therefore, attempts to commit suicide are also not threatened with criminal sentences.

Article 463

This provision is intended to protect the womb of a woman. If what is aborted is a dead fetus, the criminal provisions in this article do not apply. It is not relevant here to determine what methods and means are to be used in order to carry out an abortion. What is important and decisive is the result, namely the death of the fetus.

Paragraph (1)

Self-explanatory.

Paragraph (2)

"Other Crimes of sexual violence that cause pregnancy" are, among others, forced prostitution, sexual exploitation, and/or sexual slavery.

Article 464

Self-explanatory.

Article 465

Self-explanatory.

Article 466

Paragraph (1)

This provision does not provide a formulation regarding the definition of persecution. This is left to the judge's judgment to provide an interpretation of the case at hand in accordance with developments in social and cultural values as well as developments in the world of medicine. This means that the notion of persecution does not have to mean limited to physical abuse and conversely not every physical suffering is always interpreted as persecution.

This provision also does not include the element of "intentional" because this matter has been regulated in Article 36 and Article 54 letter j in the context of aggravation of criminal sentence.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 467

Self-explanatory

Article 468

Paragraph (1)

The crime of persecution under this provision is a type of serious persecution, in addition to persecution in the general sense and minor persecution. The extent and scope of these three types of persecution is left

to the judges' consideration.

Paragraph (2)

Self-explanatory.

Article 469

Self-explanatory.

Article 470

Self-explanatory.

Article 471

Self-explanatory.

Article 472

Self-explanatory.

Article 473

The actions in this Article are intended for or as part of sexual activity/violence.

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

"Victim" means a husband or wife.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)

Self-explanatory.

Paragraph (11)

Self-explanatory.

Article 474

Paragraph (1)

This provision does not provide a formulation regarding the definition of negligence. In general, the notion of negligence indicates that the offender does not want the consequences of their actions to occur, namely death or injury. However, in concrete events it is difficult to determine that an act can be called negligence. For example, someone who is driving a vehicle in such a way as to endanger public traffic which is likely to cause Victims.

Therefore, based on these considerations, the notion of negligence is left to the judge's consideration to evaluate the case at hand.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 475

Paragraph (1)

From certain positions or professions, it is expected that there will be a sense of responsibility in carrying out the duties or work entrusted to them. In other words, negligence must be avoided by people who carry out their duties or work responsibly. Therefore, if there is a negligence, the threat of criminal sentence can be increased by 1/3 (one third).

Paragraph (2)

Self-explanatory.

Article 476

“takes” are not only defined physically, but also includes other forms of functional (non-physical) “taking” which leads to the “unlawful possession of other persons' goods.” For example, theft of money by transferring or using electricity without rights.

“belongs” is the possession of the right to said Goods.

Article 477

Paragraph (1)

This provision regulates theft of a special nature or commonly known as qualified theft.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

“Goods which are a person’s source of livelihood or main source of livelihood” are, for example, motorcycles for motorcycle taxi drivers (ojek), sewing machines for tailors.

Letter d

Self-explanatory.

Letter e

“house” is any building or place which is intentionally built or used for home or residence.

“closed yard” means a plot of land which has certain boundary markings, either in the form of walls, fences, piles of rocks, plants, waterways, or rivers.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 478

Self-explanatory.

Article 479

Paragraph (1)

The Crime of theft under this provision is qualified as theft with aggravation. The aggravation element is the existence of Violence or Threats of Violence against people in carrying out theft. Violence or Threats of Violence may be committed before, during or after theft.

Violence refers to the use of physical force, either with physical power or through the use of tools, while Threats of Violence refer to conditions in such a way that cause fear, anxiety, or worry to the person being threatened.

The Use of Violence or Threats of Violence does not need to be solely directed at the owner of the Goods, but can also be directed at other persons, for example, housemaids or house keepers.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 480

Self-explanatory.

Article 481

Self-explanatory.

