

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 1 OF 1979
ON
EXTRADITION

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering : a. that the *Koninklijk Besluit van 8 May 1883 Number 26 (Staatsblad 1883-188)* on "*Uitlevering van Vreemdelingen*" no longer accommodates current developments of law in the Republic of Indonesia;;
- b. that for this reason the *Koninklijk Besluit van 8 May 1883 Number 26 (Staatsblad 1883-188)* needs to be revoked and in its place, it is necessary to establish a new Law on extradition in accordance with law and legislation of the Republic of Indonesia;
- Observing : 1. Article 5 section (1) and Article 20 section (1) of the 1945 Constitution;
2. Decree of the People's Consultative Assembly of the Republic of Indonesia Number IV/MPR/1978 on State Guidelines;
3. Law Number 13 of 1961 on Main Provisions of the National Police (State Gazette of 1961 Number 245, Supplement to the State Gazette Number 2289);
4. Law Number 15 of 1961 on Main Provisions of the Attorney General's Office of the Republic of Indonesia (State Gazette of 1961 Number 254, Supplement to the State Gazette Number 2298);
5. Law Number 14 of 1970 on Main Provisions on Jurisdiction of the Ministry of Justice (State Gazette of 1970 Number 74, Supplement to the State Gazette Number 2951);

WITH THE APPROVAL

OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

Repeal the *Koninklijk Besluit van 8 Mei 1883 Number 26 (Staatsblad 1883-188)* on "*Uitlevering van Vreemdelingen*".

CHAPTER I GENERAL PROVISIONS

Article 1

In this Law, Extradition is defined as the handover by one state to another state requesting the handover of a person suspected or charged for committing an offence outside the jurisdiction of the state handing over and within the jurisdiction of the state requesting the handover, having the right to prosecute and convicting the incumbent.

CHAPTER II PRINCIPLES OF EXTRADITION

Article 2

- (1) Extradition is based on a treaty.
- (2) In the event that no treaty as referred to in section (1) has been drawn, extradition may be carried out based on good relations and if the interests of the Republic of Indonesia require it.

Article 3

- (1) The extraditable persons are those whom are requested by authorized officials from the requested foreign state due to being suspected of committing offences or to serve a sentence or orders to arrest.
- (2) Extradition may also be applied to persons suspected of committing or convicted of having assisted, attempted and agreed to commit offences as referred to in section (1), as long as the assistance, attempt and criminal consent may be prosecuted by Indonesian law and by law of the state requesting the extradition.

Article 4

- (1) Extradition is carried out for offences as described in the list of offences which is attached as an inseparable document of this Law.
- (2) Extradition may also be carried out upon the discretion of the requested state for offences not listed in the attached list of offences.
- (3) With a Government Regulation, additions to the list of offences as referred to in section (1) may be added for other acts determined as offences by prevailing Law.

Article 5

- (1) Extradition is not applied for political crimes.
- (2) Offences that are in principle considered as common offences rather than political crimes are not categorized as political crimes.
- (3) Certain political crimes may be carried out an extradition if a treaty has been signed between the Republic of Indonesia and the concerned state.
- (4) Assassination or attempts to assassinate the head of state or his/her family members are not considered political crimes.

Article 6

Extradition for acts considered as offences under military law yet are not considered as offences according to the criminal code will not be carried out unless deemed otherwise by a treaty.

Article 7

- (1) Request for extradition for citizens of the Republic of Indonesia is rejected.
- (2) Exceptions to provisions as referred to in section (1) may be carried out if the concerned persons, due to certain circumstances are considered to be more appropriately prosecuted at the place of offence.

Article 8

Request for extradition may be rejected if the offence indicated is wholly or partly perpetrated within the jurisdiction of the State of the Republic of Indonesia.

Article 9

Request for extradition may be rejected if the sought person is being processed in the Republic of Indonesia for similar offences.

Article 10

Request for extradition is rejected if verdicts applied by the Court of the Republic of Indonesia authorized for extraditable offences requested already have certain legal force.

Article 11

Request for extradition is rejected if the sought person has been tried and acquitted or has served his/her sentence in another state for extraditable offences.

