
AUTHORIZED TRANSLATION



THE PRESIDENT OF THE REPUBLIC OF INDONESIA

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 35 OF 2009

REGARDING

NARCOTICS

BY THE MERCY OF THE ONE SUPREME GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering
- a. that to materialize the prosperous, fair, equitable and prosperous Indonesian society materially and spiritually based on Pancasila and the Constitution of the Republic Indonesia of 1945, the quality of Indonesian human resources as one of the capital of national development should be maintained and improved continuously, including their health degree;
 - b. that to improve the health status of Indonesian human resources to materialize the people's welfare, it is necessary to carry out the program to increase the medicine and health services sectors, among others by seeking the availability of certain types of Narcotics



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highly required as medicine as well as carry out the prevention and eradication of the danger of abuse and illicit traffic in Narcotic and Narcotics Precursor;

- c. that Narcotics in one side is a drug or the useful materials in the medical or health services sector and development of science and on the other side it may also generate a very harmful dependence if abused or used without strict and careful control and supervision;
- d. that the importing, exporting, producing, growing, storing, distributing, and/or using Narcotics without strict and careful control and supervision as well as contradictory to the legislation shall constitute a Narcotics crime since it is very harmful and constitutes a great danger to the human being life, community, nation, and state and national resilience of Indonesia;
- e. that the Narcotics crime has been trans-nationally committed by using the high modus operandi, sophisticated technology, supported by a vast organizational network, and has generated a lot of victims, especially among the younger generation of nation that is very endangering the community's, nation, and state life therefore the Law Number 22 of 1997 regarding Narcotics is no longer appropriate to the situation and condition development to eradicate and combat such crime;
- f. that based on the consideration as referred to in items a, b, c, d and e, it is necessary to establish the Law on

Narcotics;

- In view of :
1. Article 5 paragraph (1) and Article 20 of the Constitution of the Republic of Indonesia of 1945;
 2. Law No. 8 of 1976 regarding Ratification of the Single Convention on Narcotic 1961 together with Protocol of 1972 Amending it (State Gazette of the Republic of Indonesia of 1976 No. 36, Supplement to State Gazette of the Republic of Indonesia Number 3085);
 3. Law Number 7 of 1997 regarding Ratification of the United Nations Convention Against Illicit Traffic in Narcotic and Psychotropic Substances, 1988 (State Gazette of the Republic of Indonesia of 1997 Number 17, Supplement to State Gazette of the Republic of Indonesia Number 3673);

At Joint Approval of
HOUSE OF PEOPLE'S REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
and
PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To Stipulate : **LAW REGARDING NARCOTICS**

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law by:



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1. Narcotics shall mean substances or drugs derived from plants or not plants, both synthetic and semi-synthetic, that may cause a decrease or change of consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which is divided into groups as attached to this Law.
2. Narcotic Precursor shall mean a substance or starting material or chemical material that can be used in the manufacturing of Narcotics differentiated in the table as attached to this Law.
3. Production shall mean an activity or process to prepare, process, manufacture, and produce Narcotics directly or indirectly through extraction or non-extraction from the natural source or chemical synthetic or combination thereof, including package and/or change shape of Narcotics.
4. Import shall mean the activity to enter of the Narcotics and Narcotics Precursor into the Customs Area.
5. Export shall mean the activity to exit Narcotics and Narcotics Precursor from the Customs Area.
6. Illicit Traffic of Narcotic and Narcotics Precursor shall mean any activities or series of activity carried out without any rights or illegally stipulated as Narcotics and Narcotics Precursor crime.
7. Import Approval shall mean letter of approval to import the Narcotics and Narcotics Precursor.

8. Export Approval shall mean a letter of approval to export the Narcotics and Narcotics Precursor.
9. Transportation shall mean any activities or series of activities to move Narcotics from one place to another place by using the procedure, modes, or any means of transportation.
10. Large Scale Trader of Pharmaceutical shall mean a company in form of corporate body which have permit to carry out the procurement, storage, and distribution of pharmaceuticals, including Narcotics and medical devices.
11. Pharmaceutical Industry shall mean a company in form of corporate body having permit to carry out the production and distribution activities of drugs and drug ingredients, including Narcotics.
12. Transit Narcotics shall mean the Narcotics transportation from one country to another country through and transit in the territory of the Republic of Indonesia that there are customs offices with or without switching the means of transportation.
13. Narcotic Addicts shall mean people using or abusing the Narcotics and in a state of dependence on Narcotics, physically and psychologically.
14. Narcotics Addiction shall mean a condition characterized by the urge to use Narcotics continuously with increasing doses to produce effects same and if its use is reduced and/or stopped suddenly, causing



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physical symptoms and psychological characteristics.

15. Abuser shall mean people who use narcotics without authority or illegal.
16. Medical Rehabilitation shall mean an integrated process of treatment activity for frees addicts from narcotics addiction.
17. Social Rehabilitation shall mean a recovery activity process in an integrated basis, both physically, mentally and socially, in order that ex-Narcotics addicts re-implement the social function in community's life.
18. Evil Deliberative shall mean an act of two or more persons conspiring or agreeing to perform, carry out, assist, participate and conduct, order, suggest, facilitate, provide consultation, to become a member of a Narcotics crime organization, or organize a Narcotics crime.
19. Wiretapping shall mean an activity or series of activities of inquiry or investigation by tapping the conversation, message, information, and/or communications network carried out via telephone and/or other electronic communication devices.
20. Organized Crime shall mean a crime committed by a structured group consisting of 3 (three) or more persons who have been established for certain period and the joint act with the aim of committed a Narcotics crime.

21. Corporation shall mean an organized group of persons and/or wealth, whether a corporate body or not.
22. Minister shall mean the minister responsible for the government affairs in health sector.

CHAPTER II

BASIS, PRINCIPLE AND OBJECTIVE

Article 2

Law on Narcotics shall be based on Pancasila and the Constitution of the Republic of Indonesia of 1945.

Article 3

Law on Narcotics shall be stipulated based on:

- a. justice;
- b. aegis;
- c. humanitarian;
- d. order;
- e. protection;
- f. security;
- g. scientific values, and
- h. legal certainty.

Article 4

Law on Narcotics shall be intended to:

- a. ensure the availability of Narcotics in the interest of health service and/or science and technology development;
- b. prevent, protect, and save the Indonesian people from Narcotics abuse;



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- c. eradicate the illicit traffic in Narcotic and Narcotics Precursor; and
- d. ensure the regulation of medical and social rehabilitation for Narcotics Abusers and addicts.

CHAPTER III

SCOPE

Article 5

Narcotics set forth herein cover all forms of activity and/or deeds relating to Narcotics and Narcotics Precursor.

Article 6

- (1) Narcotics as referred to in Article 5 are classified into:
 - a. Narcotics Group I;
 - b. Narcotics Group II; and
 - c. Narcotics Group III.
- (2) The classification of Narcotics as referred to in paragraph (1) for the first time was set forth as per Appendix I and formed an integral part hereof.
- (3) The provisions on the change in Narcotics classification as referred to in paragraph (2) shall be governed by the Regulation of the Minister.

Article 7

Narcotics can only be used in the interest of health service and/or science and technology development.

Article 8

- (1) Narcotics Group I shall not be used for the health

service.

- (2) In a limited number, Narcotics Group I can be used for the science and technology development and for diagnostic reagents, as well as laboratory reagents after obtaining approval from the Minister based on the recommendation of the Head of Food and Drug Administration Board.

CHAPTER IV PROCUREMENT

Part One Annual Need Plan

Article 9

- (1) The Minister shall secure the availability of Narcotics for health service and/or science and technology development.
- (2) In the interest of the Narcotics availability as referred to in paragraph (1), it was prepared a Narcotics annual need plan.
- (3) Narcotics annual need plan as referred to in paragraph (2) shall be prepared based on the data on recording and reporting of the annual production plan and realization audited comprehensively and used as guideline on procurement, control, and supervision of Narcotics nationally.
- (4) Further provisions on the preparation of the Narcotics annual need plan shall be regulated by the Regulation



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of the Minister.

Article 10

- (1) Narcotics for the domestic need shall be gained from import, domestic production, and/or other sources by complying with the Narcotics annual need plan as referred to in Article 9 paragraph (3).
- (2) Further provisions on the preparation of the Narcotics annual need plan as referred to in Article 9 and the domestic need for Narcotics as referred to in paragraph (1) shall be regulated by Regulation of the Minister.

Part Two Production

Article 11

- (1) The Minister shall issue the special permit to produce the Narcotics to certain Pharmaceutical Industry already having licenses according to the provisions in the legislation after audit by the Food and Drug Administration Board.
- (2) The Minister shall control over the Narcotics production according to the Narcotics annual need plan as referred to in Article 9.
- (3) The Food and Drug Administration Board to the raw material, production process, and the end result of Narcotics production according to the Narcotics annual need plan as referred to in Article 9.

- (4) Further provisions on the procedures of the issue of permit and control as referred to in paragraph (1) and paragraph (2) shall be regulated by Regulation of the Minister.
- (5) Further provisions on the procedures of supervision as referred to in paragraph (3) shall be regulated by the Regulation of Head of the Food and Drug Administration Board.

Article 12

- (1) It is prohibited to produce and/or use the Narcotics Group I in the production process, except in very limited quantity for the science and technology development.
- (2) The control of production of Narcotics Group I in the interest of science and technology development as referred to in paragraph (1) shall be made strictly by Food and Drug Administration Board.
- (3) Further provisions on the procedure of the production organization and/or use in production with very limited quantities in the interest of the science and technology development as referred to in paragraph (1) shall be regulated by Regulation of the Minister.



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Part Three

Narcotics for Science and Technology

Article 13

- (1) The science institution in form of education and training as well as research and development institution organized by the government or private may obtain, plant, store, and use the Narcotics in the interest of science and technology after obtaining the Minister's permit.
- (2) Further provisions on the terms and procedure to obtain the permit and use of Narcotics as referred to in paragraph (1) shall be regulated by Regulation of the Minister.

Part Four

Storage and Reporting

Article 14

- (1) Narcotics under the control of the Pharmaceutical Industry, pharmaceutical wholesalers, government pharmaceutical storage facility of, dispensary, hospital, community health centers, clinic, doctor, and scientific institution shall be deposited specially.
- (2) Pharmaceutical Industry, pharmaceutical wholesalers, government pharmaceutical storage facility of, dispensary, hospital, community health centers, clinic, doctor, and scientific institution shall make, submit, and store the periodical report on entry and/or exit of

Narcotics under their control.

- (3) Further provisions on the procedure on special storage as referred to in paragraph (1) and the duration, form, content, and procedure of reporting as referred to in paragraph (2) shall be regulated by Regulation of the Minister.
- (4) The violation of the provisions on the storage as referred to in paragraph (1) and/or provisions on reporting as referred to in paragraph (2) shall be subjected to the administrative sanction by the Minister based on the recommendation of the Head of Food and Drug Administration Board in terms of:
 - a. admonition;
 - b. warning;
 - c. administrative penalty;
 - d. suspension; or
 - e. revocation of permit.

CHAPTER V IMPORT AND EXPORT

Part One

Special Permits and Approval of Import

Article 15

- (1) The Minister shall issue the permit to 1 (one) state-owned pharmaceutical wholesaler company already having permit as an importer according to the provisions of the legislation to carry out the import of Narcotics.



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- (2) In certain condition, the Minister may issue permit to the other companies from the state-owned company as referred to in paragraph (1) having permit as an importer according to the provisions of legislation to carry out the import of Narcotics.

Article 16

- (1) The Narcotics Importer shall have Approval of Import from the Minister whenever carrying out import of Narcotics.
- (2) The Approval of Import of Narcotics as referred to in paragraph (1) shall be issued based on the audit finding of the Head of Food and Drug Administration Board to the need plan and production realization and/or use of Narcotics.
- (3) Approval of Import of Narcotics Group I in very limited quantity shall only be given for the science and technology development.
- (4) The Approval of Import as referred to in paragraph (1) shall be submitted to the government of exporting country.

Article 17

Narcotics import shall be made based on the approval of the government of exporting country and such approval shall be stated in the valid document according to the provisions of legislation in the exporting country.

Part Two
Special Permit and Export Approval

Article 18

- (1) The Minister shall issue the permit to 1 (one) state-owned pharmaceutical wholesaler company already having permit as an exporter according to the provisions of the legislation to carry out the import of Narcotics.
- (2) In certain condition, the Minister may issue permit to the other companies from the state-owned company as referred to in paragraph (1) having permit as an exporter according to the provisions of legislation to carry out the export of Narcotics.

Article 19

- (1) The Narcotics Exporter shall have Approval of Export from the Minister whenever carrying out export of Narcotics.
- (2) To obtain an Approval of Export of Narcotic as referred to in paragraph (1), the applicant shall append the approval from the importing country.

Article 20

Narcotics export shall be made based on the approval of the government of importing country and such approval shall be stated in the valid document according to the provisions of legislation in the importing country.

Article 21

Import and export of Narcotic and Narcotics Precursor shall only be made through certain customs area opened for



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foreign trade.

Article 22

Further provisions on the requirements and procedures to obtain Import Approval and Export Approval shall be regulated by the Regulation of the Minister.

Part Three

Transportation

Article 23

The legislation on goods transportation shall remain effective for Narcotics transportation, unless stipulated otherwise herein or regulated later on based on the provisions herein

Article 24

- (1) Every transportation of imported Narcotics shall be equipped with the valid approval document or a letter of Narcotics according to the provisions of legislation in the exporting country and Narcotics Import Approval issued by the Minister.
- (2) Every transportation of exported Narcotics shall be equipped with the Narcotics Export Approval issued by the Minister and the valid Narcotics imports approval document according to the provisions of legislation in the importing country.

Article 25

The person in charge of Narcotics import carrier entering the territory of the Republic of Indonesia shall bring and be responsible for the completeness of Narcotics Import Approval issued by the Minister and the valid approval document or letter of Narcotics export according to the provisions of legislation in the exporting country.

