



THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF INDONESIA

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

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**LAW OF THE REPUBLIC OF INDONESIA  
CONCERNING THE CONSTITUTIONAL COURT**

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**THE CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**THE CONSTITUTION OF THE STATE OF THE  
REPUBLIC OF INDONESIA OF THE YEAR 1945  
IN ONE MANUSCRIPT**

**THE LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 24 OF THE YEAR 2003  
REGARDING THE CONSTITUTIONAL COURT AS  
AMENDED BY THE LAW NUMBER 8 OF THE YEAR 2011  
REGARDING THE AMENDMENT TO THE LAW  
NUMBER 24 OF THE YEAR 2003 REGARDING THE  
CONSTITUTIONAL COURT  
IN ONE MANUSCRIPT**

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THE CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA

**FOREWORD**  
**THE CHIEF JUSTICE OF THE**  
**CONSTITUTIONAL COURT**  
**OF THE REPUBLIC OF INDONESIA**

Along with its existence as the guardian and custodian institution of the Constitution of the State of the Republic of Indonesia of the Year 1945 (the Constitution of 1945), the Constitutional Court has published a book on the Constitution of 1945. Besides being an important instrument and guide book to support the smooth execution of the constitutional tasks of the Constitutional Court, the purpose of this book containing the Constitution of 1945 is also meant to enable the society to understand the Constitution of 1945 easier.

In regard to such purpose, the publication of this book containing the Constitution of 1945

has been adjusted to the basic agreements of the People's Consultative Assembly as the modifier of the Constitution when conducting the Amendment to the Constitution of 1945. As it is known, while stipulating the amendment to the Constitution of 1945, the People's Consultative Assembly has stipulated 5 (five) basic agreements, namely (1) not to amend the Preamble of the Constitution of 1945; (2) to retain the Unitary State of the Republic of Indonesia; (3) to reaffirm the presidential government system; (4) to incorporate the Elucidation to the Constitution of 1945 containing normative matters into the articles; and (5) to conduct the amendment by means of *addenda*.

The basic agreement for conducting the amendment by means of *addenda* gives rise to the consequence that the official text of the Constitution of 1945 consists of 5 (five) parts, namely:

- a. The Constitution of the State of the Republic of Indonesia of the Year 1945 (the original text);
- b. The First Amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945;
- c. The Second Amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945;

- d. The Third Amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945;
- e. The Fourth Amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945.

By standing on the said basic agreements, the Constitutional Court publishes this book containing the Constitution of 1945 in its standard official text namely by containing the composition of the text of the Constitution of 1945 prior to its amendment which is followed by the text containing the result of the amendment to the Constitution of 1945 in four stages as mentioned above. Nevertheless, besides containing the official text of the Constitution of 1945, this book also contains the Constitution of 1945 composed in one manuscript. To be known, the making of the Constitution of 1945 in the said one text was initially an agreement of the *Ad Hoc I* Committee of the Workers Body of the People's Consultative Assembly during its session term 2001-2002.

In the said agreement, the Constitution of 1945 in the said one manuscript is not an official text of the Constitution of 1945, but rather minutes of the session of the plenary meeting of the Annual

Session of the People's Consultative Assembly of the year 2002. Therefore, with the intention for the society to understand easier the Constitution of 1945 systematically, holistically, and comprehensively, this book contains the Constitution of 1945 in One Manuscript containing the material content of the articles of the text of the Constitution of 1945 which have not been amended as well as the material content of the articles as amended by the four amendments.

In line with the aforementioned intention, in order to render ease of and benefit for the public at large to understand the Constitutional Court as a guarding and custodian institution of the Constitution of 1945, this book is equipped with the Law regarding the Constitutional Court namely the one containing the Law Number 24 of the Year 2003 regarding the Constitutional Court and the Law Number 8 of the Year 2011 regarding the Amendment to the Law Number 24 of the Year 2003 regarding the Constitutional Court as composed in one manuscript.

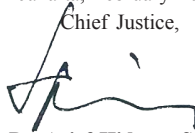
Moreover, the text has been equipped also with footnotes for provisions declared to be contrary to the Constitution of 1945 and declared to have no legal binding force by virtue of the Judgment of the Constitutional Court Number 48/PUU-IX/2011 and the Judgment of the Constitutional Court Number 49/PUU-IX/2011 dated 18 October 2011, the Judgment

of the Constitutional Court Number 34/PUU-X/2012 dated 25 September 2012, and the Judgment of the Constitutional Court Number 7/PUU-XI/2013 dated 28 March 2013.

Along with the efforts of the Constitutional Court to materialize the constitutionality of Indonesia, this book is expected to render also benefit in the march towards the life of the nation and the state of Indonesia by virtue of the Constitution of 1945.

Jakarta, February 2015

Chief Justice,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of connected loops and a long horizontal stroke.

**Prof. Dr. Arief Hidayat S. H., M.S.**





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**THE CONSTITUTION  
OF THE STATE OF THE REPUBLIC  
OF INDONESIA OF THE YEAR 1945  
IN ONE MANUSCRIPT**



**THE CONSTITUTION  
OF THE STATE OF THE REPUBLIC OF  
INDONESIA  
OF THE YEAR 1945**

**PREAMBLE  
( P r e a m b u l e )**

Whereas Independence is truly the right of all nations and therefore colonization in the world shall be abolished, as it is not in accordance with humanity and justice.

And the struggle of the movement towards the independence of Indonesia has now reached the moment of rejoicing to guide the people of Indonesia safely and soundly to the threshold of the independence of the State of Indonesia, which is independent, united, sovereign, just and prosperous.

By the Grace of God the Almighty and impelled 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 the whole Indonesian nation and the entire native land of Indonesia and to advance the public welfare, to educate the life of the nation, and to participate in the execution of world order which is by virtue of freedom, perpetual peace and social justice, therefore the National Independence of Indonesia shall be composed in a Constitution of the State of

Indonesia, which is structured in a form of the State of the Republic of Indonesia, with people's sovereignty based on the belief in One and Only God, just and civilized Humanity, the Unity of Indonesia and a Democratic Life guided by wisdom in Deliberation/Representation, and by realizing social Justice for all the people of Indonesia.

## **THE CONSTITUTION**

### **CHAPTER I FORM AND SOVEREIGNTY**

#### **Article 1**

- (1) The State of Indonesia is a Unitary State in the form of a Republic.
- (2) Sovereignty shall be vested in the hands of the people and be executed according to the Constitution.\*\*\*)
- (3) The State of Indonesia is a state based on law. \*\*\*)

### **CHAPTER II THE PEOPLE'S CONSULTATIVE ASSEMBLY (MAJELIS PERMUSYAWARATAN RAKYAT)**

#### **Article 2**

- (1) The People's Consultative Assembly consists of members of the People's Representative Council (*Dewan Perwakilan Rakyat*) and members of the Regional Representative Council (*Dewan Perwakilan Daerah*) elected through general elections and to be further regulated by laws.\*\*\*\*)

- (2) The People's Consultative Assembly shall convene at least once in every five years in the capital of the state.
- (3) All resolutions of the People's Consultative Assembly shall be stipulated by majority vote.

### **Article 3**

- (1) The People's Consultative Assembly has the authority to amend and to stipulate the Constitution. \*\*\*)
- (2) The People's Consultative Assembly inaugurates the President and/or the Vice President. \*\*\*/\*\*\*\*)
- (3) The People's Consultative Assembly can only discharge the President and/or the Vice President during his/her term of office according to the Constitution. \*\*\*/\*\*\*\*)

## **CHAPTER III**

### **THE GOVERNING POWERS OF THE STATE**

#### **Article 4**

- (1) The President the Republic of Indonesia shall hold the governing powers according to the Constitution.
- (2) In conducting his/her obligations the President shall be assisted by one Vice President.

#### **Article 5**

- (1) The President shall be entitled to submit bills to the People's Representative Council. \*)
- (2) The President stipulates government regulations in order to implement the laws as it should be.



### **Article 6**

- (1) The Candidate President and the Candidate Vice President shall be (respectively) an Indonesian citizen as of his/her birth and shall have never accepted another citizenship due to his/her own accord, shall have never committed an act of treason against the state, and shall be mentally and physically capable to execute the duties and the obligations as President and Vice President. \*\*\*)
- (2) The requirements to become President and Vice President shall be further regulated by laws. \*\*\*)

### **Article 6A**

- (1) The President and the Vice President shall be elected in one pair directly by the people.\*\*\*)
- (2) The candidate President and Vice President pairs shall be proposed by political parties or combination of political parties' participants to a general election prior to the execution of such general election. \*\*\*)
- (3) The candidate President and Vice President pairs acquiring votes more than fifty percent of the ballots cast at a general election with a minimum of at least twenty percent of the votes in every province scattered in more than one half of the total of provinces in Indonesia, shall be inaugurated to become the President and the Vice President. \*\*\*)
- (4) In the event no candidate President and Vice President pair is elected, two of the candidate President and Vice President pairs acquiring the first and second majority vote in the general election shall be elected by the people directly and the pair acquiring the

majority votes of the people shall be inaugurated as the President and the Vice President. \*\*\*\*\*)

- (5) The procedure for the execution of the election of the President and the Vice President shall be further regulated by laws. \*\*\*)

### **Article 7**

The President and the Vice President hold office for five years, and may subsequently be reelected for the same office for only one term of office.\*)

### **Article 7A**

The President and/or the Vice President can be discharged during his/her term of office by the People's Consultative Assembly at the proposal of the People's Representative Council, either if proven to have committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts or if proven that he/she no longer qualifies as President and/or Vice President. \*\*\*)

### **Article 7B**

- (1) A proposal for the discharge of a President and/or a Vice President may be submitted by the People's Representative Council to the People's Consultative Assembly only by first submitting a request to the Constitutional Court to examine, to adjudicate, and to judge on the petition of the People's Representative Council that the President and/or the Vice President has committed a violation of law by an act of treason against the state, corruption, bribery, other felonies, or disgraceful acts; and/or the petition that the

President and/or the Vice President no longer meets the qualification as President and/or Vice President. \*\*\*)

- (2) The petition of the People's Representative Council that the President and/or the Vice President has committed the said violation of law or has no longer met the qualification as President and/or Vice President shall be in the execution of the supervisory function of the People's Representative Council. \*\*\*)
- (3) The submission of the petition of the People's Representative Council to the Constitutional Court can only be conducted by the support of at least 2/3 of the sum of members of the People's Representative Council present at a plenary session attended by at least 2/3 of the sum of members of the People's Representative Council. \*\*\*)
- (4) The Constitutional Court shall examine, adjudicate, and judge most justly on the said petition of the People's Representative Council ninety days at the longest as of the said petition of the People's Representative Council is received by the Constitutional Court. \*\*\*)
- (5) If the Constitutional Court judges that the President and/or the Vice President is proven to have committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts; and/or is proven that the President and/or the Vice President no longer meets the qualification as President and/or Vice President, the People's Representative Council shall convene a plenary session to forward the proposal to dismiss the President and/or the Vice President to the People's Consultative Assembly. \*\*\*)

- (6) The People's Consultative Assembly shall convene a session to resolve on the said proposal of the People's Representative Council thirty days at the latest as of the People's Consultative Assembly has received the said proposal. \*\*\*)
- (7) The resolution of the People's Consultative Assembly on the proposal to dismiss the President and/or the Vice President shall be drawn up in a plenary meeting of the People's Consultative Assembly attended by at least 3/4 of the sum of the members and approved by at least 2/3 of the sum of the members present, subsequent to the President and/or the Vice President is given the opportunity to convey an explanation in a plenary meeting of the People's Consultative Assembly. \*\*\*)

### **Article 7C**

The President cannot freeze and/or dissolve the People's Representative Council. \*\*\*)

### **Article 8**

- (1) If the President passes away, resigns, is discharged, or is not able to conduct his/her obligations during his/her term of office, he/she shall be replaced by the Vice President up to the expiry of his/her term of office. \*\*\*)
- (2) In the event vacancy of the Vice President, within a period of sixty days at the latest, the People's Consultative Assembly shall convene a session to elect the Vice President from the two candidates proposed by the President. \*\*\*)

- (3) If the President and the Vice President pass away, resign, are discharged, or are not able to perform their obligations during their term of office simultaneously, the caretaker of the presidential office shall be jointly the Minister of Foreign Affairs, the Minister of Home Affairs, and the Minister of Defense. At the latest thirty days thereafter, the People's Consultative Assembly shall convene a session to elect the President and the Vice President from two candidate President and Vice President pairs proposed by a political party or a combination of political parties whose candidate President and Vice President pair acquired the first and the second majority vote in the previous general election, up to the expiry of term of their office. \*\*\*\*)

### **Article 9**

- (1) Prior to assuming office, the President and the Vice President take an oath according to their respective religions or shall affirm a pledge before the People's Consultative Assembly or the House of Representatives as follows:

The oath of the President (the Vice President):

“In the Name of God, I swear to fulfill the obligations of the President of the Republic of Indonesia (the Vice President of the Republic of Indonesia) to the best of my ability and as justly as possible, to strictly hold the Constitution and to enforce all the laws and regulations there under consistently and devote myself to the Country and the Nation.”