Article 482

Paragraph (1)

This provision regulates the Crime of extortion. The coercion in this provision is more of a physical or external force, among others, at the point of sharp weapons or firearms. Violence or Threats of Violence do not have to be directed at the person who is asked to give away Goods, create debts, or write off receivables, but can also be directed at other persons, for example, against children, or wives or husbands.

The definition of “force” includes both successful coercion (i.e., Goods are handed over) as well as failed attempts. Thus, if the extortion is not successful or fails, the offenders of the Crime will still be prosecuted based on this provision, not under the provision on probationary.

Paragraph (2)

Self-explanatory.

Article 483

Paragraph (1)

This provision regulates the Crimes of threats.

The main elements of this Crime are the same as extortion, namely forcing people to give away goods, make acknowledgments of debts, or write off receivables. The difference lies in the means of coercion used. In extortion, coercion is more of a physical and outward nature, while in the Crime of threats, the means of coercion are more non-physical or internal, namely by using threats of blasphemy, both verbally and in writing or by threatening to reveal secrets.

Threats of slander or libel or disclosure secrets do not have to be directly related to the person who is requested to give away Goods, create debts, or write off receivables, but can also be other persons, for example, against Children, wives or husbands, which indirectly also assaults honor or the reputation of the person concerned.

Paragraph (2)

Self-explanatory

Article 484

Self-explanatory

Article 485

Self-explanatory.

Article 486

This provision regulates the Crime of embezzlement. In the crime of embezzlement, the goods concerned are already in real possession by the Criminal offenders. This is in contrast to theft in which the Goods are not yet in the hands of the Criminal offenders. The time the intention arises to unlawfully possess said Goods also determines the difference between embezzlement and theft. If the intention to possess the Goods already exists at the time the Goods are taken, then the act is considered as a Crime of theft, while in the case of embezzlement, the intention to possess said Goods only arise after the relevant Goods have been in the hands of the offender for some time. Another element of the Crime of embezzlement is that the offender possesses the Goods to be owned not due to a Crime, for example Goods that are in the possession of the criminal offender as collateral for loans and receivables which are then sold without the owner's permission.

Article 487

Self-explanatory.

Article 488

Self-explanatory.

Article 489

Under this provision, the handover of Goods is because they had to, for example, during natural disasters such as fires, floods, earthquakes, and so forth. The goods is handed over for safekeeping or because they are unable to take care of the goods themselves, therefore it needs to be handed over to another party.

Article 490

Self-explanatory.

Article 491

Self-explanatory.

Article 492

This provision regulates the Crime of Fraud. The material act of fraud is to persuade someone in many ways, as referred to in this provision, to deliver Goods, to create a debt or to write off a receivable. Therefore, the act that directly cause a loss is not carried out by the criminal offender, but by the aggrieved party itself. The act of fraud is only completed with the occurrence of actions of the aggrieved party as desired by the offender.

Goods that are delivered, do not have to be directly delivered to the criminal offenders, but can also be done to

other persons who are ordered by the offenders to accept the delivery.

Fraud is a crime against property. Place of Crime is the place where the offender commits the fraud, although the delivery is conducted in other places. The time of committing a Crime is the time when the offender commits fraud.

Goods that are delivered may be the property of the offenders themselves, for example, Goods that are given as collateral for debts not in the interests of the offenders. Write-off of receivables does not need to be undertaken through the termination of a contract according to the Indonesian Civil Code. It also includes, among others, the act of the offenders to temporarily stopping the kilometer recorder of their rental car, so that the car owner calculates a smaller amount of rent than the actual rent.

This provision states in a limited manner that the efforts used by the offenders to cause fraud may be sentenced, namely in the form of false names or positions, abuse of religion, deceit and series of lies. Between the efforts used and the desired action there must be a causal relationship, so that the person believes and gives what is requested.

Article 493

Self-explanatory.

Article 494

Self-explanatory.

Article 495

This provision is intended to protect consumers from any fraudulent activities in the world of trade, which are conducted by sellers. In the world of trade, sellers may provide false confessions of the nature or condition of Goods they sell or do not actually state the nature or condition of said Goods, so that consumers buy goods that are not in accordance with the expectations or not in accordance with the costs they incur.

