



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**

THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

PREAMBLE

Whereas independence is the inalienable right of all nations, therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice;

And the moment of rejoicing has arrived in the struggle of the Indonesian independence movement to guide the people safely and well to the gate of the independence of the state of Indonesia which shall be independent, united, sovereign, just and prosperous;

By the grace of God Almighty and motivated by the noble desire to live a free national life, the people of Indonesia hereby declare their independence.

Subsequent thereto, to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the land and its territorial integrity that has been struggled for, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice, therefore the independence of Indonesia shall be formulated into a constitution of the Republic of Indonesia which shall be built into a sovereign state based on a belief in the One and Only God, just and civilized humanity, the unity of Indonesia, and democratic life led by wisdom of thoughts in deliberation amongst representatives of the people, and achieving social justice for all the people of Indonesia.

THE 1945 CONSTITUTION

CHAPTER I FORM OF THE STATE AND SOVEREIGNTY

Article 1

1. The State of Indonesia shall be a unitary state in the form of a republic.

CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY

Article 2

1. The People's Consultative Assembly shall consist of the members of the House of Representatives augmented by the delegates from the regional territories and groups as provided for by statutory regulations.
2. The People's Consultative Assembly shall convene a sitting at least once in every five years in the capital of the state.
3. All decisions of the People's Consultative Assembly shall be taken by a majority vote.

Article 3

The People's Consultative Assembly shall determine the constitution and the guidelines of the policy of State.

CHAPTER III EXECUTIVE POWER

Article 4

1. The President of the Republic of Indonesia shall hold the power of government in accordance with the Constitution.
2. In exercising his duties, the President shall be assisted by a Vice-President.

Article 5

1. The President shall hold the power to make statutes in agreement with the House of Representatives.
2. The President shall determine the government regulations to expedite the enforcement of laws.

Article 6

2. The President and the Vice-President shall be elected by the People's Consultative Assembly by a majority vote.

Article 7

The President and the Vice-President shall hold an office for a term of five years and shall be eligible for re-election.

Article 8

Should the President passes away, resigns or be unable to perform his duties during his term of office, he/she shall be succeeded by the Vice-President until the expiry of his term of office.

Article 9

Prior to taking office, the President and the Vice-President shall take an oath of office according to their religions, or solemnly promise before the People's Consultative Assembly or the House of Representatives as follows:

The President's/Vice-President's Oath

"In the name of God Almighty, I swear that I will perform the duties of the President (Vice-President) of the Republic of Indonesia to the best of my ability and as justly as possible, and that I will strictly observe the Constitution and consistently implement the law and regulations in the service of the country and the people."

The President's/Vice-President's Promise

"I solemnly promise that I will perform the duties of the President (Vice-President) of the Republic of Indonesia to the best of my ability and as justly as possible, and that I will strictly observe the constitution and consistently implement the law and regulations in the service of the country and the people."

Article 10

Article 11

In agreement with the House of Representatives, the President declares war, makes peace and concludes treaties with other states.

Article 12

The President may declare the state of emergency. The conditions for such declaration and the subsequent measures regarding a state of emergency shall be further regulated by law.

Article 13

1. The President shall appoint ambassadors and consuls.
2. The President shall receive the credentials of foreign ambassadors.

Article 14

The President may grant clemency, amnesty, pardon and restoration of rights.

Article 15

The President may grant titles, decorations and other distinctions of honour.

CHAPTER IV SUPREME ADVISORY COUNCIL

Article 16

1. The composition of the Supreme Advisory Council shall be determined by law.
2. The Council has the duty to reply to questions raised by the President and has the right to submit recommendations to the government.

CHAPTER V STATE MINISTERS

Article 17

1. The President shall be assisted by the State Ministers.
2. These Ministers shall be appointed and removed by the President.
3. These Ministers shall head the government departments.

CHAPTER VI REGIONAL GOVERNMENTS

Article 18

The division of the territory of Indonesia into large and small regions shall be prescribed by law in consideration of and with due regard to the principles of deliberation in the government system and the hereditary rights of special territories.

CHAPTER VII HOUSE OF REPRESENTATIVES

Article 19

1. The composition of the House of Representatives shall be further regulated by law.
2. The House of Representatives shall convene a sitting at least once a year.

Article 20

1. Every law shall require the approval of the House of Representatives.
2. Should a bill not obtain the approval of the House of Representatives, the bill shall not be resubmitted during the same session of the House of Representatives.

Article 21

1. Members of the House of Representatives shall be entitled to submit proposal for bills.
2. Should such a bill not obtain the sanction of the President notwithstanding the approval of the House of Representatives, the bill shall not be resubmitted during the same session of the House of Representatives

Article 22

1. Should exigencies compel, the President shall have the right to establish government regulations in lieu of laws.
2. Such government regulations must obtain the approval of the House of Representatives during its next session.
3. Should there be no such approval, these government regulations shall be revoked.

CHAPTER VIII FINANCE

Article 23

1. The State Budget shall be determined annually by law. In the event that the House of Representatives does not approve a draft budget, the government shall adopt the budget of the preceding year.
2. All government taxes shall be further regulated by law.
3. The forms and denominations of the currency shall be further regulated by law.
4. Other financial matters shall be further regulated by law.
5. In order to examine the accountability of the state finances, a State Audit Board shall be established by statutory regulation. The findings of the Board shall be reported to the House of Representatives

CHAPTER IX JUDICIAL POWER

Article 24

1. The judicial power shall be implemented by a Supreme Court and such other courts of law as provided by law.
2. The composition and powers of these legal bodies shall be further regulated by law.

Article 25

The appointment and removal of justices shall be further regulated by law.

CHAPTER X CITIZENS

Article 26

1. Citizens shall consist of indigenous Indonesian peoples or peoples of foreign origin who have been legalized as citizens in accordance with law.
2. Conditions to acquire and other matters on citizenship shall be further regulated by law.

Article 27

1. All citizens shall be equal before the law and in government and shall be required to respect the law and the government with no exceptions.
2. Every citizen shall have the rights to work and to earn a humane livelihood.

Article 28

The freedom to associate and to assemble, to express verbal and written expression and the like shall be further regulated by law

CHAPTER XI RELIGION

Article 29

1. The State shall be based upon the belief in the One and Only God.
2. The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.

CHAPTER XII NATIONAL DEFENCE

Article 30

1. Every citizen shall have the right and duty to participate in the defence of the country.
2. The rules governing defence shall be further regulated by law.

CHAPTER XIII EDUCATION

Article 31

1. Every citizen has the right to receive education.
2. The government shall manage and organise one system of a national education which shall be further regulated by law.

Article 32

The government shall advance the national culture.

CHAPTER XIV SOCIAL WELFARE

Article 33

1. The economy shall be organized as a common endeavor based upon the

2. Sectors of production which are important for the country and affect the life of the people shall be under powers of the state.
3. The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.

Article 34

Impoverished persons and abandoned children shall be taken care of by the State.

CHAPTER XV FLAG AND THE LANGUAGE

Article 35

The national flag of Indonesia shall be the Red-and-White.

Article 36

The national language of Indonesia shall be Indonesian (Bahasa Indonesia).

CHAPTER XVI AMENDMENTS TO THE CONSTITUTION

Article 37

1. In order to amend the Constitution, not less than 2/3 of its member of the People's Consultative Assembly shall be in attendance.
2. Decisions shall be taken with the approval of not less than 2/3 of its total member in attendance.

TRANSITIONAL PROVISIONS

Clause I

The Preparatory Committee for Indonesia's Independence shall arrange

Clause II

All existing state institutions continue to function and regulations remain valid as long as no new ones are established in conformity with this Constitution.

Clause III

For the first time, the President and the Vice-President shall be elected by the Preparatory Committee for Indonesia's Independence.

Clause IV

Prior to the formation of the People's Consultative Assembly, the House of Representatives and the Supreme Advisory Council in accordance with this Constitution, all their powers shall be exercised by the President assisted by a national committee.

ADDITIONAL PROVISIONS

1. Within six months after the end of the Great East Asia War, the President of Indonesia shall take preparatory steps and execute all the provisions of this Constitution.
2. Within six months after its formation, the People's Consultative Assembly shall convene a sitting to decree the constitution.

ANNOTATIONS TO THE CONSTITUTION

GENERAL

I. The Constitution as a part of the Basic Law

The Constitution of the country is only a part of its basic law. It is the written part. In addition, there is the unwritten part of the basic law which comprises principal regulations that grow and are preserved in the conduct of state affairs.

Indeed, to study the basic law (*droit constitutionnel*) of a country we cannot only analyze the articles of the constitution (*loi constitutionnelle*). We need to know the circumstances and the spiritual background (*geistlicher hintergrund*) that led to the drafting of the document.

We cannot understand the constitution of any country whatsoever by reading the text alone. To gain a thorough understanding of such constitution we have to know how the text came into existence, the conditions that prevailed at the time. In this way we can grasp the fundamental ideas and the basic reasoning underlying the constitution.

II. The basic thoughts in the Preamble

What are the basic thoughts which are embodied in the preamble to the constitution?

1. "The State", so it reads, "protects all the Indonesian people and the entire territory of Indonesia on the basis of unity. The State shall also establish social justice for all the people of Indonesia."

The preamble, therefore, incorporates the idea of a unitary state which protects and accommodates all the people with no exception. Thus, the state stands above all groups of the population and above all individual convictions. The state, in the context of the preamble, calls for the unity of all the Indonesian people. This is one of the principles of the state that must never be forgotten.

3. The third basic thought in the preamble is that the state shall be based on the sovereignty of the people, on democracy and the deliberations of representatives. Hence, the political system envisaged in the Constitution shall be based on democracy and the deliberations of representatives. This line of thoughts conforms to the characteristics of the Indonesian society.
4. The fourth basic idea in the preamble is that the state shall be based on the belief in the One and Only God and on just and civilized humanity. It follows that the constitution must make it the duty of the state and all its institutions to foster high human ethical norms and to live up to the noble moral aspirations of the people.