Article 26

- (1) The Narcotics Exporter shall provide the Narcotics Export Approval issued by the Minister and Narcotics Import Approval document or letter according to the provisions of regulations legislation in the importing country to the person responsible for export transportation line.
- (2) The person responsible for export transportation line shall provide the Narcotics Export Approval issued by the Minister and Narcotics Import Approval document or letter according to the provisions of regulations legislation in the importing country to the person in charge of transportation.
- (3) The person in charge of Narcotics export shall bring and be responsible for the completeness of Narcotics Export Approval issued by the Minister and the valid Narcotics Import Approval document or letter according to the provisions of legislation in the importing country.



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Article 27

- (1) Narcotics transported shall be stored on the first opportunity in a special package or in a safe place on the ship sealed by the master witnessed by the sender.
- (2) The Master shall prepare the minutes of Narcotics cargoes transported.
- (3) The master within not later than 1 x 24 (one time twenty-four) hours after arrived at the port of destination shall report the Narcotics loaded in his ship to head of local customs office.
- (4) The unloading of Narcotics cargoes shall be carried in the first chance by the master witnessed by the customs officials.
- (5) The master knowing the Narcotics without document or Export Approval or Import Approval on the ship shall prepare the minutes, take safeguarding act, and in the first port stopover, immediately report and deliver the Narcotics to the competent parties.

Article 28

The provisions as referred to in Article 27 shall also apply to the flight captain for air transportation.

Part Four

Transit

Article 29

- (1) Transit Narcotics shall be equipped by the document or

valid Narcotics Export Approval issued by the government of exporting country and the document or valid Narcotics Import Approval issued by the government of importing country according to the provisions of legislation applicable in the exporting and importing countries.

- (2) The Documents or Narcotics Export Approval issued by the government of exporting country and document or Narcotics Import Approval as referred to in paragraph (1) shall at least contain the information on:
- a. name and address of Narcotics exporter and importer;
 - b. type, shape, and the quantity of Narcotics; and
 - c. Narcotics export destination countries.

Article 30

Any changes of Narcotics export countries of destination in Transit Narcotics can only be made after the approval of:

- a. government of Narcotics exporting country;
- b. governments of Narcotics importing country, and
- c. government of country of destination of Narcotics export changed.

Article 31

Repackaging of Narcotics in Narcotics Transit can only be made to the original package of Narcotics experiencing damage and shall be under supervision of Customs officials and officials of Food and Drug Administration Board.

Article 32

Further provisions on Transit Narcotics activities shall be regulated by the Government Regulation



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Part Five
Examination

Article 33

The government shall examine the completeness of Narcotics import, export, and/or Transit documents.

Article 34

- (1) The Narcotics Importers in examining the Narcotics imported shall be witnessed by Food and Drug Administration Board and shall report the results thereof to the Minister within not later than 3 (three) business days as of the receipt date of Narcotics import in the company.
- (2) Based on the reports as referred to in paragraph (1), the Minister shall submit the results of Narcotics import receipt to the government of exporting country.

CHAPTER VI
CIRCULATION

Part One
General

Article 35

Circulation of Narcotics shall cover any activity or series of activities of Narcotics distribution or delivery, for trading, not for trading or transfer, in the interest of health service and science and technology development.

Article 36

- (1) Narcotics in form of medicines can only be circulated after obtaining the circulation permit from the Minister.
- (2) Further provisions on requirements and procedures of the Narcotics circulation permit in form of finished drug as referred to in paragraph (1) shall be regulated by Regulation of the Minister.
- (3) To obtain the circulation permit of the Minister, the Narcotics in form of finished drug as referred to in paragraph (1) shall be through the registration in the Food and Drug Administration Board.
- (4) Further provisions on the requirements and procedure of registration of Narcotics in form of finished drug as referred to in paragraph (3) shall be regulated by the Regulation of Head of Food and Drugs Administration Board.

Article 37

Narcotics Group II and Group III in form of raw material, whether natural or synthetic, used for drug production shall be regulated by Regulation of the Minister.

Article 38

Every Narcotics circulation activity shall be equipped by a valid document.



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Part Two

Distribution

Article 39

- (1) Narcotics can only be distributed by the Pharmaceutical Industry, pharmaceutical wholesalers, and government pharmaceutical storage facility according to the provisions hereof.
- (2) Pharmaceutical Industry, pharmaceutical wholesalers, and government pharmaceutical storage facility as referred to in paragraph (1) shall have a special permit of Narcotics distribution issued by the Minister.

Article 40

- (1) Certain Pharmaceutical Industry can only distribute the Narcotics to:
 - a. certain pharmaceutical wholesaler;
 - b. dispensary;
 - c. certain government pharmaceutical storage facility; and
 - d. hospital.
- (2) Certain pharmaceutical wholesaler can only distribute the Narcotics to:
 - a. certain other pharmaceutical wholesaler;
 - b. dispensary;
 - c. certain government pharmaceutical storage facility;
 - d. hospital; and
 - e. science institutions.

- (3) The certain government pharmaceutical storage facility can only distribute the Narcotics to:
- a. general hospital;
 - b. community health center; and
 - c. certain government clinic.

Article 41

Narcotics Group I can only be distributed by certain pharmaceutical wholesalers to certain science institution in the interest of science and technology development.

Article 42

Further provisions on the requirements and procedure of Narcotics distribution procedure shall be regulated by the Regulation of the Minister.

Part Three Delivery

Article 43

- (1) The delivery of Narcotics can only be made by:
- a. dispensary;
 - b. hospital;
 - c. community health center;
 - d. clinic; and
 - e. doctor.
- (2) Dispensary can only deliver the Narcotics to:
- a. hospital;
 - b. community health center;
 - c. other dispensary;
 - d. clinic;



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- e. doctor; and
 - f. patient.
- (3) Hospitals, dispensary, community health center, and clinic can only deliver the Narcotics to the patient under a doctor's prescription.
- (4) the delivery of Narcotics by a doctor can only be made to:
- a. carry out the doctor practices by providing Narcotics by injection;
 - b. help the sick people in emergency by providing Narcotics through injection; or
 - c. perform the task in remote areas having no dispensary.
- (5) Narcotics in form of injection in certain quantity submitted by a doctor as referred to in paragraph (4) can only be gained in the dispensary.

Article 44

Further provisions on the requirements and procedure of delivery of Narcotics as referred to in Article 43 shall be regulated by Regulation of the Minister.

CHAPTER VII LABEL AND PUBLICATION

Article 45

- (1) The Pharmaceutical Industry shall put the label on the Narcotics package, whether in form of Narcotics finished drug and raw material.

- (2) The label on Narcotics package as referred to in paragraph (1) may be in form of inscription, drawing, combination of inscription and drawing, or other form included on the package or put into the package, attached, or constituting the part of container, and/or package.
- (3) Any information contained in the label on Narcotics package shall be complete and not misleading.

Article 46

Narcotics can only be published in the medical science printed media or pharmaceutical scientific printed media.

Article 47

Further provisions on the requirement and procedure of labeling and publication as referred to in Article 45 and Article 46 shall be regulated by Regulation of the Minister.

CHAPTER VIII

NARCOTICS PRECURSORS

Part One

Objective of Regulation

Article 48

The precursor regulation herein shall be intended to:

- a. protect the public from the dangers of Narcotics Precursor abuse;
- b. prevent and combat illicit traffic of Narcotics Precursor;
and
- c. prevent leakage and deviation of Narcotics Precursor.



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Part Two

Classification and Types of Narcotics Precursor

Article 49

- (1) Narcotics Precursor as referred to in Article 5 were classified into Precursor Table I and Precursor Table II in Appendix hereto.
- (2) Classification of Narcotics Precursor as referred to in paragraph (1) for the first time shall be stipulated as per Appendix II and forming integral part hereof.
- (3) Provisions on the change of classification of Narcotics Precursor as referred to in paragraph (2) shall be regulated by the Regulation of the Minister after making coordination with the relevant minister.

Part Three

Annual Need Plan

Article 50

- (1) The Government shall prepare the annual need plan of the Narcotics Precursor in the interest of pharmaceutical industry, non pharmaceutical industry, and science and technology.
- (2) Annual need plan as referred to in paragraph (1) shall be prepared based on the quantity of inventories, forecast need, and the national use of Narcotic Precursor.
- (3) Further provisions on the requirement and procedure of the preparation of the annual need plan of Narcotics

Precursor as referred to in paragraph (1) and paragraph (2) shall be regulated by Regulation of the Minister after making coordination with the relevant minister.

Part Four
Procurement

Article 51

- (1) The procurement of Narcotics Precursor shall be made through the production and import.
- (2) The procurement of Narcotics Precursor as referred to in paragraph (1) can only be used for pharmaceutical industry, non pharmaceutical industry, and science and technology.

Article 52

The provisions on the requirements and procedure of the production, import, export, distribution, recording and reporting, as well as supervision of the Narcotics Precursor shall be regulated by Government Regulation.

CHAPTER IX
MEDICATION AND REHABILITATION

Part One
Medication

Article 53

- (1) In the interest of medication and based on the medical indication, the medical doctor may provide Narcotics Group II or Group III in limited quantity and certain preparations to the patient according to the provisions



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of legislation.

- (2) The patient as referred to in paragraph (1) may have, store, and/or carry Narcotics for himself.
- (3) The patient as referred to in paragraph (2) shall have valid evidence that the Narcotics owned, stored, and/or carried for use are legally obtained according to provisions of legislation.

Part Two Rehabilitation

Article 54

Narcotics addicts and victims of Narcotics abuse shall undergo the medical rehabilitation and social rehabilitation.

Article 55

- (1) The parent or guardian of the Narcotic Addict that is still minor shall report to the community health center, hospital, and/or medical rehabilitation and social rehabilitation institution so appointed by the Government to obtain medication and/or treatment through the medical rehabilitation and social rehabilitation.
- (2) The Narcotics addicts who are adult shall report themselves or be reported by the families to the community health center, hospital, and/or medical rehabilitation and social rehabilitation institutions so appointed by the Government to obtain medication

and/or treatment through medical and social rehabilitation.

- (3) The provisions on the obligation to report as referred to in paragraph (1) and paragraph (2) shall be regulated by the Government Regulation.

Article 56

- (1) The medical rehabilitation of Narcotics Addicts shall be carried out in the hospital designated by the Minister.
- (2) Certain rehabilitation institution organized by the government agency or community may carry out the medical rehabilitation of Narcotics Addict after obtaining approval of the Minister.

Article 57

Besides to the medication and/or medical rehabilitation, the healing of Narcotic Addict may be organized by the government agencies or the community through the religious and traditional approaches.

Article 58

Social rehabilitation of ex Narcotics addicts shall be organized by the government and community.

Article 59

- (1) The provisions as referred to in Article 56 and Article 57 shall be regulated by Regulation of the Minister.
- (2) The provisions as referred to in Article 58 shall be regulated by Regulation of the Minister responsible for social government affairs.



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CHAPTER X BUILDING AND SUPERVISION

Article 60

- (1) The Government shall build all activities relating to Narcotics.
- (2) The building as referred to in paragraph (1) shall cover any programs to:
 - a. fulfill the availability of Narcotics in the interest of health service and/or science and technology development;
 - b. prevent Narcotics abuse;
 - c. prevent youth and school-age children in narcotics abuse, including by incorporating the education relating to Narcotics in the elementary school until advanced level curriculum;
 - d. encourage and support the research and/or science and technology development activities in Narcotics field in the interest of health services; and
 - e. improve the capability of medical rehabilitation institution for Narcotics Addicts, both organized by the government and community.

Article 61

- (1) The Government shall supervise all activities relating to Narcotics.
- (2) The supervision as referred to in paragraph (1) shall cover:
 - a. Narcotics and Narcotics Precursor in the interests

- of health services and/or science and technology development;
- b. potential tools that can be abused to commit criminal acts of Narcotics and Narcotics Precursor;
 - c. evaluation of safety, efficacy, and quality of products before circulation;
 - d. production;
 - e. import and export;
 - f. circulation;
 - g. labeling;
 - h. information; and
 - i. research and science and technology development.

Article 62

Further provisions on the development as referred to in Article 60 and supervision as referred to in Article 61 shall be regulated by Government Regulation.

Article 63

The government shall enter into cooperation with the other countries and/or international bodies bilaterally and multilaterally, regionally and internationally for building and supervision of Narcotics and Narcotics Precursor according to the national interest.



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CHAPTER XI PREVENTION AND ERADICATION

Part One Position and Domicile

Article 64

- (1) In order to prevent and eradicate the abuse and illicit traffic of Narcotics and Narcotic Precursor, by this Law, it is established the National Narcotics Board, hereinafter abbreviated to BNN.
- (2) BNN as referred to in paragraph (1) constitutes a non ministry government institution under the President and be responsible to the President.

Article 65

- (1) BNN has domicile in the state capital with the working area covers the entire territories of the Republic of Indonesia.
- (2) BNN as referred to in paragraph (1) has representatives in the province and districts/municipals.
- (3) BNN provinces has domicile in provincial capital and BNN districts has domicile in the district/municipal capital.

Article 66

BNN province and BNN district/municipal as referred to in Article 65 paragraph (3) constitutes vertical agency.

Article 67

- (1) BNN shall be chaired by a chief and assisted by a secretary and several deputies.
- (2) Deputy as referred to in paragraph (1) shall be responsible for:
 - a. prevention sector;
 - b. eradication sector;
 - c. rehabilitation sector;
 - d. law and cooperation sector, and
 - e. community empowerment sector.
- (3) Further provisions on the organizational structure and working procedures of BNN shall be regulated by the President Regulation.

Part Two

Appointment and Dismissal

Article 68

- (1) Head of BNN shall be appointed and dismissed by the President.
- (2) The requirements and procedure of appointment and dismissal of Head of BNN as referred to in paragraph (1) shall be regulated by President Regulation.

Article 69

To be proposed as the head of BNN, a nominee shall fulfill the following requirements:

- a. Indonesian National;
- b. pious to God the Almighty;
- c. physically and mentally healthy;



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- d. certified at least strata 1 (one);
- e. experienced at least 5 (five) years in law enforcement and a minimum of 2 (two) years in the eradication of Narcotics;
- f. The highest age 56 (fifty six) years;
- g. competent, honest, have high moral integrity, and has a good reputation;
- h. have never committed a disgraceful act;
- i. not be a political party officials, and
- j. willing to release the structural position and/or other position during his position as head of BNN.

