

DESIGN
LAW OF THE REPUBLIC OF INDONESIA
NUMBER ... YEAR ...
ABOUT
KITAB UNDANG-UNDANG HUKUM PIDANA

DENGAN RAHMAT TUHAN YANG MAHA

ESA PRESIDEN REPUBLIK INDONESIA,

- Considering: a . that in order to realize the national criminal law of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia as well as the general legal principles recognized by the community of nations, it is necessary to formulate a national criminal law to replace the Criminal Code inherited from the colonial government of the Dutch East Indies;
- b. that the national criminal law must be adjusted to the politics of law, circumstances, and the development of the life of society, nation, and state which aims to respect and uphold human rights, based on God Almighty, fair and civilized humanity, Indonesian unity, democracy led by wisdom in deliberation/representation, and social justice for all Indonesian people;
- c. that the material of national criminal law must also regulate the balance between public or state interests and individual interests, between protection of perpetrators and victims of criminal acts, between elements of actions and mental attitudes, between legal certainty and justice, between written law and laws that live in society, between national values and universal values, and between human rights and human obligations;
- d. that based on the considerations as referred to in letters a, b, and c, it is necessary to enact a Law on the Criminal Code;

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

By mutual consent

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
and

PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDE:

Establish: AN ACT ABOUT KITAB CRIMINAL LAW.

BOOK ONE
GENERAL
RULES

CHAPTER I
SCOPE OF APPLICABILITY OF CRIMINAL LAW PROVISIONS

Part One By
Time

Article 1

- (1) No act can be subject to criminal sanctions and/or measures, except on the strength of criminal provisions in laws and regulations that existed before the act was committed.
- (2) Analogies are prohibited in determining the existence of a criminal offense.

Article 2

- (1) The provisions referred to in Article 1 paragraph (1) shall not prejudice the applicability of the law living in the community which determines that a person should be punished even though the act is not regulated in this Law.
- (2) The law that lives in the community as referred to in paragraph (1) applicable in the place where the law lives and as long as it is not regulated in this Law and in accordance with the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general legal principles recognized by the community of nations.
- (3) Provisions regarding the procedures and criteria for determining laws that live in the community are regulated by Government Regulation.

Article 3

- (1) In the event that there is a change in legislation after the act has occurred, the new legislation shall apply, unless the provisions of the old legislation are favorable to the perpetrators and assistants of the crime.
- (2) In the event that the act that occurred no longer constitutes a criminal offense according to the new legislation, the legal process against the suspect or defendant must be terminated by law.
- (3) In the event that the provisions referred to in paragraph (2) are applied to a suspect or accused who is in custody, the suspect or accused shall be released by the authorized Officer in accordance with the level of examination.
- (4) In the event that after the verdict of conviction is legally binding and the act no longer constitutes a criminal offense according to the new laws and regulations, the execution of the verdict of conviction shall be abolished.
- (5) In the event that the verdict of conviction has been legally binding as referred to in paragraph (4), the agency or official who carries out the release shall be the authorized agency or official.

- (6) The release as referred to in paragraph (3) and paragraph (5) shall not entitle the suspect, accused or convicted person to claim compensation.
- (7) In the event that after the verdict of conviction is legally binding and the act committed is punishable by a lighter punishment under the new laws and regulations, the execution of the verdict of conviction shall be adjusted to the punishment limit under the new laws and regulations.

Second Section
by Place

Paragraph 1
Territorial Principle

Article 4

The criminal provisions in the Act shall apply to any person who commits:

- a. Criminal offenses in the territory of the Unitary State of the Republic of Indonesia;
- b. Criminal Offenses on an Indonesian Ship or on an Indonesian Aircraft; or
- c. Criminal Offenses in the field of information technology or other Criminal Offenses whose consequences are experienced or occur in the territory of the Unitary State of the Republic of Indonesia or on Indonesian Ships and on Indonesian Aircraft.

Paragraph 2
Protection Principle and Passive National Principle

Article 5

The criminal provisions in the Act shall apply to any person outside the territory of the Unitary State of the Republic of Indonesia who commits a criminal offense against the interests of the Unitary State of the Republic of Indonesia in relation to:

- a. state security or the process of constitutional life;
- b. dignity of the President, Vice President, and/or Indonesian Officials abroad;
- c. currency, seals, state stamps, seals, or securities issued by the Government of Indonesia, or credit cards issued by Indonesian banks;
- d. Indonesian economy, trade and banking;
- e. safety or security of shipping and aviation;
- f. safety or security of Indonesian buildings, equipment and national or state assets;
- g. safety or security of electronic communication systems;
- h. Indonesia's national interest as stipulated in the Law
Law; or
- i. Indonesian citizens based on international treaties with the country where the crime was committed.

Paragraph 3
Universal
principle

Article 6

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

Article 7

The criminal provisions in the Law shall apply to any person who commits a criminal offense outside the territory of the Unitary State of the Republic of Indonesia whose prosecution is taken over by the Government of Indonesia on the basis of an international treaty that authorizes the Government of Indonesia to conduct criminal prosecution.

Paragraph 4 Active National Principle

Article 8

- (1) The criminal provisions in the Law apply to every Indonesian citizen who commits a criminal offense outside the territory of the Unitary State of the Republic of Indonesia.
- (2) The provision as referred to in paragraph (1) shall apply if the act also constitutes a Criminal Offense in the country where the Criminal Offense is committed.
- (3) The provision as referred to in paragraph (1) shall not apply to criminal offenses punishable by a maximum fine of category III.
- (4) Prosecution of the Criminal Offense as referred to in paragraph (1) shall be conducted even if the suspect becomes an Indonesian citizen after the Criminal Offense is committed to the extent that the act constitutes a Criminal Offense in the country where the Criminal Offense is committed.
- (5) Indonesian citizen outside the territory of the Unitary State of the Republic of Indonesia who commits the Criminal Offense as referred to in paragraph (1) cannot be sentenced to death penalty if the Criminal Offense under the law of the country where the Criminal Offense is committed is not punishable by death penalty.

Paragraph 5 Exceptions

Article 9

The application of the provisions as referred to in Articles 4 through 8 is limited by matters exempted under applicable international treaties.

Third Section Time of Crime

Article 10

The time of the crime is when the punishable act is committed.

Fourth Section Place of Crime

Article 11

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

CHAPTER II CRIMINAL OFFENSE AND CRIMINAL RESPONSIBILITY

Section One
Criminal
Offenses

Paragraph 1
General

Article 12

- (1) A criminal offense is an act that is punishable by criminal sanctions and/or measures.
- (2) To be declared a criminal offense, an act that is threatened with criminal sanctions and/or actions by the legislation must be unlawful or contrary to the laws that live in society.
- (3) Every criminal act is always unlawful, unless there is an excuse.

Paragraph 2
Conspiracy to commit
a crime

Article 13

- (1) Malicious conspiracy occurs when 2 (two) or more persons agree to commit a criminal offense.
- (2) Conspiracy to commit a criminal offense is punishable if expressly provided for in the law.
- (3) Criminal punishment for conspiracy to commit a criminal offense shall be at most 1/3 (one-third) of the maximum basic punishment for the criminal offense concerned.
- (4) Conspiracy to commit a criminal offense punishable by death penalty or life imprisonment shall be punished with a maximum imprisonment of 7 (seven) years.
- (5) The additional punishment for conspiracy to commit a criminal offense is the same as the additional punishment for the criminal offense concerned.

Article 14

- Conspiracy to commit a criminal offense is not punishable if the perpetrator:
- a. withdraw from the agreement; or
 - b. take reasonable measures to prevent the occurrence of a criminal offense.

Paragraph 3
Preparation

Article 15

- (1) Preparation for a crime occurs when the perpetrator tries to obtain or prepare tools, gather information or plan actions, or take similar actions intended to create conditions for the commission of an act directly aimed at the completion of the crime.
- (2) Preparation for the commission of a criminal offense is punishable, if expressly provided for in the law.
- (3) Criminal punishment for preparation to commit a Criminal Offense is at most 1/2 (one-half) of the maximum basic punishment for the relevant Criminal Offense.

- (4) Preparation for committing a criminal offense punishable by death penalty or life imprisonment shall be punished with a maximum imprisonment of 10 (ten) years.
- (5) Additional punishment for preparation to commit a criminal offense is the same as the additional punishment for the criminal offense concerned.

Article 16

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

Paragraph
4
Experiments

Article 17

- (1) Attempt to commit a crime occurs when the intention of the perpetrator is evident from the commencement of the commission of the intended crime, but the execution is not completed, does not achieve the result, or does not cause the prohibited result, not due to his own will.
- (2) The commencement of implementation as referred to in paragraph (1) occurs if:
 - a. the act committed was intended or intended to cause a criminal offense; and
 - b. the act committed directly has the potential to cause the intended criminal offense.
- (3) Criminal punishment for attempt to commit a Criminal Offense is at most 2/3 (two-thirds) of the maximum basic punishment for the relevant Criminal Offense.
- (4) Attempt to commit a criminal offense punishable with death penalty or life imprisonment, shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (5) The additional punishment for attempt to commit a criminal offense is the same as the additional punishment for the criminal offense concerned.

Article 18

- (1) Attempt to commit a criminal offense shall not be punished if the perpetrator after commencing the execution as referred to in Article 17 paragraph (1):
 - a. did not complete the act voluntarily of his own free will; or
 - b. by his or her own will prevents the achievement of the purpose or effect of his or her action.
- (2) In the event that the attempt as referred to in paragraph (1) has caused loss or according to statutory regulations constitutes a separate criminal offense, the perpetrator may be held accountable for such criminal offense.

Article 19

Attempt to commit a crime punishable by a fine of at most category II shall not be punished.

Paragraph
5
Participation

Article 20

Every person shall be convicted as a perpetrator of a criminal offense if:

- a. commits the crime himself;
- b. committing the crime by means of an instrument or by instructing another person who cannot be held accountable;
- c. participating in the commission of a criminal offense; or
- d. moving others to commit a criminal offense by giving or promising something, abusing power or dignity, committing violence, using threats of violence, misleading, or by providing opportunities, facilities, or information.

Article 21

- (1) Every person shall be punished as an accomplice to a crime if he/she intentionally:
 - a. providing opportunities, facilities, or information to commit a criminal offense; or
 - b. providing assistance at the time the crime was committed.
- (2) The provision as referred to in paragraph (1) shall not apply to assistance in committing a criminal offense which is only punishable by a maximum fine of category II.
- (3) Criminal punishment for assistance in committing Criminal Offense shall be maximum 2/3 (two-thirds) of the maximum basic punishment for the Criminal Offense concerned.
- (4) Assistance in the commission of a criminal offense punishable by death penalty or life imprisonment, shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (5) The additional punishment for assistance in committing a criminal offense shall be the same as the additional punishment for the criminal offense concerned.

Article 22

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

Paragraph 6 Repetition

Article 23

- (1) Repetition of Criminal Offense occurs if Every Person:
 - a. commits a criminal offense again within 5 (five) years after serving all or part of the imposed principal punishment or the imposed principal punishment has been abolished; or
 - b. at the time of committing the Criminal Offense, the obligation to serve the previously imposed basic punishment has not expired.
- (2) Criminal Offenses as referred to in paragraph (1) include Criminal Offenses punishable by a special minimum punishment, imprisonment of 4 (four) years or more, or a fine of at least category III.
- (3) The provision as referred to in paragraph (1) shall also apply to the crime of maltreatment.

Paragraph 7 Crime of complaint

Article 24

- (1) In certain cases, the perpetrator of a criminal offense can only be prosecuted on the basis of a complaint.

- (2) Complaint crimes must be expressly specified in the law.

Article 25

- (1) In the event that the Victim of a complaint Crime is not yet 16 (sixteen) years old, the person entitled to complain is his/her Parents or guardian.
- (2) In the event that the Parent or guardian as referred to in paragraph (1) does not exist or the Parent or guardian himself/herself is to be complained against, the complaint shall be made by the blood relatives in a straight line.
- (3) In the event that the blood relatives in the straight line as referred to in paragraph (2) do not exist, the complaint shall be made by the blood relatives in the lateral line up to the third degree.
- (4) In the event that the Victim of Crime as referred to in paragraph (1) does not have Parents, guardians, or blood relatives in a straight line up or sideways to the third degree, the complaint shall be made by himself/herself and/or companion.

Article 26

- (1) In the event that the Victim of a complaint Crime is under guardianship, the person entitled to complain is the guardian, except for the Victim of a complaint Crime who is under guardianship due to extravagance.
- (2) In the event that the guardian as referred to in paragraph (1) does not exist or the guardian himself must be complained against, the complaint shall be made by the husband or wife of the Victim or his blood relatives in a straight line.
- (3) In the event that the husband or wife of the Victim or blood relatives in a straight line as referred to in paragraph (2) does not exist, the complaint shall be made by blood relatives in a lateral line up to the third degree.

Article 27

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

Article 28

- (1) Complaints are made by submitting a notice and request for prosecution.
- (2) The complaint as referred to in paragraph (1) shall be submitted orally or in writing to the authorized Officer.

Article 29

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

Article 30

- (1) Complaints may be withdrawn by the complainant within 3 (three) months from the date the complaint was filed.

(2) A withdrawn complaint cannot be filed again.

Paragraph 8
Justification

Article 31

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

Article 32

Any person who commits a prohibited act shall not be punished, if the act is committed in execution of an official order from an authorized official.

Article 33

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

Article 34

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

Article 35

The absence of the unlawful nature of the Criminal Offense as referred to in Article 12 paragraph (2) is a justification.

Second Section Criminal Liability

Paragraph 1
General

Article 36

- (1) Every person can only be held accountable for criminal offenses committed intentionally or negligently.
- (2) Punishable acts are those that are committed intentionally, while crimes committed due to negligence can be punished if expressly stipulated in the laws and regulations.

Article 37

In cases specified by law, any Person may:

- a. shall be punished solely for the fulfillment of the elements of the crime without regard to the existence of guilt; or
- b. be held accountable for criminal offenses committed by others.

Article 38

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

Article 39

Every person who at the time of committing a criminal offense has a mental disability which is in a state of acute recurrence and is accompanied by psychotic symptoms and/or intellectual disability of moderate or severe degree cannot be sentenced, but can be subject to action.

Paragraph 2

Excuse

Article 40

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

Article 41

In the event that a child who is not yet 12 (twelve) years old commits or is suspected of committing a criminal offense, the investigator, community counselor, and professional social worker make a decision to:

- a. hand back to the parent/guardian; or
- b. Include in education, coaching, and mentoring programs at government agencies or social welfare institutions in agencies handling the field of social welfare, both at the central and regional levels, for a maximum of 6 (six) months.

Article 42

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

- a. forced by irresistible force; or
- b. forced by an unavoidable threat, pressure, or force.

Article 43

Any person who engages in excessive forceful defense directly caused by severe mental shock due to an unlawful instantaneous attack or threat of attack, shall not be punished.

Article 44

An official order given without authority does not result in the nullification of the punishment, unless the person ordered in good faith believes that the order was given with authority and its execution falls within the scope of his work.

Paragraph 3 Corporate

Liability

Article 45

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

Article 46

Criminal Acts by Corporations are Criminal Acts committed by administrators who have a functional position in the organizational structure of the Corporation or persons based on work relationships or based on other relationships acting for and on behalf of the Corporation or acting in the interests of the Corporation, within the scope of the business or activities of the Corporation, either individually or jointly.

Article 47

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

Article 48

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

- a. included in the scope of business or activities as specified in the articles of association or other provisions applicable to the Corporation;
- b. benefit the Corporation unlawfully;
- c. accepted as Corporation policy;
- d. The corporation does not take the necessary steps to take precautions, prevent greater impact and ensure compliance with applicable legal provisions to avoid the occurrence of criminal acts; and / or
- e. The corporation allowed a criminal offense to occur.

Article 49

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

Article 50

Excuses and excuses that can be submitted by administrators who have functional positions, commanders, controllers, and/or beneficial owners of the Corporation can also be submitted by the Corporation as long as the reasons are directly related to the Criminal Act charged to the Corporation.

CHAPTER III PUNISHMENT, PENALTIES, AND MEASURES

Part One Objectives and Guidelines for Sentencing

Paragraph 1 Purpose of Punishment

Article 51

The purpose of
punishment:

- a. preventing committed Crime Criminal by
enforcing legal norms for the protection and protection
of society;
- b. socialize convicts by organizing coaching and
guidance in order to become a good and useful person;

- c. resolve conflicts arising from criminal offenses, restore balance, and bring a sense of security and peace in society; and
- d. foster a sense of remorse and relieve the convicted person of guilt.

Article 52

Punishment is not intended to dehumanize.

Paragraph 2

Sentencing Guidelines

Article 53

- (1) In adjudicating a criminal case, judges are obliged to uphold law and justice.
- (2) If in upholding law and justice as referred to in paragraph (1) there is a conflict between legal certainty and justice, judges must prioritize justice.

Article 54

- (1) In sentencing must be considered:
 - a. form of guilt of the perpetrator of the crime;
 - b. motive and purpose for committing the crime;
 - c. the inner attitude of the perpetrator of the crime;
 - d. Crime Criminal conducted by planned or not planned;
 - e. how to commit a criminal offense;
 - f. the attitude and actions of the perpetrator after committing the crime;
 - g. life history, social circumstances, and economic circumstances of the perpetrator of the crime;
 - h. the effect of punishment on the future of the perpetrator;
 - i. the effect of the Crime on the Victim or the Victim's family;
 - j. forgiveness from the Victim and/or the Victim's family; and/or
 - k. the values of law and justice that live in society.
- (2) The severity of the act, the personal circumstances of the perpetrator, or the circumstances at the time of the crime as well as those that occur later can be used as a basis for consideration not to impose punishment or not to impose measures by taking into account aspects of justice and humanity.

Article 55

Any person who commits a criminal offense shall not be exempted from criminal liability based on the grounds of exemption from criminal liability if such person has intentionally caused the occurrence of the circumstances that may constitute the grounds for exemption from criminal liability.

Article 56

In the punishment of the Corporation must be considered:

- a. the level of loss or impact caused;
- b. the level of involvement of the management who has a functional position of the Corporation and/or the role of the order giver, control holder, and/or beneficial owner of the Corporation;
- c. the length of the crime that has been committed;
- d. frequency of criminal offenses by corporations;
- e. form of guilt of the crime;
- f. Official involvement;

- g. the values of law and justice that live in society;
- h. track record of the Corporation in conducting business or activities;
- i. the effect of the conviction on the Corporation; and/or
- j. Corporate cooperation in handling Criminal Acts.

Paragraph 3

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

Article 57

In the event that a criminal offense is punishable with alternative main punishments, the imposition of the lighter main punishment shall be prioritized, if it is considered appropriate and can support the achievement of the objectives of punishment.

Paragraph 4

Criminal aggravation

Article

58 Factors that aggravate the punishment include:

- a. An official who commits a criminal offense in violation of a specific official duty or commits a criminal offense by abusing the authority, opportunity, or means given to him/her by virtue of his/her position;
- b. the use of the national flag, national anthem, or symbol of the Indonesian state during the commission of a criminal offense; or
- c. repetition of crime.

Article 59

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

Paragraph 5

Other Provisions on Sentencing

Article 60

- (1) Imprisonment and closure punishment for convicts who are already in detention shall be effective at the time the court decision has obtained permanent legal force.
- (2) In the event that the convicted person is not in detention, the punishment as referred to in paragraph (1) shall take effect at the time the court decision is executed.

Article 61

- (1) The imprisonment for a certain period of time or the fine imposed shall be deducted from all or part of the period of arrest and/or detention that the defendant has served before the court decision becomes final.
- (2) The reduction of fine as referred to in paragraph (1) shall be equivalent to the calculation of imprisonment in lieu of fine.

Article 62

- (1) An application for clemency does not postpone the execution of a punishment decision for a convicted person, except in the case of a death penalty decision.
- (2) Provisions regarding the requirements and procedures for clemency applications as referred to in paragraph (1) shall be regulated by Law.

Article 63

If the prisoner escapes, the period during which the prisoner escapes shall not be counted as time served.

Second Section Penalties and Measures

Paragraph 1 Criminal

Article 64

Punishment consists of:

- a. principal punishment;
- b. additional punishment; and
- c. criminal which bersifat special to Crime Crimes certain specified in the Law.

Article 65

- (1) Main punishment as referred to in Article 64 letter a consists of:
 - a. imprisonment;
 - b. closure penalty;
 - c. supervisory punishment;
 - d. fines; and
 - e. social work punishment.
- (2) The order of punishment as referred to in paragraph (1) determines the severity or lightness of the punishment.

Article 66

- (1) Additional punishment as referred to in Article 64 letter b consists of:
 - a. revocation of certain rights;
 - b. forfeiture of certain goods and/or bills;
 - c. announcement of the judge's decision;
 - d. payment of compensation;
 - e. revocation of certain licenses; and
 - f. fulfillment of local customary obligations.
- (2) Additional punishment as referred to in paragraph (1) may be imposed in the event that the imposition of main punishment alone is not sufficient to achieve the purpose of punishment.
- (3) Additional punishment as referred to in paragraph (1) may be imposed in 1 (one) or more types.
- (4) The additional punishment for attempt and assistance is the same as the additional punishment for the criminal offense.
- (5) Additional punishment for members of the Indonesian National Army who commit Criminal Offenses in cases of connexity shall be imposed in accordance with the provisions of laws and regulations for the Indonesian National Army.

Article 67

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

Article 68

- (1) Imprisonment is imposed for life or for a specified period.

- (2) Imprisonment for a certain period of time shall be imposed for a maximum of 15 (fifteen) consecutive years or a minimum of 1 (one) Day, unless a special minimum is determined.
- (3) In the event that there is an option between death penalty and life imprisonment or there is an aggravation of punishment for Criminal Offenses punishable by 15 (fifteen) years of imprisonment, imprisonment for a certain period of time may be imposed for a period of 20 (twenty) consecutive years.
- (4) Imprisonment for a certain period of time may not be imposed for more than 20 (twenty) years.

Article 69

- (1) If a convict serving life imprisonment has served at least 15 (fifteen) years of imprisonment, the life imprisonment may be changed to 20 (twenty) years of imprisonment by Presidential Decree after obtaining consideration from the Supreme Court.
- (2) Provisions regarding the procedures for the change of life imprisonment into 20 (twenty) years imprisonment as referred to in paragraph (1) shall be regulated by Government Regulation.

Article 70

- (1) By continuing to consider the provisions as referred to in Article 51 through Article 54, imprisonment may not be imposed if the circumstances are found:
 - a. the defendant is a child;
 - b. the defendant is over 75 (seventy five) years old;
 - c. the defendant was a first time offender;
 - d. the loss and suffering of the Victim is not too great;
 - e. The defendant paid compensation to the victim;
 - f. The defendant did not realize that the crime committed would cause great harm;
 - g. Crimes are committed because of the strong incitement of others;
 - h. The victim of the crime encourages or instigates the commission of the crime;
 - i. These crimes are the result of circumstances that are unlikely to recur;
 - j. the defendant's personality and behavior convinced that he would not commit another crime;
 - k. imprisonment will cause great suffering for the defendant or his family;
 - l. coaching at outside institution Correctional estimated to be successful for the defendant;
 - m. The imposition of a lighter sentence will not reduce the seriousness of the crime committed by the defendant;
 - n. The crime occurred in the family circle; and/or
 - o. Criminal offenses occur due to negligence.
- (2) The provisions as referred to in paragraph (1) shall not apply to:
 - a. Criminal offense punishable by 5 (five) years or more imprisonment;
 - b. Criminal offenses punishable by a special minimum sentence;
 - c. Certain criminal offenses that are very dangerous or detrimental to the community; or
 - d. Criminal offenses that harm the state's finances or economy.

Article 71

- (1) If a person commits a criminal offense punishable by imprisonment of less than 5 (five) years, and the judge is of the opinion that it is not necessary to impose imprisonment after considering the objectives of punishment and the guidelines for punishment as referred to in Article 51 through Article 54, the person may be sentenced to a fine.
- (2) The fine as referred to in paragraph (1) may only be imposed if:
 - a. without casualties;
 - b. The victim is not concerned; or
 - c. not a repetition of the crime.
- (3) The fines that may be imposed under the provisions as referred to in paragraph (1) are a maximum fine of category V and a minimum fine of category III.
- (4) The provision as referred to in paragraph (2) letter c shall not apply to a person who has been sentenced to imprisonment for a criminal offense committed before the age of 18 (eighteen) years.

Article 72

- (1) Prisoners who have served at least 2/3 (two-thirds) of the imprisonment imposed provided that the 2/3 (two-thirds) is not less than 9 (nine) months may be granted parole.
- (2) Inmates who serve several consecutive prison sentences are considered as 1 (one) sentence.
- (3) In granting parole as referred to in paragraph (1), the probation period and conditions that must be fulfilled during the probation period shall be determined.
- (4) The probation period as referred to in paragraph (3) shall be equal to the remaining period of imprisonment that has not been served plus 1 (one) year.
- (5) Prisoners as referred to in paragraph (1) who are detained as suspects or defendants in other cases shall not have their detention period counted as probation.

Article 73

- (1) The conditions that must be met during the probation period as referred to in Article 72 paragraph (3) consist of:
 - a. general conditions such as the convict will not commit a criminal offense; and
 - b. special conditions in the form of prisoners must do or not do certain actions, without reducing freedom of religion, belief, and politics, unless otherwise determined by the judge.
- (2) The special conditions as referred to in paragraph (1) letter b may be amended, deleted, or new conditions may be imposed which are solely aimed at the guidance of convicts.
- (3) Prisoners who violate the conditions as referred to in paragraph (1) may have their parole revoked.
- (4) The conditional release as referred to in paragraph (3) may not be revoked after 3 (three) months have passed since the expiration of the probation period, unless within 3 (three) months since the expiration of the probation period, the convict is prosecuted for committing a criminal offense committed during the probation period.

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

Article 74

- (1) A person who commits a crime punishable by imprisonment due to personal circumstances may be sentenced to exile.
- (2) The exile punishment as referred to in paragraph (1) may be imposed to the defendant who commits the Criminal Offense due to a respectable intention.
- (3) The provision as referred to in paragraph (2) shall not apply, if the manner of committing or the consequences of the Criminal Offense are such that the defendant is more appropriate to be sentenced to imprisonment.

Article 75

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

Article 76

- (1) Supervision punishment as referred to in Article 75 shall be imposed for a maximum period of time equal to the imprisonment imposed which shall not exceed 3 (three) years.
- (2) In a supervision punishment decision, a general condition is stipulated, such as that the convicted person will not commit a criminal offense again.
- (3) In addition to the general requirements as referred to in paragraph (2), the decision may also stipulate special requirements, in the form of:
 - a. the convicted person within a certain period shorter than the period of supervision punishment must compensate all or part of the losses arising from the criminal offense committed; and/or
 - b. The convicted person must do or not do something without prejudice to freedom of religion, freedom of belief, and/or freedom of politics.
- (4) In the event that the convict violates the general condition as referred to in paragraph (2), the convict shall be obliged to serve imprisonment which shall not exceed the imprisonment for that criminal offense.
- (5) In the event that the convicted person violates the special conditions without a valid reason, the prosecutor, based on the consideration of the community counselor, proposes to the judge that the convicted person serve imprisonment or extend the supervision period determined by the judge, which shall not exceed the imposed supervision period.
- (6) The prosecutor may propose a reduction of the supervision period to the judge if during the supervision the convicted person shows good behavior, based on the consideration of the community supervisor.
- (7) Further provisions on the procedures and limits for the reduction and extension of the supervision period shall be regulated by Government Regulation.

Article 77

- (1) If the convict during the supervision punishment commits a criminal offense and is sentenced to a punishment that is not death penalty or not imprisonment, the supervision punishment shall still be executed.
- (2) If the convict is sentenced to imprisonment, the supervision punishment is postponed and re-implemented after the convict has finished serving the imprisonment.

Article 78

- (1) A fine is a sum of money that must be paid by a convicted person based on a court decision.
- (2) If no specific minimum is determined, the fine shall be set at a minimum of Rp50,000.00 (fifty thousand rupiah).

Article 79

- (1) The maximum fine shall be determined based on:
 - a. category I, Rp1,000,000.00 (one million rupiah);
 - b. category II, Rp10,000,000.00 (ten million rupiah);
 - c. category III, Rp50,000,000.00 (fifty million rupiah);
 - d. category IV, Rp200,000,000.00 (two hundred million rupiah);
 - e. category V, Rp500,000,000.00 (five hundred million rupiah);
 - f. category VI, Rp2,000,000,000.00 (two billion rupiah);
 - g. category VII, Rp5,000,000,000.00 (five billion rupiah); and
 - h. category VIII, Rp50,000,000,000.00 (fifty billion rupiah).
- (2) In the event of a change in the value of money, the amount of the fine shall be stipulated by Government Regulation.

Article 80

- (1) In imposing a fine, the judge must consider the defendant's ability by taking into account the defendant's real income and expenses.
- (2) The provision as referred to in paragraph (1) shall not reduce the application of the stipulated special minimum fine.

Article 81

- (1) Fines must be paid within a certain period of time as stated in the court decision.
- (2) The court decision as referred to in paragraph (1) may determine the payment of the fine in installments.
- (3) If the fine as referred to in paragraph (1) is not paid within the stipulated period, the assets or income of the convicted person may be confiscated and auctioned by the prosecutor to pay off the unpaid fine.

Article 82

- (1) If the confiscation and auction of assets or income as referred to in Article 81 paragraph (3) is insufficient or impossible to be implemented, the unpaid fine shall be replaced by imprisonment, supervision punishment, or social work punishment provided that the fine shall not exceed category II fine.
- (2) The length of substitute punishment as referred to in paragraph (1) includes:
 - a. for substitute imprisonment, at least 1 (one) month and at most 1 (one) year, which may be aggravated by a maximum of 1 (one) year and 4 (four) months if there is concurrent imprisonment;
 - b. for substitute supervision punishment, for a minimum period of 1 (one) month and a maximum period of 1 (one) year, the conditions as referred to in Article 76 paragraph (2) and paragraph (3) shall apply; or
 - c. for substitute social work punishment for a minimum of 8 (eight) hours and a maximum of 240 (two hundred forty) hours.
- (3) If at the time of serving the substitute punishment part of the fine is paid, the length of the substitute punishment shall be reduced by an equivalent measure.

- (4) The calculation of the length of substitute punishment as referred to in paragraph (3) is based on the size of each fine of Rp50,000.00 (fifty thousand rupiah) or less which is equivalent to:
 - a. 1 (one) hour of substitute social work punishment; or
 - b. 1 (one) day of supervision punishment or substitute imprisonment.

Article 83

- (1) If confiscation and auction of assets or income as referred to in Article 81 paragraph (3) cannot be carried out, the unpaid fine above category II shall be substituted with imprisonment for a minimum period of 1 (one) year and a maximum period of imprisonment as charged for the relevant criminal offense.
- (2) The provision referred to in Article 82 paragraph (3) shall also apply to the provision referred to in paragraph (1) insofar as it relates to substitute imprisonment.

Article 84

Every person who has been repeatedly sentenced to a fine for a criminal offense which is only punishable by a maximum fine of category II may be sentenced to a maximum of 6 (six) months of supervision and a fine which is aggravated by a maximum of 1/3 (one-third).

Article 85

- (1) Social work punishment can be imposed to the defendant who commits a criminal offense punishable by imprisonment of less than 5 (five) years and the judge imposes a maximum imprisonment of 6 (six) months or a maximum fine of category II.
- (2) In imposing social work punishment as referred to in paragraph (1), the judge must consider:
 - a. confession of the defendant to the crime committed;
 - b. the defendant's employability;
 - c. The consent of the defendant after being explained about the purpose and all matters related to social work punishment;
 - d. social history of the defendant;
 - e. protection of the defendant's work safety;
 - f. religion, beliefs, and political convictions of the defendant; and
 - g. the defendant's ability to pay the fine.
- (3) The implementation of social work should not be commercialized.
- (4) Social work punishment is imposed for a minimum of 8 (eight) hours and a maximum of 240 (two hundred and forty) hours.
- (5) Social work punishment is carried out for a maximum of 8 (eight) hours in 1 (one) day and can be paid in installments for a maximum of 6 (six) months by taking into account the activities of the convict in running his/her livelihood and/or other beneficial activities.
- (6) The implementation of social work punishment as referred to in paragraph (5) shall be contained in the court decision.
- (7) The court decision as referred to in paragraph (6) shall also contain an order that if the convicted person without a valid reason does not carry out all or part of the community service punishment, the convicted person shall:
 - a. repeating all or part of the social work punishment;
 - b. serve all or part of the imprisonment which is replaced by the social work punishment; or
 - c. to pay all or part of the fine in lieu of community service or to serve imprisonment in lieu of unpaid fine.

- (8) Supervision of the implementation of social work punishment is carried out by prosecutors and guidance is carried out by community supervisors.
- (9) Court decisions on community service must also include:
 - a. The length of imprisonment or the amount of fine actually imposed by the judge;
 - b. the length of time the social work punishment must be served, by stating the number of hours per day and the period of completion of social work punishment; and
 - c. sanctions if the convict does not serve the imposed social work punishment.

Article 86

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

- a. the right to hold public office in general or a particular office in particular;
- b. the right to become a member of the Indonesian National Army and the Indonesian National Police;
- c. the right to vote and be elected in elections held in accordance with the provisions of laws and regulations;
- d. the right to be a guardian, supervisory guardian, guardian, or supervisory guardian of a person who is not his/her own child;
- e. rights run Power Father, exercising guardianship, or guardianship over their own children;
- f. the right to carry out certain professions; and/or
- g. the right to parole.

Article 87

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

- a. Office-related crimes or crimes that violate the special obligations of an office;
- b. Criminal offenses related to their profession; or
- c. Crime by abusing the authority, opportunity, or means given to him/her because of his/her position or profession.

Article 88

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

- a. intentionally commits a criminal offense together with a child under his/her control; or
- b. commits a criminal offense against a child in his/her custody.

Article 89

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

- a. committing an official Crime or a Crime that violates the special obligations of an office;
- b. abusing the authority, opportunity, or means given to him by virtue of his position; or
- c. commits a criminal offense punishable by a maximum imprisonment of 15 (fifteen) years or more.

Article 90

- (1) If deprivation of rights is imposed, the duration of the deprivation shall be determined if:
 - a. sentenced to death or life imprisonment, the deprivation of rights is carried out forever;
 - b. sentenced to imprisonment, exile, or supervision for a certain period of time, the revocation of rights is carried out for a minimum of 2 (two) years and a maximum of 5 (five) years longer than the main punishment imposed; or
 - c. sentenced to a fine, the revocation of rights shall be carried out for a minimum of 2 (two) years and a maximum of 5 (five) years.
- (2) The provisions as referred to in paragraph (1) letter b shall not apply if what is revoked is the right to obtain parole.
- (3) The punishment of deprivation of rights shall be effective on the date the court decision has obtained permanent legal force.

Article 91

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

- a. which is used to realize or prepare a criminal offense;
- b. that is specifically made or intended to create a criminal offense;
- c. that relate to the realization of the crime;
- d. belonging to the convict or other person obtained from the criminal offense;
- e. from the economic benefits obtained, either directly or indirectly from the Criminal Offense; and/or
- f. which is used to obstruct investigation, prosecution, and examination in court.

Article 92

- (1) Additional punishment in the form of forfeiture of certain Goods as referred to in Article 91 may be imposed on Goods that are not confiscated by stipulating that the Goods must be handed over or replaced with a sum of money according to the judge's estimation in accordance with the market price.
- (2) In the event that the Goods not confiscated as referred to in paragraph (1) cannot be delivered, such Goods shall be replaced with a sum of money according to the judge's estimation in accordance with the market price.
- (3) If the convict is unable to pay all or part of the market price as referred to in paragraph (2), the provision of substitute punishment for fine shall apply.

Article 93

- (1) If it is ordered in the judgment that the judgment be made public, the manner of making the announcement shall be determined at the expense of the convicted person.
- (2) If the announcement fee as referred to in paragraph (1) is not paid by the convicted person, the provision of substitute punishment for fine shall apply.

Article 94

- (1) The court decision may stipulate the obligation of the convicted person to pay compensation to the victim or the heirs of the convicted person.

as additional punishment as referred to in Article 66 paragraph (1) letter d.

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

Article 95

- (1) Additional punishment in the form of license revocation is imposed to perpetrators and accomplices of criminal offenses who commit criminal offenses related to their licenses.
- (2) Revocation of license as referred to in paragraph (1) shall be carried out by considering:
 - a. circumstances accompanying the crime committed;
 - b. the circumstances surrounding the perpetrators and accomplices of the crime; and
 - c. linkage of license ownership with the business or activity being conducted.
- (3) In the event of imprisonment, exile, or supervision for a certain period of time, the revocation of license shall be carried out for a minimum of 2 (two) years and a maximum of 5 (five) years longer than the principal punishment imposed.
- (4) In the event that a fine is imposed, the license revocation shall be valid for a minimum of 1 (one) year and a maximum of 5 (five) years.
- (5) The punishment of license revocation shall be effective on the date the court decision has obtained permanent legal force.

Article 96

- (1) Additional punishment in the form of fulfillment of local customary obligations shall be prioritized if the Criminal Offense committed meets the provisions as referred to in Article 2 paragraph (2).
- (2) The fulfillment of local customary obligations as referred to in paragraph (1) shall be deemed comparable to a category II fine.
- (3) In the event that the customary obligations as referred to in paragraph (1) are not fulfilled, the fulfillment of customary obligations shall be replaced with compensation equal to category II fines.
- (4) In the event that the compensation as referred to in paragraph (3) is not fulfilled, the compensation shall be replaced with supervision punishment or social work punishment.

Article 97

Additional punishment in the form of fulfillment of local customary obligations may be imposed even though it is not listed in the formulation of the Criminal Offense while still paying attention to the provisions of Article 2 paragraph (2).

Article 98

Death penalty is imposed alternatively as a last resort to prevent criminal offenses and protect the community.

Article 99

- (1) Death penalty can be executed after the clemency request for the convict is rejected by the President.
- (2) Death penalty as referred to in paragraph (1) is not executed in public.
- (3) Death penalty is executed by shooting the convict to death by firing squad or by other means stipulated in the Law.

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

Article 100

- (1) The judge imposed a death sentence with a probation period of 10 (ten) years with due observance:
 - a. the defendant feels remorse and there is hope for improvement; or
 - b. the defendant's role in the crime.
- (2) Death penalty with probation period as referred to in paragraph (1) must be stated in the court decision.
- (3) The probation period of 10 (ten) years shall commence 1 (one) day after the court verdict becomes final.
- (4) If the convicted person during the probation period as referred to in paragraph (1) showing commendable attitude and action, death penalty can be changed into life imprisonment by Presidential Decree after obtaining consideration from the Supreme Court.
- (5) Life imprisonment as referred to in paragraph (4) shall be calculated since the Presidential Decree is enacted.
- (6) If the convicted person during the probation period as referred to in paragraph (1) does not show commendable attitude and behavior and there is no hope for reparation, death penalty can be executed by order of the Attorney General.

Article 101

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

Article 102

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

Paragraph 2 Action

Article 103

- (1) Measures that can be imposed together with the main punishment are:
 - a. counseling;
 - b. rehabilitation;
 - c. vocational training;
 - d. treatment in an institution; and/or
 - e. repair of the consequences of a criminal offense.
- (2) Actions that may be imposed on any person as referred to in Article 38 and Article 39 are:
 - a. rehabilitation;
 - b. submission to someone;
 - c. institutional care;
 - d. handover to the government; and/or
 - e. treatment in a mental hospital.

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

Article 104

In handing down a decision in the form of an action, the judge must pay attention to the provisions as referred to in Article 51 through Article 54.

Article 105

- (1) Rehabilitation measures are imposed on defendants who:
 - a. addiction to alcohol, narcotics, psychotropic substances, and other addictive substances; and/or
 - b. with mental disabilities and/or intellectual disabilities.
- (2) Rehabilitation as referred to in paragraph (1) consists of:
 - a. medical rehabilitation;
 - b. social rehabilitation; and
 - c. psychosocial rehabilitation.

Article 106

- (1) In wearing action training work, judge must consider:
 - a. benefit to the defendant;
 - b. the ability of the defendant; and
 - c. type of vocational training.
- (2) In determining the type of job training as referred to in paragraph (1) letter c, the judge must take into account the defendant's work experience and place of residence.

Article 107

Institutional treatment is imposed based on the personal circumstances of the defendant and the interests of the defendant and the community.

Article 108

Corrective action due to Criminal Offense is an effort to restore or repair the damage caused by the Criminal Offense to its original state.

Article 109

The act of surrendering the defendant to the government or a person is imposed in the interest of the defendant and the community.

Article 110

- (1) Treatment in a psychiatric hospital is imposed on defendants who are released from all charges and are still considered dangerous based on the assessment of a psychiatrist.
- (2) Termination of treatment in a psychiatric hospital is carried out if the person concerned does not require further treatment based on the results of the assessment of a psychiatrist.
- (3) The termination of the action as referred to in paragraph (2) shall be carried out based on the determination of the judge examining the case at the first level proposed by the prosecutor.

