Civil Procedure Code

Unofficial Translation

Regulation concerning operation of the police, the civil judicature and the criminal procedures applicable to Indonesians and Foreign Easterners in Java and Madura.

Promulgated by Publication dated 5 April 1848, S. No. 16, in compliance with S. 1848-57 "i.w.g." 1 May 1884, re-announced by S. 1926-559 and 41-44.

The text of the Indonesian Regulation is, pursuant to authorization by S. 26-496, re-announced by S. 26-559. Drastic revisions have been added to the text by S. 41-31 juncto 98, reorganization of the system of prosecution of non-Europeans, and S. 41-32 juncto 98, revision of preliminary investigation of criminal cases against Indonesians and Foreign Easterners, by which amongst others the first 6 titles have been replaced by 2 new ones. The text has furthermore been re-announced by S. 41-44. Transition- and conflict-provisions by S. 41-31 article VI and 41-32 article II have previously been included.

See the temporary provisions in LN-51-9 ("gew." LN. 55-36) pages 332,339.

For an applicable interpretation of the regulations of the administration of justice with regard to Foreign Easterners, other than Chinese, see S. 24-556 article 7, page 379; for Chinese, S. 17-129, page 379; for Surakarta and Yogyakarta page 290v; for subjection to the European civil law, S. 17-12, page 384v.

FIRST TITLE

Concerning operation of the police

FIRST SECTION

Concerning civil servants and functionaries, entrusted with operation of the police

Art. 1. The following officials, functionaries and particular persons are entrusted with operation of the police among Indonesians and Foreign Easterners, according to the distinctions made by this regulation, each in accordance with the vastness of the territory over which he is appointed: (IR. 39v).

1°. the village heads (heads of "desa's" and "kampongs") and all further subordinate Indonesian police functionaries, however they are named, with an inclusion of those who have been appointed over private estates; (ISR. 128; Bw. 624; IR.3v.; S. 80-150*; RPL.)

2°. the district heads; (ISR. 127; IR. 24v., 30.)

3°. the regents and governors ("patih's"); (ISR. 126;

IR. 31v.)

4°. the residents and assistant-residents;
5°. all other officials, functionaries and persons, in cases where under specific legal regulations these have been entrusted to their watchfulness; (IR. 3v., 9; Sv. 2; Bb. 2922, 3018.)

6°. the unsalaried police officials - each for as far as the authorization as per the deed of appointment is concerned - who have thus been appointed with observance of the directions that shall be laid down by government ordinance.

2. Also involved in the operation of the police, each in their circle, are the heads of Foreign Easterners, together with the officials and functionaries of the public police and the wardmasters, who all shall have to behave in accordance with prevailing or later to be determined regulations and instructions. (IR 20.)

SECOND SECTION

Concerning the village heads an all further subordinate functionaries of the police

3. The village heads are, under supervision and orders of the district-heads, entrusted with the care for public peace and security and the maintenance of good order in their villages. (IR. 1-1°, 2, 5v., 13v., 22v., 25v.; Sv. 1.)

4. (1) They are obliged to once a week on a fixed day appear before their district head and if possible hand over a written notice, or otherwise verbally report occurrences that have taken place in the previous week, for as far as they have not already, according to the following stipulations of this section, earlier given notification of these.

(2) When legally prevented, they shall arrange to have themselves replaced by a subordinate functionary or, in the absence of this person, by an other competent person.

(3) At a place where a weekly appearance of the village heads could become too burdensome, the district head could then be authorized by the regent to have the village heads appear before him just once in fourteen days or also once a month. (IR. 6, 10, 15, 21, 28, 30, 305.)

5. The village heads have to accurately follow the orders that are being given to them from higher up. (IR. 2, 3, 25, 31, 36, 93; Sv. 1.)

6. They shall as much as possible prevent other or more than the usual persons equipped with weapons from moving about in unity, especially at night and without an apparent justified purpose, and shall in all such instances report this to the district head. (IR. 2, 3, 27.)

7. (1) They shall, for as far as this has proven to be necessary, for the judgment of the regent and after obtaining an agreement of the resident, establish a night-watch in their villages and to this end in turns call up all residents, who would be suitable to participate in this service.

(2) the village heads are explicitly prohibited from granting an exemption from participation in this watch without valid reasons. (IR. 3, 27.)

8. In the event that a human body is found and that there seems to be the possibility that there still is life in the body seemingly lifeless body, means and precautions that are most suitable
to the nature of the circumstances shall be applied and, if possible, medical assistance shall immediately be called in. (IR. 2, 19, 69; Sv. 35v., 42.)

9. (1) Human bodies that are found in water shall without delay be lifted out and, when these do not show any indication of death, be treated in the prescribed manner.

(2) Action shall immediately be taken for an application of mentioned means and precautions, even though there still is no village head or other police functionary present at the location.

10. The village head shall in the event of an occurrence of fire use all means to master the fire and shall without delay notify the occurrence to the district head. (IR. 30.)

11. (1) Village heads shall conscientiously see to it that the inhabitants of villages do not take in any persons at night who do not belong to their village, without their knowledge and approval.

(2) Upon discovery, that such has taken place, this shall immediately be reported by the village head to the district head. (IR. 2, 4, 17, 21.)

12. The village heads are obliged, so requested, to take the goods of travelers in their custody and shall be responsible for such goods entrusted to them. (Bw. 1694v.)

13. (1) They shall try their hardest to keep peace and unity among their subordinates and to eliminate all provocations leading to disunity and disputes.

(2) Small disputes, plainly based on special interests of villagers, shall as much as possible impartially and in consultation with the village elders amicably be settled by them. (IR. 3, 14, 23, 130.)

14. In the event that the persons having a dispute cannot be moved to come to a mutual agreement, or when the disputes are of such a serious nature, that the imposition of any sentence or indemnity could be applicable, village heads must then refer the disputing parties to the district head.

15. (1) They shall accurately record the names, profession and as much as possible concerning the age of all inhabitants belonging to their village; also of changes in the state of the population as a result of births, marriages, deaths, departure and other causes, in one or more registers kept for that purpose.

(2) They shall on the appointed appearance days make an abstract from these registers of occurrences since the last appearance and hand this over to the district head. (IR. 11, 16v., 19, 29; Bb, 1265.)

16. In the event that the village head is unable to keep these registers, he shall then arrange that such registers are kept by the religious functionary or clerk. (IR. 15, 29.)

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MISSING TEXT
counsel have the right, in the performance of their official duties, to immediately request the assistance of the public civil or armed forces.

50. (1) The instances and manner in which the officials of the prosecution counsel shall mutually send news to each other on what they have come to know concerning punishable facts are directed by the attorney-general, who shall also determine the terms regarding the supervision by the public prosecutor at the court of justice over the officials of the prosecution counsel at the courts of law in his jurisdiction and of the public prosecutors at the courts of law over other officials of the prosecution counsel who are subordinate to them at those courts of law.

(2) Subject to their obligation to immediately be active in their work, they must follow the directions that shall be given to them by their direct superiors, as indicated in the previous paragraph of this article, to carry out an investigation or pursuit.