Part Three

Task and Authority

Article 70

BNN shall have task:

- a. to prepare and perform the national policy on prevention and eradication of abuse and illicit traffic in Narcotic and Narcotics Precursor;
- b. prevent and combat abuse and illicit traffic in Narcotic and Narcotics Precursor;
- c. make coordination with the Head of National Indonesian National Police in the prevention and eradication of abuse and illicit traffic in Narcotic and Narcotics Precursor;
- d. enhance the capability of medical rehabilitation and social rehabilitation institutions of Narcotics addicts, whether held by government or society;
- e. empower the communities in the prevention of abuse

- and illicit traffic Narcotics and Narcotics Precursor;
- f. monitor, direct, and enhance the community in prevention activities abuse and illicit traffic in Narcotic and Narcotics Precursor;
 - g. conduct bilateral and multilateral cooperation, both regionally and internationally, in order to prevent and combat illicit traffic in Narcotic and Narcotics Precursor;
 - h. develop laboratory Narcotics and Narcotics Precursor;
 - i. conduct administrative investigation and examination of cases of abuse and illicit traffic in Narcotic and Narcotics Precursor; and
 - j. make an annual report on the implementation of tasks and authority.

Article 71

In performing the task to eradicate the abuse and illicit traffic in Narcotic and Narcotics Precursor, BNN shall be authorized to conduct investigation and examination of abuse and Illicit traffic in Narcotic and Narcotics Precursor.

Article 72

- (1) The authority as referred to in Article 71 conducted by BNN investigator.
- (2) BNN Investigator as referred to in paragraph (1) shall be appointed and dismissed by the Head of BNN.
- (3) Further provisions on the terms and procedure for appointment and dismissal of BNN investigator as referred to in paragraph (2) shall be Regulated by the Head of BNN.



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CHAPTER XII

INVESTIGATION, PROSECUTION, AND EXAMINATION IN COURT SESSION

Article 73

Investigation, prosecution, and examination before the court against the abuse and illicit traffic in Narcotic and Narcotics Precursor shall be based on legislation, unless stipulated otherwise herein.

Article 74

- (1) The cases of abuse and illicit traffic in Narcotic and Narcotics Precursor, including cases preceded than the other case for submission to the court for settlement as soon as possible.
- (2) The process of criminal proceedings of Narcotics and Narcotics Precursor on appeal, appeal, judicial review, and executions, as well as the process of granting clemency, its implementation must be accelerated according to the legislation.

Article 75

To carry out the investigation, BNN investigator shall have authority to:

- a. conduct an investigation of the truth of report as well as statement about the presence of abuse and illicit traffic in Narcotic and Narcotics Precursor;
- b. examine the person or corporation presumed of committing the abuse and illicit traffic Narcotics and Narcotics Precursor;
- c. call people to hear his information as a witness;

- d. order to stop people presumed of committing abuse and illicit traffic in Narcotics and Narcotics Precursor and check the identity card of the suspect;
- e. examine, search, and seize the crime evidence in abuse and Illicit traffic in Narcotic and Narcotics Precursor;
- f. check the mail and/or other documents about the abuse and illicit traffic in Narcotics and Narcotics Precursor;
- g. arrest and detain the person suspected of committing abuse and illicit traffic in Narcotics and Narcotics Precursor;
- h. conduct interdiction of illicit traffic in Narcotics and Narcotic Precursor throughout the national jurisdiction;
- i. conduct wiretaps relating to the abuse and illicit traffic in Narcotics and Narcotics Precursor after there is sufficient initial evidence;
- j. make the covert purchase investigative technique and delivery under supervision;
- k. destroy the Narcotics and Narcotics Precursor;
- l. carry out the urine test, blood test, hair test, dioxiribonucleat acid (DNA) tests, and/or other body parts test;
- m. take fingerprints and photographs of the suspect;
- n. make the transfer of persons, goods, animals, and plants;
- o. open and examine every shipment through the mail and other communications tools suspected of having links with the abuse and illicit traffic Narcotics and Narcotics Precursor;
- p. perform sealing of the Narcotics and Narcotics Precursor seized;



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- q. conduct laboratory tests on samples and evidence of Narcotics and Narcotics Precursor;
- r. ask for help from professionals required in connection with duties of investigation in abuse and illicit traffic in Narcotic and Narcotics Precursor; and
- s. terminate the investigation if there is insufficient evidence of alleged abuse and Illicit traffic in Narcotic and Narcotics Precursor.

Article 76

- (1) The authority of the arrest as referred to in Article 75 item g shall be made within not later than 3 x 24 (three times twenty-four) hours after arrest letter is received by the investigator.
- (2) Arrest as referred to in paragraph (1) may be extended maximum 3 x 24 (three time twenty-four) hours.

Article 77

- (1) Wiretapping as referred to in Article 75 item I shall be carried out after there is evidence beginning of a pretty and done within 3 (three) months as of the receipt of wiretapping letter by the investigator.
- (2) Tapping as referred to in paragraph (1) shall only be implemented at the written consent of chairman of the court.
- (3) Tapping as referred to in paragraph (1) can be extended 1 (one) time for the same period.
- (4) The procedure for wiretapping conducted shall be

according to the provisions of the legislation.

Article 78

- (1) In urgent condition and the Investigator shall perform wiretapping, the wiretapping can be made without a prior written permit from the chief of district court.
- 2) Within not later than 1 x 24 (one time twenty-four) hours, the Investigator must request for permit in writing to the chairman of the district court about the wiretapping as referred to in paragraph (1).

Article 79

the covert purchase investigative technique and delivery under supervision as referred to in Article 75 item j shall be made the Investigator at written instruction from the leadership.

Article 80

BNN investigator as referred to in Article 75 shall also be authorized to:

- a. file directly docket, suspects, and evidence, including property sequestered to the public prosecutor;
- b. instruct to bank or other financial institutions to block the account presumed as the result of abuse and illicit traffic in Narcotic and Narcotics Precursor owned by the suspect or other relevant parties;
- c. get information from the bank or other financial institutions about the financial condition of the suspects examined;
- d. get information from the Financial Transaction Reporting and Analysis Center relating to abuse and



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- illicit traffic in Narcotic and Narcotics Precursor;
- e. request directly to the competent agency to prohibit a person to foreign travel;
 - f. request for the data on wealth and taxes of the suspect to relevant agencies;
 - g. suspend a financial transaction, commercial transaction, and other agreement or revoke temporarily the permit, license, as well as concession committed or owned by the suspect based on the sufficient preliminary evidence has sufficient relation to the abuse and illicit traffic in Narcotic and Narcotics Precursor examined; and
 - h. ask for assistance of Indonesian Interpol or other state law enforcer agency to conduct search, arrest, and seizure of evidence overseas.

Article 81

The Indonesian National Police investigator and BNN investigator shall have authority to carry out investigation against the abuse and illicit traffic in Narcotic and Narcotics Precursor hereunder.

Article 82

- (1) Certain civil servant investigator as referred to in the Law on Criminal Law of Procedure shall have authority to investigate the criminal acts in Narcotics and Narcotics Precursor abuse.
- (2) Certain civil servant investigator as referred to in paragraph (1) in the ministry environment or non

ministry government institution of which the scope of task and responsibility are in Narcotics and Narcotics Precursor shall have authority to:

- a. examine the truth of report as well as information about the presumption of abuse in Narcotics and Narcotics Precursor;
- b. examine the person presumed of committing the abuse in Narcotic and Narcotics Precursor;
- c. request for information and evidence material from the person or legal entity in relation to the abuse in Narcotics and Narcotics Precursor;
- d. examine the evidence material or evidence goods of case of abuse in Narcotics and Narcotics Precursor;
- e. sequestrate the evidence material or evidence goods of case of abuse in Narcotic and Narcotics Precursor;
- f. check the mail and/or other documents about the presumption of abuse in Narcotics and Narcotics Precursor;
- g. ask for assistance of expert for the investigation task of the abuse in Narcotics and Narcotics Precursor; and
- h. arrest persons presumed of committing abuse in Narcotic and Narcotics Precursor.

Article 83

The Investigators may enter into cooperation to prevent and combat the abuse and Illicit traffic in Narcotic and Narcotics Precursor.



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Article 84

In conducting the investigation of abuse and illicit traffic in Narcotic and Narcotics Precursor, the Indonesian National Police investigator shall notify in writing the commencement of investigation to BNN investigator vice versa.

Article 85

In conducting investigation of abuse in Narcotics and Narcotics Precursor, certain civil servant investigator shall make coordination with BNN investigator or the Indonesian National Police investigator according to the Law on Criminal Law of Procedure.

Article 86

- (1) The Investigator may obtain the evidence other than those as referred to in the Law on Criminal Law of Procedure.
- (2) The evidence as referred to in paragraph (1) shall be in form of:
 - a. information uttered, sent, received or stored electronically with optical devices or other similar device; and
 - b. recording data or information that can be seen, read, and/or heard, which can issued with or without the assistance of a facility whether those contained on paper, physical object other than paper or recorded electronically, including but not limited to:
 1. inscription, audio, and/or drawing;
 2. map, draft, photograph or that of the like; or

3. letter, sign, number, symbol, password, or perforation that have meaning, can be understood by those able to read or understand.

Article 87

- (1) The Indonesian National Police investigator or BNN investigator carrying out sequestration of Narcotics and Narcotics Precursor, or those presumed of Narcotics and Narcotics Precursor, or those containing Narcotics and Narcotics Precursor shall perform sealing and make a minutes on sequestration on the sequestration day, at least contain:
 - a. name, type, nature, and amount;
 - b. information on the place, hour, day, date, month and year of sequestration;
 - c. description on the owner or those controlling the Narcotics and Narcotics Precursor; and
 - d. signature and complete identity of investigators carrying out sequestration.
- (2) Investigator as referred to in paragraph (1) shall notify the sequestration to the head of the local state prosecutor within not later than 3 x 24 (three time twenty-four) hours as of the sequestration and submit its carbon copy to the chairman of local district court, Minister, and Head of Food and Drug Administration Board.

Article 88

- (1) Certain civil servant investigator carrying out the sequestration of Narcotics and Narcotics Precursor



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shall prepare the minutes of sequestration and deliver the goods sequestered together with the news show to the investigator or investigators BNN State Police Local Indonesian within not later than 3 x 24 (three times twenty-four) hours since the sequestration and news copy submitted to the chief prosecutor's office show local country, the head of the local courts, the Minister, and Head of the Supervisory Board Food and Drugs.

- (2) Delivery of goods sequestered as referred to in paragraph (1) can be done in time latest 14 (fourteen) days if it relates to areas difficult to reach because geographical factors or transportation.

Article 89

- (1) Investigator as referred to in Article 87 and Article 88 is responsible for storage and security of goods sequestered under its control.
- (2) Further provisions on the requirements and procedures of storage, security, and supervision of Narcotics and Narcotics Precursor seized as referred to in paragraph (1) shall be regulated by Government Regulation.

Article 90

- (1) For the purposes of investigation, prosecution, and examination before the court, Indonesian National Police investigator, BNN investigator, and investigating civil servants aside a small portion of goods sequestered Narcotics and Narcotics Precursor to serve as samples for testing in certain laboratory and

implemented in a period of 3 x 24 (three times twenty-four) hours after the sequestration.

- (2) Further provisions on the requirements and procedures of taking and testing samples in certain laboratory regulated by Government Regulation.

Article 91

- (1) Head of the local public prosecutor after receiving a notice of seizure of goods Narcotics and Narcotics Precursor of the Indonesian National Police investigator or BNN investigators, within a period of 7 (seven) days shall determine the status of goods sequestrated Narcotics and Narcotics Precursor in the interests of proving the case, the interests of science and technology development, importance of education and training, and/or destroyed.
- (2) Goods Sequestrated Narcotic and Precursors which are in storage and security investigator who has been assigned to be destroyed, must be destroyed within not later than 7 (seven) days after receiving the determination extermination of the head of local public prosecutor.
- (3) The Investigator shall make minutes culling within maximum 1 x 24 (one-time twenty-four) hours since the destruction was carried out and submit an official report to BNN or local Indonesian National Police investigator and copies submitted to the chief noted in the local public prosecutor, the chairman local courts, the Minister, and Head of Food and Drug Administration Board.



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- (4) In certain condition, the destruction deadline as referred to in paragraph (2) can extended 1 (one) times for the same period.
- (5) The destruction of sequestered goods as referred to in paragraph (2) performed according to provisions of Article 75 item k.
- (6) Goods sequestered in the interest of science and technology delivered to the Minister and in the interests of education and training submitted to the Head of BNN and Chief of Indonesian National Police within not later than 5 (five) days since receiving the determination from the head of the local public prosecutor.
- (7) Head of BNN and the Chief of Indonesian National Police as referred to in subsection (6) submit a report to the Minister on the use of goods sequestered to importance of education and training.

Article 92

- (1) Investigator Indonesian National Police and investigators must destroy BNN Narcotic plants found within not later than 2 x 24 (two times twenty-four) hours since then found, after a small portion set aside in the interest of investigation, prosecution, examination before the court, and can be set aside in the interest of science and technology development, and in the interest of education and training.
- (2) For Narcotic plants that since the amount and areas

difficult to reach because geographical factors or transportation, extermination carried out within a period of 14 (fourteen) days.

- (3) Destruction of Narcotic and allowance for some plants as referred to in paragraph (1) is done by making an official report that at least the following:
 - a. name, type, nature, and amount;
 - b. description of the place, hour, day, date, month and year was found and carried out destruction;
 - c. description of the owner or the master plant Narcotics; and
 - d. signature and complete identity and an officer or other related parties witnessed the destruction.
- (4) A small plant that is not destroyed Narcotics as referred to in paragraph (1) saved by the investigator for evidentiary purposes.
- (5) A small plant that is not destroyed Narcotics as referred to in paragraph (1) saved by the Minister and the Food and Drug Administration Board in the interest of science and technology development.
- (6) A small plant that is not destroyed Narcotics as referred to in paragraph (1) saved by BNN in the interest of education and training.