Article 111

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

Third Part
Diversion, Measures and Punishment for Children

Paragraph 1
Diversion

Article 112

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

Paragraph 2
Action

Article 113

- (1) Each Child may be subject to actions in the form of:
 - a. return to parents/guardians;
 - b. submission to someone;
 - c. treatment in a mental hospital;
 - d. institutional care;
 - e. obligation to attend formal education and/or training organized by the government or private entities;
 - f. revocation of driving license; and/or
 - g. repair of the consequences of a criminal offense.
- (2) The actions as referred to in paragraph (1) letter d, letter e, and letter f shall be imposed for a maximum of 1 (one) year.
- (3) Children under the age of 14 (fourteen) years cannot be sentenced and can only be subjected to measures.

Paragraph 3
Criminal

Article 114

The punishment that can be imposed on children is:

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

Article 115

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

- a. warning punishment;
- b. punishment with conditions:
 1. coaching outside the institution;
 2. community service; or
 3. surveillance.
- c. vocational training;
- d. coaching within the institution; and
- e. imprisonment.

Article 116

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

- a. forfeiture of benefits obtained from the crime; or
- b. fulfillment of customary obligations.

Article 117

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

Fourth Part Crimes and Measures for Corporations

Paragraph 1 Criminal

Article 118

The punishment for Corporations consists of:

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

Article 119

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

Article 120

- (1) Additional punishment for Corporations as referred to in Article 118 letter b consists of:
 - a. payment of compensation;
 - b. repair of the consequences of a criminal offense;
 - c. performance of obligations that have been neglected;
 - d. fulfillment of customary obligations.
 - e. financing of vocational training;
 - f. forfeiture of goods or profits derived from the crime;
 - g. announcement of court decisions;
 - h. revocation of certain licenses;
 - i. permanent prohibition of certain acts;
 - j. closure of all or part of the place of business and / or activities of the Corporation;
 - k. suspension of all or part of the Corporation's business activities; and
 - l. dissolution of the Corporation.
- (2) Additional punishment as referred to in paragraph (1) letter h, letter j, and letter k shall be imposed for a maximum of 2 (two) years.
- (3) In the event that the Corporation does not carry out the additional punishment as referred to in paragraph (1) letter a to letter e, the assets or income of the Corporation may be confiscated and auctioned by the prosecutor to fulfill the unfulfilled additional punishment.

Article 121

- (1) Fines for Corporations shall be imposed at least category IV, unless otherwise provided by law.
- (2) In the event that the crime committed is punishable by:
 - a. imprisonment under 7 (seven) years, the maximum fine for Corporations is category VI;
 - b. imprisonment of 7 (seven) to a maximum of 15 (fifteen) years, the maximum fine for Corporations is category VII; or
 - c. death penalty, life imprisonment, or maximum imprisonment of 20 (twenty) years, the maximum fine for Corporations is category VIII.

Article 122

- (1) The fine must be paid within a certain period of time as stated in the court decision.
- (2) The court decision as referred to in paragraph (1) may determine the payment of the fine in installments.
- (3) If the fine as referred to in paragraph (1) is not paid within the prescribed period, the assets or income of the Corporation may be confiscated and auctioned by the prosecutor to pay off the unpaid fine.
- (4) In the event that the assets or income of the Corporation are insufficient to pay off the fine as referred to in paragraph (3), the Corporation shall be subject to substitute punishment in the form of suspension of part or all of the business activities of the Corporation.

Paragraph 2 Action

Article 123

Measures that may be imposed on Corporations:

- a. takeover of the Corporation;
- b. placement under supervision; and/or
- c. placement of the Corporation under guardianship.

Article 124

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

Fifth Section Compounding

Article 125

- (1) An act that fulfills more than 1 (one) criminal provision that is threatened with the same criminal punishment is only sentenced to 1 (one) punishment, while if the criminal punishment is different, the most severe principal punishment is sentenced.
- (2) An act that is regulated by both the general criminal code and the special criminal code is only subject to the special criminal code, unless the law provides otherwise.

Article 126

- (1) In the event of conjunction of several Criminal Acts that are interconnected so that they are considered as continuous acts and punishable by the same punishment, only 1 (one) punishment shall be imposed.
- (2) If the conjunction of Criminal Offenses as referred to in paragraph (1) is punishable by different punishments, only the heaviest principal punishment shall be imposed.

Article 127

- (1) In the event of conjunction of several Criminal Offenses which must be considered as independent Criminal Offenses and punishable with similar basic punishment, only 1 (one) punishment shall be imposed.
- (2) The maximum punishment for conjunction of criminal offenses as referred to in paragraph (1) is the sum of punishment imposed on

all of the Criminal Offenses, but not exceeding the most severe punishment plus 1/3 (one third).

Article 128

- (1) In the event of conjunction of several Criminal Offenses which must be considered as independent Criminal Offenses and punishable with different basic punishments, the punishment imposed shall be all types of punishment for the respective Criminal Offenses, but not exceeding the maximum of the most severe punishment plus 1/3 (one third).
- (2) In the event that the provision as referred to in paragraph (1) is punishable by a fine, the calculation of the fine shall be based on the maximum length of imprisonment in lieu of fine.
- (3) If the Criminal Offenses committed are punishable by a minimum punishment, the minimum punishment for conjunction as referred to in paragraph (1) shall be the sum of the special minimum punishment for each Criminal Offense, but not exceeding the heaviest special minimum punishment plus 1/3 (one-third).

Article 129

If the defendant is sentenced to death penalty or life imprisonment in the conjunction of criminal offenses, the defendant may not be sentenced to other punishment, except for additional punishment, namely:

- a. revocation of certain rights;
- b. forfeiture of certain goods; and/or
- c. announcement of court decisions.

Article 130

- (1) In the event of conjunction as referred to in Article 127 and Article 129, additional punishment shall be imposed with the following provisions:
 - a. The same punishment of deprivation of rights is made one with the provisions:
 1. a minimum of 2 (two) years and a maximum of 5 (five) years longer than the principal punishment imposed; or
 2. if the principal punishment imposed is only a fine, the minimum length of punishment shall be 2 (two) years and a maximum of 5 (five) years.
 - b. different punishments of deprivation of rights shall be imposed individually for each criminal offense without being reduced; or
 - c. forfeiture of certain goods or substitute punishment shall be imposed individually for each crime without deduction.
- (2) Provisions regarding the length of substitute punishment for the punishment of forfeiture of certain goods as referred to in paragraph (1) letter c shall apply the provisions of substitute punishment for fines.

Article 131

- (1) If any Person has been sentenced and is again found guilty of committing another Criminal Offense before the sentence is imposed, the previous sentence shall be taken into account against the sentence to be imposed by using the rules of conjunction as referred to in Article 125 through Article 130, as if the Criminal Offenses were tried together.
- (2) If the punishment imposed as referred to in paragraph (1) has reached the maximum punishment, the judge shall simply declare that the defendant is guilty without the need for the punishment to follow.

CHAPTER IV
LOSS OF AUTHORITY TO PROSECUTE AND EXECUTE PUNISHMENT

Part One
Loss of Prosecution Authority

Article 132

- (1) Prosecutorial authority is lost if:
 - a. there is a court decision that has obtained permanent legal force against Every Person for the same case;
 - b. the suspect or defendant dies;
 - c. expiration;
 - d. the maximum fine shall be paid voluntarily for crimes punishable with a maximum fine of category II;
 - e. The maximum fine of category IV shall be paid voluntarily for criminal offenses punishable by a maximum imprisonment of 1 (one) year or a maximum fine of category III;
 - f. withdrawal of complaint for a complaint Crime;
 - g. there has been a settlement outside the judicial process as provided for in the Law; or
 - h. granting of amnesty or abolition.
- (2) Provisions regarding the loss of prosecutorial authority for Corporations shall pay attention to the provisions as referred to in Article 121.

Article 133

- (1) The fines as referred to in Article 132 paragraph (1) letter d and letter e as well as the costs that have been incurred if the prosecution has been initiated, shall be paid to the authorized Officer within the stipulated period.
- (2) If additional punishment in the form of forfeiture of goods or bills is imposed, the forfeited goods and/or bills shall be delivered or shall be paid according to the estimation of the Officer as referred to in paragraph (1) in the event that the Goods and/or bills are no longer in the power of the convicted person.
- (3) If the punishment is aggravated due to repetition, the aggravation shall remain in effect even though the authority to prosecute the criminal offense that was committed earlier is waived based on the provisions as referred to in Article 132 paragraph (1) letter d and letter e.

Article 134

A person cannot be prosecuted for the second time in the same case if there has been a court decision that has obtained permanent legal force.

Article 135

If the verdict as referred to in Article 134 comes from a foreign court, no prosecution shall be instituted against any person who commits the same criminal offense in the case of:

- a. a verdict of acquittal or release from all charges; or
- b. The verdict is in the form of a conviction and the sentence has been fully served, has been pardoned, or the execution of the sentence has expired.

Article 136

- (1) The authority to prosecute is declared void due to expiration if:

- a. after the lapse of 3 (three) years for Criminal Offenses punishable by a maximum imprisonment of 1 (one) year and/or only a maximum fine of category III;
 - b. after exceeding 6 (six) years for Criminal Offenses punishable by imprisonment of more than 1 (one) year and a maximum of 3 (three) years;
 - c. after exceeding 12 (twelve) years for Criminal Offenses punishable by imprisonment of more than 3 (three) years and a maximum of 7 (seven) years;
 - d. after exceeding 18 (eighteen) years for Criminal Offenses punishable by imprisonment of more than 7 (seven) years and a maximum of 15 (fifteen) years; and
 - e. after the lapse of 20 (twenty) years for Criminal Offenses punishable by a maximum imprisonment of 20 (twenty) years, life imprisonment, or death penalty.
- (2) In the event that the Criminal Offense is committed by a Juvenile, the period of lapse of authority to prosecute due to expiration as referred to in paragraph (1) shall be reduced to 1/3 (one-third).

Article 137

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

- a. For the crime of counterfeiting and the crime of currency tampering, the expiry date is calculated from the next day after the counterfeited goods or the tampered currency is used; or
- b. Criminal Offenses as referred to in Article 450, Article 451, and Article 452 shall expire on the next day after the Victim of the Criminal Offense is released or dies as a direct result of the Criminal Offense.

Article 138

- (1) The prosecution of a criminal offense stops the expiration of the statute of limitations.
- (2) The termination of the expiration period as referred to in paragraph (1) shall be calculated on the next day after the suspect or defendant knows or is notified of the prosecution against him/her in accordance with the provisions of laws and regulations.
- (3) Once the expiration has been terminated due to prosecution action, a new expiration period comes into effect.

Article 139

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

Second Part

Lapse of Criminal Execution Authority

Article 140 The

authority to execute a sentence shall be waived if:

- a. the convicted person passed away;
- b. expiration;
- c. the convicted person receives clemency or amnesty; or
- d. surrender for criminal execution to another country.

Article 141

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

Article 142

- (1) The authority to execute the punishment shall lapse due to expiration after a period of time equal to the expiration of the authority to prosecute as referred to in Article 136 plus 1/3 (one-third).
- (2) The expiration date of the execution of the punishment shall exceed the length of the punishment imposed except for life imprisonment.
- (3) The execution of death penalty has no expiration date.
- (4) If the death penalty is changed into life imprisonment as referred to in Article 101, the authority to execute the punishment shall lapse due to expiration after the expiration of the same period as the expiration of the authority to prosecute as referred to in Article 136 paragraph (1) letter e plus 1/3 (one-third) of the expiration period.

Article 143

- (1) The expiration date of the execution of the sentence shall be calculated on the next day after the execution of the court decision.
- (2) If the convicted person absconds while serving his/her sentence, the expiration date shall be calculated on the next day from the date of the absconding.
- (3) If a prisoner's parole is revoked, the expiration date is calculated on the next day from the date of revocation.
- (4) The expiration date of the execution of the sentence is postponed for as long as:
 - a. the execution of the sentence is postponed based on laws and regulations; or
 - b. The convicted person is deprived of his/her liberty even though the deprivation of liberty is related to a court decision for another criminal offense.

CHAPTER V DEFINITION OF TERMS

Article 144

Criminal offenses include conspiracy, preparation, attempt, and assistance in committing a criminal offense, unless otherwise provided for in the law.

Article 145

Every Person is a natural person, including Corporations.

Article 146

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

Article 147

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

Article 148

A letter is a document written on paper, including documents or data written or stored on diskette, magnetic tape, or other computer or electronic data storage media.

Article 149

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

Article 150

A child is someone who is not yet 18 (eighteen) years old.

Article 151

Parents also include the head of the family.

Article 152

Fathers are also people who exercise the same powers as you.

Article 153

Father's authority also includes the authority of the head of the family.

Article 154

Official is any Indonesian citizen who has met the specified requirements, appointed by an authorized official and assigned to state duties, or assigned other duties by the state, and paid based on the provisions of laws and regulations, namely:

- a. state civil apparatus, members of the Indonesian National Police, and members of the Indonesian National Army;
- b. state officials;
- c. public officials;
- d. local officials;
- e. a person who receives a salary or wage from state or local finances;
- f. a person who receives salary or wages from a Corporation whose capital is wholly or partially owned by the state or region; or
- g. official other who determined based on regulations laws and regulations.

Article 155

Serious Injuries
are:

- a. pain or injury from which there is no hope of a full recovery or which presents a mortal danger;
- b. continuously incapable of performing a duty, position, or occupation;
- c. no longer able to use one of the five senses or one of the limbs;
- d. severe disability or permanent disability;
- e. paralyzed;
- f. thinking power is impaired for more than 4 (four) weeks;
- g. the loss or death of the womb; or
- h. damage to reproductive function.

Article 156

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

Article 157

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

Article 158

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

Article 159

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

Article 160

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

Article 161

War also includes civil war by taking up arms.

Article 162

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

Article 163

Enemies include insurgents and countries or powers that are expected to become opponents of the War.

Article 164

Logging in includes accessing a Computer or Logging into a Computer system.

Article 165

Climbing is defined as entering through an existing hole that is not used for passing, or entering through a hole in the ground that has been deliberately dug, or entering through or crossing a ditch or gutter that is used to divide a yard.

Article 166

Counterfeit Key is a duplicate key including any tool, electronic system, or the equivalent that is not intended to open the lock used to open the lock.

Article 167

Spaces include expanses or Computer terminals that can be accessed in some way.

Article 168

Electrical Building is a building used to generate, flow, convert, or deliver electric power, including tools related to it, namely safety guards, installation tools, support tools, prevention tools, or warning tools.

Article 169

A computer is an electronic, magnetic, optical data processing device or system that performs logic, arithmetic and storage functions.

Article 170

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

Article 171

Access Code is numbers, letters, other symbols or a combination of them which is the key to being able to access a computer, computer network, internet, or other electronic media.

Article 172

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

Article 173

An entrepreneur is a person who runs a company or trading business.

Article 174

Vessel is a water vehicle of any shape and type, propelled by mechanical power, wind power, or suspended, including vehicles with dynamic carrying capacity, vehicles under the water surface, as well as floating devices and stationary floating structures.

Article 175

A Passenger is a person other than the Skipper and crew of a Ship who is on board a Ship or a person other than the Captain of the Aircraft and the crew of an Aircraft who is on board an Aircraft.

Article 176

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

Article 177

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

Article 178

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

Article 179

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

Article 180

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

Article 181

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

Article 182

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

Article 183

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

Article

184 Month is a period of 30 (thirty) days.

Article 185

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

Article 186

Night is the time between sunset and sunrise.

CHAPTER VI CLOSING RULES

Article 187

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

SECOND BOOK
OF CRIMINAL
OFFENSES

CHAPTER I
CRIMINAL OFFENSES AGAINST STATE SECURITY

Part One
Crimes against State Ideology

Paragraph 1
The Spread and Development of Communism/Marxism-Leninism or Other
Concepts Contrary to Pancasila

Article 188

- (1) Every person who disseminates and develops the teachings of communism/marxism-leninism or other ideologies that are contrary to Pancasila in public orally or in writing, including disseminating or developing through any media, shall be punished with a maximum imprisonment of 4 (four) years.
- (2) In the event that the act as referred to in paragraph (1) is committed with the intention of changing or replacing Pancasila as the basis of the state, shall be punished with a maximum imprisonment of 7 (seven) years.
- (3) In the event that the acts as referred to in paragraph (1) or paragraph (2) result in the occurrence of riots in the community or loss of Assets, shall be punished with imprisonment of not more than 10 (ten) years.
- (4) In the event that the act as referred to in paragraph (3) causes serious injury to a person, the person shall be punished with a maximum imprisonment of 12 (twelve) years.
- (5) In the event that the act as referred to in paragraph (3) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (6) No person shall be convicted who studies the teachings of communism/marxism-leninism or other ideologies contrary to Pancasila for the benefit of science.

Article 189

Shall be punished with a maximum imprisonment of 10 (ten) years, any person who:

- a. establishing an organization that is known or reasonably suspected of adhering to the teachings of communism/marxism-leninism or other ideologies that are contrary to Pancasila; or
- b. establish relations with or provide assistance to or receive assistance from organizations, both at home and abroad, which should be known to adhere to the teachings of communism/marxism-leninism or other understandings that are contrary to Pancasila, with the intention of changing the basis of the state or overthrowing the government.

Paragraph 2
Elimination and Replacement of Pancasila Ideology

Article 190

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

- (2) In the event that the act as referred to in paragraph (1) results in:
 - a. the occurrence of riots in the community or the loss of property, shall be punished with a maximum imprisonment of 10 (ten) years;
 - b. rioting in the community resulting in serious injury to persons, shall be punished with a maximum imprisonment of 12 (twelve) years; or
 - c. riot in the community resulting in the death of a person, shall be punished with a maximum imprisonment of 15 (fifteen) years.

Second Part of the
Crime of Treason

Paragraph 1
Treason against the President and/or Vice President

Article 191

Every person who commits treason with the intention of killing or depriving the President and/or Vice President of his/her freedom or making the President and/or Vice President incapable of running the government, shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years.

Paragraph 2
Treason against the Unitary State of the Republic of Indonesia

Article 192

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

Paragraph 3
Treason against the Government

Article 193

- (1) Any person who commits treason with intent to overthrow the government shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) The leader or organizer of Makar as referred to in paragraph (1), shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 194

- (1) Sentenced for rebellion to a maximum imprisonment of 15 (fifteen) years, every person who:
 - a. resisting the government by force of arms; or
 - b. with the intent to resist the government moving together or uniting themselves with gangs that resist the government by force of arms.
- (2) The leader or organizer of the rebellion as referred to in paragraph (1) shall be punished with life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 195

- (1) Shall be punished with a maximum imprisonment of 10 (ten) years, any person who:
 - a. held relationship with people or organization organization domiciled abroad with the intention:
 1. persuade people or organizations;
 2. reinforces the intentions of the person or organization;
 3. promising or providing assistance to persons or organizations;or
 4. enter an Item into the territory of State Unitary Republic of Indonesia, to overthrow or take over the government;
 - b. introducing any Goods into the territory of the Unitary State of the Republic of Indonesia which may be used to provide material assistance in preparing, facilitating, or carrying out the overthrow and/or takeover of the government, knowing or having reasonable grounds to suspect that such Goods are used for such purpose; or
 - c. controls or makes a Goods as the subject of an agreement that can be used to provide material assistance in preparing, facilitating, or carrying out the overthrow and/or takeover of the government, knowing or having good reason to suspect that the Goods are used for such purpose, or other Goods as a substitute are brought into the territory of the Unitary State of the Republic of Indonesia for such purpose, or are used for such purpose by a person or entity domiciled abroad.
- (2) Goods used to commit or related to the Criminal Offenses as referred to in paragraph (1) letter b and letter c shall be confiscated to the state or destroyed.

Article 196

- (1) Every person who commits criminal conspiracy or preparation to commit Criminal Offenses as referred to in Article 191 through Article 194 shall be punished.
- (2) Any person who prepares for constitutional change is not punishable.

Third Part Crimes against National Defense

Paragraph 1 National Defense

Article 197

Any person who without authority makes, collects, possesses, stores, conceals, or transports portrait, painting, hand drawing, or video measurement, writing, information, or other instructions on a matter related to the interests of national defense, shall be punished with imprisonment of 2 (two) years or a maximum fine of category IV.

Article 198

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

Article 199

- (1) Every Indonesian citizen who participates in War or military training or joins a certain organization to conduct War or military training abroad, shall be punished with a maximum imprisonment of 6 (six) years.
- (2) The provisions as referred to in paragraph (1) shall not apply to members of the Indonesian National Army and the Indonesian National Police who have the approval of the Government of Indonesia.

Article 200

Shall be punished with a maximum imprisonment of 7 (seven) years, any person who:

- a. in a War in which Indonesia is not involved, commits an act that jeopardizes the state's neutrality or violates a regulation specifically made by the Indonesian Government to maintain the state's neutrality; or
- b. in Time of War, violates a regulation issued and promulgated by the Indonesian Government in the interest of national defense and security.

Article 201

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

Article 202

Shall be punished with a maximum imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category II, any person who without authority:

- a. entering an area under construction for national security defense purposes within a distance of less than 500 (five hundred) meters, except on major roads for public traffic;
- b. entering the premises of the army, navy, or air force, as well as Aircraft or warships through a way other than the ordinary way of Entry;
- c. bring photographic equipment into a part of the field that is prohibited by the provisions of laws and regulations; or
- d. has photographic results, drawings, or descriptions of state security defense projects from all or part of the field as referred to in letter c.

Paragraph 2

Treason against the State and Leakage of State Secrets

Article 203

- (1) Shall be punished with a maximum imprisonment of 12 (twelve) years, any person who:
 - a. entering into relations with a foreign country or foreign organization with the intention of moving it to commit acts of hostility or War with the Unitary State of the Republic of Indonesia;
 - b. strengthen the intention of the foreign state or foreign organization to commit the act as referred to in letter a; or

- c. promising assistance or helping a foreign country or foreign organization prepare the acts as referred to in letter a.
- (2) If the hostile act as referred to in paragraph (1) results in the occurrence of War, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 204

Any person who announces, notifies, or provides a Letter, news, or information regarding a matter to a foreign country or foreign organization, knowing that such matter must be kept secret for the benefit of the state, shall be punished with a maximum imprisonment of 7 (seven) years.

Article 205

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

Article 206

Shall be punished with imprisonment of 2 (two) years or a maximum fine of category IV, any person who:

- a. provide facilities to a person whom he knows does not have the authority, has the intention or is trying to find out all or part of the Letters, maps, plans, drawings, or Goods that are state secrets as referred to in Article 205 or to find out the location, shape, arrangement of weapons, supplies, ammunition equipment or the strength of people from a national defense project or another matter related to the interests of national defense; or
- b. conceal Goods which he knows will be used to commit the act as referred to in letter a.

Article 207

Any person who by virtue of his/her duty is obliged to keep Letters, maps, plans, drawings, or Goods which are state secrets as referred to in Article 205, due to his/her negligence causes the contents, form, or manner of making them, wholly or partially known to other persons who are not entitled to know them, shall be punished with imprisonment of not more than 1 (one) year and 6 (six) months.

Article 208

Shall be punished with a maximum imprisonment of 4 (four) years, any person who:

- a. sees or studies a Letter, map, plan, drawing, or Item which is a state secret as referred to in Article 205, all or part of which he knows or reasonably suspects that the Letter, map, plan, drawing, or Item which is a state secret should not be known;
- b. making or requesting the making of prints, drawings, or imitations of Letters, maps, plans, drawings, or Goods that are state secrets as referred to in letter a; or

- c. does not hand over such Letter, land map, plan, drawing, or Item which is a state secret to the authorized Officer when such Letter, land map, plan, drawing, or Item which is a state secret falls into his/her hands.

Article 209

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

Paragraph 3

Sabotage and Crimes in Time of War

Article 210

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

- a. damaging, destroying, rendering unusable, or destroying state installations or military installations;
- b. obstructing or frustrating the procurement or distribution of basic commodities that control the lives of many people in accordance with government policy; or
- c. disrupting or extensively damaging land, sea, air or telecommunications transportation.

Article 211

An Indonesian citizen who voluntarily becomes a foreign soldier who is at war with the Unitary State of the Republic of Indonesia or is likely to face a War with the Unitary State of the Republic of Indonesia, and if the War actually occurs, shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 212

- (1) Every person who in Time of War provides assistance to the Enemy or harms the state for the benefit of the Enemy, shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) Shall be punished with a maximum imprisonment of 15 (fifteen) years, any person as referred to in paragraph (1), who:
 - a. disclose or hand over to the Enemy any map, plan, drawing, or description of army construction or information on army movements or army plans; or
 - b. working for the Enemy as a spy, which includes:
 - 1. possessing, controlling, or obtaining with the intention of transmitting directly or indirectly to an enemy of the Unitary State of the Republic of Indonesia, any map, design, drawing, or writing concerning military construction or military secrets or information about government secrets in the fields of politics, diplomacy, or economics;
 - 2. conduct an investigation for the Enemy as referred to in letter a or receive in lodging, harbor, or assist an Enemy investigator;
 - 3. conducting, facilitating, or disseminating propaganda for the Enemy;

4. undertake any undertaking contrary to the interests of the state so that an investigation, prosecution, deprivation or restriction of liberty, imposition of punishment, or other action by or under the authority of the Enemy may be taken against a person; or
 5. giving to or receiving from the Enemy or an Enemy's agent, any Goods or money, or doing any act in favor of the Enemy or an Enemy's agent, or obstructing or frustrating any act against the Enemy or an Enemy's agent.
- (3) Shall be punished with death penalty, life imprisonment, or a maximum imprisonment of 20 (twenty) years, if Every Person as referred to in paragraph (1) who:
- a. treason in the interest of the Enemy, surrendering to the power of the Enemy, destroying or rendering useless any fortified or occupied place or place of defense, any means of communication, any war supplies, or any war treasury, or any part thereof or obstructing or frustrating any military effort planned or organized for repelling or attacking; or
 - b. causing or facilitating riots, mutinies or desertions among soldiers.

Article 213

Shall be punished with a maximum imprisonment of 4 (four) years, any person who in time of war, without purpose of aiding the enemy or harming the state to benefit the enemy:

- a. providing facilities, hitchhiking, harboring, or assisting Enemy spies; or
- b. causing or facilitating desertion among soldiers.

Article 214

Shall be punished with a maximum imprisonment of 5 (five) years, any person who:

- a. in Time of War by fraudulently delivering Goods for military use; or
- b. assigned to supervise the delivery of Goods as referred to in letter a shall allow the fraudulent act.

Article 215

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

Article 216

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

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

Part One

Assault on the President and/or Vice President

Article 217

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

Second Part

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

Article 218

- (1) Every person who Publicly attacks the honor or dignity of the President and/or Vice President, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.
- (2) It shall not constitute an assault on honor or dignity as referred to in paragraph (1), if the act is committed in the public interest or in self-defense.

Article 219

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

Article 220

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

CHAPTER III

CRIMINAL OFFENSES AGAINST FRIENDLY COUNTRIES

Part One

Treason against a Friendly Country

Paragraph 1

Treason for Relinquishing the Territory of a Friendly Country

Article 221

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

Article 222

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

Article 223

Every person who commits conspiracy and preparation to commit Criminal Offenses as referred to in Article 221 and Article 222 shall be punished.

Paragraph 2
Treason against the Head of a Friendly Country

Article 224

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

Second Part
Assault on the Head of a Friendly State and Deputy Head of a Friendly State
and Desecration of the Flag

Paragraph 1
Assaults on Heads of Friendly Countries and Deputy Heads of Friendly
Countries

Article 225

Every person who assaults the head of a friendly state and the deputy head of a friendly state who is not included in the more severe criminal provisions, shall be punished with a maximum imprisonment of 3 (three) years and 6 (six) months.

Paragraph 2
Assault on Honor or Dignity of Heads of Friendly Countries and
Representatives of Friendly Countries

Article 226

Every person who publicly attacks the honor or dignity of the head of a friendly state who is carrying out state duties in the Unitary State of the Republic of Indonesia, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Article 227

Every person who publicly attacks the honor or dignity of a representative of a friendly country serving in the Unitary State of the Republic of Indonesia, shall be punished with imprisonment for a maximum period of 2 (two) years or a maximum fine of category III.

Article 228

- (1) Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public, listens to recordings so that they are audible to the public, or disseminates by means of information technology containing attacks on honor or dignity against the head of a friendly country or representative of a friendly country in the Unitary State of the Republic of Indonesia with the intention that the contents of the attacks on honor or dignity are known to the public, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.
- (2) If Every Person as referred to in paragraph (1) commits the act in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction which has been

obtained permanent legal force for committing the same criminal offense, may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter f.

Article 229

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

Article 230

It shall not constitute an assault on honor or dignity as referred to in Articles 226 to 228, if the act is committed in the public interest or in self-defense.

Paragraph 3

Desecration of the National Flag of a Friendly Country

Article 231

Any person who desecrates the national flag of a friendly country shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.

CHAPTER IV

CRIMINAL OFFENSES AGAINST THE ORGANIZATION OF MEETINGS OF LEGISLATIVE BODIES AND GOVERNMENT BODIES

Article 232

Any person who with Violence or Threat of Violence dissolves a meeting of a legislative body and/or government body or forces the institution and/or body to take or not take a decision, or expels the chairman or members of the meeting, shall be punished with a maximum imprisonment of 6 (six) years.

Article 233

Any person who by Violence or Threat of Violence obstructs a leader or member of a legislative institution and/or government body to attend a meeting of such institution and/or body, or to perform his/her duties freely and undisturbed in a meeting of such institution and/or body, shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category III.

CHAPTER V

CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Part One

Defamation of State Symbols, Government or State Institutions, and Population Groups

Paragraph 1

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

Article 234

Any person who damages, tears, tramples, burns, or performs other acts against the state flag with the intention of desecrating it,

insulting, or degrading the honor of the state flag, shall be punished with imprisonment of 3 (three) years or a maximum fine of category IV.

Article 235

Shall be punished with a maximum fine of category II, any person who:

- a. using the country's flag for commercial signage or advertising;
- b. flying the country's flag that is damaged, torn, faded, wrinkled, or dull;
- c. printing, embroidering, and writing letters, figures, pictures or other marks, or attaching any insignia or objects to the national flag; or
- d. using the state flag for ceilings, roofs, wrappings of Goods, and caps of Goods that may degrade the honor of the state flag.

Article 236

Any person who defaces, inscribes, draws or scribbles, or makes damage to the state emblem with the intention of desecrating, insulting, or degrading the honor of the state emblem, shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category IV.

Article 237

Shall be punished with a maximum fine of category II, any person who:

- a. using the country's emblem that is damaged and not in accordance with the shape, color, and size ratio;
- b. make symbols for individuals, political parties, associations, organizations and/or companies that are the same or resemble the state symbol; or
- c. use the state emblem for purposes other than those stipulated in the provisions of the Law.

Article 238

Any person who desecrates or insults the national anthem by changing the national anthem with tones, rhythms, words, and other compositions with the intention to insult or degrade the honor of the national anthem, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Article 239

Punishable by a maximum fine of category II, any person who desecrates or insults the national anthem by:

- a. to play, sing, or disseminate compositions of national anthems for commercial purposes; or
- b. using the national anthem for advertising with the intention of commercial purposes.

Paragraph 2

Defamation of the Government or State Institutions

Article 240

- (1) Any person who in public orally or in writing insults the government or a state institution, shall be punished with a maximum imprisonment of

- 1 (one) year and 6 (six) months or a maximum fine of category II.
- (2) In the event that the Criminal Offense as referred to in paragraph (1) results in a riot in the community, shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category IV.
- (3) Criminal offenses as referred to in paragraph (1) may only be prosecuted based on a complaint from the insulted party.
- (4) The complaint as referred to in paragraph (3) shall be made in writing by the head of the government or state institution.

Article 241

- (1) Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public, listens to recordings so that they are audible to the public, or disseminates by means of information technology containing insults against the government or state institutions, with the intention that the contents of the insult are known to the public, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.
- (2) In the event that the criminal offense as referred to in paragraph (1) results in a riot in the community, the perpetrator shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category IV.
- (3) Criminal offenses as referred to in paragraph (1) may only be prosecuted based on a complaint from the insulted party.
- (4) The complaint as referred to in paragraph (3) shall be made in writing by the head of the government or state institution.

Paragraph 3

Defamation of a Class of Population

Article 242

Every person who publicly expresses feelings of hostility, hatred, or contempt towards one or more groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, gender, mental disability, or physical disability, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Article 243

- (1) Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public or listens to recordings so that they are audible to the public or disseminates by means of information technology, which contains statements of hostile feelings with the intention that the contents are known or better known to the public, against one or several groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability which results in violence against persons or goods, shall be punished with imprisonment of up to 4 (four) years or a maximum fine of category IV.
- (2) If Every Person as referred to in paragraph (1) commits such Criminal Offense in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction which has obtained permanent legal force for committing such Criminal Offense

same, the perpetrator may be sentenced to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Paragraph 4
Crime on the Basis of Racial and Ethnic Discrimination

Article 244

Every person who makes distinction, exclusion, restriction, or selection based on race and ethnicity which results in the revocation or reduction of recognition, acquisition or exercise of human rights and fundamental freedoms in an equality in the civil, political, economic, social and cultural fields, shall be punished with imprisonment for a maximum period of 1 (one) year or a maximum fine of category III.

Article 245

Every person who commits deprivation of life, persecution, rape, obscene acts, theft with violence, or deprivation of liberty based on racial and ethnic discrimination, the punishment may be increased by 1/3 (one-third).

Second Part
Incitement and Offering to Commit a Crime

Paragraph 1
Incitement to Resist the Public Authority

Article 246

Shall be punished with imprisonment for a maximum period of 4 (four) years or a maximum fine of category V, any person who in public orally or in writing:

- a. inciting a person to commit a criminal offense; or
- b. inciting people to resist the public authority with Violence.

Article 247

Every person who broadcasts, demonstrates, or attaches writings or pictures so that they are visible to the public, or listens to recordings so that they are audible to the public, or disseminates by means of information technology that contains incitement to commit a criminal offense or to resist the public authority with violence, with the intention that the content of the incitement is known or better known by the public, shall be punished with a maximum imprisonment of 4 (four) years and 6 (six) months or a maximum fine of category V.

Article 248

- (1) Every person who encourages another person as referred to in Article 20 letter d to commit a criminal offense and the criminal offense or its punishable attempt does not occur, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category IV.
- (2) Every person as referred to in paragraph (1) shall not be sentenced to a punishment more severe than that which can be imposed on the attempt to commit such Criminal Offense or if the attempt is not punishable, then no punishment more severe than that prescribed for such Criminal Offense shall be imposed.

- (3) The provisions as referred to in paragraph (1) and paragraph (2) shall not apply if the non-occurrence of the criminal offense or the punishable attempt is caused by his/her own will.

Paragraph 2
Offer to Commit a Crime

Article 249

Every person who in public orally or in writing offers to provide information, opportunity, or means to commit a criminal offense, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category II.

Article 250

- (1) Every person who broadcasts, shows, or attaches writings or pictures so that they are visible to the public, or listens to recordings so that they are audible to the public, or disseminates by means of information technology containing an offer to provide information, opportunities, or facilities to commit a Criminal Offense with the intention that the offer is known or better known by the public, shall be punished with a maximum imprisonment of 9 (nine) months or a maximum fine of category II.
- (2) If Every Person as referred to in paragraph (1) commits such act in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction which has obtained permanent legal force for committing the same Criminal Offense, may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Article 251

- (1) Any person who gives medicine or asks a woman to use medicine by informing or causing the expectation that the medicine can cause the abortion, shall be punished with imprisonment for a maximum period of 4 (four) years or a maximum fine of category IV.
- (2) If Every Person as referred to in paragraph (1) commits such act in the exercise of his/her profession, he/she may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Article 252

- (1) Every person who declares himself/herself to have supernatural powers, informs, gives hope, offers, or provides assistance services to others that because of his/her actions can cause illness, death, or mental or physical suffering of a person, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category IV.
- (2) If Every Person as referred to in paragraph (1) commits the act for profit or makes a livelihood or habit, the punishment may be increased by 1/3 (one-third).

Third Part
Failure to Report or Notify the Person Who Intends to Commit a Crime

Paragraph 1
Not Reporting the existence of a Criminal Conspiracy

Article 253

Any person who, knowing of the existence of a criminal conspiracy to commit one of the Criminal Offenses as referred to in Article 191 up to Article 194, Article 205, Article 208, Article 212, Article 308, or Article 310, fails to notify the authorized Officer or the threatened person while there is still time to prevent such Criminal Offense from being committed, if such Criminal Offense actually occurs, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.

Paragraph 2
Failure to Notify an Authorized Officer of a Person Planning to Commit a Crime

Article 254

- (1) Any person who is aware of a person who intends to commit:
 - a. one of the Criminal Offenses as referred to in Article 191 through Article 198, Article 200, Article 202, Article 205, Article 206, Article 208, Article 211 through Article 217;
 - b. desertion in Time of War or treason of the army; or
 - c. Criminal Acts of premeditated murder, kidnapping, rape, or one of the Criminal Acts that endanger public security, people, health, goods, and the environment that result in endangering people's lives, failure to notify the authorized Officer or the threatened person while there is still time to prevent the commission of the Criminal Offence, if the Criminal Offence occurs, shall be punished by a maximum imprisonment of 1 (one) year or a maximum fine of category II.
- (2) The criminal provisions as referred to in paragraph (1) shall also apply to a person who, knowing that one of the Criminal Acts as referred to in paragraph (1) has been committed and has endangered the life of a person at a time when the consequences can still be prevented, does not notify the authorized Officer or the threatened person.

Article 255

The provisions referred to in Article 253 and Article 254 shall not apply to a person who, if he/she were to make such disclosure to an authorized official or to a person against whom criminal prosecution is threatened, would endanger himself/herself, his/her blood relatives or his/her cousins in the straight line or lateral second or third degree of his/her husband or wife or former husband or wife, or to any other person who, if prosecuted in connection with his/her office or profession, may by law be exempted from being a witness against such person.

Fourth Part
Disturbance to Public Order and Peace

Paragraph 1
Organizing a march, rally, or demonstration

Article 256

Any person who without prior notice to the competent authority holds a march, rally, or demonstration on a public road or public place which results in disruption of public interest, causing disturbance, or riot in the community, shall be punished with imprisonment of up to 6 (six) months or a maximum fine of category II.

Paragraph 2

Entering Other People's Homes and Yards

Article 257

- (1) Any person who unlawfully forces his/her way into a house, enclosed room, or enclosed yard used by another person or who, being already unlawfully therein, does not immediately leave the premises at the request of the rightful person or his/her agent, shall be punished by a maximum imprisonment of 1 (one) year or a maximum fine of category II.
- (2) Every person who enters by way of, damaging, or climbing over, using false keys, false orders, or false official clothes, or who, without the prior knowledge of the rightful party and not by mistake, enters and is found on the premises at night, shall be deemed to have forced entry as referred to in paragraph (1).
- (3) If Every Person as referred to in paragraph (1) and paragraph (2) issues a threat or uses means that can be frightening, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.
- (4) In the event that the Criminal Offenses as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons jointly and severally, the punishment may be increased by 1/3 (one-third).

Paragraph

3

Wiretapping

Article 258

- (1) Any person who unlawfully listens to, records, deflects, alters, inhibits, and/or records the transmission of Electronic Information and/or Electronic Documents that are not public in nature, either using wired communication networks or wireless networks, shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of category VI.
- (2) Any person who broadcasts or disseminates the results of the conversation or recording as referred to in paragraph (1), shall be punished with imprisonment of not more than 10 (ten) years or a maximum fine of category VI.
- (3) The provisions as referred to in paragraph (1) shall not apply to any Person who implements the provisions of laws and regulations or carries out official orders as referred to in Article 31 and Article 32.

Article 259

Shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category VI, any person who:

- a. using an opportunity obtained by deception or unlawfully recording an image of one or more persons inside a house or room that is not open to the public.

- public by using technical aids to the detriment of the person's legal interests;
- b. has images known or reasonably suspected to have been obtained through the acts referred to in letter a; or
 - c. broadcast or disseminate the image as referred to in letter b by using means of information technology.

Paragraph 4
Forcing Entry into Government Offices

Article 260

- (1) Any person who unlawfully forces his/her way into a government office serving the public interest or unlawfully stays therein and at the request of the authorized official does not immediately leave the premises, shall be punished by a maximum imprisonment of 1 (one) year and 3 (three) months or a maximum fine of category II.
- (2) Deemed as forced entry as referred to in paragraph (1), any person who enters by breaking, climbing, or by using false keys, false orders, false official clothes, or who without prior knowledge of the authorized official and not by mistake enters and is found in the premises at night.
- (3) If Every Person as referred to in paragraph (1) and paragraph (2) issues a threat or uses means that can be frightening, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.
- (4) In the event that the Criminal Offenses as referred to in paragraph (1) and paragraph (3) are committed by 2 (two) or more persons jointly and severally, the punishment may be increased by 1/3 (one-third).

Paragraph 5
Participation in an Organization for the Purpose of Committing a Crime

Article 261

- (1) Any person who joins an organization with the purpose of committing a criminal offense or an organization prohibited under the Law or a court decision that has obtained permanent legal force, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.
- (2) The founder or management of the organization as referred to in paragraph (1) may have their punishment increased by 1/3 (one-third).

Paragraph 6
Committing Violence against People or Goods in Public Together

Article 262

- (1) Every person who openly or in public and with collective force commits violence against persons or property shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category V.
- (2) If the Violence as referred to in paragraph (1) results in the destruction of Goods or results in injury, shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category IV.