Article 12

Request for extradition is rejected if the right to prosecute or initiate penalties is considered overdue under Indonesian law.

Article 13

Request for extradition is rejected if extraditable offences is punishable by death under law of the requesting state, while according to Indonesian law, such offence is not punishable by death, or the death penalty is not always applicable unless the requesting state provides convincing guarantees that the death penalty will not be applied.

Article 14

Request for extradition is rejected if the authorized institution has grounds to suspect that the sought person will be prosecuted, convicted or subjected to unfair treatment because of his/her religion, political conviction, citizenship, or certain ethnicity or group.

Article 15

Request for extradition is rejected if the sought person will be prosecuted, convicted or arrested for committing offences other than the offences forwarded as basis for extradition unless permitted by the President.

Article 16

Request for extradition is rejected if the sought person is handed over to a third state for other offences committed before the person is requested for extradition.

Article 17

The request for extradition having met the requirements is withheld if the person requested is being investigated or prosecuted or serving a sentence for other offences committed in Indonesia.

CHAPTER III
REQUIREMENTS FOR ARRESTS SUBMITTED BY
REQUESTING STATE

Article 18

- (1) The Chief of the Indonesian National Police or the Attorney General of the Republic of Indonesia may instruct an arrest as required by another State for emergency reasons if the arrest does not conflict with Indonesian Law.
- (2) In the request for arrest, the requesting state must clarify that the documents as referred to in Article 22 are provided and that the said state within the allotted time as referred to in Article 21 will submit a request for extradition.

Article 19

- (1) Request to arrest is submitted by the authorized official from the requesting state to the Chief of the Indonesian National Police or Attorney General of the Republic of Indonesia through INTERPOL Indonesia or through diplomatic channels or directly by post or telegram.
- (2) Issuance of instruction letter to apprehend and or arrest the person concerned is done according to the provisions under the Indonesian Criminal Procedure Code unless determined otherwise as regulated in section (3).
- (3) Exceptions to the prevailing Indonesian Criminal Procedure Code, upon those having committed extraditable offences may be arrested according to this law.

Article 20

Decision on request to arrest is notified to the requesting state by the Chief of the Indonesian National Police or the Attorney General of the Republic of Indonesia through INTERPOL Indonesia or through diplomatic channels or directly by post or telegram.

Article 21

In the event that the concerned person is arrested, he/she is released by the Attorney General of the Republic of Indonesia or the Chief of the Indonesian National Police if within the appropriate time since his/her arrest, the President through Minister of Justice of the Republic Indonesia has not yet received a request for extradition including the documents as referred to in Article 22 from the requesting state.

CHAPTER IV
REQUEST FOR EXTRADITION AND REQUIREMENTS THAT
MUST BE MET BY REQUESTING STATE

Article 22

- (1) Requests for extradition will only be considered if they meet the requirements as referred to in section (2), section (3), and section (4).
- (2) Request for extradition must be submitted in writing through diplomatic channels to the Minister of Justice of the Republic of Indonesia to be further forwarded to the President.
- (3) Request for extradition for the sought person to serve a sentence must include:
 - a. An original or authentic copy of the Court decision in the form of transfer that already has certain legal force;
 - b. Necessary information confirming the identity and citizenship of the sought person;
 - c. An original or authentic copy of the arrest warrant issued by an authorized official from the requesting state.
- (4) Request for extradition for a person suspected of committing offences must include:
 - a. An original or authentic copy of the arrest warrant issued by authorized officials from the requesting state;
 - b. History of extraditable offences by mentioning the time and place of the offence including written evidence if necessary;
 - c. An excerpt of the violated particular code of the requesting state, or if this is not possible, the contents of the law being applied;
 - d. Explanation of witnesses provided under oath on their knowledge of the committed offences;
 - e. Information needed to confirm the identity and citizenship of the sought person;
 - f. Request to confiscate all evidence material if any and when necessary.

Article 23

If upon consideration of the Minister of Justice of Indonesia the letters submitted fail to meet all requirements as referred to in Article 22 or other requirements determined in the treaty, the official of the requesting state is given the opportunity to complete the lacking documents within a time deemed appropriate by the Minister of Justice of Indonesia.