Article 93

In addition to the interest as referred to in Article 90, Article 91 and Article 92 in part Narcotics Narcotics or small plants that were seized could be sent to other countries suspected as the origin of Narcotics Narcotics or plants to a laboratory



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for examination disclosure of origin or plant Narcotics Narcotics and circulation network based interstate agreement or based on the principle of reciprocity.

Article 94

Further provisions on the terms and procedure for submission and disposal of sequestered goods as referred to in Article 91 and Article 92 shall be regulated by Government Regulation.

Article 95

The process of investigation, prosecution, and examination before the court does not delay or hinder the delivery of goods sequestered under the terms of the deadline as referred to in Article 90 and Article 91.

Article 96

- (1) If on the basis of court decisions that have obtained permanent legal force proved that the sequestered goods that have been destroyed under the provisions of Article 91 is obtained or are legally owned, the owner of the goods in question are given compensation by Government.
- (2) The amount of compensation as referred to in paragraph (1) shall be determined by the court.

Article 97

For the purposes of investigation or examination before the court, the suspect or defendant shall provide information on all assets and property of the wife, husband, children, and each person or corporation who knows or who allegedly

have links with criminal acts Narcotics and Narcotics Precursor conducted a suspect or defendant.

Article 98

The judge authorized to ask the defendant to prove that all assets and property wives, husbands, children, and every person or corporation does not come from the proceeds of crime Narcotics Narcotics and Precursor by the defendant.

Article 99

- (1) At trial, witnesses and others concerned with criminal cases Narcotics and Narcotic Precursor being in the examination, are prohibited from mentioning name and address of the complainant or the thing that gives the possibility to know the identity of reporting.
- (2) Before the trial opened, the judge reminded the witness and others concerned with criminal case Narcotics and Narcotics Precursor to not perform acts that prohibited as referred to in paragraph (1).

Article 100

- (1) Witnesses, reporters, investigators, public prosecutors, and judges who examine criminal cases Narcotics and Narcotic Precursor and their families must be given protection by the state threats that endanger yourself, soul, and/or property, either before, during and after the case review process.
- (2) Further provisions on procedures of protection by the state as referred to in paragraph (1) shall be regulated by Government Regulation.



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Article 101

- (1) Narcotics, Narcotics Precursor, and equipment or goods used in crime Narcotics and Narcotics Precursor-related or Narcotics and Narcotics Precursor and the results declared forfeited for the state.
- (2) In the event that equipment or goods seized as referred to in paragraph (1) belongs third parties acting in good faith, the owner may file an objection to the expropriation to the court concerned within 14 (fourteen) days after the announcement of the decision of the court of first instance.
- (3) All assets or property that is proceeds of crime Narcotics and Narcotics Precursor and laundering money from criminal acts of Narcotics and Precursor Drugs based on court decisions which have legal power remain seized for the state and used in the interest of:
 - a. implementation of prevention and eradication of illicit abuse Narcotics and Narcotics Precursor; and
 - b. medical and social rehabilitation.
- (4) Further provisions on procedures of the use of property or assets acquired from the proceeds of crime as referred to in paragraph (3) shall be regulated by Government Regulation.

Article 102

Deprivation of assets as referred to in Article 101 can be made at the request of the other state based on agreements

between countries.

Article 103

- (1) The judge who examined the case of Narcotics Addicts can:
 - a. decided to instruct the relevant treatment and/or care through rehabilitation if proved guilty of Narcotics Addicts Narcotics crime; or
 - b. set to the respective ordered to undergo treatment and/or care through the rehabilitation if the addict is not proven guilty Narcotics Narcotics crime.
- (2) The period of treatment and/or treatment for narcotics addicts as referred to in paragraph (1) item a is calculated as the time serving his sentence.

CHAPTER XIII

COMMUNITY PARTICIPATION

Article 104

Communities have the widest opportunity to participate and help prevention and eradication of the abuse and illicit traffic in Narcotic and Narcotics Precursor.

Article 105

Society has the power and responsibility in the prevention and eradication abuse and illicit traffic in Narcotic and Narcotics Precursor.

Article 106

Rights community in the prevention and eradication of the abuse and illicit traffic Narcotics and Narcotic Precursor embodied in the form:



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- a. seek, obtain, and provide information on any alleged criminal act has occurred Narcotics and Narcotics Precursor;
- b. obtain services in finding, obtaining, and provide information about any alleged criminal act has occurred Narcotics and Narcotics Precursor to the enforcement BNN law or who deal with criminal cases Narcotics and Narcotics Precursor;
- c. submit suggestions and opinions in a responsible manner to law enforcement officers or BNN who handle criminal cases Narcotics and Narcotics Precursor;
- d. obtain answers to questions about the report given to enforcement law or BNN;
- e. obtain legal protection at the respective exercise its rights or asked to be present in the judicial process.

Article 107

The community can report to the competent authority or if know of any BNN abuse or illicit traffic in Narcotic and Narcotics Precursor.

Article 108

- (1) Public participation as referred to in Article 104, Article 105 and Article 106 can be formed in a container, which is coordinated by BNN.
- (2) The provisions as referred to in paragraph (1) shall be regulated by the Head of BNN.

CHAPTER XIV

AWARDS

Article 109

Government gives awards to law enforcement and the community had been instrumental in the prevention, combating abuse and illicit traffic in Narcotic and Narcotics Precursor.

Article 110

The award as referred to in Article 109 shall be provided according to the provisions of legislation.

CHAPTER XV

CRIMINAL PROVISIONS

Article 111

- (1) Any person who without right or illegally plant, maintain, posses, store, control, or provide Narcotics Group I in form of vegetation shall be subjected to imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty of minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion dollars).
- (2) In the case of the planting, maintaining, possessing, keeping, possessing or providing Narcotics Group I in form of vegetation as referred to in paragraph (1) has weight of more than 1 (one) kilogram or more than 5 (five) trees, the perpetrator shall be subjected to imprisonment for life or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and



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penalty maximum as referred to in paragraph (1) plus 1 / 3 (one third).

Article 112

- (1) Any person who without right or illegally posses, keep, posses or provide Narcotics Group I not a vegetation shall be subjected to imprisonment of minimum 4 (four) years and maximum 12 (twelve) years and penalty of minimum Rp.800,000,000.00 (eight hundred million rupiahs) and maximum Rp.8.000.000.000,00 (eight billion dollars).
- (2) In the case of deeds own, keep, possess or provide Narcotics Group I not a vegetation as referred to in paragraph (1) weight exceeding 5 (five) grams, the perpetrator shall be subjected to imprisonment for life or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) plus 1 / 3 (one third).

Article 113

- (1) Any person who without right or illegally producing, importing, exporting, or channel the Narcotics Group I, shall be subjected to imprisonment for five (5) years and maximum 15 (fifteen) years and penalty of minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).
- (2) In the event that actions produce, import, export, or distribute Narcotics Group I as referred to in paragraph (1) in form of plant weight exceeds 1 (One) kilogram or

more than 5 (five) in form of a tree trunk or not a vegetation at weight of more than 5 (five) grams, the perpetrator shall be subjected to death sentence, imprisonment for life, or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and penalty of maximum as referred to in paragraph (1) plus $1/3$ (one third).

Article 114

- (1) Any person who without right or illegally offering for sale, sell, purchase, receiving, becoming an intermediary in the sale and purchase, exchange, or submit Narcotics Group I, shall be subjected to imprisonment for life or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and penalty of minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).
- (2) In the case of works offered for sale, sells, buys, mediates in the sale purchase, exchange, surrender, or accept the Narcotics Group I as referred to in paragraph (1) is in form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) in form of trees or vegetation are not weighed 5 (five) grams, the perpetrator shall be subjected to death sentence, imprisonment for life, or imprisonment for minimum 6 (six) years and maximum 20 (twenty) years and maximum penalty as referred to in paragraph (1) plus $1/3$ (one third).



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Article 115

- (1) Any person who without right or illegally to bring, send, transport, or transit Narcotics Group I, shall be subjected to imprisonment for minimum 4 (four) years and maximum 12 (twelve) years and penalty of minimum Rp 800,000,000.00 (eight hundred million rupiahs) and maximum Rp. 8,000,000,000.00 (eight billion dollars).
- (2) In the case of actions brought, sent, transported, or transit the Narcotics Group I as referred to in paragraph (1) in form of plants at weight of more than 1 (one) kilograms or more than 5 (five) tree trunk weighing more than 5 (five) grams, the perpetrator shall be subjected to imprisonment for life or imprisonment for 5 (five) years and maximum 20 (twenty) years and maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 116

- (1) Any person who without right or illegally use the Narcotics Group I against another person or give Narcotics Group I to use someone else, shall be subjected to imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and penalty of maximum Rp. 1,000,000,000.00 (one billion rupiah) and of Rp. 10,000,000,000.00 (ten billion rupiahs).
- (2) In the case of drug use on others or giving Narcotics Group I to use another person as referred to in paragraph (1) cause another person death or

permanent disability, the perpetrator shall be subjected to death sentence, imprisonment for life, or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and the maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 117

- (1) Any person who without right or illegally possess, keep, possess or provide Narcotics Group II, shall be subjected to imprisonment for minimum 3 (three) years and maximum 10 (ten) years and penalty of minimum Rp. 600.000.000,00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).
- (2) In the case of acts possess, store, control, provides Class II Narcotics as referred to in paragraph (1) at weight exceeding 5 (five) grams, the perpetrator shall be subjected to imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) plus 1 / 3 (one third).

Article 118

- (1) Any person who without right or illegally producing, importing, exporting, or channel the Narcotics Group II, shall be subjected to imprisonment of minimum 4 (four) years and maximum 12 (twelve) years and penalty of minimum Rp. 800,000,000.00 (eight hundred million rupiahs) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).
- (2) In the event that actions produce, import, export, or distribute Narcotics Group II as referred to in paragraph



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(1) at weight exceeding 5 (five) grams, actor shall be subjected to death sentence, imprisonment for life, or imprisonment for 5 (five) years and maximum 20 (twenty) years and maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 119

- (1) Any person who without right or illegally offering for sale, sell, purchase, receiving, becoming an intermediary in the sale and purchase, exchange, or submit Narcotics Group II, shall be subjected to imprisonment for minimum 4 (four) years and maximum 12 (two twelve) years and penalty of minimum Rp. 800,000,000.00 (eight hundred million rupiahs) and maximum Rp. 8,000,000,000.00 (eight billion dollars).
- (2) In the case of works offered for sale, selling, buying, receiving, mediates in the sale and purchase, exchange, or submit Narcotics Group II as referred in paragraph (1) at weight exceeding 5 (five) grams, the perpetrator shall be subjected to death sentence, imprisonment for life, or imprisonment for 5 (five) years and maximum 20 (twenty) years and maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 120

- (1) Any person who without right or illegally to bring, send, transport, or transit Narcotics Group II, shall be subjected to imprisonment for 3 (three) years and maximum 10 (ten) years and penalty of minimum Rp.

600,000,000.00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

- (2) In the case of actions brought, sending, transporting, or transit Narcotics Group II as referred to in paragraph (1) weight exceeding 5 (five) grams of the perpetrator shall be sentenced with imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and the maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 121

- (1) Any person who without right or illegally using Class II Narcotics against another person or give Narcotics Group II to use other people, shall be subjected to imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty of minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion dollars).
- (2) In the event that the use of narcotics to others or providing Class II Narcotics to use another person as referred to in paragraph (1) cause another person death or permanent disability, the perpetrator shall be subjected to death sentence, imprisonment for life, or imprisonment for minimum 5 (five) years and maximum 20 (twenty) years and the maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 122

- (1) Any person who without right or illegally possess, keep, possess or provide Narcotics Group III, shall be subjected to imprisonment for two (2) years and



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maximum 7 (seven) years and penalty of minimum Rp. 400.000.000,00 (four hundred million rupiah) and maximum Rp. 3,000,000,000.00 (three billion dollars).

- (2) In the case of acts possess, store, control, provide Class III Narcotics as referred to in paragraph (1) weight exceeding 5 (five) grams, the perpetrator shall be subjected to imprisonment for minimum 3 (three) years and maximum 10 (ten) years and criminal the maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 123

- (1) Any person who without right or illegally producing, importing, exporting, or channel the Narcotics Group III, shall be subjected to imprisonment for at least 3 (three) years and maximum 10 (ten) and penalty of minimum Rp. 600.000.000,00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).
- (2) In the event that actions produce, import, export, or distribute Narcotics Group III as referred to in paragraph (1) weight exceeding 5 (five) grams, actor shall be subjected to imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and the maximum penalty as referred to in paragraph (1) plus 1 / 3 (Third).

Article 124

- (1) Any person who without right or illegally offering for sale, sell, purchase, receiving, becoming an

intermediary in the sale and purchase, exchange, or submit Narcotics Group III, shall be subjected to imprisonment for minimum 3 (three) years and maximum 10 (ten) years and penalty of minimum Rp. 600,000,000.00 (six hundred million rupiah) and of Rp. 5,000,000,000.00 (five billion rupiah).

- (2) In the case of works offered for sale, selling, buying, receiving, mediates in the sale and purchase, exchange, or submit Narcotics Group III as referred to in paragraph (1) at weight exceeding 5 (five) grams, the perpetrator shall be subjected to imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 125

- (1) Any person who without right or illegally to bring, send, transport, or transit Narcotics Group III, shall be subjected to imprisonment for minimum two (2) years and maximum 7 (seven) years and penalty of minimum Rp. 400.000.000,00 (four hundred million rupiah) and maximum Rp. 3,000,000,000.00 (three billion dollars).
- (2) In the case of actions brought, sending, transporting, or transit Narcotics Group III as referred to in paragraph (1) weight exceeding 5 (five) grams of the perpetrator shall be sentenced with imprisonment for minimum 3 (three) years and maximum 10 (ten) years and the maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).



