NOTE BY THE SECRETARIAT

a) International non-proprietary names in the text have been underlined by the Secretariat.

b) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

c) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

1976 NARCOTICS LAW

REPUBLIC OF INDONESIA

LAW NUMBER 9

By the Grace of God Almighty

The President of the Republic of Indonesia,

Considering:

(a) That narcotics are drugs which are needed in the fields of medicine and science;

(b) That, on the other hand, narcotics may also cause a dependence which is very harmful when used without restrictions and careful control;

(c) That the manufacture, storage, distribution and use of narcotics without restrictions and careful control and in violation of regulations in force, constitute crimes which are very harmful to individuals and society and are a great danger to human lives and the life of the state in the political, security, economic, social and cultural fields and to the national resilience of the developing Indonesian nation;

(d) That in order to control the methods of supply and use of narcotics for medical and/or scientific purposes, and to prevent and overcome the dangers which may be caused by the side effects of the use and abuse of narcotics, and to rehabilitate drug addicts, it is necessary to establish new legislation on narcotics as a substitute for the "Verdoovend.e Middelen Ordonantie" (Stbl. 1927 No. 278 jo Ne. 536) which is no longer:peer%i.ng up with technological progress and modern times.
In view of:

1. Art. 5, para. (1) and art. 20, para. (1) of the 1945 Constitution;
2. Law No. 9 of 1960 on the Principles of Health (State Gazette (LN 1960 No. 131) and Supplemental State Gazette (TLN No. 2068));
3. Law No. 4 Prp year 1960 on Indonesian Territorial Waters (LN 1960 No. 22, TLN No. 1942);
4. Law No. 13 of 1961 on the Basic Principles of Police (LN 1961 No. 245, TLN No. 2289);
5. Law No. 15 of 1961 on the Principles of Public Prosecution (LN 1961 No. 254, TLN No. 2298);
6. Law No. 7 of 1963 on Pharmacy (LN 1963 No. 81, TLN No. 2580);
7. Law No. 3 of 1966 on Mental Health (LN 1966 No. 23, TLN No. 2805);
8. Law No. 14 of 1970 on the Principles of Judicial Powers (LN 1970 No. 74, TLN No. 2951);
9. Law No. 6 of 1974 on the Principles of Social Welfare (LN 1974 No. 53, TLN No. 3039);
10. Law No. 8 of 1976 on Ratification of Single Convention on Narcotic Drugs, 1961 and the Protocol which revised it (LN 1976 No., TLN No. )

With the approval of the House of Representatives of the Republic of Indonesia

HAS DECIDED

by repealing the "Verdoovende Middelen Ordonantie" (Stbl. 1927 No. 278 jo. No. 536) as revised

TO ESTABLISH A LAW ON NARCOTICS

PART I

GENERAL PROVISIONS

Article 1

The meanings of terms used in this Law are those given below:

1. Narcotics are:
   (a) the substances mentioned in numbers 2 through 13 of this Part;
   (b) salts and derivatives of morphine and cocaine;
   (c) other substances, whether natural, synthetic or semi-synthetic, not mentioned here which can be used as substitutes for morphine and cocaine which the Minister of Health designates as narcotics if their use can cause harmful dependence in a similar manner as do morphine and cocaine;
   (d) combinations and preparations which contain the substances mentioned in (a), (b) and (c).
2. Papaver Plant is the Papaver somniferum L. plant, including its seeds, pods and stalks.
3. Raw Opium is the gum that coagulates by itself and is obtained from the pod of the Papaver somniferum L. plant which has been moderately processed just for packaging and transportation regardless of its morphine content.
4. Refined Opium is:
   (a) Opium, i.e., the result obtained from raw opium through a series of processing stages, particularly dissolution, heating and fermentation, with or without the addition of other substances, for the purpose of converting it into an extract suitable for smoking;
(b) "Dicing", i.e., remnants of opium already smoked regardless of whether it is mixed with leaves or other substances;
(c) "Jicingko", namely the result obtained by processing jicing.
5. Medicinal Opium is processed raw opium for medicinal purposes, in powder or other form, or mixed with neutral substances according to pharmaco-
logical standards.
6. Morphine is the major alkaloid of opium with the chemical formula $C_{17}H_{19}NO$.
7. Coca Plant is a plant of the genus *Erythroxylon* of the *Erythroxylaceae* family.
8. Coca Leaf is that leaf which has, or has not yet, been dried or exists in powder form from *Erythroxylon* coca plants which produce cocaine directly or through chemical changes.
9. Raw Cocaine is the result obtained from coca leaves which can be processed directly to produce cocaine.
10. Cocaine is ether methyl / blank space in text / and its formula is $C_{17}H_{21}N_4$.
11. Ekgonina is 1-ekgonina whose chemical formula is $C_{17}H_{35}N_4$.
12. Marijuana /Cannabis/ Plant is all parts of all plants of the genus *Cannabis*, including The seeds and flowers.
13. Marijuana /Cannabis/ Resin is the resin made from Marijuana plants, including the products where resin is used as basic substance.
14. Indonesian Territory is all the land and water territory of Indonesia, including the air above the land and territorial waters, installations on continental shelves, ships or aircraft using the Indonesian flag in other territories and places which, according to existing regulations, are Indonesian territories.
15. Import is the act of bringing narcotics into Indonesian territory, including loading or keeping them in an aircraft or ship using the Indonesian flag abroad, which will go or is going to Indonesia.
16. Export is issuing narcotic drugs from Indonesian territory, including loading or keeping them in an aircraft or ship using the Indonesian flag which will leave or is leaving Indonesia.
17. Import Certificate is a written certificate issued by the Health Minister containing the name, kind of property and amount or weight of narcotics which may be imported, the names and addresses of the importer and exporter, time for doing the import business and a. certification that the imports are solely for the benefit of medical and/or scientific causes.
18. Export Certificate is a written certificate issued by or on behalf of the Government of the exporting country stating the name, kind of property, and amount or weight of the narcotics approved to be exported, the names and addresses of both the exporter and importer, time for performing the exportation, and so on.
19. Import Permit is a special permit issued by the Trade Minister after obtaining the Minister of Health's permission to import narcotics.
20. Export Permit is a special permit issued by the Trade Minister after obtaining the Minister of Health's permission to export narcotic drugs.
21. Big Pharmaceutical Trader is a nationally incorporated body with a trading licence from the Trade Minister and a special permit from the Health Minister.
22. Pharmaceutical Factory is a nationally incorporated body which produces, processes and/or manufactures narcotics with a special permit from the Health Minister.
23. Transit is transporting narcotics through Indonesia with or without a change of means of transportation between two other countries.
24. Means of Transportation is any means which can be used to carry narcotics by land, water or air.
25. Skipper is any leader (or his replacement) of a ship or other water vessel.
26. Captain Pilot is any leader, or his replacement, of an aircraft.
27. Driver is one who drives a means of transportation on land.
28. Doctor is a general practitioner, specialist doctor, dentist or veterinarian who is authorized to practise medicine in his field.

29. Narcotics Addict is a person who uses narcotics and is dependent on narcotics, physically or psychically, as a result of the use or abuse of narcotics.

30. Rehabilitation is an effort to make a narcotics addict live healthily, physically and/or psychically, so that he can adjust and improve his skills and knowledge in his environment.

Article 2

The Health Minister is empowered to specify:

I. Instruments of abuse of narcotic drugs;
II. Substances which may be used in the manufacture of narcotics, as goods under control.

PART II
NARCOTICS FOR MEDICAL AND/OR SCIENTIFIC PURPOSES

Article 3

1. Narcotics shall be used only for medical and/or scientific purposes.

2. The Health Minister is authorized to prohibit the use of certain narcotics which are very dangerous for medical and/or scientific purposes.

Article 4

1. In the interest of medical and/or scientific purposes, a scientific and/or educational institution may be permitted by the Health Minister to buy, plant, keep or control Papaver, coca and marijuana cannabis/plants.

2. An institution which grows Papaver, coca and marijuana/cannabis plants is required to report on the area planted, crops, etc., as shall be regulated by Government regulation.

Article 5

1. (a) The Health Minister shall give permission to a pharmacy to buy, mix, prepare, possess or keep in stock, control, sell, distribute, deliver, send, and carry or transport narcotics for medical purposes;

   (b) The Health Minister shall give permission to a doctor to buy, prepare, possess or keep in stock, control, distribute, deliver, send, carry or transport and use narcotics for medical purposes.

2. (a) The Health Minister shall give special permission to certain pharmaceutical factories to buy, prepare, possess or keep in stock, control, produce, process, assemble, sell, distribute, deliver, send and carry or transport narcotics for medical and/or scientific purposes;

   (b) The Health Minister shall give special permission to a big pharmaceutical trader to buy, prepare, possess or keep in stock, control, sell, distribute, deliver, send and carry or transport narcotics for medical and or scientific purposes;

   (c) The Health Minister shall give special permission to a hospital to buy, prepare, possess or keep in stock, control, deliver, send and carry or transport and use narcotics for medical purposes;
(d) The Health Minister shall give special permission to an educational institution and a scientific institution to buy from a big pharmaceutical trader, prepare, possess or keep in stock, control and use narcotics for scientific purposes.

(e) Special permits other than those mentioned in this article shall be regulated in a separate statutory regulation.

Article 6

1. A pharmacy, pharmaceutical factory and a big pharmaceutical trader may buy narcotics from the importing big pharmaceutical trader mentioned in article 9.

2. Regulations concerning requirements which must be fulfilled by a pharmacy (drugstore), pharmaceutical factory, scientific institution and educational institution shall be drawn up in a Government Regulation.

Article 7

1. Only a pharmacy may distribute narcotics to those listed under article 8, paragraph (1).

2. A pharmacy is forbidden from giving narcotics for the second time on the same doctor's prescription or on a copy of the doctor's prescription.

Article 8

1. Narcotics may be used for the purpose of treating a disease only on the basis of a doctor's prescription.

2. Conditions which must be met by a patient who is in need of narcotics as referred to in paragraph (1) shall be determined by the Minister of Health.

Article 9

In the interest of medicine and/or science, narcotics may be imported into Indonesia by an importer/big pharmaceutical trader only after obtaining the approval of the Minister of Health and an import permit from the Trade Minister.

Article 10

1. To import narcotics as referred to in article 9 or to transit narcotics there must be a supporting import certificate issued by the Health Minister.

2. An import certificate may be given upon receipt of a written application supported by necessary data.

3. A carbon copy of the import certificate will be given to the relevant Customs Office and to the government of the exporting firm.

Article 11

The import or transit mentioned in article 10 must be supported by an export certificate or valid copy thereof, issued by or on behalf of the government of the exporting company.

Article 12

1. After the narcotics have arrived and been received, the importer must give a report to the Minister of Health.

2. The Minister of Health, or an official appointed by him, shall endorse the certificate or copy thereof, noting the name, kind and amount or weight of the narcotics actually imported.
Article 13

1. After the import has been accomplished, the aforesaid endorsed export certificate shall be sent to the government of the exporting company.
2. The Minister of Health shall tell the government of the exporting firm if the import certificate is outdated and the certificate shall be accompanied by the relevant documents.

Article 14

The export of medicines containing narcotics shall be regulated by a Government Regulation.

Article 15

The import of narcotics and the export of medicine containing narcotics shall be conducted through an international airport or through other ports with special permission from the Health Minister.

Article 16

Narcotics in the possession of a pharmacy, pharmaceutical trader, pharmaceutical factory, hospital, doctor's supply, educational and scientific institution as mentioned in article 5 must be kept according to the regulations issued by the Minister of Health.

Article 17

The Minister of Health is required to yearly make a plan on the amount of narcotics which may be needed for scientific and/or medical purposes.

Article 18

1. The importer mentioned in article 9 is required to make and send a monthly report to the Health Minister on the import and issue of narcotics under his control with a carbon copy going to the Trade Minister.
2. The pharmaceutical factory, big pharmaceutical trader, pharmacy, hospital, scientific institution and educational institution mentioned in article 5 are required to make and send a monthly report to the Health Minister on the incoming and outgoing amounts of narcotics under their control.
3. If deemed necessary, a doctor may be required to make and send a report on narcotics under his control to the Health Minister.

Article 19

The form and content of the aforesaid report shall comply with the provisions stipulated by the Health Minister.

PART III

NARCOTIC TRANSPORTATION

Article 20

1. The owner or shipper off narcotics is required to inform the skipper, captain pilot or driver of the kind and amount of narcotics to be transported for import, export or transit purposes.
2. Before transporting narcotics, the skipper, captain pilot or driver is required to ask for an import or export certificate from the owner or shipper.
Article 21

1. The transportation of narcotics at home by air, water or land, must, in addition to complying with the special provisions stipulated by the Health Minister, also fulfill the general provisions which are in force for transportation by air, water or land.
2. A cargo of narcotics must, in the first instance, be kept in an iron box or another place in the ship which will be sealed off by the skipper and the owner or shipper.
3. The skipper shall write an official report on the said narcotics cargo.
4. When a ship carries narcotics as cargo or as supplies in the ship's drugstore, the skipper is required to report this as soon as possible upon arrival at a port to the local health service.
5. The unloading of narcotics shall be carried out at the first opportunity by the skipper in the presence of a Customs Official.
6. A skipper who has knowledge of an illegal presence of narcotics aboard his ship is obliged to make an official report, take precautionary measures and, when the ship stops at a port, report and submit the matter to the authorities.
7. Other provisions regarding the transportation of narcotics shall be stipulated by the Health Minister.

Article 22

The provisions stated in article 21, paragraph (2) through (7) also apply to captain pilots in relation to transportation by air and to drivers in relation to transportation by land.

PART IV

PROHIBITIONS

Article 23

1. It is prohibited to illegally plant or cultivate, hold in stock, own, keep or control *Papaver*, coca and marijuana *Cannabis* plants.
2. It is prohibited to illegally produce, process, extract, convert, mix or prepare narcotics.
3. It is prohibited to illegally possess, keep for the purpose of owning or stock-keeping or control narcotics.
4. It is prohibited to illegally carry, send, transport or transit narcotics.
5. It is prohibited to illegally import, export, offer for sale, distribute, sell, buy, deliver, receive, act as an intermediary in the purchase or sale of, or exchange narcotics.
6. It is prohibited to illegally use narcotics on other people or give narcotics for use by other people.
7. It is prohibited to illegally use narcotics for one's own self.

Article 24

The use and giving of narcotics by a doctor, except for medicinal purposes, is prohibited.
PART V
INVESTIGATION, PROSECUTION AND EXAMINATION IN COURT

Article 25

1. A narcotics case is a case which shall be given priority examination and settlement by court within the shortest time possible.
2. Investigation, prosecution and examination before a court of a criminal act involving narcotics shall be according to extant regulations unless otherwise provided in this law.

Article 26

An investigator is entitled to open and examine any goods shipped by post and other means of transportation which are suspected of connections with cases involving narcotics which are under investigation.

Article 27

Narcotics discovered during an investigation or samples thereof shall be examined in a laboratory designated by the Health Minister.

Article 28

Before the court, the witness and other persons involved in a case under examination, are prohibited to mention names or addresses or other particulars which may make it possible to know the identity of the informant (reporter).

Article 29

1. Narcotics and the instruments used in a crime involving narcotics and the results may be confiscated for the State.
2. The confiscation of the aforesaid substances and instruments which are not the property of the defendant will not be affected if the rights of well-intentioned third parties will be prejudiced.
3. If the confiscated goods and instruments included the property of a bona fide third person, the owner may notify the court of his objections to the aforesaid seizure within 3 (three) months from the announcement of the judge's ruling.
4. The narcotics confiscated and referred to in paragraph (1), shall become property of the state and, in a manner to be determined by the Health Minister and the Attorney General, be used in the interests of the state or destroyed.
PART VI
PREMIUM

Article 31

Those who have rendered services in uncovering a crime involving narcotics shall be given a premium as specified in a Government Regulation.

PART VII
TREATMENT AND REHABILITATION OF VICTIMS OF DRUG ABUSE AND PREVENTIVE MEASURES

Article 32

1. The parents or guardians of a minor narcotics addict are required to report the addict to an official named by the Health Minister and to take him/her to a nearby hospital or doctor for treatment and care.
2. A major narcotics addict is required to report himself/herself to an officer named by the Health Minister.
3. The conditions for the execution of the stipulations above (paragraphs 1 and 2) shall be determined by the Health Minister.

Article 33

A judge, when deciding upon the criminal case mentioned in article 36, paragraph (7), may order the defendant to get medical treatment and care at his/her own expense.

Article 34

1. The medical treatment and care of a narcotics addict and the rehabilitation of a former addict shall be given at a rehabilitation institution.
2. The formation, structure, tasks and powers of the rehabilitation institution mentioned above, including its branches in other places, shall be determined by Presidential Decision.
3. In the field of rehabilitation, maximum participation of social institutions, public and private, shall be enlisted.

Article 35

For the purpose of overcoming the abuse of narcotics, the government can co-operate bilaterally or multilaterally with other countries or international agencies concerned with the problem.

PART VIII
PENALTIES

Article 36

1. Any person who violates article 23, paragraph 1:
   (a) shall be sentenced to a maximum of ten years in prison and a maximum fine of Rp. 15 million if the aforesaid act involved the Papaver plant;
   (b) shall be sentenced to a maximum of six years in prison and a maximum fine of Rp. 10 million if the act involves the coca or marijuana cannabis plants.
2. Any person who has violated article 23, paragraph 2:
   (a) shall be sentenced to a maximum of 20 years in prison and a maximum fine of Rp. 30 million if the act involves other narcotics;
   (b) shall be sentenced to a maximum of 12 years in prison and a maximum fine of Rp. 20 million if the act involves coca leaves or marijuana LcannabisI plants.

3. Any person who violates article 23, paragraph 3:
   (a) shall be sentenced to a maximum of ten years in prison and a maximum fine of Rp. 15 million if the act involves other narcotics;
   (b) shall be sentenced to a maximum of six years in prison and a maximum fine of Rp. 10 million if the act involves coca leaves or marijuana Lcannabis plants.

4. Any person who violates article 23, paragraph 4:
   (a) shall be sentenced to death or to life imprisonment or 20 years imprisonment and a maximum fine of Rp. 50 million if the act involves other narcotic drugs;
   (b) shall be sentenced to a maximum of 20 years in prison and a maximum fine of Rp. 30 million if the act involves coca and marijuana Lcannabis plants.

5. Any person who violates article 23, paragraph 5:
   (a) shall be sentenced to death, life imprisonment or a maximum of 20 years in prison and a maximum fine of Rp. 50 million if the act involves other narcotics;
   (b) shall be sentenced to a maximum of 20 years in prison and a maximum fine of Rp. 30 million if the act involves coca and marijuana LcannabisI plants.

6. Any person who violates article 23, paragraph 6:
   (a) shall be sentenced to a maximum of ten years in prison and a maximum fine of Rp. 15 million if the act involves other narcotics;
   (b) shall be sentenced to a maximum of six years in prison and a maximum fine of Rp. 10 million if the act involves coca and marijuana LcannabisI plants.

7. Any person who violates article 23, paragraph 7:
   (a) shall be sentenced to a maximum of two years in prison if the act involves coca leaves or marijuana LcannabisI plants.
   (b) shall be sentenced to a maximum of three years in prison if the act involves other narcotics.

8. Any person whose negligence has resulted in violation of article 23, paragraph 1, on his land or property or premises under his control, shall be sentenced to a maximum of one year in prison or a maximum fine of Rp. 1 million.

Article 37

An attempt to commit the criminal acts referred to in article 36, paragraphs 1 through 7, shall be punished with the same jail term as the jail term for commission of the criminal acts themselves.

Article 38

The act of persuading a minor child to commit the criminal acts referred to in article 36, paragraph 1 through 7, is liable to the penalties stated in article 36, paragraph 1 through 7 plus one-third thereof on condition that the maximum term will be 20 years.
Article 39

1. The jail terms stipulated in article 36, paragraph 1 through 7 may be increased by one-third if the convicted person commits another crime within two years from the date he began serving his jail term.

2. In the event that repetition of the crimes stated in paragraph 1 is liable to fine, the fine shall be doubled.

Article 40

A doctor who has deliberately violated article 24 shall be sentenced to a jail term of 12 years, at most, and a maximum fine of Rp. 20 million.

Article 41

An importer which fails to fulfill the obligation referred to in article 12, paragraph 1, article 18, paragraph 1 and article 19 is liable to a maximum jail term of one year and a maximum fine of Rp. one million.

Article 42

1. A pharmaceutical factory, a big pharmaceutical trader, hospital, doctor, educational institution and a scientific institution which fail to discharge the obligation referred to in article 18, paragraph 2 and article 19 will be sentenced to a jail term of one year at most and a maximum fine of one million rupiah.

2. A scientific institution or an educational institution which grows *Papaver*, coca and marijuana *Lcannabiil* plants but which do not send the required report mentioned in article 4, paragraph 2 is liable to a maximum jail term of one year and a maximum fine of one million rupiah.

Article 43

A skipper, captain pilot and a driver who do not fulfill the obligations referred to in article 20, paragraph 2, article 21, paragraphs 2, 3, 4, 5, 6 and 7, and article 22 are liable to a jail term of one year and a maximum fine of one million rupiah.

Article 44

Violations of the provisions stated in articles 40, 41, 42 and 43 are liable to additional penalties in the form of deprivation of rights as set forth in article 35, paragraph 1 of the Penal Code.

Article 45

Any person who has deliberately obstructed the investigation, prosecution and examination in court of a criminal case involving narcotics shall be sentenced to a maximum jail term of five years and a maximum fine of Rp. 10 million.

Article 46

Any witness who has deliberately refused to give information or who has given false information to an investigator of a criminal act involving narcotics is liable to a maximum sentence of five years or a maximum fine of Rp. 10 million.
Article 47

A witness and other persons involved with the case under court examination who do not fulfill the provisions of article 28 are liable to a maximum jail term of one year.

Article 48

Any person who knows the existence of illegal narcotics but does not report it to the authorities is liable to a maximum jail term of one year and/or a maximum fine of Rp. one million.

Article 49

If an act of crime involving narcotics was committed by or on behalf of a legal entity, a company, an association or foundation, the prosecution and the sentence will be instituted and passed on the legal entity, etc., as well as on the officers ordering the act of crime or on the responsible officers or both.

Article 50

All the acts punishable under Part VIII of this Law are acts of crime except those mentioned in article 47 which are offences.

Article 51

1. A foreign citizen who committed a crime involving narcotics and who has served his sentence as regulated in this Law will be expelled from Indonesia.
2. A foreign citizen who has committed an act of crime involving narcotics in Indonesia or abroad shall not be allowed to enter Indonesia.

Article 52

In a Government Regulation for the administration of this Act, there may be included the penalties threatened, i.e., a jail term of one year at most and a maximum fine of Rp. one million.

Article 53

The Penal Code and other statutory regulations shall apply to acts of crime not covered by this Law.

FART IX

TRANSITIONAL PROVISIONS

Article 54

As long as statutory regulations for the administration of this Law have not been issued, existing regulations concerning narcotics shall apply provided they are not in conflict with this Law.
PART X

CLOSING PROVISION

Article 55

This Law takes effect from the date of enactment. In order that every person shall be informed of this Law, the enactment of this Law shall be effected by publishing it in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta on July 26

The President of the Republic of Indonesia

Soeharto

General of the TNI

Enacted in Jakarta on July 26

Minister/State Secretary of the Republic of Indonesia

Sudharmono SH