Article 24

Upon fulfilment of the requirements and documents as referred to in Articles 22 and 23, the Minister of Justice of the Republic of Indonesia forwards the request for extradition and attached documents to the Chief of the Indonesian National Police and Attorney General of the Republic of Indonesia for further investigation.

CHAPTER V EXAMINATION OF THE SOUGHT PERSON

Article 25

If the committed offence is categorized as an offence liable for detention according to the Indonesian Criminal Procedure Code and provisions contained in Article 19 section (2), and section (3) and a formal request to arrest is submitted by the requesting state, the said person is then liable for detention.

Article 26

- (1) If the arrest is done by the Indonesian National Police, then upon receiving a request for extradition, the Indonesian National Police then conducts an investigation upon the required person based on information or evidence from the requesting state.
- (2) Results of this investigation is recorded in a note for record and is immediately submitted to the local Attorney's Office of the Republic of Indonesia.

Article 27

At the latest 7 (seven) days after receiving the note for record, the Attorney's Office with its reasons in writing requests the District Court to apprehend the said person for purpose of examination and further decide on whether the person should or should not be extradited.

Article 28

The cases of extradition are considered as priority cases.

Article 29

The Attorney's Office issues a letter summoning the person concerned to come to Court on the day of hearing and the summons must be received by the person concerned at least 3 (three) days before the hearing.

Article 30

On the day of hearing, the person concerned must be present before the Court.

Article 31

- (1) Examination by the District Court is open to the public, unless the Presiding Judge deems it advisable to hold a closed hearing.
- (2) The Attorney attends the hearing and provide their views.

Article 32

During the open hearing, the District Court examines whether:

- a. the identity and citizenship of the sought person matches with the information and evidence as submitted by the requesting state;
- b. offences included are extradited offences according to Article 4 and are not considered as political or military crimes;
- c. the right to prosecute or implement a Court decision is still valid or not overdue;

- d. the offences committed by the person concerned have been or not yet convicted by Court decision with certain legal force;
- e. the offence is punishable by death in the requesting state while in Indonesian law it is not punishable by death;
- f. the person is being tried in Indonesia for the same offence.

Article 33

- (1) As a result of the examination as referred to in Article 32 the Court decides to or not to extradite the person concerned.
- (2) The decision and all documents related to the case will immediately be submitted to the Minister of Justice to be used as basis for consideration and further action.

CHAPTER VI REVOCATION AND EXTENSION OF DETENTION

Article 34

The detention instructed based on Article 25 is revoked if:

- a. instructed by Court Order;
- b. has ensued for 30 (thirty) days unless extended by Court order under the instruction of the Attorney;
- c. the request for extradition is rejected by the President.

Article 35

- (1) The detention period as referred to in Article 34 point b can be extended at any time for a period of 30 (thirty) days each.
- (2) Extensions may only be carried out if:
 - a. there is no Court decision on request for extradition;
 - b. need for a Minister of Justice clarification note as referred to in Article 36 section (3);
 - c. extradition is also requested by another state and the President has not yet given his/her decision;
 - d. request for extradition is granted but not yet to be carried out.

CHAPTER VII DECISION ON REQUEST FOR EXTRADITION

Article 36

- (1) Upon receiving a court decision as referred to in Article 33, the Minister of Justice will immediately convey the decision to the President including the deliberations of the Minister of Justice, Minister of Foreign Affairs, Attorney General, and the Chief of the Indonesian National Police for final decision.
- (2) Upon receiving the Court decision and its deliberations as referred to in section (1), the President decides on whether or not to extradite the person concerned.
- (3) If upon Court decision the request for extradition may be granted but the Minister of Justice of the Republic of Indonesia requires further information, the Minister of Justice of the Republic of Indonesia may request such information from the requesting state within an appropriate time.

- (4) The Presidential Decision on request for extradition is conveyed by the Minister of Justice of the Republic of Indonesia to the requesting state through diplomatic channels.

