Indonesia's Criminal Code

Law Number 1 of 2023

Complete English reference reader

Articles 1-624, followed by the English elucidation for each article. The article index is clickable; bookmarks are available in compatible PDF readers.

About this edition

This is an unofficial English reference translation of Law Number 1 of 2023 as promulgated. It is not a sworn translation or an official English edition. It does not incorporate subsequent amendments, including Law Number 1 of 2026, or Constitutional Court decisions.

The Indonesian law and applicable amendments or decisions must be checked when determining the law in force. The English wording is inherited from the existing LegalTrans reference edition. Extraction and layout checks do not constitute an independent, article-by-article legal-equivalence review or certification.

Editorial restoration

Missing or merged article headings have been restored. The missing elucidation sentence for Article 513 and the missing second sentence for the Article 621/622 pair have been restored as "Self-explanatory." from the official Indonesian PDF, pages 331, 344 and 345. The source shows only one unlabeled English sentence for the 621/622 pair; both official elucidations separately say "Cukup jelas."

A bounded comparison of numbers, fine categories and clause integrity also identified missing penalties, erroneous cross-references and duplicated or broken source sentences. Verified corrections are listed in the editorial notes at the end of this reader. The historical source files remain unchanged.

Text is retained except for the documented corrections and paragraph-continuation joins. Source section headings appear where available and have not been standardized. This reader covers the articles and their individual elucidation; the preamble and general elucidation are outside its scope.

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BOOK ONE GENERAL RULES

CHAPTER I

SCOPE OF APPLICABILITY OF CRIMINAL LAWS AND REGULATIONS

Section One According to Time

Article 1

Original provision - English reference

(1) No act shall be subject to criminal sanctions and/or measures, except by virtue of the criminal provisions in laws and regulations that have existed before the act was committed.

(2) Analogies shall not be used in determining the existence of a criminal offense.

Elucidation - Article 1

Paragraph (1)

This provision contains the principle of legality which determines that an act constitutes a criminal offense if it is prescribed by or based on statutory regulations. Statutory regulations in this provision are Laws and Regional Regulations. The principle of legality is the main principle in criminal law. Therefore, laws and regulations that contain criminal threats must have existed before the criminal offense is committed. This means that criminal provisions may not apply retroactively.

Paragraph (2)

What is meant by "analogy" is an interpretation by applying a criminal provision to an incident or event that is not regulated or not explicitly mentioned in the Law and Regional Regulations by equating or comparing the incident or event with another incident or event that has been regulated in the Law and Regional Regulations.

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Article 2

Original provision - English reference

(1) The provisions as referred to in Article 1 paragraph (1) shall not reduce the applicability of the law living in the community which determines that a person should be punished even though the act is not regulated in this Law.

(2) The law that lives in the community as referred to in paragraph (1) applies in the place where the law lives and as long as it is not regulated in this Law and is in accordance with the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general legal principles recognized by the community of nations.

(3) Provisions regarding the procedures and criteria for determining the law that lives in the community shall be regulated by Government Regulation.

Elucidation - Article 2

Paragraph (1)

What is meant by "the law that lives in the community" is customary law which determines that a person who commits certain acts should be punished. The law that lives in the community in this article relates to the unwritten law that still applies and develops in community life in Indonesia. To strengthen the applicability of the law that lives in the community, a Regional Regulation regulates such customary criminal offenses.

Paragraph (2)

In this provision what is meant by "applicable in the place where the law lives" is applicable to Every Person who commits a customary Criminal Offense in the area.

This paragraph contains guidelines in determining the customary criminal law whose validity is recognized by this Law.

Paragraph (3)

The Government Regulation in this provision is a guideline for the regions in stipulating the living law in the community in a Regional Regulation.

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Article 3

Original provision - English reference

(1) If laws and regulations are amended after an act is committed, the new laws and regulations shall apply unless the former provisions are more favorable to the offender or an accomplice.

(2) In the event that the act that occurred no longer constitutes a criminal offense according to the new laws and regulations, the legal process against the suspect or defendant shall be terminated by law.

(3) In the event that the provisions as referred to in paragraph (2) are applied to a suspect or defendant who is in detention, the suspect or defendant shall be released by the authorized Officer in accordance with the level of examination.

(4) In the event that after the verdict of conviction is legally binding and the act that occurred no longer constitutes a criminal offense according to the new laws and regulations, the execution of the verdict of conviction shall be abolished.

(5) In the event that the verdict of conviction has been legally enforceable as referred to in paragraph (4), the agency or official who executes the exemption shall be the authorized agency or official.

(6) The release as referred to in paragraph (3) and paragraph (5) does not give rise to the right for the suspect, defendant, or convict to claim compensation.

(7) In the event that after the verdict of conviction is legally binding and the act committed is punishable by a lighter punishment under the new laws and regulations, the implementation of the verdict of conviction shall be adjusted to the punishment limit under the new laws and regulations.

Elucidation - 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)

What is meant by "adjusted to the punishment limit" is only for sentencing decisions that are more severe than the maximum punishment in the new laws and regulations, including adjustments to different types of punishment.

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Second Section by Place

Paragraph 1

Territorial Principle

Article 4

Original provision - English reference

Criminal provisions in the Law shall apply to every person who commits:

a. Criminal Offenses in the territory of the Unitary State of the Republic of Indonesia;

b. Criminal Offenses in an Indonesian Ship or in an Indonesian Aircraft; or

c. Criminal Offenses in the field of information technology or other Criminal Offenses whose consequences are experienced or occur in the territory of the Unitary State of the Republic of Indonesia or on Indonesian Ships and on Indonesian Aircraft.

Elucidation - Article 4

Letter a

What is meant by "the territory of the Unitary State of the Republic of Indonesia" is a unit of sovereignty over the land, inland waters, archipelagic waters along with the seabed and the land beneath it, and the airspace above it, as well as the entire area whose boundaries and state rights are recognized by the State.

and the entire area whose boundaries and state rights in the territorial sea, auxiliary zone, exclusive economic zone, and continental shelf are regulated by law.

Letter b

Self-explanatory.

Letter c

What is meant by "other Criminal Offenses" is, for example, Criminal Offenses against state security or Criminal Offenses formulated in international treaties that have been ratified by Indonesia.

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Paragraph 2

Protection Principle and Passive National Principle

Article 5

Original provision - English reference

The criminal provisions of this Law shall apply to any person outside the territory of the Republic of Indonesia who commits a Criminal Offense against the interests of the Republic of Indonesia relating to:

a. state security or the process of constitutional life;

b. the dignity of the President, Vice President, and/or Indonesian Officials abroad;

c. currency, seals, state stamps, seals, or securities issued by the Government of Indonesia, or credit cards issued by Indonesian banks;

d. Indonesian economy, trade, and banking

e. safety or security of shipping and aviation;

f. safety or security of Indonesian buildings, equipment, and national or state assets;

g. safety or security of electronic communication systems;

h. Indonesia's national interest as stipulated in the Law; or

i. an Indonesian citizen based on an international agreement with the country where the Criminal Offense was committed.

Elucidation - Article 5

This provision is intended to protect the legal interests of the state or certain national interests abroad.

The determination of certain national interests to be protected in this provision uses a limitative and open formulation. This means that the scope of the national interest to be protected is determined limitatively, but the type of criminal offense is not specified. The determination of the types of Criminal Offenses that are deemed to attack or endanger national interests is left in practice openly within the limits that have been determined as Criminal Offenses under Indonesian criminal law.

This open limitative formulation is intended to provide flexibility in practice and in the development of the formulation of criminal offenses by the legislators in the future. This flexibility is still within the limits of certainty according to the provisions of the legislation. The determination of Criminal Offenses that attack national interests is only limited to certain acts that truly violate protected national legal interests. The perpetrators are only prosecuted for Criminal Offenses according to Indonesian criminal law.

The perpetrators of Criminal Offenses subject to this provision are Every Person, both Indonesian citizens and foreigners, who commit Criminal Offenses outside the territory of the Unitary State of the Republic of Indonesia.

The reason for the application of the passive national principle is because in general, Criminal Acts that harm the legal interests of a country are not always considered by the country where the Criminal Act is committed as an act that must be prohibited and punished.

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Paragraph 3 Universal Principle

Article 6

Original provision - English reference

Criminal provisions in the Act shall apply to any person outside the territory of the Unitary State of the Republic of Indonesia who commits a criminal offense under international law which has been determined as a criminal offense in the Act.

Elucidation - Article 6

This provision contains a universal principle that protects the legal interests of Indonesia and/or the legal interests of other countries. The foundation of this principle is found in international conventions that have been ratified by Indonesia, for example:

a. international convention on counterfeit money;

b. the international convention on the free sea and the law of the sea which regulates the crime of sea piracy;

c. international conventions on aviation crimes and crimes against aviation facilities or infrastructure; or

d. international convention on the eradication of illicit trafficking of narcotics and psychotropic substances.

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Article 7

Original provision - English reference

The criminal provisions in the Act shall apply to any Person who commits a Criminal Offense outside the territory of the Unitary State of the Republic of Indonesia whose prosecution is taken over by the Government of Indonesia on the basis of an international treaty which authorizes the Government of Indonesia to conduct criminal prosecution.

Elucidation - Article 7

This provision is intended to anticipate the development of agreements between Indonesia and other countries that allow citizens of such other countries to have their prosecution taken over and tried by Indonesia for committing certain Criminal Offenses regulated in such agreements.

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Paragraph 4 Active National Principle

Article 8

Original provision - English reference

(1) Criminal provisions in the Law shall apply to every Indonesian citizen who commits Criminal Offenses outside the territory of the Unitary State of the Republic of Indonesia.

(2) The provision as referred to in paragraph (1) shall apply if the act also constitutes a Criminal Offense in the country where the Criminal Offense is committed.

(3) The provision as referred to in paragraph (1) shall not apply to Criminal Offenses punishable by a maximum fine of category III.

(4) Prosecution of the Criminal Offense referred to in paragraph (1) may proceed even if the suspect became an Indonesian citizen after the Criminal Offense was committed, provided that the act also constitutes a criminal offense in the country where it was committed.

(5) Indonesian citizen outside the territory of the Unitary State of the Republic of Indonesia who commits the Criminal Offense as referred to in paragraph (1) cannot be sentenced to death penalty if the Criminal Offense according to the law of the country where the Criminal Offense is committed is not punishable by death penalty.

Elucidation - Article 8

Self-explanatory.

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Paragraph 5 Exception

Article 9

Original provision - English reference

The application of the provisions as referred to in Article 4 through Article 8 is limited by matters that are excluded according to applicable international agreements.

Elucidation - Article 9

Self-explanatory.

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Third Part Time of Crime

Article 10

Original provision - English reference

The time of the Criminal Offense is the time when the punishable act is committed.

Elucidation - Article 10

Time of the Crime in this provision, for example:

a. when the physical act is committed;

b. the moment of operation of the instrument or material for the completion of the Crime; or

c. when the consequences of the Crime occur.

This provision does not distinguish between formal and material Crimes.

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Fourth Section Place of the Criminal Offense

Article 11

Original provision - English reference

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

Elucidation - Article 11

The place of the Crime in this provision, for example:

a. the place where the physical act is committed;

b. the place where the tools or materials for the completion of the Criminal Offense are used; or

c. the place where the consequences of the punishable act occur.

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CHAPTER II

CRIMINAL OFFENSES AND CRIMINAL RESPONSIBILITY

Section One Criminal Offenses

Paragraph 1 General

Article 12

Original provision - English reference

(1) Criminal Offenses are acts that are threatened with criminal sanctions and/or actions by laws and regulations.

(2) To be declared as a Criminal Offense, an act punishable by criminal sanction and/or action by the laws and regulations must be unlawful or contrary to the law living in the society.

(3) Every criminal offense is always against the law, unless there is a valid reason.

Elucidation - Article 12

Self-explanatory.

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Paragraph 2 Evil Conspiracy

Article 13

Original provision - English reference

(1) Malicious conspiracy occurs when 2 (two) or more persons agree to commit a Criminal Offense.

(2) Malicious conspiracy to commit a Criminal Offense shall be punished if it is expressly provided for in the Law.

(3) The punishment for malicious conspiracy to commit a Criminal Offense shall be at most 1/ 3 (one third) of the maximum basic punishment for the relevant Criminal Offense.

(4) Conspiracy to commit a criminal offense punishable by death penalty or life imprisonment shall be liable to imprisonment for a maximum of 7 (seven) years.

(5) The additional punishment for conspiracy to commit a criminal act shall be the same as the additional punishment for the criminal act concerned.

Elucidation - Article 13

Paragraph (1)

Conspiracy to commit a criminal offense shall only be punishable for very serious criminal offenses.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Article 14

Original provision - English reference

The conspiracy to commit a criminal act shall not be punished, if the perpetrator:

a. withdraws from the agreement; or

b. takes appropriate measures to prevent the occurrence of the Criminal Offense.

Elucidation - Article 14

Self-explanatory.

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Paragraph 3 Preparation

Article 15

Original provision - English reference

(1) Preparation for a criminal act occurs when the perpetrator tries to obtain or prepare tools, gather information or plan actions, or performs similar actions that are intended to create conditions for the commission of an act that is directly aimed at the completion of the criminal act.

(2) Preparation for a criminal act is punishable, if expressly provided for in the law.

(3) The punishment for the preparation of a Criminal Offense shall be at most 1/2 (one-half) of the maximum of the basic punishment for the Criminal Offense concerned.

(4) Preparation of a Criminal Offense punishable by death penalty or life imprisonment shall be liable to imprisonment for a maximum of 10 (ten) years.

(5) Additional punishment for preparation to commit a criminal offense shall be the same as the additional punishment for the criminal offense in question.

Elucidation - Article 15

Paragraph (1)

What is meant by "means" is anything that can be used as a tool in achieving a goal.

Preparation for a criminal act is only punishable for very serious crimes. Thus, the criterion of preparation to commit a criminal act emphasizes the dangerous nature of the criminal act, for example importing chemicals or explosives in preparation to commit a criminal act.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Article 16

Original provision - English reference

Preparation to commit a Criminal Act shall not be punished if the perpetrator stops or prevents the possibility of creating the conditions as referred to in Article 15 paragraph (1).

Elucidation - Article 16

What is meant by "stopping", for example, is having purchased chemicals but not processing them into explosives to achieve the purpose of the crime.

What is meant by "preventing", for example, is reporting to the competent authorities on the existence of facilities that will be used for a criminal offense.

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Paragraph 4 Attempt

Article 17

Original provision - English reference

(1) Attempt to commit a Criminal Offense occurs if the intention of the perpetrator is evident from the commencement of the implementation of the intended Criminal Offense, but the implementation is not completed, does not achieve the result, or does not cause the prohibited result, not due to his/her own will.

(2) The commencement of execution as referred to in paragraph (1) occurs if:

a. the act committed is intended or aimed at the occurrence of a Criminal Offense; and

b. the act committed directly has the potential to cause the intended Criminal Offense.

(3) The punishment for attempt to commit a Criminal Offense shall be at most 2/3 (two-thirds) of the maximum basic punishment for the Criminal Offense concerned.

(4) Attempt to commit a Criminal Offense punishable with death penalty or life imprisonment, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(5) The additional punishment for attempt to commit a criminal act shall be the same as the additional punishment for the criminal act concerned.

Elucidation - Article 17

Self-explanatory.

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Article 18

Original provision - English reference

(1) Attempt to commit a Criminal Act shall not be punished if the perpetrator after commencing the act as referred to in Article 17 paragraph (1):

a. does not voluntarily complete the act out of his/her own free will; or

b. with his own will prevents the accomplishment of the purpose or effect of his act.

(2) In the event that the attempt as referred to in paragraph (1) has caused damage or according to statutory regulations constitutes a separate criminal offense, the perpetrator may be held accountable for such criminal offense.

Elucidation - Article 18

Self-explanatory.

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Article 19

Original provision - English reference

Attempt to commit a Criminal Offense punishable only by a maximum fine of category II shall not be punished.

Elucidation - Article 19

Self-explanatory.

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Paragraph 5 Participation

Article 20

Original provision - English reference

Every person shall be punished as a perpetrator of a Criminal Offense if:

a. commits the Criminal Offense himself/herself;

b. commits the Criminal Offense by means of an instrument or by instructing another person who is not accountable;

c. participating in the commission of a Criminal Offence; or

d. inducing another person to commit a Criminal Offense by giving or promising something, abusing power or dignity, committing Violence, using Threats of Violence, misleading, or by providing an opportunity, means, or information.

Elucidation - Article 20

Letter a

Self-explanatory.

Letter b

What is meant by "by means of a tool", for example, a remote control that is used indirectly to commit a Criminal Offense.

In the case of ordering to commit, the person who is ordered to commit the Criminal Offense is not punished because there is no element of guilt.

Letter c

What is meant by "participating in the crime" is those who cooperate consciously and physically together to commit the crime.

However, not all persons who participate in a criminal act must fulfill all the elements of the criminal act, although all are punishable by the same punishment.

In participating in a Criminal Offense, the actions of each person who participates in the Criminal Offense are seen as a whole.

Letter d

What is meant by "moving others to commit the Criminal Offence" includes persuading, encouraging, luring or enticing others in a certain way.

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Article 21

Original provision - English reference

(1) Every person shall be punished as an accomplice to a crime if he intentionally:

a. gives opportunity, means or information to commit the Crime; or

b. provides assistance at the time the Criminal Offense is committed.

(2) The provision as referred to in paragraph (1) shall not apply to assistance in committing a Criminal Offense which is punishable with a maximum fine of category II.

(3) The punishment for assistance in committing a Criminal Offense shall be at most 2/3 (two-thirds) of the maximum basic punishment for the Criminal Offense concerned.

(4) Assistance in the commission of a Criminal Offense punishable with death penalty or life imprisonment, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(5) The additional punishment for assistance in committing a criminal act shall be the same as the additional punishment for the criminal act concerned.

Elucidation - Article 21

Paragraph (1)

Letter a

In this provision, assistance is carried out before and since the commission of the Criminal Offense by providing opportunities, means, or information.

Letter b

In this provision, providing assistance at the time the crime is committed is almost the same as participating in the crime.

In participating in a criminal act there is close cooperation between those who participate in the criminal act, but in assisting in the commission of a criminal act, the cooperation between the perpetrator of the criminal act and the person assisting is not as close as in participating in the criminal act.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Article 22

Original provision - English reference

The personal circumstances of the perpetrator as referred to in Article 20 or the accomplice as referred to in Article 21 may nullify, reduce, or aggravate the punishment.

Elucidation - Article 22

What is meant by "personal circumstances" are circumstances in which the perpetrator or accomplice is older or younger, has a certain position, undergoes a certain profession, or is mentally disturbed.

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Paragraph 6 Recidivism

Article 23

Original provision - English reference

(1) Repetition of Criminal Offense occurs if Every Person:

a. commits another Criminal Offense within five years after serving all or part of the principal penalty imposed, or after that principal penalty has been annulled; or

b. at the time of committing the Criminal Offense, the obligation to serve the previously imposed principal punishment has not expired.

(2) The Criminal Offenses as referred to in paragraph (1) include Criminal Offenses punishable by special minimum punishment, imprisonment of 4 (four) years or more, or a fine of at least category III.

(3) The provision as referred to in paragraph (1) shall also apply to Criminal Offenses concerning maltreatment.

Elucidation - Article 23

Self-explanatory.

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Paragraph 7 Crime of Complaint

Article 24

Original provision - English reference

(1) In certain cases, the perpetrator of a Crime may only be prosecuted on the basis of a complaint.

(2) Criminal Offenses of complaint must be expressly determined in the Law.

Elucidation - Article 24

Self-explanatory.

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Article 25

Original provision - English reference

(1) In the event that the Victim of a complaint Crime is not yet 16 (sixteen) years old, the person entitled to file a complaint shall be his/her parents or guardian.

(2) In the event that the Parent or guardian as referred to in paragraph (1) does not exist or the Parent or guardian himself/herself is to be complained against, the complaint shall be made by a blood relative in a straight line.

(3) In the event that the blood family in a straight line as referred to in paragraph (2) does not exist, the complaint shall be made by the blood family in a lateral line up to the third degree.

(4) In the event that the Victim of Crime as referred to in paragraph (1) does not have Parents, guardians, or blood relatives in a straight line up or sideways to the third degree, the complaint shall be made by himself/herself and/or companion.

Elucidation - Article 25

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

What is meant by "companion" is a person trusted by a complaining Victim of Crime who is not yet 16 (sixteen) years old to accompany him/her during the criminal justice process.

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Article 26

Original provision - English reference

(1) In the event that the complained Victim of Crime is under guardianship, the person entitled to file a complaint shall be his/her guardian, except for the complained Victim of Crime 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 himself must be complained against, the complaint shall be made by the husband or wife of the Victim or his/her blood relatives in a straight line.

(3) If the Victim has no spouse or blood relative in the direct line as referred to in paragraph (2), the complaint shall be made by a collateral relative up to the third degree.

Elucidation - Article 26

Self-explanatory.

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Article 27

Original provision - English reference

In the event that the Victim of a complaint Crime dies, the complaint may be made by the Parents, children, husband, or wife of the Victim, unless the Victim previously expressly did not want the prosecution.

Elucidation - Article 27

Self-explanatory.

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Article 28

Original provision - English reference

(1) A complaint is made by submitting a notification and a request to be prosecuted.

(2) The complaint as referred to in paragraph (1) shall be submitted orally or in writing to the authorized Officer.

Elucidation - Article 28

Self-explanatory.

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Article 29

Original provision - English reference

(1) Complaints must be filed within the time frame:

a. 6 (six) months from the date on which the person entitled to complain becomes aware of the Criminal Offense 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 on which the person entitled to complain becomes aware of the Criminal Offense if the person entitled to complain resides outside the territory of the Unitary State of the Republic of Indonesia.

(2) If the person entitled to complain is more than 1 (one) person, the grace period as referred to in paragraph (1) shall be calculated from the date on which each complainant becomes aware of the Criminal Offense.

Elucidation - Article 29

Self-explanatory.

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Article 30

Original provision - English reference

(1) A complaint may be withdrawn by the complainant within 3 (three) Months as of the date the complaint is filed.

(2) A withdrawn complaint cannot be filed again.

Elucidation - Article 30

Self-explanatory.

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Paragraph 8 Excuse

Article 31

Original provision - English reference

Every person who commits a prohibited act shall not be punished, if the act is committed to implement the provisions of laws and regulations.

Elucidation - Article 31

Self-explanatory.

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Article 32

Original provision - English reference

Any Person who commits a prohibited act shall not be punished, if such act is committed to carry out an official order from an authorized official.

Elucidation - Article 32

In this provision, there must be a public law relationship between the person giving the order and the person executing the order. This provision shall not apply to relationships of a civil nature.

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Article 33

Original provision - English reference

Any person who commits a prohibited act shall not be punished, if the act is committed due to an emergency.

Elucidation - Article 33

What is meant by "emergency", for example:

a. when a ship in the middle of the sea sinks, there is a struggle for a buoy between 2 (two) people which causes one of them to die;

b. the actions of a doctor who faces the situation of a pregnant woman with a high risk, whether the doctor 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 face a situation of choice between saving the surrounding house and demolishing the burning house.

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Article 34

Original provision - English reference

Any person who is compelled to commit a prohibited act shall not be punished, if such act is committed in defense against an unlawful instantaneous attack or threat of attack on his own or another's person, honor in the sense of decency, or property.

Elucidation - Article 34

This provision regulates the defense of necessity which requires 4 (four)

a. there must be an immediate unlawful attack or threat of attack;

b. defense is made because there is no other way (subsidiarity) to repel the attack;

c. defense can only be made against interests that are determined in a limitative manner, namely the legal interests of oneself or others, honor in the sense of decency, or property; and

d. balance between the defense made and the attack received (proportionality).

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Article 35

Original provision - English reference

The absence of unlawful nature of the Criminal Offense as referred to in Article 12 paragraph (2) shall constitute an excuse.

Elucidation - Article 35

Self-explanatory.

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Second Part Criminal Liability

Paragraph 1 General

Article 36

Original provision - English reference

(1) Every Person can only be held accountable for Criminal Acts committed intentionally or due to negligence.

(2) Punishable acts are Criminal Acts committed intentionally, while Criminal Acts committed due to negligence may be punished if expressly provided for in statutory regulations.

Elucidation - Article 36

Paragraph (1)

This provision emphasizes the principle of no punishment without fault. Doctrinally, fault can take the form of intent and negligence.

Paragraph (2)

The provision in this paragraph is intended to mean that every criminal offense in statutory regulations must always be considered to have been committed intentionally and this element of intent must be proven at every stage of the examination of the case.

Other forms of intent are usually formulated in statutory regulations using the terms "with intent", "knowing", "which he knows", "whereas he knows", or "while he knows".

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Article 37

Original provision - English reference

In cases specified by law, any person may:

a. shall be punished solely for the fulfillment of the elements of the crime without regard to the existence of guilt; or

b. held accountable for a Criminal Offense committed by another person.

Elucidation - Article 37

This provision is intended for Criminal Offenses which contain the principle of strict liability or vicarious liability as expressly stated by the relevant Law.

Letter a

This provision contains the principle of strict liability which determines that the perpetrator of a Criminal Offense can be punished only because the elements of the Criminal Offense have been fulfilled from his/her actions.

Letter b

This provision contains the principle of vicarious liability which stipulates that every person is responsible for the acts committed by another person who performs work or acts for him or within the limits of his orders, for example, the head of a company is responsible for the acts of his subordinates.

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Article 38

Original provision - English reference

Every person who at the time of committing a Criminal Offense is mentally and/or intellectually disabled may have his/her punishment reduced and/or be subject to measures.

Elucidation - Article 38

What is meant by "mental disability" is the disruption of the functions of thought, emotion, and behavior, among others:

a. psychosocial, including schizophrenia, bipolar, depression, anxiety, and personality disorders; and

b. developmental disabilities that affect the ability to interact socially, including autism and hyperactivity.

What is meant by "intellectual disability" is the disruption of the function of the mind due to a level of intelligence below the average, including slow learning, mental disability, and down syndrome.

Criminal Offenders with mental disability and/or intellectual disability are considered less capable to realize the unlawful nature of the act committed or to act based on convictable conviction.

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Article 39

Original provision - English reference

Every person who at the time of committing a Criminal Offense has a mental disability which is in a state of acute recurrence and accompanied by psychotic features and/or intellectual disability of moderate or severe degree may not be sentenced, but may be subject to measures.

Elucidation - Article 39

In this provision, persons with mental disabilities who are in a state of acute relapse and accompanied by psychotic symptoms and/or persons with moderate or severe intellectual disabilities, are incapable of responsibility.

To be able to explain the incapability of responsibility from a medical point of view, an expert needs to be presented so that the perpetrator of the crime is considered or assessed as incapable of responsibility.

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Paragraph 2 Excuse

Article 40

Original provision - English reference

Criminal responsibility cannot be imposed on a child who at the time of committing a criminal offense is not yet 12 (twelve) years old.

Elucidation - Article 40

This provision regulates the minimum age limit to be criminally responsible for children who commit Criminal Offenses. The determination of the age limit of 12 (twelve) years is based on psychological considerations, namely the emotional, intellectual, and mental maturity of the child. Children under the age of 12 (twelve) years cannot be held criminally responsible and therefore the handling of the case is carried out in accordance with the provisions of laws and regulations governing the juvenile criminal justice system.

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Article 41

Original provision - English reference

In the event that a child under the age of 12 (twelve) years commits or is suspected of committing a Criminal Offense, the investigator, community counselor, and professional social worker shall make a decision to:

a. hand back to the parent/guardian; or

b. include in education, coaching, and mentoring programs at government agencies or social welfare institutions at agencies handling the field of social welfare, both at the central and regional levels, for a maximum of 6 (six) months.

Elucidation - Article 41

Letter a

Self-explanatory.

Letter b

Participation in education, coaching, and mentoring programs in this provision includes social rehabilitation and psychosocial rehabilitation.

In this provision, children who are still in school can still attend formal education, both organized by government and private institutions.

In the implementation of education, coaching, and mentoring programs, the education office, social service office, community advisors, educational institutions, and social welfare implementation institutions may be involved.

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Article 42

Original provision - English reference

Every person who commits a criminal offense shall not be punished because:

a. forced by irresistible force; or

b. forced by the existence of threat, pressure, or force that cannot be avoided.

Elucidation - Article 42

This provision relates to coercion which is divided into absolute coercion and relative coercion.

Letter a

The expression 'compelled by an irresistible force' or 'absolute compulsion' means a situation in which the offender has no other choice but to commit the act. In the circumstances facing the offender, refusing or choosing a different course is impossible.

Letter b

What is meant by "forced by the existence of threats, pressure, or force that cannot be avoided" or relative coercion is:

1. where the threat, pressure or force cannot reasonably be expected to result in resistance; and

2. where the interest sacrificed is equal to or slightly more than the interest saved.

External psychological pressure is the main requirement. It is also possible for a person to experience mental distress, but not because of something that comes from outside, but because of an objection based on his or her own reasoning. This does not constitute an excuse that can expunge the punishment.

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Article 43

Original provision - English reference

Every person who commits an excessive forced defense which is directly caused by severe mental shock due to an unlawful instantaneous attack or threat of attack, shall not be punished.

Elucidation - Article 43

This provision regulates forced defense that exceeds the limit, provided that:

a. the defense exceeds the limit or is disproportionate to the attack or threat of instant attack; and

b. caused by severe mental shock due to an attack or imminent threat of attack.

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Article 44

Original provision - English reference

An official order given without authority shall not result in the nullification of punishment, unless the person so ordered in good faith believes that the order is given with authority and its execution is within the scope of his employment.

Elucidation - Article 44

Self-explanatory.

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Paragraph 3 Corporate Liability

Article 45

Original provision - English reference

(1) A corporation is the subject of a criminal offense.

(2) Corporations referred to in paragraph (1) include incorporated entities, such as limited liability companies, foundations, cooperatives, state-owned enterprises, region-owned enterprises, and their equivalents, as well as unincorporated associations and business entities, including firms, civil partnerships, and equivalent entities, in accordance with laws and regulations.

Elucidation - Article 45

Self-explanatory.

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Article 46

Original provision - English reference

Criminal Acts by Corporations shall be Criminal Acts committed by the management having functional position in the organizational structure of the Corporation or persons based on employment relationship or based on other relationships acting for and on behalf of the Corporation or acting in the interest of the Corporation, within the scope of business or activities of the Corporation, either individually or jointly.

Elucidation - Article 46

What is meant by "functional position" is that the person has the authority to represent, to make decisions, and to apply supervision to the Corporation, including those who order to commit, participate in committing, move others to commit the Criminal Offense, or assist the Criminal Offense.

The term "functional position" means that the person has the authority to represent, to make decisions, and to apply supervision to the Corporation, including the person who orders, participates in, moves others to commit the Criminal Offense, or assists the Criminal Offense.

What is meant by "other relationship" is, for example, a temporary work contract.

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Article 47

Original provision - English reference

In addition to the provisions as referred to in Article 46, Criminal Acts by Corporations may be committed by the commanders, controllers, or beneficial owners of the Corporation who are outside the organizational structure, but can control the Corporation.

Elucidation - Article 47

"Controlling person" means any person who has the power or authority to determine the policy of the Corporation or has the authority to carry out the policy of the Corporation without having to obtain authorization from his/her superior.

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Article 48

Original provision - English reference

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

a. included in the scope of business or activities as specified in the articles of association or other provisions applicable to the Corporation;

b. benefit the Corporation unlawfully;

c. accepted as Corporation policy;

d. The Corporation does not take the necessary steps to prevent, prevent greater impact and ensure compliance with applicable legal provisions to avoid criminal acts; and/or

e. The Corporation allows a criminal offense to occur.

Elucidation - Article 48

Regarding the position as the perpetrator of a criminal offense and the nature of criminal responsibility of the Corporation, there are the following possibilities:

a. in this provision "scope of business or activity" also includes business activities that are generally carried out by the Corporation;

b. The Corporation as the perpetrator of the Crime and the management is responsible; or

c. Corporations are the perpetrators of criminal offenses and also the ones responsible.

Therefore, if a Criminal Offense is committed by and for a Corporation, the prosecution can be conducted and the punishment can be imposed on the Corporation itself, or the Corporation and its management, or only the management.

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Article 49

Original provision - English reference

Responsibility for Criminal Acts by Corporations as referred to in Article 48 shall be imposed on the Corporation, management who have functional position, commanders, controllers, and/or beneficial owners of the Corporation.

Elucidation - Article 49

Self-explanatory.

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Article 50

Original provision - English reference

Justification and excuse which can be submitted by the management who has a functional position, the order giver, the control holder, and/or the beneficial owner of the Corporation can also be submitted by the Corporation as long as the reason is directly related to the Criminal Act charged to the Corporation.

Elucidation - Article 50

In the event that the natural person has a functional position in the organizational structure of the Corporation, who acts for and on behalf of the Corporation or in the interest of the Corporation, based on an employment relationship or based on another relationship, within the scope of the Corporation's business, justification can be submitted on behalf of the Corporation. For example, a company employee damages a government-owned sewage pipe to save the company's employees.

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CHAPTER III

CONVICTION, PUNISHMENT, AND ACTION

Part One

Objectives and Guidelines for Punishment

Paragraph 1 Purpose of Punishment

Article 51

Original provision - English reference

The purpose of punishment is:

a. to prevent the commission of criminal offenses by enforcing legal norms for the protection and protection of the community;

b. to socialize the convict by providing guidance and mentoring to become a good and useful person;

c. resolving conflicts arising from Criminal Offenses, restoring balance, and bringing a sense of security and peace in society; and

d. to foster a sense of remorse and relieve the guilt of the convict.

Elucidation - Article 51

Self-explanatory.

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Article 52

Original provision - English reference

Punishment is not intended to degrade human dignity.

Elucidation - Article 52

Self-explanatory.

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Paragraph 2 Guidelines for Punishment

Article 53

Original provision - English reference

(1) In adjudicating a criminal case, judges are obliged to uphold law and justice.

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

Elucidation - Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

Legal certainty and justice are 2 (two) legal objectives that are often incompatible with each other and difficult to avoid in legal practice. The more legislation meets the demands of legal certainty, the greater the possibility of the justice aspect being pushed aside. The imperfection of this legislation in practice can be overcome by interpreting the legislation in its application to concrete events.

If in a concrete application, there is a conflict between legal certainty and justice, the judge should as far as possible prioritize justice over legal certainty.

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Article 54

Original provision - English reference

(1) In sentencing, consideration shall be given to:

a. the form of guilt of the perpetrator of the Criminal Offense;

b. the motive and purpose of committing the Criminal Offense;

c. the inner attitude of the perpetrator of the Crime;

d. The crime committed with premeditation or unpremeditation;

e. the manner in which the Criminal Offense was committed;

f. the attitude and actions of the perpetrator after committing the crime;

g. life history, social condition, and economic condition of the perpetrator of the crime;

h. the effect of punishment on the future of the perpetrator of the crime;

i. the effect of the Criminal Offense on the Victim or the Victim's family;

J. forgiveness from the Victim and/or the Victim's family; and/or

k. the values of law and justice that live in the community.

(2) The severity of the act, the personal circumstances of the perpetrator, or the circumstances at the time of the Criminal Offense as well as those that occur later can be used as a basis for consideration not to impose punishment or not to impose measures by taking into account aspects of justice and humanity.

Elucidation - Article 54

Paragraph (1)

This provision contains sentencing guidelines which are very helpful to the judge in considering the measure or severity of the punishment to be imposed.

By considering the matters detailed in the guidelines, it is expected that the punishment imposed will be proportional and can be understood by both the community and the convict. The details in this provision are not limitative, meaning that the judge may add other considerations in addition to those listed in paragraph (1).

Paragraph (2)

The provision in this paragraph is known as the principle of rechterlijke pardon or judicial pardon which authorizes the judge to pardon a person guilty of a minor crime. This pardon is included in the judge's decision and it must still be stated that the defendant has been proven to have committed the criminal offense charged against him.

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Article 55

Original provision - English reference

Every person who commits a Criminal Offense shall not be exempted from criminal responsibility based on the grounds of exemption from punishment if such person has intentionally caused the occurrence of circumstances which may serve as grounds for such exemption.

Elucidation - Article 55

What is meant by "intentionally causing the occurrence of circumstances that can be a reason for exemption from punishment" is that the perpetrator intentionally conditions himself or a certain situation with the intention to be exempted from criminal liability due to justification or excuse.

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Article 56

Original provision - English reference

In the punishment of a Corporation, consideration shall be given to:

a. the level of loss or impact caused;

b. the level of involvement of the management who has a functional position of the Corporation and/or the role of the commanders, controllers, and/or beneficial owners of the Corporation;

c. the length of the criminal offense that has been committed;

d. the frequency of the Criminal Offense by the Corporation;

e. the form of guilt of the Crime;

f. involvement of Officials;

g. the value of law and justice that lives in society;

h. track record of the Corporation in conducting business or activities;

i. the effect of punishment on the Corporation; and/or

j. work cooperation Corporation in handling Criminal Acts.

Elucidation - Article 56

Self-explanatory.

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Paragraph 3

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

Article 57

Original provision - English reference

In the event that the Criminal Offense is punishable with alternative main punishment, the imposition of the lighter main punishment shall be prioritized, if it is considered appropriate and can lead to the achievement of the objective of punishment.

Elucidation - Article 57

Although the judge has a choice in dealing with alternative criminal formulation, in making such choice the judge is always oriented to the purpose of punishment, by prioritizing or prioritizing the lighter type of punishment if it fulfills the purpose of punishment.

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Paragraph 4 Aggravation of Punishment

Article 58

Original provision - English reference

Factors that aggravate the punishment include:

a. a Public Official who commits a Criminal Offense in breach of a special duty of office or by abusing the authority, opportunity, or means granted by virtue of that office;

b. the use of the national flag, national anthem, or emblem of the Indonesian state during the commission of a Criminal Offense; or

c. repetition of the Criminal Offense.

Elucidation - Article 58

Self-explanatory.

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Article 59

Original provision - English reference

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

Elucidation - Article 59

This provision aims to provide certainty (guidance) for judges in imposing punishment if there are things that aggravate the punishment by stipulating the maximum punishment plus 1/3 (one third).

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Paragraph 5

Other Provisions on Punishment

Article 60

Original provision - English reference

(1) Imprisonment and exile punishment for convicts who are already in detention shall be effective at the time the court decision has obtained permanent legal force.

(2) In the event that the convict is not in detention, the punishment as referred to in paragraph (1) shall be effective at the time the court decision is executed.

Elucidation - Article 60

Self-explanatory.

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Article 61

Original provision - English reference

(1) The imprisonment for a certain period of time or fine imposed 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 final legal force.

(2) The reduction of fine as referred to in paragraph (1) shall be equivalent to the calculation of imprisonment in lieu of fine.

Elucidation - Article 61

Self-explanatory.

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Article 62

Original provision - English reference

(1) Application for clemency shall not postpone implementation of decision for the convicted person, except in the case of a death penalty decision.

(2) Provisions regarding the requirements and procedures for clemency application as referred to in paragraph (1) shall be regulated in the Law.

Elucidation - Article 62

Self-explanatory.

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Article 63

Original provision - English reference

If the convict escapes, the period during which the convict escapes shall not be counted as the time to serve the imprisonment.

Elucidation - Article 63

Self-explanatory.

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Second Section Criminal and Measures

Part One Penalties

Article 64

Original provision - English reference

Punishment consists of:

a. main punishment;

b. additional punishment; and

c. special punishment for certain criminal offenses specified in the Law.

Elucidation - Article 64

Self-explanatory.

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Article 65

Original provision - English reference

(1) Main punishment as referred to in Article 64 letter a consists of:

a. imprisonment;

b. exile;

c. supervision punishment;

d. fine; and

e. social work punishment.

(2) The order of punishment as referred to in paragraph (1) determines the severity or lightness of the punishment.

Elucidation - Article 65

Paragraph (1)

This provision contains the types of basic punishment that may be imposed by the judge. The basic punishment for criminal offenses formulated in the Second Book basically includes imprisonment and fines.

Exposure punishment, supervision punishment, and social work punishment are basically a model of punishment implementation as an alternative to imprisonment. The inclusion of these types of punishment is a consequence of the acceptance of criminal law that pays attention to the balance of interests between the actions and circumstances of the perpetrators of criminal offenses (daad-daderstrafrecht) to develop alternatives to imprisonment.

Through the imposition of this type of punishment, the convicted person can be relieved from the feeling of guilt, and the community can actively participate in socializing the convicted person by doing useful things, for example the imposition of punishment in the form of social work.

Paragraph (2)

Basically, the judge has the option to impose one of the alternative punishments, however in making such choice the judge is always oriented to the purpose of punishment, by prioritizing or prioritizing the lighter type of punishment if it fulfills the purpose of punishment.

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Article 66

Original provision - English reference

(1) Additional punishment as referred to in Article 64 letter b consists of:

a. revocation of certain rights;

b. forfeiture of certain goods and/or bills;

c. announcement of the judge's decision;

d. payment of compensation;

e. revocation of certain licenses; and

f. fulfillment of local customary obligations.

(2) Additional punishment as referred to in paragraph (1) may be imposed in the event that the imposition of main punishment alone is not sufficient to achieve the purpose of punishment.

(3) Additional punishment as referred to in paragraph (1) may be imposed in 1 (one) or more types.

(4) Additional punishment for attempt and assistance is the same as the additional punishment for the criminal offense.

(5) Additional punishment for members of the Indonesian National Army who commit Criminal Offenses in cases of connexity shall be imposed in accordance with the provisions of laws and regulations for the Indonesian National Army.

Elucidation - Article 66

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Compensation in this provision is the same as restitution as stipulated in 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.

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Article 67

Original provision - English reference

Special punishment as referred to in Article 64 letter c is death penalty which is always imposed alternatively.

Elucidation - Article 67

In this provision, Criminal Offenses that can be punished with special punishment are Criminal Offenses that are very serious or extraordinary, among others, narcotics Crimes, terrorism Crimes, corruption Crimes, and serious Crimes against human rights. For this reason, death penalty is included in a separate section to show that this type of punishment is truly special. When compared to other types of punishment, death penalty is the most severe type of punishment. Therefore, it must always be imposed alternatively with other types of punishment, namely life imprisonment or imprisonment for a maximum of 20 (twenty) years.

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Article 68

Original provision - English reference

(1) Imprisonment shall be imposed for life or for a certain period of time.

(2) Imprisonment for a fixed term shall be imposed for at least one day and for no more than fifteen consecutive years, unless a special minimum is prescribed.

(3) Where the applicable alternatives are the death penalty and life imprisonment, or where a Criminal Offense punishable by fifteen years' imprisonment is subject to an aggravated penalty, fixed-term imprisonment may be imposed for a maximum of twenty consecutive years.

(4) Imprisonment for a certain period may not be imposed for more than 20 (twenty) years.

Elucidation - Article 68

Self-explanatory.

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Article 69

Original provision - English reference

(1) If a convict serving life imprisonment has served at least 15 (fifteen) years of imprisonment, the life imprisonment may be commuted to 20 (twenty) years of imprisonment by Presidential Decree after obtaining consideration from the Supreme Court.

(2) Provisions regarding the procedure for the change of life imprisonment into 20 (twenty) years imprisonment as referred to in paragraph (1) shall be regulated by Government Regulation.

Elucidation - Article 69

Paragraph (1)

This provision regulates the period of imprisonment of at least 15 (fifteen) years before the change from life imprisonment to 20 (twenty) years imprisonment which is calculated as the period of imprisonment after the change.

Paragraph (2)

Self-explanatory.

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Article 70

Original provision - English reference

(1) By continuing to consider the provisions as referred to in Article 51 through Article 54, imprisonment may not be imposed if there are circumstances:

a. the defendant is a child;

b. the defendant is over 75 (seventy five) years old;

c. defendant new first first time committed Crime;

d. loss and suffering Victims not too great;

e. the defendant has paid compensation to the Victim;

f. the defendant did not realize that the crime committed would cause great harm;

g. The Crime was committed due to strong incitement from another person;

h. Victim Crime Criminal encourage or encouraged or motivated the occurrence of the Criminal Offense;

i. the Criminal Act was the result of a situation that is unlikely to happen again;

j. the personality and behavior of the defendant are convincing that he/she will not commit another criminal act;

k. imprisonment will cause great suffering to the defendant or his family;

l. guidance outside the correctional institution is expected to be successful for the defendant;

m. the imposition of a lighter punishment will not reduce the seriousness of the crime committed by the defendant;

n. the crime occurred within the family circle; and/or

o. The Criminal Offense occurred due to negligence.