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Article 126

- (1) Any person who without right or illegally use the Narcotics Group III against another person or give Narcotics Group III for use of others, shall be subjected to imprisonment for minimum 3 (three) years and maximum 10 (ten) years and penalty of minimum Rp. 600,000,000.00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).
- (2) In the event that the use of Narcotics on others or giving Narcotics Group III to use another person as referred to in paragraph (1) cause another person death or permanent disability, the perpetrator shall be subjected to imprisonment for minimum 5 (five) years and maximum 15 (fifteen) years and maximum penalty as referred to in paragraph (1) plus 1 / 3 (one third).

Article 127

- (1) Any abusers:
 - a. Narcotics Group I for himself shall be subjected to imprisonment for maximum 4 (four) years;
 - b. Narcotics Group II for themselves shall be subjected to imprisonment for maximum 2 (two) years; and
 - c. Narcotics Group III for themselves shall be subjected to imprisonment for maximum 1 (one) year.
- (2) In deciding the case as referred to in paragraph (1), the judge must consider provisions as referred to in Article 54, Article 55 and Article 103.

- (3) In the event that abusers as referred to in paragraph (1) can be proved or proven as victims of abuse of narcotics, such abusers shall undergo rehabilitation medical and social rehabilitation.

Article 128

- (1) Parents or guardians of minors addict, as referred to in Article 55 paragraph (1) who intentionally failed to report, shall be subjected to imprisonment for 6 (six) months or penalty of minimum Rp. 1,000,000.00 (one million rupiah).
- (2) Narcotic addict who is not old enough and have been reported by a parent or guardian as referred to in Article 55 paragraph (1) no criminal prosecuted.
- (3) Narcotics addicts who have enough life as referred to in Article 55 paragraph (2) who are undergoing medical rehabilitation 2 (two) times the doctors in hospital care and/or medical rehabilitation institution appointed by the government not indicted criminal.
- (4) Hospitals and/or medical rehabilitation institution as referred to in paragraph (3) must fulfill the health standards stipulated by the Minister.

Article 129

Any person without rights or illegally committing the following act shall be subjected to imprisonment for 4 (four) years and maximum 20 (twenty) years and penalty of minimum Rp. 5,000,000,000.00 (five billion rupiah):

- a. possessing, keeping, possessing or providing Narcotics



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- precursor for the manufacture of Narcotics;
- b. producing, importing, exporting, or distributing Narcotics Precursor for Narcotics production;
 - c. offering for sale, sell, buy, receive, be an intermediary in buying and selling, exchanged, or handed over to the manufacture of Narcotics Precursor;
 - d. carrying, sending, transporting, or transit Narcotics Precursor for manufacturing Narcotics.

Article 130

- (1) In the case of criminal acts as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126 and Article 129 made by the corporation, other than imprisonment and fines against managers, a criminal may be imposed against corporate form of criminal penalties by weighting down 3 (three) times from criminal fines as referred to in these Articles.
- (2) In addition to criminal penalties as referred to in paragraph (1), the corporation can be sentenced additional benefits such as:
 - a. revocation of business licenses, and/or
 - b. revocation of legal status.

Article 131

Any person who intentionally did not report any criminal act as referred to in Article 111, Article 112, Article 113, Article

114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, Article 127 paragraph (1), Article 128 paragraph (1), and Article 129 shall be subjected to imprisonment of 1 (one) year or penalty of minimum Rp.50,000,000.00 (fifty million rupiah).

Article 132

- (1) Experimental or evil conspiracy to commit criminal acts of Narcotics and Narcotics Precursor as defined in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126 and Article 129, the perpetrator shall be subjected to imprisonment which same according to the provisions of these Articles.
- (2) In the case of actions as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126 and Article 129 be done in an organized, criminal prison and fined the maximum plus 1 / 3 (one third).
- (3) Weighting crime as referred to in paragraph (2) does not apply to criminal acts threatened with death penalty, imprisonment for life, or imprisonment of 20 (twenty) years.

Article 133

- (1) Every person who orders, giving or promising anything, give the opportunity, advise, provide facilities, forced by



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threat, force with violence, the conduct of deception, or persuading children not old enough to committing a criminal act as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126 and Article 129 shall be subjected to death or imprisonment for life, or imprisonment for 5 (five) years and maximum 20 (twenty) years and penalty of minimum Rp. 2,000,000,000.00 (two billion rupiahs) and maximum Rp. 20,000,000,000.00 (twenty billion dollars).

- (2) Any person who asked, giving or promising anything, give the opportunity, advise, provide facilities, forced by threat, force with violence, the conduct of deception, or persuading children not old enough to Narcotics use, shall be subjected to imprisonment for 5 (five) years and maximum 15 (fifteen) years and penalty of minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).

Article 134

- (1) Narcotics addicts who are old enough and intentionally did not report themselves as referred to in Article 55 paragraph (2) shall be subjected to maximum imprisonment 6 (six) months or penalty of minimum Rp. 2,000,000.00 (two million rupiah).
- (2) The families of the Narcotic Addict as referred to in paragraph (1) who knowingly Narcotic addicts do not

report it shall be subjected to confinement at the latest 3 (three) months or penalty of minimum Rp. 1,000,000.00 (one million rupiah).

Article 135

Pharmaceutical Industry Board which does not implement the obligation as referred to in Article 45, shall be subjected to imprisonment for 1 (one) year and no later than 7 (seven) years and criminal fine of at least Rp. 40.000.000, 00 (forty million dollars) and maximum Rp. 400,000,000.00 (four hundred million rupiah).

Article 136

Narcotics and Narcotics Precursor and the results obtained from the Narcotics crime and/or Narcotics Precursor crime, either in form of movable assets and immovable, tangible or intangible, and the goods or equipment used to commit criminal acts and criminal acts Narcotics Precursor Narcotics seized for countries.

Article 137

Any person who:

- a. placing, paying or spending, left, exchange, hide or disguise, invest, save, donated, bequeathed, and/or transfer money, property, and objects or assets in form of movable or not moving, tangible or intangible that comes from criminal acts of Narcotics and/or Narcotics Precursor offenses, shall be subjected to imprisonment for 5 (five) years and maximum 15 (fifteen) years and penalty of minimum Rp. 1.000.000.000,00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten



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billion rupiahs);

- b. receive placement, payment or expenditure, care, exchange, concealment or impersonation of investment, deposit or transfer, grant, inheritance, property or money, objects or assets in form of movable or immovable, tangible or intangible he knew from Narcotics offenses and/or criminal Narcotics Precursor, shall be subjected to imprisonment for 3 (three) years and maximum 10 (Ten) years and penalty of minimum Rp. 500,000,000.00 (five hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

Article 138

Any person who would hinder or complicate the investigation and prosecution and Narcotics criminal proceedings and/or criminal act in the face of Narcotics Precursor the trial court, shall be subjected to imprisonment of 7 (seven) years and criminal fines maximum Rp. 500,000,000.00 (five hundred million rupiah).

Article 139

Master or master aviator who illegally does not implement the provisions as referred to in Article 27 or Article 28 shall be subjected to imprisonment 1 (one) year and maximum 10 (ten) years and penalty of minimum Rp. 100.000.000,00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiahs).

Article 140

- (1) Investigator civil servants who are illegally does not implement the provisions as referred to in Article 88 and

Article 89 shall be subjected to imprisonment short 1 (one) year and maximum 10 (ten) years and penalty of minimum Rp. 100.000.000,00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah).

- (2) Indonesian National Police investigators and investigators who do not perform BNN provisions as referred to in Article 87, Article 89, Article 90, Article 91 paragraph (2) and paragraph (3), and Article 92 paragraph (1), subsection (2), paragraph (3), and paragraph (4) subject to criminal as referred to in paragraph (1).

Article 141

Head of state prosecutors who are illegally does not carry out the provisions as referred to in Article 91 paragraph (1), shall be subjected to imprisonment for 1 (one) year and maximum 10 (ten) years and penalty of minimum Rp. 100.000.000,00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah).

Article 142

Laboratory workers who falsified test results or not illegally implement mandatory reporting of test results to the investigator or prosecutor, shall be subjected to imprisonment of 7 (seven) years and penalty of minimum Rp.500,000,000.00 (five hundred million rupiah).

Article 143

A witness who gave false testimony in criminal proceedings and Narcotics Precursor of Narcotics in the face of the trial



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court, shall be subjected to imprisonment for a minimum of 1 (one) year and maximum 10 (ten) years and a criminal fine of at least USD \$ 60,000,000.00 (sixty million rupiahs) and maximum USD \$ 600,000,000.00 (six hundred million rupiah).

Article 144

- (1) Any person who within 3 (three) years of repeated criminal acts as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, Article 127 paragraph (1), Article 128 paragraph (1), and Article 129 criminal maximum plus 1 / 3 (one third).
- (2) The threat to the additional 1 / 3 (one third) as referred to in paragraph (1) does not apply for a convicted criminal to death penalty, imprisonment for life, or imprisonment of 20 (twenty) years.

Article 145

Every person who committed the crime of Narcotics and/or criminal act Narcotics Precursor as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, Article 127 paragraph (1), Article 128 paragraph (1), and Article 129 outside the territory of the Republic of Indonesia also applied the provisions of this Law.

Article 146

- (1) Any foreign citizen who committed the crime of Narcotics and/or criminal acts Narcotics Precursor and have undergone criminal as stipulated in the this Law, carried out the expulsion of the territory of the Republic of Indonesia.
- (2) Foreign nationals who have been expelled as referred to in paragraph (1) banned return to the territory of the Republic of Indonesia.
- (3) Foreign nationals who have committed a criminal act of Narcotics and/or criminal acts Narcotics Precursor abroad, were barred from entering the territory of the Republic of Indonesia.

Article 147

Shall be subjected to imprisonment for 1 (one) year and maximum 10 (ten) years and criminal fine of at least Rp. 100.000.000,00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah), for:

- a. leadership of hospitals, community health centers, clinics, storage facilities government-owned pharmaceutical, and pharmacies that distribute the Narcotics Group II and III not in the interest of health services;
- b. head of plant science institute, buy, store, or control Narcotics crop not in the interest of science;
- c. Pharmaceutical industry leaders that produce certain Narcotics Group I was not in the interests of science; or
- d. head of pharmaceutical wholesalers that distribute Narcotics Group I which is not in the interests of



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science or circulate Narcotics Group II and III not in the interest of health services and/or not for the sake development of science.

Article 148

If the decision of criminal penalties as provided for in this Law cannot be paid by criminal offenses Narcotics Precursor and Narcotics, the perpetrator subjected to prison more than 2 (two) years in lieu of criminal penalties that cannot be paid.

CHAPTER XVI

TRANSITIONAL PROVISIONS

Article 149

Upon the effectiveness term hereof:

- a. National Narcotics Agency established under Presidential Regulation Number 83 of 2007 on the National Narcotics Agency, the National Narcotics province, and Narcotics Agency district, declared as BNN, BNN province, and BNN districts based on this Law;
- b. Chief Executive BNN first established as head of BNN based this Law;
- c. Officials and staff of the National Narcotics Agency established under Presidential Regulation Number 83 Year 2007 is based on the officers and employees BNN this Law;
- d. within a period of 6 (six) months from the promulgation of this Law, the structure organization and working procedures of the National Narcotics Agency established pursuant to President Number 83 of 2007

must be adjusted with this Law;

- e. later than 1 (one) year from the promulgation of this Law, the structure organization and working procedures of BNN province and BNN district/municipal established on the basis Presidential Regulation Number 83 of 2007 should have been adjusted by this Law.

Article 150

Programs and activities of the National Narcotics Agency established pursuant to Presidential Number 83 of 2007 which has been implemented but not yet finished, still remain to be run until the completion of programs and activities as referred to include support for its budget.

Article 151

All assets of the National Narcotics Agency established under Presidential Regulation Number 83 of 2007, both located in the province of BNN, BNN and in districts declared as BNN assets under this Law.

CHAPTER XVII

CLOSING

Article 152

All legislations constituting the implementing regulations of the Law Number 22 of 1997 on Narcotics (State Gazette of the Republic of Indonesia of 1997 Number 67, Supplement to State Gazette of the Republic of Indonesia Number 3698) at the time this Law enacted, still remain valid as long as not contrary to and/or has not been replaced with new regulations hereunder.



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Article 153

By effectiveness hereof:

- a. Law Number 22 of 1997 on Narcotics (State Indonesia of 1997 Number 67, Supplementary State Gazette of the Republic of Indonesia Number 3698); and
- b. Attachment of the type of Schedules I and Group II as listed in the Appendix to Law No. 5 of 1997 on Psychotropic Substances (the State Gazette of the Republic of Indonesia of 1997 Number 10, Supplementary State Gazette of the Republic Indonesia No. 3671) which has been transferred to the Narcotics Group I according to this Law, shall be revoked and declared null and void.

Article 154

The implementing regulations of this Law shall have been stipulated within not later than 1 (one) year as of the promulgation hereof.

Article 155

This Law shall become effective as of the promulgation date.

For public cognizance, this Law shall be promulgated by inserting the same in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta

On October 12, 2009 Date

PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta,
on October 12, 2009 Date

MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF
INDONESIA

signed

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2009 NUMBER 143



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**ELUCIDATION TO
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 35 OF 2009
REGARDING
Narcotics**

I. GENERAL

Narcotic is a substance or drug that is very useful and necessary for treatment certain diseases. However, if abused or used not according to the standards treatment can lead to very adverse consequences for the individual or community especially the younger generation. This will be more detrimental if accompanied by Drug abuse and illicit traffic that could result in greater danger great for life and the nation's cultural values, which in turn will be able to weaken national defense.

To prevent and combat abuse and illicit traffic Narcotics very damaging and endangering the life of the community, nation and state, on General Assembly of the People's Consultative Assembly of the Republic of Indonesia Year 2002 through Decree of the People's Consultative Assembly of the Republic of Indonesia Number VI/MPR/2002 has recommend to the House of Representatives and the President of the Republic of Indonesia Republic of Indonesia to make amendment to Law No. 22 of 1997 regarding Narcotics.

Law Number 22 of 1997 regarding Narcotics organize eradication efforts against narcotics crime through the threat of criminal fines, imprisonment, criminal lifetime, and the death penalty. In addition, Law No. 22 of 1997 also regulating the use of narcotics for medical purposes and health and regulating the medical and social rehabilitation. However, in reality acts Narcotics criminal in society shows an increasing trend both quantitatively and

qualitatively with the victims of the widespread, especially among children, adolescents, and young people in general.