51. They shall take care of the dispatch, the handing over or official serving and the execution of warrants, that are issued in the case by the judge.

52. When an official of the prosecution counsel by complaint or report, or an other method, is notified that a crime has been committed in his jurisdiction, or that a person suspected of being guilty thereof is in the location, he shall then be obliged, in accordance with the circumstances, to at the outset collect or arrange to collect all pertinent information that can be useful to throw light on the case. (IR. 44v.)

THIRD SECTION

Concerning the magistrate-aides

53. (1) Magistrate-aides at the court of law are, each for as far as the territory is concerned over which he is appointed, the district heads, the sub-district heads, also the officials of the public police holding a rank not lower than police-aide ("mantri-politie") - and other police officials specifically appointed thereto by the attorney-general with the agreement of the governor.

(2) They shall in their capacity as magistrate-aide receive the complaints or reports concerning crimes and offenses on the same lines as the officials of the prosecution counsel, with cognizance belonging to the courts of law and district courts.

54. In the event of a simultaneous intervention of the officials of the prosecution counsel and the magistrate-aides, the latter shall then withhold themselves from all further intervention and leave the matter to the official of the prosecution counsel, who could invite them to continue with the by them commenced operations or to be of assistance to him. (IR. 46.)

55. (1) Except for what is determined by articles 74 and 83 (f), the magistrate-aides shall without delay send in the official reports and other deeds prepared by them, as well as the by them confiscated things, to the magistrate at the court of law, who shall be bound to treat these as directed in article 52.

(2) The official reports must be dated and as much as possible contain the fact in question for which the suspect can be prosecuted, stating the time when, the place where and the SUMBER:
circumstances under which it has been committed, the name and home address of the suspect and of the witnesses, the main substance of their statements and all what further is considered important to handle the case.

(3) The magistrate-aide shall notify the regent of the submission, stating the name of the suspect and the fact of which this person is suspected.

56. (1) The magistrate-aides are obliged, at the request of the officials of the prosecution counsel at the court of law, to provide all pertinent information and enable the carrying out of an investigation concerning the crimes and offenses with the prosecution of which they are charged.

(2) When a magistrate-aide subordinate to the regent falls short in the task that has been given to him pursuant to this regulation, the official of the prosecution counsel shall then notify the regent of the matter, who thereafter shall make an investigation and if necessary take the directed measures in accordance with the circumstances.

FOURTH SECTION

Concerning detection in the act

57. Detection in the act occurs when the crime or offense is detected while one is committing it, or immediately after it has been committed, or when a person is immediately thereafter being pursued as the offender by public rumour, or when he is found to be in possession of goods, weapons, equipment or documents, which indicate that he is the offender or an accomplice. (Sv. 24.)

58. (1) Upon a detection in the act of a crime or offense, the officials, functionaries and specific persons shall, as mentioned in article 39, subject to their obligations arising from the preceding sections under this title, be obliged to immediately apply all means that can serve to bring clarification to the matter, with an observance of the stipulations in this and the following articles. (Sv. 25.)

(2) They are in that instance authorized to confiscate the objects as mentioned in article 63 and, in cases of pressing emergency, to carry out an investigation as described in articles 64 and 65. Articles 66 and 67 - the first mentioned unless the person, carrying out the investigation, does not command the art of writing - are similarly applicable.

59. (1) They may order that no one, whoever the person may be, shall leave the house or shall withdraw oneself from the location of the crime, as long as the investigation has not been completed there.

(2) The transgressors of such an order can be apprehended and detained until after the official report is completed.

60. (1) In the event that a crime or offense is being detected in the act, every servant of the public force is obliged and each authorized to apprehend the suspect and bring the person before one of the officials of the prosecution counsel or one of the magistrate-aides.
61. (1) Upon a detection in the act of a crime or offense, the official of the prosecution counsel shall take such actions as directed by this and the following articles up to and including article 72.

(2) He shall, if he considers this necessary, immediately proceed to the location where the deed is committed, to there prepare the required official reports, in order to prove the existence of the crime, the state of the object thereof and the condition of the location, also to obtain the statements from those, who could have been present, or from the neighbours, house-members or others, whom one can presume to be able to give clarifications or pertinent information concerning the fact, who shall all have to countersign their statements, and in the event that they cannot or refuse to do so, make mention of this in the report. (Sv. 27.)

62. (1) He shall be permitted to give orders, that the suspected guilty persons be taken in custody and be brought before him; after hearing these persons, he shall, in the event that there are sufficient indications concerning their guilt, with an observance of the stipulation in the following paragraph, issue an order for a temporary detainment against them, in which the place where the detainee shall be kept in custody must be indicated.

(2) An order for a temporary detention as mentioned in the previous paragraph may only be issued if the fact is threatened with an imprisonment of not more than five years or a heavier sentence, or if the fact falls within the terms of articles 282 last paragraph, 296, 303, 335 first paragraph, 351 first paragraph, 353 first paragraph, 372, 378, 379 (a), 453 (1°), 454 (1°), 455 (1°), 459 and 4580 of the Penal Code, of article 26 (b) of the Ordinance of Rights (S. 1931 No. 471), if it is not a crime involving fire-arms or opium or shows a complicity in or attempt to the facts mentioned in this article. For an application of these stipulations with regard to an under-aged person, who before committing the fact has not reached the age of sixteen years, the stipulation in article 47 of the Penal Code shall not be taken into account. In all other cases no order for a temporary detention may be issued. (Sv. 71s; Rbg. 498; IR. 75.)

(3) Of the orders for a temporary detention, mentioned here and elsewhere in this regulation, a copy shall be issued to the suspect. On the order, that is dated and signed, notations shall be made of copies that have been issued. (Sv. 29.) (o )

63. He shall confiscate such weapons and instruments, which appear or seem to have been used in the commitment of a punishable fact or have been intended for that purpose, as well as all other articles, that can serve as exhibits. (Sv. 30.)

64. (1) In the event the punishable fact of such a nature, that evidence can probably be obtained from papers or documents and matters that are in possession of the suspect, the official of the prosecution counsel shall then immediately proceed to the suspect’s residence, to there trace all such matters that can serve to reveal the truth.

(o ) For preventive detention see circulars in Bb. 1276, 1709,
(2) He shall make an official report of that and, for as far as these can serve as exhibits, confiscate these traced articles. (Sv. 31.)

65. The investigation as mentioned in the previous article may take place:

1°. on the premises where the suspect lives or stays, and in everything that is on it;

2°. at any other place where the suspect lives or stays, as well as

3°. at the location, where the fact was committed or has left traces;

4°. in hotels, coffee-houses and other public places. (Sv. 32.)

66. (1) The articles that have been confiscated by the official of the prosecution counsel shall be enclosed in a closed and sealed wrapper, on which he shall note down the date when these have been confiscated.

(2) In the event that the articles are not suitable to be enclosed in an wrapper, he shall then attach these with a strip of paper foreseen with his seal, on which he is to make the above mentioned notation and undersign this. (Sv. 33.)

