

**DRAFT LAW OF THE REPUBLIC OF INDONESIA NUMBER... OF...**  
**REGARDING NARCOTICS**

**BY THE GRACE OF ONE SUPREME GOD**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering:**

a. whereas to embody the prosperous, fair and wealthy Indonesian nation which is materially and spiritually evenly distributed under *Pancasila* (Five State Principles) and Constitution of the Republic of Indonesia 1945, quality of Indonesian human resource as the national development resource should be continuously maintained and improved, including their health standards;

b. whereas to improve health standards of Indonesian human resource in order to embody people's prosperity, it is imperative to conduct improvement efforts in health treatment and service sector, inter alia by attempting for the availability of certain Narcotics type which is very required as the medicine and conducting prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor;

c. whereas Narcotics in one side is a medicine or a beneficial item in treatment or health care and science

development sector and on the other side may also emerge a very destructive dependence in case being abused or used without tight and careful control and supervision;

d. whereas to import, export, produce, plant, keep, circulate, and/or use Narcotics without tight and careful control and supervision and being contradicted to the legislation shall constitute the crime of Narcotics since it is very harmful and being a very significant danger against the life of human, people, nation and the state and Indonesian national resilience;

e. whereas the crime of Narcotics has been transnational in nature committed under a high *modus operandi*, sophisticated technology supported by a wide organization network, and already took victims particularly among youth which is very harmful against the life of people, nation and the state thus the Law Number 22 of 1997 regarding Narcotics has been already outdated with the progress of situation and condition to overcome and eradicate such crime;

f. whereas based upon the consideration as referred to in items a, b, c, d, and e, it is imperative to establish the Law regarding Narcotics;

**In view of:**

1. Article 5 paragraph (1) and Article 20 of the National Constitution of the Republic of Indonesia of 1945;

2. Law Number 8 of 1976 regarding Ratification of Single Convention on Narcotics of 1961 and Protocol of 1972 which amended the same (State Gazette of the Republic of Indonesia of 1976 Number 36, Supplement to State Gazette of the Republic of Indonesia Number 3085);

3. Law Number 7 of 1997 regarding Ratification of United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropics Substances, 1988 (State Gazette of the Republic of Indonesia of 1997 Number 17, Supplement to State Gazette of the Republic of Indonesia Number 3673);

**Under Joint Approval of**

**THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA**

**And**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**HAS DECIDED:**

**To stipulate: LAW REGARDING NARCOTICS**

**CHAPTER I**

**GENERAL TERMS**

**Article 1**

In this Law, the definitions are as follows:

1. Narcotics shall mean any substance or medicine derived from plants or non-plants, either synthetic or semi-synthetic, which may cause degradation or change of consciousness, sensation loss, reduction through elimination of pain, and may cause dependence, which is differentiated into groups as referred to the Law.
2. Narcotics Precursor shall mean any substance or incipient material or chemicals which can be used within Narcotics production being differentiated into table as included to the Law.
3. Production shall mean any activity or process to prepare, manufacture, and produce Narcotics directly or indirectly through extraction or non-extraction from natural resources or chemical synthetic or its combination, including to package and/or modify Narcotics form.
4. Import shall mean any activity to include Narcotics and Narcotics Precursor into Customs Area.
5. Export shall mean any activity to exclude Narcotics and Narcotics Precursor from Customs Area.
6. Illicit Traffic in Narcotics and Narcotics Precursor shall mean any unrightful or unlawful activity or series of activity stipulated as the crime of Narcotics and Narcotics Precursor.

7. Letter of Import Approval shall mean a letter of approval to import Narcotics and Narcotics Precursor.
8. Letter of Export Approval shall mean a letter of approval to export Narcotics and Narcotics Precursor.
9. Transportation shall mean any activity or series of activity to remove Narcotics from one place into another place with any whatsoever methods, modes or transportation means.
10. Pharmaceutical Large Trader shall mean any company in corporate form licensed to conduct procurement, storage, and supply activities of pharmaceutical preparation, including Narcotics and health equipment.
11. Pharmaceutical Industry shall mean any company in corporate form licensed to conduct production and distribution activities of medicine and medical material, including Narcotics.
12. Narcotics Transit shall mean transportation of Narcotics from a country to another country by passing and transit within jurisdiction of the Republic of Indonesia which have customs office with or without changing transportation facilities.
13. Narcotics Addict shall mean any person who consume or abuse Narcotics and in dependence

condition against Narcotics either physically or psychologically.

14. Narcotics dependence shall mean any condition indicated by the impulse to continuously consume Narcotics with increasing doses to produce the same effects and in case the consumption being suddenly reduced and/or terminated, occurring specific physical and psychological symptoms.

15. Abuser shall mean any person who unrightfully or unlawfully consume narcotics.

16. Medical Rehabilitation shall mean an integrated process of treatment activity to release the addict from Narcotics dependence.

17. Social Rehabilitation shall mean an integrated process of recovery activity either physically, mentally or socially in order that the ex-addicted person may be recovered to perform his/her social functions within people's life.

18. Evil Conspiracy shall mean an action of two men or more to conspire or to be in covenant to perform, carry out, help, co-perform, instruct, suggest, facilitate, give consultation, to become member of any Narcotics criminal organization, or organize any crime of Narcotics.

19. Tapping shall mean any activity or series of activity of research or investigation by tapping

conversation, message, information, and/or communication network made through telephone and/or other electronics communication devices.

20. Organized Crime shall mean any crime committed by a structured group consists of 3 (three) persons or more which has been existing for certain time and to collectively conduct under purpose for any crime of Narcotics.

21. Corporation shall mean any organized group of people and/or assets either corporate or non-corporate.

22. Minister shall mean the minister held government affairs in health sector.

## **CHAPTER II**

### **BASIS, PRINCIPLE AND PURPOSE**

#### **Article 2**

Law regarding Narcotics shall be by virtue of *Pancasila* and National Constitution of the Republic of Indonesia of 1945.

#### **Article 3**

Law regarding Narcotics shall be held under principles of:

a. justice;

- b. service;
- c. humanity;
- d. orderliness;
- e. protection;
- f. security;
- g. scientific values; and
- h. legal certainty.

#### **Article 4**

Law regarding Narcotics shall have purposes as follows:

- a. to guarantee the availability of Narcotics for the interest of health service and/or science and technology development;
- b. to prevent, protect, and to save Indonesian people from Narcotics abuse;
- c. to eradicate illicit traffic of Narcotics and Narcotics Precursor; and
- d. to guarantee the control of medical and social rehabilitation efforts for abuser and Narcotics addict.



## **CHAPTER III**

### **SCOPE**

#### **Article 5**

Control of Narcotics in this Law shall cover any forms of activities and/or actions related with Narcotics and Narcotics precursor.

#### **Article 6**

1) Narcotics as referred to in Article 5 shall be categorized into:

- a. Narcotics Grup I;
- b. Narcotics Group II; and
- c. Narcotics Group III.

2) Categorization of Narcotics as referred to in paragraph (1) thereto shall be for the first time stipulated as included in Appendix I and being inseparable part of the Law.

3) Clause about the change of Narcotics categorization as referred to in paragraph (2) shall be governed under Ministerial Regulation.

#### **Article 7**

Narcotics shall be able to be consumed only for the interest of health service and/or science and technology development.

### **Article 8**

- (1) Narcotics Group I shall be prohibited to be consumed for the interest of health service.
- (2) In limited amount, Narcotics Group I may be consumed for the interest of science and technology development and for diagnostic reagent, and laboratory reagent following obtaining the approval of Minister upon the recommendation of Head of Supervisory Board on Drugs and Food.

## **CHAPTER IV**

### **PROCUREMENT**

#### **First Section**

#### **Annual Demand Plan**

### **Article 9**

- (1) Minister shall guarantee the availability of Narcotics for the interest of health service and/or for development of science and technology.
- (2) For the necessity on Narcotics availability as referred to in paragraph (1) thereto, it is arranged annual demand plan on Narcotics.
- (3) Annual demand plan on Narcotics as referred to in paragraph (2) thereto shall be arranged under recording and reporting data of annual production

plan and realization which is comprehensively audited and being the reference for nation-wide procurement, control, and supervision of Narcotics.

- (4) Further clauses about the arrangement of annual demand plan on Narcotics shall be governed under Ministerial Regulation.

#### **Article 10**

- (1) Narcotics for domestic demand shall be obtained from import, domestic production, and/or other resources with guidance to annual demand plan on Narcotics as referred to in Article 9 paragraph (3).

- (2) Further clauses about the arrangement of annual demand plan on narcotics as referred to Article 9 and domestic demand on Narcotics as referred to paragraph (1) thereabove shall be governed under Ministerial Regulation.