Narcotics offenses are no longer carried out individually, but rather involves many people together, even a single organized syndicate with a wide network that works in a neat and very confidential both at the national level and internationally. Based on this in order to increase prevention efforts and Narcotics eradication should be an update on the Constitution Number 22 of 1997 on Narcotics. It is also to prevent any tendency increasing both quantitatively and qualitatively with the victims of the widespread, especially among children, adolescents, and young people in general.

In addition, to protect the public from harm and prevent abuse Narcotics and combating illicit narcotics, in this law will also regulate the Precursor Narcotics Precursor Narcotics as a substance or starting material or material chemicals that can be used in the manufacture of narcotics. In this Law attached on Narcotic Precursor to perform classification of Narcotics Precursor. In addition, the set also on criminal sanctions for abuse Narcotics precursor for the manufacture of Narcotics. For a deterrent effect against perpetrators abuse and illicit traffic in Narcotic and Narcotics Precursor, set about weighting of criminal sanctions, either in form of a special minimum penalty, imprisonment of 20 (twenty) years, imprisonment for life, or capital punishment. Weighting the criminal conducted on the basis of class, type, size, and number of Narcotics.

To more effectively prevent and eradicate abuse and circulation Narcotics and Narcotics Precursor dark, set about strengthening the existing institutional there is the National Narcotics Agency (BNN). BNN is based on Presidential Regulation Number 83 of 2007 regarding National Narcotics Agency, the Provincial Narcotics Agency, and Agency Narcotics District. BNN is a non-structural located under and responsible directly to the President, who only has the duty and function to coordinate. In this Law, the BNN upgraded to



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government agencies non ministry (LPNK) and reinforced authority to conduct the investigation. BNN is located below President and shall responsible to the President. In addition, the BNN also have representatives at provincial and district / city as a vertical institution, namely the provincial and district BNN.

To further strengthen the institutional, also set on all assets or property objects that constitute proceeds of crime in Narcotic and Narcotics and Precursor act laundering money from criminal acts of Narcotics and Narcotics based Precursor court decisions that have obtained permanent legal force for the country and deprived used for the implementation of prevention and combating abuse illicit traffic in Narcotic and Narcotics and Precursor medical and social rehabilitation.

To prevent and combat abuse and illicit traffic in Narcotic and Narcotics Precursor increasingly sophisticated modus operandi, in this Law also set about expanding wiretapping investigation techniques (wiretapping), purchasing techniques covert (under cover buy), and the technique of controlled delivery (controlled delivery), as well as other investigative techniques to track and expose abuses and circulation Narcotics and Narcotics Precursor dark.

In order to prevent and combat abuse and illicit traffic Narcotics and Narcotics Precursor conducted in an organized and has a wide network beyond national borders, in this Law is set on cooperation, both bilaterally, regional, or international.

In this Law also regulated community participation in prevention efforts and combating abuse of Narcotic and Precursor including the provision award for community members who contributed to the prevention and control efforts combating abuse of Narcotic and Precursors. The award provided to law enforcement and the community had been instrumental in efforts to prevent

and combating abuse and illicit traffic in Narcotic and Narcotics Precursor.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

In this provision by "Precursor Drugs" only for the pharmaceutical industry.

Article 6

Paragraph (1)

Item a

In this provision by "Narcotics Group I" shall mean the Narcotics that can only be used for development purposes and not science used in therapy, as well as having very high potential for lead dependence.

Item b

In this provision by "Narcotics Group II" shall mean the Narcotics efficacious treatment is used as a last resort and can be used in therapy and/or for the purpose of development of science and have potential high result in



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dependence.

Item c

In this provision by "Narcotics Group III" shall mean the Narcotics efficacious treatment and is widely used in therapy and/or for purposes development of science and has the potential to cause mild dependence.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What by "classification changes Illegal" shall mean adjusted Narcotics classification based on international agreements and consideration of national interest.

Article 7

The term "health care" to include medical rehabilitation services.

What by "science and technology development" is the use of Narcotics primarily in the interest of treatment and rehabilitation, including for the purposes education, training, research and development and skills held by government agencies perform their duties and functions of supervision, investigation, investigation, and eradication of illicit narcotics. The interests of education, training and skills training is included in the interest of Narcotics dogs from the Indonesian National Police, Customs and Excise and the National Narcotics Board and other agencies.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

The meaning of the Narcotics Group I as:

- a. diagnostic reagents is the Narcotics Group I is in limited use to detect a substance/material being used by someone whether including the type of Narcotics or not.
- b. laboratory reagents is the Narcotics Group I is limited used to detect a substance / material / object sequestered or determined by Investigators party whether or not the sort of Narcotics.

Article 9

Self-explanatory.

Article 10

Paragraph (1)

What by "Illegal from other sources" shall mean controlled by the Narcotics government obtained among others from the help or under the cooperation with government or foreign agencies and obtained from the sequestration or expropriation according to the provisions of this Law.

Narcotics obtained from other sources is used primarily in the interest of development of science, and technology as well as educational purposes, training, and skills that are implemented by Government agencies in charge and perform its function of supervision, investigation, and the eradication of illicit narcotics.

Paragraph (2)

Self-explanatory.

Article 11



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Paragraph (1)

This provision opens the possibility to grant permit to more than one industry the right to produce pharmaceutical drugs Narcotics, but done very selective with purpose for Narcotics control and supervision can be more easily done.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 12

Paragraph (1)

In this provision by "production" to include cultivation (Cultivation) of plants that contain narcotics. What by "a very limited number" is not to exceed the needs of necessary for the interests of science and technology.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 13

Paragraph (1)

What by "private" shall mean a science agency that specifically or that one of its functions conducting research experiments and development.

Paragraph (2)

Self-explanatory.

Article 14

Paragraph (1)

The term "clinic" shall mean a clinic headed by a doctor.

Paragraph (2)

This provision provides an obligation for doctors who do private practice to make in which the report contains a note of the activities associated with Narcotics already attached to the medical record and stored according to the provisions of the store the recipe for 3 (three) years.

Physicians who practice in health facilities that provide medical services, shall make a report on activities related to narcotics, and stored according to the provisions of shelf life prescription for 3 (three) years.

Notes on Narcotics in the enterprise as provided in this paragraph shall be stored according to the provisions of the legislation.

Documents reporting on Narcotics which is under the authority of the Supervisory Board Food and Drugs, are stored with the provisions at least within 3 (three) years.

The purpose of the obligation to create, save, and submit a report is for the Government at any time to find out about existing inventories in Narcotics in circulation as well as an ingredient in the preparation of the Narcotics annual need plan.



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Paragraph (3)

Self-explanatory.

Paragraph (4)

The definition of "offense" includes all forms of deviation to provisions of legislation.

item a

Self-explanatory

item b

Self-explanatory.

item c

Self-explanatory.

item d

Self-explanatory.

item e

The term "revocation" shall mean a permit relating to the authority to manage Narcotics.

Article 15

Paragraph (1)

Self-explanatory.

Paragraph (2)

What by "in certain condition" in this provision shall mean that if large state-owned pharmaceutical company is unable to perform its function in Narcotics imported because of natural disasters, fires and others.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Self-explanatory.

Article 21

In this provision by “certain customs area that was opened for foreign trade” shall mean a region in the sea port and international airport certain defined as door import and export of Narcotic for easy traffic supervised.

The implementation of import or export of narcotics remains subject to the Law on Customs and/or other legislation.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

This provision guarantees that the entry of Narcotics cored either by sea or air shall taken by customs procedures that have been determined, in the interest of traffic safety Narcotics Territory of the Republic of Indonesia.

The definition of “responsible carrier” shall mean the master or master



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aviator.

Article 26

Self-explanatory.

Article 27

Paragraph (1)

The term "special packaging or in a safe place" in this provision shall mean packaging that is different from other containers placed at the site individual-specific.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Provisions on the deadline in submitting the report is intended to ensure legal certainty and tighten supervision.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Paragraph (1)

Self-explanatory.

Paragraph (2)

Item a

Self-explanatory.

Item b

In this provision by "kind" shall mean a salt or dosage form bases. In this provision by "form" shall mean a dosage in form of material raw or finished drug such as plants, powders, tablets, injections, capsules, liquids.

In this provision by "number" shall mean a number that indicates Narcotics number consisting of the number of units of weight in kilograms, the content in milliliter.

Item c

Self-explanatory.

Article 30

This provision confirms that essentially banned in transit Narcotics change direction country of destination. However, if in certain condition such as a state of force (force majeure), so it must be the change the country of destination, then those changes must meet the conditions specified in this provision. While waiting for the fulfillment of the requirements needed, Narcotics remain stored in the region customs, and its oversight responsibilities under the Customs and Excise Officers.

Article 31

This provision confirms that the inclusion Officer Food and Drugs Administration Board in repackaging Narcotics are in transit according to the duties and functions Food and Drug Administration Board.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34



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This provision confirms that the deadline for 3 (three) working days evidenced by the postmark recorded, or a receipt if the reports be submitted directly. With this restriction time the obligation to submit reports, the importer must immediately examine the type, quality, and number or weight of Narcotics received according to the Import Approval owned.

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Self-explanatory.

Article 38

In this provision by "must be accompanied by a legal document" shall mean that each cycle includes transfer of Narcotics outside customs area to warehouse importer, shall be accompanied by documents created by the importer, exporter, pharmaceutical industry, pharmaceutical wholesalers, government pharmaceutical storage facilities, hospitals, health centers, clinics, doctors, or pharmacies.

The document shall mean a Letter of Approval Import / Export, invoices, letter carrier, mail delivery goods, prescription drugs or prescription copies, which are an integral part of Narcotics concerned.

Article 39

Paragraph (1)

In this provision by "the pharmaceutical industry, and pharmaceutical wholesalers" shall mean the pharmaceutical industry, and certain pharmaceutical wholesalers who have

special permit to distribute narcotics.

Paragraph (2)

This provision confirms that the special permit for the facility to store the distribution of Narcotics state pharmaceutical preparation is required along the decree establishing the means storage of pharmaceutical preparations are not issued by the Head of Drugs and Food Administration Board.

Article 40

Paragraph (1)

Item a

Self-explanatory.

Item b

Self-explanatory.

Item c

In this provision by "means of storage of pharmaceutical preparations certain government "is the means by which to manage pharmaceutical and medical devices Government, both central and local government, the TNI and Indonesian National Police, State-Owned Enterprises, and Regional-Owned Enterprises within the framework of health services.

Item d

In this provision by "hospital" shall mean a hospital that has been have a pharmacy department to obtain narcotics from a particular pharmaceutical industry or certain pharmaceutical wholesalers.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.



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Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Paragraph (1)

Item a

Self-explanatory.

Item b

This provision confirms that hospitals that do not have a pharmacy department Narcotics can only be obtained from the pharmacy.

Item c

Self-explanatory.

Item d

Self-explanatory.

Item e

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Item a

This provision confirms that the provision of storage and transfer of authority Narcotics in form of injections and tablets for oral use (especially tablets Morphine) one goal is

to enable physicians to provide tablets Narcotics are the cancer patients who do not stage can be cured and only Morphine only drug that can eliminate the infinite pain of cancer patients.

Item b

See explanation item a.

Item c

This provision confirms that the delivery of narcotics by physicians who perform tasks in remote areas with no pharmacy require storage permit Narcotics officers from the Ministry of Health or other duly authorized. Permit attached to the letter placement decisions in remote areas with no pharmacy.

Paragraph (5)

This provision is intended only for the Narcotics Group II and Group III.

Article 44

Self-explanatory.

Article 45

Paragraph (1)

This provision confirms that the labeling is intended to facilitate making it easier introduction also in the control and supervision.

Paragraph (2)

Self-explanatory.

Paragraph (3)

In this provision by "label" shall mean a special label that are intended for Narcotics different from the label for other drugs.

Article 46



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In this provision by "published" shall mean a special interest scientific and commercial for Narcotics in form of finished goods and raw materials Narcotics, in limited circle of medicine and pharmacy.

Counseling and guidance to the public about the dangers of narcotics abuse, not including the criteria for publication.

Article 47

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

What by "relevant minister" among other ministers in charge of affairs industry and the minister in charge of trade affairs.

Article 50

Self-explanatory.

Article 51

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

The definition of "valid evidence" such as a doctor's certificate, a copy of the prescription, or label / etiquette.

Article 54

The term "Narcotics abuse victim" shall mean someone who is not intentionally use of Narcotics as persuaded, tricked, deceived, coerced and/or threatened to use of Narcotics.

Article 55

Paragraph (1)

This provision confirms that in order to assist the Government in tackling the problem Narcotics abuse and danger, especially for narcotics addicts, it is necessary participation of parents / guardians, community, to improve oversight and responsibility guidance to their children.

The term "minors" in this provision shall mean someone who has not attained the age of 18 (eighteen) years.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.



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Article 56

Paragraph (1)

This provision confirms that the narcotics addict rehabilitation to be done with intention to restore and/or develop physical ability, mental, and social patient concerned.

Paragraph (2)

What by "government agencies" such as Narcotics Penitentiary and Local Government.

This provision confirms that medical rehabilitation for the addict to the Narcotics users syringe can be given a series of therapies to prevent transmission include HIV/AIDS transmission through needle with the strict supervision of the Ministry of Health.

Article 57

Self-explanatory.

Article 58

Social rehabilitation in this provision, including through religious approach, traditional, and alternative approaches.

In this provision by "a former narcotics addict" shall mean a person who has Narcotics recovered from dependence on physical and psychological.

In this provision by "social rehabilitation institutions" shall mean a rehabilitation social institution, held either by government or by society.

Article 59

Self-explanatory.

Article 60

Paragraph (1)

Self-explanatory.

Paragraph (2)

Item a

Self-explanatory.

Item b

Self-explanatory.

Item c

This provision does not reduce the efforts on prevention through extracurricular activities college.

Item d

Self-explanatory.

