ACT N0.8/1981
OF THE REPUBLIC OF INDONESIA
ON THE CODE OF CRIMINAL PROCEDURE

WITH THE BLESSINGS OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering :

a. that the state of the Republic of Indonesia is a law-abiding state based on Pancasila and the 1945 Constitution which upholds basic human rights and guarantees for all its citizen: equal status in law and administration and is obliged to respect the law and administration without exception;

b. that for the sake of development in the field of law as pointed out in the Guidelines of State Policy (Decree No. IV/MPRI7978 of the People's Deliberative Assembly of the Republic of Indonesia) it is necessary to step up and improve efforts to foster national law by renewing law codification and unification in the framework of the concrete implementation of the Archipelagic Principle;

c. that such a development of the national taw in the field of penal law is in order to make the people truly aware of their rights and obligations and further promote the attitudes of enforcers upholders of the law in line with their respective functions and authorities towards the upholding of law, justice and protection for the dignity and integrity of human beings, rind ensuring order and legal certainty for the proper functioning of the law-abiding state in line with the 1945 Constitution ;

d. that the penal law as contained in "Het Hsrziene Inlandsch Reglement' (Staatsblad No. 44/1941) as related to and Act No. 1 Drt./1951 (State Gazette No. 9!1951, Supplementary State Gazette No. 81) and all the executory regulations and other provisions arranged in other laws in so far as they are concerned with penal law, should be revoked because of their incompatibility with the ideals of national law:

e. that therefore it is necessary to promulgate a law on the penal code for administering justice at the court in public trials and at the Supreme Court by regulating the rights and obligations of those involved in a criminal process, so that in this way the main foundation can be laid for a law-abiding state.

In view of :

1. Article 5 section (1), Article 20 section (1) and Article 27 section (1) of the 1945 Constitutions.

2. Decree No. IV/MPR/1978 of the People's Deliberative Assembly of the Republic of Indonesia;

3. Act No. 14/1970 on, Provisions regarding the Basic Power of the Judiciary (State Gazette No. 74/1970, Supplementary State Gazette No. 2951).

WITH THE APPROVAL OF

THE HOUSE OF PEOPLE'S REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

DECIDES :

By revoking :

1. "Het Herziene Inlandsch Reglement" (Staatsbtad No. 44/1941) in relation ;to and Act No. 1 Drt./1951 (State Gazette No. 9/1951, Supplementary State Gazette No. 81) and all its executory regulations ;
2. Provisions arranged in other law regulations, with the stipulation that they are those mentioned under figure 1 and figure 2, in so far as they are concerned with the penal code.

To stipulate ; THE LAW ON THE CODE OF CRIMINAL PROCEDURE.

CHAPTER 1
GENERAL PROVISIONS

Article 1

What is meant in this law by :

1. Investigator is a state police official of the Republic of Indonesia or a certain civil service official who is granted special authority by law to conduct an investigation.

2. Investigation is a series of acts by the investigator in matters and according to ways regulated by this law to seek and gather evidence with which to make clear a criminal act committed and to find the suspect.
3. Assistant Investigator is a state police official of the Republic of Indonesia who because of a certain authority granted to him can perform the task of investigation as regulated by this law.

4. Examiner is a state police official of the Republic of Indonesia who is granted authority by this law to perform an examination.

5. Examination is a series of acts by the examiner to find and discover an event which is suspected to be a criminal act in order to determine whether or not an investigation can be made in ways regulated by this law.

6. a. Prosecutor is an official granted authority by this law to act as public prosecutor and to execute the verdict of a court which has acquired permanent legal force.

   b. Public prosecutor is a prosecutor granted authority by this law to prosecute and carry out the verdict of the judge.

7. Prosecution is an act of the public prosecutor of referring a criminal case to a competent court of justice in matters and according to ways regulated by this law with the request that it be examined and decided by the judge at a court session.

8. Judge is an official of the state court who is granted authority by law to administer justice.

9. Administering justice is a series of acts by the judge of accepting, examining, and deciding a criminal case on the basis of the principles of freedom, honesty and impartiality at a court session in matters and according o ways as regulated by this law.

10. Pretrial is the competence of the court of justice to conduct an investigation and decide in ways which are regulated by this law, on :
    a. whether or not an arrest and/or detention is legal at the request of the suspect or his family or other party on behalf of the suspect ;

    b. whether or not the termination of investigation or prosecution upon request is valid for the sake of upholding law and justice;

    c. a request for indemnity or rehabilitation from a suspect or his family or another party on his behalf whose case has not been brought before the court.

11. The courts verdict is the pronouncement made by the judge at an open court session, which can be in the form of transference, acquittal or absolution from all legal charges in matters and according to ways as regulated by this law.

12. Legal endeavor is the right of a defendant or public prosecutor not to accept the verdict of a court through contestation, an appeal or annulment or the right of an accused to ask for a review in matters and according to ways as regulated by this law.

13. Legal adviser is a qualified person who is decided by or on the basis of law to provide legal assistance.

14. Suspect is a person who because of his act or condition, on the basis of initial proof can reasonably be suspected of being a perpetrator of a criminal act.

15. Defendant is a suspect who is prosecuted, examined and tried at a court session.

16. Confiscation is a series of acts by an investigator of taking over and/ or placing under his control movables or immovables, tangibles or intangibles to be used as evidence in investigations, prosecutions and trials.

17. House search is an act by an investigator of entering a residential house or other closed place to carry out an investigation and/or confiscation and/or arrest in matters and according to ways as regulated by this law.

18. Body search is an act by an investigator of inspecting the body and/ or the clothes of a suspect to find goods which are strongly suspected of being present on his body or being carried by him, for confiscation.

19. Caught in-the-act is the arrest of a person while committing a criminal act or some time after the perpetration of the criminal act, or shortly after he has been charged by the public as the perpetrator, or it shortly afterwards something is found on him which is strongly suspected of having been used to commit the criminal act and indicates that he is the perpetrator or an accomplice or an aid in the criminal act.

20. Arrest is an act by an investigator of temporarily restricting the freedom of a suspect or defendant if there is enough evidence for purposes of investigation or prosecution and/or trial in matters and according to ways regulated by this law.

21. Detention is the confinement of a suspect or defendant to a certain place by an investigator or public prosecutor or a judge by his verdict, in matters and according to ways regulated by this law.

22. Indemnity is the right of a person to demand fulfillment of his claim for compensation in the form of an amount of money because of his arrest, detention, prosecution or trial without any reason based on law or because of a mistake as regards the person or the law applied in accordance with ways as regulated by this law.

23. Rehabilitation is the right of a person to have his rights restored to their capacity, status, dignity and integrity ceded at the level of inquiry, prosecution or trial because of his arrest, detention, prosecution or trial without any reason based on law or because of a mistake regarding the person or the law applied in accordance with ways as regulated by this law.

24. Report is a notification submitted by a person by reason of right or obligation based on law to a competent official that a criminal event has taken or is taking or is presumed to be taking place.

25. Complaint is a notification accompanied by a request from the interested party to a competent authority for legal action to be taken against a person who has committed a criminal offense detrimental to him.

26. Witness is a person who can provide information in the interest of investigation, prosecution and trial on a criminal case which he himself has heard of, witnessed or experienced.

27. Testimony is one of the means of providing evidence in a criminal case in the form of information from a witness concerning a criminal event which he himself has heard of, witnessed or experienced by mentioning the reasons for his knowledge.

28. Expert information is information provided by a person who has special expert knowledge on a subject needed to throw light on a criminal case in the interest of investigation.

29. Child information is information given by a child on a subject needed to throw light on a criminal case in the interest of investigation in matters and according to ways as regulated by this law.

30. Family is those who have blood relationships to a certain degree or marital relationships to those involved in a criminal process as regulated by this law.

31. One day is twenty-four hours and one month a time of thirty days.

32. Convict is a person convicted on the basis of a court's decision which has acquired a permanent legal force.

CHAPTER II
SCOPE OF LAW ENFORCEMENT

Article 2
This law is valid for the holding of trial proceedings in public courts at all court levels.

CHAPTER III
TRIAL BASIS

Article 3
Trial shall be conducted in ways as regulated by this law.

CHAPTER IV
INVESTIGATOR AND PUBLIC PROSECUTOR

Part One
Interrogator and Investigator
Article 4
An interrogator can be any police officer of the Republic of Indonesia.

Article 5

(1) An interrogator as intended in section 4 :
   a. because of his duties has the authority :
      1. to accept a report or complaint'from a person about the presence of a criminal act;
      2. to seek information and evidence material;
      3. to order a suspected person to stop and to ask for and inspect his identification card;
      4. to take other responsible legal measures.
   b. on order of an investigator can take measures in the form of ;
      1. arrest, restriction of movement, search and confiscation;
      2. inspection and confiscation of letters;
      3. taking the fingerprints and a photograph of a person ;
      4. taking and bringing a person before an investigator.

(2) An interrogator prepares and submits a report on the results of measures as mentioned in section (1) letters a and b to the investigator.

Article 6

(1) An investigator is ;
   a. a state police official of the Republic of Indonesia;
   b. a certain civil service official who is granted special authority by law.

(2) Ranking requirements for the officials mentioned in section (1) shall be further arranged in a government regulation.

Article 7

(1) An investigator as intended in article 6 section (1) letter a, because of his duties, has the authority :
   a. to accept a report or complaint from a person about the presence of a criminal act ;
   b. to take the first steps at the place of occurrence ;
   c. to order a suspect to stop and examine his identification card ;
   d. to examine and confiscate letters;
   f. to take the fingerprints and a photograph of a person ;
   g. to summon a person to be heard or examined as suspect or witness ;
   h. to call in a needed expert in connection with the examination of a case ;
   i, to put an end to an investigation;
   j. to take other responsible legal measures.

(2) The investigator as intended in article 6 section (1) letter b has an authority which is in line with the law serving as its legal basis and shall in the performance of his task come under the coordination and 'control of the investigator mentioned in article 6 section (1) letter a.

(3) In the performance of his task as intended in section (1) and section (2), the investigator shall be obliged to hold existing laws in high respect

Article 8

(1) The investigator shall prepare a report on the implementation of measures as intended in article 7 without mitigating the -other provisions of this law.
(2) The investigator shall hand over the dossier of the case to the public prosecutor.
(3) The handing over of the dossier as intended in section (2) shall be as follows :
   a. at the first stage the investigator shall deliver only the dossier of the case;
   b. in case the investigation can be considered complete, the investigator shall delegate responsibility for the suspect and evidence materials to the public prosecutor.

Article 9

The interrogator and investigator as intended in article 6 section (1) letter a have the authority to perform their respective tasks in general throughout the territory of Indonesia, especially in their own areas of jurisdiction where they are appointed in line with the provisions of law.

Part Two
Assistant Investigator

Article 10

(1) An assistant investigator is a state police official of the Republic of Indonesia who is appointed by the Head of the State Police of the Republic of Indonesia on the basis of ranking requirements in section (2) of this article.
(2) The ranking requirements as intended in section (1) shall be arranged by government regulation.

Article 11

An assistant investigator has an authority as mentioned in article 7 section (1), except for detention which shall be based on authority delegated by the investigator.

Article 12

An assistant investigator shall prepare a report and deliver the dossier of a case to the investigator, except a case scheduled for brief examination which can be handed over directly to the public prosecutor.

Part Three
Public Prosecutor

Article 13

A public prosecutor is a prosecutor who is authorized by this law to start a prosecution and carry out the verdict of the judge.

Article 14

The Public Prosecutor has the authority ;

a. to accept and examine dossiers of' cases submitted by investigators or assistant investigators;
b. to make a "pre-prosecution" arrangement if there are shortcomings in the results of investigation by taking into account the provision of article 110 section (3) and section (4), and giving directives to the investigator in the framework of improving the results of investigation ;
c. to allow an extension of detention periods, carrying out detentions or further detentions and/or changing the status of detainees after ;heir cases have been delegated to him by the investigator;
d. to prepare lawsuits;
e. to delegate cases to the court;
f. to send notifications to defendants on the day and time their cases will be tried accompanied by letters of summons, both for defendants and witnesses, asking them to come and attend the court sessions;
g. to start a prosecution,
h. to close a case in the interest of law;
i. to arrange other measures within the scope of his task and responsibility as public prosecutor in accordance with provisions of this law; to carry out the verdict of the judge.

Article 15

The public prosecutor shall prosecute a criminal case occurring in his area of jurisdiction in accordance with the provisions of law.

CHAPTER V
ARREST, DETENTION, BODY SEARCH, HOUSE ENTRY, CONFISCATION AND LETTER EXAMINATION

Part One
Arrest

Article 16

(1) In the interest of examination, the examiner on order of the investigator is authorized to make an arrest.
(2) In the interest of investigation, the investigator and assistant investigator have the authority to make arrests.

Article 17

An order of arrest shall be carried out against a person who is strongly presumed to have committed a criminal act on the basis of enough initial evidence.

Article 18

(1) The task of making an arrest shall be executed by state police officers of the Republic of Indonesia by showing their assignment letters and handing over to the suspect the arrest warrant which contains the suspect's identity and mentions the reasons for his arrest, and explains in brief the criminal case of which he is suspect and his place of examination.
(2) If a person is caught in-the-act the arrest shall be made without a warrant, with the stipulation that the arresting officer must immediately hand over the arrested and available evidence materials to the nearest investigator or assistant investigator.
(3) A copy of the arrest warrant as intended in section (1) shall be delivered to the family of the arrested immediately after his arrest.

Article 19

(1) The arrest as intended in article 17, can be made for one day at most.
(2) A person suspected of having committed an offense shall not be arrested, except when without valid reasons he has failed for two consecutive times to comply with legal summons.

Part Two
Detention

Article 20

(1) In the interest of investigation, the investigator or assistant investigator on order of the investigator as intended in article 11 has the authority to make a detention.
(2) In the interest of prosecution, the public prosecutor has the authority to make a detention or further detention.
(3) In the interest of examination, the judge at a court session has the authority with his verdict to make a detention.

Article 21

(1) A detention order or further detention order shall be applied to a suspect or defendant who is strongly presumed to have committed a criminal act on the basis of sufficient evidence, in case there are circumstances which give reason for concern that the suspect or defendant will get away, damage or destroy evidence materials and/or repeat the criminal act.
(2) An investigator or public prosecutor shall detain or further detain a suspect or defendant by presenting a detention order or a judges verdict which contains the identification of the suspect or defendant, mentions the reason for his detention and a brief explanation of the criminal case which he is suspected or accused of and his place of detention.
(3) A copy of the detention or further detention order or of the judge's verdict as intended in section (2) shall be delivered to his family.

(4) Said detention can be applied only to a suspect or defendant who has committed a criminal act and/or has attempted as well as given aid in said criminal act in case :
   a. the criminal act is liable to a prison term of five years or more ;
   b. it is a criminal act as intended in article 282 section (3), article 296, article 335 section (1), article 351 section (1), article 353 section (1), article 372, article 378, article 379 a, article 453, article 454, article 455, article 459, article 480,and article 506 of "Kitab Undang undang Hukum Pidana" (Criminal Code), article 25 and article 26 of "Rechtenordonnantie" (violations against the Ordinance on Customs & Excise, latest amendment by "Staatsblad" No. 471/ 1931), article 1, article 2 and article 4 of the Law on Immigrational Offense (Act No.8 Drt.11955, State Gazette No.8/1955). article 36 section (7), article 41, article 42, article 43, article 47, and article 48 of Act No.9/1976 on Narcotics (State Gazette No.37i1976, Supplementary State Gazette No.3086).

Article 22

(1) Detentions can be in the form of :
   a. detention in a state penitentiary;
   b. house detention;
   c. town detention;
(2) House detention takes place at the house or residence of the suspect or defendant by exercising control over him to avoid anything which might create difficulties in investigation, prosecution or examination during a court session.
(3) Town detention is effected in the town of residence or in the residential home, of the suspect or defendant, with the suspect or defendant obliged to report himself at definite times.
(4) The period of arrest and/or detention shall be subtracted in full from the term of the sentence.
(5) For town detention the subtraction shall be one-fifth of the entire period of detention while for house detention one-third of the entire period of detention.

Article 23

(1) The investigator or public prosecutor or the judge has the authority to change the type of detention from one to another as intended in article 22.
(2) The change in the type or detention shall be stated separately in an order issued by the investigator or the public prosecutor or a decision by the judge, a copy of which shall be provided for the suspect or defendant and his family and the agency concerned.

Article 24

(1) A detention order issued by an investigator as intended in article 20, shall be valid only for at most twenty days.
(2) The period mentioned in section (1), if necessary in the interest of an examination which is not yet completed, can be extended by the competent public prosecutor for as long as forty days at most.

(3) The provisions as mentioned in section (1) and section (2) Go not preclude the possibility of the suspect being released from detention before the termination of the detention period, if the interest of an examination has already been served.
(4) After said sixty-day period, the investigator must already have released the suspect from detention for the sake of law.

Article 25

(1) The detention order issued by public prosecutor as intended in article 20, shall be valid only for at most twenty days.
(2) The period as mentioned in section 11), if necessary in the interest of an examination which is not yet completed, can be extended by the chairman of a competent district court for at most thirty days.
(3) The provisions as mentioned, in section (1) arid section (2) do not preclude the possibility of the suspect being released from detention before the termination of said detention period, if the interest of an examination has already been served.
(4) After said fifty-day period, the public prosecutor must already have released the suspect from detention for the sake of law.

Article 26

(1) The judge of a district court trying a case as intended in article 84, has the authority in the interest of an examination to issue a detention order for a thirty-day period at most.
(2) The period as mentioned in section (1), if necessary in the interest of an examination which is not yet completed, can be extended by the chairman of the district court concerned for as long as sixty days at most.

(3) The provisions as mentioned in section (1) and section (2) do not preclude the possibility of the defendant being released from detention before the termination of said detention period, if the interest of an examination has already been served.
(4) After the ninety-day period, although the case has not yet: been decided, the defendant must already have been released from detention for the sake of law.

Article 27

(1) The judge of a high court which is trying a case as intended in article 87, in the interest of examining an appeal, has the authority to issue a detention order for a period of thirty days at most.
(2) The period as mentioned in section (1), if necessary in the interest of an examination which is not yet completed, can be extended by the chairman of the high court concerned for at most sixty days.
(3) The provisions as mentioned in section (1) and (2) do not preclude the possibility of the defendant being released from detention before the termination of said detention period, if the interest of an examination has already been served.
(4) After the ninety-day period, although the case has not yet been decided the defendant must already have been released from detention for the sake of law.

Article 28

(1) The judge of a Supreme Court which is trying a case as intended in article 88, in the interest of examining a "cassation", has the authority to issue a detention order for a period of fifty days at most.

(2) The period as mentioned in section (1), if necessary in the interest of an examination which is not yet completed, can be extended by the Chairman of the Supreme Court for as long as sixty days at most.

(3) The stipulations as mentioned in section (1) and section (2) do not preclude the possibility of the defendant being released from detention before the termination of said detention period, if the interest of an examination has already been served.

(4) After the one hundred and ten days, although the case has not yet been decided, the defendant must already have been released from detention for the sake of law.

Article 29

(1) As an exception to the detention periods as mentioned in article 24, article 25, article 26, article 27 and article 28, in the interest of an examination, the detention of a suspect or defendant can be prolonged on the basis of acceptable and unavoidable reasons, because :
   a. the suspect or defendant is suffering from a -serious physical or mental disturbance, as proved by a doctor's certificate, or
   b. the case being examined is liable to a prison term of nine years or more.

(2) The extension mentioned in section (1) shall be granted for as long as thirty days at most and in case said detention is still needed, another extension can be allowed for at most thirty days.

(3) Extension of the detention period upon request and based on an examination report at the stage of :
   a. investigation and prosecution shall be granted by the chairman of the district court ;
   b. examination in court shall be granted by the chairman of the high court;
   c. examining an appeal shall be granted by the Supreme Court;
   d. examining a cassation shall be granted by the Chairman of the Supreme Court;

(4) The authority to extend detention periods shall be used by the officials mentioned in section (3) in stages and with full responsibility.

(5) The provision as mentioned in section (2) does not preclude the possibility of the suspect or defendant being released from detention before the termination of said detention periods, if the interest of an examination has already been served.