- (3) If the Violence as referred to in paragraph (1) results in Serious Injury, shall be punished with a maximum imprisonment of 9 (nine) years.
- (4) If the violence as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 12 (twelve) years.
- (5) Every Person as referred to in paragraph (1) and paragraph (2) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.

Paragraph 7

Broadcasting or Dissemination of False News or Notices

Article 263

- (1) Any person who broadcasts or disseminates news or notification, knowing that such news or notification is false, which causes unrest in the community, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of Category V.
- (2) Any person who broadcasts or disseminates news or notification when it is reasonably suspected that such news or notification is false which may result in a riot in the community, shall be punished with imprisonment for a maximum period of 4 (four) years or a maximum fine of category IV.

Article 264

Any person who broadcasts news that is uncertain, exaggerated or incomplete, while he knows or reasonably suspects that such news may cause unrest in the community, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Paragraph 8

Disturbances to Neighborhood Peace and Public Meetings

Article 265

Punishable by a maximum fine of category II, any person who disturbs the peace of the neighborhood by:

- a. making noise or disturbing the neighbors at Night; or
- b. making calls or false alarms.

Article 266

Any person who creates disorder so as to disrupt a lawful public meeting shall be punished by a maximum fine of category II.

Article 267

Any person who by Violence or Threat of Violence obstructs or disperses a lawful public meeting, shall be punished by a maximum imprisonment of 1 (one) year or a maximum fine of category II.

Paragraph 9

Interference with Funerals and Corpses

Article 268

Any person who obstructs, hinders, or interferes with the entrance to a cemetery, the transportation of a body to a cemetery, or the funeral ceremony of a body, shall be punished by a maximum fine of category II.

Article 269

Any person who desecrates or unlawfully damages or destroys a grave or signs on a grave, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.

Article 270

Any person who buries, hides, carries, or removes a corpse to conceal its death or birth, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category II.

Article 271

Any person who unlawfully digs up or dismantles a grave, takes, moves, or transports a corpse, and/or treats the corpse in an uncivilized manner, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Fifth Section

Use of Fake Diplomas or Academic Degrees

Article 272

- (1) Any person who falsifies or makes false diplomas or certificates of competence and accompanying documents, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category V.
- (2) Any person who uses fake diplomas, competency certificates, academic, professional, or vocational degrees, shall be punished with imprisonment of up to 6 (six) years or a maximum fine of category V.
- (3) Any person who issues and/or provides fake diplomas, competency certificates, academic, professional, or vocational degrees shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of category VI.

Sixth Section

Licensing Crime

Paragraph 1

Unauthorized Pawn

Article 273

Any person who without a license lends money or goods in the form of pawn, sale and purchase with repurchase, or commission agreement as a means of livelihood, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Paragraph 2

Organization of a Party or Crowd

Article 274

- (1) Any person who without a license holds a party or public gathering on a public road or in a public place shall be punished by a maximum fine of category II.
- (2) Any person who commits a criminal offense as referred to in paragraph (1) which results in the disruption of public interest,

causing disturbance or riot in the community, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Paragraph 3

Carrying out work without authorization or exceeding authority

Article 275

Shall be punished with a maximum fine of category II, any person who:

- a. without license carrying out work that according to the provisions of laws and regulations must have a license; or
- b. beyond authority that authorized in carrying out work according to the provisions of laws and regulations.

Paragraph 4

Giving or Receiving Goods to and from Prisoners

Article 276

Any person who without a license gives to or receives from a convict any Goods, shall be punished with imprisonment for a maximum period of 6 (six) months or a maximum fine of category II.

Seventh Section

Land, Seed, Plant and Yard Disturbance

Article 277

Shall be punished with a maximum fine of category II, any person who:

- a. walking or driving on seeding, planting or prepared land belonging to another person; or
- b. without the right to walk or ride on land where Entry is prohibited by the owner or where Entry is clearly prohibited.

CHAPTER VI

CRIMINAL OFFENSES AGAINST THE JUDICIAL PROCESS

Section One Perverting the Judicial Process

Article 278

- (1) Punishable for perverting the course of justice with a maximum imprisonment of 6 (six) years or a maximum fine of category V, any person who:
 - a. falsify, create, or submit false evidence for use in judicial proceedings;
 - b. directing witnesses to give false testimony in court;
 - c. alter, tamper with, conceal, remove or destroy evidence;
 - d. altering, damaging, concealing, removing, or destroying the Goods, tools, or means used to commit the Criminal Offence or the object of the Criminal Offence, or the results that can be physical evidence of the Criminal Offence, or withdrawing them from the examination conducted by the authorized Official after the Criminal Offence has occurred; or

- e. presenting themselves as the perpetrator of a criminal offense, so that the person concerned undergoes a criminal justice process.
- (2) In the event that the Criminal Offense as referred to in paragraph (1) is committed:
 - a. in the course of judicial proceedings, shall be punished by a maximum imprisonment of 7 (seven) years 6 (six) months or a maximum fine of category VI; and
 - b. by law enforcement officers or court officials, shall be punished with imprisonment of up to 9 (nine) years or a maximum fine of category VI.
- (3) If the act as referred to in paragraph (2) results in a person:
 - a. who should be guilty, is found not guilty;
 - b. who should be innocent, is found guilty; or
 - c. are subject to lighter or more severe charges than they should be, the punishment may be increased by 1/3 (one third) of the punishment as referred to in paragraph (2).

Second Part
Interfering and Obstructing the Judicial Process

Article 279

- (1) Any person who makes noise near the Courtroom during a session and does not leave after being ordered to leave 3 (three) times by or on behalf of an authorized officer, shall be punished with a maximum fine of category I.
- (2) Any person who makes noise in a court session and does not leave after being ordered to leave 3 (three) times by or on behalf of the judge, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Article 280

- (1) Shall be punished by a maximum fine of category II, any person who at the time of the court session:
 - a. not obey order court order that issued in the interest of the judicial process;
 - b. being disrespectful to law enforcement officers, court officials, or proceedings when warned by the judge;
 - c. attacking the integrity of law enforcement officers, court officials, or court proceedings; or
 - d. without the court's permission publicize the proceedings live.
- (2) Criminal offenses as referred to in paragraph (1) letter b or letter c may only be prosecuted based on complaints.
- (3) The complaint as referred to in paragraph (1) may be made in writing by the judge.

Article 281

Any person who obstructs, intimidates, or influences an Official who carries out the duties of investigation, prosecution, examination in court, or court decision with the intent to force or induce him to perform or not perform his duties shall be punished.

with a maximum imprisonment of 7 (seven) years and 6 (six) months or a maximum fine of category VI.

Article 282

- (1) Shall be punished with imprisonment of 1 (one) year or a maximum fine of category III, every person who:
 - a. conceal the person who committed the crime or the person who is prosecuted or sentenced; or
 - b. providing assistance to a person who commits a criminal offense to escape from investigation, prosecution, or execution of a criminal judgment by an authorized official.
- (2) In the event that the Criminal Offense as referred to in paragraph (1) is a Criminal Offense punishable with 5 (five) years or more imprisonment, shall be punished with a maximum imprisonment of 3 (three) years or category IV fine.
- (3) The provision referred to in paragraph (1) shall not apply if the act is committed with the intention of avoiding prosecution against blood relatives or cousins in the second degree straight line or in the third degree sideways line, against the wife or husband, or against the former wife or husband.

Article 283

Any person who prevents, obstructs, or frustrates the examination of a corpse for the benefit of justice, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III.

Article 284

Every person who releases or provides assistance when a person escapes from detention carried out by order of an authorized official or escapes from imprisonment or closure, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.

Article 285

Any person who unlawfully fails to appear when summoned as a witness, expert, or interpreter, or fails to fulfill an obligation that must be fulfilled in accordance with the provisions of laws and regulations, shall be punished by:

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

Article 286

Any person who has been declared bankrupt or declared in a state of inability to pay debts, or becomes the wife or husband of a bankrupt person in a marriage with a Property union, or as a manager or commissioner of a civil partnership, association, or foundation that has been declared bankrupt, who fails to appear after being legally summoned based on statutory regulations to provide information, or refuses to provide the requested information, or provides false information, shall be punished with imprisonment of 1 (one) year and 3 (three) months or a maximum fine of category III.

Article 287

Any person who fails to comply with the order of an authorized official in a judicial proceeding to hand over a document which is presumed to be false or forged or which must be used in comparison with another document which is presumed to be false or forged or the truth of which is denied or not recognized, shall be punished by:

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

Article 288

Any person who, without valid reasons, fails to appear or, where permitted, fails to have his representative appear, when summoned before the court to be heard as blood relative or next of kin, husband or wife, guardian or conservator, guardian or conservator in the case of a person to be placed or already placed under guardianship or in the case of a person to be committed or already committed to a lunatic asylum, shall be punished by a maximum fine of category II.

Article 289

- (1) Shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category V, any person who:
 - a. withdrawing Goods confiscated under laws and regulations or entrusted by court order or concealing Goods, knowing that they are under confiscation or entrustment; or
 - b. damaging, destroying, or rendering useless any Goods confiscated under the provisions of laws and regulations.
- (2) The Keeper of Goods who commits, allows to be committed, or assists in committing the act as referred to in paragraph (1), shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category V.
- (3) If the act as referred to in paragraph (2) occurs due to the negligence of the depositor, he shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Article 290

Any person who unlawfully sells, rents, owns, pawns, or uses confiscated objects not for the benefit of the judicial process, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.

Article 291

- (1) Every person who, based on the provisions of laws and regulations, is required to provide information on oath or such information has legal consequences, provides false information on oath, either orally or in writing, by himself or by his attorney specifically appointed for that purpose given in the examination of a case in a judicial process, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) harms the suspect, defendant, or opposing party, the punishment may be increased by 1/3 (one-third).

Article 292

- (1) Any person who discloses the identity of a reporter, witness, or Victim or any other matter that gives the possibility of such identity being known, even though he/she has been informed that such identity must be kept confidential, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.
- (2) The provisions referred to in paragraph (1) shall only apply if the requirement to keep the identity of the reporter, witness, or Victim confidential is expressly mentioned in the Law.

Third Part

Destruction of Court Buildings, Courtrooms, and Court Equipment

Article 293

- (1) Any person who damages a courthouse, courtroom, or courtroom equipment resulting in the inability of a judge to hold a court session, shall be punished with a maximum imprisonment of 4 (four) years.
- (2) If the criminal offense as referred to in paragraph (1) is committed during an ongoing court session which causes the court session to be unable to continue, he shall be punished with a maximum imprisonment of 5 (five) years.
- (3) If the criminal offense as referred to in paragraph (1) results in a law enforcement officer who is performing his/her duties or a witness while giving his/her testimony being seriously injured, he/she shall be punished with a maximum imprisonment of 12 (twelve) years.
- (4) If the criminal offense as referred to in paragraph (1) results in the death of a law enforcement officer who is performing his/her duties or a witness while giving his/her testimony, he/she shall be punished with a maximum imprisonment of 15 (fifteen) years.

Fourth Section Witness and Victim Protection

Article 294

Shall be punished with a maximum imprisonment of 7 (seven) years, any person who commits direct violence to:

- a. witnesses when giving their testimony; or
- b. law enforcement officers or court officials who are carrying out their duties that result in the witness being unable to provide testimony.

Article 295

- (1) Shall be punished with imprisonment of not less than 1 (one) year and not more than 5 (five) years and a fine of not less than category II and not more than category V, any person who:
 - a. using violence, threats of violence, or other means against witnesses and/or victims so that they cannot provide testimony in the judicial process; or
 - b. influences the authorized official which results in the witness and/or Victim not obtaining protection in accordance with the provisions of laws and regulations so that the witness and/or Victim cannot provide their testimony in the judicial process.

- (2) If the Crime as referred to in paragraph (1) letter a results in Serious Injury to the witness and/or Victim, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least category III and at most category V.
- (3) If the Criminal Offense as referred to in paragraph (1) letter a results in the death of the witness and/or Victim, shall be punished with imprisonment of at least 3 (three) years and at most 12 (twelve) years and a fine of at least category V and at most category VII.

Article 296

Every person who obstructs a witness and/or Victim which results in not obtaining protection or his/her rights, shall be punished with imprisonment of 2 (two) years at minimum and 7 (seven) years at maximum and a fine of at least category III and at most category V.

Article 297

Any person who causes a witness, Victim, and/or their family to lose their job because the witness and/or Victim provides truthful testimony in the judicial process, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least category III and at most category V.

Article 298

Any Official who does not fulfill the rights of witnesses and/or Victims when the witness and/or Victim has provided truthful testimony in the judicial process, shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category IV.

Article 299

Any person who unlawfully reveals the whereabouts of a witness and/or Victim who is being protected in a temporary residence or new residence, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least category III and at most category V.

CHAPTER VII CRIMINAL OFFENSES AGAINST RELIGION, BELIEFS, AND RELIGIOUS LIFE OR BELIEFS

Part One Crimes against Religion and Belief

Article

300 Any Person in Public who:

- a. commit acts of a hostile nature;
- b. expressing hatred or hostility; or
- c. inciting to commit hostility, violence, or discrimination, against religion, beliefs of other people, groups, or groups on the basis of religion or belief in Indonesia, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Article 301

- (1) Every person who broadcasts, shows, pastes a writing or picture, or listens to a recording, including disseminating through the means of information technology containing the Criminal Offenses as referred to in Article 300, with the intention that the contents of the writing, picture, or recording will be known or better known by the public, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.
- (2) If Every Person as referred to in paragraph (1) commits the act in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction that has obtained permanent legal force for committing the same Criminal Offense, then he/she may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Article 302

- (1) Every person who publicly incites with the intention that a person will not embrace a religion or belief adopted in Indonesia, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of category III.
- (2) Any person who by Violence or Threat of Violence forces a person to have no religion or belief or to change religion or belief adopted in Indonesia, shall be punished with imprisonment for a maximum period of 4 (four) years or a maximum fine of category IV.

Second Part

Criminal Offenses against Religious Life or Belief and Means of Worship

Article 303

- (1) Any person who makes noise near a place of worship during the worship service, shall be punished with a maximum fine of category I.
- (2) Any person who with Violence or Threat of Violence disturbs, obstructs, or dissolves a religious meeting or belief, shall be punished with imprisonment of up to 2 (two) years or a maximum fine of category III.
- (3) Every person who with violence or threat of violence disturbs, obstructs, or disperses people who are performing worship or religious ceremonies or beliefs, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category IV.

Article 304

Every person who publicly insults a person who is conducting or leading the implementation of worship or religious ceremonies or beliefs, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III.

Article 305

- (1) Any person who desecrates the building of a place of worship or religious ceremony or belief or an object used for worship or religious ceremony or belief, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.

- (2) Any person who unlawfully damages or burns the building of a place of worship or religious ceremony or belief or objects used for worship or religious ceremony or belief, shall be punished with imprisonment of up to 5 (five) years or a fine of up to category V.

CHAPTER VIII
CRIMINAL OFFENSES THAT ENDANGER PUBLIC SAFETY FOR PERSONS,
HEALTH, AND PROPERTY

Part One
Crimes that Endanger Public Security

Paragraph 1
Crime on Firearms, Explosive Ammunition, and Other Weapons

Article 306

Every person who without right enters into the territory of the Unitary State of the Republic of Indonesia, makes, receives, attempts to obtain, delivers or attempts to deliver, controls, carries, has in stock, possesses, stores, transports, conceals, uses, or removes from the territory of the Unitary State of the Republic of Indonesia firearms, ammunition, explosives, or other dangerous materials, tear gas, or rubber bullets, shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 307

- (1) Every person who without right imports into the territory of the Unitary State of the Republic of Indonesia, makes, receives, attempts to obtain, delivers or attempts to deliver, controls, carries, has in stock, possesses, stores, transports, conceals, uses, or removes from the territory of the Unitary State of the Republic of Indonesia weapons of beating, stabbing, or piercing, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) The provisions as referred to in paragraph (1), shall be exempted for striking, stabbing, or piercing weapons which are obviously used for agriculture, for household chores, for the purpose of doing work legally, or which obviously have the purpose as heirlooms or ancient goods.

Paragraph 2
Resulting in Fires, Explosions, and Floods

Article 308

- (1) Any person who commits an act that results in fire, explosion, or flooding so as to endanger public safety for persons or goods, shall be punished with a maximum imprisonment of 9 (nine) years.
- (2) If the act as referred to in paragraph (1) results in serious injury to another person, he shall be punished with a maximum imprisonment of 12 (twelve) years.
- (3) In the event that the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 309

Every person who commits criminal conspiracy and preparation to commit Criminal Offenses as referred to in Article 308 shall be punished.

Article 310

Any person who unlawfully damages, destroys, or renders useless a building to retain water or a building to channel water which results in flood hazard, shall be punished with a maximum imprisonment of 7 (seven) years.

Article 311

Any person who through his/her negligence causes a fire, explosion, or flood that results in general danger to the Goods, danger to the life of another person, or results in the death of a person, shall be punished with imprisonment of not more than 5 (five) years or a maximum fine of category V.

Paragraph 3

Obstructing Fire Fighting and Flood Management Work

Article 312

Any person who, at the time of fire or imminent fire, conceals or makes useless any fire extinguishing tools or equipment or in any way obstructs or hinders the work of extinguishing fire, shall be punished by a maximum imprisonment of 6 (six) years or a maximum fine of category IV.

Article 313

Any person who at the time of a flood or imminent flood conceals or makes useless materials for embankments or tools, frustrates efforts to repair embankments or other irrigation structures, or obstructs efforts to prevent or stem a flood, shall be punished by a maximum imprisonment of 6 (six) years or a maximum fine of category IV.

Paragraph 4 Causing

Public Harm

Article 314

Any person who without the permission of an authorized official sets fire to his/her own property which may cause public danger, shall be punished by a maximum fine of category II.

Article 315

Shall be punished with imprisonment of 6 (six) months or a maximum fine of category II, every person who:

- a. lighting a fire or unreasonably discharging a firearm on a public road or on the side of a public road, or in a place adjacent to a building or Goods that may result in a fire hazard; or
- b. releasing a hot air balloon suspended with burning material.

Article 316

- (1) Any person who is drunk in a public place and disturbs the order or threatens the safety of others, shall be punished with a maximum fine of category II.

- (2) Any person who in a state of intoxication performs work which must be carried out with extreme caution or which may result in danger to the life or health of another person, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Article 317

Any person who unlawfully obstructs the free movement of another person on a public road, or follows another person in a disruptive manner, shall be punished by a maximum fine of category II.

Paragraph 5

Without License to Make Explosives

Article 318

Any person who, without the permission of an authorized official, manufactures drugs for explosives, triggers, or cartridges for firearms, shall be punished by a maximum fine of category II.

Second Part

Crime of Building Destruction

Paragraph 1

Electrical Buildings

Article 319

Any person who unlawfully damages, destroys, or renders useless an Electrical Building or causes the function of such building to be impaired, or frustrates or makes it difficult to rescue or repair such building, shall be punished by:

- a. imprisonment for a maximum period of 5 (five) years or a maximum fine of category V, if the act results in obstruction or difficulty in delivering electric power for the public interest;
- b. imprisonment for a maximum period of 7 (seven) years, if the act results in general danger to persons or property;
- c. imprisonment for a maximum period of 9 (nine) years, if the act results in serious injury; or
- d. imprisonment for a maximum period of 12 (twelve) years, if the act results in the death of a person.

Article 320

Any person who through negligence causes an Electrical Building to be damaged, destroyed, rendered unusable, causes the operation or operation of such building to be impaired, or attempts to maintain the safety or repair of such building to fail or be difficult shall be punished by:

- a. imprisonment for a maximum period of 1 (one) year 6 (six) months or a maximum fine of category III, if the act results in obstruction or difficulty in conducting electricity for the public interest or causes public danger to persons or goods;
- b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious injury; or
- c. a maximum imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Paragraph 2 Public
Traffic Buildings

Article 321

Any person who unlawfully damages, destroys or renders useless a building for public traffic, obstructs a public road on land or water, or frustrates efforts to maintain the safety of such building or road shall be punished by:

- a. imprisonment for a maximum period of 7 (seven) years, if the act results in danger to traffic safety;
- b. imprisonment for a maximum period of 9 (nine) years, if the act results in serious injury; or
- c. imprisonment for a maximum period of 12 (twelve) years, if the act results in the death of a person.

Article 322

Any person who through negligence causes a structure for public traffic to be damaged, destroyed or rendered useless, causes a public road on land or water to be obstructed or causes an attempt to secure such structure or road to fail, shall be punished by:

- a. imprisonment of 2 (two) years or a maximum fine of category III, if the act results in danger to traffic safety;
- b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious injury; or
- c. a maximum imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Article 323

- (1) Any person who commits an act that causes danger to public railroad traffic shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) If the crime as referred to in paragraph (1) results in serious injury, the person shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 12 (twelve) years.

Article 324

- (1) Any person who due to his/her negligence causes danger to public railroad traffic, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.
- (2) If the crime as referred to in paragraph (1) results in serious injury, the person shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, a maximum imprisonment of 7 (seven) years or a maximum fine of category VI shall be imposed.

Paragraph 3
Shipping Signs

Article 325

Every People who in against law takes away, removes,
damages, or destroys signs erected for safety

shipping, obstructs the operation of such signs, or puts up erroneous signs, shall be punished by:

- a. imprisonment for a maximum period of 7 (seven) years, if the act results in danger for the safety of the voyage;
- b. imprisonment for a maximum period of 9 (nine) years, if the act results in danger to the safety of the voyage and causes the vessel to sink or strand;
- c. imprisonment for a maximum period of 12 (twelve) years, if the act results in serious physical injury to persons; or
- d. imprisonment for a maximum period of 15 (fifteen) years, if the act results in the death of a person.

Article 326

Any person who through negligence causes signs installed for the safety of navigation to be taken away, moved, damaged, destroyed, or the work of such signs to be obstructed, or erroneous signs to be installed, shall be punished by:

- a. imprisonment of 2 (two) years or a maximum fine of category III, if the act results in danger to the navigation;
- b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in the vessel sinking or stranding;
- c. imprisonment of up to 5 (five) years or a maximum fine of category V, if the act results in serious injury to persons; or
- d. imprisonment of 7 (seven) years or a maximum fine of category VI, if the act results in the death of a person.

Paragraph 4 Building Destruction

Article 327

Any person who unlawfully damages, destroys, or renders useless a building or other structure, shall be punished by:

- a. imprisonment for a maximum period of 9 (nine) years, if the act causes general danger to persons or goods;
- b. imprisonment for a maximum period of 12 (twelve) years, if the act results in serious physical injury; or
- c. imprisonment for a maximum period of 15 (fifteen) years, if the act results in the death of a person.

Article 328

Any person who through negligence causes a building or other structure to be damaged, destroyed or rendered unusable, shall be punished by:

- a. imprisonment for a maximum period of 2 (two) years or a maximum fine of category III, if the act results in public danger to persons or goods;
- b. imprisonment of 3 (three) years or a maximum fine of category IV, if the act results in serious injury; or
- c. a maximum imprisonment of 5 (five) years or a maximum fine of category V, if the act results in the death of a person.

Third Part
Crime of Ship Destruction

Article 329

Any person who unlawfully strands, damages, sinks, destroys or renders useless a Vessel, shall be punished by:

- a. imprisonment for a maximum period of 9 (nine) years, if the act causes general danger to persons or goods;
- b. imprisonment for a maximum period of 12 (twelve) years, if the act results in serious physical injury; or
- c. imprisonment for a maximum period of 15 (fifteen) years, if the act results in the death of a person.

Article 330

Any person who through negligence causes a Ship to be stranded, damaged, sunk, destroyed, or rendered useless, shall be punished by:

- a. criminal imprisonment for a maximum longest 2 (two) year, if the act causes general danger to persons or goods;
- b. criminal imprisonment for a maximum longest 3 (three) year, if the act the act results in serious injury; or
- c. imprisonment of not more than 5 (five) years, if the act results in the death of a person.

Fourth Part
Crime of Mischief against Person or Property

Article 331

Any person who in a public place commits mischief against persons or property that may cause danger, loss or distress, shall be punished by a maximum fine of category II.

Fifth Section
Crime against Informatics and Electronics

Paragraph 1
Use and Destruction of Electronic Information

Article 332

- (1) Any person who intentionally and without right or unlawfully accesses the Computer and/or Electronic System belonging to another person by any means, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category V.
- (2) Any person who intentionally and unlawfully accesses a Computer and/or Electronic System by any means with the purpose of obtaining Electronic Information and/or Electronic Documents, shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category V.
- (3) Any person who intentionally and without right or unlawfully accesses a Computer and/or Electronic System in any way by violating, breaking through, exceeding, or penetrating the security system, shall be punished with a maximum imprisonment of 8 (eight) years or a maximum fine of category VI.

Paragraph 2

Without the Right to Use or Access Computers and Electronic Systems

Article 333

Shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category VI, any person who:

- a. without the right to use or access a computer or electronic system by any means, with the intention of obtaining, altering, damaging or removing national defense or international relations information that may cause disruption or harm to the state or relations with a subject of international law;
- b. without the right to take actions that cause the transmission of programs, information, codes or commands of state-protected computers or electronic systems to be damaged;
- c. without the right or exceeding his/her authority to use or access computers or electronic systems, either from within or outside the country to obtain information from computers or electronic systems protected by the state;
- d. without the right to use or access government-owned computers or electronic systems;
- e. without the right or exceeding his/her authority to use or access a computer or electronic system protected by the state, which causes the computer or electronic system to be damaged;
- f. without the right or exceeding his/her authority to use or access a computer or electronic system protected by the public, which causes the computer or electronic system to be damaged;
- g. affect or cause disruption to computers or electronic systems used by the government;
- h. disseminate, trade, or utilize Access Codes or information similar thereto, which can be used to break into a computer or electronic system for the purpose of misusing a computer or electronic system used or protected by the government; or
- i. committing acts in the context of international relations with the intention of damaging computers or other electronic systems protected by the state and located in the jurisdiction of Indonesia and directed at any person.

Article 334

Shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of category VI, any person who:

- a. without the right or exceeding his/her authority to use or access a computer or electronic system with the intention of obtaining profit or obtaining financial information from a central bank, banking institution or financial institution, issuer of credit cards, or payment cards or containing data on customer statements;
- b. without the right to use data or access in any way another person's credit card or payment card in an electronic transaction for profit;
- c. without right or in excess of his/her authority uses or accesses a computer or electronic system of a central bank, banking institution or protected financial institution, with the intent to misuse, or to benefit therefrom; or
- d. distribute, trade, or utilize Access Codes or information similar to these that can be used to break into a computer or electronic system with the intent of

misuse which may affect the electronic system of the central bank, banking institutions or financial institutions, as well as domestic and foreign commerce.

Article 335

Any person who without the right to use or access a computer or electronic system by any means, with the intention of obtaining, altering, damaging, or removing information belonging to the government that because of its status must be kept secret or protected, shall be punished with a maximum imprisonment of 12 (twelve) years or a maximum fine of category VII.

Sixth Section

Criminal offenses of negligence, carelessness and mistreatment of animals

Article 336

Shall be punished with imprisonment of 6 (six) months or a maximum fine of category II, every person who:

- a. harassing animals so as to endanger people;
- b. harassing an animal being ridden or an animal pulling a cart, wagon, or being loaded with Goods;
- c. does not prevent animals in his or her custody from attacking people or animals;
- d. fails to take proper care of a wild animal in his/her custody; or
- e. keeping dangerous wild animals does not report to the Authorized Officer.

Article 337

- (1) Punishable for mistreatment of animals by a maximum imprisonment of 1 (one) year or a maximum fine of category II, any person who:
 - a. hurting or injuring animals or harming their health unduly or without proper purpose; or
 - b. having sexual intercourse with animals.
- (2) If the act as referred to in paragraph (1) results in the animal being sick for more than 1 (one) week, disabled, seriously injured, or dead, shall be punished with imprisonment for a maximum period of 1 (one) year and 6 (six) months or a maximum fine of category III.
- (3) In the event that the animal as referred to in paragraph (1) belongs to the perpetrator of the crime, the animal may be confiscated and placed in a proper place for the animal.

Article 338

- (1) Shall be punished with imprisonment of 1 (one) year or a maximum fine of category II, every person who:
 - a. using and utilizing animals beyond their natural capabilities that can damage the health, threaten the safety, or cause the death of animals;
 - b. provide materials or drugs that may endanger animal health; or
 - c. utilizing animal body parts or organs for improper purposes.

- (2) Any person who applies modern biotechnology to produce transgenic animals or animal products that endanger the preservation of animal resources, public health and safety, and the preservation of environmental functions, shall be punished with imprisonment of 2 (two) years or a maximum fine of category IV.

Seventh Section
Crime of Recklessness Endangering the Public

Article 339

Shall be punished with a maximum fine of category II, any person who:

- a. failing to light sufficiently and failing to place a customary mark on a pit or excavation or heap of excavated earth on a public road made by him or by his order, or on an object placed there by him or by his order;
- b. does not give a warning sign that there is a possibility of danger when performing the work as referred to in point a;
- c. placing or hanging Goods on a building, throwing or disposing of Goods outside a building in such a way as to cause harm to a person using a public road;
- d. allows an animal to be ridden, to be drawn, to be transported, or allows an animal to be carried without taking the necessary precautions on a public road;
- e. allowing Livestock under his/her custody to run at large on a public road without taking the necessary precautions; or
- f. without the permission of the competent authority obstructs a public road on land or water or obstructs traffic in such place or creates an obstruction or hindrance due to the aimless use of a vehicle in such place.

Article 340

- (1) Shall be punished with imprisonment for a maximum period of 1 (one) year or a maximum fine of category III, any person who without the permission of the authorized official:
 - a. setting traps, snares, or other devices for catching or killing wild animals in places where people pass, which may cause danger to people; or
 - b. hunting or carrying firearms into the state forest.
- (2) Animals shot or captured as referred to in paragraph (1) and the instruments used to commit the crime may be forfeited to the state or forfeited for destruction.

Article 341

Any person who is obliged to look after a child, leaves the child unattended, or leaves the child unattended so as to cause danger to the child or other persons, shall be punished with imprisonment of up to 6 (six) months or a maximum fine of category II.

Eighth Section
Actions that Endanger Life or Health

Article 342

- (1) Any person who sells, delivers, offers, or distributes a material that endangers life or health, knowing that such material and the nature of the danger of such material have not been disclosed to the purchaser or acquirer, shall be punished with a maximum imprisonment of 10 (ten) years.
- (2) If the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (3) Hazardous materials as referred to in paragraph (1) and paragraph (2) may be forfeited to the state.

Article 343

- (1) Any person who, through negligence, causes a substance that endangers health or life to be sold, delivered, offered or distributed without knowledge of the hazardous nature of the substance to the purchaser or acquirer, shall be punished by a maximum imprisonment of 2 (two) years and 6 (six) months or a maximum fine of category III.
- (2) In the event that the act as referred to in paragraph (1) results in the death of a person, the person shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.
- (3) Hazardous materials as referred to in paragraph (1) and paragraph (2) may be forfeited to the state.

Article 344

Any person who sells, offers for sale, delivers, distributes, or has in stock for sale or distribution food or beverages that are counterfeit or spoiled, or animal milk that is sick or that may be detrimental to health, or animal meat that has been slaughtered because of illness or death not caused by slaughter, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Ninth Section

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

Article 345

Any person who for any reason trades in:

- a. human organs or tissues, shall be punished with imprisonment of 7 (seven) years or a maximum fine of category VI; or
- b. human blood, shall be punished by a maximum imprisonment of 3 (three) years or a maximum fine of category IV.

Article 346

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

CHAPTER IX

CRIMINAL OFFENSES AGAINST GOVERNMENT POWER

Part One
Crimes against Officials

Paragraph 1
Coercion of Officials

Article 347

Any person who by Violence or Threat of Violence forces an Official to do or not to do an act in his lawful position, shall be punished with imprisonment of up to 4 (four) years or a maximum fine of category IV.

Article 348

Any person who with violence or threat of violence resists an official who is performing a lawful duty, or a person who is obliged to do so under the provisions of laws and regulations or under a lawful order of an official, shall be punished for resisting an official with a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Article 349

Every person who commits the crime as referred to in Article 347 and Article 348, shall be punished with:

- a. a maximum imprisonment of 5 (five) years or a maximum fine of category V, if the act results in an injury;
- b. imprisonment of 7 (seven) years or a maximum fine of category VI, if the act results in serious injury; or
- c. imprisonment of not more than 10 (ten) years, if the act results in death.

Article 350

In the event that the Criminal Offenses as referred to in Article 347 are committed jointly and severally, the punishment may be increased by 1/3 (one third).

Paragraph 2
Disregard of an Authorized Officer's Order

Article 351

Any person who disregards an order or instruction of an authorized official given to prevent accidents and avoid public traffic congestion during a party, parade, or similar gathering, shall be punished by a maximum fine of category II.

Article 352

Any person who ignores the order or request of an authorized official who is assigned under the provisions of laws and regulations to supervise something or who is assigned or authorized to investigate or examine a criminal act, shall be punished with imprisonment of up to 9 (nine) months or a maximum fine of category II.

Article 353

Any person who prevents, obstructs, or frustrates an action taken by an authorized official to implement the provisions of laws and regulations, shall be punished with imprisonment of up to 9 (nine) months or a maximum fine of category II.

Article 354

Any person who gathers in a crowd or group that may cause disorder and does not leave after being ordered up to 3 (three) times by an authorized official or on his behalf, shall be punished with a maximum fine of category II.

Article 355

Any person who makes use of a right, knowing that the right has been revoked based on a court decision, shall be punished with a maximum imprisonment of 9 (nine) months or a maximum fine of category II.

Article 356

Any person who, without valid reasons, fails to appear before the Balai Harta Peninggalan or at the request of the Balai Harta Peninggalan or before the competent authority, or where permitted, fails to have his representative appear in the case of a person to be placed or who has been placed under guardianship, shall be punished by a maximum fine of category II.

Article 357

Any person who is summoned before the competent authority without valid reasons does not appear or, in the case of a minor, does not request his representative to appear, shall be punished by a maximum fine of category II.

Article 358

- (1) Any person who, when there is a danger to the public safety of persons or property or when a person is caught red-handed committing a crime, refuses to render assistance requested by an authorized official, when such assistance can be rendered without direct danger to himself, shall be punished by a maximum fine of category II.
- (2) The criminal provision as referred to in paragraph (1) shall not apply to a person who refuses a request for assistance when the person caught red-handed committing a Criminal Offense because he/she wants to avoid the danger of prosecution is a blood relative or a cousin in the straight line or second or third degree of straight line to the side or from his/her husband or wife, or former husband or wife.

Paragraph 3

Neglect of Compulsory National Defense

Article 359

- (1) Shall be punished with imprisonment of 6 (six) months or a maximum fine of category II, every person who:
 - a. making himself or asking others to make himself unable to fulfill the obligation to defend the country as referred to in the Law; or

- b. at the request of another person makes that other person unable to fulfill the obligation to defend the country in accordance with the provisions stipulated in the Law.
- (2) If the act as referred to in paragraph (1) letter b results in death, the person shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.

Paragraph 4
Destruction of State Edicts

Article 360

Any person who unlawfully tears off, makes unreadable, or damages information announced on behalf of an authorized official or based on the provisions of laws and regulations with the intention to prevent or make it difficult for people to know the contents of the information, shall be punished with a maximum fine of category II.

Paragraph 5
False Report or Complaint

Article 361

Any person who reports or complains to an authorized official that a criminal offense has occurred, knowing that the criminal offense has not occurred, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category II.

Paragraph 6
Use of Ranks, Titles, and Regalia

Article 362

Any person who unlawfully wears a rank to which he is not entitled, performs an official act which he does not hold, or performs an official act which is temporarily terminated for him, shall be punished with imprisonment of up to 2 (two) years or a maximum fine of category III.

Article 363

Any person who unlawfully wears regalia relating to a rank, position or title to which he is not entitled shall be punished by a maximum fine of category II.

Paragraph 7
Destruction of Mail Evidence for the Benefit of Public Office

Article 364

- (1) Any person who unlawfully breaks, removes, or damages the seal placed on the Goods to be sealed by or on behalf of the authorized Officer or otherwise frustrates the closing of the seal of the Goods to be sealed, shall be punished by a maximum imprisonment of 2 (two) years 6 (six) months or a maximum fine of category III.
- (2) The Keeper of the sealed Goods who commits, allows to be committed, or assists in committing the act as referred to in paragraph (1), shall be punished with imprisonment of up to 3 (three) years and 6 (six) months or a maximum fine of category IV.

- (3) If the act as referred to in paragraph (2) occurs due to negligence, the person shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Article 365

Shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category V, any person who damages, destroys, renders useless, or removes:

- a. Goods used to convince or serve as evidence for an authorized official; or
- b. deed, letter or register which is permanently or temporarily kept by order of an authorized official or which is handed over to an official or to another person for the benefit of public office.

Article 366

Every person who unlawfully does something so that the Mail or Goods do not arrive at the address, opens or damages the Mail or other Goods that have been handed over to the postal operator, have been put in the post box, or handed over to the mail carrier, shall be punished with imprisonment of 1 (one) year 9 (nine) months or a maximum fine of category III.

Article 367

Every person who commits an act as referred to in Article 289 and Article 364 up to Article 366, enters the place where the crime has been committed or is able to reach the object by means of breaking, damaging, climbing, using a false key, based on a false order or because of wearing false official clothes, shall be punished by a maximum of 2 (two) times the punishment imposed.

Second Part

Promotion of Desertion, Rebellion, and Insubordination of the Indonesian National Army

Article 368

Every person who in peacetime, by one of the means as referred to in Article 20 letter b encourages a member of the Indonesian National Army who is in active service to escape or by one of the means as referred to in Article 21 paragraph (1) facilitates the escape, shall be punished with a maximum imprisonment of 9 (nine) months or a maximum fine of category II.

Article 369

Every person who in peacetime, by one of the means as referred to in Article 20 letter b, encourages riots or mutinies among the Indonesian National Army, or by one of the means as referred to in Article 21 paragraph (1) facilitates riots or mutinies, shall be punished with a maximum imprisonment of 6 (six) years and 6 (six) months or a maximum fine of category V.

Third Section Misuse of Livestock Transportation License

Article 370

Any person who in the transportation of Livestock required to use a road certificate uses a road certificate issued for other Livestock, shall be punished by a maximum fine of category II.

Fourth Section Irrigation Crime

Article 371

Any person who violates the regulations stipulated by an authorized official and which have been announced regarding the use and distribution of water from waterworks or irrigation structures for the public interest, shall be punished by a maximum fine of category II.

Fifth Section Unauthorized Copying of Official State Papers

Article 372

- (1) Shall be punished with imprisonment for a maximum period of 6 (six) months or a maximum fine of category II, any person who without the permission of an authorized official:
 - a. making copies of or taking extracts from official papers of the state or government bodies, which should be kept confidential;
 - b. publish all or part of the Letter as referred to in letter a; or
 - c. publishes the information contained in the Letter as referred to in letter a, while it is known or reasonably suspected that the information must be kept confidential.
- (2) Criminal offenses as referred to in paragraph (1) shall not be punishable, if the order to keep confidential is given for other reasons that are not in the interest of the service or public interest.

CHAPTER X CRIMINAL OFFENSE OF FALSE STATEMENT ON OATH

Article 373

- (1) Every person who, based on the provisions of laws and regulations must provide information on oath or such information has legal consequences, provides false information on oath, either orally or in writing, by himself or by his attorney specifically appointed for that purpose, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) Equal to the oath as referred to in paragraph (1) is a promise or corroborating statement required under the provisions of laws and regulations or which is a substitute for an oath.
- (3) Every Person as referred to in paragraph (1) may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XI CRIMINAL OFFENSE OF COUNTERFEITING CURRENCY AND BANKNOTES

Article 374

Any person who counterfeits currency or banknotes issued by the state, with intent to circulate or solicit circulation

as genuine and unfalsified money, shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of category VII.

Article 375

- (1) Any person who physically stores in any manner what he knows to be counterfeit currency as referred to in Article 374, shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of category VII.
- (2) Any person who distributes and/or spends currency which he knows to be counterfeit as referred to in Article 374, shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VIII.
- (3) Any person who brings or imports currency into and/or out of the territory of the Unitary State of the Republic of Indonesia as referred to in Article 374, shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VIII.

Article 376

Any person who reduces the value of currency with the intention of circulating or requesting to circulate currency that has been reduced in value shall be punished for destroying currency, with imprisonment of up to 7 (seven) years or a maximum fine of category VI.

Article 377

Shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of category VI, any person who:

- a. circulate currency of reduced value or circulate currency which at the time of receipt is known to be defective as undefaced currency; or
- b. storing, importing into the territory of the Unitary State of the Republic of Indonesia the currency as referred to in letter a, with the intention of circulating or requesting to circulate as undamaged currency.

Article 378

Any person who receives currency or banknotes issued by the state which is later discovered not to be genuine, forged or mutilated, but continues to circulate them, except as provided for in Article 375 and Article 377, shall be punished with a maximum imprisonment of 9 (nine) months or a maximum fine of category II.

Article 379

Any person who sells, purchases, distributes, makes, or has in stock materials or objects that he knows are used or will be used to counterfeit or reduce the value of currency or to counterfeit banknotes issued by the state, shall be punished with imprisonment of up to 6 (six) years or a maximum fine of category V.