### **Second Section**

#### **Production**

#### **Article 11**

- (1) Minister shall provide specific permit to produce Narcotics to certain licensed Pharmaceutical Industry pursuant to regulations and legislations

after being audited by Supervisory Board on Drugs and Food.

- (2) Minister shall perform the control against Narcotics production according to annual demand plan on Narcotics as referred to Article 9.
- (3) Supervisory Board on Drugs and Food shall perform supervision against raw material, production process and final product of Narcotics production pursuant to annual demand plan on Narcotics as referred to in Article 9.
- (4) Further clauses about procedures of granting permit and control as referred to paragraphs (1) and (2) shall be governed under Ministerial Regulation.
- (5) Further clauses about supervision procedures as referred to paragraph (3) shall be governed under Regulation of Head of Supervisory Board on Drugs and Food.

## **Article 12**

- (1) Narcotics Group I shall be prohibited to be produced and/or used in production process unless in a very limited amount for the interest of science and technology development.
- (2) Supervision on production of Narcotics Group I for the interest of science and technology development as referred to paragraph (1) shall be

tightly performed by Supervisory Board on Drugs and Food.

- (3) Further clauses about procedures of production operation and/or the use for production in a very limited amount for the interest of science and technology development as referred to paragraph (1) shall be governed under Ministerial Regulation.

### **Third Section**

#### **Narcotics for Science and Technology**

##### **Article 13**

- (1) Science instituton in form of education and training and research and development institution operated by government or private may obtain, plant, keep and use Narcotics for the interest of science and technology after obtaining the Minister's permit.
- (2) Further clauses about requirements and procedures for obtaining permit and the use of Narcotics as refered to in paragraph (1) shall be governed under Ministerial Regulation.

## **Fourth Section**

### **Storage and Reporting**

#### **Article 14**

- (1) Narcotics controlled by Pharmaceutical Industry, pharmaceutical large trader, state-owned storage facility for pharmaceutical preparation, dispensary, hospital, public health center, clinic, doctor and science institution shall be required to be stored in a specialized way.
- (2) Pharmaceutical Industry, pharmaceutical large trader, state-owned storage facility for pharmaceutical preparation, dispensary, hospital, public health center, clinic, doctor and science institution shall be required to prepare, submit, and keep periodic report about inclusion and/or exclusion of Narcotics under their control.
- (3) Further clauses about specialized storage procedures as referred to paragraph (1) thereto and period, form, content, and reporting procedures as referred to in paragraph (2) shall be governed under Ministerial Regulation.
- (4) Infringement against clause about storage as referred to in paragraph (1) and/or clauses about reporting as referred to paragraph (2) shall be charged administrative penalty by the Minister upon

recommendation from Head of Supervisory Board on  
Drugs and Food in form of:

- a. reprimand;
- b. warning;
- c. administrative penalty;
- d. temporary activity termination; or
- e. license revocation.

## **CHAPTER V**

### **IMPORT AND EXPORT**

Special Permit and Letter of Import Approval

#### **Article 15**

- (1) Minister shall provide permit to 1 (one) company of state-owned pharmaceutical large trader licensed as importer pursuant to regulations and legislations to perform import of Narcotics.
- (2) In particular condition, Minister may provide permit to another company of the state-owned company as referred to in paragraph (1) thereto licensed as an importer pursuant to regulations and legislations to perform import of Narcotics.

## **Article 16**

- (1) Importer of Narcotics must own Letter of Import Approval from Minister for each time conducting import of Narcotics.
- (2) Letter of Import Approval on Narcotics as referred to in paragraph (1) shall be provided under audit result of Head of Supervisory Board on Drugs and Food against the demand plan and production realization and/or the use of Narcotics.
- (3) Letter of Import Approval on Narcotics Group I in a very limited amount may be provided only for the interest of science and technology development.
- (4) Letter of Import Approval as referred to paragraph (1) shall be submitted to the government of any exporting country.

## **Article 17**

Import performance of Narcotics shall be made under approval basis of the government of exporting country and the approval shall be declared within a valid document pursuant to regulations and legislations in any exporting county.



## **Second Section**

### **Special Permit and Letter of Export Approval**

#### **Article 18**

- (1) Minister shall provide permit to 1 (one) company of state-owned pharmaceutical large trader licensed as exporter pursuant to regulations and legislations to perform export of Narcotics.
- (2) In particular condition, Minister may provide permit to another company of the state-owned company as referred to in paragraph (1) thereto licensed as an exporter pursuant to regulations and legislations to perform export of Narcotics

#### **Article 19**

- (1) Exporter of Narcotics must own Letter of Export Approval from Minister for each time conducting export of Narcotics.
- (2) To obtain Letter of Export Approval on Narcotics as referred to in paragraph (1) thereto, applicant shall enclose approval letter from the importing country.

#### **Article 20**

Export performance of Narcotics shall be made under approval basis of the government of importing country and

the approval shall be declared within a valid document pursuant to regulations and legislations in any importing country.

#### **Article 21**

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

#### **Article 22**

Further clauses about requirements and procedures to obtain Letter of Import Approval and Letter of Export Approval shall be governed under Ministerial Regulation.

### **Third Section**

#### **Transportation**

#### **Article 23**

Regulations and legislations regarding goods transportation shall remain applicable for transportation of Narcotics unless otherwise stipulated in the Law or later governed under clauses of the Law.

#### **Article 24**

- (1) Each transportation of the imported Narcotics shall be required to be accompanied with valid

documents or letter of export approval on Narcotics pursuant to regulations and legislations in exporting country and Letter of Import Approval on Narcotics issued by the Minsiter.

- (2) Each transpotation of the exported Narcotics shall be required to be accompanied with Letter of Export Approval on Narcotics issued by Minister and valid documents or letter of import approval on Narcotics pursuant to regulations and legislations in any exporting country.

#### **Article 25**

Person in charge in transporting import of Narcotics entering jurisdiction of the Republic of Indonesia shall be required to bring and be responsible upon the completeness of Letter of Import Aproval on Narcotics from Minister and valid documents or letter of import approval on Narcotics pursuant to regulations and legislations in any exporting country.

#### **Article 26**

- (1) Exporter of Narcotics shall be required to provide Letter of Export Approval on Narcotics from Minister and valid documents or letter of import approval on Narcotics pursuant to regulations and

legislations in any importing country to the person in charge in the export transportation company.

(2) Person in charge in the export transportation company shall be required to provide Letter of Export Approval on Narcotics from Minsiter and valid documents or letter of import approval on Narcotics pursuant to regulations and legislations in any importing country to the person in charge in transporting.

(3) Person in charge in transporting export on Narcotics shall be required to bring and be responsible upon the completeness of Letter of Export Aproval on Narcotics from Minister and valid documents or letter of import approval on Narcotics pursuant to regulations and legislations in any importing country.

#### **Article 27**

(1) The transported Narcotics must be stored in the first chance in special package or in a safe place within the ship sealed by ship captain witnessed by the dispatcher.

(2) Ship captain shall prepare minutes about the transported cargo of Narcotics.

(3) Ship captain in no later than 1 x 24 (one time twenty four) hours after arrived in destination port

shall be required to report Narcotics loaded onto his ship to the local head of customs office.

(4) Unloading of Narcotics cargo shall be made in the first chance by ship captain witnessed by the officer of customs and excise.

(5) Ship captain identified any Narcotics without documents or letter of export approval or letter of import approval within the ship shall be required to prepare minutes, perform security conduct, and in the transit port shall immediately report and submit the Narcotics to the authorized party.

#### **Article 28**

Clause as referred to in Article 27 shall be applicable as well for pilot in airline transportation.

#### **Fourth Section**

##### **Transit**

#### **Article 29**

(1) Narcotics Transit must be accompanied with valid documents or letter of export approval on Narcotics from the government of any exporting country and valid documents or letter of import approval on Narcotics from the government of any importing country pursuant to regulations and

legislations applicable in any exporting and importing country.

(2) Documents or letter of export approval on Narcotics from the government of exporting country and documents or letter of import approval on Narcotics as referred to in paragraph (1) shall at least contain information about:

- a. name and address of exporter and importer of Narcotics;
- b. type, form and amount of Narcotics; and
- c. export destination country of Narcotics.

### **Article 30**

Each time any change of export destination country of Narcotics in Narcotics transit may be performed only following the approval from:

- a. government of Narcotics exporter country;
- b. government of Narcotics importer country; and
- c. government of destination country of the changed Narcotics export.