Article 37

If 2 (two) or more states request for the extradition of a person for the same offence or for different offences at the same time, then in rejecting or granting the request for extradition, for the sake of justice, the President considers:

- a. the seriousness of the offence;
- b. the place of offence;
- c. the time the request for extradition was submitted;
- d. citizenship of the sought person;
- e. possibility of extradition for the sought person by the requesting state to another state.

Article 38

The Presidential Decision on request for extradition as referred to in Article 36 by the Minister of Justice is immediately conveyed to the Minister of Foreign Affairs, Attorney General and Chief of the Indonesian National Police.

Article 39

- (1) In the event that there is no extradition treaty existing between the requesting state and the Republic of Indonesia, the request for extradition is submitted through diplomatic channels at which the Minister of Foreign Affairs of the Republic of Indonesia then forward it to the Minister of Justice including his/her recommendations.
- (2) Upon receiving a request from the requesting state and recommendations of the Minister of Foreign Affairs of the Republic of Indonesia, the Minister of Justice of the Republic of Indonesia reports the request for extradition as referred to in section (1) to the President.
- (3) After hearing the recommendations and considerations of the Minister of Foreign Affairs and Minister of Justice of the Republic of Indonesia on the request for extradition as referred to in section (1), the President may approve or reject the request.
- (4) In the event that the request for extradition in section (1) is approved, the President then instructs the Minister of Justice of the Republic of Indonesia to process the request further as with any extradition treaty process between requesting states and the Republic of Indonesia.
- (5) In the event that the request for extradition in section (1) is rejected, the President then informs the Minister of Justice to convey it to the Minister of Foreign Affairs who will then inform such decision to the requesting state.

CHAPTER VIII HANDOVER OF THE SOUGHT PERSON

Article 40

- (1) If the request for extradition is approved, the sought person is then handed over to the relevant official from the

requesting state at a time and place determined by the Minister of Justice of the Republic of Indonesia.

- (2) If the sought person is not taken on the appointed date, the person will be released after 15 (fifteen) days and however is obligated to be released after 30 (thirty) days.
- (3) The following request for extradition for the same offence, after the 30 (thirty) days has passed, may be rejected by the President.

Article 41

If circumstances beyond the powers of both states render the requesting state to take or the requested state to handover the person concerned, the unable state is obligated to inform the other state and both states will schedule another appropriate date to process the said handover.

In such cases the provisions in Article 40 section (3) apply at a time determined since the appointed date as referred to in the said section.

CHAPTER IX EVIDENTIARY MATERIALS

Article 42

- (1) Materials required as evidence for the sought person may be seized at the request of the authorized official from the requesting state.
- (2) In the event of section (1), the Indonesian Criminal Code and Criminal Procedure Code on the confiscation of evidentiary material applies.

Article 43

- (1) In deciding on the request for extradition, the District Court determines the particular materials for submission to the requesting state and for return to the person being extradited.
- (2) The District Court may determine that only certain particulars may be submitted to the requesting state on condition that the said particulars will be returned immediately after use.

CHAPTER X REQUEST FOR EXTRADITION BY THE GOVERNMENT OF INDONESIA

Article 44

If a person is suspected of committing an offence or must serve a sentence for committing an extraditable offence within the jurisdiction of the Republic of Indonesia and is suspected of being in a foreign state, at the request of the Attorney General of the Republic of Indonesia or the Chief of the Indonesian National Police, the Minister of Justice on behalf of the President may request for extradition of the said person submitted through diplomatic channels.

Article 45

If the sought person as referred to in Article 44 has been handed over by the foreign state, the said person is then taken back to Indonesia and handed over to the authorized institution.

Article 46

The procedure for handing over and receiving the person being handed over is arranged through a Government Regulation.

CHAPTER XI
TRANSITIONAL PROVISION

Article 47

At the time this Law comes into force, all ratified extradition treaties are extradition treaties under this Law.

CHAPTER XII
CLOSING PROVISION

Article 48

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 18 January 1979

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

SOEHARTO

Promulgated in Jakarta
on 18 January 1979

MINISTER/STATE SECRETARY
OF THE REPUBLIC OF INDONESIA,

signed

SUDHARMONO, SH.