(6) After sixty days, although the case in question is still being examined or has not yet been decided, the suspect or defendant must already have been released from detention for the sake of law.

(7) With regard to the extension of the detention period as mentioned in section (2) the suspect or defendant can state his objection at the stage of :
   a. investigation and prosecution to the chairman of the high court.
   b. examination by the district court and examination of an appeal to the Chairman of the Supreme Court.

Article 30

If the time considerations for detention as mentioned in article 24, article 25, article 26, article 27 and article 28 and the extension of the detention period as mentioned in article 29 have proved to be illegal, the suspect or defendant has the right to claim indemnity in line with the provision as intended in article 95 and article 96.

Article 31

(1) At the request of the suspect or defendant, the investigator or public prosecutor or judge, in tine with their respective authorities, can allow a suspension *of* detention with or without money or personal guarantee, on the basis *of* set conditions.

(2) Because of their functions, the investigator or public prosecutor or judge can withdraw the suspension of detention in case the suspect or defendant fails to observe the conditions as mentioned in section (1).

Part Three

Search

Article 32

In the interest of investigation, the investigator can perform house search or clothes search or body search according to the procedure stipulated in this law.

Article 33

(1) With a warrant from the chairman of the local district' court, an investigator in carrying out an investigation can perform the house search needed.

(2) In case of need, upon a written order from an investigator, a state police officer of the Republic of Indonesia can enter a house.

(3) Each time, entry of a house shall take place in the presence of two witnesses in case the suspect or occupant gives his approval.

(4) Each time, entry of a house shall take place in the presence of the village head or community chief and two witnesses, in case the suspect or occupant objects or is not present.

(5) Within two days after entering and/or searching a house, a report shall be made of which a copy shall be provided for the owner or occupant of the house concerned.

Article 34

(1) In a very needy and urgent situation, if an investigator has to act immediately and cannot possibly ask for a warrant first, without mitigating the provision of article 33 section (5) the investigator can perform a search :

   a. in the premises of the house where the suspect lives, stays or is present and whatever there is upon them.
   b. in every other place where the suspect lives, stays or is present.
   c. in the location where the criminal act has been committed or left its trails.
   d. in lodgings and other public places.

(2) In case the investigator performs the search as intended in section (1), the investigator is not allowed to examine or confiscate letters, books and other written materials which have no connection whatsoever with the criminal act concerned, except goods which do have connection with the criminal act or are presumed to have, been used for perpetrating said criminal act, for which purpose he is obliged to immediately report to the chairman of the local district court to obtain his approval.

Article 35

Except in caught in-the-act cases, an investigator is not allowed to enter :

a. a room where a meeting is in progress of the People's Deliberative Assembly, the House of People's Representatives or the Regional Legislative Council
b. a place where a religious service and or religious ceremony is taking place;
c. a room where a court session is being held.

Article 36

In case an investigator has to search a house in an area outside his jurisdiction without mitigating the provision mentioned in article 33, the search must be conducted with the knowledge of the chairman of the district court and in the company of the investigator of the area of jurisdiction where the search is carried out.

Article 37

(1) At the time of arresting a suspect, an investigator is only authorized to search his clothes including the goods he carries with him, if there is enough reason to assume that the suspect has goods on him which can be confiscated.
(2) At the time of arresting a suspect or if the suspect as intended in section (1) is brought to the investigator, the investigator is authorized to search the clothes and !or the body of the suspect.

Part Four
Confiscation
Article 38

(1) Confiscation can only be carried out by an investigator with a warrant from the chairman of the focal district court.
(2) In a very needy and urgent situation if an investigator has to act immediately and cannot possibly obtain a warrant first, without mitigating the provision of section (1) the investigator can only confiscate movables, for which purpose he has to report immediately to the chairman of the local district court to get his approval.

Article 39

(1) Objects which can be subject to confiscation, include :
   a. goods or claims of the suspect or defendant which all or part have originated from a criminal act or are the results of a criminal act

b. goods which have been used directly for committing a criminal actor for preparing it;
c. goods used to obstruct the investigation of a criminal act;
d. goods especially designed and intended for committing a criminal ac t;
e. other goods which have direct connections with the criminal act commited.

(2) Goods in confiscation because of a civil case or bankruptcy can also be confiscated in the interest of the investigation, prosecution and trial of a criminal case, so long as they meet the provision of section (1).

Article 40

In a caught in-the-act case, an investigator can confiscate goods and equipment which obviously or which can reasonably be presumed to have been used for committing the criminal act or other goods which can be used as evidence materials.

Article 41

In a caught in-the-act case, an investigator is authorized to confiscate packages or letters or goods transported or sent by the post and telecommunication office, a communication or transportation agency or enterprise, provided said packages, letters or goods are meant for the suspect or have originated from him and for this, the suspect and/or the official at the post and telecomunication office, communication or transportation agency or enterprise concerned, shall be provided with a receipt.

Article 42

(1) An investigator is authorized to order a person in control of goods which can be confiscated, to hand over the goods to him in the interest of investigation and the person delivering the goods shall be given a receipt.

(2) Letters or other written materials can only be ordered for delivery to an investigator ;f the letters or written materials originate from a suspect or defendant or are addressed to him or are his own or are meant for him or if the goods mentioned are means for committing a criminal offense.

Article 43

The confiscation of letters or other written materials from those who are obliged according to law to keep them a secret, so far as they do not concern state secrets, can only be carried out with their agreement or by special warrant from the chairman of the local district court except when the law provides otherwise.

Article 44

(1) Confiscated goods shall be kept in a state treasure house for confiscated goods.

(2) The confiscated goods shall be kept in the best possible condition and the responsibility for it rests with the competent official concerned in line with the stage of examination in the trial process and said goods are prohibited from being used by anyone whomsoever.

Article 45

(1) In case the confiscated goods consist of easily damaged or dangerous materials, making it impossible to keep them until the court's decision on the case concerned has attained permanent legal force or if the cost of keeping the goods will become too high, as far as possible with the agreement of the suspect or his proxy the following measures can be taken:
   a. if the case is still in the hands of the investigator or public prosecutor, the goods mentioned can be sold in an auction or taken for safekeeping by the investigator or public prosecutor, with suspect or his proxy as witness;
   b. if the case is already in the hands of the court, the goods mentioned can be taken for safekeeping or sold in an auction by the public prosecutor with the permission of the judge who is handling the case, with the suspect or his proxy as witness.

(2) The proceeds of the auction sale of the goods concerned in the form of cash shall be used as evidence material.

(3) In the interest of providing proof a small portion of the goods as intended in section (1) should as far as possible be set aside.

(4) Confiscated goods which are contraband in nature or are banned from circulation shall be excluded from the provision as intended in section (1) and seized for use in the interest of the state or in order to be destroyed.

Article 46

(1) Goods which are confiscated shall be returned to the person or to those from whom they have been confiscated, or to the person or those who are the most entitled to them, if,
   a. they are no longer needed in the interest of investigation and prosecution;
   b. the case in question has been dropped because of the lack of sufficient proof or it having turned out to be no criminal offence;
   c. the case in question has been put aside in the public interest or closed for the sake of law, except when the goods have resulted from a criminal act or have been used for committing a criminal offense.

(2) If the case has been decided, the goods confiscated shall be returned to the person pr to those mentioned in the decision, except when according to the decision of the judge the goods shall be seized for the state, in order to be destroyed or damaged in such a way as to be no longer usable or if the goods concerned are still needed, to be used as evidence materials for another case.

Part Five
Examination of Letters

Article 47

{1) An investigator has the right to open, examine and confiscate letters and other written materials sent through the post and telecomunication office, a communication or transport agency or enterprise, if the materials in question are strongly suspected of

having connection with a criminal case being investigated, with a special warrant issued for that purpose by the chairman of the district court.

(2) In said interest the investigator can ask the head of the post and telecommunication office, the head of the communication or other transport agency or enterprise concerned to hand over to him the intended letters, for which he shall give a receipt.

(3) The measure as intended in section (1) and section (2) of this article can be taken at all levels of examination in the trial process in accordance with the provision arranged in the section concerned.

Article 48

(1) if after it has been opened and examined, a letter proves to have some connection with the *case being examined, the latter shall be enclosed in the dossier of the case.

(2) If after it has been examined, a letter proves to have no connection whatsoever with said case, it shall be neatly closed again and send back immediately to the post and telecommunication office, the communication and other transport agency or enterprise concerned after being marked "opened by investigator" and provided with a date, and the signature and identity of the investigator.

(3) The investigator and the officials at all levels of examination in the trial process are obliged to really keep the content of the returned letter a secret by strength of their oath of office.

Article 49

(1) The investigator shall make a report about the measures as intended in article 48 and article 75.

(2) Copies of the report shall be sent by the investigator to the head of the post and telecommunication office, the head of the communication or transport agency or enterprise concerned.

CHAPTER VI
SUSPECT AND DEFENDANT

Article 50

(1) A suspect has the right to be examined immediately by an investigator and to have his case further referred to the public prosecutor.

(2) A suspect has the right to have his case submitted to court immediately by the public prosecutor.

(3) A defendant has the right to be immediately tried by a court.

Article 51

To prepare defence :

a. a suspect has the right to be clearly informed in a language he understands about what has been presumed about him at the start of an examination ;

b. a defendant has the right to be clearly informed in a language he understands about the charge brought against him.

Article 52

In an examination at the level of investigation and trial, a suspect or defendant has the right to freely give information to an investigator or judge.

Article 53

(1) In an examination at the level of investigation and trial; a suspect or defendant has the right every time to have the assistance of an interpreter as intended in article 177.
(2) In case a suspect or defendant is deaf and/or dumb, the provision as intended in article 178 shall apply.

Article 54

In the interest of defence, a suspect or defendant has the right to get legal assistance from one or more legal advisers during the period and at every level of examination, according to the procedure determined by this law.

Article 55

In order to get the legal adviser as mentioned in article 54, a suspect or defendant has the right to choose his own legal adviser.

Article 56

(1) In case a suspect or defendant is suspected of or charged with having committed a criminal act which is liable to a death sentence or a prison term of fifteen years or more or for those who are not capable who are liable to a prison term of five years or more while they have no legal advisers of their own, the official concerned at all levels of examination in the trial process is obliged to appoint a legal adviser for them.
(2) Every legal adviser who is appointed to act as intended in section (1), shall give his assistance free of charge.

Article 57

(1) A suspect or defendant who is detained has the right to contact his legal adviser in accordance with the provisions of this law.
(2) A suspect or defendant of foreign nationality who is' detained has the right to contact and speak with a representative of his country in facing the process of his case.

Article 58

A suspect or defendant who is detained has the right to contact and to be visited by his personal doctor in the interest of his health, whether or not this has any connection with the process of his case.

Article 59

A suspect or defendant who is detained has the right to have his family or other people living in the same house as the suspect or defendant or other persons whose assistance is

needed by the suspect or defendant to provide legal assistance or guarantee for his bail, informed about his detention by the competent official, at all levels of examination in the trial process.

Article 60

A suspect or defendant has the right to contact and be visited by those who have family or other relationships with the suspect or defendant in order to get guarantees for their bail or to secure legal assistance.

Article 61

A suspect or defendant has the right, directly or through his legal adviser to contact and receive the visits of his relatives for matters which have no connection with the case of the suspect or defendant, in the interest of work or that of family relationship.

Article 62

(1) A suspect or defendant has the right to send letters to his legal adviser, and to receive letters from his legal adviser and relatives every time he needs them, for which purpose stationery shall be provided for the suspect or defendant.
(2) Correspondence between a suspect or defendant and his legal adviser or relatives shall not be censored by an investigator, public prosecutor, judge or state penitentiary official, except when there is enough reason to presume that the correspondence is being abused.
(3) In case a letter for a suspect or defendant is censored or examined by an- investigator, public prosecutor, judge or official of a state penitentiary, the suspect or defendant shall be informed about it and the letter sent back to the sender after being marked "censored".

Article 63

A suspect or defendant has the right to contact and receive the visit of a spiritual counselor.

Article 64

A defendant has the right to be tried at a court session which is open to the public.

Article 65

A suspect or defendant has the right to seek and submit a witness and/or a person with special expertise to provide information which is favourable to him.

Article 66

A suspect or defendant shall not be burdened with the duty of providing evidence.

Article 67

A defendant or public prosecutor has the right to appeal against a decision of the court of first instance except against a decision of acquittal, absolution from all legal charges and court decisions in a lightening session.

Article 68

A suspect or defendant has the right to demand for compensation and rehabilitation as arranged in article 95 and so forth.

CHAPTER VII
LEGAL ASSISTANCE

Article 69

A legal adviser has the right to contact a suspect since the moment of his arrest or detention at all levels of examination according to the procedure determined in this law.

Article 70

(1) The legal adviser as intended in article 69 has the right to contact and speak with the suspect at every level of examination and at every time in the interest of his case defence.
(2) If there is proof that said legal adviser abuses his right in his discussion with the suspect, then in line with the level of examination, the investigator, public prosecutor or prison official shall give an admonition to the legal adviser.
(3) If the admonition should not be heeded, then the relationship shall be closely watched by the officials mentioned in section (2)
(4) If after being closely watched, the abuse of right continues, the relationship shall be considered by the officials mentioned in section (2) and banned if violation continues.

Article 71

(1) A legal adviser, in line with the level of examination, in his relation with a suspect shall be supervised by the investigator, public prosecutor or prison officer without listening to the content of their discussion.
(2) In a case involving crime against the security of the state, the officials mentioned in section (1) can listen to the content of the discussion.

Article 72

At the request of a suspect or his legal adviser, the official concerned can provide him with a copy of the report on the examination in the interest of his defence.

Article 73

A legal adviser has the right to send and receive a letter from a suspect any time he wants.

Article 74

The restriction of freedom in the relationship between a legal adviser and a suspect as mentioned in article 70 section (2), section (3), section (4) and article 71 is prohibited, after the case in question has been delegated by the public prosecutor to the district court for trial, for which a copy of the letter shall be submitted to the suspect or his legal adviser and the other parties concerned in the process.

CHAPTER VIII
REPORT

Article 75

(10 A report shall be drawn up for each of the following measures :
   a. examination of a suspect;
   b. arrest;
   c. detention
   d. search ;
   e. house entry ;
   f. confiscation of goods;
   g. examination of letters;
   h. examination of a witness;
   i. inspection at the place of occurrence ;
   j. implementation of the court's verdicts and decisions ;
   k. other measures taken in line with stipulations in this law.

(2) A report shall be prepared by the official involved in taking the measure as mentioned in section (1) and drawn up on the strength of his oath of office.

(3) The report shall be signed not only by the official mentioned in section (2) but also by all the parties involved in the measures mentioned in section (1).

CHAPTER IX
OATH OR PLEDGE

Article 76

(1) In matters which based on provisions in this law call for the administering of an oath or pledge, existing law regulations concerning oath or pledge shall be used, both for their content or procedure.

(2) If the stipulation as mentioned in section (1) is not met, such oath or pledge shall not be valid according to law.

CHAPTER X
COURT'S AUTHORITY TO JUDGE

Part One Pretrial hearing
Article 77

A court of first instance has the authority to examine and decide, in line with the provisions contained in this law :

a. whether or not an arrest, detention, termination of an examination or prosecution is valid.

b. on compensation .and/or rehabilitation for a person whose criminal case is dropped at the level of investigation or prosecution.

Article 78

(1) That which leads to the exercise of the authority of the court of first instance as mentioned in article 77 is the pretrial hearing.

(2) A pretrial hearing shall be led by a single judge appointed by the chairman of the court of first instance and assisted by a clerk of the court.

Article 79

The request for an examination whether or not an arrest or detention is legal shall be submitted by the suspect, his family or proxy to the chairman of the court of first instance by mentioning the reason.

Article 80

The request for an examination whether or not the termination of an examination or prosecution is legal can be submitted by the investigator or public prosecutor or a third interested party to the chairman of the court of first instance by mentioning the reason.

Article 81

A request for compensation and or rehabilitation as the consequence of an illegal arrest or detention or as the result of the legal termination of an investigation or prosecution shall be submitted by a suspect or a third interested party to the chairman of the court of first instance by mentioning the reason.

Article 82

(1) The procedure of pretrial examination for such cases as intended in article 79, article 80 and article 81 shall be as follows ;

a. within three days after receipt of the request, the appointed judge shall determine the day for the session -

b. in examining and in order to decide whether or not an arrest or detention is legal, whether or not the termination of an examination or prosecution, a request for compensation, and/or rehabilitation as the consequence of an illegal arrest or detention, as the result of the legal termination of an examination or prosecution and the presence of confiscated goods which do not belong to materials of evidence are valid, the judge shall hear information both from the suspect or petitioner and the competent official concerned;

c. said examination shall be carried out speedily and within seven days at the latest the judge must have passed his verdict ;

d. in the event the trial of a case has already been started by the court of first instance (district court), while the examination of the motion for a pretrial hearing has not yet been completed, the motion shall be dropped.

e. the decision of the pretrial hearing at the level of investigation does not preclude the possibility of another pretrial examination being held at the level of examination by the public prosecutor, if a new motion is filed for this purpose.

(2) The decision of the judge in the pretrial examination of the matters intended in article 79, article 80 and article 81, shall be clearly explained as to its basis and reason.
(3) The decision shall not only meet the provision as intended in section (2) but shall also provide for the following :
   a. in case the decision determines that an arrest or detention is illegal, the investigator or the public prosecutor at their respective levels of examination shall immediately release the suspect ;
   b. in case the decision determines that the termination of an investigation or prosecution is not valid, the investigation and prosecution of the suspect shall be continued;
   c. in case the decision determines that an arrest or detention is illegal, then it shall mention the amount of compensation and rehabilitation to be given, while in case the termination of an investigation or prosecution is valid and the suspect is not detained, the decision shall mention his rehabilitation.
   d. in case the decision determines that the goods confiscated do not all consist of evidence materials, it shall also provide for the immediate return of the goods concerned to the suspect or the person from whom they have been confiscated.
(4) Compensation can be demanded, to cover matters as intended in article 77 and article 95.

Article 83

(1) With regard to pretrial decisions in cases as intended in article 79, article 80 and article 81 no motions of appeal can be filed.
(2) Excluded from the provision in section (1) is a pretrial decision which determines the invalidity of the termination of an investigation or prosecution, making it possible to appeal for a final decision to a high court in the area of jurisdiction concerned.

Part Two
Court of First Instance

Article 84

(1) A court of first instance is authorized to judge all cases of criminal acts committed in its area of jurisdiction.
(2) A court of first instance in whose are of jurisdiction a defendant is domiciled, takes his latest residence, is found or detained, is only authorized to judge the case of said defendant, if most of the witnesses summoned live closer to the court of first instance than to the court of first instance in whose area the criminal act is committed.
(3) If a defendant commits criminal acts in the areas of jurisdiction of several courts of first instance, each of the courts of first instance is authorized to judge the criminal case.
(4) With regard to several criminal acts which are related to one another and which are committed by one person in the areas of jurisdiction of various courts of first instance, they can be judged by each of the courts of first instance with the possibility of the cases being combined.

Article 85

In case the situation in an area does not allow for a court of first instance to -judge a case, then at the proposal of the chairman of the court of first instance or the head of the prosecutor's office concerned, the Supreme Court shall call on the Minister of Justice to decide or appoint a court of first instance other than that mentioned in article 84 to judge the case intended.

Article 86

If a person commits a criminal offense abroad which can be judged by the law of the Republic of Indonesia, the Jakarta Court of Justice shall be the competent one to judge the case.

Part Three
High Court

Article 87

The high court is competent to judge a case decided by a district court in its area of jurisdiction and referred to it for an appeal.

Part Four
Supreme Court

Article 88

The Supreme Court is competent to judge all criminal cases referred to it for cassation (reversal of a court decision).

CHAPTER XI
CONNECTION

Article 89

(1) A criminal offense committed together by those who belong to the domains of public justice and military justice, shall be examined and tried by a court in the domain of public justice, except when according to the decision of the Minister of Defence and Security and approved by the Minister of Justice, the case shall be examined and judged by a court in the domain of military justice.

(2) The investigation of the criminal case as intended in section (1) shall be carried out by a permanent team consisting of the investigator as intended in article 6, the military police of the Armed Forces of the Republic of Indonesia and the military auditor or high military auditor in line with their respective authorities based on existing laws for the investigation of the criminal case.