### **Article 31**

Re-packaging Narcotics in Narcotics Transit may be conducted only against original package of Narcotics experienced damage and should be made under supervision

responsibility of the Customs and Excise officer and personnel of Supervisory Board on Drugs and Food.

### **Article 32**

Further clauses regarding activities of Narcotics transit shall be governed under Government Regulation.

## **Fifth Section**

### **Examination**

### **Article 33**

Government shall conduct examination for the completeness of import, export and/or Narcotics transit documents.

### **Article 34**

- (1) Importer of Narcotics in Narcotics examination in which the import witnessed by Supervisory Board on Drugs and Food and shall be required to report the result to the Minister in no later than 3 (three) working days as of the received date of Narcotics import in the company.
- (2) Based upon report result as referred to in paragraph (1), Minister shall deliver result of Narcotics import to the government of exporting country.

## **CHAPTER VI**

### **CIRCULATION**

#### **First Section**

##### **General**

#### **Article 35**

Circulation of Narcotics shall cover any activity or series of activity to supply or submit Narcotics either in the framework of commerce, instead of trading or transfer, for the interest of health service and science and technology development.

#### **Article 36**

- (1) Narcotics in form of finished medicine may be circulated only after obtaining circulation permit from the Minister.
- (2) Further clauses about requirements and procedures of Narcotics circulation permit in form of finished medicine as referred to in paragraph (1) shall be governed under Ministerial Regulation.
- (3) To obtain circulation permit from the Minister, Narcotics in form of finished medicine as referred to in paragraph (1) thereto shall go through registration with Supervisory Board on Drugs and Food.



(4) Further clauses about requirements and procedures of Narcotics registration in form of finished medicine as referred to in paragraph (3) shall be governed under Regulation of Head of Supervisory Board on Drugs and Food.

#### **Article 37**

Narcotics Group II and Group III which is in form of raw material either natural or synthetic used for drugs production shall be governed under Ministerial Regulation.

#### **Article 38**

Any activity of Narcotics circulation shall be required to be accompanied with valid documents.

### **Second Section**

#### **Distribution**

#### **Article 39**

(1) Narcotics may be distributed only by Pharmaceutical Industry, pharmaceutical large trader, and state-owned storage facility for pharmaceutical preparation pursuant to the rules in the Law.

(2) Pharmaceutical Industry, pharmaceutical large trader, and state-owned storage facility for pharmaceutical preparation as referred to in paragraph (1) shall be required to own special permit for Narcotics supply from the Minister.

#### **Article 40**

(1) Certain Pharmaceutical Industry may distribute Narcotics only to:

- a. certain pharmaceutical large trader;
- b. dispensary;
- c. certain state-owned storage facility for pharmaceutical preparation; and
- d. hospital.

(2) Certain pharmaceutical large trader may distribute Narcotics only to:

- a. other certain pharmaceutical large traders;
- b. dispensary;
- c. certain state-owned storage facility for pharmaceutical preparation;
- d. hospital;
- e. science instituton; and

(3) Certain state-owned storage facility for pharmaceutical preparation may distribute Narcotics only to:

- a. state-owned hospital;

- b. public health center; and
- c. certain state-owned clinic.

#### **Article 41**

Narcotics Group I may be distributed only by certain pharmaceutical large trader to certain science instituton for the interest of science and technology development.

#### **Article 42**

Further clauses about requirements and procedures of Narcotics distribution shall be governed under Ministerial Regulation.

### **Third Section**

#### **Delivery**

#### **Article 43**

(1) Narcotics delivery may be conducted only by:

- a. dispensary;
- b. hospital;
- c. public health center;
- d. clinic; and
- e. doctor.

(2) Dispensary may deliver Narcotics only to:

- a. hospital;
- b. public health center;

c. other dispensaries;

d. clinic;

e. doctor; and

f. patient.

(3) Hospital, dispensary, public health center, and clinic may deliver Narcotics to patients under doctor's prescription.

(4) Narcotics delivery by doctor may be performed only to:

a. operate doctor's practice by giving Narcotics through injection;

b. help ill persons in meergency situation by giving Narcotics through injection; or

c. perform tasks in remote areas which has no dispensary.

(5) Narcotics in form of injection in a certain amount delivered by doctor as referred to in paragraph (4) thereto may be obtained only in dispensary.

#### **Article 44**

Further clauses about requirements and procedures of Narcotics delivery as referred to in Article 43 shall be governed under Ministerial Regulation.

### **CHAPTER VII**

#### **LABEL AND PUBLICATION**

#### **Article 45**

- (1) Pharmaceutical Industry shall be required to include label in Narcotics package either in form of finished medicine or Narcotics raw material.
- (2) Label in Narcotics package as referred to in paragraph (1) may be in form of writing, drawing, combined writing and drawing, or other forms inserted in package or included into package, attached, or being the part of the container, and/or the package.
- (3) Any information included in label against Narcotics package must be complete and not misleading.

#### **Article 46**

Narcotics may be publicated only in medical scientific printed media or pharmaceutical scientific printed media.

#### **Article 47**

Further clauses about requirements and procedures of label and publication insertion as referred to in Articles 45 and 46 shall be governed under Ministerial Regulation.

**CHAPTER VIII**  
**NARCOTICS PRECURSOR**

**First Section**

**Control Purpose**

**Article 48**

Precursor control in this Law shall be purposed to:

- a. protect people from the danger of Narcotics Precursour abuse;
- b. prevent and eradicate illicit traffic of Narcotics Precursor; and
- c. prevent the occurrence of leakage and deviation of Narcotics Precursor.

**Second Section**

**Categorization and Types of Narcotics Precursor**

**Article 49**

- (1) Narcotics Precursor as referred to in Article 5 shall be categorized into Precursor in Table I and Precursor in Table II in the Appendices to the Law.
- (2) Categorization of Narcotics Precursor as referred to in paragraph (1) for the first time stipulated as included in Appendix II and being inseparable part of the Law.

- (3) Clauses regarding the change of the categorization of Narcotics Precursor as referred to in paragraph (2) shall be governed under Ministerial Regulation after coordination with related minister.

### **Third Section**

#### **Annual Demand Plan**

#### **Article 50**

- (1) Government shall prepare annual demand plan of Narcotics Precursor for the interest of pharmaceutical industry, non-pharmaceutical industry, and science and technology.
- (2) Annual demand plan as referred to in paragraph (1) shall be prepared under total supplies, estimated demand, and the use of Narcotics Precursor in nation-wide.
- (3) Further clauses regarding requirements and procedures of preparation for annual demand plan on Narcotics Precursor as referred to in paragraphs (1) and (2) shall be governed under Ministerial Regulation after coordination with related minister.

## **Fourth Section**

### **Procurement**

#### **Article 51**

- (1) Procurement of Narcotics Precursor shall be made through production and import.
- (2) Procurement of Narcotics Precursor as referred to in paragraph (1) thereto may be in use only for the purposes of pharmaceutical industry, non-pharmaceutical industry, and science and technology.

#### **Article 52**

Clauses regarding requirements and procedures of production, import, export, circulation, recording and reporting, and supervision of Narcotics Precursor shall be governed under Ministerial Regulation.

## **CHAPTER IX**

### **THERAPY AND REHABILITATION**

#### **First Section**

##### **Therapy**

#### **Article 53**

- (1) For the interest of therapy and under medical indication, doctor may provide Narcotics Group II or



Group III in a limited amount and certain preparation to patients pursuant to regulations and legislations.

(2) Patient as referred to paragraph (1) thereto may own, keep, and/or bring Narcotics for him/herself.

(3) Patient as referred to p[aragraph (2) shall have valid evidence that Narcotics being owned, kept, and/or being brought for use is validly taken pursuant to regulations and legislations.

## **Second Section**

### **Rehabilitation**

#### **Article 54**

Narcotics Addict and victim of Narcotics abuse shall be required to go through medical and social rehabilitation.

#### **Article 55**

(1) Parents or guardian of Narcotics addict which is not in age of consent shall be required to report to public health center, hospital, and/or medical and social rehabilitaton appointed by Government to obtain therapy and/or treatment through medical rehabilitation and social rehabilitation.

(2) Clauses regarding the performance of compulsory reporting as referred to in paragraph (1) and paragraph (2) shall be governed under Government Regulation.

#### **Article 56**

(1) Medical rehabilitation for Narcotics addict shall be carried out in the hospital appointed by the Minister.

(2) Certain rehabilitation institution held by government agency or public may perform medical rehabilitation for Narcotics addict after being approved by the Minister.

#### **Article 57**

Other than through therapy and/or medical rehabilitation, the cure of Narcotics addict can be held by government agency or public through religious and tradional approach.