III. The basic ideas in the preamble are embodied in the articles of the Constitution

The basic ideas reflect the spiritual atmosphere in which the constitution was drafted. These ideas gave rise to legal aspirations (Rechtsidee) which encompassed the basic law of the state, both the written (the constitution) and the unwritten.

Thus the articles of the Constitution incorporate those ideas.

IV. The Constitution is concise and flexible

The Constitution is made up of only 37 articles. The clauses merely refer to transitional and additional aspects. Thus, this draft constitution is very brief if compared, for example, with the constitution of the Philippines.

It is adequate if the constitution only contains the fundamental provisions and guidelines as directives for the government and other state institutions to conduct state affairs and create public welfare. In particular for a new and young country, such a basic law is best to contain the basic provisions only while the operational procedures can be accommodated in laws which are easier to make, amend and repeal.

Hence the system in which the constitution is drafted.

We always have to remember the dynamics of social and state life in

live a dynamic life; we have to watch all developments in social and political life. Consequently, we had better avoid hasty crystallization and molding (Gestaltung) of ideas that can easily change.

It is true that a written provision is binding. Hence the more flexible a provision, the better. We have to see to it that the system of the constitution does not lag behind the change of time. We must not make laws that quickly become absolute. The important thing in government and state life is the spirit of the authorities, of the government leaders. Even though a constitution is characteristic of the family system, if the spirit of the authorities and the leaders of government is individualistic, then the constitution is in reality meaningless. On the other hand, even if a constitution is imperfect, but the spirit of the government leaders is right, such a constitution will in no way hinder the process of government. Thus, what is most important is the spirit. It must be a living and dynamic spirit. On the basis of these considerations, only the basic principles should be embodied in the constitution while the instruments of execution should be left to the law.

GOVERNMENT SYSTEM

The government system emphasized by the constitution is as follows:

- I. Indonesia shall be a state based on the rule of law (rechtsstaat, a legal state).*
 1. As the Indonesian state is based on the rule of law, it is not founded on power alone (machtsstaat).
- II. The constitutional system*
 2. The government is based on the constitution (basic law), not on absolutism (unlimited power).
- III. The highest power of the state is vested in the People's Consultative Assembly (Die gesamte staatsgewalt liegt allein bei der Majelis).*
 3. The sovereignty of the people is held by a body named the People's Consultative Assembly which is the manifestation of all the people of Indonesia (Vertretungsorgan des Willens des Staatsvolkes). This People's Consultative Assembly...

of State (President) and the Deputy Head of State (Vice-President). It is this People's Consultative Assembly that holds the highest power of the state, whereas the President shall pursue the state policy as outlined by the People's Consultative Assembly. The President who is appointed by the People's Consultative Assembly shall be subordinate and accountable to the People's Consultative Assembly. He/she is the mandatory of the People's Consultative Assembly; it is his/her duty to carry out its decisions. The President is not in an equal position (neben) as, but subordinate to (untergeordnet) the People's Consultative Assembly.

IV. The President is the Chief Executive of the State under the People's Consultative Assembly

Under the People's Consultative Assembly, the President is the Chief Executive in the state.

In the conduct of the state administration, the power and responsibility rest with the President (concentration of power and responsibility upon the President).

V. The President is not accountable to the House of Representatives

The position of the House of Representatives is beside the President.

The President must obtain the approval of the House of Representatives to make laws (Gezetsgebug) and to determine the budget (Staatsbergroting).

Hence, the President has to cooperate with the House of Representatives, but he/she is not accountable to it, in the sense that his/her status does not depend upon it.

VI. The Ministers of state are the assistants of the President. They are not accountable to the House of Representatives.

The President appoints and removes the ministers of state. They are not accountable to the House of Representatives. Their status does not depend upon the House of Representatives but upon the President.

VII. The Powers of the Head of State is not unlimited

Although the Head of State is not accountable to the House of Representatives, he/she is not a dictator since his/her power is not unlimited.

As pointed out earlier, he/she is accountable to the People's Consultative Assembly. Furthermore, he/she has to pay full attention to the voice (or the opinions) of the House of Representatives.

The position of the House of Representatives is strong.

The House of Representatives is in a strong position. The House of Representatives cannot be dissolved by the President unlike its position in a parliamentary system. Moreover, members of the House of Representatives are concurrently members of the People's Consultative Assembly. Hence the House of Representatives can always scrutinize the actions of the President and if the House of Representatives of the opinion that the President has acted in contravention of the state policy as laid down in the Constitution or as determined by the People's Consultative Assembly, the People's Consultative Assembly may convene a special session and request the President account for.

The Ministers of State are no ordinary senior officials.

Although the status of the ministers of state depends upon the President, they are no ordinary senior officials since they mainly exercise the executive power.

As head of a department, a minister ought to know all the matters related to his/her duties. Hence a minister has great influence upon the President to decide a policy on his/her department. In fact this asserts that ministers are leaders of the state.

To determine the government's policy and for the purpose of coordination in the administration, ministers have to work in close cooperation with one another under the leadership of the President.

CHAPTER I FORM OF THE STATE AND SOVEREIGNTY

Article 1

The decision to form a unitary state and a republic is a manifestation of the basic idea of the people's sovereignty.

The People's Consultative Assembly is the highest authority in the conduct of state affairs. The People's Consultative Assembly is the manifestation of the people who hold the sovereignty of the state.

CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY

Article 2

This article implies that all the people, all groups and all regions are represented in the People's Consultative Assembly such that this assembly can really be considered as the manifestation of the people.

The term "groups" refers to such bodies as cooperatives, labour unions and other collective organizations. This provision fits with the conditions of the time. In conjunction with the idea of creating a cooperative system in the economy, the first section of this article is a reminder of the existence of such groups in economic organizations.

Paragraph 2

The People's Consultative Assembly with such a large membership should meet not less than once in every five years. The term "not less than" implies that, should it be necessary, the People's Consultative Assembly may meet more than once within its five-year term, that is, by calling a special session.

Article 3

Since the People's Consultative Assembly is vested with the sovereignty of the state, its power is unlimited. To keep pace with social dynamics and by

5 years the People's Consultative Assembly decides the policy of the state to be pursued in the future.

CHAPTER III EXECUTIVE POWER

Article 4 and Article 5, paragraph 2

The President is the Chief Executive of the state. To enforce laws he/she has the power to issue government regulations (pouvoir reglementair).

Article 5, paragraph 1

Beside the executive power, the President together with the House of Representatives exercises the legislative power of the state.

Articles 6, 7, 8 and 9

Self-explanatory.

Articles 10, 11, 12, 13, 14 and 15

The powers of the President referred to in these articles are the consequences of his position as the Head of State.

CHAPTER IV SUPREME ADVISORY COUNCIL

Article 16

This body is a Council of State whose duty is to give recommendations to the government. It is only an advisory body.

CHAPTER V MINISTERS OF STATE

Article 17

CHAPTER VI REGIONAL GOVERNMENTS

Article 18

- I. Since Indonesia is a unitary state (eenheidstaat), there will be no region under its jurisdiction that constitutes another state (staat).

The Indonesian territory will be divided into provinces which, in turn will be divided into smaller (administrative) regions.

All regions with an autonomous status "streek" and "locale rechtsgemeenschappen" or which merely form an administrative unit, must respect statutory regulations.

In regions with an autonomous status, a regional legislative body will be established since in the regions too the administration must be based on the principles of deliberations.

- II. In the territory of Indonesia there are approximately 250 self-governing regions (zelfbesturende landschappen) and village communities (volksgemeenschappen), such as the "desa" (village) in Java and Bali, the "nagari" in Minangkabau, the "dusun" and "marga" in Palembang and other social-administrative units. These regional units have their own indigenous social systems and thus may be considered as special regions.

The Republic of Indonesia respects the status of the special regions and any government regulation on these regions shall have due regard to their hereditary rights.

CHAPTER VII HOUSE OF REPRESENTATIVES

Articles 19, 20, 21 and 23

The House of Representatives has to approve all bills submitted by the government. It also has the right to initiate bills.

- III. Following article 23, the House of Representatives has the right to control

House of Representatives are also members of the People's Consultative Assembly.

Article 22

This article concerns the emergency rights (noodverordeningrecht) of the President. It is necessary to include this provision in order that in times of emergency the government can guarantee the safety of the country by taking prompt and appropriate actions. Nevertheless, the government cannot escape the control of the House of Representatives. Therefore, government measures referred to in this Article must obtain the approval of the House of Representatives must obtain the approval of the House of Representatives as they have the same validity as laws.

CHAPTER VIII FINANCE

Article 23 paragraphs 1, 2, 3, and 4

Paragraph 1 refers to the right of the House of Representatives to control the budget (begroting). The method to decide a budget is a yardstick to assess the characteristics of the government. In a fascist country the budget is exclusively determined by the government. In a democracy or a country based on the people's sovereignty, like the Republic of Indonesia, the budget is sanctioned by law, meaning with the approval of the House of Representatives.

How the people will live as a nation and where to get the funds from, must be decided by the people themselves through their representatives in the House of Representatives.

The people decide their own destiny and hence also their way of living.

Article 23 stresses that to decide a budget the House of Representatives is in a stronger position than the government. This reflects the sovereignty of the people.

Since the right of the people to decide their own destiny is involved in the process of adopting a budget, any measures which impose a burden on the

In this connection, the authority of the Bank of Indonesia, which will issue and regulate the circulation of money, should be further regulated by law.

Paragraph 5

How the government spends the money that has been approved by the House of Representatives must conform to the decision on the budget. To examine the accounts of the government there must be a body that is free from government influence and authority. A body that is subordinate to the government will not be able to discharge such a difficult task. Nor does such a body stand above the government. Hence, its authority and duty should be further regulated by law.

CHAPTER IX JUDICIAL POWER

Articles 24 and 25

The judicial power is independent to such an extent that it is free from government interference. Thus, the status of judges should be guaranteed by law.

CHAPTER X CITIZENS

Article 26, Paragraph 1

People of other nations, such as those of Dutch, Chinese and Arabic descents, whose domicile is Indonesia, recognize Indonesia as their home country and are loyal to the Republic of Indonesia, may become citizens.

Article 26 paragraph 2

Self-explanatory

Article 27, 30, 31 and paragraph 1

These articles concern the rights of citizens. Otherwise they are self-explanatory.