67. The proceedings, as described in the three preceding articles, shall take place in the presence of the suspect, in the event that the person is captured before these are carried out; the articles shall be shown to him, with an exhortation to give a clarification with regard thereto and to certify this, if there are reasons for this; in the event that the suspect is not able or refuses to do this, mention shall then be made of this in the official report. (Sv. 34, 94.)

68. The official of the prosecution counsel shall, in the event that he views this necessary, be accompanied by one or two experts, who can assess the nature and circumstances of the crime. (Sv. 35.)

69. (1) In the event of a violent death, or a death of which the cause is suspicious, also with heavy injuries, attempted poisoning and other assaults on a person’s life, he shall arrange that he shall be accompanied by one or two physicians, who shall make a report concerning the causes of the death or of the injuries and the condition of the corpse or of the body of the injured person, by which if necessary an autopsy is carried out on the corpse.

(2) The persons who are summoned, in cases of this and the previous article, shall in the hands of the official of the prosecution counsel make an oath, that they shall report to him completely according to the truth, and to their best knowledge.

70. Every person, who is summoned as an expert or physician for this purpose, has the obligation to render his services to the judicature. (Sv. 37.)

71. (1) When in the cases, as mentioned in article 61 and the following, the thereby ordered investigation must take place before that the official of the prosecution counsel can be present at the location, the involved magistrate-aide shall then immediately inform the official of the
prosecution counsel of this; however, while awaiting his arrival or written instructions, he shall be authorized and obliged to carry out all such matters what the official of the prosecution counsel, if he were present, should have been allowed and must have done according to this section. (Sv. 38.)

(2) If an order for temporary detention has been issued by the magistrate-aide, as mentioned in article 62, he shall then be obliged within twenty-four hours to forward a copy of this to the nearest-located official of the prosecution counsel, who can order an immediate release. Such an order can also be issued by the public prosecutor.

72. (1) The order for a temporary detention, in the event that this is issued upon a detection in the act, remains, subject to what is stipulated by the second paragraph of article 83 j., only valid for the time period of twenty days from the time that the suspect has been taken in custody at the place as indicated in the order.

(2) If within that term a detention by virtue of article 83c has not ordered, or a claim referring to the session with an order for detention under article 83j submitted to the registry office of the court of law, the detainee shall then rightfully and without any form of suit be released, except when he should remain in detention for other reasons. (Sv. 40.)

FIFTH SECTION

Other stipulations concerning the preliminary investigation by officials of the prosecution counsel and magistrate-aides

73. In the event that the investigation is continued by the official of the prosecution counsel or a magistrate-aide, the stipulations of this section shall be applicable. (Sv. 40a.)

74. (1) The magistrate-aides are authorized to continue the investigation on the basis of the following articles, as long as they have not been informed by the official of the prosecution counsel that this investigation shall be carried out personally by him.

(2) They are however obliged to observe the orders and instructions of the official of the prosecution relevant to the investigation. (Sv. 40b.)

75. (1) In the event that there are sufficient indications of the guilt of the suspect and his detention would be in the interest of the investigation, or when this is urgently necessary in order to prevent a recurrence or in order to prevent escape, the official of the prosecution counsel or the magistrate-aide, who is carrying out the investigation, in cases as foreseen in the second paragraph of article 62, can issue an order for temporary detention.

(2) What has been stipulated in articles 62, 71 second paragraph, and 72 is applicable to this order. (Sv. 40c.)

76. The suspect, who is detained on the basis of what is stipulated by the previous article, shall, within twenty-four hours after his transfer to the place of custody, be heard by the official of the prosecution counsel or the magistrate-aide who is carrying out the investigation, in the event that this has not already taken place before. (Sv. 40d.)
77. (1) With permission of the chairman of the court of law, the official of the prosecution counsel or the magistrate-aide who is carrying out the investigation can carry out a house-search where-ever such is necessary.

(2) Except in the event as mentioned in the following article, the official of the prosecution counsel or magistrate-aide shall not be permitted to thereby inspect or confiscate writings, books and other documents, that are not the object of the punishable fact or have served in the commitment thereof, without having been specifically authorized to do so by the chairman of the court of law. A similar authorization is required in commissioning an other investigation official to carry out a house-search.

78. (1) In the event that there is an urgent need for this, the official of the prosecution counsel or the magistrate-aide who is carrying out the investigation, can, also without the permission of the chairman of the court of law, carry out a house-search:

1stly. on the premises where the suspect lives or stays, and in everything that is on it;

2ndly. at any other place where the suspect lives or stays;

3rdly. at the location, where the fact was committed or has left traces;

4thly. in hotels, coffee-houses and other public places.

(2) He can also commission a subordinate detective to carry out this house-search.

(3) In the event that the house-search must take place outside the jurisdiction over which he is appointed, the house-search shall then at his request be carried out by the nearest-located official of the prosecution counsel or magistrate-aide. (Sv. 40f.)

79. The stipulations in articles 64 second paragraph, 66 and 67 are equally applicable to the in this section mentioned house-search. (Sv. 40g.)

80. (1) The official of the prosecution counsel or the magistrate-aide, who is carrying out the investigation, shall arrange that the suspect and such witnesses as considered advisable, appear before him in order to be heard by him.

(2) He shall arrange that the suspect, who is at large, and the witnesses be summoned for this hearing; the summoned persons are obliged to appear before him and, as far as the witnesses are concerned, that these also give witness of the truth. In the event that mentioned persons do not appear, he can then arrange that they be summoned again, thereby adding an order to bring them along or issue such order later. (Sv. 40h.)

81. When a witness or suspect offers a plausible reason that he is unable to appear before the official of the prosecution counsel or the magistrate-aide who is carrying out the investigation, the official shall then go to his residence. (Sv. 56.)

82. The witnesses shall be heard without taking an oath, except in specific cases, where it is presumed that they shall not be able to appear in the further investigation. They shall as much as possible be heard separately, but can however be confronted with each other.
(2) At the hearing of the suspect, he shall be asked whether he wishes relieving witnesses to be heard and, if so, which ones. A notation shall be made of this question in the official report.

(3) If the suspect to his defense claims that he had been elsewhere at the time that the crime is committed, or maintains that the questionable objects that have been found in his possession were legally obtained by him, he shall then in order to ascertain this be invited to name the witnesses, who can verify his statements, and the required investigation shall be made to prove the soundness of these statements.

83. The testimonies of the suspect and the witnesses shall be recorded in writing; the official reports thereof shall besides being signed by the official of the prosecution counsel or the magistrate-aide, who is carrying out the investigation, also be signed by the respective person who has made the testimony. If the latter is unable or refuses to sign, this shall be mentioned in the report.

83 a. For as often as witnesses or suspects have to be heard, who are domiciled or residing outside the jurisdictional area of the official of the prosecution counsel or magistrate-aide, who is carrying out the investigation, such hearings can - if these have to take place outside the territory of the magistrate and with an intermediary thereof - be delegated to the official of the prosecution or magistrate-aide of the place of domicile or residence of these witnesses or suspects. (Sv. 58.)