Article 380

- (1) Any person who without the permission of the competent authority keeps or imports into the territory of the Unitary State of the Republic of Indonesia silver pieces or sheets, whether or not stamped, or which after a little work can be considered as currency, when they are not used as jewelry or commemorative marks, shall be punished by

imprisonment of not more than 1 (one) year or a maximum fine of category III.

- (2) Any person who produces, distributes, or makes available for sale or distribution, or brings into the territory of the Unitary State of the Republic of Indonesia printed matter, pieces of metal or other objects resembling banknotes or currency, or resembling gold or silver bearing the state seal, seal, or postal seal, shall be punished by a maximum fine of category II.

Article 381

- (1) Every person as referred to in Article 374 through Article 377 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.
- (2) Counterfeit, falsified or mutilated currency, counterfeit or falsified state banknotes, materials or objects which by their nature are used to imitate, counterfeit or reduce the value of currency or banknotes used to commit the Criminal Offence or are the subject matter of the Criminal Offence as referred to in paragraph (1), shall be forfeited to the state or shall be destroyed.

CHAPTER XII

CRIMINAL ACTS OF COUNTERFEITING STAMPS, STATE SEALS, AND STATE TERA

Part One Counterfeiting of Stamps

Article 382

Shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category V, any person who:

- a. counterfeit or falsify a seal issued by the Government of the Republic of Indonesia with the intention of using or having another person use the seal as an original, unfalsified, or valid seal; or
- b. with the same intention as referred to in letter a, unlawfully makes use of an original seal.

Article 383

Shall be punished with imprisonment of 3 (three) years or a maximum fine of category IV, any person who:

- a. removing a mark which is used to indicate that a seal is no longer usable on a seal of the Government of the Republic of Indonesia which has been used with the intention of using or having someone else use it as if it had not been used;
- b. with the same intent as referred to in letter a, removes the signature, mark, or mark when the seal of the Government of the Republic of Indonesia which has been used in accordance with the provisions of laws and regulations must be affixed above or on the seal; or
- c. use, sell, offer for sale, deliver, have in stock for sale, or import into the territory of the Unitary State of the Republic of Indonesia a seal from which the mark, signature, characteristics, or date of use have been omitted, as if the seal had not been used.

Second Part
Counterfeiting and Use of State Stamp and State Tera

Article 384

- (1) Shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category V, any person who:
 - a. to affix gold or silver Articles with a state seal which is false according to the Law or to counterfeit a state seal with intent to use or to cause others to use, as if the seal were genuine or unfalsified;
 - b. to affix a state seal to gold or silver Articles by unlawfully using the original seal with intent to use or to cause others to use; or
 - c. gives, adds or transfers a genuine state seal in accordance with the Law to gold or silver Articles other than those to which the seal was originally affixed, with intent to use or to cause others to use them, as if the seal had been originally affixed to the gold or silver Articles.
- (2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 385

- (1) Shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category V, any person who:
 - a. affix the Goods which are required to be marked or at the request of the person concerned are permitted to be marked or marked again with a false Republic of Indonesia marking;
 - b. counterfeiting genuine countermarks with intent to use or to cause others to use such Goods as if the countermarks were genuine or unfalsified;
 - c. unlawfully affixes a stamped mark on the Goods as referred to in letter a with an original stamp with the same intention as referred to in letter b; or
 - d. giving, adding to or transferring the original Republic of Indonesia marking to other Goods than those to which it was originally affixed, with intent to use or to cause others to use them as if the original marking had been originally affixed to the Goods.
- (2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 386

- (1) Shall be punished with imprisonment of 3 (three) years 6 (six) months or a maximum fine of category IV, any person who:
 - a. falsifying measures, doses, weights, or scales after they have been marked, with intent to use or to cause others to use them as if they were genuine or unfalsified; or
 - b. using falsified measures, doses, weights, or scales as if they were genuine or unfalsified.
- (2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 387

- (1) Shall be punished with imprisonment of 3 (three) years or a maximum fine of category IV, any person who:
 - a. removes the cancel mark from the marked Goods, with intent to use such Goods as if they were still usable; or
 - b. use, sell, offer for sale, deliver or have in stock for sale, any Goods which have been defaced as if they were still serviceable.
- (2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c.

Article 388

- (1) Shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category V, any person who:
 - a. affixing other stamps or marks other than those referred to in Article 384 and Article 385, which in accordance with the provisions of laws and regulations must or may be affixed to the Goods or their wrappings falsely or falsifying genuine stamps or other marks with intent to use or to cause others to use such Goods as if such stamps or other marks were genuine or unfalsified;
 - b. affixes a stamp or other mark to the Goods or their packaging by unlawfully using the original stamp with the intention of using or having someone else use the Goods; or
 - c. using a genuine stamp or other mark for Goods or their packaging, when such stamp or other mark is not for such Goods or such packaging, with intent to use it as if such stamp or other mark were prescribed for such Goods.
- (2) Every Person as referred to in paragraph (1) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.
- (3) Criminal offenses as referred to in paragraph (1), shall not be prosecuted except on the basis of a complaint by the party whose trademark is falsified.

Third Part

Circulation of Counterfeit Stamps, Seals, or Marks

Article 389

Any person who uses, sells, offers for sale, delivers, has in stock for sale or imports into the territory of the Unitary State of the Republic of Indonesia shall be punished with the penalties referred to in Article 382, Article 384, Article 385 and Article 388 in accordance with the distinctions provided for in said Articles:

- a. seals, stamps, or marks that are not genuine, forged or unlawfully made as if they were genuine, unfalsified, and unlawfully made; or
- b. Goods affixed with a seal, stamp or mark as referred to in letter a, as if the Goods are genuine, unfalsified and unlawfully made.

Article 390

- (1) Any person who stores materials or objects that are known to be used or will be used to commit one of the following acts

Criminal offense as referred to in Article 382, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.

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

CHAPTER XIII CRIMINAL OFFENSE OF FORGERY OF A LETTER

Section One Mail Forgery

Article 391

- (1) Any person who falsely makes or forges a document which may give rise to a right, an obligation or a release from debt, or which is intended as evidence of a matter, with intent to use or to have another person use it as if the contents were true and not forged, if the use of such document may give rise to loss, shall be punished for forgery of document by a maximum imprisonment of 6 (six) years or a maximum fine of category VI.
- (2) Any person who uses a document whose content is untrue or falsified as if it were true or unfalsified, if the use of such document may cause loss, shall be punished with the same punishment as in paragraph (1).

Article 392

- (1) Shall be punished with a maximum imprisonment of 8 (eight) years, any person who commits forgery of a letter against:
 - a. authentic deed;
 - b. Debt securities or debt certificates of a country or part thereof or of a public institution;
 - c. shares, debentures, share certificates, debentures of an association, foundation, company or partnership;
 - d. talon, dividend certificate or interest certificate of one of the Notes as referred to in letters b and c or evidence issued in lieu of such Notes;
 - e. Letter of credit or trade letter intended for circulation;
 - f. Certificate of land rights; or
 - g. Other securities specified in the laws and regulations.
- (2) Every person who uses the Letter as referred to in paragraph (1) the contents of which are untrue or falsified, as if they were true or unfalsified, if the use of such Letter may cause damage, shall be punished with the same punishment as referred to in paragraph (1).

Article 393

- (1) Every person who keeps materials or tools known to be used to commit a criminal offense as referred to in Article 392 paragraph (1), shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category II.
- (2) The materials and tools as referred to in paragraph (1) shall be confiscated to the state or confiscated for destruction.

Second Part False Statement in an Authentic Deed

Article 394

Any person who causes a false statement to be inserted in an authentic deed concerning a matter the truth of which should be stated by the deed, with the intention to use or to have another person use as if the statement were in accordance with the truth, if such use may cause loss, shall be punished by a maximum imprisonment of 7 (seven) years or a maximum fine of category VI.

Third Part Forgery of Certificate

Article 395

- (1) A doctor who provides a Certificate on the state of health or death of a person that is not in accordance with the actual situation, shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category IV.
- (2) If the information as referred to in paragraph (1) is given with the intention to put or keep a person in a mental hospital, a maximum imprisonment of 8 (eight) years or a maximum fine of category VI shall be imposed.
- (3) The punishment as referred to in paragraph (1) and paragraph (2) shall also apply to any person who uses the false certificate as if the content is in accordance with the truth.

Article 396

Shall be punished with imprisonment of 3 (three) years 6 (six) months or a maximum fine of category V, any person who:

- a. making incorrectly or falsifying a doctor's certificate about the presence or absence of illness, weakness, or disability, with the intention of misleading an authorized official or insurer; or
- b. using a doctor's certificate that is not true or falsified, as if the letter is true or not fake with the intention of misleading the authorized official or insurer.

Article 397

Shall be punished with imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III, any person who:

- a. making false or falsifying a certificate of never having been involved in a criminal offense, capability, financial incapacity, disability, or other circumstances, with the intention of using it or having someone else use it in order to be accepted in employment or to generate compassion and help; or
- b. using an untrue or false certificate as referred to in letter a, as if the certificate were true or not false.

Article 398

- (1) Every person shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of category V, if:
 - a. falsely making or forging a passport, a passport-like travel document, or a document issued in accordance with the provisions of the Law on the granting of permission to foreigners to enter and stay in Indonesia; or

- b. requesting to give a similar Letter in a false name or a false minor name or by pointing to a false situation, with the intent to use or have others use it as if it were true or not false.
- (2) Any person who uses an untrue or falsified letter as referred to in paragraph (1) as if it were true and unfalsified, or as if its contents were in accordance with the truth shall be punished with the same punishment.

Article 399

Shall be punished with imprisonment of 3 (three) years or a maximum fine of category IV, any person who:

- a. falsely making or forging a Certificate of introduction for animals or Livestock, or ordering the production of such a Certificate under a false name or referring to a false state, with intent to use or have another person use such Certificate as if it were true and not false; or
- b. using an untrue or forged Letter as referred to in letter a, as if the Letter were true or not forged.

Article 400

Shall be punished with a maximum imprisonment of 4 (four) years or a maximum fine of category IV, any person who:

- a. making incorrectly or falsifying a certificate of an official authorized to make a certificate of title or other rights to an object, with the intent to facilitate the transfer or pledge or to mislead a law enforcement official as to the origin of the object; or
- b. use the certificate as referred to in letter a, as if the certificate is true or not false.

CHAPTER XIV

CRIMINAL OFFENSES AGAINST ORIGINS AND MARRIAGE

Article 401

Any person who embezzles the origin of a person, shall be punished for embezzlement of origin, with imprisonment for a term not exceeding 6 (six) years or a maximum fine of category V.

Article 402

- (1) Shall be punished with imprisonment of 4 (four) years 6 (six) months or a maximum fine of category IV, any person who:
- a. entering into a marriage, knowing that an existing marriage constitutes a legal barrier to such a marriage; or
 - b. to enter into marriage, knowing that the existing marriage of the other party is a legal barrier to the marriage.
- (2) If Every Person as referred to in paragraph (1) letter a conceals to the other party that the existing marriage is a legal barrier to the marriage, shall be punished with imprisonment of 6 (six) years or a maximum fine of category IV.

Article 403

Any person who solemnizes a marriage and does not inform the other party that there is a legal barrier for him/her, and based on such barrier the marriage is then declared invalid, shall be punished with imprisonment for a maximum period of 6 (six) years or a maximum fine of category IV.

Article 404

Any person who does not fulfill the obligation in accordance with the provisions of laws and regulations to report to the authorized official about birth, marriage, divorce, or death, shall be punished with a maximum fine of category II.

Article 405

Every person as referred to in Article 403 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter d and / or letter e.

CHAPTER XV CRIMINAL OFFENSE OF DECENCY

Section One Public Decency

Article 406

Shall be punished with imprisonment of 1 (one) year or a maximum fine of category II, every person who:

- a. violate public decency; or
- b. violates decency in the presence of another person who is present without the will of the person present.

Second Section Pornography

Article 407

- (1) Any person who produces, makes, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, sells, rents, or provides Pornography, shall be punished with imprisonment of 6 (six) months at minimum and imprisonment of 10 (ten) years at maximum or a fine of at least category IV and a fine of at most category VI.
- (2) The acts referred to in paragraph (1) shall not be punished if they constitute works of art, culture, sports, health, and/or science.

Third Part Showing pregnancy prevention and abortion tools

Article 408

Any person who openly demonstrates, offers, broadcasts in writing, or shows in order to obtain a pessary to a child, shall be punished by a maximum fine of category I.

Article 409

Any person who without right openly demonstrates a device for the termination of pregnancy, offers, broadcasts in writing, or shows how to obtain a device for the termination of pregnancy, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Article 410

- (1) The acts referred to in Article 408 shall not be punishable if committed by an authorized officer in the context of the implementation of family planning, the prevention of sexually transmitted infectious diseases, or for the purpose of education and health counseling.
- (2) The acts referred to in Article 409 shall not be punished if they are committed in the interests of science/education.
- (3) The authorized officer as referred to in paragraph (1) includes competent volunteers assigned by the authorized officer.

Fourth Section Adultery

Article 411

- (1) Every person who has carnal knowledge of a person who is not his/her husband or wife shall, being guilty of adultery, be punished by a maximum imprisonment of 1 (one) year or a maximum fine of category II.
- (2) No prosecution shall be conducted against the criminal offense as referred to in paragraph (1) except upon complaint:
 - a. husband or wife for people who are bound by marriage.
 - b. Parents or children for people who are not bound by marriage.
- (3) For complaints as referred to in paragraph (2), the provisions referred to in Article 25, Article 26, and Article 30 shall not apply.
- (4) The complaint may be withdrawn as long as the court hearing has not begun.

Article 412

- (1) Any person who cohabits as husband and wife outside of marriage shall be punished with imprisonment for a maximum period of 6 (six) months or a maximum fine of category II.
- (2) No prosecution shall be conducted against the criminal offense as referred to in paragraph (1) except upon complaint:
 - a. husband or wife for people who are bound by marriage; or
 - b. Parents or children for people who are not bound by marriage.
- (3) The provisions of Article 25, Article 26, and Article 30 shall not apply to the complaint as referred to in paragraph (2).
- (4) The complaint may be withdrawn as long as the court hearing has not begun.

Article 413

Every person who commits sexual intercourse with a person whom he knows that such person is a member of his paternal family, shall be punished with a maximum imprisonment of 10 (ten) years.

Fifth Section Obscene Acts

Paragraph
1
Fornicatio
n

Article 414

- (1) Any person who commits obscene acts against another person of the same or different sex:
 - a. in public, shall be punished with a maximum imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III;
 - b. by force with violence or threat of violence, shall be punished with a maximum imprisonment of 9 (nine) years; or
 - c. published as pornographic content, shall be punished with a maximum imprisonment of 9 (nine) years.
- (2) Any person who with violence or threat of violence forces another person to commit obscene acts against him/her, shall be punished with a maximum imprisonment of 9 (nine) years.

Article 415

Shall be punished with a maximum imprisonment of 9 (nine) years, any person who:

- a. commits obscene acts with a person who is known to be unconscious or helpless; or
- b. commits obscene acts with a person known or reasonably suspected to be a child.

Article 416

- (1) If one of the Criminal Offenses as referred to in Article 414 and Article 415 (a) and (b) results in serious injury, he shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) If one of the Criminal Offenses as referred to in Article 414 and Article 415 letter a and letter b results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 417

Any person who gives or promises to give a gift abusing the authority arising from a relationship of circumstances or by misdirection moves a person who is known or reasonably suspected to be a child, to commit obscene acts or to allow obscene acts to be committed against him, shall be punished with a maximum imprisonment of 9 (nine) years.

Article 418

- (1) Any person who commits fornication with his biological child, stepchild, adopted child, or child under his supervision entrusted to his care or education, shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) Shall be punished with a maximum imprisonment of 12 (twelve) years:
 - a. An official who commits fornication with a subordinate or with a person entrusted or handed over to his care; or
 - b. a doctor, teacher, employee, manager or officer of a correctional institution, state institution, vocational training center, educational home, orphanage and/or orphanage, mental hospital or social institution who commits obscene acts with a person admitted to such institution, home or institution.

Paragraph 2
Facilitating fornication and intercourse

Article 419

- (1) Every person who connects or facilitates another person to commit obscene acts or have carnal knowledge of a person who is known or suspected to be a child, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) If the crime as referred to in paragraph (1) is committed against a biological child, stepchild, adopted child, or child under his/her supervision entrusted to his/her care, he/she shall be punished with a maximum imprisonment of 9 (nine) years.

Article 420

Every person who connects or facilitates another person to commit obscene acts shall be punished with a maximum imprisonment of 2 (two) years.

Article 421

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

Article 422

- (1) Every person who moves, brings, places, or delivers a child to another person to commit obscenity, prostitution, or other acts against decency, shall be punished with a maximum imprisonment of 9 (nine) years.
- (2) If the crime as referred to in paragraph (1) is committed by promising the Child a job or other promises, the perpetrator shall be punished with a maximum imprisonment of 10 (ten) years.

Article 423

Criminal Acts as referred to in Article 414 through Article 422 constitute criminal acts of sexual violence.

Sixth Section
Intoxicating Drinks and Ingredients

Article 424

- (1) Any person who sells or gives intoxicating drinks or substances to a person who is in a state of intoxication, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.
- (2) Any person who sells or gives intoxicating drinks or substances to a child, shall be punished with imprisonment for a maximum period of 2 (two) years or a maximum fine of category II.
- (3) Any person who by violence or threat of violence forces someone to drink or use intoxicating substances, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category III.
- (4) If the acts as referred to in paragraphs (1) through (3):
 - a. resulting in serious injury, shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category IV; or
 - b. resulting in the death of a person, shall be punished with a maximum imprisonment of 7 (seven) years.

- (5) If the perpetrator of the criminal offense as referred to in paragraph (1) through paragraph (3) commits the act in the performance of his/her job, he/she may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

Seventh Section
Utilization of Children for Begging

Article 425

- (1) Any person who gives or delivers to another person a child who is under his/her lawful authority and has not reached the age of 12 (twelve) years, knowing that the child will be used for begging or for performing hazardous work or which may endanger his/her health, shall be punished with imprisonment of up to 4 (four) years or a maximum fine of category IV.
- (2) Every person who receives a child to be utilized as referred to in paragraph (1), shall be punished with the same punishment.

Eighth Section
Gambling

Article 426

- (1) Shall be punished with a maximum imprisonment of 9 (nine) years or a maximum fine of category VI, any person who without a license:
 - a. offering or providing opportunities to play gambling and making a living or participating in a gambling enterprise;
 - b. offering or providing the public with an opportunity to play gambling or to participate in a gambling enterprise, regardless of whether there is a condition or procedure to be fulfilled in order to use the opportunity; or
 - c. making participation in gambling games a means of livelihood.
- (2) If the criminal offense as referred to in paragraph (1) is committed in the exercise of profession, additional punishment may be imposed in the form of deprivation of rights as referred to in Article 86 letter f.

Article 427

Any person who uses the opportunity to play gambling held without a license, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category III.

CHAPTER XVI
CRIMINAL OFFENSE OF NEGLECT OF PERSON

Article 428

- (1) Any person who places or leaves a person in a state of neglect, while according to the law applicable to him or by agreement is obliged to provide for, care for, or maintain such person, shall be punished by a maximum imprisonment of 2 (two) years 6 (six) months or a maximum fine of category III.
- (2) If the act as referred to in paragraph (1) is committed by an official who has an obligation to care for or maintain a neglected person, he shall be punished by a maximum imprisonment of 3 (three) years or a maximum fine of category III.

- (3) Every person as referred to in paragraph (1) and paragraph (2) shall be punished with:
 - a. imprisonment of not more than 5 (five) years, if the act results in serious injury; or
 - b. imprisonment for a maximum period of 7 (seven) years, if the act results in death.

Article 429

- (1) Any person who abandons a child under the age of 7 (seven) years with the intent to relinquish responsibility for the child, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category IV.
- (2) Every person as referred to in paragraph (1) shall be punished with:
 - a. imprisonment for a maximum period of 7 (seven) years, if the act results in serious injury; or
 - b. imprisonment for a maximum period of 9 (nine) years, if the act results in death.
- (3) In the event that the Criminal Offenses as referred to in paragraph (1) and paragraph (2) are committed by the father or mother of the child as referred to in paragraph (1), the punishment may be increased by 1/3 (one-third).

Article 430

A mother who abandons or leaves her child shortly after birth for fear that the birth of the child will be known to others, with the intention that the child will be found by others or with the intention of relinquishing her responsibility for the child born, shall be punished with half of the punishment as referred to in Article 429 paragraph (1) and paragraph (2).

Article 431

Every person as referred to in Article 428 and Article 429 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter d.

Article 432

Any person who, upon witnessing a person in imminent danger of death, fails to render such assistance as may be rendered to him/her without causing danger to himself/herself or to another person, if such person dies, shall be punished by a maximum imprisonment of 6 (six) months or a maximum fine of category II.

CHAPTER XVII CRIMINAL OFFENSE OF DEFAMATION

Part One Pollution

Article 433

- (1) Any person who orally attacks the honor or good name of another by way of an accusation, with intent that it may become public knowledge, shall, being guilty of libel, be punished by a maximum imprisonment of 9 (nine) months or a maximum fine of category II.
- (2) If the act referred to in paragraph (1) is committed by means of writings or drawings which are broadcast, exhibited or affixed in a public place, he shall, being guilty of libel, be punished by

imprisonment for a maximum period of 1 (one) year 6 (six) months or a maximum fine of category III.

- (3) The acts referred to in paragraphs (1) and (2) shall not be punished if they are committed in the public interest or in self-defense.

Second
Section
Slander

Article 434

- (1) If Every Person as referred to in Article 433 is given the opportunity to prove the truth of the matter alleged but is unable to prove it, and the allegation is contrary to what he/she knows, shall be punished for slander, with imprisonment of up to 3 (three) years or a maximum fine of category IV.
- (2) Proof of the truth of the allegations as referred to in paragraph (1), can only be carried out in the event that:
 - a. the judge deems it necessary to examine the truth of the allegation in order to consider the defendant's statement that the defendant committed the act in the public interest or in self-defense; or
 - b. Officials are accused of doing something in the course of their official duties.
- (3) The proof as referred to in paragraph (2) cannot be carried out if the matter alleged can only be prosecuted upon a complaint, whereas no complaint has been filed.

Article 435

- (1) If a court decision that has obtained permanent legal force declares that the person insulted is guilty of the matter alleged as referred to in Article 434, he shall not be punished for slander.
- (2) If by a court decision that has obtained permanent legal force the insulted person is acquitted of the alleged matter, the decision is considered as perfect proof that the alleged matter is not true.
- (3) If a criminal prosecution has been initiated against the defamed on account of the matter of which he is accused, the prosecution for slander shall be suspended until there is a final judicial verdict on the matter of which he is accused.

Third Section Mild
Insult

Article 436

Insults which are not libelous or defamatory in nature and which are committed against another person either in public orally or in writing, or in front of the insulted person orally or by deed or by writing sent or delivered to him, shall be punished for minor insults with imprisonment for a maximum period of 6 (six) months or a maximum fine of category II.

Fourth Section Slander
Complaint

Article 437

- (1) Any person who submits a false complaint or notification in writing or requests another person to write a false complaint or notification to an authorized official about another person so that the honor or good name of the person is attacked, shall be punished for making a slanderous complaint, with imprisonment of up to 3 (three) years and 6 (six) months or a maximum fine of category IV.
- (2) Every person as referred to in paragraph (1) may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a and/or letter b.

Fifth Section False Pretenses

Article 438

Any person who by an act creates a false suspicion against another person that such person has committed a criminal offense, shall, being guilty of creating a false suspicion, be punished by a maximum imprisonment of 3 (three) years and 6 (six) months or a maximum fine of category IV.

Sixth Section Pollution of the Dead

Article 439

- (1) Any person who commits defamation or libel against a dead person shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.
- (2) If Every Person as referred to in paragraph (1) commits such Criminal Offense in the exercise of his/her profession and at that time 2 (two) years have not passed since the existence of a verdict of conviction which has obtained permanent legal force for committing the same Criminal Offense, may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.
- (3) The crime as referred to in paragraph (1) shall not be prosecuted in the absence of a complaint from the husband or wife, or from one of the blood relatives or cousins in a straight line or sideways to the second degree of the dead person.
- (4) In matriarchal societies complaints can also be made by others exercising Paternal Authority.

Seventh Section Complaints, Criminal Aggravation, and Additional Penalties

Article 440

Criminal Offenses as referred to in Article 433, Article 434, and Articles 436 through 438 shall not be prosecuted, if there is no complaint from the Victim of the Crime.

Article 441

- (1) The criminal provisions as referred to in Article 433 through Article 439 may be increased by 1/3 (one-third) if committed by means of information technology.
- (2) The criminal provisions as referred to in Article 433, Article 434, and Article 436 may be increased by 1/3 (one-third), if the person insulted or defamed is an Official who is performing his/her lawful duties.

Article 442

Every person as referred to in Article 434 and Article 436 up to Article 439 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XVIII
CRIMINAL OFFENSE OF DISCLOSURE OF SECRETS

Article 443

- (1) Any person who discloses a secret which he/she is obliged to keep by virtue of his/her position, profession, or duties assigned by a government agency, whether a current or former secret, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.
- (2) If the Criminal Offense as referred to in paragraph (1) is committed in respect of the secret of another person, it may only be prosecuted upon complaint of such person.

Article 444

- (1) Any person who discloses particulars about a company in which he works or has worked which he must keep confidential, shall be punished with imprisonment for a term not exceeding 2 (two) years or a maximum fine of category III.
- (2) The criminal offense as referred to in paragraph (1) may only be prosecuted upon complaint of the management of the company.

Article 445

Every person as referred to in Article 443 and Article 444 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c and/or letter f.

CHAPTER XIX
CRIMINAL OFFENSE AGAINST FREEDOM OF PERSON

Part One
Deprivation of Liberty and Coercion

Article 446

- (1) Any person who unlawfully deprives a person of his liberty or continues such deprivation, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) results in serious injury, he shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 12 (twelve) years.
- (4) Criminal provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) shall also apply to the person who gives place to the deprivation of liberty or continues the unlawful deprivation of liberty.

Article 447

- (1) Every Person who due to negligence causes person is unlawfully deprived of his liberty or continues to be deprived of his liberty.

- deprivation of liberty, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.
- (2) If the act as referred to in paragraph (1) results in serious injury, the person shall be punished with imprisonment of not more than 1 (one) year.
 - (3) If the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 2 (two) years.

Article 448

- (1) Shall be punished with imprisonment of 1 (one) year or a maximum fine of category II, every person who:
 - a. unlawfully forces another person to do, not to do, or to tolerate something, by violence or threat of violence, either against himself or against another person; or
 - b. forcing another person to do, not to do or not to do something by threat of defamation or libel.
- (2) The Criminal Offense as referred to in paragraph (1) letter b may only be prosecuted upon a complaint from the Victim of the Criminal Offense.

Article 449

- (1) Shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category IV, any person who threatens with:
 - a. Open violence with concerted force

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 mitted against persons or property;
 - b. an offence that results in danger to public safety to persons or property;
 - c. rape or by obscene acts;
 - d. an Offense against the life of a person;
 - e. serious maltreatment; or
 - f. combustion.
- (2) If the threat as referred to in paragraph (1) is made in writing and with certain conditions, it shall be punished with a maximum imprisonment of 3 (three) years and 6 (six) months or a maximum fine of category IV.

Second Part Deprivation of Liberty

Paragraph 1 Kidnappin g

Article 450

Any person who takes a person with intent to unlawfully place such person under his/her authority or the authority of another person or to place such person in a state of helplessness, shall be punished for kidnapping with a maximum imprisonment of 12 (twelve) years.

Paragraph 2 Hostage- taking

Article 451

Any Person who detains any person by Force or Threat of Force with intent to unlawfully place such person at

under his power or the power of another person or to place such person in a state of helplessness, shall, being guilty of hostage-taking, be punished by a maximum imprisonment of 12 (twelve) years.

Third Part
Deprivation of Liberty for Children and Women

Paragraph 1
Transfer of Power

Article 452

- (1) Any person who withdraws a Child from the authority in accordance with the provisions of laws and regulations determined over him/her or from the supervision of the person authorized to do so, shall be punished with imprisonment for a maximum of 6 (six) years or a maximum fine of category IV.
- (2) If the act as referred to in paragraph (1) is committed by deceit, violence or threat of violence, or against a child who is under 12 (twelve) years of age, the offender shall be punished with a maximum imprisonment of 8 (eight) years or a maximum fine of category V.

Paragraph 2 Hiding the
Child

Article 453

- (1) Any person who hides a child who has been withdrawn or withdraws himself/herself from the authority in accordance with the provisions of laws and regulations determined upon him/her or from the supervision of the person authorized to do so, or withdraws him/her from the investigation of an authorized official, shall be punished by a maximum imprisonment of 4 (four) years or a maximum fine of category III.
- (2) If the act as referred to in paragraph (1) is committed against a child under the age of 12 (twelve) years, he shall be punished with a maximum imprisonment of 7 (seven) years.

Paragraph 3
Escaping Children and Women

Article 454

- (1) Any person who takes away a child against the will of the parents or guardian, but with the consent of the child, with the intention of ensuring control over the child, either within or outside marriage, shall be punished for running away with a child, with a maximum imprisonment of 7 (seven) years.
- (2) Any person who carries off a woman by deception, force or threat of force, with intent to ensure control over the woman, either within or outside marriage, shall be punished for carrying off a woman with a maximum imprisonment of 9 (nine) years.
- (3) Criminal offenses as referred to in paragraph (1) may only be prosecuted upon the complaint of the Child, Parent, or guardian.
- (4) The criminal offense as referred to in paragraph (2) may only be prosecuted upon the complaint of the woman or her husband.
- (5) If the runaway marries the woman who was taken away and the marriage is conducted in accordance with the provisions of the regulations

legislation concerning marriage, shall not be subject to punishment until the marriage has been declared null and void.

Fourth Section Trafficking in Persons

Article 455

- (1) Any person who commits recruitment, transportation, harboring, sending, transferring, or receiving a person by Threat of Violence, use of Violence, abduction, harboring, falsification, deception, abuse of power or position of vulnerability, debt bondage, or providing payment or benefit despite obtaining consent from a person who has control over another person, for the purpose of exploiting such person in the territory of the Unitary State of the Republic of Indonesia, shall be punished for committing the crime of trafficking in persons, with imprisonment of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least category IV and at most category VII.
- (2) If the act as referred to in paragraph (1) results in an exploited person, the perpetrator shall be punished with the same punishment.

Fifth Section Additional Penalties

Article 456

Every person who commits one of the Criminal Offenses as referred to in Article 446 and Article 450 up to Article 455 may be subject to additional punishment in the form of deprivation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XX HUMAN SMUGGLING

Article 457

Any person who commits an act for the purpose of seeking profit, either directly or indirectly, for himself or for another person by bringing a person or group of persons, either in an organized or unorganized manner, or ordering another person to bring a person or group of persons, either in an organized or unorganized manner, who does not have the right to legally enter the Indonesian Territory or exit the Indonesian Territory and/or enter the territory of another country, who does not have the right to enter the territory legally, either by using valid documents or fake documents, or without using Travel Documents, either through immigration checks or not, shall be punished for human smuggling with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years or a fine of at least category V and a maximum of category VII.

CHAPTER XXI CRIMINAL OFFENSES AGAINST LIFE AND FETUS

First Section Murder

Article 458

- (1) Every person who takes the life of another person, shall be punished for murder, with a maximum imprisonment of 15 (fifteen) years.
- (2) If the crime as referred to in paragraph (1) is committed against the mother, father, wife, husband, or child, the punishment may be increased by 1/3 (one third).
- (3) Murder which is followed, accompanied, or preceded by a Crime committed with the intent to prepare or facilitate its commission, or to release oneself or other participants from punishment in the event of being caught red-handed, or to ensure the possession of Goods unlawfully obtained, shall be punished with life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 459

Every person who with premeditation takes the life of another person shall, being guilty of premeditated murder, be punished with death penalty or life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 460

- (1) A mother who takes the life of her child at or shortly after birth, for fear that the birth of the child will be known to others, shall, being guilty of infanticide, be punished by a maximum imprisonment of 7 (seven) years.
- (2) If the act as referred to in paragraph (1) is committed with premeditation, it shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) Other person who participates in the crime as referred to in:
 - c. paragraph (1) shall be punished with the same punishment as Article 458 paragraph (1); or
 - d. paragraph (2) shall be punished with the same punishment as in Article 459.

Article 461

Any person who takes the life of another person at the request of the other person which is clearly expressed with sincerity, shall be punished with a maximum imprisonment of 9 (nine) years.

Article 462

Any person who encourages, assists, or provides the means for another person to commit suicide and such person dies by suicide, shall be punished with a maximum imprisonment of 4 (four) years.

Second Section Abortion

Article 463

- (1) Any woman who commits abortion shall be punished with imprisonment for a maximum of 4 (four) years.
- (2) The provisions as referred to in paragraph (1) shall not apply in the event that the woman is a Victim of a Crime of rape or other Crime of sexual violence causing pregnancy whose gestational age does not exceed 14 (fourteen) weeks or has an indication of medical emergency.

Article 464

- (1) Any person who performs an abortion on a woman:
 - a. with the consent of the woman, shall be punished by a maximum imprisonment of 5 (five) years; or
 - b. without her consent, shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) If the act as referred to in paragraph (1) letter a results in the death of the woman, he shall be punished with a maximum imprisonment of 8 (eight) years.
- (3) If the act as referred to in paragraph (1) letter b results in the death of the woman, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 465

- (1) Doctors, midwives, paramedics, or pharmacists who commit Criminal Acts as referred to in Article 464, the punishment may be increased by 1/3 (one third).
- (2) Doctors, midwives, paramedics, or pharmacists who commit Criminal Acts as referred to in paragraph (1) may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a and letter f.
- (3) Doctors, midwives, paramedics, or pharmacists who perform abortions due to indications of medical emergencies or for Victims of Criminal Acts of rape or other Criminal Acts of sexual violence that cause pregnancy as referred to in Article 463 paragraph (2) shall not be punished.

CHAPTER XXII CRIMINAL OFFENSE AGAINST THE BODY

Part One Persecution

Article 466

- (1) Any person who commits maltreatment shall be punished with a maximum imprisonment of 2 (two) years 6 (six) months or a maximum fine of category III.
- (2) If the act as referred to in paragraph (1) results in serious injury, he shall be punished with a maximum imprisonment of 5 (five) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 7 (seven) years.
- (4) Included in the maltreatment referred to in paragraph (1) are acts that damage health.
- (5) Attempt to commit the Criminal Offense as referred to in paragraph (1) shall not be punished.

Article 467

- (1) Any person who commits maltreatment with premeditation shall be punished with a maximum imprisonment of 4 (four) years.
- (2) If the act as referred to in paragraph (1) results in serious injury, he shall be punished with a maximum imprisonment of 7 (seven) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 9 (nine) years.

Article 468

- (1) Any person who seriously injures another person shall, being guilty of serious maltreatment, be punished with a maximum imprisonment of 8 (eight) years.
- (2) If the act as referred to in paragraph (1) results in death, the person shall be punished with a maximum imprisonment of 10 (ten) years.

Article 469

- (1) Any person who commits serious maltreatment with premeditation shall be punished with a maximum imprisonment of 12 (twelve) years.
- (2) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 470

The Criminal Offenses as referred to in Article 466 up to Article 469, the punishment may be increased by 1/3 (one third), if such Criminal Offenses are committed:

- a. against an Official while or because of the performance of his/her lawful duties;
- b. by administering substances harmful to life or health; or
- c. towards mom or dad.

Article 471

- (1) In addition to the maltreatment described in Article 467 and Article 470, maltreatment that does not result in illness or an impediment to the exercise of a profession or livelihood shall be punished as light maltreatment with a maximum imprisonment of 6 (six) months or a maximum fine of category II.
- (2) If the crime as referred to in paragraph (1) is committed against a person who works for him or under him, the punishment may be increased by 1/3 (one third).
- (3) Attempt to commit the Criminal Offense as referred to in paragraph (1) shall not be punished.

Second Part

Group Assaults and Fights

Article 472

Any person who participates in an assault or fight involving several persons, in addition to their individual responsibility for the specific crime committed, shall be punished by:

- a. imprisonment of 2 (two) years 6 (six) months or a maximum fine of category III, if the assault or fight results in serious injury; or
- b. imprisonment for a maximum period of 4 (four) years, if the assault or fight results in the death of a person.

Third Section

Rape

Article 473

- (1) Any person who by violence or threat of violence forces someone to have carnal knowledge of him, shall, being guilty of rape, be punished by a maximum imprisonment of 12 (twelve) years.

- (2) Including the crime of rape and punishable as referred to in paragraph (1) include acts:
 - a. sexual intercourse with a person with his/her consent, because the person believes that the person is his/her lawful spouse;
 - b. sexual intercourse with a child;
 - c. cohabitation with a person, knowing that the other person is unconscious or helpless; or
 - d. coitus with a person with mental disability and/or intellectual disability by giving or promising money or goods, abusing authority arising from a relationship of circumstances, or by misleading him to commit or allow coitus with him, knowing about the state of disability.
- (3) The crime of rape shall also be deemed to have been committed if, in the circumstances referred to in paragraphs (1) and (2), by means of:
 - a. inserting the genitals into the anus or mouth of another person;
 - b. inserting the genitals of another person into his or her own anus or mouth; or
 - c. inserting a part of the body that is not the genitals or an object into the genitals or anus of another person.
- (4) In the event that the Criminal Offenses as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) are committed against a Child, shall be punished with imprisonment of at least 3 (three) years and at most 15 (fifteen) years and a fine of at least category IV and at most category VII.
- (5) The provisions as referred to in paragraph (4) shall also apply to any person who forces the Child to commit the Criminal Offenses as referred to in paragraph (1), paragraph (2) letter c, paragraph (2) letter d, and paragraph (3) with another person.
- (6) In the event that the Criminal Offense as referred to in paragraph (1) is committed within the bond of marriage, no prosecution shall be conducted except upon the complaint of the Victim.
- (7) If one of the Criminal Offenses as referred to in paragraph (1) through paragraph (3) results in Serious Injury, shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (8) If one of the Criminal Offenses as referred to in paragraph (1) through paragraph (3) results in the death of a person, the punishment may be increased by 1/3 (one-third) of the punishment as referred to in paragraph (1).
- (9) If the Victim as referred to in paragraph (4) is a biological child, stepchild, or child under his/her guardianship, the punishment may be increased by 1/3 (one-third) of the punishment as referred to in paragraph (4).
- (10) In the event that the Criminal Offenses as referred to in paragraph (1) through paragraph (9) are committed jointly and in concert, or committed against a person in a state of danger, emergency, conflict situation, disaster, or war, the punishment may be increased by 1/3 (one-third).
- (11) Criminal Acts as referred to in paragraph (1) through paragraph (2).
 - (10) is a crime of sexual violence.

CHAPTER XXIII
CRIMINAL OFFENSE RESULTING IN DEATH OR INJURY DUE TO
NEGLIGENCE

Article 474

- (1) Any person who through negligence causes injury to another person resulting in illness or impediment to the performance of an office, livelihood or profession for a certain period of time, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.
- (2) Any person who through negligence causes serious injury to another person, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category III.
- (3) Any person who through negligence results in the death of another person, shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category V.

Article 475

- (1) If the criminal offense as referred to in Article 474 is committed in the exercise of office, livelihood, or profession, the punishment may be increased by 1/3 (one-third).
- (2) Every Person as referred to in paragraph (1) may also be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c and revocation of rights as referred to in Article 86 letter f.

CHAPTER XXIV THE CRIME OF THEFT

Article 476

Any person who takes any property which partly or wholly belongs to another, with intent to unlawfully possess it, shall be punished for theft, with imprisonment for a term not exceeding 5 (five) years or a maximum fine of category V.

Article 477

- (1) Shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category V, any person who commits:
 - a. theft of sacred religious objects or beliefs;
 - b. theft of archaeological objects;
 - c. theft of Livestock or Goods that are a person's main source of livelihood or source of income;
 - d. theft in the event of fire, explosion, natural disaster, shipwreck, shipwreck, airplane accident, train accident, road traffic accident, riot, rebellion, or war;
 - e. theft by night in a dwelling or in an enclosed yard where there is a dwelling, committed by a person whose presence is unknown or unwanted by the rightful claimant;
 - f. theft by means of breaking, prying, cutting, breaking, climbing, using a false key, using a false order, or wearing a false costume, to enter the place where the crime was committed or to arrive at the property taken; or
 - g. theft jointly and severally.
- (2) If the act as referred to in paragraph (1) letter e is accompanied by one of the means as referred to in paragraph (1) letter f and letter g, he shall be punished with a maximum imprisonment of 9 (nine) years.

Article 478

If the Criminal Offenses as referred to in Article 476 and Article 477 paragraphs (1) (f) and (g) are not committed in a dwelling or enclosed yard where there is a dwelling, and the value of the stolen goods does not exceed Rp 500,000.00 (five hundred thousand rupiah), shall be punished for petty theft with a maximum fine of category II.