Articles 28, 29 paragraph 2, and 34

These articles concern the status of residents. Articles which only concern citizens as well as those regarding the entire population, accommodate the aspirations of the Indonesian people to build a democratic state which will promote social justice and humanity.

CHAPTER XI RELIGION

Article 29 paragraph 1

This paragraph emphasizes the belief of the Indonesian people in the One and Only God.

CHAPTER XII NATIONAL DEFENCE

Article 30

Self-explanatory.

CHAPTER XIII EDUCATION

Article 31 paragraph 2

Self-explanatory.

Article 32

The national culture is the product of the mental and spiritual activities of the entire Indonesian people.

The old and indigenous cultures which were the peak of cultural life in all the regions of Indonesia, together form the national culture. Cultural activities should lead to the advancement of civilization and culture, and the strengthening of unity without rejecting new elements of foreign cultures which can develop

**CHAPTER IX
SOCIAL WELFARE**

Article 33

Article 33 embodies the principle of economic democracy which states that production is done by all for all, under the leadership of supervision of members of the community. Social prosperity is the primary goal, not individual prosperity. Hence, the economy is organized as a common endeavor based on the principles of the family system. The form of enterprise which meets those conditions is the cooperative.

The economy is based on economic democracy which envisages prosperity for everybody. Therefore, economic sectors which are essential for the country and which affect the life of the people, must be controlled by the state. Otherwise the control of production might fall in the hands of powerful individuals who could exploit the people. Hence, only enterprises which do not affect the life of the general population may be left to private individuals.

The land, the waters and the natural resources therein are basic assets for the people's prosperity and should, therefore, be controlled by the state and exploited to the greatest benefit of the people.

Article 34

Self-explanatory.

**CHAPTER XV
FLAG AND THE LANGUAGE**

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Regional languages which are well preserved by the people, such as the Javanese, Sundanese, Madurese and other languages, will be respected and preserved by the state. Since the

**CHAPTER XVI
AMENDMENTS TO THE CONSTITUTION**

Article 37

Self-explanatory.



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE FIRST AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE FIRST AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**

WITH THE BLESSINGS OF GOD ALMIGHTY
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA,

After thoroughly and seriously studying, analysing and considering the basic matters confronted by the people, nation, and state, and additionally by using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly of the Republic of Indonesia amends and/or adds Article 5 paragraph (1), Article 7, Article 9, Article 13 paragraph (2), Article 14, Article 15, Article 17 paragraphs (2) and (3), Article 20, and Article 21 of the 1945 Constitution of the Republic of Indonesia. The revised articles shall read as follows :

Article 5

- (1) The President shall be entitled to submit bills to the House of Representatives.

Article 7

The President and the Vice President shall hold an office for a term of five years and may subsequently be re-elected to the same office for one further term only.

Article 9

- (1) Prior to taking office, the President and the Vice President shall swear an oath in accordance with their respective religions or shall make a solemn

Presidential (Vice-Presidential) Oath:

"I swear before God that, to the best of my ability, I shall fulfil as justly as possible my duties as President (Vice-President) of the Republic of Indonesia, that I shall uphold faithfully the Constitution, conscientiously implement all statutes and regulations, and shall devote myself to the service of Country and Nation."

Presidential (Vice-Presidential) Promise:

"I solemnly promise that, to the best of my ability, I shall fulfil as justly as possible my duties as President (Vice-President) of the Republic of Indonesia, that I shall uphold faithfully the Constitution, conscientiously implement all statutes and regulations, and shall devote myself to the service of Country and Nation."

- (2) In the event of the People's Consultative Assembly or the House of Representatives is unable to convene a sitting, the President and the Vice-President shall swear an oath or make a solemn promise before the leadership of the People's Consultative Assembly witnessed by the leadership of the Supreme Court.

Article 13

- (2) In the case of appointment of ambassadors, the President shall have regard to the opinion of the House of Representatives.
- (3) The President shall receive the accreditation of ambassadors of other nations and shall in so doing have regard to the opinion of the House of Representatives.

Article 14

- (1) The President may grant clemency and restoration of rights and shall in so doing have regard to the opinion of the Supreme Court.
- (2) The President may grant amnesty and the dropping of charges and shall in so doing have regard to the opinion of the House of Representatives.

Article 15

The President may grant titles, decorations and other honours as provided by law.

Article 17

- (2) State Ministers shall be appointed and removed by the President.

Article 20

- (1) The House of Representatives shall hold the authority to establish laws.
- (2) Each bill shall be discussed by the House of Representatives and the President to reach joint approval.
- (3) If a bill fails to reach joint approval, the bill shall not be reintroduced within the same House of Representatives term of sessions.
- (4) The President signs a jointly approved bill to become an act.

Article 21

Members of the House of Representatives shall be entitled to submit proposal for bills.

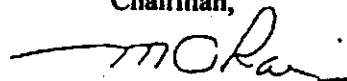
The text of this amendment is part of and shall not be separated from the text of the 1945 Constitution of the Republic of Indonesia.

This amendment was determined in the 12th Plenary Session of the People's Consultative Assembly on 9 October 1999 during the Annual Session of the People's Consultative Assembly, and will take effect on the date of its enactment.

Enacted in Jakarta
On October 19, 1999

THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

Chairman,



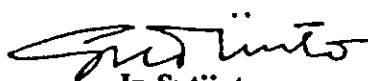
Prof. Dr. H.M. Amien Rais

Vice Chairman,



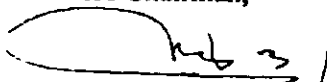
Prof. Dr. Ir. Ginandjar Kartasasmita

Vice Chairman,



Ir. Sutjipto

Vice Chairman,



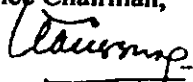
H. Matori Abdul Djali

Vice Chairman,



Drs. H.M. Husnie Thamrin

Vice Chairman,



Dr. Hari Sabarno, M.B.A., M.M.

Vice Chairman,



Prof. Dr. Jusuf Amir Feisal, S.Pd

Vice Chairman,



Drs. H.A. Nazri Adlani



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

THE SECOND AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE SECOND AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**

WITH THE BLESSINGS OF GOD ALMIGHTY OF
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA,

After thoroughly and seriously studying, analyzing and considering the basic matters confronted by the people, nation, and state, and additionally by using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly of the Republic of Indonesia amends and/or adds Article 18, Article 18A, Article 18B, Article 19, Article 20 paragraph (5), Article 20A, Article 22A, Article 22B, Chapter IXA, Article 25E, Chapter X, Article 26 paragraphs (2) and (3), Article 27 paragraph (3), Chapter XA, Article 28A, Article 28B, Article 28C, Article 28D, Article 28E, Article 28F, Article 28G, Article 28H, Article 28I, Article 28J, Chapter XII, Article 30, Chapter XV, Article 36A, Article 36B, and Article 36C of the 1945 Constitution of the Republic of Indonesia. The revised articles shall read as follows :

Article 18

- (1) The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (*kabupaten*) and municipalities (*kota*), each of which shall have regional authorities which shall be further regulated by law.
- (2) The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of decentralization.

- (3) The authorities of the provinces, regencies and municipalities shall include for each a Regional House of Representatives whose members shall be elected through general election.
- (4) Governors, Regents (Bupati) and Mayors (Walikota), respectively as head of regional government of the provinces, regencies and municipalities, shall be elected democratically.
- (5) The regional authorities shall exercise wide-ranging autonomy, except in matters specified by law to be the affairs of the central government.
- (6) The regional authorities shall have the authority to adopt regional regulations and other regulations to implement autonomy and the duty of assistance.
- (7) The structure and administrative mechanisms of regional authorities shall be further regulated by law.

Article 18A

- (1) The authority relations between the central government and the regional authorities of the provinces, regencies and municipalities, or between a province and its regencies and municipalities, shall be further regulated by law having regard to the particularities and diversity of each region.
- (2) The relations between the central government and regional authorities in finances, public services and use of natural and other resources shall be regulated and administered with justice and equity according to law.

Article 18B

- (1) The state shall recognize and respect units of regional authorities that are special and distinct, which shall be further regulated by law.
- (2) The state shall recognize and respect their traditional communities along with their traditional customary rights as long as remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be further regulated by law.

Article 19

- (1) Members of the House of Representatives shall be elected through general elections.
- (2) The structure of the House of Representatives shall be further regulated by law.

Article 20

- (5) If the President fails to sign a jointly approved bill within 30 days following such approval, the bill shall legally become an act and must be promulgated.

Article 20A

- (1) The House of Representatives shall hold legislative, budgeting and scrutinizing functions.
- (2) In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the House of Representatives shall hold rights of interpellation (*interpelasi*), of investigation (*angket*), and to declare an opinion.
- (3) Other than the rights regulated in other articles of this Constitution, each member of the House of Representatives shall hold the rights to submit questions, to convey suggestions and opinions, and of immunity.
- (4) Further provisions concerning the rights of the House of Representatives and of its members shall be further regulated by law.

Article 22A

Further provisions concerning the procedures to establish laws shall be further regulated by law.

Article 22B

Members of the House of Representatives may be removed from office, according to conditions and procedures which shall be further regulated by law.

CHAPTER IXA STATE TERRITORY

Article 25A

The Unitary State of the Republic of Indonesia is an archipelago state, the boundaries and rights of whose territory shall be further established by law.

CHAPTER X CITIZENS AND RESIDENTS

- (3) Matters concerning citizens and residents shall be further regulated by law.

Article 27

- (3) Each citizen has the right and duty to participate in the effort of defending the state.

CHAPTER XA HUMAN RIGHTS

Article 28A

Every person shall have the right to live and to defend his/her life and existence.

Article 28B

- (1) Every person shall have the rights to establish a family and to procreate based upon lawful marriage.
- (2) Every child shall have the rights to live, to grow and to develop, as well as of protection from violence and discrimination.

Article 28C

- (1) Every person shall have the right to better him/herself through the fulfilment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race.
- (2) Every person shall have the right to improve him/herself through collective struggle for his/her rights to develop his/her society, nation and state.

