

THE SECOND AMENDMENT TO GOVERNMENT REGULATION NUMBER 27 YEAR 1983 ON THE IMPLEMENTATION OF CODE OF CRIME BOOK (Government Regulation Number 92 Year 2015, dated December 8, 2015)

BY GRACE OF GOD THE ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that the provision on compensation in Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book as already amended by Government Regulation Number 58 Year 2010 concerning the Amendment to Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book has not been suitable anymore to law developments in the society so that the amount of compensation needs to be adjusted;
- b. that having regards to letter a, it is necessary to stipulate a government regulation on the Second Amendment to Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book;

In view of:

1. Article 5 paragraph (2) of the Constitution of 1945;
2. Law 8 Year 1981 on Code of Crime (Statute Book of the Republic of Indonesia Year 1981 Number 76, Supplement to Statute Book of the Republic of Indonesia Number 3209);
3. Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book (Statute Book of the Republic of Indonesia Year 1983 Number 36, Supplement to Statute Book of the Republic of Indonesia Number 3258) as already amended by Government Regulation Number 58 Year 2010 concerning the Amendment to Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book (Statute Book of the Republic of Indonesia Year 2010 Number 90, Supplement to Statute Book of the Republic of Indonesia Number 5145);

DECIDES :

To stipulate:

THE GOVERNMENT REGULATION ON THE SECOND AMENDMENT TO GOVERNMENT REGULATION NUMBER 27 YEAR 1983 CONCERNING THE IMPLEMENTATION OF CODE OF CRIME BOOK.

Article I

Several provisions in Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book (Statute Book of the Republic of Indonesia Year 1983 Number 36, Supplement to Statute Book of the Republic of Indonesia Number 3258) as already amended by Government Regulation Number 58 Year 2010 concerning the Amendment to Government Regulation Number 27 Year 1983 on the Implementation of Code of Crime Book (Statute Book of the Republic of Indonesia Year 2010 Number 90, Supplement to Statute Book of the Republic of Indonesia Number 5145) shall be amended as follows:

1. The provision of Article 7 is amended so as to read as follows:

Article 7

- (1) Demand for compensation as meant in Article 95 of KUHAP may only be submitted in no later than 3 (three) months as from the date when the text or copy of legally fixed court decision is received.
- (2) In the case of the demand for compensation being submitted to case suspended in the phase of investigation or prosecution as meant in Article 77 letter b of KUHAP, the three month period shall be counted as from the date of notification of pre-hearing stipulation.

2. The provision of Article 9 is amended so as to read as follows t:

Article 9

- (1) The amount of compensation on the basis of the reason as meant in Article 77 letter b and Article 95 of KUHAP shall be Rp500,000 (five hundred thousand rupiah) at the minimum and Rp 100,000,000 (one hundred million rupiah) at the maximum.
- (2) The amount of compensation on the basis of the reason as meant in Article 95 of KUHAP that causes serious injury or disability thus being unable to execute work shall be Rp 25,000,000 (twenty five million rupiah) at the minimum and Rp300,000,000 (three hundred million rupiah) at the maximum.
- (3) The amount of compensation on the basis of the reason as meant in Article 95 of KUHAP that causes the death shall be Rp 50,000,000 (fifty million rupiah) at the minimum and Rp600,000,000 (six hundred million rupiah) at the maximum.

3. The provision of Article 10 is amended so as to read as follows:

Article 10

- (1) Text of decision or stipulation regarding the compensation as meant in Article 8 shall be granted to applicant in 3 (three) days after the decision is read.
- (2) The text of decision or stipulation of compensation as meant in paragraph (1) shall be granted to prosecutor, investigator and the minister in charge of financial affairs.

4. The provision of Article 11 is amended so as to read as follows:

Article 11

- (1) The payment of compensation shall be executed by the minister in charge of financial affairs on the basis of the text of court decision or stipulation as meant in Article 10.
- (2) The payment of compensation shall be executed in no later than 14 (fourteen) working days as from the date when the application for compensation is received by the minister in charge of financial affairs.
- (3) Provision on procedure for the payment of compensation shall be regulated by the minister in charge of financial affairs.

5. Two articles are supplemented between Article 39A and Article 40 to become Article 39B and Article 39C, which read as follows:

Article 39B

Following the enforcement of this government regulation:

- a. applicants already submitting application for compensation but not yet securing text of court decision or stipulation about the amount of the received compensation, the court decision or stipulation about the amount of compensation shall refer to this government regulation; and
- b. compensation applicants already securing text of court decision or stipulation but not yet receiving compensation from the minister in charge of financial affairs, the amount of compensation shall be paid in accordance with text of court decision or stipulation.

Article 39C

With the enforcement of this regulation, the provisions of legislation constituting the implementation of this government regulation that regulate compensation shall be adjusted to this government regulation in no later than 6 (six) months as from the promulgation of this government regulation.

Article II

The government regulation shall come into force as from the date of promulgation.

For public cognizance, the government regulation shall be promulgated by placing it in Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On December 8, 2015

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd

JOKO WIDODO

Promulgated in Jakarta

On December 8, 2015

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

sgd.

YASONNA H. LAOLY

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