

**PENAL CODE OF INDONESIA.**

**BOOK 1.  
General Provisions.**

(...)

**CHAPTER IX.**

**Sense of some expressions used in the Code.**

(...)

**Article 93.**

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

**Article 94.**

Repealed by act 1946 No. 1.

**Article 95.**

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

**Article 95 a.**

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

**Article 95 b.**

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

**Article 95 c.**

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

(...)

**BOOK II.  
Crimes.**

(...)

**CHAPTER VII**

**Crimes whereby the general security of persons or  
property is endangered.**

(...)

**Article 192.**

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

1st, by a maximum imprisonment of nine years, if therefrom danger for the safety of the traffic is feared;

2nd-ly, by a maximum imprisonment of fifteen years, if therefrom danger for the safety of the traffic is feared and the fact results in the death of any person.

**Article 193.**

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

1st, by a maximum imprisonment of four months and two weeks or a maximum light imprisonment of three months or a maximum fine of three hundred Rupiahs, if thereby the traffic becomes unsafe:

2nd-ly, by a maximum imprisonment of a year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

(...)

**Article 196.**

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

1st, by a maximum imprisonment of twelve years, if therefrom danger for the safety of the navigation is feared;

2nd-ly, by a maximum imprisonment of fifteen years, if therefrom danger for the safety of the navigation is feared and the fact results in the sinking or stranding of a vessel;

3rd-ly, by life imprisonment or a maximum imprisonment of twenty years, if therefrom danger for the safety of the navigation is feared and the fact results in the death of any person.

#### **Article 197.**

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

1st, by a maximum imprisonment of four months and two weeks or a maximum light imprisonment of three months or maximum fine of three hundred Rupiahs, if thereby the navigation becomes unsafe;

2nd-ly, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if the fact results in the sinking or stranding of a vessel;

3rd-ly, by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year, if the fact results in the death of any person.

#### **Article 198.**

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

1<sup>st</sup>, by the maximum imprisonment of fifteen years, if therefrom danger of life for another is feared;

2nd-ly, by life imprisonment or a maximum imprisonment of twenty years, if therefrom danger of life for another is feared and the fact results in the death of any person.

#### **Article 199.**

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

1st, by a maximum imprisonment of nine months or a maximum light imprisonment of six months or a maximum fine of three hundred Rupiahs, if thereby danger of life for another arises;

2nd-ly, by a maximum imprisonment of one year and four months or a maximum light imprisonment of one year, if the fact results in the death, of any person.

(...)

#### **Article 206.**

(1) By conviction on account of a crime described in this Chapter, the offender may be deprived of the exercise of the profession in which he has committed the crime.

(2) By conviction on account of one of the crimes described in articles 204 and 205, the judge may order the publication of his verdict.

(...)

## CHAPTER XXVII

### **Destruction or damage to property.**

(...)

#### **Article 410.**

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

#### **Article 411.**

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

#### **Article 412.**

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

(...)

## CHAPTER XXIX

### **Crimes relating to navigation.**

#### **Article 438.**

(1) Being guilty of piracy shall be punished,

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

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

(2) With absence of authorization shall be identified the transgression of authority as well as being provided with authorities emanating from states waging \*or against each other.

(3) Article 89 shall not be applicable.

#### **Article 439.**

(1) Being guilty of coast-piracy shall be punished by a maximum imprisonment of fifteen years, any person who with the aid of a vessel within the Indonesian sea-territory commits acts of violence against another vessel or against persons or property on board said vessel.

(2) By "Indonesian sea-territory" shall be understood the sea-territory as is described in article 1 of the "Territorial Sea and Maritime Circles Ordinance 1939".

#### **Article 440.**

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

#### **Article 441.**

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

#### **Article 442.**

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

#### **Article 443.**

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

#### **Article 444.**

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

**Article 445.**

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

**Article 446.**

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

**Article 447.**

Any person who deliberately surrenders an Indonesian vessel to sea-pirates, coast-pirates, beach-pirates or river-pirates, shall be punished:

1st, if he is the skipper, by a maximum imprisonment of fifteen years;

2nd-ly, in all other cases, by a maximum imprisonment of twelve years.