Article 28D

- (1) Every person shall have the rights to recognition, guarantees, protection and certainty before a just law, and to equal treatment before the law.
- (2) Every person shall have the rights to work and to receive fair and proper recompense and treatment in employment.
- (3) Every citizen shall have the right to obtain equal opportunities in government.
- (4) Every person shall have the right to citizenship status.

Article 28E

- (1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.
- (2) Every person shall have the right of the freedom to believe his/her faith (*kepercayaan*), and to express his/her views and thoughts, in accordance with his/her conscience.
- (3) Every person shall have the right of the freedom to associate, to assemble and to express opinions.

Article 28F

Every person shall have the rights to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the rights to seek, obtain, possess, store, process and convey information by employing all available types of channels.

Article 28G

- (1) Every person shall have the right to protection of self, family, honour, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.
- (2) Every person shall have the right to be free from torture or inhuman and degrading treatment, and shall have the right to obtain political asylum from another country.

Article 28H

- (1) Every person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care.
- (2) Every person shall have the rights to receive facilitation and special treatment, to have the same opportunity and benefit in order to achieve equality and fairness.
- (3) Every person shall have the right of social security in order to develop oneself fully as a dignified human being.
- (4) Every person shall have the right to own personal property, and such property may not be unjustly held possession of by any party.

Article 28I

- (1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.
- (2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.
- (3) The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations.
- (4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government
- (5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and rule of law-based state, the implementation of human rights shall be guaranteed, regulated and set forth in laws and regulations.

Article 28J

- (1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.
- (2) In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

CHAPTER XII STATE DEFENCE AND SECURITY

Article 30

- (1) Every citizen shall have the right and duty to participate in the defence and security of the state.
- (2) The defence and security of the state shall be conducted through the total people's defence and security system, with the Indonesian National Military and the Indonesian National Police as the main force, and the people as the supporting force.

Force, as an instrument of the state shall have the duty to defend, protect, and maintain the integrity and sovereignty of the state.

(4) The Indonesian National Police, as an instrument of the state that maintains public order and security, shall have the duty to protect, guard, and serve the people, and to uphold the law.

(5) The structure and status of the Indonesian National Military and Indonesian National Police, the authority relationships between the Indonesian National Military and Indonesian National Police in performing their respective duties, the conditions concerning the participation of citizens in the defence and security of the state, and other matters related to defence and security, shall be further regulated by law.

CHAPTER XV NATIONAL FLAG, LANGUAGE, COAT OF ARMS AND ANTHEM

Article 35

The national flag of Indonesia shall be the Red and White (*Sang Merah Putih*).

Article 36

The national language shall be Indonesian (*Bahasa Indonesia*).

Article 36A

The national coat of arms shall be the Pancasila eagle (*Garuda Pancasila*) with the motto Unity in Diversity (*Bhinneka Tunggal Ika*).

Article 36B

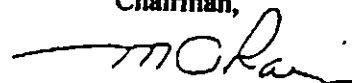
The national anthem shall be *Indonesia Raya*.

Article 36C

Further provisions regarding the national flag, language, coat of arms and anthem shall be further regulated by law.

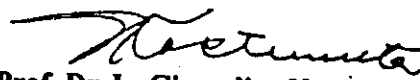
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

Chairman,



Prof. Dr. H.M. Amien Rais

Vice Chairman,



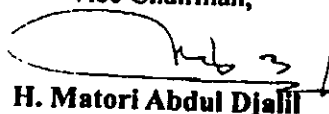
Prof. Dr. Ir. Ginandjar Kartasasmita

Vice Chairman,



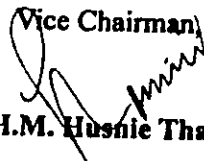
Ir. Sutjipto

Vice Chairman,



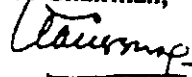
H. Matori Abdul Djali

Vice Chairman,



Drs. H.M. Husnie Thamrin

Vice Chairman,



Dr. Hari Sabarno, M.B.A., M.M.

Vice Chairman,



Prof. Dr. Jusuf Amir Feisal, S.Pd

Vice Chairman,



Drs. H.A. Nazri Adlani



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

THE THIRD AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE THIRD AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**

WITH THE BLESSINGS OF GOD ALMIGHTY
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA,

After thoroughly and seriously studying, analysing and considering the basic matters confronted by the people, nation, and state, and additionally by using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly of the Republic of Indonesia amends and/or adds Article 1 paragraphs (2) and (3); Article 3 paragraphs (1), (3), and (4); Article 6 paragraphs (1) and (2); Article 6A paragraph (1), (2), (3), and (5); Article 7A; Article 7B paragraph (1), (2), (3), (4), (5), (6), and (7); Article 7C; Article 8 paragraph (1) and (2); Article 11 paragraph (2) and (3); Article 17 paragraph (4); Chapter VIIA, Article 22C paragraph (1), (2), (3), and (4); Article 22D paragraph (1), (2), (3), and (4); Chapter VIIB, Article 22E paragraph (1), (2), (3), (4), (5), and (6); Article 23 paragraph (1), (2), and (3); Article 23A; Article 23C; Chapter VIIIA, Article 23E paragraph (1), (2), and (3); Article 23F paragraph (1) and (2); Article 23G paragraph (1) and (2); Article 24 paragraph (1) and (2); Article 24A paragraph (1), (2), (3), (4), and (5); Article 24B paragraph (1), (2), (3), and (4); Article 24C paragraph (1), (2), (3), (4), (5), and (6) of the 1945 Constitution of the Republic of Indonesia. The revised articles shall read as follows :

Article 1

- (2) Sovereignty is in the hands of the people and is implemented according to this Constitution.
- (3) The State of Indonesia is a state based on the rule of law.

Article 3

- (1) The People's Consultative Assembly has the authority to amend and to enact the Constitution.
- (2) The People's Consultative Assembly shall inaugurate the President and or the Vice President.
- (3) The People's Consultative Assembly may only remove the President and or the Vice-President during his/her term of office in accordance with the Constitution.

Article 6

- (1) Any candidate for President or Vice-President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason, and shall be mentally and physically capable of performing the tasks and duties of President or Vice-President.
- (2) The requirements to become President or Vice-President shall be further regulated by law.

Article 6A

- (1) The President and the Vice-President shall be elected as a single ticket directly by the people.
- (2) Each ticket of candidate for President and Vice-President shall be proposed prior to the holding of the general election by political parties or coalitions of political parties which are participants of the general election.
- (3) Any tickets of candidates for President and Vice-President which have reached a poll of more than fifty percent of the total number of votes during the general election and an additional poll at least twenty percent of the votes in more than half of the total number of provinces in Indonesia shall be declared elected as the President and the Vice-President.
- (5) The procedure for the holding of the election of the President and the Vice-President shall be further regulated by law.

Article 7A

The President and/or the Vice-President may be removed from his/her position during his/her term of office by the People's Consultative Assembly on the proposal of the House of Representatives, whether it is proven that he/she has violated the law through an act of treason, corruption, bribery, other serious criminal offences, or through moral turpitude and/or that he/she no longer meets the qualifications to serve as President and/or Vice-President.

Article 7B

- (1) Any proposal for the removal of the President and/or the Vice-President may be submitted by the House of Representatives to the People's Consultative Assembly only by first submitting a request to the Constitutional Court to investigate, bring to trial, and issue a decision on the petition of the House of Representatives either that the President and/or the Vice-President has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that he/she no longer meets the qualifications to serve as President and/or Vice-President.
- (2) The petition of the House of Representatives that the President and/or the Vice-President has violated the law or no longer meets the qualifications to serve as President and/or Vice-President is undertaken in the course of implementation of the scrutinizing function of the House of Representatives.
- (3) The submission of the request of the House of Representatives to the Constitutional Court shall only be made of the support of at least 2/3 of the total member of the House of Representatives who are present in a plenary session that is attended by at least 2/3 of its total member.
- (4) The Constitutional Court has the obligation to investigate, bring to trial, and reach the most just decision on the petition of the House of Representatives at the latest 90 (ninety) days after the request of the House of Representatives was received by the Constitutional Court.
- (5) If the Constitutional Court decides that the President and/or the Vice-President is proved to have violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude; and/or he/she is proved no longer to meet the qualifications to serve as President and/or Vice-President, the House of Representatives shall hold a plenary session to submit the proposal to remove the President and/or Vice-President to the People's Consultative Assembly.

the proposal of the House of Representatives at the latest 30 (thirty) days after its receipt of the proposal.

- (7) The decision of the People's Consultative Assembly over the proposal to remove the President and/or Vice-President shall be taken during a plenary session of the People's Consultative Assembly which is attended by at least 3/4 of the total member and shall require the approval of at least 2/3 of the total of member who are present, after the President and/or Vice-President have been given the opportunity to present his/her explanation to the plenary session of the People's Consultative Assembly.

Article 7C

The President may not freeze and/or dissolve the House of Representatives.

Article 8

- (1) In the event that the President passes away, resigns, is removed, or is not capable of performing his/her tasks and duties during his/her term of office, he/she will be replaced by the Vice-President until the end of his/her term of office.
- (2) In the event that the position of the Vice-President is vacant, the People's Consultative Assembly should convene a sitting within 60 (sixty) days at the latest to elect a Vice-President from two candidates nominated by the President.

Article 11

- (2) In making other international treaties that will produce an extensive and fundamental impact on the lives of the people which is linked to the state financial burden, and/or that will requires an amendment to or the enactment of a law, the President shall obtain the approval of the House of Representatives.
- (3) Further provisions concerning international treaties shall be further regulated by law.

Article 17

- (4) The formation, change, and dissolution of state ministries shall be further

CHAPTER VIIA REGIONAL REPRESENTATIVE COUNCIL

Article 22C

- (1) The members of the Regional Representative Council shall be elected from every province through a general election.
- (2) The total number of members of the Regional Representative Council in every province shall be the same, and the total membership of the Regional Representative Council shall not exceed one-thirds of the total member of the House of Representatives.
- (3) The Regional Representative Council shall convene a sitting at least once every year.
- (4) The structure and composition of the Regional Representative Council shall be further regulated by law.