#### **Article 58**

Social rehabilitation for ex-narcotics addict shall be held both by government agency or by public.

#### **Article 59**

(1) Performance of clauses as referred to in Article 56 and Article 57 shall be governed by Ministerial Regulation.

(2) Performance of clauses as referred to in Article 58 shall be governed under ministerial regulation held government affairs in social sector.

## **CHAPTER X**

### **PROMOTION AND SUPERVISION**

#### **Article 60**

(1) Government shall perform promotion against any activities related with Narcotics.

(2) Promotion as referred to in paragraph (1) thereto shall comprise the efforts to:

a. satisfy availability of Narcotics for the interest of health service and/or science and technology development;

b. prevent Narcotics abuse;

c. prevent the youth and school-aged children against the abuse of Narcotics, including by inserting education related with Narcotics within the curriculum of primary school to higher secondary school;

d. encourage and support research and/or development activities of science and

technology in Narcotics sector for the interest of health service; and

e. improve the capacity of medical rehabilitation institution for Narcotics addict, both operated by government or public.

#### **Article 61**

- (1) Government shall perform supervisory against any activities related with Narcotics.
- (2) Supervision as referred to in paragraph (1) shall cover:
- a. Narcotics and Narcotics Precursor for the interest of health service and/or science and technology development;
  - b. potential tools which can be abused for committing the crime of Narcotics and Narcotics Precursor;
  - c. evaluation against safety, special quality and quality of the product before being circulated;
  - d. production;
  - e. import and export;
  - f. circulation;
  - g. labelling;
  - h. information; and
  - i. science and technology research and development.

## **Article 62**

Further clauses regarding promotion as referred to in Article 60 and supervision as referred to in Article 61 shall be governed under Ministerial Regulation.

## **Article 63**

Government shall attempt for cooperation with other countries and/or international agencies in bilateral or multilateral way both regionally or internationally for the promotion and supervision of Narcotics and Narcotics Precursor pursuant to national interest.

## **CHAPTER XI**

### **PREVENTION AND ERADICATION**

#### **First Section**

#### **Position and Domicile**

## **Article 64**

- (1) In order to prevent and eradicate the abuse and illicit traffic of Narcotics and Narcotics Precursor, under the Law, it is established *Badan Narkotika Nasional* (National Narcotics Agency), which hereinafter referred to as BNN.
- (2) BNN as referred to paragraph (1) thereto shall constitute a non-ministerial state-owned institution

below President and shall be responsible to the President.

#### **Article 65**

- (1) BNN shall have its domicile in the capital of the country with its working area covering entire jurisdiction of the Republic of Indonesia.
- (2) BNN as referred to in paragraph (1) thereto shall have representatives in provincial and district/municipality levels.
- (3) BNN in provincial level shall have its domicile in the capital of the province and BNN in district/municipality level shall have its domicile in the capital of the district/municipality.

#### **Article 66**

BNN in provincial level and BNN in district/municipality level as referred to in Article 65 paragraph (3) thereabove shall constitute a vertical agency.

#### **Article 67**

- (1) BNN shall be chaired by a chairman and aided by a main secretary and several deputies.
- (2) Deputy as referred to in paragraph (1) shall be in charge in the affairs of:
  - a. prevention sector;

- b. eradication sector;
- c. rehabilitation sector;
- d. legal and cooperation sector; and
- e. community empowerment sector.

(1) Further clauses regarding organization structure and working order of BNN shall be governed under Presidential Regulation.

## **Second Section**

### **Appointment and Discharge**

#### **Article 68**

- (1) BNN chairman shall be appointed and discharged by President.
- (2) Requirements and procedures of appointment and discharge of BNN Chairman as referred to in paragraph (1) shall be governed under Presidential Regulation.

#### **Article 69**

In order to be able to be recommended to be a BNN chairman, a candidate should be qualified as follows:

- a. a citizen of the Republic of Indonesia;
- b. good faith to the Oneness of God;
- c. physically and mentally healthy;
- d. certified minimum bachelor degree (S-1);

- e. experienced for minimum 5 (five) years in law enforcement and minimum 2 (two) years in eradication against Eradication;
- f. aged maximum 56 (fifty six) years old;
- g. competent, honest, high moral integrity, and good reputation;
- h. never committed any unscrupulous deed;
- i. never being a political party functionary; and
- j. willing to release structural position and/or other positions during in office as BNN chairman.

### **Third Section**

#### **Task and Authority**

#### **Article 70**

BNN shall have the tasks as follows:

- a. to prepare and perform national policy on prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- b. to prevent and eradicate the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- c. to coordinate with Chief Police of the Republic of Indonesia in the prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor;



- d. to improve the capacity of medical and social rehabilitation institutions of Narcotics addict both operated by government and public;
- e. to empower people in the prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- f. to monitor, direct and improve people's activity in the prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- g. to cooperate bilaterally and multilaterally both regionally and internationally in order to prevent and eradicate illicit traffic of Narcotics and Narcotics Precursor;
- h. to develop the laboratory of Narcotics and Narcotics Precursor;
- i. to carry out research and investigation administration against the abuse and illicit traffic cases of Narcotics and Narcotics Precursor; and
- j, to prepare annual report regarding the performance of task and authority.

#### **Article 71**

In the performance of eradication task against the abuse and illicit traffic of Narcotics and Narcotics Precursor, BNN shall have the authority to conduct research and

investigation against the abuse and illicit traffic cases of Narcotics and Narcotics Precursor.

#### **Article 72**

(1) Authority as referred to in Article 71 shall be performed by BNN investigators.

(2) BNN investigator as referred to in paragraph (1) shall be appointed and discharged by BNN chairman.

(3) Further clauses regarding requirements and requirements of appointment and discharge of BNN investigator as referred to in paragraph (2) shall be governed under Regulation of BNN Chairman.

### **CHAPTER XII**

#### **INVESTIGATION, CLAIM AND EXAMINATION BEFORE THE COURT**

#### **Article 73**

Investigation, claim and examination before the court against the abuse and illicit traffic of Narcotics and Narcotics Precursor shall be performed under regulations and legislations, unless otherwise stipulated in the Law.

#### **Article 74**

(1) The abuse and illicit traffic cases of Narcotics and Narcotics Precursor including the

project being prioritized than another program to be submitted to the court for immediate settlement.

- (2) For examination process on the crime of Narcotics and Narcotics Precursor in appeal court, cassation level, review and death sentence execution, and clemency, its performance should be accelerated pursuant to regulations and legislations.

#### **Article 75**

In order to conduct investigation, BNN investigator shall be authorized to:

- a. conduct research against the report validity and information about any abuse and illicit traffic of Narcotics and Narcotics Precursor;
- b. examine people or coporation suspected to perform the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- c. summon any person to listen to his/her testimony as witness;
- d. instruct people suspected to commit the abuse and illicit trafic of Narcotics and Narcotics Precursor and examine the suspect's identity card;
- e. examine, search, and confiscate criminal evidence in the abuse and illicit traffic of Narcotics and Narcotics Precursor;

- f. examine letters and/or other documents regarding the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- g. arrest and detain people suspected to commit the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- h. perform interdiction against illicit traffic of Narcotics and Narcotics Precursor;
- i. conduct tapping related with the abuse and illicit traffic of Narcotics and Narcotics Precursor after found any sufficient initial evidence;
- j. perform purchase investigation technique in disguise and delivery under supervisory;
- k. destroy Narcotics and Narcotics Precursor;
- l. perform urine test, blood test, hair test, *Dioxyribonukleat Acid* (DNA), and/or testing in other body parts;
- m. take fingerprint and take picture of the suspect;
- n. scan against people, goods, animal, plant;
- o. open and examine any delivery items through post and any other communication devices suspected related with the abuse and illicit traffic of Narcotics and Narcotics Precursor;
- p. perform sealing against the confiscated Narcotics and Narcotics Precursor.
- q. make laboratory test against sample and evidence of Narcotics and Narcotics Precursor;

r. request the assistance of required experts related with investigation tasks against the abuse and illicit traffic of Narcotics and Narcotics Precursor; and

s. terminate investigation in case no sufficient evidence upon the suspected abuse and illicit traffic of Narcotics and Narcotics Precursor.

#### **Article 76**

- (1) Performance of the capture as referred to in Article 75 item g thereto shall be carried out in no later than 3 x 24 (three times twenty four) hours as of the letter of arrest received by the investigator.
- (2) Arrest as referred to in paragraph (1) thereto shall be extendable at the maximum 3 x 24 (three times twenty four) hours.