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 1979 NUMBER 2

Jakarta, 19 February 2025
Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION OF
LAW OF THE REPUBLIC INDONESIA
NUMBER 1 OF 1979
ON
EXTRADITION

A. GENERAL

The now existing legislation on extradition i.e. *Koninklijk Besluit van 8 May 1883 No. 26 (Staatsblad 1883 -188)* on “*Uitlevering van Vreemdelingen*”, is still considered effective based on Article II of the Transitional Provision of the 1945 Constitution.

Considering that the Regulation is a legislative product of the Dutch government in the past and has been issued more than 90 (ninety) years ago, it is obvious that the said regulation is not in accordance any more with the law system and development of the independent Republic of Indonesia.

Therefore, the said regulation needs to be revoked and a national Law needs to be drafted regulating the Extradition of persons suspected of committing an offence abroad and escaping to Indonesia, or for serving a sentence passed by a Court decision.

This Law is intended to provide legal basis for drafting treaties with foreign states and to handover a person without any treaty.

In addition, in this Law, it is necessary to regulate the procedure of the request for extradition of the Government of Indonesia to foreign state.

In this Law, general principles known in the field of extradition are regulated, among others:

- a. The principle of Double Criminality, i.e. the act committed either by the requesting state or requested state is considered as an offence. This principle is mentioned in the list of the extraditable offences as an appendix of this Law. (article 4);
- b. The principle, that if a certain offence is considered as a political crime by the requested state, then the request for extradition will be rejected (Article 5);
- c. The principle, that the requested state has the right to refuse to handover its citizens. (Article 7);
- d. The principle, that if the offence has been committed in whole or in part in the territory within or is not considered to be within the jurisdiction of the requested state, this state may reject the request for extradition. (Article 8);

- e. The principle that a request for extradition may be rejected if the competent authorities of the requested state are proceeding against the person concerned in respect of the extraditable offence. (Article 9);
- f. The principle that if in respect of a certain offence, the decision having legal force has been passed by the competent Court of the requested state, the request for extradition will be rejected (non bis in idem). (Article 10);
- g. The principle that a person will not be handed over if the right to prosecute or the right to execute a penal sentence has expired. (Article 12);
- h. The principle that the extradited person will not be prosecuted, convicted or detained on account of any other offence committed prior to the extradition, than for the offence for which he has been handed over, unless the state requested to handover the said person approves to it. (Article 15).

The decision on request for extradition is not a decision of the judicial body but is a decision of the executive body, therefore as a last instance the decision lies in the hands of the President after having received a judicial advice from the Minister of Justice based on an order of the Court.

The request for extradition is communicated to the President through the Minister of Justice by the competent authorities of the foreign state through the diplomatic channel. The request for extradition must be supported by the required documents, among others concerning identity, citizenship, statement of the accused criminal acts, the request for arrest. If the sought person is wanted because he/she must serve a sentence, the request for extradition is accompanied by the original or an authenticated copy of the Court decision and an arrest warrant. The said documents are supported by necessary legal written evidence.

In case of urgency, before the request for extradition is sent, the competent authorities in Indonesia may put the said sought person under provisional arrest on the request of the requesting state.

As for the said provisional arrest, the provisions of the Indonesian Criminal Procedure Code apply. If within a reasonable time the request for extradition is not sent, the said person is released.

As it is mentioned above, the decision whether or not to handover the said person is taken by the President after having obtained juridical advice from the Minister of Justice based on a Court decision.

The examination in the Court is not a trial before the court like in a general court proceeding, but the Court bases its findings on written statements and evidences from the requesting state, forwarded by the public prosecutor together with his/her opinion.

After having examined the statements and juridical requirements for extradition, the Court decides whether the said person may be extradited or not.

B. ARTICLE BY ARTICLE

Article 1

The term “jurisdiction” in this article includes places that are considered as an area according to legislation, i.e. embassies/representative offices.

Article 2

Section (1)

The term “treaty” means an agreement made between the Republic of Indonesia and other states and is ratified by Law.

Section (2)

Sufficiently clear.

Article 3

Section (1)

The term “committing offences” include persons assisting the offence, persons ordering the offence, and persons advising to commit such offences.

Section (2)

Sufficiently clear.