Article 22D

- (1) The Regional Representative Council may propose to the House of Representatives Bills related to regional autonomy; the relationship of central and local governments; formation, expansion and merger of regions; management of natural resources and other economic resources; and Bills related to the financial balance between the centre and the regions.
- (2) The Regional Representative Council shall participate in the discussion of Bills related to regional autonomy; the relationship of central and local governments; formation, expansion, and merger of regions; management of natural resources and other economic resources, and financial balance between the centre and the regions; and shall provide consideration to the House of Representatives over Bills on the State Budget and over Bills on taxation, education, or religion.
- (3) The Regional Representative Council may oversee the implementation of laws concerning regional autonomy; the formation, expansion and merger of regions; the relationship of central and local governments; management of natural resources and other economic resources; implementation of the State Budget, taxation, education, or religion; and shall in addition submit the result of such oversight to the House of Representatives in the form of material for its further consideration.
- (4) The members of the Regional Representative Council may be removed from office under requirements and procedures that shall be further

CHAPTER VIIB GENERAL ELECTION

Article 22E

- (1) General election shall be conducted in a general, free, secret, honest, fair and direct manner once every five years.
- (2) General election shall be conducted to elect the members of the House of Representatives, of the Regional Representative Council, the President and Vice-President, and the Regional House of Representatives.
- (3) The participants in the general election for the election of the members of the House of Representatives and of the Regional House of Representatives are political parties.
- (4) The participants in the general election for the election of the members of the Regional Representative Council are individuals.
- (5) The general election shall be organised by a general election commission of a national, permanent, and independent character.
- (6) Further provisions concerning the general election shall be further regulated by law.

CHAPTER VIII FINANCE

Article 23

- (1) The State Budget as the basis of the management of state funds is determined annually by law and shall be implemented in an open and accountable manner in order to best attain the prosperity of the people.
- (2) The Bill on the State Budget shall be submitted by the President for joint consideration with the House of Representatives, which consideration shall take into account the opinions of the Regional Representative Council.
- (3) In the event that the House of Representatives fails to approve the proposed Bill on the State Budget submitted by the President, the Government shall implement the State Budget of the preceding year.

Article 23A

All taxes and other levies for the needs of the state of a compulsory nature shall be further regulated by law.

Article 23C

Other matters concerning state finance shall be further regulated by law.

CHAPTER VIIIA SUPREME AUDIT BOARD

Article 23E

- (1) To examine the management and accountability of state finances, there shall be a single Supreme Audit Board which shall be free and independent.
- (2) The result of any examination of state finance shall be submitted to the House of Representatives, the Regional Representative Council, and the Regional House of Representatives in line with their respective authority.
- (3) Action following the result of any such examination will be taken by representative institutions and/or bodies according to law.

Article 23F

- (1) The members of the Supreme Audit Board shall be chosen by the House of Representatives, which shall have regard to any considerations of the Regional Representatives Council, and will be formally appointed by the President.
- (2) The leadership of the Supreme Audit Board shall be elected by and from the members.

Article 23G

- (1) The Supreme Audit Board shall be based in the capital city of the state, and shall have representation in every province.
- (2) Further provisions concerning the Supreme Audit Board shall be further regulated by law.

Article 24

- (1) The judicial power shall be independent and shall possess the power to organise the judicature in order to enforce law and justice.
- (2) The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, religious affairs courts, military tribunals, and state administrative courts, and by a Constitutional Court.

Article 24A

- (1) The Supreme Court shall have the authority to hear a trial at the highest level of cassation, to review ordinances and regulations made under any acts, and shall possess other authorities as provided by law.
- (2) Each justice of the Supreme Court must possess integrity and an honourable personality, shall be fair, professional, and possess legal experience.
- (3) Candidate justices of the Supreme Court shall be proposed by the Judicial Commission to the House of Representatives for approval and shall subsequently be formally appointed to office by the President.
- (4) The chief and deputy chief of the Supreme Court shall be elected by and from the justices of the Supreme Court.
- (5) The structure, status, membership, and judicial procedure of the Supreme Court and its subsidiary bodies of judicature shall be further regulated by law.

Article 24B

- (1) There shall be an independent Judicial Commission which shall possess the authority to propose candidates for appointment as justices of the Supreme Court and shall possess further authority to maintain and ensure the honour, dignity and behaviour of judges.
- (2) The members of the Judicial Commission shall possess legal knowledge and experience and shall be persons of integrity with a honourable personality.
- (3) The members of the Judicial Commission shall be appointed and removed by the President with the approval of the House of Representatives.
- (4) The structure, composition and membership of the Judicial Commission shall be further regulated by law.

Article 24C

- (1) The Constitutional Court shall possess the authority to try a case at final and binding and shall have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding over disputes on the result of a general election.
- (2) The Constitutional Court shall possess the authority to issue a decision

violations by the President and /or Vice-President as provided by the Constitution.

- (3) The Constitutional Court shall be composed of 9 (nine) persons who shall be constitutional justices and who shall be confirmed in office by the President, of whom 3 (three) shall be nominated by the Supreme Court, 3 (three) nominated by the House of Representatives, and 3 (three) nominated by the President.
- (4) The chief and deputy chief of the Constitutional Court shall be elected by and from the constitutional justices.
- (5) Each constitutional justice must possess integrity and an honourable personality, shall be fair and a statesman who has a command of the Constitution and the public institutions, and shall not hold any position as a state official.
- (6) The appointment and dismissal of constitutional justices, the judicial procedure, and other provisions concerning the Constitutional Court shall be further regulated by law.

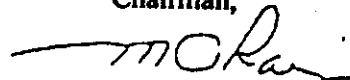
The text of this amendment is part of and shall not be separated from the text of the 1945 Constitution of the Republic of Indonesia.

This amendment was determined in the 7th Plenary Session of the People's Consultative Assembly (2nd continuation) on 9 November 2001 during the Annual Session of the People's Consultative Assembly, and will take effect on the date of its enactment.

Enacted in Jakarta
On 9 November 2001

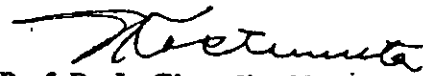
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

Chairman,



Prof. Dr. H.M. Amien Rais

Vice Chairman,



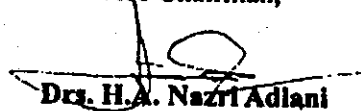
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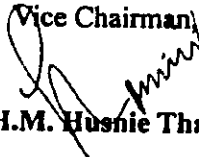
Drs. H.A. Nazri Adlani

Vice Chairman,



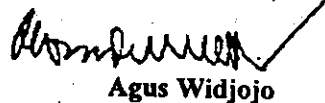
Ir. Sutjipto

Vice Chairman,



Drs. H.M. Husnie Thamrin

Vice Chairman,



Agus Widjojo



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

THE FOURTH AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

**THE FOURTH AMENDMENT TO
THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA**

WITH THE BLESSINGS OF GOD ALMIGHTY
THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA,

After thoroughly and seriously studying, analysing and considering the basic matters confronted by the people, nation, and state, and additionally by using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly of the Republic of Indonesia decides:

- a. that the 1945 Constitution as already amended by the First, Second, Third and this Fourth Amendment is the 1945 Constitution enacted on 18 August 1945 and brought back into force by the Decree of the President of 5 July 1959 and adopted by acclamation on 22 July 1959 by the House of Representatives;
- b. the addition to the final part of the Second Amendment of the sentence 'This Amendment is decided in the Ninth Plenary Session of 18 August 2000 of the Annual Session of the People's Consultative Assembly and is valid from the date of its enactment';
- c. to amend the numbering of Articles 3(3) and 3(4) of the Third Amendment to become Articles 3(2) and 3(3); Article 25E to become Article 25A;
- d. to delete the title of Chapter IV relating to the DPA and to move the

- e. to amend Articles 2(1); 6A(4); 8(3); 11(1); 16; 23B; 23D; 24(3); Chapter XIII, Articles 31(1), 31(2), 31(3), 31(4), 31(5), 32(1) and 32(2); Chapter XIV, Articles 33(4), 33(5), 34(1), 34(2), 34(3), 34(4); Articles 37(1), 37(2), 37(3), 37(4), 37(5); Transitional Provisions Articles I, II and III; and Additional Provisions I and II as follows:

Article 2

- (1) The People's Consultative Assembly shall consist of the members of the House of Representatives and the members of the Regional Representative Council who have been elected through general elections, and shall be further regulated by law.

Article 6A

- (4) In the event that there is no ticket of candidate for President and Vice President elected, the two tickets which have received the first and second highest total of votes in the general election shall be submitted directly to the people in a general election by the people, and the ticket which receives the highest total of votes shall be sworn in as President and Vice-President.

Article 8

- (3) In the event that the President and the Vice President passes away, resigns, is removed, or are not capable of performing their tasks and duties within the term of office simultaneously, the tasks and duties of the presidency shall be undertaken by a joint administration of the Minister of Foreign Affairs, the Minister of Home Affairs, and the Minister of Defence. At the latest thirty days after that, the People's Consultative Assembly shall convene a sitting to elect a new President and a Vice President from the tickets nominated by the political parties or coalitions of political parties whose tickets won first and second place in the last presidential election who will serve for the remainder of the term of office.

Article 11

- (1) With the approval of the House of Representatives, the President may declare war, make peace and conclude treaties with other countries.

Article 16

The President shall establish an advisory council with the duty of giving

CHAPTER IV SUPREME ADVISORY COUNCIL

Deleted.

Article 23B

The forms and denomination of the national currency shall be further regulated by law.

Article 23D

The state shall possess a central bank, whose structure, composition, authorities, responsibilities and independence shall be further regulated by law.

Article 24

- (3) Other institutions whose functions have a relation with the judicial powers shall be further regulated by law.

CHAPTER XIII EDUCATION AND CULTURE

Article 31

- (1) Every citizen has the right to receive education.
(2) Every citizen has the obligation to undertake basic education, and the government has the obligation to fund this.
(3) The government shall manage and organise one system of national education, which shall raise the level of belief, devoutness and moral character in the context of developing the life of the nation and shall be regulated by law.
(4) The state shall prioritise the budget for education to a minimum of 20% of the State Budget and of the Regional Budgets to fulfil the needs of implementation of national education.
(5) The government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilisation and prosperity of humankind.