Item e

The term "institutional capacity" in this provision such provide reinforcement, encouragement, or facilitation for medical rehabilitation institutions maintained sustainability.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

This provision confirms that international cooperation also covers cooperation in the framework Drug crime prevention and combating transnational organized.

Article 64

Paragraph (1)

This provision confirms that with the establishment of the National Narcotics Agency directly responsible to the President who has the duty and function of coordination and operational management of Narcotics and Narcotics Precursor, prevention and combating abuse of and illicit traffic in Narcotic and



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Narcotics Precursor, expected abuse and illicit traffic in Narcotic and Narcotics can Precursor prevented and eradicated until the roots.

Paragraph (2)

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Item a

Self-explanatory.

Item b

Self-explanatory

Item c

The definition of "coordination with the Chief of Indonesian National Police" in this provision shall mean without prejudice to independence in setting policy and carry out the duties and authority of BNN.

Item d

Self-explanatory.

Item e

Self-explanatory.

Item f

Self-explanatory.

Item g

Self-explanatory.

Item h

Self-explanatory.

Item i

Self-explanatory.

Item j

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Self-explanatory.

Article 74

Paragraph (1)

This provision confirms that if there are other matters which by law are also determined to take precedence, then the determination of priorities submitted to the court.

In this provision by "settlement as soon as possible" shall mean the start of examination, decision making, until the implementation of the decision or execution.



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Paragraph (2)

Self-explanatory.

Article 75

Item a

Self-explanatory.

Item b

Self-explanatory.

Item c

Self-explanatory.

Item d

Self-explanatory.

Item e

Self-explanatory.

Item f

Self-explanatory.

Item g

Self-explanatory.

Item h

The definition of "interdiction" shall mean the pursuit and/or discontinue person / group of people, ships, aircraft, or vehicle suspected of carrying Narcotics and Narcotics Precursor, to arrest suspects and sequestrated the evidence.

Item i

In this provision by "tapping" shall mean an activity or series investigation activities and/or investigation conducted by the investigator or investigators BNN Indonesian National Police by using electronic equipment according to advances in technology to the conversation and/or sending messages over the phone or

other electronic communication devices.

Included in the interception of electronic monitoring shall mean a way among others:

- a. installation of the transmitter in the room / rooms target to hear / record all talks (bugging);
- b. mounting transmitter on the car / people / goods that can be traced to its existence (bird dog);
- c. Internet interception;
- d. pager cloning, mail service (SMS), and fax;
- e. CCTV (Close Circuit Television);
- f. tracking the location of the suspect (direction finder).

Expanding understanding of wiretapping shall mean meant to anticipate technological developments information used by the perpetrators of crime and criminal Narcotics Narcotics Precursor in developing both national and international network for technology development has the potential to be exploited by criminals who are very favor. To disable / combat network / Narcotics syndicates and Precursor of Narcotics, the system of communication/ telecommunication they have to be penetrated by investigators, including track down the network.

Item j

Self-explanatory.

Item k

Self-explanatory.

Item l

Urine tests, blood tests, hair tests, and other body parts tests conducted according to science and technology development to prove the presence or absence of narcotics in the body of one person or several people, and test dioksiribonukleat acid (DNA) for identification of victims, addicts, and the suspect.

Item m



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Self-explanatory.

Item n

What by "scanning" in this provision shall mean either scanning can hand-held portable (portable) or stationere.

Item o

Self-explanatory.

Item p

Self-explanatory.

Item q

Self-explanatory.

Item r

Self-explanatory.

Item s

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Self-explanatory.

Article 82**Paragraph (1)**

Self-explanatory.

Paragraph (2)

What by "the ministry or government agency whose scope non ministry duties and responsibilities in the field of Narcotics and Narcotics Precursor "is Ministry of Health, Ministry of Finance in this regard the Directorate General of Customs and Excise, and the Food and Drug Administration Board.

The authority of investigating civil service ministry or government agency non ministry are in their respective sectors in each of which implementation taking into account the coordination function according to the legislation.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

Self-explanatory.

Article 87

Self-explanatory.



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Article 88

Self-explanatory.

Article 89

Self-explanatory.

Article 90

In this provision by "certain laboratories" shall mean laboratories that have been accredited according to the provisions of the legislation.

Article 91

Self-explanatory.

Article 92

Paragraph (1)

This provision confirms that the plant is referred to in paragraph Narcotics are not only found in the field also found in other places or a certain place Narcotics cultivated, including plants Narcotics in other forms found in same time the place. In this provision by "small" shall mean in a reasonable amount of Narcotics plants for use as evidence in the investigation, prosecution, and examination before the court.

Paragraph (2)

This provision confirms that within 14 (fourteen) days are intended for Indonesian National Police investigators assigned to the area that lies geographic and transportation to perform the task difficult to achieve extermination Narcotics found the best way possible for a foul on the period this may be subject to criminal.

Paragraph (3)

Item a

Self-explanatory.

Item b

Self-explanatory.

Item c

Self-explanatory.

Item d

In this provision by "officials who witnessed the extermination" shall mean officials representing the elements prosecutors and Food and Drug Administration Board.

In the case of conditions where plants are found not allow for the officer then brings the element of destruction was witnessed by another party that is officer or member of the local community.

Paragraph (4)

Self-explanatory.

Paragraph (5)

This provision is intended in the interest of identifying the type, content and level of Narcotics (drugs profiling).

Paragraph (6)

Self-explanatory.

Article 93

Self-explanatory.

Article 94

Self-explanatory.



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Article 95

Self-explanatory.

Article 96

Self-explanatory.

Article 97

In this provision by "all assets and property" shall mean all owned property, whether movable or immovable, tangible or intangible, not intangible, which is in its control or that is in control of another party (the wife or husband, child and every person or entity), which is obtained or derived from the crime allegedly Narcotics conducted by the suspect or defendant.

Article 98

Under this provision, Judges are free to implement its authority to ask defendant to prove that all of their possessions and property of the wife or husband, children and every person or entity not derived from crime Narcotics and Narcotics Precursor.

Article 99

This provision is intended to provide protection to safety reporting gives a description of a narcotics crime, for the name and address of the complainant is not known to the suspect, defendant, or the network at the level of examination before the court.

Article 100

Paragraph (1)

The definition of "family" shall mean people who have blood relations in straight line upwards or downwards and sideways until the degree unity line.

Paragraph (2)

Self-explanatory.

Article 101

Paragraph (1)

This provision confirms that in setting the Narcotics Drugs and Precursor forfeited for the country, judges consider the provisions in the investigation of criminal Narcotics and Narcotics Precursor criminal.

In this provision by "results" shall mean either in form of money or another object of known or alleged to be obtained from the Narcotics offenses.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Deprivation of property and wealth or assets, the proceeds of crime money laundering based on court decisions that remain, forfeited for the country and can be used for costs prevention and eradication of the abuse and illicit traffic in Narcotic and Narcotics Precursor and for the payment of premiums for community members who had been instrumental reveal the existence of criminal offenses Narcotics Precursor and Narcotics. With so people are encouraged to participate actively in the prevention and combating abuse of and illicit traffic in Narcotic and Narcotics Precursor. Besides, property and wealth or assets seized the country can also be used to fund medical and social rehabilitation of victims of abuse in Narcotics and Narcotics Precursor. Investigation process property and wealth or assets the proceeds of crime money laundering carried out according to Law Number 15 of 2002 regarding Money



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Laundering as amended by the Law No. 25 of 2003.

Paragraph (4)

Self-explanatory.

Article 102

Self-explanatory.

Article 103

Paragraph (1)

Item a

This provision confirms that use of the word decide for Addicts Narcotics found guilty of committing a crime Narcotics contain understanding that the judge's decision is a verdict (sentence) for Narcotics addicts concerned.

Item b

This provision confirms that use of the word set for the Narcotic Addict that are not proven guilty of committing a crime implies Narcotics that the judge's determination is not the verdict (sentence) for Narcotics addicts concerned. Determination is intended to provide a Narcotic Addict emphasis that even though not proven guilty Narcotics crime, but still required to undergo treatment and care.

The cost of treatment and or care for Narcotic Addict found guilty Narcotics criminal act fully into the burden and responsibility countries, because the treatment and/or treatment is part of the serving his sentence. As for Narcotics addicts that are not proven guilty medical expenses and/or treatment during the detention status remains a burden state, except under house arrest and detention of the city.

Paragraph (2)

Self-explanatory.

Article 104

Self-explanatory.

Article 105

Self-explanatory.

Article 106

Self-explanatory.

Article 107

Self-explanatory.

Article 108

Self-explanatory.

Article 109

This provision confirms that the award must still consider security and protection against awards given. The award is given in the form charter, service marks, premiums, and/or other forms of awards.

Article 110

Self-explanatory.

Article 111

Self-explanatory.

Article 112

Self-explanatory.



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Article 113

Self-explanatory.

Article 114

Self-explanatory.

Article 115

Self-explanatory.

Article 116

Paragraph (1)

Self-explanatory.

Paragraph (2)

The term "permanent disability" in this provision shall mean a physical disability and/or disability mental fixed or cannot be recovered / cured.

Article 117

Self-explanatory.

Article 118

Self-explanatory.

Article 119

Self-explanatory.

Article 120

Self-explanatory.

Article 121

Self-explanatory.

Article 122

Self-explanatory.

Article 123

Self-explanatory.

Article 124

Self-explanatory.

Article 125

Self-explanatory.

Article 126

Self-explanatory.

Article 127

Self-explanatory.

Article 128

Self-explanatory.

Article 129

Self-explanatory.

Article 130

Self-explanatory.

Article 131

Self-explanatory.

Article 132

Paragraph (1)

The term "experiment" shall mean the existence of the elements of intent, the beginning implementation, and not the completion of the implementation is not solely due own volition.



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Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 133

Self-explanatory.

Article 134

Self-explanatory.

Article 135

Self-explanatory.

Article 136

Self-explanatory.

Article 137

Self-explanatory.

Article 138

Self-explanatory.

Article 139

Self-explanatory.

Article 140

Self-explanatory.

Article 141

Self-explanatory.

Article 142

Self-explanatory.

Article 143

Self-explanatory.

Article 144

Self-explanatory.

Article 145

Self-explanatory.

Article 146

Self-explanatory.

Article 147

Self-explanatory.

Article 148

Self-explanatory.

Article 149

Self-explanatory.

Article 50

Self-explanatory.

Article 151

Self-explanatory.

Article 152

Self-explanatory.

Article 153

Self-explanatory.



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Article 154

Self-explanatory.

Article 155

Self-explanatory.

**SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF
2009 NUMBER 5062**

**APPENDIX I TO
LAW OF THE REPUBLIC OF INDONESIA
NUMBER: 35 of 2009
REGARDING NARCOTICS**

LIST OF NARCOTICS GROUP I

1. *Papaver somniferum* L. plants and all its parts including fruit and straw, except the seeds.
2. Raw opium, the sap of the freezing itself, obtained from fruit *Papaver somniferum* L. plants that only processing just for the packaging and transportation, regardless of levels of morphine
3. Opium cooking consists of:
 - a. opium, the results obtained from raw opium through a series of processing, especially with the dissolution, heating and fermentation with or without the addition of other materials, with a view turn it into an extract suitable for compaction.
 - b. Jicing, opium dust, the remnants of opium after smoked, regardless of whether opium is mixed with leaves or other materials.
 - c. jicingko, the results obtained from the processing of opium dust.
4. Coca plants, plants of all genera of the family *Erythroxylon Erythroxylaceae* including fruit and seeds.
5. Coca leaves, or leaves that have not been dried or in the form pollen from all plants of the genus *Erythroxylon* family *Erythroxylaceae* that produce cocaine directly or through chemical changes.
6. Raw cocaine, all the results obtained from coca leaves yang can be processed directly to obtain kokaina.



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7. Kokaina, methyl ester-1-bensoil ekgonina.
8. Marijuana plants, all plants of the genus *cannabis* and all parts of plants including seeds, fruit, hay, processed *cannabis* plants or parts of plants including *cannabis* resin *cannabis* and hashish.
9. Tetrahydrocannabinol, and all isomers and all forms of stereo chemical.
10. Delta 9 tetrahydrocannabinol, and all forms of stereo chemistry.
11. Asetorfina : *3-O-acetiltetrahidro-7 α -(1-hydroxy-1-metilbutil) -6,14-endoeteno-oripavina*
12. Acetil - alpha - methyl fentanyl : *N-[1 - (α -metilfenetil)-4-piperidil] asetanilida*
13. Alfa-metilfentanil : *N-[1 (α -metilfenetil)-4-piperidil] propionanilida*
14. Alfa-metiltiofentanil : *N-[1]1-metil-2-(2-tienil)etil]-4-iperidil] priopionanilida*
15. Beta-hidroksifentanil : *N-[1-(beta-hidroksifenetil)-4-piperidil] propionanilida*
16. Beta-hidroksi-3-metil-fentanil : *N-[1-(beta-hidrolksifenetil)-3-metil-4 piperidil] propio-nanilida.*
17. Desmorfina : *Dihidrideoksimorfina*
18. Etorfina : *tetrahidro-7 α -(1-hidroksi-1-metilbutil)-6,14-endoeteno-oripavina*
19. Heroina : *Diacetilmorfina*

20. Ketobemidona : *4-meta-hidroksifenil-1-metil-4propionilpiperidina*
21. 3-metilfentanil : *N-(3-metil-1-fenetil-4-piperidil)propionanilida*
22. 3-metiltiofentanil : *N-[3-metil-1-[2-(2-tienil)etil]-4-piperidil]propionanilida*
23. MPPP : *1-metil-4-fenil-4-piperidinol propianat (ester)*
24. Para-fluorofentanil : *4'-fluoro-N-(1-fenetil-4-piperidil)propionanilida*
25. PEPAP : *1-fenetil-4-fenil-4-piperidinolasetat (ester)*
26. Tiofentanil : *N-[1-[2-(2-tienil)etil]-4-piperidil]propionanilida*
27. BROLAMFETAMINA, alias DOB : *(±)-4-bromo-2,5-dimetoksi-α-metilfenetilamina*
28. DET : *3-[2-(dietilamino)etil]indol*
29. DMA : *(+)-2,5-dimetoksi-α-metilfenetilamina*
30. DMHP : *3-(1,2-dimetilheptil)-7,8,9,10-tetrahidro-6,6,9-trimetil-6H-dibenzo[b,d]piran-1-ol*
31. DMT : *3-[2-(dimetilamino)etil]indol*
32. DOET : *(±)-4-etil-2,5-dimetoksi-α-metilfenetilamina*
33. ETISIKLIDINA alias PCE : *N-etil-1-fenilsikloheksilamina*