(3) The team as intended in section (2) shall be formed by a joint decision of the Minister of Defence and Security and the Minister of Justice.

Article 90

(1) To determine whether a criminal case as intended by article 89 section (1) shall be judged by a court in the domain of military justice or a court in the domain of public justice, the matter shall be jointly studied by the prosecutor or high prosecutor and military auditor or high military auditor on the basis of the result of the investigation conducted by the team mentioned in article 89 section (2).

(2) The opinion resulting from the joint study shall be stated in a report which shall be signed by the parties as intended in section (1).

(3) If the joint study has resulted in a concurrence of opinion on the competent court to judge the case, the matter shall be reported by the prosecutor or high prosecutor to the Attorney General and by the military auditor or high military auditor to the Auditor General of the Armed Forces of the Republic of Indonesia.

Article 91

(1) If according to the opinion as intended by article 90 section (3) the emphasis of the damage created by the criminal act is on the public interest and that therefore the criminal case should be judged by a court in the domain of public justice, then the officer delegating the case shall immediately prepare a letter for the delegation of the case through the military auditor or high military auditor to the public prosecutor, to be made a basis for submitting the case to the competent court of first instance.

(2) If according to the opinion, the emphasis of the damage caused by said criminal act is on military interests so that the criminal case should be judged by a court in the domain of military justice, the opinion as intended by article 90 section (3) shall be made a basis for the Auditor General of the Republic of Indonesia to propose to the Minister of Defence and Security, that with the agreement of the Minister of Justice, a decision of the Minister of Defence and Security should be issued which determines that said criminal case shall be judged by a court in the domain of military justice.

(3) The derision mentioned in section (2) shall be made a basis for the officer delegating the case and the prosecutor or high prosecutor to submit said case to the military court or high military court

Article 92

(1) If the case is submitted to the district court as intended in article 91 section (1), the examination report by the team as intended by article 89 section (2) shall be provided with a note by the public prosecutor submitting the case, that the report has been taken over by him.

(2) The provision as intended in section (1) shall also apply to the military auditor or high military auditor if the case in question is to be submitted to a court in the domain of military justice.

Article 93

(1) I f in the study as intended by article 90 section (1) there is a difference of opinions between the public prosecutor and the military auditor or high military auditor, each of them shall prepare a written report about the difference of opinions which, together with the dossier of the case concerned shall be submitted through the high prosecutor, to the Attorney General and the Auditor General of the Armed Forces of the Republic of Indonesia.

(2) The Attorney General and the Auditor General of the Armed Forces of the Republic of Indonesia shall consult to take a decision in order to end the difference of opinions as intended in section (1).

(3) In case their is a difference of opinions between the Attorney General and the Auditor General of the Armed Forces of the Republic of Indonesia, the opinion of the Attorney General shall be the determinant one.

Article 94

(1) In case the criminal case as intended in article 89 section (1) is judged by a court in the domain of public or military justice, the judgement of the case shall be by a council of judges which -shall consist of at least three judges.

(2) In case the criminal case as intended in article 89 section (1) is judged by a court in the domain of public justice, the council of judges shall consist of a chief judge from the domain of public justice and member judges respectively from the public and military justice in a balanced number.

(3) In case the criminal case as intended in article 89 section (1) is judged by a court in the domain of military justice, the council of judges shall consist of a chief judge from the domain of military justice and member judges respectively from the military and public justice who shall be given titular military ranks.

(4) The provisions mentioned in sections (2) and (3) shall apply also to appellate courts.

(5) The Minister of Justice and the Minister of Defence and Securitv shall reciprocally propose the appointment of member judges as intended in section (2), section (3) and section (4) and officer judges as intended in section (3) and section (4).

CHAPTER XII
COMPENSATION AND REHABILITATION

Part One
Compensation

Article 95

(1) A suspect, defendant or convict has the right to demand compensation for his being arrested, detained, prosecuted and convicted or subjected to other measures, without lawful reasons or because of lawful mistakes or mistakes as regards the person or the law applied.

(2) A demand for compensation from a suspect or his heir for the arrest or detention or other measures without lawful reasons or because of a mistake as regards the person or the law applied as intended in section (1) whose case has not been submitted to the court of first instance, shall be decided in a pretrial session as intended in article 77.
(3) A Demand for compensation as intended in section (1) shall be submitted by a suspect, defendant, convict or his heir to the competent court judging the case concerned.
(4) To examine and decide a case involving a demand for compensation as intended in section (I) the chairman of the court shall as far as possible appoint the same judge who has handled the criminal case concerned.
(5) The examination of the compensation as intended in section (1) shall follow the pretrial procedure.

Article 96

(1) The decision to grant compensation shall be in the form of a verdict.
(2) The verdict as intended in section (1) shall contain a complete explanation on all the matters considered as a reason for said verdict.

Part Two
Rehabilitation
Article 97

(1) A person is entitled to get rehabilitation if the Court has decided to acquit or absolve him of all legal charges, the verdict of which has already acquired permanent legal force.
(2) Said rehabilitation shall be granted and mentioned at the same time in the court's verdict as intended in section (1).
(3) The request for rehabilitation by a suspect for his arrest or detention without lawful reasons or because of a mistake regarding the person or the law applied as intended in article 95 section (1) whose case has not been submitted to the court of first instance shall be decided by the pretrial judge as intended in article 77.

CHAPTER XIII
COMBINING CASES OF COMPENSATION DEMANDS

Article 98

(1) If an act which becomes the basis of a charge in the examination of a criminal case by a court of first instance causes harm to another person, the judge/chairman of the court session at the request of said person can decide to combine the case of the compensation demand with the criminal case.
(2) The request as intended in section (1) can only be made at the latest before the public prosecutor presents his criminal charge. In case the public prosecutor is not present, the request shall be submitted before the judge pronounces his verdict.

Article 99

(1) If the damaged party asks for the combination of its demand with the criminal case as intended in article 98, the court of first instance concerned shall consider its competence to judge the demand, the veracity of the basis of the demand, and the punishment for compensating the costs spent by said damaged party.
(2) Except if the court of first instance declares its incompetence to judge the demand as intended in section (1) or the demand is declared as unacceptable, the verdict of the judge shall only mention about the punishment decided for compensating the costs spent by the damaged party.
(3) The decision on the compensation automatically gets permanent legal force, when the verdict on the criminal case gets the same.

Article 100

(1) If a combination occurs between a civil and criminal case, it automatically takes place during an examination at the level of appeal.
(2) If no appeal is made against a criminal case, a request for an appeal against a decision on compensation shall not be allowed.

Article 101

Provisions of civil code regulations shall apply for compensation demands, so long as this law does not regulate otherwise.

CHAPTER XIV
INVESTIGATION

Part One
Interrogation

Article 102

(1) An interrogator who knows, receives a report or complaint about the occurrence of an event which can reasonably be presumed to be a criminal act is obliged to immediately carry out the needed examination.
(2) In a caught-in-the-act case, the interrogator without awaiting the order of the investigator shall take the necessary steps immediately in the framework of the examination as intended in article 5 section (1) letter b.
(3) With regard to the measures taken as mentioned in section (1) and section (2), the interrogator is obliged to prepare a report and to submit it to the investigator in the same area of jurisdiction.

Article 103

(1) A report or complaint submitted in writing must be signed by the person reporting or complaining.

(2) A report or complaint made orally must be recorded by the interrogator as intended in article 6 section (1) letter b, a notification about interrogator.
(3) In case the person reporting or complaining is no. able to write, this must be mentioned as a note to said report or complaint.

Article 104

In performing the task of examination, the interrogator is obliged to show his identity card.

Article 105

In performing the task of examination, the interrogator shall be under the coordination, supervision and direction of the investigator mentioned in article 6 section (1) letter a.

Part Two
Investigation

Article 106

An investigator who knows, receives a report or complaint about the occurrence of an event which can reasonably be presumed to be a criminal act is obliged to immediately carry out the needed investigation.

Article 107

(1) In the interest of investigation, the investigator mentioned in article 6 section (1) letter a shall give directives to the examiner mentioned in article 6 section (1) letter b and give the needed examination assistance.
(2) In case an event which can reasonably De presumed to be a criminal act is under investigation by the investigator mentioned in article 6 section (1) letter b and afterwards strong evidence is found for submittance to the public prosecutor, the investigator mentioned in article 6 section (1) letter b shall report it to the investigator mentioned in article 6 section (1) letter a.
(3) In case the investigation of a criminal act has been completed by the investigator mentioned in article 6 section (1) letter b, he shall immediately hand over the result of his investigation to the public prosecutor through the investigator mentioned in article 6 section (1) letter a.

Article 108

(1) Anyone who experiences, sees, observes and/or becomes a victim of an event which constitutes a criminal act has the right to submit a report or complaint to the examiner and/or the investigator orally as well as in writing.
(2) Anyone who knows about an evil plot to commit a criminal act against public order and security or against life or property is obliged to immediately report it to the examiner or investigator.

(3) Any civil servant who in the framework of the implementation of his task knows about the occurrence of an event which constitutes a criminal act shall immediately report it to the examiner or investigator.
(4) A report or complaint which is submitted in writing shall be signed by the person reporting or complaining.
(5) A report or complaint which is submitted orally shall be recorded by the investigator and signed by the person reporting or complaining and the investigator.
(6) After receiving a report or complaint, the examiner or investigator shall give the person concerned a receipt for the report or complaint.

Article 109

(1) In case an investigator has already started the investigation of an event which constitutes a criminal act, he shall inform the public prosecutor about the matter.
(2) In case an investigator has ended an investigation because of the absence of sufficient proof or the event does not constitute a criminal act or the investigation has been stopped for the sake of law, the investigator shall inform the public prosecutor, the suspect or his family about the matter.
(3) In case the stoppage mentioned in section (2) is effected by an investigator as intended in article 6 section (1) letter b, a notification about the matter shall immediately be sent to the investigator and the public prosecutor.

Article 110

(1) In case an investigator has completed conducting an. investigation. the investigator is obliged to immediately hand over the dossier of the case concerned to the public prosecutor.
(2) In case the public prosecutor believes that the result of the investigation is still incomplete, he shall immediately return the dossier of the case to the investigator with directives for its completion.
(3) In case the public prosecutor returns the result of the investigation for completion, the investigator is obliged to immediately carry out additional investigation in line with the directives of the public prosecutor.
(4) An investigation shall be considered complete if within fourteen days the public prosecutor does not return the result of the investigation or if before the end of said time limit the investigator has already been notified about the matter by the public prosecutor.

Article 111

(1) In a caught-in-the-act case every one has the right, while every authorized person in the task of public order, safety and security is obliged to arrest a suspect to be handed over to the interrogator or investigator with or without evidence materials.
(2) After receiving the delivery of the suspect as intended in section (1) the interrogator or investigator is obliged to carry out an examination or other measures in the framework of an investigation.

(3) An interrogator and an investigator who after receiving a report immediately proceeds to the place of occurrence can prohibit every one from leaving the place until all examination there has been completed.
(4) Any one ignoring said prohibition can be forced to remain at the place until the examination mentioned above is completed.

Article 112

(1) An investigator conducting an examination, by clearly mentioning the reason for a summons, is authorized to call a suspect and the necessary witness for an examination by way of a legal summons by taking into account a reasonable time lapse between the receipt of the summons and the day the person concerned is required to comply with the summons.
(2) The person summoned is obliged to come to the investigator and if he fails to come, the investigator shall issue a second summons with an order to the officer in charge to bring the person to him.

Article 113

If a summoned suspect or witness gives a fitting and proper reason for his failure to come to the investigator conducting an examination, the investigator shall come to his place of residence.

Article 114

If a suspect commits a criminal act before an examination is started by an investigator, the investigator is obliged to notify him about his right to obtain legal assistance or that it is obligatory for him in his case to be assisted by a legal adviser as intended in article 56.

Article 115

(1) In case an investigator is examining a suspect, the legal adviser can fallow the course of the examination by watching and listening to the examination.
(2) In case of a crime against the security of the state, the legal adviser can be present to watch but not to listen to the examination of the suspect.

Article 116

(1) A witness shall be examined without administering an oath, except when there is enough reason to presume that he will not be able to attend the court examination.
(2) A witness shall be examined separately, but the one shall be allowed to meet the other and they are obliged to state the truth.
(3) In an examination a suspect shall be asked whether he wants a witness to be heard to his possible advantage and if he does this shall be recorded in a report.
(4) In the case as intended in section (3) the investigator is obliged to summon and examine said witness.

Article 117

(1) Information by a suspect and/or witness to an investigator shall be given without pressure from whomsoever and/or in any form whatsoever.
(2) In case a suspect gives a statement about what he has actually done in connection with the criminal act he has been suspected of, the investigator shall record it in a report in the minutest detail in the words used by the suspect himself.

Article 118

(1) The statement of a suspect and/or a witness shall be recorded in a report which shall be signed by the investigator and by the person giving the statement after they have approved the content.
(2) In case the suspect and/or the witness is not willing to attach his signature, the investigator shall record this in a report by mentioning the reason.

Article 119

In case a suspect and/or witness whose information must be heard lives or resides outside the area of jurisdiction of the investigator conducting the investigation, the examination of the suspect and/or witness can be burdened on the investigator at the place where the suspect *and/or witness lives or resides.

Article 120

(1) In case an investigator considers it necessary, he can ask the opinion of an expert or a person with special expertise.
(2) Said expert shall make a vow or pledge before the investigator that he will give information to the best of his knowledge except when dignity, prestige, occupation or function oblige him to guard a secret, , in which case he can refuse to give the information asked.

Article 121

The investigator by strength of his oath of office shall immediately prepare a dated report about the suspected criminal act, by mentioning the time, place and the condition at the time that the criminal act is committed, the name and address of the suspect and/or witness, particulars about them, notes regarding official documents and/or goods or things which are necessary for the settlement of the case.

Article 122

In case a suspect is detained within one day after the detention order concerned is carried out, his examination must be started by the investigator.

Article 123

(1) A suspect, his family or legal adviser can file an objection to the detention of or the type of detention for the suspect to the investigator carrying out the detention.

(2) In this connection the investigator can comply by considering whether or not it is necessary to keep the suspect in detention or that he remains in a certain type of detention.
(3) If within three days there is no compliance on the part of the investigator, the suspect, his family or legal adviser can submit the matter to the investigator's superior.
(4) The investigator's superior on his part can make his compliance by considering whether or not it is necessary to keep the suspect in detention or that he remains in a certain type of detention.
(5) The investigator or the investigator's superior as intended in the section above can meet the objection with or without conditions.

Article 124

As to the matter whether or not a detention is legally valid, a suspect, his family or legal adviser can submit the matter to the local court of first instance for a pretrial hearing in order to decide whether or not the detention of the suspect is legal according to this law.

Article 125

In case an investigator conducts a house search, he shall first show his identity card to the suspect or his family, after which shall apply the provisions as intended in article 33 and article 34.

Article 126

(1) The investigator shall prepare a report about the course and the result of the house search as intended in article 33 section (5).
(2) The investigator shall first read out the report about the house search to those concerned, and then provide it with a date after which it shall be signed by both the investigator and the suspect or his family and/or the village head or the environmental chairman with two witnesses.
(3) In case the suspect or his family is not willing to attach a signature, this shall be recorded in a report by mentioning the reason.

Article 127

(1) For the sake of security and order in a house search, an investigator can arrange for the stationing of a guard or the closure of the place concerned.
(2) In this respect the investigator has the right to order everyone considered necessary not to leave the place so long as the search is in progress.

Article 128

In case an investigator carries out a confiscation, he shall first show his identity car.' to the person from whom the goods are confiscated.

Article 129

(1) The investigator shall show the goods to be confiscated to the person from whom they will be confiscated and can ask information about the goods to be confiscated in the presence of the village head or the environmental chairman and two witnesses.
(2) The investigator shall prepare a report about the confiscation which shall be read out first to the person from whom the goods have been confiscated or to his family after which it shall be provided with a date and signed by the investigator as well as by the person concerned or his family and/or the village head or the environmental chairman and two witnesses.
(3) In case the person from whom the goods have been confiscated or his family is not willing to sign, this shall be recorded in a report by mentioning the reason.
(4) Copies of the report shall be submitted by the investigator to his superior, the person from whom the goods have been confiscated or his family and the village head.

Article 130

(1) The confiscated goods before being wrapped, shall be recorded as to their weight and/or number according to type, their characteristics as well as their special features the place, day and date of confiscation, the identity of the person It from whom the goods have been Confiscated etc. and then sealed, marked with the office stamp and signed by the investigator.
(2) In case the confiscated goods cannot be wrapped, the investigator shall draw up the records as intended in section (1), which shall be written on labels attached and: or hung oil the goods.

Article 131

(1) In case a criminal act is of such nature as to give a strong reason to believe that information about it can be obtained from various letters, books or scripts, records etc., the investigator shall immediate proceed to the presumed place to conduct a search, examine letters, books or scripts, records etc. and to confiscate them if necessary.
(2) The confiscation shall be carried out according to the provision as intended in article 129 of this law.

Article 132

(1) In case a complaint is received that a letter of writing is not true or faked or presumed by the investigator to be falsified, then in the interest of an examination, the investigator shall ask information on the matter from an expert.
(2) In case there is a strong presumption about the presence of a false or faked letter, the investigator with the permission of the chairman of the local district court can come or ask the official/general keeper who is obliged to comply, that he send the original letter in his keeping to him to be used as comparative Material.

(3) In case a letter considered necessary for an examination, forms part or cannot be separated from the record as intended in article 131, the investigator can ask that the letter be sent to him for examination for a period determined in the request, for which he shall provide a receipt.
(4) In case the letter as intended in section (2) does not form part of a record, the keeper shall prepare a copy of it as substitute until the original letter has been returned while noting in its lower part why the copy has been made.
(5) In case the letter or record is not sent within the time designated in the request, without any valid reason, the investigator is authorized to take it.
(6) All expenses for the settlement of the matter referred to in this article shall be burdened on and regarded as the costs for handling the case.

Article 133

(1) In case an investigator for the sake of justice handles the problem of a victim, whether he is injured, poisoned or dead presumably because of an event involving a criminal act, he is authorized to submit a request for expert information from a medical expert of the judiciary or a doctor and/or other expert.
(2) The request for expert information as intended in section (1) shall be made in writing, by stating firmly whether it shall be for the examination of an injury or a dead person and/or an autopsy.
(3) A dead body sent to a medical expert of the judiciary or a' hospital doctor shall be treated in a proper way with full respect for the dead person and be provided with a label stating the identity of the corpse which, officially sealed and stamped, shall be attached to the toe or other part of the dead body.

Article 134

(1) In utmost necessity when for the purpose of obtaining evidence an autopsy can no longer be avoided, the investigator is obliged to first inform the family of the victim.
(2) In case of an objection on the part of the family, the investigator is obliged to explain the clearest possible way the aim and purpose of the autopsy.
(3) In within two days there is no response whatsoever from the family or the party to be informed is nowhere to be found, the investigator shall immediately carry out the provision as intended in article 133 section (3) of this law.

Article 135

In case the investigator, for the sake of justice, has to disinter a dead body, he shall carry it out in accordance with the provision in article 133 section (2) and article 134 section (1) of this law.

Article 136

All spending made in the interest of the examination as intended in Part Two of Chapter XIV shall be borne by the state.

CHAPTER XV
PROSECUTION

Article 137

A public prosecutor is authorized to prosecute anyone who is charged with having committed a criminal act in his area of jurisdiction by delegating the case to a court which is competent to judge.

Article 138

(1) A public prosecutor after receiving the result of an investigation from an investigator shall immediately study and examine it carefully and within seven days is obliged to inform the investigator whether the result of the investigation is already or not yet complete.

(2) In case the result of the investigation has proved to be not yet complete, the public prosecutor shall return the dossier of the case to the investigator accompanied by directives on what must be done to make it complete and within fourteen days after the receiving date of the dossier, the investigator must have returned the dossier of the case to the public prosecutor.

Article 139

After the public prosecutor has received or accepted back the complete result of the investigation from the investigator, he shall decide whether or not the dossier of the case has already met requirements for delegation to the court.