83 b. (1) If the official of the prosecution counsel or the magistrate-aide, who is carrying out the investigation, considers this necessary, he can request the required report from physicians or other experts. (Bb. 1356.) (o )

(2) They shall be sworn in by the official of the prosecution counsel or magistrate-aide that they shall prepare their report completely in accordance with the truth, and to the best of their knowledge. What is stipulated by articles 70 and 83a is applicable to this.

83 c. (1) When serious incriminations that have been made against the suspect and that it has sufficiently been established that the fact falls within the description of the second paragraph of article 62, and that it can be anticipated that the case shall not be tried within the in article 72 stipulated time period, the public prosecutor or magistrate can, acting in the interest of the investigation, or to prevent an escape, order that the suspect be arrested or, in case that he is temporarily being kept in custody, be further detained. (Sv. 40j, 62.)

(2) If this order is issued by the magistrate, he shall then be obliged to within twenty-four hours forward a copy to the public prosecutor who can order an immediate release.

(3) The suspect shall, within twenty-four hours after execution of the order by the public prosecutor or the magistrate, or the magistrate-aide, be heard, if this has not taken place before.

(4) Subject to what is stipulated by article 83j, second paragraph, the orders as mentioned in the first paragraph of this article shall not be valid for more than thirty days, as from the date on which these are executed. These can, for as long as the investigation has not been completed, upon request by the public prosecutor or the magistrate, be extended with thirty days at a time by the chairman of the court of law, if he after the last extended time decides this to be necessary.
(5) Orders as mentioned in the first paragraph of this article can not be issued by the adjunct-magistrates.

83 d. (1) The chairman of the court of law can, either by virtue of his office or upon request by the suspect, arrange that the documents be produced to him and, after consultation with the magistrate, order that the investigation shall be brought to a close. If there are grounds for this, he can set a period of time in which the investigation must be brought to a conclusion.

(2) If he finds that the fact (deed) does not fall within the stipulation of article 62, second paragraph, he shall then order the release of the suspect, who is being detained.

83 e. (1) The documents of the investigation and all objects, which can serve as pieces of evidence, shall as soon as possible be submitted to the magistrate.

(2) Article 55, third paragraph, is similarly applicable.

(o) Cf. Bb. 7086 (testing of poisons, blood) 8902 (bloodtests).

83 f. (1) The magistrate-aide shall act, in deviation of what is stipulated in article 55 and in the foregoing articles of this section, in the manner as directed by the following paragraphs of this article:

1stly. when the case is for cognizance of the district court;

2ndly. when at the preliminary hearing of the suspect and of the witnesses it has appeared that the case is of a common nature, particularly also with regard to the evidence and application of the law, and the fact as a rule is not sentenced with a heavier principal sentence than an imprisonment of not more than one year.

(2) When the magistrate-aide is of the opinion that there are sufficient grounds for prosecution of the suspect, he shall then instantly report this in writing to the magistrate thereby sending the narratives that have been received by him and of all that can serve as evidence of the committed fact.

(3) The report as mentioned in the previous paragraph, shall state the fact in question for which the suspect can be prosecuted with a mention of the time, when, the place where and the circumstances under which it was committed, the name and place of domicile of the suspect and the witnesses, a brief summary of their testimonies and everything that is further viewed important for the handling of the case.

(4) If the suspect is temporarily being detained relevant to a fact as mentioned in article 62, second paragraph, he shall then together with the report, as mentioned in the two foregoing paragraphs of this article, be sent or led before the magistrate.

(5) Also without the instance of a temporary detention the suspect can be detained and together with the report without delay be sent to the magistrate or led before that official, if by so doing it can be accomplished that the case shall also be tried on that same day or on the following working day. (Cf. notation IR. 62.)

The witnesses can in that event also be sent along or led before the magistrate.

SUMBER:
(6) When the magistrate-aide decides that there are not sufficient grounds for prosecution of the suspect or when no prosecution can be claimed relevant to a fact, as mentioned in Article 62, second paragraph, he shall then without delay release the suspect, if this person has been detained, in this latter instance however subject to what is stipulated in the previous paragraph of this article.

(7) When the magistrate-aide releases a suspect pursuant to what is stipulated in the foregoing paragraph, he shall then immediately notify the magistrate of this.

SIXTH SECTION

Concerning conclusion of the preliminary investigation

83 g. (1) The magistrate shall, as soon as possible after receipt of the investigation documents, act therewith as is directed in the following articles.

(2) The duties and actions in articles 83h through 83m that have been commissioned to the magistrate, can also be carried out by the public prosecutor.

83 h. (1) In the event that the carried out investigation needs to be supplemented, the magistrate shall then to that end do whatever is necessary or arrange that such shall be done by the magistrate-aide or another such official whom he decides must be delegated therewith.

(2) If this further investigation concerns a suspicion that a forgery has been committed, he can then order the public custodians, that they shall forward the authentic documents which are suspected to be false or have been falsified or must be used for comparison to his office. If a document deemed necessary by him for the investigation forms a part of a register, from which it cannot be separated, he can then order, that the whole register for the time, to be determined by the order, be transferred to his office for inspection. The order of the magistrate shall be handed over to the custodian against a receipt or shall be sent by registered mail.

(3) The sending in of a document occurs against issuance of a receipt by the magistrate. If this has without valid reasons not taken place within the time period as determined by the order, the magistrate can then instruct that the custodian through a confinement-for-debt be forced to send in the document. When the document that is required by the magistrate does not form a part of a register, the custodian shall then make a copy, so that the copy can become a replacement until the original document is returned. At the bottom of the copy he shall note down the reason why this was made, which annotation shall be recorded on engrossments and copies that are further surrendered.

(4) The costs of sending in or transferring the document and of making a copy thereof by the custodian, shall be considered as justice-costs.

(5) The magistrate shall personally carry out the investigation as mentioned in the second paragraph of this article and can arrange that he shall therein be advised by one or more experts. What is stipulated by articles 69, second paragraph, and 70 is applicable here.
(6) In the event that a person is suspected of being guilty of having committed a crime, that could bring on a death sentence, the magistrate shall ask him whether he wishes to be assisted by a juridical or legal adviser at the trial.

83 i. In the event that in the opinion of the magistrate the case has sufficiently been investigated and belongs to the cognizance of the court of law, he shall then present the documents to the chairman of the court of law, whom he considers to be competent and thereby claiming reference to the trial, with such an accurate as possible description, or indication of the facts, relevant to which the prosecution is being demanded.

83 j. (1) With the demand as mentioned in the previous article, the magistrate can also demand an arrest or detention of the suspect.

(2) If the suspect is already in detention at the time the demand is presented to the registry office of the court of law, relevant to the therein mentioned facts based on articles 62, 75 and 83c of this regulation, he shall then remain there until the chairman of the court of law has made a decision concerning the demand.

(3) The magistrate is apart from that, for as long as he has not presented the demand, always authorized to release suspects who are temporarily being detained or kept in prison, when he considers that such a detention or imprisonment is no more necessary. He shall also be obliged to cancel the in the case existing orders for a temporary detention, arrest or imprisonment, if the documents that are forwarded by him do not also demand an imprisonment.