Article 4

Section (1)

Extraditable offences are usually serious offences. Therefore, not all offences are extraditable, but only limited to offences attached to this Law.

Section (2)

Sufficiently clear.

Section (3)

In view of developments, the list of offences may not always meet our needs and therefore allow for its expansion. As additional offences are only those considered as offences by Law, additions to this list will only be made by a Government Regulation.

Article 5

The refusal of a person for political crimes is based on the state right to provide political asylum to political refugees.

As political crimes cover a wide interpretation, the term is therefore limited to those referred to in section (2).

Offences included in section (4) are actually considered as pure political crimes, however as the nature of these offences may shake the foundation of the state and its peoples, hence for the purpose of extradition these offences are therefore not considered as political crimes.

This matter is an "Attentat-clause" which also adopted by Indonesia.

Article 6

Sufficiently clear.

Article 7

For the protection of the people, it is considered advisable that the sought person is tried in his/her own state. Nevertheless, there is a possibility that the person concerned is better tried in another State (in the requesting state) on consideration of the state's best interests,

law and justice.

Such handover is based on the principle of reciprocity.

Article 8

Sufficiently clear.

Article 9

The term “processed” in this article starts from preliminary investigation, prosecution and examination in Court.

Article 10

This provision is drawn to ensure that a person will not be tried again for the same offence (non bis in idem).

Article 11

The term “another state” means a third state.

Article 12

Sufficiently clear.

Article 13

Although Indonesian law does recognize the death penalty within its Criminal Code, however it is rarely resorted to in most cases.

Therefore, although the proclaimed offence is punishable by death in the requesting state, while in Indonesia is not, then it is considered more justifiable if the sought person not to be extradited.

Article 14

This principle ensures the freedom of all beings to follow their religious and political beliefs, as well as eliminate differences of citizenship, ethnicity, and group.

Article 15

This article adopts the rule of specialty that the sought person may only be tried for offences that are used as basis for extradition unless determined otherwise by the requesting state.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Section (1)

The term “emergency reasons” include possibilities that the sought person would escape arrest.

Section (2)

Sufficiently clear.

Article 19

Section (1)

INTERPOL Indonesia is an International Police Cooperation Agency branch in Indonesia established through a Prime Minister Decree of the Republic of Indonesia Number 245/PM/1954 on 5 October 1954.

While the term “special telegram” means a telegram that clearly states the identity of the sender.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

The appropriate time will be determined within an agreement made with another state.

Article 22

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Information documents indicated in these sections are needed for examination during trials.

Section (4)

The term “written evidence” means documents that are closely related to the offences, i.e. certificate of ownership, or evidence in the form of tools, objects or weapons, photos of them are sufficient in what is called "*copie collatione*". This matter is necessary as the court examination for extradition is only intended to determine whether the person, based on provided evidence, may be prosecuted and not to determine whether the person is guilty or not.

Article 23

Opportunity to complete the required documents as requested by the Minister of Justice of the Republic of Indonesia within an appropriate time considering the distance and vastness of the state requesting the extradition. Hence, the time limit may be determined in the form of agreement between the Republic of Indonesia and the extradition requesting state.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 27

A time limit of 7 (seven) days is considered enough time to conduct the necessary examination by the Attorney’s Office.

Article 28

Extradition cases are prioritized as Court examinations for such matters are not conducted like normal trials.

Article 29

The minimum period of 3 (three) days is meant to provide an opportunity for the person concerned to make the necessary preparations.

Article 30

Sufficiently clear

Article 31

Section (1)

The purpose of this section is to assert the principle of free trial.

Section (2)

Sufficiently clear.

Article 32

Sub a, b, c, d, e, and f are meant to protect human rights in extradition matters.

The term “military crimes” in this article includes crimes as determined according to the Military Criminal Code yet is not a crime under the Criminal Code.

Article 33

Section (1)

Sufficiently clear.

Section (2)

The decision under this section includes the form expressed by the Court while the contents are the statement and or opinions.

The term ‘case’ in this article means all matters related to the request for extradition.