Article 496

This provision is intended to protect a person from economic loss through the provision of services to another person as a result of the fraudulent act from said person. For example, a person may fraudulently take advantage the kindness of another person by using telephone numbers and lines and charging their call or line call fees to a telephone service subscriber.

Article 497

This provision is intended to protect against fraudulent actions in the world of trade which are carried out by consumers, by not paying in full the price of the purchased Goods. In order to be sentenced based on this provision, the actions of the consumers in question are carried out repeatedly, which indicates that the actions in question are their livelihoods or habits. In the community, the actions of consumers are known as the act of "evasion".

Article 498

This provision is intended to prevent fraudulent actions in the world of insurance which is carried out by the

insured party in the making of an insurance agreement so that it is detrimental to the insurer.

Article 499

The Crime under this provision is a fraudulent action in order to obtain insurance payments.

Article 500

Self-explanatory.

Article 501

“Bill of lading” shall refer to a dated Letter in which it is explained by the carrier that the carrier has received certain Goods, with the intention of delivering said Goods to the appointed place, and handing it over to the appointed person, in accordance with the requirements of agreement of Goods delivery.

The original bill of lading (the first sheet) in this provision shall constitute securities and are tradable, while copies or other sheets are non-tradable. Only the first sheet of the bill of lading or the original may be exchanged with the types of Goods listed therein.

Since the original bill of lading constitute securities, then the original bill of lading may be encumbered with all forms of rights over objects, such as being pawned, sold, lent or exchanged. Copies or other sheets which are not Securities do not have value, therefore, if sold, the buyer will not receive the Goods and the act of encumbering other copies or sheets with rights over objects shall constitute an act of fraud.

Article 502

Self-explanatory.

Article 503

Paragraph (1)

Under this provision, counterfeit foods, beverages or drugs, are if the value or benefits become diminished due to being mixed with other materials.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 504

Self-explanatory.

Article 505

“Boundaries of yards” is any sign used to indicate the boundary of a yard, such as walls, fences, stakes, piles of

rocks, plants, waterworks, rivers, or rice field embankments with the aim of separating a plot of land owned by a person from an adjacent plot of land owned by another person.

Article 506

“False news” shall refer to not only false notification of a fact but also false notification of an expected benefit.

Article 507

Self-explanatory.

Article 508

Self-explanatory.

Article 509

Self-explanatory.

Article 510

Self-explanatory.

Article 511

Self-explanatory.

Article 512

Letter a

“withdrawing Goods from company assets” means any act of placing Goods out of the reach of receivers prior to or at the time of the imposition of bankruptcy, including the settlement of company receivables.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Article 513

Self-explanatory.

Article 514

Self-explanatory.

Article 515

Self-explanatory.

Article 516

Self-explanatory.

Article 517

Self-explanatory.

Article 518

Self-explanatory.

Article 519

This provision is intended to prevent a reconciliation agreement from being drawn up due to the fact that the Criminal offenders obtain a special advantage, whereas according to the Law, if such agreement has been validated, it shall also apply to any creditors who initially did not approve it. This also applies to the management or commissioner of a Corporation.

Article 520

Paragraph (1)

Letter a

The right to withhold (right of retention) arises based on the provisions of the laws and regulations, namely Article 1616 or Article 1812 of the Indonesian Civil Code.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 521

Paragraph (1)

“damages” means that the Goods are made temporarily unusable, meaning that if the Goods are repaired, then they can be used again.

“destructs” means to completely destroy or damage it so that it can no longer be used.

Paragraph (2)

Self-explanatory.

Article 522

“building for public service means, infrastructure, and/or facilities” are, for example, railway buildings, Electrical Grids, telecommunication buildings, buildings for communication via satellite or other long-distance communications, radio or television stations, dams, gas channels or drinking-water channels.

Article 523

Self-explanatory.

Article 524

Self-explanatory.

Article 525

Self-explanatory.

Article 526

Self-explanatory.