**Article 448.**

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

**Article 449.**

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

**Article 450.**

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

**Article 451.**

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

**Article 451 bis.**

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

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

**Article 451 ter.**

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

**Article 452.**

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

(2) With the same punishment shall be punished any person who with deliberate intent makes use of the deed as if the contents were in accordance with the truth, if front said use an injury may arise.

**Article 453.**

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

**Article 454.**

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

**Article 455.**

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

**Article 456.**

Repealed.

**Article 457.**

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

**Article 458.**

(1) Any ship-owner, book-keeper or skipper of an Indonesian ship who takes a crew member into his employ, knowing that one month has not yet elapsed since this person has withdrawn himself from his engagement with an Indonesian ship in the manner described in one of the articles 454 or 455, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

(2) Not punishable shall be the fact, if the taking into employ takes place outside Indonesia with the permission of the Indonesian Consul, or, if he is absent, at the request of the local authority.

**Article 459.**

(1) Any person on board an Indonesian ship who on board the ship factually assaults, by violence or threat of violence resists against the skipper or with deliberate intent deprives him from his liberty to act, or the crew member who on board the ship or in service commits similar offences against a superior in rank, shall, being guilty of insubordination, be punished by a maximum imprisonment of two years and eight months.

(2) The offender shall be punished:

1st, by a maximum imprisonment of four years, if the crime or the accompanying assault and battery result in a physical injury;

2nd-ly, by a maximum imprisonment of eight years and six months, if

said acts result in a serious physical injury;

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

**Article 460.**

(1) Insubordination committed by two or more united persons shall, as mutiny, be punished by a maximum imprisonment of seven years.

(2) The offender shall be punished:

1st, by a maximum imprisonment of eight years and six months, if the crime committed by him or the assault and battery thereby committed by him, result in a physical injury;

2nd-ly, by a maximum imprisonment of twelve years, if said acts result in a serious physical injury;

3rd-ly, by a maximum imprisonment of fifteen years, if said acts result in death.

**Article 461.**



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

**Article 462.**

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

**Article 463.**

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

**Article 464.**

(1) By a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs shall be punished any person on board an Indonesian ship:

1st, who with deliberate intent does not obey an order of the skipper given to the interest of security or for maintaining order and discipline on board;

2nd-ly, who, knowing that the skipper has been deprived of his liberty to act, does not come to the rescue to his ability;

3rd-ly, who having knowledge of an intention to commit insubordination, with deliberate intent refrains from timely notifying the skipper thereof.

(2) The provision mentioned under no. 3 shall not be applicable, if the insubordination does not follow.

**Article 465.**

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

**Article 466.**

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

**Article 467.**

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

**Article 468.**

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

**Article 469.**

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

(2) Any person on board a ship who unnecessary and without prior knowledge of the skipper with said knowledge, commits said acts, shall be punished by a maximum imprisonment of one year or a maximum fine of six hundred rupiahs.

**Article 470.**

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

**Article 471.**

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

**Article 472.**

Any person who with deliberate intent and unlawfully destroys, damages or renders useless cargo, ship-supply or ship's provisions present on board n vessel, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.

**Article 472 bis.**

Any person who travels along as-a stowaway on board a vessel, shall be vanished by a maximum imprisonment of three month [];

**Article 473.**

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

**Article 474,**

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

**Article 475.**

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

**Article 476.**

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

**Article 477.**

(1) Any skipper of an Indonesian ship who with deliberate intent allows to escape or releases an accused or' convict whom he has taken aboard on a statutory demand, or aids him in his release or self-release, shall be punished with a maximum imprisonment of four years.