Article 140

(1) In case the public prosecutor is of the opinion that a prosecution can be started with the result of the investigation, he shall prepare a lawsuit in the shortest possible time.

(2) a. In case the public prosecutor decides to stop the prosecution because of the absence of sufficient proof or the event has turned out to be no criminal act or the case has been closed for the sake of law, the public prosecutor shall announce this in a decision.

b. The content of the decision shall be communicated to the suspect and if he is detained, he shall be released immediately.

c. Copies of the decision shall be sent to the suspect or his family or legal adviser, the official of the state penitentiary, the investigator and the judge.

d. If a new reason comes up afterwards, the public prosecutor can start a prosecution against the suspect.

Article 141

A public prosecutor can combine cases and carry them in one lawsuit, if at the same time or almost simultaneously he receives several dossiers of cases on :

a. several criminal acts committed by the same person and the interest of examination does not pose an obstacle to such combination;
b. several criminal acts which are inter-related ;
c. several criminal acts which are not inter-related, but which do have some connection with one another, so that the combination is necessary in the interest of examination.

Article 142

In case the public prosecutor receives a dossier of a case covering several criminal acts committed by several suspects which are not subject to the provision of article 141, the public prosecutor can start a prosecution against each of the defendants separately.

Article 143

(1) A public prosecutor shall delegate a case to a court of first instance with a request for immediate judgement accompanied by a lawsuit.
(2) A public prosecutor shall prepare a lawsuit which shall be dated, signed and contain :
   a. the complete name, place of birth, age or date of birth, sex, nationality, address, religion and occupation of the suspect.
   b. an accurate, clear and complete explanation of the criminal act charged by mentioning the time and place of its occurrence.
(3) A lawsuit which does not meet the provision as intended in section (2) letter b shall be legally invalid.
(4) Copies of the letter delegating the case and of the lawsuit shall be sent to the suspect or his proxy or his legal adviser and the investigator, at the same time that the letter delegating the case is submitted to the court of first instance.

Article 144

(1) A public prosecutor can change a lawsuit before the day for the court session is decided, whether with the aim to improve or not to continue the lawsuit.
(2) A change in the lawsuit can only effected once and at the latest seven days before the start of the court session.
(3) In case a public prosecutor changes a lawsuit he shall send copies of it to the suspect or his legal adviser and the investigator.

CHAPTER XVI
EXAMINATION IN A COURT SESSION

Part One
Summons and Charges

Article 145

(1) A notification to come to a court session is valid, if it is conveyed by way of a summons to the defendant at his address or if his address is unknown, at his latest place of residence.

(2) If the defendant is not present at his address or at his latest place of residence, the summons shall be conveyed through the village head whose area of jurisdiction includes the place of residence or the latest place of residence of the defendant.
(3) In case the defendant is in detention the summons shall be conveyed through the official of the state penitentiary.
(4) Receipt of a summons by the defendant himself or by or through somebody else, shall be verified by a receipt.
(5) If the place of residence as well as the latest place of residence is unknown, the summons shall be posted on the billboard in the building of the court which is competent to judge the case.

Article 146

(1) A summons issued by a public prosecutor to a defendant shall mention the date, day, and hour of the court session and the case for which he is summoned and shall have been received by the person concerned at the latest three days before the start of the session.
(2) A summons issued by the public prosecutor to a witness shall mention the date, day and hour of the court session and the case for which he is summoned and shall have been received by the person concerned at the latest three days before the start of the session.

Part Two
Deciding a dispute on the Competence to Judge

Article 147

After the court of first instance has received the delegation of the case from the public prosecutor, the chairman shall study whether the case belongs to the competence of the court he, is leading.

Article 148

(1) In case the chairman of the court of first instance is of the opinion that the criminal act does not belong to the competence of the court he is leading, but to that of another court of first instance, he shall hand over the letter delegating the case to the other court of first instance which is considered competent to judge it, with a letter of decision which mentions the reason.
(2) The letter delegating the case shall be returned to the public prosecutor and the prosecutor's office concerned shall submit it to the prosecutor's office at the place where the court of first instance mentioned in the letter of decision is located.
(3) Copies of the letter of decision as intended in section (1) shall be sent to the defendant or his legal adviser and the investigator.

Article 149

(1) In case the public prosecutor objects to the decision of the court of first instance as intended in article 149, then :
   a. he shall propose to contest it to the high court concerned within seven days after receipt of the decision;
   b. failure to observe the time limit mentioned above shall render the opposition invalid;
   c. said contest proposal shall be submitted to the chairman of the court of first instance as intended in article 148 where it shall be registered by the clerk of the court.
   d. within seven days the court of first instance is obliged to pass on the contest proposal to the high court concerned.

(2) The high court within a period of fourteen days at most after receiving the contest proposal can support or reject it through a pronouncement.

(3) In case the high court backs up the contest proposal of the public prosecutor, then by its pronouncement it shall order the court of first instance concerned to try the case in question.

(4) If the high court backs up the opinion of the court of first instance, it shall send the dossier of said criminal case to the court of first instance concerned.

(5) A copy of the high court's pronouncement as intended in section (3) and section (4) shall be sent to the public prosecutor.

Article 150

A dispute on the competence to judge arises :

a. if two courts or more declare their competence to judge the same case
b. if two courts or more declare their incompetence to judge the same case.

Article 151

(1) A high court shall decide on a dispute concerning the competence to judge between two courts of first instance or more in its area of jurisdiction.

(2) The Supreme Court shall decide in the first and last instance all disputes regarding the competence to judge :
   a. between a court from one domain of justice and a court from another domain of justice;
   b between two courts of first instance located in the areas of jurisdiction of different high courts;
   c. between two high courts or more.

Part Three
Normal Trial Procedure

Article 152

(1) In case a court of first instance receives a letter delegating a case and is of the opinion that the case belongs to its competence the chairman of the court shall appoint a judge who is to try the case and the appointed judge shall determine the day of the session.
(2) The judge in determining the day of the session as intended in section (1) shall order the public prosecutor to summons the defendant and witness to come and attend the court session.

Article 153

(1) On the day as determined according to article 152 the court shall meet in session.
(2) a. The Judge as chairman of the session shall lead the examination in the court session which shall be conducted orally in the Indonesian language which is understood by the defendant and witness.
    b. He is obliged to see to it that nothing shall be done or that no question shall be asked that will cause the defendant or witness to be not free in giving his answer.
(3) For the purpose of examination the judge/chairman of the session shall open the session and declare it open to the public except in a case concerned with morals or the defendant is a child.
(4) Failure to meet the provisions in section (2) and section (3) shall result in the annulment of decisions for the sake of law.
(5) The judge/chairman of the session can determine that a child who has not yet reached the age of seventeen years is not allowed to attend the session.

Article 154

(1) The judge/chairman of the session shall order that the defendant shall be called to enter and if he is in detention, he shall be brought before the court in freedom.
(2) If in the examination of a case the defendant who is not detained is not present on the day of the session as determined, the judge/ chairman of the session shall examine carefully whether the defendant has already been legally summoned.
(3) If the defendant has been summoned illegally, the judge/chairman of the session shall postpone the session and order that the defendant be summoned again to be present in the next day session.
(4) If it turns out that the defendant has been legally summoned but has failed to attend the session for no valid reason, the examination of the case cannot be started and the judge/chairman of the session shall order that the defendant be summoned again.
(5) If in a case there are more than one defendant and not all of the defendants are present on the day of the session, the examination of the defendants present can be started.
(6) The judge/chairman of the session shall order that the defendant who is not present for no valid reason after he has been legally summoned for the second time, be forced to be present in the next first session.

(7) The clerk of the court shall note down the report of the public prosecutor concerning the implementation of what is intended in section (3) and section (6) and convey it to the judge/chairman of the session.

Article 155

(1) At the start of the session, the judge/chairman of the session shall ask the defendant about his complete name, place of birth, age or date of birth, sex, nationality, address, religion and occupation and warn the defendant to pay attention to what he hears and observes at the session.

(2) a. After that the judge/chairman of the session shall ask the public prosecutor to read out his charges.

b. The judge/chairman of the session shall then ask the defendant whether he has really understood already, and if it turns out that the defendant has not understood, the public prosecutor at the request of the judge/chairman of the session shall give the necessary explanation.

Article 156

(1) In case the defendant or his legal adviser voices an objection to the effect that the court is not competent to deal with his case or that charges cannot be accepted or that the lawsuit must be cancelled, the judge after giving the public prosecutor an opportunity to state his opinion shall consider the objection and then make his decision.

(2) If the judge declares acceptance of the objection, the case shall not be further examined; on the other hand in case of non-acceptance or the judge believes that the matter can only be decided after completion of the examination, the session shall be continued.

(3) In case the public prosecutor objects to said decision, he can contest it at a high court through the court of first instance concerned.

(4) In case a contest by a defendant or his legal adviser is accepted by a high court, then within fourteen days, the high court with its pronouncement shall invalidate the decision of the court of first instance and order a competent court of first instance to examine the case.

(5) a. In case a contest is proposed together with an appeal by a defendant or his legal adviser to a high court, then within fourteen days after acceptance of the case and justification of the defendant's contest, the high court by its pronouncement shall annul the decision of the court of first instance concerned and appoint a competent court of first instance.

b. The high court shall send a copy of its decision to the competent court of first instance and to the court of first instance which first tried the case in question together with the dossier of the case to be passed on the prosecutor's office which first delegated the case.

(6) If the competent court as intended in section (5) is located in the area of jurisdiction of another high court, the prosecutor's office shall send the case to the prosecutor's office in the area of jurisdiction of a competent court of first instance in that place.

(7) The judge/chairman of the session because of his function and although there is no contestant, after hearing the opinion of the public prosecutor and the defendant, can declare the court as incompetent with his pronouncement which mentions the reason.

Article 157

(1) A judge is obliged to withdraw from trying a certain case if he is tied to family and blood relationship or kinship to a third degree, to marital relationship although already divorced with the judge/chairman of the session, one of the member judges, the public prosecutor or the clerk of the court.

(2) A judge/chairman of a court session, a member judge, a public prosecutor or a clerk of the court is obliged to withdraw from handling a case if he is tied to a family and blood relationship or kinship to a third degree, to marital relationship although already divorced with the defendant or with his legal adviser.

(3) If the provision in sections (1) and (2) are met, those who have withdrawn shall be replaced and if the provisions are not met and the persons are not replaced while the case has been decided, the trial of the case has to be repeated with another composition of those handling it.

Article 158

A judge is prohibited from showing an attitude or issuing a statement during a session about his conviction whether or not the defendant is guilty.

Article 159

(1) The judge/chairman of the session shall further examine whether all the witnesses summoned are already present and issue an order to prevent witnesses from communicating with one another before giving their testimonies before the session.

(2) In case a witness is not present although he/she has been legally summoned and the judge/chairman of the session has enough reason to presume that the witness will not be prepared to come, the judge/ chairman of the session can order that the witness be brought before the court session.

Article 160

(1) a. Witnesses shall be called into the session room ore by one in a succession which is considered best by the judge/chairman of the session after hearing the opinion of the public prosecutor, the defendant or his legal adviser.

b. The first to be heard shall be the victim who serves as witness.

c In case a witness, whether to the advantage or disadvantage of a defendant is mentioned in the letter delegating his case and/or is asked by the defendant or his legal adviser or the public prosecutor in the course of a session or before the announcement of a verdict, the judge/chairman of the session shall hear the testimony of said witness.

(2) The judge/chairman of the session shall ask the witness about his/her complete name, place of birth, age or date of birth, sex, nationality, address, religion and occupation, and further whether he/she knows the defendant before he/she commits the act which becomes the basis for the charge against him/her and whether he/she has any family and blood relationship or kinship and to what degree with the defendant, or whether he/she is the husband or wife of the defendant at though already divorced or tied to any labour relationship with him/ her.
(3) Before giving his/her testimony, the witness is obliged to make an oath or pledge according to his/her own religion, that he/she will state the truth and nothing but the truth.
(4) If considered necessary by the court, a witness or expert can be obliged to make an oath or pledge after the witness or expert has given his/ her testimony.

Article 161

(1) In case a witness or expert without any valid reason refuses to make an oath or pledge as intended in article 160 section (3) and section (4), he/she shall still be examined, while by a decision of the judge/ chairman of the session he/she can be held a hostage in the state penitentiary for a period of at most fourteen days.
(2) If the time limit for keeping him/her as hostage has passed and the witness or expert continues to refuse to make an oath or pledge, then the testimony he/she has given shall be considered a statement which can strengthen the conviction of the judge.

Article 162

(1) If a witness after giving information during an investigation dies or because of a valid reason cannot attend the session or is not summoned because of the great distance to the place where he/she lives or domiciles or because of another reason connected with the interest of the state, the testimony he/she has given shall be read out.
(2) If the information has earlier been given under oath, it shall be considered equal in value as a testimony given by a witness under oath during a court session.

Article 163

If the testimony given by a witness during a session is different from his recorded information, the judge/chairman of the session shall remind the witness about this fact and ask him to explain the difference which shall be noted down in the record of the session.

Article 164

(1) Every time a witness has completed giving a testimony, the judge/ chairman of the session shall ask the defendant about his opinion on said testimony.
(2) The public prosecutor or legal adviser through the judge/chairman of the session shall be given an opportunity to put questions to the witness and defendant.
(3) The judge/chairman of the session can turn down a question put by the public prosecutor or legal adviser to a witness or defendant by mentioning his reason.

Article 165

(1) The judge/chairman of the session and a member judge can ask from a witness all the information needed to obtain the truth.
(2) The public prosecutor, the defendant of legal adviser through the judge/chairman of the session shall be given an opportunity to put questions to a witness.
(3) The judge/chairman of the session can turn down a question put by the public prosecutor, the defendant or legal adviser to a witness by mentioning his reason.
(4) The judge and public prosecutor or the defendant or legal adviser through the judge/chairman of the session, can confront witnesses with each other to test the truth of the information each of them has given.

Article 166

Questions in the nature of a trap may not be asked to both a defendant or witness.

Article 167

(1) After a witness has given his/her testimony, he/she shall continue to be present at the session except when the judge/chairman of the session gives him/her permission to leave.
(2) Such permission shall not be given if the public prosecutor or the defendant or legal adviser asks that the witness shall continue to attend the session.
(3) Witnesses shall not be allowed during a session to speak to one another.

Article 168

Except when provided otherwise in this law, no testimony can be heard from and withdrawal as witness is possible for :

a. a blood relative or kin to a third degree up and down a straight line of a defendant or who is equally a defendant;
b. a brother/sister of a defendant or who is also a defendant, a brother/ sister of his/her mother or father, also those who have marital relationships and the nephews/nieces of the defendant up to a third degree.
c. the husband or wife of the defendant although already divorced or who is equally a defendant.

Article 169

(1) In case those intended in article 168 want it and the public prosecutor and the defendant firmly agree, they can give a testimony under oath.
(2) Without the agreement as intended in section (1), they shall be allowed to testify without making an oath.

Article 170

(1) Those who because of their occupation, dignity and prestige or function are obliged to guard a secret, can ask to be freed from the obligation to give information as witness, namely on the matter entrusted to them.

(2) The judge shall determine the validity or invalidity of the reason for such request.

Article 171

Those who can be examined and give information without oath are :

a. a child whose age has not yet reached fifteen years and has never married:
b. mental patients or neurotics, although sometimes they come to their senses.

Article 172

(1) After a witness has given his/her testimony, the defendant or legal adviser or public prosecutor can ask the judge/chairman of the session that those among the witnesses whose presence is not desired by them, be ordered to leave the session room, and that other witnesses be called in by the judge/chairman of the session to testify, whether one by one or together without the presence of the witnesses ordered to leave.
(2) If considered necessary, the judge because of his function can ask that a witness whose testimony has been heard leave the session room in order to further hear the testimony of another witness.

Article 173

The judge/chairman of the session can hear the testimony of a witness on a certain matter without the presence of the defendant, for which purpose he shall ask the defendant to leave the session room but that thereafter the examination of the case may not be continued before the defendant has been informed of what has happened during his absence.

Article 174

(1) If the information given by a witness during a court session is suspected to be false, the judge/chairman of the session shall seriously warn him/her to state the truth and that he/she is liable to a punishment if he/she continues to give false information.
(2) If the witness sticks to his/her statement, the judge/chairman of the session because of his function or at the request of the public prosecutor or the defendant can order the detention of the witness to be further prosecuted on the charge of perjury.
(3) In such a case the clerk of the court shall immediately prepare a record on the result of the examination during the session which shall contain the statement by the witness and mention the reason for the presumption that the testimony of the witness is false, which record shall be signed by the judge/chairman of the session and the clerk and handed over immediately to the public prosecutor for settlement according to the provisions of this law.
(4) If necessary the judge/chairman of the session shall postpone the session dealing with the original case until the examination of the criminal case involving the witness has been completed.

Article 175

If a defendant is not prepared or refuse to answer a question asked to him her, the judge/chairman of the session shall suggest that he/she give the answer, after which the examination shall be continued.

Article 176

(1) If a defendant behaves improperly so as to disturb order during the session, the judge/chairman of the session shall admonish him/her and if the admonition is not heeded, he shall order that the defendant be taken out of the session room, after which the examination of the case shall be continued without the presence of the defendant.

(2) In case a defendant behaves continuously in an improper manner so as to disturb the order of the session, the judge/chairman shall endeavor and see to it that a verdict can still be passed with the defendant present.

Article 177

(1) If a defendant or witness does not understand the Indonesian language, the judge/chairman of the session shall appoint an interpreter who under oath or pledge shall promise to truly interpret all that has to be interpreted.

(2) If a person is not allowed to serve as witness in a case, he shall not be allowed also to act as interpreter in that case.

Article 178

(1) I f a defendant or witness is dumb and/or deaf and is not able to write, the judge/chairman of the session shall appoint an interpreter who is versed in communicating with the defendant or witness.

(2) If a defendant or witness is dumb and/or deaf but is able to write, the judge/chairman of the session shall put questions or make admonitions to him/her in writing and the defendant or witness shall be ordered to write down his/her answers, after which t all the questions and answers shall be read out.

Article 179

(1) Everyone who is asked for his/her opinion as medical/juridical expert or as doctor or other expert is obliged to provide expert information for the sake of justice.

(2) All the provisions mentioned above for witness shall also apply to those who provide expert information, with the stipulation that those making a vow or pledge shall give the best possible and truthful information in line with their knowledge in their respective fields of expertise.

Article 180

(1) In case it is necessary to clarify the hang of a problem arising during a court session, the judge/chairman of the session can ask for expert information and can also ask for the presentation of new materials by the interested party.

(2) In case a well-founded objection is voiced by the defendant or his legal adviser to the expert information as intended in section (1) the judge shall order a careful re-examination of the matter.
(3) The judge because of his function can order the careful re-examination as intended in section (2).
(4) The careful re-examination as intended in sections (2) and (3) shall be performed by the original authority with a different composition of personnel and another authority which has the competence to do it.

Article 181

(1) The judge/chairman of the session shall show to the defendant all evidence materials and ask him whether he recognizes them by taking into account the provision as intended in article 45 of this law.
(2) If necessary the materials shall also be shown by the judge/chairman of the session to the witness.
(3) If considered necessary to provide proof, the judge/chairman of the session shall read out or show a letter or record to the defendant or witness and ask for the necessary information about it.

Article 182

(1) a. After an examination has been declared completed, the public prosecutor shall put forward his criminal charges.
b. The defendant and/or his legal adviser shall state their defence which can be replied by the public prosecutor, with the stipulation that the defendant or his-legal adviser shall always be given the last turn.
c. Charges, defence and reply to the defence shall be in writing and after having been read out they shall be handed over immediately to the judge/chairman of the session and the copies to the parties concerned.
(2) If the procedure mentioned in section (1) has been completed, the judge/chairman of the session shall declare the examination closed, with the provision that it can be reopened once again, whether by authority of the judge/chairman of the session because of his function, or at the request of the public prosecutor or the defendant or the legal adviser by giving the reason.
(3) The judge shall then hold final consultations to take a decision and if necessary the consultations shall be held after the defendant, legal adviser, public prosecutor and those present have left the session room.
(4) The consultations mentioned in section (3) shall be based on the lawsuit and all that has been proved in the court examination.
(5) In said consultations, the judge/chairman of the council shall ask questions starting with the youngest judge and ending with the eldest, while the last to state his opinion shall be the judge/chairman of the council and all opinions shall be accompanied by considerations and reasoning.