83 k. (1) In cases, as mentioned in articles 83f first paragraph (2° ) and 335, the magistrate shall, with a deviation in as far as what is stipulated in article 83i, as soon as possible directly submit the case to the competent judge, subject to the stipulation in the fourth paragraph of this article.

(2) The magistrate can, if necessary, directly obtain further information from the official who is carrying out a preliminary investigation.

(3) In the event that the suspect is detained and the case cannot be brought before the judge before an expiration of the time period as mentioned in article 72 first paragraph, or in the event as mentioned in article 83f fifth paragraph, within not more than eight days after that he has been heard by the magistrate, it shall be decided by the magistrate, with an observance of the stipulation in article 83c, whether the suspect shall or shall not be detained.

(4) With regard to cases, that have been sent to him by the magistrate-aide on the basis of the stipulations in article 83f, the magistrate shall be authorized to decide:

a. that there are no terms for the suspect to prosecuted; the suspect shall in this case, if he has been detained, be released without delay;

b. that the case cannot be presented concisely; the documents shall in this case be sent to the magistrate-aide to complete the investigation, unless that the magistrate finds reason to complete the preliminary investigation himself.
83 l. (1) When the magistrate is of the opinion that the case has sufficiently been investigated and belongs to the cognizance of the district court, he shall then act as directed by the applicable provisions of the district court regulation.

(2) When the magistrate is of the opinion that the fact belongs to the competence of a regency- or district-court, he can if necessary order a further investigation.

(3) As soon as he thinks that the case has for the time being been sufficiently investigated, he shall forward the documents to the regency- or district-court that he considers competent to examine the case and pass judgment therein.

(4) In the event that the case cannot be tried on the same day, the suspect shall, if he is being temporarily detained or kept in prison, immediately be released, with the injunction to at a certain or later to be notified day appear before the court.

83 m. When it appears to the magistrate that there does not exist sufficient incriminating evidence against the suspect for a prosecution, or that with an incorrect accusation of a crime or offense he is not liable to judicial prosecution, he shall immediately release such a suspect.

83 n. (1) The magistrate shall at their request provide all information to the relevant resident and regent, which they consider necessary for a correct execution of their duty under this regulation.

(2) The resident and the regent can bring forward all such proposals to the public prosecutor - either of a general nature, or that are relevant to a specific case - as they view necessary and in the interest of a good administration of justice.

(3) In the event that the public prosecutor refuses to comply with these proposals, he shall than notify the resident of this, or the regent.

(4) Everything that has been stipulated in this article concerning the resident, is also applicable to the governor in the governments of Surakarta and Yogyakarta.

SEVENTH TITLE

Concerning district courts

84. The district courts shall be held once a week, on a fixed day, to handle the cases which have by regulation have been commissioned to the judicial organization and the discretion of the judicature in Indonesia for their cognizance. (RO. 77v., 86; IR. 108; Bb. 638, 2368.)

85. (1) When a person, pursuant to article 79 of that regulation, is to file a civil claim with the district court, and the addressed party is not present, both parties shall, the addressed party by a police-attendant, be ordered to appear with their witnesses on the following court day. (IR. 388.)

(2) When on that day the claimant remains absent, the case shall be considered as having been canceled, subject to the right of the claimant to again file a claim. (IR. 102, 124.)
(3) When the defendant, how often properly summoned, does not appear, and it appears that there is no legal impediment, the claim shall then be awarded to the claimant, unless this is found to be without grounds, in which case it shall be denied. (IR. 86a, 87, 102, 125, Bb. 6539.)

86. In the event that both parties have appeared, they shall be heard along with their witnesses, if they have presented these, whereafter judgment shall be passed by the district-head. (RO. 86, 88; IR. 85, 86a.)

86 a. (Ing. S. 35-102.) (1) In the cases as mentioned in the third paragraph of article 85 and in article 86 the district court shall, before making a decision, investigate whether the claim relates to a lawsuit, in which a village judge passed judgment. If that is the case, the district court shall then make itself acquainted with the passed judgment and as much as possible with the motives thereof. (RO. 3a.)

(2) If it appears that the case has not been brought before the village head, the district court can then still give the claimant an opportunity to do so within a certain period.

(3) If the case is thereafter again brought before the district court, it shall then be concluded by that court. (IR. 103, 120a. 135a; RBg. 104³, 116.)

87. (1) In criminal cases the defendant and witnesses shall be summoned towards a by the district head determined court day. The defendant and the witnesses shall be heard on that day concerning the fact that is charged to the first mentioned and concerning all circumstances that can be contributive to his advantage or disadvantage.

(2) When the defendant is found guilty of the fact that he has been charged with, he shall then be sentenced with the therefore imposed penalty, subject to what is stipulated by article 45 of Penal Code.

(3) In the event that guilt is not evidenced the defendant shall be acquitted.

(4) The destruction or the rendering useless of instruments or other objects, that have been produced, made suitable or used to commit a punishable fact can be ordered in the verdict. (RO. 80; IR. 88v., 98, 108, 332,371.)

88. It shall be left to the insight of the district-head to, both in civil as in criminal cases, whether or not the presented witness shall be heard under oath. (IR. 109, 147, 219.)

89. Before a decision is taken, the district-head must gather the feelings of the persons, who in accordance with the general stipulations are attending the trial as councilors or advisers. (RO. 7, 86; IR. 92, 109.)

90. Of the pronouncements of the district courts accurate notes shall be made in a register kept for that purpose, of which each fourteen days, for as much as this is concerns the cases that are handled in that time period, a copy shall be sent by the district-head to the regent, who shall thereafter, for as much as necessary added with his considerations, forward this on to the section head (the resident). (IR. 28, 34, 110, 186, 322.)

91. (1) The person who wishes to avail himself of the means of appealing to a higher court, to which the verdicts of district courts in civil cases are subjected, shall have to make this known

SUMBER:
to the regent, within eight days after a pronouncement of the verdict, who shall keep or cause
to keep a record of this.

(2) After an expiration of that term no appeals to a higher court shall be admitted, and the
verdict of the district court can be executed. (RO. 79, 84v., 104, 111.)

92. The district-head shall, within eight days after he has been notified concerning the set-up
appeal by the regent, inform him in writing of all the facts of the case and of the
pronouncement made therein, also mentioning the feelings that have been expressed by the
councilors and advisers. (IR. 89, 112.)

93. The execution of the pronouncements of the district courts in civil cases, of which no
higher appeal is set up, or that in a higher appeal have entirely or partly been upheld, shall
be commissioned by the district-heads to the village heads or other functionaries subordinate
to them. (IR. 91, 94v., 201, 388.)

94. (1) The village head, or every other functionary who has been commissioned with the
execution of such a pronouncement, shall exhort the convicted person in advance to within
the next eight days fulfill the sentence that was pronounced against him.

(2) If after the lapse of these eight days this has not been met, the district-head shall, except
when he finds a reason to grant a postponement, order that so many moveable goods of the
condemned person be confiscated as is presumably required to ensure an execution of the
sentence. (IR. 93, 95v., 113, 196v., 201, 391.)

(¹) What is printed in italic print applies to the gvtsl. v. Jav. Mad., S. 31-168 jo. 423 and S. 39-
288.