#### **Article 77**

- (1) Tapping as referred to in Article 75 point I shall be performed after it is found any sufficient preliminary evidence and carried out in no later than 3 (three) months as of the tapping letter received by the investigator.
- (2) Tapping as referred to in paragraph (1) may be carried out only under written permit from the chief judge

(3) Tapping as referred to in paragraph (1) shall be extendable 1 (once) for the same period.

(4) Tapping procedure shall be carried out pursuant to regulations and legislations.

#### **Article 78**

(1) In an urgent situation and Investigator must carry out tapping, tapping can be done without prior written permit from chief judge of district court.

(2) In no later than 1 x 24 (one times twenty four) hours, Investigator shall be required to request written permit to the Chief Judge of District Court about tapping as referred to in paragraph (1) thereto.

#### **Article 79**

Purchase investigation in disguise technique and delivery under supervision as referred to Article 75 item j shall be made by Investigator upon written instruction from the chairman.

#### **Article 80**

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

a. directly submit case file, suspect and evidence including the confiscated asset to the public prosecutor;

b. instruct banks or other financial institutions to block the suspected account derived from the product of the abuse and illicit traffic of Narcotics and Narcotics Precursor owned by the suspected or other related parties;

c. obtain information from bank or other financial institutions regarding financial condition of the suspect under examination;

d. obtain information from Center for Financial Reporting and Transaction Analysis related with the abuse and illicit traffic of Narcotics and Narcotics Precursor;

e. request the asset and taxation data of the suspect to related agencies;

f. temporary terminate any financial transaction, commercial transaction, and other agreements or temporary revoke of any permit, license and concession made or owned by the suspect suspected under sufficient initial evidence in relation with the abuse and illicit traffic of Narcotics and Narcotics Precursor which is under examination;

g. request the assistance of Indonesian Interpol or other countries' law enforcement agencies to search, arrest, and confiscate evidence abroad.

### **Article 81**

Investigator of the Police of the Republic of Indonesia and BNN investigator shall be authorized to perform investigation against the abuse and illicit traffic of Narcotics and Narcotics Precursor under the law.

### **Article 82**

(1) Investigator of certain civil servant as referred to in the Law regarding Law of Criminal Procedure shall be authorized to perform investigation against the crime of Narcotics and Narcotics Precursor abuse.

(2) Investigator of certain civil servant as referred to in paragraph (1) within the vicinity of ministry or non-ministerial state-owned institution that its task scope and responsibility in Narcotics and Narcotics Precursor shall be authorized to:

- a. examine the report validity and information about any suspected abuse of Narcotics and Narcotics Precursor;
- b. examine people suspected to commit the abuse of Narcotics and Narcotics Precursor;
- c. request information and evidence from people or corporate related with the abuse of Narcotics and Narcotics Precursor;



- d. examine evidence or case evidence of the abuse of Narcotics and Narcotics Precursor;
- e. confiscate evidence or case evidence of the abuse of Narcotics and Narcotics Precursor;
- f. examine letters and/or other documents regarding any suspected abuse of Narcotics and Narcotics Precursor;
- g. request the assistance of experts related for investigation tasks against the abuse of Narcotics and Narcotics Precursor; and
- h. arrest people suspected to commit the abuse of Narcotics and Narcotics Precursor.

### **Article 83**

Investigator shall be able to perform cooperation to prevent and eradicate the abuse and illicit traffic of Narcotics and Narcotics Precursor.

### **Article 84**

In the performance of investigation against the abuse and illicit traffic of Narcotics and Narcotics Precursor, the investigator of the Police of the Republic of Indonesia shall notify in writing about the beginning of the investigation to BNN investigator or vice versa.

### **Article 85**

In the performance of investigation against the abuse and illicit traffic of Narcotics and Narcotics Precursor, certain investigator of civil servant shall coordinate with BNN investigator or investigator of the Police of the Republic of Indonesia pursuant to the Law regarding Law of Criminal Procedure.

### **Article 86**

(1) Investigator may obtain evidence other than as referred to in the Law regarding Law of Criminal Procedure.

(2) Evidence as referred to in paragraph (1) thereto shall be in form of:

a. information which is told, delivered, received, or stored electronically with optic device or similar to the same; and

b. recording or information data which is readable, and/or hearable, releasable with or without the aid of any facility both written on paper, any whatsoever physical items other than paper or electronically

recorded including but not limited to:

1. writing, voice, and/or drawing;
2. map, design, picture or the like; or
3. figure, sign, number, symbol, password or perforation which has understandable meaning for those who can read or understand the same.

#### **Article 87**

(1) Investigator of the Police of the Republic of Indonesia or BNN investigator performed confiscation of Narcotics or Narcotics Precursor, or that is suspected Narcotics or Narcotics Precursor, or that contains Narcotics or Narcotics Precursor shall be required to conduct sealing and prepare minutes of confiscation on the day where confiscation being made, which at least contains:

- a. name, type, trait and amount;
- b. information about place, hour, day, date, month and year of the confiscation;

c. information about the owner or those controlled Narcotics or Narcotics Precursor; and

d. signature and complete identity of the investigator performed confiscation.

(2) Investigator as referred to in paragraph (1) shall be required to notify confiscation being made to chief attorney of local district attorney office in no later than 3 x 24 (three times twenty four) hours as of the confiscation and the copy delivered to the chief judge of local district court, Minister, and Head of Supervisory Board on Drugs and Food.

#### **Article 88**

(1) Certain investigator of civil servant performed confiscation against Narcotics and Narcotics Precursor shall be required to prepare minutes of confiscation and submit such confiscated goods including its minutes to local BNN investigator or investigator of the Police of the Republic of Indonesia in no later than 3 x 24 (three times twenty four) hours as of the confiscation and the copy of the minutes delivered to the chief judge of local district court, Minister, and Head of Supervisory Board on Drugs and Food..

(2) The said confiscated goods submission as referred to in paragraph (1) thereto may be made in

no later than 14 (fourteen) days in case related with any difficult area to be accessed due to geographic or transportation factors.

#### **Article 89**

- (1) Investigator as referred to in Article 87 and Article 88 shall be responsible for the storage and security of confiscated goods under his/her control.
- (2) Further clauses regarding requirements and procedures of storage, security and supervision against the confiscated Narcotics and Narcotics Precursor as referred to in paragraph (1) shall be governed under Government Regulation.

#### **Article 90**

- (1) For the purpose of investigation, claim, and examination before the court, investigator of the Police of the Republic of Indonesia, BNN investigator and investigator of civil servant shall allocate a small part of confiscated goods of Narcotics and Narcotics Precursor to be sample for testing in certain laboratory and performed in no later than 3 x 24 (three times twenty four) hours since the confiscation.
- (2) Further clauses regarding requirements and procedures of sampling and sample test in certain

laboratory shall be governed under Government Regulation.

#### **Article 91**

- (1) Chief Attorney of local district attorney office after receiving notice about confiscation of Narcotics and Narcotics Precursor from investigator of the Police of the Republic of Indonesia or BNN investigator, in no later than 7 (seven) days shall be required to stipulate status of the said confiscated goods of Narcotics and Narcotics Precursor for the interests of case authentication, science and technology development, eucation and training, and/or being destroyed.
- (2) Confiscated goods of Narcotics and Narcotics Precursor within investigator's storage and security already stipulated to be destroyed shall be required to be destroyed in no later than 7 (seven) days as of receiving the stipulation of destruction from the chief attorney of local district attorney office.
- (3) Inestigator shall be required to prepare minutes of destruction in no later than 1 x 24 (one time twenty four) hours as of the destruction and submit the minutes to chief judge of local district court,

chief judge of local district court, Minister, and Head of Supervisory Board on Drugs and Food.

- (4) In certain condition, destruction time limit as referred to in paragraph (2) thereto shall be extendable 1 (once) for the same period.
- (5) Destruction of the consficated goods as referred to in paragraph (2) thereto shall be made under Article 75 item k.
- (6) Confiscated goods for the interest of science and technology shall be submitted to the Minister and for the interest of education and training shall be submitted to BNN Chairman and Chief Police of the Republic of Indonesia in no later than 5 (five) days as of receivingf stipulation from chief attorney of local district attorney office.
- (7) BNN chairman and Chief Police of the Republic of Indonesia as refered to in paragraph (6) shall submit report to the Minister regarding the use of confiscated goods for the interest of education and training.

## **Article 92**

- (1) Investigator of the Police of the Republic of Indonesia and BNN investigator shall be required to destroy Narcotics plant found in no later than 2 x 24 (two times twenty four) hours as of being found,

after allocation of small part for the interest of investigation, claim, examination before the court, and may be allocated for the interest of science and technology development, and for the interest of education and training.