Article 32

- (1) The state shall advance the national culture of Indonesia among the

- (2) The state shall respect and preserve local languages as national cultural treasures.

CHAPTER XIV THE NATIONAL ECONOMY AND SOCIAL WELFARE

Article 33

- (4) The organisation of the national economy shall be conducted on the basis of economic democracy upholding the principles of togetherness, efficiency with justice, continuity, environmental perspective, self-sufficiency, and keeping a balance in the progress and unity of the national economy.
- (5) Further provisions relating to the implementation of this article shall be further regulated by law.

Article 34

- (1) Impoverished persons and abandoned children shall be taken care of by the State.
- (2) The state shall develop a system of social security for all of the people and shall empower the inadequate and underprivileged in society in accordance with human dignity.
- (3) The state shall have the obligation to provide sufficient medical and public service facilities.
- (4) Further provisions regarding the implementation of this Article shall be further regulated by law.

Article 37

- (1) A proposal to amend the Articles of this Constitution may be included in the agenda of a session of the People's Consultative Assembly if it is submitted by at least 1/3 of its total member.
- (2) Any proposal to amend the Articles of this Constitution shall be introduced in writing and must clearly state the articles to be amended and the reasons for the amendment.
- (3) To amend the Articles of this Constitution, the session of the People's Consultative Assembly requires at least 2/3 of the total member of the People's Consultative Assembly to be present.

the agreement of at least fifty per cent plus one member of the whole member of the People's Consultative Assembly.

- (5) Provisions relating to the form of the unitary state of the Republic of Indonesia may not be amended.

TRANSITIONAL PROVISIONS

Clause I

All existing state institutions shall remain in place in order to implement the provisions of this Constitution as long as new state institutions are not yet established in conformity with this Constitution.

Clause II

All existing laws and regulations shall remain in effect as long as new laws and regulations have not yet taken effect under this Constitution.

Clause III

The Constitutional Court shall be established at the latest by 17 August 2003, and the Supreme Court shall undertake its functions before it is established.

ADDITIONAL PROVISIONS

Clause I

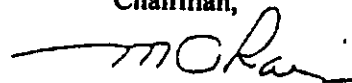
The People's Consultative Assembly is tasked to undertake a review of the content and the legal status of the Decrees of the Provisional People's Consultative Assembly and of the People's Consultative Assembly for decision by the People's Consultative Assembly at its session in 2003.

Clause II

With the enactment of this Amendment to the Constitution, the Constitution of the State of the Republic of Indonesia shall consist of the Preamble and the Articles.

THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

Chairman,



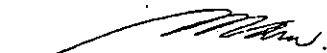
Prof. Dr. H.M. Amien Rais

Vice Chairman,



Prof. Dr. Ir. Ginandjar Kartasasmita

Vice Chairman,



K.H. Cholil Bisri

Vice Chairman,



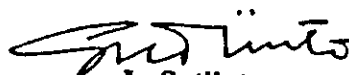
Agus Widjojo

Vice Chairman,



Drs. H.A. Nazri Adlani

Vice Chairman,



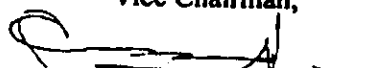
Ir. Sutjipto

Vice Chairman,



Drs. H.M. Husnie Thamrin

Vice Chairman,



Prof. Dr. Jusuf Amir Faisal, S.Pd



THE PEOPLE'S CONSULTATIVE ASSEMBLY OF
THE REPUBLIC OF INDONESIA

THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA

(AS AMENDED FOURTH TIMES FROM 1999 TO 2002)

**THE 1945 CONSTITUTION OF
THE REPUBLIC OF INDONESIA
(AS AMENDED FOURTH TIMES FROM 1999 TO 2002)**

THE PREAMBLE TO THE CONSTITUTION

Whereas independence is the inalienable right of all nations, therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice;

And the moment of rejoicing has arrived in the struggle of the Indonesian independence movement to guide the people safely and well to the gate of the independence of the state of Indonesia which shall be independent, united, sovereign, just and prosperous;

By the grace of God Almighty and motivated by the noble desire to live a free national life, the people of Indonesia hereby declare their independence.

Subsequent thereto, to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the land and its territorial integrity that has been struggled for, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice, therefore the independence of Indonesia shall be formulated into a constitution of the Republic of Indonesia which shall be built into a sovereign state based on a belief in the One and Only God, just and civilized humanity, the unity of Indonesia, and democratic life led by wisdom of thoughts in deliberation amongst representatives of the people, and achieving social justice for all the people of Indonesia.

ARTICLES

CHAPTER I

FORM OF THE STATE AND SOVEREIGNTY

Article 1

- (1) The State of Indonesia shall be a unitary state in the form of a republic.

- (3) The State of Indonesia shall be a state based on the rule of law.***)

CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY

Article 2

- (1) The People's Consultative Assembly shall consist of the members of the House of Representatives and the members of the Regional Representative Council who have been elected through general elections, and shall be further regulated by law.****)
- (2) The People's Consultative Assembly shall convene a sitting at least once in every five years in the capital of the state.
- (3) All decisions of the People's Consultative Assembly shall be taken by a majority vote.

Article 3

- (1) The People's Consultative Assembly has the authority to amend and to enact the Constitution.***)
- (2) The People's Consultative Assembly shall inaugurate the President and/or the Vice President.***/**)
- (3) The People's Consultative Assembly may only remove the President and/or the Vice-President during his/her term of office in accordance with the Constitution.***/**)

CHAPTER III EXECUTIVE POWER

Article 4

- (1) The President of the Republic of Indonesia shall hold the power of government in accordance with the Constitution.
- (2) In exercising his/her duties, the President shall be assisted by a Vice-President.

Article 5

- (1) The President shall be entitled to submit bills to the House of Representatives.*)
- (2) The President may issue Government Regulations in the field of his/her duties.

Article 6

- (1) Any candidate for President or Vice-President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason and shall be mentally and physically capable of performing the tasks and duties of President or Vice-President.***)
- (2) The requirements to become President or Vice-President shall be further regulated by law.***)

Article 6A

- (1) The President and the Vice-President shall be elected as a single ticket directly by the people.***)
- (2) Each ticket of candidate for President and Vice-President shall be proposed prior to the holding of general election by political parties or coalitions of political parties which are participants of the general election.***)
- (3) Any tickets of candidates for President and Vice-President which have reached a poll of more than fifty percent of the total number of votes during the general election and an additional poll at least twenty percent of the votes in more than half of the total number of provinces in Indonesia shall be declared elected as the President and the Vice-President.***)
- (4) In the event that there is no ticket of candidate for President and the Vice-President elected, the two tickets which have received the first and second highest total of votes in the general election shall be submitted directly to election by the people, and the ticket which receives the highest total of votes shall be sworn in as the President and the Vice-President.****)
- (5) The procedure for the holding of the election of the President and the Vice-President shall be further regulated by law.***)

Article 7

The President and the Vice President shall hold an office for a term of five years and may subsequently be re-elected to the same office for one further term only.*)

Article 7A

The President and/or the Vice-President may be removed from his/her position during his/her term of office by the People's Consultative Assembly on the proposal of the House of Representatives, whether it is proven that he/she has committed an act of treason or is physically or mentally incapable of performing his/her duties.

longer meets the qualifications to serve as President and/or Vice-President.***)

Article 7B

- (1) Any proposal for the removal of the President and/or the Vice-President may be submitted by the House of Representatives to the People's Consultative Assembly only by first submitting a request to the Constitutional Court to investigate, bring to trial, and issue a decision on the petition of the House of Representatives either that the President and/or the Vice-President has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that the President and/or the Vice-President no longer meets the qualifications to serve as President and/or Vice-President.***)
- (2) The petition of the House of Representatives that the President and/or the Vice-President has violated the law or no longer meets the qualifications to serve as President and/or Vice-President is undertaken in the course of implementation of the scrutinizing function of the House of Representatives.***)
- (3) The submission of the request of the House of Representatives to the Constitutional Court shall only be made of the support of at least 2/3 of the total member of the House of Representatives who are present in a plenary session attended by at least 2/3 of its total member.***)
- (4) The Constitutional Court has the obligation to investigate, bring to trial, and reach the most just decision on the petition of the House of Representatives at the latest 90 (ninety) days after the request of the House of Representatives has been received by the Constitutional Court.***)
- (5) If the Constitutional Court decides that the President and/or the Vice-President is proved to have violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude; and/or the President and/or the Vice-President is proved no longer to meet the qualifications to serve as President and/or Vice-President, the House of Representatives shall hold a plenary session to submit the proposal to remove the President and/or the Vice-President to the People's Consultative Assembly.***)
- (6) The People's Consultative Assembly shall convene a sitting to decide on the proposal of the House of Representatives at the latest 30 (thirty) days after its receipt of the proposal.***)
- (7) The decision of the People's Consultative Assembly over the proposal to

3/4 of the total member and shall require the approval of at least 2/3 of the total of member who are present, after the President and/or the Vice-President have been given the opportunity to present his/her explanation to the plenary session of the People's Consultative Assembly.***)

Article 7C

The President may not freeze and/or dissolve the House of Representatives.***)

Article 8

- (1) In the event that the President pass away, resigns, is removed, or is not capable of performing his/her tasks and duties during his/her term of office, he/she will be replaced by the Vice-President until the end of his/her term of office.***)
- (2) In the event that the position of the Vice-President is vacant, the People's Consultative Assembly should hold a session within 60 (sixty) days at the latest to elect a Vice-President from two candidates nominated by the President.***)
- (3) In the event that the President and the Vice President pass away, resign, are removed, or are not capable of performing their tasks and duties within their term of office simultaneously, the tasks and duties of the presidency shall be undertaken by a joint administration of the Minister of Foreign Affairs, the Minister of Home Affairs, and the Minister of Defence. At the latest thirty days after that, the People's Consultative Assembly shall convene a sitting to elect a new President and a Vice President from the tickets nominated by the political parties or coalitions of political parties whose tickets won first and second place in the last presidential election, who will serve for the remainder of the term of office.****)

Article 9

- (1) Prior to taking office, the President and the Vice President shall swear an oath in accordance with their respective religions or shall make a solemn promise before the People's Consultative Assembly or the House of Representatives. The oath or promise shall be as follows:

Presidential (Vice-Presidential) Oath:

"I swear before God that, to the best of my ability, I shall fulfil as justly as possible my duties as President (Vice-President) of the Republic of

implement all statutes and regulations, and shall devote myself to the service of Country and Nation."