(6) In principle the decision arrived at by the council in the consultations shall be the result of a unanimous agreement except when this after serious endeavors, cannot be achieved in which case the following stipulations shall apply :
   a. a decision shall be taken with a majority vote;
   b. if the provision-mentioned under letter a cannot also be realized, then the decision adopted shall be the one based on a judge's opinion which is most advantageous to the defendant.

(7) The way the decision as intended in section (6) is taken shall be recorded in the book of decisions which is especially provided for that purpose and whose content is secret in nature.

(8) The verdict of the court of first instance can be passed and announced on the same day or on another day, of which the public prosecutor, the defendant or legal adviser shall be informed in advance.

Part Four
Conviction and Verdict In Normal Trial Procedure.

Article 183

A judge shall not penalize a person except when with two legal evidence materials he has come to the conviction that a criminal act has really been committed and that it is the defendant who is guilty of perpetrating it.

Article 184

(1) Legal evidence materials are :
   a. the testimony of a witness;
   b. information by an expert;
   c. a letter;
   d. an indication;
   e. the statement of a defendant.

(2) Matters which are generally known need not be proved.

Article 185

(1) The testimony of a witness as evidence material is what the witness has stated in a court session.

(2) The testimony of one witness alone is not sufficient to prove that a defendant is guilty of the act, of which he is charged of having committed.

(3) The provision as intended in section (2) shall not apply if accompanied by another legal evidence material.

(4) Separate testimonies by several witnesses on an event or situation can be used as legal evidence material if they are connected with one another in such a way as to confirm the occurrence of an event or the presence of a certain situation.

(5) An opinion or an assumption, as the mere product of a thought process does not constitute witness testimony.

(6) In judging the truth of a testimony by a witness, a judge must seriously take into account :
   a. the concurrence between the testimony of one witness with that of another;
   b. the concurrence between the testimony of a witness with another evidence material;
   c. the reason which might have motivated a witness to give a certain testimony.
   d. the way of life and morality of a witness and any other things which can be of influence for determining whether or not the information he has given can be trusted.

(7) Testimonies made by witnesses not under oath despite their concurrence, make no evidence material; however if they concur with the testimony made by a witness under oath, they can be used as an additional legal evidence material.

Article 186

Expert testimony is what an expert states in a court session.

Article 187

The letter as intended in article 184 section (1) letter c, made under an oath of office or strengthened by an oath, can be :

a. a record and other letter made in official form by or in front of a competent public official, which contains information about an event or a situation he himself has heard of, witnessed or experienced, accompanied by a clear and firm reason for the information ;
b. a letter made in accordance with the provision of a law regulation or a letter which is made by an official concerning a matter coming under his responsible management and which is meant as a proof for something or a situation ;
c. a statement by an expert which contains an opinion based on his expertise in something or about a situation, officially asked from him;
d. another letter which is only useful if it has some connection with the content of another evidence material.

Article 188

(1) Indication is an act, event or situation which because of its concurrence whether between one and the other, or with the criminal act itself, indicates the occurrence of a criminal act and the person committing it.

(2) An indication as intended in section (1) can only be obtained from :
   a. the testimony of a witness;
   b. a letter;
   c. a statement by a defendant.

(3) Evaluation by the judge of the proving strength of an indication in every definite situation shall be wise and prudent, after he has accurately and carefully conducted an examination on the basis of his conscience.

Article 189

(1) A statement by a defendant is what a defendant states in a session about the act he has committed or which he has known or experienced himself.
(2) A statement given by a defendant outside a session can be used to help find proof during a session provided the information is supported by a legal evidence material on the matter which he is accused of.
(3) A statement by a defendant can only be used against himself.
(4) The statement of a defendant alone is not sufficient to prove that he is guilty of the act he is alleged to have committed, but it has to be accompanied by another evidence material.

Article 190

a. In the course of a court examination, if a defendant is not detained, the court by its decision can order the detention of the defendant in fulfillment of the provision of article 21 and there is enough reason for such decision.
b. In case a defendant is detained, the court by its decision can order his release, if there is enough reason for such a decision in view of the provision of article 30.

Article 191

(1) If the court believes that from the result of examination during a session, the defendant's guilt for the ast he has been accused of has not been legally and convincingly proved, the defendant shall be declared free.
(2) If the court believes that the act of which a defendant is accused has been proved, but the act does not constitute a criminal act, the defend ant shall be acquitted of all legal charges.
(3) In cases such as those intended in section (1) and section (2) a defendant with the status of detainee shall be ordered to be freed instantly, except when there is another legal reason to keep the defendant in detention.

Article 192

(1) The order to release a defendant as intended in article 191 section (3) shall be carried out immediately by the public prosecutor after the pronouncement has been made.
(2) A written report on the execution of the order to which the release order shall be attached, shall be submittedto the chairman of the court concerned within three times twenty-four hours at the latest.

Article 193

(1) If the court believes that a defendant is guilty of having committed the act he has been accused of, the court shall announce a verdict.
(2) a. The court in announcing a verdict, while the defendant is not detained, can order his detention if the provision of article 21 is to be fulfilled and there is enough reason for such decision.

b. If a defendant is detained, the court in announcing a verdict, can decide to keep him in detention or to release him if there is enough reason for such decision.

Article 194

(1) In case the verdict is for release or acquittal of all legal charges, the court shall decide that confiscated evidence materials be handed over to the party most entitled to receive them back whose name shall be mentioned in said decision except when law regulations provide that the evidence materials must be seized in the interest of the state or destroyed or damaged se that they can no longer be used.
(2) Except when there is a valid reason, the court shall decide that the evidence materials be handed over immediately after the session is over.
(3) The order for the handing over of the evidence materials shall be carried out without any conditions except when the court's decision has not yet attained permanent legal force.

Article 195

All decisions of the court are valid and have legal force only if they are announced in a session which is open to the public.

Article 196

(1) A court shall decide a case with the defendant present except when this law provides otherwise.
(2) In case there are more than one defendant in a case, the decision shall be announced in the presence of the defendants.
(3) Immediately after the verdict has been announced, the judge/chairman of the session is obliged to inform a defendant about his rights, namely :
   a. the right to immediately accept or to immediately reject the decision;
   b. the right to study the decision before accepting or rejecting the decision, within the time limit determined by this law;
   c. the right to ask for a suspension of the implementation of the decision for a time limit determined by law in order to be able to ask for a pardon, in case he accepts the decision.
   d. the right to ask for the examination of his case at the level of appeal within a time limit determined by this law, in case he rejects the decision;
   e. the right to withdraw a statement as intended under letter a within a time limit determined by this law.

Article 197

(1) The verdict shall contain :
   a. the head of the verdict shall read as follows
   "FOR THE SAKE OF JUSTICE ON THE BASIS OF THE BELIEF IN GOD ALMIGHTY";

b. the complete name, place of birth, age or date of birth, sex, nationality, address, religion and occupation of the defendant;
c. the charge, as mentioned in the lawsuit;
d. considerations in brief regarding facts and situations and evidence materials obtained during the court examination which serve as the basis for determining the guilt of the defendant;
e. the criminal charge, as mentioned in the indictment;
f. the article of the law regulation which becomes the basis for the penalty or measure and the article of the law regulation which becomes the legal basis for the decision, together with the aggravating and ameliorating circumstances for the defendant;
g. the day and date of consultations by the council of judges except when the case is examined by a sole judge;
h. a statement on the defendant's guilt, a statement on the presence of all elements in the formulation of the criminal act and its qualification and the penalty or measure imposed;
i. a provision on whom the trial expenses shall be burdened by mentioning the exact amount and a provision concerning evidence materials;
j. a statement that all letters have proved to be false or a statement on where the falsity lies, if an authentic letter is considered false,, k. an order that the defendant be detained or remain in detention or be released,
I. the day and date of the verdict, the name of the public prosecutor, the name of the judge who decides and the name of the clerk of the court.

(2) Failure to meet the provisions in section (1) letters a, b, c, d, e, f, h, j, k, and 1 of this article shall render the decision invalid.

(3) The decision shall be carried out immediately in accordance with the provisions in this law.

Article 198

(1) In case a judge or a public prosecutor is prevented, the chairman of the court or a competent official of the prosecution is obliged to immediately appoint the person to replace the prevented official.

(2) In case the legal adviser is prevented, he shall appoint his substitute and if the substitute does not turn up or is also prevented, then the session shall continue.

Article 199

(1) A non-penalty decision shall contain:
a. the provision as intended in article 197 section (1) except the letters e, f and h;
b. a statement about the decision to free or acquit the defendant of all legal charges, by mentioning the reason and the article of the law regulations which serves as the basis for the decision;
c. an order that the defendant be immediately released if he is detained.

(2) The provisions as intended in article 197 section (2) and section (3) shall also apply to this article.

Article 200

The verdict shall be signed by the judge and the clerk immediately after its passage.

Article 201

(1) In case a letter is found to be false or falsified, the clerk shall attach a copy of the verdict which he has signed to the letter which contains information as intended in article 197 section (1) letter j and the false or falsified letter shall be provided with a note by referring to the copy of the verdict.
(2) No first copy or copy of the false or falsified authentic letter shall be given except after the clerk has added a note to the note as intended in section (1) together with the copy of the verdict's copy.

Article 202

(1) The clerk of the court shall draw up a record of the session by taking into account the necessary requirements and all that has happened during the session which is connected with the examination.
(2) The record on the session as intended in section (1) shall also contain important parts of the testimonies of the witness, defendant and expert except when the judge/chairman of the session considers it sufficient to refer to the information in the examination record by mentioning the difference!; between the one and the other.
(3) At the request of the public prosecutor, defendant or legal adviser the judge/chairman of the session is obliged to order the clerk to make a special note about a situation or statement.
(4) The record on the session shall be signed by the judge/chairman of the session and the clerk, except when either of them is prevented, and this shall be mentioned in the record.

Part Five
Short Trial Procedure

Article 203

(1) What is examined according to the short trial procedure is a criminal case or offence which is not subject to the provision of article 205 and which according to the public prosecutor is easy and simple to prove and with regard to law application.
(2) In the case as intended in section (1), the public prosecutor shall make to appear the defendant and witness, an expert, an interpreter and the needed evidence materials.
(3) In this procedure the provisions of Part One, Part Two and Part Three of this Chapter shall be observed so long as they are not contrary to the provision below :

a. 1. the public prosecutor immediately after the defendant in a court session has answered all the questions as intended in article 155 section (1) shall be consulting his note inform the defendant orally about the criminal act he has been accused of by mentioning the time, place and circumstances in which the criminal act has been committed;
   2. this notification shall be contained in the record on the session and shall take the place of a lawsuit;

b in case further examination is considered necessary by the judge, this shall be carried into effect within a period of fourteen days at the latest and if within said time limit the public prosecutor is still not able to complete the additional examination, the judge shall order the case to be submitted to a court session to be tried according to the normal procedure ;

c. in the interest of defence, the judge at the request of the defendant and/or his legal adviser can postpone the court examination for at most seven days;

d. a decision is not made in a special way, but shall be noted down in the record on the session;

e. the judge shall provide for the letter which contains an order for such decision;

f. the content of said letter shall have equal legal force as a court decision in a normal procedure.

Article 204

If from a court examination a case being handled according to the brief procedure turns out to be obvious and trivial and should have been examined by a quick procedure, the judge with the agreement of the defendant can continue the examination.

Part Six
Quick Trial Procedure

Paragraph I
Trial Procedure for Light Criminal Acts

Article 205

(1) What is examined by the Trial Procedure for Light Criminal Acts is a case threatened with a jail term or imprisonment of at most six months and/or a fine of at most seven thousand five hundred rupiahs and light insult except as determined in Paragraph 2 of this Part.

(2) In a case as intended in section (1), the investigator by proxy of the public prosecutor, within three days after completion of the examination record, shall make to appear before the court the defendant and evidence materials, the witness, an expert and/or an interpreter.

(3) In a trial procedure as intended in section (1), the court shall judge at the first and last stage through a single judge, except when convicted of robbing independence, the defendant can ask for an appeal.

Article 206

The court shall decide a certain day within the seven days for the judgement of a case according to the trial procedure for light criminal acts.

Article 207

(1) a. The investigator shall inform the defendant in writing about the day, date, hour and place where he has to appear before a court session and this shall be properly noted down by the investigator, before submitting the note and the dossier to the court.
b. A case which is accepted for the trial procedure for light criminal acts shall be tried on the same session day.

(2) a. The judge concerned shall order the clerk to note down in the registration book all the cases he has accepted.
b. The registration book shall contain the complete name, place of birth, age or date of birth, sex, nationality, address, religion and occupation of a defendant and what he has been accused of.

Article 208

A witness in a trial procedure for light criminal acts shall not make a vow or pledge except when the judge considers it necessary.

Article 209

(1) A verdict shall be recorded by the judge in the list of case records and further noted down by the clerk in the register and signed by the judge concerned and the clerk.

(2) A trial record shall not be prepared except when during the court examination there is something which is not in line with the examination report drawn up by the investigator.

Article 210

The provisions in Part One, Part Two and Part Three of this Chapter shall continue to apply so long as the regulation is not contrary to this Paragraph.

Paragraph 2
Trial Procedure for Cases of Road Traffic

Violations

Article 211

What is examined according to the trial procedure in this Paragraph are certain cases of violations against law regulations on road traffic.

Article 212

For cases *of* road traffic violations no examination reports are necessary, so the record as intended in article 207 section (1) letter a shall be handed over to the court immediately at the latest on the next first session day.

Article 213

A defendant can appoint a person by a letter to represent him at a court session.

Article 214

(1) If a defendant or his representative is not present at a court session, the trial of his case shall be continued.
(2) In case a verdict is passed without the presence of a defendant, the letter ordering the execution *of* the verdict shall be sent to the convicted
(3) The proof that the letter ordering the execution of the verdict has been conveyed by the investigator to the convicted, shall be handed over to the clerk to be recorded in the register.
(4) In case a verdict is passed without the presence of a defendant and the verdict provides for the robbing of freedom, the defendant can contest it.
(5) Within seven days after a defendant has been legally informed about a verdict, he can propose to contest it to the court passing the verdict.
(6) By this contestation the verdict passed without the presence of the defendant shall become aborted.
(7) After the clerk has informed the investigator about the contestation, the judge shall decide the day for the reexamination of the case.
(8) If the verdict after the contestation has continued to be that as intended in section (4), the defendant can make an appeal with regard to the verdict.

Article 215

The return of confiscated goods shall be effected without conditions to the person most entitled, immediately after the verdict has been passed and the convicted has complied with the order of the verdict.

Article 216

The provision in article 210 shall continue to apply so long as the regulation is not contrary to this Paragraph.

Part Seven
Sundry Provisions

Article 217

(1) The judge/chairman of the session shall lead the trial and maintain order during the session.

(2) Everything ordered by the judge/chairman of the session for the maintenance of order during the session shall be carried out immediately and accurately.

Article 218

(1) In the session room anyone is obliged to show respect for the court.
(2) Anyone who in a court session shows an attitude which is not commensurate with the Court's honour and does not observe order, after being admonished by the judge/chairman of the session, shall be taken out of the session room at the judge's order.
(3) (n case the violation of order as intended in action (2) is in the nature of a criminal act, it does not reduce the possibility for the prosecution of the perpetrator.

Article 219

(1) Anyone is prohibited from bringing fire-arms, sharp weapons, explosives or devices as well as objects which can endanger the security of the session and whoever brings them is obliged to deposit them at a special place provided for that purpose.
(2) Without warrant, the court's security officer because of his task and function can carry out a body search to ensure that a person shall not be present in the session room carrying arms, materials or devices as well as objects as intended in section (1) and if such is the case the officer shall ask the person concerned to deposit them.
(3) If the person concerned intends to leave the session room, the Officer is obliged to return the deposited objects.
(4) The provisions of sections (1) and (2) do not reduce the possibility of a prosecution being started if control over said objects turns out to be in the nature of a criminal act.

Article 220

(1) No judge is allowed to judge a case in which he himself has an interest, directly or indirectly.
(2) In the case as intended in section (1) the judge concerned 'is obliged to withdraw at his own free will or at the request of the public prosecutor, the defendant or the legal adviser.
(3) If there is doubt or a difference of opinions regarding the matter as intended in section (1`), the competent court official shall decide.
(4) The provision as intended to mean by the section mentioned above shall also apply to the public prosecutor.

Article 221

If considered necessary the judge at the session at his own free will or at the request of the defendant or his legal adviser can give an explanation about the law in force.

Article 222

(1) Anyone who is convicted shall be burdened with the trial expenses for his case and in case the verdict is freedom or acquittal of all legal charges, the trial expenses for the case shall be burdened on the state.

(2) In case the defendant has earlier submitted a request for exemption from the payment of trial expenses on the basis of certain conditions with the approval of the court, the trial expenses shall be burdened on the state.

Article 223

(1) If a judge orders a person to take an oath or make an affirmation outside the court session, the judge can postpone the trial of the case until another session day.

(2) In case the oath or affirmation is made as intended in section (1), the judge shall appoint the clerk to attend the ceremony concerned and to make a report about it.

Article 224

All the verdicts of a court shall be kept in the files of the court judging the cases at the first instance and may not be transferred except when the law determines otherwise.

Article 225

(1) A clerk of a court shall keep a register for all cases.

(2) In the register shall be noted down the name and identity of a defendant, the criminal act he is accused of, the date of acceptance of the case, the date of the defendant's detention if he is detained, the date and the content of a verdict in brief, the date of acceptance of a request for and a decision on appeal or cassation, the date of a request for and the granting of pardon, amnesty, abolition or rehabilitation, and other matters which are closely related to the process of the case.

Article 226

(1) An excerpt of a court's verdict shall be given to a defendant or his/ her legal adviser as soon as the verdict has been passed.

(2) A copy of a court's verdict shall be given to the public prosecutor and the investigator, while to a defendant or his/her legal adviser it shall be given upon request.

(3) A copy of a court's verdict may only be given to another person with the permission of the chairman of the court after considering the need for such request.

Article 227

(1) All kinds of notifications or summons by the competent authority at all levels of examination to a defendant, witness or expert shall be conveyed at the latest three days before the date determined for their presence, at their places of residence or at their latest places of domicile.

(2) The officer who carries out the summons must meet personally with and talk directly to the person summoned and shall put on record that the summons has been received by the person concerned with date and signature applied, whether by the officer or the person summoned and if the summoned person does not sign, the officer shall note down the reason.
(3) In case the person summoned is not present at one of the places as intended in section (1), the summons shall be conveyed through the village head or an official and if abroad, through the Representative Office of the Republic of Indonesia at the place where the summoned person usually lives and if it still cannot be conveyed, the summons shall be posted at the billboard of the office of the official who has issued the summons.

Article 228

A period or time limit according to this law shall be counted as from the succeeding day.

Article 229

(1) A witness or expert who is present in compliance with a summons in the framework of giving a testimony at all levels of examination, is entitled to get compensation for his/her expenses in accordance with the law regulations in force.
(2) The official who has made the summons is obliged to inform the witness or expert about his/her right as intended in section (1).

Article 230

(1) A court session shall be held in a court building in a session room.
(2) In the session room, the judge, the public prosecutor, the legal adviser and the clerk shall don session robes and carry their attributes.
(3) The session room as intended in section (1) shall be layed out according to the following stipulations :
   a. the place for the judge's table and chair shall be located higher than that for the public prosecutor, the defendant, the legal adviser and the audience.
   b. the place of the clerk shall be positioned on the right hand back of the place of the judge/chairman of the session.
   c. the place of the public prosecutor shall be on the right hand front of the place of the judge;
   d. the place of the defendant and his/her legal adviser shall be on the left hand front of the place of the judge and the place of the defendant on the right of that of his/her legal adviser;
   e. the examination chair for the defendant and witness shall be positioned in front of the place of the judge;
   f. the place of the witness or expert already heard shall be behind the examination chair;
   g. the place of the audience shall be behind that of the witness(es) already heard.

h. the National flag shall be positioned on the right of the judge's table and the banner of Protection on the left of the judge's table, while the symbol of the State shall be hung on the upper part of the wall behind the judge's table;
i. the place of spiritual leaders shall be on the left of that of the clerk ;
j. the places as intended under letter a up to and including letter i shall be provided with identification marks ;
k. the place of the security officer shall be inside the main door of entry into the session room and at other places if considered necessary.