(2) For Narcotics plant in which due to the amount and location of the area which is difficult to be accessed for geographic or transportation factors, destruction shall be made in no later than 14 (fourteen) days.

(3) Destruction and allocation of a small part of Narcotics plant as referred to in paragraph (1) shall be made under preparation of minutes which at least contains:

- a. name, type, trait and amount;
- b. information about place, hour, day, date, month and year being found and destroyed;
- c. information about the owner or those controlled Narcotics plant; and
- d. signature and complete identity of the operator and official or other related parties witnessed the destruction.

(4) A small part of Narcotics plant which is not destroyed as referred to in paragraph (1) thereto shall be kept by the investigator for the interest of authentication.



(5) A small part of Narcotics plant which is not destroyed as referred to in paragraph (1) thereto shall be kept by the Minister and Supervisory Board on Drugs and Food for the interest of science and technology development.

(6) A small part of Narcotics plant which is not destroyed as referred to in paragraph (1) thereto shall be kept by BNN for the interest of education and training.

#### **Article 93**

Other than for the interests as referred to in Articles 90, 91, and 92, the said confiscated small part of Narcotics or Narcotics plant can be delivered to another country suspected as the origin of Narcotics or Narcotics plant for laboratory examination for the disclosure of the origin of the same and its circulation network under intercountry agreement or reciprocal principle.

#### **Article 94**

Further clauses regarding requirements and procedures of confiscated goods delivery and destruction as referred to in Articles 91 and 92 shall be governed under Government Regulation.

#### **Article 95**

Process of investigation, claim and examination before the court shall not delay or impede the delivery of confiscated goods in accordance with time limit clause as referred to Article 90 and Article 91.

#### **Article 96**

- (1) In case that under the court ruling with permanent legal power it is proven that the confiscated goods already destroyed according to Article 91 being legitimately obtained or owned, to the owner of the said goods shall be indemnified by the government.
- (2) Indemnity amount as referred to in paragraph (1) thereto shall be stipulated by the court.

#### **Article 97**

For the interest of investigation or examination before the court, the suspect or defendant shall be required to provide information about entire assets and wealth of his/her wife, husband, children, and any person or corporation that he/she knows or being suspected to be related with the crime of Narcotics or Narcotics Precursor committed by the suspect or defendant.

### **Article 98**

Judge shall be authorized to ask the defendant to prove that entire assets and wealth of his/her wife, husband, children, and any person or corporation not derived from the result of the crime of Narcotics and Narcotics Precursor committed by the defendant.

### **Article 99**

- (1) Before the court, the witness and other people related with the criminal case of Narcotics and Narcotics Precursor which is under examination shall be prohibited to mention name and address of the informant or things which made any possibility that the informant's identity can be identified.
- (2) Before the court hearing opened, the judge shall remind the witness and other people related with the criminal case of Narcotics and Narcotics Precursor not to commit the prohibited conduct as referred to paragraph (1) thereto.

### **Article 100**

- (1) Witness, informant, investigator, public prosecutor and judge examining the criminal case of Narcotics and Narcotics Precursor and their families shall be required to be protected by the state from any threat endangering their bodies, selves, and/or

assets either before, during or after the process of case examination.

- (2) Further clauses regarding the procedures of protection by the state as referred to in paragraph (1) thereto shall be governed under Government Regulation.

### **Article 101**

- (1) Narcotics, Narcotics Precursor, and tools or goods used within the crime of Narcotics and Narcotics Precursor or concerning with Narcotics and Narcotics Precursor and the result being declared seized for the state.
- (2) In case the seized tools or goods as referred to the paragraph (1) thereto owned by any third party with good faith, the owner may file objection against such seizure to the concerning court in 14 (fourteen) days as of the announcement of the court of first instance's ruling.
- (3) Entire assets or wealth which constitute the result of the crime of Narcotics and Narcotics Precursor and money laundering crime of the same under the court's ruling with permanent legal power remains being seized for the state and used for the interests of:

- a. performance of prevention and eradication against the abuse or illicit traffic of Narcotics and Narcotics Precursor; and
- b. the efforts of medical and social rehabilitation.

(4) Further clauses regarding procedures of the use of wealth or assets obtained from the result of the crime as referred to in paragraph (3) shall be governed under Government Regulation.

#### **Article 102**

The seizure of the assets as referred to in Article 101 thereabove may be conducted under the request of another country under intercountry agreement.

#### **Article 103**

- (1) Judge examining the case of Narcotics addict may:
- a. decide to order the concerning person to go through therapy and/or treatment through rehabilitation if the said Narcotics addict proven guilty committed narcotics crime; or
  - b. stipulate to order the concerning person to go through therapy and/or treatment through rehabiliotation if if the said Narcotics addict is not proven guilty committed narcotics crime.

(2) The term to go through therapy and/.or treatment for Narcotics addict as referred to in paragraph (1) item a shall be taken into account as imprisonment term.

## **CHAPTER XIII**

### **PUBLIC PARTICIPATION**

#### **Article 104**

Public shall have the broadest opportunity to participate and assist the prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor.

#### **Article 105**

Public shall have the right and responsibility for the efforts of prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor.

#### **Article 106**

The right of public for the efforts of prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor shall be embodied in forms of:

- a. seeking, obtaining, and providing information about any

suspected criminal conduct of  
Narcotics and Narcotics  
Precursor;

b. obtaining service in seeking,  
obtaining, and providing  
information about any suspected  
criminal conduct of Narcotics  
and Narcotics Precursor to the  
law enforcement officer or BNN  
handling criminal case of  
Narcotics and Narcotics  
Precursor;

c. delivering suggestion and  
opinion in responsible way to  
the law enforcement officer or  
BNN handling criminal case of  
Narcotics and Narcotics  
Precursor;

d. obtaining responses against the  
question about their report  
provided to law enforcement  
officer or BNN;

e. obtaining legal protection  
during the concerning person  
performs his/her right or being

requested to be present within  
the judicial process.

#### **Article 107**

Public may report to the authorized official or BNN if they find out any abuse or illicit traffic of Narcotics or Narcotics Precursor.

#### **Article 108**

- (1) Public participation as referred to in Articles 104, 105 and 105 may be established within any means coordinated by BNN.
- (2) Clauses as referred to in paragraph (1) thereto shall be governed under Regulation of BNN Chairman.

### **CHAPTER XIV**

#### **REWARD**

#### **Article 109**

Government shall grant reward to any law enforcement officer and public already rendered any service to the efforts for prevention and eradication against the abuse and illicit traffic of Narcotics and Narcotics Precursor.



## **Article 110**

Reward granting as referred to Article 109 shall be made pursuant to the regulations and legislations.

## **CHAPTER XV**

### **CRIMINAL CLAUSES**

## **Article 111**

- (1) Any person which is not entitled or against the law to plant, maintain, own, keep, control, or provide Narcotics Group I in form of plant shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).
- (2) In case of the action to plant, maintain, own, keep, control, or provide Narcotics Group I in form of plant as referred to in paragraph (1) thereto which the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees, the perpetrator shall be sentenced for life or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

### **Article 112**

(1) Any person which is not entitled or against the law to plant, maintain, own, keep, control, or provide Narcotics Group I not in form of plant shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).

(2) In case of the action to plant, maintain, own, keep, control, or provide Narcotics Group I not in form of plant as referred to in paragraph (1) thereto which the weight exceeding 5 (five) kilograms, the perpetrator shall be sentenced for life or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

### **Article 113**

(1) Any person which is not entitled or against the law to produce, import, export, or distribute Narcotics Group I shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty minimum Rp.

1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).

- (2) In case of the action to produce, import, export, or distribute Narcotics Group I as referred to in paragraph (1) thereto in form of the plant which the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees or not in form of plant which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, or imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 114**

- (1) Any person which is not entitled or against the law offers to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group I shall be sentenced for imprisonment for life or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).
- (2) In case of the action to offer to be sold, sell, purchase, being intermediary within

transaction, exchange, deliver or receive Narcotics Group I as referred to in paragraph (1) thereto which in form of the plant the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees or not in form of plant the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, or imprisonment for life, or imprisonment minimum 6 (six) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 115**

- (1) Any person which is not entitled or against the law to bring, dispatch, transport, or transit Narcotics Group I shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).
- (2) In case of the action to bring, dispatch, transport, or transit Narcotics Group I as referred to in paragraph (1) thereto in form of the plant the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees, the perpetrator shall be sentenced imprisonment for life or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and

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

#### **Article 116**

(1) Any person which is not entitled or against the law using Narcotics Group I against another person or providing Narcotics Group I for being used by another person shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty minimum Rp. 1000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).