95. The confiscation shall be carried out in the presence of two witnesses, and if possible
before the condemned person, by the functionary who has been commissioned with the
execution, who shall be obliged to one by one evaluate the confiscated goods. (IR. 94, 96v.,
113, 197.)

96. (1) In the event that two days after the confiscation the sentence has not been met, the
confiscated goods shall then, in order to obtain ready money, up to the total amount of the
pronounced sentence, in the presence of two witnesses, be publicly sold to the highest
bidder by the functionary who has been commissioned with the execution, except when the
bidden sum is less than as evaluated; in which case the goods in the evaluated value shall be
handed over to the creditor for whose benefit the execution is carried out.

(2) The condemned person is authorized to indicate the order in which the confiscated goods
shall be sold.

(3) The goods that for which there was no need to be sold shall be returned to the condemned
person. (IR. 94v., 113, 200v.)

97. The confiscation may not include the livestock and tools, which are absolutely necessary
for an operation of the private concern of the condemned person (IR. 113, 201.)
98. (1) Execution of the pronouncements that have been made by district courts in criminal cases shall take place by or upon an order from the district heads.

(2) (Toeg. A. 27-301.) With regard to a sentence that consists of a fine, the district-head shall then determine a certain term of not more than two months within which the fine must be paid. This term can again and again be extended by the official, but may never exceed the time period of one year.

99. The administration of justice at the district courts takes place free of charge. (IR. 113.)

EIGHTH TITLE

Concerning the regencies

100. The regency court trials in settlement of cases shall be held on the days and at places further to be determined by the section heads (by the regents, with a notification to the relevant resident(s)) within their jurisdiction, which by articles 83 and 84 of the regulation on the judicial organization and conduct of justice in Indonesia that have been commissioned to their cognizance. (RO. 81v., 88.)

101. (1) (Aang. S. 35-102.) Civil claims shall be submitted to the regent in writing; in the event that the person concerned is unable to write, the regent shall then make a record or let someone make a record of the claim. With regard to court trials, in which a village judge has made a pronouncement, article 120a shall similarly be applicable. (RO. 3a.)

(2) The regent shall send a copy of the claim or of the record that has on that account been made to the defendant, with the liberty to reply to this within one week.

(3) After that the reply has been received or the determined term expired, the regent shall fix a day, upon which the case shall be brought to trial before the regency court, and shall arrange that the parties and the witnesses towards that day be summoned by parties, either by the written claim or the reply, or as verbally alleged. (IR. 85, 103, 118v.; Bb. 6539.)

102. (1) When the claimant does not appear, the case shall then be considered as abrogated, subject to the right of the claimant to again submit his claim. (IR. 85, 124.)

(2) When the defendant after having been properly summoned, remains absent on the determined day, and that there appears to be no legal reason for his absence, the claim shall then be awarded to the claimant, unless this has been found to be without ground, in which case it shall be dismissed. (IR. 85, 109, 124v.)

103. (1) When both parties have appeared on the determined day, they shall, after reading of the claim and the reply, in the event that this has been received, besides the witnesses be heard, and a pronouncement shall thereafter be made. (IR. 86, 101, 109, 131v.)

(2) (Toeg. S. 35-102.) With regard to court cases, in which a village judge has made an pronouncement, or in which the regency court views that such a pronouncement is useful, article 135a shall similarly be applicable.
104. (1) In the event of a cognizance in higher appeal of the pronouncements of the district judges in civil case, the regent shall then notify the parties of the day on which the case shall be tried in the regency court.

(2) On that day the verdict of the district judge shall be read out, and an examination shall further be carried out in such a way, so that it can serve to enlighten the case, after which the pronouncement is made.

(3) The district head shall be notified in writing of this pronouncement by or on behalf of the regent. (RO. 84; IR. 91v., 109.)

105. In criminal cases the accused and the witnesses shall, towards a by the regent determined courtday, through the intermediary of the magistrate be summoned by the court of law. The accused and the witnesses shall be heard on that day concerning the fact with which the first mentioned is being charged and concerning all circumstances that could be incriminating or relieving to him. (RO. 83, 85; IR. 106v., 371, 392.)

106. When the accused is found guilty of the fact with which he is charged, he shall be sentenced with the specified penalty therefor, subject to what is stipulated by article 45 of the Penal Code. (IR. 105, 107.)

107. In the event that the guilt is not proven, the accused shall be acquitted. (IR. 106.)

108. The destruction or rendering useless of tools or other objects used, made suitable or that have served for the commitment of a punishable fact, can be ordered in the verdict.

109. (1) Before a decision is taken the regent is obliged to gather the feelings of those, who pursuant to the stipulation in article 82 of the regulation on the judicial organization and the conduct of justice in Indonesia who are attending the session. (RO. 82, 86; IR. 102v., 110, 147, 265; T. XIII-368.)

(2) The stipulation of article 88 is also applicable with regard to the regents.

110. (1) Of all that has been handled by the regency courts, specifically also of the by the in article 82 of the regulation on the judicial organization and the conduct of justice in Indonesia mentioned expressed feelings of persons, and of the made pronouncements, proper notations shall be made in a register, of which each week a summary is sent to the chairman of the court of law.

(2) The notations shall be kept at the trial by one of the advisory members, who has for this been appointed by the regent.

SUMBER:
(3) The chairman of the court of law is authorized to make such remarks and comments on the handling of the cases, for as much as these have not been brought into higher appeal, as he considers useful and necessary to the relevant tribunal.

(4) He makes notations concerning his remarks and comments on the copy of the register that has been sent to him.

(5) The Supreme Court of Indonesia is authorized to at any time request that this copy shall be presented to them.

111. The intention to come into a higher appeal upon a by the regency court at first instance pronounced sentence shall, subject to what is stipulated by the third paragraph of article 112, necessarily be made known to chairman of the court of law within ten days after the pronouncement, of which a notation shall be kept. (RO. 83; IR. 91, 103, 112, 115, 342.)

112. (1) The regent shall, within eight days after that he has been notified of the instituted appeal by the chairman of the court of law, send him the accused pronouncement or a copy thereof, together with the documents that are relevant to the case, if there are any.

(2) After the lapse of the in the previous article stipulated period, a higher appeal shall no more be permitted, and the pronouncement of the regency court can then be executed. (IR. 92, 111, 116, 343.)

(3) The execution of penalty sentences can immediately take place, when the condemned person right after the pronouncement states to the regent that he has no wish to appeal to a higher court. The regent shall instantly notify the chairman of the court of law of this statement, which is irrevocable, as well as make a record this in the register as mentioned in article 110, first paragraph.

113. (1) (Gew. en aangev. S. 33-124.) Articles 93 through 97 are equally applicable to the execution of all pronouncements of regency courts in civil cases, only with the difference, that the execution of such pronouncements are ordered by the regent to the district-head, which functionary can commission a subordinate subdistrict-head, police-aide ("mantri-politie") or clerk therewith, subject to his obligation make a report of the outcome of the execution to the regent. (IR. 28, 117, 344; T. XIII-368.)

The sub-district head can in turn delegate this task to a to him subordinate police-aide or clerk.

A clerk can only be commissioned with the execution, when he has reached a by the Head of the provincial government determined age- and service-limit.

The district-head, in this matter the sub-district head, remains to be responsible for the performances of the to him subordinate clerk.

(2) The execution of the pronouncements of regency courts in criminal cases, of which no higher appeal is instituted, as well as of the sentences, indicated by the courts of law in higher appeal of such pronouncements, shall take place by or at the order of the regent.
(3) (Toeg. S. 27-301.) As far as the penalty consists of a fine a certain term shall be determined by the regent of not more than two months, in which the fine must be paid. That term can again and again be extended, though may never exceed the time period of one year.

114. The administration of justice at the regency courts takes place free of charge.

NINTH TITLE

Concerning the administration of justice in civil cases, which belong to the cognizance of the courts of law

FIRST SECTION

Concerning the handling of cases at the trial

115. In civil cases, of which the court of law takes cognizance in higher appeal, the chairman shall, following the him in accordance with article 111 given notification, give notice to parties of the day on which the case shall be tried before the court of law, with an order to make the witnesses, whom they would still arrange to be heard, appear on that day. (IR. 101, 103.)

116. (1) The court of law shall on the determined day examine the case anew.

(2) To that end the pronouncement of the regency court and the documents of the first lawsuit, if these exist, shall be read out, the witnesses shall be heard in accordance with what is stipulated by article 139 et cetera, and the previously duly presented as well as the new evidences shall be taken into consideration. (IR. 112.)

(3) The court of law shall thereupon pronounce judgment, with a consideration of what is stipulated by articles 161 and 179, first paragraph; and shall further be followed up by the directions contained in articles 184 and 186.

117. (1) The chairman shall inform the relevant regent, by sending a copy, of the in the higher appeal passed sentences, within eight days after the pronouncement.

(2) The execution of these sentences shall take place in accordance with what is stipulated concerning the execution of sentences of regency courts. (IR. 104, 113.)

118. (1) Civil cases, by first submission to the authority of the courts of law, shall by request from the claimant or, in accordance with what is stipulated by article 123, signed by the claimant's proxy, be submitted to the chairman of the court of law, in whose jurisdiction the defendant is domiciled, or in the event of an absence of a known place of domicile, where he is actually staying. (Bw. 15; IR. 101.)

(2) In the event that there are more defendants, who are not domiciled within the territory of the same court of law, the claim shall be submitted to that of the claimant. If the defendants are related to one another as the main debtor and guarantor, the claim shall then, subject to what is stipulated by the second paragraph of article 6 of the regulation on the judicial organization and conduct of justice in Indonesia, submitted to the chairman of the court of law of the place of domicile of the main debtor or of one of the main debtors.
In the event that the defendant has no known place of domicile and his actual dwelling place also unknown, or in the event that the defendant is unknown, the claim shall then be submitted to the chairman of the court of law of the place of domicile of the claimant or of one of the claimants, or, in the event that it concerns an immovable property, to the chairman of the court of law in which jurisdiction the property is located.

In the event that by the written deed domicile is chosen, the claimant can, if so preferred, submit his claim to the chairman of the court of law, in which jurisdiction the chosen domicile is located.

The chairman of the court of law is at submission of the claim authorized to give advice and render assistance to the claimant or his proxy.

When the claimant cannot write, he can relate his claim verbally to the chairman of the court of law, who shall keep or order to keep a record of this.

In the event that the submitted claim concerns a lawsuit in which a village judge has made a pronouncement, the claimant shall state the content of the pronouncement in the claim; he shall if possible provide a copy thereof. (RO. 3a.)

The chairman of the court of law shall point out to the claimant, upon or after receipt of the claim or at the beginning of the court session, the obligation as described in the first paragraph.

After that the submitted claim or the record that has been made thereof has been entered into the register that is intended for that purpose by the court registrar, the chairman shall determine the day and hour, when the case shall be brought before the court of law, and shall arrange that the parties are summoned in order to then appear, accompanied by the witnesses whom they wish to be heard and with the bringing along of the written evidences, of which they wish to make use.

With the summoning of the defendant he shall also be handed a copy of the claim with the notification that he can if so chooses reply to that in writing.

The in the first paragraph of this article mentioned decision shall be recorded in the there mentioned register as well as on the original claim document.

The in the first paragraph mentioned entry in the register shall only be made after that a later to be settled advance payment is made to the court registrar of the amount that has according to circumstances temporarily been estimated by the president of the court of law to cover the registrar’s fees and costs of the obliged summoning of and notifications to parties and of the stamps that shall be used.

In determining the court day the chairman shall take the distance between the place of domicile and stay of the parties and the location where the court of law shall hold the trial into consideration and may, except in cases of urgency, in the arrangement mention such time, which must lapse between the summons of the parties and the court day, that shall be set at giving not less than three days off.
123. (1) (Aang. S. 32-13.) Parties can, if they choose to do so, have themselves assisted or represented by assignees, who for that purpose have been provided with a special written authorization, wherever the authorizing party may personally be present. The claimant can also provide this authorization with the in accordance with the first paragraph of article 118 submitted petition signed by him or with the in accordance with article 120 verbally made recital of the claim, in which latter case mention is made thereof in the prepared record of that claim.

(2) The official, who pursuant to the general ordinance for the Government of Indonesia in representing the State, appears in legal proceedings, does however in such a capacity not need to be provided with a special written authorization.

(3) The court of law is authorized to order a personal appearance of the parties, who in the trial are represented by assignees. This authority is not valid with respect to the Governor General. (Bw. 1793; Rv. 107, 788; IR. 118, 254; S. 22-522,* bl. 359; Bb. 3371; T. XXXI-319.)

124. When the claimant, after having properly been summoned does not appear in the court of law on the determined day, nor has arranged for another person to appear on his behalf, the claim shall be considered as nullified, subject to the right - after an advance payment of the costs - to file his claim anew. (Rv. 77; IR. 85, 102, 122v., 126.)

125. (1) When the defendant on that day, after having been properly summoned, does not appear, nor has arranged for another person to appear on his behalf, the claim shall be adjudged in his absence, if it should appear to the court of law that it is not legal or unfounded. (Rv. 78; IR. 102, 122v.)

(2) If however the defendant in his answer as mentioned in article 121 has presented the exception of incompetence from the court of law, he shall, although he does not appear, the court of law shall, after having heard the claimant, administer the law on that exception and only with a dismissal thereof pronounce judgment on the main case.

(3) In case of an award of the claim the sentence of the court of law shall at the order of the chairman be notified to the defendant, whereby he shall also be reminded of his right to within the time period and in the manner, as stipulated by article 129, appeal against the sentence at the same court of law.

(4) At the bottom of the sentence a notation shall be made by the registrar of the court, to whom this action has been ordered and what this person has related concerning the matter in writing or verbally.

126. In the cases, as provided by the two foregoing articles, the court of law can, prior to making any pronouncement, order, that the party who did not appear shall be summoned for a second time towards a further by the chairman to be notified courtday, that shall be informed at the court session to the party who did appear, for whom the notification shall count as a summons.