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

**Article 478.**

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

**Article 479.**

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

**CHAPTER XXIX A****Crimes relating to aviation and aviation facilities.****Article 479 a.**

(1) Any person who with deliberate intent and unlawfully renders useless or damages a building used for safeguarding air navigation or frustrates measures for safeguarding said building. shall be punished by a maximum imprisonment of six years.

(2) By a maximum imprisonment of nine years, if on account of said act danger is caused to the safety of air navigation.

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

**Article 479 b.**

(1) Any person who by negligence causes destruction, incapability of use or damage of a building used for safeguarding air navigation, or frustration of measures for safeguarding said building, shall be punished by a maximum imprisonment of three years.

(2) By a maximum imprisonment of five years, if on account of said act danger is caused to the safety of air navigation.

**Article 479 c.**

(1) Any person who with deliberate intent and unlawfully destroys, damages, removes or displaces a sign or an instrument for safeguarding air navigation, or frustrates the operation of said sign or instrument, or places a wrong sign or instrument, shall be punished by a maximum imprisonment of six years.

(2) By a maximum imprisonment of nine years, if on account of said act danger is caused to the safety of air navigation.

(3) By a maximum imprisonment of twelve years, if on account of said act danger is caused to the safety of air navigation and disaster of the aircraft is caused.

(4) By a maximum imprisonment of fifteen years, if on account of said act danger is caused to the safety of air navigation and death of a person is caused.

**Article 479 d.**

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

a. by a maximum imprisonment of five years, if on account of said act unsafety of air navigation is caused;

b. by a maximum imprisonment of five years, if on account of said act disaster of the aircraft is caused;

c. by a maximum imprisonment of seven years, if on account of said act death of a person is caused.

**Article 479 e.**

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

**Article 479 f,**

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

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

**Article 479 g.**

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

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

**Article 479 h.**

(1) Any person who with intent to benefit himself or another, unlawfully, to the detriment of an insurer, causes a fire or an explosion, disaster, destruction, damage, to an aircraft or causes an aircraft to be rendered incapable of use, of which the aircraft itself or its cargo or the fee due for the transport of the cargo has been insured against above mentioned accidents or of which the insurance money for the cargo has been paid, shall be punished by a maximum imprisonment of nine years;

(2) If the aircraft mentioned in paragraph (1) of this article is an aircraft in flight, the punishment shall be a maximum imprisonment of fifteen years;

(3) Any person who with deliberate intent to benefit himself or another, unlawfully, to the detriment of an insurer, causes disaster to a passenger of an aircraft, which has been insured against accidents, shall be punished:

- a. by a maximum imprisonment of ten years, if on account of said act serious physical injury is caused;
- b. by a maximum imprisonment of fifteen years. if on account of said act, death of a person is caused.

**Article 479 i.**

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

#### **Article 479 j.**

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

#### **Article 479 k.**

(1) Life imprisonment or a maximum imprisonment of twenty years, shall be imposed if the act mentioned in article 479 i and article 479 f

a. is committed by two or more persons jointly;

b. is a continuation of a conspiracy;

c. is committed with premeditation;

d. causes serious physical injury to a person;

e. causes damage to said aircraft, such that its navigation may be endangered;

f. is committed with intent to deprive a person of his liberty or to maintain the deprivation of liberty of a person. -

(2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

#### **Article 479 l.**

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

#### **Article 479 m.**

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

#### **Article 479 n.**

Any person who with deliberate intent and unlawfully places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it, which renders it incapable of flight, or causes damage to it which is likely to endanger its safety in flight, shall be punished by a maximum imprisonment of fifteen years.

#### **Article 479 o.**

(1) Life imprisonment or a maximum imprisonment of twenty years, shall be imposed if the act mentioned in article 479 l, article 479 m, and article 479 n:

- a. is committed by two or more persons jointly;
- b. is a continuation of a crime.
- c. is committed with premeditation;
- d. causes serious physical injury to a person.

(2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

**Article 479 p.**

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

**Article 479 q.**

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

**Article 479 r.**

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