(4) If a court session is held outside the court building, the lay-out of the place shall as far as possible be adjusted to the provisions of section (3) mentioned above.
(5) If the provisions of section (3) cannot possibly be observed then at least a National flag must be present.

Article 231

(1) The type, form and colour of session robes and attributes and other matters related to the attire and equipment as intended in article 230 section (2) and section (3) shall be arranged by government regulation.
(2) Further regulation of the order of sessions as intended in article 217 shall be determined by a decision of the Minister of Justice.

Article 232

(1) Before a session is started, the clerk, public prosecutor, legal adviser and audience already present, shall be seated in their respective places in the session room.
(2) At the time that the judge enters or leaves the session room, all those present shall stand up to pay their respect.
(3) While the session is in progress, everyone entering or leaving the session room is obliged to pay his/her respect.

CHAPTER XVII
NORMAL LEGAL ENDEAVOUR

Part One
Trial at Appeal Level

Article 233

(1) A request for an appeal as intended in article 67 can be submitted to a high court by a defendant or an especially empowered person or a public prosecutor.
(2) Only a request for an appeal as intended in section (1) may be accepted by a clerk of a court of first instance within seven days after a verdict has been passed or after a verdict has been brought to the notice of an absent defendant as intended in article 196 section (2).
(3) About the request the clerk shall prepare a statement which shall be signed by himself and the applicant and of which a copy shall be sent to the applicant concerned.

(4) In case the applicant fails to appear, this must be recorded by the clerk by mentioning the reason and the record must be enclosed in the dossier of the case concerned and also written down in the list of criminal cases.
(5) In case a court of first instance receives a request for an appeal, whether submitted by a public prosecutor or a defendant , at the same time the clerk is obliged to bring the request of one party to the notice of the other party.

Article 234

(1) If the time limit as intended in article 233 section (2) has expired without a request for an appeal being submitted by the person concerned, said person shall be considered to have accepted a verdict.
(2) In the case as intended in section (1), the clerk shall record it and draw up an official document on the matter which shall be attached to the dossier of the case concerned.

Article 235

(1) So long as an appeal case has not yet been decided by a high court, the request for the appeal can be withdrawn any time and in case of withdrawal, no request for an appeal in that case can be submitted again.
(2) If a case has started to be examined but has not yet been decided while in the meantime the appellant withdraws his request for an appeal, the appellant shall be burdened with the trip' expenses for the case incurred by the high court until the moment of withdrawal.

Article 236

(1) At the latest within fourteen days after the submittance of a request for an appeal, the clerk shall send a copy of the verdict of the court of first instance concerned and the dossier of the case plus the letter of evidence to a high court.
(2) For seven days before the dossier of a case is sent to a high court, an appellant shall be given the opportunity to study the dossier of said case in the court of first instance.
(3) In case it is the appellant who has stated clearly in writing that he is to study the dossier in a high court, he shall be given the opportunity to do that at the earliest seven days after the dossier of the case has been received by the high court.
(4) Every appellant shall be given the opportunity any time to examine the authenticity of the dossier of his case which is already delivered to the high court.

Article 237

So long as a high court has not yet started examining a case at appeal level, a defendant or his proxy as well as a public prosecutor can submit a memorandum of appeal or a counter-memorandum of appeal to the high court.

Article 238

(1) The trial at appeal level shall be conducted by a high court with a minimum of three judges on the basis of the dossier of the case received from the court of first instance which shall consist of a record of the trial conducted by the court of first instance, together with all the documents arising from the session which are connected with the case and the verdict of the court of first instance.
(2) The authority to decide on detention is shifted to the high court since the moment that an application to appeal is filed.
(3) Within three days after receipt of the dossier of an appeal case from a court of first instance, a high court is obliged to study it in order to determine-whether or not a defendant should still be detained, whether because of his functional authority or at the defendant's request.
(4) If considered necessary, the high court itself shall listen to the testimonies of a defendant or witness or public prosecutor by explaining in brief in a summons to them what it wishes to know.

Article 239

(1) The provisions as contained in article 157 and article 220 section (1), section (Z) and section (3) shall also apply to the examination of a case at appeal level.
(2) The family relationship as intended in article 157 section (1) shall also apply to that between a judge and/or a clerk at appeal level, and a judge or clerk at first instance level who have tried the same case.
(3) If a judge who has decided a case at first instance level afterwards becomes a judge in a high court, he shall be prohibited from examining the same case at appeal level.

Article 240

(1) If a high court is of the opinion that in the examination at first instance level there is negligence in the application of procedural law or there is a mistake or there is something incomplete, the high court by its ruling can order the court of first instance to redress such shortcomings or that otherwise this will be done by the high court itself.
(2) If necessary a high court by its decision can annul the decision of the court of first instance before passing its own verdict.

Article 241

(1) After all the things as intended in the provision mentioned above have been considered and carried into effect, the high court shall decide, support or change and in case of an annulment of the decision of a court of first instance, shall make its own decision.
(2) In case of an annulment as mentioned above of the decision of a court of first instance because of its incompetence to judge a case, the provision as mentioned in article 148 shall apply.

Article 242

If in an examination at appeal level' a convicted defendant is in detention, the high court by its decision shall determine whether the defendant shall still be detained or be released.

Article 243

(1) A copy of the decision of a high court together with the dossier of the case shall within seven days after the verdict has been passed, sent to the court of first instance which has decided on the case at the first stage.
(2) The defendant and the public prosecutor shall immediately be notified by the clerk of the court of first instance about the content of the decision after it has been recorded in a register after which the notification shall be noted down in the copy of the high court's decision.
(3) The provision regarding the decision of the court of first instance as intended in article 226 shall also apply to the decision of the high court.
(4) In case the defendant lives outside the area of jurisdiction of the court of first instance, the clerk shall ask the assistance of the clerk of the court of first instance in whose area of jurisdiction the defendant lives to inform him about the content of the decision
(5) In case the defendant's s place of residence is not known or he lives abroad, the content of the decision as intended in section (2) shall be conveyed through a village head or official or through a Representation Office of the Republic of Indonesia, where the defendant usually lives and if it still cannot be conveyed, the defendant shall be summoned two times in succession through two newspapers which are published in the area of jurisdiction of the court of first instance itself or a neighboring area.

Part Two
Trial for Cassation

Article 244

With regard to a decision made at the final stage on a criminal act by a court other than the Supreme Court, a defendant or public prosecutor can file a request for a cassation examination to the Supreme Court except for a decision of acquittal.

Article 245

(1) A request for cassation shall be submitted by an applicant to the clerk of the court which has decided the case at the first stage, within fourteen days after a defendant has been informed of the court's verdict for which cassation is requested.
(2) Said request shall be written down by the clerk in a statement which shall be signed by the clerk and the applicant, and recorded in a list attached to the dossier of the case.
(3) In case the court of first instance accepts the request for cassation, whether it is submitted by a public prosecutor or a defendant or by a public prosecutor and a defendant at the same time the clerk is obliged to inform one party of the request of the other.

Article 246

(1) If the time limit as intended in article 245 section (1) has expired without a request for cassation being submitted by the person concerned, he shall be considered to have accepted the decision.
(2) If within the time limit as intended in section 111, the applicant is delayed in submitting the request for cassation, his right for that shall be forfeited.
(3) In the case as intended in section (1) or section (2), the clerk shall note down and prepare an official document about the matter to be attached to the dossier of the case.

Article 247

(1) So long as a case of cassation request has not yet been decided by the Supreme Court, the cassation request can be withdrawn any time and in case of withdrawal, no request for cassation can be submitted any more for the case in question.
(2) If the withdrawal is effected before the dossier of the case has been sent to the Supreme Court, the delivery of the dossier shall be cancelled.
(3) If the case has started to be examined but has not yet been decided, while in the meantime the applicant has withdrawn his request for cassation, the applicant shall be burdened with the expenses incurred by the Supreme Court in handling the case until its withdrawal.
(4) A request for cassation can only be submitted once.

Article 248

(1) An applicant for cassation is obliged to submit a memorandum of cassation which contains the reason for the cassation request and within fourteen days after making the application, he shall have submitted it to a court's clerk for which he shall get a receipt.
(2) In case an applicant for cassation is a defendant who is less understanding of the law, the clerk upon receiving the request for cassation is obliged to ask the former about his reason for making the application before preparing for him a memorandum of cassation.
(3) The reason as mentioned in section (1) and section (2) shall be as intended by article 253 section (1) of this law.
(4) If within the time limit as intended in section (1), the applicant is delayed in submitting the memorandum of cassation, then his right to apply for a cassation shall be forfeited.
(5) The provision as arranged in article 246 section (3) shall also apply to section (4) of this article.
(6) A copy of the memorandum of cassation submitted by one party, shall by the clerk be conveyed to the other party which is entitled to present a counter-memorandum of cassation.
(7) Within the time limit as intended in section (1), the clerk shall convey a copy of the counter-memorandum of cassation to the party which first submitted the memorandum of cassation.

Article 249

(1) In case one of the parties believes that something should be added to the memorandum of cassation or the counter-memorandum of cassation, it shall be given the opportunity to submit the supplement within the time limit as intended in article 248 section (1).
(2) The supplement as intended in section (1) shall be delivered to the clerk of the court.
(3) At the latest within fourteen days after the time limit mentioned in section (1), the complete request for cassation shall be submitted by the clerk of the court to the Supreme Court.

Article 250

(1) After the clerk of the court of first instance has received the memorandum and/or counter-memorandum as intended in article 248 section (1) and section (4), he is obliged to immediately send the dossier of the case to the Supreme Court.
(2) After the clerk of the Supreme Court has received the dossier of the case, he shall at once record it in the agenda of letters, the register of cases and on the index card.
(3) The register book of cases as mentioned in section (2) shall be worked upon, closed and signed by the clerk every workday and shall also be signed for acknowledgment and because of his function by the Chairman of the Supreme Court.
(4) In case the Chairman of the Supreme Court is prevented, it shall be signed by the Vice-Chairman of the Supreme Court and if both of them are prevented, the oldest member judge in his function shall be appointed by a decision of the Chairman of the Supreme Court.
(5) The clerk of the Supreme Court shall further issue a receipt the original of which shall be sent to the clerk of the court of first instance concerned, and its copies to the parties involved.

Article 251

(1) The provision as arranged in article 157 shall also apply to the examination of a case at cassation level.
(2) Family relationships as intended in article 157 section (1) shall also apply to those between a judge and/or clerk at cassation level and a judge and/or clerk at appeal and first stage levels, who have tried the same case.
(3) If a judge who has tried a case at first stage or appeal level, afterwards becomes a judge or clerk at the Supreme Court, they shall be prohibited from acting as judge or clerk for the same case at cassation level.

Article 252

(1) The provision as arranged in article 220 section (1) and section (2) shall also apply to the examination of a case at cassation level.
(2) If there is doubt or a difference of opinions regarding the matter as mentioned in section (1), then at cassation level :
    a. The Chairman of the Supreme Court because of his function shall act as the official who is competent to decide;

b. in case the Chairman of the Supreme Court himself is involved, the competent party to decide shall be a committee consisting of three persons elected by and from among member judges, one of whom shall be a member judge who is the oldest in his function.

Article 253

(1) The examination at cassation level shall be conducted by the Supreme Court at the request of the parties as intended in article 244 and article 248 in order to decide :
   a. whether it is true that a law regulation has not been applied or has not been applied in the proper way;
   b. whether it is true that the way the trial has been conducted is not in accordance with the provisions of law;
   c. whether it is true that the court has gone beyond the limits of its competence.

(2) The examination as intended in section (1) shall be conducted by a minimum of three judges on the basis of the dossier of a case received from a court other than the Supreme Court, which shall consist of an examination report from the investigator, a report on court examination, all letters originating from the trial of the case and the verdict of the court of first and/or last instance.

(3) If considered necessary in the interest of the examination as intended in section (1), the Supreme Court can itself hear the testimonies of the defendant or witness or public prosecutor, by explaining in brief in a summons to them what it wishes to know or the Supreme Court can also order the court as intended in section (2) to hear their testimonies, by issuing the same summons.

(4) The competence to decide on detention shall shift to the Supreme Court with the submittance of the cassation request.

(5) a. Within three days after receipt of the dossier of the cassation case as intended in section (2) the Supreme Court is obliged to study it in order to decide whether or not it is necessary still to detain the defendant, either because of this functional authority or at the request of the defendant.
   b. In case the defendant is still detained, then within fourteen days since the decision on the detention the Supreme Court is obliged to examine the case.

Article 254

In case the Supreme Court examines a cassation request because of its compliance with the provisions as intended in article 245, article 246 and article 247, with regard to the legal aspect the Supreme Court can decide to reject or approve the cassation request.

Article 255

(1) In case a verdict is nullified because law regulations have not been observed or have not been applied properly, the Supreme Court shall judge the case itself .

(2) In case a verdict is nullified because the trial has not been conducted in accordance with law regulations, the Supreme Court shall decide and give directives to the effect that the court which has decided the case concerned shall reexamine the part being nullified, or for a certain reason the Supreme Court can also decide that the case be examined by another court of the same level.

(3) In case a verdict is nullified because the court or judge concerned is not competent to judge the case, the Supreme Court shall decide that the case be judged by another court or judge.

Article 256

If the Supreme Court approves a cassation request as intended in article 254, it shall annul the verdict of the court which is subject to the cassation, in which case the provision of article 255 shall apply.

Article 257

The provisions as arranged in article 226 and article 243 shall also apply to the Supreme Court's decision on cassation, except that the time limit for sending the copy of the decision and the dossier of the case concerned to the court which has decided on it in the first instance shall be seven days.

Article 258

The provisions as contained in article 244 up to and including article 257 shall apply for the procedure of requesting a cassation with regard to the decision of a court in the domain of military justice.

CHAPTER XVIII
EXTRAORDINARY LEGAL ENDEAVOUR

Part One
Trial at Cassation Level for the sake of Law

Article 259

(1) For the sake of law, with regard to all decisions of a court other than the Supreme Court which have acquired permanent legal force, cassation can be applied for once by the Attorney General.

(2) A cassation ruling for the sake of law shall not harm the interested pa rty.

Article 260

(1) A request for cassation for the sake of law shall be submitted in writing by the Attorney General to the Supreme Court through the clerk of the court which has decided the case in the first instance, together with the memorandum containing the reason for the request.

(2) A copy of the memorandum as intended in section (1) shall immediately be conveyed by the clerk to the interested party.

3) The chairman of the court concerned shall immediately pass on the request to the Supreme Court.

Article 261

(1) A copy of the cassation ruling shall for the sake of law be conveyed by the Supreme Court to the Attorney General and to the court concerned together with the dossier of the case.

(2) The provision as intended in article 243 section (2) and section (4) shall also apply in this case.

Article 262

The provisions as intended in article 259, article 260 and article 261 shall also apply for the procedure of requesting cassation with regard to a decision of a court in the domain of military justice.

Part Two
Review of a Court's Verdict
Which Has Already Acquired Permanent Legal Force

Article 263

(1) With regard to a court's verdict which has acquired permanent legal force, except a decision of acquittal or absolution from all legal charges, the convicted or his heir can submit a request for a review to the Supreme Court.

(2) The request for a review shall be made on the basis of the following :
   a. if a new situation arises which creates a strong assumption that if such a situation had been known at the time when the trial was still in progress, the outcome could have been a decision of acquittal or absolution from all legal charges or the indictment of the public prosecutor is not acceptable or that lighter criminal law provisions should be applied to the case.
   b. If in various decisions it is stated that something has been proved, but the bases and reasons used as proofs for the decisions have turned out to be contradictory.
   c. If a decision clearly shows a mistake on the part of the judge or is clearly wrong.

(3) For the same reasons as intended in section (2), a request for a review can be submitted with regard to a court's decision which has acquired permanent legal force, if in the decision an act which is alleged to have been proved is not subjected to a criminal proceeding.

Article 264

(1) A request for a review by an applicant as intended in article 263 section (1) shall be submitted to the clerk of the court which has decided the case in the first instance by mentioning the reasons clearly.

(2) The provision as intended in article 245 section (2) shall also apply to the request for a review.
(3) A request for a review shall not be limited to a certain period of time.
(4) In case the person requesting a review is a convicted person who is less understanding of the law, the clerk upon receiving the request for a review is obliged to ask him for his reasons to submit the request, after which the clerk shall draw up for him the request for a review.
(5) The chairman of the court concerned shall immediately send the request for a review together with the dossier of the case to the Supreme Court, with an explanatory note.

Article 265

(1) The chairman of the court after receiving the request for a review as intended in article 263 section (1) shall appoint a judge who has not tried the case for which a review is requested to examine whether said request for a review fulfils the reasons as intended in article 263 section (2).
(2) In the examination as intended in section (1), the applicant and the prosecutor shall be present and can state their opinions.
(3) A report shall be made on the result of the examination which shall be signed by the judge, the prosecutor, the applicant and the clerk and based on the report a record of opinions shall be drawn up to be signed by the judge and the clerk.
(4) The chairman of the court shall immediately submit the request for a review together with the dossier of the original case, the examination report and the opinion record to the Supreme Court with copies of the accompanying letter sent to the applicant and the prosecutor.
(5) If a case for which a review is requested is a decided appeal case, copies of the accompanying letter shall be accompanied by copies of the examination report and opinion record and submitted to the appellate court concerned.

Article 266

(1) In case a request for a review does not meet the provision as intended in article 263 section (2), the Supreme Court shall declare that the request for a review cannot be accepted by mentioning the basis for its reasons.
(2) In case the Supreme Court is of the opinion that the request for a review can be accepted for examination, the following provisions shall apply :
   a. If the Supreme Court does not justify the reason given by the applicant, the Supreme Court shall reject the request for a review by ruling that the verdict for which a review is requested shall remain valid by giving the reason for its consideration ;
   b. `If the Supreme Court justifies the reason given by the applicant, the Supreme Court shall abrogate the verdict for which a review is requested and pass a verdict in the form of :
      1. acquittal;
      2. absolution from all legal charges;
      3. non-acceptance of the charges of the public prosecutor;

4. the application of lighter provisions of the penal code. ;

(3) The penalty imposed in the decision for a review shall not exceed the penalty decided in the original verdict.

Article 267

(1) A copy of the decision of the Supreme Court on the review together with the dossier of the case shall within seven days after the verdict has been passed be sent to the court which has passed on the request for a review.

(2) The provisions as intended in article 243 section (2), section (3), section (4) and section (5) shall also apply to the decision of the Supreme Court concerning the review.

Article 268

(1) A request for a review of a decision shall not put off or stop the implementation of said decision.

(2) If a request for a review has been accepted by the Supreme Court and the applicant has in the meantime died, it is for the heir to decide whether or not the review should be continued.

(3) A request for a review of a verdict can only be submitted once.

Article 269

The provisions as mentioned in article 263 up to and including article 268 shall apply to the procedure of requesting a review of a court's verdict in the domain of military justice.

CHAPTER XIX
IMPLEMENTATION OF A COURT'S DECISION

Article 270

The implementation of a court's verdict which has acquired permanent legal force shall be effected by the prosecutor, for which purpose a copy of the verdict shall be sent to him by the clerk:

Article 271

In case of a death penalty the execution shall take place not in public and according to the provisions of law.

Article 272

If a convicted person is punished with a prison sentence or jail term and then gets a similar penalty before serving the sentence imposed earlier, the sentences shall be served in succession starting with the one first passed.

Article 273

(1) If a courts verdict provides for a fine penalty, the convicted person shall be given one month's time to pay the fine except in a quick trial decision when the fine must be paid immediately.
(2) In case there is a strong reason, the time limit as intended in section (1) can be extended for at most one month.

(3) If a court's decision also provides for the seizure of evidence materials for the state, with the, exception mentioned in article 46, the attorney shall entrust the goods to the state auction office in order to be sold by auction within three months, the proceeds of which shall be delivered to the state treasury for and on behalf of the attorney.
(4) The time limit as intended in section (3) can be extended for at most one month.