127. In the event of more defendants one or more do not appear, nor have arranged for another person to appear on their behalf, the trial of the case shall then be deferred to a further, within the shortest possible distance from the courtday. Such deference shall be informed to the parties who did appear at the court session, for whom the notification shall
count as a summons, while the chairman shall arrange that the parties who did not appear be summoned anew towards that court day. The case shall in that event be tried and a pronunciation between all parties shall thereafter be made by one and the same sentence, against which no resistance shall be allowed. (Rv. 81.)

128. (1) The sentences, that have been adjudged in absence, as mentioned in article 125, can only be executed after a lapse of fourteen days after the announcement.

(2) In case of an urgent need, the execution may be ordered to take place before the lapse of this period, either in the sentence, or by the chairman after the pronunciation, at the verbal or written request of the claimants. (Rv. 82.)

129. (1) The defendant, who has been condemned in absence and has not accepted the sentence, can appeal against this.

(2) In the event that the notification of the sentence is made to the condemned person, the appeal shall be allowed within fourteen days after the notification. If the sentence of the condemned person is not notified in person, the appeal shall then be allowed up to and including the eighth day after the in article 196 mentioned exhortation, or, with a non-appearance after a proper summons, up to and including the eighth day after the execution of the in article 197 written order of the chairman. (Rv. 83.)

(3) The claim in resistance shall be submitted and treated in the usual manner as stipulated for civil claims.

(4) The submission of the claim in resistance to the chairman of the court of law shall hold up the execution, unless this has been ordered notwithstanding the resistance.

(5) The opponent, who causes himself to be sentenced in absence for the second time, shall be dismissed, in the event that he shall again enter a resistance.

130. (1) When parties have appeared on the determined day, the court of law shall, by the mouth of the chairman, endeavor to bring them to an agreement. (IR. 239.)

(2) In the event that such an agreement is reached, a deed shall be drawn up thereof, pending the court session, by which the parties shall be sentenced to an observance of the reached agreement, which deed shall have the same legal strength and shall be executed in the same manner as an ordinary sentence. (Rv. 31; IR. 195v.)

(3) Upon a thus entered judgment no higher appeal shall be allowed.

(4) When in the endeavor to bring the parties to an agreement, the services of an interpreter are required, the stipulations in the following article concerning this shall be followed.

131. (1) When parties have appeared, but cannot be brought to an agreement (which must be mentioned in the official report on the session), the documents that have been presented by the parties shall be read out and, when one of the parties does not command the language in which those documents are written, these shall be translated into the language of that party by an interpreter who shall be appointed by the chairman. (IR. 86, 103, 137.)
(2) This shall further be continued, if necessary also with the assistance of an interpreter, with the hearing of the claimant and the defendant. (IR. 135, 186; S. 1858-15*.)

(3) The interpreter shall, in order that he can be admitted at the court of law as a sworn interpreter, be sworn in by the chairman that he shall faithfully translate what must be transferred from one language into the other.

(4) The third paragraph of article 154 is applicable to interpreters. (RV. 33, 47; IR. 284.)

132. The chairman is authorized, in the event that he considers this necessary for a good and orderly procedure of the case, to provide parties with the necessary information and direct their attention to the legal- and evidence-means, which they could apply.

132a. (Ing. S. 27-300.) (1) The defendant is authorized to in all cases make a claim in reconvention, except: (Rv. 244.)

1°. when the claimant in convention has appeared in one quality and the reconvention would personally affect him and reciprocally; (Bw. 383, 452, 1655v.)

2°. when the court of law, where the claim in convention is in abeyance, is not authorized to take cognizance of the reconvention in relation to the subject of the dispute; (ISR. 136; RO.95)

3°. in cases of dispute concerning the execution of a sentences. (IR. 207.)

(2) In the event that in the first instance no claim in reconvention is made, this can no more be made in a higher appeal.

132b. (Ing. S. 27-300.) (1) The defendant in convention is obliged enter his counter-claim together with either his written or verbal answer. (Rv. 245.)

(2) The stipulations of this section are applicable that counter-claim.

(3) Both cases shall be accomplished at the same time and decided by one and the same sentence, whereby the court of law may find that one can be settled earlier than the other, whereby in either case that may take place, the then still unsettled claim in convention or reconvention shall nevertheless remain pending with the same judge until the pronouncement of the final sentence therein. (Rv. 247.)

(4) Higher appeal shall be allowed, if the course of the claim in convention, added to that of the one in reconvention, exceeds the judicial power of the court of law to administer justice in the last resort. (Rv. 247.)

(5) When however the two lawsuits are split and thereby separately sentenced, the usual rules concerning the competence till higher appeal shall be followed. (Rv. 247.)

133. In the event that the defendant is called before a court of law, for which he according to what is stipulated by article 118 does not need to be put on trial, he shall, unless such is to immediately take place at the beginning of the first court session, be able to claim that the judge declares himself incompetent; that claim shall no more be taken into consideration, as
soon as the defendant has involved himself with the services of any other defense. (Rv. 131; IR. 136, 191.)

134. In case however that the dispute concerns a subject that does not belong to the cognizance of the courts of law, it can in each state of the lawsuit be claimed for the judge to declare himself incompetent, and he shall even be obliged to do so officially. (Rv. 132; IR. 136, 190.)

135. When no assertion of incompetence is made, or, if such an assertion has duly been made and this is considered to be unfounded, the court of law shall, after hearing the parties, immediately start an accurate and impartial investigation on the legitimacy of the disputed claim and the soundness of the claim that has been brought in against it. (Rv. 47; IR. 131, 155v.)

135 a. (Ing. S. 35-102.) (1) In the event that the claim concerns a lawsuit in which a village judge has made an pronouncement, the court of law shall make itself acquainted with that pronouncement and as much as possible concerning the grounds thereof.

(2) If the claim concerns a lawsuit, in which a village judge has not made a pronouncement, but in which the court of law views such a pronouncement useful, the chairman shall then, under issuance of a written evidence, inform the claimant thereof, after which the trial of the case shall be suspended until a by the chairman if necessary officially further to be determined court day.

(3) After that the village judge has made a pronouncement, the claimant shall, in the event that he wishes a continuance of the case, inform the court of law of the content of that pronouncement, if possible under submission of a copy thereof, after which the trial of the case shall be continued.

(4) In the event that the village judge two months after that the claimant has submitted his case to him, has not yet made a pronouncement, the court of law shall, at a request from the claimant to that effect, resume trial of the case.

(5) If the claimant cannot make it sufficiently likely that the village judge refuses to make a pronouncement in accordance with the sentence of the judge, the judge shall then officially ascertain himself thereof.

(6) If it appears that the claimant has not brought the case before the village judge, his claim shall then be regarded abrogated. (RO. 3a.)

136. The exceptions that the defendant may wish to relate, that of an incompetence of the judge only being excepted, may not be presented or judged separately, but must be heard and decided at the same time with the principal case. (Rv. 135v.; IR. 133v.)

137. Parties can mutually request an insight on each other’s written evidences, which for that purpose shall be handed over to the judge. (IR. 131.)