Article 479

- (1) Every person who commits theft preceded, accompanied or followed by violence or threat of violence against persons, with intent to prepare or facilitate the theft or in the event of being caught red-handed, to enable himself or another person to retain possession of the stolen goods, shall be punished with imprisonment for a maximum period of 9 (nine) years.
- (2) Every person who commits the act as referred to in paragraph (1) shall be punished with a maximum imprisonment of 12 (twelve) years:
 - a. at Night in a house or enclosed yard with a house, on a public street, or in a public transportation vehicle in motion;
 - b. theft by means of damaging, breaking, cutting, breaking, climbing, using false keys, using false orders, or wearing false official clothes, to enter the place where the crime is committed or to arrive at the goods taken;
 - c. resulting in serious injury to persons; or
 - d. together and in alliance.
- (3) If the act as referred to in paragraph (1) or paragraph (2) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (4) If the acts referred to in paragraph (1) result in Serious Injury or the death of a person committed jointly and severally and accompanied by one of the matters referred to in paragraph (2), the act shall be deemed to have caused serious injury or death.
(2) letter a and letter b, shall be punished with death penalty or life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 480

Every person as referred to in Article 476 through Article 479 may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Article 481

- (1) Criminal prosecution shall not be conducted if the person who commits one of the Criminal Offenses as referred to in Article 476 up to Article 479 is the husband or wife of the Victim of the Criminal Offense who is not separated from the table and bed or not separated from the assets.
- (2) Criminal prosecution can only be carried out on the complaint of the Victim if the perpetrator as referred to in paragraph (1) is the husband or wife of the Victim of the Crime who is separated by table and bed or separated by assets, or is a blood relative or a cousin either in a straight line or in a sideways line up to the second degree.
- (3) In matriarchal societies, complaints can also be made by others exercising Paternal Authority.

CHAPTER XXV THE CRIME OF EXTORTION AND THREATENING

Article 482

- (1) Punishable for extortion with a maximum imprisonment of 9 (nine) years, any person who with intent to unlawfully benefit himself or another, forces a person by force or threat of force to:
 - a. giving away any Goods, which partly or wholly belong to that person or to another person; or
 - b. giving debts, making acknowledgments of debts, or writing off receivables.
- (2) The provisions referred to in Article 479 paragraphs (2) to (4) shall also apply to extortion as referred to in paragraph (1).

Article 483

- (1) Punishable for threatening with a maximum imprisonment of 4 (four) years or a maximum fine of category IV, any person who, with intent to unlawfully benefit himself or another, by threat of defamation or libel or by threat of revealing a secret, forces a person:
 - a. giving away any Goods which partly or wholly belong to that person or to another person; or
 - b. giving debts, making acknowledgments of debts, or writing off receivables.
- (2) The Criminal Offense as referred to in paragraph (1) may only be prosecuted upon the complaint of the Victim of the Criminal Offense.

Article 484

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

Article 485

Every Person as referred to in Article 482 up to Article 483 may be subject to additional punishment as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

CHAPTER XXVI THE CRIME OF EMBEZZLEMENT

Article 486

Any person who unlawfully possesses goods partially or wholly belonging to another person, which are in his possession by reason of a crime, shall, being guilty of embezzlement, be punished by a maximum imprisonment of 4 (four) years or a maximum fine of category IV.

Article 487

If what has been embezzled is not Livestock or Goods which are not a source of livelihood or sustenance with a value not exceeding Rp1,000,000.00 (one million rupiah), every person as referred to in Article 486 shall be punished for minor embezzlement with a maximum fine of category II.

Article 488

In the event that the act referred to in Article 486 is committed by a person whose possession of the Goods is due to an employment relationship, due to his profession, or due to a remuneration for such possession

Such goods shall be punished by a maximum imprisonment of 5 (five) years or a maximum fine of category V.

Article 489

In the event that the act as referred to in Article 486 is committed by a person who receives the Goods from another person who is compelled to deliver the Goods to him for safekeeping or by a guardian, custodian, administrator or executor of a Will, administrator of a social institution or foundation in respect of the Goods under his control, he shall be punished with imprisonment for a term not exceeding 5 (five) years or a maximum fine of category V.

Article 490

The provisions as referred to in Article 481 shall also apply to the Criminal Offenses as referred to in Articles 486 through 489.

Article 491

- (1) Every person as referred to in Article 486, Article 488, or Article 489, may be subject to additional punishment in the form of announcement of the judge's decision as referred to in Article 66 paragraph (1) letter c and revocation of one or more rights as referred to in Article 86.
- (2) If the Criminal Offense as referred to in paragraph (1) is committed in the exercise of his/her profession, the perpetrator may be subject to additional punishment in the form of revocation of rights as referred to in Article 86 letter f.

CHAPTER XXVII CRIMINAL OFFENSE OF FRAUDULENT ACT

Article 492

Any person who, with intent to unlawfully benefit himself or another by assuming a false name or false position, using deception or a series of false words, induces a person to deliver goods, to give debts, to make acknowledgment of debts, or to cancel receivables, shall be punished for fraud, with imprisonment of up to 4 (four) years or a maximum fine of category V.

Article 493

Shall be punished with imprisonment for a term not exceeding 2 (two) years or a fine not exceeding category IV, a seller who deceives a buyer:

- a. by delivering Goods other than those specified by the buyer; or
- b. about the condition, nature or quantity of the Goods delivered.

Article 494

Punishable for minor fraud with a maximum fine of category II, if:

- a. Goods delivered as referred to in Article 492 are not Livestock, not a source of livelihood, debts, or receivables whose value is not more than Rp 1,000,000.00 (one million rupiah); or
- b. the value of profit obtained is not more than Rp 1,000,000.00 (one million rupiah) for perpetrators as referred to in Article 493.

Article 495

Any person who commits an act by fraudulent means resulting in another person suffering economic loss, through false confession or by failing to disclose the actual situation, shall be punished.

shall be punished by a maximum imprisonment of 1 (one) year or a maximum fine of category II.

Article 496

Any person who fraudulently obtains a service for himself or another from a third party without paying in full for the use of such service shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.

Article 497

Any person who makes it his/her livelihood or habit to purchase Goods with the intent to acquire such Goods for himself/herself or another person without payment, shall be punished with imprisonment for a term not exceeding 5 (five) years or a maximum fine of category V.

Article 498

Any person who by deceit misleads an insurer regarding a matter related to insurance so that the insurer makes an agreement that he would not have made under such conditions if the actual circumstances were known, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category III.

Article 499

Shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category V, any person who with intent to unlawfully benefit himself or another unlawfully harms an insurer or a person who lawfully holds a letter of insurance for goods in a transport vehicle, with:

- a. burning or causing an explosion of Goods that are subject to fire insurance so that they can no longer be used;
- b. sinks, strands, damages, destroys, or renders unusable a Vessel which is insured or whose cargo is insured or whose freight to be paid has been insured or for the equipping of which money has been borrowed on account of such Vessel; or
- c. damaging, destroying or rendering useless the insured vehicle or the insured cargo or the transportation fee to be paid for which has been insured or for which loan money has been provided on account of the vehicle.

Article 500

Any person who commits an act fraudulently to mislead the public or a particular person with a view to establishing or enlarging his own or another person's trade or enterprise, so as to cause injury to his rival or the rival of such other person, shall, being guilty of fraudulent competition, be punished by a maximum imprisonment of 2 (two) years or a maximum fine of category III.

Article 501

The holder of a bill of lading who encumbers a copy of the bill of lading by a reciprocal agreement with several consignees of the Goods concerned, shall be punished by a maximum imprisonment of 3 (three) years or a maximum fine of category IV.

Article 502

Shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V, any person who with intent to unlawfully benefit himself or another person:

- a. selling, exchanging or encumbering with a credit bond a right to use state land or a house, plant or nursery business on land on which a person exercises a right to such land, when another person is entitled or co-rights to such land or Goods;
- b. sells, exchanges, or encumbers with a credit bond a right to use state land or a house, a crop business or a nursery on land on which a person exercises a right to such land, even though such land or Goods have been encumbered with a credit bond, but does not notify the other party of such fact;
- c. encumbering with a credit bond a right to use state land by concealing it to another party, even though the land on which the person exercising the right has been pledged;
- d. pledging or leasing a piece of land on which a person exercises a right to the land, while another person has a right or shares a right to the land;
- e. rents, sells or exchanges the mortgaged land without informing the other party that the land has been mortgaged; or
- f. leasing a piece of land on which a person exercises a right to the land for a certain period of time, even though the land has also been leased to another person.

Article 503

- (1) Any person who sells, offers for sale, or delivers goods in the form of food, beverages, or medicine, which he knows to be counterfeit and conceals the falsity, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.
- (2) If the crime as referred to in paragraph (1) results in serious injury or illness, shall be punished with a maximum imprisonment of 7 (seven) years.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 9 (nine) years.

Article 504

Any person who conducts food production for distribution using food additives exceeding the maximum threshold stipulated by an authorized official or using materials prohibited as additives, shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category V.

Article 505

Any person who, with the intent to unlawfully benefit himself or another, damages, destroys, moves, disposes of, or renders useless an item used to determine the boundary of a yard or the boundary of a legal land right, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Article 506

Any person who, with intent to unlawfully benefit himself or another, disseminates false news that results in an increase or decrease in the price of merchandise, funds, financial transactions, or securities shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of category IV.

Article 507

Any person who, in selling or assisting in selling the debt securities of a country or part of such country, shares or debt securities of an association, foundation, or company, influences to buy or participate, conceals or covers up the actual circumstances or matters, or gives false hopes, shall be punished with imprisonment for a maximum period of 4 (four) years or a maximum fine of category V.

Article 508

Entrepreneurs, managers, or commissioners of Corporations who announce untrue circumstances or balance sheets, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) Months or a maximum fine of category III.

Article 509

Shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III:

- a. an advocate who includes or requests to include in a lawsuit or divorce petition or bankruptcy petition, information about the residence or residence of the defendant or debtor, when it is known or reasonably suspected that the information is contrary to the actual situation;
- b. husband or wife filing a lawsuit or petition for divorce who provides information that is contrary to the actual situation to the advocate as referred to in letter a; or
- c. creditors who file for bankruptcy who provide information that is contrary to the actual situation to the advocate as referred to in letter a.

Article 510

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

CHAPTER XXVIII

CRIMINAL OFFENSE AGAINST TRUST IN DOING BUSINESS

Part One

Adverse Actions and Fraud against Creditors

Article 511

Entrepreneurs who are declared bankrupt or who are allowed to dispose of their property according to a court decision shall be punished for harming creditors, by a maximum imprisonment of 1 (one) year and 6 (six) months or a maximum fine of category III if:

- a. living too extravagantly;
- b. with the intention of suspending his bankruptcy, borrows money on an agreement which is onerous to him, knowing that the loan will not prevent his bankruptcy; or

- c. cannot show intact books, letters containing records describing the state of the company's assets, and other letters that must be made and kept in accordance with the provisions of laws and regulations.

Article 512

Entrepreneurs who are declared bankrupt or who are allowed to dispose of their property based on a court decision, shall be punished for fraudulently harming creditors, by a maximum imprisonment of 7 (seven) years or a maximum fine of category VI, if:

- a. fabricating debts, not accounting for profits, or withdrawing goods from company property;
- b. releasing the company's goods, either for free or at a fraction of the price;
- c. in a manner favorable to a creditor at the time of bankruptcy or at a time when it was known that the bankruptcy could not be avoided; or
- d. does not fulfill the obligation to record everything in accordance with the provisions of laws and regulations, keep and show books, letters, and other letters as referred to in Article 511 letter c.

Article 513

Criminal Offenses as referred to in Article 511 and Article 512 may also be committed by Corporations.

Article 514

Shall be punished for fraud of creditors with imprisonment of 5 (five) years or a maximum fine of category VI, any person who:

- a. Withdrawing payment from either unpaid or overdue receivables when the debtor knew that bankruptcy or corporate insolvency of the debtor had been filed or as a result of negotiations with the debtor, at the time of property disposal based on a court decision, bankruptcy, or ordered by the court to conduct corporate insolvency, or when it was known or reasonably suspected that one of these things would occur and then the property disposal, bankruptcy, or corporate insolvency actually occurred; or
- b. fabricate the existence of non-existent receivables or increase the amount of existing receivables, at the time of verification of receivables in the disposal of property based on court decisions, bankruptcy, or company administration.

Article 515

Any person who, being adjudged incapacitated or, if he is not an entrepreneur, being adjudged bankrupt or by virtue of a judicial verdict allowed to dispose of his property, fraudulently prejudices the rights of his creditors by inventing debts, concealing income, withdrawing goods from his property, or disposing of goods free of charge or manifestly below their value, or at the time of his incapacity, disposal of his property or bankruptcy, or at the time when he knows that one of these circumstances cannot be prevented, benefits one of his creditors in any way whatsoever, shall be punished by a maximum imprisonment of 5 (five) years or a maximum fine of category VI.

Second Part
Fraudulent Acts of Management or Commissioners

Article 516

The management or commissioner of a Corporation which is declared bankrupt or which is ordered to conduct corporate administration, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category VI, if:

- a. facilitate or permit the commission of acts contrary to its articles of association which result in the Corporation's loss;
- b. with the intention of delaying the bankruptcy or winding up of the company, facilitating or permitting the borrowing of money on onerous terms, knowing that the bankruptcy or winding up of the company cannot be prevented; or
- c. failing to fulfill the obligation to maintain records as prescribed in the provisions of laws and regulations or failing to produce records in their actual state.

Article 517

The management or commissioner of a Corporation declared bankrupt or ordered to conduct corporate administration based on a court decision fraudulently reduces the rights of creditors in the manner referred to in Article 512, shall be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of category VI.

Article 518

The management or commissioner of the Corporation outside the provisions as referred to in Article 516, who assists or permits acts contrary to the articles of association which result in the Corporation being unable to fulfill its obligations or having to be dissolved, shall be punished by a maximum fine of category VI.

Third Part
Peace to Gain

Article 519

Shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category III:

- a. a creditor who agrees to a settlement offer in court because he has entered into an agreement with the debtor or with a third party and requests a special benefit; or
- b. A debtor who agrees to a settlement offer in court because he has entered into an agreement with a creditor or with a third party and seeks special benefits.

Fourth Section
Unauthorized Withdrawal of
Goods

Article 520

- (1) Shall be punished with imprisonment of 3 (three) years or a maximum fine of category V, any person who:
 - a. withdraws some or all of his/her Goods or the Goods of another person for the purposes of the owner, from the other person who owns them

- have a lien, retention right, right to collect produce, or right of use over the Goods;
- b. withdraws part or all of his/her Property or the Property of another person for the purposes of the owner, from the agreement of the lien on such Property, to the detriment of the person to whom the lien is owed;
 - c. withdraws some or all of the Goods by which he is bound, or for the person giving the bond withdraws any Goods by which another is bound to the detriment of the holder of the bond; or
 - d. withdraw some or all of the Goods belonging to or for the purposes of the owner from the credit bond for the Goods to the detriment of the credit holder.
- (2) The criminal provisions as referred to in Article 481 shall also apply to the criminal offense as referred to in paragraph (1).

CHAPTER XXIX
CRIMINAL OFFENSES OF DAMAGE AND DESTRUCTION OF PROPERTY AND
BUILDINGS

Part One
Damage and Destruction of Goods

Article 521

- (1) Any person who unlawfully damages, destroys, renders useless, or removes property which belongs wholly or partly to another person, shall be punished by a maximum imprisonment of 2 (two) years and 6 (six) months or a maximum fine of category IV.
- (2) If the crime as referred to in paragraph (1) results in a loss of not more than Rp 500,000.00 (five hundred thousand rupiah), the perpetrator of the crime shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Second Part
Building Damage and Destruction

Article 522

Any person who unlawfully damages a building for facilities, infrastructure, and/or public service facilities, shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Article 523

Any person who unlawfully destroys or makes unusable a building for facilities, infrastructure, and/or public service facilities, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category V.

Article 524

Any person who due to his/her negligence causes the building to be damaged, destroyed, or no longer usable, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III.

Article 525

Any person who unlawfully destroys or renders useless a building, ship, train, or other means of mass transportation which partly or wholly belongs to another person, shall be punished with imprisonment of up to 6 (six) years or a fine of up to category V.

Article 526

The provisions as referred to in Article 481 shall also apply to the Criminal Offenses as referred to in Articles 521 through 525.

CHAPTER XXX CRIMINAL OFFENSE OF OFFICE

Part One Refusal or Neglect of Requested Tasks

Article 527

A commander of the Indonesian Armed Forces who refuses or ignores a request to provide assistance to forces under his command when requested by an authorized Officer under the Law, shall be punished with a maximum imprisonment of 4 (four) years.

Article 528

- (1) A civil official who requests the assistance of the Indonesian National Army or the Indonesian National Police to oppose the implementation of laws and regulations or a lawful order of an authorized official, court decision, or court order, shall be punished with a maximum imprisonment of 5 (five) years.
- (2) If the implementation of a statutory regulation or a lawful order of an authorized official, a court decision, or a court warrant is obstructed due to a request as referred to in paragraph (1), the civil official shall be punished by a maximum imprisonment of 7 (seven) years.

Second Part Crime of Coercion and Crime of Torture

Article 529

An official who in a criminal case forces a person to confess or give information, shall be punished with a maximum imprisonment of 4 (four) years.

Article 530

Any official or other person acting in an official capacity, or any person acting under the direction or with the knowledge of a public official, who inflicts physical or mental suffering on any person for the purpose of obtaining information or a confession from such person or a third person, punishing him for an act committed or alleged to have been committed by him or a third person, or intimidating or coercing such person or a third person on the basis of any ground of discrimination in any of its forms, shall be punished by a maximum imprisonment of 7 (seven) years.

Third Section Abuse of
Position or Authority

Article 531

- (1) Any official charged with the custody of a person detained pursuant to an order of an authorized official or a judgment or stipulation of a court, who allows such person to escape, releases such person, or assists such person at the time of release or escape, shall be punished by a maximum imprisonment of 4 (four) years.
- (2) The official as referred to in paragraph (1) who through his negligence causes the person detained to escape, shall be punished with imprisonment of not more than 1 (one) year.

Article 532

- (1) Sentenced to a maximum imprisonment of 4 (four) years, the Official who:
 - a. has the duty as an investigator of criminal offenses does not fulfill the request to declare that a person is unlawfully deprived of liberty or does not immediately notify his/her superior; or
 - b. in the performance of his/her duties, knowing that a person has been unlawfully deprived of his/her liberty, fails to immediately notify the Officer in charge of investigating the crime.
- (2) Officials who, due to their negligence, do not fulfill the obligations as referred to in paragraph (1), shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category III.

Article 533

Head of Correctional Institution, Head of State Detention Center, Head of Special Development Institution for Children, Head of Temporary Child Placement Institution, or Head of Mental Hospital who refuses a legitimate request from the authorized official to show the person, to show the list of data of the person admitted into such place, to show the verdict or court decision, or to show other documents which under the provisions of laws and regulations must be fulfilled in order to admit the person into such place, shall be punished with imprisonment of not more than 1 (one) year and 6 (six) months.

Article 534

The Head of the Penitentiary, the Head of the State Detention Center, the Head of the Special Development Institution for Children, the Head of the Temporary Child Placement Institution or the Head of the Mental Hospital who admits a person to such place without requiring the production of a court decision or stipulation, or of other documents required to be fulfilled in accordance with the provisions of laws and regulations, or does not record in the register the data of the person admitted, shall be punished by a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Article 535

Shall be punished with a maximum imprisonment of 1 (one) year and 6 (six) months, the Official who:

- a. exceeds his/her authority or without observing the procedures in accordance with the provisions of laws and regulations, forces entry into a house or an enclosed room or yard used by another person, or is unlawfully present in such place,

- does not leave immediately after being reprimanded by or on behalf of the person entitled; or
- b. during a house search exceeds his/her authority or without observing the procedures in accordance with the provisions of laws and regulations, examines, seizes letters, books, or other evidence.

Article 536

Sentenced to a maximum imprisonment of 3 (three) years or a maximum fine of category IV, the Official who:

- a. exceeds his/her authority to require a person to show him/her or seize a Letter, postcard, Goods, or package entrusted to a transportation agency or public delivery service; or
- b. exceeds its authority to require electronic system providers to provide documents and Electronic Information regarding communications that occur through the electronic system network.

Article 537

Shall be punished by a maximum imprisonment of 5 (five) years or a maximum fine of category IV, an official of an institution in charge of the transportation of mail or goods who:

- a. give Letters, postcards, Goods, or packages to anyone other than the rightful person;
- b. damage, destroy or lose such Letters, postcards, Goods or packages;
- c. alter the contents of such Letter, postcard, Goods or package; or
- d. take for oneself an Item in a Letter or package.

Article 538

An official of an institution in charge of the transportation of Mail or Goods who allows another person to commit a criminal offense as referred to in Article 537 and/or assists the other person in committing the act, shall be punished with imprisonment of up to 5 (five) years or a maximum fine of category IV.

Article 539

- (1) Any authorized official who solemnizes the marriage of a person, knowing that the existing marriage is a legal obstacle for him to remarry, shall be punished by a maximum imprisonment of 4 (four) years and 6 (six) months.
- (2) The authorized official who solemnizes the marriage of a person, knowing that there is a legal impediment to the marriage other than the impediment as referred to in paragraph (1) shall be punished with a maximum imprisonment of 5 (five) years.

Article 540

Any authorized official who issues a copy or excerpt of a court decision before the decision has been duly signed, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Article 541

A former Official who without the permission of the authorized Official withholds an official letter in his possession, shall be punished by a maximum imprisonment of 6 (six) months or a maximum fine of category II.

CHAPTER XXXI
SHIPPING OFFENSES

Part One
Piracy and Violence against and on Board

Article 542

Any Person who uses a Vessel to detain or commit Violence or Threat of Violence against another Vessel or against persons or Goods on board a Vessel on the high seas or in a place outside the jurisdiction of any state with intent to gain control of persons or to unlawfully seize or possess Vessels or Goods, shall be punished for piracy at sea by a maximum imprisonment of 12 (twelve) years.

Article 543

- (1) Any person who on land or in the water near the coast or at the mouth of a river commits Violence or Threats Violence against persons or Property in such place after first crossing the sea, shall be punished by a maximum imprisonment of 12 (twelve) years.
- (2) Any person who uses a Vessel to commit Violence or Threat of Violence against another Vessel or against persons or Goods in Indonesian waters in order to control persons or to unlawfully control or possess Vessels or Goods, shall be punished with the same punishment as that referred to in paragraph (1).

Article 544

Any person who commits acts as referred to in Article 542 and Article 543 which result in:

- a. Serious Injury shall be punished with a maximum imprisonment of 15 (fifteen) years; or
- b. Death of a person shall be punished with life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 545

Everyone who:

- a. working as a skipper or performing a profession as a skipper on a vessel, knowing that the vessel is used to commit the acts referred to in Article 542 and Article 543, shall be punished with a maximum imprisonment of 12 (twelve) years; or
- b. working as a crew member of a vessel, knowing that the vessel is used to commit the acts as referred to in Article 542 and Article 543, shall be punished with a maximum imprisonment of 9 (nine) years.

Article 546

- (1) Any person who delivers an Indonesian Ship into the power of the person who commits the act as referred to in Article 542 and Article 543, shall be punished with a maximum imprisonment of 10 (ten) years.
- (2) In the event that the act as referred to in paragraph (1) is committed by the skipper, he shall be punished with a maximum imprisonment of 12 (twelve) years.

Article 547

Any Indonesian Ship Passenger who usurps the control of such Ship shall be punished with a maximum imprisonment of 6 (six) years.

Article 548

The skipper of an Indonesian Ship who takes over or withdraws a Ship from its owner or from a Businessman who owns and uses the Ship for his own benefit, shall be punished with a maximum imprisonment of 8 (eight) years.

Second Part

Forgery of Vessel Certificate and False Reports

Article 549

The skipper of an Indonesian Ship who makes or asks another person to make a Ship's certificate knowing that the contents of the certificate are contrary to the truth, shall be punished with a maximum imprisonment of 5 (five) years.

Article 550

Any person who, in order to fulfill the provisions of laws and regulations concerning the registration of Vessels, produces a certificate which is known to be contrary to the truth, shall be punished with imprisonment of 5 (five) years or a maximum fine of category IV.

Article 551

Shall be punished with a maximum imprisonment of 8 (eight) years, any person who:

- a. making or requesting another person to make a false statement in the minutes of a ship concerning a situation the truth of which must be stated in the deed, with intent to use himself or to cause another person to use the deed as if the statement in the minutes were in accordance with the truth if the use of the deed may cause damage; or
- b. use the deed as referred to in letter a as if its contents were in accordance with the truth if the use of the deed may cause loss.

Article 552

The skipper who, with the intention of benefiting himself or another, makes or gives a false report about the accident of the Ship under his command or another Ship, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of category IV.

Third Part

Assault, Rebellion, and Defiance on Ships

Article 553

- (1) Punishable for assault on a vessel by a maximum imprisonment of 3 (three) years or a maximum fine of category III:
 - a. An Indonesian Vessel Passenger who on board a Vessel assaults or resists the Skipper by Violence or Threat of Violence with intent to deprive him of his freedom of movement; or

- b. An Indonesian crew member who on board a vessel or in the exercise of his profession commits an act as referred to in letter a against a person of higher rank.
- (2) The act as referred to in paragraph (1) shall be punished with:
- a. imprisonment for a maximum period of 5 (five) years, if the act or any other act accompanying it results in an injury;
 - b. imprisonment for a maximum period of 7 (seven) years, if it results in serious injury; or
 - c. imprisonment for a maximum period of 9 (nine) years, if it results in the death of a person.

Article 554

- (1) In the event that the act as referred to in Article 553 paragraph (1) is committed by 2 (two) or more persons jointly or in concert, they shall be punished for mutiny on board a ship with a maximum imprisonment of 7 (seven) years.
- (2) The act as referred to in paragraph (1) shall be punished with:
- a. imprisonment for a maximum period of 9 (nine) years, if the act or any other act accompanying it results in an injury;
 - b. imprisonment for a maximum period of 12 (twelve) years, if it results in Serious Injury; or
 - c. imprisonment for a maximum period of 15 (fifteen) years, if it results in the death of a person.

Article 555

Every person who on board an Indonesian Ship incites others to commit mutiny on the Ship shall be punished with a maximum imprisonment of 6 (six) years.

Article 556

- (1) Shall be punished with imprisonment of 1 (one) year or a maximum fine of category II, every Indonesian Ship Passenger who:
- a. not obeying the order of the Skipper given in the interest of security or to enforce order and discipline on board the Vessel;
 - b. fails to render assistance to the skipper to the best of his ability when he knows that the skipper's freedom of movement is being deprived; or
 - c. failing to notify the Skipper in good time of the intention of another person on board the Vessel to commit an assault on the Vessel.
- (2) The provisions as referred to in paragraph (1) letter c do not apply if the attack on the Ship does not occur.

Article 557

If Every Person as referred to in Article 547 and Article 553 up to Article 556 holds the rank of Ship's officer, the punishment may be increased by 1/3 (one third).

Fourth Part

Abuse of Authority and Violation of Duty by Ship's Captain

Article 558

Shall be punished with a maximum imprisonment of 7 (seven) years, the Skipper of an Indonesian Ship who with intent to benefit himself or another person

unlawfully or to conceal profits by means of:

- a. selling Ships;
- b. encumbering with a fiduciary guarantee, mortgage or mortgaging the Vessel or its equipment;
- c. sell or mortgage the cargo or supplies of the vessel; or
- d. account for losses or expenses that are not actual.

Article 559

Every person who equips a Ship at his own expense or at the expense of another person, with the intention that it will be used to commit the Criminal Offenses as referred to in Article 542 and Article 543, shall be punished with a maximum imprisonment of 12 (twelve) years.

Article 560

Any person who at his own expense or at the expense of another person directly or indirectly participates in the chartering, loading or insuring of a Ship, knowing that such Ship will be used or intended to be used for the purposes referred to in Article 542 and Article 543, shall be punished by a maximum imprisonment of 10 (ten) years.

Article 561

The skipper of an Indonesian Ship who, with intent to unlawfully benefit himself or another or to conceal such benefit by changing the course of his Ship, shall be punished by a maximum imprisonment of 4 (four) years or a maximum fine of category IV.

Article 562

- (1) The skipper of an Indonesian Ship who, not under compulsion and without the knowledge of the owner or Entrepreneur of the Ship, commits or allows to be committed an act which he knows will give rise to the possibility for the Ship or its cargo to be towed, stopped, or detained, shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months or a maximum fine of category III.
- (2) Every Ship Passenger who is not under duress and without the knowledge of the Skipper commits or allows the act as referred to in paragraph (1), shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category II.

Article 563

The skipper of an Indonesian Ship who, under no compulsion, fails to provide something that must be provided to the Passenger of his Ship, shall be punished with imprisonment for a maximum period of 3 (three) years or a maximum fine of category IV.

Article 564

The skipper of an Indonesian Ship who is not forced or contrary to the applicable law to dispose of the cargo of his Ship, shall be punished with imprisonment for a maximum period of 2 (two) years or a maximum fine of category III.

Article 565

Any skipper whose vessel uses the Indonesian flag, knowing that he is not entitled to use such flag, shall be punished with imprisonment of 2 (two) years or a maximum fine of category III.

Article 566

Any skipper whose vessel wears a sign that creates the impression that the vessel is an Indonesian warship or a government vessel other than a warship in charge of security and order at sea or a pilot vessel working in Indonesian waters, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category III.

Article 567

The skipper of an Indonesian Ship who does not fulfill the obligation to record and notify the birth or death of a person on board during sailing time in accordance with the provisions of laws and regulations, shall be punished with a maximum fine of category II.

Article 568

The skipper of an Indonesian Ship who without valid reasons refuses a request to transport suspects, defendants, convicts, prisoners, and/or Goods related to criminal cases in accordance with the provisions of laws and regulations, shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III.

Article 569

- (1) Any skipper of an Indonesian vessel who allows the escape or release of a suspect, defendant, convict, or prisoner, or provides assistance in the release or escape, even though such person is transported on his vessel based on a request in accordance with the provisions of laws and regulations, shall be punished with imprisonment of not more than 4 (four) years or a maximum fine of category IV.
- (2) In the event that the captain due to his/her negligence causes the suspect, defendant, convict, or prisoner as referred to in paragraph (1) escape or flee, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

Fifth Section

Destruction of Cargo and Ship's Supplies

Article 570

Any person who unlawfully destroys or damages cargo, provisions, or necessities on board a vessel shall be punished with imprisonment of up to 3 (three) years or a maximum fine of category IV.

Section Sixth Practicing the Profession as a Ship's Crew Member

Article 571

Any person who, under duress, without right, engages in the profession of Skipper, Helmsman, or Machinist on an Indonesian Ship, shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of category IV.

Article 572

Any person who without right wears an identification mark, even if it is slightly different, which is used in accordance with the provisions of laws and regulations only for hospital ships or lifeboats of such ships or for small ships used to help the sick, shall be punished with imprisonment of up to 6 (six) months or a maximum fine of category II.

Seventh Section Signing of Conveyance and Travel Ticket

Article 573

Shall be punished with a maximum fine of category IV, any person who:

- a. sign bill of lading which issued by in violation of the provisions of laws and regulations; or
- b. under his authority signs the bill of lading as referred to in letter a, if the bill of lading is so issued.

Article 574

- (1) Shall be punished with a maximum fine of category IV, any person who:
 - a. signing a Ship Passenger travel ticket issued in violation of the provisions of laws and regulations; or
 - b. under his authority signs the Ship Passenger's travel ticket as referred to in letter a, if the ticket is subsequently issued.
- (2) The Criminal Offenses as referred to in paragraph (1) shall also apply to any Person who provides Ship Passenger travel tickets that are not in accordance with the provisions of laws and regulations.

CHAPTER XXXII AVIATION CRIMES AND CRIMES AGAINST AVIATION FACILITIES AND INFRASTRUCTURE

Part One Destruction of Aeronautical Facilities and Aircraft

Article 575

- (1) Any person who unlawfully damages, destroys, or makes unusable a building for securing air traffic or frustrates efforts to secure such building, shall be punished with imprisonment for a maximum of 7 (seven) years.
- (2) If the criminal offense as referred to in paragraph (1) causes danger to the safety of air traffic, he/she shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 576

- (1) Any person who through his/her negligence causes damage, destruction, or inability to use the building for securing air traffic or failure of efforts to secure the building, shall be punished with imprisonment for a maximum period of 3 (three) years.

- (2) If the criminal offense as referred to in paragraph (1) results in danger for the safety of air traffic, he/she shall be punished with a maximum imprisonment of 5 (five) years.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 7 (seven) years.

Article 577

- (1) Any person who unlawfully damages, destroys, takes away, or removes any sign or device for aviation security, frustrates the operation of such sign or device, or installs a false sign or device, shall be punished with a maximum imprisonment of 7 (seven) years.
- (2) If the criminal offense as referred to in paragraph (1) poses a danger to the safety of aviation, shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) If the criminal offense as referred to in paragraph (1) results in an aircraft accident, the perpetrator shall be punished with a maximum imprisonment of 12 (twelve) years.
- (4) If the crime as referred to in paragraph (1) results in the death of a person, he shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 578

- (1) Any person who through negligence causes a sign or device for securing aviation to be damaged, destroyed, taken away or moved, or causes it to be unable to work or causes a sign or device for securing aviation to be installed incorrectly, shall be punished with a maximum imprisonment of 2 (two) years.
- (2) If the criminal offense as referred to in paragraph (1) results in danger for aviation, shall be punished with a maximum imprisonment of 5 (five) years.
- (3) If the Criminal Offense as referred to in paragraph (2) results in an Aircraft accident, shall be punished with a maximum imprisonment of 6 (six) years.
- (4) If the crime as referred to in paragraph (3) results in the death of a person, he shall be punished with a maximum imprisonment of 7 (seven) years.

Second Part Aircraft Hijacking

Article 579

- (1) Shall be punished for committing piracy in the air with a maximum imprisonment of 12 (twelve) years, every person who:
 - a. depriving or maintaining deprivation; or
 - b. unlawfully controls or controls, an Aircraft in Flight.
- (2) Every person who commits a criminal offense as referred to in paragraph (1) with violence, threat of violence, or threat in other forms, shall be punished with a maximum imprisonment of 15 (fifteen) years.

Article 580

- (1) Shall be punished with a maximum imprisonment of 15 (fifteen) years, if the crime as referred to in Article 579:

- a. carried out by 2 (two) or more persons jointly and together;
 - b. as a continuation of the criminal conspiracy;
 - c. done with planning;
 - d. resulting in serious injuries;
 - e. resulting in damage at Aircraft Air which may endanger the flight; or
 - f. committed with intent to deprive a person of liberty or to continue to deprive a person of liberty.
- (2) If the Criminal Offense as referred to in paragraph (1) results in the death of a person or the destruction of the Aircraft, he shall be punished with life imprisonment or a maximum imprisonment of 20 (twenty) years.

Third Part Actions that Endanger Aviation Safety

Article 581

Any person who unlawfully damages, destroys, or renders useless an Aircraft which partially or wholly belongs to another person, shall be punished with a maximum imprisonment of 9 (nine) years.

Article 582

Any person who unlawfully damages an Aircraft in Flight Service or causes damage to an Aircraft so that it cannot fly or endangers flight safety, shall be punished with a maximum imprisonment of 12 (twelve) years.

Article 583

Any person who causes harm to, damages, destroys, or renders useless an Aircraft in Flight shall be punished by:

- a. imprisonment of not more than 12 (twelve) years, if the act causes danger to the life of another person; or
- b. imprisonment for a maximum period of 15 (fifteen) years, if the act results in the death of a person.

Article 584

- (1) Any person who due to his/her negligence causes the Aircraft to be harmed, damaged, destroyed, or rendered useless, shall be punished with imprisonment of not more than 3 (three) years.
- (2) If the criminal offense as referred to in paragraph (1) causes danger to the life of another person, shall be punished with a maximum imprisonment of 5 (five) years.
- (3) If the crime as referred to in paragraph (1) results in the death of a person, the person shall be punished with a maximum imprisonment of 7 (seven) years.

Article 585

Every person who on board an Aircraft commits an act that endangers the safety of the Aircraft in Flight, shall be punished with imprisonment of not more than 5 (five) years.

Article 586

Any Person who unlawfully commits Violence against a person on board an Aircraft in Flight which endangers the safety of the person.

flight safety, shall be punished with a maximum imprisonment of 10 (ten) years.

Article 587

Any Person who unlawfully places or causes to be placed in any manner any device or material in an Aircraft in Flight Service which may destroy or cause damage to such Aircraft so that it cannot fly or endanger flight safety, shall be punished with imprisonment of not more than 10 (ten) years.

Article 588

- (1) If the crime as referred to in Article 586 and Article 587:
 - a. carried out by 2 (two) or more persons jointly and severally;
 - b. in furtherance of a criminal conspiracy; or
 - c. resulting in serious injuries,the punishment may be increased by 1/3 (one-third).
- (2) If the crime as referred to in paragraph (1) results in the death of a person or the destruction of the Aircraft, the perpetrator shall be punished with death penalty, life imprisonment, or imprisonment for a maximum of 20 (twenty) years.

Article 589

- (1) Any person who provides information which he knows to be false and such act endangers the safety of Aircraft in Flight, shall be punished with imprisonment of 7 (seven) years at maximum.
- (2) Every person who commits a criminal offense as referred to in paragraph (1) which results in serious injury, shall be punished with a maximum imprisonment of 9 (nine) years.
- (3) Every person who commits a criminal offense as referred to in paragraph (1) which results in the death of a person, shall be punished with a maximum imprisonment of 12 (twelve) years.

Fourth Part Aircraft Insurance Crime

Article 590

- (1) Any person who with intent to unlawfully benefit himself or another at the expense of the insurer causes fire or explosion, accident, destruction, damage, or renders useless an Aircraft which is insured against such hazard or whose cargo or wages to be received for the transportation of such cargo is insured, or for the benefit of which a sum insured has been received, shall be punished by a maximum imprisonment of 10 (ten) years.
- (2) If the crime as referred to in paragraph (1) occurs on an Aircraft in Flight, he shall be punished with a maximum imprisonment of 15 (fifteen) years.
- (3) If the criminal offense as referred to in paragraph (1) results in an Aircraft Passenger who is insured against the danger of an accident, he shall be punished with:
 - a. imprisonment for a maximum period of 12 (twelve) years, if it results in Serious Injury; or

- b. imprisonment for a maximum period of 15 (fifteen) years, if it results in the death of a person.

CHAPTER XXXIII
CRIMINAL ACTS OF STORING, PUBLISHING, AND PRINTING

Section One
Criminal Offense of
Storing

Article 591

Shall be punished for storing with a maximum imprisonment of 4 (four) years or a maximum fine of Category V, every person who:

- a. buying, offering, renting, exchanging, accepting a guarantee or pledge, accepting a gift or for profit, selling, renting, exchanging, pawning, transporting, storing or concealing an object that is known or reasonably suspected to have been obtained as a result of a criminal offense; or
- b. benefit from the proceeds of an object, which is known or reasonably suspected to have been obtained as a result of a criminal offense.

Article 592

- (1) Any person who makes it a habit to buy, exchange, accept as collateral or pledge, keep, or hide objects obtained from a criminal offense, shall be punished with a maximum imprisonment of 6 (six) years or a maximum fine of Category V.
- (2) If the perpetrator of the crime as referred to in paragraph (1) commits the act as a source of livelihood, additional punishment may be imposed in the form of revocation of rights as referred to in Article 86 paragraph (1) letter a, letter b, letter c, and/or letter g.

Article 593

If the crime as referred to in Article 591 in which the value of the goods does not exceed Rp500,000.00 (five hundred thousand rupiah), shall be punished for minor storing, with a maximum fine of Category II.

Second Part
Crime of Publishing and Printing

Article 594

Any person who publishes writings or drawings which by their nature are punishable shall be punished with imprisonment for a term not exceeding 1 (one) year or a fine not exceeding Category II, if:

- a. the person requesting the publication of the writing or drawing is unknown or at the first reprimand after the commencement of the prosecution is not notified; or
- b. the publisher knows or reasonably suspects that the person requesting the publication is, at the time of publication, incapable of prosecution or residing abroad.

Article 595

Any person who prints any writing or drawing which by its nature is punishable shall be punished with imprisonment of not more than 1 (one) year or a maximum fine of Category II, if:

- a. the person who requested the printing of the writing or drawing is unknown or at the first reprimand after the commencement of the prosecution was not notified; or

- b. the printer knows or reasonably suspects that the person requesting the printing at the time of publication is not liable to prosecution or resides abroad.

Article 596

If the nature of the writing or drawing referred to in Article 594 and Article 595 constitutes a Criminal Offense which may only be prosecuted upon complaint, the publisher or printer may only be prosecuted upon complaint by the person against whom the Criminal Offense has been committed.

CHAPTER XXXIV

CRIMINAL OFFENSES BASED ON THE LAWS THAT LIVE IN SOCIETY

Article 597

- (1) Any person who commits an act which is prohibited by the laws of the community shall be punished by a criminal offense.
- (2) The punishment as referred to in paragraph (1) is in the form of fulfillment of customary obligations as referred to in Article 66 paragraph (1) letter f.

CHAPTER XXXV

SPECIAL OFFENSES

Part One

Serious Crimes Against Human Rights

Article 598

Punishable for genocide Any person who with intent to destroy or exterminate in whole or in part any national, racial, ethnic, religious or belief group by means of:

- a. killing group members;
- b. causing severe physical or mental suffering to group members;
- c. creating conditions of group life that are calculated to result in physical destruction, either in whole or in part;
- d. impose action that aimed at preventing birth in a group; or
- e. forcibly transferring a Child from one group to another, shall be punished with death penalty, life imprisonment, or imprisonment for a minimum period of 5 (five) years and a maximum period of 20 (twenty) years.

Article 599

Punishable for crimes against humanity, any person who commits any of the following acts as part of a widespread or systematic attack, knowing that the attack is directed against a civilian population, in the form of:

- a. murder, extermination, expulsion or forcible transfer of population, deprivation of liberty or other deprivation of physical liberty in violation of fundamental rules of international law, or the crime of apartheid, with death penalty, life imprisonment, or imprisonment of not less than 5 (five) years and not more than 20 (twenty) years;
- b. slavery, torture or other inhumane acts of a similar nature intended to cause severe suffering or serious injury to body or physical and mental health, with a minimum sentence of 5 (five) years and a maximum sentence of 15 (fifteen) years;

- c. persecution of groups or associations on the basis of politics, race, nationality, ethnicity, culture, religion, belief, gender, or persecution on other discriminatory grounds that have been universally recognized as prohibited under international law, with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years; or
- d. rape, sexual slavery, forced prostitution, forced pregnancy, forced spaying or sterilization, or other equivalent forms of sexual violence, or enforced disappearance of persons with imprisonment of not less than 5 (five) years and not more than 20 (twenty) years.

Second Part of the Crime of Terrorism

Article 600

Every person who uses Violence or Threats of Violence that creates an atmosphere of terror or fear of people on a widespread basis, causing mass casualties by depriving the freedom or loss of life and property of others, or causing damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death penalty.

Article 601

Every person who uses Violence or Threats of Violence with the intention to create an atmosphere of terror or fear of people on a widespread basis or to cause mass casualties by depriving the freedom or loss of life or property of others, or to cause damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 20 (twenty) years or life imprisonment.

Article 602

Every person who provides, collects, gives, or lends funds, either directly or indirectly, with the intention of being used wholly or partly to commit the crime of terrorism, terrorist organizations, or terrorists, shall be punished for the crime of terrorism financing with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category V.

Third Section Corruption Crime

Article 603

Every person who unlawfully commits an act of enriching themselves, others, or a corporation that is detrimental to state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and a maximum of category VI.

Article 604

Every person who with the aim of benefiting himself, another person, or a Corporation abuses the authority, opportunity, or means available to him because of his position or position which is detrimental to state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and a maximum of category VI.

Article 605

- (1) Shall be punished with imprisonment of not less than 1 (one) year and not more than 5 (five) years and a fine of not less than category III and not more than category V, any person who:
 - a. giving or promising something to a civil servant or state administrator with the intention that the civil servant or state administrator does or does not do something in his/her position, which is contrary to his/her obligations; or
 - b. giving something to a civil servant or state organizer because of or in connection with something that is contrary to an obligation, which is done or not done in his/her position.
- (2) Civil servants or state administrators who accept the gift or promise as referred to in paragraph (1), shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III and a maximum of category V.

Article 606

- (1) Every person who gives a gift or promise to a civil servant or state administrator in view of the power or authority attached to his/her position or position, or by the giver of the gift or promise is considered to be attached to the position or position, shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of category IV.
- (2) Civil servants or state administrators who receive gifts or promises as referred to in paragraph (1), shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of category IV.

Fourth Section Money Laundering Crime

Article 607

- (1) Everyone who:
 - a. placing, transferring, diverting, spending, paying, granting, entrusting, bringing abroad, changing the form, exchanging with currency or securities or other actions on Assets that he/she knows or reasonably suspects are the proceeds of Criminal Acts with the purpose of concealing or disguising the origin of the Assets shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VII;
 - b. conceal or disguise the origin, source, location, allocation, transfer of rights, or actual ownership of Assets which he knows or reasonably suspects to be the proceeds of Criminal Acts shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VI;

- c. receiving or controlling the placement, transfer, payment, grant, donation, deposit, exchange, or use of Assets which he/she knows or reasonably suspects are the proceeds of Criminal Offenses shall be punished with imprisonment of 5 (five) years and a maximum fine of category VI.
- (2) Proceeds of Crime as referred to in paragraph (1) shall mean Assets obtained from Criminal Offenses:
- a. corruption;
 - b. bribery;
 - c. narcotics;
 - d. psychotropic substances;
 - e. labor smuggling;
 - f. migrant smuggling;
 - g. in the banking sector;
 - h. in the field of capital markets;
 - i. in the field of insurance;
 - j. customs;
 - k. Excise;
 - l. trafficking in persons;
 - m. illicit arms trade;
 - n. terrorism;
 - o. kidnapping;
 - p. theft;
 - q. embezzlement;
 - r. deception;
 - s. counterfeiting of money;
 - t. gambling;
 - u. prostitution;
 - v. in the field of taxation;
 - w. in the forestry sector;
 - x. in the field of environment;
 - y. in the marine and fisheries sector; or
 - z. Other criminal offense punishable by imprisonment of 4 (four) years or more.
- (3) The criminal offense as referred to in paragraph (1) is a money laundering criminal offense.

Article 608

The provisions as referred to in Article 607 paragraph (1) letter c shall not apply to reporting parties who carry out reporting obligations as stipulated in the Law on Prevention and Eradication of Money Laundering Crime.

Fifth Section Narcotics Crime

Article 609

- (1) Any person who without right possesses, stores, controls, or makes available:
- a. Narcotics Group I is not a plant, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least category IV and a maximum of category VI;

- b. Narcotics Group II, shall be punished with imprisonment of at least 3 (three) years and a maximum of 10 (ten) years and a fine of at least category IV and at most category VI; and
 - c. Narcotics Group III, shall be punished with a minimum imprisonment of 2 (two) years and a maximum of 7 (seven) years and a fine of at least category IV and a maximum of category VI.
- (2) In the event that the act as referred to in paragraph (1) is committed against:
- a. Narcotics Group I non-plant whose weight exceeds 5 (five) grams shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI;
 - b. Class II Narcotics weighing more than 5 (five) grams shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category V and a maximum of category VI; and
 - c. Narcotics Group III whose weight exceeds 5 (five) grams shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least category V and a maximum of category VI.

Article 610

- (1) Any person who unlawfully produces, imports, exports, or distributes:
- a. Narcotics Group I shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category IV and a maximum of category V;
 - b. Narcotics Group II shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least category IV and a maximum of category V; and
 - c. Narcotics Group III shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least category IV and a maximum of category V.
- (2) In the event that the act as referred to in paragraph (1) is committed against:
- a. Class I Narcotics in the form of plants whose weight exceeds 1 (one) kilogram or exceeds 5 (five) tree trunks, or non-plant Class I Narcotics whose weight exceeds 5 (five) grams shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI;
 - b. Class II Narcotics weighing more than 5 (five) grams shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least category V and a maximum of category VI; and
 - c. Narcotics Group III whose weight exceeds 5 (five) grams shall be punished with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least category V and a maximum of category VI.

Article 611

Provisions regarding the classification and quantity of narcotics refer to the Law governing Narcotics.

Sixth Section
Conspiracy, Preparation, Attempt, and Assistance of Special Crimes

Article 612

Provisions on conspiracy, preparation, attempt, and assistance stipulated in the Law on serious crimes against human rights, terrorism, corruption, money laundering, and narcotics crimes shall apply in accordance with the provisions of the Law.

CHAPTER XXXVI
TRANSITIONAL
PROVISIONS

Article 613

- (1) When this Law comes into force, every Law and Regional Regulation containing criminal provisions must adjust to the provisions of Book One of this Law.
- (2) Provisions regarding the adjustment of criminal provisions as referred to in paragraph (1) shall be regulated by Law.

Article

614 Upon the entry into force of this Act:

- a. The terms crime and offense used in Laws other than this Law and Regional Regulations shall be replaced with Criminal Offenses;
- b. The term legal entity in the form of a limited liability company, foundation, association, cooperative, state-owned enterprise, regional-owned enterprise, village-owned enterprise, or its equivalent, as well as an unincorporated association or business entity in the form of a firm, partnership, or its equivalent regulated in laws and regulations outside this Law shall be equated with a Corporation as specified in this Law;
- c. the term tangible or intangible objects, movable or immovable objects including water and currency, electricity, gas, data and computer programs provided for in Laws outside this Law shall be equated with Goods as provided for in the Law.
This Law; and
- d. The term civil servant, state civil apparatus, member of the Indonesian National Police, member of the Indonesian National Army, state official, public official, regional official, person receiving salary or wages from the state or regional finances, person receiving salary or wages from a Corporation whose capital is wholly or mainly owned by the state or region, or other officials regulated in laws and regulations outside this Law and fulfilling the provisions as referred to in Article 154 shall constitute Officials as specified in this Law.

Article 615

- (1) When this Law comes into force, the punishment of confinement in other Laws outside this Law and Regional Regulations shall be replaced by a fine with the provisions:
 - a. imprisonment of less than 6 (six) months is replaced with a maximum fine of category I; and

- b. imprisonment of 6 (six) months or more shall be substituted with a maximum fine of category II.
- (2) In the event that the fine imposed alternatively with confinement punishment as referred to in paragraph (1) exceeds category II, the provisions in such laws and regulations shall still apply.

Article 616

When this Law comes into force, other Laws outside this Law that stipulate fines that exceed the amount of category VIII shall be replaced by category VIII fines.

Article 617

At the time this Act comes into force, if the criminal provisions in Laws outside this Act refer to certain articles stipulated in the Criminal Code enacted by Law Number 1 of 1946 concerning Criminal Law Regulations and Law Number 73 of 1958 concerning Declaring the Enactment of Law Number 1 of 1946 concerning Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code, they shall be adjusted to the amendments contained in this Act.

Article 618

When this Law comes into force, Criminal Offenses that are in the process of being judged shall apply the provisions of this Law, unless the Law governing such Criminal Offenses is more favorable to the suspect or defendant.

Article 619

When this Law comes into force, exile punishment shall continue to be implemented based on Law Number 20 Year 1946 on Exile Punishment until a new law on exile punishment is enacted.

Article 620

When this Law comes into force, the provisions in the Chapter on Special Crimes in this Law shall be implemented by law enforcement agencies based on the duties and authorities stipulated in their respective Laws.

CHAPTER XXXVII CLOSING PROVISIONS

Article 621

The implementing regulations of this Law shall be stipulated no later than 2 (two) years as of the enactment of this Law.

Article 622

- (1) When this Act comes into force, the provisions in:
- a. Law Number 1 Year 1946 concerning Criminal Law Regulations (State Gazette of the Republic of Indonesia II Number 9);
 - b. Article 5 paragraph (3) letters b and c of the Emergency Law of the Republic of Indonesia Number 1 of 1951 concerning Temporary Measures to Organize the Unity of the Structure of the Powers and Procedures of the Civil Courts (State Gazette of the Republic of Indonesia).

- Indonesia Number 9 of 1951, Supplement to the State Gazette of the Republic of Indonesia Number 81);
- c. Article 1 and Article 2 of Emergency Law No. 12 of 1951 on Amending the "*Ordonnantie Tijdelijke Byzondere Strafbepalingen*" (Stbl. 1948 No. 17) and the former Law of the Republic of Indonesia No. 8 of 1948 (State Gazette of the Republic of Indonesia No. 78 of 1951);
 - d. Law Number 73 of 1958 Concerning the Entry into Force of Law Number 1 of 1946 Concerning Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code (State Gazette of the Republic of Indonesia of 1958 Number 127, Supplement to State Gazette of the Republic of Indonesia Number 1660);
 - e. Law Number 1 of 1960 concerning Amendments to the Criminal Code;
 - f. Law Number 16 Prp. 1960 on Several Amendments to the Criminal Code (State Gazette 1960 Number 50, Supplement to State Gazette Number 1976);
 - g. Law Number 18 Prp. 1960 on the Amendment of the Amount of Penalty in the Criminal Code and in Other Criminal Provisions Issued Before August 17, 1945 (State Gazette of 1960 Number 52, Supplement to State Gazette Number 1978);
 - h. Article 4 of Presidential Decree Number 1 of 1965 on the Prevention of Abuse and/or Blasphemy of Religion (State Gazette of the Republic of Indonesia of 1965 Number 3, Supplement to State Gazette of the Republic of Indonesia Number 2726);
 - i. Law Number 7 of 1974 concerning the Control of Gambling (State Gazette of the Republic of Indonesia of 1974 Number 54, Supplement to the State Gazette of the Republic of Indonesia Number 3040);
 - j. Law Number 4 of 1976 Concerning the Amendment and Addition of Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Criminal Legislation Provisions, Aviation Crimes, and Crimes against Aviation Facilities/Infrastructure (State Gazette of 1976 Number 26, Supplement to State Gazette Number 3080);
 - k. Law No. 27/1999 on Amendments to the Criminal Code relating to Crimes Against State Security (State Gazette of the Republic of Indonesia Year 1999 Number 74, Supplement to State Gazette of the Republic of Indonesia Number 3850);
 - l. Article 2 paragraph (1), Article 3, Article 5, Article 11, and Article 13 of Law Number 31 of 1999 on the Eradication of the Crime of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on the Eradication of the Crime of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to State Gazette of the Republic of Indonesia Number 4150);
 - m. Article 8, Article 9, and Articles 36 through 40 of Law No. 26/2000 on Human Rights Courts (State Gazette of the Republic of Indonesia Year 2000 Number 208, Supplement to State Gazette of the Republic of Indonesia Number 4026);

- n. Article 81 paragraph (1) and Article 82 of Law Number 23 of 2002 Concerning Child Protection (State Gazette of the Republic of Indonesia of 2002 Number 109, Supplement to State Gazette of the Republic of Indonesia Number 4235) as amended several times lastly by Law Number 17 of 2016 Concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 Concerning the Second Amendment to Law Number 23 of 2002 Concerning Child Protection into Law (State Gazette of the Republic of Indonesia of 2016 Number 237, Supplement to State Gazette of the Republic of Indonesia Number 5946);
- o. Article 6 and Article 7 of Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Criminal Acts of Terrorism into Law (State Gazette of the Republic of Indonesia of 2003 Number 45, Supplement to State Gazette of the Republic of Indonesia Number 4284) as amended by Law Number 5 of 2018 on the Amendment to Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Criminal Acts of Terrorism into Law (State Gazette of the Republic of Indonesia of 2018 Number 92, Supplement to State Gazette of the Republic of Indonesia Number 6216);
- p. Article 69 of Law Number 20 of 2003 concerning the National Education System (State Gazette of the Republic of Indonesia 2003 Number 78, Supplement to State Gazette of the Republic of Indonesia Number 4301);
- q. Article 2 of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4720);
- r. Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), Article 30, Articles 31 paragraph (1), Article 31 paragraph (2), Article 36, Article 45 paragraph (1), Article 45 paragraph (2), Article 36. (3)Article 45A paragraph (2), Article 46, Article 47, and Article 51 paragraph (2) of Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia of 2008 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4843) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia of 2016 Number 251, Supplement to State Gazette of the Republic of Indonesia Number 5952);
- s. Article 15 and Article 17 of Law Number 40 of 2008 on the Elimination of Racial and Ethnic Discrimination (State Gazette of the Republic of Indonesia of 2008 Number 170, Supplement to State Gazette of the Republic of Indonesia Number 4919);
- t. Article 29 of Law Number 44 of 2008 on Pornography (State Gazette of the Republic of Indonesia of 2008 Number 181, Supplement to State Gazette of the Republic of Indonesia Number 4928);
- u. Article 66 to Article 71 of Law Number 24 of 2009 Concerning the Flag, Language, and Emblem of the State, and the National Anthem (State Gazette of the Republic of Indonesia of 2009 Number 109, Supplement to State Gazette of the Republic of Indonesia Number 5035);
- v. Article 192, Article 194, and Article 195 of Law Number 36 of 2009 Concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia)

- Number 5063) as amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to State Gazette of the Republic of Indonesia Number 6573);
- w. Article 111 to Article 126 of Law Number 35 of 2009 concerning Narcotics (State Gazette of the Republic of Indonesia of 2009 Number 143, Supplement to the State Gazette of the Republic of Indonesia of 2009 Number 5062) as amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 - x. Article 2 paragraph (1), Article 3, Article 4, and Article 5 of Law Number 8 Year 2010 on Prevention and Eradication of Money Laundering (State Gazette of the Republic of Indonesia Year 2010 Number 122, Supplement to State Gazette of the Republic of Indonesia Number 5164);
 - y. Article 120 paragraph (1) and Article 126 letter e of Law Number 6 of 2011 concerning Immigration (State Gazette of the Republic of Indonesia of 2011 Number 52, Supplement to State Gazette of the Republic of Indonesia Number 5216) as amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to State Gazette of the Republic of Indonesia Number 6573);
 - z. Article 36 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of Law No. IX. 7 of 2011 on Currency (State Gazette of the Republic of Indonesia of 2011 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 5223);
 - aa. Article 136 of Law Number 18 of 2012 concerning Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360) as amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 - bb. Article 4 of Law Number 9 of 2013 concerning Prevention and Eradication of Criminal Acts of Financing Terrorism (State Gazette of the Republic of Indonesia of 2013 Number 50, Supplement to State Gazette of the Republic of Indonesia Number 5406); and
 - cc. Article 37, Article 38, Article 39, and Article 41 of Law Number 13 of 2006 on Witness and Victim Protection (State Gazette of the Republic of Indonesia of 2006 Number 64, Supplement to State Gazette of the Republic of Indonesia Number 4635) as amended by Law Number 31 of 2014 on the Amendment to Law Number 13 of 2006 on Witness and Victim Protection (State Gazette of the Republic of Indonesia of 2014 Number 293, Supplement to State Gazette of the Republic of Indonesia Number 5602),
revoked and declared invalid.
- (2) In the event that the provisions of the article regarding Criminal Offenses concerning firearms, ammunition, explosives, and other weapons as referred to in paragraph (1) letter c are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
- a. Article 1 shall be replaced with Article 306; and
 - b. Article 2 is referred to as Article 307.

- (3) In the event that the provisions of the article regarding Criminal Offenses against religion and belief as referred to in paragraph (1) letter h refer to Article 4 of the relevant Law, the reference is replaced with Article 300 and Article 302 paragraph (1) of this Law.
- (4) In the event that the provisions of the article regarding the crime of corruption as referred to in paragraph (1) letter l are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 2(1) is replaced with Article 603;
 - b. Article 3 is referred to as Article 604;
 - c. Article 5 is referred to as Article 605;
 - d. Article 11 shall be replaced with Article 606 paragraph (2); and
 - e. Article 13 is replaced with Article 606(1).
- (5) In the event that the provisions of the article regarding Serious Crimes against human rights as referred to in paragraph (1) letter m are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 8 and Article 36 shall be replaced with Article 598; and
 - b. Article 9 and Articles 37 to 40 shall be replaced by Article 599.
- (6) In the event that the provisions of the article regarding the criminal offense of coitus or defilement with a child as referred to in paragraph (1) letter n refer to Article 81 paragraph (1) of the relevant Law, the reference is replaced with Article 473 paragraph (4) of this Law.
- (7) In the event that the provisions of the article regarding the criminal offense of terrorism as referred to in paragraph (1) letter o are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 6 shall be replaced with Article 600; and
 - b. Article 7 is referred to as Article 601.
- (8) In the event that the provisions of the article regarding the criminal offense of using fake academic certificates or degrees as referred to in paragraph (1) letter p refer to Article 69 of the relevant Law, the reference is replaced with Article 272 paragraph (2) of this Law.
- (9) In the event that the provision of the article regarding the crime of trafficking in persons as referred to in paragraph (1) letter q refers to Article 2 of the relevant Law, the reference shall be replaced with Article 455 of this Law.
- (10) In the event that the provisions of the article regarding Criminal Offenses against informatics and electronics as referred to in paragraph (1) letter r are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 27 paragraph (1) and Article 45 paragraph (1) references are replaced with Article 407;
 - b. Article 27 paragraph (3) and Article 45 paragraph (3) references are replaced with Article 441;
 - c. Article 28 paragraph (2) and Article 45A paragraph (2) are replaced with Article 243;
 - d. Article 30 and Article 46 shall be replaced with Article 332; and

- e. Article 31 paragraph (1), Article 31 paragraph (2), and Article 47 shall be replaced with the following references with Article 258 paragraph (2).
- (11) In the event that the provisions of the article regarding Criminal Offenses on the basis of racial and ethnic discrimination as referred to in paragraph (1) letter s are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 15 shall be replaced with Article 244; and
 - b. Article 17 is referred to as Article 245.
 - (12) In the event that the provisions of the article regarding the Crime of Pornography as referred to in paragraph (1) letter t refer to Article 29 of the relevant Law, the reference shall be replaced with Article 407 paragraph (1) of this Act.
 - (13) In the event that the provisions of the article regarding the criminal offense of desecration against the state flag, state emblem, and national anthem as referred to in paragraph (1) letter u are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 66 is referred to as Article 234;
 - b. Article 67 is referred to as Article 235;
 - c. Article 68 has been replaced with Article 236;
 - d. Article 69 is referred to as Article 237;
 - e. Article 70 shall be replaced with Article 238; and
 - f. Article 71 has been replaced with Article 239.
 - (14) In the event that the provisions of the articles regarding Criminal Offenses against human organs, human body tissues, human blood, and abortion as referred to in paragraph (1) letter v are referred to by the provisions of the articles of the relevant Law, the reference shall be replaced by the articles in this Law with the following provisions:
 - a. Article 192 is replaced with Article 345 (a);
 - b. Article 194 shall be replaced by Article 463, Article 464, and Article 465; and
 - c. Article 195 is replaced with Article 345 letter b.
 - (15) In the event that the provisions of the article on Narcotics Crime as referred to in paragraph (1) letter w are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
 - a. Article 112 is replaced with Article 609 letter a;
 - b. Article 112 is replaced with Article 609 letter a;
 - c. Article 113 is replaced with Article 610 letter a;
 - d. Article 113 is replaced with Article 610 letter a;
 - e. Article 117 is replaced with Article 609 letter b;
 - f. Article 117 is replaced with Article 609 letter b.

- letter b;
- g. Article 118 vers (1) The reference is replaced with Article 610 vers (1) letter b;
- h. Article 118 vers (2) The reference is replaced with Article 610 vers (2) letter b;
- i. Article 122 vers (1) The reference is replaced with Article 609 vers (1) letter c;
- j. Article 122 vers (2) The reference is replaced with Article 609 vers (2) letter c;
- k. Article 123 vers (1) The reference is replaced with Article 610 vers (1) letter c;
- l. Article 123 vers (2) The reference is replaced with Article 610 vers (2) letter c;
- (16) In the event that the provisions of the article regarding the crime of money laundering as referred to in paragraph (1) letter x are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
- Article 2(1) is replaced with Article 607(2);
 - Article 3 is replaced with Article 607 paragraph (1) letter a;
 - Article 4 is replaced with Article 607 paragraph (1) letter b;
 - Article 5 paragraph (1) shall be replaced with Article 607 paragraph (1) letter c; and
 - Article 5(2) is replaced with Article 608.
- (17) In the event that the provisions of the article concerning the criminal act of human smuggling or forgery of passport, travel document as passport, or document issued pursuant to the provisions of the Law on immigration as referred to in paragraph (1) letter y are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
- Article 120 paragraph (1) shall be replaced with Article 457; and
 - Article 126 letter e is replaced with Article 398 paragraph (1).
- (18) In the event that the provisions of the article regarding the criminal offense of counterfeiting currency or banknotes as referred to in paragraph (1) letter z are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:
- Article 36 paragraph (1) is replaced with Article 374;
 - Article 36 paragraph (2) is replaced with Article 375 letter b;
 - Article 36 paragraph (3) shall be replaced with Article 375 letter a; and
 - Article 36 paragraph (4) is replaced with Article 375 letter b.
- (19) In the event that the provisions of the article regarding criminal offenses in the field of food as referred to in paragraph (1) letter aa refer to Article 136 of the relevant Law, the reference shall be replaced with Article 504 of this Law.
- (20) In the event that the provisions of the article regarding the criminal offense of financing terrorism as referred to in paragraph (1) letter bb refer to Article 4 of the relevant Law, the reference shall be replaced with Article 602 of this Law.
- (21) In the event that the provisions of the article regarding Criminal

Offenses against witnesses and victims as referred to in paragraph (1) letter cc are referred to by the provisions of the article of the Law concerned, the reference shall be replaced by the article in this Law with the following provisions:

- a. Article 37 is referred to as Article 295;
- b. Article 38 is referred to as Article 296;
- c. Article 39 shall be replaced with Article 297; and
- d. Article 41 is referred to as Article 299.

Article 623 of
this Act may be referred to as the Penal Code.

Article 624
This Law shall come into force after 3 (three) years from the date of
promulgation.

In order that every person may know it, this Law shall be promulgated by
placing it in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
on the date of
PRESIDENT OF THE REPUBLIC OF INDONESIA,

JOKO WIDODO

Promulgated in Jakarta on
the date of

MINISTER OF STATE SECRETARY OF THE
REPUBLIC OF INDONESIA,

PRATIKNO

STATE SHEET OF THE REPUBLIC OF INDONESIA YEAR ... NUMBER ...

EXPLANATIO
N OF
DRAFT LAW OF THE REPUBLIC OF INDONESIA
NUMBER ... YEAR ...
ABOUT
BOOK OF CRIMINAL LAW

I. GENERAL

The drafting of this Law is intended to replace the *Wetboek van Strafrecht* or the so-called Criminal Code as stipulated by Law Number 1 Year 1946 on Criminal Law Regulations which has been amended several times. The replacement is one of the efforts in the framework of national legal development. This effort is carried out in a directed, integrated and planned manner so that it can support national development in various fields in accordance with the demands of development as well as the level of legal awareness and dynamics that develop in society.

In its development, the reform of this Law, which is directed towards a single mission that implies the "decolonialization" of the Criminal Code in the form of "recodification", in the course of the nation's history ultimately also contains a variety of broader missions in connection with developments, both national and international. The second mission is the mission of "democratization of criminal law". The third mission is the "consolidation of criminal law" mission because since independence, criminal law legislation has experienced rapid development, both within and outside the Criminal Code with various peculiarities, so that it needs to be reorganized within the framework of criminal law principles regulated in Book I of the Criminal Code. In addition, the drafting of this Law is carried out on the basis of the fourth mission, namely the mission of adaptation and harmonization of various legal developments that occur, both as a result of developments in the field of criminal law science and the development of values, standards and norms recognized by nations in the international world.

The mission is placed within the framework of legal politics by drafting this Law in the form of codification and unification which is intended to create and uphold consistency, justice, truth, order, expediency, and legal certainty by taking into account the balance between national interests, community interests, and individual interests in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

After tracing the history of criminal law in Indonesia, it is known that the Criminal Code applicable in Indonesia originated from the *Wetboek van Strafrecht voor Nederlandsch-Indie* (*Staatsblad* 1915: 732). After Indonesia's independence in 1945, the *Wetboek van Strafrecht* was still in effect based on Article I of the Transitional Rules of the 1945 Constitution of the Republic of Indonesia.

Based on Law Number 1 Year 1946 on Criminal Law Regulation (State Gazette of the Republic of Indonesia II Number 9), the *Wetboek van Strafrecht voor Nederlandsch-Indie* is referred to as the Criminal Code and is declared to apply to Java and Madura, while for other regions it will be determined later by the President. The effort to realize the unity of criminal law for the entire territory of the Unitary State of the Republic of Indonesia, *de facto* cannot be realized because there are areas occupied by the Netherlands as a result of Dutch military actions I and II which for these areas still apply *Wetboek van Strafrecht voor Nederlandsch-Indie* (*Staatsblad*, 1915: 732) with all its amendments. Since then, it can be said that after independence in 1945 there was a dualism of criminal law applicable in Indonesia and this situation lasted until 1958 with the enactment of Law Number 73 of 1958. The law stipulated that Law No. 1/1946 on Criminal Law Regulations with all its amendments and additions applied to the entire territory of the Unitary State of the Republic of Indonesia. Thus, a uniform material criminal law applies to the whole of Indonesia, which is based on the law in force on March 8, 1942, namely the *Wetboek van Strafrecht voor Nederlandsch-Indie*, hereinafter referred to as the Criminal Code.

Since Indonesia's independence, there have been many efforts to adjust the colonial-heritage Criminal Code in accordance with other developments in social life, both nationally and internationally. The Criminal Code has undergone several updates or changes, among others:

1. Law Number 1 Year 1946 concerning Criminal Law Regulations (State Gazette of the Republic of Indonesia II Number 9);
2. Law Number 73 of 1958 Concerning the Entry into Force of Law No. 1 of 1946 Concerning Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code (State Gazette of 1958 Number 127, Supplement to State Gazette Number 1660);
3. Law No. 1/1960 on the Amendment to the Penal Code, which increased the penalties in Article 359, Article 360 and Article 188 of the Penal Code;
4. Law Number 16 Prp. 1960 on Several Amendments to the Criminal Code (State Gazette 1960 No. 50, Supplement to State Gazette No. 1976) which changed the phrase "*vijf en twintig gulden*" in Article 364, Article 373, Article 379, Article 384, and Article 407 paragraph (1) of the Criminal Code to the phrase "two hundred and fifty rupiahs";
5. Law Number 18 Prp. 1960 on the Amendment of the Amount of Penalty in the Criminal Code and in Other Criminal Provisions Issued Before August 17, 1945 (State Gazette 1960 Number 52, Supplement to State Gazette Number 1978);
6. Presidential Decree No. 1 of 1965 on the Prevention of Abuse or Blasphemy of Religion (State Gazette of the Republic of Indonesia of 1965 No. 3, Supplement to the State Gazette of the Republic of Indonesia No. 2726), which among other things has added the provisions of Article 156a to the Criminal Code;

7. Law Number 7 of 1974 concerning Gambling Control (State Gazette of the Republic of Indonesia of 1974 Number 54, Supplement to State Gazette of the Republic of Indonesia Number 3040), which amended the criminal penalties in Article 303 paragraph (1), Article 542 paragraph (1), and Article 542 paragraph (2) of the Criminal Code and changed the title of Article 542 to Article 303 bis;
8. Law Number 4 of 1976 Concerning the Amendment and Addition of Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Criminal Legislation Provisions, Aviation Crimes, and Crimes against Aviation Facilities/Infrastructure (State Gazette of the Republic of Indonesia of 1976 Number 26, Supplement to State Gazette of the Republic of Indonesia Number 3080);
9. Law No. 27 of 1999 Concerning Amendments to the Criminal Code Relating to Crimes against State Security (State Gazette of the Republic of Indonesia of 1999 No. 74, Supplement to State Gazette of the Republic of Indonesia No. 3850), specifically relating to the criminalization of the dissemination of the teachings of Marxism and Leninism; and
10. Law Number 31 of 1999 on the Eradication of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on the Eradication of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to State Gazette of the Republic of Indonesia Number 4150).

These various reforms or changes have not been able to fulfill the 4 (four) missions of fundamental change described above, namely, decolonialization, democratization, consolidation, and harmonization so that the drafting of the Law on the Criminal Code must be carried out thoroughly and codified.

BOOK ONE

1. Book One contains general rules as guidelines for the application of Book Two as well as Laws outside this Law, Provincial Regional Regulations, and Regency/City Regional Regulations, unless otherwise stipulated by Law so that Book One is also the basis for Laws outside this Law. The definition of terms in Book One is placed in Chapter V because the definition of terms does not only apply to this Law but also applies to Laws that are *lex specialis*, unless otherwise specified by Law. This Book One contains the substance of, among others, the scope of the applicability of criminal law, criminal offenses and criminal responsibility, punishment, punishment, diversion, and measures, as well as the objectives and guidelines of punishment, factors that mitigate punishment, factors that aggravate punishment, concurrency, and the loss of authority to prosecute and execute punishment, definitions of terms, and closing rules.
2. Overall, the fundamental difference between the *Wetboek van Strafrecht* and this Law is the underlying philosophy. The *Wetboek van Strafrecht* is based on the Classical school of thought that

developed in the 18th century, which focused the attention of criminal law on acts or crimes. It is based on the neo-classical school of thought that maintains a balance between objective factors (act/external) and subjective factors (person/inner/inner attitude). This school developed in the 19th Century which focused its attention not only on the act or crime that occurred, but also on the individual aspects of the perpetrator of the crime. Another fundamental thought that influenced the drafting of this Law was the development of the science of *victimology* that developed after World War II, which paid great attention to the fair treatment of victims of crime and abuse of power. The philosophy of *daad-dader strafrecht* and victimology will influence the formulation of 3 (three) main issues in criminal law, namely the formulation of unlawful acts, criminal responsibility or guilt, and sanctions (punishment and action) that can be imposed along with the underlying criminal law principles.

3. The more humane character of *daad-dader strafrecht* systemically colors this Law, among others, is also expressed and implied by various arrangements that try to maintain a balance between objective elements or factors and subjective elements or factors. This, among others, is reflected in various arrangements regarding the objectives of punishment, conditions of punishment, pairs of sanctions in the form of punishment and actions, the development of alternatives to short-term deprivation of liberty, guidelines or rules of punishment, death penalty which is a special punishment and is always alternated with life imprisonment or a maximum of 20 (twenty) years, as well as arrangements for the minimum age of criminal responsibility, punishment, and actions for Children.
4. The reform of material criminal law in this Law no longer distinguishes between crimes and offenses. The term criminal offense is used for both. Thus, this Law consists of only 2 (two) Books, namely Book One on General Rules and Book Two on Criminal Offenses. The Third Book on Offenses in the *Wetboek van Strafrecht* has been abolished, but its substance has been selectively accommodated in the Second Book of this Law.

The reason for the deletion is based on the fact that conceptually the distinction between crimes as *rechtsdelict* and offenses as *wetsdelict* turns out to be untenable because in its development not a few *rechtsdelicts* are qualified as offenses and vice versa some acts that should be *wetsdelict are* formulated as crimes, only because the punishment is aggravated. In reality, it is evident that the issue of the severity of the quality and impact of crimes and offenses is also relative so that this kind of qualitative criteria can no longer be consistently maintained.

This Law also recognizes the existence of criminal offenses based on the laws that live in the community or previously known as customary criminal offenses to better fulfill the sense of community.

justice that lives in the community. In reality, in several regions in the country, there are still unwritten legal provisions, which are alive and recognized as law in the area concerned, which determine that violation of the law should be punished. In this case, the judge can determine the sanction in the form of the fulfillment of local customary obligations that must be carried out by the perpetrator of the crime. This means that the standard values and norms that live in the local community are still protected in order to fulfill the sense of justice that lives in a particular community. Such circumstances will not shake and still guarantee the implementation of the principle of legality and the prohibition of analogy adopted in this Law.

5. Due to the advancement in the fields of finance, economy, and trade, especially in the era of globalization and the development of organized crimes, both domestic and transnational, the subject of criminal law cannot be limited only to natural human beings, but also includes Corporations, which are organized groups of people and/or assets, whether they are legal entities or not legal entities. In this case, the Corporation can be used as a means to commit a criminal offense and can also benefit from a criminal offense. By adopting the notion that Corporation is the subject of Criminal Offense, it means that Corporation, both as a legal entity and non-legal entity is considered capable of committing Criminal Offense and can be held accountable in criminal law. In addition, it is still possible for criminal liability to be jointly borne by the Corporation and its management who have a functional position in the Corporation or only the management can be held accountable in criminal law. By regulating the criminal liability of Corporations in Book I of this Law, the criminal liability of Corporations which initially only applies to certain Criminal Offenses outside this Law, also applies generally to other Criminal Offenses, both inside and outside this Law. Sanctions against Corporations can be in the form of punishment, but can also be in the form of action. In this case, the fault of the Corporation is identified from the fault of the management who has a functional position (has the authority to represent the Corporation, make decisions on behalf of the Corporation, and has the authority to implement supervision of the Corporation) who commits Criminal Acts with the benefit of the Corporation, both as a perpetrator and as an accomplice to Criminal Acts within the scope of the business or work of the Corporation, including the Corporation's controller, order giver, and beneficiary.
6. The principle of no punishment without fault remains one of the main principles in criminal law. However, in certain cases as an exception, it is possible to apply the principle of *strict liability* and the principle of *vicarious liability*. In the case of absolute liability, the perpetrator of a criminal offense can be punished only because the elements of the criminal offense have been fulfilled by the perpetrator. Meanwhile, in vicarious liability, a person's criminal responsibility is extended to the actions of his subordinates who perform work or actions for him or within the limits of his orders.

7. This Law regulates the types of punishment in the form of main punishment, additional punishment, and special punishment (death penalty) for certain criminal offenses specified in the Law.

The main types of punishment consist of:

- a. imprisonment;
- b. closure penalty;
- c. supervisory punishment;
- d. fines; and
- e. social work punishment.

In the main punishment, new types of punishment are regulated, such as supervision punishment and social work punishment. Supervision punishment, fine punishment, and social work punishment need to be developed as an alternative to short-term deprivation of liberty punishment that will be imposed by the judge because with the implementation of these three types of punishment the convict can be helped to free himself from the feeling of guilt.

Similarly, the community can interact and actively participate in assisting convicts in carrying out their social life reasonably by doing useful things.

The order of the types of basic punishment determines the severity of the punishment. The judge can choose the type of punishment to be imposed among the five types of punishment even though the Second Book of this Law only formulates three types of punishment, namely imprisonment, fines, and death penalty.

The types of closure punishment, supervision punishment, and social work punishment are essentially ways of implementing punishment as an alternative to imprisonment.

Death penalty is not included in the order of main punishment types. Death penalty is stipulated in a separate article to show that this type of punishment is truly special as a last resort to protect the community. Death penalty is the most severe punishment and must always be imposed alternatively with life imprisonment or maximum imprisonment of 20 (twenty) years. Death penalty is imposed with probation period. Within the probation period, the convicts are expected to be able to improve themselves so that the death penalty is not necessary to be executed and can be replaced with life imprisonment or imprisonment for a maximum of 20 (twenty) years.

8. In addition to the a f o r e m e n t i o n e d types of punishment, this Law also regulates the types of measures. In this case, judges can impose measures on those who commit criminal offenses, but are not or less able to take responsibility for their actions due to mental disabilities and/or intellectual disabilities.

In addition to punishment in certain cases, convicted persons may also be subject to measures with the intention of providing protection to the community and realizing social order.

9. Special minimum punishment can be imposed based on consideration:
 - a. avoiding the existence of a very striking criminal disparity for crimes of the same or approximately the same quality;
 - b. to make more effective the effect of general prevention, especially for criminal offenses that are considered dangerous and disturbing to the community; and
 - c. if in certain circumstances the maximum punishment can be aggravated, it can also be considered that the minimum punishment for certain Criminal Offenses can be aggravated.

In principle, special minimum punishment is an exception, which is only for certain Criminal Offenses that are considered very detrimental, very dangerous, or very disturbing to the community and for Criminal Offenses that are qualified or aggravated by the consequences.

10. In this Law, the types of fines are formulated using a categorical system. This system is intended so that in the formulation of criminal offenses it is not necessary to mention a certain amount of fine, but it is sufficient to designate the category of fine that has been determined in Book One. The rationale for the use of the category system is that fine is a type of punishment that relatively often changes in value due to the development of currency value due to the economic situation. Thus, if there is a change in the value of currency, the category system will be easier to change or adjust.
11. This law also regulates diversion and the types of actions and punishments for children. This regulation is intended to be in the best interest of the child as it is related to the Law on Juvenile Justice System and in addition Indonesia has ratified the International Convention on the Rights of the Child.

BOOK TWO

1. In order to produce a codification and unification Law on the Criminal Code, in addition to the evaluation and selection of various crimes in the *Wetboek van Strafrecht* as stipulated by Law Number 1 Year 1946 on Criminal Law Regulations, an appreciation was also made of various developments in crimes outside the *Wetboek van Strafrecht*, among others, laws governing the prevention and eradication of money laundering, eradication of terrorism, eradication of corruption, eradication of trafficking in persons, and human rights courts.
2. Anticipatively and proactively, it also includes, among others, provisions on Crimes of Pornography, Crimes against informatics and electronics, Crimes of aviation, Crimes against human organs, tissues, and blood, and Crimes against the judicial process.

3. In addition, this Law also adopts international conventions both ratified and unratified, among others, Law No. 5 of 1998 on the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
4. With the above Criminal Offense formulation system, serious crimes against human rights, terrorism, corruption, money laundering, and narcotics are grouped in 1 (one) separate chapter called "Chapter on Special Crimes". The placement in a separate chapter is based on special characteristics, namely:
 - a. the impact of victimization is large;
 - b. often are transnational organized (*Trans-National Organized Crime*);
 - c. the criminal procedure arrangements are specialized;
 - d. often deviate from the general principles of material criminal law;
 - e. the existence of law enforcement support institutions with special powers (e.g. Corruption Eradication Commission, National Narcotics Agency, and National Human Rights Commission);
 - f. supported by various international conventions, both ratified and unratified; and
 - g. is an act that is considered *super mala per se* and is reprehensible and strongly *condemned* by society (*strong people condemnation*).

With the arrangement of the "Special Crimes Chapter", the existing authority of law enforcement agencies is not reduced and they are still authorized to handle serious crimes against human rights, crimes of terrorism, crimes of corruption, crimes of money laundering, and narcotics crimes.

5. The formulation of this Law also takes into account the decision of the Constitutional Court relating to the examination of the Criminal Code, among others, regarding the crime of insulting the president, the crime of blasphemy, and the crime of decency.
6. In line with the process of globalization, the pace of development and social development accompanied by rapid social mobility and advances in science and technology, it is estimated that new types of Criminal Offences will emerge in the future. Therefore, the regulation of new types of Criminal Offenses that have not been regulated in this Law or that will emerge in the future can be done through amendments to this Law or regulating them in a separate Law due to their specificity on the basis of Article 187 of Book One.

General explanations and article-by-article explanations in this law are official interpretations of certain norms in the body. Explanation serves as a means to clarify the norms in the body and should not result in a lack of clarity of the norms in question. For this reason, the Explanation in this Law is an integral part of the articles in the body.

which describes the intent and meaning contained in the article.

II. ARTICLE BY ARTICLE

Article 1

Paragraph (1)

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

Paragraph (2)

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

Article 2

Paragraph (1)

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

Paragraph (2)

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

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

Paragraph (3)

The Government Regulation in this provision is a guideline for regions in establishing laws that live in the community in Regional Regulations.

Article 3

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Paragraph (6)

Clear enough.

Paragraph (7)

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

Article 4

Letter a

What is meant by "the territory of the Unitary State of the Republic of Indonesia" is a unit of sovereign territory on the land, inland waters, archipelagic waters along with the seabed and land beneath it, and the airspace above it as well as the entire area whose boundaries and state rights in the territorial sea, supplementary zone, exclusive economic zone, and continental shelf are regulated by Law.

Letter b

Clear enough.

Letter c

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

Article 5

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

The determination of the specific national interest to be protected in this provision uses a limitative and open formulation. This means that the scope of the national interest to be protected is determined limitatively, but the type of criminal offense is not determined with certainty. The determination of the types of Criminal Offenses that are deemed to attack or endanger national interests is left in practice openly within the limits that have been determined as Criminal Offenses under Indonesian criminal law. This open limitative formulation is intended to provide flexibility in practice and in the development of the formulation of Criminal Offenses by the legislators in the future. This flexibility remains within the limits of certainty according to the provisions of the legislation. The determination of Criminal Offenses that attack national interests is only limited to certain acts that truly violate protected national legal interests. The perpetrator is only prosecuted for Criminal Offenses according to Indonesian criminal law.

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

The reason for the application of the passive national principle is because in general, criminal offenses that harm the legal interests of a state, by the national government, are not considered as a crime.

The country in which the crime was committed is not always considered as an act that should be prohibited and punished.

Article 6

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

- a. international convention on counterfeit money;
- b. International Convention on the Free Sea and the Law of the Sea which regulates the crime of sea piracy;
- c. international conventions on aviation crimes and crimes against aviation facilities or infrastructure; or
- d. international convention on combating illicit trafficking in narcotics and psychotropic substances.

Article 7

This provision is intended to anticipate the development of agreements between Indonesia and other countries that allow citizens of other countries to be prosecuted and tried by Indonesia for committing certain criminal offenses regulated in the agreement.

Article 8

Clear enough.

Article 9

Clear enough.

Article 10

Time of Crime in this provision, for example:

- a. when the physical act is performed;
- b. the moment of operation of the tool or material to complete the crime; or
- c. when the consequences of the criminal offense occur.

This provision does not differentiate between formal and material crimes.

Article 11

Place of Crime in this provision, for example:

- a. where the physical act is performed;
- b. the place where tools or materials are used to complete the crime; or
- c. the place where the consequences of the punishable act occur.

Article 12

Clear enough.

Article 13

Paragraph (1)

Conspiracy to commit a crime is only punishable for very serious crimes.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.
Paragraph (4)
Clear enough.
Paragraph (5)
Clear enough.

Article 14
Clear enough.

Article 15
Paragraph (1)
What is meant by "means" is everything that is
can be used as a means to an end. Preparation for a criminal
act is only punishable for very serious crimes. Thus, the
criterion of preparation to commit a criminal act
emphasizes the dangerous nature of the criminal act, for
example importing chemicals or explosives in preparation
to commit a criminal act.
Paragraph (2)
Clear enough.
Paragraph (3)
Clear enough.
Paragraph (4)
Clear enough.
Paragraph (5)
Clear enough.

Article 16
What is meant by "stopping", for example, is having purchased
chemicals but not processing them into explosives to achieve the
purpose of the crime.
What is meant by "preventing", for example, is reporting to the
authorities on the existence of facilities that will be used for
criminal offenses.

Article 17
Clear enough.

Article 18
Clear enough.

Article 19
Clear enough.

Article 20
Letter a
Clear enough.
Letter b
What is meant by "by means of a tool", for example, a
remote control that is used indirectly to commit a criminal
offense.
In the case of ordering, the person who is ordered to
commit the crime is not punished because there is no
element of guilt.

Letter c

What is meant by "participating in a criminal act" is those who cooperate consciously and together physically commit a criminal act, but not all people who participate in a criminal act must fulfill all the elements of the criminal act even though all are punishable by the same punishment.

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

Letter d

What is meant by "moving another person to commit a criminal offense" includes persuading, encouraging, luring or enticing another person in a certain way.

Article 21

Paragraph (1)

Letter a

In this provision, assistance is carried out before and since the implementation of the Criminal Act by providing opportunities, facilities, and information.

Letter b

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

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

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 22

What is meant by "personal circumstances" are circumstances where the perpetrator or helper is older or younger, has a certain position, undergoes a certain profession, or is mentally impaired.

Article 23

Clear enough.

Article 24

Clear enough.

Article 25

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

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

Article 26

Clear enough.

Article 27

Clear enough.

Article 28

Clear enough.

Article 29

Clear enough.

Article 30

Clear enough.

Article 31

Clear enough.

Article 32

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

Article 33

What is meant by "emergency", for example:

- a. When the ship sank in the middle of the sea, there was a struggle for the buoy between 2 (two) people which caused one of them to die;
- b. the actions of a doctor facing a high-risk pregnant woman situation, whether the doctor will save the mother at the risk of the baby dying or save the baby at the risk of the mother dying; or
- c. firefighters who face a choice between saving nearby homes and demolishing the burning house.

Article

34

Terms of This govern about defense terpaksa which requires 4 (four) circumstances, namely:

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

average, including slow learners, intellectual disabilities, and *Down syndrome*.

Criminal offenders with mental disabilities and/or intellectual disabilities are considered less able to realize the unlawful nature of the acts committed or to act based on conviction.

Article 39

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

In order to explain incapacity for responsibility from a medical perspective, it is necessary to present an expert so that the perpetrator of the crime is considered or assessed as incapable of responsibility.

Article 40

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

Article 41

Letter a

Clear enough.

Letter b

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

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

The implementation of education, coaching, and mentoring programs may involve the education office, social office, community advisors, educational institutions, and social welfare institutions.

Article 42

This provision deals with coercion, which is divided into absolute coercion and relative coercion.

Letter a

What is meant by "forced by irresistible force" or absolute compulsion is a situation in which the perpetrator has no choice but to commit the act. Due to the circumstances, it is impossible for the perpetrator to refuse or choose when committing the act.

Letter b

What is meant by "compelled by threat, pressure or unavoidable force" or relative compulsion is:

1. the threat, pressure or force cannot reasonably be expected to result in resistance; and
2. when the interests sacrificed are equal to or slightly more than the interests saved.

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

Article 43

This provision provides for an overreaching defense of necessity, subject to conditions:

- a. the defense was excessive or disproportionate to the attack or immediate threat of attack; and
- b. caused by intense mental shock due to an attack or threat of an attack.

Article 44

Clear enough.

Article 45

Clear enough.

Article 46

What is meant by "functional position" is that the person has the authority to represent, make decisions, and to apply supervision to the Corporation, including those who are in the position of a person who orders to commit, participates in committing, moves others to commit Criminal Acts, or assists the Criminal Acts.

What is meant by "other relationships" is, for example, temporary employment contracts.

Article 47

What is meant by "control holder" is any person who has the power or authority to determine the Corporation's policy or has the authority to carry out the Corporation's policy without having to obtain authorization from his/her superior.

Article 48

Regarding the position as perpetrators of criminal acts and the nature of criminal responsibility of corporations, there are the following possibilities:

- a. in this provision "scope of business or activity" also includes business activities generally carried out by Corporations;
- b. The corporation as the perpetrator of the crime and the responsible management; or

- c. Corporations are both the perpetrators of criminal acts and the ones responsible.

Therefore, if a criminal offense is committed by and for a corporation, the prosecution can be carried out and the punishment can be imposed on the corporation itself, or the corporation and its management, or only the management.

Article 49

Clear enough.

Article 50

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

Article 51

Clear enough.

Article 52

Clear enough.

Article 53

Paragraph (1)

Clear enough.

Paragraph (2)

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

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

Article 54

Paragraph (1)

This provision contains sentencing guidelines that greatly assist judges in considering the measure or severity of the punishment to be imposed.

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

Paragraph (2)

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

Article 55

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

Article 56

Clear enough.

Article 57

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

Article 58

Clear enough.

Article 59

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

Article 60

Clear enough.

Article 61

Clear enough.

Article 62

Clear enough.

Article 63

Clear enough.

Article 64

Clear enough.

Article 65

Paragraph (1)

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

Exposure punishment, supervision punishment, and social work punishment are basically a model of punishment implementation as an alternative to imprisonment. *The* inclusion of these types of punishment is a consequence of the acceptance of criminal law that pays attention to the balance of interests between the actions and circumstances of the perpetrators of criminal offenses (*daad-daderstrafrecht*) to develop alternatives to imprisonment. Through the imposition of this type of punishment, the convicted person can be freed from guilt, and the community can actively participate in socializing the convicted person by doing useful things, for example imposing punishment in the form of social work.

Paragraph (2)

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

Article 66

Paragraph (1)

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Compensation in this provision is the same as restitution as stipulated in the laws and regulations governing the protection of witnesses and victims.

Letter e

Clear enough.

Letter f

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 67

In this provision, Criminal Offenses that can be punished with special punishment are very serious or extraordinary Criminal Offenses, among others, narcotics Crimes, terrorism Crimes, corruption Crimes, and serious Crimes against human rights. For this reason, death penalty is included in a separate section to show that this type of punishment is truly special. When compared to other types of punishment, death penalty is a type of criminal punishment

The most severe punishment. Therefore, it must always be imposed alternatively with other types of punishment, namely life imprisonment or a maximum imprisonment of 20 (twenty) years.

Article 68

Clear enough.

Article 69

Paragraph (1)

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

Paragraph (2)

Clear enough.

Article 70

Clear enough

Article 71

Paragraph (1)

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

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Based on this provision, the authority of the judge to impose a fine as a substitute for imprisonment is limited by the provision that the perpetrator of a criminal offense is still sentenced to imprisonment even though it is threatened with a single sentence if the person concerned has been sentenced to imprisonment for a criminal offense committed after the age of 18 (eighteen) years.

Article 72

Paragraph (1)

This provision contains parole for convicts serving imprisonment. In this provision, convicts who are granted parole are only convicts whose punishment period is at least 1 (one) year and after the convict has served a minimum imprisonment of 9 (nine) months in a correctional institution and is of good behavior. Parole is given with the hope that the convict can be fostered in such a way as to reintegrate with the community. Therefore, while serving a sentence in a correctional institution, each convict must be monitored for the development of the results of his/her coaching. Parole must be seen as an effort to

coaching and not as a reward for good behavior.

Paragraph (2)

Prisoners who have committed several Criminal Offenses so that they have to serve several consecutive prison sentences, then to consider the possibility of granting parole, the punishment is added up and considered as 1 (one) punishment.

Paragraph (3)

Clear enough.

Paragraph (4)

The granting of parole is accompanied by a probation period which is equal to the remaining time of imprisonment that has not yet been served plus 1 (one) year. In the probation period, the conditions that must be fulfilled by the convicts are also determined.

Paragraph (5)

Clear enough.

Article 73

Paragraph (1)

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

Paragraph (2)

In this provision, changes to special conditions can be made by considering the results of the guidance of the prisoner concerned.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 74

Paragraph (1)

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

Paragraph (2)

Under this provision, the intention that should be respected must be determined by the judge and must be contained in the consideration of his decision.

Paragraph (3)

Clear enough.

Article 75

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

Article 76

Paragraph (1)

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

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Which referred to by "convicted person" is client

Corrections.

What is meant by "serving imprisonment which is not more than the imprisonment imposed for that Criminal Offense" is serving imprisonment which is executed after the convict has finished serving imprisonment for the new Criminal Offense.

Paragraph (5)

Clear enough.

Paragraph (6)

Clear enough.

Paragraph (7)

Clear enough.

Article 77

Clear enough.

Article 78

Paragraph (1)

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

Paragraph (2)

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

Article 79

Paragraph (1)

In terms This, punishment fine formulated categorically. This categorical formulation is intended so that:

- a. a clear amount of maximum fines for various criminal offenses is obtained; and
- b. easier to make adjustments, in the event of economic and monetary changes.

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

- a. The maximum of the lightest category of fine (category I) is a multiple of 20 (twenty) of the general minimum;
- b. For category II is a multiple of 10 (ten) times of category I; for category III is a multiple of 5 (five) times of category II; and for category IV is a multiple of 4 (four) times of category III.
- c. For category V to category VIII, it is determined from the division of the highest category with the same pattern, namely category VII is the result of dividing 10 (ten) from category VIII, category VI is the result of dividing 2.5 (two point five) from category VII, and category V is the result of dividing 2 (two) from category VI.

Paragraph (2)

Clear enough.

Article 80

Clear enough.

Article 81

Paragraph (1)

Court decisions in this provision include, among others:

- a. time of execution of the fine;
- b. the manner in which fines are imposed;
- c. confiscation and auction; and
- d. punishment in lieu of fine.

Paragraph (2)

Clear enough.

Paragraph (3)

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

Article 82

Paragraph (1)

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

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 83

Clear enough.

Article 84

This provision is intended to prevent the possibility of ineffective imposition of a fine for someone who has been

repeatedly committing a criminal offense punishable only by a fine.

Article 85

Paragraph (1)

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

Paragraph (2)

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

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

One of the considerations that must be considered in the imposition of social work punishment is the consent of the defendant in accordance with the provisions in the *Convention for the Protection of Human Rights and Fundamental Freedom (Treaty of Rome 1950)* and the *International Covenant on Civil and Political Rights (the New York Convention, 1966)*.

Letter d

The defendant's social history is needed to assess the defendant's background and readiness, both physically and mentally, to undergo social work punishment.

Letter e

Clear enough.

Letter f

Clear enough.

Letter g

Clear enough.

Paragraph (3)

This social work punishment is not paid because of its nature as a punishment. Therefore, the implementation of this punishment must not contain commercial matters.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Paragraph (6)

Clear enough.

Paragraph (7)

Clear enough.

Paragraph (8)

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

Paragraph (9)

Clear enough.

Article 86

The rights of convicts that can be revoked by a judge's decision are limited to those listed in this article. In the imposition of additional punishment, it is important that the deprivation of rights does not result in the civil death of a person, meaning that the person concerned completely loses his/her rights as a citizen who must be able to live reasonably and humanely.

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

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Letter f

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

Letter g

Clear enough.

Article 87

Clear enough.

Article 88

Clear enough.

Article 89

Clear enough.

Article 90

Clear enough.

Article 91

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

This includes assets obtained as a result of a criminal offense.

Letter f

Clear enough.

Article 92

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Provisions on substitute punishment for additional punishment are formulated as effort to complete the implementation of the judge's decision.

Article 93

Paragraph (1)

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

Paragraph (2)

As in the case of deprivation of certain goods, if the convicted person does not pay the announcement fee, the same provisions apply as for the substitute punishment for a fine.

Article 94

Paragraph (1)

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

Paragraph (2)

Provisions regarding the implementation of fines are applied to the punishment of payment of compensation with a note that the convicted person pays the money to the Victim and not to the state.

Article 95

Clear enough.

Article 96

Clear enough.

Article 97

Clear enough.

Article 98

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

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

Article 99

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

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

Paragraph (4)

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

Article 100

Clear enough.

Article 101

Clear enough.

Article 102

Clear enough.

Article 103

Paragraph (1)

Letter a

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

Letter b

"Rehabilitation" means, among other things, medical rehabilitation or social rehabilitation as an integrated recovery process, both physical, mental and social, so that the person concerned can return to carrying out positive and constructive social functions in order to restore him to become a good and useful citizen.

Letter c

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

Letter d

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

Letter e

Clear enough.

Paragraph (2)

Letter a

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

Letter b

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

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Paragraph (3)

Clear enough.

Article 104

Clear enough.

Article 105

Clear enough.

Article 106

Paragraph (1)

Clear enough.

Paragraph (2)

What is meant by "work experience" includes, interest, aptitude, or work training that has been participated in.

Article 107

Clear enough.

Article 108

Clear enough.

Article 109

Clear enough.

Article 110

Paragraph (1)

Mental hospitals in this provision are government-owned hospitals.

Paragraph (2)

Clear enough.
Paragraph (3)
Clear enough.

Article 111
Clear enough.

Article 112
Clear enough.

Article 113
Paragraph (1)
Letter a
Clear enough.
Letter b
Clear enough.
Letter c
Clear enough.
Letter d
What is meant by "institution" is the Social Welfare Institution in the agency that handles social welfare, both at the central and regional levels.
Letter e
Clear enough.
Letter f
Clear enough.
Letter g
Clear enough.
Paragraph (2)
Clear enough.
Paragraph (3)
Clear enough.

Article 114
Clear enough.

Article 115
Clear enough.

Article 116
Clear enough.

Article 117
Clear enough.

Article 118
Clear enough.

Article 119
Clear enough.

Article 120
Clear enough.

Article 121
Clear enough.

Article 122
Clear enough.

Article 123
Clear enough.

Article 124
Clear enough.

Article 125
Paragraph (1)
This provision regulates concurrent regulations or idealistic concursus, where there is a unity of action, therefore the punishment system used is the absorption system. In the event that a person commits an act and it turns out that the act violates more than one criminal provision, then only one criminal provision applies, namely the heaviest one.

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

Article 126
Paragraph (1)
This provision regulates punishment if there is a continuing act (*voortgezette handeling*). As with idealistic concursus, in a continuing act there is a unity of action that is viewed from a legal point of view. In continuous acts, an absorption punishment system is used.

Paragraph (2)
Clear enough.

Article 127
Paragraph (1)
This provision regulates concurrent acts or concursus realis. The punishment system used is a limited cumulation system.

Paragraph (2)
Clear enough.

Article 128
Paragraph (1)
The provision in this paragraph regulates the conjunction of acts, but the criminal punishment for the acts committed is threatened with punishment that is not the same. Provided that, the total punishment imposed may not exceed the maximum of the most severe punishment plus 1/3 (one-third). So this provision uses a softened cumulation system.

Paragraph (2)
Clear enough.
Paragraph (3)
Clear enough.

Article 129
Clear enough.

Article 130
Clear enough.

Article 131
Clear enough.

Article 132
In this provision what is meant by "prosecution" is
judicial process which starts from the
investigation. Paragraph (1)

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

Letter b
If a suspect or defendant dies, there can be no
prosecution of the case. No prosecution is conducted
because the guilt of a person cannot be transferred to
another person.

Letter c
Clear enough.

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

Letter e
For criminal offenses punishable by a maximum
imprisonment of 1 (one) year or a maximum fine of
Category III, if the public prosecutor agrees, the
defendant can fulfill the maximum fine to waive
prosecution.

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

Letter g
Clear enough.

Letter h
Clear enough.

Paragraph (2)
Clear enough.

Article 133

Paragraph (1)

Clear enough.

Paragraph (2)

This provision only applies to criminal offenses that are punishable by additional punishment in the form of forfeiture of goods and/or bills.

Paragraph (3)

Even though the criminal offense that was committed first has been waived the right to prosecution based on Article 132 paragraph

(1) letter e and letter f, however, if the defendant repeats his/her actions, then for the second and subsequent Criminal Offenses, the provisions of the aggravation of punishment for repetition of Criminal Offenses shall still apply in accordance with the provisions applicable thereto.

Article 134

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

Article 135

Clear enough.

Article 136

Paragraph (1)

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

The determination of the expiry period is adjusted to the severity of the criminal offense committed. For more serious crimes, the expiry period is longer than for lighter crimes.

Paragraph (2)

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

Article 137

Letter a

Clear enough.

Letter b

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

Article 138

Clear enough.

Article 139

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

Article 140

Letter a

Clear enough.

Letter b

What is meant by "expired" is the expiration of the in executing court decisions.

Letter c

Clear enough.

Letter d

Clear enough.

Article 141

Clear enough.

Article 142

Clear enough.

Article 143

Clear enough.

Article 144

Clear enough.

Article 145

Clear enough.

Article 146

Clear enough.

Article 147

Clear enough.

Article 148

Clear enough.

Article 149

Clear enough.

Article 150

Clear enough.

Article 151

Clear enough.

Article 152

Clear enough.

Article 153

Clear enough.

Article 154
Clear enough.

Article 155
Clear enough.

Article 156
Clear enough.

Article 157
Clear enough.

Article 158
Clear enough.

Article 159
Clear enough.

Article 160
Clear enough.

Article 161
Clear enough.

Article 162
Clear enough.

Article 163
Clear enough.

Article 164
Clear enough.

Article 165
Clear enough.

Article 166
Clear enough.

Article 167
Clear enough.

Article 168
Clear enough.

Article 169
Clear enough.

Article 170
Clear enough.

Article 171
Clear enough.

Article 172
Clear enough.

Article 173
Clear enough.

Article 174
Clear enough.

Article 175
Clear enough.

Article 176
Clear enough.

Article 177
Clear enough.

Article 178
Clear enough.

Article 179
Clear enough.

Article 180
Clear enough.

Article 181
Clear enough.

Article 182
Clear enough.

Article 183
Clear enough.

Article 184
Clear enough.

Article 185
Clear enough.

Article 186
Clear enough.

Article 187
The phrase "according to the Law" in this provision only relates to laws that specifically regulate criminal offenses that by their nature are:

- a. the impact of victimization (The victim) is large;
- b. often are transnational organized (*Trans-National Organized Crime*);
- c. the criminal procedure arrangements are specialized;
- d. often deviate from the general principles of material criminal law;

- e. the existence of law enforcement support institutions with special powers (e.g. Corruption Eradication Commission, National Narcotics Agency, and National Human Rights Commission);
- f. supported by various international conventions both ratified and not yet ratified; and
- g. is an act that is considered *super mala per se* and is *strongly condemned* by society.

For the purpose of consolidation in a codification of law, several Criminal Offenses that are considered to have the above characteristics are grouped in 1 (one) separate Chapter called Special Crimes Chapter which is formulated in general / *core crime* which serves as a *bridging article* between this Law and Laws outside this Law that regulate Criminal Offenses in the Special Crimes Chapter. These crimes are Serious Human Rights Crimes, Terrorism Crimes, Corruption Crimes, Money Laundering Crimes, and Narcotics Crimes. The existence of the Special Offenses Chapter does not reduce the authority of law enforcement support institutions that have been determined in the Law.

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

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

Article 188

Paragraph (1)

What is meant by "spreading and developing" is inviting others to embrace communism or marxism/leninism or other ideologies that are contrary to Pancasila and making it a group movement that aims to oppose the values of Pancasila. What is meant by "other ideologies contrary to Pancasila" is a political ideology that is manifested in the form of a political movement against Pancasila.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Paragraph (6)

What is meant by "the study of the teachings of communism/marxism-leninism for the sake of science" is, for example, teaching, studying, thinking, testing, and analyzing in educational institutions or research and study institutions without intending to disseminate the teachings of communism/marxism-leninism. or develop teachings of communism/marxism-leninism.

Article 189

Letter a

Clear enough.

Letter b

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

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

Article 190

Paragraph (1)

Clear enough.

Paragraph (2)

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

Article 191

Clear enough.

Article 192

Crimes committed with the intention that part or all of the state's territory falls to foreign rule, constitute external treason (*landverraad*) because they involve a foreign state.

Crimes committed with the intention of separating part of the state's territory constitute internal treason or (*hoogverrad*), because they do not involve foreign countries, although they may gradually involve foreign powers.

Article 193

Paragraph (1)

What is meant by "overthrowing the government" is removing or changing the structure of the government in a manner that is not legal according to the 1945 Constitution of the Republic of Indonesia.

There are 2 (two) crimes in this provision, namely negating the composition of the government according to the 1945 Constitution of the Republic of Indonesia and changing the composition of the government in an unlawful manner according to the 1945 Constitution of the Republic of Indonesia.

Abolishing the structure of government means removing the existing structure of government and replacing it with a new one. Changing the structure of government does not mean abolishing

arrangement but government which old, will
only changing it.
Paragraph (2)
Clear enough.

Article 194

Paragraph (1)
This provision is aimed at a group of people who for some reason take up arms against the government.
"weapon" means any type of weapon, both modern and traditional weapons.
Paragraph (2)
Clear enough.

Article 195

Paragraph (1)
Letter a
This provision is intended to prevent acts committed abroad with the intention of overthrowing the government.
The meaning of "overthrowing the government" see explanation Article 193.
Letter b
"Goods" means, for example, explosives, ammunition or other materials that can be used as explosives.
Letter c
Clear enough.
Paragraph (2)
Clear enough.

Article 196

Paragraph (1)
Clear enough.
Paragraph (2)
What is meant by "preparing" is, for example, preparing to amend the 1945 Constitution of the Republic of Indonesia.

Article 197

This provision is intended to protect national defense interests that must be kept secret so as not to fall into the hands of the enemy.
What is meant by "state defense interests" is the interest in maintaining state sovereignty and territorial integrity.

Article 198

In this provision, the subject of the criminal offense is any person in charge of conducting negotiations with foreign countries on behalf of the Government of Indonesia. This means that the person represents the Government of Indonesia and all consequences of the negotiations are the responsibility of the Government of Indonesia. Therefore, under this provision, the person is prohibited from acting to the detriment of national defense.

Article 199

Paragraph (1)

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

Paragraph (2)

Clear enough.

Article 200

Letter a

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

Letter b

Clear enough.

Article 201

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

Article 202

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

Article 203

Paragraph (1)

Letter a

Sufficiently clear

Letter b

Which referred to by "strengthen", e.g. provocation or incitement.

Letter c

Clear enough.

Paragraph (2)

Clear enough.

Article 204

Clear enough.

Article 205

Clear enough.

Article 206

Clear enough.

Article 207

Clear enough.

Article 208

Clear enough.

Article 209

What is meant by "fraudulent means" is, for example, deception, disguise, use a false name, or assume a false position.

Article 210

Letter a

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

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

Letter b

Clear enough.

Letter c

Clear enough.

Article 211

Clear enough.

Article 212

Clear enough.

Article 213

Clear enough.

Article 214

Letter a

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

Letter b

Clear enough.

Article 215

Clear enough.

Article 216

Clear enough.

Article 217

The crime of assaulting a person can generally be a variety of crimes, such as maltreatment or committing violence. Because the Criminal Offenses in the provisions of this article are directed at the President and/or Vice President, if the criminal punishment is not included in a more severe punishment, the provisions of this article shall apply.

Article 218

Paragraph (1)

What is meant by "attacking one's honor or dignity" is an act that degrades or

damage to good name or dignity, including defamation or slander.

Paragraph (2)

What is meant by "carried out in the public interest" is to protect the interests of the public expressed through the right to expression and the right to democracy, for example through demonstrations, criticism, or opinions that differ from the policies of the President and/or Vice President. In a democratic country, criticism is important as part of freedom of expression that is as constructive as possible, even if it contains disagreement with the deeds, policies, or actions of the President and/or Vice President.

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

Article 219

Clear enough.

Article 220

Clear enough.

Article 221

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

Article 222

Clear enough.

Article 223

Clear enough.

Article 224

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

Article 225

"Self-aggression" means, for example, slapping or throwing shoes.

Article 226

See the explanation of Article 218 paragraph (1).

Article 227

What is meant by "representative of a friendly country", among others, is a minister or the equivalent of a minister or a designated official representing his or her country.

Article 228

Clear enough.

Article 229

Clear enough.

Article 230

Clear enough.

Article 231

What is meant by "desecrate" is an act in the form of anything done with the intent to insult.

Article 232

"Violence or Threats of Violence" refers not only to threats against persons, but also against property, for example, by setting fire to the building where the meeting is held.

Article 233

What is meant by "obstructing" is preventing to attend meetings.

Article 234

Clear enough.

Article 235

Clear enough.

Article 236

What is meant by "desecrating, insulting, or degrading the honor of the State Emblem" is an act in the form of crossing out, writing, drawing or scribbling, making damage to the State Emblem, including using it not in accordance with the shape, size, color, and size comparison, which is done intentionally or with the intention of insulting or degrading the honor.

Article 237

Clear enough.

Article 238

Clear enough.

Article 239

Clear enough.

Article 240

What is meant by "insulting" is an act that degrades or damages the honor or image of the government or state institutions, including defamation or slander.

Insulting is different from criticism, which is the right of expression and the right to democracy, for example through demonstrations or expressing opinions that differ from the policies of the government or state institutions.

In a democratic country, criticism is important as part of the freedom of expression that is as constructive as possible, even if it contains disagreement with the government.

deeds, policies, or actions of the government or state institutions. Basically, criticism in this provision is a form of supervision, correction and suggestion on matters relating to the interests of society.

Paragraph (1)

"Government" means the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

What is meant by "state institutions" are the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, the Supreme Court, and the Constitutional Court.

Paragraph (2)

See Elucidation of Article 190 paragraph (2).

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 241

Clear enough.

Article 242

Clear enough.

Article 243

Clear enough.

Article 244

What is meant by "differentiation" is, for example, the head of a company who differentiates the salary or wages of his employees based on certain ethnic groups.

What is meant by "exclusion" is, for example, the exclusion of a person of a particular race or ethnicity from becoming a particular officer or employee.

What is meant by "restriction" is, for example, the restriction of a person of a certain race or ethnicity to enter an educational institution or to hold a public office only to a person of a certain race or ethnicity.

What is meant by "election" is, for example, election to a particular office based on a particular race or ethnicity.

Article 245

Clear enough.

Article 246

What is meant by "inciting" is encouraging, inviting, arousing, or burning people to do something. Inciting can be done orally or in writing, and must be done in Public, meaning in a place where the public is present or where the public can see.

Article 247

What is meant by "broadcasting" includes the act of transmitting, distributing, and making accessible Electronic Information and electronic documents in an electronic system.

Article 248

Paragraph (1)

This provision regulates failed mobilization. According to this article, the person who mobilizes can already be punished, even though the person who is mobilized has not yet committed the punishable crime or attempt. This mobilization must use the means specified in Article 20 letter d. The mover cannot be convicted if the person who has been induced to commit the punishable act or attempt has not yet committed the punishable act due to a circumstance that lies within the will of the mover, such as the mover withdrawing the inducement, obstructing the inducement, etc.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 249

What is meant by "offering" is, for example, a person who provides information services for a fee.

Article 250

Clear enough.

Article 251

Clear enough.

Article 252

Paragraph (1)

This provision is intended to prevent vigilante practices carried out by members of the public against someone who claims to have supernatural powers and is able to perform actions that can cause suffering to others.

Paragraph (2)

Clear enough.

Article 253

To be punishable under this provision, the criminal act must be committed or actually occur. If it does not occur, it cannot be punished.

Article 254

Clear enough.

Article 255

Clear enough.

Article 256

What is meant by "disruption of public interest" is the non-functioning or inaccessibility of public services due to damage arising from a march, rally, or demonstration.

Article 257

Paragraph (1)

"Forced Entry" means Entry against the expressed will of a person entitled. A rightful person is a person who has the power to obstruct or prohibit Entry or being on the premises.

The term "house" includes a boat or a vehicle that is used as a residence.

What is meant by "closed room" is a room that can only be entered by certain people and not for the public.

What is meant by "enclosed yard" is a yard that obviously has a boundary such as a fence around the yard.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 258

Paragraph (1)

This provision aims to protect the interests of the speaker against persons who unlawfully listen to or record the conversation. The inclusion of the unlawful element in this provision is intended to avoid acts that should not be punished, being subject to the provisions of this article, for example, if:

- a. The technical aid is installed by the occupant of the house or room in question and causes the conversation in the room to be overheard or recorded unintentionally;
- b. a conversation takes place over a radiotelephone and is received inadvertently by a person through his or her radiotelephone receiver; or
- c. telephone conversations are overheard at the behest of an authorized telephone employee or in connection with monitoring the proper working of the telephone network.

Paragraph (2)

This provision excludes listening to or recording conversations that are conducted for purposes in accordance with the provisions of laws and regulations.

Paragraph (3)

Clear enough.

Article 259

Clear enough.

Article 260

Paragraph (1)

What is meant by "government offices that serve the public interest" include police stations, prosecutor's offices, court offices, tax offices, post offices, government hospitals, Governor/Regent/Mayor's offices, and village offices.

"Authorized official" means an official who is given authority over the entire office or an employee who is solely assigned to maintain order in the office.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 261

Paragraph (1)

What is meant by "joining" does not mean that one must have actively committed an act prohibited under the provisions of laws and regulations. Merely becoming a member of the organization referred to in this provision is already punishable.

Paragraph (2)

Clear enough.

Article 262

Clear enough.

Article 263

Clear enough.

Article 264

Clear enough.

Article 265

Letter a

Clear enough.

Letter b

What is meant by "false alarms" is, for example, people shouting that there is a fire when there is no fire, or beating bells to signal a murder or theft when there is no murder or theft.

Article 266

Clear enough.

Article 267

Clear enough.

Article 268

Funeral ceremonies include those performed while the body is still at the funeral home, on the way to the cemetery, and at the place of burial.

What is meant by "funeral" includes a series of traditional or religious ceremonies.

Article 269

What is meant by "desecrating" is, for example, using the tomb as a place to commit immoral acts or to throw feces.

What is meant by "mausoleum" is a pit or room where a corpse with or without a coffin is buried, including the ground covering it and any signs thereon in the form of anything.

What is meant by "signs on the grave" are, for example, gravestones, crosses, or piles of stones arranged on the grave.

Article 270

This provision is intended to protect the corpse and goods that are with the corpse in the tomb.

What is meant by "corpse" is a person who has died and has been buried, either intact or not but most parts of his body organs are still complete.

Article 271

Clear enough.

Article 272

Paragraph (1)

Clear enough.

Paragraph (2)

What is meant by "academic degree" is a degree awarded by a university through a formal education level.

"Profession" means, for example, a doctor, pharmacist or notary public.

Paragraph (3)

Clear enough.

Article 273

Clear enough.

Article 274

Clear enough.

Article 275

Clear enough.

Article 276

What is meant by "without permission" is without permission from an authorized Officer, for example the Head of the Correctional Institution, the Head of the Detention Center, or a designated Officer.

Article 277

"Riding" means, for example, using a bicycle, motorcycle, or other means of transportation.

Article 278

Paragraph (1)

Criminal offenses regulated in this provision are committed before the trial process takes place.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 279

Clear enough.

Article 280

Paragraph (1)

Letter a

What is meant by "disobeying a court order issued for judicial proceedings" is doing things to defy the order in a way that is not justified by law.

Letter b

What is meant by "being disrespectful" is behaving, speaking, or issuing statements that demean the dignity of law enforcement officers, court officers, or court proceedings, or not obeying court rules.

Letter c

"Attacking integrity" includes accusing judges of being biased or dishonest.

Letter d

What is meant by "publicizing the trial process live" is *live streaming*.

It does not reduce the freedom of journalists or reporters to write news and publish it after court hearings.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 281

Clear enough.

Article 282

Clear enough.

Article 283

What is meant by "examination of a corpse for judicial purposes" is an examination carried out by an expert in order to

to determine the cause of death for the purpose of a court hearing. This provision does not apply if the beliefs and convictions prohibit the examination of the body.

Article 284

What is meant by "authorized official" is an investigator, public prosecutor, or judge in accordance with the level of examination of the case concerned.

Article 285

What is meant by "witness, expert, or interpreter" is in accordance with the provisions of the applicable procedural law.

Article 286

Clear enough.

Article 287

In this provision, refusing to comply with the order of an authorized official to submit a letter that is considered fake or forged, while the letter is needed in the judicial process for evidentiary purposes, both criminal and civil cases, is considered an act that interferes with the administration of justice.

Article 288

Clear enough.

Article 289

Paragraph (1)

Letter a

All unlawful acts against Goods seized in accordance with the provisions of laws and regulations shall be considered as an attempt to frustrate the pursuit of justice.

What is meant by "withdrawing Goods" also includes the act of selling, use, transfer.

Letter b

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 290

Clear enough.

Article 291

Clear enough.

Article 292

What is meant by "reporter" is a person who provides a report, information, or statement to law enforcement regarding a criminal offense that will, is, or has occurred.

Article 293

Clear enough.

Article 294

Which referred to by "witness" is witness in all judiciary and the Constitutional Court.

Article 295

Clear enough.

Article 296

Clear enough.

Article 297

Which referred to by "loss of employment" includes dismissal or demotion.

Article 298

Clear enough.

Article 299

Clear enough.

Article 300

Every act or written or oral statement that is done objectively, limited to one's own circle, or is scientific in nature regarding a religion or belief that is accompanied by an effort to avoid words or sentences that are hostile, expressions of hatred or hostility, or incitement to hostility, violence, discrimination or desecration does not constitute a criminal offense under this article.

Article 301

Clear enough.

Article 302

Paragraph (1)

This provision is not a restriction for a person to change religion or belief in the Unitary State of the Republic of Indonesia.

Paragraph (2)

Clear enough.

Article 303

Paragraph (1)

Clear enough.

Paragraph (2)

What is meant by "religious meeting" is an activity related to religion or belief.

Paragraph (3)

What is meant by "religious ceremony" is ceremonies related to religion or belief.

Article 304

A person or people who are performing or leading worship or a religious or belief official who is performing his duties must be respected. Therefore, the act of mocking or making fun of this should be punished because it violates the principle of living in a society that respects freedom of religion or belief and freedom to worship, in addition to causing clashes within and between community groups.

Article 305

Under this provision, damaging or burning a place of worship or an object used for worship is a despicable act, as it deeply hurts the hearts of the people concerned. Therefore, the perpetrator should be punished. To be punishable under the provisions of this article, the act must be committed unlawfully. Destruction and arson must be committed unlawfully.

Article 306

Clear enough.

Article 307

Clear enough.

Article 308

Clear enough.

Article 309

Clear enough.

Article 310

What is meant by "structures for retaining water" are, for example, dams or sluices.

What is meant by "building to channel water" is, for example, a ditch, channel or canal that functions to channel water.

Article 311

Clear enough.

Article 312

Clear enough.

Article 313

Clear enough.

Article 314

Burning an immovable object, even if it is one's own, such as a house or a ship of a certain size, which according to the Law is considered an immovable object, must always be done with the permission of an authorized official. The purpose is to prevent fires that could harm both the environment and the social function of the object.

Article 315

Clear enough.

Article 316

In a state of intoxication a person cannot fully control himself or herself. Therefore, in such a state a person is prohibited from committing the acts referred to in this article.

Article 317

Clear enough.

Article 318

Which referred to by "penggalak" is gunpowder at compound firearms to detonate bullets.

Article 319

Clear enough.

Article 320

Clear enough.

Article 321

Clear enough.

Article 322

Clear enough.

Article 323

Paragraph (1)

What is meant by "danger" is danger to general railroad traffic. Therefore, trains dedicated to transporting sugar cane to a factory owned by a plantation company do not fall under the provisions of this article. Actions that are deemed harmful to general railroad traffic may include putting up obstacles or removing spikes on rail sleepers so as to endanger trains passing over them.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 324

Clear enough.

Article 325

"Signs erected for the safety of navigation" means, for example, lighthouses, sea lanterns or buoys.

Article 326

Clear enough.

Article 327

Clear enough.

Article 328

Clear enough.

Article 329

Clear enough.

Article 330

Clear enough.

Article 331

What is meant by "delinquency" is, for example, scrawling on a wall on a public street.

Article 332

What is meant by "electronic system" is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate Electronic Information.

Article 333

Clear enough.

Article 334

Clear enough.

Article 335

Clear enough.

Article 336

Letter a

What is meant by "disturbing an animal" is making an animal react in panic so as to cause the animal to be aggressive, causing anxiety, fear in the animal which may endanger humans, animals and Goods.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Letter e

Clear enough.

Article 337

Clear enough.

Article 338

This provision is not intended to penalize acts committed for cultural/customary, religious, or belief activities.

Paragraph (1)

Letter a

What is meant by "natural ability" is natural animal abilities.

Letter b

Clear enough.

Letter c

What is meant by "improper purpose" includes, among others, other than for consumption, science, research, and medical purposes.

Paragraph (2)

Clear enough.

Article 339

This provision is intended to prevent hazards and other disruptions to public traffic.

Article 340

Clear enough.

Article 341

"child" means a child under the age of 7 years.
(seven) years.

Article 342

Paragraph (1)

"Ingredients" includes not only foodstuffs, but also cosmetics, household cleaners, and so on.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 343

Clear enough.

Article 344

This provision aims to prevent the circulation of food or drinks that can damage health.

Article 345

Clear enough.

Article 346

Clear enough.

Article 347

"Forcing" means putting pressure on someone to do or not to do something that would not have been done without the pressure.

What is meant by "performing an act in office" is an act performed by a person who is on duty in accordance with the duties of the office delegated to him in accordance with the provisions of laws and regulations.

Article 348

The resistance referred to in this provision is committed not only against a public servant who is performing a lawful duty, but also against a person who assists him, even if he is not a public servant.

Article 349

Clear enough.

Article 350

Clear enough.

Article 351

What is meant by "crowd" is for example demonstrations or Demonstration.

Article 352

Clear enough.

Article 353

What is meant by "prevent" is to try to make the Official the relevant authorities did not have time to act.

What is meant by "obstructing" is when the authorized official has already acted and is prevented from doing so.

What is meant by "thwart" is to nullify the results of actions that have been taken by the Authorized Official concerned.

Article 354

Clear enough.

Article 355

Clear enough.

Article 356

The criminal offense in this provision is neglecting the obligation of every person to assist in the achievement of justice, especially in relation to guardianship and guardianship.

Article 357

Clear enough.

Article 358

Paragraph (1)

This provision is intended that the obligation of every person to assist an authorized official in carrying out his/her duties in accordance with the provisions of laws and regulations, such as when there is a danger to public security or when a person is caught red-handed committing a criminal act, and so on. Therefore, the act of not assisting when the act will not harm him/her is reprehensible.

Paragraph (2)

Clear enough.

Article 359

Clear enough.

Article 360

What is meant by "edict" is an announcement that issued by an Authorized Officer.

Article 361

This provision constitutes a criminal offense known as false reporting or complaint. What is reported or complained about is the occurrence of a criminal offense, not an act that does not constitute a criminal offense.

Article 362

In this provision, the act of holding an office or wearing a rank mark is an act of holding an office or rank mark, both civilian and military.

Article 363

What is meant by "regalia" is that which relates to rank or position in public authority, whether civil or military.

Article 364

Clear enough.

Article 365

Clear enough.

Article 366

This provision is intended to protect the implementation of postal activities that are authorized in accordance with the provisions of laws and regulations.

"Letter" means, for example, postcard, postal note, A printed letter, or a telegram.

Article 367

Clear enough.

Article 368

Clear enough.

Article 369

Clear enough.

Article 370

In this provision, transporting Livestock from one place to another, in accordance with the provisions of laws and regulations, is required to use a road letter issued by an authorized official. This is intended to prevent the transport of stolen Livestock, diseased Livestock, or to prevent the spread of disease to other Livestock or to humans who consume the meat of such Livestock.

Article 371
Clear enough.

Article 372
Paragraph (1)
Letter a
What is meant by "excerpt from an official State letter" includes copying, quoting the contents of the letter in part or in whole.
What is meant by "making copies" includes photocopying and so on in accordance with technological advances.
Letter b
Clear enough.
Letter c
Clear enough.
Paragraph (2)
Clear enough.

Article 373
Paragraph (1)
The untruth of the false statement referred to in this provision must be known by the person giving the statement.
Paragraph (2)
Clear enough.
Paragraph (3)
Clear enough.

Article 374
In this provision, money that is counterfeited or imitated is not only Indonesian currency or banknotes, but also money of foreign countries. This is based on the *International Convention on Counterfeit Money of 1929* which has been ratified by Indonesia with Law Number 6 of 1981 concerning the Ratification of *the International Convention for the Suppression of Counterfeiting Currency and Protocol, Geneve 1929*.

Article 375
Clear enough.

Article 376
What is meant by "reducing the value of currency" is, for example, by filing gold currency or silver currency.

Article 377
Letter a
Under this provision, a person who distributes counterfeit money without knowing about its falsity cannot be convicted.
Letter b
Clear enough.

Article 378

The person subject to this provision is one who knows that the money is counterfeit or falsified either at the time of receiving it or some time afterwards, and then continues to circulate it.

Article 379

Not only those who counterfeit, falsify or reduce the value of currency are punished, but also those who make or provide materials or objects, knowing that the materials or objects will be used to counterfeit, falsify or reduce the value of official currency.

Article 380

Paragraph (1)

This provision is intended to prevent the circulation in Indonesia of items that resemble currency. Keeping or importing such items into Indonesia is only permitted with a permit and if they are used for jewelry, for example in the form of a necklace or bracelet or as a memento.

Paragraph (2)

Clear enough.

Article 381

Clear enough.

Article 382

"Seals" means stamps, postage stamps, television tax stamps, and other types of stamps.

This provision is intended to protect stamps issued by the Government of the Republic of Indonesia from being imitated or counterfeited. The occurrence of imitation or forgery will cause reduced trust in Indonesian stamps and reduce state revenues from stamp expenditures.

Article 383

Clear enough.

Article 384

Paragraph (1)

This provision is intended to guarantee the validity or authenticity of the state seal or the expertise mark of the perpetrator of the crime as required by the provisions of laws and regulations that are affixed to certain gold or silver Articles. Thus, this provision is intended to protect such Goods from counterfeiting efforts that will harm consumers.

Paragraph (2)

Clear enough.

Article 385

Clear enough.

Article 386

Paragraph (1)

To ensure the validity and accuracy of measures, doses, or scales used in trade, there are provisions of laws and regulations that require Goods used for measuring, measuring and weighing (including their completeness) to be marked by an authorized official. This obligation is to prevent unfair trade practices that will harm consumers. This provision is intended to prevent counterfeiting of the

Paragraph (2)

Clear enough.

Article 387

Paragraph (1)

The removal of the mark on the marked Goods is carried out by the metrological office and with the removal of the mark on the marked Goods, they can no longer be used by the owner.

Letter a

What is meant by "void mark" is a mark given to Goods that are not or no longer qualified for use.

Letter b

Clear enough.

Paragraph (2)

Clear enough.

Article 388

Clear enough.

Article 389

Clear enough.

Article 390

Clear enough.

Article 391

"Letter" means any representation of the mind embodied in words, i.e. in writing, whether handwritten or by machine, including copies, photocopies, facsimiles of the Letter. A forged letter must be capable of:

- a. gives rise to a right, such as a ticket or admission;
- b. gives rise to an obligation, for example a credit agreement, sale and purchase, lease;
- c. issue a debt discharge; or
- d. used as evidence for an act or event, such as a savings book, birth certificate, transportation certificate, cash book, and others.

Article 392

The letter in this provision is more important than the letter in general, therefore the punishment is more severe than the punishment for the acts regulated in Article 389.

Article 393

Clear enough.

Article 394

Clear enough.

Article 395

Paragraph (1)

"Certificate on the state of health" includes physical health and mental health.

"Certificate of death" includes a statement of a person's death or cause of death (*visum et repertum*).

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 396

Clear enough.

Article 397

Clear enough.

Article 398

The acts prohibited in this provision violate the provisions of laws and regulations in the field of immigration.

Article 399

Clear enough.

Article 400

Clear enough.

Article 401

What is meant by "concealing the origin of a person" is any form of action that is carried out intentionally so that the origin of a person becomes unclear, for example, exchanging a child, adopting a child said to be his or her own child, or concealing the identity of the child's birth.

Article 402

What is meant by "marriage" is between a man and a woman based on the Law on marriage.

What is meant by "an existing marriage constitutes a legal barrier" is a marriage that can be used as an excuse to prevent or annul a subsequent marriage that is not valid.

committed by one of the parties bound by the marriage as stipulated in the law on marriage.

Article 403

What is meant by "legitimate impediment" is the marriage requirement that must be fulfilled for a marriage to take place as stipulated in the Law on marriage.

Article 404

What is meant by "laws and regulations" is the Law on marriage and its implementing regulations and other laws and regulations relating to birth and death registration.

Article 405

Clear enough.

Article 406

Letter a

What is meant by "violating decency" is the act of displaying nudity, genitals, and sexual activities that are contrary to the values that live in the community at the place and time the act is committed.

Letter b

Clear enough.

Article 407

The interpretation of the definition of pornography is adjusted to the standards prevailing in society at a particular time and place (*contemporary community standards*).

Making Pornography in this provision does not include for oneself or one's own benefit.

Article 408

What is meant by "blatantly" is that in a directly commit the act to the child.

Article 409

What is meant by "instrument for aborting the pregnancy" is any object that by its nature of use can abort the pregnancy.

Article 410

Clear enough.

Article 411

Paragraph (1)

What is meant by "not her husband or wife" is:

- a. a man who is in a state of marriage has sexual intercourse with a woman who is not his wife;

- b. a woman who is in a state of marriage has sexual intercourse with a man who is not her husband;
- c. A man who is not married has sexual intercourse with a woman, knowing that she is married;
- d. a woman who is not in wedlock has carnal knowledge of a man, knowing that the man is in wedlock; or
- e. a man and a woman who are not bound by marriage have sexual intercourse.

Paragraph (2)

What is meant by "his child" in this provision is a biological child who has reached the age of 16 (sixteen) years.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 412

The provision regarding living together as husband and wife outside of marriage is known as cohabitation.

This provision also overrides laws and regulations under the law that regulate cohabitation as husband and wife outside of marriage, as long as they are not regulated in special or special laws and regulations.

Paragraph (1)

Clear enough.

Paragraph (2)

See the explanation of Article 411 paragraph (2).

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 413

What is meant by "batih family" consists of father, mother, and biological child.

Article 414

Clear enough.

Article 415

What is meant by "obscene acts" is sexual contact related to lust, except for rape.

Article 416

Clear enough.

Article 417

The criminal offense in this provision is the act of moving a person who is not yet an adult, not yet married, and not yet married.

to commit obscene acts or to have sexual intercourse with him/her or to allow him/her to commit obscene acts. The way to induce a person is by giving a gift or promising to give a gift, and in this way the perpetrator of the crime abuses the authority arising from the relationship of circumstances or misleads the person.

Article 418

Paragraph (1)

The crime regulated in this provision is known as incest.

Paragraph (2)

The criminal offense regulated in this provision is basically the same as the obscene acts or sexual intercourse regulated in the previous article. However, the obscene acts or sexual intercourse regulated in this provision are committed against persons who have a special relationship with the perpetrator of the crime.

Article 419

Clear enough.

Article 420

Clear enough.

Article 421

This provision is intended to eradicate brothels.

Article 422

This crime includes sending a minor male or female to another region or abroad to engage in prostitution or other acts that violate decency.

Article 423

Clear enough.

Article 424

Clear enough.

Article 425

Paragraph (1)

What is meant by "children under his/her lawful authority" are biological children, stepchildren, adopted children, or children under his/her supervision, or children entrusted to his/her care, education, or custody who are not yet 12 (twelve) years old.

Paragraph (2)

Clear enough.

Article 426

Paragraph (1)

What is meant by "license" is a license stipulated by the government with due regard to the laws living in the community.

Paragraph (2)

Clear enough.

Article 427

Clear enough.

Article 428

Paragraph (1)

Under this provision, the judge needs to examine each incident, whether the relationship between the defendant and the person who is in a state of neglect is controlled by law or an agreement that obliges the defendant to provide for, care for, or maintain the neglected person.

Paragraph (2)

An official is a person who is charged with the duty to care for or maintain a displaced person in a community organization whose funding comes from the community or government assistance.

Paragraph (3)

Clear enough.

Article 429

Clear enough.

Article 430

This provision contains a mitigation of criminal punishment based on the consideration that the fear of a mother giving birth being known to others is already considered an affliction.

Article 431

Clear enough.

Article 432

This provision indicates the obligation of every person to save the life of another person from danger of death, as long as the help does not endanger himself or others.

Article 433

Paragraph (1)

The nature of the act of defamation is if the act of defamation is committed by way of accusation, either orally, in writing, or with pictures, which attacks the honor and good name of a person, to the detriment of that person. The alleged act need not be a criminal offense. Criminal offense according to the provisions of this article, the object is an individual. Defamation of a government institution or a group of people is excluded from the provisions of this article.

Paragraph (2)

Clear enough.

Paragraph (3)

The unlawful nature of the act is negated by the existence of excuses, namely if the act is committed in the public interest or out of self-defense.

Article 434

Paragraph (1)

Clear enough.

Paragraph (2)

Letter a

In the event that the perpetrator of the crime as referred to in this provision is given the opportunity by the judge to prove the truth of what is alleged, but he/she is unable to prove that what is alleged is true, the perpetrator of the crime shall be punished as defamation.

Letter b

Clear enough.

Paragraph (3)

Proof of the truth of the allegation is only permissible if the judge deems it necessary to examine the truth that the accused committed the act in the public interest, or out of self-defense. Proof of the truth of the accusation is also permitted if the accused is a public servant and the accusation relates to the performance of his/her duties.

Article 435

Paragraph (1)

If the person insulted, i.e. the person accused of having committed an act and thereby having his honor or good name attacked, is found by a court decision that has obtained permanent legal force to be guilty of the matter alleged, no punishment for slander shall be imposed on the accuser.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 436

This provision regulates insults committed by uttering indecent words against another person. Such insults are committed in public orally or in writing, or in front of the insulted person himself, either orally, in writing, or by action or by writing sent to him.

Article 437

It must be proven that the perpetrator knew that the complaint was untrue and that it attacked a person's honor or good name. The complaint or notification is made in writing or instructs another person to write it and the signature of the complainant is not required. Thus, false complaints or notifications with an anonymous letter (*black-mail*) can be punished under the provisions of this article.

Article 438

A criminal offense under this provision occurs if a person by an act creates a suspicion that another person has committed a criminal offense, while the suspicion is not true, for example, A puts C's watch in B's drawer with the intention that B will be accused of stealing C's watch.

Article 439

This crime is a crime of complaint and the complaint can only be filed by the husband or wife, or by one of the blood relatives or all relatives in a straight line or sideways to the second degree of the deceased person.

Article 440

Clear enough.

Article 441

Clear enough.

Article 442

Clear enough.

Article 443

Paragraph (1)

What is meant by "secret" is anything that can only be known by the person concerned and no one else. To find out who is obliged to keep a secret, it must be examined event by event in accordance with the provisions of the law or custom applicable in the environment where such an obligation exists, for example, the archivist's obligation to keep confidential files confidential and the doctor's obligation to keep the patient being treated confidential. This crime becomes a complaint crime if it is committed against a specific person.

Paragraph (2)

Clear enough.

Article 444

This provision is intended to prevent unfair competition in the business world.

Article 445

Clear enough.

Article 446

Paragraph (1)

In this provision, deprivation of liberty is carried out in both physical and psychological forms.

What is meant by "unlawfully" is an act of depriving a person of liberty not in the context of carrying out duties and obligations in accordance with the law.

statutory provisions. For example, a police officer who arrests and detains a person in the event of being caught red-handed committing a criminal offense.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 447

Clear enough.

Article 448

Clear enough.

Article 449

Paragraph (1)

The criminal offenses in this provision are classified as extortion offenses involving deprivation of liberty. Extortion can be committed in various ways and through various forms of threats.

Paragraph (2)

Clear enough.

Article 450

Kidnapping is one of the forms of the crime of depriving someone of their liberty. Unlike the previous provision, the deprivation of liberty in kidnapping is not intended to trade people, but to unlawfully place the person under his/her control or cause the person to be helpless.

Article 451

Hostage-taking is a form of Crime of depriving a person of their liberty. Unlike kidnapping, hostage-taking is carried out so that the person being held hostage remains in his/her residence or in another place and is carried out with Violence or Threat of Violence.

Article 452

Paragraph (1)

This provision is intended to provide protection to children who have received legal protection. For example, Children who are placed in orphanages, if they run away, then the perpetrators of Criminal Acts can be punished.

Paragraph (2)

Clear enough.

Article 453

Paragraph (1)

This provision relates to a child who is withdrawn from lawful custody or control, and then hidden or concealed from the investigation of an authorized official.

Paragraph (2)

Clear enough.

Article 454

Paragraph (1)

Clear enough.

Paragraph (2)

The definition of "taking away a woman" or "running away with a woman" in this provision is different from "abduction" in Article 450 and "hostage-taking" in Article 451.

The act of taking a woman away generally occurs between a man (the one who runs away) and a woman (the one being taken away) in relation to a love relationship, and therefore the act is done with the consent of the woman.

The criminal offense element in this paragraph is linked to the minority age of the woman taken away. In addition to the element of being underage, what needs to be considered is that the person concerned is still under the supervision of her parents or guardian.

The elements of the crime in this provision are not linked to the age of the woman taken away, whether she is a minor or a minor, whether in a marital status or not, but if the woman is taken away by deception, violence or threat of violence, the punishment is more severe.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 455

Clear enough.

Article 456

Clear enough.

Article 457

Clear enough.

Article 458

Paragraph (1)

Murder always means that the victim must die and this death is willed by the perpetrator. Thus the notion of murder implicitly contains the element of intent. If there is no element of intent or there is no intention to kill someone, but then it turns out that the person dies, the act is murder.

does not qualify as the crime of murder under this paragraph.

This provision does not include the element of "intentionally", as this is already regulated in Article 36 and Article 54 (j). Thus the judge will prioritize to consider the motive, manner, means, or attempt to kill, as well as the consequences and impact of a murder on society.

Paragraph (2)

"mother, father, or child" includes mother, father, or step/adopted child.

The aggravation of punishment in this provision is based on the consideration of the relationship between the perpetrator of the Crime and the Victim, where the perpetrator of the Crime should be obliged to provide protection to the Victim.

Paragraph (3)

Clear enough.

Article 459

Clear enough.

Article 460

Paragraph (1)

This provision contains a mitigation of criminal punishment based on the consideration that the fear of a mother giving birth being known to others is already considered an affliction.

Paragraph (2)

Clear enough.

Paragraph (3)

Because other people who participate in the murder as referred to in paragraph (1) and paragraph (2) are not in the same psychological condition as the mother who committed the crime, the principle of participation does not apply in the provisions of this paragraph.

Article 461

This provision regulates a criminal offense known as active euthanasia.

Although active euthanasia is carried out at the request of the person concerned, which is expressed with sincerity, the act is still threatened with punishment. This is based on a consideration because the act is considered contrary to religious morals. In addition, to prevent unwanted possibilities, for example, by the perpetrator of the crime, a situation is created in such a way that there is a request to take the life of the person concerned.

Criminal punishment here is not aimed at the life of a person, but rather aimed at respecting human life in general, even in the condition of the person suffering greatly, both physically and mentally. So the motive of the perpetrator is irrelevant to consider in criminal offenses.

Article 462

If the person who encouraged, assisted or provided the means to commit suicide does not die, the person who encouraged, assisted or provided the means shall not be punished.

This is based on the consideration that suicide is not a criminal offense. Therefore, an attempt to commit suicide is also not punishable.

Article 463

This provision is intended to protect a woman's womb. If the aborted pregnancy is a dead pregnancy, the criminal provisions of this article do not apply. It is not relevant here to determine what ways and means are used to perform an abortion. What is important and decisive is the result, namely the death of the womb.

Paragraph (1)

Clear enough.

Paragraph (2)

What is meant by "other crimes of sexual violence that cause pregnancy" include, among others, forced prostitution, sexual exploitation, and/or sexual slavery.

Article 464

Clear enough.

Article 465

Clear enough.

Article 466

Paragraph (1)

This provision does not provide a definition of maltreatment. This is left to the judgment of the judge to interpret the case at hand in accordance with the development of social and cultural values and the development of medicine. This means that the definition of maltreatment is not necessarily limited to physical maltreatment and conversely not every physical suffering is always defined as maltreatment.

This provision also does not include the element "intentionally" because this is already regulated in Article 36 and Article 54 letter j in the context of criminal aggravation.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Article 467

Clear enough

Article 468

Paragraph (1)

The crime of maltreatment in this provision is a type of serious maltreatment, in addition to maltreatment in the general sense and light maltreatment. The limits and scope of these three types of maltreatment are left to the discretion of the judge.

Paragraph (2)

Clear enough.

Article 469

Clear enough.

Article 470

Clear enough.

Article 471

Clear enough.

Article 472

Clear enough.

Article 473

The acts in this article are intended for or as part of sexual activity/violence.

Paragraph (1)

Clear enough.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Paragraph (5)

Clear enough.

Paragraph (6)

"Victim" means husband or wife.

Paragraph (7)

Clear enough.

Paragraph (8)

Clear enough.

Paragraph (9)

Clear enough.

Paragraph (10)

Clear enough.

Paragraph (11)

Clear enough.

Article 474

Paragraph (1)

This provision does not provide a definition of negligence. In general, the notion of negligence indicates that the perpetrator did not intend for the consequences of his actions to occur, namely death or injury. However, in concrete instances there are difficulties with the definition of negligence.

determines that an act can be called negligence. For example, a person driving a vehicle in such a way as to endanger public traffic which is likely to cause casualties. Therefore, based on these considerations, the definition of negligence is left to the discretion of the judge to assess the case at hand.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 475

Paragraph (1)

From certain positions or professions, a sense of responsibility is expected in carrying out the duties or work entrusted to them. In other words, negligence must be avoided by people who carry out their duties or work responsibly. Therefore, in the event of negligence, the punishment can be increased by 1/3 (one-third).

Paragraph (2)

Clear enough.

Article 476

What is meant by "taking" is not only defined as physical, but also includes other forms of "taking" that functionally (non-physical) lead to the intention of "unlawfully possessing another's goods." For example, theft of money by transferring or using electricity without right.

What is meant by "owned" is having rights to the Goods
The.

Article 477

Paragraph (1)

This provision regulates theft of a special nature or what is commonly known as qualified theft.

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

"Goods that are a person's main source of livelihood or source of income" means, for example, a motorcycle for a motorcycle taxi driver, a sewing machine for a tailor.

Letter d

Clear enough.

Letter e

"house" means any building or place intentionally made or used for residence or dwelling.

What is meant by "enclosed yard" is a piece of land that has a certain boundary mark,

be it walls, fences, piles of rocks, vegetation, waterways, or rivers.

Letter f

Clear enough.

Letter g

Clear enough.

Paragraph (2)

Clear enough.

Article 478

Clear enough.

Article 479

Paragraph (1)

The crime of theft in this provision is qualified as theft with aggravation. The aggravating element is the presence of Violence or Threat of Violence against the person in committing the theft. Violence or Threat of Violence may be committed before, during, or after the theft is committed.

Violence refers to the use of physical force, either by bodily exertion or by using an instrument, while Threats of Violence refers to circumstances that cause fear, anxiety or apprehension in the person threatened.

The Use of Force or Threat of Force need not be directed solely at the owner of the Goods, but can also be directed at other persons, such as domestic servants or house guards.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Paragraph (4)

Clear enough.

Article 480

Clear enough.

Article 481

Clear enough.

Article 482

Paragraph (1)

This provision regulates the crime of extortion. Coercion in this provision is more physical or outward coercion, among others, at the point of a sharp weapon or firearm. Violence or Threat of Violence does not have to be directed at the person who is asked to provide Goods, make debts, or write off debts, but can also be directed at other people, for example against children, or wives or husbands.

The notion of "coercion" includes both successful coercion (e.g. the Goods are handed over) and unsuccessful coercion. Thus, if the extortion is unsuccessful or failed, the perpetrator

The criminal offense is prosecuted under this provision, not under the attempt provision.

Paragraph (2)

Clear enough.

Article 483

Paragraph (1)

This provision regulates the crime of threatening.

The main element of the crime in this provision is the same as the crime of extortion, which is to force people to give goods, make an acknowledgment of debt, or write off receivables. The difference lies in the means of coercion used. In extortion, the means of coercion are more physical and external, whereas in the Crime of Threatening the means of coercion are more non-physical or internal, namely by using threats of defamation, both oral and written or by threatening to reveal secrets.

Threats of defamation or libel or disclosure of secrets do not have to relate directly to the person who is asked to give Goods, create debts, or cancel receivables, but can also be other people, for example, against Children, wives, or husbands, which also indirectly attack the honor or good name of the person concerned.

Paragraph (2)

Clear enough

Article 484

Clear enough

Article 485

Clear enough.

Article 486

This provision regulates the crime of embezzlement. In the crime of embezzlement, the Goods concerned have been actually controlled by the perpetrator of the crime. This is different from theft where the Goods are not yet in the hands of the perpetrator. The moment when the intention to unlawfully possess the Goods arises also determines the difference between embezzlement and theft. If the intention to possess already exists at the time the Goods are taken, then the act is a crime of theft, whereas in embezzlement, the intention to possess only exists after the Goods have been in the hands of the perpetrator for some time. Another element of the crime of embezzlement is that the perpetrator controls the Goods to be possessed not because of the crime, for example, an Item that is in the possession of the perpetrator of the crime as collateral for debt, which is then sold without the owner's permission.

Article 487

Clear enough.

Article 488

Clear enough.

Article 489

In this provision, the delivery of Goods due to necessity, for example in the event of a natural disaster such as fire, flood, earthquake, etc., the Goods are handed over to be saved or because they are unable to take care of the Goods themselves, so they need to be handed over to another party.

Article 490

Clear enough.

Article 491

Clear enough.

Article 492

This provision regulates the crime of fraud. The material act of fraud is to persuade a person by various means mentioned in this provision, to give something Goods, create debts or write off receivables. Thus, the act that directly harms is not done by the perpetrator of the Crime, but by the injured party himself. The act of fraud is only completed by the occurrence of the action of the injured party as desired by the perpetrator.

The delivery of the goods does not have to be made directly to the perpetrator of the crime but can also be made to another person who is instructed by the perpetrator to receive the delivery.

Fraud is a crime against property. The place of the crime is where the perpetrator commits the fraud, even if the delivery is made elsewhere. The moment of committing the crime is the moment when the perpetrator commits the fraud.

The goods delivered can be the perpetrator's own property, for example, goods given as collateral for debt are not for the benefit of the perpetrator. It is not necessary to extinguish the receivable by means of the extinguishment of the obligation under the Civil Code. This also includes, for example, the act of the perpetrator who temporarily stops the kilometer logger of the rented car, so that the owner of the car calculates a smaller amount of rent than is actually due.

This provision limitatively mentions the means used by the perpetrator that causes the fraud to be punishable, namely in the form of a false name or position, abuse of religion, deception and a series of false words. There must be a causal relationship between the means used and the desired action, so that the person believes and gives what is requested.

Article 493

Clear enough.

Article 494

Clear enough.

Article 495

This provision is intended to protect consumers from fraudulent acts in the world of trade committed by sellers. In the world of commerce, it can happen that the seller gives a false confession about the nature or condition of the Goods he sells or does not actually state the nature or condition of the Goods, so that the consumer buys a Goods that does not match his expectations or does not match the costs he incurs.

Article 496

This provision is intended to protect a person from economic loss through the provision of services to others as a result of fraudulent acts of the other person. For example, a person fraudulently utilizes the favor of another person to use a telephone number and line and charges the cost of the conversation or telephone connection to the telephone customer.

Article 497

This provision is intended to protect fraudulent acts in the world of commerce committed by consumers, by not paying the full price of purchased goods. To be punishable under this provision, the consumer's actions are committed repeatedly, which shows that the actions are a livelihood or habit. In society, this consumer action is known as "evasion".

Article 498

This provision is intended to prevent fraudulent acts in the world of insurance committed by the insured party in making an insurance agreement to the detriment of the insurer.

Article 499

The criminal offense in this provision is a fraudulent act to obtain payment of insurance money.

Article 500

Clear enough.

Article 501

"bill of lading" means a dated letter in which the carrier states that it has received certain Goods, with the intention of transporting such Goods to a designated place, and delivering them to a designated person, in accordance with the terms of a delivery agreement.

The original bill of lading (first sheet) in this provision is a securities and can be traded, while copies or other sheets are not. Only the first or original bill of lading may be exchanged for the type of Goods listed therein.

Since the original bill of lading is a security, it can be encumbered with any form of property right, such as mortgage, sale, loan or exchange. Copies or other sheets that are not securities have no value so that if sold, the buyer will not receive the Goods and the act of encumbering copies or other sheets with rights to property is fraudulent.

Article 502

Clear enough.

Article 503

Paragraph (1)

In this provision, food, beverages or drugs are counterfeited if their value or benefits are reduced as a result of being mixed with other ingredients.

Paragraph (2)

Clear enough.

Paragraph (3)

Clear enough.

Article 504

Clear enough.

Article 505

What is meant by "yard boundary" is any sign used to indicate the boundary of a yard, such as walls, fences, stakes, piles of stones, vegetation, waterways, rivers, or rice fields with the aim of separating a parcel of land belonging to a person from an adjoining parcel of land belonging to another person.

Article 506

What is meant by "false news" is not only false notice of a fact but also false notice of an advantage that can be expected.

Article 507

Clear enough.

Article 508

Clear enough.

Article 509

Clear enough.

Article 510

Clear enough.

Article 511

Clear enough.

Article 512

Letter a

What is meant by "withdrawing Goods from the company's property" is any act to place Goods beyond the reach of the curator prior to or at the time of the adjudication of bankruptcy, including settling the company's receivables.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Article 513

Clear enough.

Article 514

Clear enough.

Article 515

Clear enough.

Article 516

Clear enough.

Article 517

Clear enough.

Article 518

Clear enough.

Article 519

This provision is intended to prevent a peace agreement from being made because the perpetrator of the Crime obtained a special benefit, whereas according to the Law, the agreement, once ratified, also applies to creditors who did not originally agree to it. This also applies to the management or commissioner of a Corporation.

Article 520

Paragraph (1)

Letter a

The right of retention arises based on statutory provisions, namely Article 1616 or Article 1812 of the Civil Code.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

Clear enough.

Paragraph (2)

Clear enough.

Article 521

Paragraph (1)

What is meant by "damaging" is to render temporarily unusable, meaning that if the Goods are repaired they can be used again.

What is meant by "destroy" is to utterly destroy or damage so that it can no longer be used.

Paragraph (2)

Clear enough.

Article 522

What is meant by "buildings for facilities, infrastructure, and/or public service facilities" for example, railroad buildings, electricity buildings, telecommunication buildings, buildings for communication via satellite or other long-distance communication, radio or television stations, dams, gas lines, or drinking water lines.

Article 523

Clear enough.

Article 524

Clear enough.

Article 525

Clear enough.

Article 526

Clear enough.

Article 527

What is meant by "commander of the Indonesian National Army" is the commander of the Army, Navy, or Air Force.

Article 528

Crimes under this provision are crimes against the administration of justice.

Article 529

What is meant by "force" is the unlawful use of power. An example is an investigator who in conducting an investigation forces a suspect to confess or forces a witness to provide information according to the will of the investigator. Forcing can also be done physically or psychologically by frightening so that the soul is depressed. However, if a witness gives testimony that is contrary to reality and the investigator gives a stern warning or shows the unfavorable consequences of the witness's false testimony, this provision does not apply.

Article 530

This provision regulates the crime known as *Torture*. This crime has become one of the international crimes through the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984*. Indonesia as a member of the United Nations has ratified this convention by Law Number 5 of 1998 on the Ratification of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Therefore, the act in this Law is categorized as a criminal offense.

Article 531

Clear enough.

Article 532

Paragraph (1)

Letter a

What is meant by "not fulfilling a request" is, for example, not following up on a report or information that someone has been unlawfully deprived of their liberty.

Letter b

Clear enough.

Paragraph (2)

Clear enough.

Article 533

Clear enough.

Article 534

For the sake of security and order, matters relating to convicted persons or detained persons must be based on a valid detention decision or warrant. Likewise, a child admitted to a Special Development Institution for Children or a mentally ill person admitted to a psychiatric hospital must be based on a valid warrant.

Article 535

Terms of This are intended to provide protection of rights human rights a person over home his/her residence, which is a person's personal right that must be protected, may not be entered by another person without the permission of the occupant of the house or without observing the method in accordance with the provisions of laws and regulations. The same applies to entering an enclosed place or enclosed yard used by a person. This provision is imposed only on Officials in carrying out their duties. This provision applies specifically to Officials in conducting house searches or reading or confiscating letters in the context of criminal investigations without complying with the provisions of laws and regulations.

Article 536

Letter a

This provision is intended to protect the confidentiality of correspondence. This criminal offense is not included if the act is committed by an investigator who, based on the provisions of laws and regulations, requires the letter as evidence in the context of investigating a criminal offense.

Letter b

What is meant by "electronic system organizer" is Every Person, state administrators, business entities, and communities that provide, manage, and/or operate electronic systems, either individually or jointly to electronic system users for their own needs and/or the needs of other parties.

Article 537

Clear enough.

Article 538

Clear enough.

Article 539

Paragraph (1)

What is meant by "Official authorized to marry a person" is an Official in accordance with the provisions in the Law on marriage and its implementing regulations.

Paragraph (2)

What is meant by "legitimate impediment" is in accordance with the conditions for marriage specified in the laws and regulations governing marriage.

Article 540

Clear enough.

Article 541

Clear enough.

Article 542

Clear enough.

Article 543

Paragraph (1)

The Criminal Offenses stipulated in Articles 542 to 560 are international Criminal Offenses, meaning that the perpetrators of such Criminal Offenses can be prosecuted in any country where the perpetrators are found as long as the country adheres to the principle of universality. Therefore, the nationality of the perpetrator, as well as the *locus delicti* and nationality of the vessel are not disputed, because the crime is considered to disturb world order.

In this case, the skipper or leader of the ship itself did not commit piracy, but only handed over the ship.

to pirates, to be used for piracy. Although it is a crime of assisting, it is made into a separate crime with the same punishment as the crime of piracy itself.

If it is not the skipper or master of the vessel, a lesser punishment will be imposed.

Paragraph (2)

Under this provision the person or Goods do not have to be on board the Vessel but can also be on shore.

Article 544

Clear enough.

Article 545

Clear enough.

Article 546

Clear enough.

Article 547

Clear enough.

Article 548

What is meant by "taking over or withdrawing the Vessel from its owner" is taking the Vessel from the power of its owner illegally, for example by running away with the Vessel and using it for one's own benefit.

Article 549

What is meant by "Ship's certificate", among others, letters, documents, and Ship's report.

This provision is intended to prevent and eradicate fraud against the Vessel Certificate committed by the Skipper or leader of the Vessel.

Article 550

Clear enough.

Article 551

Clear enough.

Article 552

This provision is intended to prevent the making of false reports to benefit oneself or others, for example a Ship's Captain deliberately sinks his Ship, but in his report it is said that his Ship has met with an accident and sunk, therefore they get the opportunity to receive insurance payments for the Ship and/or its cargo.

Article 553

This provision is intended to maintain security, order and safety of shipping.

Article 554

This provision is intended to regulate mutiny on a ship, but here it is committed by 2 (two) or more persons in concert. This provision also determines the aggravation of punishment, considering the consequences caused and the actions committed together.

Article 555

Clear enough.

Article 556

Clear enough.

Article 557

"Ship's officers" include, among others, the chief mate and the Ship's doctor.

Article 558

Clear enough.

Article 559

Clear enough.

Article 560

Clear enough.

Article 561

In this provision what is meant by "changing the course of the Ship" is changing the destination of the voyage or stopping at a port that is not included in the original voyage plan, or not going directly to a port that has been previously determined as the port of destination.

Article 562

Under this provision, Vessels or Goods may be towed, stopped, or detained by local Authorized Officers, if they violate blockade provisions, quarantine regulations, or carry prohibited Goods (smuggling).

Article 563

What is meant by "not giving something that is obligatory" is, for example, giving food or rations.

Article 564

What is meant by "forced circumstances" is a situation such that the Skipper or leader of the Ship is forced to take an action to maintain the safety of the voyage, for example due to overloading, namely to prevent the Ship from sinking or due to infectious diseases.

Article 565

This provision is intended to prevent misuse of the Indonesian flag.

Article 566

What is meant by "government vessels other than warships in charge of security and order at sea" include water police vessels and customs vessels.

Article 567

This provision relates to the obligation to record every birth or death. This is for the benefit of population administration. If the birth or death occurs at sea, the obligation to make a record is imposed on the Ship's Captain.

Article 568

The acts referred to in this provision are acts that impede law enforcement.

Article 569

Clear enough.

Article 570

Clear enough.

Article 571

Clear enough.

Article 572

"Identification mark" means, for example, a red cross. The purpose of wearing such a sign is to protect hospital ships or lifeboats from attack.

Article 573

Clear enough.

Article 574

Clear enough.

Article 575

What is meant by "buildings for securing air traffic" are aviation facilities or installations used for security and regulating air traffic, such as terminals, buildings, towers, and runways.

The Aviation Crime in this Chapter can only become a Crime of Terrorism if there is a purpose to commit a Crime of terrorism as stipulated in the laws and regulations on terrorism.

Article 576

Clear enough.

Article 577

What is meant by "signs or tools for flight safety" are aviation facilities used by or for aircraft in order to land or take off safely, such as runway signs or tools including lines in the center of the runway, runway markers or coordinates, end markings

runway and runway obstacle signs including radio transmitter sign lights, air traffic building sign lights, and air station building sign lights, and so on.

The definition of "putting up a false sign or device" can also mean intentionally and unlawfully putting up a false device or correct sign.

"Aircraft" means an aircraft that is on the ground, i.e. not in Flight or still in preparation by the ground crew or by the crew for a specific flight.

Article 578

Clear enough.

Article 579

The crime in this provision also constitutes air piracy as stipulated in The Hague Convention 1970 on "*The Suppression of Unlawful Seizure of Aircraft*", which was held in The Hague-Dutch in 1970.

Indonesia has ratified the conventions by Law Number 2 Year 1976 on the Ratification of the Tokyo Convention 1963, The Hague Convention 1970, and the Montreal Convention 1971, so that as a state party it must fulfill the obligations stipulated in Article 2 of the Convention, namely that each state party to the convention is obliged to punish acts of air piracy with severe punishment. This crime is an international crime, which means that every state (convention participant) has jurisdiction over every air pirate, regardless of the nationality of the perpetrator or the Aircraft and the place (country) where the hijacking occurred. This means that if the perpetrator of air piracy is found in Indonesia, Indonesia has the authority to prosecute him. Therefore, Indonesia is also obliged to make criminal provisions for this crime.

Paragraph (1)

The crime in this provision is commonly known as air piracy. In this provision, the act of seizing or maintaining the seizure is carried out by unlawful means, such as deception or bribery, so that the pilot voluntarily surrenders the steering wheel of the Aircraft in Flight.

Paragraph (2)

Unlike the air piracy regulated in paragraph (1), the act of seizing or maintaining the seizure in this paragraph is carried out with Violence or Threat of Violence in any form, so that the pilot is in a state of coercion and can do nothing else but surrender the steering of the Aircraft.

Article 580

This provision is a criminal offense that must be prohibited by states parties to the 1971 Montreal Convention on "*The Suppression of Unlawful Acts Against the Safety of Civil Aviation*".

Civil Aviation) held in Montreal-Canada in 1971, as a supplement to the Hague Convention of 1970.

Article 581

Clear enough.

Article 582

Clear enough.

Article 583

Clear enough.

Article 584

Clear enough.

Article 585

Clear enough.

Article 586

Clear enough.

Article 587

Clear enough.

Article 588

Clear enough.

Article 589

The provision stipulated in this article is the act of false notification, for example by telephone or other means of communication about the existence of a bomb in an Aircraft. With such false notification, known as *bomb hoax*, it can cause panic for the crew and Passengers which can cause danger to the Aircraft.

Article 590

Clear enough.

Article 591

Objects in this provision are objects that originate from criminal acts, for example from theft, embezzlement, or fraud. Crimes regulated in this provision are called *proparte dolus proparte culpa crimes*.

Article 592

A person who repeatedly commits the crime as referred to in Article 591 does not need to prove that the perpetrator commits this crime for profit. It is categorized as "making a habit" because the act is committed repeatedly even though the period of time is rather long.

Article 593

Clear enough.

Article 594

Crimes under this provision are commonly referred to as press offenses. Basically, in press offenses, the perpetrator of the Crime is the person who makes the writing. However, if the conditions as referred to in letters a and b are fulfilled, the publisher must be held accountable for the Crime.

Article 595

This provision is addressed to the printer.

Article 596

Clear enough.

Article 597

What is meant by "acts which according to the laws living in the community are declared as prohibited acts" refers to the provisions of Article 2 paragraph (1).

Article 598

Clear enough.

Article 599

Letter a

Clear enough.

Letter b

Clear enough.

Letter c

Clear enough.

Letter d

What is meant by "other equivalent sexual violence" is the act of committing serious sexual coercion as a form of Crimes against Humanity.

Article 600

Clear enough.

Article 601

Clear enough.

Article 602

Clear enough.

Article 603

What is meant by "detrimental to state finances" is based on the examination results of the state audit institution.

Article 604

Clear enough.

Article 605

Clear enough.

Article 606
Clear enough.

Article 607
Clear enough.

Article 608
Clear enough.

Article 609
Clear enough.

Article 610
Clear enough.

Article 611
Clear enough.

Article 612
Clear enough.

Article 613
Clear enough.

Article 614
Clear enough.

Article 612
Clear enough.

Article 613
In this provision, the adjustment of criminal provisions does not include fines provided for in the Administrative Penalty Law. See the explanation of Article 187.

Article 614
Clear enough.

Article 615
Clear enough.

Article 616
Clear enough.

Article 617
Clear enough.

Article 618
Clear enough.

Article 619
Clear enough.

Article 620

What is meant by "law enforcement agencies" is, for example, agencies that organize the eradication of narcotics crimes, in addition to handling narcotics crimes regulated in the Law on narcotics, also handle narcotics crimes regulated in this Law. Likewise, the institution that organizes the eradication of corruption crimes, in addition to handling corruption crimes regulated in the Law on the eradication of corruption crimes, also handles corruption crimes regulated in this Law.

Article 621

Clear enough.

Article 622

Clear enough.

Article 623

Clear enough.

Article 624

Clear enough.

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