Article 274

In case the court's decision also provides for compensation as intended in article 99, the implementation shall be in accordance with the procedure of decision in a civil case.

Article 275

If more than one person is convicted in a case, the trial expenses and or compensation as intended in article 274 shall be burdened on them together proportionately.

Article 276

In case a court passes a sentence with condition, its implementation shall really be controlled and supervised and be effected according to the provisions of law.

CHAPTER XX
CONTROL AND SUPERVISION IN THE IMPLEMENTATION OF A COURT'S DECISION

Article 277

(1) In every court there shall be a judge who is given the special task of helping the chairman with control and supervision in case a court's sentence provides for the robbing of independence.
(2) The judge as intended in section (1) who shall be called controller and supervisor judge, shall be appointed by the chairman of the court for as long as two years at most.

Article 278

The public prosecutor shall send a copy of the report on the implementation of the court's decision which is signed by himself, the head of the social rehabilitation institute and the convicted person, to the court which has decided the case in the first instance, while the clerk shall record it in the register of control and supervision.

Article 279

The register of control and supervision as mentioned in article 278 shall be worked upon, close and signed by the clerk every workday and for acknowledgment it shall also be signed by the judge as intended in article 277.

Article 280

(1) The controller and supervisor judge shall exercise control in order to obtain certainty that the court's decision is carried out accordingly.
(2) The controller and supervisor judge shall carry out supervision to obtain study material for the sake of useful correctness in the passage of sentences, from the behaviour of the convict or the guidance given by the social rehabilitation institute and its reciprocal effect on the convict while he serves his sentence.
(3) The supervision as intended in section (2) shall be continued after the convict has completed serving his sentence.
(4) The control and supervision as intended in article 277 shall also apply to suspended penalties.

Article 281

At the request of the controller and supervisor judge, the head of the social rehabilitation institute shall provide information periodically or at any time about the behaviour of a certain convict who is under the supervision of said judge.

Article 282

If considered necessary for the sake of effective supervision, the controller and supervisor judge can discuss with the head of the social rehabilitation institute ways of guidance for a certain convict.

Article 283

The result of the control and supervision shall be reported by the controller and supervisor judge periodically to the chairman of the court.

CHAPTER XXI
TRANSITORY PROVISIONS

Article 284

(1) Provisions of this law shall as far as possible be applied to cases which have already existed before the promulgation of this law.
(2) Within two years after the promulgation of this law, all cases shall be subject to provisions of this law, with temporary exception for special provisions on criminal procedure as mentioned in certain laws, until they are amended or declared invalid.

CHAPTER XXII
CLOSING PROVISION

Article 285

This law shall be called "Kitab Undang-Undang Hukum Acara Pidana" (the Law-Book on the Code of Criminal Procedure).

Article 286

This law shall come into force on the date of promulgation.

In order that every one shall know, orders the promulgation of this law through its placement in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
on 31 December 1981

PRESIDENT OF THE REPUBLIC OF INDONESIA
sgd.

SOEHARTO.

Promulgated in Jakarta
on 31 December 1981

MINISTER/STATE SECRETARY
REPUBLIC OF INDONESIA
sgd.

SUDHARMONO S.H.

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 76/1981

ELUCIDATION
ON THE
LAW OF THE REPUBLIC OF INDONESIA NO. 8/1981
ON THE CODE OF CRIMINAL PROCEDURE

I. GENERAL

1. *The regulation which serves as a basis for the implementation of the code of criminal procedure in the domain of public justice before the enforcement of this law is the "Reglemen Indonesia" which is renewed or which is known under the name of "Het Herziene Inlandsch Reglement" or H.I.R. (Staatsblad No. 44/ 1941) which based on article 6 section (1) of Act No. 1 Drt./ 1951, should as far as possible be used as guide in cases involving civil criminal procedure by all courts and prosecution offices throughout the territory of the Republic of Indonesia, except for a few amendments and supplements. It was intended by way of Act No. 1 Drt./1951 to achieve a uniform code of criminal procedure, which previously consisted of a code of criminal procedure for the "landraad" and a code of criminal procedure for the "raad van justitie".*

   The presence of two kinds of codes of criminal procedure was a mere consequence of the continued maintenance of the practice during the Dutch East Indies period when different justices were applied to the native groups of the population and to the European group, although the old "Reglemen Indonesia" (Staatsblad No. 16/1848) had been renewed with the renewed "Reglemen Indonesia" (R.I.B.), because the purpose of the renewal had not been to achieve a uniform code for criminal procedure, but rather to improve the code of criminal procedure for the "raad van justitie".

   Although Act No. 1 Drt. of 1951 already decided that only one law on criminal procedure shall be in force for the whole of Indonesia, namely R.I.B., the provisions it contained turned out to be providing no guarantees and protection for basic human rights and protection of the dignity and prestige of human beings as should properly be present in a law-abiding state. Especially with regard to legal assistance in an examination by an investigator or public prosecutor, no regulations were provided by R.I.B., which contained no provisions also on the right for compensation.

   Therefore, for the sake of development in the field of law and in connection with what has been explained earlier, it was necessary to revoke "Het Herziene Inlandsch Reglement" (Staatsblad No. 44/1941) in its relation to and Act No. 1 Drt./1951 (State Gazette No. 59/1951, Supplementary State Gazette No. 81) and

all the executory regulations and the provisions arranged in other law regulations, as they were not in line with the ideals of national law and to replace them by a new law on the code of criminal procedure with codification and unification characteristics based on Pancasila and the 1945 Constitution.

2. *The 1945 Constitution clearly explains that the Indonesian state is based on law (law-abiding state), not on mere power (power state).*

This means that the Republic of Indonesia is a law-abiding state which is democratic on the basis of Pancasila and the 1945 Constitution, upholds basic human rights and guarantees equal status in law and administration for all its citizens, and is obliged to uphold the law and administration without any exception.

It is clear that a deep sensing, observance and implementation of basic human rights as well as the rights and obligations as citizens is a must for every citizen, every state administrator, every state institution and public foundation whether in the centre or the regions and should also be manifested in and by the presence of this code of criminal procedure.

Furthermore, as pointed out in the Guidelines of State Policy (Decree of the People's Deliberative Assembly of the Republic of Indonesia No. I V/MPR/1978) the insight for the achievement of the goals of national development is provided by the Archipelagic Concept which legally speaking considers the entire Indonesian archipelago to be one legal unit in the sense that it has only one national law which is devoted to the national interests.

For this purpose it is necessary that law be developed and renewed through the improvement of legislation and the continuation and intensification of law codification and unification efforts in certain fields by taking into account the growth of legal consciousness in the community towards modernization in line with the level of progress achieved in development in all fields.

Such a development in the field of criminal procedure law is to the effect that the community will be able to deeply sense its rights and obligations and that an attitude can be realized and further fostered among the law executors/enforcers which are commensurate with their respective functions and authorities towards the solid maintenance of law, justice and protection to guard the nobility of the human dignity and prestige as well as legal order and certainty for the sake of the continued existence of the Republic of Indonesia as a law-abiding state in line with Pancasila and the 1945 Constitution.

3. *Therefore, this law which regulates the national code of criminal procedure must be based on the philosophy/outlook of life of the nation and the foundation of the state and should properly reflect in the material provisions of its articles or sections protection for the basic human rights and the obligations of citizens as earlier explained as well as the principles which will be further elaborated upon. The principle of arranging protection for the nobility of the human dignity and prestige as laid down in the Law on the Basic Provisions of Judiciary Power, namely Act No. 14/1970 must be upheld in and with this law.*

   The principle among other things cover:
   a. *Equal treatment for every one before the law without any discrimination.*
   b. *Arrests, detentions, searches and confiscations shall be carried out only on the basis of written warrants by officials who are authorized by law and only in cases and ways which are regulated by law.*
   c. *Anyone who is suspected, arrested, detained, prosecuted or brought before a court, should be regarded as innocent until a court decision determining his guilt acquires a permanent legal force.*
   d. *A person who is arrested, detained, prosecuted or tried for n, legal reasons or because of a mistake regarding the person o as to the law applied is entitled to compensation and rehabilitation from the level of investigation and law enforcing officials who deliberately or because of their negligence have caused the violation of the law principle, are liable to prosecution, penalty and/or administrative discipline.*
   e. *A trial which must be carried out quickly, simply and at low cost in a free, honest and indiscriminate manner must be realized consistently at all levels of justice.*
   f. *Anyone who is involved in a case should be given an opportunity to get legal assistance which is solely provided in the interest of his defence.*
   9. *A suspect should since his arrest and/or detention be informed not only of what he is accused of and the legal basis for the accusation, but also of his right to contact and get assistance from a legal adviser.*
   h. *A court shall try a criminal case in the presence of the defendant.*
   i. *The trial session shall be open to the public except when regulated otherwise by law.*
   j. *Control of the implementation of a court's verdict in a criminal case shall be carried out by the chairman of the court o' first instance concerned.*

4. *On the earlier explained basis in its solid and integrated whole a renewal has been effected in the law on criminal procedure which at the same time is intended as an endeavour to combine provisions on criminal procedure which at present are still be found in various laws into one law on the national code of criminal procedure in line with the aim of the codification and unification.*

It is on the basis of this consideration that this law on the cod' of criminal procedure has been called "Kitab Undang undang Hukum Acara Pidana", abbreviated K.U.H.P.

This Law Book does not only contain provisions on the Procedure of a criminal process, but also mentions the rights and obligations of those involved in such a process. It also contains the code of criminal procedure for the Supreme Court now that the Law on the Supreme Court (Act No. 1/1950) has been revoked by Act No. 13/1965.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

a. *The scope of this law follows the principles adhered to by the Indonesian criminal law.*
b. *What is meant by "public justice" includes its exclusiveness as mentioned in the explanation to article 10 section (1) last sub section of Act No. 14/1970.*

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Section (1)

Letter a

Number 1 up to and including number 3.

Sufficiently clear.

Number 4

What is meant by "other measure" is a measure taken by an investigator in the interest of investigation provided:

a) it is not contrary to a law regulation;
b) it is in line with the legal obligation which necessitates functional measure;
c) the measure is proper and logical and belongs to the domain of his function;
d) it is based on proper consideration and exigency; e) it respects basic human rights.

Letter b

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

The status and rank of the investigator which is arranged in a government regulation are synchronized and harmonized with those of the public prosecutor and the judge of a general court of justice.

Article 7

Section (1)

Letter a up to and including letter h.

Sufficiently clear.

Letter i

See article 109 section (2).

Letter j

See explanation to article 5 section (1) letter a number 4.

Section (2)

What is meant by "investigator in this section" is for instance a customs & Excise official, an immigration official or forestry official, who carries out the task of investigation in line with the special authority granted by law as the legal basis for his actions.

Section (3)

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

In an urgent and needy situation, for a certain task, in the interest of investigation, at a written instruction of the Minister of Justice, an immigration official can perform his task in line with the law regulations in force.

Article 10

Section (1)

What is meant by "state police official of the Republic of Indonesia" includes certain civil servants within the police organization of the Republic of Indonesia.

Section (2)

Sufficiently clear.

Article 11

The delegation of the authority to detain to an assistant investigator takes place only if such is very necessary while an order from an investigator is made impossible by the obstacle posed by communication in a remote area or the absence of an investigator at a certain place or because of another acceptable reason.

Article 12

Sufficiently clear.

Article 13

Sufficiently dear.

Article 14

Letter a up to and including letter h.

Sufficiently clear.

Letter i

What is meant by "other measure" includes the careful examination of the identity of a suspect and evidence materials by firmly observing the limits of the competency and function of the investigator, the public prosecutor and the court.

Letter k

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

What is meant by "at the order of, the investigator" also includes the assistant investigator as intended in the explanation to article 11. The intended order is in the form of a letter of instruction which is made separately and issued before an arrest is made.

Section (2)

Sufficiently clear.

Article 17

What is meant by "sufficient initial evidence" is initial evidence to suspect that a criminal act has been committed in line with the content of article 1 point 14.

This article shows that an apprehension order cannot be issued arbitrarily but is aimed at those who have really committed a criminal act.

Article 18

Section (1)

An apprehension order is issued by a competent state police official of the Republic of Indonesia while, conducting an investigation in his area of jurisdiction.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently dear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Letter a

Sufficiently clear.

Letter b

A suspected or accused narcotic addict should as far as possible be detained in a certain place which at the same time serves as a place for treatment.

Article 22

Section (1)

So long as there is no state penitentiary in the place concerned detainees can be kept at the state police office, the prosecutor's office, a social rehabilitation institute, a hospital and in forced circumstances at other places.

Section (2) and Section (3)

A suspect or defendant can only leave a house or a town with the permission of the investigator, public prosecutor or judge who has ordered his detention.

Section (4)

Sufficiently dear.

Section (5)

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Section (1)

Sufficiently clear.

Section (2)

Any prolongation of detention can only be permitted by a competent official on the basis of a reason and a resume of an examination result presented to him.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 25

Section (1)

Sufficiently clear.

Section (2)

Any prolongation of detention can only be permitted by a competent official on the basis of a reason and a resume of an examination result presented to him.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Section (1)

What is meant by "interest of examination" is an examination which cannot be completed yet within the designated time of detention.

What is meant by "serious physical or mental disturbance" is the condition of a suspect or defendant which makes it impossible for him to be examined for physical or mental reasons.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

a. *Although the dossier of a case has not yet been delegated to a court of first instance, objection to the validity of a prolongation of detention at the level of investigation or prosecution which is based on article 29, can be filed with the chairman of a high court to be examined and decided.*

b. *With regard to a prolongation of detention at cassation examination level as mentioned in section (2) and section (3), no objection can be tiled, because the Supreme Court represents the last level of justice and the highest control over the decisions of other courts.*

Article 30

Sufficiently clear.

Article 31

What is meant by "determined condition" is the obligation to report, not to leave a house or town. The period of suspended detention for a suspect or defendant does not include the period of his status as detainee.

Article 32

Sufficiently dear.

Article 33

Section (1)

To carry out a house search an investigator must have a warrant from the chairman of a court of first instance in order to guar-antee a person's right on his residence.

Section (2)

If the search is not conducted by the investigator himself, then the other police officer must be able to present not only a warrant from the chairman of a court of first instance but also a written order from the investigator.

Section (3)

Sufficiently dear.

Section (4)

What is meant by "two witnesses" are members of the local community concerned. What is meant by "environmental leader" is the chairman or vice-chairman of a village, neighbours', citizens' community or institution of the same level.

Section (5)

Sufficiently clear.

Article 34

Section (1)

"A very needy and urgent situation" exists when at a place to be searched the presence of a suspect or defendant is strongly presumed and where is reason for fear that he/she will soon escape or repeat a criminal act or when goods which can be confiscated are feared to be immediately destroyed or moved while a warrant from the chairman of a court of first instance cannot possibly be obtained in a proper way and within a short time.

Section (2)

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

A body search covers the examination of the trunk; if a woman by a woman official.

In case an investigator considers a trunk examination necessary, he asks the assistance of a health officer.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

What is meant by "letter" includes cables, telex messages and others of that kind which contain information.

Article 42

Sufficiently clear.

Article 43

Sufficiently dear.

Article 44

Section (1)

So long as there is no house of the state for keeping confiscate(goods at the place concerned, the confiscated goods can be kep' at the office of the state police of the Republic of Indonesia, at the office of the prosecution, at the office of a district court, in a government bank building or in forced circumstances in another storage place or at the place where the goods are confiscated

Section (2)

Sufficiently clear.

Article 45

Section (1)

What is meant by goods which can be taken for safekeeping arc among other things goods which can easily burn, explode and must be guarded and provided with special marks or goods which can endanger the health of people and the environment. An auction is performed at a state auction office after consultation have been held with the local investigator or public prosecutor o the judge concerned in line with the level of examination in the trial process and with a competent institute to determine good which can easily be damaged.

Section (2) and Section (3)

Evidence materials which according to their nature can easily be damaged can be sold at an auction and the proceeds used a substitute evidence material in a court trial, while a small portion of the goods should be set aside to serve as evidence material

Section (4)

What is meant by "goods seized for the state" are those which must be handed over to the department concerned, in line with the provisions of the law regulations in force.

Article 46

Section (1)

Goods which are confiscated are needed as evidence materials in an examination. It will be known during an examination whether the goods are still needed or not. If an investigator or public prosecutor considers a good to be no longer needed as evidence material, it can be returned to the interested party or the owner.

In returning confiscated goods, the human aspect should as far as possible be taken into account by giving priority to the return of goods which constitute a source of living.

Article 47

Section (1)

What is meant by "other letter" is a letter which has no direct connection with the criminal case being examined but gives strong reason for suspicion.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

The granting of right to a suspect or defendant in this article is in order to avoid the possibility of a person suspected of having committed a criminal act facing an uncertain fate, especially those being detained, so that they will not be kept for long without being examined, creating among them the feeling that there is no legal certainty, that they are being arbitrarily and improperly treated.

Article 51

Letter a

With the person suspected of having committed a crime informed and made to understand what he/she has been suspected of, he will feel his/her interest to be guaranteed in making preparations for a defence.

In this way he/she will know the seriousness of the suspicion against him/her, so that he/she can consider the level or kind of defence needed, and whether or not legal assistance is needed for the defence.

Letter b

In order to avoid the possibility of a defendant being examined or tried by a court for an act he/she is alleged to have committed, does not understand what is talked about and as the court session is the most important place for a defendant to make his defence, where he/she can freely state anything for his/her defence, the court provides for this purpose an interpreter for a defendant who is a foreigner or cannot understand the Indonesian language.

Article 52

In order that an examination can achieve a result which does not deviate from what should be, a suspect or defendant must be kept away from the feeling of fear. Therefore, the application of force or pressure against a suspect or defendant must be prevented.

Article 53

Not all suspects or defendants understand the Indonesian language well, especially if they are foreigners, so that they do not understand what they really are suspected or accused of. Therefore, they have the right to get the assistance of an interpreter.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Section (1)

Realizing the need to observe the principle of modesty, speed and low-cost in the conduct of trials and considering the fact that those liable to a penalty of less than five years are not subject to detention except for such criminal acts as mentioned in article 21 section (4) letter b, for those who are liable to a penalty of five years or more, but less than fifteen years, the appointment of a legal adviser should be adjusted to developments and to the availability of a legal adviser at the place concerned.

Section (2)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

This provision is a manifestation of the principle of "presumption of innocence."

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

What is meant by "in the interest of his defence" is that they are obliged to keep the content of the report for themselves. What is meant by "copy" is a photocopy.

What is meant by "examination" in this article is examination at investigation level, only for the examination of a suspect.

At the level of prosecution it means all the dossier of the case including the indictment. Examination at trial level : all the dossier of the case including the ruling of the judge.

Article 73

If there is an abuse in this article, the provisions in article 70 section (2), section (3) and section (4) shall apply.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

"Termination of the prosecution" does not include putting aside a case in the public interest which belongs to the competency of the Attorney General.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

This article aims at upholding the law, justice and the truth by means of horizontal supervision.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

What is meant by "the regional situation does not permit" is among other things regional insecurity or natural disaster.

Article 86

Our Law-Book on the Penal Code adheres to the principle of active and passive personality, which opens the possibility of a criminal act committed abroad to be tried in accordance with the Law-Book on the Penal Code of the Republic of Indonesia.

To facilitate and ensure smoothness in the trial of the criminal case, the Central Jakarta District Court has been appointed as the competent court to judge.

Article 87

Sufficiently clear.

Article 88

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Section (1)

What is meant by "loss because of being subjected to another measure" is loss created by an entry into a house, a search and confiscation which are not legal according to law, including detention with reason, i.e. detention which is longer than the penalty imposed.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 96
Sufficiently clear.

Article 97
Sufficiently clear.

Article 98
Section (1)
What is meant by combining suit cases in .this criminal case is that the suit cases are examined and decided upon at the same time as the criminal case concerned.

What is meant by "loss to another person" includes loss on the part of the victim.
Section (2)
The absence of a public prosecutor is in a quick trial procedure.

Article 99
Sufficiently clear.

Article 100
Sufficiently clear.

Article 101
Sufficiently clear.

Article 102
Sufficiently clear.

Article 103
Sufficiently clear.

Article 104
Sufficiently clear.

Article 105
Sufficiently clear.

Article 106
Sufficiently clear.