(2) The provision as referred to in paragraph (1) shall not apply for:

a. Criminal Offenses punishable by 5 (five) years or more imprisonment;

b. Criminal Offenses punishable by special minimum punishment;

c. Certain Criminal Offenses that are extremely dangerous or detrimental to society; or

d. Criminal Offenses that are detrimental to the state finances or economy.

Elucidation - Article 70

Self-explanatory.

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Article 71

Original provision - English reference

(1) If a person commits a criminal offense punishable by imprisonment of less than 5 (five) years, and the judge is of the opinion that it is not necessary to impose imprisonment after considering the objectives of punishment and guidelines for punishment as referred to in Article 51 through Article 54, the person may be imposed with fine.

(2) Fine punishment as referred to in paragraph (1) may only be imposed if:

a. without Victim;

b. The victim does not dispute; or

c. not a repetition of Criminal Offense.

(3) Criminal fine that can be imposed under the provision as referred to in paragraph (1) is a maximum fine of category V and a minimum fine of category III.

(4) The provision as referred to in paragraph (2) letter c does not apply to a person who has been sentenced to imprisonment for a Criminal Offense committed before the age of 18 (eighteen) years.

Elucidation - Article 71

Paragraph (1)

This provision is intended to overcome the rigid nature of the single formulation of punishment which seems to require the judge to only impose imprisonment. In addition, it is also intended to avoid the imposition of short prison sentences.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Berdasarkan ketentuan ini kewenangan hakim untuk menjatuhkan pidana denda sebagai pengganti pidana penjara, dibatasi dengan ketentuan pelaku Tindak

The perpetrator of the Crime shall still be sentenced to imprisonment even though it is punishable by a single punishment if the person concerned has been sentenced to imprisonment for a Crime committed after the age of 18 (eighteen) years.

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Article 72

Original provision - English reference

(1) Prisoners who have served at least 2/ 3 (two-thirds) of the imprisonment imposed provided that the 2/ 3 (two-thirds) is not less than 9 (nine) months may be granted parole.

(2) Prisoners who serve several consecutive prison sentences shall be considered as 1 (one) sentence.

(3) In granting parole as referred to in paragraph (1), the probation period and conditions that must be met during the probation period shall be determined.

(4) The probation period as referred to in paragraph (3) shall be equal to the remaining time of unserved imprisonment plus 1 (one) year.

(5) Prisoners as referred to in paragraph (1) who are detained as suspects or defendants in other cases shall not have their detention period counted as probation.

Elucidation - Article 72

Paragraph (1)

This provision contains conditional release for convicts who are serving imprisonment. In this provision, convicts who are granted parole are only convicts whose imprisonment period is at least 1 (one) year and after the convict has served a minimum imprisonment of 9 (nine) months in a correctional institution and is of good behavior. Parole is given with the hope that the convict can be fostered in such a way as to reintegrate with the community. Therefore, while serving a sentence in a correctional institution, each convict must be monitored for the development of the results of his/her coaching. Parole must be viewed as a coaching effort and not as a reward for good behavior.

Paragraph (2)

Inmates who have committed several Criminal Offenses so that they have to serve several consecutive imprisonment, then to consider the possibility of granting parole, such punishment shall be added up and considered as 1 (one) punishment.

Paragraph (3)

Self-explanatory.

Paragraph (4)

The granting of conditional release shall be accompanied by a probationary period which shall be equal to the remaining period of imprisonment which has not yet been served plus 1 (one) year. The probation period shall also determine the conditions that must be fulfilled by the convict.

Paragraph (5)

Self-explanatory.

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Article 73

Original provision - English reference

(1) The conditions that must be met during the probation period as referred to in Article 72 paragraph (3) consist of:

a. general conditions in the form that the convicts will not commit Criminal Offenses; and

b. special conditions in the form of inmates must perform or not perform certain actions, without prejudice to the freedom of religion, belief, and freedom of religion.

religion, belief, and politics, unless otherwise determined by the judge.

(2) The special conditions as referred to in paragraph (1) letter b may be changed, deleted, or new conditions may be imposed which are solely aimed at guiding the convicts.

(3) Prisoners who violate the conditions as referred to in paragraph (1) may have their parole revoked.

(4) Parole as referred to in paragraph (3) cannot be revoked after exceeding 3 (three) months from the expiration of the probation period, unless within 3 (three) months from the expiration of the probation period, the convict is prosecuted for committing a criminal offense committed during the probation period.

(5) In the event that the convict as referred to in paragraph (4) is sentenced to imprisonment for a certain period of time or a fine of at least category III, the relevant parole shall be revoked.

Elucidation - Article 73

Paragraph (1)

This provision sets out the conditions that must be fulfilled during the probation period. The condition not to commit a criminal offense during the probation period is a general condition. Meanwhile, the special condition during the probation period is certain actions that must be avoided or must be carried out by the convict, for example, not drinking alcohol. The special condition must not reduce the rights of the convict, for example, the right to embrace and practice worship in accordance with his/her religion or belief.

Paragraph (2)

In this provision amendments to special conditions may be made by considering the results of the guidance of the prisoner concerned.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Article 74

Original provision - English reference

(1) A person who commits a Criminal Offense punishable with imprisonment due to personal circumstances, may be sentenced to exile.

(2) The exile punishment as referred to in paragraph (1) may be imposed to the defendant who commits the Criminal Offense due to a respectable motive.

(3) The provision as referred to in paragraph (2) shall not apply, if the manner of committing or the consequences of the Criminal Offense are such that the defendant is more appropriate to be sentenced to imprisonment.

Elucidation - Article 74

Paragraph (1)

The consideration of the imposition of exile punishment is based on the motive of the perpetrator of the crime, which is motivated by an intention that should be respected. Criminal Acts committed for this reason are basically political Crimes.

Paragraph (2)

In this provision, the respectable intention must be determined by the judge and must be contained in the consideration of his/her decision.

Paragraph (3)

Self-explanatory.

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Article 75

Original provision - English reference

A defendant who commits a Criminal Offense punishable by a maximum imprisonment of 5 (five) years may be sentenced to supervision with due observance of the provisions as referred to in Article 51 through Article 54 and Article 70.

Elucidation - Article 75

Supervision punishment is one type of basic punishment, but it is actually a method of implementation of imprisonment so that it is not specifically threatened in the formulation of a criminal offense. Supervision punishment is an out-of-institution or out-of-prison coaching, which is similar to the conditional imprisonment punishment contained in the Wetboek van Strafrecht (Criminal Code as stipulated by Law Number 1 Year 1946 on Criminal Law Regulation). This punishment is an alternative to imprisonment and is not intended for serious criminal offenses.

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Article 76

Original provision - English reference

(1) Supervision punishment as referred to in Article 75 shall be imposed for a maximum period of time equal to the imprisonment imposed which shall not exceed 3 (three) years.

(2) In the decision of supervision punishment, a general condition shall be stipulated, such as that the convict will not commit another criminal offense.

(3) In addition to the general condition as referred to in paragraph (2), a special condition may also be stipulated in the decision, such as:

a. the convict within a certain period which is shorter than the period of supervision punishment must compensate all or part of the loss arising from the Criminal Offense committed; and/or

b. the convict must do or not do something without

reduce the freedom of religion, freedom of belief, and/or freedom of politics.

(4) In the event that the convicted person violates the general condition as referred to in paragraph (2), the convicted person shall be obliged to serve imprisonment which shall not exceed the imprisonment imposed for the criminal offense.

(5) In the event that the convicted person violates the special condition without a valid reason, the prosecutor based on the consideration of the community counselor shall propose to the judge that the convicted person serve imprisonment or extend the supervision period determined by the judge which shall not exceed the imposed supervision period.

(6) The prosecutor may propose a reduction of the supervision period to the judge if during the supervision period the convicted person shows good behavior, based on the consideration of the community supervisor.

(7) Further provisions on the procedures and limits of reduction and extension of supervision period shall be regulated by Government Regulation.

Elucidation - Article 76

Paragraph (1)

The imposition of supervision punishment against a person who commits a criminal offense punishable by imprisonment, lies entirely in the discretion of the judge, taking into account the circumstances and actions of the convicted person. This type of punishment is imposed to the person who commits the criminal offense for the first time.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

What is meant by "convict" is a correctional client.

What is meant by "serving a term of imprisonment which is not more than the term of imprisonment for the criminal offense" is a term of imprisonment which is executed after the convict has completed serving the term of imprisonment for the new criminal offense.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

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Article 77

Original provision - English reference

(1) If the convict during the supervision period commits a criminal offense and is sentenced to a punishment that is not death penalty or imprisonment, the supervision punishment shall still be executed.

(2) If the convict is sentenced to imprisonment, the supervision punishment shall be postponed and re-implemented after the convict has finished serving the imprisonment.

Elucidation - Article 77

Self-explanatory.

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Article 78

Original provision - English reference

(1) Criminal fine is a sum of money that must be paid by the convict based on court decision.

(2) If no specific minimum is determined, the fine shall be set at a minimum of Rp50,000.00 (fifty thousand rupiah).

Elucidation - Article 78

Paragraph (1)

Money in this provision is money issued by the Unitary State of the Republic of Indonesia, namely Rupiah (Rp).

Paragraph (2)

In determining the smallest unit of the fine as provided for in this paragraph, the amount of the daily minimum wage shall be used.

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Article 79

Original provision - English reference

(1) The maximum fine punishment shall be determined based on:

a. category I, Rp1,000,000.00 (one million rupiah);

b. category II, Rp10,000,000.00 (ten million rupiah);

c. category III, Rp50,000,000.00 (fifty million rupiah);

d. category IV, Rp200,000,000.00 (two hundred million rupiah);

e. category V, Rp500,000,000.00 (five hundred million rupiah);

f. category VI, Rp2,000,000,000.00 (two billion rupiah);

g. category VII, Rp5,000,000,000.00 (five billion rupiah); and

h. category VIII, Rp50,000,000,000.00 (fifty billion rupiah).

(2) In the event of a change in the value of money, the amount of the fine shall be stipulated by Government Regulation.

Elucidation - Article 79

Paragraph (1)

In this provision, fines are formulated categorically. This categorical formulation is intended so that:

a. a clear amount of maximum fine for various criminal offenses is obtained; and

b. it is easier to make adjustments, in the event of economic and monetary changes.

The determination of the level of category I to category VIII is calculated as follows:

a. The maximum of the lightest category of fine (category I) is a multiple of 20 (twenty) of the general minimum.

b. For category II is a multiple of 10 (ten) times of category I; for category III is a multiple of 5 (five) times of category II; and for category IV is a multiple of 4 (four) times of category III.

c. For categories V through VIII are determined from the division of the highest category with the same pattern, namely category VII is the result of division of 10 (ten) from category VIII, category VI is the result of division of 2.5 (two point five) from category VII, and category V is the result of division of 2 (two) from category VI.

Paragraph (2)

Self-explanatory.

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Article 80

Original provision - English reference

(1) In imposing a fine, the judge shall consider the capability of the defendant by taking into account the actual income and expenditure of the defendant.

(2) The provision as referred to in paragraph (1) shall not reduce the application of special minimum fine punishment.

Elucidation - Article 80

Self-explanatory.

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Article 81

Original provision - English reference

(1) Criminal fine must be paid within a certain period of time as stated in the court decision.

(2) The court decision as referred to in paragraph (1) may determine the payment of criminal fine by installment.

(3) If the criminal fine as referred to in paragraph (1) is not paid within the stipulated period of time, the assets or income of the convicted person may be confiscated and auctioned by the prosecutor to settle the unpaid criminal fine.

Elucidation - Article 81

Paragraph (1)

The court decision in this provision shall contain, among other things:

a. the time of execution of the criminal fine;

b. the method of execution of the fine;

c. confiscation and auction; and

d. punishment in lieu of fine.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What is meant by "not paid" is not paid at all or paid in part.

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Article 82

Original provision - English reference

(1) If the confiscation and auction of assets or income as referred to in Article 81 paragraph (3) is insufficient or impossible to be implemented, the unpaid fine shall be replaced by imprisonment, supervision punishment, or social work punishment provided that the fine shall not exceed category II fine.

(2) The length of substitute punishment as referred to in paragraph (1) includes:

a. for substitute imprisonment, at minimum 1 (one) month and at maximum 1 (one) year which may be increased to a maximum of 1 (one) year and 4 (four) months in the event of concurrence;

b. for substitute supervision punishment, at minimum 1 (one) month and a maximum of 1 (one) year, the conditions as referred to in Article 76 paragraph (2) and paragraph (3) ; or

c. for substitute social work punishment for a minimum of 8 (eight) hours and a maximum of 240 (two hundred forty) hours.

(3) If at the time of serving the substitute punishment part of the fine is paid, the length of the substitute punishment shall be reduced according to an equivalent measure.

(4) The calculation of the length of substitute punishment as referred to in paragraph (3) is based on the measure for every fine of Rp50,000.00 (fifty thousand rupiah) or less which is equivalent to:

a. 1 (one) hour of substitute social work punishment; or

b. 1 (one) day of supervision punishment or substitute imprisonment.

Elucidation - Article 82

Paragraph (1)

What is meant by "not possible", for example, is that the assets owned are still in the possession of a third party in good faith.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 83

Original provision - English reference

(1) If confiscation and auction of assets or income as referred to in Article 81 paragraph (3) cannot be carried out, the unpaid fine above category II shall be substituted with imprisonment for a minimum of 1 (one) year and a maximum of as imposed for the relevant criminal offense.

(2) The provision as referred to in Article 82 paragraph (3) shall also apply to the provision as referred to in paragraph (1) insofar as it relates to substitute imprisonment.

Elucidation - Article 83

Self-explanatory.

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Article 84

Original provision - English reference

Every person who has been repeatedly sentenced to fine for a Criminal Offense which is only punishable by a maximum fine of category II may be sentenced to supervision for a maximum period of time.

II may be sentenced to a maximum supervision punishment of 6 (six) months and a maximum aggravated fine of 1/ 3 (one third).

Elucidation - Article 84

This provision is intended to prevent the possibility of ineffective imposition of fine for a person who has repeatedly committed a criminal offense which is only punishable by a fine.

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Article 85

Original provision - English reference

(1) Social work punishment may be imposed to the defendant who commits a criminal offense punishable by imprisonment of less than 5 (five) years and the judge imposes imprisonment of at most 6 (six) months or a maximum fine of category II.

(2) In imposing social work punishment as referred to in paragraph (1), the judge shall consider:

a. confession of the defendant to the criminal offense committed;

b. the work ability of the defendant;

c. the defendant's consent after being explained about the purpose and all matters related to the social work punishment;

d. social history of the defendant;

e. protection of the defendant's work safety;

f. religion, belief, and political belief of the defendant; and

g. the ability of the defendant to pay the fine.

(3) The implementation of social work punishment may not be commercialized.

(4) Social work punishment is imposed for a minimum of 8 (eight) hours and a maximum of 240 (two hundred forty) hours.

(5) Social work punishment is carried out for a maximum of 8 (eight) hours in 1 (one) day and can be installment for a maximum of 6 (six) months by taking into account the activities of the convict in running his/her livelihood and/or other beneficial activities.

(6) The implementation of social work punishment as referred to in paragraph (5) shall be stated in the court decision.

(7) The court decision as referred to in paragraph (6) shall also contain an order that if the convict without a valid reason does not carry out all or part of the social work punishment, the convict shall be obliged to:

a. repeating all or part of the social work punishment;

b. serve all or part of the imprisonment punishment which is replaced by the social work punishment; or

c. pay all or part of fine punishment which is replaced by social work punishment or serve imprisonment as substitute of unpaid fine.

(8) Supervision on the implementation of social work punishment is conducted by prosecutor and mentoring is conducted by community counselor.

(9) Court decision on social work punishment must also contain:

a. the length of imprisonment or the amount of fine actually imposed by the judge;

b. the length of social work punishment to be served, by stating the number of hours per day and the period of completion of social work punishment; and

c. sanction if the convict does not serve the imposed social work punishment.

Elucidation - Article 85

Paragraph (1)

Social work punishment can be applied as an alternative to short term imprisonment and light fine. The implementation of social work punishment can be carried out in hospitals, orphanages, elderly homes, schools, or other social institutions, with as much as possible adapted to the profession of the convict.

Paragraph (2)

This provision is intended as a guideline for judges to impose a form of social work punishment.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

One of the considerations that must be considered in the imposition of social work punishment is the consent of the defendant in accordance with the provisions in 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 person concerned, both physically and mentally, to undergo social work punishment.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (3)

This social work punishment is unpaid due to its nature as a punishment. Therefore, the implementation of this punishment may not contain commercial matters.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

In providing guidance, community supervisors may cooperate with government institutions in charge of social work.

Paragraph (9)

Self-explanatory.

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Article 86

Original provision - English reference

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

a. the right to hold public positions in generally or certain positions;

b. the right to become a member of the Indonesian National Army and the Indonesian National Police;

c. the right to vote and be elected in elections held in accordance with the provisions of laws and regulations;

d. the right to become a guardian, supervisory guardian, guardian, or supervisory guardian of a person who is not his/her own child;

e. the right to exercise paternal authority, to exercise guardianship, or to exercise guardianship over one's own children;

f. the right to carry out certain professions; and/or g. - the right to obtain parole.

Elucidation - Article 86

The rights that may be revoked by a court decision are limited to those listed in this Article. An additional penalty must not cause a person's civil death or deprive that person of the rights needed to live reasonably and humanely as a citizen.

The rights that can be revoked are always related to the criminal offense committed by the convicted person. This is intended to achieve one of the objectives of punishment, particularly for the protection 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

What is meant by "profession" is a job that requires certain expertise and has a certain code of ethics.

Letter g

Self-explanatory.

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Article 87

Original provision - English reference

Unless otherwise provided by Law, the revocation of rights as referred to in Article 86 letter a, letter b, letter c, and letter f can only be carried out if the perpetrator is convicted of committing a Criminal Offense punishable by 5 (five) years imprisonment or more in the form of:

a. Criminal Acts related to an office or Criminal Acts that violate the special obligations of an office;

b. Criminal offense related to his/her profession; or

c. Criminal Offenses by abusing the authority, opportunity, or means given to him/her because of his/her position or profession.

Elucidation - Article 87

Self-explanatory.

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Article 88

Original provision - English reference

Unless otherwise provided by Law, the deprivation of rights as referred to in Article 86 letter d and letter e, may only be carried out if the perpetrator is convicted of:

a. intentionally committing a Criminal Offense together with a Child under his/her control; or

b. committing a Criminal Offense against a Child who is under his/her control.

Elucidation - Article 88

Self-explanatory.

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Article 89

Original provision - English reference

Unless otherwise provided by Law, the deprivation of rights as referred to in Article 86 letter g may only be carried out if the perpetrator is convicted of:

a. committing Crime Crime office or Crime Crimes that violates the special obligations of an office;

b. misuse of authority, opportunity, or facilities given to him/her because of his/her position; or

c. commits a criminal offense punishable by a maximum imprisonment of 15 (fifteen) years or more.

Elucidation - Article 89

Self-explanatory.

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Article 90

Original provision - English reference

(1) If the punishment of deprivation of rights is imposed, the duration of the deprivation shall be determined if:

a. death penalty or life imprisonment is imposed, the deprivation of rights shall be perpetual;

b. sentenced to imprisonment, exile, or supervision for a certain period of time, the deprivation of rights shall be imposed for a minimum of 2 (two) years and a maximum of 5 (five) years longer than the imposed basic punishment; or

c. sentenced to a 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 shall not apply if the right to obtain parole is revoked.

(3) Criminal revocation of rights shall be effective on the date the court decision has obtained permanent legal force.

Elucidation - Article 90

Self-explanatory.

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Article 91

Original provision - English reference

Additional punishment in the form of confiscation of certain goods and/or bills as referred to in Article 66 paragraph (1) letter b that may be confiscated includes certain goods and/or bills:

a. which are used to realize or prepare the Criminal Offense;

b. which are specifically made or intended to realize the Criminal Offense;

c. which are related to the realization of the Criminal Offense;

d. belonging to the convict or other person obtained from the Criminal Offense;

e. from economic benefits obtained, either directly or indirectly from the Criminal Act; and/or

f. which is used to obstruct investigation, prosecution, and examination in court.

Elucidation - Article 91

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

This includes Assets obtained from Criminal Acts.

Letter f

Self-explanatory.

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Article 92

Original provision - English reference

(1) Additional punishment in the form of forfeiture of certain Goods as referred to in Article 91 may be imposed on Goods that are not confiscated by determining that the Goods must be handed over or replaced with a sum of money according to the judge's estimation in accordance with the market price.

(2) In the event that the goods not confiscated as referred to in paragraph (1) cannot be handed over, the goods shall be replaced with a sum of money according to the judge's estimation in accordance with the market price.

(3) If the convicted person is unable to pay all or part of the market price as referred to in paragraph (2), the provision of substitutive punishment for the fine shall apply.

Elucidation - Article 92

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The provision on substitute punishment for additional punishment is formulated as an effort to complete the execution of the judge's decision.

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Article 93

Original provision - English reference

(1) If in the court decision it is ordered that the judgment be made public, the manner of making such announcement shall be determined at the expense of the convicted person.

(2) If the costs of the publication as referred to in paragraph (1) are not paid by the convicted person, the provision for substitutive punishment for the fine shall apply.

Elucidation - Article 93

Paragraph (1)

Additional punishment in the form of announcement of the judge's decision is intended so that the public will know what actions and what punishment has been imposed to the convict. This additional punishment is intended to provide protection to the public.

Paragraph (2)

As in the case of forfeiture of certain goods, if the convicted person does not pay the costs of publication, the same provisions on substitutive punishment for fines shall apply.

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Article 94

Original provision - English reference

(1) In the court decision, the obligation of the convicted person to pay compensation to the Victim or the heirs as an additional punishment as referred to in Article 66 paragraph (1) letter d may be stipulated.

(2) If the obligation to pay compensation as referred to in paragraph (1) is not implemented, the provisions on the implementation of fine as referred to in Article 81 through Article 83 shall apply mutatis mutandis.

Elucidation - Article 94

Paragraph (1)

The inclusion of additional punishment in the form of payment of compensation shows an understanding of the suffering of the Victim of a criminal offense. Compensation must be paid to the Victim or the heirs of the Victim. For this reason, the judge determines who is the Victim who needs to receive the compensation. If the convicted person does not pay the compensation determined by the judge, the provision on substitute punishment for fine shall be imposed.

Paragraph (2)

The provisions regarding the execution of a fine shall apply to the punishment of payment of compensation provided that the convicted person pays the money to the Victim and not to the state.

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Article 95

Original provision - English reference

(1) Additional punishment in the form of license revocation shall be imposed to perpetrators and accomplices of Criminal Offenses who commit Criminal Offenses related to the license owned.

(2) Revocation of license as referred to in paragraph (1) shall be carried out by considering:

a. the circumstances accompanying the Criminal Offense committed;

b. the circumstances accompanying the perpetrators and assistants of Criminal Offenses; and

c. the relationship between the license ownership and the business or activity conducted.

(3) In the event of imprisonment, closure punishment, or supervision punishment for a certain time, revocation of license is carried out

for a minimum of 2 (two) years and a maximum of 5 (five) years longer than the principal punishment imposed.

(4) In the event of a fine, the revocation of license shall be valid for a minimum of 1 (one) year and a maximum of 5 (five) years.

(5) Criminal revocation of license shall be effective on the date the court decision has obtained permanent legal force.

Elucidation - Article 95

Self-explanatory.

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Article 96

Original provision - English reference

(1) Additional punishment in the form of fulfillment of local customary obligations shall be prioritized if the Criminal Offense committed meets the provisions as referred to in Article 2 paragraph (2).

(2) The fulfillment of local customary obligation as referred to in paragraph (1) shall be considered comparable to category II fine.

(3) In the event that the customary obligation as referred to in paragraph (1) is not fulfilled, the fulfillment of customary obligation shall be replaced by compensation with the value equivalent to category II fine.

(4) In the event that the compensation as referred to in paragraph (3) is not fulfilled, the compensation shall be replaced with supervision punishment or social work punishment.

Elucidation - Article 96

Self-explanatory.

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Article 97

Original provision - English reference

Additional punishment in the form of fulfillment of local customary obligation may be imposed even though it is not stated in the formulation of Criminal Offense with due observance of the provision of Article 2 paragraph (2).

Elucidation - Article 97

Self-explanatory.

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Article 98

Original provision - English reference

Death penalty is imposed alternatively as the last resort to prevent the perpetration of criminal offense and to protect the society.

Elucidation - Article 98

Death penalty is not contained in the basic punishment structure. Death penalty is stipulated in a separate article to show that this type of punishment is truly special as a last resort to protect the society. Death penalty is the most severe punishment and must always be imposed alternatively with life imprisonment or life imprisonment.

imprisonment for a maximum of 20 (twenty) years. Death penalty is imposed with probation period, so that within the probation period the convict is expected to be able to improve himself so that death penalty is not necessary to be executed, and can be replaced with life imprisonment.

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Article 99

Original provision - English reference

(1) Death penalty can be executed after the clemency request for the death convict is rejected by the President.

(2) Death penalty as referred to in paragraph (1) is not executed in public.

(3) Death penalty is executed by shooting the convict to death by firing squad or by other means stipulated in the Law.

(4) The execution of death penalty towards a pregnant woman, a woman who is breastfeeding her baby, or a mentally ill person is postponed until the woman gives birth, the woman is no longer breastfeeding her baby, or the mentally ill person recovers.

Elucidation - Article 99

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The implementation of death penalty by shooting the convict is based on the consideration that until now this method is considered the most humane. In the event that in the future there are other methods that are more humane than by shooting the convict, the implementation of the death penalty is adjusted to these developments.

Paragraph (4)

The execution of death penalty against a pregnant woman must be postponed until she gives birth and until the baby no longer consumes breast milk. This is intended so that the execution of death penalty does not result in the murder of 2 (two) beings and guarantees the human rights of the newborn baby.

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Article 100

Original provision - English reference

(1) The judge shall impose death penalty with probation period of 10 (ten) years by taking into account:

a. remorse of the defendant and hope to improve himself; or

b. the role of the defendant in the criminal offense.

(2) Death penalty with probation period as referred to in paragraph (1) must be stated in the court decision.

(3) The probation period of 10 (ten) years starts 1 (one) day after the court decision has obtained permanent legal force.

(4) If the convict during the probation period as referred to in paragraph (1) shows commendable attitude and action, the death penalty can be changed into life imprisonment by Presidential Decree after obtaining consideration from the Supreme Court.

(5) Life imprisonment as referred to in paragraph (4) is calculated since the Presidential Decree is stipulated.

(6) If the death convict during the probation period as referred to in paragraph (1) does not show commendable attitude and action and there is no hope for reparation, the death penalty can be executed by order of the Attorney General.

Elucidation - Article 100

Self-explanatory.

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Article 101

Original provision - English reference

If the clemency request of a death convict is rejected and the death penalty is not executed for 10 (ten) years since the clemency is rejected not because the convict is escaping, the death penalty can be changed into life imprisonment by a Presidential Decree.

Elucidation - Article 101

Self-explanatory.

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Article 102

Original provision - English reference

Further provisions regarding the procedures for the implementation of death penalty shall be regulated by Law.

Elucidation - Article 102

Self-explanatory.

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Paragraph 2 Measures

Article 103

Original provision - English reference

(1) Measures that can be imposed together with the main punishment are:

a. counseling;

b. rehabilitation

c. job training;

d. treatment in an institution; and/or

e. correction of the consequences of the Criminal Offense.

(2) Measures that may be imposed on Every Person as referred to in Article 38 and Article 39 are 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 psychiatric hospital.

(3) The type, period, place, and/or implementation of the measures as referred to in paragraph (1) and paragraph (2) shall be stipulated in a court decision.

Elucidation - Article 103

Paragraph (1)

Letter a

What is meant by "counseling" is the process of providing guidance or assistance in order to overcome problems and change behavior to be positive and constructive.

positive and constructive.

Letter b

What is meant by "rehabilitation" is, among others, medical rehabilitation or social rehabilitation as an integrated recovery process, both physical, mental and social, so that the person concerned can again carry out positive and constructive social functions in order to return him to become a good and useful citizen.

Letter c

What is meant by "job training" is an activity of providing skills to the person who is given an action to prepare him/her to return to the community and enter the workforce.

Letter d

What is meant by "institution" is an institution that organizes affairs in the field of social welfare, both government and private.

Letter e

Self-explanatory.

Paragraph (2)

Letter a

What is meant by "rehabilitation" in this provision is the process of services provided to a person who experiences a disability, either from birth or not from birth to restore and maintain function and develop independence, so that they can move and participate fully in all aspects of life.

Letter b

What is meant by "someone" is a family member who is able to care for the person concerned or another party who has concern and is able to care for the person concerned.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 104

Original provision - English reference

In passing judgment in the form of an action, the judge shall have regard to the provisions referred to in Article 51 to Article 54.

Elucidation - Article 104

Self-explanatory.

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Article 105

Original provision - English reference

(1) Rehabilitation measures shall be imposed on defendants who:

a. addicted to alcohol, narcotics, psychotropic substances, and other addictive substances; and/or

b. have mental disability and/or intellectual disability.

(2) Rehabilitation as referred to in paragraph (1) consists of:

a. medical rehabilitation;

b. social rehabilitation; and

c. psychosocial rehabilitation.

Elucidation - Article 105

Self-explanatory.

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Article 106

Original provision - English reference

(1) In imposing action training work, judge shall consider:

a. the benefit to the defendant;

b. the ability of the defendant; and

c. the type of job training.

(2) In determining the type of vocational training as referred to in paragraph (1) letter c, the judge shall pay attention to the work experience and residence of the defendant.

Elucidation - Article 106

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "work experience" includes interests, talents, or work training that has been attended.

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Article 107

Original provision - English reference

Institutional care measures are imposed based on the personal circumstances of the defendant and in the interest of the defendant and society.

Elucidation - Article 107

Self-explanatory.

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Article 108

Original provision - English reference

Measures to repair the consequences of a Criminal Offense are efforts to restore or repair the damage caused by the Criminal Offense to its original condition.

Elucidation - Article 108

Self-explanatory.

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Article 109

Original provision - English reference

Measures of surrendering the defendant to the government or a person shall be imposed in the interest of the defendant and the community.

Elucidation - Article 109

Self-explanatory.

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Article 110

Original provision - English reference

(1) Measures of treatment in a psychiatric hospital shall be imposed on a defendant who is released from all legal charges and is still considered dangerous based on the assessment result of a psychiatrist.

(2) Termination of treatment in a psychiatric hospital shall be imposed if the defendant does not require further treatment based on the assessment of a psychiatrist.

(3) The termination of the measures as referred to in paragraph (2) shall be carried out based on a stipulation of the judge examining the case at first instance proposed by the prosecutor.

Elucidation - Article 110

Paragraph (1)

Mental hospitals in this provision are government-owned hospitals.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 111

Original provision - English reference

Further provisions regarding the procedures for the implementation of punishment and measures as referred to in Article 68 through Article 110 shall be regulated by Government Regulation.

Elucidation - Article 111

Self-explanatory.

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Third Part

Diversion, Measures, and Punishment for Children

Paragraph 1 Diversion

Article 112

Original provision - English reference

Children who commit Criminal Offenses punishable with imprisonment under 7 (seven) years and not a repetition of Criminal Offenses shall be sought for diversion.

Elucidation - Article 112

Self-explanatory.

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Paragraph 2 Action

Article 113

Original provision - English reference

(1) Every Child may be subject to actions in the form of:

a. return to parents/guardians;

b. handover to someone;

c. treatment in a mental hospital;

d. treatment in an institution;

e. obligation to attend formal education and/or training held by the government or private entities;

f. revocation of driving license; and/or

g. repairing the consequences of the Criminal Act.

(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 cannot be sentenced and can only be subject to actions.

Elucidation - Article 113

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

What is meant by "institution" is the Social Welfare Institution in the agency that handles the field of social welfare, both at the central and regional levels.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Paragraph 3 Criminal

Article 114

Original provision - English reference

The punishment that may be imposed on a juvenile is in the form of:

a. main punishment; and

b. additional punishment.

Elucidation - Article 114

Self-explanatory.

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Article 115

Original provision - English reference

Main punishment as referred to in Article 114 letter a consists of:

a. warning punishment;

b. punishment with conditions:

1. coaching outside the institution;

2. community service; or

3. supervision.

c. vocational training;

d. coaching in an institution; and

e. imprisonment.

Elucidation - Article 115

Self-explanatory.

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Article 116

Original provision - English reference

Additional punishment as referred to in Article 114 letter b consists of:

a. forfeiture of benefits obtained from the crime; or

b. fulfillment of customary obligations.

Elucidation - Article 116

Self-explanatory.

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Article 117

Original provision - English reference

Provisions regarding diversion, actions, and punishment as referred to in Article 112 through Article 116 shall be implemented in accordance with the provisions of laws and regulations.

Elucidation - Article 117

Self-explanatory.

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Fourth Part

Crimes and Measures for Corporations

Paragraph 1 Punishment

Article 118

Original provision - English reference

Criminal punishment for corporation consists of:

a. main punishment; and

b. additional punishment.

Elucidation - Article 118

Self-explanatory.

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Article 119

Original provision - English reference

Principal punishment as referred to in Article 118 letter a is fine.

Elucidation - Article 119

Self-explanatory.

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Article 120

Original provision - English reference

(1) Additional punishment for the Corporation as referred to in Article 118 letter b consists of:

a. payment of compensation;

b. reparation of the consequences of the crime;

c. implementation of obligations that have been neglected;

d. fulfillment of customary obligations;

e. financing of job training;

f. forfeiture of goods or profits derived from the crime;

g. announcement of court decision;

h. revocation of certain licenses;

i. permanent prohibition to perform certain acts;

j. closure of all or part of the place of business and/or

activities of the Corporation;

k. suspension of all or part of the Corporation's business activities; and

l. dissolution of the Corporation.

(2) Additional punishment 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 the Corporation does not carry out the additional punishment as referred to in paragraph (1) letter a through letter e, the assets or income of the Corporation may be confiscated and auctioned by the prosecutor to fulfill the unfulfilled additional punishment.

Elucidation - Article 120

Self-explanatory.

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Article 121

Original provision - English reference

(1) Fines for Corporations shall be imposed at least category IV, unless otherwise provided by Law.

(2) In the event that the criminal offense committed is punishable with:

a. imprisonment of less than 7 (seven) years, the maximum fine for the Corporation shall be category VI;

b. imprisonment of 7 (seven) to a maximum of

15 (fifteen) years, the maximum fine for the Corporation is category VII; or

c. death penalty, life imprisonment, or maximum imprisonment of 20 (twenty) years, the maximum fine for the Corporation is category VIII.

Elucidation - Article 121

Self-explanatory.

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Article 122

Original provision - English reference

(1) Criminal fine must be paid within a certain period of time as stated in the court decision.

(2) The court decision as referred to in paragraph (1) may determine the payment of criminal fine in installments.

(3) If the criminal fine as referred to in paragraph (1) is not paid within the specified period, the assets or income of the Corporation may be confiscated and auctioned by the prosecutor to pay off the unpaid criminal fine.

(4) In the event that the assets or income of the Corporation are insufficient to pay off the criminal fine as referred to in paragraph (3), the Corporation shall be subject to substitute punishment in the form of suspension of part or all of the Corporation's business activities.

Elucidation - Article 122

Self-explanatory.

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Paragraph 2 Action

Article 123

Original provision - English reference

Measures that may be imposed on the Corporation:

a. takeover of the Corporation;

b. placement under supervision; and/or

c. placement of the Corporation under guardianship.

Elucidation - Article 123

Self-explanatory.

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Article 124

Original provision - English reference

Further provisions regarding the procedures for the implementation of penalties and actions for Corporations as referred to in Article 118 through Article 123 shall be regulated by Government Regulation.

Elucidation - Article 124

Self-explanatory.

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Fifth Section Concurrent

Article 125

Original provision - English reference

(1) An act that fulfills more than 1 (one) criminal provision which is punishable by the same punishment shall only be subject to 1 (one) punishment, while if the punishment is different, the most severe basic punishment shall be imposed.

(2) An act which is regulated by a general criminal provision and a special criminal provision shall only be subject to the special criminal provision, unless the law provides otherwise.

Elucidation - Article 125

Paragraph (1)

This provision regulates concurrent regulations or idealistic concursus, where there is a unity of action, therefore a system of punishment which violates more than one penal provision shall apply only one penal provision, namely the heaviest.

If the act is found to violate more than one penal provision, then only one penal provision shall apply, namely the most severe one.

Paragraph (2)

This provision regulates the principle of lex specialis derogat legi generali. This principle is included so that there is no doubt in the judge in the event of a case regulated in 2 (two) Laws.

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Article 126

Original provision - English reference

(1) In case of conjunction of several Criminal Acts which are interrelated so that they are considered as continuous acts and punishable by the same punishment, only 1 (one) punishment shall be imposed.

(2) If the conjunction of Criminal Offenses as referred to in paragraph (1) punishable by different punishments, only the heaviest principal punishment shall be imposed.

Elucidation - Article 126

Paragraph (1)

This provision regulates punishment in the event of a continuing act (voortgezette handeling). As with idealistic concursus, in a continuing act there is a unity of action viewed from a legal perspective. In a continuing act, an absorption punishment system is used.

Paragraph (2)

Self-explanatory.

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Article 127

Original provision - English reference

(1) In case of conjunction of several Criminal Offenses which must be considered as independent Criminal Offenses and punishable with similar basic punishment, only 1 (one) punishment shall be imposed.

(2) The maximum punishment for conjunction of Criminal Offenses as referred to in paragraph (1) shall be the total punishment imposed on all such Criminal Offenses, but not exceeding the most severe punishment plus 1/ 3 (one third).

Elucidation - Article 127

Paragraph (1)

This provision regulates concurrent acts or concursus realis. The punishment system used is the limited cumulation system.

Paragraph (2)

Self-explanatory.

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Article 128

Original provision - English reference

(1) In the event of conjunction of several Criminal Offenses which must be considered as independent Criminal Offenses and punishable by non similar basic punishment, the punishment imposed shall be all types of punishment for the respective Criminal Offenses, but not exceeding the maximum of the most severe punishment plus 1/ 3 (one third).

(2) In the event that the provision as referred to in paragraph (1) is punishable by a fine, the calculation of the fine shall be based on the maximum length of imprisonment in lieu of fine.

(3) If the Criminal Offense committed is punishable by a minimum penalty, the minimum penalty for the concurrence referred to in paragraph (1) shall be the sum of the special minimum penalties for each Criminal Offense, but shall not exceed the highest special minimum penalty plus 1/3 (one third).

Elucidation - Article 128

Paragraph (1)

The provision in this paragraph regulates the conjunction of acts, but the criminal punishment for the acts committed is threatened with punishment that is not the same. Provided that, the total punishment imposed may not exceed the maximum of the most severe punishment plus 1/3 (one-third). Thus, this provision uses a softened cumulation system.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 129

Original provision - English reference

If in the conjunction of Criminal Offenses, death penalty or life imprisonment is imposed, the defendant may not be imposed with other punishment, except for additional punishment, namely:

a. deprivation of certain rights;

b. forfeiture of certain goods; and/or

c. announcement of court decision.

Elucidation - Article 129

Self-explanatory.

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Article 130

Original provision - English reference

(1) In the event of conjunction as referred to in Article 127 and Article 129, additional punishment shall be imposed with the following provisions:

a. the same deprivation of rights punishment shall be imposed as one with the following provisions:

1. at least 2 (two) years and at most 5 (five) years longer than the imposed main punishment; or

2. if the basic punishment imposed is only fine, the minimum length of punishment shall be 2 (two) years and a maximum of 5 (five) years.

b. different deprivation of rights punishment shall be imposed individually for each Criminal Offense without being reduced; or

c. forfeiture of certain goods or substitute punishment shall be imposed separately for each Criminal Offense without any deduction.

(2) Provisions regarding the length of substitute punishment for the punishment of deprivation of certain goods as referred to in paragraph. (1) letter c shall apply the provision of substitute punishment for fine.

Elucidation - Article 130

Self-explanatory.

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Article 131

Original provision - English reference

(1) If Every Person has been sentenced and again found guilty of committing another Criminal Offense prior to the imposition of the sentence, the previous sentence shall be taken into account against the sentence to be imposed by applying the rules of conjunction as referred to in Articles 125 through 130, as if the Criminal Offenses were tried jointly.

(2) If the punishment imposed as referred to in paragraph (1) has reached the maximum punishment, the judge shall simply state that the defendant is guilty without the need to be followed by punishment.

Elucidation - Article 131

Self-explanatory.

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CHAPTER IV

WAIVER OF PROSECUTION AUTHORITY AND EXECUTION OF PUNISHMENT

Section One

Exhaustion of Prosecution Authority

Article 132

Original provision - English reference

(1) Prosecution authority is declared void if:

a. there is a court decision that has obtained permanent legal force against Every Person for the same case;

b. the suspect or defendant dies;

c. expired;

d. the maximum fine is paid voluntarily for Criminal Offenses that are only punishable by a maximum fine of category II;

e. maximum fine of category IV shall be paid voluntarily for Criminal Offenses punishable with imprisonment of at most 1 (one) year or a maximum fine of category III;

f. withdrawal of complaint for complaint Criminal Offenses;

g. there has been a settlement outside the judicial process as stipulated in the Law; or

h. the granting of amnesty or abolition.

(2) Provisions regarding the termination of prosecutorial authority for Corporations shall pay attention to the provisions as referred to in Article 121.

Elucidation - Article 132

In this provision what is meant by "prosecution" is the judicial process.

Paragraph (1)

Letter a

This provision relates to the principle of ne bis in idem.

Letter b

If a suspect or defendant dies, no prosecution can be brought against the case. No prosecution shall be conducted because the guilt of a person cannot be transferred to another person.

Letter c

Self-explanatory.

Letter d

For minor crimes punishable only by a category I or category II fine, it is considered sufficient if the person who committed the crime is not prosecuted, as long as they pay the maximum fine imposed. The public prosecutor must accept the desire of the defendant to fulfill the maximum fine.

Letter e

For Criminal Offenses punishable by a maximum imprisonment of 1 (one) year or a maximum fine of category III, if the public prosecutor agrees, the defendant may fulfill the maximum fine to waive prosecution.

Letter f

For Criminal Offenses that can only be prosecuted based on a complaint, if the complaint is withdrawn, it shall be deemed that there is no complaint, provided that it is made within the time period specified in this Law.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 133

Original provision - English reference

(1) Criminal fines as referred to in Article 132 paragraph (1) letter d and letter e as well as costs that have been incurred if prosecution has been initiated, shall be paid to the authorized Officer within the stipulated period.

(2) If additional punishment in the form of confiscation of goods or bills is imposed, the confiscated goods and/or bills must be handed over or must be paid according to the estimation of the Officer as referred to in paragraph (1) in the event that the goods and/or bills are no longer in the possession of the convict.

(3) If the punishment is aggravated due to recidivism, such aggravation shall remain in effect even though the authority to prosecute the criminal offense committed earlier is waived based on the provisions as referred to in Article 132 paragraph (1) letter d and letter e.

Elucidation - Article 133

Paragraph (1)

Self-explanatory.

Paragraph (2)

This provision shall only apply to criminal offenses which are punishable by an additional punishment in the form of forfeiture of goods and/or bills.

Paragraph (3)

Although the Criminal Offenses committed previously have been deprived of the right to prosecution based on Article 132 paragraph (1) letter e and letter f, if

and subsequently, the provision of aggravation of punishment for repetition of Criminal Offenses shall still apply in accordance with the provisions applicable thereto.

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Article 134

Original provision - English reference

A person shall not be prosecuted for the second time in 1 (one) the same case if there has been a court decision that has obtained permanent legal force.