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34. ETRIPTAMINA : 3-(2aminobutil) indole
35. KATINONA : (-)-(S)- 2-aminopropiofenon
36. (+)-, alias LSD, LSD-25 : 9,10-didehidro-N, N-dietil-6-metilergolina-8
 β , -karboksamida
37. MDMA : (\pm)-N, α -dimetil-3, 4-(metilendioksi)
fenetilamina
38. Meskalina : 3,4,5-trimetoksifenetilamina
39. METKATINONA : 2-(metilamino)-1-fenilpropan-1-on
40. 4-metilaminoreks : (\pm)-sis-2-amino-4-metil-5-fenil-2-oksazolina
41. MMDA : 5-metoksi- α -metil-3,
4-(metilendioksi) fenetilamina
42. N-etil MDA : (\pm)-N-etil- α -metil-3,
4-(metilendioksi) fenetilamin
43. N-hidroksi MDA : (\pm)-N-[α -metil-3, 4-(metilendioksi)fenetil]
hidroksilamina
44. Paraheksil : 3-heksil-7,8,9,10-tetrahidro-6,6,9-trimetil-
6H-dibenzo [b,d] piran-1-ol
45. PMA : p-metoksi- α -metilfenetilamina
46. psilosina, psilotsin : 3-[2-(dimetilamino)etil] indol-4-ol
47. PSILOSIBINA : 3-[2-(dimetilamino)etil] indol-4-il dihidrogen

fosfat

48. ROLISIKLIDINA, alias PHP, PCPY : *1-(1-fenilsikloheksil) piperidina*
49. STP, DOM : *2,5-dimetoksi- α , 4-dimetilfenetilamina*
50. TENAMFETAMINA, alias MDA : *A –metil-3,4-(metilendioksi) fenetilamina*
51. TENOSIKLIDINA, alias TCP : *1- [1-(2-tienil) sikloheksi] piperidina*
52. TMA : *(\pm)-3,4,5-trimetoksi- α -metilfenetilamina*
53. AMFETAMINA : *(\pm)- α -metilfenetilamina*
54. DEKSAMFETAMINA : *(+)- α –metilfenetilamina*
55. FENETILINA : *7-[2-[(α –metilfenetil)amino] etil]teofilina*
56. FENMETRAZINA : *3-metil-2 fenilmorfolin*
57. FENSIKLIDINA, alias PCP : *1-(1-fenilsokloheksil) piperidina*
58. LEVAMFETAMINA`
levamfetamina : *(-)-(R)- α -metilfenetilamina*
59. Levometamfetamina : *(-)-N, α –dimetilfenetilamina*
60. MEKLOKUALON : *3-(o-klorofenil)-2-metil- 4(3H)-kuinazolinon*
61. METAMFETAMINA : *(+)-(S)-N, α - dimetilfenetilamina*
62. METAKUALON : *2- metal-3-o-to lil-4(3H)-kuinazolinon*



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63. ZIPEPPROL : α – (α metoksibenzil)-4-(β , -metoksifenetil)-
1- piperazinetano
64. Opium Drug
65. Mixtures or opium drug preparations with other non-narcotic ingredients

LIST OF NARCOTICS GROUP II

1. Alfasetilmetadol : *Alfa-3-asetoksi-6-dimetil amino-4, 4-difenilheptana*
2. Alfameprodina : *Alfa-3-etil-1-metil-4-fenil-4-propionoksipiperidina*
3. Alfametadol : *Alfa-6-dimetilamino-4,4-difenil-3-heptanol*
4. Alfaprodina : *Alfa-1, 3-dimetil-4-fenil-4-propionoksipiperidina*
5. Alfentanil : *N-[1-[2-(4-etil-4,5-dihidro-5-okso-1H-tetrazol-1-il)etil]-4-(metoksimetil)-4-piperidinil]-N-fenilpropanamida*
6. Allilprodina : *3-allil-1-metil-4-fenil-4-propionoksipiperidina*
7. Anileridina : *Asam 1-para-aminofenetil-4-fenilpiperidina)-4-karboksilat etil ester*
8. Asetilmetadol : *3-asetoksi-6-dimetilamino-4, 4-difenilheptana*
9. Benzetidina : *asam 1-(2-benziloksietil)-4-fenilpiperidina-4-karboksilat etil ester*
10. Benzilmorfina : *3-benzilmorfina*
11. Betameprodina : *beta-3-etil-1-metil-4-fenil-4-propionoksipiperidina*
12. Betametadol : *beta-6-dimetilamino-4, 4-difenil-3-heptanol*
13. Betaprodina : *beta-1, 3-dimetil-4-fenil-4-propionoksipiperidina*
14. Betasetilmetadol : *Beta-3-asetoksi-6-dimetilamino-4, 4-difenilheptana*
15. Bezitramida : *1-(3-siano-3,3-difenilpropil)-4-(2-okso-3-propionil-1-benzimidazolinil)-piperidina*
16. Dekstromoramida : *(+)-4-[2-metil-4-okso-3, 3-difenil-4-(1-pirolidinil)butyl]-morfolina*



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17. Diampromida : *N-[2-(metilfenetilamino)propil] propionanilida*
18. Dietiltiambutena : *3-dietilamino-1, 1-di(2'-tienil)-1-butena*
19. Difenoksilat : *asam 1-(3-siano-3, 3-difenilpropil)- 4 fenilpiperidina-4-karboksilat etil ester*
20. Difenoksin : *asam 1-(3-siano-3, 3-difenilpropil)-4-fenilisonipekotik*
21. Dihidromorfina :
22. Dimefheptanol : *6-dimetilamino-4, 4-difenil-3-heptanol*
23. Dimenoksadol : *2-dimetilaminoetil-1-etoksi-1, 1-difenilasetat*
24. Dimetiltiambutena : *3-dimetilamino-1, 1-di-(2'-tienil)-1-butena*
25. Dioksafetil butirat : *Etil-4-morfolino-2, 2-difenilbutirat*
26. Dipipanona : *4, 4-difenil-6-piperidina-3-heptanona*
27. Drotebanol : *3,4-dimetoksi-17-metilmorfinan-6 β , 14-diol*
28. Ekgonina, including esters and its derivatives equivalent to ekgonina and cocaine.
29. Etilmetiltiambutena : *3-etilmetilamino-1, 1-di-(2'-tienil)-1-butena*
30. Etokseridina : *asam 1-[2-(2-hidroksietoksi)-etil]-4fenilpiperidina-4-karboksilat etil ester*
31. Etonitazena : *1-dietilaminoetil-2-para-etoksibenzil-5nitrobenzimedazol*
32. Furetidina : *asam 1-(2-tetrahidrofurfuriloksietil)4 fenilpiperidina-4-karboksilat etil ester)*
33. Hidrokodona : *dihidrokodeinona*
34. Hidroksipetidina : *asam 4-meta-hidroksifenil-1-metilpiperidina-4-karboksilat etil ester*
35. Hidromorfinol : *14-hidroksidihidromorfina*
36. Hidromorfona : *dihidrimorfinona*
37. Isometadona : *6-dimetilamino- 5-metil-4, 4-difenil-3-heksanona*

38. Fenadoksona : 6-morfolino-4, 4-difenil-3-heptanona
39. Fenampromida : N-(1-metil-2-piperidinoetil)-propionanilida
40. Fenazosina : 2'-hidroksi-5,9-dimetil- 2-fenetil-6, 7-benzomorfan
41. Fenomorfan : 3-hidroksi-N-fenetilmorfinan
42. Fenoperidina : asam 1-(3-hidroksi-3-fenilpropil)-4-fenilpiperidina-4-karboksilat Etil ester
43. Fentanil : 1-fenetil-4-N propionilanilinopiperidina
44. Klonitazena : 2-para-klorbenzil-1-dietilaminoetil-5-nitrobenzimidazol
45. Kodoksima : dihidrikodeinona-6-karboksimetiloksima
46. Levofenasilmorfan : (1)-3-hidroksi-N-fenasilmorfinan
47. Levomoramida : (-)-4[2-metil-4-okso-3, 3-difenil-4-(1pirolidinil)butil] morfolina
48. Levometorfan : (-)-3-metoksi-N-metilmorfinan
49. Levorfanol : (-)-3-hidroksi-N-metilmorfinan
50. Metadona : 6-dimetilamino-4, 4-difenil-3-heptanona
51. Metadona intermediate : 4-siano-2-dimetilamino-4, 4-difenilbutana
52. Metazosina : 2'-hidroksi-2,5,9-trimetil-6, 7-benzomorfan
53. Metildesorfina : 6-metil-delta-6-deoksimorfina
54. Metildihidromorfina : 6-metildihidromorfina
55. Metopon : 5-metildihidromorfinona
56. Mirofina : Miristolbenzilmorfina
57. Moramida intermediat : asam (2-metil-3-morfolino-1, 1 difenilpropana karboksilat
58. Morferidina : asam 1-(2-morfolinoetil)-4-fenilpiperidina-4-karboksilat etil ester
59. Morfina-N-oksida
60. Metobromida morphine and derivatives of other pentavalent nitrogen morphine including part of derivatives of morphine-N-oxide, one of them kodeina-N-oxide.



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61. Morfina
62. Nikomorfina : *3,6-dinikotinilmorfina*
63. Norasimetadol : *(±)-alfa-3-asetoksi-6metilamino-4, 4-difenilheptana*
64. Norlevorfanol : *(-)-3-hidroksimorfinan*
65. Normetadona : *6-dimetilamino-4, 4-difenil-3-heksanona*
66. Normorfina : *dimetilmorfina atau N-demetilatedmorfina*
67. Norpipanona : *4, 4-difenil-6-piperidino-3-heksanona*
68. Oksikodona : *14-hidroksidihidrokodeinona*
69. Oksimorfona : *14-hidroksidihidromorfinona*
70. Petidina intermediate A : *4-siano-1-metil-4-fenilpiperidina*
71. Petidina intermediate B : *asam4-fenilpiperidina-4-karboksilat etil ester*
72. Petidina intermediate C : *Asam1-metil-4-fenilpiperidina-4-karboksilat*
73. Petidina : *Asam1-metil-4-fenilpiperidina-4-karboksilat etil ester*
74. Piminodina : *asam 4-fenil-1-(3-fenilaminopropil)-piperidina-4-karboksilat etil ester*
75. Piritramida : *asam1-(3-siano-3, 3-difenilpropil)-4(1-piperidino)-piperidina-4-Karboksilat armida*
76. Proheptasina : *1,3-dimetil-4-fenil-4-propionoksiazasikloheptana*
77. Properidina : *asam1-metil-4-fenilpiperidina-4-karboksilat isopropil ester*
78. Rasemetorfan : *(±)-3-metoksi-N-metilmorfinan*
79. Rasemoramida : *(±)-4-[2-metil-4-okso-3,3-difenil-4-(1-pirolidinil)-butil]-morfolina*
80. Rasemorfan : *(±)-3-hidroksi-N-metilmorfinan*
81. Sufentanil : *N-[4-(metoksimetil)-1-[2(2-tienil)-etil-4-*

piperidil] propionanilida

- 82. Tebaina
- 83. Tebakon : *Asetildihidrokodeinona*
- 84. Tilidina : *(±)-etil-trans-2-(dimetilamino)-1-fenil-3-sikloheksena-1-karboksilat*
- 85. Trimeperidina : *1,2,5-trimetil-4-fenil-4-propionoksipiperidina*
- 86. Salts of Narcotics in a class above



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LIST OF NARCOTICS GROUP III

1. Asetildihidrokodeina
2. Dekstropropoksifena : α -(+)-4-dimetilamino-1, 2-difenil-3-metil-2-butanol propionat
3. Dihidrokodeina
4. Etilmorfina : 3-etil morfina
5. Kodeina : 3-metil morfina
6. Nikodikodina : 6-nikotinilhidrokodeina
7. Nikokodina : 6-nikotinilkodeina
8. Norkodeina : N-demetilkodeina
9. Polkodina : Morfoliniletilmorfina
10. Propiram : N-(1-metil-2-piperidinoetil)-N-2-piridilpropionamida
11. Buprenorfina : 21-siklopropil-7- α -[(S)-1-hidroksi-1,2,2-trimetilpropil]-6,14-endo-entano-6,7,8,14-tetrahidrooripavina
12. Salts of Narcotics in a class above.
13. Mixtures or Difenoxine preparations with other non-narcotic ingredients.
14. Mixtures or Difenoxilate preparations with other non-narcotic ingredients.

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signed

DR. H. SUSILO BAMBANG YUDOYONO

ATTACHMENT I

LAW OF THE REPUBLIC OF INDONESIA

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REGARDING

NARCOTICS

GROUP AND TYPE PRECURSOR

TABLE I

1. Acetic Anhydride.
2. N-Acetylanthranilic Acid.
3. Ephedrine.
4. Ergometrine.
5. Ergotamine.
6. Isosafrole.
7. Lysergic Acid.
8. 3,4-Methylenedioxyphenyl-2-propanone.
9. Norephedrine.
10. 1-Phenyl-2-Propanone.
11. Piperonal.
12. Potassium Permanganat.
13. *Pseudoephedrine*.
14. Safrole.



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TABLE

1. Acetone.
2. Anthranilic Acid.
3. Ethyl Ether.
4. Hydrochloric Acid.
5. Methyl Ethyl Ketone.
6. Phenylacetic Acid.
7. Piperidine.
8. Sulphuric Acid.
9. Toluene.

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

DR. H. SUSILO BAMBANG YUDOYONO

I, **Anang Fahkcrudin**, a sworn and authorized translator, practicing in Jakarta, do solemnly and sincerely declare that the foregoing document is a true and faithful translation from **Indonesian** into **English** of the original version.

Jakarta, November 4, 2010