



United Nations

E/NL.1951/14
28 February 1951

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE CONVENTION OF 13 JULY 1931 FOR LIMITING
THE MANUFACTURE AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS
AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

INDONESIA

COMMUNICATED BY THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA

Lake Success,
New York, 1951

Note by the Secretary-General

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate hereafter the text of a regulation.

Original: Dutch

STAATSBLAD (OFFICIAL JOURNAL) OF INDONESIA

1949 No. 337. NARCOTICS. To amend further the Narcotics Ordinance of 12 May 1927 (*Staatsblad* No. 278), as last amended by the Ordinance of 21 December 1944 (*Staatsblad* No. 14). (Decree of the High Commissioner of the Crown of 11 November 1949 No. 37).

IN THE NAME OF THE QUEEN!

THE HIGH COMMISSIONER OF THE CROWN IN INDONESIA!

To all who see this or hear it read, greetings!

Makes known:

Whereas he has recognized that it is necessary to amend further the Narcotics Ordinance in consequence of the general application throughout Indonesia, in pursuance of the Brisbane Decree of 21 December 1944 (*Staatsblad* No. 14), of the provisions prohibiting the use of narcotics for any other than medical or scientific purposes;

In agreement with the Council of Heads of Departments;

He has approved and agreed as follows:

Article 1

The Narcotics Ordinance of 12 May 1927 (*Staatsblad* No. 278), as last amended by the Brisbane Decree of 21 December 1944 (*Staatsblad* No. 14), shall be further amended as follows:

I. The words "the Chief of the Public Health Service" shall be replaced throughout by the words: "the Secretary of State for Public Health".

II. In Article 1, the definitions o. "opium monopoly", p. "expert", t. "monopoly opium" and u. "monopoly djitjing" shall be deleted.

III. The words "with the exception of raw and prepared opium" at the beginning of Article 4 shall be replaced by the words: "with the exception of prepared opium".

IV. In paragraph (2)(a) of Article 6 the words "medicinal opium" shall be replaced by the words: "raw and medicinal opium".

V. In Article 6, paragraph (4), Article 14, paragraph (3), and Article 16, paragraph (9) the words "the Chief of the Opium Monopoly Service" shall be replaced by the words: "the Secretary of State for Public Health".

VI. In Article 7, paragraph (4), the words "the Chief of the Public Health Service may, in consultation with the Chief of the Opium Monopoly Service," shall be replaced by the words: "the Secretary of State for Public Health may".

VII. Article 11 shall be supplemented by a second paragraph reading as follows:

"The particulars enumerated in items 10, 12 and 13 of the foregoing paragraph need not be declared in the case of certain preparations containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine to be specified by the Secretary of State for Public Health, where the said preparations are dispensed by a pharmacist against a medical practitioner's prescription. The amounts (item 11 of the specified preparations dispensed as aforesaid need not be registered for each prescription, provided that at the end of each month the total quantity of each specified preparation dispensed during the month against prescription is entered in the register."

VIII. In Article 13 the words "with the exception of raw and prepared opium and Indian hemp resin" shall be replaced by the words: "with the exception of prepared opium and Indian hemp resin".

IX. Article 14 shall be amended to read as follows:

1. In paragraph (5)(a) the words "medicinal opium" shall be replaced by the words: "raw and medicinal opium";

2. In paragraph (7) the words "of raw and prepared opium" at the end of the first sentence shall be replaced by the words: "of prepared opium" and the second sentence shall be amended to read: "The issue of an export certificate shall be subject to the provisions of paragraph (5) of this article".

X. Article 16 shall be amended as follows:

(1) Paragraphs (1) and (2) shall be deleted;

(2) The beginning of paragraph (3) (number unaltered) shall be amended to read as follows:

"(3) The despatch in transit of prepared opium, the substances enumerated in Article 14, paragraph (5), Indian hemp and resin of Indian hemp shall be unlawful, unless etc..."

XI. Article 23 shall be amended to read as follows:

Article 23

"(1) The aforesaid narcotics or a sample thereof shall be inspected by an official expert designated by the Secretary of State for Public Health. The said expert shall make a declaration on the inspection, subject to the oath (affirmation) which he took on assuming his official duties.

"(2) The inspection referred to in the foregoing paragraph need not be carried out if it is manifest, and is not denied by the suspected person, that the substances referred to consist of raw or prepared opium.

"(3) With a view to combatting the smuggling of opium and other narcotics, pecuniary rewards may be granted in conformity with rules issued by Government order."

XII. Paragraphs (1) and (2) of Article 24 shall be amended to read as follows:

"(1) Confiscated narcotic drugs shall be used in the national interest in a manner to be prescribed by the Secretary of State for Public Health. Substances which cannot in the opinion of the Head of the Department be utilized in the national interest shall be destroyed in a manner to be prescribed by him.

"(2) Specified substances not confiscated and not ordered by the competent authority to be returned to the rightful claimant shall be dealt with in the manner prescribed in the foregoing paragraph, as soon as they are no longer required as evidence."

XIII. Article 25 shall be amended to read as follows:

1. Paragraph (3), sub-paragraph (a), section 1 shall read:

"1. Not more than 100 grammes of raw, prepared or medicinal opium;"

2. Paragraph (5) shall read as follows:

"(5)(a) The offences specified in sub-paragraph (a) of the foregoing paragraph shall be punishable by imprisonment for not more than four years and a fine not exceeding 60,000 gulden, if committed with criminal intent.

(b) Where the specified quantities are exceeded by more than thirty kilogrammes of raw, prepared or medicinal opium, three kilogrammes of other narcotic substances or 3,000 kilogrammes of poppy, Indian hemp or coca leaf, the fine may be increased by not more than 2,000 gulden for each kilogramme of raw, prepared or medicinal opium, each hundred grammes of other narcotics and each hundred kilogrammes of poppy, Indian hemp or coca leaf in excess of the said quantities."

3. Paragraph (9) shall read as follows:

(9) The narcotic substances, poppy, Indian hemp or coca leaf and the objects and means of transport with which an offence against the provisions of this Ordinance is committed may be confiscated even if they are not the property of the convicted person.

4. Paragraphs (10) and (13) shall be deleted.

Article 2

This Ordinance shall come into force on the day after its promulgation;

And in order that no person may plead ignorance thereof it shall be published in the *Staatsblad* of Indonesia.

Done at Batavia, 11 November 1949

Acting General Secretary

Issued 17 November 1949