Article 527

“Commander of the Indonesian National Armed Forces” shall refer to the commander of the Army, Navy or Air Force.

Article 528

The Crime under this provision shall constitute a Crime upon the organization of justice.

Article 529

“Coerced” shall mean an unlawful use of authority. For example, an investigator who in carrying out an investigation coerces a suspect to confess or coerces a witness to give information according to the will of the investigator. Coercion can also be done physically or psychologically by scaring them so that they are depressed. However, if a witness who is being examined is providing contradictory information and the investigator in question gives a stern warning or points out the consequences for said witness's false testimony,

this provision will not be applied.

Article 530

This provision regulates the Crime known as the Torture. This Crime has become one of the international Crimes through the international convention "Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984". Indonesia as a member of the United Nations has ratified this convention with Law Number 5 of 1998 on Ratification of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Therefore, under this Law, said act is categorized as a Crime.

Article 531

Self-explanatory.

Article 532

Paragraph (1)

Letter a

"Fail to fulfill a request" shall refer to, for example, failure to follow up on reports or information on the existence of a person being unlawfully deprived of their liberty.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 533

Self-explanatory.

Article 534

For security and orderliness, matters relating to convicts or detained persons must be based on decisions or valid detention order Letters. Likewise, Children that are placed in the Special Child Development Institution or mentally ill people that are placed in a mental hospital must be based on a valid order Letter.

Article 535

This provision is intended to provide protection towards a person's human rights to their residence, which is a person's personal right and must be protected, must not be entered by other persons without permission from the owner of the house or without regard to the method in accordance with the provisions of laws and regulations. As well entering closed places or closed yards that are used by people. This provision shall only be imposed upon Officials in carrying out their duties.

This provision applies specifically to Officials in conducting house searches or reading or confiscation of documents in order to investigate Crimes without complying with the provisions of laws and regulations.

Article 536

Letter a

This provision is intended to protect the confidentiality of correspondence. This Crime shall not be considered if the act is committed by an investigator who, based on the provisions of laws and regulations, requires said Letter as evidence for the purpose of a Crime investigation.

Letter b

“Electronic system organizer” is Any Person, state administrator, business entity, and community that provides, manages, and/or operates the electronic system, either individually or jointly to users of electronic systems for their own purposes and/or other parties.

Article 537

Self-explanatory.

Article 538

Self-explanatory.

Article 539

Paragraph (1)

“Authorized Official who marries a person” are Officials in accordance with the provisions of Law on Marriage and its implementing regulations.

Paragraph (2)

“Legitimate barrier” shall mean that it is in accordance with the marriage requirements which are determined in the laws and regulations governing marriage.

Article 540

Self-explanatory.

Article 541

Self-explanatory.

Article 542

Self-explanatory.

Article 543

Paragraph (1)

The Crime regulated in Articles 542 to 560 are international Crimes, meaning that the offenders of said Crimes may be sentenced in any country where the offender is found, provided that said country adheres

to the principle of universality. Thus, the nationality of the offenders, as well as the locus delicti and nationality of the Ships will not be disputed, because said Crimes are considered disturbing world order.

In this case the Captain or the leader of the ship does not commit piracy, but only deliver the ship to the pirates, to be used to hijack. Although it is a Crime in the form of assisting, it is made as separate Crime with the same crime as the Crime of piracy itself.

If the delivery is not conducted by the captain or the leader of the ship, will be sentenced with a lesser sentence.

Paragraph (2)

Under this provision, persons or Goods do not have to be onboard the Ship but may also be on the beach.

Article 544

Self-explanatory.

Article 545

Self-explanatory.

Article 546

Self-explanatory.

Article 547

Self-explanatory.

Article 548

“Takes over or tows Ships from their owners” is an illegal taking of a Ship from its owner, for example by escaping the Ship and using it for personal interest.

Article 549

“Ships Certificate” shall include, among others, Ships’ letters, documents and reports.

This provision is intended to prevent and eradicate fraud on Ships certificates conducted by the Captain or the leader of the Ship.

Article 550

Self-explanatory.

Article 551

Self-explanatory.