The pledge of the President (the Vice President):

“I solemnly pledge to fulfill the obligations of the President of the Republic of Indonesia (the Vice President of the Republic of Indonesia) to the best of my ability and as justly as possible, to strictly hold the Constitution and to enforce all the laws and regulations there under consistently and devote myself to the Country and the Nation”.\*)

- (2) If the People’s Consultative Assembly or the People’s Representative Council cannot convene a session, the President and the Vice President take an oath in accordance with their respective religions or shall affirm a pledge before the leadership of the People’s Consultative Assembly witnessed by the Leadership of the Supreme Court. \*)

### **Article 10**

The President shall hold supreme authority over the Army, the Navy and the Air Force.

### **Article 11**

- (1) The President with the approval of the People’s Representative Council declares war, makes peace and concludes treaties with other countries. \*\*\*\*)
- (2) The President when concluding other international treaties that give rise to extensive and fundamental consequences to the life of the people related to the financial burden of the state, and/or compelling amendment or enactment of laws shall be with the approval of the People’s Representative Council. \*\*\*)
- (3) Further provisions regarding international treaties shall be regulated by laws. \*\*\*)

### **Article 12**

The President declares a state of emergency. The conditions governing and the consequences of a state of emergency shall be stipulated by laws.

### **Article 13**

- (1) The President appoints ambassadors and consuls.
- (2) In the event of appointment of ambassadors, the President shall pay regard to the consideration of the People's Representative Council. \*)
- (3) The President receives the accreditation of ambassadors of other nations by having regard to the consideration of the People's Representative Council. \*)

### **Article 14**

- (1) The President grants clemency and rehabilitation by paying regard to the consideration of the Supreme Court. \*)
- (2) The President grants amnesty and abolition by paying regard to the consideration of the People's Representative Council. \*)

### **Article 15**

The President grants titles, decorations and other distinction of honors as regulated by laws. \*)

### **Article 16**

The President establishes an advisory council with the task of rendering advice and considerations to the President, which shall be further regulated by laws. \*\*\*\*\*)

**CHAPTER IV**  
**THE SUPREME ADVISORY COUNCIL (*DEWAN***  
***PERTIMBANGAN AGUNG*)**

Abolished. \*\*\*\*)

**CHAPTER V**  
**THE STATE MINISTERIES**

**Article 17**

- (1) The President shall be assisted by ministers of state.
- (2) The ministers shall be appointed and discharged by the President. \*)
- (3) Every minister shall be in charge of certain affairs in the government. \*)
- (4) The formation, conversion, and dissolution of ministries of state shall be regulated by laws. \*\*\*)

**CHAPTER VI**  
**REGIONAL GOVERNMENTS**

**Article 18**

- (1) The Unitary State of the Republic of Indonesia is divided into provincial regions and those provincial regions are divided into regencies (*kabupaten*) and municipalities (*kota*), whereby every one of those provinces, regencies, and municipalities has its regional government, which shall be regulated by laws. \*\*)
- (2) The regional governments of the province, the regency, and the municipality shall regulate and manage their



own government affairs according to the principles of autonomy and duty of assistance. \*\*)

- (3) The regional governments of the province, the regency, and the municipality have Regional People's Representative Councils (*Dewan Perwakilan Rakyat Daerah*) whose members are elected through a general election. \*\*)
- (4) Every Governor, Regent (*Bupati*), and Mayor being respectively head of the regional government of the provinces, regencies, and municipalities shall be elected democratically. \*\*)
- (5) The regional governments exercise widest autonomy, save to government affairs determined by law as the affairs of the Central Government. \*\*)
- (6) The regional governments are entitled to determine regional regulations and other regulations for the execution of the autonomy and the duty of assistance. \*\*)
- (7) The structure and procedures for the conduct of regional governments shall be regulated by laws. \*\*)

### **Article 18A**

- (1) The authority relations between the central government and the regional government of the provinces, regencies, and the municipalities, or among provinces and regencies and the municipalities, shall be regulated by laws by having regard to regional specificity and diversity. \*\*)
- (2) The financial relations, public service, the utilization of natural resources and other resources between the central government and the regional governments shall

be regulated and be executed justly and harmoniously by virtue of laws. \*\*)

### **Article 18B**

- (1) The State shall recognize and respect units of regional governments of specific or special nature which shall be regulated by laws. \*\*)
- (2) The State shall recognize and respect entities of the *adat* law societies along with their traditional rights to the extent they still exist and are in accordance with the development of the society and the principle of the Unitary State of the Republic of Indonesia, which shall be regulated by laws. \*\*)

## **CHAPTER VII**

### **THE PEOPLE'S REPRESENTATIVE COUNCIL (*DEWAN PERWAKILAN RAKYAT*)**

#### **Article 19**

- (1) The members of the People's Representative Council are elected through general election. \*\*)
- (2) The structure of the People's Representative Council shall be regulated by laws. \*\*)
- (3) The People's Representative Council shall convene at least once a year. \*\*)

#### **Article 20**

- (1) The People's Representative Council holds the power to make laws. \*)

- (2) Every bill shall be discussed by the People's Representative Council and the President in order to acquire joint approval. \*)
- (3) If such a bill fails to acquire joint approval, such a bill may not be submitted again in a session of the People's Representative Council during such period. \*)
- (4) The President shall ratify a bill having been jointly approved to become a law. \*)
- (5) In the event a bill having been jointly approved as such has failed validation by the President within a period of thirty days as of such bill has been approved, the bill as such shall lawfully become a law and shall be promulgated. \*\*)

#### **Article 20A**

- (1) The People's Representative Council shall have legislative, budget, and supervisory functions. \*\*)
- (2) In the execution of its functions, besides the rights regulated by the other articles of this Constitution, the People's Representative Council holds the right of interpellation, the right of etiquette, and the right of expression. \*\*)
- (3) Besides the rights regulated by the other articles of this Constitution, every member of the People's Representative Council has the right to submit queries, to convey proposals and opinions as well as the right of immunity. \*\*)
- (4) Further provisions regarding the right of the People's Representative Council and the right of the members of the People's Representative Council shall be regulated by laws. \*\*)

### **Article 21**

The members of the People's Representative Council are entitled to submit proposals for bills.\*)

### **Article 22**

- (1) In the event compelling exigency, the President is entitled to stipulate government regulations in lieu of laws.
- (2) Such government regulation shall obtain the approval of the People's Representative Council in its next session.
- (3) If such government regulation fails to obtain approval, it shall be revoked.

### **Article 22A**

Further provisions regarding the procedures for the enactment of laws shall be regulated by laws. \*\*)

### **Article 22B**

A member of the People's Representative Council can be discharged from his/her office, the conditions and procedures of which shall be regulated by laws. \*\*)

## **CHAPTER VIIA\*\*\*)**

### **THE REGIONAL REPRESENTATIVE COUNCIL (DEWAN PERWAKILAN DAERAH)**

### **Article 22C**

- (1) The members of the Regional Representative Council are elected from every province through general election. \*\*\*)

- (2) The sum of the members of the Regional Representative Council from every province shall be the same and the sum of all the members of the Regional Representative Council shall not exceed one third of the sum of the members of the People's Representative Council. \*\*\*)
- (3) The Regional Representative Council shall convene at least once a year. \*\*\*)
- (4) The structure and position of the Regional Representative Council shall be regulated by laws. \*\*\*)

#### **Article 22D**

- (1) The Regional Representative Council may submit bills to the People's Representative Council related to regional autonomy, relations between the central and the regional governments, formation and expansion as well as merger of regions, management of natural resources and other economic resources, as well as those related to financial balance between the central and the regional governments. \*\*\*)
- (2) The Regional Representative Council participates in the discussion on bills related to regional autonomy; relations between the central and the regional governments; formation, expansion, and merger of regions; management of natural resources and other economic resources, as well as financial balance between the central and the regional governments; and rendering consideration to the People's Representative Council on bills regarding the state budget of income and expenditure and bills related to taxation, education, and religion. \*\*\*)

- (3) The Regional Representative Council may conduct supervision over the execution of laws regarding: regional autonomy, formation, expansion, and merger of regions, relations between the central and the regional governments, management of natural resources and other economic resources, execution of the state budget of income and expenditure, taxation, education, and religion as well as to convey the result of its supervision as such to the People's Representative Council as consideration materials for follow-up. \*\*\*)
- (4) A member of the Regional Representative Council can be discharged from his/her office, the conditions and procedures of which shall be regulated by laws. \*\*\*)

## **CHAPTER VIIB\*\*\*)** **GENERAL ELECTIONS**

### **Article 22E**

- (1) General elections shall be executed in a direct, public, free, confidential, honest, and just manner once every five years. \*\*\*)
- (2) General elections are conducted to elect members of the People's Representative Council, the Regional Representative Council, the President and the Vice President and the Regional People's Representative Council. \*\*\*)
- (3) Participants to the general elections to elect the members of the People's Representative Council and the members of the Regional People's Representative Council shall be political parties. \*\*\*)

- (4) Participants to the general elections to elect the members of the Regional Representative Council shall be individuals. \*\*\*)
- (5) General elections are conducted by a commission of general elections having a national, permanent, and autonomous character. \*\*\*)
- (6) Further provisions regarding general elections shall be regulated by laws. \*\*\*)

## **CHAPTER VIII FINANCIAL MATTERS**

### **Article 23**

- (1) The state budget of income and expenditure as a form of the management of state finances shall be stipulated every year by a law and shall be executed transparently and responsibly for the optimal welfare of the people. \*\*\*)
- (2) A bill on the state budget of income and expenditure shall be submitted by the President for joint discussion with the People's Representative Council by having regard to the consideration of Regional Representative Council. \*\*\*)
- (3) If the People's Representative Council does not approve of the draft state budget of income and expenditure proposed by the President, the Government shall implement the State Budget of Income and Expenditures of the previous year. \*\*\*)

### **Article 23A**

Taxes and other levies of compelling character for purposes of the state shall be regulated by laws. \*\*\*)

**Article 23B**

The denomination and value of the currency shall be stipulated by laws. \*\*\*\*)

**Article 23C**

Other matters regarding state finances shall be regulated by laws. \*\*\*)

**Article 23D**

The state shall possess a central bank, the structure, position, authorities, responsibilities, and independence of which shall be regulated by laws. \*\*\*\*)

**CHAPTER VIIIA\*\*\*)**  
**THE FINANCIAL AUDIT BOARD (*BADAN***  
***PEMERIKSA KEUANGAN*)**

**Article 23E**

- (1) In order to examine the management and responsibility regarding state finances, a free and autonomous Financial Audit Board shall be established. \*\*\*)
- (2) The result of examination of the state finances shall be submitted to the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, in accordance with their authority. \*\*\*)
- (3) The result of examination shall be followed up by the representative institution and/or board in accordance with the laws. \*\*\*)



### **Article 23F**

- (1) The members of the Financial Audit Board shall be elected by the People's Representative Council by having regard to the consideration of the Regional Representative Council and formalized by the President. \*\*\*)
- (2) The leadership of the Financial Audit Board shall be elected from and by its members. \*\*\*)

### **Article 23G**

- (1) The Financial Audit Board shall be domiciled in the capital city of the state, and shall have a representation in every province. \*\*\*)
- (2) Further provisions regarding the Financial Audit Board shall be regulated by laws. \*\*\*)

## **CHAPTER IX JUDICIAL POWER**

### **Article 24**

- (1) The judicial power shall be an independent power in order to perform the judiciary in order to enforce law and justice. \*\*\*)
- (2) The judicial power shall be conducted by a Supreme Court and the subordinated judicial bodies in the realm of general judiciary, the realm of religious judiciary, the realm of military judiciary, the realm of state administrative judiciary, and by a Constitutional Court. \*\*\*)
- (3) The other bodies with functions related to the judicial power shall be regulated by laws. \*\*\*\*\*)

### **Article 24A**

- (1) The Supreme Court shall have the authority to adjudicate at the level of cassation, to review statutory rules and regulations below the laws against the laws, and shall have other authorities granted by the laws. \*\*\*)
- (2) A Supreme Court justice shall have integrity and shall be of impeccable personality, just, professional, and be experienced in the field of law. \*\*\*)
- (3) A candidate supreme court justice shall be proposed by the Judicial Commission to the People's Representative Council in order to acquire approval and furthermore to be designated as supreme court justice by the President. \*\*\*)
- (4) The chief justice and the deputy chief justice of the Supreme Court shall be elected from and by the Supreme Court justices. \*\*\*)
- (5) The structure, position, membership, and procedural law of the Supreme Court and the subordinated judicial bodies shall be regulated by laws. \*\*\*)

### **Article 24B**

- (1) The Judicial Commission is autonomous and has the authority to propose the appointment of Supreme Court justices and shall have other authorities for the sake of safeguarding and upholding the honor, dignity, and behavior of judges. \*\*\*)
- (2) A member of the Judicial Commission shall have the knowledge and experience in the field of law and shall have integrity and impeccable personality. \*\*\*)

- (3) A member of the Judicial Commission is appointed and discharged by the President with the approval of the People's Representative Council. \*\*\*)
- (4) The structure, position and membership of the Judicial Commission shall be regulated by laws.\*\*\*)

### **Article 24C**

- (1) The Constitutional Court has the authority to adjudicate at the first and final instance, the judgment of which is final, to review laws against the Constitution, to judge on authority disputes of state institutions whose authorities are granted by the Constitution, to judge on the dissolution of a political party, and to judge on disputes regarding the result of a general election. \*\*\*)
- (2) The Constitutional Court shall render a judgment on the petition of the People's Representative Council regarding an alleged violation by the President and/or the Vice President according to the Constitution. \*\*\*)
- (3) The Constitutional Court shall have nine members of constitutional court justices to be designated by the President, respectively three people to be proposed by the Supreme Court, three people by the People's Representative Council, and three people by the President. \*\*\*)
- (4) The Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be elected from and by the constitutional court justices. \*\*\*)
- (5) A constitutional court justice shall have integrity and impeccable personality, be just, be a statesman/

stateswoman mastering the constitution and constitutionalism, and does not concurrently hold a public office. \*\*\*)

- (6) The appointment and discharge of a constitutional court justice, the procedural law as well as the other provisions regarding the Constitutional Court shall be regulated by laws. \*\*\*)

### **Article 25**

The conditions to become and to be discharged as a judge shall be stipulated by laws.

## **CHAPTER IXA\*\*) THE STATE TERRITORY**

### **Article 25A \*\*\*\*\*)**

The Unitary State of the Republic of Indonesia is an archipelagic state having an Archipelagic (*Nusantara*) character with a territory, the borders and rights of which shall be stipulated by laws. \*\*)

## **CHAPTER X CITIZENS AND INHABITANTS\*\*)**

### **Article 26**

- (1) Citizens are indigenous Indonesians and people of other nations legalized by laws as citizens.
- (2) The inhabitants are Indonesian citizens and foreigners residing in Indonesia. \*\*)
- (3) Matters regarding citizens and inhabitants shall be regulated by laws. \*\*)

### **Article 27**

- (1) All citizens shall be equal before the law and in government and shall uphold the law and government without exception.
- (2) Every citizen shall be entitled for work and a living that is decent for humanity.
- (3) Every citizen shall be entitled and be obliged to participate in efforts to defend the state. \*\*)

### **Article 28**

The freedom to associate and to assemble, to express thought verbally and in writing and else shall be stipulated by laws.

## **CHAPTER XA\*\*)**

### **HUMAN RIGHTS**

#### **Article 28A**

Every person shall be entitled to live and be entitled to defend his/her life and living. \*\*)

#### **Article 28B**

- (1) Every person shall be entitled to establish a family and to further descendants through legal marriage. \*\*)
- (2) Every child shall be entitled to viability, to grow up, and to develop as well as be entitled for protection against violence and discrimination. \*\*)

### **Article 28C**

- (1) Every person shall be entitled to self-development through the fulfillment of his/her basic needs, be entitled to acquire education and to obtain the benefit of science and technology, arts and culture, for the sake of enhancing his/her quality of life and for the sake of the welfare of mankind. \*\*)
- (2) Every person shall be entitled for self-advancement in the struggle of his/her rights collectively in order to develop the society, the nation, and his/her country. \*\*)

### **Article 28D**

- (1) Every person shall be entitled to recognition, guaranty, protection, and equitable legal certainty as well as equal treatment before the law. \*\*)
- (2) Every person shall be entitled to work as well as to obtain reward and just and decent treatment in work relationship. \*\*)
- (3) Every citizen shall be entitled to obtain equal opportunity in government. \*\*)
- (4) Every person shall be entitled to citizenship status. \*\*)

### **Article 28E**

- (1) Every person shall be free to embrace a religion and to worship according to his/her religion, to choose education and teaching, to choose work, to choose citizenship, to choose a place to reside in the territory of the state and to leave it, as well as be entitled to return. \*\*)

- (2) Every person shall be entitled to freedom to be convinced of a belief, to express thought and attitude in accordance with his/her conscience. \*\*)
- (3) Every person shall be entitled to freedom to associate, to assemble, and of expression. \*\*)

### **Article 28F**

Every person is entitled to communicate and to obtain information for the development of his/her personality and social environment, as well as be entitled to seek, to obtain, to own, to store, to process, and to convey information by means of all kinds of available channels. \*\*)

### **Article 28G**

- (1) Every person shall be entitled to protection of his/her own person, family, honor, dignity, and property under his/her control, as well as be entitled to feel secure and be entitled to protection against threat of fear to do or omit to do something being his/her fundamental right. \*\*)
- (2) Every person is entitled to be free from torture or treatment that humiliates human dignity and be entitled to the right to obtain political asylum from another country. \*\*)

### **Article 28H**

- (1) Every person is entitled to live prosperous physically and spiritually, to have a place to reside, and to acquire a good and healthy living environment as well as be entitled to obtain health care. \*\*)

- (2) Every person is entitled to receive ease and special treatment in order to obtain the same opportunity and benefit in order to achieve equality and justice. \*\*)
- (3) Every person is entitled to social security that enables his/her integral self development as a dignified human being. \*\*)
- (4) Every person shall be entitled to personal property and such property right shall not be taken over arbitrarily by whomsoever. \*\*)

### **Article 28I**

- (1) The right to live, the right not to be tortured, the right of freedom of thought and conscience, the right of religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted under a retroactive law are human rights that cannot be reduced under any circumstance whatsoever. \*\*)
- (2) Every person is entitled to be free from discriminative treatment on whatsoever basis and is entitled to acquire protection against such discriminative treatment. \*\*)
- (3) The cultural identity and the right of traditional societies shall be respected in harmony with the development of the age and civilization. \*\*)
- (4) The protection, advancement, enforcement and fulfillment of human rights shall be the responsibility of the state, particularly the government. \*\*)
- (5) For the enforcement and protection of human rights in accordance with the principle of a democratic state based on law, the execution of human rights shall be guaranteed, regulated, and set out in statutory rules and regulations. \*\*)



### **Article 28J**

- (1) Every person shall respect human rights of the others in the order of life of the society, nation, and state. \*\*)
- (2) In the exercise of his/her rights and freedom, every person shall abide by the limitations to be stipulated by the laws with the purpose of solely guaranteeing the recognition as well as respect for the rights and freedoms of the others and in order to comply with just demands in accordance with considerations for morality, religious values, security, and public order in a democratic society. \*\*)

## **CHAPTER XI RELIGION**

### **Article 29**

- (1) The state shall be based on the One and Only God.
- (2) The state guarantees the freedom of every inhabitant to embrace his/her respective religion and to worship according to his/her religion and faith as such.

## **CHAPTER XII DEFENSE AND SECURITY OF THE STATE \*\*)**

### **Article 30**

- (1) Every citizen shall be entitled and shall participate in the efforts towards the defense and security of the state. \*\*)
- (2) The efforts towards the defense and security of the state shall be executed through a system of defense

and security of the entire people by the Indonesian National Military (*Tentara Nasional Indonesia*) and the State Police of the Republic of Indonesia (*Kepolisian Negara Republik Indonesia*) as the main force, and the people as the supporting force. \*\*)

- (3) The Indonesian National Military consists of the Army, the Navy, and the Air Force as the state apparatus with the duty of defending, protecting, and maintaining the integrity and sovereignty of the state. \*\*)
- (4) The State Police of the Republic of Indonesia as a state apparatus which safeguards the security and order of the society has the duty to protect, to nurture, to serve the society, as well as to enforce the law. \*\*)
- (5) The structure and position of the Indonesian National Military, the State Police of the Republic of Indonesia, the authority relationship of the Indonesian National Military and the State Police of the Republic of Indonesia in the performance of their duties, the conditions for participation of the citizens in the effort of defense and security of the state, as well as matters related to defense and security shall be regulated by laws. \*\*)

### **CHAPTER XIII EDUCATION AND CULTURE\*\*\*\*)**

#### **Article 31**

- (1) Every citizen shall be entitled to acquire education. \*\*\*\*)
- (2) Every citizen shall follow basic education and the government shall finance it. \*\*\*\*)

- (3) The government shall undertake and shall conduct one national educational system, which enhance faith and piety as well as noble character in the frame of educating the life of the nation, which shall be regulated by laws. \*\*\*\*\*)
- (4) The state shall prioritize education budget by at least twenty percent of the state budget of income and expenditure as well as from the regional budgets of income and expenditure in order to fulfill the needs for the conduct of national education. \*\*\*\*\*)
- (5) The state advances science and technology by upholding religious values and national unity for the advancement of civilization as well as prosperity of mankind. \*\*\*\*\*)

### **Article 32**

- (1) The state advances Indonesia's national culture amidst the world civilization by guaranteeing freedom of the society to maintain and to develop its cultural values. \*\*\*\*\*)
- (2) The state respects and maintains regional languages as a national cultural treasure. \*\*\*\*\*)

## **CHAPTER XIV NATIONAL ECONOMY AND SOCIAL JUSTICE\*\*\*\*\*)**

### **Article 33**

- (1) The economy shall be structured as a joint enterprise by virtue of the principles of kinship (*asas kekeluargaan*).

- (2) Production sectors important for the state and vital for the livelihood of the people at large shall be controlled by the state.
- (3) The land and waters and the natural wealth contained in it shall be controlled by the state and utilized for the optimal welfare of the people.
- (4) The national economy shall be conducted by virtue of economic democracy under the principles of togetherness, efficiency with justice, sustainability, environment insight, autonomy, as well as by safeguarding the balance of progress and national economic unity. \*\*\*\*\*)
- (5) Further provisions regarding the execution of this article shall be regulated by laws. \*\*\*\*\*)

#### **Article 34**

- (1) Destitute people and neglected children shall be nurtured by the state. \*\*\*\*\*)
- (2) The state shall develop a social security system for all the people and empower the poor and incapable society in accordance with human dignity. \*\*\*\*\*)
- (3) The state shall be responsible for the provision of decent health care facilities and public service facilities. \*\*\*\*\*)
- (4) Further provisions regarding the execution of this article shall be regulated by laws. \*\*\*\*\*)

**CHAPTER XV**  
**THE NATIONAL FLAG, LANGUAGE, AND COAT**  
**OF ARMS**  
**AS WELL AS THE NATIONAL ANTHEM \*\*)**

**Article 35**

The Flag of the State of Indonesia is the Red and White (*Sang Merah Putih*).

**Article 36**

The Language of the State is the Indonesian Language (*Bahasa Indonesia*).

**Article 36A**

The Coat of Arms of the State is the Pancasila Eagle (*Garuda Pancasila*) with the watchword Diversity in Unity (*Bhinneka Tunggal Ika*). \*\*)

**Article 36B**

The National Anthem is Great Indonesia (*Indonesia Raya*). \*\*)

**Article 36C**

Further provisions regarding the Flag, the Language, and the Coat of Arms, as well as the National Anthem shall be regulated by laws. \*\*)

## **CHAPTER XVI**

### **AMENDMENT TO THE CONSTITUTION**

#### **Article 37**

- (1) A proposal for amendment to the articles of the Constitution can be set out in an agenda for a session of the People's Consultative Assembly if submitted by at least 1/3 of the sum of the members of the People's Consultative Assembly. \*\*\*\*\*)
- (2) Every proposal to amend articles of the Constitution shall be submitted in writing and clearly indicate the part proposed for amendment and the reason therefor. \*\*\*\*\*)
- (3) In order to amend articles of the Constitution, a Session of the People's Consultative Assembly shall be attended by at least 2/3 of the sum of the members of the People's Consultative Assembly. \*\*\*\*\*)
- (4) The resolution to amend articles of the Constitution shall be conducted by the approval of at least fifty percent plus one member of the People's Consultative Assembly. \*\*\*\*\*)
- (5) Particularly regarding the form of the Unitary State of the Republic of Indonesia no amendment can be made. \*\*\*\*\*)

### **TRANSITIONAL PROVISIONS**

#### **Article I**

All existing statutory rules and regulations shall remain in force to the extent no new ones are provided according to this Constitution. \*\*\*\*\*)

## **Article II**

All existing state institutions shall remain functioning to the extent of executing the provisions of the Constitution and no new ones are provided according to this Constitution. \*\*\*\*\*)

## **Article III**

The Constitutional Court shall be established on the 17<sup>th</sup> of August 2003 at the latest and prior to its establishment all of its authorities shall be conducted by the Supreme Court. \*\*\*\*\*)

## **ADDITIONAL PROVISIONS**

### **Article I**

The People's Consultative Assembly is assigned to conduct a review against the materials and legal status of the Stipulations of the Provisional People's Consultative Assembly and of the Stipulations of the People's Consultative Assembly for judgment in the Session of the People's Consultative Assembly of the year 2003. \*\*\*\*\*)

### **Article II**

By the amendment to this Constitution, the Constitution of the State of the Republic of Indonesia of the Year 1945 shall consist of the Preamble and the articles. \*\*\*\*\*)

\*) : The First Amendment

\*\*\*) : The Second Amendment

\*\*\*\*) : The Third Amendment

\*\*\*\*\*) : The Fourth Amendment

**THE LAW OF THE REPUBLIC  
OF INDONESIA  
NUMBER 24 OF THE YEAR 2003  
REGARDING THE CONSTITUTIONAL COURT  
AS AMENDED BY  
THE LAW NUMBER 8 OF THE YEAR 2011  
REGARDING THE AMENDMENT TO  
THE LAW NUMBER 24 OF THE YEAR 2003  
REGARDING THE CONSTITUTIONAL COURT  
IN ONE MANUSCRIPT**





**THE LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 24 OF THE YEAR 2003  
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THE LAW NUMBER 24 OF THE YEAR 2003  
REGARDING THE CONSTITUTIONAL COURT  
IN ONE MANUSCRIPT**

BY THE GRACE OF GOD THE ONE ONLY  
THE PRESIDENT OF THE REPUBLIC  
OF INDONESIA,

**Considering:**

- a. whereas the Constitutional Court is one of the performers of the independent judicial power who plays an important role in the enforcement of the constitution and the principle of the state based on law in accordance with its authority and obligations as determined in the Constitution of the State of the Republic of Indonesia of the Year 1945;
- b. whereas a part of the Law Number 24 of the Year 2003 regarding the Constitutional Court is no longer suitable with the development of the legal needs of the society and life of constitutionalism;
- c. whereas by virtue of the consideration as mentioned in letter a and letter b, it is necessary to enact a Law regarding the Amendment to the Law Number 24 of the Year 2003 regarding the Constitutional Court;

**Bearing in Mind:**

1. Article 7A, Article 7B, Article 20, Article 21, Article 22E section (2), Article 24, Article 24C, and Article 25 of the Constitution of the State of the Republic of Indonesia of the Year 1945;
2. The Law Number 24 of the Year 2003 regarding the Constitutional Court (State Gazette of the Republic of Indonesia of the Year 2003 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 4316);
3. The Law Number 48 of the Year 2009 regarding the judicial power (State Gazette of the Republic of Indonesia of the Year 2009 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5076);

By Joint Approval

THE PEOPLE'S REPRESENTATIVE COUNCIL  
OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT

DECIDED:

To Stipulate:

THE LAW REGARDING THE AMENDMENT TO  
THE LAW NUMBER 24 OF THE YEAR 2003  
REGARDING THE CONSTITUTIONAL COURT.

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Article 1**

In this Law:

1. The Constitutional Court means one of the performers of the judicial power as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.
2. The People's Representative Council hereinafter abbreviated as the DPR means the People's Representative Council as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.
3. Petition means a petition submitted in writing to the Constitutional Court regarding:
  - a. the review of the laws against the Constitution of the State of the Republic of Indonesia of the Year 1945;
  - b. the authority dispute of state institutions whose authorities are granted by the Constitution of the State of the Republic of Indonesia of the Year 1945;
  - c. the dissolution of a political party;
  - d. disputes regarding the result of a general election;  
or
  - e. the opinion of the DPR that the President and/or the Vice President have/has allegedly committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts, and/or he/she no longer meets the

qualification as President and/or Vice President as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.

4. The Assembly of Honor of the Constitutional Court is equipment formed by the Constitutional Court in order to monitor, to review and to recommend acts against a Constitutional Court Justice alleged to have violated the Ethical Code and the Guidelines of Conduct of Constitutional Court Justices.

## **CHAPTER II POSITION AND STRUCTURE**

### **Part One Position**

#### **Article 2**

The Constitutional Court is one of the state institutions conducting the independent judicial power to perform the judiciary in order to enforce law and justice.

#### **Article 3**

The Constitutional Court shall be domiciled in the Capital City of the State of the Republic of Indonesia.

### **Part Two Structure**

#### **Article 4**

- (1) The Constitutional Court has 9 (nine) constitutional court justice members who shall be designated by a Decree of the President.

- (2) The structure of the Constitutional Court consists of one chief justice being concurrently a member, one deputy chief justice being concurrently a member, and 7 (seven) constitutional court justice members.
- (3) The Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be elected from and by the constitutional court justice members for a term of office of 2 (two) years and 6 (six) months calculated as of the date of appointment of the Chief Justice and the Deputy Chief Justice of the Constitutional Court.
  - (3a) The Chief Justice and the Deputy Chief Justice of the Constitutional Court elected as referred to in section (3) can be reelected for the same office for 1 (one) term of office.
- (4) Prior to the election of the Chief Justice and the Deputy Chief Justice of the Constitutional Court as referred to in section (3), the meeting to elect the Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be chaired by the oldest constitutional court justice.
  - (4a) The meeting for election as referred to in section (4) shall be attended by at least 7 (seven) constitutional court justice members.
  - (4b) In the event the quorum of the meeting as referred to in section (4a) is not met, the meeting shall be adjourned for 2 (two) hours at the longest.
  - (4c) If the meeting has been adjourned as referred to in section (4b) and the quorum of the meeting still is not met, the meeting can draw a resolution without a quorum.

- (4d) The drawing of a resolution in a meeting to elect the Chief Justice and the Deputy Chief Justice of the Constitutional Court as referred to in section (4c) shall be conducted by way of consultation for consensus to reach acclamation.
- (4e) If the resolution cannot be reached by acclamation as referred to in section (4d), the resolution shall be drawn by virtue of majority vote by means of a free and secret ballot.
- (4f) The election of the Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be conducted in 1 (one) meeting for election.<sup>1</sup>
- (4g) A candidate having obtained the majority vote in the election as referred to in section (4f) shall be designated as the Chief Justice of the Constitutional Court.<sup>2</sup>
- (4h) A candidate having obtained the second majority vote in the election as referred to in section (4f) shall be designated as the Deputy Chief Justice of the Constitutional Court.<sup>3</sup>
- (5) Further provisions regarding the procedures for the election of the Chief Justice and the Deputy Chief Justice shall be regulated in a Regulation of the Constitutional Court.

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1 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

2 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

3 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011

### **Article 5**

A constitutional court justice is a state official.

### **Article 6**

- (1) The protocol status and the financial entitlements of the Chief Justice, the Deputy Chief Justice, and the members of the Constitutional Court shall be subject to the provisions of the statutory rules and regulations for state officials.
- (2) The state shall grant security guaranty for constitutional court justices in the exercise of their duties and responsibilities as executors of the judicial power.
- (3) A constitutional court justice can only be subjected to police acts by order of the Attorney General subsequent to having obtained the approval in writing of the President, save in matters of:
  - a. being caught red handed while committing a criminal act; or
  - b. by virtue of adequate initial evidence he/she is alleged to have committed a criminal offense which is subject to capital punishment, a criminal offense against the security of the state, or a special criminal act.

### **Part Three**

## **THE OFFICE OF THE REGISTRAR AND THE SECRETARIAT GENERAL**

### **Article 7**

An Office of the Registrar and a Secretariat General shall be established with the Constitutional Court in order to assist in the execution of the tasks and authorities of the Constitutional Court.



### **Article 7A**

- (1) The Office of the Registrar as referred to in Article 7 is a functional office which exercises judiciary technical administrative tasks of the Constitutional Court.<sup>4</sup>
- (2) The judiciary technical administrative tasks as referred to in paragraph (1) comprise:
  - a. the coordination of judiciary technical implementation at the Constitutional Court;
  - b. development and implementation of case administration;
  - c. development of technical services for judiciary activities at the Constitutional Court; and
  - d. the execution of other tasks assigned by the Chief Justice of the Constitutional Court in accordance with its field of tasks.

### **Article 7B**

- (1) The Secretariat General as referred to in Article 7 shall exercise technical administrative tasks of the Constitutional Court.
- (2) The technical administrative tasks as referred to in article (1) comprise:
  - a. the coordination of administrative executions in the environment of the Secretariat General and the Office of the Registrar;

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<sup>4</sup> As of Tuesday, 25 September 2012, this section has legal binding force to the extent it is accompanied by the phrase “with the retirement age of 62 (sixty two) years for a Registrar, a Junior Registrar, and a Substitute Registrar” by virtue of a Judgment of the Constitutional Court Number 34/PUU-X/2012

- b. the formulation of technical administrative support plan and program;
- c. the conduct of cooperation with the society and inter-institutional relations;
- d. the rendering of facility support for court hearing activities; and
- e. the execution of other tasks assigned by the Chief Justice of the Constitutional Court in accordance with its field of tasks.

### **Article 8**

Further provisions regarding the structure of organization, function, duties, and authorities of the Office of the Registrar and of the Secretariat General of the Constitutional Court shall be regulated by a Regulation of the President at the proposal of the Constitutional Court.

### **Article 9**

The budget of the Constitutional Court shall be charged to a separate budget in the State Budget of Income and Expenditure.

## **CHAPTER III THE POWERS OF THE CONSTITUTIONAL COURT**

### **Part One Authorities**

### **Article 10**

- (1) The Constitutional Court has the authority to adjudicate at the first and final instance, whose judgment shall be final for the followings:

- a. to review the laws against the Constitution of the State of the Republic of Indonesia of the Year 1945;
  - b. to judge on authority disputes of state institutions whose authorities are granted by the Constitution of the State of the Republic of Indonesia of the Year 1945;
  - c. to judge on the dissolution of a political party; and
  - d. to judge on a dispute regarding the result of a general election.
- (2) The Constitutional Court shall render a judgment on the opinion of the DPR alleging that the President and/or the Vice President have/has committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts, and/or no longer meets the qualification as President and/or Vice President as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.
- (3) The provision as referred to in section (2) in the form of:
- a. treason against the state shall be a criminal act against the security of the state as shall be regulated by laws.
  - b. corruption and bribery shall be criminal acts of corruption or bribery as shall be regulated by laws.
  - c. other felonies shall be criminal acts subject to imprisonment of 5 (five) years or more.
  - d. disgraceful acts shall be acts that may denigrate the dignity of the President and/or the Vice President.
  - e. no longer meeting the qualification as President and/or Vice President shall be conditions as

determined by Article 6 of the Constitution of the State of the Republic of Indonesia of the Year 1945.

Elucidation to Article 10 has been amended to read as follows:<sup>5</sup>

### **Article 10**

#### Section (1)

A judgment of the Constitutional Court shall be final, namely that a judgment of the Constitutional Court shall immediately obtain permanent legal force as of its pronouncement and no legal efforts can be made. The final character of a judgment of the Constitutional Court in this Law also comprises legal binding force (*final and binding*).

#### Section (2)

Referred to as “opinion of the DPR” is an opinion of the DPR regarding an allegation of violation by the President and/or the Vice President resolved in a General Resolution in accordance with the laws regarding the People’s Consultative Assembly, the People’s Representative Council, the Regional Representative Council and the Regional People’s Representative Council, and the Regulation of the People’s Representative Council regarding the Code of Conduct.

#### Section (3)

Self-explanatory.

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<sup>5</sup> As of Tuesday, dated 18 October 2011, this article has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

### **Article 11**

In the interest of the execution of authorities as referred to in Article 10, the Constitutional Court has the authority to summon a state official, government official, or a member of the society in order to provide information.

## **Part Two Responsibility and Accountability**

### **Article 12**

The Constitutional Court shall have the responsibility to regulate its organization, its personnel, its administration, and its finances in accordance with the principle of good and clean governance.

### **Article 13**

- (1) The Constitutional Court shall announce periodical reports to the society transparently regarding:
  - a. petitions registered, examined, and judged on;
  - b. management of the finances and other administrative tasks.
- (2) The reports as referred to in section (1) shall be loaded up in periodic news published by the Constitutional Court.

### **Article 14**

The society shall have access for acquiring judgments of the Constitutional Court.

**CHAPTER IV**  
**APPOINTMENT AND DISCHARGE OF**  
**CONSITUTIONAL COURT JUSTICES**

**Part One**  
**Appointment**

**Article 15**

- (1) A constitutional court justice shall comply with the following conditions:
  - a. he/she shall have integrity and impeccable personality;
  - b. he/she shall be just; and
  - c. he/she shall be a statesman/staterwoman having command over the constitution and constitutionalism.
- (2) In order to be eligible for appointment as a constitutional court justice, besides having to comply with the conditions as referred to in section (1), a candidate constitutional court justice shall comply with the conditions:
  - a. he/she shall be an Indonesian citizen;
  - b. he/she shall hold a doctor's and a master's degree with a basis of an undergraduate's background of higher education in law;
  - c. he/she shall have faith in God the One Only and be of noble character;
  - d. he/she shall be of the age of at least 47 (forty seven) years and at the highest of 65 (sixty five) years when appointed;<sup>6</sup>

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<sup>6</sup> As of Thursday, dated 28 March 2013, this provision (letter d) has no

- e. he/she shall be physically and mentally capable to perform his/her duties and obligations;
  - f. he/she shall have never been sentenced with criminal imprisonment by virtue of a court judgment which has obtained permanent legal force;
  - g. he/she is not being declared bankrupt by virtue of a court judgment; and
  - h. he/she shall have work experience in the field of law of at least 15 (fifteen) years and/or have been a state official.<sup>7</sup>
- (3) Besides the conditions as referred to in section (1) and section (2) a candidate constitutional court justice shall also fulfill administrative requirements by submitting:
- a. a statement letter of readiness to become a constitutional court justice;
  - b. a *curriculum vitae*;
  - c. legalized copies of diplomas by presenting the original diplomas;
  - d. a report listing assets as well as income resource of the candidate accompanied by valid supporting documents and having been legalized by authorized institutions; and
  - e. his/her taxpayer's registration number (NPWP).

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longer legal binding force to the extent it does not mean "having the age of at least 47 (forty seven) years and at the highest of 65 (sixty five) years at the first appointment" by virtue of a Judgment of the Constitutional Court Number 7/PUU-XI/2013

<sup>7</sup> As of Tuesday, dated 18 October 2011, this provision (letter h.) to the extent of the phrase "and/or has been a state official", has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011

## **Article 16**

Abolished.

## **Article 17**

A constitutional court justice is prohibited to concurrently hold office as:

- a. another state official;
- b. a member of a political party;
- c. a businessperson;
- d. an advocate; or
- e. a civil servant.

## **Article 18**

- (1) The constitutional court justices shall be proposed respectively 3 (three) people by the Supreme Court, 3 (three) people by the DPR, and 3 (three) people by the President, in order to be designated by a Decree of the President.
- (2) A Decree of the President as referred to in section (1) shall be stipulated within a time period of 7 (seven) business days at the latest as of the submission of the candidates is obtained by the President.

## **Article 19**

The candidacy of the constitutional court justices shall be executed transparently and participatory.

## **Article 20**

- (1) The provisions regarding the procedures for the selection, election, and submission of the constitutional court justices shall be regulated by



the respective authorized institutions as referred to in Article 18 section (1).

- (2) The election of the constitutional court justices as referred to in section (1) shall be executed objectively and accountably.

### **Article 21**

- (1) Prior to assuming his/her office, the constitutional court justices shall take an oath or shall affirm a pledge according to their religions, which says as follows:

The oath of a constitutional court justice:

“In the Name of God I swear that I shall fulfill the obligations of a constitutional court justice to the best of my ability and as justly as possible, to strictly hold the Constitution of the State of the Republic of Indonesia of the Year 1945, and to enforce all the statutory rules and regulations thereunder consistently according to the Constitution of the State of the Republic of Indonesia of the Year 1945, and devote myself to the country and the nation.”

The pledge of a constitutional court justice:

“I solemnly pledge that I shall fulfill the obligations of a constitutional court justice to the best of my ability and as justly as possible, to strictly hold the Constitution of the State of the Republic of Indonesia of the Year 1945, and to enforce all the statutory rules and regulations thereunder consistently according to the Constitution of the State of the Republic of Indonesia of the Year 1945, and devote myself to the country and the nation”

- (2) The taking of oath or the affirmation of pledge as referred to in section (1) shall be conducted before the President.
- (3) Prior to taking his/her office, the Chief Justice and the Deputy Chief Justice of the Constitutional Court takes an oath or affirms a pledge according to their religions before the Constitutional Court which says as follows:

The oath of the Chief Justice/the Deputy Chief Justice of the Constitutional Court:

“In the Name of God I swear that I shall fulfill the obligations of the Chief Justice/the Deputy Chief Justice of the Constitutional Court to the best of my ability and as justly as possible, to strictly hold the Constitution of the State of the Republic of Indonesia of the Year 1945, and to enforce all the statutory rules and regulations thereunder consistently according to the Constitution of the State of the Republic of Indonesia of the Year 1945, and devote myself to the country and the nation.”

The pledge of the Chief Justice/the Deputy Chief Justice of the Constitutional Court :

“I solemnly pledge that I shall fulfill the obligations of the Chief Justice/the Deputy Chief Justice the Constitutional Court to the best of my ability and as justly as possible, to strictly hold the Constitution of the State of the Republic of Indonesia of the Year 1945, and to enforce all the statutory rules and regulations thereunder consistently according to the Constitution of the State of the Republic of Indonesia of the Year 1945, and devote myself to the country and the nation.”

**Part Two**  
**Term of office**

**Article 22**

The term of office of a constitutional court justice is 5 (five) years and he/she can be re-elected only for 1(one) subsequent term of office.

**Part Three**  
**Discharge**

**Article 23**

- (1) A constitutional court justice will be discharged honorably due to:
  - a. his/her demise;
  - b. his/her resignation on own accord submitted to the Chief Justice of the Constitutional Court ;
  - c. he/she reaches the age of 70 (seventy) years;
  - d. expiry of his/her term of office; or
  - e. physical or mental disease for 3 (three) consecutive months so that he/she cannot to perform his/her tasks as substantiated by a medical statement of a physician.
- (2) A constitutional court justice is discharged dishonorably if:
  - a. he/she is convicted to criminal imprisonment by virtue of a court judgment having obtained permanent legal force due to committing a criminal act threatened with criminal imprisonment;

- b. he/she commits disgraceful acts;
  - c. he/she has been absent from sessions being his/her duties and obligations for 5 (five) consecutive times without valid reasons;
  - d. he/she has violated his/her oath or pledge of office;
  - e. he/she deliberately obstructs the Constitutional Court to render a judgment within a period as referred to in Article 7B section (4) of the Constitution of the State of the Republic of Indonesia of the Year 1945;
  - f. he/she has violated the prohibition to hold concurrent offices as referred to in Article 17;
  - g. he/she no longer meets the qualifications as a constitutional court justice; and/or
  - h. he/she has violated the Ethical Code and the Guidelines of Conduct of a Constitutional Justice.
- (3) The request to discharge dishonorably as referred to in section (2) letter b, letter c, letter d, letter e, letter f, letter g, and/or letter h shall be made subsequent to the respective constitutional court justice is given the opportunity to defend him/herself before the Assembly of Honor of the Constitutional Court.
- (4) The discharge of a constitutional court justice shall be stipulated by a Decree of the President at the request of the Chief Justice of the Constitutional Court.
- (5) A Decree of the President as referred to in section (4) shall be stipulated within a time period of 14 (fourteen) business days at the longest calculated as of the date the President received the request for discharge.

### **Article 24**

- (1) Prior to the dishonorable discharge of a constitutional court justice, he/she will be temporarily suspended from his/her office by a Decree of the President at the request of Chief Justice of the Constitutional Court, save to a reason of discharge as referred to in Article 23 section (2) letter a.
- (2) The temporary suspension as referred to in section (1) shall be 60 (sixty) business days at the longest and can be extended for 30 (thirty) business days at the longest.
- (3) In the event the time extension as referred to in section (2) has expired without continuation by a discharge, the respective constitutional court justice shall be rehabilitated by a Decree of the President.
- (4) A Decree of the President as referred to in section (1) and section (3) shall be issued within a time period 7 (seven) business days at the latest as of the receipt of the request of Chief Justice of the Constitutional Court.
- (5) As of the request for temporary suspension as referred to in section (1), the respective constitutional court justice shall be prohibited to handle cases.

### **Article 25**

- (1) If there is an arrest warrant against a constitutional court justice, the respective constitutional court justice shall be temporarily suspended from his/her office.
- (2) A constitutional court justice is temporarily suspended from his/her office if prosecuted in court in a criminal case as referred to in Article 21 section (4) of the

Law Number 8 of the Year 1981 regarding Criminal Procedure Law despite non-detention.

- (3) The temporary suspension as referred to in section (1) and section (2) shall be 60 (sixty) business days at the longest and can be extended for 30 (thirty) business days at the longest.
- (4) In the event the time extension as referred to in section (3) has expired and no court judgment has been rendered, the respective constitutional court justice shall be discharged as a constitutional court justice.
- (5) If at a later time a court judgment would pronounce the respective constitutional court justice innocent, the respective constitutional court justice shall be rehabilitated.

### **Article 26**

- (1) The Constitutional Court shall notify the authorized institution as referred to in Article 18 section (1) regarding the constitutional court justice to be discharged within a time period of 6 (six) months at the longest prior to:
  - a. entering the age as referred to in Article 23 section (1) letter c; or
  - b. the expiry of the term of office as referred to in Article 23 section (1) letter d.
- (2) During the time period of 14 (fourteen) business days at the longest as of the Constitutional Court received a Decree of the President as referred to in Article 23 section (4), the Constitutional Court shall notify the authorized institution as referred to in Article 18

section (1) regarding the discharged constitutional court justice by virtue of the provision as referred to in Article 23 section (1) letter a, letter b, letter e, or section (2).

- (3) The authorized institution as referred to in section (1) and section (2) shall submit a replacement of a constitutional court justice to the President within a time period of 30 (thirty) business days at the latest as of the receipt of notification of the Constitutional Court.
- (4) A Decree of the President regarding the appointment of a replacement of a constitutional court justice as referred to in section (1) shall be stipulated within a time period 7 (seven) business days at the longest as of the submission is received by the President.
- (5) A replacing constitutional court justice as referred to in section (2) shall continue the remaining term of office of the constitutional court justice he/she replaces.<sup>8</sup>

### **Article 27**

Provisions regarding the procedures of discharge as referred to in Article 23, Article 24, and Article 25 shall be further regulated by the Constitutional Court.

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<sup>8</sup> As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

**CHAPTER IVA**  
**THE ETHICAL CODE AND THE GUIDELINES**  
**OF CONDUCT**  
**FOR CONSTITUTIONAL COURT JUSTICES**  
**AS WELL AS THE ASSEMBLY OF HONOR**  
**OF THE CONSTITUTIONAL COURT**

**Article 27A**

- (1) The Constitutional Court shall draw up the Ethical Code and the Guidelines of Conduct for Constitutional Court Justices containing norms to be complied with by every constitutional court justice in the performance of their duties in order to safeguard integrity and impeccable personality, being just, and statesmanship.
- (2) In order to uphold the Ethical Code and the Guidelines of Conduct for Constitutional Court Justices as referred to in section (1), the Assembly of Honor of the Constitutional Court shall be established with a membership consisting of:
  - a. 1 (one) constitutional court justice;
  - b. 1 (one) member of the Judicial Commission ;
  - c. 1 (one) person from the DPR;<sup>9</sup>
  - d. 1 (one) person from the government who organizes government affairs in the field of law; and<sup>10</sup>
  - e. 1 (one) supreme court justice.<sup>11</sup>

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<sup>9</sup> As of Tuesday, dated 18 October 2011, this provision (letter c.) has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

<sup>10</sup> As of Tuesday, dated 18 October 2011, this provision (letter d.) has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

<sup>11</sup> As of Tuesday, dated 18 October 2011, this provision (letter e.) has no



- (3) In the execution of its tasks, the Assembly of Honor of the Constitutional Court shall be guided by:<sup>12</sup>
  - a. the Ethical Code and the Guidelines of Conduct for Constitutional Court Justices;
  - b. the order of procedure for sessions of the Assembly of Honor the Constitutional Court; and
  - c. the norms and the statutory rules and regulations.
- (4) The order of procedure of sessions of the Assembly of Honor the Constitutional Court as referred to in section (3) letter b contains mechanism for the enforcement of the Ethical Code and the Guidelines of Conduct for Constitutional Court Justices and type of sanctions.<sup>13</sup>
- (5) The sanctions as referred to in section (4) may be in the form of:<sup>14</sup>
  - a. a written reprimand;
  - b. a temporary suspension; or
  - c. discharge.
- (6) The membership of the Assembly of Honor the Constitutional Court stemming from the constitutional court justices as referred to in section (2) letter a shall be stipulated by the Constitutional Court.<sup>15</sup>

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longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

12 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

13 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

14 As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

15 As of Tuesday, dated 18 October 2011, this section has no longer legal

- (7) Further provisions regarding the structure, the organization, and order of procedure for sessions of the Assembly of Honor the Constitutional Court shall be regulated by a Regulation of the Constitutional Court.

### **Article 27B**

In order to safeguard and uphold integrity and impeccable personality, justice, and statesmanship:

- a. a constitutional court justice shall:
1. comply with statutory rules and regulations;
  2. attend sessions;
  3. implement the procedural law as it should be;
  4. comply with the Ethical Code and the Guidelines of Conduct for Constitutional Court Justices;
  5. treat litigants justly, indiscriminative, and impartially; and
  6. render judgments in an objective manner by virtue of facts and law which can be accounted for.
- b. a constitutional court justice is prohibited:
1. to violate his/her oath/pledge of office;
  2. to receive a gift or promise from the litigants, either directly or indirectly; and/or
  3. to give out court opinions or statements on cases being handled by him/her prior to a judgment.

## **CHAPTER V PROCEDURAL LAW**

### **Part One General**

#### **Article 28**

- (1) The Constitutional Court shall examine, adjudicate, and judge in plenary sessions of the Constitutional Court with 9 (nine) constitutional court justices, save in extraordinary circumstances with 7 (seven) constitutional court justices to be presided over by the Chief Justice of the Constitutional Court.
- (2) In the event the Chief Justice of the Constitutional Court is obstructed from presiding over a plenary session as referred to in section (1), the session shall be presided over by the Deputy Chief Justice of the Constitutional Court.
- (3) In the event Chief Justice and the Deputy Chief Justice of the Constitutional Court are obstructed simultaneously, a plenary session shall be presided over by an interim chair to be elected from and by Members of the Constitutional Court.
- (4) Prior to a plenary session as referred to in section (1), the Constitutional Court may form a panel of judges with members consisting of at least 3 (three) constitutional court justices to conduct the examination, the result of which shall be discussed in a plenary session to be decided on.
- (5) A judgment of the Constitutional Court shall be pronounced in a session open to the public.

- (6) A non-compliance with the provision as referred to in section (5) shall render a judgment of the Constitutional Court invalid and with no legal force.

## **Part Two**

### **Filing of Petitions**

#### **Article 29**

- (1) A Petition shall be filed in writing in Indonesian by the petitioner or his/her proxy to the Constitutional Court.
- (2) A Petition as referred to in section (1) shall be signed by the petitioner or his/her proxy in 12 (twelve) copies.

#### **Article 30**

A Petition shall be drawn up with a clear description regarding:

- a. review of the laws against the Constitution of the State of the Republic of Indonesia of the Year 1945;
- b. authority dispute of state institutions whose authorities are granted by the Constitution of the State of the Republic of Indonesia of the Year 1945;
- c. dissolution of a political party;
- d. disputes regarding the result of a general election; or
- e. opinion of the DPR alleging that the President and/or the Vice President has committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts, and/or no longer meets the qualification as President and/or Vice President as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.

### **Article 31**

- (1) A Petition shall at least contain:
  - a. the name and address of the petitioner;
  - b. a description regarding the subject matter constituting the basis of the petition as referred to in Article 30; and
  - c. matters petitioned for judgment.
- (2) The filing of the petition as referred to in section (1) shall be accompanied by means of evidence to substantiate the said petition.

### **Part Three The Filing of a Petition and Scheduling of Hearings**

#### **Article 32**

- (1) The Registrar of the Constitutional Court shall examine the completeness of a Petition as referred to in Article 29 and Article 31 against every Petition filed.
- (2) In the event a Petition has yet to comply with the completeness as referred to in section (1), the petitioner is given the opportunity to complete the Petition within a time period of 7 (seven) business days at the longest as of the notice of the said incompleteness is received by the petitioner.
- (3) A Petition that has complied with the completeness as referred to in section (2) shall be noted in the Registry of Constitutional Cases and a receipt shall be given to the petitioner.

- (4) In the event the completeness of a Petition is not complied with within a time period as referred to in section (2), the Registrar of the Constitutional Court issues a deed stating that a Petition is not registered in the Registry of Constitutional Cases and such shall be notified to the petitioner accompanied by returning the dossiers of the Petition.

### **Article 33**

The Registry of Constitutional Cases shall contain *inter alia* a record regarding the administrative completeness accompanied by the setting out of the case number, the date of receipt of the dossier of the petition, name of the petitioner, and subject matter of the case.

### **Article 33A**

- (1) The Constitutional Court shall convey a copy of the petition to the DPR and the President within a time period of 7 (seven) business days at the longest as of the date of the Petition is recorded in the Registry of Constitutional Cases.
- (2) The conveyance of the copy of the Petition as referred to in section (1) shall be evidenced by a receipt.

### **Article 34**

- (1) The Constitutional Court shall determine the first day of the hearing within a time period of 14 (fourteen) business days at the longest as of a Petition is recorded in the Registry of Constitutional Cases.
- (2) The determination of the first day of the hearing as referred to in section (1) shall be notified to the

petitioner, the respondent, and the related parties as well as announced to the society.

- (3) The announcement as referred to in section (2) shall be made by attaching it on the announcement board specially made for such purpose and/or through print media or electronic media.
- (4) The notice of determination of the day of the hearing as referred to in section (2) shall have been received by the parties litigant within a time period of 5 (five) business days at the longest prior to the day of the session.

### **Article 35**

- (1) The petitioner may revoke a Petition prior to or during the examination by the Constitutional Court is conducted.
  - (1a) In the event the petitioner revokes a Petition as referred to in section (1), the Registrar of the Constitutional Court issues a Cancellation Deed of Registration of a Petition and shall notify the petitioner accompanied by returning the dossiers of the Petition.
- (2) The revocation as referred to in section (1) results therein that the Petition cannot be filed again.

### **Article 35A**

A Petition as referred to in Article 30 shall not be charged.

## **Part Four Means of Evidence**

### **Article 36**

- (1) Means of evidence shall be:
  - a. letters or writings;
  - b. witness testimony;
  - c. expert testimony;
  - d. testimony of the parties;
  - e. indication; and
  - f. other means of evidence in the form of information uttered, sent, received, or electronically stored by optical or resembling devices.
- (2) The acquisition of the means of evidence as referred to in section (1) letter a, shall be legally accountable.
- (3) In the event the acquisition of the means of evidence as referred to in section (2) cannot be accounted for, such cannot be made valid evidence.
- (4) The Constitutional Court determines validity or invalidity of a means of evidence in a hearing of the Constitutional Court.

### **Article 37**

The Constitutional Court shall assess the means of evidence submitted to a hearing by paying regard to the conformity between one means of evidence with another means of evidence.

### **Article 38**

- (1) The parties, the witnesses, and the experts shall be present in compliance with the summons of the Constitutional Court.



- (2) The letter of summons shall have been received by the summoned within a time period of 3 (three) days at the latest before the date of a hearing.
- (3) The parties being state institutions can be represented by appointed officials or their proxy by virtue of statutory rules and regulations.
- (4) If a witness is not present without valid reasons although he/she has been reasonably summoned according to the law, the Constitutional Court may seek the assistance of the police to make such witness present by force.

## **Part Five Preliminary Examination**

### **Article 39**

- (1) Prior to the examination of the subject matter of a case, the Constitutional Court shall conduct an examination of the completeness and clarity of the material of the petition.
- (2) In the examination as referred to in section (1) the Constitutional Court shall render advice to the petitioner to complete and/or to correct his/her petition within a time period of 14 (fourteen) days at the latest.

## **Part Six Court Hearings**

### **Article 40**

- (1) Hearings of the Constitutional Court shall be open for the public, save to deliberation sessions of the judges.

- (2) Every person present at the hearings shall comply with the court order.
- (3) Provisions regarding the court order as referred to in section (2) shall be regulated by the Constitutional Court.
- (4) Violations against the provisions as referred to in section (2), shall constitute contempt of the Constitutional Court.

#### **Article 41**

- (1) In the court hearing as referred to in Article 40, the constitutional court justices shall examine a petition along with the evidence submitted.
- (2) In the interest of examination as referred to in section (1), the constitutional court justice shall summon the parties' litigant in order to give required testimony and/or request testimony in writing from the state institutions related to the petition.
- (3) The state institution as referred to in section (2) shall convey its explanation within a time period of 7 (seven) business days at the longest as of the request of the constitutional court justice is received.
- (4) The court hearing as referred to in section (1) comprises:
  - a. the examination of the subject matter of a Petition;
  - b. the examination of written evidence;
  - c. the hearing of the testimony of the parties' litigant;
  - d. the hearing of witness testimony;
  - e. the hearing of expert testimony;
  - f. the hearing of testimony of the related parties;
  - g. the examination of the series of data, testimonies, deeds, circumstances, and/or occurrences that conform with the other evidences that may lead to an indication; and

- h. the examination of other evidences in the form of uttered testimony, sent, received, or electronically stored by optical or resembling devices.

#### **Article 42**

Summoned witnesses and experts shall be present in order to provide testimony.

#### **Article 42A**

- (1) The witnesses and experts can be presented by the parties' litigant, related parties, or be made present by the Constitutional Court.
- (2) The witnesses and experts as referred to in section (1) shall provide testimony under oath or pledge.
- (3) The witnesses and experts as referred to in section (1) shall respectively be at least 2 (two) people.

#### **Article 43**

In the court hearing, the petitioner and/or the respondent can be stood by or be represented by its proxy by virtue of a special power of attorney for such purpose.

#### **Article 44**

- (1) In the event the petitioner and/or the respondent is stood by other than its proxy in the court hearing, the petitioner and/or the respondent shall make a statement letter especially for such purpose.
- (2) The statement letter as referred to in section (1) shall be shown and submitted to the constitutional court justices in the court hearing.

## **Part Seven Judgment**

### **Article 45**

- (1) The Constitutional Court judges on a case by virtue of the Constitution of the State of the Republic of Indonesia of the Year 1945 in accordance with the means of evidence and conviction of the judge.
- (2) A judgment of the Constitutional Court granting a petition shall be by virtue of at least 2 (two) means of evidence.
- (3) A judgment of the Constitutional Court shall contain facts disclosed in the hearings and the legal considerations constituting the basis of the judgment.
- (4) A judgment as referred to in section (3) shall be drawn up by consultation for consensus in plenary sessions of the constitutional court justices presided by the chair of the session.
- (5) In a session for deliberation, every constitutional court justice shall convey his/her consideration in writing vis-à-vis a petition.
- (6) In the event the consultation in plenary sessions of the constitutional court justices as referred to in section (4) cannot produce a judgment, the consultation shall be adjourned up to the consultation in the following plenary session of the constitutional court justices.
- (7) In the event despite serious efforts the consultations in plenary sessions fail to reach a unanimous consensus, the judgment will be made by majority vote.
- (8) In the event consultation in a plenary session of the constitutional court justices as referred to in section (7) cannot be made by majority vote, then the chair

of the plenary session of the constitutional court justices shall have the casting vote.

- (9) A judgment of the Constitutional Court can be rendered still on the same day or be adjourned to another day which shall be notified to the parties.
- (10) In the event no unanimous consensus is reached vis-à-vis a judgment as referred to in section (7) and section (8), the dissenting opinion of a member of the Panel of Judges shall be contained in the judgment.

#### **Article 45A<sup>16</sup>**

A judgment of the Constitutional Court shall not contain a verdict not petitioned by the petitioner or exceeding the petition of the petitioner, save to certain matters related to the subject matter of the petition.

#### **Article 46**

A judgment of the Constitutional Court shall be signed by the judge who examined, adjudicated, and judged the case, and the registrar.

#### **Article 47**

A judgment of the Constitutional Court shall obtain permanent legal force as of its complete pronouncement in a plenary session open to the public.

#### **Article 48**

- (1) The Constitutional Court renders its judgment In the Name of Justice by virtue of God the One Only.

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16 As of Tuesday, dated 18 October 2011, this article has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 48/PUU-IX/2011.

- (2) Each judgment of the Constitutional Court shall contain:
  - a. header of the judgment reading: “IN THE NAME OF JUSTICE BY VIRTUE OF GOD THE ONE ONLY”;
  - b. the identity of the parties;
  - c. a summary of the petition;
  - d. considerations against facts disclosed in the hearings;
  - e. the legal consideration constituting the basis of the judgment;
  - f. verdict; and
  - g. the day, the date of the judgment, the name of the constitutional court justices, and the registrar.

#### **Article 48A**

- (1) The Constitutional Court shall render a ruling in the case:
  - a. the petition does not fall under the jurisdiction of the Constitutional Court to adjudicate the petitioned case; or
  - b. the petitioner revokes a petition as referred to in Article 35 section (1a).
- (2) The ruling as referred to in section (1) letter a shall read, “Declares that the Constitutional Court has no authority to adjudicate the petition of the petitioner”.
- (3) The ruling as referred to in section (1) letter b shall read, “Declares that the petition of the petitioner has been revoked”.

### **Article 49**

The Constitutional Court shall send a copy of the judgment to the parties of within a time period of 7 (seven) business days at the latest as of judgment is pronounced.

## **Part Eight Review of a Law against the Constitution**

### **Article 50 Abolished.**

### **Article 50A<sup>17</sup>**

The Constitutional Court in its review of a law against the Constitution of the State of the Republic of Indonesia of the Year 1945 shall not utilize other laws for its legal consideration.

### **Article 51**

- (1) The petitioner shall be a party who deems his/her constitutional right and/or authority is aggrieved by a prevailing law, namely:
  - a. a person being an Indonesian citizen;
  - b. an entity of an *adat* law community to the extent it still exists and in accordance with the development of the society and the principle of the Unitary State of the Republic of Indonesia as regulated by the laws;
  - c. a public or private legal entity; or
  - d. a state institution.

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<sup>17</sup> As of Tuesday, dated 18 October 2011, this article has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

- (2) The petitioner shall describe clearly his/her constitutional right and/or authority as referred to in section (1) in his/her petition.
- (3) In the petition as referred to in section (2), the petitioner shall describe clearly that:
  - a. the enactment of a law does not comply with a provision pursuant to the Constitution of the State of the Republic of Indonesia of the Year 1945; and/or
  - b. the material content in a section, article, and/or part of a law is deemed contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945.

#### **Article 51A**

- (1) A petition to review a law against the Constitution of the State of the Republic of Indonesia of the Year 1945 shall contain matters as referred to in Article 31.
- (2) A description regarding the matter constituting the basis of the Petition as referred to in Article 31 section (1) letter b for a case of Petition to review a law shall comprise:
  - a. the authority of the Constitutional Court to conduct the review;
  - b. the legal standing of the petitioner containing a description regarding the constitutional right and/or authority of the petitioner deemed aggrieved by a prevailing law petitioned for review; and
  - c. the reasons for the petition for review as referred to in Article 31 section (1) letter b shall be described clearly and elaborate.



- (3) In the event a petition for review is a petition for formal review, the examination and judgment done by the Constitutional Court shall be based on statutory rules and regulations regulating the procedures for the enactment of statutory rules and regulations.
- (4) In the event a petition for review is a petition for formal review, the matter petitioned for judgment in the petition for review as referred to in Article 31 section (1) letter c shall comprise:
  - a. the granting of a petition of the petitioner;
  - b. the declaration that the enactment of the law referred to does not comply with the provisions regarding enactment of laws pursuant to the Constitution of the State of the Republic of Indonesia of the Year 1945; and
  - c. the declaration that the law referred to has no legal binding force.
- (5) In the event a petition for review is a petition for material review, the matter petitioned for judgment in the petition for review as referred to in Article 31 section (1) letter c shall comprise:
  - a. the granting of a petition of the petitioner;
  - b. the declaration that the material content of a section, article, and/or part of the law referred to is contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945; and
  - c. the declaration that the material content of a section, article, and/or part of the law referred to has no legal binding force.

### **Article 52**

The Constitutional Court shall convey the petition which has been recorded in the Registry of Constitutional Cases to the DPR and the President to be known within a time period of 7 (seven) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 53**

The Constitutional Court shall notify the Supreme Court of a petition to review a law within a time period of 7 (seven) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 54**

The Constitutional Court may request information and/or minutes of meetings related to the petition being reviewed to the People's Consultative Assembly, the DPR, the Regional Representative Council, and/or the President.

### **Article 55**

The review of statutory rules and regulations beneath the laws being conducted by the Supreme Court shall be suspended if the law constituting the basis of the review of the said regulation is in the process of review by the Constitutional Court until there is a judgment of the Constitutional Court.

### **Article 56**

- (1) In the event the Constitutional Court opines that the petitioner and/or his/her petition does not comply with the conditions as referred to in Article 50 and Article 51, the verdict shall declare the petition dismissed.

- (2) In the event the Constitutional Court opines that the petition is reasoned, the verdict shall declare the petition granted.
- (3) In the event the petition is granted as referred to in section (2), the Constitutional Court shall firmly declare the material content of a section, article, and/or part of the law referred to being contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945.
- (4) In the event the enactment of a law referred to does not comply with provisions for the enactment of laws pursuant to the Constitution of the State of the Republic of Indonesia of the Year 1945, the verdict shall declare the petition granted.
- (5) In the event the law referred to is not contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945, either regarding its enactment as well as its material in whole or in part, the verdict shall declare the petition dismissed.

### **Article 57**

- (1) A judgment of the Constitutional Court whose verdict declares that the material content of a section, article, and/or part of a law referred to is contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945, such material content of a section, article, and/or part of the law referred to does not have legal binding force.
- (2) A judgment of the Constitutional Court whose verdict declares that the enactment of a law referred to does not comply with the provisions regarding enactment of laws pursuant to the Constitution of the State of

the Republic of Indonesia of the Year 1945, the law referred to has no legal binding force.

- (2a) A judgment of the Constitutional Court shall not contain: <sup>18</sup>
- a. a verdict other than as referred to in section (1) and section (2);
  - b. a ruling to the law makers; and
  - c. a norm formulation in lieu of a norm of the law declared to be contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945.
- (3) A judgment of the Constitutional Court granting a petition shall be contained in the State Gazette of the Republic of Indonesia within a time period of 30 (thirty) business days at the longest as of the judgment is pronounced.

### **Article 58**

A law being reviewed by the Constitutional Court remains in force, pending to a judgment declaring that the law referred to is contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945.

### **Article 59**

- (1) A judgment of the Constitutional Court regarding the review of a law against the Constitution of the State of the Republic of Indonesia of the Year 1945 shall be conveyed to the DPR, the Regional Representative Council, the President, and the Supreme Court.

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<sup>18</sup> As of Tuesday, dated 18 October 2011, this article has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 48/PUU-IX/2011.

- (2) If an amendment is required to a law which has been reviewed, the DPR or the President shall forthwith follow-up the judgment of the Constitutional Court as referred to in section (1) in accordance with the statutory rules and regulations.<sup>19</sup>

### **Article 60**

- (1) A repeated review cannot be petitioned against the material substance of a section, article, and/or part of a law which have been reviewed.
- (2) The provision as referred to in section (1) can be exempted if the material substance in the Constitution of the State of the Republic of Indonesia of the Year 1945 being the basis for review is different.

### **Part Nine**

#### **Authority Dispute of State Institutions Whose Authorities are Granted by the Constitution**

### **Article 61**

- (1) The petitioner shall be a state institution whose authority is granted by the Constitution of the State of the Republic of Indonesia of the Year 1945 having a direct interest against the authority in dispute.
- (2) The petitioner shall describe clearly in its petition regarding the direct interest of the petitioner and

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<sup>19</sup> As of Tuesday, dated 18 October 2011, this section has no longer legal binding force by virtue of a decision of the Constitutional Court Number 49/PUU-IX/2011.

describe the authority in dispute as well as to mention clearly the state institutions which are to become the respondents.

### **Article 62**

The Constitutional Court shall convey the petition having been recorded in the Registry of the Constitutional Cases to the respondent within a time period of 7 (seven) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 63**

The Constitutional Court may issue a determination that rules the petitioner and/or the respondent to temporarily suspend the execution of its authority in dispute pending to a judgment of the Constitutional Court.

### **Article 64**

- (1) In the event the Constitutional Court opines that the petitioner and/or its petition does not comply with the conditions as referred to in Article 61, the verdict shall declare the petition dismissed.
- (2) In the event the Constitutional Court opines that the petition is reasoned, the verdict shall declare the petition granted.
- (3) In the event the petition is granted as referred to in section (2), the Constitutional Court shall firmly declare that the respondent has no authority to execute the authority in dispute.
- (4) In the event the petition is not reasoned, the verdict shall declare the petition dismissed.

**Article 65**  
**Abolished.**

**Article 66**

- (1) A judgment of the Constitutional Court whose verdict declares that the respondent has no authority to execute the authority in dispute, the respondent shall execute the said judgment within a time period of 7 (seven) business days at the latest as of the judgment is received.
- (2) If the said judgment is not executed within a time period as referred to in section (1), the execution of the authority of the respondent shall be null and void.

**Article 67**

A judgment of the Constitutional Court regarding the authority in dispute shall be conveyed to the DPR, the Regional Representative Council, and the President.

**Part Ten**

**Dissolution of a Political Party**

**Article 68**

- (1) The petitioner shall be the Government.
- (2) The petitioner shall describe clearly in its petition regarding the ideology, principle, purpose, program, and activity of the respective political party deemed contrary to the Constitution of the State of the Republic of Indonesia of the Year 1945.

### **Article 69**

The Constitutional Court shall convey the petition which has been recorded in the Registry of Constitutional Cases to the respective political party within a time period of 7 (seven) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 70**

- (1) In the event the Constitutional Court opines that the petition does not comply with the conditions as referred to in Article 68, the verdict shall declare the petition dismissed.
- (2) In the event the Constitutional Court opines that the petition is reasoned, the verdict shall declare the petition granted.
- (3) In the event the Constitutional Court opines that the petition is not reasoned, the verdict shall declare the petition dismissed.

### **Article 71**

A judgment of the Constitutional Court regarding a petition for the dissolution of a political party shall be judged within a time period of 60 (sixty) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 72**

A judgment of the Constitutional Court regarding the dissolution of a political party shall be conveyed to the respective political party.



### **Article 73**

- (1) The execution of a judgment to dissolve a political party as referred to in Article 71 shall be conducted by the cancellation of its registration with the Government.
- (2) A judgment of the Constitutional Court as referred to in section (1) shall be announced by the Government in the State Gazette of the Republic of Indonesia within a time period of 14 (fourteen) days at the latest as of the judgment is received.

### **Part Eleven**

#### **Dispute regarding the Result of General Elections**

### **Article 74**

- (1) The petitioner shall be:
  - a. an individual being an Indonesian citizen being a candidate member of the Regional Representative Council participant to a general election;
  - b. a pair of candidate President and Vice President participants to a general election of President and Vice President; and
  - c. a political party participant to a general election.
- (2) a petition can only be filed against the determination of the result of a general election conducted nationally by the General Elections Commission which influences:
  - a. the election of candidate members of the Regional Representative Council;

- b. the determination of candidate pairs competing in the second round of the election of the President and the Vice President as well as the election of the President and the Vice President candidate pairs;
  - c. the seats gained by political parties' participants to a general election in an election region.
- (3) a petition can only be filed within a time period of 3 X 24 (three times twenty four) hours at the latest as of the General Elections Commission announced the determination of the general election result nationally.

### **Article 75**

In the petition filed the petitioner shall describe clearly regarding:

- a. error in the result of the ballot counting announced by the General Elections Commission and the correct result of the ballot counting according to the petitioner; and
- b. the request to cancel the result of the ballot counting announced by the General Elections Commission and to stipulate the correct result of the ballot counting according to the petitioner.

### **Article 76**

The Constitutional Court shall convey the petition recorded in the Registry of Constitutional Cases to the General Elections Commission within a time period of 3 (three) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 77**

- (1) In the event the Constitutional Court opines that the petitioner and/or his/her petition does not comply with the conditions as referred to in Article 74, the verdict shall declare the petition dismissed.
- (2) In the event the Constitutional Court opines that the petition is reasoned, the verdict shall declare the petition granted.
- (3) In the event the petition granted as referred to in section (2), the Constitutional Court shall declare the cancellation of the result of the ballot counting announced by the General Elections Commission and to stipulate the correct result of the ballot counting.
- (4) In the event the petition is not reasoned the verdict shall declare the petition dismissed.

### **Article 78**

A judgment of the Constitutional Court regarding a petition on a dispute regarding the result of a general election shall be rendered in a time period of:

- a. 14 (fourteen) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases in the event a general election of the President and the Vice President;
- b. 30 (thirty) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases in the event a general election of a member of the DPR, of the Regional Representative Council, and of the Regional People's Representative Council.

### **Article 79**

- (1) A judgment of the Constitutional Court on a Dispute regarding the Result of a General Election of the President and the Vice President shall be conveyed to:
  - a. the People's Consultative Assembly;
  - b. the DPR;
  - c. the Regional Representative Council;
  - d. the President/Government;
  - e. the General Elections Commission;
  - f. the political parties or combination of political parties submitting candidates; and
  - g. the candidate pairs participant to a general election.
- (2) A judgment of the Constitutional Court on a Dispute regarding the Result of a General Election of a member of the DPR, of the Regional Representative Council, and of the Regional People's Representative Council shall be conveyed to the President, the petitioner, and the General Elections Commission.
- (3) A judgment of the Constitutional Court on a Dispute regarding the Result of a General Election shall be final and binding.

### **Part Twelve**

#### **Opinion of the DPR Regarding an Allegation of Violation by the President and/or the Vice President**

### **Article 80**

- (1) The petitioner shall be the DPR.
- (2) The petitioner shall describe clearly in its petition regarding an allegation that:

- a. the President and/or the Vice President has committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts; and/or
  - b. the President and/or the Vice President no longer meets the qualification as President and/or Vice President by virtue of the Constitution of the State of the Republic of Indonesia of the Year 1945.
- (3) In the petition as referred to in section (2), the petitioner shall enclose the resolution of the DPR and the decision making process regarding the opinion of the DPR as referred to in Article 7B section (3) of the Constitution of the State of the Republic of Indonesia of the Year 1945, the treatise and/or the minutes of meeting of the DPR, accompanied by evidence regarding the allegation as referred to in section (2).

### **Article 81**

The Constitutional Court shall convey the petition which has been recorded in the Registry of Constitutional Cases to the President within a time period of 7 (seven) business days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 82**

In the event the President and/or the Vice President resign/s during the examination process at the Constitutional Court, the said examination process shall be suspended and the petition shall be declared void by the Constitutional Court.

### **Article 83**

- (1) If the Constitutional Court opines that the petition does not comply with the conditions as referred to in Article 80, the verdict shall declare the petition dismissed.
- (2) If the Constitutional Court judges that the President and/or the Vice President is proven to have committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts and/or is proven that the President and/or the Vice President no longer meets the qualification as President and/or Vice President, the verdict shall declare the opinion of the DPR acceptable.
- (3) If the Constitutional Court judges that the President and/or the Vice President is not proven to have committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts and/or is not proven that the President and/or the Vice President no longer meets the qualification as President and/or Vice President, the verdict shall declare the petition dismissed.

### **Article 84**

A judgment of the Constitutional Court regarding a petition on the opinion of the DPR regarding an allegation of violation as referred to in Article 80, shall be judged within a time period of 90 (ninety) days at the latest as of the petition is recorded in the Registry of Constitutional Cases.

### **Article 85**

A judgment of the Constitutional Court regarding an opinion of the DPR shall be conveyed to the DPR and the President and/or the Vice President.

## **CHAPTER VI OTHER PROVISIONS**

### **Article 86**

The Constitutional Court may regulate further matters required for the smooth execution of its tasks and authorities according to this Law.

## **CHAPTER VII TRANSITIONAL PROVISIONS**

### **Article 87<sup>20</sup>**

By the time this Law enters into force:

- a. the constitutional court justice serving to date as Chief Justice or Deputy Chief Justice of the Constitutional Court shall remain serving as Chief Justice or Deputy Chief Justice of the Constitutional Court up to the expiry of his/her term of office by virtue of the provisions of the Law Number 24 of the Year 2003 regarding the Constitutional Court; and

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<sup>20</sup> As of Tuesday, dated 18 October 2011, this article has no longer legal binding force by virtue of a judgment of the Constitutional Court Number 49/PUU-IX/2011.

- b. the constitutional court justices serving to date shall remain serving up to his/her discharge by virtue of the provisions of the Law Number 24 of the Year 2003 regarding the Constitutional Court.

## **CHAPTER VIII CLOSING PROVISIONS**

### **Article 88**

This Law shall enter into force on the date of its promulgation.

In order to make every individual aware of it, it is hereby ordered that this Law be placed in the State Gazette of the Republic of Indonesia.





**ELUCIDATION**  
**THE LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 24 OF THE YEAR 2003**  
**REGARDING THE CONSTITUTIONAL COURT**  
**AS AMENDED BY**  
**THE LAW NUMBER 8 OF THE YEAR 2011**  
**REGARDING THE AMENDMENT TO THE LAW**  
**NUMBER 24 OF THE YEAR 2003 REGARDING**  
**THE CONSTITUTIONAL COURT**  
**IN ONE MANUSCRIPT**

**I. GENERAL**

The Constitution of the State of the Republic of Indonesia of the Year 1945 in Article 24 affirms that the judicial power shall be independent powers in order to perform the judiciary in order to enforce law and justice. The Constitutional Court is one of the executors of the judicial power as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.

By virtue of Article 24C section (1) and section (2) of the Constitution of the State of the Republic of Indonesia of the Year 1945, the Constitutional Court has the authority to review laws against the Constitution of the State of the Republic of Indonesia of the Year 1945; to judge on authority disputes of state institutions whose authorities are granted by the Constitution of the State of the Republic of Indonesia of the Year 1945; to judge on the dissolution of a political party; to judge on the result of a general election; and to render judgment over an opinion of the DPR alleging that the President and/

or the Vice President have/has committed a violation of law in the form of treason against the state, corruption, bribery, other felonies, or disgraceful acts, and/or no longer meets the qualification as President and/or Vice President as referred to in the Constitution of the State of the Republic of Indonesia of the Year 1945.

This Law is an amendment to the Law Number 24 of the Year 2003 regarding the Constitutional Court. The background of the amendment to the law as such lies in several provisions which are no longer suitable with the development of the legal requirements of the society and life of constitutionalism.

Several important subject matters in the amendment to the Law Number 24 of the Year 2003 regarding the Constitutional Court, relate *inter alia* to the structure of the Assembly of Honor of the Constitutional Court; supervision of constitutional court justices; the term of office of the Chief Justice and the Deputy Chief Justice of the Constitutional Court, educational requirements in order to qualify for the appointment as constitutional court justice, as well as the Ethical Code and/or the Guidelines of Conduct of Justices of the Constitutional Court.

## **II. ARTICLE BY ARTICLE**

### Article 1

Self-explanatory.

### Article 2

Self-explanatory.

### Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Section (1)

Self-explanatory.

Section (2)

Referred to as “security guaranty in the execution of his/her tasks” is the security protection granted to constitutional court justices when attending and chairing sessions. A constitutional court justice shall be given security protection by the related apparatus, namely the apparatus of the police, in order for the constitutional court justices to be able to review, to adjudicate, and to judge on cases in well and correct ways without any pressure or intervention by whomsoever.

Section (3)

Referred to as “police act” shall be:

- a. summons in relation to a criminal act;
- b. the request of information regarding a criminal act;
- c. arrest;
- d. detention;
- e. search; and/or
- f. confiscation.

Referred to as “a special criminal act”, shall be *inter alia* a criminal act of corruption, a criminal

act of money laundering, a criminal act involving narcotics, and a criminal act of terrorism.

Article 7

Self-explanatory.

Article 7A

Self-explanatory.

Article 7B

Self-explanatory.

Article 8

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Section (1)

A judgment of the Constitutional Court shall be final, namely that a judgment of the Constitutional Court shall obtain directly permanent legal force as of its pronouncement and there shall be no legal efforts that can be made.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Article 11

Referred to as “information” shall be all verbal and written information, including documents related to a case being under review.

Article 12

The purpose of this provision is to guarantee the autonomy and credibility of the Constitutional Court in its efforts to regulate its organization, its personnel, its administration, and its finances in accordance with the principles of transparency and accountability.

Article 13

Section (1)

Letter a

Self-explanatory.

Letter b

The obligation to render periodical reports by virtue of this provision does not diminish the obligation to make reports on the finances in accordance with the prevailing statutory rules and regulations.

Section (2)

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Section (1)

Self-explanatory.

Section (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Referred to as “faith in God the One Only”  
is to implement religious teachings.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Section (3)

Self-explanatory.

Article 16

Section (1)

Self-explanatory.

Section (2)

The statement letter referred to in this provision also contains the compliance with all the conditions as referred to in the provision of section (1) and such statement letter shall be deposited with the Constitutional Court.

Article 17

Letter a

Other state officials like members of the DPR, members of the Regional Representative Council, members of the Regional People's Representative Council, judges or supreme court justices, ministers, and other officials as determined in the statutory rules and regulations.

Letter b

Self-explanatory.

Letter c

Referred to as "entrepreneur" shall be the board of directors or commissioners of companies.

Letter b

Self-explanatory.

Letter c

Referred to as "entrepreneur" shall be the board of directors or commissioners of companies.

Letter d

While serving as a constitutional court justice, an advocate shall not conduct its profession.



Letter e

While serving as a constitutional court justice, the civil servant status of the respective justice is temporarily suspended in accordance with the statutory rules and regulations.

Article 18

Section (1)

The issuance of a Decree of the President in this provision is of an administrative character.

Section (2)

Self-explanatory.

Article 19

By virtue of this provision, a candidate constitutional court justice shall be published in print as well as electronic mass media, so the society has the opportunity to give input regarding the respective candidate justice.

Article 20

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Section (1)

Self-explanatory.

Section (2)

Referred to as “prosecuted in court” is the devolution of the respective case dossiers to the court.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Referred to as “rehabilitation” is the returning of personal rights and the good reputation of the respective judge without reinstalling him/her as a constitutional court justice.

Article 26

Self-explanatory.

Article 27

Self-explanatory.

Article 27A

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Section (6)

Self-explanatory.

Section (7)

The Regulation of the Constitutional Court in this provision shall be made with the approval of the Assembly of Honor of the Constitutional Court.

Article 27B

Self-explanatory.

Article 28

Section (1)

Referred to as “extraordinary circumstances” shall be his/her demise or physical/mental obstruction so he/she will not be able to execute his/her obligations as a constitutional court justice.

Section (2)

Referred to as “obstructed” shall be an extraordinary circumstance as referred to in the elucidation of section (1).

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Section (6)

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 33A

Self-explanatory.

Article 34

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Referred to as electronic media is the web site of the Constitutional Court.

Section (4)

Self-explanatory.

Article 35

Self-explanatory.

Article 35A

Self-explanatory.

Article 36

Section (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

The indication referred to in this provision can only be obtained from witness information, letters, and means of evidence.

Letter f

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Article 37

Means of evidence referred to in this provision shall be indicative evidence.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Referred to as “contempt of the Constitutional Court” in this provision is known by the term *Contempt of Court*.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 42A

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Section (1)

Referred to as “conviction of the Judge” is the conviction of the Judge based on means of evidence.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Section (4)

Self-explanatory.

Section (5)

By virtue of this provision there shall be no abstention in sessions for deliberation to make judgment.

Section (6)

Self-explanatory.

Section (7)

Self-explanatory.

Section (8)

Self-explanatory.

Section (9)

Self-explanatory.

Section (10)

Self-explanatory.

Article 45A

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Section (1)

Self-explanatory.



Section (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

The legal consideration shall contain the legal basis constituting the basis of the judgment.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Article 48A

Section (1)

Letter a

A stipulation of the Constitutional Court regarding “the petition does not fall under the authority of the Constitutional Court” is made based on the duties and authorities and prior to entering the examination in the court hearing.

Letter b

Referred to as “the petitioner revokes his/her/its petition” is when a petition has entered examination in the court hearing or subsequent to the plenary session.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Referred to as “subsequent to the amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945” is the first amendment to the Constitution of the State of the Republic of Indonesia of the Year 1945 dated 19 October 1999.

Article 50A

Self-explanatory.

Article 51

Section (1)

Referred to as “constitutional rights” are rights regulated in the Constitution of the State of the Republic of Indonesia of the Year 1945.

Letter a

Referred to as “a person” includes groups of people sharing the same interests.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Self-explanatory.

Article 51A

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Referred to as “statutory rules and regulations”, *inter alia* the Law regarding the Enactment of Statutory Rules and Regulations, the Law

regarding the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council, as well as other related statutory rules and regulations, like the Regulation of the People's Representative Council regarding Code of Conduct.

Section (4)

Self-explanatory.

Section (5)

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Referred to as “execution of authority” is an act either a real act or a legal act being an execution of authority being disputed.

When issuing its determination the Constitutional Court shall consider the effect raised by the execution of authority being disputed.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Section (1)

Referred to as “Government” is the Central Government.

Section (2)

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Self-explanatory.

Article 74

Section (1)

Self-explanatory.

Section (2)

Referred to as “the determination of the result of a general election” shall be the sum of the ballots cast gained by a participant to a general election.

Section (3)

Self-explanatory.

Article 75

Letter a

By virtue of this provision the petitioner clearly indicates the venue of the ballot counting and errors in the summation of the ballot counting.

Letter b

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Section (1)

Self-explanatory.

Section (2)

Self-explanatory.

Section (3)

Referred to as “treatise and/or minutes of meeting of the DPR” is the treatise and/or minutes of meeting of the equipment of the DPR as well as the plenary meeting of the DPR.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

This provision is meant to cope with the possibility of shortage or vacuum in the procedural law by virtue of this Law.

Article 87

Self-explanatory.

Article 88

Self-explanatory.