(2) In case of the use of narcotics against another person or giving Narcotics Group I to be used by another person as referred to in paragraph (1) thereto shall cause another person died or permanently handicapped, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 117**

(1) Any person which is not entitled or against the law to own, keep, control, or provide Narcotics Group II shall be sentenced for imprisonment minimum

3 (three) years and maximum 10 (ten) years and penalty minimum Rp. 600,000,000.00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

(2) In case of the action to own, keep, control, or provide Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 118**

(1) Any person which is not entitled or against the law to produce, import, export, or distribute Narcotics Group II shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000,00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).

(2) In case of the action to produce, import, export, or distribute Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20

(twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 119**

(1) Any person which is not entitled or against the law offers to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group II shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000,.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).

(2) In case of the action to offer to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 120**

(1) Any person which is not entitled or against the law to bring, dispatch, transport, or transit Narcotics Group II shall be sentenced for

imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty minimum Rp. 600,000,000.00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

- (2) In case of the action to bring, dispatch, transport, or transit Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) thereto plus  $\frac{1}{3}$  (one-third).

#### **Article 121**

- (1) Any person which is not entitled or against the law using Narcotics Group II against another person or providing Narcotics Group II for being used by another person shall be sentenced for imprisonment minimum 4 (four) years and maximum 12 (twelve) years and penalty minimum Rp. 800,000,000.00 (eight hundred million rupiah) and maximum Rp. 8,000,000,000.00 (eight billion rupiah).
- (2) In case of the use of narcotics against another person or giving Narcotics Group II to be used by another person as referred to in paragraph (1) thereto shall cause another person died or



permanently handicapped, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 122**

(1) Any person which is not entitled or against the law to own, keep, control, or provide Narcotics Group III shall be sentenced for imprisonment minimum 2 (two) years and maximum 7 (seven) years and penalty minimum Rp. 400,000,000.00 (four hundred million rupiah) and maximum Rp. 3,000,000,000.00 (three billion rupiah).

(2) In case of the action to own, keep, control, or provide Narcotics Group III as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 123**

(1) Any person which is not entitled or against the law to produce, import, export, or distribute Narcotics Group III shall be sentenced for

imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty minimum Rp. 600,000,000,00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

- (2) In case of the action to produce, import, export, or distribute Narcotics Group III as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 124**

- (1) Any person which is not entitled or against the law offers to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group III shall be sentenced for imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty minimum Rp. 600,000,000,00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).
- (2) In case of the action to offer to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group III as referred to in paragraph (1) thereto which

the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 125**

(1) Any person which is not entitled or against the law to bring, dispatch, transport, or transit Narcotics Group III shall be sentenced for imprisonment minimum 2 (two) years and maximum 7 (seven) years and penalty minimum Rp. 400,000,000.00 (four hundred million rupiah) and maximum Rp. 3,000,000,000.00 (three billion rupiah).

(2) In case of the action to bring, dispatch, transport, or transit Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced for imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

#### **Article 126**

(1) Any person which is not entitled or against the law using Narcotics Group III against another person

or providing Narcotics Group III for being used by another person shall be sentenced for imprisonment minimum 3 (three) years and maximum 10 (ten) years and penalty minimum Rp. 600,000,000,00 (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah).

- (2) In case of the use of narcotics against another person or giving Narcotics Group II to be used by another person as referred to in paragraph (1) thereto shall cause another person died or permanently handicapped, the perpetrator shall be sentenced for imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty maximum as referred to in paragraph (1) thereto plus  $\frac{1}{3}$  (one-third).

#### **Article 127**

- (1) Any Abuser shall be as follows:
- a. Narcotics Group I for own-self shall be charged under imprisonment for maximum 4 (four) years;
  - b. Narcotics Group II for own-self shall be charged under imprisonment for maximum 2 (two) years; and
  - c. Narcotics Group III for own-self shall be charged under imprisonment for maximum 1 (one) year.

(2) In trying the case as referred to paragraph (1) thereto, the judge shall be required to observe the clause as referred to in Articles 54, 55 and 103.

(3) In case of the Abuse as referred to in paragraph (1) thereto can be proven or proven as the victim of Narcotics abuse, the Abuser shall be required to go through medical and social rehabilitation.

### **Article 128**

(1) Parents or guardian of the addict which is not in age of consent, as referred to in Article 55 paragraph (1) which intentionally not reported shall be charged under imprisonment maximum 6 (six) months or penalty maximum Rp. 1,000,000.00 (one million rupiah).

(2) Narcotics addict which is not in age of consent and has been reported by his/her parents/guardian as referred to in Article 55 paragraph (1) shall not be charged for crime.

(3) Narcotics addict which is already in age of consent as referred to in Article 55 paragraph (2) which goes through medical rehabilitation for 2 (twice) of doctor's treatment term in the hospital and/or medical rehabilitation institution appointed by government shall not be charged for crime.

(4) Hospital and/or medical rehabilitation institution as referred to paragraph (3) shall qualify the health standards stipulated by the Minister.

#### **Article 129**

Being charged under imprisonment for minimum 4 (four) years and maximum 20 (twenty) years and penalty maximum Rp. 5,000,000,000.00 (five billion rupiah), any person which are not entitled or against the law:

- a. to own, keep, control, or provide Narcotics Precursor for Narcotics production;
- b. to produce, import, export, or distribute Narcotics Precursor for Narcotics production;
- c. to offer to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Precursor for Narcotics production;
- d. to bring, dispatch, transport, or transit Narcotics Precursor for Narcotics production;

#### **Article 130**

(1) In case of criminal conduct as referred to Articles 111,112,113,114,115,116,117,118, 119,120,121,122,123,124,125,126 and 129 shall be committed by corporation, other than imprisonment

and poenalty against the management, the corporation shall be charged penalty with 3 (three) times addition from penalty as referred to the said articles.

(2) Other than penalty as referred to paragraph (1) thereto, corporation shall be charged additional punishment in form of:

a. revocation of business permit;

and/or

b. revocation of corporate status.

#### **Article 131**

Any person intentionally not reported any criminal conduct as referred to in Articles 111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127 paragraph (1),128 paragraph (1) and Article 129 shall be charged under imprisonment maximum 1 (one) year or penalty maximum Rp. 50,000,000.00 (fifty million rupiah).

#### **Article 132**

(1) Any attempt for or evil conspiracy to commit criminal conduct of Narcotics and Narcotics Precursor as referred to in Articles 111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126, and 129, the perpetrator shall be

charged under the same imprisonment punishment pursuant to clauses as referred to the said articles.

(2) In case of the conduct as referred to in Articles

111,112,113,114,115,116,117,118,119,120,121,122,123, 124,125,126, and 129 thereto committed in any organized manner, its imprisonment punishment and maximum penalty shall be added to 1/3 (one-third).

(3) Any criminal addition as referred to paragraph (2) thereto shall not be applicable for criminal conduct sentenced to death, imprisonment for life, or imprisonment for 20 (twenty) years.

### **Article 133**

(1) Any person which instruct, provide or promise something, give a chance, suggest, facilitate, threat with force, threat with violence, deceit, or persuade any child who is not in age of consent to commit the crime as referred to in Articles 111,112,113,114,115,116,117,118,119,120,121,122,123, 124,125,126, and 129 shall be sentenced to death or imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty minimum Rp. 2,000,000,000.00 (two billion



rupiah) and maximum Rp. 20,000,000,000.00 (twenty billion rupiah).

- (2) Any person which instruct, provide or promise something, give a chance, suggest, facilitate, threat with force, threat with violence, deceit, or persuade any child who is not in age of consent to consume Narcotics shall be charged under imprisonment minimum 5 (five) years and maximum 15 (fifteen) years and penalty minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).

#### **Article 134**

- (1) Any Narcotics Addict which is already in age of consent and intentionally not reported himself/herself as referred to in Article 55 paragraph (2) shall be charged under imprisonment maximum 6 (six) months or penalty maximum Rp. 2,000,000.00 (two million rupiah).
- (2) Family of the said Narcotics addict as referred to in paragraph (1) thereto which intentionally not reported the same shall be charged under imprisonment maximum 3 (three) months or penalty maximum Rp. 1,000,000.00 (one million rupiah).

### **Article 135**

Any management of Pharmaceutical Industry which does not perform the obligation as referred to Article 45 shall be charged under imprisonment minimum 1(one) year and maximum 7 (seven) years and penalty minimum Rp. 40,000,000.00 (forty million rupiah) and maximum Rp. 400,000,000.00 (four hundred million rupiah).