Article 34

Detention for 30 (thirty) days as described in sub b includes detention by the Chief of the Indonesian National Police and detention by the Attorney General’s office in line with the Indonesian Criminal Procedure Code.

If necessary, the Prosecutor may request for extension to the Court.

This represents an exception from the Criminal Procedure Code (*lex specialis*), cognizant that extradition cases must always be expeditious.

Article 35

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 36

Section (1)

In determining on whether to grant or reject the request, the President may obtain recommendations from the officers mentioned in this section in accordance with their respective interests.

Section (2)

Sufficiently clear.

Section (3)

Time is considered appropriate as explained in Article 23 above.

Section (4)

Considering the time limit is very tight in extradition cases, the Presidential Decision must be drawn as quickly as possible.

Article 37

For the sake of justice, the handover of the sought person must consider the requirements as attached in this article, sub a to e.

Article 38

In view of maintaining diplomatic relations with the requesting state, the Minister of Foreign Affairs of the Republic of Indonesia is notified on the Presidential Decision.

Likewise, the Attorney General and the Chief of the Indonesian National Police are also notified on the Presidential Decision as the Attorney General's Office and the Police are involved in such matters since the beginning, i.e. the detention and subsequent investigation on the sought person.

Article 39

The Minister of Foreign Affairs needs to be asked for his/her recommendation in the event that no extradition treaty exists, as extradition requests that are made without prior treaties should be based on the principle of reciprocity by the states concerned.

Article 40

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

These provisions are made to protect the rights of the person concerned. The term 'same offence' in this section is the extraditable offence in the previous sections. The 30-day period in this section is the period as referred to in section (2).

Article 41

Sufficiently clear.

Article 42

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 43

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 44

This article covers requests to handover a person suspected of committing an offence to a foreign state. On this person, the Republic of Indonesia has the responsibility to prosecute in accordance with the Indonesian Criminal Code or to serve a sentence as decided by Indonesian courts.

A foreign state under this article includes places that are considered as the jurisdiction of the said foreign state (see elucidation of Article 1 for more information).

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Extradition treaties in this article are treaties made between the government of the Republic of Indonesia and the Government of Malaysia, between the government of the Republic of Indonesia with the Government of the Republic of the Philippines, and between the government of Indonesia and the Kingdom of Thailand.

Article 48

Sufficiently clear.

ANNEX TO
LAW OF THE REPUBLIC OF INDONESIA
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ON
EXTRADITION

LIST OF EXTRADITABLE OFFENCES

1. Murder.
2. Planned murder.
3. Physical abuse resulting in severe body injuries or the death of a person, planned abuse and severe persecution.
4. Rape, sexual acts with violence.
5. Intercourse with a woman outside marriage or sexual acts with a person despite knowing that the person is unconscious, helpless, or under-aged (under 15) and not mature enough to marry.
6. Sexual acts by a person of age with an under-aged person of the same sex.
7. Giving or using drugs or tools with intention of aborting a woman's pregnancy.
8. Abduct a woman with force, threats of violence or deception, deliberately running away with an under-aged person.
9. Trafficking women/girls and under-aged boys.
10. Kidnap and detaining a person against the law.
11. Slavery.
12. Extortion and threats.
13. Copying or forgery of currency or bank paper or distributing forged money or bank paper.
14. Storing or importing forged money to Indonesia.
15. Forgery or offences connected with forgery.
16. False oaths.
17. Fraud.
18. Criminal acts related to bankruptcy.
19. Embezzling.
20. Theft, robbery.
21. Arson.
22. Intentional destruction of property or buildings.
23. Smuggling.
24. Intentional acts to endanger the safe travel of trains, ships, aircrafts and its passengers.
25. Sink or destroy ships at high sea.
26. Torture or physical abuse on board ships at high sea with intention to kill or maim.
27. Mutiny or agreement to mutiny by 2 (two) persons or more on-board ships at high sea, in subordinating the captain, inciting to mutiny.
28. Sea piracy.
29. Air piracy, offences against aviation, aircraft facilities and infrastructure.
30. Criminal Act of Corruption.
31. Criminal Act of Narcotics and other dangerous drugs.
32. Acts violating Law on Weaponry/Arms, explosives and combustible materials.