Elucidation - Article 134

This provision is intended to provide legal certainty by prioritizing the principle of ne bis in idem.

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Article 135

Original provision - English reference

If the verdict as referred to in Article 134 comes from a foreign court, no prosecution shall be instituted against any Person who commits the same Criminal Offense in the event of:

a. a verdict of acquittal or release from all charges; or

b. the verdict is in the form of punishment and the punishment has been fully served, has been forgiven, or the execution of the punishment has expired.

Elucidation - Article 135

Self-explanatory.

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Article 136

Original provision - English reference

(1) The prosecutorial authority is declared forfeited due to expiration if:

a. after the lapse of 3 (three) years for Criminal Offenses punishable with imprisonment of at most 1 (one) year and/or a maximum fine of category III;

b. after the expiry of 6 (six) years for Criminal Offenses punishable with imprisonment of more than 1 (one) year and at most 3 (three) years;

c. after the expiration of 12 (twelve) years for Criminal Offenses punishable with imprisonment of more than 3 (three) years and a maximum of 7 (seven) years;

d. after 18 (eighteen) years for Criminal Offenses punishable with imprisonment of more than 7 (seven) years and a maximum of 15 (fifteen) years; and

e. after the age of 20 (twenty) years for Criminal Offenses punishable with imprisonment of 20 (twenty) years at the most, life imprisonment, or death penalty.

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

Elucidation - Article 136

Paragraph (1)

The expiration provision in this provision is intended to provide legal certainty on the status of the criminal offense committed. This is because with the lapse of time, it is generally difficult to determine the evidence.

The determination of the expiry period is adjusted to the severity of the Criminal Offense committed. For more serious Crimes, the expiry period is longer than the period for lighter Crimes.

Paragraph (2)

The provision in this paragraph is adjusted to the principle in criminal law which treats children specifically. Therefore, the expiry period for Criminal Offenses committed by Children is shorter than for Criminal Offenses committed by adults.

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Article 137

Original provision - English reference

The period of expiry shall be calculated from the next day after the offense is committed, except for:

a. The crime of counterfeiting and the crime of mutilation of currency, the expiry date shall be calculated from the next day after the use of the counterfeited goods or mutilated currency; or

b. Criminal Offenses as referred to in Article 450, Article 451, and Article 452, the expiry date shall be calculated from the next day after the Victim of the Criminal Offense is released or dies as a direct result of the Criminal Offense.

Elucidation - Article 137

Letter a

Self-explanatory.

Letter b

In accordance with the nature of the Criminal Offense which is continuous, the completion of the Criminal Offense referred to in this provision is when the Victim who has been abducted, kidnapped or deprived of his/her freedom is released. If the Victim is killed, the time for the prosecution to cease shall be counted from the next day after the death of the Victim.

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Article 138

Original provision - English reference

(1) The prosecution of a Criminal Offense shall suspend the expiry of the term.

(2) The termination of the expiration period as referred to in paragraph (1) shall be calculated on the next day after the suspect or defendant knows or is notified of prosecution.

legislation.

(3) After the expiration is terminated due to prosecution action, a new expiration period shall come into effect.

Elucidation - Article 138

Self-explanatory.

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Article 139

Original provision - English reference

If the prosecution is temporarily suspended due to a legal dispute that must be decided first, the expiration date of the prosecution shall be delayed until the dispute has been decided.

Elucidation - Article 139

What is meant by "legal dispute" is a difference of opinion on a legal issue that must be decided first by another court before the main case is decided.

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Second Part

Lapse of Authority to Execute Criminal

Article 140

Original provision - English reference

The authority to execute punishment is declared void, if:

a. the convicted person dies;

b. expired;

c. the convict receives clemency or amnesty; or

d. transfer for the execution of punishment to another country.

Elucidation - Article 140

Letter a

Self-explanatory.

What is meant by "expiration" is the expiration of the execution of a court decision.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

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Article 141

Original provision - English reference

If the death of the convict, the punishment of forfeiture of certain goods and/or bills that have been confiscated can still be executed.

Elucidation - Article 141

Self-explanatory.

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Article 142

Original provision - English reference

(1) The authority to execute the punishment shall lapse due to expiration after the same period of time as the expiration of the authority to prosecute as referred to in Article 136 plus 1/3 (one third).

(2) The expiration period of the execution of the punishment must exceed the length of the punishment imposed except for life imprisonment.

(3) The execution of death penalty has no expiration period.

(4) If the death penalty is changed into life imprisonment as referred to in Article 101, the authority to execute the punishment shall lapse due to expiration after the same period of time as the expiration of the authority to prosecute as referred to in Article 136 paragraph (1) letter e plus 1/3 (one third) of the expiration period.

Elucidation - Article 142

Self-explanatory.

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Article 143

Original provision - English reference

(1) The expiry date of the execution of the punishment shall be calculated on the next day after the execution of the court decision.

(2) If the convicted person absconds while serving the sentence, the expiry date shall be calculated on the next day after the date of the absconding.

(3) If the conditional release of the convict is revoked, the expiration time expired shall be calculated on the next day since the date on which the court decision can be executed.

(4) The expiration date of the execution of the punishment shall be postponed as long as:

a. the execution of the punishment is postponed in accordance with laws and regulations; or

b. the convict is deprived of his/her freedom even though the deprivation of freedom is related to a court decision for another criminal offense.

Elucidation - Article 143

Self-explanatory.

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CHAPTER V DEFINITION OF TERMS

Article 144

Original provision - English reference

Criminal Offense shall include conspiracy, preparation, attempt, and assistance in committing a Criminal Offense, unless otherwise provided by law.

Elucidation - Article 144

Self-explanatory.

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Article 145

Original provision - English reference

Every Person means a natural person, including a Corporation.

Elucidation - Article 145

Self-explanatory.

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Article 146

Original provision - English reference

A corporation is an organized collection of persons and/or assets, whether it is a legal entity in the form of a limited liability company, foundation, association, cooperative, state-owned enterprise, regional-owned enterprise, village-owned enterprise, or the equivalent, or an unincorporated association or business entity in the form of a firm, partnership, or the equivalent.

Elucidation - Article 146

Self-explanatory.

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Article 147

Original provision - English reference

Goods are tangible or intangible objects, movable or immovable objects including water and chiral money, electricity, gas, data, and computer programs.

Elucidation - Article 147

Self-explanatory.

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Article 148

Original provision - English reference

Letters shall mean documents written on paper, including documents or data written or stored on diskettes, magnetic tapes, or computer storage media or other electronic data storage media.

Elucidation - Article 148

Self-explanatory.

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Article 149

Original provision - English reference

Victim is a person who experiences physical and mental suffering and/or economic loss caused by a Criminal Offense.

Elucidation - Article 149

Self-explanatory.

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Article 150

Original provision - English reference

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

Elucidation - Article 150

Self-explanatory.

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Article 151

Original provision - English reference

Parent shall include the head of the family.

Elucidation - Article 151

Self-explanatory.

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Article 152

Original provision - English reference

Father shall also include the person exercising the power which

equal to Father.

Elucidation - Article 152

Self-explanatory.

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Article 153

Original provision - English reference

The authority of the father shall include the authority of the head of the family.

Elucidation - Article 153

Self-explanatory.

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Article 154

Original provision - English reference

An official is any Indonesian citizen who has fulfilled the prescribed conditions, is appointed by an authorized official and is assigned state duties, or is assigned other duties by the state, and is paid a salary based on the provisions of laws and regulations, viz:

a. apparatus civil servants state apparatus, members Police State Police Republic of Indonesia, and members of the Indonesian National Army;

b. state officials;

c. public officials;

d. regional officials;

e. people who receive gaJi or wages from state or regional finances;

f. people who receive salaries or wages from Corporations whose capital is wholly or partially owned by the state or region; or

g. other officials determined based on laws and regulations.

Elucidation - Article 154

Self-explanatory.

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Article 155

Original provision - English reference

Serious Injury is:

a. sickness or injury from which there is no hope of complete recovery or which may pose a mortal danger;

b. continuously incapable of performing any duty, position, or occupation;

c. no longer able to use one of the five senses or one of the limbs;

d. severe disability or permanent disability;

e. paralyzed;

f. impaired thinking for more than 4 (four) weeks;

g. loss or death of the womb; or

h. damage to the reproductive function.

Elucidation - Article 155

Self-explanatory.

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Article 156

Original provision - English reference

Violence is any act with or without the use of physical force that creates danger to body or life, causes physical, sexual, or psychological suffering, and deprives freedom, including rendering a person unconscious or helpless.

Elucidation - Article 156

Self-explanatory.

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Article 157

Original provision - English reference

Threat of Violence is any act in the form of speech, writing, pictures, symbols, or gestures, either with or without the use of means in electronic or non-electronic form that can cause fear, anxiety, or worry that violence will be committed.

Violence.

Elucidation - Article 157

Self-explanatory.

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Article 158

Original provision - English reference

In Public means in a place or space that can be seen, visited, known, or witnessed by other people either directly or indirectly through electronic media that allows the public to access Electronic Information or electronic documents.

Elucidation - Article 158

Self-explanatory.

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Article 159

Original provision - English reference

Assets are movable or immovable objects, both tangible and intangible, which have economic value.

Elucidation - Article 159

Self-explanatory.

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Article 160

Original provision - English reference

Makar is the intention to commit an attack which has been realized by the preparation of the act.

Elucidation - Article 160

Self-explanatory.

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Article 161

Original provision - English reference

War also includes civil war by taking up arms.

Elucidation - Article 161

Self-explanatory.

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Article 162

Original provision - English reference

Time of War shall include the time when the danger of War threatens and/or there is an order for mobilization of the Indonesian National Army and as long as the state of mobilization is still ongoing.

Elucidation - Article 162

Self-explanatory.

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Article 163

Original provision - English reference

Enemy shall include rebels and countries or powers that are expected to become opponents of the War.

Elucidation - Article 163

Self-explanatory.

Back to article index

Article 164

Original provision - English reference

Entry shall include accessing a Computer or Entry into a Computer system.

Elucidation - Article 164

Self-explanatory.

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Article 165

Original provision - English reference

Climbing in shall include Entry by means of an existing hole not intended for the passage of persons, or Entry through a hole in the ground deliberately dug, or Entry through or across a ditch or trench used as a boundary of a yard.

Elucidation - Article 165

Self-explanatory.

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Article 166

Original provision - English reference

False Keys shall mean duplicate keys as well as any device, electronic system, or the equivalent which is not intended to open the lock used to open the lock.

Elucidation - Article 166

Self-explanatory.

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Article 167

Original provision - English reference

Space means including a stretch or terminal of a Computer which can be accessed in a certain way.

Elucidation - Article 167

Self-explanatory.

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Article 168

Original provision - English reference

Electrical Building means a building used for generating, conducting, converting, or delivering electric power, including tools related thereto, namely safety guards, installers, supporters, preventers, or warners.

Elucidation - Article 168

Self-explanatory.

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Article 169

Original provision - English reference

Computer means a device for processing electronic, magnetic, optical data, or a system performing logic, arithmetic, and storage functions.

Elucidation - Article 169

Self-explanatory.

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Article 170

Original provision - English reference

Electronic Information means one or a set of electronic data, including but not limited to writings, sounds, drawings, maps, designs, photographs, electronic data interchange, electronic mail, telegrams, long distance copying or the like, letters, signs, numbers, access codes, symbols, or perforations that have been processed which have meaning or can be understood by a person capable of understanding them.

Elucidation - Article 170

Self-explanatory.

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Article 171

Original provision - English reference

Access Code shall mean numbers, letters, other symbols or a combination thereof which constitute a key to be able to access a Computer, Computer network, internet, or other electronic media.

Elucidation - Article 171

Self-explanatory.

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Article 172

Original provision - English reference

Pornography are images, sketches, illustrations, photographs, sounds, moving images, animations, cartoons, conversations, gestures, or other message sounds through various forms of communication media and/or public performances, which contain obscenity or sexual exploitation that violate the norms of decency in society.

Elucidation - Article 172

Self-explanatory.

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Article 173

Original provision - English reference

Entrepreneur means a person who runs a company or trading business.

Elucidation - Article 173

Self-explanatory.

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Article 174

Original provision - English reference

Ship is a water vehicle of any shape and type, propelled by mechanical power, wind power, or suspended, including vehicles with dynamic carrying capacity, vehicles under the water surface, as well as floating devices and floating buildings that do not move.

Elucidation - Article 174

Self-explanatory.

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Article 175

Original provision - English reference

Passenger means a person other than the skipper and crew of a ship who is on board a ship or a person other than the captain and crew of an aircraft who is on board an aircraft.

Elucidation - Article 175

Self-explanatory.

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Article 176

Original provision - English reference

Ship's crew means the crew of the ship other than the skipper.

Elucidation - Article 176

Self-explanatory.

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Article 177

Original provision - English reference

Ship's crew is a person who works or is employed on board a Ship by the owner or operator of the Ship who performs duties on board the Ship in accordance with his/her position.

Elucidation - Article 177

Self-explanatory.

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Article 178

Original provision - English reference

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

Elucidation - Article 178

Self-explanatory.

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Article 179

Original provision - English reference

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

Elucidation - Article 179

Self-explanatory.

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Article 180

Original provision - English reference

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

Elucidation - Article 180

Self-explanatory.

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Article 181

Original provision - English reference

In Flight shall mean the period from the time when all outer doors of an Aircraft are closed after boarding of Passengers until the time when the doors are opened for disembarkation of Passengers, or in the event of an emergency landing the flight shall be deemed to continue until the time when the competent authority takes over responsibility for the Aircraft and the Goods in the Aircraft.

Elucidation - Article 181

Self-explanatory.

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Article 182

Original provision - English reference

In Flight Service shall mean the period from the time the Aircraft is prepared by the ground crew or by the crew for a particular flight until the expiration of 24 (twenty-four) hours after landing.

Elucidation - Article 182

Self-explanatory.

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Article 183

Original provision - English reference

Livestock are domesticated animals intended as a source of food and livelihood.

Elucidation - Article 183

Self-explanatory.

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Article 184

Original provision - English reference

Month is a period of 30 (thirty) days.

Elucidation - Article 184

Self-explanatory.

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Article 185

Original provision - English reference

Day is a period of 24 (twenty-four) hours.

Elucidation - Article 185

Self-explanatory.

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Article 186

Original provision - English reference

Night is the time between sunset and sunrise.

Elucidation - Article 186

Self-explanatory.

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CHAPTER VI CLOSING RULES

Article 187

Original provision - English reference

The provisions of Chapters I to V of the First Book shall also apply to acts punishable under other laws and regulations, unless otherwise provided by law.

Elucidation - Article 187

The phrase "according to the Law" in this provision is only related to the Law that specifically regulates Criminal Offenses which by their nature are:

a. the impact of victimization is large;

b. Transnational Organized Crime is often transnational in nature;

c. the regulation of criminal procedure is special;

d. often deviate from the general principles of material criminal law;

e. the existence of supporting institutions for law enforcement with special powers (e.g. the Corruption Eradication Commission, the National Narcotics Agency, and the National Human Rights Commission);

f. supported by various international conventions both ratified and not yet ratified; and

g. is an act that is considered very evil (super mala per se) and is strongly condemned by the community (strong people condemnation).

For the purpose of consolidation in a legal codification, several Criminal Offenses that are considered to have the above characteristics are grouped into

1 (one) separate Chapter called Special Crimes Chapter which is formulated in general/core crime which serves as bridging articles between this Law and Laws outside this Law that regulate Crimes in the Special Crimes Chapter. These crimes are Serious Human Rights Crimes, Terrorism Crimes, Corruption Crimes, Money Laundering Crimes, and Narcotics Crimes. The existence of the Special Offenses Chapter does not reduce the authority of law enforcement support institutions that have been determined in the Law.

The above exception also applies to the amount of fines in Laws regulating Criminal Offenses that have the potential to cause large losses to the state/society.

The regulation of new types of Criminal Offenses that have not been regulated in this Law or that will emerge in the future can be carried out through amendments to this Law or regulate them in a separate Law due to their specificity on the basis of this article.

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SECOND BOOK OF CRIMINAL OFFENSES

CHAPTER I

CRIMINAL OFFENSES AGAINST STATE SECURITY

Section One

Criminal Offenses against State Ideology

Paragraph 1

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

Article 188

Original provision - English reference

(1) Any person who disseminates and develops the teachings of communism/marxism-leninism or other ideologies that are contrary to Pancasila in public orally or in writing, including disseminating or developing through any media, shall be liable to 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 liable to 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 in the community or loss of property, shall be liable to imprisonment for a maximum of 10 (ten) years.

(4) In the event that the act as referred to in paragraph (3) results in serious injury to a person, he/she shall be liable to 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, the person shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(6) No person shall be punished who conducts a study of the teachings of communism/marxism-leninism or other ideologies contrary to Pancasila for the benefit of science.

Elucidation - Article 188

Paragraph (1)

What is meant by "spreading and developing" is inviting others to embrace communism/marxism-leninism or other ideologies contrary to Pancasila and making it a group movement aimed at opposing the values of Pancasila.

What is meant by "other ideologies contrary to Pancasila" is a political ideology that 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)

What is meant by "study of the teachings of communism/marxism-leninism for the benefit of science" is, for example, teaching, studying, thinking about, testing, and analyzing in educational institutions or research and study institutions without the intention of spreading or developing the teachings of communism/marxism-leninism.

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Article 189

Original provision - English reference

shall be liable to imprisonment for a maximum of 10 (ten) years, every person who:

a. establishes an organization which is known or reasonably suspected of adhering to the teachings of communism/marxism-leninism or other ideologies contrary to Pancasila; or

b. enter into relations with or provide assistance to or receive assistance from organizations, both at home and abroad, which should be known adheres to the teachings of communism/marxism-leninism or other understandings lain contrary to Pancasila, with the intention of changing the basis of the state or overthrowing the government.

Elucidation - Article 189

Letter a

Self-explanatory.

Letter b

What is meant by "assistance" is, for example, money, facilities, training, information technology, and so on.

What is meant by "organization" is an organization both incorporated and unincorporated.

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Paragraph 2

Elimination and Replacement of the Pancasila Ideology

Article 190

Original provision - English reference

(1) Every person who expresses his/her desire in public orally, in writing, or through any media to negate or replace Pancasila as the basis of the state, shall be liable to imprisonment for a maximum of 5 (five) years.

(2) In the event that the act as referred to in paragraph (1) results in:

a. the occurrence of riots in the community or the loss of property, shall be liable to imprisonment for a maximum of 10 (ten) years;

b. the occurrence of a riot in the community resulting in serious injuries to persons, shall be liable to imprisonment for a maximum of 12 (twelve) years; or

c. the occurrence of a riot in the community which results in the death of a person, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 190

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "riot" is a condition that causes violence against persons or goods committed by a group of at least 3 (three) persons.

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Second Part of the Crime of Treason

Paragraph 1

Treason against the President and/or Vice President

Article 191

Original provision - English reference

Every person who commits treason with intent to kill or deprive the President and/or Vice President of his/her freedom or to render the President and/or Vice President incapable of governing, shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 191

Self-explanatory.

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Paragraph 2

Treason against the Unitary State of the Republic of Indonesia

Article 192

Original provision - English reference

Any person who commits treason with intent to cause part or all of the territory of the Unitary State of the Republic of Indonesia to fall under foreign domination or to secede from the Unitary State of the Republic of Indonesia, shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 192

Criminal Acts committed with the intention that part or all of the State's territory falls under foreign power, constitute external treason (landverraad) because it involves a foreign state.

Criminal Offenses committed with the intention to separate part of the state territory shall constitute internal treason (hoogverrad), because they do not involve a foreign state, although they may gradually involve a foreign power.

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Paragraph 3

Treason against the Government

Article 193

Original provision - English reference

(1) Every person who commits treason with intent to overthrow the government, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(2) The leader or organizer of the Makar as referred to in paragraph (1), shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 193

Paragraph (1)

What is meant by "overthrowing the government" is nullifying or changing the composition of the government in an unlawful manner according to the 1945 Constitution of the Republic of Indonesia.

There are 2 (two) criminal offenses in this provision, namely nullifying the structure of the government according to the 1945 Constitution of the Republic of Indonesia and changing the structure of the government in a manner that is unlawful according to the 1945 Constitution of the Republic of Indonesia.

Abolishing the government structure means eliminating the existing government structure and replacing it with a new one. Changing the structure of the government means not abolishing the old structure of the government, but only changing it.

Paragraph (2)

Self-explanatory.

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Article 194

Original provision - English reference

(1) Punishable for rebellion with a maximum imprisonment of 15 (fifteen) years shall be every person who:

a. against the government by means of force of arms; or

b. with intent to rebel against the Government moves together or joins himself to a mob which rebels against the Government by means of force of arms.

(2) The leader or organizer of the rebellion as referred to in paragraph (1), shall be liable to life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 194

Paragraph (1)

This provision is addressed to a group of people who for some reason take up arms against the government.

What is meant by "weapon" is any type of weapon, both modern and traditional.

Paragraph (2)

Self-explanatory.

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Article 195

Original provision - English reference

(1) A maximum term of 10 (ten) years' imprisonment shall be imposed on every person who:

a. establishes relations with persons or organizations domiciled abroad with the intention to:

1. to persuade the person or organization

2. to strengthen the intention of the person or organization;

3. promises or provides assistance to a person or organization; or

4. introduces any Goods into the territory of the Unitary State of the Republic of Indonesia, in order to overthrow or take over the government;

b. enter an Item into the territory of State Unitary Republic of Indonesia which can used to provide assistance material assistance in preparing, facilitating, or carrying out overthrow and/or government takeover, knowing or having reasonable grounds to suspect that the Goods are used for such purpose; or

c. controls or makes a Goods as the subject matter of an agreement that can be used to provide material assistance in preparing, facilitating, or carrying out the overthrow and/or takeover of the government, knowing or having good reason to suspect that such Goods are used for such purpose, or other Goods as a substitute are brought into the territory of the Unitary State of the Republic of Indonesia for such purpose, or are used for such purpose by persons or entities domiciled abroad.

(2) Goods used to commit or in relation to the Criminal Offenses as referred to in paragraph (1) letter b and letter c shall be confiscated to the state or destroyed.

Elucidation - Article 195

Paragraph (1)

Letter a

This provision is intended to prevent acts committed abroad with the intention of overthrowing the government.

For the meaning of "overthrowing the government" see the explanation to Article 193.

Letter b

"Goods" means, for example, explosives, ammunition, or other materials that can be used as explosives.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 196

Original provision - English reference

(1) Every person who commits conspiracy or preparation to commit the Criminal Offenses as referred to in Articles 191 through 194 shall be punished.

(2) Every person who prepares for constitutional change shall not be punished.

Elucidation - Article 196

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "preparing" is, for example, preparing an amendment to the 1945 Constitution of the Republic of Indonesia.

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Third Part

Criminal Acts against State Defense

Paragraph 1 State Defense

Article 197

Original provision - English reference

Any person who without authority makes, collects, possesses, stores, conceals, or transports portrait, painted, hand-drawn, or video measurements, writings, information, or other indications concerning a matter related to the interests of national defense, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category IV.

Elucidation - Article 197

This provision is intended to protect state defense interests that must be kept secret so as not to fall into the hands of the enemy.

What is meant by "state defense interests" are interests in the context of maintaining state sovereignty and territorial integrity.

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Article 198

Original provision - English reference

Any person who is assigned by the Government of Indonesia to enter into negotiations with a foreign country acting to the detriment of national defense, shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 198

In this provision, the subject of Criminal Offense is Every Person in charge of negotiating with foreign countries on behalf of the Indonesian Government. This means that the person concerned represents the Government of Indonesia and all consequences of the negotiations are the responsibility of the Government of Indonesia. Therefore, under this provision, such person is prohibited from acting to the detriment of national defense.

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Article 199

Original provision - English reference

(1) Any Indonesian citizen who participates in conducting War or military exercises or joins a certain organization to conduct War or military exercises abroad, shall be liable to 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 Army and the Indonesian National Police who have the approval of the Government of Indonesia.

Elucidation - Article 199

Paragraph (1)

This provision is intended as a form of protection of national sovereignty, a free and active foreign policy, and territorial integrity.

Paragraph (2)

Self-explanatory.

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Article 200

Original provision - English reference

shall be liable to imprisonment for a maximum of 7 (seven) years, every person who:

a. in a War in which Indonesia is not involved, commits an act which endangers the neutrality of the state or violates a regulation specifically made by the Government of Indonesia to maintain the neutrality of the state; or

b. in Time of War, violates a regulation issued and promulgated by the Government of Indonesia in the interest of the defense and security of the country.

Elucidation - Article 200

Letter a

What is meant by "actions that jeopardize the state's neutrality" are, for example, participating in a war, assisting by sending personnel, funding, goods, or weapons.

Letter b

Self-explanatory.

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Article 201

Original provision - English reference

Any person who, without the permission of the President or an authorized official, invites an Indonesian citizen to become a member of a foreign army, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 201

What is meant by "foreign army" is an official army of a foreign country or an army that will rebel against the foreign country.

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Article 202

Original provision - English reference

shall be liable to imprisonment for a maximum of 1 (one) year 6 (six) months or a maximum fine of category II, any person who without authority:

a. entering an area under construction for the purposes of national security defense within a distance of less than 500 (five hundred) meters, except on major roads for public traffic;

b. enters a building of the army, navy, or air force, as well as an Aircraft or warship through a road other than the usual Entrance road;

c. bring photographic equipment into a part of the field prohibited by the provisions of laws and regulations; or

d. having photographic results, drawings, or descriptions of state security defense projects from all or part of the field as referred to in letter c.

Elucidation - Article 202

This provision is intended to maintain and protect state secrecy, namely information, objects, and/or activities that are officially designated to be kept secret.

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Treason against the State and Leakage of State Secrets

Article 203

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 12 (twelve) years, every person who:

a. establishes relations with a foreign state or foreign organization with the intention of moving it to commit acts of hostility or War with the Unitary State of the Republic of Indonesia;

b. strengthens the intention of the foreign state or foreign organization to commit the act as referred to in letter a; or

c. promising assistance or helping a foreign state or foreign organization prepare the act as referred to in letter a.

(2) If the hostile act as referred to in paragraph (1) results in the occurrence of War, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 203

Paragraph (1)

Letter a

Self-explanatory.

Letter b

What is meant by "strengthening" is, for example, provocation or incitement.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 204

Original provision - English reference

Any person who announces, informs, or gives a Letter, news, or information concerning a matter to a foreign state or foreign organization, knowing that such matter must be kept secret in the interest of the state, shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 204

Self-explanatory.

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Article 205

Original provision - English reference

Any person who announces, discloses, or gives to an unauthorized person all or part of a Letter, map, plan, drawing, or Item of a state secret relating to the defense and security of the state against external attack, in his possession, or of which he has knowledge concerning the content, form, or method of making such secret Item, shall be liable to imprisonment for a maximum of 5 (five) years.

Elucidation - Article 205

Self-explanatory.

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Article 206

Original provision - English reference

shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category IV, any person who:

a. provides facilities to a person who he knows does not have the authority, has the intention or is trying to find out all or part of the Letters, maps, plans, drawings, or Goods that are state secrets as referred to in Article 205 or to find out the location, shape, arrangement of weapons, supplies, ammunition equipment or the strength of people from a national defense project or another matter related to the interests of national defense; or

b. conceal Goods which he knows will be used to commit the act as referred to in letter a.

Elucidation - Article 206

Self-explanatory.

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Article 207

Original provision - English reference

Any person who by reason of his duty is obliged to keep a Letter, a map, a plan, a drawing, or an Article which is a state secret as referred to in Article 205, by reason of his negligence causes the contents, the form, or the manner of making it, to become wholly or partially known to other persons who are not entitled to know it, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months.

Elucidation - Article 207

Self-explanatory.

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Article 208

Original provision - English reference

shall be liable to imprisonment for a maximum of 4 (four) years, any person who:

a. view or study a Letter, map, plan, drawing, or Item which is a state secret as referred to in Article 205, in whole or in part, knowing or reasonably suspecting that such Letter, map, plan, drawing, or Item which is a state secret should not be known;

b. making or requesting the making of a print, drawing, or imitation of a Letter, map of the earth, plan, drawing, or Item of a state secret nature as referred to in letter a; or

c. fails to deliver such Surat, map, plan, drawing or Article of a state secret to the authorized official when such Surat, map, plan, drawing or Article of a state secret falls into his hands.

Elucidation - Article 208

Self-explanatory.

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Article 209

Original provision - English reference

Any person who commits a criminal offense as referred to in Article 197, Article 202, Article 205, Article 206, or Article 208 by using fraudulent means or by giving or receiving, creating an expectation, or promising gifts, benefits, or wages in any form whatsoever or by Violence or Threat of Violence, shall be punished with 2 (two) times the punishment as referred to in Article 197, Article 202, Article 205, Article 206,

or Article 208.

Elucidation - Article 209

"Fraudulent means" means, for example, deception, disguise, false name, or false position.

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Paragraph 3

Sabotage and Criminal Offenses in Time of War

Article 210

Original provision - English reference

Punishable for sabotage with a maximum imprisonment of 15 (fifteen) years, every person who:

a. damages, destroys, renders useless, or destroys a state installation or military installation;

b. obstructs or frustrates the procurement or distribution of basic commodities that control the livelihood of many people in accordance with government policy; or

c. disrupts or widely damages land, sea, air, or telecommunication transportation.

Elucidation - Article 210

Letter a

What is meant by "state installations" are important installations, such as the State Palace, the official residence of the President and/or Vice President, buildings of state and government institutions, and buildings used for state guests at the level of the President.

What is meant by "military installation" is a vital military installation.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

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Article 211

Original provision - English reference

An Indonesian citizen who voluntarily joins a foreign army which is at war with the Unitary State of the Republic of Indonesia or is likely to be at war with the Unitary State of the Republic of Indonesia, and if the war actually occurs, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 211

Self-explanatory.

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Article 212

Original provision - English reference

(1) Every person who in time of War provides assistance to the Enemy or harms the state for the benefit of the Enemy, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(2) A maximum term of 15 (fifteen) years' imprisonment shall be imposed on every person referred to in paragraph (1) who:

a. disclosing or handing over maps, plans, drawings, or descriptions of army buildings or information about army movements or army plans to the Enemy; or

b. working for the Enemy as a spy, which includes:

1. possessing, controlling, or obtaining with the intent to transmit either directly or indirectly to an Enemy of the Unitary State of the Republic of Indonesia, any map, plan, drawing, or description of military buildings or military secrets or information about government secrets in the fields of politics, diplomacy, or economics;

2. conduct an investigation for the Enemy as referred to in letter a or receive in lodging, conceal, or assist an Enemy investigator;

3. organize, facilitate, or spread propaganda for the Enemy;

4. undertake any endeavor contrary to the interests of the state so that an investigation, prosecution, deprivation, or restriction of liberty, imposition of punishment, or other action by or under the authority of the Enemy may be taken against a person; or

5. gives to or receives from the Enemy or an agent of the Enemy, any property or money, or performs any act in favor of the Enemy or an agent of the Enemy, or hinders or frustrates any act against the Enemy or an agent of the Enemy.

(3) Shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years, if Every Person as referred to in paragraph (1) who:

a. to commit treason in favor of the Enemy, to surrender to the power of the Enemy, to destroy or render useless any fortified or occupied place of defense, any means of communication, any supplies of War, or any treasury of War, or any part thereof, or to obstruct or frustrate

a planned or organized military effort to repel or attack; or

b. causing or facilitating riot, mutiny or desertion among the troops.

Elucidation - Article 212

Self-explanatory.

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Article 213

Original provision - English reference

shall be liable to imprisonment for a maximum of 4 (four) years, any person who in time of war, without purpose of aiding the enemy or to the detriment of the state in order to benefit the enemy:

a. gives facilities, lodgings, conceals, or assists spies of the Enemy; or

b. causes or facilitates desertion among the soldiers.

Elucidation - Article 213

Self-explanatory.

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Article 214

Original provision - English reference

shall be liable to imprisonment for a maximum of 5 (five) years, every person who:

a. in Time of War by fraudulent act delivers Goods for military use; or

b. is assigned to supervise the delivery of Goods as referred to in letter a, allows such fraudulent act.

Elucidation - Article 214

Letter a

What is meant by "fraudulently delivering Goods for military use" is, for example, a supplier delivering Goods whose quantity, weight or condition is less than or not in accordance with what has been agreed.

Letter b

Self-explanatory.

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Article 215

Original provision - English reference

The penal provisions referred to in Articles 210 through 214 shall also apply, if one of the acts is committed against or in respect of an allied state in a common war.

Elucidation - Article 215

Self-explanatory.

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Article 216

Original provision - English reference

Every person who commits conspiracy and preparation to commit a criminal offense as referred to in Article 210 or Article 212 shall be punished.

Elucidation - Article 216

Self-explanatory.

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CHAPTER II

CRIMINAL OFFENSES AGAINST THE DIGNITY OF THE PRESIDENT AND/OR VICE PRESIDENT

Section One

Assault on the President and/or Vice President

Article 217

Original provision - English reference

Every person who attacks the President and/or Vice President who is not included in a more severe criminal provision, shall be liable to imprisonment for a maximum of 5 (five) years.

Elucidation - Article 217

The Crime of assaulting a person in general may constitute various Criminal Acts, such as maltreatment or committing Violence. Since the Criminal Offenses in the provisions of this article are directed against the President and/or Vice President, if the punishment is not included in a more severe punishment, the provisions of this article shall apply.

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Second Part

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

Article 218

Original provision - English reference

(1) Every person who publicly attacks the honor or dignity of the President and/or Vice President, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) Does not constitute an attack on honor or dignity as referred to in paragraph (1), if the act is committed in the public interest or self-defense.

Elucidation - Article 218

Paragraph (1)

What is meant by "attacking honor or dignity" is an act that degrades or damages good name or self-esteem, including defamation or slander.

Paragraph (2)

What is meant by "done in the public interest" is to protect the interests of the public expressed through the right to expression and the right to democracy, for example through demonstrations, criticism, or opinions that differ from the policies of the President and/or Vice President.

In a democratic country, criticism is important as part of freedom of expression that is as constructive as possible, even if it contains disagreement with the actions, policies, or actions of the President and/or Vice President.

Basically, criticism in this article is a form of supervision, correction, and suggestion on matters relating to the interests of society.

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Article 219

Original provision - English reference

Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public, plays recordings so that they are audible to the public, or disseminates by means of information technology containing attacks on honor or dignity against the President and/or Vice President with the intention that the contents are known or become known to the public, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 219

Self-explanatory.

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Article 220

Original provision - English reference

(1) Criminal Acts as referred to in Article 218 and Article 219 may only be prosecuted based on a complaint.

(2) The complaint as referred to in paragraph (1) may be made in writing by the President and/or Vice President.

Elucidation - Article 220

Self-explanatory.

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CHAPTER III

CRIMINAL OFFENSES AGAINST FRIENDLY COUNTRIES

Section One

Treason against a friendly country

Paragraph 1

Treason to Relinquish the Territory of a Friendly State

Article 221

Original provision - English reference

Every person who commits treason with intent to detach the territory of a friendly state, either wholly or partially from the authority of the government, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V.

Elucidation - Article 221

What is meant by "friendly country" is a foreign country that is not in conflict with Indonesia or a foreign country that has diplomatic relations with Indonesia or a foreign country that has entered into a treaty with Indonesia.

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Article 222

Original provision - English reference

Any person who commits treason with intent to abolish or illegally change the existing form of government in a friendly state, shall be liable to imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum fine of category IV.

Elucidation - Article 222

Self-explanatory.

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Article 223

Original provision - English reference

Every person who commits conspiracy and preparation to commit a criminal offense as referred to in Article 221 and Article 222 shall be punished.

Elucidation - Article 223

Self-explanatory.

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Paragraph 2

Treason against the Head of a Friendly State

Article 224

Original provision - English reference

Every person who commits treason with the intent to kill or deprive the freedom of the head of a friendly state shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 224

In this provision, in order to be convicted, the perpetrator of the Crime must know that the Victim is the head of a friendly state.

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Second Part

Assault against Head of a Friendly State and Deputy Head of a Friendly State and Desecration of Flag

Paragraph 1

Assault on a Head of a Friendly State and a Deputy Head of a Friendly State

Article 225

Original provision - English reference

Every person who assaults the head of a friendly state and deputy head of a friendly state which is not included in a more severe penal provision, shall be liable to imprisonment for a maximum of 3 (three) years and 6 (six) months.

Elucidation - Article 225

What is meant by "attacking oneself" is, for example, slapping or throwing shoes.

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Paragraph 2

Assault on Honor or Dignity of the Head of a Friendly State and Deputy Head of a Friendly State

Article 226

Original provision - English reference

Any person who publicly attacks the honor or dignity of a head of a friendly state who is performing state duties in the Unitary State of the Republic of Indonesia, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 226

See the explanation of Article 218 paragraph (1).

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Article 227

Original provision - English reference

Any person who Publicly attacks the honor or dignity of a representative of a friendly state on duty in the Unitary State of the Republic of Indonesia, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 227

"Representative of a friendly country" means, inter alia, a minister or the equivalent of a minister or a designated official representing his/her country.

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Article 228

Original provision - English reference

(1) Any person who broadcasts, demonstrates, or attaches writings or pictures so that they are visible to the public, plays a recording so that it is audible to the public, or disseminates by means of information technology containing an attack on the honor or dignity of a head of a friendly state or a representative of a friendly state in the Unitary State of the Republic of Indonesia with the intention that the content of the attack on honor or dignity be known to the public, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) If Every Person as referred to in paragraph (1) commits such act in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction which has obtained permanent legal force for committing the same Criminal Offense, may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Elucidation - Article 228

Self-explanatory.

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Article 229

Original provision - English reference

(1) Criminal Offenses as referred to in Article 226 through Article 228 may only be prosecuted based on a complaint.

(2) The complaint as referred to in paragraph (1) may be made in writing by the head of a friendly state and representative of a friendly state.

Elucidation - Article 229

Self-explanatory.

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Article 230

Original provision - English reference

It shall not constitute an attack on honor or dignity as referred to in Articles 226 through 228, if the act is committed in the public interest or in self-defense.

Elucidation - Article 230

Self-explanatory.

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Paragraph 3

Desecration of the National Flag of a Friendly Country

Article 231

Original provision - English reference

Any Person who desecrates the national flag of a friendly country shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 231

"Desecrate" means an act in any form committed with the intent to insult.

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CHAPTER IV

CRIMINAL OFFENSES AGAINST THE ORGANIZATION OF MEETINGS OF LEGISLATIVE INSTITUTIONS AND GOVERNMENT BODIES

Article 232

Original provision - English reference

Any person who with violence or threat of violence dissolves a meeting of a legislative body and/or government body or forces such body and/or institution to adopt or not to adopt a decision, or expels the chairman or members of such meeting, shall be liable to imprisonment for a maximum of 6 (six) years.

Elucidation - Article 232

"Violence or Threat of Violence" means not only threats against persons, but also against property, for example, by setting fire to a building where a meeting is held.

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Article 233

Original provision - English reference

Any person who by violence or threat of violence obstructs a leader or member of a legislative body and/or government body to attend a meeting of such institution and/or body, or to perform his/her duty freely and undisturbed in a meeting of such institution and/or body, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category III.

Elucidation - Article 233

"Obstruct" means to prevent from attending a meeting.

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CHAPTER V

CRIMINAL OFFENSE AGAINST PUBLIC ORDER

Section One

Defamation of State Symbols, Government or State Institutions, and Population Groups

Paragraph 1

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

Article 234

Original provision - English reference

Every person who damages, tears, tramples, burns, or performs other acts against the state flag with the intention of desecrating, insulting, or degrading the honor of the state flag, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 234

Self-explanatory.

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Article 235

Original provision - English reference

Shall be punished with a maximum fine of category II, any person who:

a. uses the state flag for commercial billboards or advertisements;

b. flies the state flag which is damaged, torn, faded, wrinkled, or dull;

c. prints, embroiders, and writes letters, numbers, pictures or other signs, or attaches any badge or object to the state flag; or

d. use the national flag for ceilings, roofs, wrappers, and covers of

Goods, and the cover of Goods which may lower the honor of the state flag.

Elucidation - Article 235

Self-explanatory.

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Article 236

Original provision - English reference

Any person who defaces, inscribes, draws or scribbles, or makes damage to the state emblem with the intention of tarnishing, insulting, or degrading the honor of the state emblem, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 236

What is meant by "tarnishing, insulting, or degrading the honor of the State Emblem" is an act in the form of crossing out, writing, drawing or scribbling, making damage to the State Emblem, including using it not in accordance with the shape, size, color, and size ratio, which is done intentionally or with the intention of insulting or degrading the honor.

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Article 237

Original provision - English reference

Punishable with a maximum fine of category II, any person who:

a. uses a state emblem that is damaged and not in accordance with the shape, color, and size ratio;

b. makes emblems for individuals, political parties, associations, organizations and/or companies that are the same or resemble the state emblem; or

c. uses the state emblem for purposes other than those stipulated in the provisions of the Law.

Elucidation - Article 237

Self-explanatory.

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Article 238

Original provision - English reference

Any person who desecrates or insults the national anthem by changing the national anthem with tones, rhythms, words, and other compositions with the intent to insult or degrade the honor of the national anthem, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 238

Self-explanatory.

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Article 239

Original provision - English reference

Shall be punished with a maximum fine of category II, any person who desecrates or insults the national anthem by:

a. listening to, singing, or disseminating the compositions of the national anthem with the intention of commercial purposes; or

b. using the national anthem for advertising with a view to commercial purposes.

Elucidation - Article 239

Self-explanatory.

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Paragraph 2

Defamation of the Government or State Institutions

Article 240

Original provision - English reference

(1) Every person who publicly orally or in writing insults the government or a state institution shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category II.

(2) In the event that the criminal offense as referred to in paragraph (1) results in a riot in the community, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(3) Criminal Offenses as referred to in paragraph (1) may only be prosecuted based on a complaint from the insulted party.

(4) The complaint as referred to in paragraph (3) shall be made in writing by the head of the government or state institution.

Elucidation - Article 240

What is meant by "insulting" is an act that degrades or damages the honor or image of the government or state institutions, including defaming or slandering.

Insulting is different from criticism which is a right of expression and a right of democracy, for example through demonstrations or expressing opinions that differ from the policies of the government or state institutions.

In a democratic state, criticism is important as part of freedom of expression that is as constructive as possible, even if it contains disagreement with the actions, policies, or actions of the government or state institutions.

Basically, criticism in this provision is a form of supervision, correction and suggestion on matters relating to the interests of society.

Paragraph (1)

What is meant by "government" is the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

What is meant by "state institutions" are the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, the Supreme Court and the Constitutional Court.

Paragraph (2)

See the Explanation of Article 190(2).

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 241

Original provision - English reference

(1) Every person who broadcasts, demonstrates, or attaches writings or pictures so that they are visible to the public, plays recordings so that they are audible to the public, or disseminates by means of information technology containing insults against the government or state institutions, with the intention that the contents of the insult be known to the public, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) In the event that the criminal offense as referred to in paragraph (1) results in a riot in the community, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

(3) Criminal Offenses as referred to in paragraph (1) may only be prosecuted based on a complaint from the insulted party.

(4) The complaint as referred to in paragraph (3) shall be made in writing by the head of the government or state institution.

Elucidation - Article 241

Self-explanatory.

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Paragraph 3

Insult against Population Groups

Article 242

Original provision - English reference

Every person who publicly expresses feelings of hostility, hatred, or contempt against one or more groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, gender, mental disability, or physical disability, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 242

Self-explanatory.

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Article 243

Original provision - English reference

(1) Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public or plays recordings so that they are audible to the public or disseminates by means of information technology, which contains statements of hostile feelings with the intention that the contents are known or better known to the public, against one or several groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability which results in violence against persons or goods, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

(2) If Every Person as referred to in paragraph (1) commits the Criminal Offense in the exercise of his/her profession and at that time 2 (two) years have not passed since a conviction decision that has obtained permanent legal force for committing the same Criminal Offense, the perpetrator may be sentenced to additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 243

Self-explanatory.

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Paragraph 4

Crime on the Basis of Racial and Ethnic Discrimination

Article 244

Original provision - English reference

Any Person who commits distinction, exclusion, restriction, or selection based on race and ethnicity which results in the revocation or reduction of recognition, acquisition or exercise of human rights and fundamental freedoms in an equality in the civil, political, economic, social and cultural fields, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 244

What is meant by "distinction" is, for example, the head of a company who makes a distinction in the salary or wages of his employees based on a particular ethnicity.

What is meant by "exclusion" is, for example, the exclusion of a person of a certain race or ethnicity from becoming an employee.

What is meant by "restriction", for example, the restriction of a person of a particular race or ethnicity to enter an educational institution or to hold a public office only to a person of a particular race or ethnicity.

What is meant by "election" is, for example, election to a particular office based on a particular race or ethnicity.

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Article 245

Original provision - English reference

Every person who commits deprivation of life, maltreatment, rape, obscene acts, theft with violence, or deprivation of liberty based on racial and ethnic discrimination, the punishment may be increased by 1/ 3 (one third).

Elucidation - Article 245

Self-explanatory.

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Second Part

Incitement and Offering to Commit a Criminal Offense

Paragraph 1

Incitement to Resist the Public Authority

Article 246

Original provision - English reference

shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V, any person who in public orally or in writing:

a. incites people to commit a criminal offense; or

b. incites people to violently resist the public authority.

Elucidation - Article 246

What is meant by "inciting" is to encourage, invite, arouse, or incite people to do something. Inciting may be done orally or in writing, and must be done in Public, meaning in a place where the public is present or where the public can see.

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Article 247

Original provision - English reference

Every person who broadcasts, demonstrates, or attaches writings or pictures so that they are visible to the public, or plays recordings so that they are audible to the public, or disseminates by means of information technology that contains incitement to commit a criminal offense or to resist the public authority with violence, with the intention that the content of the incitement is known or better known by the public, shall be liable to imprisonment for a maximum of 4 (four) years and 6 (six) months or a maximum fine of category V.

Elucidation - Article 247

What is meant by "broadcasting" includes the act of transmitting, distributing and making accessible Electronic Information and electronic documents in an electronic system.

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Article 248

Original provision - English reference

(1) Every person who induces another person as referred to in Article 20 letter d to commit a criminal act and such criminal act or punishable attempt thereof does not occur, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

(2) Every person as referred to in paragraph (1) shall not be sentenced to a punishment more severe than that which may be imposed on the attempt to commit such Criminal Offense or, if the attempt is not punishable, shall not be sentenced to a punishment more severe than that imposed on such Criminal Offense.

(3) The provisions as referred to in paragraph (1) and paragraph (2) shall not apply if the non-occurrence of the criminal offense or the punishable attempt is caused by his/her own will.

Elucidation - Article 248

Paragraph (1)

This provision regulates failed mobilization. According to this article, the person who mobilizes can already be punished, even though the person who is mobilized has not yet committed the punishable criminal act or attempt. This mobilization must use the means specified in Article 20 letter d. The mover shall not be punishable if the person who has been moved fails to commit the punishable criminal act or attempt due to a circumstance which lies within the will of the mover, for example, the mover retracts his suggestion, obstructs, etc.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Paragraph 2

Offer to Commit a Criminal Offense

Article 249

Original provision - English reference

Every person who publicly orally or in writing offers to provide information, opportunity, or means to commit a Criminal Offense, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 249

What is meant by "offering" is, for example, a person who provides services in the form of information for a fee.

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Article 250

Original provision - English reference

(1) Any person who broadcasts, demonstrates, or puts up a writing or picture so that it is visible to the public, or plays a recording so that it is audible to the public, or disseminates by means of information technology an offer to provide information, opportunity, or means to commit a Criminal Offense with the intention that the offer will be known or become known to the public, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

(2) If Every Person as referred to in paragraph (1) commits such act in the exercise of his/her profession and at that time 2 (two) years have not yet passed since a verdict of conviction which has obtained final legal force for committing the same Criminal Offense, an additional punishment in the form of deprivation of rights as referred to in Article 86 letter f may be imposed.

Elucidation - Article 250

Self-explanatory.

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Article 251

Original provision - English reference

(1) Any person who administers medicine or asks a woman to take medicine by informing or causing the expectation that the medicine may result in the

pregnancy, shall be liable to imprisonment of 4 (four) years or a maximum fine of category IV.

(2) If every person as referred to in paragraph (1) commits such act in the exercise of his/her profession, he/she may be sentenced to an additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 251

Self-explanatory.

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Article 252

Original provision - English reference

(1) Every Person who declares himself/herself to have supernatural power, informs, gives hope, offers, or provides assistance services to others that due to his/her actions may cause illness, death, or mental or physical suffering of a person, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category IV.

(2) If Every Person as referred to in paragraph (1) commits such act to seek profit or to make a livelihood or habit, the punishment may be increased by 1/3 (one-third).

Elucidation - Article 252

Paragraph (1)

This provision is intended to prevent the practice of vigilantism by members of the public against a person who claims to have supernatural powers and is capable of performing actions that can cause suffering to others.

Paragraph (2)

Self-explanatory.

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Third Part

Failure to Report or Notify the Existence of Persons Intending to Commit a Criminal Offense

Paragraph 1

Failure to Report the Existence of Evil Conspiracy

Article 253

Original provision - English reference

Any person who, knowing of the existence of a criminal conspiracy to commit one of the Criminal Acts as referred to in Article 191 up to Article 194, Article 205, Article 208, Article 212, Article 308 or Article 310, fails to notify the competent authority or the threatened person while there is still time to prevent such Criminal Act from being committed, if such Criminal Act actually occurs, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 253

To be punishable under this provision, the criminal act must be committed or actually occur. If it does not occur, it cannot be punished.

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Paragraph 2

Failure to Notify an Authorized Officer of the Existence of a Person Who Plans to Commit a Criminal Offense

Article 254

Original provision - English reference

(1) Every person who is aware of a person who intends to commit:

a. one of the Criminal Offenses as referred to in Article 191 through Article 198, Article 200, Article 202, Article 205,

Article 206,

Article 208, Article 211 up to Article 217;

b. desertion in time of war or treason of the army; or

c. Crime of premeditated murder, kidnapping, rape,

or one of the Criminal Acts that endangers public security, people, health, goods, and the environment and which results in endangering people's lives, failure to notify the authorized official or the threatened person while there is still time to prevent such Criminal Act from being committed, if such Criminal Act occurs, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

(2) The criminal provisions as referred to in paragraph (1) shall also apply to a person who is aware of one of the Criminal Acts as referred to in paragraph (1) has been committed and has endangered the life of a person at a moment when the consequences could still have been prevented, does not notify the competent authority or the threatened person.

Elucidation - Article 254

Self-explanatory.

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Article 255

Original provision - English reference

The provisions referred to in Article 253 and Article 254 shall not apply to any person who, if he were to inform the authorized Officer or the threatened person, would endanger himself, his blood relatives or his cousins in the straight or sideways line of the second or third degree of his husband or wife or former husband or wife, or to any other person who, if prosecuted in connection with his office or profession, could by law be exempted from being a witness against such person.

Elucidation - Article 255

Self-explanatory.

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Fourth Section

Disturbance to Public Order and Peace

Paragraph 1

Organization of Marches, Demonstrations, or Rallies

Article 256

Original provision - English reference

Any person who without prior notice to the competent authority organizes a march, rally, or demonstration on a public road or public place which results in disruption of public interest, causing disturbance, or riot in the community, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 256

What is meant by "disruption of public interest" is the non-functioning or inaccessibility of public services due to damage arising from a march, rally, or demonstration.

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Paragraph 2

Entering the House and Grounds of Another

Article 257

Original provision - English reference

(1) Any person who unlawfully forces his way into a house, an enclosed room or an enclosed yard used by another person or who, being unlawfully present therein, does not immediately leave the premises at the request of the rightful person or his agent, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

(2) Deemed to force Entry as referred to in paragraph (1),

Any person who enters by way of, damaging, or climbing over, using false keys, false orders, or false official clothes, or who without prior knowledge of the rightful party and not by mistake enters and is found in the place at night.

(3) If Every Person as referred to in paragraph (1) and paragraph (2) issues a threat or uses means that can be frightening, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

(4) In the event that the Criminal Offenses as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons jointly and severally, the punishment may be increased by 1/ 3 (one third).

Elucidation - Article 257

Paragraph (1)

What is meant by "forced entry" is entry against the expressed will of the person entitled. An entitled person is a person who has the power to obstruct or prohibit Entry or being in the place.

"House" includes a boat or vehicle used as a dwelling place.

"enclosed room" means a room which may only be entered by certain persons and not by the public.

What is meant by "enclosed yard" is a yard which obviously has a boundary such as a fence around the yard.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Paragraph 3 Tapping

Article 258

Original provision - English reference

(1) Any Person who unlawfully listens to, records, deflects, alters, obstructs, and/or records the transmission of Electronic Information and/or Electronic Documents that are not public in nature, either using wired communication networks or wireless networks, shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VI.

(2) Any person who broadcasts or disseminates the results of the conversation or recording as referred to in paragraph (1), shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VI.

(3) The provisions as referred to in paragraph (1) shall not apply to any Person who implements the provisions of laws and regulations or carries out an official order as referred to in Article 31 and Article 32.

Elucidation - Article 258

Paragraph (1)

This provision aims to protect the interests of the speaker against persons who unlawfully listen to or record the conversation. The inclusion of the unlawful element in this provision is intended to avoid that acts that should not be punished are subject to the provisions of this article, for example, if:

a. the technical aid is installed by the occupant of the house or room concerned and causes the conversation within the room to be overheard or recorded unintentionally;

b. the conversation takes place over a radio telephone and is inadvertently received by a person through his radio telephone receiver; or

c. a telephone conversation is overheard on the order of an authorized telephone employee or in connection with monitoring the proper working of the telephone network.

Paragraph (2)

Included in this provision are exemptions for listening to or recording conversations conducted for purposes in accordance with the provisions of laws and regulations.

Paragraph (3)

Self-explanatory.

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Article 259

Original provision - English reference

shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category VI, every Person who:

a. uses an opportunity obtained by deceit or unlawfully records an image of a person or more inside a house or room that is not open to the public by using technical aids to the detriment of the legal interests of that person;

b. possessing an image that is known or reasonably suspected to have been obtained through the act referred to in letter a; or

c. broadcasting or disseminating images as referred to in letter b by using means of information technology.

Elucidation - Article 259

Self-explanatory.

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Paragraph 4

Forcing to Enter a Government Office

Article 260

Original provision - English reference

(1) Any person who unlawfully forces his way into a government office serving the public interest or who unlawfully stays therein and upon the request of the authorized official does not immediately leave the premises, shall be liable to imprisonment for a maximum of 1 (one) year and 3 (three) months or a maximum fine of category II.

(2) Every person who enters the premises by breaking, climbing, or using false keys, false orders, false official clothes, or who, without the prior knowledge of the authorized official and not by mistake, enters and is found inside the premises during the night, shall be deemed to have forced entry as referred to in paragraph (1).

(3) If Every Person as referred to in paragraph (1) and paragraph (2) issues a threat or uses means that can be frightening, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

(4) In the event that the Criminal Offenses as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons jointly and severally, the punishment may be increased by 1/ 3 (one third).

Elucidation - Article 260

Paragraph (1)

What is meant by "government offices serving the public interest" include police stations, prosecutor's offices, court offices, tax offices, pass offices, government hospitals, Governor/Regent/Mayor's offices, and village offices.

What is meant by "authorized official" is an official who is given power over the entire office or an employee who is solely tasked with maintaining order in the office.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Paragraph 5

Participation in an Organization with the Purpose of Committing a Criminal Offence

Article 261

Original provision - English reference

(1) Every person who joins an organization with the purpose of committing a criminal offence or an organization prohibited under the Law or a court decision that has obtained permanent legal force, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(2) The founder or management of the organization as referred to in paragraph (1) the punishment may be increased by 1/3 (one-third).

Elucidation - Article 261

Paragraph (1)

What is meant by "joining" does not mean that one must have actively committed an act prohibited under the provisions of laws and regulations. Merely becoming a member of the organization referred to in this provision is already punishable.

Paragraph (2)

Self-explanatory.

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Paragraph 6

Committing Violence against Persons or Goods Jointly in Public

Article 262

Original provision - English reference

(1) Any person who openly or in public and with joint force commits violence against persons or property, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(2) If the Violence as referred to in paragraph (1) results in the destruction of Property or results in Injury, shall be liable to imprisonment of 7 (seven) years or a maximum fine of category IV.

(3) If the Violence as referred to in paragraph (1) results in Serious Injury, shall be liable to imprisonment of 9 (nine) years.

(4) If the Violence as referred to in paragraph (1) results in the death of a person, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(5) Every person as referred to in paragraph (1) and paragraph (2) may be sentenced to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.

Elucidation - Article 262

Self-explanatory.

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Paragraph 7

Broadcasting or Dissemination of False News or Notification

Article 263

Original provision - English reference

(1) Every person who broadcasts or disseminates news or notification, knowing that such news or notification is false, which causes unrest in the community, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

(2) Any person who broadcasts or disseminates news or notification when it is reasonably suspected that such news or notification is false which may result in a riot in the community, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 263

Self-explanatory.

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Article 264

Original provision - English reference

Any person who broadcasts news that is uncertain, exaggerated, or incomplete while he knows or reasonably suspects that such news may cause unrest in the community, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 264

Self-explanatory.

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Paragraph 8

Disturbance of Environmental Order and Public Meetings

Article 265

Original provision - English reference

Punishable with a maximum fine of category II shall be every person who disturbs the neighborhood peace by:

a. making frenetic or noisy neighbors at Night; or

b. making false calls or signs of danger.

Elucidation - Article 265

Letter a

Self-explanatory.

Letter b

What is meant by "false signs of danger" is, for example, people shouting that there is a fire when there is no fire, or beating a bell to signal a murder or theft when there is no murder or theft.

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Article 266

Original provision - English reference

Any person who causes disorder so as to disturb a lawful public meeting, shall be punished by a maximum fine of category II.

Elucidation - Article 266

Self-explanatory.

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Article 267

Original provision - English reference

Any person who with violence or threat of violence obstructs or disperses a lawful public meeting shall be liable to imprisonment of not more than 1 (one) year or a maximum fine of category II.

Elucidation - Article 267

Self-explanatory.

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Paragraph 9

Interference with Funerals and Corpses

Article 268

Original provision - English reference

Any person who obstructs, hinders, or interferes with the entrance to a funeral, the transportation of a corpse to a funeral, or the funeral ceremony of a corpse, shall be punished by a maximum fine of category II.

Elucidation - Article 268

Funeral ceremonies include ceremonies performed while the corpse is still at the funeral home, on the way to the cemetery, and at the place of burial.

What is meant by "funeral" includes a series of traditional or religious ceremonies.

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Article 269

Original provision - English reference

Any person who desecrates or unlawfully damages or destroys a grave or the signs on a grave, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 269

What is meant by "desecrating" is, for example, using a grave as a place to bury the dead.

What is meant by "tomb" is the pit or space where a corpse with or without a coffin is buried, including the ground covering it and any signs thereon in any form.

"Signs on the grave" means, for example, a gravestone, a cross, or a pile of stones placed on the grave.

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Article 270

Original provision - English reference

Any person who buries, hides, carries or removes a corpse in order to conceal its death or birth, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category II.

Elucidation - Article 270

This provision is intended to protect the corpse and goods that are with the corpse in the grave.

What is meant by "corpse" is a person who is dead and has been buried, either still intact or not but most parts of his body organs are still complete.

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Article 271

Original provision - English reference

Any person who unlawfully digs up or dismantles a grave, takes, moves, or transports a corpse, and/or treats a corpse in an uncivilized manner, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 271

Self-explanatory.

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Fifth Section

Use of False Diplomas or Academic Degrees

Article 272

Original provision - English reference

(1) Every person who falsifies or makes false diplomas or certificates of competence and accompanying documents, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

(2) Any person who uses a fake diploma, certificate of competency, academic, professional, or vocational degree, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

(3) Every person who issues and/or provides fake diploma, certificate of competency, academic degree, profession, or vocational degree shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VI.

Elucidation - Article 272

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "academic degree" is a degree awarded by a tertiary institution through a formal level of education.

What is meant by "profession" is, for example, a doctor, pharmacist or notary.

Paragraph (3)

Self-explanatory.

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Sixth Section Licensing Crimes

Paragraph 1 Unlicensed Pawn

Article 273

Original provision - English reference

Any person who without a license lends money or goods in the form of pawn, sale and purchase with repurchase, or commission agreement as a means of livelihood, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 273

Self-explanatory.

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Paragraph 2 Organization of a Party or Crowd

Article 274

Original provision - English reference

(1) Any person who without a license organizes a party or public gathering on a public road or in a public place, shall be punished by a maximum fine of category II.

(2) Every person who commits the crime as referred to in paragraph (1) which results in the disruption of public interest, causing disturbance or riot in the community, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 274

Self-explanatory.

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Paragraph 3

Carrying out Work without a Permit or Exceeding Authority

Article 275

Original provision - English reference

Shall be punished with a maximum fine of category II, every person who:

a. without permit carries out work which according to according to the provisions of laws and regulations must have a license; or

b. exceeding the authority permitted in carrying out work according to the provisions of laws and regulations.

Elucidation - Article 275

Self-explanatory.

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Paragraph 4

Giving or Receiving Goods to and from Prisoners

Article 276

Original provision - English reference

Any person who without a license gives to or receives from a convict any Goods, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 276

What is meant by "without permission" is without permission from an authorized Officer, for example the Head of the Correctional Institution, the Head of the Detention Center, or a designated Officer.

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Seventh Section

Disturbance of Land, Seeds, Plants and Yards

Article 277

Original provision - English reference

Shall be punished by a maximum fine of category II, any person who:

a. walks or drives over seeding, planting, or prepared land belonging to another person; or

b. without right walks or drives on land where Entry is prohibited by the owner or where Entry is clearly prohibited.

Elucidation - Article 277

"Riding" means, for example, using a bicycle, motorcycle, or other means of transportation.

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CHAPTER VI

CRIMINAL OFFENSES AGAINST THE JUDICIAL PROCESS

Section One Misdirection of the judicial process

Article 278

Original provision - English reference

(1) Punishable for obstruction of justice with a maximum imprisonment of 6 (six) years or a maximum fine of category V, every person who:

a. falsifies, makes, or submits false evidence to be used in judicial proceedings;

b. directs a witness to give false testimony in a court session;

c. alters, damages, hides, removes, or destroys evidence;

d. alters, damages, conceals, removes, or destroys items, tools, or means used to commit a criminal offense or become the object of a criminal offense, or the results of which can be physical evidence of the commission of a criminal offense, or withdraws them from an examination conducted by an authorized official after a criminal offense has occurred; or

e. presenting oneself as the perpetrator of a Criminal Offense, so that the person concerned undergoes a criminal justice process.

(2) In the event that the Criminal Offense as referred to in paragraph (1) is committed:

a. during the judicial process, shall be liable to imprisonment for a maximum of 7 (seven) years and 6 (six) months or a maximum fine of category VI; and

b. by law enforcement officers or court officials, shall be liable to imprisonment for a maximum of 9 (nine) years or a maximum fine of category VI.

(3) If the act as referred to in paragraph (2) results in a person:

a. who should be guilty, is declared innocent;

b. who should be innocent, is found guilty; or

c. is subject to an article that is lighter or more severe than it should be, the punishment may be increased by 1/3 (one-third) of the punishment as referred to in paragraph (2).

Elucidation - Article 278

Paragraph (1)

The criminal offense provided for in this provision shall be committed before the examination process in court takes place.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Part Two

Interfering with and Obstructing the Judicial Process

Article 279

Original provision - English reference

(1) Any person who makes noise near the courtroom during the session and does not leave after being ordered to do so up to 3 (three) times by or on behalf of the authorized officer, shall be punished by a maximum fine of category I.

(2) Any person who makes noise in a court session and does not leave after having been ordered up to 3 (three) times by or on behalf of the judge, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 279

Self-explanatory.

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Article 280

Original provision - English reference

(1) Shall be punished by a maximum fine of category II, any person who during a court session

a. does not comply with a court order issued in the interest of the judicial process;

b. is disrespectful towards law enforcement officers, court officials, or court proceedings even though he/she has been warned by the judge;

c. attacks the integrity of law enforcement officers, court officials, or proceedings in a court session; or

d. without the permission of the court publicizes the proceedings live.

(2) Criminal offenses as referred to in paragraph (1) letter b or letter c may only be prosecuted based on a complaint.

(3) The complaint as referred to in paragraph (1) may be made in writing by the judge.

Elucidation - Article 280

Paragraph (1)

Letter a

What is meant by "disobeying a court order issued for judicial proceedings" is doing things to oppose the order in a way that is not justified by law.

Letter b

What is meant by "behaving disrespectfully" is behaving, saying words, or issuing statements that demean the dignity of law enforcement officials, court officers, or court proceedings, or disobeying court rules.

Letter c

What is meant by "attacking integrity" includes accusing judges of being partial or dishonest.

Letter d

What is meant by "publicizing the trial process live" is live streaming.

This does not reduce the freedom of journalists or reporters to write news and publish it after a court hearing.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 281

Original provision - English reference

Any person who obstructs, intimidates, or influences an Official who carries out the duties of investigation, prosecution, examination at a court hearing, or court decision with the intent to force or induce him to perform or not perform his duties shall be liable to imprisonment for a maximum of 7 (seven) years and 6 (six) months or a maximum fine of category VI.

Elucidation - Article 281

Self-explanatory.

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Article 282

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III, any person who:

a. hides a person who commits a criminal offense or a person who is prosecuted or sentenced; or

b. provides assistance to a person who commits a Criminal Offense to escape from investigation, prosecution, or execution of a criminal judgment by an authorized official.

(2) In the event that the Criminal Offense as referred to in paragraph (1) is a Criminal Offense punishable with 5 (five) years or more imprisonment, shall be liable to imprisonment for a maximum of 3 (three) years or a fine of category IV.

(3) The provision referred to in paragraph (1) shall not apply if the act is committed with the intention of avoiding prosecution against blood relatives or cousins in the straight line of the second degree or in the sideways line of the third degree, against the wife or husband, or against the former wife or husband.

Elucidation - Article 282

Self-explanatory.

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Article 283

Original provision - English reference

Any person who prevents, obstructs, or frustrates the examination of a corpse for judicial purposes, shall be liable to imprisonment for a maximum of

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

Elucidation - Article 283

What is meant by "examination of a corpse for judicial purposes" is an examination carried out by an expert to determine the cause of death for the purpose of a court hearing. This provision does not apply if the beliefs and convictions prohibit the examination of the body.

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Article 284

Original provision - English reference

Any person who releases or provides assistance when a person escapes from detention made by order of an authorized official or escapes from imprisonment or closure, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 284

"Authorized official" means an investigator, public prosecutor, or judge in accordance with the level of examination of the case concerned.

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Article 285

Original provision - English reference

Any person who unlawfully fails to appear when summoned as a witness, expert, or interpreter, or fails to fulfill an obligation that must be fulfilled in accordance with the provisions of laws and regulations, shall be punished by:

a. imprisonment of 9 (nine) months or a maximum fine of category II, for criminal cases; or

b. imprisonment of 6 (six) months or a maximum fine of category II, in other cases.

Elucidation - Article 285

What is meant by "witness, expert, or interpreter" is in accordance with the provisions in the applicable procedural law.

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Article 286

Original provision - English reference

Any person who has been adjudged bankrupt or declared in a state of inability to pay debts, or being the wife or husband of a bankrupt person in a marriage with an asset union, or being the manager or commissioner of a civil partnership, association, or foundation which has been adjudged bankrupt, who fails to appear after being legally summoned in accordance with statutory regulations to provide information, or refuses to provide the requested information, or provides incorrect information, shall be liable to imprisonment for a maximum of 1 (one) year and 3 (three) months or a maximum fine of category III.

Elucidation - Article 286

Self-explanatory.

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Article 287

Original provision - English reference

Any person who does not comply with the order of an authorized official in judicial proceedings to hand over a document which is presumed to be false or forged or which must be used for comparison with another document which is presumed to be false or forged or the truth of which is denied or not recognized, shall be punished by:

a. imprisonment of 9 (nine) months or a maximum fine of category II, for criminal cases; or

b. imprisonment of 6 (six) months or a maximum fine of category II, in other cases.

Elucidation - Article 287

In this provision, failure to comply with the order of an authorized Officer to hand over a Letter deemed to be forged or falsified, while the Letter is required in a judicial process for evidentiary purposes, whether in a criminal case or a civil case, shall be considered as an act that interferes with the administration of justice.

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Article 288

Original provision - English reference

Any person who, without valid reasons, does not appear or, where permitted, does not cause his representative to appear, when summoned before the court to be heard as blood relative or next of kin, husband or wife, guardian or conservator, guardian or conservator in the case of a person to be placed or already placed under guardianship or in the case of a person to be committed or already committed to a lunatic asylum, shall be punished by a maximum fine of category II.

Elucidation - Article 288

Self-explanatory.

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Article 289

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V, any person who:

a. withdraws Goods confiscated under laws and regulations or entrusted by court order or conceals Goods, knowing that such Goods are in confiscation or entrustment; or

b. damages, destroys, or renders useless any Goods confiscated under the provisions of laws and regulations.

(2) The custodian of the Goods who commits, allows to be committed, or assists in committing the act as referred to in paragraph (1), shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(3) If the act as referred to in paragraph (2) occurs due to the negligence of the storekeeper, he shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 289

Paragraph (1)

Letter a

All unlawful acts against the Goods seized in accordance with the provisions of laws and regulations shall be considered as an attempt to frustrate the pursuit of justice.

What is meant by "withdrawing the Goods" includes the act of selling, using, transferring.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 290

Original provision - English reference

Any person who unlawfully sells, rents, owns, pawns, or uses confiscated objects not for the benefit of the judicial process, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 290

Self-explanatory.

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Article 291

Original provision - English reference

(1) Any person who, pursuant to the provisions of laws and regulations, is required to give testimony under oath or such testimony gives rise to legal consequences, gives false testimony under oath, either orally or in writing, either by himself or by his attorney specially appointed for that purpose given in the examination of a case in a judicial proceeding, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the act as referred to in paragraph (1) is detrimental to the suspect, the accused or the opposing party, the punishment may be increased by 1/3 (one third).

Elucidation - Article 291

Self-explanatory.

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Article 292

Original provision - English reference

(1) Any person who reveals the identity of the reporter, witness, or Victim or any other matter which gives the possibility that such identity may be known, even though he has been informed that such identity must be kept secret, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) The provision referred to in paragraph (1) shall only apply if the requirement to keep the identity of the reporter, witness, or Victim confidential is expressly mentioned in the Law.

Elucidation - Article 292

What is meant by "reporter" is a person who provides report, information, or statement to law enforcers regarding a criminal offense that will, is, or has occurred.

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Third Part

Destruction of Building, Courtroom, and Court Equipment

Article 293

Original provision - English reference

(1) Any person who damages a courthouse, courtroom, or court session equipment which results in the judge being unable to hold a court session, shall be liable to imprisonment for a maximum of 4 (four) years.

(2) If the crime as referred to in paragraph (1) is committed during an ongoing court session which causes the court session to be unable to continue, he shall be liable to imprisonment for a maximum of 5 (five) years.

(3) If the Criminal Offense referred to in paragraph (1) causes Serious Injury to a law enforcement officer performing official duties or to a witness giving testimony, the offender shall be liable to imprisonment for a maximum of twelve years.

(4) If the criminal offense as referred to in paragraph (1) results in the death of a law enforcement officer who is carrying out his/her duties or a witness while giving his/her statement, he/she shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 293

Self-explanatory.

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Fourth Part Protection of Witnesses and Victims

Article 294

Original provision - English reference

Any person who directly uses Violence against any of the following shall be liable to imprisonment for a maximum of seven years:

a. witness when giving his/her statement; or

b. law enforcement officer or court officer who is performing his/her duty which results in the witness being unable to provide his/her statement.

Elucidation - Article 294

What is meant by "witness" is a witness in all judicial circles and the Constitutional Court.

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Article 295

Original provision - English reference

(1) Any person who does any of the following shall be liable to imprisonment for at least one year and no more than five years and to a fine of at least Category II and no more than Category V:

a. uses Violence, Threat of Violence, or other means against a witness and/or Victim so that he/she is unable to provide testimony in a judicial process; or

b. influences an authorized official which results in the witness and/or Victim not obtaining protection in accordance with the provisions of laws and regulations so that the witness and/or Victim cannot provide testimony in the judicial process.

(2) If the Criminal Offense referred to in paragraph (1)(a) causes Serious Injury to the witness and/or Victim, the offender shall be liable to imprisonment for at least two years and no more than seven years and to a fine of at least Category III and no more than Category V.

(3) If the Criminal Offense referred to in paragraph (1)(a) causes the death of the witness and/or Victim, the offender shall be liable to imprisonment for at least three years and no more than twelve years and to a fine of at least Category V and no more than Category VII.

Elucidation - Article 295

Self-explanatory.

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Article 296

Original provision - English reference

Any person who obstructs a witness and/or Victim and thereby prevents that person from obtaining protection or exercising a right shall be liable to imprisonment for at least two years and no more than seven years and to a fine of at least Category III and no more than Category V.

Elucidation - Article 296

Self-explanatory.

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Article 297

Original provision - English reference

Any person who causes a witness, a Victim, and/or a member of that person's family to lose employment because the witness and/or Victim gave truthful testimony in judicial proceedings shall be liable to imprisonment for at least two years and no more than seven years and to a fine of at least Category III and no more than Category V.

Elucidation - Article 297

What is meant by "loss of employment" includes dismissal or demotion.

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Article 298

Original provision - English reference

A Public Official who fails to fulfill the rights of a witness and/or Victim after that person has given truthful testimony in judicial proceedings shall be liable to imprisonment for a maximum of three years or to a Category IV maximum fine.

Elucidation - Article 298

Self-explanatory.

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Article 299

Original provision - English reference

Any person who unlawfully discloses the location of a witness and/or Victim being protected in a temporary or new residence shall be liable to imprisonment for at least two years and no more than seven years and to a fine of at least Category III and no more than Category V.

Elucidation - Article 299

Self-explanatory.

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CHAPTER VII

CRIMINAL OFFENSE AGAINST RELIGION, BELIEF AND RELIGIOUS LIFE OR BELIEF

Part One

Criminal Offenses against Religion and Belief

Article 300

Original provision - English reference

Every person in public who:

a. commits an act that is hostile in nature;

b. expresses hatred or hostility; or

c. incites to commit hostility, violence, or discrimination,

against religion, belief of another person, group, or group on the basis of religion or belief in Indonesia, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 300

Every act or written or oral statement made objectively, limited to one's own circle, or of a scientific nature concerning a religion or belief which is accompanied by an effort to avoid words or sentences of a hostile nature, expressions of hatred or hostility, or incitement to hostility, violence, discrimination or desecration shall not constitute a criminal offense under this article.

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Article 301

Original provision - English reference

(1) Any person who broadcasts, demonstrates, pastes a writing or a picture, or plays a recording, including disseminating through means of information technology, containing a criminal offense as referred to in Article 300, with the intention that the content of such writing, picture, or recording will be known or made known to the public, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(2) If Every Person as referred to in paragraph (1) commits such act in the exercise of his/her profession and at that time 2 (two) years have not passed since a verdict of conviction which has obtained permanent legal force for committing the same Criminal Offense, then he/she may be sentenced to additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 301

Self-explanatory.

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Article 302

Original provision - English reference

(1) Every person who publicly incites with the intent to cause a person to renounce a religion or belief adopted in Indonesia, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

(2) Every person who by Violence or Threat of Violence forces a person to become a non-religious person or to change religion or belief adopted in Indonesia, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 302

Paragraph (1)

This provision does not constitute a restriction for a person to convert to a religion or belief that exists in the Unitary State of the Republic of Indonesia.

Paragraph (2)

Self-explanatory.

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Second Part

Criminal Offenses against Religious Life or Belief and Facilities of Worship

Article 303

Original provision - English reference

(1) Every person who makes noise near a place of worship while the worship is in progress, shall be punished with a maximum fine of category I.

(2) Any person who with violence or threat of violence disturbs, obstructs, or disperses a religious or belief meeting, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

(3) Any person who by violence or threat of violence interferes with, obstructs or disperses the performance of religious or belief worship or ceremony, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category IV.

Elucidation - Article 303

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "religious meeting religious meeting" is activities activities related to religion or belief.

Paragraph (3)

What is meant by "religious ceremony" is a ceremony related to religion or belief.

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Article 304

Original provision - English reference

Any person who publicly insults a person who is performing or leading the performance of worship or religious ceremony or belief, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 304

A person or congregation who is carrying out or leading worship or an officer of religion or belief who is performing his duties must be respected. Therefore, the act of mocking or making fun of this should be punished because it violates the principle of living in a society that respects freedom of religion or belief and freedom to worship, in addition to causing clashes within and between community groups.

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Article 305

Original provision - English reference

(1) Any person who desecrates a building where worship or religious ceremonies or beliefs are held or an object used

for worship or religious ceremony or belief, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

(2) Any person who unlawfully damages or sets fire to a building of a place of worship or religious ceremony or belief or an object used for worship or religious ceremony or belief, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 305

In this provision, damaging or burning the building of a place of worship or objects used for worship is a despicable act, because it deeply hurts the hearts of the people concerned. Therefore, the perpetrator should be punished. To be punishable under the provisions of this Article, the act must be committed unlawfully. Destruction and arson must be committed unlawfully.

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CHAPTER VIII

CRIMINAL OFFENSES ENDANGERING PUBLIC SAFETY FOR PERSONS, HEALTH AND PROPERTY

Section One

Criminal Offenses Endangering Public Security

Paragraph 1

Criminal Offenses Concerning Firearms, Explosive Ammunition, and Other Weapons

Article 306

Original provision - English reference

Every person who without right imports into the territory of the Unitary State of the Republic of Indonesia, makes, receives, attempts to obtain, delivers or attempts to deliver, controls, carries, has in stock, possesses, stores, transports, conceals, uses, or removes from the territory of the Unitary State of the Republic of Indonesia firearms, ammunition, explosives, or other dangerous materials, tear gas, or rubber bullets, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 306

Self-explanatory.

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Article 307

Original provision - English reference

(1) Any person who without right imports into the territory of the Unitary State of the Republic of Indonesia, makes, receives, attempts to obtain, delivers or attempts to deliver, controls, carries, has in stock, possesses, stores, transports, conceals, uses, or removes from the territory of the Unitary State of the Republic of Indonesia a bludgeoning, stabbing, or piercing weapon, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) The provisions as referred to in paragraph (1), shall be exempted for striking, stabbing, or piercing weapons which are obviously used for agriculture, for household chores, for the purpose of doing work legally, or which obviously have the purpose as heirlooms or ancient goods.

Elucidation - Article 307

Self-explanatory.

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Paragraph 2

Causing Fires, Explosions and Floods

Article 308

Original provision - English reference

(1) Any person who commits an act that results in fire, explosion, or flooding so as to endanger public safety for persons or goods, shall be liable to 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, he shall be liable to 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 another person, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 308

Self-explanatory.

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Article 309

Original provision - English reference

Every person who commits conspiracy and preparation to commit the crime as referred to in Article 308 shall be punished.

Elucidation - Article 309

Self-explanatory.

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Article 310

Original provision - English reference

Any person who unlawfully damages, destroys or renders useless a structure for retaining water or a structure for channeling water resulting in flood danger, shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 310

What is meant by "building to retain water" is, for example, a dam or sluice gate.

"Structures for channeling water" means, for example, sewers, channels or canals that function to channel water.

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Article 311

Original provision - English reference

Any person who through negligence causes a fire, explosion or flood which results in general danger to the Goods, danger to the life of another person, or results in the death of a person, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 311

Self-explanatory.

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Paragraph 3

Obstructing Fire Fighting and Flood Management Work

Article 312

Original provision - English reference

Any person who, at the time of fire or imminent fire, hides or makes useless any fire extinguishing tool or device or in any way obstructs or hinders the work of fire fighting, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

Elucidation - Article 312

Self-explanatory.

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Article 313

Original provision - English reference

Any person who at the time of a flood or imminent flood conceals or makes useless materials for embankments or tools, frustrates efforts to repair embankments or other irrigation structures, or obstructs efforts to prevent or stem a flood, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

Elucidation - Article 313

Self-explanatory.

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Paragraph 4 Causing public danger

Article 314

Original provision - English reference

Any person who without the permission of the authorized official sets fire to his own property which may cause public danger, shall be punished by a maximum fine of category II.

Elucidation - Article 314

The burning of an immovable object, even if it is one's own, such as a house or a ship of a certain size which according to the Law is considered an immovable object, must always be done with the permission of an authorized official. The purpose is to prevent fires which may harm both the environment and the social function of the object.

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Article 315

Original provision - English reference

shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II, any person who:

a. lights a fire or without justification discharges a firearm on a public road or on the side of a public road, or in a place adjacent to buildings or goods which may result in fire hazard; or

b. releases a hot air balloon in which burning material is suspended.

Elucidation - Article 315

Self-explanatory.

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Article 316

Original provision - English reference

(1) Any person who being drunk in a public place disturbs the order or threatens the safety of others, shall be punished by a maximum fine of category II.

(2) Any person who in a state of intoxication performs work which must be performed with extreme caution or which may result in danger to the life or health of others, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 316

In a state of intoxication a person cannot fully control himself. Therefore, in such a state a person is prohibited from committing the acts referred to in this Article.

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Article 317

Original provision - English reference

Any person who unlawfully obstructs the freedom of movement of another person on a public road, or follows another person annoyingly, shall be punished by a maximum fine of category II.

Elucidation - Article 317

Self-explanatory.

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Paragraph 5

Without License to Make Explosives

Article 318

Original provision - English reference

Any person who, without the permission of an authorized official, manufactures medicine for explosives, rattlers, or cartridges for firearms, shall be punished by a maximum fine of category II.

Elucidation - Article 318

What is meant by "bully" is gunpowder in a firearm joint to detonate the bullet.

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Second Part

Crime of Destruction of Buildings

Paragraph 1 Electrical Buildings

Article 319

Original provision - English reference

Any person who unlawfully damages, destroys, or renders useless an Electrical Building or causes the function of such building to be impaired, or frustrates or complicates efforts to rescue or repair such building, shall be punished by:

a. imprisonment for a maximum period of 5 (five) years or a maximum fine of category V, if such act results in obstruction or difficulty in the flow of electricity for the public interest;

b. imprisonment for a term not exceeding 7 (seven) years, if such act results in public danger to persons or property;

c. imprisonment of 9 (nine) years, if the act results in serious injury; or

d. by a maximum imprisonment of 12 (twelve) years, if such act results in the death of a person.

Elucidation - Article 319

Self-explanatory.

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Article 320

Original provision - English reference

Any person who through his negligence causes damage, destruction or rendering useless of an Electrical Building, causes the operation or operation of such building to be interrupted, or makes unsuccessful or difficult efforts to maintain the safety or to repair such building, shall be punished by:

a. imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III, if the act results in obstruction or difficulty in conducting electricity for the public interest or causes general danger to persons or goods;

b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious injury; or

c. imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Elucidation - Article 320

Self-explanatory.

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Paragraph 2 Public Traffic Buildings

Article 321

Original provision - English reference

Any person who unlawfully damages, destroys or renders useless a building for public traffic, obstructs a public land or water road, or frustrates an attempt to maintain the safety of such building or road, shall be punished by:

a. imprisonment for a term not exceeding 7 (seven) years, if the act results in danger for the safety of traffic;

b. imprisonment of 9 (nine) years, if such act results in serious injury; or

c. by a maximum imprisonment of 12 (twelve) years, if such act results in the death of any person.

Elucidation - Article 321

Self-explanatory.

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Article 322

Original provision - English reference

Any person who through negligence causes a structure for public traffic to be damaged, destroyed or rendered useless, causes a public land or water road to be obstructed, or causes an attempt to secure such structure or road to fail, shall be punished with:

a. imprisonment for a term not exceeding 2 (two) years or a maximum fine of category III, if the act results in danger for the safety of traffic;

b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious injury; or

c. imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Elucidation - Article 322

Self-explanatory.

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Article 323

Original provision - English reference

(1) Any person who commits an act that causes danger to the public railroad traffic, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the crime as referred to in paragraph (1) results in serious injury, he shall be liable to 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, he shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 323

Paragraph (1)

What is meant by "danger" is danger to general railroad traffic. Therefore, trains which are specifically for transporting sugar cane to a factory owned by a plantation company are not included in the provisions of this article. Actions that are considered dangerous for general railroad traffic may take the form of putting up obstacles or removing nails from railroad sleepers so as to endanger trains passing over them.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 324

Original provision - English reference

(1) Any person who through his/her negligence causes danger to public railroad traffic, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) If the crime as referred to in paragraph (1) results in serious injury, he shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(3) If the crime as referred to in paragraph (1) results in the death of a person, a maximum imprisonment of 7 (seven) years or a maximum fine of category VI shall be imposed.

Elucidation - Article 324

Self-explanatory.

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Shipping Signs

Article 325

Original provision - English reference

Any person who unlawfully takes, moves, damages, or destroys a sign installed for the safety of navigation, obstructs the operation of such sign, or installs a wrong sign, shall be punished with:

a. imprisonment for a term not exceeding 7 (seven) years, if such act results in danger to the safety of navigation;

b. imprisonment of up to 9 (nine) years, if the act results in danger to the safety of navigation and causes the vessel to sink or strand;

c. imprisonment of not more than 12 (twelve) years, if the act results in serious injury to persons; or

d. by a maximum imprisonment of 15 (fifteen) years, if the act results in the death of a person.

Elucidation - Article 325

What is meant by "signs which installed for safety of navigation" are, for example, lighthouses, sea lanterns or buoys.

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Article 326

Original provision - English reference

Any person who through negligence causes a sign installed for the safety of navigation to be taken away, moved, damaged, destroyed, or the work of the sign to be obstructed, or an erroneous sign to be installed, shall be punished with:

a. imprisonment for a term not exceeding 2 (two) years or a maximum fine of category III, if the act results in danger to the navigation;

b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in the sinking or stranding of the vessel;

c. imprisonment of 5 (five) years or a maximum fine of category V, if the act results in serious injury to persons; or

d. imprisonment of 7 (seven) years or a maximum fine of category VI, if the act results in the death of a person.

Elucidation - Article 326

Self-explanatory.

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Paragraph 4 Destruction of Building

Article 327

Original provision - English reference

Any person who unlawfully damages, destroys or renders useless a building or other structure, shall be punished with:

a. imprisonment for a term not exceeding 9 (nine) years, if such act causes general danger to persons or property;

b. imprisonment of 12 (twelve) years, if the act results in serious injury; or

c. imprisonment of up to 15 (fifteen) years, if the act results in the death of a person.

Elucidation - Article 327

Self-explanatory.

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Article 328

Original provision - English reference

Any person through whose negligence a building or other structure is damaged, destroyed or rendered useless, shall be punished with:

a. imprisonment for a term not exceeding 2 (two) years or a maximum fine of category III, if such act results in general danger to persons or property;

b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious physical injury; or

c. imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Elucidation - Article 328

Self-explanatory.

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Third Part

Crime of Ship Destruction

Article 329

Original provision - English reference

Any person who unlawfully strands, damages, sinks, destroys or renders useless a Ship, shall be punished with:

a. imprisonment for a maximum period of 9 (nine) years, if such act causes general danger to persons or goods;

b. imprisonment of not more than 12 (twelve) years, if such act results in serious injury; or

c. shall be liable to imprisonment for a maximum of 15 (fifteen) years, if the act results in the death of a person.

Elucidation - Article 329

Self-explanatory.

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Article 330

Original provision - English reference

Any person who through his negligence causes a Ship to be stranded, damaged, sunk, destroyed or rendered useless, shall be punished with:

a. by a maximum imprisonment of 2 (two) years, if such act causes general danger to persons or property;

b. imprisonment of not more than 3 (three) years, if such act causes serious injury; or

c. imprisonment for a maximum period of 5 (five) years, if the act results in the death of a person.

Elucidation - Article 330

Self-explanatory.

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Fourth Section

Crime of Mischief against persons or property

Article 331

Original provision - English reference

Every person who in a public place commits mischief against persons or property that may cause danger, loss, or distress, shall be punished by a maximum fine of category II.

Elucidation - Article 331

What is meant by "delinquency" is, for example, scribbling on a wall on a public street.

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Fifth Part

Crime against Informatics and Electronics

Paragraph 1

Use and Destruction of Electronic Information

Article 332

Original provision - English reference

(1) Any Person who intentionally and without right or unlawfully accesses another Person's computer and/or electronic system by any means, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

(2) Any person who intentionally and without right or unlawfully accesses a computer and/or electronic system by any means with the purpose of obtaining electronic information and/or electronic documents, shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of Category V.

(3) Every person who intentionally and without right or unlawfully accesses a Computer and/or Electronic System in any way by violating, breaking through, exceeding, or penetrating the security system, shall be liable to imprisonment for a maximum of 8 (eight) years or a maximum fine of category VI.

Elucidation - Article 332

What is meant by "electronic system" is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate Electronic Information.

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Paragraph 2

Without Right to Use or Access Computer and Electronic System

Article 333

Original provision - English reference

shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category VI, every person who:

a. without right uses or accesses a computer or electronic system by any means, with the intention of obtaining, altering, damaging or eliminating information on national defense or international relations that may cause disruption or danger to the state or relations with a subject of international law;

b. without the right to perform acts that cause the transmission of state-protected programs, information, codes or commands of a computer or electronic system to be damaged;

c. without the right or exceeding his/her authority to use or access computers or electronic systems, either from within or outside the country to obtain information from computers or electronic systems protected by the state;

d. without the right to use or access computers or electronic systems belonging to the government;

e. without the right or exceeding his/her authority to use or access a computer or electronic system protected by the state, which results in the computer or electronic system being damaged;

f. without the right or exceeding his/her authority to use or access computers or electronic systems protected by the

society, resulting in the Computer or electronic system being damaged;

g. affecting or causing disruption to computers or electronic systems used by the government;

h. disseminate, trade, or utilize Access Codes or information similar to these, which can be used to break into a computer or electronic system with the intention of misusing a computer or electronic system used or protected by the government; or

i. committing acts in the context of international relations with the intention of damaging a Computer or other electronic system protected by the state and located within the jurisdiction of Indonesia and addressed to any person.

Elucidation - Article 333

Self-explanatory.

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Article 334

Original provision - English reference

shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VI, every person who:

a. without the right or exceeding his/her authority uses or accesses a computer or electronic system with the intention of obtaining profit or obtaining financial information from a central bank, banking institution or financial institution, issuer of credit cards, or payment cards or containing data of his/her customer statements;

b. without the right to use data or access in any way another person's credit card or payment card in an electronic transaction for profit;

c. without the right or exceeding his/her authority to use or access the Computer or electronic system of a central bank, banking institution or protected financial institution, with the intention of misusing it, or to benefit therefrom; or

d. disseminates, trades or utilizes Access Codes or information similar thereto which can be used to bypass a Computer or electronic system with intent to misuse the same and which may consequently affect the electronic systems of central banks, banking institutions or financial institutions, as well as domestic and foreign commerce.

Elucidation - Article 334

Self-explanatory.

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Article 335

Original provision - English reference

Any person who without the right to use or access a computer or electronic system in any way, with the intention of obtaining, altering, damaging, or removing information belonging to the government which because of its status must be kept secret or protected, shall be liable to imprisonment for a maximum of 12 (twelve) years or a maximum fine of category VII.

Elucidation - Article 335

Self-explanatory.

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Sixth Section

Crime of negligence, carelessness in keeping and mistreatment of animals

Article 336

Original provision - English reference

shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II, any person who:

a. harasses an animal so as to endanger people;

b. harasses an animal that is being ridden or an animal that is pulling a cart, carriage, or loaded with goods;

c. does not prevent an animal that is in his/her custody from attacking a person or animal;

d. not guard in a properly animal beasts which available in his custody; or

e. keeps dangerous wild animals without reporting to the authorized Officer.

Elucidation - Article 336

Letter a

What is meant by "disturbing the animal" is making the animal react in panic so as to cause the animal to be aggressive, causing anxiety, fear in the animal which can endanger humans, animals and Goods.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Self-explanatory.

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Article 337

Original provision - English reference

(1) Punishable for mistreatment of animals with imprisonment for a maximum period of 1 (one) year or a maximum fine of category II, any person who:

a. hurts or injures an animal or harms its health by exceeding the limit or without proper purpose; or

b. has sexual intercourse with an animal.

(2) If the act as referred to in paragraph (1) results in the animal being sick for more than 1 (one) week, disabled, seriously injured, or dead, shall be liable to imprisonment of not more than 1 (one) year and 6 (six) months or a maximum fine of category III.

(3) In the event that the animal as referred to in paragraph (1) belongs to the perpetrator of the crime, the animal may be confiscated and placed in a place suitable for animals.

Elucidation - Article 337

Self-explanatory.

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Article 338

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, any person who:

a. uses and utilizes an animal beyond its natural capacity which may damage the health, threaten the safety or cause the death of the animal;

b. provides materials or drugs that may endanger animal health; or

c. utilizes animal body parts or organs for improper purposes.

(2) Any person who applies 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 liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category IV.

Elucidation - Article 338

This provision is not intended to penalize acts committed for cultural/customary, religious, or belief activities.

Paragraph (1)

Letter a

What is meant by "natural ability" is the natural ability of animals.

Letter b

Self-explanatory.

Letter c

What is meant by "improper purposes" include, among others, other than for consumption, science, research and medical purposes.

Paragraph (2)

Self-explanatory.

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Seventh Section

Crime of Carelessness Endangering the Public

Article 339

Original provision - English reference

Shall be punished by a maximum fine of category II, any person who:

a. does not give sufficient light and does not put a customary sign on a pit or excavation or heap of excavated earth on a public road made by him or by his order, or on an object placed there by him or by his order;

b. fails to give a warning sign that there is a possibility of danger while performing the work referred to in point a;

c. puts or hangs Articles on a building, throws or discharges Articles outside the building in such a manner as to cause injury to persons using the public road;

d. allowing an animal to ride, to pull, to transport, or to leave an animal in his charge without taking the necessary precautions on a public road;

e. allowing Livestock under his/her custody to run at large on a public road without taking the necessary precautions; or

f. without the permission of the competent authority obstructs a public road on land or on water or obstructs traffic on such a place or creates an obstruction or hindrance by reason of the aimless use of a vehicle on such a place.

Elucidation - Article 339

This provision is intended to prevent danger or other disturbance to public traffic.

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Article 340

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III, any person who without the permission of the authorized official:

a. sets traps, snares, or other devices for catching or killing wild animals in a place where people pass, which may cause danger to people; or

b. hunts or carries firearms into a state forest.

(2) The animal shot or caught as referred to in paragraph (1) and the tools used to commit the crime may be forfeited to the state or forfeited for destruction.

Elucidation - Article 340

Self-explanatory.

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Article 341

Original provision - English reference

Any person who is obliged to take care of a child, leaves the child unattended, or leaves the child unattended so as to cause danger to the child or other persons, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 341

"child" means a child who is not yet 7 (seven) years old.

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Eighth Section

Acts Endangering Life or Health

Article 342

Original provision - English reference

(1) Any person who sells, delivers, offers for sale or distributes a substance which endangers life or health, knowing that such substance and the nature of the danger of such substance have not been disclosed to the purchaser or the person acquiring it, shall be liable to imprisonment for a maximum of 10 (ten) years.

(2) If the act as referred to in paragraph (1) results in the death of a person, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(3) Hazardous materials as referred to in paragraph (1) and paragraph (2) may be forfeited to the state.

Elucidation - Article 342

Paragraph (1)

What is meant by "ingredients" is not only foodstuffs, but also includes cosmetics, household cleaners, and so forth.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 343

Original provision - English reference

(1) Any person who, through negligence, causes a material which endangers health or life to be sold, delivered, offered or distributed without the purchaser or the person acquiring it being aware of the hazardous nature of such material, shall be liable to imprisonment for a maximum of 2 (two) years 6 (six) months or a maximum fine of category III.

(2) In the event that the act as referred to in paragraph (1) results in the death of a person, a maximum imprisonment of 5 (five) years or a maximum fine of category V shall be imposed.

(3) Hazardous materials as referred to in paragraph (1) and paragraph (2) may be forfeited to the state.

Elucidation - Article 343

Self-explanatory.

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Article 344

Original provision - English reference

Any person who sells, offers for sale, delivers, distributes, or has in stock for sale or distribution food or beverages that are counterfeit or spoiled, or animal milk that is diseased or that may be detrimental to health, or animal meat that has been slaughtered because of illness or death not caused by slaughter, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 344

This provision aims to prevent the circulation of food or beverages that may damage health.

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Ninth Section

Crime of Sale and Purchase of Human Organs, Tissues and Blood

Article 345

Original provision - English reference

Any person who for any reason buys and sells:

a. human organs or tissues, shall be liable to imprisonment of 7 (seven) years or a maximum fine of category VI; or

b. human blood, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 345

Self-explanatory.

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Article 346

Original provision - English reference

(1) Any person who commits commercialization in the implementation of transplantation of human organs or human tissues or transfusion of human blood, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum 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.

Elucidation - Article 346

Self-explanatory.

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CHAPTER IX

CRIMINAL OFFENSE AGAINST GOVERNMENTAL AUTHORITY

Section One

Criminal Offenses against Officials

Paragraph 1 Coercion of an Official

Article 347

Original provision - English reference

Any person who by violence or threat of violence forces an official to do or not to do an act in his lawful position, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 347

What is meant by "forcing" is exerting pressure on a person to do or not to do something which would not have been done without the pressure.

What is meant by "performing an act in office" is an act performed by a person who is on duty in accordance with the official duties delegated to him in accordance with the provisions of laws and regulations.

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Article 348

Original provision - English reference

Any person who by means of violence or threat of violence resists an official who is performing a lawful duty, or a person who is obliged by virtue of a provision of laws and regulations or by virtue of a lawful order of an official, shall, being guilty of resisting an official, be punished by a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Elucidation - Article 348

The resistance referred to in this provision shall not only be directed against a public servant who is performing a lawful duty, but also against a person who assists him, even if he is not a public servant.

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Article 349

Original provision - English reference

Any person who commits the crime as referred to in Article 347 and Article 348, shall be punished with:

a. imprisonment of up to 5 (five) years or a maximum fine of category V, if the act results in an injury;

b. imprisonment of 7 (seven) years or a maximum fine of category VI, if the act results in serious physical injury; or

c. maximum imprisonment of 10 (ten) years, if the act results in death.

Elucidation - Article 349

Self-explanatory.

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Article 350

Original provision - English reference

In the event that the Criminal Offenses as referred to in Article 347 are committed jointly and severally, the punishment may be increased by 1/ 3 (one third).

Elucidation - Article 350

Self-explanatory.

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Paragraph 2

Disregard of an Order of an Authorized Officer

Article 351

Original provision - English reference

Any person who disregards an order or instruction of an authorized official given to prevent accidents and to avoid congestion of public traffic during a party, parade, or other such gathering, shall be punished by a maximum fine of category II.

Elucidation - Article 351

What is meant by "crowd" is, for example, a rally or demonstration.

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Article 352

Original provision - English reference

Any person who disregards the order or request of an authorized official who is assigned under a statutory provision to supervise something or who is assigned or authorized to investigate or examine a criminal act, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

Elucidation - Article 352

Self-explanatory.

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Article 353

Original provision - English reference

Any person who prevents, obstructs or frustrates an action taken by an authorized official to implement a statutory provision, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

Elucidation - Article 353

What is meant by "prevent" is to try to prevent the authorized Official concerned from acting.

What meant by "obstruct" is if Official has acted and is prevented from doing so.

What is meant by "frustrate" is to nullify the result of an action which has been taken by the authorized Officer concerned.

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Article 354

Original provision - English reference

Any person who assembles in a crowd or group which may cause disorder and does not leave after having been ordered up to 3 (three) times by an authorized official or on his behalf, shall be punished by a maximum fine of category II.

Elucidation - Article 354

Self-explanatory.

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Article 355

Original provision - English reference

Any person who makes use of a right, knowing that it has been revoked by virtue of a court decision, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

Elucidation - Article 355

Self-explanatory.

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Article 356

Original provision - English reference

Any person who, being summoned before the Balai Harta Peninggalan or at the request of the Balai Harta Peninggalan or before the competent official without valid reasons, does not appear or, if permitted, does not request his representative to appear in the case of a person who is to be placed or who has been placed under guardianship, shall be punished by a maximum fine of category II.

Elucidation - Article 356

The criminal offense in this provision is the neglect of the obligation of every person to assist in the achievement of justice, particularly in relation to guardianship and guardianship.

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Article 357

Original provision - English reference

Any person who, summoned before an authorized official without valid reasons, does not appear or, if permitted, does not request his representative to appear in the case of a minor, shall be punished by a maximum fine of category II.

Elucidation - Article 357

Self-explanatory.

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Article 358

Original provision - English reference

(1) Any person who, when there is danger for the public security of persons or property or when a person is caught red-handed committing a crime, refuses to render assistance requested by an authorized official, whereas such assistance can be rendered without direct danger to himself, shall be punished by a maximum fine of category II.

(2) The criminal provision as referred to in paragraph (1) shall not apply to a person who refuses to give assistance when a person is caught red-handed committing a Criminal Offense because he/she wants to avoid the danger of prosecution, is a blood relative or a cousin in the straight line or second or third degree of straight line to the side or from his/her husband or wife, or former husband or wife.

Elucidation - Article 358

Paragraph (1)

This provision refers to the obligation of every person to assist an authorized official in the performance of his/her duties in accordance with the provisions of laws and regulations, such as when there is a danger to public security or when a person is caught red-handed committing a criminal act, and so on. Therefore, the act of not assisting when the act will not harm him/her is reprehensible.

Paragraph (2)

Self-explanatory.

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Paragraph 3

Waiver of Compulsory State Defense

Article 359

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II, every person who:

a. makes himself or asks another person to make himself incapable of fulfilling the obligation of state defense as referred to in the Law; or

b. at the request of another person makes the other person unable to fulfill the obligation of state defense in accordance with the provisions stipulated in the Act.

(2) If the act as referred to in paragraph (1) letter b results in death, the person shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 359

Self-explanatory.

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Paragraph 4 Destruction of State Edicts

Article 360

Original provision - English reference

Any person who unlawfully tears off, makes unreadable, or damages an edict announced on behalf of an authorized official 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 the edict, shall be punished with a maximum fine of category II.

Elucidation - Article 360

What is meant by "edict" is an announcement issued by an authorized Officer.

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False Report or Complaint

Article 361

Original provision - English reference

Any person who reports or complains to an authorized official that a criminal offence has been committed, knowing that such criminal offence has not been committed, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 361

This provision constitutes a criminal offense known as false reporting or complaint. What is reported or complained about is the occurrence of a criminal offense, not an act that does not constitute a criminal offense.

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Paragraph 6

Use of Ranks, Titles, and Regalia

Article 362

Original provision - English reference

Any person who unlawfully wears a rank to which he is not entitled, performs an official act which he does not hold, or performs an official act which is temporarily terminated for him, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 362

In this provision, the act of holding an office or wearing a mark of rank means the act of holding an office or mark of rank, whether civilian or military.

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Article 363

Original provision - English reference

Any person who unlawfully wears a regalia related to a rank, office, or title to which he is not entitled, shall be punished by a maximum fine of category II.

Elucidation - Article 363

What is meant by "regalia" is that which is related to rank or office in the public authorities, both civilian and military.

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Paragraph 7

Destruction of Documentary Evidence for the Interest of Public Office

Article 364

Original provision - English reference

(1) Any person who unlawfully breaks, nullifies or damages seals placed on Articles to be sealed by or on behalf of an authorized Officer or otherwise frustrates the closing of seals of Articles to be sealed, shall be liable to imprisonment for a maximum of 2 (two) years 6 (six) months or a maximum fine of category III.

(2) The custodian of the sealed Goods who commits, allows to be committed, or assists in committing the act referred to in paragraph (1), shall be liable to imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum fine of category IV.

(3) If the act as referred to in paragraph (2) occurs due to negligence, he shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 364

Self-explanatory.

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Article 365

Original provision - English reference

shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V, any person who damages, destroys, renders useless, or removes:

a. An authorized official; or

b. deed, letter or register which is permanently or temporarily kept by order of an authorized official or which is handed over to an official or to another person for the benefit of a public office.

Elucidation - Article 365

Self-explanatory.

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Article 366

Original provision - English reference

Any person who unlawfully does anything so that a Letter or Goods does not reach the address, opens or damages a Letter or other Goods which has been delivered to the postal operator, has been put into a post box, or has been handed over to a Mail carrier, shall be liable to imprisonment for a maximum of 1 (one) year.

9 (nine) months or a maximum fine of category III.

Elucidation - Article 366

This provision is intended to protect the implementation of postal activities that are authorized in accordance with the provisions of laws and regulations.

"Letter" means, for example, a postcard, postal note, printed letter or telegram.

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Article 367

Original provision - English reference

Every person who commits the acts as referred to in Article 289 and Articles 364 through 366, enters the place where the crime has been committed or is able to reach the said object by means of breaking, damaging, climbing, using false keys, based on false orders or because of wearing false official clothes, shall be liable to imprisonment for a maximum of 2 (two) times the imposed penalty.

Elucidation - Article 367

Self-explanatory.

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Second Part

Promotion of Desertion, Rebellion and Insubordination of the Indonesian National Army

Article 368

Original provision - English reference

Any person who in peacetime, by one of the means referred to in Article 20 letter b encourages a member of the Indonesian National Army who is in active service to escape or by one of the means referred to in Article 21 paragraph (1) facilitates escape, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

Elucidation - Article 368

Self-explanatory.

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Article 369

Original provision - English reference

Any person who in time of peace, by one of the means referred to in Article 20 letter b, advocates a riot or mutiny among the Indonesian National Army, or by one of the means referred to in Article 21 paragraph (1) facilitates a riot or mutiny, shall be liable to imprisonment for a maximum of 6 (six) years and 6 (six) months or a maximum fine of category V.

Elucidation - Article 369

Self-explanatory.

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Third Part Misuse of Livestock Transportation Document

Article 370

Original provision - English reference

Any person who in the transportation of Livestock required to use a road certificate uses a road certificate issued for other Livestock, shall be punished by a maximum fine of category II.

Elucidation - Article 370

In this provision, transporting Livestock from one place to another, in accordance with the provisions of laws and regulations, is required to use a road letter issued by an authorized officer. This is intended to prevent the transport of stolen Livestock, diseased Livestock, or to prevent the spread of disease to other Livestock or to humans who consume the meat of such Livestock.

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Crime of Irrigation

Article 371

Original provision - English reference

Any person who violates a regulation stipulated by the competent authority and which has been announced concerning the use and distribution of water from irrigation works or irrigation works for the benefit of the public, shall be punished by a maximum fine of category II.

Elucidation - Article 371

Self-explanatory.

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Fifth Section

Unauthorized Duplication of Official State Papers

Article 372

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II, any person who without the permission of the authorized official:

a. makes a copy of or takes extracts from an official Letter of the state or a government body, which should be kept secret;

b. publishes all or part of the Letter as referred to in letter a; or

c. publishes information contained in the Letter as referred to in letter a, when it is known or reasonably suspected that such information should be kept secret.

(2) The criminal offense as referred to in paragraph (1) shall not be punishable, if the order to keep confidential is given for other reasons that are not in the interest of the service or the public interest.

Elucidation - Article 372

Paragraph (1)

Letter a

What is meant by "excerpts from an official State letter" includes copying, quoting the contents of the letter in part or in whole.

What is meant by "making copies" includes photocopying and so on in accordance with technological advances.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

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CHAPTERX

CRIMINAL OFFENSE OF FALSE STATEMENT UNDER OATH

Article 373

Original provision - English reference

(1) Any person who, pursuant to the provisions of laws and regulations, is required to give testimony under oath or such testimony has legal consequences, gives false testimony under oath, either orally or in writing, either by himself or by his attorney specifically appointed thereto, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) Equal to an oath as referred to in paragraph (1) is a promise or a corroborating statement required under the provisions of laws and regulations or which is a substitute for an oath.

(3) Every person as referred to in paragraph (1) may be sentenced to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Elucidation - Article 373

Paragraph (1)

The untruth of the false statement referred to in this provision must be known by the person giving the statement.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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CHAPTER XI

CRIMINAL OFFENSE OF COUNTERFEITING CURRENCY AND BANKNOTES

Article 374

Original provision - English reference

Any person who counterfeits currency or banknotes issued by the state, with intent to circulate or demand to circulate them as genuine and unfalsified, shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VII.

Elucidation - Article 374

In this provision, money that is counterfeited or imitated is not only Indonesian currency or banknotes, but also money of foreign countries. This is based on the International Convention on Counterfeit Money of 1929, which Indonesia ratified by Law Number 6 of 1981 on the Ratification of the International Convention for the Suppression of Counterfeiting Currency and its Protocol (Geneva, 1929).

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Article 375

Original provision - English reference

(1) Any person who physically stores in any manner what he/she knows to be counterfeit currency as referred to in Article 374, shall be liable to imprisonment for a maximum of 10 (ten) years and a maximum fine of category VII.

(2) Any person who distributes and/or spends currency which he/she knows to be counterfeit as referred to in Article 374, shall be liable to imprisonment for a maximum of 15 (fifteen) years and a maximum 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 liable to imprisonment for a maximum of 15 (fifteen) years and a maximum fine of category VIII.

Elucidation - Article 375

Self-explanatory.

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Article 376

Original provision - English reference

Any person who reduces the value of currency with intent to circulate or request to circulate currency which has been reduced in value shall, being guilty of currency tampering, be punished by a maximum imprisonment of 7 (seven) years or a maximum fine of category VI.

Elucidation - Article 376

What is meant by "reducing the value of currency" is, for example, by filing gold currency or silver currency.

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Article 377

Original provision - English reference

shall be liable to imprisonment for a maximum of 10 (ten) years or a maximum fine of category VI, any person who:

a. circulate currency of reduced value or circulate currency which at the time of receipt is known to be damaged as undamaged currency; or

b. keeping, importing into the territory of the Unitary State of the Republic of Indonesia the currency referred to in letter a, with intent to circulate or request to circulate as undamaged currency.

Elucidation - Article 377

Letter a

Under this provision, a person who distributes counterfeit money without knowing about its falsity shall not be punished.

Letter b

Self-explanatory.

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Article 378

Original provision - English reference

Any person who receives currency or banknotes issued by the state which is later discovered not to be genuine, forged or mutilated, but continues to circulate them, except as provided for in Article 375 and Article 377, shall be liable to imprisonment for a maximum of 9 (nine) months or a maximum fine of category II.

Elucidation - Article 378

The person subject to this provision is one who knows that the money is counterfeit or falsified either at the time of receiving the money or at some time thereafter, and then continues to circulate it.

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Article 379

Original provision - English reference

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

Elucidation - Article 379

Not only the person who imitates, counterfeits or reduces the value of currency shall be punished, but also the person who commits the act of making or providing materials or objects, knowing that such materials or objects will be used to imitate, counterfeit or reduce the value of official money.

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Article 380

Original provision - English reference

(1) Any person who without the permission of the competent authority keeps or imports into the territory of the Unitary State of the Republic of Indonesia silver pieces or sheets, whether or not stamped, or which after a little work can be considered as currency, when they are not used as jewelry or commemorative marks, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

(2) Any person who produces, distributes, or makes available for sale or distribution, or brings into the territory of the Unitary State of the Republic of Indonesia printed matter, pieces of metal or other objects resembling banknotes or currency, or resembling gold or silver bearing the state seal, resembling a seal, or postal seal, shall be punished by a maximum fine of category II.

Elucidation - Article 380

Paragraph (1)

This provision is intended to prevent the circulation in Indonesia of articles resembling currency. Keeping or importing such articles into Indonesia is only permissible with a permit and if they are used for jewelry, for example in the form of a necklace or bracelet or as a memento.

Paragraph (2)

Self-explanatory.

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Article 381

Original provision - English reference

(1) Every person as referred to in Article 374 through Article 377 may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

(2) Counterfeit, falsified or tampered currency, counterfeit or falsified state banknotes, materials or objects which by their nature are used to imitate, counterfeit or reduce the value of currency or banknotes used to commit a Criminal Offence or are the subject matter of a Criminal Offence as referred to in paragraph (1), shall be forfeited to the state or shall be destroyed.

Elucidation - Article 381

Self-explanatory.

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CHAPTER XII

CRIMINAL ACTS OF COUNTERFEITING OF STAMPS, STATE SEALS, AND STATE TERAS

Section One Forgery of Stamp

Article 382

Original provision - English reference

shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category V, any person who:

a. counterfeits or falsifies stamps issued by the Government of the Republic of Indonesia with intent to use or to cause others to use such stamps as genuine, unfalsified, or valid stamps; or

b. with the same intent as referred to in letter a, unlawfully makes use of an original seal.

Elucidation - Article 382

What is meant by "stamps" are stamps, postage stamps, television tax stamps, and other types of stamps.

This provision is intended to protect the stamps issued by the Government of the Republic of Indonesia from being imitated or counterfeited. The occurrence of imitation or forgery will cause a decrease in confidence in Indonesian seals and reduce state revenue from stamp expenditures.

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Article 383

Original provision - English reference

shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV, any person who:

a. removes a mark which is used to indicate that a seal is no longer usable on a seal of the Government of the Republic of Indonesia which has been used with the intention of using or having someone else use it as if it had not been used;

b. with the same intent as referred to in letter a, removes the signature, mark, or mark when a seal of the Government of the Republic of Indonesia which has been used in accordance with the provisions of laws and regulations must be affixed on or to such seal; or

c. use, sell, offer, deliver, have in stock for sale, or import into the territory of the Unitary State of the Republic of Indonesia a seal whose mark, signature, characteristic, or date of use is omitted, as if the seal had not been used.

Elucidation - Article 383

Self-explanatory.

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Second Part

Forgery and Use of the State Stamp and the State Tera

Article 384

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category V, any person who:

a. affixes gold or silver Articles with a state seal which is false according to the Law or forges a state seal with intent to use or to cause others to use, as if the seal were genuine or unfalsified;

b. to affix a genuine state seal to gold or silver Articles by unlawfully using the genuine seal with intent to use or to cause others to use; or

c. gives, adds or transfers a genuine state seal in accordance with the Act to gold or silver Articles other than those to which it was originally affixed, with intent to use or to cause others to use, as if the seal had been originally affixed to the gold or silver Articles.

(2) Every person as referred to in paragraph (1) may be sentenced to the additional punishment of publication of the judicial verdict as referred to in Article 66 paragraph (1) letterc.

Elucidation - Article 384

Paragraph (1)

This provision is intended to guarantee the validity or authenticity of the state seal or the mark of the expertise of the perpetrator of the criminal offence ordered by statutory provisions which is affixed to certain gold or silver Articles. Thus, this provision is intended to protect such Goods from attempts at counterfeiting which will harm consumers.

Paragraph (2)

Self-explanatory.

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Article 385

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V, any person who:

a. affixes Goods which are required to be marked or at the request of the interested person are permitted to be marked or marked again with a false Republic of Indonesia marking;

b. falsifies an original countermark with intent to use or have another person use such Goods as if the countermark were genuine or unfalsified;

c. unlawfully affix the original Republic of Indonesia marking on the Goods as referred to in letter a with the original stamp with the same intention as referred to in letter b; or

d. gives, adds or transfers the original Republic of Indonesia marking to other Goods than those to which it was originally affixed, with the intention of using or requesting others to use it as if the marking had been originally affixed to the Goods.

(2) Every person as referred to in paragraph (1) may be sentenced to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Elucidation - Article 385

Self-explanatory.

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Article 386

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 3 (three) years 6 (six) months or a maximum fine of category IV, every person who:

a. falsifies measures, doses, weights, or scales after they have been affixed with gauge marks, with intent to use or to cause others to use them as if they were genuine or unfalsified; or

b. uses falsified measures, doses, weights, or scales as if they were genuine or unfalsified.

(2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Elucidation - Article 386

Paragraph (1)

To ensure the validity and accuracy of measures, doses, or scales used in trade, there are provisions of laws and regulations that require Goods used for measuring, measuring and weighing (including their completeness) to be marked by an authorized official. This tera obligation is to prevent unfair trade practices that will harm consumers. This provision is intended to prevent counterfeiting of such tera.

Paragraph (2)

Self-explanatory.

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Article 387

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV, any person who:

a. removes a void mark from a marked Article, with intent to use such Article as if it were still usable; or

b. uses, sells, offers for sale, delivers or has in stock for sale, any Goods from which a void mark has been removed as if the Goods were still serviceable.

(2) Every person as referred to in paragraph (1) may be sentenced to an additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Elucidation - Article 387

Paragraph (1)

The removal of the mark on a measured Article shall be carried out by the metrological office and with the removal of the mark on the measured Article, it shall no longer be used by the owner.

Letter a

What is meant by "void mark" is a mark given to Goods which do not or no longer qualify for use.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 388

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V, any person who:

a. affixes other stamps or marks other than those referred to in Article 384 and Article 385 which, in accordance with the provisions of laws and regulations, must or may be affixed to the Goods or their wrappings falsely or falsifies genuine stamps or other marks with intent to use or to cause others to use such Goods as if such stamps or other marks were genuine or unfalsified;

b. affixing a stamp or other mark to Goods or their packaging by unlawfully using an original stamp with intent to use or to cause others to use such Goods; or

c. uses genuine stamps or other marks for Goods or their wrappings, whereas such stamps or other marks are not for such Goods or such wrappings, with intent to use them as if such stamps or other marks were prescribed for such Goods.

(2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.

(3) Criminal offense as referred to in paragraph (1), shall not be prosecuted except on the basis of complaint of the party whose trademark is falsified.

Elucidation - Article 388

Self-explanatory.

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Third Part

Circulation of Falsified Stamps, Seals, or Marks

Article 389

Original provision - English reference

Shall be punished with the punishments as referred to in Article 382, Article 384, Article 385, and Article 388 according to the different punishments provided for in said Articles, any person who uses, sells, offers for sale, delivers, has in stock for sale or imports into the territory of the Unitary State of the Republic of Indonesia:

a. A seal, stamp or mark which is not genuine, forged or unlawfully made as if it were genuine, unfalsified and unlawfully made; or

b. The Goods to which the seal, stamp or mark as referred to in point a is affixed shall be as if they were genuine, unfalsified and unlawfully made.

Elucidation - Article 389

Self-explanatory.

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Article 390

Original provision - English reference

(1) Every person who keeps materials or objects which are known to be used or will be used to commit one of the Criminal Acts as referred to in Article 382, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

(2) The materials or objects as referred to in paragraph (1) shall be forfeited to the state or forfeited for destruction.

Elucidation - Article 390

Self-explanatory.

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CHAPTER XIII

CRIMINAL OFFENSE OF FORGERY OF DOCUMENTS

Section One Mail Forgery

Article 391

Original provision - English reference

(1) Any person who falsely forges or falsifies a document which may give rise to a right, an obligation or a release from debt, or which is intended as evidence of a matter, with intent to use or to cause others to use it as if the contents were true and not false, if the use of such document may give rise to loss, shall, being guilty of forgery of documents, be punished by a maximum imprisonment of 6 (six) years or a maximum fine of category VI.

(2) Any person who uses a document whose content is false or falsified as if it were true or unfalsified, if the use of such document may cause damage, shall be punished by the same punishment as in paragraph (1).

Elucidation - Article 391

"Letter" means any representation of the mind embodied in words, i.e. in writing, whether handwritten or machine-made, including, inter alia, copies, photocopies, facsimiles of the Letter. The forged document must be capable of:

a. give rise to a right, e.g. a ticket or an entry mark;

b. give rise to an obligation, such as a credit agreement, sale and purchase, lease;

c. issue a discharge of debt; or

d. be used as evidence of an act or event, e.g. savings book, birth certificate, transportation certificate, cash book, etc.

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Article 392

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 8 (eight) years, any person who commits forgery of a document against:

a. authentic deed;

b. Debt securities or debt certificates of a state or part thereof or of a public institution;

c. shares, debentures, share certificates, debentures of an association, foundation, company or partnership;

d. talons, dividend receipts or interest receipts of one of the Notes as referred to in letters b and c or receipts issued in lieu of such Notes;

e. Letter of credit or letter of commerce intended for circulation;

f. Certificate regarding land rights; or

g. Other securities specified in laws and regulations.

(2) Any person who uses a Letter as referred to in paragraph (1), the contents of which are untrue or falsified, as if they were true or unfalsified, if the use of such Letter may cause loss, shall be punished by the same punishment as referred to in paragraph (1).

Elucidation - Article 392

The writ in this provision is of a more important nature than a writ in general, and therefore the punishment is more severe than the punishment for the acts provided for in Article 389.

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Article 393

Original provision - English reference

(1) Every person who keeps materials or tools which are known to be used to commit the crime as referred to in Article 392 paragraph (1), shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

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

Elucidation - Article 393

Self-explanatory.

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Second Part

False Statement in an Authentic Deed

Article 394

Original provision - English reference

Any person who causes a false statement to be inserted in an authentic deed concerning a matter the truth of which should be stated by the deed, with intent to use or to have another person use as if the statement were in accordance with the truth, if such use may cause loss, shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category VI.

Elucidation - Article 394

Self-explanatory.

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Third Part

Forgery of a Certificate

Article 395

Original provision - English reference

(1) Any physician who gives a certificate concerning the state of health or death of a person which is not in accordance with the actual situation, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

(2) If the certificate as referred to in paragraph (1) is given with intent to admit or detain a person to a mental hospital, he shall be liable to imprisonment for a maximum of 8 (eight) years or a maximum fine of category VI.

(3) The punishment as referred to in paragraph (1) and paragraph (2) shall also apply to any person who uses the false certificate as if the content is in accordance with the truth.

Elucidation - Article 395

Paragraph (1)

"Certificate on the state of health" includes physical health and mental health.

What meant by "Certificate of certificate about death" includes a statement of a person's death or cause of death (visum et repertum).

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 396

Original provision - English reference

shall be liable to imprisonment for a maximum of 3 (three) years 6 (six) months or a maximum fine of category V, every person who:

a. falsely makes or falsifies a doctor's certificate concerning the presence or absence of disease, infirmity, or defect, with intent to mislead an authorized official or an insurer; or

b. uses an untrue or falsified doctor's certificate as if it were true or not falsified with the

intent to mislead the authorized Officer or the insurer.

Elucidation - Article 396

Self-explanatory.

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Article 397

Original provision - English reference

shall be liable to imprisonment for a maximum of 1 (one) year 6 (six) months or a maximum fine of category III, any person who:

a. falsely makes or falsifies a certificate of never having been involved in a criminal offense, capability, financial incapacity, disability, or other circumstances, with the intention to use it or to ask others to use it in order to be accepted in employment or to cause pity and help; or

b. using an untrue or false certificate as referred to in letter a, as if the certificate were true or not false.

Elucidation - Article 397

Self-explanatory.

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Article 398

Original provision - English reference

(1) Every person shall be liable to imprisonment for a maximum of 5 (five) years and a maximum fine of category V, if:

a. falsely makes or forges a passport, a travel document as passport, or a document issued under the provisions of the Law on the granting of permission to foreigners to enter and stay in Indonesia; or

b. solicits the giving of such a document under a false name or a false diminutive name or by referring to false circumstances,

with the intent to use or to have another person use it as if it were true or not false.

(2) Any person who uses an untrue or forged document as referred to in paragraph (1) as if it were true and unfalsified, or as if its contents were in accordance with the truth, shall be punished by the same punishment.

Elucidation - Article 398

The acts prohibited in this provision violate the provisions of laws and regulations in the field of immigration.

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Article 399

Original provision - English reference

shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV, every person who:

a. falsely makes or forges a Letter of introduction for animals or Livestock, or orders to give a similar Letter under a false name or pointing to a false situation, with the intention to use or to have another person use such Letter as if it were true and not false; or

b. uses the untrue or falsified Letter as referred to in letter a, as if it were true or not falsified.

Elucidation - Article 399

Self-explanatory.

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Article 400

Original provision - English reference

shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV, every person who:

a. making incorrectly or falsifying a certificate of an Officer authorized to make a certificate of title or other rights to an object, with a view to facilitate the transfer or pledge or to mislead a law enforcement Officer as to the origin of the object; or

b. using a certificate as referred to in letter a, as if the certificate were true or not false.

Elucidation - Article 400

Self-explanatory.

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CHAPTER XIV

CRIMINAL OFFENSES AGAINST ORIGINS AND MARRIAGE

Article 401

Original provision - English reference

Any person who embezzles the origin of a person shall, being guilty of embezzlement of origin, be punished by a maximum imprisonment of 6 (six) years or a maximum fine of category V.

Elucidation - Article 401

"Embezzling the origin of a person" means any act intentionally committed so that the origin of a person becomes unclear, for example, exchanging a child, adopting a child said to be his/her own child, or concealing the identity of the child's birth.

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Article 402

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 4 (four) years and 6 (six) months or a maximum fine of category IV, any person who:

a. solemnizes a marriage, knowing that an existing marriage constitutes a legal barrier to the solemnization of such marriage; or

b. solemnizes a marriage, knowing that the existing marriage of the other party constitutes a legal barrier to the solemnization of the marriage.

(2) If Every Person as referred to in paragraph (1) letter a conceals to the other party that the existing marriage constitutes a legal barrier to the solemnization of such marriage, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

Elucidation - Article 402

What is meant by "marriage" is between a man and a woman in accordance with the Law on marriage.

What is meant by "an existing marriage constitutes a legal barrier" is a marriage which can be used as a reason to prevent or annul a subsequent marriage entered into by one of the parties bound by the marriage as provided for in the Law on marriage.

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Article 403

Original provision - English reference

Any person who solemnizes a marriage and does not inform the other party that a legal barrier exists for him/her, and by virtue of such barrier the marriage is subsequently declared invalid, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

Elucidation - Article 403

What is meant by "legitimate impediment" is a marital requirement which must be fulfilled for a marriage to take place as provided for in the Law concerning marriage.

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Article 404

Original provision - English reference

Any person who does not fulfill the obligation in accordance with the provisions of laws and regulations to report to the authorized official about birth, marriage, divorce, or death, shall be punished by a maximum fine of category II.

Elucidation - Article 404

What is meant by "laws and regulations" is the Law on Marriage and its implementing regulations and other laws and regulations relating to birth and death registration.

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Article 405

Original provision - English reference

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

Elucidation - Article 405

Self-explanatory.

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CHAPTER XV

CRIMINAL OFFENSE OF DECENCY

Section One Public Decency

Article 406

Original provision - English reference

shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, every person who:

a. violates decency in public; or

b. violates decency in front of another person who is present without the will of the person present.

Elucidation - Article 406

Letter a

What is meant by "violating decency" is performing acts of displaying nudity, genitals, and sexual activities that are contrary to the values that live in the community at the place and time the acts are performed.

Letter b

Self-explanatory.

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Second Part Pornography

Article 407

Original provision - English reference

(1) Every person who produces, makes, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, trades, rents, or makes available Pornography, shall be punished with a minimum imprisonment of 6 (six) months and a maximum imprisonment of 10 (ten) years or a minimum fine of category IV and a maximum fine of category VI.

(2) The act as referred to in paragraph (1) shall not be punished if it is a work of art, culture, sports, health, and/or science.

and Obstetrical Device

Elucidation - Article 407

The interpretation of the definition of Pomography shall be adjusted to the standards prevailing in the community at a particular time and place (contemporary community standards).

Making Pomography in this provision does not include for oneself or one's own interests.

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Third Section Performing Pregnancy Prevention Devices

Article 408

Original provision - English reference

Any person who openly demonstrates, offers, broadcasts in writing, or shows in order to obtain a pessary to a child, shall be punished by a maximum fine of category I.

Elucidation - Article 408

What meant by by "openly openly" is by directly commits the act to the Child.

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Article 409

Original provision - English reference

Any person who without right openly demonstrates a device for termination of pregnancy, offers, broadcasts a writing, or shows to be able to obtain a device to

abortion, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 409

"Instrument for termination of pregnancy" means any object which by its nature of use can terminate the pregnancy.

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Article 410

Original provision - English reference

(1) The act as referred to in Article 408 shall not be punished if committed by an authorized officer in the context of the implementation of family planning, the prevention of sexually transmitted infectious diseases, or in the interest of education and health counseling.

(2) The acts referred to in Article 409 shall not be punished if they are committed in the interest of science/education.

(3) The authorized officer as referred to in paragraph (1) includes competent volunteers assigned by an authorized officer.

Elucidation - Article 410

Self-explanatory.

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Fourth Section Adultery

Article 411

Original provision - English reference

(1) Every person who commits sexual intercourse with a person who is not his/her husband or wife, shall be punished for adultery, with a maximum imprisonment of 1 (one) year or a maximum fine of category II.

(2) No prosecution shall be instituted against the crime as referred to in paragraph (1) except upon complaint:

a. husband or wife for a person who is bound by marriage.

b. Parents or children for persons who are not bound by marriage.

(3) The provisions referred to in Article 25, Article 26 and Article 30 shall not apply to the complaint as referred to in paragraph (2).

(4) The complaint may be withdrawn as long as the examination in court has not yet commenced.

Elucidation - Article 411

Paragraph (1)

What is meant by "not her husband or wife" is:

a. a man who is in the bonds of marriage commits coitus with a woman who is not his wife; a woman who is in the bonds of marriage commits coitus with a man who is not her husband;

b. a woman who is in the bonds of marriage commits coitus with a man who is not her husband;

c. a man who is not in wedlock has sexual intercourse with a woman, knowing that she is in wedlock;

d. a woman not in wedlock has cohabitation with a man, knowing that the man is in wedlock; or

e. a man and a woman, each of whom is not bound by marriage, have intercourse.

Paragraph (2)

What is meant by "his child" in this provision is a biological child who is 16 (sixteen) years old.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 412

Original provision - English reference

(1) Every person who commits cohabitation as husband and wife outside marriage shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

(2) No prosecution shall be instituted against the crime as referred to in paragraph (1) except upon complaint:

a. husband or wife for a person who is bound by marriage; or

b. Parents or children for people who are not bound by marriage.

(3) The provisions of Article 25, Article 26, and Article 30 shall not apply to the complaint as referred to in paragraph (2).

(4) A complaint may be withdrawn as long as the examination at the

court has not yet commenced.

Elucidation - Article 412

Provisions regarding living together as husband and wife outside of marriage are known as cohabitation.

This provision also overrides legislation under the Act that regulates cohabitation as husband and wife outside of marriage, to the extent that it is not regulated in special or special legislation.

Paragraph (1)

Self-explanatory.

Paragraph (2)

See the explanation to Article 411 paragraph (2).

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 413

Original provision - English reference

Every person who has sexual intercourse with a person whom he knows that such person is a member of his paternal family, shall be liable to imprisonment for a maximum of 10 (ten) years.

Elucidation - Article 413

What is meant by "batih family" consists of father, mother, and biological children.

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Fifth Section Obscene Acts

Paragraph 1 Obscenity

Article 414

Original provision - English reference

(1) Every person who commits obscene acts against another person of the same or different sex:

a. in public, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III;

b. by force with violence or threat of violence, shall be liable to imprisonment for a maximum of 9 (nine) years; or

c. who is published as pornographic content, shall be liable to imprisonment for a maximum of 9 (nine) years.

(2) Any person who with violence or threat of violence forces another person to commit an obscene act against him, shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 414

Self-explanatory.

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Article 415

Original provision - English reference

shall be liable to imprisonment for a maximum of 9 (nine) years, any person who:

a. commits obscene acts with a person who is known to be unconscious or helpless; or

b. commits obscene acts with a person who is known or reasonably suspected to be a child.

Elucidation - Article 415

What is meant by "obscene acts" is sexual contact related to lust, except rape.

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Article 416

Original provision - English reference

(1) If one of the Criminal Offenses as referred to in Article

414 and Article 415 results in serious injury, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(2) If one of the Criminal Offenses as referred to in Article 414 and Article 415 results in the death of a person, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 416

Self-explanatory.

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Article 417

Original provision - English reference

Any person who gives or promises to give gifts abuses the authority arising from a relationship of circumstances or

misleadingly moves a person who is known or reasonably suspected to be a child, to commit obscene acts or to allow obscene acts to be committed against him/her, shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 417

The crime in this provision is the act of inducing a person who is underage, unmarried, and of good behavior to commit obscene acts or to have sexual intercourse with him/her or to allow him/her to commit obscene acts. The means of inducing such a person is by giving a gift or promising to give a gift, and by such means the perpetrator of the Crime abuses the authority arising from a relationship of circumstances or misleads such a person.

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Article 418

Original provision - English reference

(1) Any person who commits obscenity with his natural child, step-child, adopted child or child under his supervision entrusted to his care or education, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(2) shall be liable to imprisonment for a maximum of 12 (twelve) years:

a. Any official who commits fornication with his subordinate or with a person entrusted or handed over to his care; or

b. doctor, teacher, employee, administrator, or officer at a correctional institution, state institution, vocational training center, house of education, orphanage and/or orphanage, mental hospital, or social institution who commits obscene acts with a person admitted to such institution, house, or institution.

Elucidation - Article 418

Paragraph (1)

The criminal offense provided for in this provision is known as incest.

Paragraph (2)

The criminal offense provided for in this provision is basically the same as obscene acts or sexual intercourse provided for in the preceding article. However

The obscene acts or sexual intercourse provided for in this provision are committed against persons who have a special relationship with the perpetrator of the crime.

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Paragraph 2

Facilitating fornication and copulation

Article 419

Original provision - English reference

(1) Every person who connects or facilitates another person to commit obscene acts or have intercourse with a person who is known or reasonably suspected to be a child, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the crime as referred to in paragraph (1) is committed against a biological Child, step Child, adopted Child, or Child under his/her supervision entrusted to his/her care, he/she shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 419

Self-explanatory.

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Article 420

Original provision - English reference

Any person who connects or facilitates another person to commit obscene acts, shall be liable to imprisonment for a maximum of 2 (two) years.

Elucidation - Article 420

Self-explanatory.

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Article 421

Original provision - English reference

If the crime as referred to in Article 419 or Article 420 is committed as a habit or to gain profit as a means of livelihood the punishment may be increased by 1/3 (one third).

Elucidation - Article 421

This provision is intended to eradicate brothels.

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Article 422

Original provision - English reference

(1) Any person who moves, brings, places or delivers a Child to another person to commit fornication, prostitution or other acts against decency, shall be liable to imprisonment for a maximum of 9 (nine) years.

(2) If the crime as referred to in paragraph (1) is committed by promising the Child a job or other promises, the perpetrator shall be liable to imprisonment for a maximum of 10 (ten) years.

Elucidation - Article 422

Included in this Crime is sending the minor male or female to another region or abroad to engage in prostitution or other acts violating decency.

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Article 423

Original provision - English reference

Criminal Acts as referred to in Article 414 through Article 422 shall constitute criminal acts of sexual violence.

Elucidation - Article 423

Self-explanatory.

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Sixth Section

Intoxicating Drinks and Ingredients

Article 424

Original provision - English reference

(1) Any Person who sells or gives intoxicating drinks or substances to a person who is in a state of intoxication, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

(2) Any person who sells or gives intoxicating drink or substance to a child, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category II.

(3) Any person who by violence or threat of violence forces someone to drink or use intoxicating substances, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category III.

(4) If the act as referred to in paragraphs (1) to (3):

a. resulting in serious injury, shall be liable to imprisonment of 5 (five) years or a maximum fine of category IV; or

b. resulting in the death of a person, shall be liable to imprisonment for a maximum of 7 (seven) years.

(5) If the perpetrator of the crime as referred to in paragraph (1) through paragraph (3) commits the act in the course of his/her work, he/she may be sentenced to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Elucidation - Article 424

Self-explanatory.

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Seventh Section Utilization of Children for Begging

Article 425

Original provision - English reference

(1) Any person who gives or delivers to another person a child who is under his/her lawful authority and has not yet reached the age of 12 (twelve) years, knowing that the child will be used to commit a soliciting act or to perform hazardous work or which may endanger his/her health, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

(2) Any person who accepts a child to be used as referred to in paragraph (1), shall be punished with the same punishment.

Elucidation - Article 425

Paragraph (1)

What is meant by "a child under his/her lawful authority" is a biological child, stepchild, adopted child, or child under his/her supervision, or a child entrusted to his/her care, education, or custody who is not yet 12 (twelve) years old.

Paragraph (2)

Self-explanatory.

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Eighth Section Gambling

Article 426

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 9 (nine) years or a maximum fine of category VI, every person who without a license:

a. offers or provides an opportunity to play gambling and makes a livelihood or participates in a gambling enterprise;

b. offers or provides an opportunity to the public to play gambling or to participate in a gambling enterprise, regardless of whether or not there is a condition or procedure that must be fulfilled in order to use the opportunity; or

c. making participation in gambling games as a livelihood.

(2) If the criminal offense as referred to in paragraph (1) is committed in the exercise of profession, an additional punishment may be imposed in the form of deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 426

Paragraph (1)

What is meant by "license" is a license stipulated by the government with due regard to the laws living in the community.

Paragraph (2)

Self-explanatory.

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Article 427

Original provision - English reference

Every person who uses an opportunity to play gambling games held without a license shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category III.

Elucidation - Article 427

Self-explanatory.

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CHAPTER XVI

CRIMINAL OFFENSE OF NEGLECT OF PERSONS

Article 428

Original provision - English reference

(1) Any person who places or leaves a person in a state of neglect, whereas according to the law applicable to him or by virtue of an agreement he is obliged to provide for, care for or maintain such person, shall be liable to imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III.

(2) If the act as referred to in paragraph (1) is committed by an official who has an obligation to care for or maintain a neglected person, he shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category III.

(3) Every person as referred to in paragraph (1) and paragraph (2) shall be punished with:

a. imprisonment of 5 (five) years, if the act results in serious injury; or

b. imprisonment of 7 (seven) years, if the act results in death.

Elucidation - Article 428

Paragraph (1)

In this provision, the judge shall examine in each instance whether the relationship between the defendant and the person who is in a state of abandonment is indeed

controlled by law or by an agreement which obliges the defendant to provide for, care for, or maintain the abandoned person.

Paragraph (2)

Included in an official is a person who is entrusted with the obligation to care for or maintain a neglected person in a social organization whose funding comes from the community or government assistance.

Paragraph (3)

Self-explanatory.

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Article 429

Original provision - English reference

(1) Any person who abandons a child under the age of 7 (seven) years with intent to relinquish responsibility for the child, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category IV.

(2) Every person as referred to in paragraph (1) shall be punished with:

a. imprisonment of 7 (seven) years, if the act results in serious injury; or

b. imprisonment of up to 9 (nine) years, if the act results in death.

(3) In the event that the criminal offense 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 punishment may be increased by 1/ 3 (one third).

Elucidation - Article 429

Self-explanatory.

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Article 430

Original provision - English reference

The mother who abandons or leaves her child shortly after birth for fear that the birth of the child may be discovered by others, with intent to have the child discovered by others or with intent to relinquish her responsibility for the child born, shall be punished with one half of the punishment referred to in Article 429(1) and (2).

Elucidation - Article 430

This provision contains a mitigation of punishment based on the consideration that the fear of a mother giving birth being known to others is already considered an affliction.

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Article 431

Original provision - English reference

Every person as referred to in Article 428 and Article 429 may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter d.

Elucidation - Article 431

Self-explanatory.

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Article 432

Original provision - English reference

Any person who, when witnessing a person who is in danger of death, does not render such assistance as can be rendered to him without causing danger to himself or others, if such person dies, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 432

This provision indicates the obligation of Every Person to save the life of another person from the danger of death, as long as such help does not endanger himself or others.

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CHAPTER XVII

CRIMINAL OFFENSE OF DEFAMATION

First Section Defamation

Article 433

Original provision - English reference

(1) Any person who verbally attacks the honor or good name of another by means of an accusation, with intent to give publicity thereto, shall, being guilty of libel, be punished by a maximum imprisonment of 9 (nine) months or a maximum fine of category II.

(2) If the act referred to in paragraph (1) is committed by means of writings or drawings which are broadcast, exhibited or affixed in a public place, the person shall be punished for defamation in writing, with imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III.

(3) The acts as referred to in paragraph (1) and paragraph (2) shall not be punishable if they are committed in the public interest or in self-defense.

Elucidation - Article 433

Paragraph (1)

The nature of the act of defamation is if the act of defamation is committed by way of accusation, either orally, in writing, or by means of a picture, which attacks the honor and good name of a person, to the detriment of that person. The alleged act need not necessarily be a criminal offense. Criminal offense according to the provisions of this article, the object is an individual. Defamation of a government institution or a group of people is excluded from the provisions of this article.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The unlawful nature of the act shall be nullified by the existence of excuses, namely if the act is committed in the public interest or in self-defense.

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Second Part Slander

Article 434

Original provision - English reference

(1) If Every Person as referred to in Article 433 is given the opportunity to prove the truth of the matter alleged but is unable to prove it, and the allegation is contrary to what he/she knows, shall be punished for slander, with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.

(2) Proof of the truth of the allegation as referred to in paragraph (1), may only be made in the event that:

a. the judge deems it necessary to examine the truth of the accusation in order to consider the defendant's statement that the defendant committed the act in the public interest or out of compulsion for self-defense; or

b. The official is accused of committing an act in the performance of his/her official duties.

(3) The proof as referred to in paragraph (2) shall not be made if the matter alleged can only be prosecuted upon complaint, whereas no complaint has been filed.

Elucidation - Article 434

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

In the event that the perpetrator of the Crime as referred to in this provision is given the opportunity by the judge to prove the truth of what is alleged, but he/she is unable to prove that what is alleged is true, the perpetrator of the Crime shall be punished as defamation.

Letter b

Self-explanatory.

Paragraph (3)

Proof of the truth of an accusation is only permissible if the judge deems it necessary to examine the truth that the accused committed the act in the public interest, or out of necessity for self-defense. Proof of the truth of the accusation is also permissible if the accused is a public servant and the accusation relates to the performance of his duty.

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Article 435

Original provision - English reference

(1) If a judicial verdict which has obtained final legal force declares the person insulted guilty of the matter charged as referred to in Article 434, he shall not be punished for slander.

(2) If by a judicial verdict which has obtained final legal force the defamed person is acquitted of the charged matter, such verdict shall be deemed to be conclusive proof that the charged matter is not true.

(3) If a criminal prosecution has been initiated against the defamed on account of the matter of which he is accused, the prosecution for slander shall be suspended until there is a final judicial verdict on the matter of which he is accused.

Elucidation - Article 435

Paragraph (1)

If the person insulted, i.e. the person accused of having committed an act of which his honor or good name has been attacked, is found by a judicial verdict which has obtained final legal force to be guilty of the charged act, no punishment for slander shall be pronounced against the accuser.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Third Part Mild Insult

Article 436

Original provision - English reference

Defamation which does not amount to libel or slander in writing, committed against another person either in public orally or in writing, or in the presence of the person insulted orally or by act or by writing sent or delivered to him, shall be punished for minor defamation by a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Elucidation - Article 436

This provision regulates insults committed by uttering indecent words against another person. Such insult shall be committed in public orally or in writing, or in the presence of the insulted person himself or herself either orally, in writing, or by action or by writing sent to him or her.

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Fourth Part Slanderous Complaint

Article 437

Original provision - English reference

(1) Any person who submits a false complaint or notification in writing or requests another person to write a false complaint or notification to an authorized official about another person so that the honor or good name of the person is attacked, shall be punished for making a slanderous complaint, with a maximum imprisonment of 3 (three) years 6 (six) months or a maximum fine of category IV.

(2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a and/or letter b.

Elucidation - Article 437

It shall be proved that the offender knew that the complaint was not true and that it was offensive to the honor or good name of a person. The complaint or notification shall be made in writing or another person shall write it and the signature of the complainant shall not be required. Thus, a false complaint or notification by an anonymous letter (blackmail) is punishable under the provisions of this Article.

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Fifth Section False Presumption

Article 438

Original provision - English reference

Every person who by an act creates a false suspicion against another person that such person has committed a criminal offense, shall be punished for creating a false suspicion, by a maximum imprisonment of 3 (three) years 6 (six) months or a maximum fine of category IV.

Elucidation - Article 438

The crime under this provision occurs if a person by an act creates the suspicion that another person has committed a crime, while the suspicion is not true, for example, A puts C's watch in B's drawer with the intention that B will be accused of stealing C's watch.

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Sixth Section Defamation of the Dead

Article 439

Original provision - English reference

(1) Every person who commits defamation or libel against a dead person shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

(2) If Every Person as referred to in paragraph (1) commits the Criminal Offense in the exercise of his/her profession and at that time 2 (two) years have not passed since a verdict of conviction which has obtained permanent legal force for committing the same Criminal Offense, may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

(3) The Criminal Offense 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 cousins in a straight line or sideways to the second degree from the person who committed the Criminal Offense.

straight line or sideways to the second degree of the dead person.

(4) In matriarchal societies the complaint may also be made by another person exercising Paternal Authority.

Elucidation - Article 439

This crime is a crime of complaint and the complaint may only be lodged by the husband or the wife, or by one of the blood relatives or all relatives in the straight line or sideways to the second degree of the deceased person.

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Seventh Section

Complaint, aggravation of punishment and additional punishment

Article 440

Original provision - English reference

The Criminal Offenses as referred to in Article 433, Article 434, and Articles 436 through 438 shall not be prosecuted, if there is no complaint from the Victim of the Criminal Offense.

Elucidation - Article 440

Self-explanatory.

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Article 441

Original provision - English reference

(1) The criminal provisions as referred to in Article 433 up to Article 439 may be increased by 1/ 3 (one third) if committed 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 insulted or defamed person is an Official who is performing his/her lawful duties.

Elucidation - Article 441

Self-explanatory.

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Article 442

Original provision - English reference

Every person as referred to in Article 434 and Article 436 up to Article 439 may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Elucidation - Article 442

Self-explanatory.

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CHAPTER XVIII

CRIMINAL OFFENSE OF DISCLOSURE OF SECRETS

Article 443

Original provision - English reference

(1) Any person who discloses a secret which he/she is obliged to keep by virtue of his/her position, profession, or duty assigned by a government agency, either a present or a former secret, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

(2) If the criminal offense referred to in paragraph (1) is committed in respect of the secret of another person, prosecution may only be instituted upon complaint of such person.

Elucidation - Article 443

Paragraph (1)

What is meant by "secret" is anything which may only be known by the person concerned and no other person may know about it. To find out who is obliged to keep a secret, it must be examined event by event in accordance with the provisions of the law or custom applicable in the environment where such an obligation exists, for example, the archivist's obligation to keep confidential files confidential and the doctor's obligation to keep the patient being treated confidential. This criminal offense becomes a complaint criminal offense if it is committed against a specific person.

Paragraph (2)

Self-explanatory.

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Article 444

Original provision - English reference

(1) Any person who discloses a particular matter concerning a company in which he works or has worked which he must keep secret, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

(2) The criminal offense as referred to in paragraph (1) may only be prosecuted upon complaint of the management of such company.

Elucidation - Article 444

This provision is intended to prevent unfair competition in the business world.

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Article 445

Original provision - English reference

Every person as referred to in Article 443 and Article 444 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter f.

Elucidation - Article 445

Self-explanatory.

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CHAPTER XIX

CRIMINAL OFFENSE AGAINST FREEDOM OF PERSON

Section One

Deprivation of liberty and coercion

Article 446

Original provision - English reference

(1) Any person who unlawfully deprives a person of his liberty or continues such deprivation, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the act as referred to in paragraph (1) results in serious physical injury, he shall be liable to 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 liable to imprisonment for a maximum of 12 (twelve) years.

(4) The penal provisions referred to in paragraph (1), paragraph (2) and paragraph (3) shall also apply to the person who gives place to the deprivation of liberty or continues the unlawful deprivation of liberty.

Elucidation - Article 446

Paragraph (1)

In this provision, deprivation of liberty is carried out in both physical and psychological forms.

What is meant by "unlawfully" is the act of depriving someone of their liberty not in the context of carrying out 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 he is caught red-handed committing a criminal offense.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 447

Original provision - English reference

(1) Any person who through negligence causes another person to be unlawfully deprived of his liberty or to continue such deprivation of liberty, shall be liable to imprisonment for a maximum of

6 (six) months or a maximum fine of category II.

(2) If the act as referred to in paragraph (1) results in serious injury, he shall be liable to imprisonment for a maximum of 1 (one) year.

(3) If the act referred to in paragraph (1) results in the death of a person, he shall be liable to imprisonment for a maximum of 2 (two) years.

Elucidation - Article 447

Self-explanatory.

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Article 448

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, any person who:

a. unlawfully forces another person to do, not to do or to tolerate something, by violence or threat of violence, either against himself or against another person; or

b. forces another person to do, not to do, or to tolerate something by threat of defamation or written defamation.

(2) The Criminal Offense as referred to in paragraph (1) letter b may only be prosecuted upon a complaint from the Victim of the Criminal Offense.

Elucidation - Article 448

Self-explanatory.

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Article 449

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV, every person who threatens with:

a. overt violence with joint force committed against persons or property;

b. a Crime Criminal which resulting in danger to public safety against persons or property;

c. rape or with obscene acts;

d. a crime against the life of a person;

e. serious maltreatment; or

f. arson.

(2) If the threat as referred to in paragraph (1) is made in writing and with certain conditions, it shall be liable to imprisonment for a maximum of 3 (three) years and 6 (six) months or a maximum fine of category IV.

Elucidation - Article 449

Paragraph (1)

The Criminal Offenses in this provision are classified as Criminal Offenses of extortion involving deprivation of liberty. Extortion may be committed in various ways and through various forms of threats.

Paragraph (2)

Self-explanatory.

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Second Part Deprivation of Liberty

Paragraph 1 Kidnapping

Article 450

Original provision - English reference

Any person who takes someone with intent to unlawfully place such person under his/her authority or the authority of another person or to place such person in a state of helplessness, shall be punished for kidnapping with a maximum imprisonment of 12 (twelve) years.

Elucidation - Article 450

Kidnapping is one of the forms of the crime of depriving someone of their liberty. Unlike the previous provisions, the deprivation of liberty in kidnapping is not intended to trade people, but to unlawfully place the person under his/her power or cause the person to be helpless.

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Paragraph 2 Hostage-taking

Article 451

Original provision - English reference

Any person who detains someone by force or threat of force with intent to place such person unlawfully under his/her authority or the authority of another person or to place such person in a state of helplessness, shall, being guilty of hostage-taking, be punished by a maximum imprisonment of 12 (twelve) years.

Elucidation - Article 451

Hostage-taking is a form of Crime of depriving someone of their freedom. Unlike kidnapping, hostage-taking is committed in order to keep the person taken hostage in his/her residence or in another place and is committed with Violence or Threat of Violence.

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Third Part

Deprivation of Liberty against Children and Women

Paragraph 1 Transfer of Power

Article 452

Original provision - English reference

(1) Any person who withdraws a Child from the authority in accordance with the provisions of laws and regulations imposed upon him/her or from the supervision of the person authorized thereto, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

(2) If the act as referred to in paragraph (1) is committed by deceit, violence or threat of violence, or against a child who is not yet 12 (twelve) years old, shall be liable to imprisonment for a maximum of 8 (eight) years or a maximum fine of category V.

Elucidation - Article 452

Paragraph (1)

This provision is intended to provide protection to a Child who has received legal protection. For example, Children who are placed in orphanages, if they run away, the perpetrator of the criminal offense can be punished.

Paragraph (2)

Self-explanatory.

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Paragraph 2 Hiding the child

Article 453

Original provision - English reference

(1) Any person who hides a child who is withdrawn or withdraws himself/herself from the authority in accordance with the provisions of laws and regulations determined upon him/her or from the supervision of the person authorized thereto, or withdraws him/her from the investigation of an authorized official, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum 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, he shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 453

Paragraph (1)

This provision relates to a Child who is withdrawn from legitimate authority or supervision, and then hidden or concealed from the investigation of an authorized official.

Paragraph (2)

Self-explanatory.

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Paragraph 3

Escaping Children and Women

Article 454

Original provision - English reference

(1) Any person who carries off a child against the will of the parents or guardian, but with the consent of the child, with the intention of securing possession of the child, either within or outside marriage, shall be punished for running away with a child, with a maximum imprisonment of 7 (seven) years.

(2) Any person who takes away a woman by deception, violence or threat of violence, with the intention of ensuring control over the woman, both inside and outside of marriage, shall be punished for absconding with a maximum imprisonment of 9 (nine) years.

(3) The criminal offense as referred to in paragraph (1) may only be prosecuted upon the complaint of the child, parent, or guardian.

(4) The crime as referred to in paragraph (2) may only be prosecuted upon the complaint of the woman or her husband.

(5) If the person who has taken away marries the woman who has been taken away and the marriage is carried out in accordance with the provisions of laws and regulations concerning marriage, no punishment may be imposed before the marriage is declared null and void.

Elucidation - Article 454

Paragraph (1)

Self-explanatory.

Paragraph (2)

The notion of "taking a woman away" or "running away with a woman" 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 (the one who runs away) and a woman (the one who is taken away) in relation to a love relationship, and therefore the act is done with the consent of the woman.

The criminal offense element in this paragraph is linked to the minority age of the woman taken away. In addition to the element of being underage, it is important to note that the person concerned is still under the supervision of her parents or guardian.

The element of criminal offense in this provision is not linked to the age of the woman taken away, whether she is a minor or a minor, whether she is in a marital status or not, but if the woman is taken away by deception, violence or threat of violence, the punishment is more severe.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Fourth Section Trafficking in Persons

Article 455

Original provision - English reference

(1) Any person who commits recruitment, transportation, harboring, sending, transferring, or receiving of a person by Threat of Violence, use of Violence, abduction, harboring, falsification, deception, abuse of power or vulnerable position, debt bondage, or providing payment or benefit despite obtaining the consent of the person who has control over the other person, for the purpose of exploiting such person in the territory of the Unitary State of the Republic of Indonesia, shall be punished for committing the crime of trafficking in persons, with imprisonment of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least category IV and at most category VII.

(2) If the act as referred to in paragraph (1) results in exploitation of the person, the perpetrator shall be punished with the same punishment.

Elucidation - Article 455

Self-explanatory.

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Fifth Section Additional punishment

Article 456

Original provision - English reference

Every person who commits one of the Criminal Offenses as referred to in Article 446 and Articles 450 through 455 may be sentenced to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Elucidation - Article 456

Self-explanatory.

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CHAPTER XX

CRIMINAL OFFENSE OF HUMAN SMUGGLING

Article 457

Original provision - English reference

Every person who commits an act for the purpose of seeking profit, either directly or indirectly, for himself/herself or for another person by bringing a person or group of persons, either in an organized or unorganized manner, or ordering another person to bring a person or group of persons, either in an organized or unorganized manner, who does not have the right to legally enter the Indonesian Territory or exit the Indonesian Territory and/or enter the territory of another country, who does not have the right to enter the territory legally, either by using valid documents or false documents, or without using travel documents, either through immigration checks or not, shall be punished for human smuggling with imprisonment for a minimum period of 5 (five) years and a maximum period of 15 (fifteen) years or a fine of at least category V and at most category VII.

Elucidation - Article 457

Self-explanatory.

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CHAPTER XXI

CRIMINAL OFFENSES AGAINST LIFE AND FETUS

Section One Murder

Article 458

Original provision - English reference

(1) Every person who takes the life of another person shall, being guilty of murder, be punished by a maximum imprisonment of 15 (fifteen) years.

(2) If the crime as referred to in paragraph (1) is committed against the mother, father, wife, husband, or child, the punishment may be increased by 1/ 3 (one third).

(3) Murder followed, accompanied or preceded by a Criminal Offense committed with intent to prepare or facilitate its commission, or to release oneself or other participants from punishment in case of arrest, or to ensure the possession of unlawfully obtained property, shall be punished by life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 458

Paragraph (1)

Murder always means that the victim must die and this death is willed by the perpetrator. Thus the notion of murder implicitly contains the element of intent. If there is no element of intent or there is no intention to kill someone, but then the person dies, the act cannot be qualified as the crime of murder according to the law.

If there is no element of intent or there is no intention or intention to kill a person, but then the person turns out to be dead, the act cannot be qualified as the crime of murder according to this paragraph.

In this provision, the element of "intentionally" is not included, because this is already regulated in Article 36 and Article 54 letter j. Therefore, the judge will prioritize the element of "deliberately". Thus the judge will prioritize to consider the motive, manner, means, or attempt to kill, as well as the consequences and impact of a murder to the community.

Paragraph (2)

What is meant by "mother, father, or child" includes mother, father, or step/adopted child.

The aggravation of punishment in this provision is based on the consideration of the relationship between the perpetrator of the Crime and the Victim, which should be the perpetrator of the Crime is obliged to provide protection to the Victim.

Paragraph (3)

Self-explanatory.

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Article 459

Original provision - English reference

Any person who with premeditation takes the life of another person, shall, being guilty of premeditated murder, be punished by capital punishment or life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 459

Self-explanatory.

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Article 460

Original provision - English reference

(1) A mother who takes the life of her child at the time or shortly after birth, for fear that the birth of the child will be known to others, shall, being guilty of infanticide, be punished by a maximum imprisonment of 7 (seven) years.

(2) If the act as referred to in paragraph (1) is committed with premeditation, he shall be liable to imprisonment for a maximum of 9 (nine) years.

(3) Other person who participates in the crime as referred to in:

a. paragraph (1) shall be punished with the same punishment as Article 458 paragraph (1); or

b. paragraph (2) shall be punished with the same punishment as Article 459.

Elucidation - Article 460

Paragraph (1)

This provision contains a mitigation of criminal punishment based on the consideration that the fear of a mother giving birth being known to others is already considered an affliction.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Since the other person who participates in the murder as referred to in paragraph (1) and paragraph (2) is not in the same psychological condition as the mother who commits the crime, the principle of participation does not apply in the provisions of this paragraph.

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Article 461

Original provision - English reference

Any person who takes the life of another person at the request of the other person which is clearly expressed with sincerity, shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 461

This provision regulates a criminal offense known as active euthanasia.

Although active euthanasia is carried out at the request of the person concerned which is expressed with sincerity, the act is still punishable. This is based on a consideration that the act is considered contrary to religious morals. In addition, to prevent undesirable possibilities, for example, the perpetrator of the crime creates a situation in such a way that there is a request to take the life of the person concerned.

Criminal punishment here is not aimed at the life of a person, but is aimed at respecting human life in general, even though the person is in a very suffering condition, both physically and mentally. Therefore, the motive of the perpetrator is not relevant to be considered in the criminal offense.

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Article 462

Original provision - English reference

Any person who encourages, assists, or provides means to another person to commit suicide and such person dies by suicide, shall be liable to imprisonment for a maximum of 4 (four) years.

Elucidation - Article 462

If the person who is encouraged, assisted, or provided with the means to commit suicide does not die, the person who encouraged, assisted, or provided the means shall not be punished.

This is based on the consideration that suicide is not a criminal offense. Therefore, an attempt to commit suicide is also not punishable.

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Second Part Abortion

Article 463

Original provision - English reference

(1) Every woman who commits abortion shall be liable to imprisonment for a maximum of 4 (four) years.

(2) The provisions as referred to in paragraph (1) shall not apply in the event that the woman is a victim of a crime of rape or other crime of sexual violence causing pregnancy whose gestational age does not exceed 14 (fourteen) weeks or has indications of medical emergency.

Elucidation - Article 463

This provision is intended to protect a woman's womb. If the aborted pregnancy is a dead pregnancy, the criminal provisions of this Article do not apply. It is not relevant here to determine what ways and means are used to perform an abortion. What is important and decisive is the result, namely the death of the womb.

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by "other crimes of sexual violence causing pregnancy" are, inter alia, forced prostitution, sexual exploitation and/or sexual slavery.

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Article 464

Original provision - English reference

(1) Every person who performs abortion on a woman:

a. with the consent of the woman, shall be liable to imprisonment for a maximum of 5 (five) years; or

b. without her consent, shall be liable to 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, he shall be liable to 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, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 464

Self-explanatory.

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Article 465

Original provision - English reference

(1) Doctor, midwife, paramedic, or pharmacist who commits the crime as referred to in Article 464, the punishment may be increased by 1/ 3 (one third).

(2) Doctor, midwife, paramedic, or pharmacist who commits the Criminal Offense as referred to in paragraph (1) may be sentenced to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a and letter f.

(3) Doctor, midwife, paramedic, or pharmacist who performs abortion due to indication of medical emergency or to the Victim of Crime of rape or other Crime of sexual violence that causes pregnancy as referred to in Article 463 paragraph (2), shall not be punished.

Elucidation - Article 465

Self-explanatory.

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CHAPTER XXII

CRIMES AGAINST THE BODY

Section One Maltreatment

Article 466

Original provision - English reference

(1) Any person who commits maltreatment shall be liable to imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III.

(2) If the act referred to in paragraph (1) results in serious physical injury, he shall be liable to 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, the person shall be liable to imprisonment for a maximum of 7 (seven) years.

(4) Included in the maltreatment as referred to in paragraph (1) is an act that damages health.

(5) Attempt to commit the crime as referred to in paragraph (1) shall not be punished.

Elucidation - Article 466

Paragraph (1)

This provision does not provide a definition of maltreatment. This is left to the judgment of the judge to interpret the case at hand in accordance with the development of social and cultural values and the development of medicine. This means that the definition of maltreatment is not necessarily limited to physical maltreatment and conversely not every physical suffering is always defined as maltreatment.

This provision also does not include the element "intentionally" because this is already provided for in Article 36 and Article 54 letter j in the context of aggravation of punishment.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

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Article 467

Original provision - English reference

(1) Any person who commits maltreatment with premeditation shall be liable to imprisonment for a maximum of 4 (four) years.

(2) If the act as referred to in paragraph (1) results in serious physical injury, he shall be liable to imprisonment for a maximum of 7 (seven) years.

(3) If the act referred to in paragraph (1) results in the death of a person, he shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 467

Self-explanatory.

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Article 468

Original provision - English reference

(1) Any person who seriously injures another person shall, being guilty of serious maltreatment, be punished by a maximum imprisonment of 8 (eight) years.

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

Elucidation - Article 468

Paragraph (1)

The crime of maltreatment in this provision is a type of serious maltreatment, in addition to maltreatment in the general sense and light maltreatment. The limits and scope of these three types of maltreatment are left to the discretion of the judge.

Paragraph (2)

Self-explanatory.

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Article 469

Original provision - English reference

(1) Any person who commits serious maltreatment with premeditation shall be liable to imprisonment for a maximum of twelve years.

(2) If the crime as referred to in paragraph (1) results in the death of a person, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 469

Self-explanatory.

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Article 470

Original provision - English reference

The Criminal Offenses as referred to in Articles 466 to 469, the punishment may be enhanced by 1/ 3 (one third), if the Criminal Offense is committed:

a. against an official during or on account of the performance of his lawful duties;

b. by administering a substance harmful to life or health; or

c. against the mother or father.

Elucidation - Article 470

Self-explanatory.

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Article 471

Original provision - English reference

(1) In addition to the maltreatment referred to in Article 467 and Article 470, maltreatment which does not result in illness or an obstacle to the exercise of a profession or livelihood, shall be punished as light maltreatment, by a maximum imprisonment of 6 (six) months or a maximum fine of category II.

(2) If the crime as referred to in paragraph (1) is committed against a person who works for or under him/her, the punishment may be increased by 1/ 3 (one third).

(3) Attempt to commit the Criminal Offense as referred to in paragraph (1) shall not be punished.

Elucidation - Article 471

Self-explanatory.

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Second Part

Group Assault and Fighting

Article 472

Original provision - English reference

Every person who participates in an assault or fight involving several persons, in addition to their respective responsibility for the specific criminal offense committed, shall be punished with:

a. imprisonment of 2 (two) years and 6 (six) months or a maximum fine of category III, if the assault or fight results in serious injury; or

b. imprisonment for a term not exceeding 4 (four) years, if the assault or fight results in the death of a person.

Elucidation - Article 472

Self-explanatory.

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Third Part Rape

Article 473

Original provision - English reference

(1) Any person who, by Violence or Threat of Violence, forces another person to have sexual intercourse shall be guilty of rape and liable to imprisonment for a maximum of twelve years.

(2) The crime of rape and punishable as referred to in paragraph (1) shall include the act of:

a. coitus with a person with his/her consent, because the person believes that the person is his/her lawful husband/wife;

b. coitus with a child;

c. coitus with a person, knowing that the other person is unconscious or helpless; or

d. coitus with a person with mental disability and/or intellectual disability by giving or promising money or goods, abusing the authority arising from a relationship of circumstances, or by misleading him/her to commit or allow coitus with him/her, knowing the condition of the disability.

(3) The crime of rape shall also be deemed to have been committed if, in the circumstances referred to in paragraphs (1) and (2), by means of:

a. inserting the genitals into the anus or mouth of another person;

b. inserting the genitals of another person into his/her own anus or mouth; or

c. inserting a part of his/her body which is not the genitals or an object into the genitals or anus of another person.

(4) In the event that the Criminal Offense as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) are committed against a Child, shall be liable to imprisonment of at least 3 (three) years and at most 15 (fifteen) years and a fine of at least category IV and at most category VII.

(5) The provisions as referred to in paragraph (4) shall also apply to any person who forces the Child to commit the Criminal Offenses as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) with another person.

(6) In the event that the Criminal Offenses as referred to in paragraph (1) are committed within the bonds of marriage, no prosecution shall be conducted except upon the complaint of the Victim.

(7) If one of the Criminal Offenses as referred to in paragraph (1) through paragraph (3) results in serious injury, the perpetrator shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(8) If one of the Criminal Offenses as referred to in paragraph (1) through (3) results in the death of a person, the punishment may be increased by 1/ 3 (one third) of the punishment as referred to in paragraph (1).

(9) If the Victim as referred to in paragraph (4) is a biological child, stepchild, or child under his/her guardianship, the punishment may be increased by 1/ 3 (one third) of the punishment as referred to in paragraph (4).

(10) In the event that the Criminal Offenses as referred to in paragraphs (1) through (9) are committed jointly and in concert, or committed against a person in a situation of danger, emergency, conflict, disaster, or war, the punishment may be increased by 1/3 (one third).

(11) The Criminal Offenses as referred to in paragraphs (1) through (10) shall constitute Criminal Offenses of sexual violence.

Elucidation - Article 473

Actions in Article this intended to 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 the husband or wife.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)

Self-explanatory.

Paragraph (11)

Self-explanatory.

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CHAPTER XXIII

CRIMINAL OFFENSES RESULTING IN DEATH OR INJURY DUE TO NEGLIGENCE

Article 474

Original provision - English reference

(1) Any person who through negligence causes injury to another person resulting in illness or obstruction in the performance of an office, livelihood or profession for a certain period of time, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

(2) Any person who through negligence causes serious injury to another person, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category III.

(3) Any person who through negligence results in the death of another person, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 474

Paragraph (1)

This provision does not provide a formulation of the notion of negligence. In general, the notion of negligence indicates that the perpetrator did not intend the consequences of his act to occur, namely death or injury. However, in concrete events there are difficulties in determining that an act can be called negligence. For example, a person 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 definition of negligence is left to the discretion of the judge to assess the case at hand.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

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Article 475

Original provision - English reference

(1) If the crime as referred to in Article 474 is committed in the exercise of office, livelihood or profession, the punishment may be increased by 1/ 3 (one third).

(2) Every person as referred to in paragraph (1) may also be sentenced to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c and deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 475

Paragraph (1)

From certain positions or professions a sense of responsibility in carrying out the duties or work entrusted to them is expected. In other words, negligence must be avoided by those who perform their duties or work responsibly. Therefore, in the event of negligence, the punishment may be increased by 1/3 (one third).

Paragraph (2)

Self-explanatory.

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CHAPTER XXIV

CRIMINAL OFFENSE OF THEFT

Article 476

Original provision - English reference

Any person who takes property which partly or wholly belongs to another, with intent to unlawfully possess it, shall, being guilty of theft, be punished by a maximum imprisonment of 5 (five) years or a maximum fine of category V.

Elucidation - Article 476

"Taking" does not only mean physically, but also includes other forms of "taking" which functionally (non-physically) lead to the intention of "unlawfully possessing the goods of another." For example, theft of money by means of transferring it to another person. For example, theft of money by transferring or using electricity without right.

What is meant by "possession" is having the right to the Goods.

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Article 477

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category V, any person who commits:

a. theft of sacred objects of religion or belief;

b. theft of ancient objects;

c. theft of Livestock or Goods which are the source of livelihood or the main source of living of a person;

d. theft during a fire, explosion, natural disaster, shipwreck, shipwreck, airplane accident, train accident, road traffic accident, riot, rebellion, or war;

e. theft during the Night in a house or in an enclosed yard where there is a house, committed by a person whose presence there is unknown or unwanted by the rightful claimant;

f. theft by means of breaking, prying, cutting, breaking, climbing, using false keys, using false orders, or wearing false official clothes, to enter the place where the crime is committed or to reach the property taken; or

g. theft jointly and severally.

(2) If the act as referred to in paragraph (1) letter e is accompanied by one of the means as referred to in paragraph (1) letter f and letter g, he shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 477

Paragraph (1)

This provision regulates theft of a special nature or what is commonly known as qualified theft.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

"Goods which are a source of livelihood or a person's main source of income" means, for example, a motorcycle for a motorcycle taxi driver, a sewing machine for a tailor.

Letter d

Self-explanatory.

Letter e

What is meant by "house" is any building or place deliberately made or used for a place of residence or dwelling.

What is meant by "enclosed yard" is a piece of land that has a certain boundary mark, either in the form of a wall, fence, pile of stones, vegetation, water channel, or river.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 478

Original provision - English reference

If the crime as referred to in Article 476 and Article 477 paragraph (1) letter f and letter g is not committed in a dwelling or enclosed yard where there is a dwelling, and the value of the stolen property does not exceed IDR 500,000.00 (five hundred thousand rupiahs), the offender shall, being guilty of light imprisonment, be punished by a maximum fine of category II.

Elucidation - Article 478

Self-explanatory.

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Article 479

Original provision - English reference

(1) Any person who commits theft preceded, accompanied or followed by violence or threat of violence against persons, with intent to prepare or facilitate the theft or, in case of capture, to enable himself or another person to retain possession of the stolen property, shall be liable to imprisonment for a maximum of 9 (nine) years.

(2) Any person who commits the act as referred to in paragraph (1) shall be liable to imprisonment for a maximum of 12 (twelve) years:

a. on the Night in a house or enclosed yard where there is a house, on a public road, or in a public transportation vehicle in motion;

b. theft by means of damaging, dismantling, cutting, breaking, climbing, using a false key, using a false order, or wearing a false costume, in order to enter the place where the crime is committed or to reach the property taken;

c. which results in serious injury to persons; or

d. jointly and severally.

(3) If the act as referred to in paragraph (1) or paragraph (2) results in the death of a person, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(4) If the act as referred to in paragraph (1) results in Serious Injury or the death of a person committed jointly and severally and is accompanied by one of the circumstances referred to in

paragraph (2) letter a and letter b, he shall be punished by capital punishment or life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 479

Paragraph (1)

The crime of theft in this provision is qualified as theft with aggravation. The aggravating element is the existence of Violence or Threat of Violence against the person in committing the theft. Violence or Threat of Violence may be committed before, during or after the theft has been committed.

Violence refers to the use of physical force, either by bodily force or by using an instrument, while Threats of Violence refers to a situation in such a way as to cause fear, anxiety or worry to the person threatened.

The use of Violence or Threat of Violence need not be solely directed at the owner of the Goods, but may also be directed at another person, such as a domestic servant or house guard.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

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Article 480

Original provision - English reference

Every Person as referred to in Article 476 through Article 479 may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Elucidation - Article 480

Self-explanatory.

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Article 481

Original provision - English reference

(1) Criminal prosecution shall not be conducted if the person who commits one of the Criminal Offenses as referred to in Article 476 up to Article 479 is the husband or wife of the Victim of the Criminal Offense who is not separated from table and bed or not separated from assets.

(2) Criminal prosecution can only be carried out on the complaint of the Victim if the perpetrator as referred to in paragraph (1) is the husband or wife of the Victim of the Crime who is separated from

the table and bed or separated from the assets, or is a blood relative or a cousin either in a straight line or in a sideways line up to the second degree.

(3) In societies using the matriarchal system, complaints may also be made by other persons exercising Paternal Authority.

Elucidation - Article 481

Self-explanatory.

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CHAPTER XXV

CRIME OF EXTORTION AND THREATENING

Article 482

Original provision - English reference

(1) Being punished for extortion by a maximum imprisonment of 9 (nine) years, every person who with intent to unlawfully benefit himself or another, forces by force or threat of force to:

a. give any Goods, which partly or wholly belong to such person or to another; or

b. give debt, make acknowledgment of debt, or cancel receivables.

(2) The provisions referred to in Article 479 paragraphs (2) to (4) shall also apply to the extortion referred to in paragraph (1).

Elucidation - Article 482

Paragraph (1)

This provision regulates the crime of extortion. Coercion in this provision is more in the nature of physical or external coercion, inter alia, at the point of a sharp weapon or firearm.

Violence or Threat of Violence does not have to be directed at the person who is asked to provide Goods, create debts, or write off receivables, but can also be directed at other people, for example against children, or wives or husbands.

The notion of "coercion" includes both successful coercion (e.g. the Goods are delivered) and unsuccessful coercion. Thus, if the extortion is unsuccessful or fails, the perpetrator of the criminal act is still prosecuted under this provision, not under the provision on attempt.

Paragraph (2)

Self-explanatory.

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Article 483

Original provision - English reference

(1) Punishable for threatening with a maximum imprisonment of 4 (four) years or a maximum fine of category IV, any person who with intent to unlawfully benefit himself or another, by threat of defamation or libel or by threat of disclosure, forces a person to:

a. give any Goods which partly or wholly belong to such person or to another; or

b. give a debt, make an acknowledgment of debt, or cancel a debt.

(2) The Crime as referred to in paragraph (1) may only be prosecuted upon complaint of the Victim of the Crime.

Elucidation - Article 483

Paragraph (1)

This provision regulates the crime of threatening.

The main element of the crime in this provision is the same as the crime of extortion, which is to force a person to provide goods, make an acknowledgment of debt, or write off a debt. The difference lies in the means of coercion used. In extortion, the means of coercion are more physical and external, whereas in the Crime of Threatening the means of coercion are more non-physical or internal, namely by using threats of defamation, both oral and written or by threatening to reveal secrets.

Threats of defamation or written defamation or revealing secrets do not have to be directly related to the person who is asked to give Goods, make debts, or write off debts, but can also be other people, for example, against Children, wives, or husbands, who indirectly also attack the honor or good name of the person concerned.

Paragraph (2)

Self-explanatory.

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Article 484

Original provision - English reference

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

Elucidation - Article 484

Self-explanatory.

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Article 485

Original provision - English reference

Every Person as referred to in Article 482 and Article 483 may be subject to additional punishment as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Elucidation - Article 485

Self-explanatory.

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CHAPTER XXVI

CRIMINAL OFFENSE OF EMBEZZLEMENT

Article 486

Original provision - English reference

Any person who unlawfully possesses an Article partially or wholly belonging to another, which is in his possession not as a result of a criminal act, shall, being guilty of embezzlement, be punished by a maximum imprisonment of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 486

This provision regulates the Crime of embezzlement. In the Crime of embezzlement, the Goods concerned have been actually possessed by the perpetrator of the Crime. This is different from theft where the Goods are not yet in the hands of the perpetrator of the crime. The moment when the intention to unlawfully possess the Goods arises also determines the difference between embezzlement and theft. If the intention to possess already exists at the time the Goods are taken, then the act is a crime of theft, whereas in embezzlement, the intention to possess only exists after the Goods have been in the hands of the perpetrator for some time. Another element of the Crime of embezzlement is that the perpetrator controls the Goods to be possessed not as a result of the Crime, for example, a Goods which is in the possession of the perpetrator of the Crime as security for a debt which is then sold without the permission of the owner.

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Article 487

Original provision - English reference

If what has been embezzled is not Livestock or Goods which are not a source of livelihood or sustenance and whose value does not exceed Rp1,000,000.00 (one million rupiah), every person as referred to in Article 486 shall be punished for light embezzlement with a maximum fine of category II.

Elucidation - Article 487

Self-explanatory.

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Article 488

Original provision - English reference

In the event that the act as referred to in Article 486 is committed by a person who has control over the Goods because of an employment relationship, because of his profession, or because he receives remuneration for the control of the Goods, he shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 488

Self-explanatory.

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Article 489

Original provision - English reference

In the event that the act referred to in Article 486 is committed by a person who receives the Goods from another person who involuntarily delivers the Goods to him for safekeeping or by a guardian, custodian, administrator or executor of a Will, administrator of a social institution or foundation in respect of the Goods under his control, he shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of Category V.

Elucidation - Article 489

In this provision, the delivery of Goods due to necessity, for example, in the event of a natural disaster such as fire, flood, earthquake, etc., the Goods are handed over for salvage or due to the inability to take care of the Goods themselves, so that they need to be handed over to another party.

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Article 490

Original provision - English reference

The provisions referred to in Article 481 shall also apply to the criminal offenses referred to in Articles 486 through 489.

Elucidation - Article 490

Self-explanatory.

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Article 491

Original provision - English reference

(1) Every person as referred to in Article 486, Article 488, or Article 489, may be sentenced to additional punishment 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 criminal offense as referred to in paragraph (1) is committed in the exercise of his/her profession, the perpetrator may be sentenced to additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

Elucidation - Article 491

Self-explanatory.

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CHAPTER XXVII

CRIMINAL OFFENSE OF FRAUDULENT ACT

Article 492

Original provision - English reference

Any person who with intent to unlawfully benefit himself or another by assuming a false name or a false position, by means of deceit or a series of false words, induces someone to deliver a good, to give a debt, to make an acknowledgment of debt, or to cancel a debt, shall, being guilty of fraud, be punished by a maximum imprisonment of 4 (four) years or a maximum fine of category V.

Elucidation - Article 492

This provision regulates the crime of fraud. The material act of fraud is to induce a person by various means mentioned in this provision, to give something, to create a debt or to cancel a debt. Thus, the directly harmful act is not committed by the perpetrator of the Crime, but by the injured party himself. The act of deception is only completed by the occurrence of the action of the injured party as desired by the perpetrator.

The delivery of the goods does not have to be made directly to the perpetrator of the crime, but can also be made to another person who is ordered by the perpetrator to receive the delivery.

Fraud is a crime against property. The place of the crime is the place where the perpetrator commits the fraud, even if the delivery is made in another place. The moment of committing the crime is the moment when the perpetrator commits the fraud.

The goods handed over may be the perpetrator's own property, for example, goods given as collateral for a debt that is not for the benefit of the perpetrator. The extinguishment of the receivable does not need to be done through the extinguishment of the obligation according to the Civil Code. This also includes, for example, the act of the perpetrator who temporarily stops the kilometer logger of the rented car, so that the owner of the car calculates a smaller amount of rent than is actually due.

This provision limitatively mentions the means used by the perpetrator that causes the fraud to be punishable, namely in the form of a false name or position, abuse of religion, deception and a series of false words. There must be a causal relationship between the means used and the act desired, so that the person believes and gives what is requested.

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Article 493

Original provision - English reference

A seller who deceives a buyer by delivering other goods than those specified shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category IV:

a. by delivering other Goods than those specified by the buyer; or

b. about the state, nature or quantity of the Goods delivered.

Elucidation - Article 493

Self-explanatory.

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Article 494

Original provision - English reference

Shall be punished for minor fraud with a maximum fine of category II, if:

a. the Goods delivered as referred to in Article 492 are not Livestock, not a source of livelihood, debts, or receivables whose value does not exceed Rp1,000,000.00 (one million rupiah); or

b. the value of the profit obtained shall not exceed Rp1,000,000.00 (one million rupiah) for the perpetrators as referred to in Article 493.

Elucidation - Article 494

Self-explanatory.

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Article 495

Original provision - English reference

Any person who commits an act by fraudulent means which results in another person suffering an economic loss, through false confession or by not informing the actual circumstances, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 495

This provision is intended to protect consumers from fraudulent acts in the world of trade committed by sellers. In the world of commerce, it may happen that the seller makes a false confession about the nature or condition of the Goods he sells or does not actually state the nature or condition of the Goods, so that the consumer buys a Good which is not in accordance with his expectations or not in accordance with the costs he incurs.

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Article 496

Original provision - English reference

Any person who fraudulently obtains a service for himself or another from a third party without paying in full for the use of such service shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 496

This provision is intended to protect a person from economic loss through the provision of services to others as a result of fraudulent acts of the other person. For example, a person fraudulently takes advantage of another person's kindness in using a telephone number and line and charges the telephone subscriber for his conversation or connection.

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Article 497

Original provision - English reference

Any person who makes a livelihood or habit of purchasing goods with intent to acquire such goods for himself or another without payment, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 497

This provision is intended to protect fraudulent acts in commerce committed by consumers, by not paying the full price of the purchased goods. To be punishable under this provision, the act of the consumer must be committed repeatedly, indicating that the act is his livelihood or habit. In society, this act of the consumer is known as "evasion".

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Article 498

Original provision - English reference

Any person who by deceit misleads an insurer concerning a matter relating to insurance so that the insurer concludes an agreement which he would not have concluded under such conditions if the true situation had been known, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III.

Elucidation - Article 498

This provision is intended to prevent fraudulent acts in the world of insurance committed by the insured party in the making of an insurance agreement to the detriment of the insurer.

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Article 499

Original provision - English reference

shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V, any person who with intent to unlawfully benefit himself or another unlawfully harms an insurer or a person lawfully holding a letter of insurance for goods in a transport vehicle, by:

a. burning or causing the explosion of Goods covered by fire insurance so that they are no longer usable;

b. sinking, stranding, damaging, destroying, or rendering useless a Vessel which is insured or whose cargo is insured or whose freight to be paid is insured or for the equipping of which loan money has been granted on account of such Vessel; or

c. damages, destroys or renders useless an insured vehicle or an insured cargo or an insured transport wage to be paid or for the equipping of which loan money has been granted on account of such vehicle.

Elucidation - Article 499

The criminal offenses in this provision shall constitute fraudulent acts to obtain payment of insurance money.

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Article 500

Original provision - English reference

Any person who commits a fraudulent act in order to mislead the public or a particular person with a view to establishing or enlarging his own or another's trade or enterprise, so as to cause injury to his rival or the rival of such other person, shall, being guilty of fraudulent competition, be punished by a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Elucidation - Article 500

Self-explanatory.

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Article 501

Original provision - English reference

The holder of a bill of lading who encumbers a copy of the bill of lading by a reciprocal agreement with several consignees of the Goods concerned, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 501

What is meant by "bill of lading" is a dated Letter in which the carrier explains that it has received certain Goods, with the intention of transporting such Goods to the designated place, and delivering them to the designated person, in accordance with the terms of the agreement for delivery of the Goods.

The original bill of lading (first sheet) in this provision is a securities and can be traded, while copies or other sheets are not. Only the first or original bill of lading may be exchanged for the type of Goods stated therein.

Since the original bill of lading is a securities, it may be encumbered with any form of property right, such as mortgage, sale, loan or exchange. Copies or other sheets which are not securities have no value so that if they are sold, the purchaser will not receive the Goods and the act of encumbering copies or other sheets with rights to property constitutes an act of fraud.

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Article 502

Original provision - English reference

A maximum imprisonment of 5 (five) years or a maximum fine of category V shall punish any person who with intent to unlawfully benefit himself or another:

a. sells, exchanges or encumbers with a credit bond a right to use state land or a house, a plant or nursery business on land on which a person exercises a right to such land, whereas another person has the right or shares the right to such land or goods;

b. selling, exchanging or encumbering with a credit bond a right to use state land or a house, crop business or nursery on land on which a person exercises a right to such land, even though such land or Goods have been encumbered with a credit bond, but does not notify the other party of such fact;

c. encumbering with a credit bond a right to use state land by concealing to the other party that the land on which the person exercises the right has been pledged;

d. pledging or leasing a piece of land over which a person exercises a right, while another person has a right or shares a right over the land;

e. leasing, selling or exchanging mortgaged land without informing the other party that the land has been mortgaged; or

f. rents out a piece of land on which a person exercises a right to such land for a certain period of time, whereas the land has also been rented out to another person.

Elucidation - Article 502

Self-explanatory.

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Article 503

Original provision - English reference

(1) Any person who sells, offers for sale or delivers Articles in the form of food, drink or medicine, which he knows to be false and conceals the falsity thereof, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(2) If the crime as referred to in paragraph (1) results in serious injury or illness, he shall be liable to 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, he shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 503

Paragraph (1)

In this provision, food, drink or medicine shall be counterfeited if its value or benefit is diminished as a result of being mixed with other ingredients.

Paragraph (2)

Self-explanatory.

Paragraph (3)

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Article 504

Original provision - English reference

Any person who conducts food production for distribution using food additives exceeding the maximum threshold stipulated by the competent authority or using materials prohibited as additives, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

Elucidation - Article 504

Self-explanatory.

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Article 505

Original provision - English reference

Any person who with intent to unlawfully benefit himself or another, damages, destroys, moves, removes, or renders useless an Article used to determine the boundary of a yard or the boundary of a legal land right, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 505

What is meant by "yard boundary" is any sign used to indicate the boundary of a yard, such as a wall, fence, stake, pile of stones, vegetation, water channel, river, or rice field bund with the purpose of separating a parcel of land belonging to a person from an adjoining parcel of land belonging to another person.

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Article 506

Original provision - English reference

Any person who, with intent to unlawfully benefit himself or another, disseminates false news resulting in an increase or decrease in the price of merchandise, funds, financial transactions or securities shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 506

By "false news" is meant not only false notification of a fact but also false notification of an advantage to be expected.

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Article 507

Original provision - English reference

Any person who, in selling or assisting in selling debentures of a state or part thereof, shares or debentures of an association, foundation or company, influences to buy or take part, conceals or covers up a true situation or matter, or gives false hope, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category V.

Elucidation - Article 507

Self-explanatory.

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Article 508

Original provision - English reference

The entrepreneur, manager or commissioner of the Corporation who announces an untrue situation or balance sheet, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III.

Elucidation - Article 508

Self-explanatory.

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Article 509

Original provision - English reference

shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III:

a. Any advocate who includes or requests to include in a lawsuit or a petition for divorce or a petition for bankruptcy, a statement concerning the residence or abode of the defendant or the debtor, knowing or reasonably suspecting that such statement is contrary to the actual situation;

b. a husband or wife filing a lawsuit or petition for divorce who provides information contrary to the actual circumstances to the advocate referred to in letter a; or

c. a creditor filing a petition for bankruptcy who gives information contrary to the actual circumstances to the advocate as referred to in paragraph a.

Elucidation - Article 509

Self-explanatory.

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Article 510

Original provision - English reference

The criminal provisions as referred to in Article 481 shall also apply to the criminal offenses as referred to in Articles 492 through 509, except for the provisions as referred to in Article 509 letter b.

Elucidation - Article 510

Self-explanatory.

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CHAPTER XXVIII

CRIMINAL OFFENSES AGAINST TRUST IN DOING BUSINESS

Section One

Acts of Harm and Fraud against Creditors

Article 511

Original provision - English reference

A businessman who has been adjudged bankrupt or who has been permitted to dispose of his property by a court decision shall, being guilty of injury to creditors, be punished by a maximum imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III if:

a. lives extravagantly;

b. with intent to suspend his bankruptcy borrows money under an agreement which is onerous for him, knowing that such loan will not prevent his bankruptcy; or

c. fails to produce intact books, documents containing records describing the state of the company's assets, and other documents which must be made and kept in accordance with the provisions of laws and regulations.

Elucidation - Article 511

Self-explanatory.

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Article 512

Original provision - English reference

An entrepreneur who has been declared bankrupt or who has been allowed to dispose of his property based on a court decision, shall be punished for fraudulently harming creditors, by a maximum imprisonment of 7 (seven) years or a maximum fine of category VI, if:

a. fabricates debts, does not account for profits, or withdraws Goods from the company's property;

b. disposes of Goods belonging to the company, either free of charge or at a price far below the price;

c. has acted in a manner favorable to a creditor during bankruptcy or at a time when it was known that the bankruptcy could not be avoided; or

d. does not fulfill the obligation to record everything in accordance with the provisions of laws and regulations, to keep and to produce books, letters, and other documents as referred to in Article 511 letter c.

Elucidation - Article 512

Letter a

What is meant by "withdrawing Goods from the company's property" is any act to place Goods beyond the reach of the curator prior to or at the time of the bankruptcy, including settling the company's receivables.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

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Article 513

Original provision - English reference

Criminal Acts as referred to in Article 511 and Article 512 may also be committed by a Corporation.

Elucidation - Article 513

Self-explanatory.

Editorial note: this missing source sentence was restored from the official Indonesian elucidation; see the edition note.

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Article 514

Original provision - English reference

Punishable for fraud of creditors' rights with a maximum imprisonment of 5 (five) years or a maximum fine of category VI, every person who:

a. collect payment from both unpaid and overdue receivables when the debtor has known that bankruptcy or corporate insolvency of the debtor has been filed or as a result of negotiation with the debtor, at the time of property disposal based on court decision, bankruptcy, or ordered by the court to conduct corporate insolvency, or when it is known or reasonably suspected that one of these things will occur and then the property disposal, bankruptcy, or corporate insolvency actually occurs; or

b. fabricates the existence of non-existent receivables or increases the amount of existing receivables, at the time of verification of receivables in the disposal of property by virtue of a court decision, bankruptcy, or corporate winding up.

Elucidation - Article 514

Self-explanatory.

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Article 515

Original provision - English reference

Any person who is adjudged incapacitated or, if he is not an entrepreneur, is adjudged bankrupt or by virtue of a court decision is allowed to dispose of his property, fraudulently diminishes the rights of his creditors by fabricating debts, concealing income, withdrawing goods from his property, or disposing of goods free of charge or obviously at below the price, or at the time of his incapacity,

his incapacity, the disposal of his property or his bankruptcy, or at the time when he knows that one of these circumstances cannot be prevented, benefits one of his creditors in any way whatsoever, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category VI.

Elucidation - Article 515

Self-explanatory.

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Second Part

Fraudulent Acts of Management or Commissioner

Article 516

Original provision - English reference

The manager or commissioner of a Corporation declared bankrupt or who is ordered to conduct a corporate management, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category VI, if:

a. facilitates or permits an act contrary to its articles of association which results in the loss of the Corporation;

b. with the intention of suspending the bankruptcy or corporate insolvency, facilitates or permits borrowing money with onerous conditions, when it is known that the bankruptcy or corporate insolvency cannot be prevented; or

c. failing to fulfill the obligation to keep records as prescribed in the provisions of laws and regulations or failing to produce records in their actual state.

Elucidation - Article 516

Self-explanatory.

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Article 517

Original provision - English reference

The management or commissioner of a Corporation declared bankrupt or ordered to carry out corporate administration based on a court decision fraudulently reduces the rights of creditors in the manner referred to in Article 512, shall be liable to imprisonment for a maximum of 7 (seven) years or a maximum fine of category VI.

Elucidation - Article 517

Self-explanatory.

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Article 518

Original provision - English reference

The management or commissioner of a Corporation outside the provisions as referred to in Article 516, who assists or permits an act contrary to the articles of association which results in the Corporation being unable to fulfill its obligations or having to be dissolved, shall be punished by a maximum fine of category VI.

Elucidation - Article 518

Self-explanatory.

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Third Part

Peace for Profit

Article 519

Original provision - English reference

shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III:

a. a creditor who approves an offer of peace at a court hearing because he has entered into an agreement with the debtor or with a third party and requests a special benefit; or

b. a debtor who agrees to a peace offer at a court hearing because he has entered into an agreement with the creditor or with a third party and requests a special benefit.

Elucidation - Article 519

This provision is intended to prevent a peace agreement from being made because the perpetrator of the Crime obtains a special benefit, whereas according to the Law, the agreement, once ratified, shall also apply to creditors who did not originally agree to it. This also applies to the management or commissioner of a Corporation.

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Fourth part Withdrawal of goods without right

Article 520

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category V, any person who:

a. withdraws part or all of his own Goods or Goods belonging to another person for the purposes of the owner, from another person who has a lien, right of retention, right to collect produce, or right of use over such Goods;

b. withdraws part or all of his/her own Goods or the Goods of another person for the purposes of the owner, from a debt arrangement for a mortgage on such Goods, to the detriment of the person to whom the mortgage is owed;

c. withdraws part or all of the Goods by which he is bound by a harvest bond, or for the person giving the bond withdraws any Goods by which another person is bound by a harvest bond to the detriment of the holder of the bond; or

d. withdraws part or all of the Goods belonging to him or for the purposes of the owner from the credit bond on such Goods to the detriment of the credit holder.

(2) The penal provisions as referred to in Article 481 shall also apply to the criminal offense as referred to in paragraph (1).

Elucidation - Article 520

Paragraph (1)

Letter a

The right of retention arises under statutory provisions, namely Article 1616 or Article 1812 of the Civil Code.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Paragraph (2)

Self-explanatory.

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CHAPTER XXIX

CRIMINAL OFFENSES OF DAMAGE TO AND DESTRUCTION OF PROPERTY AND BUILDINGS

Section One

Destruction and Damage to Goods

Article 521

Original provision - English reference

(1) Any person who unlawfully damages, destroys, renders useless, or removes property which belongs wholly or partially to another person, shall be liable to imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category IV.

(2) If the crime as referred to in paragraph (1) results in a loss of not more than Rp500,000.00 (five hundred thousand rupiah), the perpetrator of the crime shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 521

Paragraph (1)

What is meant by "damage" is to render temporarily unusable, meaning that if the Goods are repaired they can be used again.

What meant by "destroy" is to destroy or completely destroy so that it can no longer be used.

Paragraph (2)

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Second Part

Damage and Destruction of Building

Article 522

Original provision - English reference

Any person who unlawfully damages a building for facilities, infrastructure, and/or public service facilities, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 522

What is meant by "buildings for public service facilities, infrastructure, and/or facilities" are, for example, railroad buildings, electricity buildings, telecommunication buildings, buildings for communication via satellite or other long distance communication, radio or television stations, dams, gas lines, or drinking water lines.

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Article 523

Original provision - English reference

Any Person who unlawfully destroys or makes unusable a building for facilities, infrastructure, and/or public service facilities, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

Elucidation - Article 523

Self-explanatory.

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Article 524

Original provision - English reference

Any person who through negligence causes damage, destruction, or rendering unusable a building, shall be liable to imprisonment of not more than 1 (one) year or a maximum fine of category III.

Elucidation - Article 524

Self-explanatory.

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Article 525

Original provision - English reference

Any person who unlawfully destroys or renders useless a building, ship, train or other means of mass transportation which partly or wholly belongs to another person, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

Elucidation - Article 525

Self-explanatory.

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Article 526

Original provision - English reference

The provisions referred to in Article 481 shall also apply to the Criminal Offenses referred to in Articles 521 through 525.

Elucidation - Article 526

Self-explanatory.

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CHAPTER XXX

CRIMINAL OFFENSE OF OFFICE

Section One

Refusal or Neglect of Requested Togas

Article 527

Original provision - English reference

Any commander of the Indonesian Armed Forces who refuses or neglects a request to provide assistance to forces under his command when requested by an official authorized under the Law, shall be liable to imprisonment for a maximum of 4 (four) years.

Elucidation - Article 527

What is meant by "providing force assistance" is the provision of assistance provided by the Commander of the Indonesian National Army only in civil emergencies.

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Article 528

Original provision - English reference

(1) A civil official who requests the assistance of the Indonesian National Army or the Police State Police Republic of Indonesia to against

implementation of laws and regulations or a lawful order of an authorized Official, court decision, or court order, shall be liable to imprisonment for a maximum of 5 (five) years.

(2) If the implementation of laws and regulations or a lawful order of an authorized official, court decision, or court order is hindered due to the request as referred to in paragraph (1), the civil official shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 528

The Criminal Offenses in this provision shall constitute Criminal Offenses against the administration of justice.

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Second Part

Crime of Coercion and Crime of Torture

Article 529

Original provision - English reference

The official who in a criminal case forces a person to confess or to give information, shall be liable to imprisonment for a maximum of 4 (four) years.

Elucidation - Article 529

What is meant by "force" is the unauthorized use of power. An example is an investigator who in conducting an investigation forces a suspect to confess or forces a witness to give testimony according to the will of the investigator. Coercion may also be exercised physically or psychologically by frightening the witness into mental distress. However, if a witness gives testimony that is contrary to reality and the investigator gives a stern warning or points out the unfavorable consequences of the witness' false testimony, this provision does not apply.

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Article 530

Original provision - English reference

Any Official or any other person acting in an official capacity, or any person acting under the direction or with the knowledge of a public Official, who inflicts physical or mental suffering on a person for the purpose of obtaining information or a confession from such person or a third person, punishing him for an act committed or alleged to have been committed by him or a third person, or intimidating or coercing such person or a third person on the basis of any ground of discrimination in any of its forms, shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 530

This provision regulates the crime known as Torture. This crime has become an international crime through the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984. Indonesia as a member of the United Nations has ratified this convention by Law Number 5 of 1998 concerning the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture).

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Therefore, the act in this Law is categorized as a criminal offense.

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Third Part Abuse of Position or Authority

Article 531

Original provision - English reference

(1) Any official charged with the custody of a person detained pursuant to an order of an authorized official or a judgment or a court order, allowing such person to escape, releasing such person, or assisting such person at the time of release or release, shall be liable to imprisonment for a maximum of 4 (four) years.

(2) The official referred to in paragraph (1) who through his negligence causes the detained person to escape, shall be liable to imprisonment for a maximum of 1 (one) year.

Elucidation - Article 531

Self-explanatory.

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Article 532

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 4 (four) years, the official who:

a. having the duty as investigator of criminal offenses does not fulfill a request to declare that a person has been unlawfully deprived of his liberty or

fails to give immediate notice thereof to his superior; or

b. in the performance of his/her duties, knowing that a person has been unlawfully deprived of his/her liberty, fails to immediately notify the Officer in charge of investigating Criminal Offenses.

(2) Any official who through negligence does not fulfill the obligation as referred to in paragraph (1), shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category III.

Elucidation - Article 532

Paragraph (1)

Letter a

What is meant by "not fulfilling a request" is, for example, not following up on a report or information that someone has been unlawfully deprived of their liberty.

Letter b

Self-explanatory.

Paragraph (2)

Self-explanatory.

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Article 533

Original provision - English reference

The Head of a Correctional Institution, the Head of a State Detention Center, the Head of a Special Development Institution for Children, the Head of a Temporary Child Placement Institution, or the Head of a Mental Hospital who refuses a lawful request from an authorized Officer to show a person, to show a list of the data of the persons admitted to such institution, to show a court decision or stipulation, or to show any other document which under the provisions of laws and regulations must be fulfilled in order to admit a person to such institution, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months.

Elucidation - Article 533

Self-explanatory.

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Article 534

Original provision - English reference

The head of a correctional institution, the head of a state detention center, the head of a special development institution for children, the head of a temporary placement institution for children or the head of a psychiatric hospital who admits a person to such institution without requiring the production of a judgment or court order, or of any other document required by virtue of statutory provisions, or does not record in the register the data of the person admitted, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 534

For the sake of security and order, matters relating to convicted persons or persons in detention shall be based on a valid judgment or warrant of detention. Likewise, a child admitted to a Special Development Institution for Children or a mentally ill person admitted to a psychiatric hospital shall be based on a valid warrant.

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Article 535

Original provision - English reference

By a maximum imprisonment of 1 (one) year and 6 (six) months shall be punished the official who:

a. exceeds his/her authority or without observing the procedure in accordance with the provisions of laws and regulations, forces his/her entry into a house or an enclosed room or yard used by another person, or being unlawfully present in such a place, does not leave immediately after being reprimanded by or on behalf of the rightful person; or

b. when searching a house, exceeds his/her authority or without observing the procedure in accordance with the provisions of laws and regulations, examines, seizes letters, books or other evidences.

Elucidation - Article 535

This provision is intended to provide protection to a person's human right to his/her dwelling house, which is a person's personal right so that it must be protected, may not be entered by another person without permission from the occupant of the house or without observing the method in accordance with the provisions of laws and regulations. Similarly, entering an enclosed place or enclosed yard used by people. This provision is imposed only on Officials in the performance of their duties.

This provision shall apply specifically to an Official in conducting a house search or reading or seizing a Letter in the context of an investigation of a criminal offense without complying with the provisions of laws and regulations.

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Article 536

Original provision - English reference

shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV, an official who:

a. exceeds his/her authority to ask people to show him/her or seize letters, postcards, goods, or packages entrusted to a transportation agency or public delivery service; or

b. exceeds his/her authority in requesting an electronic system provider to provide documents and Electronic Information concerning communications occurring through the electronic system network.

Elucidation - Article 536

Letter a

This provision is intended to protect the secret of correspondence. This Criminal Offense is excluded if the act is committed by an investigator who, based on the provisions of laws and regulations, requires the Letter as evidence in the context of the investigation of a Criminal Offense.

Letter b

What is meant by "electronic system organizer" is Every Person, state administrator, business entity, and community who provides, manages, and/or operates electronic system, either individually or jointly to electronic system users for their own purposes and/or the purposes of other parties.

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Article 537

Original provision - English reference

shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category IV, an official of an institution in charge of transportation of letters or goods who:

a. provides Mail, card postcard, Goods, or package to any person other than the person entitled;

b. tamper with, destroy or lose such Letter, postcard, Item or parcel;

c. alter the contents of such Letter, postcard, Goods or parcel; or

d. takes for himself any Goods in the Mail or the parcel.

Elucidation - Article 537

Self-explanatory.

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Article 538

Original provision - English reference

The official of an institution in charge of the transportation of Mail or Goods who allows another person to commit the crime as referred to in Article 537 and/or assists such other person in committing the act, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category IV.

Elucidation - Article 538

Self-explanatory.

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Article 539

Original provision - English reference

(1) Any authorized official who solemnizes the marriage of a person, knowing that the existing marriage is a valid obstacle for him to remarry, shall be liable to imprisonment for a maximum of 4 (four) years and 6 (six) months.

(2) Any authorized official who solemnizes the marriage of a person, knowing that a legal impediment other than the impediment referred to in paragraph (1) exists, shall be liable to imprisonment for a maximum of 5 (five) years.

Elucidation - Article 539

Paragraph (1)

What is meant by "an authorized official who solemnizes a person's marriage" is an official in accordance with the provisions of the Law on marriage and its implementing regulations.

Paragraph (2)

What is meant by "legitimate impediment" is in accordance with the conditions for marriage specified in the laws and regulations governing marriage.

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Article 540

Original provision - English reference

Any authorized official who issues a copy or an extract of a court decision before the decision has been duly signed, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 540

Self-explanatory.

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Article 541

Original provision - English reference

Any former official who without the permission of an authorized official withholds an official letter in his possession, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 541

Self-explanatory.

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CHAPTER XXXI

CRIMINAL OFFENSE OF SHIPPING

Section One

Piracy and Violence against and on Board a Ship

Article 542

Original provision - English reference

Any Person who uses a Vessel to detain or commit Violence or Threats of Violence against another Vessel or against persons or Goods on board a Vessel on the high seas or in a place beyond the jurisdiction of any State with intent to gain control over persons or to unlawfully seize or possess Vessels or Goods, shall, being guilty of piracy at sea, be punished by a maximum imprisonment of 12 (twelve) years.

Elucidation - Article 542

Self-explanatory.

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Article 543

Original provision - English reference

(1) Any person who on land or in the water near the shore or at the mouth of a river commits Violence or Threats Violence against persons or Goods at such place after having first crossed the sea, shall be liable to imprisonment for a maximum of 12 (twelve) years.

(2) Any person who by means of a Ship commits Violence or Threats Violence against another Ship or against persons or Goods in Indonesian waters in order to gain control over persons or to unlawfully control or possess a Ship or Goods, shall be punished by the same punishment as referred to in paragraph (1).

Elucidation - Article 543

Paragraph (1)

The Criminal Offenses stipulated in Articles 542 to 560 are international Criminal Offenses, meaning that the perpetrators of such Criminal Offenses can be prosecuted in any country where the perpetrators are found as long as the country adheres to the principle of universality. Thus, the nationality of the perpetrator, as well as the locus delicti and nationality of the Ship are not questioned, because the Criminal Act is considered to disrupt world order.

In this case, the skipper or leader of the ship did not commit piracy, but only handed over the ship to the pirates to be used for piracy. Although it is a crime in the form of assisting, it is made into a separate crime with the same punishment as the crime of piracy itself.

If the person delivering the vessel is not the skipper or leader of the vessel, he/she will be punished with a lower punishment.

Paragraph (2)

In this provision, the person or Goods do not have to be on board the Ship but can also be on shore.

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Article 544

Original provision - English reference

Every person who commits an act as referred to in Article 542 and Article 543 which results in:

a. Serious Injury shall be liable to imprisonment for a maximum of 15 (fifteen) years; or

b. death of a person shall be punished by life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 544

Self-explanatory.

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Article 545

Original provision - English reference

Every person who:

a. works as a Skipper or performs the profession of a Skipper on a Ship, knowing that the Ship is used to commit the acts referred to in Article 542 and Article 543, shall be liable to imprisonment for a maximum of 12 (twelve) years; or

b. working as a crew member of a vessel, knowing that the vessel is used to commit the acts referred to in Article 542 and Article 543, shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 545

Self-explanatory.

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Article 546

Original provision - English reference

(1) Any person who delivers an Indonesian Ship into the power of the person who commits the act as referred to in Article 542 and Article 543, shall be liable to imprisonment for a maximum of 10 (ten) years.

(2) In the event that the act as referred to in paragraph (1) is committed by the Skipper, he shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 546

Self-explanatory.

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Article 547

Original provision - English reference

Any Indonesian Ship Passenger who usurps the control of such Ship, shall be liable to imprisonment for a maximum of 6 (six) years.

Elucidation - Article 547

Self-explanatory.

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Article 548

Original provision - English reference

Any skipper of an Indonesian Ship who takes over or withdraws a Ship from its owner or from a Businessman who owns and uses such Ship for his own benefit, shall be liable to imprisonment for a maximum of 8 (eight) years.

Elucidation - Article 548

What is meant by "taking over or withdrawing a Ship from its owner" is taking a Ship from the power of its owner illegally, for example by absconding with the Ship and using it for one's own benefit.

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Second Part

Forgery of Ship's Certificate and False Report

Article 549

Original provision - English reference

Any skipper of an Indonesian Ship who makes or asks another person to make a Ship's Certificate knowing that the contents of such Certificate are contrary to the truth, shall be liable to imprisonment for a maximum of 5 (five) years.

Elucidation - Article 549

"Ship's certificate" means, inter alia, Ship's letter, document and report.

This provision is intended to prevent and eradicate fraud against the Ship's Certificate committed by the Skipper or leader of the Ship.

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Article 550

Original provision - English reference

Any person who, in order to fulfill the provisions of laws and regulations concerning the registration of Ships, produces a certificate knowing that the contents of such certificate are contrary to the truth, shall be liable to imprisonment for a maximum of 5 (five) years or a maximum fine of category IV.

Elucidation - Article 550

Self-explanatory.

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Article 551

Original provision - English reference

shall be liable to imprisonment for a maximum of 8 (eight) years, any person who:

a. makes or requests another person to make a false statement in the minutes of a Ship's statement about a situation the truth of which must be stated in the deed, with the intention to use himself or to order another person to use the deed as if the statement in the minutes were in accordance with the truth if the use of the deed could cause a loss; or

b. uses the deed referred to in point a as if the contents were in accordance with the truth if by reason of the use of the deed a loss may arise.

Elucidation - Article 551

Self-explanatory.

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Article 552

Original provision - English reference

Any skipper who, with intent to benefit himself or another, makes or gives a false report of an accident to a Ship under his command or to another Ship, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.

Elucidation - Article 552

This provision is intended to prevent the making of false reports to benefit oneself or others, e.g. a Shipmaster deliberately sinking his Ship, but in his report it is stated that his Ship has met with an accident and sunk, thereby gaining the opportunity to receive insurance payments for the Ship and/or its cargo.

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Third Part

Assault, Rebellion and Insubordination on a Ship

Article 553

Original provision - English reference

(1) Punishable for assault on board a Ship by a maximum imprisonment of 3 (three) years or a maximum fine of category III:

a. Any Indonesian Ship Passenger who on board a Ship attacks or resists the Skipper by Violence or Threat of Violence with intent to deprive him of his freedom of movement; or

b. Indonesian Ship's crew member who on board a Ship or in the exercise of his profession commits an act as referred to in letter a against a person of superior rank.

(2) The act as referred to in paragraph (1) shall be punished with:

a. imprisonment of not more than 5 (five) years, if the act or other accompanying act results in Injury;

b. imprisonment of 7 (seven) years, if it results in Serious Injury; or

c. by a maximum imprisonment of 9 (nine) years, if it results in the death of a person.

Elucidation - Article 553

This provision is intended to safeguard the security, order and safety of shipping.

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Article 554

Original provision - English reference

(1) In the event that the act as referred to in Article 553 paragraph (1) is committed by 2 (two) or more persons jointly or in concert, shall, being guilty of mutiny on board a ship, be punished by a maximum imprisonment of 7 (seven) years.

(2) The act as referred to in paragraph (1) shall be punished with:

a. imprisonment for a term not exceeding 9 (nine) years, if such act or any other act accompanying it results in injury;

b. imprisonment of not more than 12 (twelve) years, if it results in Serious Injury; or

c. by a maximum imprisonment of 15 (fifteen) years, if it results in the death of a person.

Elucidation - Article 554

This provision is intended to regulate mutiny on a Ship,

but here it is committed by 2 (two) or more persons in concert. This provision also stipulates the aggravation of punishment, considering the consequences caused and the act committed jointly.

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Article 555

Original provision - English reference

Any person who on board an Indonesian Ship incites others to commit mutiny on board shall be liable to imprisonment for a maximum of 6 (six) years.

Elucidation - Article 555

Self-explanatory.

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Article 556

Original provision - English reference

(1) shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, any Passenger of an Indonesian Ship who:

a. does not obey an order of the Skipper given in the interest of security or to enforce order and discipline on board the Ship;

b. does not render assistance according to his ability to the Skipper when he knows that the Skipper's freedom of movement is deprived; or

c. fails to notify the Skipper in good time of the intention of another person on board the Vessel to commit an assault on the Vessel.

(2) The provisions as referred to in paragraph (1) letter c shall not apply if the attack on the Ship does not occur.

Elucidation - Article 556

Self-explanatory.

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Article 557

Original provision - English reference

If Every Person as referred to in Article 547 and Articles 553 through 556 holds the rank of Ship's officer, the punishment may be increased by 1/3 (one-third).

Elucidation - Article 557

"Ship's officers" include, among others, the chief mate and the Ship's doctor.

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Fourth Part

Abuse of Authority and Violation of Obligation by Ship's Skipper

Article 558

Original provision - English reference

shall be liable to imprisonment for a maximum of 7 (seven) years, any skipper of an Indonesian Ship who with intent to unlawfully benefit himself or another or to conceal his benefit by:

a. selling the Ship;

b. encumbering with fiduciary guarantee, mortgage or pledge the Ship or its equipment;

c. sell or mortgaging Goods cargo or supplies of the Vessel; or

d. take into account loss or expenses which not actually incurred.

Elucidation - Article 558

Self-explanatory.

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Article 559

Original provision - English reference

Any person who equips a Ship at his own expense or at the expense of another person, with the intention that it will be used to commit the Criminal Offenses as referred to in Article 542 and Article 543, shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 559

Self-explanatory.

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Article 560

Original provision - English reference

Any person who at his own expense or at the expense of another directly or indirectly participates in the chartering, loading or insuring of a Ship, knowing that the Ship will be used or intended to be used for the purposes referred to in Articles 542 and 543, shall be liable to imprisonment for a maximum of 10 (ten) years.

Elucidation - Article 560

Self-explanatory.

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Article 561

Original provision - English reference

The skipper of an Indonesian Ship who with intent to unlawfully benefit himself or another or to conceal such benefit by changing the course of his Ship, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

Elucidation - Article 561

In this provision what is meant by "changing the course of the Ship" 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 to go directly to a port which has been previously determined as the port of destination.

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Article 562

Original provision - English reference

(1) Any skipper of an Indonesian Ship who, under no compulsion and without the knowledge of the owner or the Master of the Ship, commits or allows to be committed an act which he knows will cause the Ship or its cargo to be towed, stopped or detained, shall be liable to imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III.

(2) Any Passenger of a Ship who is not under compulsion and without the knowledge of the Skipper commits or allows the act as referred to in paragraph (1), shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II.

Elucidation - Article 562

In this provision, a Vessel or Goods may be towed, stopped, or detained by a local authorized Officer, if it violates blockade provisions, quarantine regulations, or carries prohibited Goods (smuggling).

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Article 563

Original provision - English reference

The skipper of an Indonesian ship who, under no compulsion, fails to give something which he is obliged to give to a passenger of his ship, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 563

What is meant by "not giving something which is obligatory" is, for example, giving food or rations.

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Article 564

Original provision - English reference

Any skipper of an Indonesian Ship who, under no compulsion or contrary to the law applicable to him, discharges the cargo of his Ship, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 564

"Force majeure" means a circumstance such that the skipper or master of the vessel is forced to take an action to safeguard the safety of the voyage, for example, due to overloading to prevent the vessel from sinking or due to an infectious disease.

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Article 565

Original provision - English reference

Any skipper whose Ship bears the Indonesian flag, knowing that he is not entitled to bear such flag, shall be liable to imprisonment for a maximum of 2 (two) years or a maximum fine of category III.

Elucidation - Article 565

This provision is intended as an attempt to prevent misuse of the Indonesian flag.

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Article 566

Original provision - English reference

Any skipper whose Ship bears a mark which creates the impression that the Ship is an Indonesian warship or a government Ship other than a warship in charge of security and order at sea or a pilot Ship working in Indonesian waters, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 566

"Government vessels other than warships in charge of security and order at sea" means, among others, water police vessels and customs vessels.

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Article 567

Original provision - English reference

The skipper of an Indonesian Ship who does not fulfill the obligation to record and notify the birth or death of a person on board during sailing time in accordance with the provisions of laws and regulations, shall be punished by a maximum fine of category II.

Elucidation - Article 567

This provision relates to the obligation to record every birth or death. This is for the purpose of population administration. If the birth or death occurs at sea, the obligation to make a record is imposed on the Ship's Captain.

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Article 568

Original provision - English reference

Any skipper of an Indonesian Ship who without valid reasons refuses a request to transport a suspect, defendant, convict, prisoner, and/or Goods related to a criminal case in accordance with the provisions of laws and regulations, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category III.

Elucidation - Article 568

The acts referred to in this provision are acts that impede law enforcement.

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Article 569

Original provision - English reference

(1) Any skipper of an Indonesian Ship who allows to escape or releases a suspect, defendant, convict, or prisoner, or provides assistance in releasing or escaping, even though such person is transported on his Ship based on a request in accordance with the provisions of laws and regulations, shall be liable to imprisonment for a maximum of 4 (four) years or a maximum fine of category IV.

(2) In the event that the Skipper due to his negligence results in the release or escape of a suspect, defendant, convict, or prisoner as referred to in paragraph (1), he shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 569

Self-explanatory.

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Fifth Section

Destruction of Cargo and Ship's Supplies

Article 570

Original provision - English reference

Any person who unlawfully destroys or damages cargo, provisions, or necessities on board a Ship, shall be liable to imprisonment for a maximum of 3 (three) years or a maximum fine of category IV.

Elucidation - Article 570

Self-explanatory.

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Sixth Section Performing Profession as a Ship's Crewman

Article 571

Original provision - English reference

Any person who, under compulsion of necessity, without right, engages in the profession of skipper, helmsman, or engine man on an Indonesian Ship, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category IV.

Elucidation - Article 571

Self-explanatory.

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Article 572

Original provision - English reference

Any person who without the right to use an identification mark, even if it is slightly different, which is used in accordance with the provisions of laws and regulations only for hospital Ships or lifeboats of such Ships or for small Ships used for helping the sick, shall be liable to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Elucidation - Article 572

"Identification sign" means, for example, a red cross sign. The purpose of wearing such a sign is to protect the hospital ship or lifeboat from attack.

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Seventh Section Signing of Conveyance and Travel Ticket

Article 573

Original provision - English reference

Punishable with a maximum fine of category IV, any person who:

a. signs a bill of lading issued in violation of the provisions of laws and regulations; or

b. based on his/her authority signs the bill of lading as referred to in letter a, if the bill of lading is so issued.

Elucidation - Article 573

Self-explanatory.

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Article 574

Original provision - English reference

(1) Shall be punished with a maximum fine of category IV, any person who:

a. signs a Ship Passenger travel ticket issued in violation of the provisions of laws and regulations; or

b. by virtue of his/her authority signs the travel ticket of a Ship Passenger as referred to in letter a, if the ticket is subsequently issued.

(2) The Criminal Offense as referred to in paragraph (1) shall also apply to any Person who provides Ship Passenger travel tickets that are not in accordance with the provisions of laws and regulations.

Elucidation - Article 574

Self-explanatory.

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CHAPTER XXXII

AVIATION CRIMINAL OFFENSES AND CRIMINAL OFFENSES AGAINST AVIATION FACILITIES AND INFRASTRUCTURE

Section One

Destruction of Aeronautical Facilities and Aircraft

Article 575

Original provision - English reference

(1) Any person who unlawfully damages, destroys, or renders unusable a building for the security of air traffic or frustrates an attempt to secure such building, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the criminal offense as referred to in paragraph (1) causes danger to the security of air traffic, shall be liable to 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, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 575

What is meant by "buildings for securing air traffic" are aviation facilities or installations used for security and regulation of air traffic, such as terminals, buildings, towers, and runways.

The crime of aviation in this Chapter can only become a crime of terrorism if there is a purpose to commit a crime of terrorism as stipulated in the laws and regulations on terrorism.

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Article 576

Original provision - English reference

(1) Any person who through his negligence causes damage, destruction, or rendering useless of a building for the safeguarding of air traffic or failure of efforts to safeguard such building, shall be liable to imprisonment for a maximum of 3 (three) years.

(2) If the crime as referred to in paragraph (1) results in danger for the safety of air traffic, he/she shall be liable to 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, he shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 576

Self-explanatory.

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Article 577

Original provision - English reference

(1) Any person who unlawfully damages, destroys, takes away, or moves a sign or device for aviation security, frustrates the operation of such sign or device, or installs a false sign or device, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) If the crime as referred to in paragraph (1) causes danger to aviation security, he/she shall be liable to imprisonment for a maximum of 9 (nine) years.

(3) If the Criminal Offense as referred to in paragraph (1) results in an Aircraft accident, shall be liable to 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, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 577

What is meant by "signs or devices for aviation security" are aviation facilities used by or for aircraft in order to land or take off safely, such as runway signs or devices including lines in the center of the runway, runway markers or coordinates, runway end marks and signs of runway obstacles including radio transmitter sign lights, air traffic building sign lights, and air station building sign lights, and so forth.

The definition of "erroneously installing a sign or device" may also mean intentionally and unlawfully erroneously installing a correct sign or device.

i.e. not in Flight or still in preparation by the ground crew or by the crew of an aircraft for a particular flight.

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Article 578

Original provision - English reference

(1) Any person who due to his/her negligence causes a sign or instrument for securing aviation to be damaged, destroyed, taken away or moved, or causes it to be unable to work or causes a sign or instrument for securing aviation to be installed incorrectly, shall be liable to imprisonment for a maximum of 2 (two) years.

(2) If the crime as referred to in paragraph (1) results in danger to aviation, he/she shall be liable to imprisonment for a maximum of 5 (five) years.

(3) If the crime as referred to in paragraph (1) results in an aircraft accident, he/she shall be liable to imprisonment for a maximum of 6 (six) years.

(4) If the Criminal Offense as referred to in paragraph (1) results in the death of a person, shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 578

Self-explanatory.

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Second Part Hijacking of Aircraft

Article 579

Original provision - English reference

(1) Being punished for committing hijacking in the air with a maximum imprisonment of 12 (twelve) years, every person who:

a. seize or maintain the seizure; or

b. unlawfully controls or controls, an Aircraft in Flight.

(2) Every person who commits the crime as referred to in paragraph (1) by violence, threat of violence, or threat in any other form, shall be liable to imprisonment for a maximum of 15 (fifteen) years.

Elucidation - Article 579

The criminal offense in this provision also constitutes air piracy as stipulated in The Hague Convention 1970 on 'The Suppression of Unlawful Seizure of Aircraft', which was held in The Hague, Netherlands in 1970.

Indonesia has ratified the conventions by Law Number 2 Year 1976 on the Ratification of the Tokyo Convention 1963, The Hague Convention 1970, and the Montreal Convention 1971, so that as a state party it must fulfill the obligations stipulated in Article 2 of the Convention, namely that each state party to the convention is obliged to punish acts of air piracy with severe punishment. This crime is an international crime, which means that every state (convention participant) has jurisdiction over every air pirate, regardless of the nationality of the perpetrator or the Aircraft and the place (country) where the hijacking occurred. This means that if the perpetrator of air piracy is

found in Indonesia, Indonesia has the authority to prosecute him. Therefore, Indonesia is also obliged to make criminal provisions for this criminal offense.

Paragraph (1)

The criminal offense in this provision is commonly known as air piracy. In this provision, the act of seizing or maintaining the seizure is carried out by unlawful means, such as deceiving or bribing, so that the pilot voluntarily surrenders the rudder of the Aircraft in Flight.

Paragraph (2)

Unlike the air piracy provided for in paragraph (1), the act of seizing or maintaining seizure in this paragraph is committed by Force or Threat of Force of any kind, so that the pilot is in a state of duress and can do nothing else but surrender the steering of the Aircraft.

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Article 580

Original provision - English reference

(1) A maximum imprisonment of 15 (fifteen) years shall be imposed, if the Criminal Offense as referred to in Article 579:

a. is committed by 2 (two) or more persons jointly and severally;

b. as a continuation of the criminal conspiracy;

c. is committed with planning;

d. results in serious injury;

e. resulting in damage to the Aircraft that may endanger flight; or

f. committed with the intent to deprive or continue to deprive a person of liberty.

(2) If the criminal offense as referred to in paragraph (1) results in the death of a person or the destruction of the Aircraft, the perpetrator shall be liable to life imprisonment or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 580

This provision constitutes a Criminal Offense which shall be prohibited by states parties to the 1971 Montreal Convention on 'The Suppression of Unlawful Acts Against the Safety of Civil Aviation' held in Montreal-Canada in 1971, as a supplement to the 1970 Hague Convention.

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Third Part

Acts Endangering Aviation Safety

Article 581

Original provision - English reference

Any person who unlawfully damages, destroys, or renders useless an Aircraft which partially or wholly belongs to another person, shall be liable to imprisonment for a maximum of 9 (nine) years.

Elucidation - Article 581

Self-explanatory.

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Article 582

Original provision - English reference

Any Person who unlawfully damages an Aircraft in Flight Service or causes damage to an Aircraft so that it cannot fly or endangers flight safety, shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 582

Self-explanatory.

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Article 583

Original provision - English reference

Any person who causes harm to, damages, destroys, or renders useless an Aircraft in Flight shall be punished with:

a. imprisonment of not more than 12 (twelve) years, if such act causes danger to the life of another person; or

b. imprisonment of not more than 15 (fifteen) years, if such act results in the death of another person.

Elucidation - Article 583

Self-explanatory.

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Article 584

Original provision - English reference

(1) Any person who through his/her negligence causes the Aircraft to be harmed, damaged, destroyed, or rendered useless, shall be liable to imprisonment for a maximum of 3 (three) years.

(2) If the criminal offense as referred to in paragraph (1) causes danger to the life of another person, he shall be liable to 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, he shall be liable to imprisonment for a maximum of 7 (seven) years.

Elucidation - Article 584

Self-explanatory.

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Article 585

Original provision - English reference

Every person who on board an Aircraft commits an act that endangers the safety of the Aircraft in flight, shall be liable to imprisonment for a maximum of 5 (five) years.

Elucidation - Article 585

Self-explanatory.

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Article 586

Original provision - English reference

Any person who unlawfully commits Violence against a person on board an Aircraft in Flight which endangers the safety of such flight, shall be liable to imprisonment for a maximum of 10 (ten) years.

Elucidation - Article 586

Self-explanatory.

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Article 587

Original provision - English reference

Any Person who unlawfully places or causes to be placed by any means tools or materials in an Aircraft in Flight Service which may destroy or cause damage to such Aircraft so that it cannot fly or endangers the safety of flight, shall be liable to imprisonment for a maximum of 10 (ten) years.

Elucidation - Article 587

Self-explanatory.

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Article 588

Original provision - English reference

(1) If the criminal offense as referred to in Article 586 and Article 587:

a. is committed by 2 (two) or more persons jointly and severally;

b. in furtherance of an evil conspiracy; or

c. results in serious injury, the punishment 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 the destruction of an Aircraft, the perpetrator shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years.

Elucidation - Article 588

Self-explanatory.

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Article 589

Original provision - English reference

(1) Any Person who provides information which he/she knows to be false and such act endangers the safety of Aircraft in Flight, shall be liable to imprisonment for a maximum of 7 (seven) years.

(2) Every person who commits the crime as referred to in paragraph (1) which results in serious injury, shall be liable to imprisonment for a maximum of 9 (nine) years.

(3) Every person who commits a criminal offense as referred to in paragraph (1) which results in the death of a person, shall be liable to imprisonment for a maximum of 12 (twelve) years.

Elucidation - Article 589

The provisions set out in this Article are actions in the form of false notification, for example by telephone or other means of communication, that there is a bomb on board an Aircraft. Such false notification, known as bomb hoax, may cause panic to the crew and Passengers which may cause danger to the Aircraft.

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Fourth Part

Crime of Aircraft Insurance

Article 590

Original provision - English reference

(1) Any person who with intent to unlawfully benefit himself or another person to the detriment of the insurer causes fire or explosion, accident, destruction, damage, or renders useless an Aircraft which is insured against such hazard or whose cargo or wages to be received for the transportation of such cargo is insured, or for the benefit of which such cargo has been insured, shall be liable to imprisonment for a maximum of 10 (ten) years.

(2) If the crime as referred to in paragraph (1) occurs on an Aircraft in Flight, he shall be liable to imprisonment for a maximum of 15 (fifteen) years.

(3) If the Criminal Offense as referred to in paragraph (1) results in an Aircraft Passenger insured against the danger of an accident, he/she shall be punished with:

a. imprisonment of 12 (twelve) years, if it results in serious injury; or

b. imprisonment of not more than 15 (fifteen) years, if it results in the death of any person.

Elucidation - Article 590

Self-explanatory.

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CHAPTER XXXIII

CRIMINAL OFFENSE OF STORING, PUBLISHING AND PRINTING

Section One Crime of Storing

Article 591

Original provision - English reference

Being punished for smuggling by a maximum imprisonment of 4 (four) years or a maximum fine of category V, every person who:

a. buys, offers, hires, exchanges, accepts a guarantee or pledge, accepts a gift or for profit, sells, hires out, exchanges, pawns, transports, stores or conceals an object of which he knows or reasonably suspects that it has been obtained as a result of a criminal act; or

b. takes advantage of the proceeds of an object of which it is known or reasonably suspected that it has been obtained as a result of a Criminal Offense.

Elucidation - Article 591

Objects in this provision are objects originating from Criminal Acts, for example originating from theft, embezzlement, or fraud. The Criminal Act regulated in this provision is called the Criminal Act of propane dolus proparte culpa.

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Article 592

Original provision - English reference

(1) Any person who makes it a habit to buy, exchange, accept as collateral or pledge, keep or conceal an object obtained from a Criminal Offense, shall be liable to imprisonment for a maximum of 6 (six) years or a maximum fine of category V.

(2) If the perpetrator of the crime as referred to in paragraph (1) commits the act as a means of livelihood, additional punishment may be imposed in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter g.

Elucidation - Article 592

The person who repeatedly commits the Criminal Offense as referred to in Article 591 does not need to prove that the perpetrator of the Criminal Offense commits this Criminal Offense for the purpose of profit. It is categorized as "making a habit" because the act is committed repeatedly even though the period of time is rather long.

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Article 593

Original provision - English reference

If the crime as referred to in Article 591 in which the value of the Goods is not more than Rp500,000.00 (five hundred thousand rupiah), shall be punished for minor hoarding, with a maximum fine of category II.

Elucidation - Article 593

Self-explanatory.

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Second Part

Crime of Publishing and Printing

Article 594

Original provision - English reference

Any person who publishes writings or drawings which by their nature are punishable, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, if:

a. the person who requested the publication of the writing or drawing is not known or at the first reprimand after the commencement of prosecution is not notified; or

b. the publisher knows or reasonably suspects that the person who requested the publication is, at the time of publication, incapable of prosecution or resides abroad.

Elucidation - Article 594

Self-explanatory.

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Article 595

Original provision - English reference

Any person who prints writings or drawings which by their nature are punishable, shall be liable to imprisonment for a maximum of 1 (one) year or a maximum fine of category II, if:

a. the person who requested the printing of the writing or drawing is unknown or at the first reprimand after the commencement of prosecution is not notified; or

b. the printer knows or reasonably suspects that the person requesting the printing at the time of issue is not liable to prosecution or resides abroad.

Elucidation - Article 595

This provision is addressed to the printer.

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Article 596

Original provision - English reference

If the nature of the writing or drawing referred to in Article 594 and Article 595 constitutes a Criminal Offense which can only be prosecuted upon complaint, the publisher or printer may only be prosecuted upon complaint of the person against whom the Criminal Offense has been committed.

Elucidation - Article 596

Self-explanatory.

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CHAPTER XXXIV

CRIMINAL OFFENSES BASED ON THE LAW LIVING IN THE COMMUNITY

Article 597

Original provision - English reference

(1) Every person who commits an act which, according to the law existing in the community, is declared as a prohibited act, shall be liable to punishment.

(2) The punishment as referred to in paragraph (1) shall be in the form of fulfillment of customary obligations as referred to in Article 66 paragraph (1) letter f.

Elucidation - Article 597

"Actions which according to the law living in the community are declared to be prohibited" refers to the provisions of Article 2 paragraph (1).

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CHAPTER XXXV SPECIAL CRIMINAL OFFENSE

Section One

Serious Crimes Against Human Rights

Article 598

Original provision - English reference

Punishable for genocide, any person who with intent to destroy or exterminate all or part of a national, racial, ethnic, religious, or belief group by:

a. killing members of the group;

b. causing severe physical or mental suffering to members of the group;

c. creating conditions of life for the group which are calculated to result in its physical destruction, either in whole or in part;

d. imposing measures aimed at preventing births within the group; or

e. forcibly transferring a child from the group to another group, shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years.

Elucidation - Article 598

Self-explanatory.

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Article 599

Original provision - English reference

Every person who commits any of the following acts as part of a widespread or systematic attack of which he knows that the attack is directed against a civilian population, in the form of:

a. murder, extermination, expulsion or forcible transfer of population, deprivation of liberty or other deprivation of physical liberty in violation of fundamental rules of international law, or the crime of apartheid, shall be punished by death penalty, life imprisonment, or imprisonment for a minimum period of 5 (five) years and a maximum period of 20 (twenty) years;

b. slavery, torture, or other inhumane acts of a similar nature that are intended to cause severe suffering or serious injury to the body or physical and mental health, with a minimum sentence of 5 (five) years and a maximum sentence of 15 (fifteen) years;

c. persecution of groups or associations on the basis of politics, race, nationality, ethnicity, culture, religion, belief, gender, or persecution on other discriminatory grounds that have been universally recognized as prohibited under international law, with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years; or

d. rape, sexual slavery, forced prostitution, forced pregnancy, forced spaying or sterilization, or other equivalent forms of sexual violence, or enforced disappearance of persons, with imprisonment of not less than 5 (five) years and not more than 20 (twenty) years.

Elucidation - Article 599

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

What is meant by "other equivalent sexual violence" is the act of committing serious sexual coercion as a form of Crimes against Humanity.

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Second Part of the Crime of Terrorism

Article 600

Original provision - English reference

Every person who uses Violence or Threat of Violence that creates an atmosphere of terror or fear of people on a widespread basis, causing mass casualties by depriving the freedom or loss of life and property of others, or causing damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be liable to imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death penalty.

Elucidation - Article 600

Self-explanatory.

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Article 601

Original provision - English reference

Every person who uses Violence or Threats of Violence with the intent to create an atmosphere of terror or fear of the public on a widespread basis or to cause mass casualties by depriving the freedom or loss of life or property of others, or to cause damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be liable to imprisonment for a minimum period of 3 (three) years and a maximum period of 20 (twenty) years or life imprisonment.

Elucidation - Article 601

Self-explanatory.

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Article 602

Original provision - English reference

Every person who provides, collects, gives, or lends funds, either directly or indirectly, with the intention of being used wholly or partially to commit the crime of terrorism, terrorist organization, or terrorist, shall be punished for the crime of terrorism financing with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category V.

Elucidation - Article 602

Self-explanatory.

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Third Part of the Crime of Corruption

Article 603

Original provision - English reference

Every person who unlawfully commits an act of enriching himself/herself, another person, or a corporation to the detriment of the state finances or the state economy, shall be liable to life imprisonment or imprisonment of not less than 2 (two) years and not more than 20 (twenty) years and a fine of not less than category II and not more than category VI.

Elucidation - Article 603

What is meant by "detrimental to state finances" is based on the results of an examination by a state financial audit institution.

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Article 604

Original provision - English reference

Any person who with the aim of benefiting himself, another person, or a corporation abuses the authority, opportunity, or means available to him by virtue of his position or position to the detriment of state finances or the state economy, shall be punished by life imprisonment or imprisonment of not less than 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and at most category VI.

Elucidation - Article 604

Self-explanatory.

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Article 605

Original provision - English reference

(1) shall be liable to imprisonment of not less than 1 (one) year and not more than 5 (five) years and a fine of not less than category III and not more than category V, any person who:

a. gives or promises something to a state employee or state organizer with the intention that the state employee or state organizer does or does not do something in his/her position, which is contrary to his/her duty; or

b. gives something to a public servant or state organizer because of or in connection with something that is contrary to the obligation, which is done or not done in his/her position.

(2) Civil servants or state administrators who accept the gift or promise as referred to in paragraph (1), shall be liable to imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III and at most category V.

Elucidation - Article 605

Self-explanatory.

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Article 606

Original provision - English reference

(1) Any person who gives a gift or promise to a public servant or state organizer in view of the power or authority attached to his/her position or position, or which the giver of the gift or promise considers to be attached to such position or position, shall be liable to imprisonment for a maximum of 3 (three) years and a maximum fine of category IV.

(2) A public servant or state organizer who accepts a gift or promise as referred to in paragraph (1), shall be liable to imprisonment of not more than 4 (four) years and a maximum fine of category IV.

Elucidation - Article 606

Self-explanatory.

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Fourth Section of the Crime of Money Laundering

Article 607

Original provision - English reference

(1) Every person who:

a. placing, transferring, diverting, spending, paying, granting, entrusting, bringing abroad, changing the form, exchanging with currency or securities or other actions on Assets which he/she knows or reasonably suspects are the proceeds of Criminal Acts with the purpose of concealing or disguising the origin of the Assets, shall be liable to imprisonment for a maximum of 15 (fifteen) years and a maximum fine of category VII;

b. conceal or disguise the origin, source, location, allocation, transfer of rights, or actual ownership of the Assets which he/she knows or reasonably suspects to be the proceeds of Criminal Acts, shall be liable to imprisonment for a maximum of 15 (fifteen) years and a maximum fine of category VI;

c. receiving or controlling the placement, transfer, payment, grant, donation, deposit, exchange, or use of Assets which he/she knows or reasonably suspects to be the proceeds of Criminal Offenses, shall be liable to imprisonment for a maximum of 5 (five) years and a maximum fine of category VI.

(2) Proceeds of Crime as referred to in paragraph (1) shall mean Assets obtained from Criminal Acts:

a. corruption;

b. bribery;

c. narcotics;

d. psychotropic;

e. labor smuggling;

f. migrant 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. trafficking of persons;

m. illicit arms trade;

n. terrorism;

o. kidnapping;

p. theft;

q. embezzlement;

r. fraud;

s. counterfeiting of money;

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 Criminal Offenses punishable by imprisonment of 4 (four) years or more.

(3) Criminal Acts as referred to in paragraph (1) shall constitute Criminal Acts of money laundering.

Elucidation - Article 607

Self-explanatory.

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Article 608

Original provision - English reference

The provision as referred to in Article 607 paragraph (1) letter c shall not apply to the reporting party who carries out the reporting obligation as stipulated in the Law on Prevention and Eradication of Money Laundering Crime.

Elucidation - Article 608

Self-explanatory.

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Fifth Section Narcotics Crime

Article 609

Original provision - English reference

(1) Every person who without right owns, stores, controls, or provides:

a. Non-plant narcotics Group I, shall be liable to imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least category IV and a maximum of category VI;

b. Narcotics Group II, shall be liable to imprisonment of at least 3 (three) years and a maximum of 10 (ten) years and a fine of at least category IV and a maximum of category VI; and

c. Narcotics Group III, shall be liable to imprisonment of at least 2 (two) years and a maximum of 7 (seven) years and a fine of at least category IV and a maximum of category VI.

(2) In the event that the act as referred to in paragraph (1) is committed against:

a. Non-plant narcotics Group I weighing more than 5 (five) grams shall be liable to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI;

b. Class II narcotics weighing more than 5 (five) grams shall be liable to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category V and a maximum of category VI; and

c. Class III Narcotics whose weight exceeds 5 (five) grams shall be liable to imprisonment of at least 3 (three) years and a maximum of 10 (ten) years and a fine of at least category V and at most category VI.

Elucidation - Article 609

Self-explanatory.

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Article 610

Original provision - English reference

(1) Every person who without right produces, imports, exports, or distributes:

a. Class I narcotics shall be liable to imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category IV and a maximum of category V;

b. Narcotics Group II shall be liable to imprisonment of at least 4 (four) years and a maximum of 12 (twelve) years and a fine of at least category IV and a maximum of category V; and

c. Narcotics Group III shall be liable to imprisonment of at least 3 (three) years and a maximum of 10 (ten) years and a fine of at least category IV and at most category V.

(2) In the event that the act as referred to in paragraph (1) is committed against:

a. Class I Narcotics in the form of plants whose weight exceeds 1 (one) kilogram or exceeds 5 (five) tree trunks, or non-plant Class I Narcotics whose weight exceeds 5 (five) grams shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI;

b. Class II Narcotics weighing more than 5 (five) grams shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI; and

c. Narcotics Group III which weighs more than 5 (five) grams shall be liable to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category V and a maximum of category VI.

Elucidation - Article 610

Self-explanatory.

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Article 611

Original provision - English reference

Provisions regarding the classification and quantity of narcotics refer to the Law regulating Narcotics.

Elucidation - Article 611

Self-explanatory.

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Sixth Section

Conspiracy, Preparation, Attempt, and Assistance of Special Crimes

Article 612

Original provision - English reference

Provisions regarding criminal conspiracy, preparation, attempt, and assistance stipulated in the Law regarding serious crimes against human rights, terrorism crimes, corruption crimes, money laundering crimes, and narcotics crimes shall apply in accordance with the provisions in the Law.

Elucidation - Article 612

Self-explanatory.

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CHAPTER XXXVI TRANSITIONAL PROVISIONS

Article 613

Original provision - English reference

(1) When this Act comes into force, every Law and Regional Regulation containing criminal provisions shall adjust to the provisions of Book One of this Act.

(2) Provisions regarding the adjustment of criminal provisions as referred to in paragraph (1) shall be regulated by Law.

Elucidation - Article 613

In this provision, the adjustment of criminal provisions does not include the fines stipulated in the Administrative Criminal Law.

See explanation of Article 187.

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Article 614

Original provision - English reference

At the time this Act comes into force:

a. the terms crime and offense used in Laws other than this Law and Regional Regulations shall be replaced by Criminal Offenses;

b. the term legal entity in the form of a limited liability company, foundation, association, cooperative, state-owned enterprise, regional-owned enterprise, village-owned enterprise, or its equivalent, as well as unincorporated association or business entity in the form of a firm, partnership, or its equivalent provided for in laws and regulations outside this Act shall be equated with Corporation as provided for in this Act;

c. the term tangible or intangible objects, movable or immovable objects including water and chiral money, electricity, gas, data and computer programs regulated in laws outside this Act shall be equated with Goods as specified in this Act; and

d. the term civil servant, state civil apparatus, member of the Indonesian National Police, member of the Indonesian National Defense Forces, state official, public official, regional official, person receiving salary or wages from the state or regional finances, person receiving salary or wages from a Corporation whose capital is wholly or mainly owned by the state or region, or other official provided for in laws and regulations outside this Act and fulfilling the provisions as referred to in Article 154 shall be an Official as specified in this Act.

Elucidation - Article 614

Self-explanatory.

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Article 615

Original provision - English reference

(1) At the time this Law comes into force, imprisonment in other Laws outside this Law and Regional Regulations shall be replaced with fine with the following provisions:

a. confinement punishment of less than 6 (six) months shall be replaced by a maximum fine of category I; and

b. imprisonment of 6 (six) months or more shall be substituted with a maximum fine of category II.

(2) In the event that the fine imposed alternatively with confinement punishment as referred to in paragraph (1) exceeds category II, the provisions in the legislation shall still apply.

Elucidation - Article 615

Self-explanatory.

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Article 616

Original provision - English reference

At the time this Act comes into force, other laws outside this Act which stipulate fine punishment exceeding the amount of category VIII shall be replaced by fine punishment of category VIII.

Elucidation - Article 616

Self-explanatory.

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Article 617

Original provision - English reference

Upon the coming into force of this Act, if criminal provisions in Laws other than this Act refer to certain articles provided for in the Criminal Code enacted by Law No. 1 of 1946 on the Regulation of Criminal Law and Law No. 73 of 1958 on Declaring the Enactment of Law No. 1 of 1946 of the Republic of Indonesia on the Regulation of Criminal Law for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code, they shall be adjusted to the amendments contained in this Act.

Elucidation - Article 617

Self-explanatory.

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Article 618

Original provision - English reference

When this Act comes into force, criminal offenses that are in judicial proceedings shall be governed by the provisions of this Act, unless the law governing such criminal offenses is more favorable to the suspect or the accused.

Elucidation - Article 618

Self-explanatory.

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Article 619

Original provision - English reference

When this Act comes into force, exile punishment shall continue to be executed pursuant to Law Number 20 of 1946 on Exile Punishment until a new Law on exile punishment is enacted.

Elucidation - Article 619

Self-explanatory.

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Article 620

Original provision - English reference

When this Law comes into force, the provisions in the Chapter on Special Crimes in this Law shall be implemented by law enforcement agencies based on the duties and authorities stipulated in their respective Laws.

Elucidation - Article 620

What is meant by "law enforcement agency" is, for example, an agency that organizes the eradication of narcotics Crimes, in addition to handling narcotics Crimes regulated in the Law regarding narcotics, also handles narcotics Crimes regulated in this Law.

Likewise, the institution that organizes the eradication of corruption Crimes, in addition to handling corruption Crimes regulated in the Law regarding the eradication of corruption Crimes, also handles corruption Crimes regulated in this Law.

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CHAPTER XXXVII CLOSING PROVISIONS

Article 621

Original provision - English reference

The implementing regulations of this Law shall be stipulated no later than 2 (two) years as of the promulgation of this Law.

Elucidation - Article 621

Self-explanatory.

Editorial note: the English source contains one unlabeled sentence for Articles 621 and 622. The official Indonesian text confirms the same elucidation for both articles.

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Article 622

Original provision - English reference

(1) When this Act comes into force, the provisions in:

a. Law Number 1 Year 1946 regarding Criminal Law Regulations (State Gazette of the Republic of Indonesia II Number 9);

b. Article 5(3)(b) and (c) of Emergency Law No. 1 of 1951 on Temporary Measures for the Unitary Organization of the Powers and Procedure of the Civil Courts (State Gazette of the Republic of Indonesia No. 9 of 1951, Supplement to the State Gazette of the Republic of Indonesia No. 81);

c. Article 1 and Article 2 of Emergency Law Number 12 of 1951 on Amending "Ordonnantie Tijdelijke Byzondere Strafbepalingen" (Stbl. 1948 No. 17) and Former R.I. Law NR 8 of 1948 (State Gazette of the Republic of Indonesia Number 78 of 1951);

d. Law No. 73 of 1958 Concerning the Entry into Force of Law No. 1 of 1946 of the Republic of Indonesia Concerning Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code (State Gazette of the Republic of Indonesia of 1958 Number 127, Supplement to State Gazette of the Republic of Indonesia Number 1660);

e. Law No. 1 of 1960 Concerning the Amendment of the Criminal Code;

f. Law Number 16 Prp. Year 1960 concerning Several Amendments to the Criminal Code (State Gazette of 1960 Number 50, Supplement to State Gazette Number 1976);

g. Law Number 18 Prp. 1960 Concerning Amendments to the Amount of Fines in the Criminal Code and in Other Criminal Provisions Issued Prior to August 17, 1945 (State Gazette of 1960 Number 52, Supplement to State Gazette Number 1978);

h. Article 4 of Presidential Decree Number 1 of 1965 on the Prevention of Abuse and/or Blasphemy of Religion (State Gazette of the Republic of Indonesia of 1965 Number 3, Supplement to State Gazette of the Republic of Indonesia Number 2726);

i. Law Number 7 of 1974 Concerning the Control of Gambling (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 Concerning the Amendment and Addition of Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Criminal Legislation Provisions, Aviation Crimes, and Crimes against Aviation Facilities/Infrastructure (State Gazette of the Republic of Indonesia of 1976 Number 26, Supplement to State Gazette of the Republic of Indonesia Number 3080);

k. Law Number 27 of 1999 Concerning Amendments to the Criminal Code Relating to Crimes Against State Security (State Gazette of the Republic of Indonesia of 1999 Number 74, Supplement to State Gazette of the Republic of Indonesia Number 3850);

l. Articles 2(1), 3, 5, 11, and 13 of Law No. 31 of 1999 on the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia No. 140 of 1999, Supplement to the State Gazette of the Republic of Indonesia No. 3874), as amended by Law No. 20 of 2001 on the Amendment to Law No. 31 of 1999 on the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia No. 134 of 2001, Supplement to the State Gazette of the Republic of Indonesia No. 4150);

m. Article 8, Article 9, and Articles 36 through 40 of Law Number 26 of 2000 Concerning the Human Rights Court (State Gazette of the Republic of Indonesia of 2000 Number 208, Supplement to State Gazette of the Republic of Indonesia Number 4026);

n. Article 81(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 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 Government Regulation in Lieu of Law Number 1 of 2016 on the 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 State Gazette of the Republic of Indonesia Number 5946);

o. Article 6 and Article 7 of Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Criminal Acts 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 the Amendment to Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Criminal Acts 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 concerning 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 concerning the Eradication of the Crime of Trafficking in Persons (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4720);

r. Articles 27(1), 27(3), 28(2), 30, 31(1), 31(2), 36, 45(1), 45(3), 45A(2), 46, 47, and 51(2) of Law No. 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia No. 58 of 2008, Supplement to the State Gazette of the Republic of Indonesia No. 4843), as amended by Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia No. 251 of 2016, Supplement to the State Gazette of the Republic of Indonesia No. 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 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 State Gazette of the Republic of Indonesia Number 4928);

u. Article 66 through Article 71 of Law Number 24 of 2009 Concerning Flags, Language, and State Emblems, and National Anthem (State Gazette of the Republic of Indonesia of 2009 Number 109, Supplement to State Gazette of the Republic of Indonesia Number 5035);

v. Article 192, Article 194, and Article 195 of Law Number 36 of 2009 Concerning 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 Concerning

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 through Article 126 of Law Number 35 of 2009 concerning 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 concerning 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 the Crime of Money Laundering (State Gazette of the Republic of Indonesia of 2010 Number 122, Supplement to State Gazette of the Republic of Indonesia Number 5164);

y. Article 120(1) and Article 126(e) of Law No. 6 of 2011 on Immigration (State Gazette of the Republic of Indonesia No. 52 of 2011, Supplement to the State Gazette of the Republic of Indonesia No. 5216), as amended by Law No. 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia No. 245 of 2020, Supplement to the State Gazette of the Republic of Indonesia No. 6573);

z. Article 36 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of Law Number 7 of 2011 concerning Currency (State Gazette of the Republic of Indonesia of 2011 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 5223);

aa. Article 136 of Law Number 18 of 2012 Concerning 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 Concerning 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);

bb. Article 4 of Law Number 9 of 2013 concerning Prevention and Eradication of Criminal Acts of Financing Terrorism (State Gazette of the Republic of Indonesia of 2013 Number 50, Supplement to State Gazette of the Republic of Indonesia Number 5406); and

cc. Article 37, Article 38, Article 39, and Article 41 of Law Number 13 of 2006 on Witness and Victim Protection (State Gazette of the Republic of Indonesia of 2006 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 4635) as amended by Law Number 31 of 2014 on the Amendment to Law Number 13 of 2006 on Witness and Victim Protection (State Gazette of the Republic of Indonesia of 2014 Number 293, Supplement to State Gazette of the Republic of Indonesia Number 5602),

shall be revoked and declared invalid.

(2) In the event that the provisions of the Article regarding Criminal Offenses concerning firearms, ammunition, explosives, and other weapons as referred to in paragraph (1) letter c are referred to by the provisions of the Article of the Law concerned, the reference is replaced with the Article in this Law with the following provisions:

a. Article 1 shall be replaced with Article 306; and

b. Article 2 shall be replaced with Article 307.

(3) In the event that the provisions of the Articles regarding Criminal Offenses against religion and belief as referred to in paragraph (1) letter h refer to Article 4 of the relevant Law, the references are replaced with Article 300 and Article 302 paragraph (1) of this Law.

(4) In the event that the provisions of the Article regarding Criminal Acts of corruption as referred to in paragraph (1) letter l are referred to by the provisions of the Article of the Law concerned, the reference shall be replaced by the Article in this Law with the following provisions:

a. Article 2(1) shall be replaced by Article 603;

b. Article 3 shall be replaced by Article 604;

c. Article 5 shall be replaced with Article 605;

d. Article 11 shall be replaced with Article 606 paragraph (2); and

e. Article 13 shall be replaced with Article 606 paragraph (1).

(5) In the event that the provisions of the Article regarding Serious Crimes against Human Rights as referred to in paragraph (1) letter m are referred to by the provisions of the article of the Law concerned, the reference is replaced with the Article in this Law with the following provisions:

a. Article 8 and Article 36 shall be replaced with Article 598; and

b. Article 9 and Articles 37 through 40 shall be replaced with Article 599.

(6) In the event that the provisions of the Article regarding the Criminal Offense of intercourse or defilement with a Child as referred to in paragraph (1) letter n refer to Article 81 paragraph (1) of the relevant Law, the reference is replaced with Article 473 paragraph (4) of this Law.

(7) In the event that the provisions of the Article regarding the crime of terrorism as referred to in paragraph (1) letter o are referred to by the provisions of the Article of the Law concerned, the reference shall be replaced by the Article in this Law with the following provisions:

a. Article 6 shall be replaced with Article 600; and

b. Article 7 shall be replaced with Article 601.

(8) In the event that the provisions of the article regarding the criminal offense of using a fake diploma or academic degree as referred to in paragraph (1) letter p refers to Article 69 of the relevant Law, the reference is replaced with Article 272 paragraph (2) of this Law.

(9) In the event that the provision of the Article regarding the Criminal Offense of trafficking in persons as referred to in paragraph (1) letter q refers to Article 2 of the relevant Law, the reference is replaced with Article 455 of this Law.

(10) In the event that the provisions of the Article regarding Criminal Offenses against informatics and electronics as referred to in paragraph (1) letter r are referred to by the provisions of the Article of the relevant Law, the reference shall be replaced by the Article in this Law with the following provisions:

a. The references to Article 27 paragraph (1) and Article 45 paragraph (1) shall be replaced with a reference to Article 407;

b. The references to Article 27 paragraph (3) and Article 45 paragraph (3) shall be replaced with a reference to Article 441;

c. Article 28 paragraph (2) and Article 45A paragraph (2) are replaced with Article 243;

d. Article 30 and Article 46 shall be replaced with Article 332; and

e. Article 31 paragraph (1), Article 31 paragraph (2), and Article 47 are replaced with Article 258 paragraph (2).

(11) In the event that the provisions of the Article regarding Criminal Offenses on the basis of racial and ethnic discrimination as referred to in paragraph (1) letter s is referred to by the provisions of the Article of the Law concerned, the reference is replaced with the Article in this Law with the following provisions:

a. Article 15 shall be replaced with Article 244; and

b. Article 17 shall be replaced with Article 245.

(12) In the event that the provisions of the Article regarding the Crime of Pornography as referred to in paragraph (1) letter t refer to Article 29 of the relevant Law, the reference is replaced with Article 407 paragraph (1) of this Law.

(13) In the event that the provisions of the Article regarding the criminal offense of desecration against the state flag, state emblem, and national anthem as referred to in paragraph (1) letter u are referred to by the provisions of the article of the Law concerned, the reference shall be replaced with the Article in this Law with the following provisions:

a. Article 66 shall be replaced with Article 234;

b. Article 67 shall be replaced with Article 235;

c. Article 68 shall be replaced with Article 236;

d. Article 69 shall be replaced with Article 237;

e. Article 70 shall be replaced with Article 238; and

f. Article 71 shall be replaced with Article 239.

(14) In the event that the provisions of the Articles concerning Criminal Offenses against human organs, human body tissues, human blood, and abortion as referred to in paragraph (1) letter v are referred to by the provisions of the relevant Articles of Law, the reference shall be replaced with the Articles in this Law with the following provisions:

a. Article 192 shall be replaced with Article 345 letter a;

b. Article 194 shall be replaced with Article 463, Article 464, and Article 465; and

c. Article 195 shall be replaced with Article 345 letter b.

(15) In the event that the provisions of the article on narcotic Crime as referred to in paragraph (1) letter w are referred to by the provisions of the Article of the Law concerned, the reference is replaced with the Article in this Law with the following provisions:

a. The reference to Article 112 paragraph (1) shall be replaced with a reference to Article 609 paragraph (1) letter a;

b. The reference to Article 112 paragraph (2) shall be replaced with a reference to Article 609 paragraph (2) letter a;

c. The reference to Article 113 paragraph (1) shall be replaced with a reference to Article 610 paragraph (1) letter a;

d. The reference to Article 113 paragraph (2) shall be replaced with a reference to Article 610 paragraph (2) letter a;

e. The reference to Article 117 paragraph (1) shall be replaced with a reference to Article 609 paragraph (1) letter b;

f. The reference to Article 117 paragraph (2) shall be replaced with a reference to Article 609 paragraph (2) letter b;

g. The reference to Article 118 paragraph (1) shall be replaced with a reference to Article 610 paragraph (1) letter b;

h. The reference to Article 118 paragraph (2) shall be replaced with a reference to Article 610 paragraph (2) letter b;

i. The reference to Article 122 paragraph (1) shall be replaced with a reference to Article 609 paragraph (1) letter c;

j. The reference to Article 122 paragraph (2) shall be replaced with a reference to Article 609 paragraph (2) letter c;

k. The reference to Article 123 paragraph (1) shall be replaced with a reference to Article 610 paragraph (1) letter c;

l. The reference to Article 123 paragraph (2) shall be replaced with a reference to Article 610 paragraph (2) letter c.

(16) In the event that the provisions of the article regarding the crime of money laundering as referred to in paragraph (1) letter x are referred to by the provisions of the Article of the Law concerned, the reference shall be replaced with the Article in this Law with the following provisions:

a. Article 2 paragraph (1) shall be replaced with Article 607 paragraph (2);

b. Article 3 shall be replaced by Article 607 paragraph (1) letter a;

c. Article 4 shall be replaced by Article 607 paragraph (1) letter b;

d. Article 5 paragraph (1) shall be replaced by Article 607 paragraph (1) letter c; and

e. Article 5 paragraph (2) shall be replaced with Article 608.

(17) In the event that the provisions of the Article concerning the criminal act of human smuggling or forgery of passports, travel documents as passports, or documents granted pursuant to the provisions of the Law on immigration as referred to in paragraph (1) letter y are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the Article in this Law with the following provisions:

a. Article 120 paragraph (1) shall be replaced with Article 457; and

b. Article 126 letter e shall be replaced with Article 398 paragraph (1).

(18) In the event that the provisions of the Article regarding the criminal offense of counterfeiting currency or banknotes as referred to in paragraph (1) letter z are referred to by the provisions of

the Article of the Law concerned, the reference is replaced with the Article in this Law with the following provisions:

a. Article 36 paragraph (1) the reference is replaced with Article 374;

b. Article 36 paragraph (2) shall be replaced by Article 375 letter b;

c. Article 36 paragraph (3) shall be replaced with Article 375 letter a; and

d. Article 36 paragraph (4) shall be replaced with Article 375 letter b.

(19) In the event that the provisions of the Article regarding Criminal Offenses in the field of food as referred to in paragraph (1) letter aa refer to Article 136 of the relevant Law, the reference is replaced with Article 504 in this Law.

(20) In the event that the provisions of the Article regarding Criminal Acts of terrorism financing as referred to in paragraph (1) letter bb refer to Article 4 of the relevant Law, the reference is replaced with Article 602 in this Law.

(21) In the event that the provisions of the article regarding Criminal Offenses against witnesses and victims as referred to in paragraph (1) letter cc are referred to by the provisions of the Article of the Law concerned, the reference shall be replaced with the article in this Law with the following provisions:

a. Article 37 shall be replaced with Article 295;

b. Article 38 shall be replaced with Article 296;

c. Article 39 shall be replaced with Article 297; and

d. Article 41 shall be replaced with Article 299.

Elucidation - Article 622

Self-explanatory.

Editorial note: this missing source sentence was restored from the official Indonesian elucidation; see the edition note.

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Article 623

Original provision - English reference

This Act may be cited as the Penal Code.

Elucidation - Article 623

Self-explanatory.

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Article 624

Original provision - English reference

This Law shall come into force after 3 (three) years from the date of promulgation.

Elucidation - Article 624

Self-explanatory.

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Editorial correction notes

These changes apply to this reader edition only. Page numbers below refer to the official Indonesian PDF, counted from its first page. The checks were limited to identified structural, numerical and clause-integrity issues; they do not constitute a full independent legal-equivalence review.

Article 25 - official PDF page 12. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 56 - official PDF page 20. Restore letter i, not digit 1, in the original a-j list. Restore the original lowercase letter j list label.

Article 69 - official PDF page 24. Remove duplicated twenty-year fragment and restore Presidential Decree authority and Supreme Court consideration.

Article 82 - official PDF page 30. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph. The increased maximum is one year four months in total, not an additional one year four months; the official provision says perbarengan, without an added imprisonment qualifier.

Article 85 - official PDF page 32. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 126 - official PDF page 45. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 128 - official PDF page 46. Remove the extraneous imprisonment-in-lieu-of-fine fragment; restore the sum of special minima and statutory cap.

Article 188 - official PDF page 59. Repair duplicated paragraph (2) fragment within paragraph (3); retain property-loss alternative and ten-year maximum.

Article 195 - official PDF page 62. Restore omitted ten-year maximum at the start of paragraph (1).

Article 212 - official PDF page 68. Restore omitted fifteen-year maximum at the start of paragraph (2).

Article 219 - official PDF page 71. Memperdengarkan is the active act of playing a recording for others, not listening to it.

Article 240 - official PDF page 77. Remove repeated fine fragment; official paragraph (2) states category IV once.

Article 241 - official PDF page 77. Memperdengarkan is the active act of playing a recording for others, not listening to it.

Article 243 - official PDF page 78. Memperdengarkan is the active act of playing a recording for others, not listening to it. Remove repeated category IV fine fragment.

Article 247 - official PDF page 80. Memperdengarkan is the active act of playing a recording for others, not listening to it. Remove isolated duplicate Roman numeral V after the complete category V sentence.

Article 248 - official PDF page 287. Restore omitted paragraph (2) elucidation, officially Cukup jelas.; preserve paragraph (3) separately.

Article 254 - official PDF page 83. Remove repeated paragraph (1) fragment and reconnect the sentence.

Article 261 - official PDF page 86. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 278 - official PDF page 292. Restore missing paragraph (2) heading before its existing Self-explanatory sentence.

Article 281 - official PDF page 93. Remove erroneous six-years fragment; official maximum is seven years six months, alternatively a category VI maximum fine.

Article 289 - official PDF page 96. Paragraph (3) has a category III maximum, not the duplicated category V from earlier paragraphs.

Article 374 - official PDF pages 304, 305. Reconnect the split law title and remove duplicated year/title fragment; retain the cited law, convention and protocol.

Article 414 - official PDF page 142. Restore the statutory fine-category label; third degree is not the category terminology.

Article 457 - official PDF page 158. Restore omitted maximum fine category VII while preserving the alternative OR to imprisonment.

Article 465 - official PDF page 161. Remove duplicated pregnancy/cross-reference continuation and reconnect the express exemption.

Article 466 - official PDF page 161. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 473 - official PDF pages 164, 165. Reconnect paragraph (4) split so its embedded reference (2) cannot be mistaken for a separate operative paragraph. Restore omitted danger, conflict, disaster and war circumstances, and remove repeated one-third fragment.

Article 487 - official PDF page 170. Correct letter l mistaken for numeral 1 in the one-million-rupiah threshold.

Article 554 - official PDF page 192. Reconnect source paragraph continuations without changing their words or numbers; the leading parenthesized number is an embedded reference, not a new operative paragraph.

Article 592 - official PDF page 204. Remove an added imprisonment sentence absent from the official paragraph (2).

Article 597 - official PDF page 205. Translate diancam dengan pidana as liability to punishment; a criminal offense is not a punishment.

Article 604 - official PDF page 209. Restore omitted fine minimum II and maximum VI and retain AND before the fine.

Article 605 - official PDF page 209. Remove repeated six-year fragment and reconnect the fine range III-V.

Article 607 - official PDF pages 210, 211. Paragraph (1)(b) maximum fine is category VI; remove the erroneous VII and duplicate sentence. Remove duplicate letter d list fragment. Official paragraph (2)(p) is pencurian (theft); kidnapping is separately listed in (o).

Article 609 - official PDF page 212. Remove repeated seven-year/fine fragment in paragraph (1)(c), preserving the complete range.

Article 622 - official PDF pages 219, 220, 222, 223, 224, 225, 226, 228. Reconnect the split number of Law 13 of 2006; revocation sentence remains separate. Correct numeral 1 to letter l, identifying the corruption statute listed in paragraph (1). Reconnect paragraph (8) and its embedded paragraph (1) reference. Reconnect paragraph (9) and Article 2 reference. Remove by/with duplication and reconnect paragraph (10)(a) reference substitution. Remove by/with duplication and reconnect paragraph (10)(b) reference substitution. Remove duplicate Article 258 paragraph (2) fragment after the complete (10)(e) sentence. Reconnect paragraph (11) and letter s reference. Restore all twelve paragraph (15) reference substitutions from the official table. Remove duplicated/stranded fragments and correct (e): Article 117(1) maps to Article 609(1)(b), not Article 610(2)(a). Remove duplicated a; and fragment after paragraph (18)(c). Restore the abbreviated amendment-law title; statutory numbers, years and subject match the original. Restore the abbreviated amendment-law title; statutory numbers, years and subject match the original.