### **Article 136**

Narcotics and Narcotics Precursor and outputs obtained from the crime of Narcotics and/or of the Narcotics Precursor either in form of assets of movables or immovables, tangible or intangible and goods and equipment in use to commit the crime of Narcotics and of the Narcotics Precursor shall be seized for the state.

### **Article 137**

Any person which:

- a. deposit, pay or disburse, entrust, exchange, conceal or disguise, invest, keep, grant, inherit, and/or transfer money, wealth and items or assets either in form of movables or immovables, tangible or intangible derived from the crime of Narcotics and/or of Narcotics Precursor shall be charged under imprisonment minimum 5 (five) years and maximum 15 (fifteen)

years and penalty minimum Rp. 1,000,000,000.00 (one billion rupiah) and maximum Rp. 10,000,000,000.00 (ten billion rupiah).

b. receive deposit, payment or disbursement, entrusted goods, exchange, investment concealment or disguise, savings or transfer, grant, inheritance, wealth or money, items or assets either in form of movables or immovables, tangible or intangible which he/she knows that the same derived from the crime of Narcotics and/or of Narcotics Precursor shall be charged under imprisonment 3 (three) years and maximum 10 (ten) years and penalty 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 which obscure or complicate the investigation and claim and examination of the criminal case of Narcotics and/or of Narcotics Precursor before the court shall be charged under imprisonment maximum 7 (seven) years and penalty maximum Rp. 500,000,000.00 (five hundred million rupiah).

### **Article 139**

Ship captain or pilot which is unlawfully not performed the clauses as referred to in Articles 27 or 28 shall be charged under imprisonment minimum 1 (one) year and maximum 10 (ten) years and penalty minimum Rp. 100,000,000.00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah).

### **Article 140**

(1) Investigator of civil servant which unlawfully not performed the clauses as referred to in Articles 88 and 89 shall be charged under imprisonment minimum 1 (one) year and maximum 10 (ten) years and penalty minimum Rp. 100,000,000.00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah).

(2) Investigator of the Police of the Republic of Indonesia and BNN investigator which not performed the clauses as referred to in Articles 87, 89,90, 91 paragraph (2) and (3) and 92 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be charged punishment as referred to in paragrpah (1) thereto.

### **Article 141**

Chief attorney of district attorney office which unlawfully not performed the clause as referred to in Article 91 paragraph (1) shall be charged under

imprisonment minimum 1 (one) year and maximum 10 (ten) years and penalty minimum Rp. 100,000,000.00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah).

#### **Article 142**

Laboratory personnel which counterfeit the testing result or unlawfully not performed the obligation to report his/her testing result to the investigator or public prosecutor shall be charged under imprisonment maximum 7 (seven) years and penalty maximum Rp. 500,000,000.00 (five hundred million rupiah).

#### **Article 143**

Any witness which provide untrue information during the examination of criminal case of Narcotics and Narcotics Precursor before the court shall be charged under imprisonment minimum 1 (one) year and maximum 10 (ten) years and penalty minimum Rp. 60,000,000.00 (sixty million rupiah) and maximum Rp. 600,000,000.00 (six hundred million rupiah).

#### **Article 144**

(1) Any person in which during 3 (three) years period shall commit the repetitive crime as referred to in Articles

111,112,113,114,115,116,117,118,119,120,121,122,123,  
124,125,126,127 paragraph (1),128 paragraph (1), and  
129, his/her maximum penalty shall be added to 1/3  
(one-third).

(2) Charge with addition 1/3 (one-third) as referred to  
in paragraph (1) thereto shall not be applicable for  
the criminal sentenced to death, charged under  
imprisonment for life, or imprisonment for 20  
(twenty) years.

#### **Article 145**

Any person which commit any crime of Narcotics and/or of  
Narcotics Precursor as referred to in Articles  
111,112,113,114,115,116,117,118,119,120,121,122,123,124,1  
25,126,127 paragraph (1),128 paragraph (1), and 129  
outside the jurisdiction of the Republic of Indonesia  
shall be also charged upon the clause of the Law.

#### **Article 146**

(1) Against any foreign citizen which committed the  
crime of Narcotics and/or of Narcotics Precursor and  
has gone through his/her punishment as governed in  
this Law, shall be deported outside the jurisdiction  
of the Republic of Indonesia.

(2) Any foreign citizen which has been deported as  
referred to in paragraph (1) thereto shall be

prohibited to re-enter the jurisdiction of the Republic of Indonesia.

- (3) Any foreign citizen which has ever comitted the crime of Narcotics and/or of Narcotics Precursor abroad shall be prohibited to enter the jurisdiction of the Republic of Indonesia.

#### **Article 147**

Being charged under imprisonment minimum 1 (one) year and maximum 10 (ten) years and penalty minimum Rp. 100,000,000.00 (one hundred million rupiah) and maximum Rp. 1,000,000,000.00 (one billion rupiah) for:

- a. head of hospital, public halth center, clinic, state-owned storage facility for pharmaceutical preparation, and dispensary circulated Narcotics Groups II and III not for the interest of health service;
- b. head of science institution which plant, purchase, keep, or control Narcotics plant not for the interest of science development;
- c. head of certain Pharmaceutical Industry which produce Narcotics Group I not for the interest of science development; or
- d. head of pharmaceutical large trader which circulates Narcotics Group I not for the interest of science development or circulates

Narcotics Groups II and III not for the interest of health service and/or nor for the interest of science development.

#### **Article 148**

In case the penalty punishment as referred to the Law is unable to be paid by the perpetrator of the crime of Narcotics and/or of Narcotics Precursor, the perpetrator thereto shall be charged under imprisonment maximum 2 (two) years as the substitute of the penalty unable to be paid.

### **CHAPTER XVI**

#### **TRANSITIONAL CLAUSES**

#### **Article 149**

Upon the Law started to be effective:

- a. National Narcotics Agency (BNN) established under Presidential Regulation Number 83 of 2007 regarding National Narcotics Agency, Provincial Narcotics Agency and Narcotics Agency in district/municipality level shall be declared as BNN, BNN in provincial level, and BNN in district/municipality level under the Law;



- b. Executive Chairman of BNN for the first time shall be stipulated as BNN Chairman under the Law;
- c. Officials and employees within the vicinity of National Narcotics Agency stipulated under Presidential Regulation Number 83 of 2007 shall be the same of BNN under the Law;
- d. In no later than 6 (six) months as of the Promulgation of the Law, organization structure and working procedures of National Narcotics Agency established under Presidential Regulation Number 83 of 2007 thereto should have been adjusted to the Law;
- e. In no later than 1 (one) year as of the Promulgation of the Law, organization structure and working procedures of BNN in provincial level and BNN in district/municipality level established under Presidential Regulation Number 83 of 2007 thereto should have been adjusted to the Law;

#### **Article 150**

Any program and activity of National Narcotics Agency established under Presidential Regulation Number 83 of 2007 which has been performed but not completed yet

remains able to be operated through the completed program and activity including the budget support.

#### **Article 151**

Entire assets of National Narcotics Agency established under Presidential Regulation Number 83 of 2007 either located in BNN in provincial level or in BNN in district/municipality level shall be declared as the assets of BNN under the Law.

### **CHAPTER XVII**

#### **CLOSING**

#### **Article 152**

Entire regulations and legislations which constitute the implementation regulations of the Law Number 22 of 1997 regarding Narcotics (State Gazette of the Republic of Indonesia of 1997 Number 67, Supplement to State Gazette of the Republic of Indonesia Number 3698) upon the promulgation of the Law remains survive provided that not being contradicted and/or not being substituted under new regulation by virtue of the Law.

#### **Article 153**

Upon the promulgation of the Law:

- a. Law Number 22 of 1997 regarding Narcotics (State Gazette of the Republic of Indonesia of 1997 Number 67, Supplement to State Gazette of the Republic of Indonesia Number 3698); and'
- b. Appendices regarding types of Psychotropics Group I and Group II as included in the Appendices to the Law Number 5 of 1997 regarding Psychotropics (State Gazette of the Republic of Indonesia of 1997 Number 10, Supplement to State Gazette of the Republic of Indonesia Number 3671) which has been replaced into Narcotics Group I in accordance with the Law shall be revoked and null to void.

#### **Article 154**

Implementation regulations of the Law must have been stipulated in no later than 1 (one) year as of the promulgation of the Law.

#### **Article 155**

The Law shall be effective upon the issued date.

For publicly known, it is imperative to promulgate the Law by placing the same into State Gazette of the Republic of Indonesia

Issued in Jakarta

Dated \_\_\_\_\_

PRESIDENT OF THE REPUBLIC OF IONDONESIA

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

Dated \_\_\_\_\_

MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF  
INDONESIA

ANDI MATTALATA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF... NUMBER...