

**ANNEX I.1**

**INDONESIAN PENAL CODE**

**Criminal Code**

**First Book**

**GENERAL PROVISIONS**

**Chapter**

**EXTENT OF OPERATION OF THE STATUTORY PENAL PROVISIONS**

**Article 1**

- (1) No act shall be punished unless by virtue of a prior statutory penal provision.
- (2) In case of alteration in the legislation after the date of commission of the act the most favorable provisions for the accuse shall apply.

**Article 2**

The Indonesian statutory penal provision are applicable to any person who is guilty of a punishable act within Indonesia.

**Article 3**

The Indonesian statutory penal provisions are applicable to any person who is guilty of a punishable act outside Indonesia on board an Indonesian vessel or aircraft.

**Article 4**

The Indonesian statutory penal provisions are applicable to any person who outside Indonesia is guilty of:

- 1st, one of the crimes described in Articles 104, 106, 107, 108, 110, 111 bis, under 1st, 127 and 131;
- 2nd-ly, any crime with respect to coin or paper money issued by, the State or by the Bank, or with respect to stamps issued and marks used by the Indonesian Government;
- 3rd-ly, Forgery of debentures of debt certificates changeable to Indonesia, to a region or part of a region, including counterfoils, evidence of dividends and interests belonging to said documents, and certificates issued in lieu of said documents, or the use of such false or forged documents as if it genuine and unfalsified;
- 4th-ly, one of the crimes described in Articles 438, 444-446,-as far as they concern piracy and those crimes described in Article 447 relating to the surrender of a vessel to pirates, and Article 479 j relating to the unlawful exercises of control of aircraft, Article 479 l, m, n and o relating to crimes which jeopardize the safety of civil aviation.

**Article 5**

- (1) The Indonesian statutory penal provisions are applicable to an Indonesian National who outside Indonesia commits:
  - 1st, one of the crimes described in Chapters I and II of the second Book, and in Articles 160, 161, 240, 279, 450 and 451;
  - 2nd-ly, an act deemed by the Indonesian statutory penal provisions to be a crime and on which punishment is imposed by the law of the country where it has been committed.
- (2) The prosecution of the crime referred to under secondly may also be instituted if the accused becomes a subject after the commission of the act.

**Article 6**

The applicability of Article 5, first paragraph, 2nd-ly is limited such that the capital punishment cannot be imposed upon an act which the capital punishment is not provided for by the law of the country where the act has been committed.

**Article 7**

The Indonesian statutory penal provisions are applicable to the Indonesian official who outside Indonesia is guilty of one of the crimes described in Chapter XXVII of Book II.

### **Article 8**

The Indonesian statutory penal provisions are applicable to the shipper and those on board an Indonesian vessel who outside Indonesia, also when not on board, is guilty of one of the punishable acts, described in Chapter XXIX of Book II and Chapter IX of Book III, including the general regulations on sea-letters and certificates of registry in Indonesia and in the "Schepen Ordonnantie 1927" (Ships Ordinance 1927)

### **Article 9**

The applicability of Articles 2-5, 7 and 8 are restricted by the exceptions recognized in international law.

## **II. PUNISHMENTS**

### **Book: I. First. GENERAL PROVISIONS**

#### **Chapter: II. PUNISHMENTS**

#### **Article: 10-43**

#### **Article 10**

The punishments are:

- a. Basic punishments:
  - 1st, capital punishment,
  - 2nd-ly, imprisonment,
  - 3rd-ly, light imprisonment,
  - 4th-ly, fine;
- b. Additional punishments:
  - 1st, deprivation of certain rights,
  - 2nd-ly, forfeiture of specific property,
  - 3rd-ly, publication of judicial verdict.

#### **Article 11**

The capital punishment shall be executed by shooting the sentenced person to death (As amended by Article I of Act No. 2/Paps/1964)

#### **Article 12**

- (1) The imprisonment is for life or temporary.
- (2) The term of the temporary imprisonment is at least one day and at most fifteen consecutive years.
- (3) Temporary imprisonment may be imposed for at most twenty consecutive years in cases where in the discretion of the judge the crime is punishable by capital punishment, life-long and temporary imprisonment, or life-long or temporary imprisonment, and in those cases where by reason of a sentence increase because of conjunction of crimes, recidivism of crime or the provisions under Article 52, and 52a, the term of fifteen years is exceeded.
- (4) In no case the term of twenty years may be exceeded.

#### **Article 13**

The persons sentenced to imprisonment are classified into categories.

#### **Article 14**

The person sentenced to imprisonment shall perform the labor imposed upon him accordance with the regulation laid down for the implementation of Article 29.

#### **Article 14a**

- (1) In case of sentence to imprisonment of at most one year and in case of sentence to light imprisonment not including substitutive light imprisonment, the sentencing judge may also give the order that the punishment shall not be executed, unless later on by judicial verdict may be ordered otherwise by reason that the sentenced person before termination of a probation period determined by the order has committed a punishable act or during said probation period has not fulfilled a special condition, which may be stipulated by the order.
- (2) The sentencing judge has the same competence, except in cases of State's resources and leases, in case of a sentence to fine, but only if it is evident to him that the payment of the fine or the forfeiture, which may also be pronounced, produces severe difficulties to the sentenced person. Crimes and misdemeanors concerning opium are regarded for the applicability of this paragraph to be concerned only with State's resources, as far as with respect to those crimes and misdemeanors, it is provided that in case of a sentence to fine the provisions of Article 30 paragraphs 2 shall not apply.
- (3) With respect to the basic punishment the order also covers, as far as the judge does not provide otherwise, the imposed additional punishments.
- (4) The order shall set be issued, unless the judge after close examination is convinced that adequate supervision can be exercised on the fulfillment of the general condition that the sentenced person will not commit a punishable act and of the special conditions if these were imposed.
- (5) The verdict containing the order referred to in the first paragraph, shall incorporate the causal facts or circumstances on which it was based.

#### **Article 14b**

- (1) The probation period for crimes and misdemeanors described in Articles 492, 504, 505, 506 and 536 is at most three years, for other misdemeanors at most two years.
- (2) The probation period takes effect as soon as the verdict has become final and has been made known to the sentenced person in a manner fixed by law.
- (3) The probation period does not take effect during the period that the sentenced person is deprived of his freedom by reason of a lawful detention.

#### **Article 14c**

- (1) By the order referred to in Article 14a, the judge may, except in case of sentence to fine, in addition to the general condition, that the sentenced person shall not commit a punishable act, fix a special condition that the sentenced person shall, within a fixed period of time shorter than the probation period, compensate wholly or partly for damages caused by the punishable act.
- (2) In case of sentence either to imprisonment for longer than three months, or to light imprisonment imposed on account of one of the misdemeanors describe in Articles 492, 501, 505, 506 and 536, the sentencing judge shall have the power to fix also other special conditions by his order with regard to the behavior of the sentenced person which shall be satisfied by the latter during the probation period or part of the probation period fixed by said order.
- (3) Those conditions shall not restrict the religious and political freedom of the sentenced person.

#### **Article 14d**

- (1) The officer in charge of the supervision on the fulfillment of the condition shall be the officer who, when later an order for execution may be issued, makes execute the sentence.
- (2) The sentencing judge may, if there are grounds for it, by his order instruct an institution domiciled and incorporated in Indonesia, a member of the management of an institution domiciled in Indonesia, or a special officer, to provide help and assistance to a sentenced person in fulfilling the special conditions.
- (3) Instruction for further regulation of said supervision and assistance and for further designation of the institutions and members of the management of institutions who may be charged with the provision of the assistance, shall be fixed by statute.

#### **Article 14e**

The judge who has sentenced in first instance, may, either on receipt of an advice from the officer mentioned in the first paragraph of Article 14d, or at the request of the sentenced person, alter during the probation period, the special conditions or the term by which the special conditions are limited in their operations within the probation period, assign the provision of assistance to another person than the one earlier charged with the assistance, or extend the period of probation once. The extension of period shall be made for at most half of the longest period at which the probation could have been fixed.

#### **Article 14f**

- (1) Without prejudice to the provision in the previous Article, the judge who has sentenced in first instance, may on receipt of an advice from the officer mentioned in the first paragraph of Article 14d, if the sentenced person during the probation period is guilty of a punishable act and for that reason has been irrevocably sentenced, or if one of the other conditions has not been met, or if the sentenced person before termination of the probation period has been irrevocably sentenced on account of a punishable act, committed before said probation period, instruct execution or determine that the sentenced person shall be admonished on his behalf. In the last case he will also determine the manner in which the admonition shall take place.
- (2) The order for execution may not be issued any more when the probation period has expired, unless the sentenced person before termination of the probation period is prosecuted on account of a punishable act committed during the probation period and the prosecution ends with an irrevocable verdict. In this case within two months after the sentence has become irrevocable, the order for execution may still be issued in the ground of the committed punishable act.

#### **Conditional Release**

##### **Article 15**

- (1) The person sentenced to imprisonment, may, when two thirds of his actual term of imprisonment and at least nine months of the term have elapsed, be released conditionally.  
In case the sentenced person must serve more imprisonments consecutively, the imprisonments are considered for this purpose to be one sentence.
- (2) By this conditional release a probation period for the sentenced person shall be determined and the condition, which the sentenced person shall satisfy during the probation period, shall be fixed.
- (3) The duration of the probation period is one year longer than the remaining part of the actual term of imprisonment of the sentenced person. It is not effective during the time that the sentenced person is lawfully deprived of his freedom.

##### **Article 15a**

- (1) The conditional release shall be tied in with the general condition that the sentenced person shall not commit any punishable act, nor misbehave himself otherwise.
- (2) The conditional release may also be tied in with special conditions with respect to the conduct of the sentenced person, provided these conditions do not restrict the religious or political freedom.
- (3) With the supervision on the fulfillment of the conditions is charged the officer mentioned in the first paragraph of Article 14d.
- (4) For the fulfillment of the conditions a special supervision may also be instituted, which exclusively has the objective of providing help and assistance to the sentenced person.
- (5) During the probation period the conditions may be amended or discontinued, or special conditions may as yet be imposed, a special supervision may as yet be instituted and the special supervision may be commissioned to a body or person other than the body or person previously in charge.

- (6) To the conditionally released person a pass shall be issued on which all conditions imposed upon him shall be stipulated. In case the foregoing paragraph becomes operative, a new pass shall be issued to him.

#### **Article 15b**

- (1) The conditional release can be withdrawn in case the sentenced person during the probation period acts in contravention of the conditions stipulated in his pass. The Minister of Justice may if the existence of such acts are seriously suspected, suspends it.
- (2) The time period between a release and a resumption of the execution of the sentences is not included in the term of the punishment.
- (3) The withdrawal can no longer be effected if since termination of the probation a period of three months has elapsed, unless the sentenced person before termination of the three months period is prosecuted on the ground of a punishable act committed during the probation period and the prosecution ends with an irrevocable condemnation. In that case the conditional release may be withdrawn on the ground that the sentenced person has committed the act still within three months, after the condemnation has become irrevocable.

#### **Article 16**

- (1) The decisions of the conditional release are taken at the advice of or after inquiries from the director of the prison where the sentenced person is present, by the Minister of Justice after receipt of an advice from the Public Prosecutor of the region where the sentenced person comes from. These decisions shall only be taken after the Central Board for the Probation System whose functions will be regulated by the Minister of Justice, has been heard on the matter.
- (2) The decisions of withdrawal of the conditional release and also those which result from the application of the provision of Article 15a fifth paragraph, are made by the Minister of Justice after the advice of or after inquiries have been made from the Public Prosecutor of the region where the sentenced person comes from. These conditions are only made after the Central Board for the Probation System has been heard on the matter.
- (3) As long as the power of withdrawal of the conditional release exists, the person conditionally released, against whom there is a reasonable suspicion that he has acted during the probation period contrary to the conditions stipulated in his pass, may in the interest of the public order, be detained by order of the Public Prosecutor of the region where the sentenced person comes from, under an obligation to give instant notice thereof to the Minister of Justice.
- (4) The duration of detention shall be at most sixty days.  
If the detention is followed by a suspension or a withdrawal of the conditional release, the execution of the sentence is deemed to be resumed on the day of the detention.

#### **Article 17**

The form of the passes and the further instructions for the implementation of Articles 15, 15a and 16 shall be fixed by statute.

#### **Article 18**

- (1) The duration of the light imprisonment shall be at least one day and at most one year.
- (2) It can be imposed for at most one year and four months in cases where, because of increment of sentence for reason of a conjunction of crimes, recidivism or the provision under Article 52, the period of one year is exceeded.
- (3) It may under no circumstances exceed the term of one year and four months.

#### **Article 19**

- (1) The person sentenced to light imprisonment shall be obliged to perform the labor imposed upon him according to the provisions of implementation of Article 29.
- (2) He shall be assigned a lighter labor than the person sentenced to imprisonment.

#### **Article 20**

- (1) A judicial verdict may determine that the person sentenced to imprisonment or light imprisonment of at most one month, be permitted by the Public Prosecutor to spend freely the hours after the work period.
- (2) If the sentenced person with respect to such decision, unless for reasons independent of his will, is not present at the stipulated time and the indicated place in order to perform the activities instructed to him, he shall further serve his sentence in the usual way.
- (3) The provision of the first paragraph shall not be applicable, if at the commitment of the act two years have not yet elapsed since the offender has served imprisonment or light imprisonment.

#### **Article 21**

Light imprisonment shall be served in the area where the sentenced person lives or, in case he does not have a dwelling, stays at the time of the execution of the judicial verdict, unless at his request the Minister of Justice permits him to serve the sentence somewhere else.

#### **Article 22**

- (1) Light imprisonment which must be served by a sentenced person who serves a liberty sentence at an institution destined for the execution of an imprisonment, a light imprisonment, or both, may at his request immediately after termination of the liberty sentence be served at the same institution.
- (2) Light imprisonment hence served in an institution exclusively destined for imprisonment shall consequently not change its nature.

#### **Article 23**

Any person sentenced to light imprisonment may at his own costs allow himself some improvement of his lot according to regulations to be further laid down by statute.

#### **Article 24**

Persons sentenced to imprisonment and light imprisonment may be obliged to perform labor either indoors or outdoors of an institution destined for taking convicts.

#### **Article 25**

Outdoors labor at such an institution shall not be imposed upon:

- 1st, those sentenced to life imprisonment;
- 2nd-ly, women;
- 3rd-ly, sentenced persons who after medical examination appear to be unfit for said labor.

#### **Article 26**

If in the opinion of the judge by reason of personal or social circumstances there are grounds for it, it shall be determined by judicial verdict that no outdoors labor at an institution destined for taking convicts shall be imposed upon the sentenced person.

#### **Article 27**

The term of the temporary imprisonment and the light imprisonment shall be indicated in the Judicial verdict in days, weeks, months and years, not in parts thereof.

#### **Article 28**

Imprisonment and light imprisonment may be served at the same institution provided that they are served in separate department.

#### **Article 29**

- (1) The assignment of the institution where either imprisonment or light imprisonment of both are served, and also of the organization and management of these institutions, of the sub-division of the prisoners into classes, of the labor, of the wages for the labor, of the accommodation of the convicts who do not stay at the prison, of the education, of the divine services, of the discipline, of the bedding, of the food and of the clothes shall be fixed by statute according to this code.

- (2) Household regulations for those institution shall, if necessary, be fixed by the Minister of Justice.

#### **Article 30**

- (1) The amount of the fine shall be at least twenty-five cents.
- (2) In case of sentence to fine, the fine shall, if no paid, be substituted by light imprisonment.
- (3) The term of the substitutive light imprisonment shall be at least one day and at most six months.
- (4) The term of the substitutive light imprisonment shall be determined in the judicial verdict, in this manner, that for an imposed fine in the amount of half a Rupiah or less, shall be substituted one day, for an imposed fine in a bigger amount, shall be substituted not more than one day for each half a Rupiah of the imposed fine and for the remaining part thereof;
- (5) Light imprisonment may be imposed for at most eight months in cases where on account of conjunction of crimes, recidivism or the provision in Article 52, the maximum of the crime is increased.
- (6) It shall under no circumstances exceed the term of eight months.

#### **Article 31**

- (1) The person sentenced to fine may immediately serve the substitutive light imprisonment without awaiting the term of payment.
- (2) He shall always have the right to be freed from the substitutive light imprisonment by payment of the fine.
- (3) The payment of part of the fine, either prior to the execution of the substitutive light imprisonment or after it has commenced, shall set the sentenced person free from the execution of a proportional part of the substitutive punishment.

#### **Article 32**

- (1) Imprisonment and light imprisonment shall, as far as each of the punishments concerns, take effect as regards sentenced persons who have been temporarily detained, on the day when the judicial verdict has become final, and as regards other sentenced persons on the day of the execution of the judicial verdict.
- (2) If by the same judicial verdict imprisonment and light imprisonment are imposed on the ground of acts, for' which or for one of which the sentenced person has been temporarily detained, and if the verdict for all convictions becomes final at the same moment then the imprisonment shall take effect at that moment and the light imprisonment immediately after termination of the imprisonment.

#### **Article 33**

- (1) By the judicial verdict may be determined that the time spent by the sentenced person prior to the day when the verdict comes final will be deducted upon execution from the imposed temporary imprisonment, light imprisonment or fine; as for the fine, according to the standard determined in the third paragraph of Article 31.
- (2) The time during which an accused person has been detained without warrant in writing shall not be deducted unless expressly determined in the verdict.
- (3) The provisions of this Article shall also be applicable in case, by simultaneous prosecution on account of more acts, the verdict is pronounced on the ground of another act than for which the sentenced person, is temporarily detained.

#### **Article 33a**

If by a person sentenced to imprisonment and light imprisonment who is temporarily detained, or by a third party with the approval of the sentenced person, a request for grace is submitted, the time that elapses between the day of submission of said request and the day when the President decides or the matter shall not be considered as a term of imprisonment, unless the President, taking into consideration the circumstances of the case, determines in his decision that the time shall count wholly or partially as a term of imprisonment.



#### **Article 34**

In case of escape of the convict while serving his sentence, the time hence spent outside the place where he must serve his sentence, shall not be counted into the term of the sentence.

#### **Article 35**

- (1) The rights of which the offender in cases determined by this code or by another general regulation may be deprived by judicial verdict, are:
- 1st, to hold offices or specific offices;
  - 2nd-ly, to serve with the armed forces;
  - 3rd-ly, to vote and be voted for in elections held by virtue of general regulations;
  - 4th-ly, to be a counselor or a legal manager and to be a guardian, co-guardian, curator or co-curator over other children than his own;
  - 5th-ly, the paternal authority, the guardianship and the curatorship over one's own children;
  - 6th-ly, to exercise specific professions.
- (2) The competence of the judge to deprive an official of a specific office shall not exist if by regulation another power is exclusively designated for said deprivation.

#### **Article 36**

Release from the right to hold offices or specific offices and to serve with the armed forces may, except in the cases described in the Second Book, be pronounced by verdict on account of an abuse of power or on account of a crime whereby the person found guilty violating a special duty or whereby he made use of authority, opportunity or means conferred upon him by his office.

#### **Article 37**

- (1) Deprivation from the paternal authority and from the guardianship, the co-guardianship, both over one's own children as well as over other ones may, except in cases described in the Second Book, be pronounced in the judgment against:
- 1st, parents or guardians who deliberately with a minor who has been submitted to their authority take part in a crime;
  - 2nd-ly, parents or guardians who commit a crime described in Chapters XIII, XIV, XV, XVIII, XIX and XX of the Second Book, against a minor who has been submitted to their authority.
- (2) The deprivation referred to the foregoing paragraph cannot be pronounced by the sentencing judge against those persons to whom provisions contained in the Civil Code on deprivation of parental authority, guardianship and curatorship are applicable.

#### **Article 38**

- (1) When deprivation of rights is pronounced, the judge shall determine the terms as follows:
- 1st, by a verdict to capital punishment or to a life imprisonment, for life;
  - 2nd-ly, by a verdict to temporary imprisonment or to light imprisonment, for a time exceeding the term of the basic punishment by at least two and at most five years;
  - 3rd-ly, by a verdict to fine, for a time of at least two and at most five years.
- (2) The punishment takes effect on the day when the judicial verdict can be executed.

#### **Article 39**

- (1) Objects belonging to the sentenced person, acquired by means of a crime or with which a crime deliberately has been committed, may be forfeited.
- (2) By a verdict on account of a crime not intentionally committed, or on account of a misdemeanor, a similar forfeiture may be pronounced in the cases determined by statutory provision.

- (3) Forfeiture may be pronounced against the person found guilty who is placed at the disposal of the Government, however only of objects which have been confiscated.

#### **Article 40**

In cases of possession, importation or transportation of property in violation of the provisions concerning the funds and leases of the country, of the provisions regulating the supervision over the navigation in certain parts of Indonesia and of the provisions prohibiting the importation, exportation and transit of property, by a person under the age of sixteen years, the judge may, also if the person found guilty is returned to his parents, his guardian or his fosterer, without the application of a punishment, pronounce the forfeiture of property referred to.

#### **Article 41**

- (1) Forfeiture of property not confiscated shall, in case said property is not surrendered or the money value at which it is estimated is not paid, be substituted by light imprisonment.
- (2) The term of this substitutive light imprisonment is at least one day at most six months.
- (3) Said term is determined in the judicial verdict in this manner that for an amount of money of half a Rupiah or less, shall be substituted one day for a higher amount, not more than one day for each half Rupiah and for the remaining part thereof.
- (4) To this substitutive light imprisonment Article 31 shall be applicable.
- (5) Likewise the surrender of said property releases a person from the substitutive light imprisonment.

#### **Article 42**

All expenses of imprisonment and light imprisonment are chargeable to the Government, all revenues from fines and forfeitures are in behalf of the Government.

#### **Article 43**

In cases where the judge by virtue of this code or another general regulation orders the publication of his verdict, he shall at the same time determine the manner in which the order shall be executed at the expenses of the sentenced person.

### **III. EXCLUSION, MITIGATION AND ENHANCEMENT OF PUNISHMENT**

#### **Book: I. First. GENERAL PROVISIONS**

#### **Chapter: III. EXCLUSION, MITIGATION AND ENHANCEMENT OF PUNISHMENT**

#### **Article: 44-52a**

#### **Article 44**

- (1) Not punishable shall be the person who commits an act for which by reason of the defective development or sickly disorder of his mental capacities, he is not liable.
- (2) If it is evident that he is not liable for the committed act by reason of the defective development or sickly disorder of his mental capacities, the judge may give an order that he is placed in a lunatic asylum during a probation time not exceeding the term of one year.
- (3) The provision in the foregoing paragraph shall only apply to the Supreme Court, the High Court and the District Court.

#### **Article 45**

In a criminal prosecution of a minor by reason of an act committed before he has reached the age of sixteen years, the judge may:

- either give the order that the person found guilty be returned to his parents, his guardian or his fosterer without applying a punishment,
- or, if the act falls under the provision of a crime or of one of the misdemeanors described in the Articles 489, 490, 492, 496, 497, 503-505, 514, 517-519, 526, 531, 532, 536 and 540 and is committed before two years have elapsed since an earlier conviction of the same person of one of

these misdemeanors or of a crime has become final, give the order that the person found guilty be placed at the disposal of the Government, without applying a punishment;

- or sentence the offender to a punishment.

#### **Article 46**

- (1) If the judge has given the order that the offender be placed at the disposal of the Government, he shall be:
  - either placed at a Governmental institution in order that he is provided with his education at that place, or later on in another manner by the Government;
  - or entrusted for his education to a certain person or a body corporate or foundation or charitable institution, in order that he be provided with his education by these bodies, or later on in another manner, by the Government;
  - in both cases at the utmost until he shall reach the age of eighteen years.
- (2) Provisions for the implementation of the first paragraph of this Article shall be fixed by law.

#### **Article 47**

- (1) If the judge sentences the person found guilty to a punishment, the maximum of the basic punishment to be imposed on the punishable act shall be mitigated by one third.
- (2) If it concerns a crime on which the capital punishment or a crime on which life imprisonment is imposed, a maximum imprisonment of fifteen years shall be imposed.
- (3) The additional punishments mentioned in Articles 10 under b, 1st and 3rd shall not be imposed.

#### **Article 48**

Not punishable shall be the person who commits an act to which he is compelled by force majors.

#### **Article 49**

- (1) Not punishable shall be the person who commits an act necessitated by the defense of his own or another one's body, chastity or property against direct or immediate threatening unlawful assault.
- (2) Not punishable shall be the overstepping of the bounds of necessary defense, if it has been the immediate result of a severe emotion caused by the assault.

#### **Article 50**

Not punishable shall be the person who commits an act for the execution of a statutory provision.

#### **Article 51**

- (1) Not punishable shall be the person who commits an act for the execution of an official order issued by the competent authority.
- (2) An official order issued incompetently shall not exempt the punishment, unless it was considered in good faith by the subordinate to be issued competently and its execution lied within the limit of his subordination.

#### **Article 52**

If an official by committing a punishable act violates a special official duty or by committing a punishable act employs the power, opportunity or means conferred upon him by his office, the punishment may be enhanced with one third.

#### **Article 52a**

If during the commission of a crime the national flag of the Republic of Indonesia is used, the punishment imposed upon said crime may be enhanced with one third.

### **IV. ATTEMPT**

#### **Book: I. First. GENERAL PROVISIONS**

#### **Chapter: IV. ATTEMPT**

**Article: 53-54**

**Article 53**

- (1) Attempt to commit a crime is punishable if the intention of the offender has revealed itself by a commencement of the performance and the performance is not completed only because of circumstances independent of his will.
- (2) The maximum of the basic punishments imposed on the crime in case of attempt shall be mitigated by one third.
- (3) If capital punishment or life imprisonment is imposed upon a crime, a maximum imprisonment of fifteen years shall be imposed.
- (4) The additional punishments for attempts are the same as for the completed crime.

**Article 54**

**Attempt to commit a misdemeanor shall not be punishable.**

**V. PARTICIPATION IN PUNISHABLE ACTS**

**Book: I. First. GENERAL PROVISIONS**

**Chapter: V. PARTICIPATION IN PUNISHABLE ACTS**

**Article: 55-62**

**Article 55**

- (1) As principals of a punishable act shall be punished:
  - 1st, those who perpetrate, cause others to perpetrate, or take a direct part in the execution of the act;
  - 2nd-ly, those who intentionally provoke the execution of the act by gifts, promises, abuse of power or of respect, force, threat or deception or by providing an opportunity, means or information.
- (2) In respect to the provoker only those acts which have been deliberately provoked and their consequences shall be considered.

**Article 56**

As accomplices to a crime shall be punished:

- 1st, the persons who deliberately aid in the commission of the crime;
- 2nd-ly, the persons who deliberately provide opportunity, means or information for the commission of the crime.

**Article 57**

- (1) The maximum of the basic punishments imposed upon the crime in complicity shall be mitigated by one third.
- (2) If it concerns a crime on which the capital punishment or a crime on which life imprisonment is imposed, a maximum imprisonment of fifteen years shall be imposed.
- (3) The additional punishment for complicity shall be the same as for the crime itself.
- (4) In determining the punishment only those acts shall be considered which the accomplice has deliberately facilitated or furthered, together with their consequences.

**Article 58**

The personal circumstances on account of which the imposition of the punishment is excluded, mitigated or enhanced, in applying the penal provisions shall be computed only in respect of the said principal or accomplice personally.

#### **Article 59**

In cases where by reason of misdemeanor punishment is imposed upon directors, members of a board of management or commissioners, no punishment shall be pronounced against the director or commissioner who evidently does not take any part in the commission of the misdemeanor.

#### **Article 60**

Complicity to commit a misdemeanor shall not be punished.

#### **Article 61**

- (1) In crimes committed by means of the press the publisher in such shall not be prosecuted, if the printed matter mentions his name and domicile and the perpetrator is known or has been made known by the publisher at the first warning after the bill.
- (2) This provision shall not be applicable if at the time of publication no criminal proceedings against the perpetrator could be instituted or the perpetrator was domiciled outside Indonesia.

#### **Article 62**

- (1) In crimes committed by means of the press, the printer as such shall not be prosecuted, if the printed matter mentions his name and domicile and the person by whose order the matter has been printed is known or has been made known by the printer at the first warning after the bill.
- (2) This provision shall not be applicable if at the time of printing no criminal proceedings could be instituted against the person by whose order the matter was printed or the person by whose order the matter has been printed was domiciled outside Indonesia.

### **VI. CONJUNCTION OF PUNISHABLE ACTS**

#### **Book: I. First. GENERAL PROVISIONS**

#### **Chapter: VI. CONJUNCTION OF PUNISHABLE ACTS**

#### **Article: 63-71**

#### **Article 63**

- (1) If an act falls within more than one penal provision, only one of those provisions shall apply whereby, in case of difference, the most severe basic punishment shall be imposed.
- (2) If for an act that falls under a general penal provision there exists a special penal provision, only the special penal provision shall be considered.

#### **Article 64**

- (1) If among more acts, even though each in itself forms a crime or misdemeanor, there is such a relationship that they must be considered as one continued act, only one penal provision shall apply whereby, in case of difference, the most severe penal provision shall be imposed.
- (2) Likewise only one penal provision shall apply in a verdict of forgery or mutilation of coins and of the use of the object in respect of which the forgery or mutilation of coins has been committed.
- (3) If, however, the crime described in Articles 364, 373, 379 and the first paragraph of Article 407 are committed in a continued act, and if the collective value of the loss on property enhanced by said continued act amounts to more than twenty five Rupiahs, the penal provisions of Articles 362, 372, 378 and 406 shall respectively apply.

#### **Article 65**

- (1) In case of conjunction of more acts which must be considered as separate acts and which form more crimes on which similar basic punishments are imposed, one punishment shall be imposed.
- (2) The maximum of this punishment shall be the collective total of the maximum punishments imposed on the acts, but not exceeding one third beyond the most severe maximum punishment.

#### **Article 66**

- (1) In case of conjunction of more acts which must be considered as separate acts and which form more crimes on which dissimilar basic punishments are imposed, each of said punishments shall

be pronounced, but altogether their term shall not exceed the longest term by more than one third.

- (2) Fines are calculated in said cases according to the duration of the maximum substitutive light imprisonment imposed upon the act.

#### **Article 67**

In case of a verdict to capital punishment or to life imprisonment no punishments shall be imposed in addition to it, other than deprivation from certain rights, forfeiture of confiscated property and publication of the judicial judgment.

#### **Article 68**

- (1) In cases of Articles 65 and 66 in respect of additional punishment the following provision shall apply:
  - 1st, the punishments of deprivation of the same rights are dissolved into one punishment, exceeding in term the basic punishment or punishments imposed by at least two and at most five years, or in case no other basic punishment is imposed than fine, dissolved into one punishment the term of which is at least two and at most five years;
  - 2nd-ly, the punishments of deprivation of dissimilar rights shall be imposed for each crime separately and without mitigation;
  - 3rd-ly, the punishments of forfeiture of specific property, similar to the substitutive light imprisonment in case of no-delivery of said property, shall be imposed for each crime separately and without mitigation.
- (2) The sum total of the punishments of substitutive light imprisonment may not exceed the term of eight months.

#### **Article 69**

- (1) The relative severity of dissimilar basic punishments shall be determined by the sequence of Article 10.
- (2) In cases where the judge has the option between more basic punishments, only the most severe among said punishments shall be taken into consideration in making a comparison.
- (3) The relative severity of similar basic punishments shall be determined by the maximum punishment.
- (4) The relative term of both the dissimilar as well as the similar basic punishments shall also be determined by the maximum punishment.

#### **Article 70**

- (1) In cases of conjunction in the manner referred to in Articles 65 and 66, both of misdemeanors together with crimes as well as of misdemeanors among themselves, punishment shall be imposed on each misdemeanor without mitigation.
- (2) In case of misdemeanors, the punishments of light imprisonment and substitutive light imprisonment together shall not exceed the term of one year and four months, and those of substitutive light imprisonments together shall not exceed the term of eight months.

#### **Article 70 bis**

In respect of the application of Articles 65, 66 and 70 the crimes described in the Articles 302, first paragraph, 352, 364, 373, 379 and 482 shall be considered as misdemeanors, on the understanding that as far as imprisonments are imposed these imprisonments for said crimes together shall not exceed the term of eight months.

#### **Article 71**

If a person after sentence to punishment is again found guilty of a crime or misdemeanor committed prior to said sentence, the earlier punishment shall be taken into account, with application of the provisions of this chapter in the case of simultaneous trial.

**VII. FILING AND WITHDRAWAL OF COMPLAINT IN CRIMES TO BE PROSECUTED ONLY UPON COMPLAINT**

**Book: I. First. GENERAL PROVISIONS**

**Chapter: VII. FILING AND WITHDRAWAL OF COMPLAINT IN CRIMES TO BE PROSECUTED ONLY UPON COMPLAINT**

**Article: 72-75**

**Article 72**

- (1) As long as the person against whom a crime has been committed which is to be prosecuted only upon complaint, has not reached the age of sixteen years and is also a minor, or as long as the person otherwise than by reason of prodigality has been placed under guardianship, the person authorized to file the complaint shall be his legal representative in private affairs.
- (2) If the legal representative is missing, or if he is the person against whom the complaint had to be filed, the prosecution may take place upon complaint of the co-guardian or co-curator, or of the board charged with the co-guardianship or co-curatorship, of the wife, of a blood relative in the direct line, or in the absence of this relative, upon complaint of a blood relative in the side-line until and including the third degree.

**Article 73**

If the person against whom the crime has been committed dies within the term prescribed in the following Article, the prosecution may, without extension of said term, take place upon complaint of the parents, of the children or of the surviving spouse, unless it were evident that the deceased did not wish the prosecution to take place.

**Article 74**

- (1) The complaint may only be filed within six months after the person authorized to file the complaint has knowledge of the committed act, if he is domiciled within Indonesia, or within nine months after he has knowledge of it, if he is domiciled outside Indonesia.
- (2) If at the moment when the person against whom the crime has been committed is authorized to file the complaint, the term referred to in the first paragraph has not yet expired, he shall be competent to file the complaint after that moment only during such time as the term remains.

**Article 75**

The person who files the complaint remains competent to withdraw the complaint during three months after the filing date.

**VIII. LAPSE OF THE RIGHT TO PROSECUTE AND OF THE PUNISHMENT**

**Book: I. First. GENERAL PROVISIONS**

**Chapter: VIII. LAPSE OF THE RIGHT TO PROSECUTE AND OF THE PUNISHMENT**

**Article: 76-85**

**Article 76**

- (1) Except for the cases where judicial verdicts are subject to revision, no person shall be prosecuted again by reason of an act, which the verdict of an Indonesian judge with respect to him has become final. By Indonesian judge shall be understood also the judges of the Adat Law tribunals at places where such tribunals exist.
- (2) If the final verdict comes from another judge, no prosecution shall take place against the same person by reason of the same act in case of
  - 1st, acquittal or lapse of time from prosecution;
  - 2nd-ly, sentence followed by a completed execution, grace or lapse of time from punishment.

#### **Article 77**

The right to prosecute shall lapse by the death of the accused.

#### **Article 78**

- (1) The right to prosecute shall lapse by lapse of time:
  - 1st, in one year for all misdemeanors and for the crimes committed by means of the press;
  - 2nd-ly, in six years for the crimes upon which fine, custody or imprisonment of not more than three years is imposed;
  - 3rd-ly, in twelve years for all crimes upon which temporary imprisonment for more than three years is imposed;
  - 4th-ly, in eighteen years for all crimes upon which capital punishment or life imprisonment is imposed.
- (2) In respect of a person who before the commission of the act has not yet reached the age of eighteen years, each of the terms of lapse of time mentioned above shall be mitigated by one third.

#### **Article 79**

The term of lapse of time commences on the next day after the day on which that act has been committed, except in the following cases:

- 1st, in forgery or mutilation of coins the term commences on the next day after the day on which use has been made of the object with respect to which the forgery or mutilation of coins has been committed;
- 2nd-ly, in the crimes described in Articles 328, 329, 330 and 333 on the next day after the day of the release, or of the death of the person against whom the crime has been immediately committed;
- 3rd-ly, in the misdemeanors described in the Articles 556 up to and including 558a, on the next day after the day on which pursuant to the provisions of general regulations laying down that registers of the registrar's office be transferred to the record-office of a judicial tribunal, the transfer of the registers from which the misdemeanor is evident, has taken place.

#### **Article 80**

- (1) Each act of prosecution arrests the lapse of time, provided that the said act is known to the accused or made known to him in the manner as determined by general regulations.
- (2) After the arrest a new term of lapse of time shall start.

#### **Article 81**

The suspension of a penal prosecution in case of a prejudicial dispute shall suspend the lapse of time.

#### **Article 82**

- (1) The right to prosecute in case of misdemeanors on which no other basic punishment is imposed than fine, shall lapse by voluntary payment of the maximum of the fine, and of the costs if prosecution has already taken place, by authorization of the official designated thereto by general regulations within the term to be determined by him.
- (2) If in addition to fine forfeiture is imposed, the objects subjected to the forfeiture shall also be surrendered of the value at which they are estimated by the official referred to in the first paragraph, shall be paid for.
- (3) In the cases where the punishment is enhanced because of recidivism, the enhancement shall also be applicable if the right to prosecute on account of an earlier commission of the misdemeanor according to the first and second paragraphs of this Article has lapsed.
- (4) The provisions of this Article shall not be applicable to a minor who has not yet reached the age of sixteen years before the act has been committed.



### **Article 83**

The right to execution of the punishment shall lapse through the death of the convicted person.

### **Article 84**

- (1) The right to execution of the punishment shall lapse through lapse of time.
- (2) The term of this lapse of time is in cases of misdemeanors two years, in cases of crimes committed by means of the press five years, and in cases of other crimes one third in excess of the term of the lapse of time of the right to sentence prosecution.
- (3) In no case the term of the lapse of time shall be shorter than the duration of the imposed punishment.
- (4) The right to the execution of the capital punishment shall not lapse.

### **Article 85**

- (1) The term of the lapse of time shall commence to run from the next day after the day on which the judicial pronouncement shall be executed.
- (2) In case of escape of a convict during the service of his punishment a new term of lapse of time commences to run from the next day after the day of escape. In case of revocation of a conditional release a new term of lapse of time commences to run from the next day after the day of the revocation.
- (3) The term shall not run during the suspension of the execution ordered by general regulations, as well as during the time when the convict, in case of another conviction, has been confined.

## **IX. SENSE OF SOME EXPRESSIONS USED IN THE CODE**

### **Book: I. First. GENERAL PROVISIONS**

#### **Chapter: IX. SENSE OF SOME EXPRESSIONS USED IN THE CODE**

#### **Article: 86-103**

#### **Article 86**

Wherever crime is used in a general or a specific sense complicity and attempt to said crime shall be included, as far as the contrary does not follow from some provision.

#### **Article 87**

"Attempt to commit an act" exist as soon as the intent of the perpetrator has revealed itself by a commencement of the performance in the sense of Article 53.

#### **Article 88**

"Conspiracy" exists as soon as two or more persons agree to commit a crime.

#### **Article 88 bis**

"Revolution" denotes the destruction or illegal alteration of the constitutional form of government.

#### **Article 89**

The commission of violence is identified with bringing a person in a state of unconsciousness or helplessness.

#### **Article 90**

"Serious physical injury" denotes:

- illness or injury, which does not leave any prospect for a complete recovery or through which danger of life exists;
- continuous incompetence for performing official and professional activities;
- loss of the use of a sense organ;
- mutilation;

- paralysis;
- disturbance of the intellectual capabilities, which lasted for more than four weeks;
- removal or death of the womb of a woman.

#### **Article 91**

- (1) "Paternal authority" includes the authority of the head of the family.
- (2) "Parents" include the head of the family.
- (3) „Father" also includes the person who exercises an authority similar to the paternal one.
- (4) "Child" includes the person who is subject to an authority similar to the paternal one.

#### **Article 92**

- (1) "Officials" also include all the persons who have been elected in elections held by virtue of general regulations, as well as all the persons who by other reason than by virtue of an election are members of a legislative body a governmental body or a body of the peoples representatives formed by or on behalf of the Government; and further all members of a waterworks and all heads of the Indonesian indigenous population and heads of the foreign Asiatic group who exercise legal authority.
- (2) Officials and judges shall also include arbitrators; judges also include the persons who exercise administrative legal power, as also the chairmen and members of the religious tribunals.
- (3) All persons belonging to the armed forces shall also be considered officials.

#### **Article 92 bis**

"Merchant" denotes any person who exercises a business.

#### **Article 93**

- (1) „Skipper" is the master of a vessel or the person who substitutes him.
- (2) „Passengers" are all the persons on board the vessel except for the skipper,
- (3) "Members of the crew of a vessel" are all the persons who are on board the vessel as marine officers or ship's mates.

#### **Article 94**

Repealed by act 1946 No. 1.

#### **Article 95**

"Indonesian vessel" denotes any vessels which pursuant to general regulations concerning the certificates of registry and ship's passes in Indonesia must be provided with a certificate of registry and ship's passes or temporary substitutive permits.

#### **Article 95a**

- (1) "Indonesian aircraft" denotes any aircraft registered in Indonesia.
- (2) "Indonesian aircraft" includes any foreign aircraft, chartered without crew and put into operation by an Indonesian airline company.

#### **Article 95b**

"In flight" denotes any time from the moment when all external doors of the aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be considered to continue until the moment when competent authorities take over responsibility for the aircraft and for the property on board.

#### **Article 95c**

"In service" denotes the period from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty four hours after any landing.

#### **Article 96**

- (1) „Enemy" includes insurgents. „Enemy" also includes the state or power with which a war is imminent.
- (2) “War" includes hostilities with self-governing regions, as well as civil war.
- (3) “Time of war" includes the time when war is imminent. “Time of war" is also said to exist as soon as the mobilization of the army has been ordered and as long ns the army remains mobilized.

#### **Article 97**

“Day" denotes a period of twenty four hours, month a period of thirty days.

#### **Article 98**

“Night" denotes the time between sunset and sunrise.

#### **Article 99**

“Climbing in" includes the passing through an existing opening in the ground not Intended as an entrance of through a deliberately dug up opening in the ground, as well as the stepping across ditches or danals serving as enclosures.

#### **Article 100**

“False keys" include all tools not destined to be used as a tool to open the lock.

#### **Article 101**

“Cattle" denotes one-hoofed animals, ruminants and pigs.

#### **Article 101 bis**

- (1) “Electric works" include works serving to generate, conduct, transfer or deliver electric labor and safeguarding, fastening, supporting and warning works relating thereto.
- (2) “Electric works" do not include telegraph and telephone works.

#### **Article 102**

Revoked pursuant to State Gazette 1920 No. 382.

Concluding provision

#### **Article 103**

The provisions of the first eight Chapters of this Book shall also apply to facts on which other statutory provisions impose punishment, unless determined otherwise by statute.

### **Second Book, CRIMES**

#### **I. CRIMES AGAINST THE SECURITY OF THE STATE**

##### **Book: II. Second. CRIMES**

##### **Chapter: I. CRIMES AGAINST THE SECURITY OF THE STATE**

##### **Article: 104-129**

#### **Article 104**

The attempt undertaken with intent to deprive the President or Vice President of his life or his liberty or to render him unfit to govern, shall be punished by capital punishment or life imprisonment or a maximum imprisonment of twenty years.

#### **Article 105**

Repealed by Act 146 No. 1.

#### **Article 106**

The attempt undertaken with intent to bring the territory of the state wholly or partially under foreign domination or to separate part thereof shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 107**

- (1) The attempt undertaken with the intent to cause a revolution shall be punished by a maximum imprisonment of fifteen years.
- (2) Leaders and originators of an attempt referred to in the first paragraph shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 108**

- (1) Guilty of rebellion and punished by a maximum imprisonment of fifteen years shall be:
  - 1st, the person who takes up arms against the Government;
  - 2nd-ly, the person who with the intent to rebel against the Government, rises with or joins a band which take up arms against the Government.
- (2) Leaders and originators of a rebellion shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 109**

Revoked pursuant to State Gazette 1930 No. 31.

#### **Article 110**

- (1) The conspiracy to one of the crimes described in Articles 104-108 shall be punished by a maximum imprisonment of six years.
- (2) The same punishment shall apply to the person who with the intent to prepare or facilitate one of the crimes described in Articles 104-105:
  - 1st, tries to induce others to commit the crime, to cause others to commit or participate in the commission of the crime, to facilitate the crime or to provide opportunity, means or information relating thereto;
  - 2nd-ly, tries to provide himself or others with the opportunity, means or information for committing the crime;
  - 3rd-ly, has in store objects of which he know that they are destined for committing the crime;
  - 4th-ly, makes plans ready or is in possession of plans for the execution of the crime intended to be made known to other person;
  - 5th-ly, tries to hinder, to obstruct or to defeat a measure taken by the Government to prevent or to suppress the execution of the crime.
- (3) The objects referred to in the foregoing paragraph under 3rd-ly may be forfeited.
- (4) Not punishable shall be the person from whom it is evident that his intent is merely aimed at the preparation or facilitation of political changes in the general sense.
- (5) If in cases mentioned under section (1) and (2) of this Article, the crime really takes place, the punishment may be doubled.

#### **Article 111**

- (1) Any person who colludes with either a foreign power or a king or a community, with the intent to induce them to conduct hostilities or to wage a war against the state, to strengthen them in the intention made up thereto, thereby promising them assistance or assisting them in their preparations, shall be punished by a maximum imprisonment of fifteen years.
- (2) If the hostilities are committed or the war breaks out, either capital punishment or life imprisonment or a maximum imprisonment of twenty years shall be imposed.

#### **Article 111 bis**

- (1) By a maximum imprisonment of six years shall be punished:
- 1st, any person who colludes with a person or body domiciled outside Indonesia, with the intent to induce such a person or body to provide aid in preparing, facilitating or causing a revolution, to strengthen such a person or body in the intention made up thereto, or thereby promising or providing assistance to such a person or body; or to prepare, to facilitate or to bring about a revolution;
  - 2nd-ly, any person who imports an object capable of providing material aids in preparing, facilitating or causing a revolution, if he knows or has earnestly reasons to suspect that it is intended thereto;
  - 3rd-ly, any person who is in possession of or makes as a subject of an agreement, an Article capable of providing material aid in preparing, facilitating or causing a revolution, if he knows or has earnestly reason to suspect that it is indented thereto and that said Article or any other Article for which it has been substituted, either has been imported with said intention, or has been intended thereto by or on behalf of a person or body domiciled outside Indonesia.
- (2) The Articles with which or in respect of which the crimes described in the foregoing paragraph under 2nd-ly and 3rd-ly have been committed, may be forfeited.

#### **Article 112**

Any person who deliberately either reveals or informs or smuggles into the hands of a foreign power, a king or a community, documents, news or information concerning a case of which he knows that secrecy has been ordered by the interest of the state, shall be punished by capital punishment or life imprisonment or a maximum imprisonment of seven years.

#### **Article 113**

- (1) Any person who having in his possession secret documents, maps, plans, drawings or objects relating to the defense or the external security of Indonesia or having knowledge of the content of such secret documents or of the form and the composition of such secret object, deliberately wholly or partially either reveals said documents or objects, or the content, the form or the composition thereof, or communicate them to others or smuggles them into the hands of others who are not authorized to take cognizance thereof, shall be punished by a maximum imprisonment of four years.
- (2) If said documents or objects which are in his possession or of which he has knowledge, are because of his profession, the punishment may be enhanced with one third.

#### **Article 114**

Any person through whose negligence the secret documents or objects referred to in Article 113, with the custody or storage of which he is in charge, their form or their composition have been wholly or partially disclosed or have come into the possession or cognizance of other persons who are not authorized to have knowledge thereof, shall be punished by a maximum imprisonment of one year and six months or a maximum light imprisonment of one year or a maximum fine of three hundred Rupiahs.

#### **Article 115**

Any person who wholly or partially examines or takes cognizance of secret documents of objects referred to in Article 113, of which he knows or must reasonably suspect that they are not destined to be known by him, or makes or causes to make copies or abstracts in whichever script or language, prints, portraits or imitations or does not hand the said documents or objects to an official of the justice or the police or the local government if he obtains possession thereof, shall he punished by a maximum imprisonment of three years.

#### **Article 116**

The conspiracy to commit the crimes described in Article 113 and 115 shall be punished by a maximum imprisonment of one year.

#### **Article 117**

By a maximum imprisonment of six months or a maximum fine of three hundred Rupiahs shall be punished the person who without being thereto authorized:

- 1st, deliberately enters into an establishment of the army or navy or a warship through another entrance than the usual one;
- 2nd-ly, deliberately enters into a terrain that by or on behalf of the President or by the Military Authority has been designated as a military terrain, which the entrance is prohibited;
- 3rd-ly, deliberately produces, collects, possesses, keeps, hides or transports a photographic picture, a drawing or other data or indications concerning a terrain referred to under 2nd-ly together with all that is in it.

#### **Article 118**

By a maximum imprisonment of two years or a maximum fine of six hundred Rupiahs shall be punished the person who, without being authorized thereto deliberately produces, collects, possesses, keeps, hides or transports a photographic picture, a survey, portrait or description or a drawing as well as other data or indications concerning a matter of military interest.

#### **Article 119**

By a maximum imprisonment of one year shall be punished:

- 1st, any person who takes in somebody, knowing or having reason to suspect that this person without being authorized thereto has the intention or attempts to obtain knowledge of secret documents or objects referred to in Article 113 or to get himself acquitted with the position, the construction, the layout, the arrangement, the armament, the provision, the munitions outfit or the strength of defense works or any other matter of military interest;
- 2nd-ly, any person who conceals objects of which he knows it or of which he must reasonably suspect that they must in whatever manner be of service at the execution of an intention referred to under 1st.

#### **Article 120**

If the commission of one of the crimes described in Articles 113, 115, 117, 118 and 119 is accompanied with the use of fraudulent means, such as · acceptance, disguise, the use of false names or capacities, as well as accompanied with presentation or acceptance, holding out or promise of gifts, benefits or rewards in whatever form or by force or threat of force, the punishments of deprivation of liberty may be doubled.

#### **Article 121**

Any person who deliberately conducts a negotiation with a foreign power, a king or a community to which he has been assigned by the Government, to the detriment of the state, shall be punished by a maximum imprisonment of twelve years.

#### **Article 122**

By a maximum imprisonment of seven years shall be punished:

- 1st, any person who in case of a war in which Indonesia is not involved, deliberately perform an action on account of which the neutrality of the state is endangered, or deliberately breaks a special regulation issued and announced by the Government for maintaining the neutrality;
- 2nd-ly, any person who in time of war intentionally breaks a regulation issued and announced by the Government in the interest of the security of the state.

#### **Article 123**

Any Indonesian subject who voluntarily enters into military service with a foreign power, knowing that it is in war with Indonesia or in the prospect of a war with Indonesia, in the latter case if the war breaks out, shall be punished by capital punishment or life imprisonment or a maximum imprisonment of fifteen years.

#### **Article 124**

- (1) Any person who in time of war intentionally renders assistance to the enemy or prejudices the state against the enemy shall be punished by a maximum imprisonment of fifteen years.
- (2) Life imprisonment or a maximum imprisonment of twenty years shall be imposed, if the principal:
  - 1st, informs or surrenders a map, plan, drawing or description of military works, of any information concerning military movements or plans;
  - 2nd-ly, serve the enemy as a spy or harbors a spy.
- (3) Capital punishment or life imprisonment or a maximum imprisonment of twenty years shall be imposed, if the principal:
  - 1st, betrays to the enemy, smuggles into the enemy's hands, destructs or damages an stronghold or post, which is reinforced or occupied, a means of communication, a storehouse, a military provision, or a military, naval or army chest or any part thereof, obstructs, prevents or frustrates a plan for inundation or another military plan devised or executed for defense or attack.
  - 2nd-ly, causes or facilitates a revolt, mutiny or desertion among the armed forces.

#### **Article 125**

The conspiracy to commit one of the crimes described in Article 124 shall be punished by a maximum imprisonment of six years.

#### **Article 126**

By a maximum imprisonment of seven years shall be punished any person who in time of war without intent to render assistance to the enemy or to prejudice the state against the enemy deliberately:

- 1st, harbors, conceals a spy of the enemy or assists him in his escape;
- 2nd-ly, instigates or furthers a desertion of a soldier in service of the state.

#### **Article 127**

- (1) The person who in time of war commits a fraudulent act in the delivery of materials for use of the navy or the army shall be punished by capital punishment or life imprisonment or a maximum imprisonment of twelve years.
- (2) By the same punishment shall be punished any person who being in charge with the supervision of the delivery of goods, intentionally allows the fraudulent act.

#### **Article 128**

- (1) By conviction on account of one of the crimes described in Articles 104, deprivation of the rights mentioned in Article 35 nos. 1- 5 may be pronounced.
- (2) By conviction on account of one of the crimes described in Articles 106-108, 110-125, deprivation of the rights mentioned in Article 35 first to thirdly may be pronounced.
- (3) By conviction on account of the crime described in Article 127 the offender may be deprived of the exercise of the profession in which he has committed the crime, and of the rights mentioned in Article 35 first to fourthly, and publication of the judicial verdict may be ordered.

#### **Article 129**

The punishment imposed on the facts described in the Articles 124-127 shall apply if one of the said facts is committed against or in respect of the allies of the state in a common war.

## **II. CRIMES AGAINST THE DIGNITY OF THE PRESIDENT AND VICE PRESIDENT**

### **Book: II. Second. CRIMES**

### **Chapter: II. CRIMES AGAINST THE DIGNITY OF THE PRESIDENT AND VICE PRESIDENT**

**Article: 130-139**

**Article 130**

Repealed by Act 1946 No. 1.

**Article 131**

Every factual assault against the person of the President or Vice President that does not fall under a heavier penal provision shall be punished by a maximum imprisonment of eight years.

**Articles 132 and 133.**

Repealed by Act 1946 No. 1.

**Article 134**

Deliberate insult against the President or Vice President shall be punished by a maximum imprisonment of six years a maximum fine of three hundred Rupiahs.

**Articles 135 and 136**

Repealed by Act 1946 No. I.

**Article 136 bis**

Deliberate insult in Article 134 also includes the act described in Article 315, if this has been committed in the absence of the insulted person, either in public by acts or not in public but in the presence of more than four persons, or only in the presence of a third party who is present notwithstanding his own will and who takes offence of it, by acts as well as by words or in writing.

**Article 137**

- (1) Any person who disseminates, demonstrates openly or puts up a writing or portrait containing an insult against the President or Vice President with intent to make the contents public or enhance the publicity thereof, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his progression and during the commission of the crime two years have not yet elapsed since an earlier conviction on account of a similar crime has become final, he may be deprived of the exercise of said profession.

**Article 138**

Repealed by Act 1946 No. 1.

**Article 139**

- (1) Repealed by Act 1946 No. 1.
- (2) By conviction on account of one of the crimes described in Article 131, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.
- (3) By conviction on account of one of the crimes described in Article 134 deprivation of the rights mentioned in Article 35 first to thirdly may be pronounced.

**III. CRIMES AGAINST FRIENDLY STATES AND AGAINST HEADS AND REPRESENTATIVES OF FRIENDLY STATES**

**Book: II. Second. CRIMES**

**Chapter: III. CRIMES AGAINST FRIENDLY STATES AND AGAINST HEADS AND REPRESENTATIVES OF FRIENDLY STATES**

**Article: 139a-145**

**Article 139a**

The attempt undertaken with intent to withdraw wholly or partially the territory or another area of a friendly state from the sovereignty of the there established authority, shall be punished by a maximum imprisonment of five years.



#### **Article 139b**

The attempt undertaken with intent to destroy or to illegally alter the established form of government of a friendly state or another territory of a friendly state, shall be punished by a maximum imprisonment of four years.

#### **Article 139c**

The conspiracy to one of the crimes described in Articles 139a and 139b shall be punished by a maximum imprisonment of one year and six months.

#### **Article 140**

- (1) The attempt on the life or the liberty of a ruling king or another head of a friendly state shall be punished by a maximum imprisonment of fifteen years.
- (2) If the attempt on said life results in death or is undertaken with premeditation, a life imprisonment or a maximum imprisonment of twenty years shall be imposed.
- (3) If the attempt on said life, undertaken with premeditation, results in death, the capital punishment or life imprisonment or a maximum imprisonment of twenty years shall be imposed.

#### **Article 141**

Each factual assault against the person of a ruling king or another head of a friendly state, which does not fall under a more service penal provision, shall be punished by a maximum imprisonment of seven years.

#### **Article 142**

A maximum imprisonment of five years or a maximum fine of three hundred Rupiahs shall punish deliberate insult against a ruling king or another head of a friendly state.

#### **Article 142a**

A maximum imprisonment of four years or a maximum fine of three thousand Rupiahs shall punish any person who violates the national flag of a friendly state.

#### **Article 143**

A maximum imprisonment of five years or a maximum fine of three hundred Rupiahs shall punish intentional insult against a representative of a foreign power to the Indonesian Government in his capacity.

#### **Article 144**

- (1) Any person who disseminates, openly demonstrates or puts up a writing or portrait containing an insult against a ruling king or another head of a friendly state or against a representative of a foreign power to the Indonesian Government in his capacity, with intent to make the insulting content public or to enhance the publicity thereof, shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime, two years have not yet elapsed since an earlier conviction on account of a similar crime has become final, he may be deprived of the exercise of said profession.

#### **Article 145**

- (1) By conviction on account of the crime described in Article 140, deprivation of the rights mentioned in Article 35 first to fifthly may be pronounced.
- (2) By conviction on account of the crime described in Article 141, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.
- (3) By conviction on account of one of the crimes described in Articles 139a, 139b, 139c, 142 and 143, deprivation of the rights mentioned in Article 35 first to thirdly may be pronounced.

### **IV. CRIMES CONCERNING THE PERFORMANCE OF STATE DUTIES AND STATE RIGHTS**

**Book: II. Second. CRIMES**

**Chapter: IV. CRIMES CONCERNING THE PERFORMANCE OF STATE DUTIES AND STATE RIGHTS**

**Article: 146-153**

**Article 146**

Any person who with violence or threat of violence disperses a meeting of the legislative body, government body or peoples representative body formed by or on behalf of the Government, or forces said bodies to adopt or not to adopt a decisions, or removes the chairman or a member from said meeting, shall be punished by a maximum imprisonment of nine years.

**Article 147**

Any person who with violence or threat of violence intentionally obstructs the chairman or member of the legislative body, government body or peoples representative body formed by or on behalf of the Government, to attend the meeting of said bodies or to fulfill his duty in said bodies free and unimpeded, shall be punished by a maximum imprisonment of two years and eight months.

**Article 148**

Any person, who on the occasion of an election held by virtue of a general regulation with violence or threat of violence intentionally hinders somebody to exercise his franchise free and unimpeded, shall be punished by a maximum imprisonment of one year and four months.

**Article 149**

- (1) Any person who on the occasion of an election held by virtue of a general regulation by gift or promise bribes somebody either not to exercise his franchise or to exercise it in a certain manner shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.
- (2) The same punishment shall apply to the elector who by gift or promise allows himself to be bribed to exercise or not exercise his above-mentioned rights.

**Article 150**

Any person who, on the occasion of an election held by virtue of a general regulation, commits a fraudulent act by which the vote of an elector becomes null and void or a person other than the one meant by the elector is designated, shall be punished by a maximum imprisonment of nine months.

**Article 151**

Any person who, intentionally giving himself out for another, takes part in an election held by virtue of a general regulation, shall be punished by a maximum imprisonment of one year and four months.

**Article 152**

Any person who, on the occasion of an election held by virtue of a general regulation, deliberately frustrates a voting that has taken place or commits a fraudulent act which causes to the voting another result than would have been obtained through the voting papers handed in legally or through the legally recorded votes, shall be punished by a maximum imprisonment of two years.

**Article 153**

- (1) By conviction on account of the crime described in Article 146, deprivation of the rights mentioned in Articles 35 first to thirdly may be pronounced.
- (2) By conviction on account of one of the crimes described in Articles 147-152, deprivation of the rights mentioned in Articles 35 thirdly may be pronounced.

**V. CRIMES AGAINST THE PUBLIC ORDER**

**Book: II. Second. CRIMES**

**Chapter: V. CRIMES AGAINST THE PUBLIC ORDER**

**Article: 153-181**

### **Article 153 bis and 153 ter**

Repealed by Act 1946 No. 1.

### **Article 154**

A maximum imprisonment of seven years or a maximum fine of three hundred Rupiahs shall punish the person who publicly gives expression to feelings of hostility, hatred or contempt against the Government of Indonesia.

### **Article 154a**

A maximum imprisonment of four years or a maximum fine of three thousand Rupiahs shall punish any person who violates the National Flag of the Republic of Indonesia and the coat of Arms of the Republic of Indonesia.

### **Article 155**

- (1) Any person who disseminates, openly demonstrates or puts up a writing where feelings of hostility, hatred or contempt against the Government of Indonesia are expressed with intent to give publicity to the contents or to enhance the publicity thereof, shall be punished by a maximum imprisonment of four years and six months or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime five years have not yet elapsed since an earlier conviction on account of a similar crime has become final, he may be released from the exercise of said profession.

### **Article 156**

A maximum imprisonment of four years or a maximum fine of three hundred Rupiahs shall punish the person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia.

By group in this and in the following Article shall be understood each part of the population of Indonesia that distinguishes itself from one or more other parts of that population by race, country of origin, religion, origin, descent, nationality or constitutional condition.

### **Article 156a**

By a maximum imprisonment of five years shall be punished any person who deliberately in public gives expression to feelings or commits an act,

- a. which principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia;
- b. with the intention to prevent a person to adhere to any religion based on the belief of the almighty God.

### **Article 157**

Any person who disseminated, openly demonstrates or puts up a writing or portrait where feelings of hostility, hatred or contempt against or among groups of the population of Indonesia are expressed, with intent to give publicity to the contents or to enhance the publicity thereof, shall be punished by a maximum imprisonment of two years and six months or a maximum fine of three hundred Rupiahs.

### **Article 158**

Any person who causes the holding of an election in Indonesia of a member of a political body in a foreign country, or who prepares or facilitates in Indonesia such an election, which is to be held either in Indonesia or in a foreign country, shall be punished by a maximum imprisonment of two years or a maximum fine of five hundred rupiahs.

### **Article 159**

A maximum imprisonment of six months or a maximum fine of one hundred rupiahs shall punish any person who participates in an election, mentioned in Article 158, which is held either in Indonesia or in a foreign country.

### **Article 160**

Any person who orally or in writing incites in public to commit a punishable act, a violent action against the public authority or any other disobedience, either to a statutory provision or to an official order issued under a statutory provision, shall be punished by a maximum imprisonment of six years or a maximum fine of three hundred Rupiahs.

#### **Article 161**

- (1) Any person who disseminates, openly demonstrates or puts up a writing in which is incited to commit a punishable act, a violent action against the public authority or any other disobedience described in the foregoing Article, with intent to give publicity to the inciting content or to enhance the publicity thereof, shall be punished by a maximum imprisonment of four years or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime five years have not yet elapsed since an earlier conviction on account of a similar crime has become final, he may be deprived of the performance of said profession.

#### **Article 161 bis**

Repealed by Act 1946 No. 1.

#### **Article 162**

Any person who in public orally or in writing offers to give information opportunity or means for the commission of a punishable act, shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.

#### **Article 163**

- (1) Any person who disseminates, openly demonstrates or puts up a writing in which is offered to provide information, opportunity or means for the commission of a punishable act, with intent to give publicity to said offer or to enhance the publicity thereof, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime five years have not yet elapsed since an earlier conviction on account of a similar crime has become final, he may be deprived of the performance of said profession.

#### **Article 163 bis**

- (1) Any person who by one the means mentioned in Article 55 under 2 attempts to induce others to commit a crime, shall, if it does not result in the crime or a punishable attempt thereto, be punished by a maximum imprisonment of six years or a maximum fine of three hundred Rupiahs, however on the understanding that never a punishment shall be pronounced more severe than may be imposed on account of an attempt to the crime, or, if such attempt is not punishable, on account of the crime itself.
- (2) This provision shall not apply to him if it does not result in the crime or a punishable attempt thereto on account of circumstances depending on his will.

#### **Article 164**

Any person having knowledge of a conspiracy to one of the crimes described in Articles 104, 106, 107, 108, 113, 115, 124, 187 or 187 bis at a moment when the commission of said crimes may still be prevented, deliberately omits to give timely adequate notice thereof either to the officers of the justice or police, or to the threatened person, shall, if the crime was committed, be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred Rupiahs.

#### **Article 165**

- (1) Any person, having knowledge of an intention to commit one of the crimes described in Articles 101, 106, 107, 108, 110-113, 115-129 and 131, desertion in time of war, military treason, robbery on people or rape, the one of the crimes described in Chapter VII of this Act as far as danger of life is thereby caused, or the commission of one of the crimes described in Articles 264 and 275 as far as it concerns credit paper destined for circulation, at a moment when the commission of these crimes may still be prevented, intentionally neglects to give timely adequate notice thereof either to the officers of the justice or police, or to the threatened person,

shall, if the crime was committed, be punished by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.

- (2) The same punishment shall apply to any person who, having knowledge of an already committed crime mentioned in the first paragraph whereby danger of life has arisen, intentionally neglects to give similar notice thereof at a moment when the consequences may still be averted.

#### **Article 166**

The provisions of Articles 164 and 165 shall not be applicable to any person who by giving the notice would endanger himself, one of his blood relatives or persons allied by marriage in the straight line or in the second or third degree of the side-line, his spouse or ex-spouse, or another with whose prosecution he, owing to his office or profession, would be able excuse himself from giving evidence, to be prosecuted.

#### **Article 167**

- (1) Any person who illegally forces his way into the dwelling or the enclosed room or grounds, used by another, or staying there illegally does not move away immediately at the demand of or on behalf of the rightful claimant, shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.
- (2) Any person who has forced an entrance by means of breaking or climbing in, false keys, a false order or a false costume, or who, without prior knowledge of the rightful claimant and having entered otherwise than by mistake, is found there by night, shall be deemed to have forced his way into it.
- (3) If he expresses threats or uses means capable of intimidation, he shall be punished by a maximum imprisonment of one year and four months.
- (4) The punishments laid down in the first and third paragraph may be intensified by one third, if two or more united persons commit the crime.

#### **Article 168**

- (1) Any person who illegally forces his way into a room destined for public service or staying there illegally does not immediately move away at the demand of the authorized official, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred Rupiahs.
- (2) The person who has forced an entrance by means of breaking or climbing in, false keys, a false order or a false costume, or who, without prior knowledge of the authorized official and having entered otherwise than by mistake, is found there by night, shall be deemed to have forced his way into it.
- (3) If he expresses threats or makes use of means capable of intimidation, he shall be punished by a maximum imprisonment of one year and four months.
- (4) The punishments laid down in the first and third paragraph may be intensified by one third, if two or more united persons commit the crime.

#### **Article 169**

- (1) Participation in an association that has intent to commit crimes or in another association prohibited by general regulations, shall be punished by a maximum imprisonment of six years.
- (2) Participation in an association that has the intent to commit misdemeanors shall be punished with a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs.
- (3) In respect of the founders or directors said punishments may be enhanced with one third.

#### **Article 170**

- (1) Persons who with united forces openly commit violence against persons or property, shall be punished by a maximum imprisonment of five years and six months.
- (2) The offenders shall be punished:

1st, by a maximum imprisonment of seven years, if he intentionally destroys property or of the violence committed by him results in a physical injury;

2nd-ly, by a maximum imprisonment of nine years, if said violence results in a serious physical injury;

3rd-ly, by a maximum imprisonment of twelve years, if said violence results in death.

(3) Article 89 shall not be applicable.

#### **Article 171**

Repealed by Act 1946 No. 1.

#### **Article 172**

A maximum imprisonment of three weeks or a maximum fine of sixty Rupiahs shall punish the person who intentionally disturbs the public tranquility by cries or signals of false alarm.

#### **Article 173**

Any person who by Violence or threat of violence hinders a lawful public meeting shall be punished by a maximum imprisonment of one year.

#### **Article 174**

A maximum imprisonment of three weeks or a maximum fine of sixty Rupiahs shall punish any person who by causing disorder or making noise with deliberate intent disturbs a lawful public meeting.

#### **Article 175**

Any person who by violence or threat of violence obstructs either a lawful public religious meeting, or a lawful religious ceremony or funeral ceremony, shall be punished by a maximum imprisonment of one year and four months.

#### **Article 176**

Any person who by causing disorder or making noise with deliberate intent obstructs either a lawful public religious meeting, or a lawful religious or funeral ceremony, shall be punished by a maximum imprisonment of one month and two weeks or a maximum fine of hundred and twenty Rupiahs.

#### **Article 177**

By a maximum imprisonment of four months and two weeks or a maximum fine of one hundred and twenty Rupiahs shall be punished:

1st, any person who ridicules a minister of the religion in the lawful observation of his service;

2nd-ly, any person who jeers at objects dedicated to a divine worship, where and when the exercise of said worship is lawful.

#### **Article 178**

A maximum imprisonment of one month and two weeks or a maximum fine of hundred and twenty Rupiahs shall punish any person who with deliberate intent obstructs or hinders the lawful entrance to a graveyard or the lawful conveyance of dead body to a graveyard.

#### **Article 179**

Any person who with deliberate intent defaces a grave or with deliberate intent and illegally destroys or damages a memorial constructed at a graveyard shall be punished by a maximum imprisonment of one year and four months.

#### **Article 180**

Any person who with deliberate intent and illegally digs up and takes away a corpse or removes or carries a dug up or removed corpse, shall be punished by a maximum imprisonment of one year and four months of a maximum fine of three hundred Rupiahs.

### **Article 181**

A maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs shall punish any person who buries, hides, carries away or removes a dead body, with intent to conceal the death or the birth.

## **VI. DUELING**

**Book: II. Second. CRIMES**

**Chapter: VI. DUELING**

**Article: 182-186**

### **Article 182**

Shall be punished by a maximum imprisonment of nine months:

1. any person who incites another to give a challenge to a duel or makes another to accept said challenge, if they're upon a dual follows;
2. any person who intentionally gives a challenge to a duel, if there upon a duel follows.

### **Article 183**

Shall be punished by a maximum imprisonment of six months or a maximum fine of three hundred rupiahs, any person who publicly or at the presence of another, reproaches or holds up to ridicule a person for not having given a challenge to a duel or for having refused to accept said challenge.

### **Article 184**

- (1) Any person who does not physically injure his adversary in a duel shall be punished by a maximum imprisonment of nine months.
- (2) Any person who physically injures his adversary shall be punished by a maximum imprisonment of one year and four months.
- (3) Any person who physically seriously injures his adversary shall be punished by a maximum imprisonment of four years.
- (4) Any person who kills his adversary shall be punished by a maximum imprisonment of seven years or if it has been agreed to fight the duel to the death.
- (5) The attempt to fight a duel shall not be punished.

### **Article 185**

To any person who kills or physically injures his adversary in a duel the provisions on murder, homicide or maltreatment shall apply:

1. if the conditions have not been previously arranged;
2. if the duel does not take place at the presence of martial second;
3. if the perpetrator, intentionally and to the detriment of the adversary, commits any act of deceit or deviates from the conditions.

### **Article 186**

- (1) The seconds and physicians who attend to a duel are not punishable.
- (2) The seconds shall be punished:
  1. by a maximum imprisonment of three years, if the conditions of the duel have not been previously arranged or if they incite both parties to continue the duel;
  2. by a maximum imprisonment of four years if they intentionally and to the detriment of one or both parties, are guilty of any act of deceit or allow any act of deceit, or allow deviations from the conditions of the duel.
- (3) The provisions on murder, homicide or maltreatment apply to the second in a duel in which one of the parties has been killed or has been physically injured, if he intentionally and to the detriment of said party, has rendered oneself guilty of any act of deceit or has allowed any act of

deceit or has allowed to deviate from the conditions of the duel to the detriment of the deceased or injured person.

## **VII. CRIMES WHEREBY THE GENERAL SECURITY OF PERSONS OR PROPERTY IS ENDANGERED**

### **Book: II. Second. CRIMES**

#### **Chapter: VII. CRIMES WHEREBY THE GENERAL SECURITY OF PERSONS OR PROPERTY IS ENDANGERED**

##### **Article: 187-129**

##### **Article 187**

Any person who with deliberate intent sets fire, causes an explosion or causes a flood, shall be punished:

- 1st, by a maximum imprisonment of twelve years if thereby general danger to property is feared;
- 2nd-ly, by a maximum imprisonment of fifteen years if thereby danger of life for another is feared;
- 3rd-ly, by life imprisonment or a maximum temporary imprisonment of twenty years if thereby danger of life for another is feared and the act results in the death of someone.

##### **Article 187 bis**

- (1) The person who produces, receives, tries to procure, has in store, conceals, transports or imports into Indonesia stuffs, objects or tools of which he knows or reasonably must suspect that they are intended or will occasionally be used cause an explosion, whereby danger of life or general danger to property is feared, shall be punished by a maximum imprisonment of eight years or a maximum light imprisonment of one year.
- (2) The defectiveness of the stuffs, objects or tools referred to in the fore going paragraph, in causing an explosion above described, shall not exempt from liability to punishment.

##### **Article 187 ter**

The conspiracy to one of the crimes described in Articles 187 and 187 bis shall be punished by a maximum imprisonment of five years.

##### **Article 188**

Any person through whose fault is caused fire, explosion or flood shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year or a maximum fine of three hundred Rupiahs, if thereby common danger for property or danger of life for another person arises or if the fact results in the death of a person.

##### **Article 189**

Any person who with deliberate intent at the moment or in prospect of a fire unlawfully hides or makes useless tools or means of fire extinction, or in a certain manner hinders or obstructs the extinction of fire, shall be punished by a maximum imprisonment of seven years.

##### **Article 190**

Any person who with deliberate intent at the time or in prospect of an inundation unlawfully hides or makes useless dike materials or tools defeats an attempt to repair dikes or other water works, or thwarts the means employed to prevent or stop the flood, shall be punished by a maximum imprisonment of seven years.

##### **Article 191**

Any person who with deliberate intent destroys, makes useless or damages a work serving as a weir or drainage shall, if there from danger of flood is feared, shall be punished by a maximum imprisonment of seven years.



#### **Article 191 bis**

Any person who with deliberate intent destroys, damages or makes useless an electrical work, cause disturbance in the running or operation of such work, or frustrates or hampers a safety or repair measure taken in respect of such work, shall be punished:

- 1st, by a maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs, if thereby hindrance or obstruction arises in the delivery of electric power for general use;
- 2nd-ly, by a maximum imprisonment of seven years, if thereby from common danger for property is feared;
- 3rd-ly, by a maximum imprisonment of nine years, if thereby danger of life for another is feared;
- 4th-ly, by a maximum imprisonment of fifteen years, if there from danger of life for another is feared and the fact results in the death of a person.

#### **Article 191 ter**

Any person through whose fault an electrical work is destroyed, damaged or rendered useless, the disturbance in the running or operation of such work is caused, or a safety or repair measure taken in respect of such work is frustrated or obstructed, shall be punished:

- 1st, maximum light imprisonment of three months or a maximum fine of three hundred Rupiahs, if thereby hindrance or obstruction in the delivery of electric power for general use or common danger for property arises;
- 2nd-ly, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if thereby danger of life for another arises;
- 3rd-ly, by a maximum imprisonment of a year and four months or a maximum light imprisonment of one year, if the fact results in the death of a person.

#### **Article 192**

Any person who with deliberate intent destroys, renders useless or damages a work serving for public traffic, blocks a public land- or water road, or frustrates a safety measure taken in respect of such work or of such road, shall be punished:

- 1st by a maximum imprisonment of nine years, if thereby from danger for the safety of the traffic is feared;
- 2nd-ly, by a maximum imprisonment of fifteen years, if there from danger for the safety of the traffic is feared and the fact results in the death of any person.

#### **Article 193**

Any person through whose fault a work serving for public traffic is destroyed, rendered useless or damaged, a public land- or water road is blocked, or a safety measure taken in respect of such work or of such road is frustrated, shall be punished:

- 1st, by a maximum imprisonment of four months and two weeks or a maximum light imprisonment of three months or a maximum fine of three hundred Rupiahs, if thereby the traffic becomes unsafe;
- 2nd-ly, by a maximum imprisonment of a year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

#### **Article 194**

- (1) Any person who with deliberate intent causes danger for the public traffic by means of a steam power or other mechanical motive power over a rail- or tramway, shall be punished by a maximum imprisonment of fifteen years.
- (2) If the fact results in the death of any person, the offender shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 195**

- (1) Any person through whose fault danger for the public traffic is caused by steam power or other mechanical motive power over a rail- or tramway shall be punished with a maximum

imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs;

- (2) If the fact results in the death of any person, the offender shall be punished by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year.

#### **Article 196**

Any person who with deliberate intent destroys, damages, removes or moves away a signal placed for the safety of the navigation, frustrates its operation or places a wrong signal shall be punished:

- 1st, by a maximum imprisonment of twelve years, if they're from danger for the safety of the navigation is feared;
- 2nd-ly, by a maximum imprisonment of fifteen years, if there from danger for the safety of the navigation is feared and the fact results in the sinking or stranding of a vessel;
- 3rd-ly, by life imprisonment or a maximum imprisonment of twenty years, if there from danger for the safety of the navigation is feared and the fact results in the death of any person.

#### **Article 197**

Any persons through whose fault a signal placed for the safety of the navigation is destroyed, damaged, taken away or removed or its operation is frustrated or a wrong signal is placed, shall be punished:

- 1st, by a maximum imprisonment of four months and two weeks or a maximum light imprisonment of three months or maximum fine of three hundred Rupiahs, if thereby the navigation becomes unsafe;
- 2nd-ly, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if the fact results in the sinking or stranding of a vessel;
- 3rd-ly, by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

#### **Article 198**

Any person who with deliberate intent and unlawfully causes a vessel to sink or strand, or destroys, renders useless or damages a vessel, shall be punished:

- 1st, by a maximum imprisonment of fifteen years, if they're from danger of life for another is feared;
- 2nd-ly, by life imprisonment or a maximum imprisonment of twenty years, if there from danger of life for another is feared and the fact results in the death of any person.

#### **Article 199**

Any person by whose negligence a vessel sinks or strands or is destroyed, rendered useless or damaged, shall be punished:

- 1st, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if thereby danger of life for another arises;
- 2nd-ly, by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

#### **Article 200**

Any person who with deliberate intent destroys or damages a building or a structure shall be punished:

- 1st, by a maximum imprisonment of twelve years, if they're from common danger for property is feared;
- 2nd-ly, by a maximum imprisonment of fifteen years, if they're from danger of life for another is feared;
- 3rd-ly, by life imprisonment or a maximum imprisonment of twenty years, if there from danger of life for another is feared and the fact results in the death of any person.

#### **Article 201**

Any person through whose fault a building or structure is destroyed or damaged shall be punished:

- 1st, by a maximum imprisonment of four months and two weeks or a maximum light imprisonment of three months or a maximum fine of three hundred Rupiahs, if thereby common danger for property arises;
- 2nd-ly, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if thereby danger of life for another arises;
- 3rd-ly, by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

#### **Article 202**

- (1) Any person who puts any substance in a well, pump, spring or in a drinking water establishment to be used for general or common use or to be used together with others, knowing that because of it the water becomes harmful to life or health, shall be punished by a maximum imprisonment of fifteen years.
- (2) If the fact results in the death of a person, the offender shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 203**

- (1) Any person through whose fault any substance is put in a well, pump, spring or in a drinking water establishment to be used for the general good or common use or to be used together with others, by which the water becomes harmful to life or to health, shall be punished by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs.
- (2) If the fact results in the death of a person, the offender shall be punished with a maximum light imprisonment of one year.

#### **Article 204**

- (1) Any person who sells, offers for sale, delivers or distributes goods, knowing that they are harmful to life or to health and conceals said harmful nature, shall be punished by a maximum imprisonment of fifteen years.
- (2) If the fact results in the death of any person, the offender shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 205**

- (1) Any person through whose fault goods harmful to life or to health are sold, delivered or distributed without knowledge of the buyer or a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs shall punish the person who acquires the goods of said harmful nature.
- (2) If the fact results in the death of any person, the offender shall be punished by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year.
- (3) The goods may be confiscated.

#### **Article 206**

- (1) By conviction on account of a crime described in this Chapter, the offender may be deprived of the exercise of the profession in which he has committed the crime.
- (2) By conviction on account of one of the crimes described in Articles 204 and 205, the judge may order the publication of his verdict.

### **VIII. CRIMES AGAINST PUBLIC AUTHORITY**

#### **Book: II. Second. CRIMES**

#### **Chapter: VIII. CRIMES AGAINST PUBLIC AUTHORITY**

**Article: 207-241**

**Article 207**

Any person who with deliberate intent in public, orally or in writing, insults an authority or a public body set up in Indonesia, shall be punished by a maximum imprisonment of one year and six months or a maximum fine of three hundred Rupiahs.

**Article 208**

- (1) Any person who disseminates, openly demonstrates or puts up a writing or portrait containing an insult against an authority or public body set up in Indonesia with intent to give publicity to the insulting content or to enhance the publicity thereof, shall be punished by a maximum imprisonment of four months or a maximum fine of three hundred Rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime two years have not yet elapsed since an earlier conviction of the person on account of a similar crime has become final, he may be deprived of said profession.

**Article 209**

- (1) By a maximum imprisonment of two years and eight months or a maximum fine of three hundred Rupiahs shall be punished:
  - 1st, any person who gives a gift or makes a promise to an official with intent to move him to commit or omit something in his service contrary to his duty;
  - 2nd-ly, any person who gives a gift to an official following or in pursuance of what this official has committed or omitted in his service in contravention of his duty.
- (2) Deprivation of the rights mentioned in Article 35 nos. 1-4 may be pronounced.

**Article 210**

- (1) By a maximum imprisonment of seven years shall be punished:
  - 1st, any person who gives a gift or makes a promise to a judge with intent to exercise influence on the decision on a case which has been submitted to his judgment;
  - 2nd-ly, any person who gives a gift or makes a promise to a person who by virtue of statutory provisions has been designated counselor or advisor to attend the sessions of a court, with intent to exercise influence upon the advice or opinion to be brought out by him concerning a case which has been submitted to the judgment of the court.
- (2) If said gift is given or promise is made with intent to obtain a verdict in a criminal case, the offender shall be punished by a maximum imprisonment of nine years.
- (3) Deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

**Article 211**

Any person who by violence or threat of violence resists an official to perform an official exercise or to omit a lawful official exercise shall be punished by a maximum imprisonment of four years.

**Article 212**

A maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs shall, being guilty of rebelliousness, punish any person who by violence threat of violence resists an official acting in the lawful performance of his official duties, or persons who thereby aid him by virtue of statutory obligations or at his request.

**Article 213**

Coercion and the rebelliousness described in Articles 211 and 212 shall be punished:

- 1st, by a maximum imprisonment of five years, if the crime or the accompanying assault and battery results in a physical injury;
- 2nd-ly, by a maximum imprisonment of eight years and six months, if it results in a serious physical injury;
- 3rd-ly, by a maximum imprisonment of twelve years, if it results in death.

#### **Article 214**

- (1) Coercion and rebelliousness described in Articles 211 and 212, committed by two or more persons with united forces, shall be punished by a maximum imprisonment of seven years.
- (2) The offender shall be punished:
  - 1st, by a maximum imprisonment of eight years and six months if the committed crime or the assault and battery thereby committed by him results in a physical injury;
  - 2nd-ly, by a maximum imprisonment of twelve years, if it results in a serious physical injury;
  - 3rd-ly, by a maximum imprisonment of fifteen years, if it results in death.

#### **Article 215**

With officials shall in respect of Articles 211-214 be identified:

- 1st, the persons who by virtue of statutory provision are continuously or temporarily charged with a public office;
- 2nd-ly, the executives together with the sworn in functionaries and servants of railway services and of tram services for public traffic, whereby the transportation takes place by steam power or other mechanical motive power.

#### **Article 216**

- (1) The person who with deliberate intent does not obey a command or a demand issued under statutory provision by an official charged with the exercise of a supervision or by an official charged with or declared qualified for the tracing or examination of punishable facts, and also the person who with deliberate intent stops, obstruct or frustrates an act performed by one of said officials for the execution of a statutory provision, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of six hundred rupiahs.
- (2) With the official referred to in the first part of the foregoing paragraph shall be identified any person who is, by virtue of statutory provision, continuously or temporarily charged with a public office.
- (3) If during the commission of the crime two years have not yet elapsed since an earlier conviction of the person found guilty on account of a similar crime has become final, the sentences may be enhanced with one third.

#### **Article 217**

The person who creates a sensation at a trial or at the place where an official publicly is acting in the lawful performance of his official duties and does not move away after the order given by or on behalf of the competent authority, shall be punished by a maximum imprisonment of three weeks or a maximum fine of hundred and twenty rupiahs.

#### **Article 218**

The person who with deliberate intent on the occasion of a street crowd does not immediately move away after the third order given by or on behalf of the competent authority shall, being guilty of participation in a riotous assembly, be punished by a maximum imprisonment of four months and two weeks or a maximum fine of six hundred rupiahs.

#### **Article 219**

The person who unlawfully tears off, makes illegible or damages an announcement put up in public on behalf of the competent authority or by virtue of a statutory provision with intent to prevent or obstruct the cognizance thereof, shall be punished by a maximum imprisonment of one months or a maximum fine of three hundred rupiahs.

#### **Article 220**

Any person who gives notice or lodges a complaint that a punishable fact has been committed, knowing that it has not been committed, shall be punished by a maximum imprisonment of one year and four months.

#### **Article 221**

- (1) By a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs shall be punished:
- 1st, the person who with deliberate intent hides somebody who is guilty or is prosecuted on account of a crime, or who aids him in escaping from the investigation of or apprehension by the officers of the justice or police, or by other persons who by virtue of statutory provision are continuously or temporarily assigned police duties;
  - 2nd-ly, Any person who after a crime has been committed, with intent to conceal it or to prevent or to obstruct its investigation or prosecution, destroys, removes, hides objects upon which or with which the crime has been committed or other traces of the crime, or withdraws them from the examination either by the officers of the justice or police or by other persons who by virtue of statutory provision are continuously or temporarily assigned police duties.
- (2) The said provisions shall not be applicable to any person who performs the acts mentioned therein in order to escape or avert danger of prosecution of one of his blood relatives or persons allied by marriage in the straight line or in the second or third degree of the side-line of his spouse or ex-spouse.

#### **Article 222**

A maximum imprisonment of nine months or a maximum fine of three hundred rupiahs shall punish any person who with deliberate intent prevents, obstructs or frustrates a judicial post-mortem examination.

#### **Article 223**

Any person who with deliberate intent sets free a person who by public authority or by virtue of a judicial verdict or decree has been deprived of his liberty or aids him in his escape, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 224**

Any person who, statutorily summoned as a witness, as an expert or as an interpreter, deliberately disobeys a statutory duty which he has to fulfill as such, shall be punished:

- 1st, in criminal cases by a maximum imprisonment of nine months;
- 2nd-ly, in other cases by a maximum imprisonment of six months.

#### **Article 225**

Any person who with deliberate intent disobeys a lawful command to produce a document which is alleged to be false or forged or which must serve as a comparison with another document which is alleged to be false or forged or of which the authenticity is denied or not recognized, shall be punished:

- 1st, in criminal cases by a maximum imprisonment of nine months;
- 2nd-ly, in other cases by a maximum imprisonment of six months.

#### **Article 226**

Any person who, declared to be in a state of bankruptcy or obvious insolvency, or as the spouse of a bankrupt with whom he is married, in community of goods, or as an executive or commissioner of a partnership, company, association or foundation, declared bankrupt, statutorily summoned to give information, either with deliberate intent stays away without valid reasons, or refuses to give the desired information, or with deliberate intent gives wrong information, shall be punished by a maximum imprisonment of one year and four months.

#### **Article 227**

A maximum imprisonment of nine months or a maximum fine of six hundred rupiahs shall punish any person who exercises a right, knowing that he is by judicial verdict deprived thereof.

#### **Article 228**

Any person who with deliberate intent wears distinguishing marks or performs an act belonging to an office that he does not hold or from which he has been suspended, shall be punished by a maximum imprisonment of two years or a maximum fine of three hundred rupiahs.

#### **Article 229**

A maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs shall punish any person who with deliberate intent keeps a state that is related to a rank or title that does not belong to him.

#### **Article 230**

Repealed by Act 1946 No. I.

#### **Article 231**

- (1) Any person who with deliberate intent withdraws an Article from the seizure under statutory provision or from a judicial sequestration, or hides an Article, knowing that it has been withdrawn there from, shall be punished by a maximum imprisonment of four years.
- (2) By the same sentence shall be punished any person who with deliberate intent destroys, damages or makes useless an Article that has been seized under statutory provision.
- (3) The caretaker who with deliberate intent commits or allows one of the acts, or aids the principal as an accomplice, shall be punished by a maximum imprisonment of five years.
- (4) If one of the acts has been committed as results of the negligence of the caretaker, this person shall be punished with a maximum light imprisonment of one month or a maximum fine of hundred and twenty rupiahs.

#### **Article 232**

- (1) Any person who with deliberate intent breaks, removes or damages seals with which Articles by or on behalf of the competent public authority are put under seal, or frustrates in any other way the closure effected by such seal, shall be punished by a maximum imprisonment of two years and eight months.
- (2) The caretaker who with deliberate intent commits or allows the act or aids the principal as an accomplice, shall be punished by a maximum imprisonment of four years.
- (3) If the act has been committed as a result of the caretaker's negligence, this person shall be punished with a maximum light imprisonment of one month or a maximum fine of hundred and twenty rupiahs.

#### **Article 233**

Any person who with deliberate intent destroys, damages, makes useless or removes Articles intended to serve as a conviction or an evidence for the competent authority, deeds, documents or registers which are continuously or temporarily kept by public authority, or handed either to an official or to another in the interest of the public service, shall be punished by a maximum imprisonment of four years.

#### **Article 234**

Any person who with deliberate intent withdraws from their destination, opens or damages letters or other documents delivered to a post or telegraph office or put in a post-office box, or trusted to a courier, shall be punished by a maximum imprisonment of one year and four months.

#### **Article 235**

If the offender of one of the crimes described in Articles 231- 234 procures entrance to the place of the crime or brings the Article within his reach by means of breaking in, violation or climbing in, false keys, a false order or a false costume, the sentence may be enhanced with a maximum imprisonment of one year and four months.

#### **Article 236**

Any person who, in time of peace, with deliberate intent inspires, by one of the means mentioned in Article 55 secondly, or facilitates in a manner mentioned in Article 56, desertion by a soldier in service with the state, shall be punished by a maximum imprisonment of nine months.

#### **Article 237**

Any person who, in time of peace, with deliberate intent provokes by one of the means mentioned in Article 55 secondly, or facilitates in a manner mentioned in Article 56, a rebellion or mutiny by soldiers in service with the state, shall be punished by a maximum imprisonment of seven years.

#### **Article 238**

A maximum imprisonment of one year and four months or a maximum fine of three thousand rupiahs shall punish any person who without the consent of the President recruits a person for foreign military service.

#### **Article 239**

Any person who, recruits an Indonesian subject to perform labor or to give object performances from the life of the people, something or other outside Indonesia, shall be punished by a maximum imprisonment of six months or a maximum fine of three thousand rupiahs.

#### **Article 240**

- (1) By a maximum imprisonment of two years and eight months shall be punished:
- 1st, any person who with deliberate intent makes himself or causes another to make him unsuitable to fulfill the obligations mentioned in Article 30 of the Constitution of the Republic of Indonesia;
  - 2nd-ly, any person who at the request of another with deliberate intent renders the other person unsuitable to fulfill said obligations.
- (2) If in the latter case the act results in death, a maximum imprisonment of seven years shall be imposed.

#### **Article 241**

By a maximum imprisonment of three months or a maximum fine of three hundred rupiahs shall be punished:

- 1st, repealed pursuant to State Gazette 1955 No. 28;
- 2nd-ly, any person who in cases that a way-bill is required for the transportation of cattle, with deliberate intent uses for the transportation thereof a way-bill issued for another animal, as if it were issued for the animal that he carries.

### **IX. PERJURY AND FALSE TESTIMONY**

#### **Book: II. Second. CRIMES**

#### **Chapter: IX. PERJURY AND FALSE TESTIMONY**

#### **Article: 242-243**

#### **Article 242**

- (1) Any person who in the cases that a statutory provision demands a testimony under oath or attaches legal consequences to it, orally or in writing, personally or by special proxy, with deliberate intent makes a false testimony under oath, shall be punished by a maximum imprisonment of seven years.
- (2) If the false testimony under oath is made in a criminal case detrimental to the accused or suspect, the offender shall be punished by a maximum imprisonment of nine years.
- (3) With the oath shall be identified the promise or affirmation which by virtue of general regulations is required or is made in lieu of the oath.
- (4) Deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

#### **Article 243**

Repealed pursuant to State Gazette 1931 No. 240.



## **X. COUNTERFEIT OF COINS AND CURRENCY AND BANK NOTES**

### **Book: II. Second. CRIMES**

#### **Chapter: X. COUNTERFEIT OF COINS AND CURRENCY AND BANK NOTES**

##### **Article: 244-252**

##### **Article 244**

Any person who counterfeits or falsifies coins or currency or bank notes with intent to utter or cause to utter said coins or currency- or bank notes like genuine and unfalsified ones, shall be punished by a maximum imprisonment of fifteen years.

##### **Article 245**

Any person who with deliberate intent utters as genuine and unfalsified coins or currency- or bank notes which he has counterfeited or falsified himself, or of which the falseness or falsification was known to him when he received them, or has them in store or imports them into Indonesia with intent to utter or to cause to utter them as genuine and unfalsified, shall be punished by a maximum imprisonment of fifteen years.

##### **Article 246**

Any person who diminished the value of coins with intent to utter or to cause to utter them thus diminished in value, shall, being guilty of mutilation of coins, be punished by a maximum imprisonment of twelve years.

##### **Article 247**

Any person who with deliberate latent utters as un mutilated coins which he himself has mutilated or of which the mutilation was known to him when he received them, or has said coins in store or imports them into lating coins or for counterfeiting or falsifying currency- or bank notes, shall be punished by a maximum imprisonment of twelve years.

##### **Article 248**

Repealed pursuant to State Gazette 1938 No. 593.

##### **Article 249**

Any person who with deliberate intent utters false, falsified or mutilated coins or false of falsified currency- or bank notes, shall, except for the provisions in Articles 245 and 247, be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

##### **Article 250**

Any person who produces or has in store materials or instruments of which he knows that they are intended for counterfeiting, falsifying or mutilating coins or for counterfeiting or falsifying currency- or bank notes, shall be punished by a maximum imprisonment of six years or n maximum fine of three hundred rupiahs.

##### **Article 250 bis**

By conviction on account of one of the crimes described in this chapter:

- the false, falsified or mutilated coins,
- the false or falsified currency- or bank notes,
- the materials or instruments, by their nature intended for counterfeiting,
- falsifying or mutilating coins or for counterfeiting or falsifying currency- or bank notes, as far as therewith the crime has been committed or they have been the object of the crime, shall be confiscated, likewise if they do not belong to the convicted person.

##### **Article 251**

Any person who with deliberate intent and without a written permit of the Government has in store or imports into Indonesia silver slices or plates, whether or not provided with a stamp and suitable after being stamped, re-stamped or after any other processing, or to be taken for coins and which are

obviously not intended to serve as ornaments or as commemorative medals, shall be punished by a maximum imprisonment of one year or a maximum fine of ten thousand rupiahs.

**Article 252**

By conviction on account of one of the crimes described in Articles 244-247 deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

**XI. FORGERY OF SEALS AND MARKS**

**Book: II. Second. CRIMES**

**Chapter: XI. FORGERY OF SEALS AND MARKS**

**Article: 253-262**

**Article 253**

By a maximum imprisonment of seven years shall be punished:

- 1st, any person who forges or falsifies seals issued by the Indonesian government, or if for the validity of these seals is required a signature, forges or falsifies this signature with intent to use or to cause others to use said seals a genuine and unfalsified or as valid;
- 2nd-ly, any person who with similar intent produces such seals by illegally making use of genuine stamps.

**Article 254**

By a maximum imprisonment of six years shall be punished:

- 1st, any person who affixes false state marks or statutorily required master-signs or falsifies genuine ones on gold or silver works with intent to use or to cause others to use said works as if the thereon affixed marks or signs were genuine and unfalsified;
- 2nd-ly, the person who with similar intent affixes marks or signs on works referred to by illegally making use of genuine stamps;
- 3rd-ly, any person who sets, adds or transfers genuine state marks or statutorily required master-signs in, to or onto other gold or silver works than those to which they have been originally affixed, with intent to use or to cause others to use those works as if the marks or signs referred to had been originally affixed thereto.

**Article 255**

By a maximum imprisonment of four years shall be punished:

- 1st, any person who affixes false Indonesian gauge-marks or falsifies genuine ones on Articles of which the gauge is obligatory or which are at the request of parties interested admitted to the gauge or re-gauge, with intent to use or to cause others to use said Articles as if the marks affixed thereon were genuine and unfalsified;
- 2nd-ly, any person who with similar intent affixes marks on Articles referred to by illegally making use of genuine stamps;
- 3rd-ly, any person who sets, adds or transfers genuine Indonesian gauge-marks in, to or onto other Articles than those to which they have been originally affixed, with intent to use or to cause others to use said Articles as if the marks referred to had been originally affixed thereto.

**Article 256**

By a maximum imprisonment of three years shall be punished:

- 1st, the person who falsely affixes other marks than those referred to in Articles 254 and 255 which by virtue of a statutory provision must or may be affixed to Articles or their packing, or falsifies genuine ones with intent to use or to cause others to use said Articles as if the marks affixed thereto were genuine and unfalsified;
- 2nd-ly, any person who with similar intent affixes marks on Articles referred to or their packing by illegally making use of genuine stamps;

3rd-ly, any person who uses genuine marks for Articles or their packing for which those marks are not meant, with intent to use or to cause others to use said Articles as if the marks referred to were meant therefore.

#### **Article 257**

Any person who with deliberate intent uses, sells, offers for sale, delivers, has in store for sale or imports into Indonesia false, falsified or illegally produced seals, signs or marks, or the Articles to which they are illegally attached, as if those seals, signs or marks were genuine and unfalsified and not illegally produced or illegally attached to the Articles, shall be punished by the same sentences as laid down in Articles 253-256, according to the distinctions made in those Articles.

#### **Article 258**

- (1) The person who falsities measures, weights or weighing tools after they have been provided with a gauge-mark, with intent to use or to cause others to use them as genuine and unfalsified, shall be punished by a maximum imprisonment of three years.
- (2) By the same sentence shall be punished any person who with deliberate intent makes use of falsified measures, weights or weighing tools as if they were genuine and unfalsified.

#### **Article 259**

- (1) Any person who removes the reject-mark from a gauged Article to which it has been affixed with intent to use or to cause others to use the Article as if it were not rejected, shall be punished by a maximum imprisonment of one year and four months.
- (2) By the same punishment shall be punished the person who with deliberate intent uses, sells, offers for sale, delivers or has in store for sale an Article from which the reject-mark has been removed as if it were not rejected.

#### **Article 260**

- (1) By a maximum imprisonment of four years or a maximum fine of three hundred rupiahs shall be punished:
  - 1st, any person who removes from stamps issued on behalf of the Indonesian Government, which have already been used, the mark destined for making them unsuitable of further use, with intent to use or to cause others to use said stamps as if they had not been used;
  - 2nd-ly, any person who with similar intent removes from stamps issued on behalf of the Indonesian Government which have already been used, the signature, the hallmark or the indication of the moment of use which has been affixed on or over those stamps under a statutory provision.
- (2) By the same punishment shall be punished the person who deliberately uses, sells, offers for sale, delivers, has in store for sale or imports into Indonesia stamps from which has been removed said mark, signature, hallmark or indication as if they had not been used.

#### **Article 260 bis**

The provisions of Articles 253, 256, 257 and 260 shall according to the distinctions made therein also be applicable, if the acts described in said Articles are committed in respect of stamps or marks in use with the postal services of Indonesia or in a foreign state.

If, however, one of said crimes is committed in respect of stamps or marks in use with the postal services of a foreign state, the maximum of the basic punishment of the crime shall be mitigated by one third.

#### **Article 261**

- (1) any person who has in store materials or instruments of which he knows that they are intended to commit a crime described in Article 253 or in Article 260 bis in connection with Article 253, shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.
- (2) The materials and instruments shall be forfeited.

#### **Article 262**

By conviction on account of one of the crimes described in Article 253-260 bis, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

## **XII. FORGERY OF WRITINGS**

### **Book: II. Second. CRIMES**

#### **Chapte: XII. FORGERY OF WRITINGS**

##### **Article: 263-276**

##### **Article 263**

- (1) Any person who forges or falsifies a writing from which & title, a contract or a release from debt may arise, or which is intended to serve as evidence of a fact, with intent to use or to cause others to use it as genuine and unfalsified, shall, if from said use may result an injury, being guilty of forgery of writing, be punished by a maximum imprisonment of six years.
- (2) By the same punishment shall be punished the person who with deliberate intent makes use of the false or falsified writing as if it were genuine and unfalsified, if from said use may result an injury.

##### **Article 264**

- (1) Any person guilty of forgery of writing shall be punished by a maximum imprisonment of eight years, if it is committed:
  - 1st, in authentic deeds;
  - 2nd-ly, in debentures or certificates of debts of a state or Part thereof or of a public institution;
  - 3rd-ly, in shares or debentures or share certificates or debt certificates of an association, foundation, partnership or company;
  - 4th-ly, in counterfoils, dividend- or interest evidences belonging to one of the documents described under both or the foregoing numbers, or in evidence issued in substitution for these documents;
  - 5th-ly, in credit or commercial papers intended for circulation.
- (2) By the same punishment shall be punished any person who with deliberate intent makes use of a false or falsified writing mentioned in the first paragraph as if it were genuine and unfalsified, if from said use an injury may result.

##### **Article 265**

Repealed pursuant to State Gazette 1926 No. 359.

##### **Article 266**

- (1) Any person who causes to insert a false statement in an authentic deed concerning a fact, the truth of which the deed must give proof, with intent to use or to cause others to use said deed as if his statement were in accordance with the truth, shall, if from said use an injury may result, be punished by a maximum imprisonment of seven years.
- (2) By the same punishment shall be punished any person who with deliberate intent makes use of the deed as if the contents were in accordance with the truth, if from said use an injury may result.

##### **Article 267**

- (1) The physician who with deliberate intent issues a false written certificate as to whether or not illness, weakness, or infirmity exists or has existed, shall be punished by maximum imprisonment of four years.
- (2) If the certificate is made with intent to cause a person to be admitted to or withheld from a lunatic asylum, a maximum imprisonment of eight years and six months shall be imposed.
- (3) By the same punishment shall be punished any person who with deliberate intent makes use of the false certificate as if the contents were in accordance with the truth.

#### **Article 268**

- (1) Any person who forges or falsifies a written medical certificate concerning whether or not illness, weakness or infirmity exists or has existed with intent to deceive the public authority or insurance company, shall be punished by a maximum imprisonment of four years.
- (2) By the same punishment shall be punished any person who with similar intent makes use of the false or falsified certificate as if it were genuine and unfalsified.

#### **Article 269**

- (1) Any person who forges or falsifies a certificate of good behavior, capability, poverty, infirmity or other circumstances, with intent to use or to cause others to use it for the acquisition of an employment or for arousing benevolence and assistance, shall be punished by a maximum imprisonment of one year and four months.
- (2) By the same sentence shall be punished any person who with deliberate intent makes use of a false or falsified certificate mentioned in the first paragraph.

#### **Article 270**

- (1) Any person who forges or falsifies a travel permit or a writing that substitutes a travel permit, a safety card, a travel order or a writing issued according to the statutory provisions on the admission and residence of foreigners in Indonesia, or who causes to issue such a document on a false name or Christian name, or with indication of a false capacity, with intent to use or to cause others to use it as if it were genuine and unfalsified or as if the contents were in accordance with the truth, shall be punished by a maximum imprisonment of two years and eight months.
- (2) By the same punishment shall be punished any person who with deliberate intent makes use of a false or falsified document mentioned in the first paragraph as if it were genuine and unfalsified or as if the contents were in accordance with the truth.

#### **Article 271**

- (1) Any person who forges or falsifies a way-bill for buffaloes and cows, or who causes to issue such a document on a false name or Christian name, or with indication of a false capacity, with intent to use or to cause others to use it as if it were genuine and unfalsified or as if the contents were in accordance with the truth, shall be punished by a maximum imprisonment of two years and eight months.
- (2) By the same punishment shall be punished any person who deliberately makes use of a false or falsified document mentioned in the first paragraph as if it were genuine and unfalsified or as if the content were in accordance with the truth.

#### **Articles 272 and 273**

Repealed pursuant to State Gazette 1926 No. 359.

#### **Article 274**

- (1) Any person who forges or falsifies a written certificate by an official who exercises legal authority concerning the ownership of or concerning another title to a property with intent to facilitate the alienation or pledging thereof or to deceive officials of the justice or police with respect to its origin, shall be punished by a maximum imprisonment of two years.
- (2) By the same punishment shall be punished any person who with similar intent makes use of the false or falsified declaration as if it were genuine and unfalsified.

#### **Article 275**

- (1) Any person who has in store materials or instruments of which he knows that they are intended for the commission of a crime described in Article 264 secondly to fifthly, shall be punished with a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.
- (2) The materials and instruments shall be forfeited.

#### **Article 276**

By conviction on account of one of the crimes described in Articles 263-268 deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

### **XIII. CRIMES AGAINST THE CIVIL STATUS OF PERSONS**

#### **Book: II. Second. CRIMES**

#### **Chapter: XIII. CRIMES AGAINST THE CIVIL STATUS OF PERSONS**

#### **Article: 277-280**

#### **Article 277**

- (1) Any person who by an act with deliberate intent obscures the descent of another person, shall, being guilty of obscuration of state, be punished by a maximum imprisonment of six years.
- (2) Deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

#### **Article 278**

Any person who acknowledges a child whom he knows that he is not its father, as his child according to the provisions of the Civil Code, shall, being guilty of false acknowledgment, be punished by a maximum imprisonment of three years.

#### **Article 279**

- (1) By a maximum imprisonment of five years shall be punished:
  - 1st, any person who enters into marriage knowing that his existing marriage or marriages present a legal barrier against it;
  - 2nd-ly, any person who enters into marriage, knowing that the existing marriage or marriages of the counterpart present a legal barrier against it.
- (2) If the person who is guilty of the fact described under 1st, has concealed to the counterpart that his existing marriage or marriages present a legal barrier against it, he shall be punished by a maximum imprisonment of seven years.
- (3) Deprivation of time rights mentioned in Article 35 first to fifthly may be pronounced.

#### **Article 280**

Any person who enters into marriage, with deliberate intent concealing to the counterpart that a legal barrier exists against it, shall, if on the ground of said barrier the nullity of said marriage has been pronounced, be punished by a maximum imprisonment of five years.

### **XIV. CRIMES AGAINST DECENCY**

#### **Book: II. Second. CRIMES**

#### **Chapter: XIV. CRIMES AGAINST DECENCY**

#### **Article: 281-129**

#### **Article 281**

By a maximum imprisonment of two years and eight months or a maximum fine of three thousand rupiahs shall be punished:

- 1st, any person who with deliberate intent publicly offends against decency;
- 2nd-ly, the people who with deliberate intent offend against decency whereby another person is present in spite of himself.

#### **Article 282**

- (1) Any person who either disseminates, openly demonstrates or puts up a writing of which he knows the content or a portrait or object known to him to be offensive against decency, or produces, imports, conveys in transit, exports or has in store, or openly or by dissemination of a writing, unrequestedly offers or indicates that said writing, portrait or object is procurable, in order that it be disseminated, openly demonstrated or put up, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three thousand rupiahs.

- (2) Any person who disseminates, openly demonstrates or puts up a writing, a portrait or an object offensive to decency, or produces imports, conveys in transit, exports or has in store, or openly or by dissemination of a writing unrequestedly offers or indicates that said writing, portrait or object is procurable, in order that it be disseminated, openly demonstrated or put up, shall, if he has serious reasons for suspecting that the writing, portrait or object is offensive to decency, shall be punished by a maximum imprisonment of nine months or a maximum fine of three thousand rupiahs.
- (3) If the offender makes an occupation or a habit of the commission of the crime described in the first paragraph, a maximum imprisonment of two years and eight months or a maximum fine of five thousand rupiahs may be imposed.

**Article 283**

- (1) By a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs shall be punished any person who offers, hands over permanently or temporarily, hands to or shows to a minor of whom he knows or reasonably must suspect that it has not yet reached the age of seventeen years, either a writing, a portrait or an Article offensive against decency, or a means to prevent or a means to curb the pregnancy, if the contents of the writing, or if the portrait, the Article of the means are known to him.
- (2) By the same punishment shall be punished the person who in the presence of a minor as referred to in the foregoing paragraph, reads out the contents of a writing offensive against decency, if this is known to him.
- (3) By a maximum imprisonment of four months or a maximum light imprisonment of three months or a maximum fine of six hundred rupiahs shall be punished any person who offers, hands over permanently or temporarily, hands to or shows to a minor as referred to in the first paragraph either a writing, a portrait or an Article offensive against decency, or a means to prevent or a means to curb the pregnancy, or reads out the contents of a writing offensive against decency in the presence of a minor as referred to in the first paragraph, if he has serious reasons to suspect that the writing, the portrait or the Article is offensive against decency or that the means is a means to prevent or to curb pregnancy.

**Article 283 bis**

If the offender consults one of the crimes described in Articles 282 and 283 in his profession and during the commission of the crime two years have not yet elapsed since an earlier conviction on account of one of the crimes has become final, he may be deprived of the exercise of said profession.

**Article 284**

- (1) By a maximum imprisonment of nine months shall be punished:
  - 1. a. any married man who knowing that Article 27 of the Civil Code is applicable to him, commits adultery;
  - b. any married woman who commits adultery;
  - 2. a. any man who takes a direct part in the act knowing that the guilty co-partner is married;
  - b. any unmarried woman who takes a direct part in the act knowing that the guilty co-partner is married and that Article 27 of the Civil Code is applicable to him.
- (2) No prosecution shall be instituted unless by complaint of the insulted spouse, followed, if to the spouse Article 27 of the Civil Code is applicable, within the time of three months by a demand for divorce or severance from board and bed on the ground of the same act.
- (3) In respect of this complaint Articles 72, 73 and 75 shall not be applicable.
- (4) The complaint may be withdrawn as long as the judicial investigation has not commenced.
- (5) If Article 27 of the Civil Code is applicable to the spouse, the complaint shall not be complied with as long as the marriage has not been severed by divorce or the verdict whereby severance from board and bed has been pronounced, has not become final.

**Article 285**

Any person who by using force or threat of force forces a woman to have sexual intercourse with him out of marriage, shall, being guilty of rape, shall be punished with a maximum imprisonment of twelve years.

#### **Article 286**

Any person who out of marriage has carnal knowledge of a woman of whom he knows that she is unconscious or helpless, shall be punished by a maximum imprisonment of nine years.

#### **Article 287**

- (1) Any person who out of marriage has carnal knowledge of a woman whom he knows or reasonably should presume that she has not yet reached the age of fifteen years or, if it is not obvious from her age, that she is not yet marriageable, shall be punished by a maximum imprisonment of nine years.
- (2) A prosecution shall be instituted only by complaint, unless the woman has not yet reached the age of twelve years or one of the cases of Articles 291 and 294 is present.

#### **Article 288**

- (1) Any person who in marriage has carnal knowledge of a woman of whom he knows or reasonable should presume that she is not yet marriageable, shall, if the act results in bodily harm, be punished by a maximum imprisonment of four years.
- (2) If the act results in serious physical injury a maximum imprisonment of eight years shall be imposed.
- (3) If the act results in death, a maximum imprisonment of twelve years shall be imposed.

#### **Article 289**

Any person who by using force or threat of force forces someone to commit or tolerate obscene acts, shall, being guilty of factual assault of the chastity, be punished by a maximum imprisonment of nine years.

#### **Article 290**

By a maximum imprisonment of seven years shall be punished:

- 1st, any person who commits obscene acts with someone who he knows that he is unconscious or helpless;
- 2nd-ly, any person who commits obscene acts with someone who he knows or reasonably should presume that he has not yet reached the age of fifteen years or, if it is not obvious from her age, not yet marriageable;
- 3rd-ly, any person who seduces someone whom he knows or reasonably should presume that he has not yet reached the age of fifteen years or, if it is not obvious from the age, is not yet marriageable, to commit or tolerate obscene acts or to have carnal knowledge, out of marriage, of a third party.

#### **Article 291**

- (1) If one of the crimes described in Articles 286, 287, 289 and 290 results in a serious physical injury, a maximum imprisonment of twelve years shall be imposed.
- (2) If one of the crimes described in Articles 285, 286, 287, 289 and 290 results in death, a maximum imprisonment of fifteen years shall be imposed.

#### **Article 292**

Any adult who commits any obscene act with a minor of the same sex whose minority he knows or reasonably should presume, shall be punished by a maximum imprisonment of five years.

#### **Article 293**

- (1) Any person who by gifts or promises of money or goods, abuse of dominance resulting from factual relationship or deceit, intentionally moves a minor of irreproachable conduct, whose minority he knows or reasonably should presume, to commit any obscene act with him or to tolerate such act, shall be punished by a maximum imprisonment of five years.



- (2) A prosecution shall be instituted only upon complaint of the person against whom the crime has been committed.
- (3) The term referred to in Article 74 shall for this complaint respectively amount to nine and twelve years.

#### **Article 294**

- (1) Any person who commits any obscene act with his under age child, stepchild or foster-child, his pupil, a minor entrusted to his care, education or vigilance or his under age servant or subordinate, shall be punished by a maximum imprisonment of seven years.
- (2) By the same punishment shall be punished:
  - 1st, the official who commits any obscene act with a person who is officially subordinate to him or has been entrusted or recommended to his vigilance;
  - 2nd-ly, the executive, physician, teacher, official, overseer or attendant at a prison, labor institution of the country, educational institution, orphanage, hospital, lunatic asylum or charity institution, who commits any obscene act with a person admitted thereto.

#### **Article 295**

- (1) Any person shall be punished:
  - 1st, by a maximum imprisonment of five years, if he with deliberate intent causes or facilitates the commission of any obscene act by his under age child, step-child or foster-child, his pupil, a minor entrusted to his care, education or vigilance or his under age servant or subordinate, with a third party;
  - 2nd-ly, by a maximum imprisonment of four years, if be except the cases enumerated under 1st, with deliberate intent causes or facilitates the commission of any obscene act by a minor, whose minority he knows or must reasonably suspect, with a third party.
- (2) If the offender makes an occupation or a habit of the commission of the crime, the punishments may be enhanced with one third.

#### **Article 296**

Any person who makes an occupation or a habit of intentionally causing or facilitating any obscene act by others with third parties, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of one thousand rupiahs.

#### **Article 297**

Trade in women and minors of the male sex shall be punished by a maximum imprisonment of six years.

#### **Article 298**

- (1) By conviction by reason of one of the crimes described in Article 281, 284-290 and 292-297, deprivation of the rights mentioned in Article 35 first to fifthly may be pronounced.
- (2) If the offender of one of the crimes described in Articles 292-297, commits the crime in his profession, he may be deprived of the exercise of said profession.

#### **Article 299**

- (1) Any person who with deliberate intent gives treatment to a woman or causes her to undergo a treatment, giving her to understand or raising the expectation that thereby pregnancy may be curbed, shall be punished by a maximum imprisonment of four years or a maximum fine of three thousand rupiahs.
- (2) If the offender has acted in pursuit of gain, an occupation or a habit of the commission of the crime, or is a physician, midwife or pharmacist, the punishment may be enhanced with one third.
- (3) If the person found guilty commits the crime in his profession, he may be released from the exercise of said profession.

#### **Article 300**

- (1) By a maximum imprisonment, of one year or a maximum fine of three hundred rupiahs shall be punished:
  - 1st, any person who with deliberate intent sells or administers intoxicating drinks to a person who is in an obvious state of drunkenness;
  - 2nd-ly, any person who with deliberate intent makes drunk a child under the age of sixteen years;
  - 3rd-ly, any person who by force or threat thereof with deliberate intent forces someone to use intoxicating drinks.
- (2) If the fact results in a grievous bodily harm, the offender shall be punished by a maximum imprisonment of seven years.
- (3) If the fact results in death, he shall be punished by a maximum imprisonment of nine years.
- (4) If the offender commits the crime in his profession, he may be deprived of the exercise of said profession.

#### **Article 301**

The person who surrenders or leaves a child under the age of twelve years who is under his legal authority to another person, knowing that it will be used for hogging or carrying out begging, for performing dangerous feats or dangerous labor or labor detrimental to the health, shall be punished by a maximum imprisonment of four years.

#### **Article 302**

- (1) By a maximum imprisonment of three months or a maximum fine of three hundred rupiahs shall, being guilty of light mal-treatment to animals, be punished:
  - 1st, any person who without reasonable objective or by overstepping what is permissible in reaching such objective, with deliberate intent causes pain or harm to an animal or causes injury to the health of an animal;
  - 2nd-ly, any person who without reasonable objective or by overstepping what is permissible in reaching such objective, with deliberate intent withholds the necessary sustenance from an animal that wholly or partially belongs to him and is under his supervision, or from an animal to the sustenance of which he is obliged.
- (2) If the fact results in an illness of longer than one week, mutilation, serious harm of another nature; or death of the animal the offender shall by reason of mal-treatment to animals be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.
- (3) The animal may, if it belongs to the offender, be forfeited.
- (4) Attempt to this crime shall not be punished.

#### **Article 303**

- (1) By a maximum imprisonment of two years and eight months or a maximum fine of six thousand rupiahs shall be punished any person who without being entitled thereto:
  - 1st, performs as his trade the intentional offering or providing of opportunity for a game of chance, or intentionally participates in an undertaking thereto;
  - 2nd-ly, intentionally offers or gives the public an opportunity to a game of chance, or intentionally participates in an undertaking thereto, irrespective whether or not the use of said opportunity is made dependent on a condition or on the observance of some or other form;
  - 3rd-ly, participates in a game of chance as his trade.
- (2) If the offender commits the crime in his profession, he may be deprived of the exercise of said profession.
- (3) Game of chance includes each game whereby in general the chance of gain depends on chance, even if that chance increase by more training or by greater dexterity of the player. It shall

include all chance agreements on the outcome of contest or other games that are not concluded among those who take part therein, as also all bets.

## **XV. ABANDONMENT OF DESTITUTE**

**Book: II. Second. CRIMES**

**Chapter: XV. ABANDONMENT OF DESTITUTE**

**Article: 304-309**

### **Article 304**

The person who deliberately brings or leaves someone, to whose sustenance, nursing or care he is obliged by virtue of the law applicable to him or by virtue of an agreement, in a helpless state, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.

### **Article 305**

Any person who exposes a child under the age of seven years or, with intent to get rid of it, abandons the child, shall be punished by a maximum imprisonment of five years and six months.

### **Article 306**

- (1) If one of the facts described in Articles 304 and 305 results in a serious physical injury, the offender shall be punished by a maximum imprisonment of seven years and six months.
- (2) If one of these facts results in death, he shall be punished by a maximum imprisonment of nine years.

### **Article 307**

If the offender of the crime described in Article 305 is the father or the mother, the sentence laid down in respect of them in Articles 305 and 306 may be enhanced with one third.

### **Article 308**

If the mother, driven by fear or discovery of the birth of her child, exposes the child soon after the birth or, with intent to get rid of it, abandons the child, the maximum of the sentences mentioned in Articles 305 and 306 shall be mitigated with one half.

### **Article 309**

By conviction on account of one of the crimes described in Articles 304-308, deprivation of the rights mentioned in Article 35 fourthly may be pronounced.

## **XVI. DEFAMATION**

**Book: II. Second. CRIMES**

**Chapter: XVI. DEFAMATION**

**Article: 310-321**

### **Article 310**

- (1) The person who intentionally harms someone's honor or reputation by charging him with a certain fact, with the obvious intent to give publicity thereof, shall, being guilty of slander, be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.
- (2) If this takes place by means of writings or portraits disseminated, openly demonstrated or put up, the principal shall, being guilty of libel, be punished with a maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs.
- (3) Neither slander nor libel shall exist as far as the principal obviously has acted in the general interest or for a necessary defense.

### **Article 311**

- (1) Any person who commits the crime of slander or libel in case proof of the truth of the charged fact is permitted, shall, if he does not produce said proof and the charge has been made against his better judgment, being guilty of calumny, be punished by a maximum imprisonment of four years.
- (2) Deprivation of rights mentioned in Article 35 first to thirdly may be pronounced.

#### **Article 312**

Proof of the truth of the charged fact shall only be permissible in the following cases:

- 1st, If the judge deems the examination of the truth necessary to judge the allegation of the accused that he has acted in the general interest or for his necessary defense;
- 2nd-ly, if an official is charged with the commission of an act in the exercise of his office.

#### **Article 313**

The proof referred to in Article 312 shall not be permissible, if the charged fact cannot be prosecuted except upon complaint and no complaint has been made.

#### **Article 314**

- (1) If the defamed person has been declared guilty of the charged fact by judicial verdict that has become final punishment by reason of calumny shall be excluded.
- (2) If the defamed person has been acquitted of the charged fact, by judicial verdict that has become final, said verdict should be considered as perfect proof of the untruth of the fact.
- (3) If against the defamed person by reason of the fact charged to him, a criminal prosecution has been initiated the prosecution by reason of calumny shall be suspended until the verdict on the charged fact has become final.

#### **Article 315**

A defamation committed with deliberate intent which does not bear the character of slander or libel, against a person either in public orally or in writing, or in his presence orally or by battery, or by a writing delivered or handed over, shall as simple defamation, be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

#### **Article 316**

The punishments laid down in the foregoing Articles of this chapter may be enhanced with one third, if the defamation is committed against an official during or on the subject of the legal exercise of his office.

#### **Article 317**

- (1) Any person who with deliberate intent submits or causes to submit a false charge or information in writing against a certain person to the authorities, whereby the honor or reputation of said person is harmed, shall, being guilty of calumnious charge, be punished by a maximum imprisonment of four years.
- (2) Deprivation of the rights mentioned in Article 35 first to thirdly may be pronounced.

#### **Article 318**

- (1) Any person who with deliberate intent by some act falsely cast suspicion upon another person of having committed a punishable act, shall, being guilty of calumnious insinuation, be punished by a maximum imprisonment of four years.
- (2) Deprivation of the rights mentioned in Article 35 first to thirdly may be pronounced.

#### **Article 319**

The person against whom the crime has been committed, except in the case of Article 316 shall not prosecute except defamation, punishable under this chapter, upon complaint.

#### **Article 320**

- (1) Any person who in respect of a deceased person commits an act that, if the person were still alive, would have been characterized as libel or slander, shall be punished with a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.
- (2) This crime shall not be prosecuted than upon complaint by either one of the blood relatives or persons allied by marriage to the deceased in the straight line or sideline to the second degree, or by the spouse.
- (3) If by virtue of matriarchal institutions the paternal authority is exercised by another than the father, the crime may also be prosecuted upon complaint by this person.

**Article 321**

- (1) Any person who disseminates, demonstrates openly or puts up a writing or portrait of defamatory or for a deceased slanderous contents with intent to give publicity to the defamatory or slanderous contents or to enhance the publicity thereof, shall be punished by a maximum imprisonment of one month and two weeks or a maximum fine or three hundred rupiahs.
- (2) If the offender commits the crime in his profession and during the commission of the crime two years have not yet elapsed since an earlier conviction of the person by reason of a similar crime has become final, he may be deprived of the exercise of said profession.
- (3) This crime shall not be prosecuted except upon complaint by the persons indicated in Article 319 and the second and third paragraph of Article 329.

**XVII. REVELATION OF SECRETS**

**Book: II. Second. CRIMES**

**Chapter: XVII. REVELATION OF SECRETS**

**Article: 322-323**

**Article 322**

- (1) Any person who with deliberate intent reveals a secret that he by reason of either his present or earlier office or profession is obliged to keep secret shall be punished with a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs.
- (2) If the crime is committed against a certain person, it may only be prosecuted upon complaint by this person.

**Article 323**

- (1) Any person who with deliberate intent reveals particulars concerning an enterprise of commerce, industry or agriculture where he is or has been employed, the secrecy of which he is charged with, shall be punished by a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs.
- (2) No prosecution shall be made unless upon complaint by the board of directors enterprise.

**XVIII. CRIMES AGAINST PERSONAL LIBERTY**

**Book: II. Second. CRIMES**

**Chapter: XVIII. CRIMES AGAINST PERSONAL LIBERTY**

**Article: 324-129**

**Article 324**

Any person who for his own account or for another's account deals in slaves or commit an act dealing in slaves, or intentionally participates indirectly or directly in any of such acts, shall be punished by a maximum imprisonment of twelve years.

**Article 325**

- (1) Any person who goes into service or serves as a captain on a vessel, knowing that the vessel is destined for dealing in slaves, or using the vessel for dealing in slaves, shall be punished by a maximum imprisonment of twelve years.
- (2) If the transport causes the death of one or more slaves, the captain shall be punished by maximum imprisonment of fifteen years.

**Article 326**

Any person who goes into service as a shipmate on a vessel, knowing that the vessel is destined or used for dealing in slaves, or if he voluntarily remains in service, after having known that the vessel is destined or used for dealing in slaves, shall be punished by a maximum imprisonment of nine years.

**Article 327**

Any person who for his own account or for another's account, either indirectly or directly, assists in hiring, loading or insuring a vessel, knowing that the vessel is destined or used for dealing in slaves, shall be punished by a maximum imprisonment of eight years.

**Article 328**

Any person who carries off someone from the pined of his residence or his temporary stay with intent to bring him unlawfully under his or someone else's power or to place him in a helpless state, shall, being guilty of kidnapping, be punished by a maximum imprisonment of twelve years.

**Article 329**

Any person who with deliberate intent and unlawfully carries to another area someone who has committed himself to a labor in a certain area, shall be punished by a maximum imprisonment of seven years.

**Article 330**

- (1) Any person who with deliberate intent withdraws a minor from the authority legally placed over him or from the supervision of the person who exercise said supervision over the minor with competence, shall be punished by a maximum imprisonment of seven years.
- (2) A maximum imprisonment of nine years shall be imposed, if tricks, force or threat of force have been used, or if the minor is under the age of twelve years.

**Article 331**

Any person who with deliberate intent hides or withdraws from the investigation by the officers of the justice or police a minor who has been withdrawn or has withdrawn himself from the authority legally placed over him or from the supervision of the person who exercises competently said supervision over him, shall be punished by a maximum imprisonment of four years or, if the minor is under the age of twelve years, by a maximum imprisonment of seven years.

**Article 332**

- (1) Being guilty of abduction shall be punished:
  - 1st, by a maximum imprisonment of seven years, any person who carries off a woman under age without the will of her parents or guardians but with her consent, with intent to ensure himself of her possession within or outside marriage;
  - 2nd-ly, by a maximum imprisonment of nine years, any person who carries off a woman by tricks, force or threat of force, with intent to ensure himself of her possession within or outside marriage.
- (2) No prosecution shall be made unless upon complaint.
- (3) The complaint shall be filed:
  - a. if the woman during the abduction is a minor, either by herself or by a person whose consent she needs for the contract of a marriage;
  - b. if during the abduction she is an adult, either by her self or by her husband.

- (4) If the abductor has entered into marriage with abducted woman and the provisions of the Civil Code govern this marriage, no sentence shall be passed unless the annulment of the marriage has been pronounced.

**Article 333**

- (1) Any person who with deliberate intent and unlawfully deprives someone or keeps someone deprived of his liberty, shall he punished by a maximum imprisonment of eight years.
- (2) If the fact results in a serious physical injury, the offender shall be punished by a maximum imprisonment of nine years.
- (3) If the fact results in death, he shall be punished by a maximum imprisonment of twelve years.
- (4) The sentences laid down in this Article shall also be applicable to any person who with deliberate intent provides a place for the unlawful deprivation of liberty.

**Article 334**

- (1) Any person by whose negligence someone is deprived or is kept deprived of his liberty shall be punished with a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.
- (2) If the fact results in a serious physical injury, the offender shall be punished by a maximum light imprisonment of nine months.
- (3) If the fact results in death, he shall be punished by a maximum light imprisonment of one year.

**Article 335**

- (1) By a maximum imprisonment of one year or a maximum fine of three hundred rupiahs shall be punished:
- 1st, any person who unlawfully forces another by force, by any other battery or by an offensive treatment or by threat of force, of any other battery, or also of an offensive treatment, aimed either against the other person or against a third party, to do, to omit or to tolerate something;
- 2nd-ly, any person who forces another by threat of slander or libel to do, to omit or to tolerate something.
- (2) In the case described under 2nd-ly, the crime shall not be prosecuted except upon complaint by the person against whom it has been committed.

**Article 336**

- (1) Threat with open violence with united forces against persons or property, with a crime whereby the general security of persons or property is endangered, with rape, with actual assault of the chastity, with a crime against life, with grievous ill treatment or with arson, shall be punished by a maximum imprisonment of two years.
- (2) If the threat is executed in writing and under a certain condition, it shall be punished by a maximum imprisonment of five years.

**Article 337**

By conviction on account of one of the crimes described in Articles 324-333 and in the second paragraph of Article 336, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

**XIX. CRIMES AGAINST LIFE**

**Book: II. Second. CRIMES**

**Chapter: XIX. CRIMES AGAINST LIFE**

**Article: 338-350**

**Article 338**

The person who with deliberate intent takes the life of another person, shall, being guilty of manslaughter, be punished by a maximum imprisonment of fifteen years.

#### **Article 339**

Manslaughter followed, accompanied or preceded by a punishable fact and committed with intent to prepare or facilitate the execution of said fact, or being taken in the act, to secure oneself or other accomplices to said fact or either impunity or the possession of the unlawfully acquired object, shall be punished by life imprisonment or a maximum imprisonment of twenty years.

#### **Article 340**

The person who with deliberate intent and with premeditation takes the life of another person, shall, being guilty of murder, be punished by capital punishment of life imprisonment or a maximum imprisonment of twenty years.

#### **Article 341**

The mother who, driven by fear of the discovery of her confinement with deliberate intent takes the life of her child at or soon after its birth, shall, being guilty of infant-manslaughter, be punished by a maximum imprisonment of seven years.

#### **Article 342**

The mother who, for the execution of a decision driven by fear of the discovery of her forthcoming confinement, with deliberate intent takes the life of her child at or soon after its birth, shall, being guilty of infanticide, be punished by a maximum imprisonment of nine years.

#### **Article 343**

The crimes described in Articles 341 and 342 shall in respect of others who participate in the crimes be considered as infant-manslaughter or as infanticide.

#### **Article 344**

Any person who takes the life of another person at his explicit and earnest desire, shall he punished by a maximum imprisonment of twelve years.

#### **Article 345**

Any person who with deliberate intent instigates another to commit suicide, aids him thereby or provides him with the means thereto, shall, if the suicide ensues, be punished by a maximum imprisonment of four years.

#### **Article 346**

Any woman who with deliberate intent causes or lets another cause the drifting off or the death of the fruit of her womb shall be punished by a maximum imprisonment of four years.

#### **Article 347**

- (1) Any person who with deliberate intent causes the drifting off or the death of the fruit of the womb of a woman without her consent shall be punished with a maximum imprisonment of twelve years.
- (2) If the fact results in the death of the woman, he shall be punished by a maximum Imprisonment of fifteen years.

#### **Article 348**

- (1) Any person who with deliberate intent causes the drifting off or the death of the fruit of the womb of a woman with her consent shall be punished by a maximum imprisonment of five years and six months.
- (2) If the fact results in the death of the woman, he shall be punished by a maximum imprisonment of seven years.

#### **Article 349**

If a physician, midwife or pharmacist is an accomplice to the crime in Article 346, or is guilty of or is an accomplice to one of the crimes described in Articles 347 and 348, the sentences laid down in said



Articles may be enhanced with one third, and he may be deprived of the exercise of the profession in which he commits the crime.

**Article 350**

By conviction on account of manslaughter, on account of murder or on account of one of the crimes described in Articles 344, 347 and 348, deprivation of the rights is mentioned in Article 35 first to fifthly may be pronounced.

**XX. MALTREATMENT**

**Book: II. Second. CRIMES**

**Chapter: XX. MALTREATMENT**

**Article: 351-358**

**Article 351**

- (1) Maltreatment shall be punished with a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.
- (2) If the act results in a serious physical injury, the offender shall be punished with a maximum imprisonment of five years.
- (3) If the fact results in death, he shall be punished by a maximum imprisonment of seven years.
- (4) With maltreatment shall be identified intentional injury to the health.
- (5) Attempt to this crime shall not be punished.

**Article 352**

- (1) Except for the Articles 353 and 356 maltreatment that does not result in an illness or obstacle in the performance of official or professional activities, shall, as light maltreatment, be punished with a maximum imprisonment of three months or a maximum fine of three hundred rupiahs.  
This sentence may be enhanced with one third in respect of the offender, who commits the crime against a person who is in service with him or who is his subordinate.
- (2) Attempt to this crime shall not be punished.

**Article 353**

- (1) Maltreatment committed with premeditation shall be punished with a maximum imprisonment of four years.
- (2) If the fact results in a serious physical injury, the offender shall be punished by a maximum imprisonment of seven years.
- (3) If the fact results in death, he shall be punished by a maximum imprisonment of nine years.

**Article 354**

- (1) The person who deliberately causes to another serious physical injury, shall, being guilty of serious maltreatment, be punished by a maximum imprisonment of eight years.
- (2) If the fact results in death, the offender shall be punished by a maximum imprisonment of ten years.

**Article 355**

- (1) Serious maltreatment committed with premeditation shall be punished by a maximum imprisonment of twelve years.
- (2) If the fact results in death, the offender shall be punished with a maximum imprisonment of fifteen years.

**Article 356**

The punishments laid down in Articles 351, 353, 354 and 355 may be enhanced with one third:

- 1st, in respect of the offender who commits the crime against his mother, his lawful father, his spouse or his child;

2nd-ly, if the crime is committed against an official during or on account of the lawful exercise of his office;

3rd-ly, if the crime is committed by administering any substances injurious to life or to health.

#### **Article 357**

By conviction on account of one of the crimes described in Articles 353 and 355, deprivation of the rights mentioned in Article 35 nos. first to fourthly may be pronounced.

#### **Article 358**

Any person who with deliberate intent participates in an assault or fighting in which various persons are involved, shall, except for each individual's responsibility for the particular facts committed by him, be punished:

1st, by a maximum imprisonment of two years and eight months, if the assault or fighting only results in a serious physical injury;

2nd-ly, by a maximum imprisonment of four years, if the assault or fighting results in the death of a person.

### **XXI. CAUSING DEATH OR BODILY HARM BY NEGLIGENCE**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXI. CAUSING DEATH OR BODILY HARM BY NEGLIGENCE**

#### **Article: 359-361**

#### **Article 359**

Any person by whose negligence the death of another person is caused, shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year.

#### **Article 360**

Any person through whose fault is caused the serious physical injury of another person, or such physical injury that temporary illness or an obstacle arises in exercising his official or professional activities, shall be punished by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred rupiahs.

#### **Article 361**

If the crimes described in this chapter are committed in exercising an office or profession, the sentence may be enhanced with one third, deprivation of the exercise of the profession in which the crime has been committed may be pronounced, and the judge may order the publication of his verdict.

### **XXII. THEFT**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXII. THEFT**

#### **Article: 362-367**

#### **Article 362**

A maximum imprisonment of five years or a maximum fine of sixty rupiahs punish any person, who takes property, wholly or partially belonging to another, with intent to appropriate it unlawfully, shall being guilty of theft.

#### **Article 363**

(1) By a maximum imprisonment of seven years shall be punished:

1st, theft of cattle;

2nd-ly, theft on the occasion of fire, explosion, flood, earth- or sea-quake volcanic eruption, shipwreck, stranding, railway accident, revolt, mutiny or distress caused by war;

- 3rd-ly, theft by night in a dwelling or at an enclosed yard where a dwelling stands, by somebody who is found there without the knowledge or against the will of the rightful claimant;
  - 4th-ly, theft committed by two or more united persons;
  - 5th-ly, theft whereby the guilty person has forced an entrance into the place of the crime or has brought under his reach the property to be taken away by way of breaking into the house, damaging or climbing in, of false keys, of a false order or of a false costume.
- (2) If the theft described under thirdly is accompanied by one of the circumstances mentioned under fourthly and fifthly, a maximum imprisonment of nine years should be imposed.

#### **Article 364**

The facts described in Article 362 and 363 fourthly, as well as those described in Article 363 fifthly, provided that they have not been committed in a dwelling or at an enclosed yard where a dwelling is, shall, if the value of the thing stolen does not amount to more than twenty five rupiahs, as light theft, be punished by a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

#### **Article 365**

- (1) By a maximum imprisonment of nine years shall be punished theft preceded, accompanied or followed by force or threat of force against persons, committed with intent to prepare or facilitate the theft, or when taken in the act, either to enable for himself or for other accomplices to the crime to escape, or to ensure possession of the thing stolen.
- (2) A maximum imprisonment of twelve years shall be imposed:
- 1st, if the fact is committed either by night in a dwelling or at an enclosed yard where a dwelling is; or on the public road; or in a railway carriage or tram that is in motion;
  - 2nd-ly, if two or more united persons commit the fact;
  - 3rd-ly, if the offender has forced an entrance into the place of the crime by way of breaking into the house or climbing in, of false keys, of a false order or a false costume;
  - 4th-ly, if the fact results in serious physical injury.
- (3) A maximum imprisonment of fifteen years shall be imposed, if the fact results in death.
- (4) Capital punishment or life imprisonment or a maximum imprisonment of twenty years shall be imposed, if the fact results in a serious physical injury or death, committed by two or more united persons and thereby accompanied by one of the circumstances mentioned under first and thirdly.

#### **Article 366**

By conviction on account of one of the facts described in Articles 362, 363 and 365 deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

#### **Article 367**

- (1) If the principal of or accomplice to one of the crimes described in this chapter is the spouse not separated from bed and board or from goods of the person against whom the crime has been committed, no criminal prosecution shall be instituted against said principal or said accomplice.
- (2) If he is his spouse separated from bed and board or from goods or is his blood relative or person allied by marriage, either in the straight line or in the second degree of the side-line, the prosecution, as far as it concerns him, shall take place only upon complaint addressed to him by the person against whom the crime has been committed.
- (3) If by virtue of matriarchal institutions the paternal authority is exercised by another than the father, the provision of the foregoing paragraph shall also apply to him.

### **XXIII. EXTORTION AND BLACKMAIL**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXIII. EXTORTION AND BLACKMAIL**

**Article: 368-371**

**Article 368**

- (1) Any person who, with intent to unlawfully benefit himself or another, by force or threat of force forces someone either to deliver a good that wholly or partially belongs to that person or to a third party or to negotiate a loan or to annul a debt, shall, being guilty of extortion, be punished by a maximum imprisonment of nine years.
- (2) The provisions of the second, third and fourth paragraph of Article 365 shall be applicable to this crime.

**Article 369**

- (1) Any person who, with intent to unlawfully benefit himself or another, by threat of slander, libel revelation of a secret forces someone either to deliver any property which wholly or partially belongs to that person or to a third party, or to negotiate a loan or to annul a debt, shall, being guilty of black-mail, be punished by a maximum imprisonment of four years.
- (2) This crime shall not be prosecuted unless upon complaint of the person against whom it has been committed.

**Article 370**

The provision of Article 367 shall be applicable to the crime described in this chapter.

**Article 371**

By conviction on account of one of the crimes described in this chapter, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

**XXIV. EMBEZZLEMENT**

**Book: II. Second. CRIMES**

**Chapter: XXIV. EMBEZZLEMENT**

**Article: 372-377**

**Article 372**

Any person who with deliberate intent and unlawfully appropriates property which wholly or partially belongs to another and which he has in his possession otherwise than by a crime, shall, being guilty of embezzlement, be punished by a maximum imprisonment of four years or a maximum fine of sixty rupiahs.

**Article 373**

The act described in Article 372 shall, if the embezzled property does not consist in cattle and the value does not amount to more than twenty rupiahs, as light embezzlement, be punished by a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

**Article 374**

Embezzlement committed by any person who has possession of the property on account of his personal service or of his profession or for monetary compensation, shall be punished by a maximum imprisonment of five years.

**Article 375**

Embezzlement committed by any person to whom the property has been handed in custody, compelled by necessity, or by guardians, curators, executives, executioners of last wills and testaments, managers of institutions of charity or of foundations, in respect of property which they as such, have in their possession, shall be punished by a maximum imprisonment of six years.

**Article 376**

The provisions of Article 367 shall be applicable to the crimes described in this chapter.

**Article 377**

- (1) By conviction on account of one of the crimes described in Articles 372, 374 and 375, the judge may order the publication of his verdict and pronounce deprivation of the rights mentioned in Article 35 first to fourthly.
- (2) If the offender commits the crime in his profession, he may be deprived of the exercise of said profession.

## **XXV. FRAUD**

### **Book: II. Second. CRIMES**

#### **Chapter: XXV. FRAUD**

#### **Article: 378-395**

##### **Article 378**

Any person who with intent to unlawfully benefit himself or another, either by assuming a false name or a false capacity, or by crafty artifices, or by a web of fictions, induces someone to deliver any property or to negotiate a loan or to annul a debt, shall, being guilty of fraud, be punished by a maximum imprisonment of four years.

##### **Article 379**

The fact described in Article 378 shall, if the property surrendered does not consist in cattle, and the value of the property, of the loan and of the debt does not amount to more than twenty five rupiahs, shall, as light fraud, be punished by a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

##### **Article 379a**

Any person, who makes a business or a habit of the purchase of property with intent to secure himself or another possession of said property without full payment, shall be punished by a maximum imprisonment of four years.

##### **Article 380**

- (1) By a maximum imprisonment of two years and eight months or a maximum fine of five thousand rupiahs shall be punished:
  - 1st, any person who falsely affixes any name or any mark to a work of literature, science, art or industry, or falsifies the genuine name or the genuine mark, with intent to make it thereby acceptable that said work would be made by the person whose name or mark he affixes thereto;
  - 2nd-ly, the person who deliberately sells, offers for sale, delivers, has in store for sale or imports into Indonesia a work of literature, science, art or industry to which falsely a name or a mark has been affixed, or the genuine name or the genuine mark has been falsified, as if said work were made by the person whose name or mark has been affixed falsely thereto.
- (2) The work may, if it belongs to the convicted person, be forfeited.

##### **Article 381**

Any person who crafty artifices causes the insurer to err in respect of circumstances relating to the insurance, so that the insurer concludes an agreement which he would not have concluded or would not have concluded under the same conditions, if he had known the true state of affairs, shall be punished by a maximum imprisonment of one year and four months.

##### **Article 382**

Any person who with intent to unlawfully benefit himself or another to the detriment of the insurer or of the legal holder of a bottomry bond, sets fire to or causes an explosion in property insured against fire-risk, or causes to sink or strand, destroys, makes useless or damages a vessel which has been insured or of which the cargo or the freightage to be earned has been insured, or for which bottomry money has been provided, shall be punished by a maximum imprisonment of five years.

##### **Article 382 bis**

Any person who, in order to establish, to retain or to expand the sale of his trade or business or those of the trade or business of another commits a fraudulent act of misleading the public or a certain person, shall, if there from some loss for his competitors or competitors of the other person may arise, being guilty of unfair competition, be punished by a maximum imprisonment of one year and four months or a maximum fine of nine hundred rupiahs.

#### **Article 383**

By a maximum imprisonment of one year and four months shall be punished the seller who deceives the buyer:

- 1st, by delivering with deliberate intent to the person who bought a fixed designated object, something else instead thereof;
- 2nd-ly, in respect of the nature, the quality or the amount of the delivered Articles, by using crafty artifices.

#### **Article 383 bis**

The holder of a bill of lading, who with deliberate intent has in possession different copies thereof with onerous title in favor of different receivers, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 384**

A maximum imprisonment of three months or a maximum fine of sixty rupiahs shall if the value of the gain enjoyed does not amount to more than twenty-five rupiahs, punish the facts described in Article 383.

#### **Article 385**

By a maximum imprisonment of four years shall be punished:

- 1st, any person who with intent to unlawfully benefit himself or another, sells, exchanges or encumbers with mortgage an Indonesian right of use to land, or a building, work, planting or sowing on land on which Indonesian rights of use are exercised, knowing that another has or shares the title thereto;
- 2nd-ly, any person who with similar intent sells, exchanges or encumbers with mortgage an Indonesian right of use to land or building, work planting or sowing on land, on which Indonesian rights of use are exercised, which has already been burdened with a mortgage, without informing the counterpart of the existence of said mortgage;
- 3rd-ly, any person who with similar intent encumbers an Indonesian right of use to land with a mortgage, concealing to the counterpart that the land on which said right is exercised has been pledged;
- 4th-ly, any person who with similar intent pledges or leases a piece of land on which an Indonesian right of use is exercised, knowing that another has or shares the title thereto;
- 5th-ly, any person who with similar intent sells or exchanges an already pledged piece of land on which an Indonesian right of use is exercised without informing the counterpart or said pledge;
- 6th-ly, any person who with similar intent leases a piece of land on which an Indonesian right of use is exercised for a period for which he knows that it has already been rented out to another.

#### **Article 386**

- (1) Any person who sells, offers for sale or delivers food or beverages or medicine, knowing that they have been falsified and concealing said falsification, shall be punished by a maximum imprisonment of four years.
- (2) Food or beverages or medicine are falsified if by mixing with strange ingredients their value or usefulness has been decreased.

#### **Article 387**

- (1) By a maximum imprisonment of seven years shall be punished any master builder or any architect of a work or any seller of building materials who in performing the work or the

delivery of the materials commits a fraudulent act, as a result of which the security of persons or property, or the security of the state in time of war may be endangered.

- (2) With the same sentence shall be punishable any person who, charged with the supervision of the work or of the delivery of the materials, with deliberate intent allows the fraudulent act.

#### **Article 388**

- (1) Any person who in the delivery of materials for use by the navy or the army commits a fraudulent act, as a result of which the security of the state in time of war may be endangered, shall be punished by a maximum imprisonment of seven years.
- (2) By the same sentence shall be punished any person who, charged with the supervision of the delivery of the goods, with deliberate intent allows the fraudulent act.

#### **Article 389**

Any person who, with intent to unlawfully benefit himself or another, destroys, moves, removes or makes useless what serves to mark out the boundaries of premises, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 390**

Any person, who, with intent to unlawfully benefit himself or another, causes to rise or to drop the price of merchandise, funds or securities by disseminating false news, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 391**

Any person who, charging himself with the duty of or cooperates in placing debentures of a state or part thereof, or of a public institution, or of shares in or debentures of an association, foundation or company, tries to move the public to apply for it or to participate in it by concealing or mutilating with deliberate intent true, or holding out false facts or circumstances, shall be punished by a maximum imprisonment of four years.

#### **Article 392**

Any merchant, any executive or any commissioner of a limited liability company, any Indonesian company on shares or any cooperative society who with deliberate intent publishes an untrue statement of accounts or balance sheet, shall be punished by a maximum imprisonment of one year and four months.

#### **Article 393**

- (1) Any person who import into Indonesia without obvious intention to re-export, sells offers for sale, delivers, distributes or has in store for sale or distribution, commodities of which he knows or reasonably should suspect that they themselves or their packages are falsely provided with the name, the firm or the mark to which another has a right, or with the name of a fixed place as an indication as to origin with the addition of an invented name of firm, or that on the commodities themselves or on their package such name, firm or mark has been imitated, even with a slight deviation, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of six hundred rupiahs.
- (2) If during the commission of the crime five years have not yet elapsed since an earlier conviction of the offender on account of a similar crime has become final, a maximum imprisonment of nine months may be imposed.

#### **Article 393 bis**

Any person who deliberately inserts or causes to insert in a document containing a claim for a divorce or for a separation from bed and board or a request for a bankruptcy adjudication, or also in a document related thereto, data concerning the dwelling or place of abode of the person against whom the claim has been addressed or of the debtor, of which he knows or reasonably should suspect that they are contrary to the truth, shall, if use is made of the document in the lawsuit concerned, be punished by a maximum imprisonment of one year.

#### **Article 394**

The provision of Article 367 shall be applicable to the crimes described in this chapter, except for the crime described in Article 393 bis, if it has been committed by the claiming spouse with respect to a claim for divorce or for a separation from bed and board.

#### **Article 395**

- (1) By conviction on account of one of the crimes described in this chapter, the judge may order the publication of his verdict and the offender may be deprived of the exercise of the profession in which the crime has been committed.
- (2) By conviction on account of one of the crimes described in Articles 78, 382, 385, 387, 388 and 393 bis, deprivation of the rights mentioned in Article 35 first to fourthly may be pronounced.

### **XXVI. INJURY TO CREDITORS OR RIGHTFUL CLAIMANTS**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXVI. INJURY TO CREDITORS OR RIGHTFUL CLAIMANTS**

#### **Article: 396-405**

#### **Article 396**

Any merchant who has been adjudged bankrupt or has been admitted to a judicial cession of estate shall, being guilty of simple bankruptcy, be punished by a maximum imprisonment of one year and four months:

- 1st, if his expenses have been extravagant;
- 2nd-ly, if he, with intent to delay his bankruptcy, knowing that it could thereby not be avoided, has been borrowing under onerous conditions;
- 3rd-ly, if he does not produce in an undamaged state the books and documents in which he has kept his records pursuant to Article 6 of the Code of Commerce, and the writings which he has kept pursuant to said Article.

#### **Article 397**

Any merchant who has been adjudged bankrupt or has been admitted to judicial cession of estate shall, being guilty of fraudulent bankruptcy, be punished by a maximum imprisonment of seven years, if he, in order to fraudulently abridge his creditors of his rights:

- 1st, either has invented or invents liabilities or has not accounted or does not account for assets, or has withdrawn or withdraws any property from the estate;
- 2nd-ly, has alienated any property either for nothing or obviously below the value;
- 3rd-ly, has favored or favors one of his creditors in a certain manner on the occasion of his bankruptcy or at a moment when he knew that his bankruptcy could not be avoided;
- 4th-ly, has not fulfilled or does not fulfill the obligations which rest on him in respect of keeping records pursuant to Article 6, first paragraph, of the Code of Commerce, and of keeping and producing books, documents and writings referred to in the third paragraph of said Article.

#### **Article 398**

Any director or any commissioner of a limited liability company, Indonesian company on shares or cooperative society which has been adjudged bankrupt or of which the judicial settlement has been ordered, shall be punished by a maximum imprisonment of one year and four months:

- 1st, if he has participated in or has given his permission to acts contrary to the Articles of association to which the losses suffered by the limited liability company, the Indonesian company on shares or cooperative society are wholly or for a major part ascribable;
- 2nd-ly, if he with intent to delay the bankruptcy or the judicial settlement of the limited liability company, the Indonesian company on shares or the cooperative society, knowing that the bankruptcy or the judicial settlement could not thereby be avoided, has participated or has given his permission to borrow money under onerous conditions;



3rd-ly, if he is to blame that the obligations described in Article 6, first paragraph of the Code of Commerce or Article 27, first paragraph of the ordinance on the Indonesian company on shares, have not been fulfilled or that the books and documents in which according to said Articles records have been kept, and the writings which have been kept in compliance with the said Articles, are not produced in an undamaged state.

#### **Article 399**

Any director or commissioner of a limited liability company, Indonesian company on shares or cooperative society which has been adjudicated bankrupt or of which the judicial settlement has been ordered, shall be punished by a maximum imprisonment of seven years, if he, in order to fraudulently curtail the rights of the creditors of the limited liability company, the Indonesian company on shares or the cooperative society;

- 1st, either has invented or invents liabilities, or has not accounted or does not account for the assets, or has withdrawn or withdraw any property from the estate;
- 2nd-ly, has alienated any property either for nothing or obviously below the value;
- 3rd-ly, on the occasion of the bankruptcy or the judicial settlement or at a moment when he knew that the bankruptcy or the judicial settlement could not be avoided, has benefited or benefits somehow one of the creditors;
- 4th-ly, has not fulfilled or does not fulfill the obligations which rest on him in respect of keeping the records in compliance with Article 6, first paragraph of the Code of Commerce or in compliance with Article 27, first paragraph of the ordinance on the Indonesian company on shares, and the keeping and producing of books, documents and writings referred to in said Articles.

#### **Article 400**

By a maximum imprisonment of five years and six months shall be punished any person who, in order to fraudulently abridge the creditors of their rights:

- 1st, in case of judicial cession of estate, bankruptcy or judicial settlement, or prospect of something or other, if the judicial cession of estate, the bankruptcy or the judicial settlement follows, withdraws any property from the estate, or accepts payment either of an unclaimable debt or of a claimable debt, in the latter case knowing that the bankruptcy or the judicial settlement of the debtors has already been applied for or as a result of consultations with the debtor;
- 2nd-ly, by verification of the claims in case of judicial cession of estate, bankruptcy or judicial settlement, lays claim to a non-existing claim or causes an existing claim to be worth a higher value.

#### **Article 401**

- (1) Any creditor who joins an offer of a judicial accord as a result of an agreement either with the debtor or with a third party, whereby he has stipulated special benefits, shall, in case of acceptance of the accord, be punished by a maximum imprisonment of one year and four months.
- (2) The same sentence shall in the ease be applicable to the debtor or, if the debtor is a limited liability company, an Indonesian company on shares, a cooperative society or a foundation, to the director or commissioner who concludes such an agreement.

#### **Article 402**

Any person who has been adjudged obviously insolvent or, without being a merchant, has been adjudged bankrupt, or has been admitted to judicial cession of estate, shall be punished by a maximum imprisonment of five years and six months, if he, in order to fraudulently curtail his creditors of their rights, either has invented or invents liabilities, or has not accounted or does not account for assets, or has withdrawn or withdraws any property from the estate, or has alienated any property for nothing or obviously below the value, or on the occasion of his obvious insolvency, cession of estate or bankruptcy, or at a moment when he knew that something or other could not be avoided, has benefited or benefits somehow one of his creditors.

#### **Article 403**

Any director or any commissioner of a limited liability company, any Indonesian company on shares or any cooperative society who, except for the case in Article 398, has aided in or has given his consent to acts contrary to the Articles of incorporation, as a result of which the company or society becomes incapable of fulfilling its liabilities or has to be dissolved, shall be punished by a maximum fine of ten thousand rupiahs.

#### **Article 404**

- (1) By a maximum imprisonment of two years shall be punished:
  - 1st, any person who with deliberate intent withdraws his own property or, on behalf of the owner, property not belonging to him from any other person who has thereto a title of pledge, retention, usufruct or use;
  - 2nd-ly, any person who deliberately withdraws his own property or, on behalf of the owner, property not belonging to him wholly or partially from a mortgage established on it to the prejudice of the mortgage creditor;
  - 3rd-ly, any person who with deliberate intent withdraws property on which he has established a crop lien, property on which a crop lien has been established by any other person, wholly or partially from said lien, to the prejudice of the lien-holder;
  - 4th-ly, any person who with deliberate intent withdraws his own property or, on behalf of the owner, property not belonging to him wholly or partially from the credit lien established on it, to the prejudice of the lien-holder.
- (2) The provision of Article 367 shall be applicable to these crimes.

#### **Article 405**

- (1) By conviction on account of one of the crimes described in Articles 397, 399, 400 and 402, the offender may be deprived of the rights mentioned in Article 35 nos. first to fourthly.
- (2) By conviction on account of one of the crimes described in Articles 396-402, publication of the judicial verdict may be ordered.

### **XXVII. DESTRUCTION OR DAMAGE TO PROPERTY**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXVII. DESTRUCTION OR DAMAGE TO PROPERTY**

#### **Article: 406-412**

#### **Article 406**

- (1) The person who with deliberate intent and unlawfully destroys, damages, renders useless or mislays property which wholly or partially belongs to another, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.
- (2) The same punishment shall be imposed upon the person who with deliberate intent and unlawfully kills, damages, renders useless or gets rid of an animal which wholly or partially belongs to another.

#### **Article 407**

- (1) The facts described in Article 406 shall, if the value of the incurred loss does not amount to more than twenty-five rupiahs, be punished with a maximum imprisonment of three months or a maximum fine of sixty rupiahs.
- (2) If the facts described in Article 406, second paragraph, have been committed by applying substances harmful to life or to health, or if the animal belongs to those mentioned in Article 101, the provision of the foregoing paragraph shall not be applicable.

#### **Article 408**

Any person who with deliberate intent and unlawfully destroys, damages or makes useless railway, tramway, telegraph, telephone, electricity-work, works serving as a dam, water distribution or drainage,

gas- or water supply or sewerage, as far as these works, pipes or sewers are used for the general good, shall be punished by a maximum imprisonment of four years.

**Article 409**

Any person by whose fault any work referred to in the foregoing Article is destroyed, damaged or rendered useless, shall be punished by a maximum light imprisonment of one month or a maximum fine of hundred rupiahs.

**Article 410**

Any person who with deliberate intent and unlawfully destroys or renders useless a building or vessel that wholly or partially belongs to another, shall be punished by a maximum imprisonment of five years.

**Article 411**

The provision of Article 367 shall be applicable to the crimes described in this chapter.

**Article 412**

If, except for the case of Article 407, first paragraph, two or more persons commit one of the crimes described in this chapter jointly, the sentence may be enhanced with one third.

**XXVIII. CRIMES COMMITTED BY OFFICIALS**

**Book: II. Second. CRIMES**

**Chapter: XXVIII. CRIMES COMMITTED BY OFFICIALS**

**Article: 413-129**

**Article 413**

Any commander of the armed forces who refuses or with deliberate intent neglects, at the lawful demand of the competent civil authority, to employ the force under his command, shall be punished by a maximum imprisonment of four years.

**Article 414**

- (1) Any official who with deliberate intent calls for the aid of the armed forces against the execution of statutory provisions, of lawful orders of the public authority or of judicial verdicts or warrants, shall be punished by a maximum imprisonment of seven years.
- (2) If the execution is thereby prevented, the offender shall be punished by a maximum imprisonment of nine years.

**Article 415**

Any official or any other person continuously or temporarily in charge of a public service who deliberately embezzles money or securities which he in service has under his custody, or allows them to be taken away or embezzled by another, or thereby aids the other person as an accomplice, shall be punished by a maximum imprisonment of seven years.

**Article 416**

Any official or any other person continuously or temporarily in charge of a public who with deliberate intent falsely draws up or falsifies books or registers, exclusively designed for the control of the administration, shall be punished by a maximum imprisonment of four years.

**Article 417**

Any official or any other person continuously or temporarily in charge of a public service who with deliberate intent embezzles, destroys, damages or renders useless property intended to serve as a conviction or as a proof before the competent authority, deeds, documents or registers which he in service has under his custody, or allows them to be mislaid, destroyed, damaged or rendered useless by another, or thereby aids the other person as an accomplice, shall be punished by a maximum imprisonment of five years and six months.

**Article 418**

Any official who accepts a gift or promise, knowing or having reason to believe that it is given to him with a view to a power or competence which is related to his office, or which is related to it in the opinion of the person who makes the gift or promise, shall be punished by a maximum imprisonment of three years or a maximum fine of three hundred rupiahs.

#### **Article 419**

By a maximum imprisonment of five years shall be punished any public officer:

- 1st, who accepts a gift or promise, knowing that it is given to him in order to move him, contrary to his duty, to do or to admit something in his service;
- 2nd-ly, who accepts a gift, knowing that it is given to him as a result or on account of what has been done or omitted by him in his service contrary to his duty.

#### **Article 420**

(1) By a maximum imprisonment of nine years shall be punished:

- 1st, any judge who accepts a gift or promise, knowing that it is given to him in order to exercise influence on the decision of a case which has been submitted to his judgment;
  - 2nd-ly, any person who, in compliance with statutory provisions designated as counselor or as adviser to attend the session of a court of justice, accepts a gift or promise, knowing that it is given or made to him in order to exercise influence on the advice or opinion given by him concerning a case that has been submitted to the judgment of the court.
- (2) If said gift or promise is accepted in the consciousness that it is made to obtain a conviction in a criminal case, the offender shall be punished by a maximum imprisonment of twelve years.

#### **Article 421**

Any official, who by misuse of power forces someone to do, not to do or to tolerate something, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 422**

Any official, who in a criminal case makes use of means of coercion either to wrench off a confession or to provoke a statement, shall be punished by a maximum imprisonment of four years.

#### **Article 423**

Any official who with intent to unlawfully benefit himself or another by misuse of power, forces someone to give off something, to make a payment, to accept a withholding of payment, or to perform a personal service, shall be punished by a maximum imprisonment of six years.

#### **Article 424**

Any official who with intent to unlawfully benefit himself or another by misuse of power, disposes of lands belonging to the state on which Indonesian rights of use are exercised, shall be punished by a maximum imprisonment of six years.

#### **Article 425**

Being guilty of extortion shall be punished by a maximum imprisonment of seven years:

- 1st, any official who in the exercise of his service demands or accepts or withholds payment, as being due to him, to another official or to a public fund, which he knows is not due;
- 2nd-ly, any official who in the exercise of his service demands or accepts personal services or deliveries as being due, knowing that they are not due;
- 3rd-ly, the official who in the performance of his service, as being due in compliance with the relative provisions, disposes of lands belonging to the state on which Indonesian rights of use are exercised to the prejudice of the rightful claimant, knowing that he thereby acts contrary to said provisions.

#### **Article 426**

- (1) Any official who, being in charge of the custody of someone who by public authority or by virtue of a judicial verdict or decree has been deprived of the liberty, with deliberate intent

allows him to escape or releases him or aids him in his release or self-release, shall be punished by a maximum imprisonment of four years.

- (2) If the escape, release or self-release is due to his fault, he shall be punished by a maximum light imprisonment of two months or a maximum fine of three hundred rupiahs.

#### **Article 427**

- (1) By a maximum imprisonment of four years shall be punished:
  - 1st, any official charged with the tracing of punishable offences, who with deliberate intent does not fulfill the requirement to give proof at an unlawful deprivation of liberty or with deliberate intent does not immediately give notice thereof to the higher authority;
  - 2nd-ly, any official who, in the exercise of his service after having had cognizance that someone has been unlawfully deprived of his liberty, with deliberate intent omits to give instant notice thereof to an official charged with the tracing of punishable offences.
- (2) Any official through whose fault is caused the omission described in this Article, shall he punished by a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.

#### **Article 428**

By a maximum imprisonment of one year four months shall be punished any head of an institution destined for the confinement of convicted persons, persons taken into custody or persons being imprisoned for debt, or of a public school, or lunatic asylum, who refuses to fulfill a lawful demand to show anyone who has been admitted to the institution, or to show for inspection the register of enrolment or the deed of which a general regulation demands its registration.

#### **Article 429**

- (1) Any official who, overstepping his competence or without observance at the formalities determined by general regulation, enters the house or the enclosed room or grounds in use by another and against his will or, staying unlawfully at said place, does not immediately moves away at the demand of or on behalf of the rightful claimant, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs.
- (2) By the same punishment shall be punished any official who, on the occasion of a search in a house exceeding his powers or without observance of the formalities determined by general regulation, investigates or seized writings, books or other papers.

#### **Article 430**

- (1) Any official who, overstepping his competence, causes to be produced to himself or seizes a letter postcard, document or parcel or telegraphic news entrusted to any public institution of transport, which is in the hands of an official of the telegraphic services or of other persons charged with the services of a telegraphic institution used for the general good, shall be punished by a maximum imprisonment of two years and eight months.
- (2) The same punishment shall be imposed upon any official who exercising his powers causes himself to be informed by an official of the telephonic services or by other persons charged with the services of a telephonic institution used for the general good, on the subject of a conversation which has taken place through said institution.

#### **Article 431**

Any official of a public institution of transport who with deliberate intent and unlawfully opens a letter, sealed document or parcel entrusted to such institution, examines it or reveals the contents to another, shall be punished by a maximum imprisonment of two years.

#### **Article 432**

- (1) Any official of a public institution of transport who with deliberate intent delivers a letter, postcard, document or parcel entrusted to such institution to another than the rightful claimant, destroys, mislays, appropriates said letter, postcard, document or parcel, or changes the contents or appropriates any Article enclosed therein, shall be punished with a maximum imprisonment of five years.

- (2) If such document or Article possesses money value, the appropriation shall be punished by a maximum imprisonment of seven years.

**Article 433**

Any official of the telegraphic or telephonic services or any other person charged with the supervision of or with the services of a telegraphic or telephonic institution used for the general good, shall be punished:

- 1st, by a maximum imprisonment of two years, if he with deliberate intent and unlawfully reveals to another the contents of any news entrusted to the telegraphic or telephonic services or to such institution or with deliberate intent and unlawfully opens a telegraphic or telephonic news, examines it or reveals the contents to another;
- 2nd-ly, by a maximum imprisonment of five years, if he with deliberate intent delivers any news entrusted to the telegraphic or telephonic services or to such institution or a telegram or telephonic news to another than the rightful claimant, destroys, mislays or appropriates said news or amends the contents.

**Article 434**

Any official of a public institution of transport, of the telegraphic or the telephonic services or any other person referred to in Article 433, who with deliberate intent allows another to commit one of the offences mentioned in Articles 431-433, or aids the other thereby as an accomplice, shall be punished by the imprisonments and according to the distinctions laid down in said provisions.

**Article 435**

Any official who with deliberate intent takes part, directly or indirectly, in tenders, deliveries or leases over which at the moment of the act he has been wholly or partially charged with the management or supervision, shall be punished by a maximum imprisonment of nine months or a maximum fine of twelve hundred rupiahs.

**Article 436**

- (1) Any person who by virtue of the law applicable to parties, empowered to solemnize marriages solemnizes anyone's marriage, knowing that the existing marriage or marriages of said person from a legal obstacle against it shall be punished by a maximum imprisonment of seven years.
- (2) Any person who by virtue of the law applicable to parties, empowered to solemnize marriages, solemnizes anyone's marriage, knowing that any other legal obstacle exists against it, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.

**Article 437**

By conviction on account of one of the crimes described in Articles 415, 419, 420, 423, 424, 425, 432, last paragraph, and 436, first paragraph, deprivation of the rights mentioned in Article 35 thirdly and fourthly may be pronounced.

**XXIX. CRIMES RELATING TO NAVIGATION**

**Book: II. Second. CRIMES**

**Chapter: XXIX. CRIMES RELATING TO NAVIGATION**

**Article: 438-479**

**Article 438**

- (1) Being guilty of piracy shall be punished:
- 1st, by a maximum imprisonment of fifteen years, the person who enters into service or serves as a shipper on a vessel, knowing that it is destined to be used or is used to commit acts of violence in the open sea against other vessels or against persons or property on board said vessels, without thereto being authorized by a belligerent state or being part of the navy of a recognized state;

2nd-ly, by a maximum imprisonment of twelve years, any person who, knowing of this destination or this use, enters into service as a member of the crew on board such vessel or voluntarily remains in service after having been acquainted therewith, or who belongs to the crew of such vessel.

- (2) With absence of authorization shall be identified the transgression of authority as well as being provided with authorities emanating from states waging war against each other.
- (3) Article 89 shall not be applicable.

#### **Article 439**

- (1) Being guilty of coast-piracy shall be punished by a maximum imprisonment of fifteen years, any person who with the aid of a vessel within the Indonesian sea-territory commits acts of violence against another vessel or against persons or property on board said vessel.
- (2) By "Indonesian sea-territory" shall be understood the sea-territory as is described in Article 1 of the "Territorial Sea and Maritime Circles Ordinance 1939"

#### **Article 440**

Being guilty of beach-piracy shall be punished by a maximum imprisonment of fifteen years, any person who ashore, on or near the beach or the mouth of rivers, after having gone thereto wholly or partially by sea for that purpose, commits acts of violence against persons or property found at that place.

#### **Article 441**

Being guilty of river-piracy shall be punished by a maximum imprisonment of fifteen years, any person who on a river with the aid of a vessel, after having arrived from somewhere on board a vessel for that purpose, commits acts of violence against another vessel or against persons or property on board said vessel.

#### **Article 442**

By a maximum imprisonment of fifteen years shall be punished any person who enters into service or serves as commander or captain on board a vessel, knowing that it is destined to be used or that it is used for the commission of one of the offences mentioned in Articles 439 - 441.

#### **Article 443**

By a maximum imprisonment of ten years shall be punished any person who caters into service or serves as a member of the crew on board a vessel, knowing that it is destined to be used or that it is used for the commission of one of the offences mentioned in Articles 439 - 441, or who remains voluntarily in service on board such vessel after having been acquainted with the destination of the vessel referred to above.

#### **Article 444**

If the acts of violence described in Articles 438-441 result in the death of one of the persons on board the attacked vessel or of one of the assaulted persons, the skipper, commander or captain and those who have participated in the acts of violence shall be punished by capital punishment, life imprisonment or a maximum temporary imprisonment of twenty years.

#### **Article 445**

Any person who on his own or any other's account equips a vessel with the destination described in Article 438 or with intent to commit one of the offences described in Articles 439 - 441, shall be punished by a maximum imprisonment of fifteen years.

#### **Article 446**

Any person who on his own or on any other's account directly or indirectly participates in the hiring out, freighting or insuring of vessel, knowing that it has the destination described in Article 438 or is destined to be used for the commission of one of the offences described in Articles 439 - 441, shall be punished by a maximum imprisonment of twelve years.

#### **Article 447**

Any person who deliberately surrenders an Indonesian vessel to sea pirates, coast-pirates, beach-pirates or river-pirates, shall be punished: 1st, if he is the skipper, by a maximum imprisonment of fifteen years; 2nd-ly, in all other cases, by a maximum imprisonment of twelve years.

**Article 448**

Any person on board an Indonesian ship, who unlawfully seizes the ship, shall be punished by a maximum imprisonment of seven years.

**Article 449**

Any skipper of an Indonesian ship, who withdraws the ship from the owner or the shipping company and uses it for his own benefit, shall be punished by a maximum imprisonment of eight years.

**Article 450**

By a maximum imprisonment of five years shall be punished any Indonesia subject who without permission of the Indonesian Government accepts a letter of marquee and reprisal, or enters into service or serves as skipper on board a vessel, knowing that it is destined for privateering without permission of the Indonesian Government.

**Article 451**

Any Indonesian subject who enters into service as a member of the crew on board a vessel, knowing that it is destined or is used for privateering without the permission of the Indonesian Government, or remains voluntarily in service after having known of said destination or said use, shall be punished by a maximum imprisonment of four years.

**Article 451 bis**

Any skipper of an Indonesian vessel who causes to draw up a ship's certificate, of which he knows that the contents are contrary to the truth, shall be punished by a maximum imprisonment of five years.

The members of the crew who participate in the drawing up of a ship's certificate of which they know that the contents are contrary to the truth, shall be punished by a maximum imprisonment of two years and eight months.

**Article 451 ter**

Any person who in order to fulfill the provision of the third paragraph of Article 12 of the regulation on the registration of ships, produces a certificate of which he knows that the contents are contrary to the truth, shall be punished by a maximum imprisonment of five years.

**Article 452**

- (1) Any person who, in the record of evidence of a ship's certificate causes to insert a false statement concerning a fact the truth of which must be given proof by the deed, with intent to use said deed or to cause it to be used by others, as if his statement were in accordance with the truth, shall, if from said use an injury may arise, be punished by a maximum imprisonment of eight years.
- (2) With the same punishment shall be punished any person who with deliberate intent makes use of the deed as if contents were in accordance with the truth, if from said use an injury may arise.

**Article 453**

The skipper of an Indonesia ship who, after commencement of the recruitment or of the engagement of the members of the crew and before termination of his contract deliberately and unlawfully withdraws himself from the leadership of the ship shall be punished by a maximum imprisonment of two years and eight months.

**Article 454**

Being guilty of desertion, shall be punished by a maximum imprisonment of one year and four months, any crew member of a ship who contrary to his duty arising from the work agreement, withdraws from service on board an Indonesian ship, if because of the circumstances in which he acted, danger for the ship, those on board the ship, or the cargo is feared.

**Article 455**



Being guilty of a simple desertion, shall he punished by a maximum imprisonment of four months and two weeks, any shipmate who with deliberate intent and unlawfully does not make or does not continue a voyage to which he has been engaged on an Indonesian ship.

#### **Article 456**

Repealed.

#### **Article 457**

The punishments lay down in Articles 454 and 455 may be doubled, if two or more persons jointly or as a result of a conspiracy commit the crime.

#### **Article 458**

- (1) Any ship-owner, book-keeper or skipper of an Indonesia ship who takes a crew member into his employ, knowing that one month has not yet elapsed since this person has withdrawn himself from his engagement with an Indonesian ship in the manner described in one of the Articles 454 or 455, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.
- (2) Not punishable shall be the fact, if the taking into employ takes place outside Indonesia with the permission of the Indonesian Consul, or, if he is absent, at the request of the local authority.

#### **Article 459**

- (1) Any person on board an Indonesian ship who on board the ship factually assaults, by violence or threat of violence resists against the skipper or with deliberate intent deprives him from his liberty to act, or the crew member who on board the ship or in service commits similar offences against a superior in rank, shall, being guilty or insubordination, be punished by a maximum imprisonment of two years and eight months.
- (2) The offender shall be punished:
  - 1st, by a maximum imprisonment of four years, if the crime or the accompanying assault and battery results in a physical injury;
  - 2nd-ly, by a maximum imprisonment of eight years and six months, if said acts result in a serious physical injury;
  - 3rd-ly, by a maximum imprisonment of twelve years, if said acts result in death.

#### **Article 460**

- (1) Insubordination committed by two or more united persons shall, as mutiny, be punished by a maximum imprisonment of seven years.
- (2) The offender shall be punished:
  - 1st, by a maximum imprisonment of eight years and six months, if the crime committed by him or the assault and battery thereby committed by him, result in a physical injury;
  - 2nd-ly, by a maximum imprisonment of twelve years, if said acts result in a serious physical injury;
  - 3rd-ly, by a maximum imprisonment of fifteen years, if said acts result in death.

#### **Article 461**

Any person who on board an Indonesian ship instigates to mutiny on board said ship, shall be punished by a maximum imprisonment of six years.

#### **Article 462**

Refusal to obey orders committed by two or more crewmembers of an Indonesian ship jointly or as a result of a conspiracy, shall be punished by a maximum imprisonment of two years and eight months.

#### **Article 463**

Any crew member of an Indonesian ship who, after having been disciplinarily punished on account of refusal to obey orders, persists in his refusal shall be punished by a maximum imprisonment of nine months.

#### **Article 464**

- (1) By a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs shall be punished any person on board an Indonesian ship:
  - 1st, who with deliberate intent does not obey an order of the skipper given to the interest of security or for maintaining order and discipline on board;
  - 2nd-ly, who, knowing that the skipper has been deprived of his liberty to act, does not come to the rescue to his ability;
  - 3rd-ly, who having knowledge of an intention to commit insubordination, with deliberate intent refrains from timely notifying the skipper thereof.
- (2) The provision mentioned under no. 3 shall not be applicable, if the insubordination does not follow.

#### **Article 465**

The punishments laid down in Articles 448, 451, 454 and 455 and 459-464 may be enhanced by one third, if the offender of one of the crimes described in said Articles is an officer of the ship.

#### **Article 466**

Any skipper of an Indonesian ship who, with intent to benefit himself or another or to conceal such benefit, either sells the ship, or borrows money on the ship, the ship's accessories or the ship's provisions, or sells or pledges goods of the cargo or of the ship's provisions, or enters invented losses or expenditures into account, or does not see to it that on board the required journals are kept according to the statutory provisions, or does not care for the preservation of the ship's papers when leaving the ship, shall be punished by a maximum imprisonment of seven years.

#### **Article 467**

Any skipper of an Indonesian ship, who with intent to unlawfully benefit himself or another or to conceal such benefit, changes his course, shall be punished by a maximum imprisonment of four years.

#### **Article 468**

Any skipper of an Indonesian ship who unnecessary or in violation of the law applicable to him, leaves the ship during the voyage and also orders or allows his ship's crew thereto, shall be punished by a maximum imprisonment of five years and six months.

#### **Article 469**

- (1) Any skipper of an Indonesian ship who unnecessary and without prior knowledge of the owner or of the shipping company, commits or permits acts, knowing that said acts may subject the vessel or the cargo to seizure, detention or stoppage, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of six hundred rupiahs.
- (2) Any person on board a ship who unnecessary and without prior knowledge of the skipper with said knowledge, commits said acts, shall be punished by a maximum imprisonment of one year or a maximum fine of six hundred rupiahs.

#### **Article 470**

Any skipper of an Indonesian ship who with deliberate intent and unnecessary does not procure for a persons on board the ship that which is due to procure for him, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.

#### **Article 471**

Any skipper of an Indonesian ship who with deliberate intent and unnecessary or in violation of the law applicable to him throws away goods shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.

#### **Article 472**

A maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs shall punish any people who with deliberate intent and unlawfully destroys, damages or renders useless cargo, ship-supply or ship's provisions present on board a vessel.

#### **Article 472 bis**

Any person who travels along as a stowaway on board a vessel, shall be punished by a maximum imprisonment of three months.

#### **Article 473**

Any skipper who flies the Indonesian flag knowing that he is not thereto authorized, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs.

#### **Article 474**

Any skipper who by carrying a distinguishing mark with deliberate intent gives his vessel the appearance if it were an Indonesian warship, a vessel of the navy, or a pilot-vessel in service in Indonesian waters or river mouths, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

#### **Article 475**

Any person who unnecessary acts as a skipper, steersman or engineer on board an Indonesian ship, knowing that he has been released by the competent authority from his power to sail as such on board an Indonesian ship, shall be punished by a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs.

#### **Article 476**

Any skipper of an Indonesian ship who without valid reasons refuses to meet a statutory demand to take aboard an accused or convict along with the documents relating to his case, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

#### **Article 477**

- (1) Any skipper of an Indonesian ship who with deliberate intent allows to escape or releases an accused or convict whom he has taken aboard on a statutory demand, or aids him in his release or self-release, shall be punished with a maximum imprisonment of four years.
- (2) If the escape, release or self-release is due to his fault, he shall be punished by a maximum light imprisonment of two months or a maximum fine of three hundred rupiahs.

#### **Article 478**

Any skipper of an Indonesian vessel who with deliberate intent does not meet his obligation, which under the first paragraph or Article 358a of the Commercial Code rests on him, to extend aid if his vessel has been involved in a collision, shall be punished by a maximum imprisonment of four years.

#### **Article 479**

In sentencing on account of one of the crimes described in Articles 438 - 449, 466 and 467, deprivation of the rights mentioned in Article 35 nos. first to fourthly may be pronounced.

### **XXIX A. CRIMES RELATING TO AVIATION AND AVIATION FACILITIES**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXIX A. CRIMES RELATING TO AVIATION AND AVIATION FACILITIES**

#### **Article: 479a-479r**

#### **Article 479a**

- (1) Any person who with deliberate intent and unlawfully renders useless or damages a building used for safeguarding air navigation or frustrates measures for safeguarding said building, shall be punished by a maximum imprisonment of six years.
- (2) By a maximum imprisonment of nine years, if on account of said act danger is caused to the safety of air navigation.

- (3) By a maximum punishment of fifteen years, if on account of said acts death of a person is caused.

**Article 479b**

- (1) Any person who by negligence causes destruction, incapability of use or damage of a building used for safeguarding air navigation, or frustration of measures for safeguarding said building, shall be punished by a maximum imprisonment of three years.
- (2) By a maximum imprisonment of five years, if on account of said act danger is caused to the safety of air navigation.

**Article 479c**

- (1) Any person who with deliberate intent and unlawfully destroys, damages, removes or displaces a sign or an instrument for safeguarding air navigation, or frustrates the operation of said sign or instrument, or places a wrong sign or instrument, shall be punished by a maximum imprisonment of six years.
- (2) By a maximum imprisonment of nine years, if on account of said act danger is caused to the safety of air navigation.
- (3) By a maximum imprisonment of twelve years, if on account of said act danger is caused to the safety of air navigation and disaster of the aircraft is caused.
- (4) By a maximum imprisonment of fifteen years, if on account of said act danger is caused to the safety of air navigation and death of a person is caused.

**Article 479d**

Any person who by negligence causes destruction, removal, displacement of a sign or an instrument for safeguarding air navigation or causes a sign or an instrument for safeguarding air navigation not to be operated or causes its misplacement, shall be punished:

- a. by a maximum imprisonment of five years, if on account of said act unsafety of air navigation is caused;
- b. by a maximum imprisonment of five years, if on account of said act disaster of the aircraft is caused;
- c. by a maximum imprisonment of seven years, if on account of said act death of a person is caused.

**Article 479e**

Any person who with deliberate intent and unlawfully destroys an aircraft or causes damage to an aircraft which wholly or partially belongs to another person, shall be punished by a maximum imprisonment of nine years.

**Article 479f**

Any person who with deliberate intent and unlawfully causes disaster to an aircraft, destroys, renders an aircraft incapable of use or damages an aircraft, shall be punished:

- a. by a maximum imprisonment of fifteen years, if on account of said act danger is caused to the life of another person;
- b. by life imprisonment or a maximum imprisonment of twenty years, if on account of said act death of a person is caused.

**Article 479g**

Any person who by negligence causes disaster or destruction to an aircraft or causes an aircraft to be rendered incapable of use or causes damage to an aircraft, shall be punished:

- a. by a maximum imprisonment of five years, if on account of said act danger is caused to the life of another person;
- b. by a maximum imprisonment of seven years, if on account of said act death of a person is caused.

**Article 479h**

- (1) Any person who with intent to benefit himself or another, unlawfully, to the detriment of an insurer, causes a fire or an explosion, disaster, destruction, damage, to an aircraft or causes on aircraft to be rendered incapable of use, of which the aircraft itself or its cargo or the fee due for the transport of the cargo has been insured against above mentioned accidents or of which the insurance money for the cargo has been paid, shall be punished by a maximum imprisonment of nine years;
- (2) If the aircraft mentioned in paragraph (1) of this Article is an aircraft in flight, the punishment shall be a maximum imprisonment of fifteen years;
- (3) Any person who with deliberate intent to benefit himself or another, unlawfully, to the detriment of an insurer, causes disaster to a passenger of an aircraft, which has been insured against accidents, shall be punished:
  - a. by a maximum imprisonment of ten years, if on account of said act serious physical injury is caused;
  - b. by a maximum imprisonment of fifteen years, if on account of said act, death of a person is caused.

**Article 479i**

Any person who on board an aircraft, unlawfully seizes or maintains the seizure, or exercises control of that aircraft while it is in flight, shall be punished by a maximum imprisonment of twelve years.

**Article 479j**

Any person who on board an aircraft, by force or threat thereof, or by any other form of intimidation, seizes or maintains the seizure, or exercises control of that aircraft while it is in flight, shall be punished by a maximum imprisonment of fifteen years.

**Article 479k**

- (1) Life imprisonment of a maximum imprisonment of twenty years, shall be imposed if the act mentioned in Article 479i and Article 479j:
  - a. is committed by two or more persons jointly;
  - b. is a continuation of a conspiracy;
  - c. is committed with premeditation;
  - d. causes serious physical injury to a person;
  - e. causes damage to said aircraft, such that its navigation may be endangered;
  - f. is committed with intent to deprive a person of his liberty or to maintain the deprivation of liberty of a person.
- (2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

**Article 479l**

Any person, who with deliberate intent and unlawfully performs an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft, shall be punished by a maximum imprisonment of fifteen years.

**Article 479m**

Any person who with deliberate intent and unlawfully damages an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight, shall be punished by a maximum imprisonment of fifteen years.

**Article 479n**

Any person who with deliberate intent and unlawfully places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to

cause damage to it, which renders it incapable of flight, or causes damage to it which is likely to endanger its safety in flight, shall be punished by a maximum imprisonment of fifteen years.

**Article 479o**

- (1) Life imprisonment or a maximum imprisonment of twenty years, shall be imposed if the act mentioned in Article 479l, Article 479m, and Article 479 n:
  - a. is committed by two or more persons jointly;
  - b. is a continuation of a conspiracy;
  - c. is committed with premeditation;
  - d. causes serious physical injury to a person.
- (2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

**Article 479p**

Any person who communicates information that he knows to be false, thereby endangering the safety of an aircraft in flight, shall be punished by a maximum imprisonment of fifteen years.

**Article 479q**

Any person who on board an aircraft performs an act that may jeopardize the safety of the aircraft in flight, shall be punished by maximum imprisonment of five years.

**Article 479r**

Any person who on board an aircraft performs an act which may jeopardize good order and discipline on board that aircraft in flight, shall be punished by a maximum imprisonment of one year.

**XXX. RECEIVING STOLEN PROPERTY PUBLISHING AND PRINTING**

**Book: II. Second. CRIMES**

**Chapter: XXX. RECEIVING STOLEN PROPERTY PUBLISHING AND PRINTING**

**Article: 480-485**

**Article 480**

By a maximum imprisonment of four years or a maximum fine of sixty rupiahs shall be punished:

- 1st, being guilty of receiving stolen property, any person who buys, hires, takes in exchange, takes as security, accepts as a gift, or in pursuit of gain, sells, hires out, disposes in exchange, gives as security, carries, keeps or hides an object of which he knows or reasonably should presume that it has been obtained through a crime;
- 2nd-ly, any person who takes advantage from the yield of an object of which he knows or reasonably should presume that it has been obtained through a crime.

**Article 481**

- (1) Any person who makes a habit of intentionally buying, exchanging, taking as security, keeping or hiding of objects obtained through a crime, shall be punished by a maximum imprisonment of seven years.
- (2) The offender may be deprived of the rights mentioned in Article 35 nos. first to fourthly from the performance of the profession in which he has committed the crime.

**Article 482**

The offender described in Article 480 shall, of the crime through which the object has been obtained is one of the crimes described in Articles 364, 373 and 379, as simple receiving of stolen property, be punished by a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

**Article 483**

Any person who publishes any writing or any portrait of a punishable character, shall be punished by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year or a maximum fine of three hundred rupiahs, if:

- 1st, the principal is neither known, nor has been made known at the first warning after a true bill has been found;
- 2nd-ly, the publisher knew or had to expect that the principal at the moment of the publication would not domiciled outside Indonesia.

#### **Article 484**

Any person who prints a writing or a portrait of a punishable character, shall be punished by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year or a maximum fine of there hundred rupiahs, if:

- 1st, the person by whose order the document has been printed is neither known, nor has been made known at the first warning after a true bill has been found;
- 2nd-ly, the printer knew or had to expect that the person by whose order the document has been printed, at the moment of the publication would not be criminally prosecutable or would be domiciled outside Indonesia.

#### **Article 485**

If the nature of the writing or portrait produces a crime that is prosecutable only upon complaint, the publisher or printer may in the case of both foregoing Articles be prosecuted only upon complaint of the person against whom the crime has been committed.

### **XXXI. PROVISIONS RELATING TO RECIDIVISM COMMON TO VARIOUS CHAPTERS**

#### **Book: II. Second. CRIMES**

#### **Chapter: XXXI. PROVISIONS RELATING TO RECIDIVISM COMMON TO VARIOUS CHAPTERS**

#### **Article: 486-488**

#### **Article 486**

The imprisonment laid down in Articles 127, 204, first paragraph, 244-248, 253-260 bis, 263, 264, 266-268, 274, 362, 363, 365, first, second and third paragraph, 368, first paragraph and the second paragraph as far as therein referred to the second and third paragraph of Articles 365, 369, 372, 374, 375, 378, 380, 381 - 383, 385 - 388, 397, 399, 400, 402, 415, 417, 425, 432, last paragraph, 452, 466, 480 and 481, and also the imprisonment to be imposed under Articles 204, second paragraph, 365, fourth paragraph, and 368, second paragraph, as far as it is referred to the fourth paragraph of Article 365, may be enhanced with one third, if during the commission of the crime five years have not yet elapsed since the person found guilty has wholly or partially served an imprisonment imposed upon him either on account of one of the crimes described in said Articles, or on account or one of the crimes referred to in one of the Articles 140 - 143, 145, and 149 of the Military Criminal Code, or since said sentence has been wholly remitted to him; or if during the commission of the crime the right to execution of said sentence has not yet expired. <

#### **Article 487**

The imprisonment laid down in Articles 130, first paragraph, 131-133, 140 first paragraph, 141, 170, 213, 214, 338, 341, 342, 344, 347, 348, 351, 353 - 355, 438-443, 459 and 460, and also the imprisonment to be imposed under Articles 104, 105, 130, second and third paragraph, 140, second and third paragraph, 339, 340 and 444, may be enhanced with one third, if during the commission of the crime five years have not yet elapsed, since the person found guilty has wholly or partially served the imprisonment imposed on him either on account of one of the crimes described in said Articles, or on account of one of the crimes referred to in one of Articles 106, second and third paragraph, 107, second and third paragraph, 108, second paragraph, 109, as far as the committed crime or the thereby committed assault and battery result in a physical injury or death, 131, second and third paragraph, 137 and 138 of the Military Criminal Code, or since said sentence has been wholly remitted to him; or if during the commission of the crime the right to execution of said punishment has not yet expired.

### **Article 488**

The punishments laid down in Articles 134 - 138, 142 - 144, 207, 208, 310 - 321, 483 and 484 may be enhanced with one third, if during the commission of the crime five years have not yet elapsed, since the person found guilty has wholly or partially served an imprisonment pronounced against him on account of one of the crimes described in said Articles, or since said punishment has been wholly remitted to him; or if during the commission of the crime the right to execution of said punishment has not yet expired.

### **Third Book, MISDEMEANORS**

#### **I. MISDEMEANORS CONCERNING THE GENERAL SECURITY OF PERSONS AND PROPERTY AND THE PUBLIC HEALTH**

#### **Book: III. Third. MISDEMEANORS**

#### **Chapter: I. MISDEMEANORS CONCERNING THE GENERAL SECURITY OF PERSONS AND PROPERTY AND THE PUBLIC HEALTH**

#### **Article: 489-502**

#### **Article 489**

- (1) Mischief committed against persons or a maximum fine of fifteen rupiahs, whereby danger, injury or inconvenience may arrive, shall punish property.
- (2) If during the commission of the misdemeanor one year has not yet elapsed, since an earlier conviction of the person found guilty on account of a similar misdemeanor has become final, instead of the fine, a maximum light imprisonment of three days may be imposed.

#### **Article 490**

By a maximum light imprisonment of six days or a maximum fine of twenty-five rupiahs shall be punished:

- 1st, any person who sets an animal on a man or on an animal being ridden, put before a carriage or a transport vehicle or carrying a load;
- 2nd-ly, any person who does not restrain an animal under his care, when it assaults a man or an animal being ridden, put before a carriage or a transport vehicle or carrying a load;
- 3rd-ly, any person who does not take adequate cares of keeping harmless a dangerous animal, which is under his protection;
- 4th-ly, any person who keeps dangerous wild animals without notifying thereof the police or another official designated by the police, or does not observe the rules concerning the matter given by the police or said official. <

#### **Article 491**

By a maximum fine of fifty rupiahs shall be punished:

- 1st, any person who being charged with the surveillance of a lunatic dangerous for himself and for others, allows said lunatic to wander unguarded;
- 2nd-ly, any person who being charged with the surveillance of a child, leaves it unguarded so that by so doing the child itself or others may be endangered.

#### **Article 492**

- (1) Any person who, while being in a state of drunkenness, either in public obstructs the traffic or disturbs the public order, or threatens the security of another person, or performs an act whereby, for the prevention of danger of life or health of third parties, special caution or precaution are required, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty five rupiahs.
- (2) If during the commission on said misdemeanor one year has not yet elapsed, since an earlier conviction of the person found guilty on account of a similar misdemeanor or the misdemeanor described in Article 536 has become final, he shall be punished by a maximum light imprisonment of two weeks.



#### **Article 493**

Any person who unlawfully on the public road obstructs another to move at liberty or with one or more others keeps obtruding himself upon another against his explicitly declared will or keeps following him in an annoying manner, shall be punished by a maximum light imprisonment of one month or a maximum fine of three hundred rupiahs.

#### **Article 494**

By a maximum fine of twenty-five rupiahs shall be punished:

- 1st, any person who does not see to it that a digging up or an excavation made by him or by his order on a public road or an object placed by him or by his order on the public road is properly illuminated and provided with the usual signs;
- 2nd-ly, any person who during an operation on or at the side of the public road does not take the necessary measures to warn passers-by against possible danger;
- 3rd-ly, any person who places something on top of or against or throws or pours out something out of a building, in such a manner that by so doing someone who makes use of a public road may be injured;
- 4th-ly, any person who on the public road leaves a riding, draught- or pack animal, or cattle, which he transports, without having taken precautionary measures required against causing danger;
- 5th-ly, any person Who on the public road allows cattle to walk about without having taken the precautionary measures required against causing danger;
- 6th-ly, any person who without the permission of the appropriate authority blocks a public land- or water-way or obstructs the traffic on said way, or who causes such blocking or obstruction by ineffective use of vehicles or vessels.

#### **Article 495**

- (1) Any person who without the permission of the head of the police or of the official thereto designated by the head of the police, in an area that used to be frequented by people, places mantraps, traps, catch-nooses or other objects serving to catch or kill wild animals, whereby danger for the public may be caused, shall be punished by a maximum fine of twenty five rupiahs.
- (2) If during the commission of said misdemeanor one year has not yet elapsed, since an earlier conviction of the person found guilty on account of a similar misdemeanor has become final, instead of the fine, a maximum light imprisonment of six days may be imposed.

#### **Article 496**

Any person who without the permission of the head of the police or the official thereto designated by the head of the police, sets fire to his own real property, shall be punished by a maximum fine of fifty rupiahs.

#### **Article 497**

By a maximum fine of twenty-five rupiahs shall be punished:

- 1st, any person who on or at the side of a public road or at a short distance from buildings or goods, so that danger of fire may be caused, either lights a fire or unnecessarily discharges a fire-arm;
- 2nd-ly, any person who lets off a balloon to which burning materials have been attached.

#### **Articles 498 and 499**

Abrogated.

#### **Article 500**

Any person who without the permission of the head of the police or the official thereto designated by the head or the police, produces gunpowder percussion-caps or cartridges for fire-arms, shall be punished by a maximum light imprisonment of ten days or a maximum fine of fifty rupiahs.

#### **Article 501**

- (1) By a maximum fine of twenty-five rupiahs shall be punished:
- 1st, any person who sells, offers for sale, delivers, distributes or has in stock for sale or for distribution falsified or unsound food or beverages, or milk originating from sick animals or whirl may be harmful to the health;
- 2nd-ly, any person who without the permission of the head of the police or of the official thereto designated by the head of the police sells, offer for sale, delivers, distributes or has in stock for sale or for distribution meat of cattle that has been killed because of a disease or has died naturally.
- (2) If during the commission of said misdemeanor two years have not yet elapsed, since an earlier conviction of the person found guilty on account of a similar misdemeanor has become final, the said fine may be substituted by a maximum custody of six days.

**Article 502**

- (1) Any person who, without the permission of the thereto appropriate authority, goes hunting or carries a gun rifle in state's forests where performing such an act without permission is prohibited, shall be punished by a maximum light imprisonment of one month or a maximum fine, of two hundred rupiahs.
- (2) The game caught or shot and the tools or arms with which said misdemeanor has been committed, may be forfeited.

**II. MISDEMEANORS RELATING TO PUBLIC ORDER**

**Book: III. Third. MISDEMEANORS**

**Chapter: II. MISDEMEANORS RELATING TO PUBLIC ORDER**

**Article: 503-520**

**Article 503**

By a maximum light imprisonment of three days or a maximum fine o fifteen rupiahs shall be punished:

- 1st, any person who causes tumult or disturbance whereby the nocturnal tranquility may be disturbed;
- 2nd-ly, any person who causes tumult near buildings destined for a lawful divine service or for the administration of Justice during a service or: session.

**Article 504**

- (1) Any person who begs alms in public, shall, being guilty of begging, be punished by a maximum light imprisonment of six weeks.
- (2) Begging committed by three or more persons above the age of sixteen years, shall be punished by a maximum light imprisonment of three months.

**Article 505**

- (1) Any person who roams about without means of subsistence shall, being guilty of vagrancy, be punished by a maximum light imprisonment of three months.
- (2) Vagrancy committed by three or more persons above the age of sixteen years shall be punished by a maximum light imprisonment of six months.

**Article 506**

Any person who as souteneur takes advantage of the prostitution of a roman, shall be punished by a maximum light imprisonment of one year.

**Article 507**

By a maximum fine of hundred and fifty rupiahs shall be punished:

1st, any person who without being thereto entitled carries an Indonesian title of nobility or a mark honor;

2nd-ly, any person who without the permission of the President, where this is required, accepts a foreign insignia, title, rank or dignity;

3rd-ly, any person who, asked by the competent authority for his name, states a false name.

#### **Article 508**

Any person who without being thereto entitled, makes use, even if with a slight deviation, of a name or of a distinguishing token, of which the use by virtue of a statutory provision is explicitly awarded to an association or to the personnel of an association or to the personnel of the medical service of the army, shall be punished by a maximum light imprisonment of one month or a maximum fine of three hundred rupiahs.

#### **Article 508 bis**

Any person who in public without being thereto entitled, wears a garb, which shows such resemblance to the official garb, fixed for officials or functionaries in service with the state, with an autonomous region of "subak", that he may reasonably be taken for such official or functionary, shall be punished by a maximum light imprisonment of one month or a maximum fine of three hundred rupiahs.

#### **Article 509**

Any person who, without being thereto entitled, lends out money or property of which the amount or value does not exceed one hundred rupiahs on security, or in the form of sale with the right of re-purchase or in the form of a commission agreement, shall be punished by a maximum light imprisonment of three months or a maximum fine of one thousand rupiahs.

#### **Article 510**

(1) By a maximum fine of twenty five rupiahs shall be punished any person who, without the permission of the head of the police or of the official designated by the head of the police:

1st, stages of public festivity or an amusement;

2nd-ly, stages a procession on the public road.

(2) If said procession is staged in order to make desired known in an awe-inspiring manner, the guilty person shall be punished by a maximum light imprisonment of two weeks or a maximum fine of one hundred and fifty rupiahs.

#### **Article 511**

Any person who on the occasion of festivities, processions and the like does not observe the orders and directives issued by the police for the prevention of accidents and for the avoidance of traffic jams along the public road, shall be punished by a maximum fine of twenty five rupiahs.

#### **Article 512**

(1) Any person who, not being permitted to perform a profession for which by general regulation a permission is required, unnecessarily performs said profession, shall be punished by a maximum fine of three hundred rupiahs.

(2) Any person who being permitted to perform a profession for which by general regulation permission is required, in performing said profession unnecessarily exceeds the limits of his competence shall be punished by a maximum fine of hundred and fifty rupiahs.

(3) If during the commission of said misdemeanor two years have not yet elapsed since an earlier conviction of the person found guilty on account of a similar misdemeanor has become final, instead of the fine may be imposed in the case of the first paragraph a maximum light imprisonment of two months, in the case of the second paragraph a maximum light imprisonment of one month.

#### **Article 512a**

Any person who, as a means of subsistence, either specially or a occasionally, without being in the possession of a certificate of admission and unnecessarily performs the profession of a physician or

dentist, shall be punished by a maximum light imprisonment of two months or a maximum fine of ten thousand rupiahs.

#### **Article 513**

Any person who makes use or allows the use of someone else's property which he has in possession on account of his personal service or of his procession, of which any use is not approved upon by the rightful claimant, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty five rupiahs.

#### **Article 514**

The day-laborer, package carrier, messenger boy, porter or coolie who the performance of his job renders himself guilty of carelessness or default returning tools received for use or in delivering goods received for conveyance, shall be punished by a maximum light imprisonment of six days or maximum fine of twenty five rupiahs.

#### **Article 515**

By a maximum light imprisonment of six days or a maximum fine of fifty rupiahs shall be punished:

- 1st, any person who fails to give prior notice of his move to the competent authority when leaving his abode from a district village or kampong where he has lived, with mentioning the place where he will take up his residence;
- 2nd-ly, any person who after having settled in a district, village or kampong, fails to give notice thereof to in competent authority within fourteen days by mentioning his name, first name and profession, as well as the place of origin.

The provision in the first paragraph shall not apply to moves and subsequent settlements within the same place or municipality.

#### **Article 516**

Any person who makes a business of providing overnight stay to persons and do not keep a continuous register, or fails to note or to cause to note in said register the names, business or occupation, residence, day of arrival and of departure of the Persons who have stayed overnight at his house, or who fails to produce said register on demand to the head of the police or to the official thereto designated by the head of the police, shall be punished by a maximum fine of twenty five rupiahs. If during the commission of the misdemeanor two years have not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, instead of the fine, may be imposed a maximum light imprisonment of six days.

#### **Article 517**

By a maximum light imprisonment of one month or a maximum fine of one hundred and fifty rupiahs shall be punished:

- 1st, any person who buys, accepts in exchange, accepts as a gift, as a security, for use or in custody, property belonging to the costume, equipment or armament from a soldier below the rank of officer, or sells, exchanges, disposes of as a gift, gives as a security, for use or in custody, such property for a soldier below the rank of officer, without the permission issued by or on behalf of the officer in command;
- 2nd-ly, any person who, while making a habit of purchasing such goods, does not observe the provisions given by general regulation concerning the register to be kept thereof.

If during the commission of the misdemeanor two years have not yet elapsed since an earlier conviction of the offender on account of one of these misdemeanor has become final, the punishments may be doubled.

#### **Article 518**

Any person who without being thereto entitled supplies any property to a convicted person who is serving a sentence or accepts it from said person, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty five rupiahs.

#### **Article 519**

- (1) Any person who produces, sells or has in stock for sale or for distribution or imports into Indonesia printed matter, pieces of metal or other objects in a form which makes them resemble with government stamps or post stamps, shall be punished by a maximum fine of three hundred rupiahs.
- (2) The objects with which the misdemeanor is committed may be forfeited.

#### **Article 519 bis**

By a maximum light imprisonment of three months or a maximum fine of thousand rupiahs shall be punished:

- 1st any person who either openly makes known, or informs to another the contents of what has been received by means of an instrument for radio reception being under his management or being used by him, and which reasonably should presume that they are not meant for him or for the public, if he reasonably should presume that open announcement of the contents will follow and such announcement does follow;
- 2nd-ly, any person who openly announces news received by means of an instrument for radio reception, if he is not entitled thereto, and the person from whom he has received the news is not authorized to issue the news.

#### **Article 520**

By a maximum light imprisonment of three months shall be punished:

- 1st, any person who, having obtained a delay of payment, arbitrarily performs acts for which by a general regulation is required the cooperation of the directors;
- 2nd-ly, the directors or commissioner of a partnership, company, association or foundation which has obtained a delay in payment, who arbitrarily performs acts, for which by a general regulation is required the cooperation of the directors.

### **III. MISDEMEANORS AGAINST THE PUBLIC AUTHORITY**

#### **Book: III. Third. MISDEMEANORS**

#### **Chapter: III. MISDEMEANORS AGAINST THE PUBLIC AUTHORITY**

#### **Article: 521-528**

#### **Article 521**

Any person who breaks a provision of a published regulation laid down by the competent authority on the use and distribution of water from water or irrigation works for public use, shall be punished by a maximum light imprisonment of twelve days or a maximum fine of sixty rupiahs.

#### **Article 522**

Any person who, legally summoned as a witness, as an expert or an interpreter, unlawfully stays away, shall be punished by a maximum fine of sixty rupiahs.

#### **Article 523**

- (1) Any person who without valid reasons fails to perform legally required forced labor village-labor or a maximum light imprisonment of three days or a maximum fine of ten rupiahs shall punish labor in state-owned plantations.
- (2) If during the commitment of the misdemeanor six months have not yet elapsed since an earlier conviction of the guilty person on account of the same misdemeanor has become irrevocable, a maximum light imprisonment of three months may be imposed.

#### **Article 524**

By a maximum fine of sixty rupiahs shall be punished:

- 1st, any person who, without valid reasons for excuse, neither appears in person nor, where this is permitted, appears through a proxy, when summoned before the judge or by his order before the head of the police, in cases concerning minors or persons to be placed or placed under

guardianship, or persons to be admitted to or admitted to a lunatic asylum, as a blood relative, a person allied by marriage, a spouse, a guardian or a co guardian, a curator or a co curator.

2nd-ly, any person who without valid reasons for excuse neither appears in person nor, where this is permitted, appears through a proxy, when summoned before the orphan's court or, at its invitation, before the head of the police in cases concerning minors or concerning persons to be placed or placed under guardianship;

3rd-ly, any person who without valid reasons for excuse neither appears in person nor, where this is permitted, appears through a proxy, when summoned before the Guardian's Supervisory Board or, at its invitation, before the head of the police in cases concerning minors.

#### **Article 525**

- (1) Any person who, at the time of existing danger for the general security of persons or property or at the time when a crime is caught in the very act, refuses to render his assistance, required by the public authority, which he is able to render without immediately exposing himself to danger, shall be punished by a maximum fine of twenty five rupiahs.
- (2) This provision shall, in case of the assistance required at the time when a crime is caught in the very act, not apply to the person who refuses to render said assistance in order to elude or to avert danger of prosecution of one of his blood relatives or persons allied by marriages in the straight line or in the second and third degree of the side-line or of his spouse of ex-spouse.

#### **Article 526**

Any person who unlawfully tears off, makes illegible or damages an announcement put up in public on behalf of the competent authority or under a statutory provisions, shall be punished by a maximum fine of fifty rupiahs.

#### **Article 527**

Abrogated (Statute-Book 1955-28)

#### **Article 528**

- (1) By a maximum light imprisonment of two months or a maximum fine of three hundred rupiahs shall be punished the person who, without the permission of the competent authority:
  - 1st, makes a copy or abstract of official papers of the state or its organs, of which the public authority has ordered their secrecy;
  - 2nd-ly, wholly or partially publishes papers as referred to under 1st;
  - 3rd-ly, publishes data implied in papers referred to under 1st while it is likely that he reasonably should have presumed the secret nature of the said data.
- (2) The fact shall not be punished if the order to secrecy has obviously been given for other reasons than the interest of the office or the public interest.

### **IV. MISDEMEANOURS RELATING TO DESCENT ANTI MARRIAGE**

#### **Book: III. Third. MISDEMEANORS**

#### **Chapter: IV. MISDEMEANOURS RELATING TO DESCENT ANTI MARRIAGE**

#### **Article: 529-530**

#### **Article 529**

Any person who does not fulfill a statutory obligation to give notice to the official or middleman of the registrar's office for the registers of birth or death, shall be punished by a maximum fine of hundred rupiahs.

#### **Article 530**

- (1) Any minister of the religion who performs a religious ceremony relating to a marriage which may only be solemnized in the presence of the official of the registrar's office, before the parties give proof to him that her marriage has been solemnized in the presence of such official, shall be punished by a maximum fine of three hundred rupiahs.

- (2) If during the commission of the misdemeanor two years have not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, may, instead of the fine, be imposed a maximum light imprisonment of two months.

## **V. MISDEMEANORS RELATING TO DESTITUTE PERSONS**

### **Book: III. Third. MISDEMEANORS**

#### **Chater: V. MISDEMEANORS RELATING TO DESTITUTE PERSONS**

##### **Article: 531**

##### **Article 531**

Any person who, witnessing the immediate danger of life that befalls another, fails to extend or provide the assistance which he is capable to extend or provide to him without reasonably danger for himself or another, shall, if the death of the destitute person follows, be punished by a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.

## **VI. MISDEMEANORS RELATING TO MORALS**

### **Book: III. Third. MISDEMEANORS**

#### **Chapter: VI. MISDEMEANORS RELATING TO MORALS**

##### **Article: 532-547**

##### **Article 532**

By a maximum light imprisonment of three days or a maximum fine of fifty rupiahs shall be punished:

- 1st, any person who in public sings songs offensive to chastity;
- 2nd-ly, any person who in public gives addresses offensive to chastity;
- 3rd-ly, any person who at a place visible from the public road puts up words or drawings offensive to chastity.

##### **Article 533**

By a maximum light imprisonment of the months or a maximum fine of two hundred rupiahs shall be punished:

- 1st, any person who at or alongside place destined for public traffic openly exhibits or puts up either a writing, of which the legible title, cover or contents is appropriate to stipulate the sensuality of the youth, or a portrait or an Article appropriate to stimulate the sensuality of the youth;
- 2nd-ly, any person who at or alongside places destined for public traffic openly announces the contents of a writing which is appropriate to stimulate the sensuality of the youth;
- 3rd-ly, any person who openly or unrequestly offers, or openly or by disseminating a writing unrequestedly shows where a writing, a portrait or an Article appropriate to stimulate the sensuality of the youth is available;
- 4th-ly, any person who offers, hands over permanently or temporarily, delivers or shows such writings, such portrait or such Article to a minor under the age of seventeen years;
- 5th-ly, any person who announces the contents of such writing in the presence of a minor under the age of seventeen years.

##### **Article 534**

Any person who either openly exhibits means for preventing pregnancy, or openly or unrequestedly offers, or openly or, by disseminating a writing, unrequestedly shows where such means or services for the prevention of pregnancy are available, shall be punished by a maximum light imprisonment of two months or a maximum fine of two hundred rupiahs.

##### **Article 535**

Any person who either openly exhibits means for the disturbance of pregnancy, or openly or unrequestedly offers or shows where such means or services for the disturbance of pregnancy are available, shall be punished by a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.

#### **Article 536**

- (1) Any person who is found in an obvious state of drunkenness on the public road shall be punished by a maximum fine of fifteen rupiahs.
- (2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor, or the one described in Article 492, has become final, instead of the fine, may be imposed a maximum light imprisonment of three days.
- (3) On a second repetition within a year after the first conviction on account of a repetition has become final, shall be imposed a maximum light imprisonment of two weeks.
- (4) On third or following repetitions committed each time within a year after the last conviction on account of a second or following repetition has become final, shall be imposed a maximum light imprisonment of three months.

#### **Article 537**

Any person who sells or offers liquor or fermented palm wine outside the military canteen to a soldier of the army under the rank of a non-commissioned officer or to his, wife, child or servant, shall be punished by a maximum light imprisonment of three weeks or a maximum fine of one hundred rupiahs.

#### **Article 538**

The seller of the liquor or his substitute who in the exercise of his profession serves or sells liquor or fermented palm wine to a child under the age of sixteen, shall be punished by a maximum light imprisonment of three weeks or a maximum fine of one hundred rupiahs.

#### **Article 539**

Any person who on the occasion of celebrating publicly festivals or games or keeping publicly processions, supplies free of charge or offers as a reward liquor or fermented palm wine, shall be punished by a maximum light imprisonment of twelve days or a maximum fine of twenty five rupiahs.

#### **Article 540**

- (1) By a maximum light imprisonment of eight days or a maximum fine of one hundred and fifty rupiahs shall be punished:
  - 1st, any person who sets animals to work, which obviously exceeds their strength;
  - 2nd-ly, any person who needlessly sets animals to work in a painful and tormenting manner;
  - 3rd-ly, any person who sets cripple, otherwise defective, scabby, wounded or obviously pregnant or nursing animals to work, for which owing to their condition they are unfit, or in a painful or tormenting manner;
  - 4th-ly, any person who needlessly transport or causes to transport animals in a painful or tormenting manner;
  - 5th-ly, any person who transport or causes to transport animals without providing them or causing to provide them with the necessary sustenance.
- (2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor or one of the misdemeanors described in Article 541 or on account of the crime described in Article 302 has become final, a maximum light imprisonment of fourteen days may be imposed.

#### **Article 541**

- (1) By a maximum fine of fifteen rupiahs shall be punished:
  - 1st, any person who for carrying, riding or hauling services uses horses which have not yet changed their colt teeth or where the two inner horse-teeth of the front- (upper) -jaw have not yet come in friction with the inner horse-teeth of the rear- (under) -jaw;



2nd-ly, any person who causes horses, which have not yet changed their colt teeth or where the two inner-horse-teeth of the front- (upper) -jaw have not yet come in friction with the inner- horse-teeth of the rear- (under) -jaw, to carry harness or fastens or attaches them to a carriage or to a draught-animal;

3rd-ly, any user of a mare who allows a colt who does not yet have all six colt teeth, to run along with the mother-horse, when she is being used for carry lug, riding or hauling services.

- (2) If during the commission of the misdemeanor one year has not elapsed since an earlier conviction of the offender on account of similar misdemeanors or one of the misdemeanors described in Article 540 or on account of the crime described in Article 302 has become final, instead of the fine, may be imposed a maximum light imprisonment of three days.

#### **Article 542**

- (1) By a maximum light imprisonment of one month or a maximum fine of three hundred rupiahs shall be punished:

1st, any person who makes use of an occasion open to a game of chance, contrary to the provisions of Article 303;

2nd-ly, any person who on or at the side of a public road or at a place opens to the public participates in a game of chance, unless by the thereto-competent authority permission has been granted hold said game of chance.

- (2) If during the commission of the misdemeanor two years have not yet elapsed since an earlier conviction of the offender on account of one of these misdemeanors has become final, a maximum light imprisonment of three months or a maximum fine of five hundred rupiahs may be imposed.

#### **Article 543**

Revoked.

#### **Article 544**

- (1) Any person who without the permission of the head of the police or of the official designated by the head of the police, on or at the side of a public road or at a place open to the public holds a cock- or cricket fight, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty five rupiahs.

- (2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, the sentences may be doubled.

#### **Article 545**

- (1) Any person who makes a business of fortune telling, prophesying or explaining dreams, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty five rupiahs.

- (2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, the sentences may be doubled.

#### **Article 546**

By a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs shall be punished:

1st, any person who sells, offers for sale, delivers, distributes or has in stock for sale or distribution so-called jimats, talismans or other objects, under pretence that these objects possess supernatural power;

2nd-ly, any person who given instructions in "ilmus" or tricks purporting to raise the belief in the possibility to commit punishable offenses without any danger to the perpetrators.

#### **Article 547**

Any witness who at the session where in cases in which by a statutory provision a statement on oath is required, he has to make a declaration on oath, carries with him so-called jimats or talismans, shall be punished by a maximum light imprisonment of ten days or a maximum fine of fifty rupiahs.

## **VII. MISDEMEANORS RELATING TO YARDS AND PREMISES**

### **Book: III. Third. MISDEMEANORS**

#### **Chapter: VII. MISDEMEANORS RELATING TO YARDS AND PREMISES**

##### **Article: 548-551**

##### **Article 548**

Any person who, without being thereto entitled, leaves his nonflying-out poultry animals wandering in yards or on premises which are sowed or planted, shall be punished by a maximum fine of fifteen rupiahs.

##### **Article 549**

Any person who, without being thereto entitled, leaves cattle wandering in yards, on a meadow- grass- or hay-land, or on premises which are either sowed or planted, or prepared to be sown or planted, or of which the crop has not yet been taken, or over another's premises of which the admittance has been prohibited by the rightful claimant in a manner obvious to him, shall be punished by a maximum fine of twenty five rupiahs.

The cattle with which the misdemeanor has been committed may be forfeited.

If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, instead of the fine, may be imposed a maximum light imprisonment of fourteen days.

##### **Article 550**

Any person who without being thereto entitled, walks or drives on premises which are sown or planted, or which are prepared to be sown or planted, shall be punished by a maximum fine of fifteen rupiahs.

##### **Article 551**

Any person who without being thereto entitled, walks or rides over another's premises of which the admittance has been prohibited by the rightful claimant in a manner obvious to him, shall he punished by a maximum fine of fifteen rupiahs.

## **VIII. MISDEMEANORS BY OFFICIALS**

### **Book: III. Third. MISDEMEANORS**

#### **Chapter: VIII. MISDEMEANORS BY OFFICIALS**

##### **Article: 552-559**

##### **Article 552**

Any official, authorized to issue copies abstracts of judgments, who issues such copy or abstract before the judgment has been properly signed, shall be punished by a maximum fine of fifty rupiahs.

##### **Article 553**

Abrogated.

##### **Article 554**

By a maximum light imprisonment of two months or a maximum fine of three hundred rupiahs shall be punished any ex-official who without the permission of the competent authority keeps with him official documents of the state or its organs.

##### **Article 555**

Any head of an institution, destined for the locking up of convicted persons, temporarily detained persons or persons imprisoned for debt, or of an approved school of the state or lunatic asylum, who admits someone to or keeps him in the institution, without having caused the order of the competent

authority or the judicial verdict to be shown to himself, or who fails to make the required carry in his registers of the said admittance and of the order or the verdict on the ground of which it takes place, shall be punished by a maximum light imprisonment of one month or a maximum fine of hundred and fifty rupiahs.

#### **Article 556**

Any official of the registrar's office who gails prior to the solemnization of a marriage to cause the evidence or the statements which are required by general regulation to be produced to himself, shall he punished by a maximum fine of three hundred rupiahs.

#### **Article 557**

By a maximum fine of hundred rupiahs shall be punished:

- 1st, any official of the registrar's office who acts contrary to a provision of a general regulation concerning the registers or the deeds of the registrar's office, the formalities prior to a marriage or the solemnization of a marriage;
- 2nd-ly, any other keeper of the said registers who acts contrary to a provision of a general regulation concerning the registers of the deeds of the registrar's office.

#### **Article 557a**

Any middleman of the registrar's office who acts contrary to a provision of the rules on the maintenance of the registers of the registrar's office for the Chinese, shall be punished by a maximum fine of fifty rupiahs.

#### **Article 558**

Any official of the registrar's office who fails to enter a deed in the registers or to put down a deed on a loose leaf, shall be punished by a maximum fine of three hundred rupiahs.

#### **Article 558a**

Any middleman of the registrar's office who fails to make up a deed or to write a deed on a loose leaf of a declaration made to him pursuant to the provisions on the maintenance of the registers of the registrar's office for the Chinese, shall be punished by a maximum fine of hundred and fifty rupiahs.

#### **Article 559**

By a maximum fine of hundred rupiahs shall be punished:

- 1st, any official of the registrar's office who fails to submit to the com patent authority the statements required from him by a statutory provision;
- 2nd-ly, any official who fails to submit to the official of the registrar's office the statements required from him by a statutory provision.

### **IX. MISDEMEANOUR RELATING TO NAVIGATION**

#### **Book: III. Third. MISDEMEANORS**

#### **Chapter: IX. MISDEMEANOUR RELATING TO NAVIGATION**

#### **Article: 560-569**

#### **Article 560**

Any skipper of an Indonesian ship who sails before the musterrol required under statutory, provision has been drawn up and signed, shall be punished by a maximum fine of hundred rupiahs.

#### **Article 561**

Any skipper of an Indonesian vessel who does not have on board all the ship's papers, books or documents required by or under statutory provision, shall be punished by a maximum fine of one hundred rupiahs.

#### **Article 562**

- (1) By a maximum fine of three hundred rupiahs shall be punished:

- 1st, any skipper of an Indonesian vessel who does not care that aboard the vessel the diaries required by general regulation are kept according to the statutory provisions or does not produce the said diaries when and where this is required by a statutory provision;
  - 2nd-ly, any skipper of an Indonesian vessel who does not keep the punishment-book required by general regulation according to the statutory provisions or does not produce the said punishment-book when and where this is required by a statutory provision;
  - 3rd-ly, any skipper of an Indonesian vessel who in the absence of a punishment-book fails to supply the judge with the information required by a statutory provision;
  - 4th-ly, any owner, book-keeper or skipper of an Indonesian vessel who refuses to grant an inspection of the diaries kept on board the vessel, or against payment for the costs, to furnish copies thereof to parties concerned at their request.
- (2) If during the commission of the misdemeanor two years have not yet elapsed since an earlier conviction of the offender on account of one of these misdemeanors has become final, instead of the fine, may be imposed a maximum light imprisonment of two months.

#### **Article 563**

Any skipper of an Indonesian vessel who does not fulfill his statutory obligation concerning the registration and notification of births or deaths which have occurred during a sea-voyage, shall be punished by a maximum fine of one hundred rupiahs.

#### **Article 564**

Any skipper or member of the crew who does not observe the statutory provisions laid down for the prevention of collisions or for being washed ashore, shall he punished by a maximum fine of three hundred rupiahs.

#### **Article 565**

Any person who without being thereto entitled makes use, even if with a slight deviation, of a distinguishing mark of which the use by virtue of a statutory provision is explicitly adjudged to hospital ships, to boats of such ships or to small vessels destined for the hospital service, shall be punished by a maximum light imprisonment of one month or a maximum fine of three hundred rupiahs.

#### **Article 566**

Any skipper of an Indonesian vessel who does not fulfill the obligations imposed upon him in the second paragraph of Article 358 a of the Code of Commerce, shall be punished by a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.

#### **Article 567**

Any owner and any captain of an Indonesian ship aboard of which is performed crew's service by persons who neither have concluded a work agreement as referred to in Article 395 of the Code of Commerce, nor on one's own account perform a business on board, or by persons who do not appear in the muster-roll in the cases where is required under statutory provision, shall be punished by a maximum fine of sixty rupiahs for each person who is thus employed.

#### **Article 568**

Any person who signs a bill of lading the issuance of which is contrary to the provision in Article 517 b of the Code of Commerce, and also the person for whom he performs this act according to his competency, shall, if afterwards issuance follows, be punished by a maximum fine of five thousand rupiahs.

#### **Article 569**

- (1) Any person who signs a ticket the issuance of which is contrary to the provision in Article 533 b of the Code of Commerce, and also the person for whom he performs this act according to his competency, shall, if the issuance follows, be punished by a maximum fine of five thousand rupiahs.

- (2) By a similar punishment shall be punished any person who contrary to the provision in Article 533 b of the Code Commerce issues an unsigned ticket, and also any person for whom he performs this act according to his competency.