Article 552

This provision is intended to prevent the making of false reports to benefit themselves or others, for example, a Ship's Captain intentionally sinks his Ship, but in his report it is said that his Ship has been in an accident and sunk, therefore they have the opportunity to receive insurance payments for Ships and/or their cargo.

Article 553

This provision is intended to maintain the security, orderliness and safety of sailing.

Article 554

This provision is intended to regulate the mutiny on Ship, but here it is carried out in alliance by 2 (two) persons or more. This provision also determines the criminal sentence, considering that the consequences and the act is carried out jointly.

Article 555

Self-explanatory.

Article 556

Self-explanatory.

Article 557

"Ship officer" among others, Ships' officers and doctors.

Article 558

Self-explanatory.

Article 559

Self-explanatory.

Article 560

Self-explanatory.

Article 561

Under this provision, "changing the course of the Ships" is to change the destination of the voyage or to stop at a port which is not included in the original voyage plan, or not directly sail to the port which has been determined previously as the destination port.

Article 562

Under this provision, Ships or Goods may be towed, stopped, or detained by local authorized Officials, if they violate the blockade provisions, quarantine regulations, or carry prohibited Goods (smuggling).

Article 563

“Not giving something, which must be given” for example, the provision of food or rations.

Article 564

“Emergency condition” shall refer to a condition in such a way that the Captain or the leader of the Ship is compelled to take an action in order to maintain the safety of sailing, for example, due to overload, to prevent the ship from sinking or due to infectious diseases.

Article 565

This provision is intended as an effort to prevent the misuse of the Indonesian flag.

Article 566

“Government ships other than warships on duty in the security and orderliness sector at sea” shall include, among others, police ships and customs and excise ships.

Article 567

This provision relates to the existence of an obligation to record every birth or death. This is done for the interest of population administration. If births or deaths occur at sea, the obligation to record it shall be borne by the Captain of Ship.

Article 568

The acts referred to in this provision are acts which hinder the enforcement of the law.

Article 569

Self-explanatory.

Article 570

Self-explanatory.

Article 571

Self-explanatory.

Article 572

“Identity card” for example, the red cross mark. The purpose of the use of said sign is to protect hospital ships or lifeboats from attack.

Article 573

Self-explanatory.

Article 574

Self-explanatory.

Article 575

“buildings for air traffic security” are aviation facilities or installations used for air traffic security and regulation, such as terminals, buildings, towers, and runways.

Crime of Aviation as referred to in this Chapter may only become a Crime of Terrorism if there is an objective to commit the Crime of terrorism as regulated under the laws and regulations on terrorism.

Article 576

Self-explanatory.

Article 577

“signs or devices for flight security” are flight facilities used by or for aircraft in order to land or take off safely, such as runway markings or devices including a line in the center of the runway, runway markings or coordinates, runway end marks and Signs of runway obstructions, including radio transmitters, air traffic lights, and air station building signs, and so forth.

The definition of “installing the wrong sign or equipment” may also mean intentionally and unlawfully installing the wrong sign or equipment.

“Aircraft” means any aircraft which are located on the ground, i.e. not in Flight or still in preparation by the ground crew or by the flight crew for certain flights.

Article 578

Self-explanatory.

Article 579

The Crime of this provision also constitutes air piracy as regulated in The Hague Convention 1970 on “The Suppression of Unlawful Seizure of Aircraft”, which was held in The Hague, the Netherlands in 1970.

Indonesia has ratified the convention through Law Number 2 of 1976 on the Ratification of the 1963 Tokyo Convention, the 1970 Hague Convention, and the 1971 Montreal Convention, therefore, as a participating

country, it must fulfill the obligations set out in Article 2 of the Convention, namely that every country participating in the convention is obliged to convict the act of air piracy with a severe sentence.

The abovementioned Crime is an international Crime, which means that every country (the convention participant) has jurisdiction over any air hijackers, regardless of the offender's nationality or the Aircraft as well as the place (country) of the air piracy. This means that if the offenders of air piracy are found in Indonesia, then Indonesia has the authority to prosecute them. Therefore, Indonesia is also obliged to make criminal provisions for this Crime.

Paragraph (1)

The crime under this provision is commonly known as air piracy. Under this provision, the seizure or defense of said seizure is conducted unlawfully, for example by deceiving or bribing, so that pilots voluntarily surrender the control of any Aircraft which are currently in flight.

Paragraph (2)

In contrast to air piracy as regulated in paragraph (1), the act of seizing or maintaining the confiscation as referred to in this paragraph shall be carried out with Violence or Threats of Violence in any form, so that the pilot is in a state of coercion and cannot do anything other than handing over the control of the Aircraft.

Article 580

This provision is a Crime that must be prohibited by the countries participating in the 1971 Montreal Convention on "The Suppression of Unlawful Acts Against the Safety of Civil Aviation" which was held in Montreal-Canada in 1971, as a complement to the Hague Convention of 1970.

Article 581

Self-explanatory.

Article 582

Self-explanatory.

Article 583

Self-explanatory.

Article 584

Self-explanatory.

Article 585

Self-explanatory.

Article 586

Self-explanatory.

Article 587

Self-explanatory.

Article 588

Self-explanatory.

Article 589

The provisions set out in this article are actions in the form of false notifications, for example by telephone or other means of communication regarding the presence of bombs in an Aircraft. Such false notifications, which are known as bomb hoaxes, can already cause panic among the crew and Passengers which may cause harm to the Aircraft.

Article 590

Self-explanatory.

Article 591

Objects under this provision are objects originating from Crimes, for example from theft, embezzlement, or fraud. The Crimes regulated under this provision are referred to as *proparte dolus proparte culpa*.

Article 592

Persons who repeatedly commit the Crime as referred to in Article 591 do not need to be proven that the Criminal committed this Crime in order to pursue profit. Categorized as “make a habit” because the act is performed repeatedly even though the period is rather long.

Article 593

Self-explanatory.

Article 594

Crime under this provision is commonly referred to as a press offense. In essence, in press offense, the Criminal is the person who made the writing. However, if the requirements as referred to in letter a and letter b are fulfilled, the issuer shall be held accountable for said Crime.

Article 595

This provision is addressed to printers.

Article 596

Self-explanatory.

Article 597

“actions that according to the law that lives in the community are declared as prohibited actions” refers to the provisions of Article 2 paragraph (1).

Article 598

Self-explanatory.

Article 599

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

“other forms of sexual Violence of the same level” means any act of serious sexual coercion as a form of Crime against humanity.

Article 600

Self-explanatory.

Article 601

Self-explanatory.

Article 602

Self-explanatory.

Article 603

“harm state finances” means based on the results of an examination by a state financial audit institution.

Article 604

Self-explanatory.

Article 605

Self-explanatory.

Article 606

Self-explanatory.

Article 607

Self-explanatory.

Article 608

Self-explanatory.

Article 609

Self-explanatory.

Article 610

Self-explanatory.

Article 611

Self-explanatory.

Article 612

Self-explanatory.

Article 613

Self-explanatory.

Article 614

Self-explanatory.

Article 612

Self-explanatory.

Article 613

Under this provision, adjustments to criminal provisions do not include the threat of criminal fines as regulated under the Law on administrative sentences.

See elucidation of Article 187.

Article 614

Self-explanatory.

Article 615

Self-explanatory.

Article 616

Self-explanatory.

Article 617

Self-explanatory.

Article 618

Self-explanatory.

Article 619

Self-explanatory.

Article 620

“law enforcement agencies” are, for example, agency which organizes the eradication of narcotic Crimes, in addition to handling narcotic Crimes as regulated under the Law on narcotics.

Likewise, the agency which organizes the eradication of Crime of corruption, in addition to handling the Crime of corruption as regulated under the Law on the Eradication of Crime of corruption, also handles the Crime of corruption as regulated under this Law.

Article 621

Self-explanatory.

Article 622

Self-explanatory.

Article 623

Self-explanatory.

Article 624

Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 6842



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