Presidential (Vice-Presidential) Promise:

"I solemnly promise that, to the best of my ability, I shall fulfil as justly as possible my duties as President (Vice-President) of the Republic of Indonesia, that I shall uphold faithfully the Constitution, conscientiously implement all statutes and regulations, and shall devote myself to the service of Country and Nation."*)

- (2) In the event that the People's Consultative Assembly or the House of Representatives is unable to convene a sitting, the President and the Vice-President shall swear an oath in accordance with their respective religions or shall make a solemn promise before the leadership of the People's Consultative Assembly witnessed by the leadership of the Supreme Court.*)

Article 10

The President is the Commander-in-chief of the Army, the Navy and the Air Force.

Article 11

- (1) With the approval of the House of Representatives, the President may declare war, make peace and conclude treaties with other countries.****)
- (2) In making other international treaties which will produce an extensive and fundamental impact on the lives of the people which is linked to the state financial burden, and/or which will requires an amendment to or the enactment of an act, the President shall obtain the approval of the House of Representatives.***)
- (3) Further provisions regarding international treaties shall be further regulated by law.***)

Article 12

The President may declare a state of emergency. The conditions for such declaration and the subsequent measures regarding a state of emergency shall be further regulated by law.

Article 13

- (1) The President shall appoint ambassadors and consuls.

- (2) In case of the appointment of ambassadors, the President shall have regard to the opinion of the House of Representatives.*)
- (3) The President shall receive the accreditation of ambassadors of other nations and shall in so doing have regard to the opinion of the House of Representatives.*)

Article 14

- (1) The President may grant clemency and restoration of rights and shall in so doing have regard to the opinion of the Supreme Court.*)
- (2) The President may grant amnesty and the dropping of charges and shall in so doing have regard to the opinion of the House of Representatives.*)

Article 15

The President may grant titles, decorations and other honours as provided by law.*)

Article 16

The President shall establish an advisory council with the duty of giving advice and considered opinion to the President, which shall be further regulated by law.****)

CHAPTER IV SUPREME ADVISORY COUNCIL

Deleted.****)

CHAPTER V STATE MINISTERS

Article 17

- (1) The President shall be assisted by the State Ministers
- (2) State Ministers shall be appointed and removed by the President.*)
- (3) Each State Minister shall be responsible for a particular area of Government activity.*)
- (4) The formation, change, and dissolution of state ministries shall be further

CHAPTER VI REGIONAL AUTHORITIES

Article 18

- (1) The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (*kabupaten*) and municipalities (*kota*), each of which shall have regional authorities which shall be further regulated by law.**)
- (2) The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy and the duty of assistance (*tugas pembantuan*).**))
- (3) The authorities of the provinces, regencies and municipalities shall include for each a Regional House of Representatives whose members shall be elected through general election.**)
- (4) Governors, Regents (*bupati*) and Mayors (*walikota*), respectively as head of regional government of the provinces, regencies and municipalities, shall be elected democratically.**)
- (5) The regional authorities shall exercise wide-ranging autonomy, except in matters specified by law to be the affairs of the central government.**)
- (6) The regional authorities shall have the authority to adopt regional regulations and other regulations to implement autonomy and the duty of assistance.**)
- (7) The structure and administrative mechanisms of regional authorities shall be further regulated by law. **)

Article 18A

- (1) The authority relations between the central government and the regional authorities of the provinces, regencies and municipalities, or between a province and its regencies and municipalities, shall be further regulated by law having regard to the particularities and diversity of each region.**)
- (2) The relations between the central government and regional authorities in finances, public services, and the use of natural and other resources shall be regulated and administered with justice and equity according to law. **)

Article 18B

- (2) The State shall recognise and respect their traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be further regulated by law.**)

CHAPTER VII HOUSE OF REPRESENTATIVES

Article 19

- (1) Members of the House of Representatives shall be elected through general elections.**)
- (2) The structure of the House of Representatives shall be further regulated by law.**)
- (3) The House of Representatives shall convene a sitting at least once a year.**)

Article 20

- (1) The House of Representatives shall hold the authority to establish laws.*)
- (2) Each bill shall be discussed by the House of Representatives and the President to reach joint approval.*)
- (3) If a bill fails to reach joint approval, the bill shall not be reintroduced within the same House of Representatives term of sessions.*)
- (4) The President signs a jointly approved bill to become a law.*)
- (5) If the President fails to sign a jointly approved bill within 30 days following such approval, the bill shall legally become a law and must be promulgated.**)

Article 20A

- (1) The House of Representatives shall hold legislative, budgeting and scrutinizing functions.**)
- (2) In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the House of Representatives shall hold the rights of interpellation (*interpelasi*), of investigation (*angket*), and to declare an opinion.**)
- (3) Other than the rights regulated in other articles of this Constitution, each member of the House of Representatives shall hold the rights to submit

- (4) Further provisions concerning the rights of the House of Representatives and of its members shall be further regulated by law.**)

Article 21

Members of the House of Representatives shall be entitled to submit proposals for bills.*)

Article 22

- (1) Should exigencies compel, the President shall have the right to establish government regulations in lieu of laws.
- (2) Such government regulations must obtain the approval of the House of Representatives during its next session.
- (3) Should there be no such approval, these government regulations shall be revoked.

Article 22A

Further provisions regarding the procedures to establish laws shall be further regulated by law.**)

Article 22B

Members of the House of Representatives may be removed from office, according to conditions and procedures which shall be further regulated by law.**)

CHAPTER VIIA***) REGIONAL REPRESENTATIVE COUNCIL

Article 22C

- (1) The members of the Regional Representative Council shall be elected from every province through general elections.***)
- (2) The total number of members of the Regional Representative Council in every province shall be the same, and the total member of the Regional Representative Council shall not exceed one-thirds of the total member of the House of Representatives ***).
- (3) The Regional Representative Council shall convene a sitting at least once every year.***)

Article 22D

- (1) The Regional Representative Council may propose bills to the House of Representatives which are related to regional autonomy, the relationship of central and local governments, formation, expansion and merger of regions, management of natural resources and other economic resources, and which are related to the financial balance between the centre and the regions.***)
- (2) The Regional Representative Council shall participate in the discussion of bills related to regional autonomy; the relationship of central and local governments; formation, expansion, and merger of regions; management of natural resources and other economic resources, and financial balance between the centre and the regions; and shall provide consideration to the House of Representatives over Bills on the State Budget and over Bills on taxation, education, or religion.***)
- (3) The Regional Representative Council may oversee the implementation of laws concerning regional autonomy, the formation, expansion and merger of regions, the relationship of central and local governments, management of natural resources and other economic resources, implementation of the State Budget, taxation, education, or religion and shall in addition submit the result of such oversight to the House of Representatives in the form of materials for its further consideration.***)
- (4) The members of the Regional Representative Council may be removed from office under requirements and procedures that shall be further regulated by law.***)

CHAPTER VIIB***) GENERAL ELECTIONS

Article 22E

- (1) General elections shall be conducted in a general, free, secret, honest, fair and direct manner once every five years.***)
- (2) General elections shall be conducted to elect the members of the House of Representatives, the Regional Representative Council, the President and the Vice-President, and the Regional House of Representatives.***)
- (3) The participants in the general election for the election of the members of the House of Representatives and of the Regional House of Representatives

- (4) The participants in the general election for the election of the members of the Regional Representative Council are individuals.***)
- (5) The general elections shall be organised by a general election commission of a national, permanent, and independent character.***)
- (6) Further provisions concerning general elections shall be further regulated by law.***)

CHAPTER VIII FINANCE

Article 23

- (1) The State Budget as the basis of the management of state funds shall be determined annually by law and shall be implemented in an open and accountable manner in order to best attain the prosperity of the people.***)
- (2) The bill on the State Budget shall be submitted by the President for joint consideration with the House of Representatives, which consideration shall take into account the opinions of the Regional of Representative Council.***)
- (3) In the event that the House of Representatives fails to approve the proposed bill on the State Budget submitted by the President, the Government shall implement the State Budget of the preceding year.***)

Article 23A

All taxes and other levies for the needs of the state of a compulsory nature shall be further regulated by law.***)

Article 23B

The forms and denomination of the national currency shall be further regulated by law.****)

Article 23C

Other matters concerning state finance shall be further regulated by law.***)

Article 23D

The state shall possess a central bank, whose structure, composition, authorities, responsibilities and independence shall be further regulated by law.****)

CHAPTER VIIIA*) SUPREME AUDIT BOARD**

Article 23E

- (1) To examine the management and accountability of state finance, there shall be a single Supreme Audit Board which shall be free and independent.***)
- (2) The result of any examination of state finance shall be submitted to the House of Representatives, the Regional Representative Council or the Regional House of Representatives in line with their respective authority.***)
- (3) Action following the result of any such examination will be taken by representative institutions and/or bodies according to law.***)

Article 23F

- (1) The members of the Supreme Audit Board shall be chosen by the House of Representatives, which shall have regard to any considerations of the Regional Representative Council, and will be formally appointed by the President.***)
- (2) The leadership of the Supreme Audit Board shall be elected by and from the members.***)

Article 23G

- (1) The Supreme Audit Board shall be based in the capital city of the state, and shall have representation in every province.***)
- (2) Further provisions concerning the Supreme Audit Board shall be further regulated by law.***)

Article 24

- (1) The judicial power shall be independent and shall possess the power to organise the judicature in order to enforce law and justice.***)
- (2) The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, religious affairs courts, military tribunals, and state administrative courts, and by a Constitutional Court.***)
- (3) Other institutions whose functions have a relation with the judicial powers shall be further regulated by law.****)

