

Article 309.

By conviction on account of one of the crimes described in articles 304 - 308, deprivation of the rights mentioned in article 35 fourthly may be pronounced.

CHAPTER XVI

D e f a m a t i o n .

Article 310.

- (1) The person who intentionally harms someone's honour or reputation by charging him with a certain fact, with the obvious intent to give publicity thereof, shall, being guilty of slander, be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.
- (2) If this takes place by means of writings or portraits disseminated, openly demonstrated or put up, the principal shall, being guilty of libel, be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs.
- (3) Neither slander nor libel shall exist as far as the principal obviously has acted in the general interest or for a necessary defence.

Article 311.

- (1) Any person who commits the crime of slander or libel in case proof of the truth of the charged fact is permitted, shall, if he does not produce said proof and the charge has been made against his better judgment, being guilty of calumny, be punished by a maximum imprisonment of four years.
- (2) Deprivation of rights mentioned in article 35 first to thirdly may be pronounced.

Article 312.

Proof of the truth of the charged fact shall only be permissible in the following cases:

- 1st, If the judge deems the examination of the truth necessary to judge the allegation of the accused that he has acted in the general interest or for his necessary defence;
- 2nd-ly, if an official is charged with the commission of an act in the exercise of his office.

Article 313.

The proof referred to in article 312 shall not be permissible, if the charged fact cannot be prosecuted except upon complaint and no complaint has been made.

Article 314.

- (1) If the defamed person has been declared guilty of the charged fact by judicial verdict which has become final punishment by reason of calumny shall be excluded.

- (2) If the defamed person has been acquitted of the charged fact, by judicial verdict which has become final, said verdict shall be considered as perfect proof of the truth of the fact.
- (3) If against the defamed person by reason of the fact charged to him, a criminal prosecution has been initiated the prosecution by reason of calumny shall be suspended until the verdict on the charged fact has become final.

Article 315.

A defamation committed with deliberate intent which does not bear the character of slander or libel, against a person either in public orally or in writing, or in his presence orally or by battery, or by a writing delivered or handed over, shall as simple defamation, be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.

Article 316.

The punishments laid down in the foregoing articles of this chapter may be enhanced with one third, if the defamation is committed against an official during or on the subject of the legal exercise of his office.

Article 317.

- (1) Any person who with deliberate intent submits or causes to submit a false charge or information in writing against a certain person to the authorities, whereby the honour or reputation of said person is harmed, shall, being guilty of calumnious charge, be punished by a maximum imprisonment of four years.
- (2) Deprivation of the rights mentioned in article 35 first to thirdly may be pronounced.

Article 318.

- (1) Any person who with deliberate intent by some act falsely cast suspicion upon another person of having committed a punishable act, shall, being guilty of calumnious insinuation, be punished by a maximum imprisonment of four years.
- (2) Deprivation of the rights mentioned in article 35 first to thirdly may be pronounced.

Article 319.

Defamation, punishable under this chapter, shall not be prosecuted except upon complaint by the person against whom the crime has been committed, except in the case of article 316.

Article 320.

- (1) Any person who in respect of a deceased person commits an act that, if the person were still alive, would have been characterized as libel or slander, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.