Article 107

Section (1)

The investigator as intended in article 6 section (1) letter a, whether asked or not, based on his responsibility is obliged to give assistance in investigation to the investigator as intended in article 6 section (1) letter b.

For this purpose the investigator as intended in article 6 section (1) letter b is obliged since the beginning to inform the investigator mentioned in article 6 section (1) letter a about the investigation.

Section (2)

The investigator as intended in article 6 section (1) letter b in investigating a criminal case is obliged to report it to the investigator as intended in article 6 section (1) letter a.

This is necessary in the framework of coordination and supervision.

Section (3)

The report from the investigator as intended in article 6 section (1) letter b to the investigator as intended in article 6 section (1) letter a is accompanied by an examination report sent to the public prosecutor. This is also the case when the criminal case is not handed over to the public prosecutor.

Article 108

Sufficiently clear.

Article 109

As to the notification by the investigator as intended in article 6 section (1) letter b, it is given through the investigator mentioned in article 6 section (1) letter a.

Article 110

Sufficiently clear.

Article 111

Sufficiently clear.

Article 112

Section (1)

The summoning must be with a legal summons, i.e. with a summons signed by a competent official/investigator.

Section (2)

Sufficiently clear.

Article 113

Sufficiently clear.

Article 114

To uphold basic human rights, the suspect has been informed since the stage of investigation that he/she has the right to be assisted by a legal adviser during a court examination.

Article 115

Section (1)

The legal adviser follows the course of the examination passively.

Section (2)

Sufficiently clear.

Article 116

Section (1)

Sufficiently "clear.

Section (2)

Sufficiently clear.

Section (3)

What is meant by a witness who can be of advantage to the suspect is among others a witness a decharge.

Section (4)

Sufficiently clear.

Article 117

Sufficiently clear.

Article 118

Section (1)

Sufficiently clear.

Section (2)

In case a witness is not willing to sign a report he must give a strong reason for that.

Article 119

If the investigation outside the area of jurisdiction is conducted by the original investigator, he has to be accompanied by the investigator from the area of jurisdiction where the investigation is conducted.

Article 120

Sufficiently clear.

Article 121

Sufficiently clear.

Article 122

Sufficiently clear.

Article 123

Section (1)

To the detention of a suspect by an investigator, the suspect, his family or legal adviser can state their objection to the detention to the investigator or to the authority concerned, by giving their reasons.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 124

Sufficiently clear.

Article 125

This article is to avoid arbitrary actions from being taken against someone.

Article 126

Sufficiently clear.

Article 127

Sufficiently clear.

Article 128

Sufficiently clear.

Article 129

Sufficiently clear.

Article 130

This article is to prevent mistake with other goods which have no connection whatsoever with the case concerned, when the goods have been confiscated.

Article 131

Sufficiently clear.

Article 132

Section (1)

Sufficiently clear.

Section (2)

What is meant by official/general keeper is among others a competent official of the state archives, the civil registration office, the board of inherited property, the notarial office in line with the law regulations in force.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 133

Section (1)

Sufficiently clear.

Section (2)

Information given by a medical/juridical expert is called expert testimony, while information given by a non-medical/juridical expert is called information.

Section (3)

Sufficiently clear.

Article 134

Sufficiently clear.

Article 135

What is meant by "disinterment of a dead body" includes the recovery of a corpse from any type of place and way of burial.

Article 136

Sufficiently clear.

Article 137

Sufficiently clear.

Article 138

What is meant by "carefully examine" is an act of the public prosecutor in preparing a prosecution, whether a person or a good mentioned in the result of an investigation is already in line with or has met the condition to serve as evidence in the framework of the directives given to the investigator.

Article 139

Sufficiently clear.

Article 140

Section (1)

Sufficiently clear.

Section (2)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

The new reason is obtained by the public prosecutor from the investigator and originates from a statement given by a suspect or witness, or from a good or directive which is known or obtained later.

Article 141

Letter a

Sufficiently clear.

Letter b

What is meant by "criminal acts which are inter-related to one another" is when the criminal acts are committed by :

1. *more than one person who cooperate and commit the acts at the same time;*
2. *more than one person at different times and places, but constitute an implementation of an evil plot made by them earlier.*
3. *more than one person with the aim to obtain equipment to be used for committing another criminal act or to evade penalty because of another criminal act.*

Letter c

Sufficiently clear.

Article 142

Sufficiently clear.

Article 143

What is meant by "a letter delegating a case" is a letter for delegating the case itself together with the indictment and the dossier of the case.

Article 144

Sufficiently clear.

Article 145

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

What is meant by "other person" is a family or legal adviser.

Section (5)

Sufficiently clear.

Article 146

Sufficiently clear

Article 147

Sufficiently clear.

Article 148

Section (1)

Sufficiently clear.

Section (2)

In case it is a prosecution office that receives the letter delegating the case intended from the original prosecution office, it prepares a new letter of delegation to be submitted to the court of first instance mentioned in the letter of resolve.

Section (3)

Sufficiently clear.

Article 149

Sufficiently clear.

Article 150

Sufficiently clear.

Article 151

Sufficiently clear.

Article 152

Section (1)

What is meant by "the appointedjudge" is the council of judges or a single judge.

Section (2)

Summoning a defendant or witness is done by the public prosecutor with a legal summons which must have been received by the defendant within a period of at least three days before the start of the court session.

Article 153

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The guarantee as provided for in section (3) above is enforced in its application, as proved by the legal consequence arising if the principle of open trial is not observed.

Section (5)

To guard soul of a child who is still below age from being influenced by the act committed by a defendant, especially in heavy crime cases, the judge can decide that a child who is below seventeen years of age, except when it has or has ever married, is not allowed to follow a court session.

Article 154

Section (1)

What is meant by "free condition" is a condition of not being handcuffed without diminishing the guards.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The presence of a defendant in a trial is an obligation on his part not a right, so a defendant must be present in a trial session.

Section (5)

Sufficiently clear.

Section (6)

In case a defendant's presence cannot be properly secured despite serious endeavours, he can be forced to be present.

Section (7)

Sufficiently clear.

Article 155

Section (1)

Sufficiently clear

Section (2)

In order to guarantee protection for a defendant's right in making his defence, the public prosecutor explains to him about the charge being filed against him, but this can only be done at the beginning of a trial session.

Article 156

Sufficiently clear.

Article 157

Sufficiently clear.

Article 158

Sufficiently clear.

Article 159

Section (1)

What is intended with this section is to prevent witnesses from influencing one another, so that they are not free in giving their testimonies.

Section (2)

To become a witness is one of everyone's obligations.

A person who is called to appear before a court session as witness but refuses to come is liable to penalty on the basis of law regulations in force. This is also the case with experts.

Article 160

Sufficiently clear.

Article 161

Section (1)

Sufficiently clear.

Section (2)

The testimony given by a witness or expert not under oath or pledge, cannot be regarded as legal evidence material, but only as information which can strengthen the conviction of a judge.

Article 162

Sufficiently clear.

Article 163

Sufficiently clear.

Article 164

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

A judge is authorized to remind both a public and a legal adviser, if questions they ask are not relevant to the case being tried

Article 165

Sufficiently clear.

Article 166

If in one of the questions mention is made of a criminal act which a defendant does not acknowledge to have committed or is not based on a witness's testimony either, but is made to appear as if it has been acknowledged or revealed, such question is regarded as a trick question.

This article is important, because such trick questions may not be posed to either a defendant or witness. This is in line with the principle that a defendant or witness must be free in giving his/her testimony at all levels of examination.

In a examination, an investigator or public prosecutor may not exert pressure in whatever way, especially more so in a court examination.

Such a pressure, in the form of for instance a threat and so on may cause a defendant or witness to give a testimony which is different from what can be regarded as a free expression of their thoughts.

Article 167

Section (1)

To ensure smoothness in the examination of witnesses, a judge) chairman of a court session may consider sometimes that a witness whose testimony has been heard will not be of advantage to the next witness when he/she gives his/her testimony, so that he finds it necessary that the first witness temporary leave the court room when the next one is about to give his/her testimony.

Section (2)

A defendant or public prosecutor sometimes object to a witness being ordered to temporarily leave the court room as mentioned in section (1), because for instance his/her presence is considered necessary in order that he/she can hear the testimony of the next witness for the sake of the completeness of the testimonials

Section (3)

Sufficiently clear.

Article 168

Sufficiently clear.

Article 169

Sufficiently clear.

Article 170

Section (1)

A job or function which calls for an obligation to guard a secret is determined by a law regulation.

Section (2)

If there are no provisions of a law regulation for determining the job or occupation, then as provided for in this section, it is the judge who will determine whether or not a reason given for achieving such freedom is valid.

Article 171

Considering the fact that children under fifteen years of age, and also mental patients, neurotics and psychopaths cannot be fully accounted for under criminal law, no oath or pledge can be taken for their testimonies, so that their statements can only be used as directives.

Article 172

Sufficiently clear.

Article 173

If a judge thinks that a witness will feel pressed or not free in giving his/her testimony in the presence of a defendant, the judge in guarding against undesirable things can order the defendant to temporarily leave the court room while the judge is posing questions to the witness.

Article 174

Sufficiently clear.

Article 175

Sufficiently clear.

Article 176
Sufficiently clear.

Article 177
Sufficiently clear.

Article 178
Sufficiently clear.

Article 179
Sufficiently clear.

Article 180
Sufficiently clear.

Article 181
Sufficiently clear.

Article 182
Section (1)
Letter a
Sufficiently clear.
Letter b
Sufficiently clear.
Letter c
In case the defendant cannot write, the clerk notes down his defence.
Section (2)
The session is reconvened to collect additional data to serve as consultation materials for the judges.
Section (3)
Sufficiently clear.
Section (4)
Sufficiently clear.
Section (5)
Sufficiently clear.
Section (6)
If there is no concurrence of opinions, another opinion from one of the judges in the council should be noted down in the report on the council's session which is secret in character.
Section (7)
Sufficiently clear.

Section (8)

Sufficiently clear.

Article 183

This provision is to guarantee that truth, justice and legal certainty will be upheld for a person.

Article 184

In a quick trial procedure, it is sufficient that the conviction of a judge is supported by one legal evidence material.

Article 185

Section (1)

The testimony of a witness does not include information obtained from another person or a ***testimonium de auditu****.*

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

The purpose of this section is to remind the judge of the need that a witness is truly free, honest and objective in giving his/ her testimony.

Section (7)

Sufficiently clear.

Article 186

This expert testimony could have been given also at the time of examination by the investigator or public prosecutor which is contained in a form of report prepared under the shadow of the oath he has taken when accepting the job or occupation.

If the testimony is not given at the time of examination by the investigator or public prosecutor, then it must be asked during the court examination and noted down in the trial record.

The testimony must be given following the administration of an oath or pledge before the judge.

Article 187

Letter a

Sufficiently clear.

Letter b

What is meant by a letter prepared by an official, includes a letter issued by a competent council for that purpose.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Article 188

Sufficiently clear.

Article 189

Sufficiently clear.

Article 190

Sufficiently clear.

Article 191

Section (1)

What is meant by "the act he is alleged to have committed has not been legally and convincingly proved" is that there is not enough evidence in the opinion of the judge from the evidence materials used according to the provisions of this law on criminal procedure.

Section (2)

Sufficiently clear.

Section (3)

If a defendant is still kept in detention for another legal reason, this reason must be clearly explained to the chairman of the court of first instance concerned as controller and supervisor of the implementation of the court's decision.

Article 192

Sufficiently clear.

Article 193

Section (1)

Sufficiently clear.

Section (2)

Letter a

The order for the detention of a defendant as intended is when the judge of the court of first instance which has passed the verdict considers such detention necessary because of the concern that so long as the court's decision has not yet acquired permanent legal force, the defendant will escape, damage or destroy evidence materials and/or commit another criminal act.

Letter b

Sufficiently clear.

Article 194

Section (1)

Sufficiently clear.

Section (2)

The ruling about the return of the goods is based for instance on the fact that they are very much needed for earning a living, such as vehicles, agricultural implements and so on.

Section (3)

The delivery of the evidence materials can be effected although the court's decision has not yet acquired permanent_legal force but on certain conditions, among other things that they can be brought before the court any time undamaged.

Article 195

Sufficiently clear.

Article 196

Section (1)

This section is taken from the principle contained in article 16 of Act No. 14/1970. As provisions on "examination" have been arranged earlier, this section only regulates the aspect of "deciding a case".

Section (2)

After its pronouncement, the decision becomes effective for the defendants, whether or not they are present.

The purpose of this section is to protect the interests of the defendants who are present and to guarantee legal certainty as a whole in this case.

Section (3)

The purpose of this notification is to make a defendant his rights.

Article 197

Section (1)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

What is meant by "facts and situations" here is all that there is and that is found in the session by the parties involved in the process, among others the public prosecutor, witness, expert, defendant, legal adviser and the victim witness.

Section (2)

What is meant by "on behalf" of the public prosecutor to the investigator is for the sake of law. In case the public prosecutor is present, this does not reduce the value of said "on behalf".

Section (3)

Sufficiently clear.

Article 206

Sufficiently clear.

Article 207

Section (1)

Letter a

The purpose of the notification is in order that the defendant can meet his obligation to come to the court session on the designated day, date, hour and place.

Letter b

As befits a quick trial procedure, the trial is conducted on the same day.

Section (2)

Letter a

Because of their speedy settlement, cases judged according to the quick trial procedure are noted down at the same time in the register with each of them numbered for their settlement in succession.

Letter b

This provision given certainty that in the judgment according to the quick trial procedure there is no need for an indictment prepared by a public prosecutor as is the case with the trial according to the normal procedure ; it suffices to write down the alleged criminal act in the register mentioned under letter a.

Article 208

Sufficiently clear.

Article 209

The provision in this article is for the purpose of speeding up the settlement of a case, eventhough with full accuracy.

Article 210

Sufficiently clear.

Article 211

What is meant by a "case of certain violations" is :

a. *the use of the road in a way which can obstruct or endanger traffic order or security or which might cause damage to the road ;*
b. *the use of motor-vehicles without driving license, a vehicle number card, a legal test certificate or other evidence as required by provisions of law regulations on road traffic or if the license etc. are available, they are superannuated.*
c. *letting or allowing a motor vehicle to be driven by a person who has no driving license.*
d. *failure to meet the provisions of law regulations on road traffic in such matters as numbering, lighting, tools, equipment, loading capacity and coupling with another vehicle.*
e. *allowing a motor vehicle to be on the road without a legal plate number, in line with the vehicle number card concerned.*
f. *violating the order given by a road traffic officer and/or ignoring road traffic lights, signs etc.*
9. *violating provisions on allowable measurements and load, ways of taking in and dropping passengers and/or ways of loading and unloading goods.*
h. *violating route permits and regulations on the types of vehicles allowed to operate on designated roads.*

Article 212

Sufficiently clear.

Article 213

Different from the trial according to the normal procedure, a defendant is allowed to be represented by someone else at the trial for road traffic violations.

Article 214

Sufficiently clear.

Article 215

In line with the meaning contained in the quick trial procedure, everything proceeds with speed and immediacy, so that confiscated goods must be returned to the party most entitled immediately after the order for the execution of the court's decision has been issued.

Article 216

Sufficiently clear.

Article 217

Sufficiently clear.

Article 218

The task of a court is a noble one, as it involves responsibility not only to the law, fellow human beings and to itself, but also to God Almighty. Therefore, everyone is obliged to honour the prestige of this institute, this is especially true for those who are present in a court room while a trial is in progress, when they should show a respectful attitude and do not disturb or obstruct the trial session with their behavior.

Article 219

What is meant by "security officer" in this article is a state police official of the Republic of Indonesia and without reducing his authority he is obliged in the performance of his task to follow the directives of the chairman of the court of first instance concerned.

Article 220

Sufficiently clear.

Article 221

Sufficiently clear.

Article 222

Sufficiently clear.

Article 223

Sufficiently clear.

Article 224

The safekeeping of the court's decision covers the entire dossier of the case concerned.

Article 225

Sufficiently clear.

Article 226

Section (1)

Sufficiently clear.

Section (2)

The copy of a verdict can be provided free of charge.

Section (3)

The provision in this section must not be applied in such a way to constitute an additional penalty as intended by the Law-Book on the Penal Code.

Article 227

Sufficiently clear.

Article 228

Each period designated in this law is always counted as from the day following the day that an announcement, order or decision is issued.

Article 229

Sufficiently clear.

Article 230

Sufficiently clear.

Article 231

Sufficiently clear.

Article 232

Sufficiently clear.

Article 233

Section (1)

Sufficiently clear.

Section (2)

By taking into account article 233 section (1) and article 234 section (1) may not accept an appeal case which cannot be appealed or a request for appeal submitted after the expiry of the designated time limit.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 234

Sufficiently clear.

Article 235

Sufficiently clear.

Article 236

Section (1)

The purpose of providing a time limit of fourteen days is to avoid the appeal case from being piled up in the court of first instance and that it be passed on immediately to a high court.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 237

Sufficiently clear.

Article 238

Section (1)

Sufficiently clear.

Section (2)

If in a criminal case a defendant according to law can be detained, then since the submittance of his appeal request, it is the high court which is competent to decide whether or not he should be detained.

If the detention of an appellant has reached a duration which is the same as the penalty imposed on him by the court of first instance, he must be released immediately.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 239

Sufficiently clear.

Article 240

Section (1)

Improvement of a trial in case of a negligence in the application of procedural law must be carried out by the court of first instance itself.

Section (2)

Sufficiently clear.

Article 241

Sufficiently clear.

Article 242

Sufficiently clear.

Article 243

Sufficiently clear.

Article 244

Sufficiently clear.

Article 245

Sufficiently clear.

Article 246

Sufficiently clear.

Article 247

Sufficiently clear.

Article 248

Sufficiently clear.

Article 249

Sufficiently clear.

Article 250

Sufficiently clear.

Article 251

Sufficiently clear.

Article 252

Sufficiently clear.

Article 253
Sufficiently clear.

Article 254
Sufficiently clear.

Article 255
Sufficiently clear.

Article 256
Sufficiently clear.

Article 257
Sufficiently clear.

Article 258
Sufficiently clear.

Article 259
Sufficiently clear.

Article 260
Sufficiently clear.

Article 261
Sufficiently clear.

Article 262
Sufficiently clear.

Article 263
This article contains a reason to be used in a limitative way to request a review of a court's decision on a criminal case which has acquired permanent legal force.

Article 264
Sufficiently clear.

Article 265
Sufficiently clear.

Article 266
Sufficiently clear.

Article 267

Sufficiently clear.

Article 268

Sufficiently clear.

Article 269

Sufficiently clear.

Article 270

Sufficiently clear.

Article 271

Sufficiently clear.

Article 272

The provision as intended in this article provides that penalties imposed in succession must be served by the convicted in succession and continuously between one penalty and the other.

Article 273

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The period of three months in this section is in consideration of matters which cannot possibly be arranged within a short time.

Section (4)

The extension of time as intended in this section should not result in a delay in the performance of the auction.

Article 274

Sufficiently clear.

Article 275

As the defendants in the case as intended in this article are penalized together as they are guilty of having committed criminal acts in the same case, it is only proper if trial expenses and/or indemnities are borne by them together in a proportionate way.

Article 276

Sufficiently clear.

Article 277
Sufficiently clear.

Article 278
Sufficiently clear.

Article 279
Sufficiently clear.

Article 280
Sufficiently clear.

Article 281
The information as intended in this article is arranged in a designated form.

Article 282
Sufficiently clear.

Article 283
Sufficiently clear.

Article 284
Section (1)
Sufficiently clear.
Section (2)
a. What is meant by all cases are cases which have been delegates to the court.
b. What is meant by "special provisions of criminal procedure as mentioned in certain laws" are special provisions on criminal procedure as contained in among other things ;
1. The law on the investigation, prosecution and trial of criminal acts in the economic field (Act No. 7 Drt. of 1955):
2. The law on the elimination of the criminal act of corruption (Act No. 3/1971),
with the notation that all special provisions on criminal procedure as contained in certain laws will be reviewed, amended or revoked within the shortest possible time.

Article 285
This Law-Book on the Code of Criminal Procedure is abbreviated " K.U.H.A.P."

Article 286
Sufficiently clear.