Article 24A

- (1) The Supreme Court shall have the authority to hear a trial at the highest level of cassation, to review ordinances and regulations made under any acts, and shall possess other authorities as provided by law.***)
- (2) Each justice of the Supreme Court must possess integrity and a honourable personality, and shall be fair, professional, and possess legal experience.***)
- (3) Candidate justices of the Supreme Court shall be proposed by the Judicial Commission to the House of Representatives for approval and shall subsequently be formally appointed to office by the President.***)
- (4) The chief and deputy chief of the Supreme Court shall be elected by and from the justices of the Supreme Court.***)
- (5) The structure, status, membership, and judicial procedure of the Supreme Court and its subsidiary bodies of judicature shall be further regulated by law.***)

Article 24B

- (1) There shall be an independent Judicial Commission which shall possess the authority to propose candidates for appointment as justices of the Supreme Court and shall possess further authority to maintain and ensure the honour, dignity and behaviour of judges.***)
- (2) The members of the Judicial Commission shall possess legal knowledge and experience and shall be persons of integrity with a honourable personality.***)
- (3) The members of the Judicial Commission shall be appointed and removed by the President with the approval of the House of Representatives.***)
- (4) The structure, composition and membership of the Judicial Commission shall be further regulated by law.***)

Article 24C

- (1) The Constitutional Court shall possess the authority to try a case at final and binding and shall have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding over disputes on the results of a general election.***)

over a petition concerning alleged violations by the President and /or the Vice-President as provided by the Constitution.***)

- (3) The Constitutional Court shall be composed of 9 (nine) persons who shall be constitutional justices and who shall be confirmed in office by the President, of whom 3 (three) shall be nominated by the Supreme Court, 3 (three) nominated by the House of Representatives, and 3 (three) nominated by the President.***)
- (4) The chief and deputy chief of the Constitutional Court shall be elected by and from the constitutional justices.***)
- (5) Each constitutional justice must possess integrity and a honourable personality, shall be fair and be a statesman who has a command of the Constitution and the public institutions, and shall not hold any position as a state official.***)
- (6) The appointment and removal of constitutional justices, the judicial procedure, and other provisions concerning the Constitutional Court shall be further regulated by law.***)

Article 25

The appointment and removal of justices shall be further regulated by law.

CHAPTER IXA**) STATE TERRITORY

Article 25A****)

The Unitary State of the Republic of Indonesia is an archipelago state, the boundaries and rights of whose territory shall be further established by law.**)

CHAPTER X CITIZENS AND RESIDENTS**)

Article 26

- (1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalised as citizens in accordance with law.
- (2) Residents shall consist of Indonesian citizens and foreign nationals living

- (3) Matters concerning citizens and residents shall be further regulated by law.**)

Article 27

- (1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions.
- (2) Every citizen shall have the rights to work and to earn a humane livelihood.
- (3) Each citizen shall have the right and duty to participate in the effort of defending the state.**)

Article 28

The freedom to associate and to assemble, to express verbal and written opinions, etc. shall be further regulated by law.**)

CHAPTER XA**) HUMAN RIGHTS

Article 28A

Every person shall have the right to live and to defend his/her life and existence. **)

Article 28B

- (1) Every person shall have the rights to establish a family and to procreate based upon lawful marriage.**)
- (2) Every child shall have the rights to live, to grow and to develop, and as well as of protection from violence and discrimination.**)

Article 28C

- (1) Every person shall have the right to develop him/herself through the fulfilment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race.**)
- (2) Every person shall have the right to improve him/herself through collective struggle for his/her rights to develop his/her society, nation and state.**)

Article 28D

- (1) Every person shall have the rights of recognition, guarantees, protection

- (2) Every person shall have the rights to work and to receive fair and proper recompense and treatment in employment.**)
- (3) Every citizen shall have the right to obtain equal opportunities in government.**)
- (4) Every person shall have the right to citizenship status.**)

Article 28E

- (1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.**)
- (2) Every person shall have the right of the freedom to believe his/her faith (*kepercayaan*), and to express his/her views and thoughts, in accordance with his/her conscience.**)
- (3) Every person shall have the right of the freedom to associate, to assemble and to express opinions.**)

Article 28F

Every person shall have the rights to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the rights to seek, obtain, possess, store, process and convey information by employing all available types of channels.**)

Article 28G

- (1) Every person shall have the right to protection of his/herself, family, honour, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.**)
- (2) Every person shall have the right to be free from torture or inhumane and degrading treatment, and shall have the right to obtain political asylum from another country.**)

Article 28H

- (1) Every person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care.**)
- (2) Every person shall have the right to receive facilitation and special

- (3) Every person shall have the right to social security in order to develop oneself fully as a dignified human being.**)
- (4) Every person shall have the right to own personal property, and such property may not be unjustly held possession of by any party.**)

Article 28I

- (1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.**)
- (2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.**)
- (3) The cultural identities and right of traditional communities shall be respected in accordance with the development of times and civilisations.**)
- (4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government**)
- (5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-based state, the implementation of human rights shall be further guaranteed, regulated and set forth in laws and regulations.**)

Article 28J

- (1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.**)
- (2) In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.**)

CHAPTER XI RELIGION

- (2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.

CHAPTER XII STATE DEFENCE AND SECURITY**)

Article 30

- (1) Every citizen shall have the right and duty to participate in the defence and security of the state.**)
- (2) The defence and security of the state shall be conducted through the total people's defence and security system, with the Indonesian National Military and the Indonesian National Police as the main force, and the people as the supporting force.**)
- (3) Indonesian National Military, consisting of the Army, Navy and Air Force, as an instrument of the state has the duty to defend, protect, and maintain the integrity and sovereignty of the state.**)
- (4) Indonesian National Police, as an instrument of the state that maintains public order and security, has the duty to protect, guard, and serve the people, and to uphold the law.**)
- (5) The structure and status of Indonesian National Military and Indonesian National Police, the authority relationships between Indonesian National Military and Indonesian National Police in performing their respective duties, the conditions concerning the participation of citizens in the defence and security of the state, and other matters related to defence and security, shall be further regulated by law.**)

CHAPTER XIII EDUCATION****)

Article 31

- (1) Every citizen has the right to receive education.****)
- (2) Every citizen has the obligation to undertake basic education, and the government has the obligation to fund this.****)
- (3) The government shall manage and organise one system of national education, which shall raise the level of spiritual belief, devoutness and

- (4) The state shall prioritise the budget for education to a minimum of 20% of the State Budget and of the Regional Budgets to fulfil the needs of implementation of national education.****)
- (5) The government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilisation and prosperity of humankind.****)

Article 32

- (1) The state shall advance the national culture of Indonesia among the civilisations of the world by assuring the freedom of society to preserve and to develop cultural values.****)
- (2) The state shall respect and preserve local languages as national cultural treasures.****)

CHAPTER XIV

THE NATIONAL ECONOMY AND SOCIAL WELFARE**)

Article 33

- (1) The economy shall be organized as a common endeavour based upon the principles of the family system.
- (2) Sectors of production which are important for the country and affect the life of the people shall be under the powers of the State.
- (3) The land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people.
- (4) The organisation of the national economy shall be conducted on the basis of economic democracy upholding the principles of togetherness, efficiency with justice, continuity, environmental perspective, self-sufficiency, and keeping a balance in the progress and unity of the national economy.****)
- (5) Further provisions relating to the implementation of this article shall be further regulated by law.****)

Article 34

- (1) Impoverished persons and abandoned children shall be taken care of by the State.****)
- (2) The state shall develop a system of social security for all of the people

- (3) The state shall have the obligation to provide sufficient medical and public service facilities.****)
- (4) Further provisions in relation to the implementation of this Article shall be further regulated by law.****)

CHAPTER XV

NATIONAL FLAG, LANGUAGE, COAT OF ARMS AND ANTHEM

Article 35

The national flag of Indonesia shall be the Red and White (*Sang Merah Putih*).

Article 36

The national language shall be Indonesian (*Bahasa Indonesia*).

Article 36A

The national coat of arms shall be the Pancasila eagle (*Garuda Pancasila*) with the motto Unity in Diversity (*Bhinneka Tunggal Ika*).**)

Article 36B

The national anthem shall be *Indonesia Raya*. **)

Article 36C

Further provisions regarding the national flag, language, coat of arms and anthem shall be further regulated by law.**)

CHAPTER XVI

CONSTITUTIONAL AMENDMENTS

Article 37

- (1) A proposal to amend the Articles of this Constitution may be included in the agenda of a session of the People's Consultative Assembly if it is submitted by at least 1/3 of its total member.****)
- (2) Any proposal to amend the Articles of this Constitution shall be introduced in writing and must clearly state the articles to be amended and the reasons for the amendment.****)
- (3) To amend the Articles of this Constitution, the session of the People's

- (4) Any decision to amend the Articles of this Constitution shall be made with the agreement of at least fifty per cent plus one member of the total member of the People's Consultative Assembly.****)
- (5) Provisions relating to the form of the unitary state of the Republic of Indonesia may not be amended.****)

TRANSITIONAL PROVISIONS

Clause I

All existing state institutions shall remain in place in order to implement the provisions of this Constitution as long as new state institutions are not yet established in conformity with this Constitution.****)

Clause II

All existing laws and regulations shall remain in effect as long as new laws and regulations have not yet taken effect under this Constitution.****)

Clause III

The Constitutional Court shall be established at the latest by 17 August 2003, and the Supreme Court shall undertake its functions before it is established.****)

ADDITIONAL PROVISIONS

Clause I

The People's Consultative Assembly is tasked to undertake a review of the content and the legal status of the Decrees of the Provisional People's Consultative Assembly and the People's Consultative Assembly for decision by the People's Consultative Assembly at its session in 2003.****)

Clause II

With the enactment of this Amendment to the Constitution, the Constitution of the State of the Republic of Indonesia shall consist of the Preamble and the Articles.****)

Note:

*)

**)

First amendment

Second amendment



PRESIDENT OF
THE REPUBLIC OF INDONESIA

THE ACT NUMBER 24 OF 2003 ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA