

The 1945 Constitution of the Republic of Indonesia

Department of Information

Republic of Indonesia 1989

P r e f a c e

The translation of the current publication of "The 1945 Constitution" is a provisional revision to that of the previous editions which were based on the translation of its first edition published by the then Yogyakarta-based Information Ministry of the Republic of Indonesia in 1950.

This revision is still provisional owing to the flexible Constitution which includes a wider scope of philosophy, so that a more reliable translation is still expected.

We are aware that this translation is still far from perfect and yet this translation aims at helping those who want to study Indonesian laws by using English as its introductory language.

We'd very much appreciate constructive opinion and input from critics and any other interested party for our planned revised edition.

Thank you.

1. THE PREAMBLE TO THE CONSTITUTION

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

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

By the grace of God 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 all the people of Indonesia and their entire native land, and in order to improve the public welfare, to advance the intellectual life of the people and to contribute to the establishment of a world order based on freedom, abiding peace and social justice, the national independence of Indonesia shall be formulated into a constitution of the sovereign Republic of Indonesia which is based on the belief in the One and Only God, just and humanity, the unity of Indonesia, democracy guided by the inner wisdom of deliberations amongst representatives and the realization of social justice for all of the people of Indonesia.

2. THE 1945 CONSTITUTION

Chapter I. Form of the State and Sovereignty

Article 1

1. The State of Indonesia shall be a unitary state which has the form of a republic.
- 2) Sovereignty shall be vested in the people and shall be exercised in full by the.

Chapter II. The Majelis Permusyawaratan Rakyat

Article 2

1. The Majelis Permusyawaratan Rakyat shall consist of the members of the Dewan Perwakilan Rakyat augmented by the delegates from the regional territories and groups as provided for by statutory regulations.
2. The Majelis Permusyawaratan Rakyat shall meet at least once in every five years in the capital of the state.

3. All decisions of the Majelis Permusyawaratan Rakyat shall be taken by a majority vote.

Article 3

The Majelis Permusyawaratan Rakyat shall determine the constitution and the guide lines of the policy of State.

Chapter III. The Executive Power

Article 4

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

Article 5

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

Article 6

1. The President shall be a native Indonesian citizen.
2. The President and the Vice-President shall be elected by the Majelis Permusyawaratan Rakyat by a majority vote.

Article 7

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

Article 8

Should the President die, resign or be unable to perform his duties during his term of office, he shall be succeeded by the Vice-President until the expiry of his term of office.

Article 9

Before assuming office, the President and the Vice-President shall take the oath of office according to their religions, or solemnly promise before the Majelis Permusyawaratan Rakyat or the Dewan Perwakilan Rakyat as follows:

The President's/Vice-President's Oath

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

The President's/Vice-President's Promise

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

Article 10

The President is the Supreme Commander of the Army, the Navy and the Air Force.

Article 11

In agreement with the Dewan Perwakilan Rakyat, the President declares war, makes peace and concludes treaties with other states.

Article 12

The President declares the state of emergency. The conditions for such a declaration and the measures to deal with the emergency shall be governed by law.

Article 13

1. The President appoints ambassadors and consuls.

2. The President receives the credentials of foreign ambassadors.

Article 14

The President grants mercy, amnesty, pardon and restoration of rights.

Article 15

The President grants titles, decorations and other distinctions of honour.

Chapter IV. The Supreme Advisory Council

Article 16

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

Chapter V. The Ministers of State

Article 17

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

Chapter VI. The Regional Governments

Article 18

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

Chapter VII. The Dewan Perwakilan Rakyat

Article 19

1. The composition of the Dewan Perwakilan Rakyat shall be prescribed by law.
2. The Dewan Perwakilan Rakyat shall meet at least once a year.

Article 20

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

Article 21

1. Members of the Dewan Perwakilan Rakyat have the right to submit a bill.
2. Should such a bill not obtain the sanction of the President notwithstanding the approval of the Dewan Perwakilan Rakyat, the bill shall not be resubmitted during the same session of the Dewan.

Article 22

1. In the event of a compelling emergency, the President has the right to issue government regulations in lieu of laws.
2. Such regulations shall have the consent of the Dewan Perwakilan Rakyat during its subsequent session.
3. Where the approval of the Dewan is not obtained, the government regulations shall be revoked.

Chapter VIII. Finance

Article 23

1. The annual state budget shall be sanctioned by law. In the event that the Dewan Perwakilan Rakyat does not approve a draft budget, the government shall adopt the budget of the preceding year.
2. All government taxes shall be determined by law.
3. The forms and denominations of the currency shall be determined by law.

4. Other financial matters shall be regulated by law.

5. In order to examine the accountability of the state finances, a State Audit Board shall be established by statutory regulation. The findings of the Board shall be reported to the Dewan Perwakilan Rakyat.

Chapter IX. The Judiciary Power

Article 24

1. The judiciary power shall be exercised by a Supreme Court and such other courts of law as are provided for by law.
2. The composition and powers of these legal bodies shall be regulated by law.

Article 25

The appointment and dismissal of judges shall be regulated by law.

Chapter X. The Citizens

Article 26

1. Citizens are native Indonesian persons or persons of other nations who have acquired a legal status as citizens.
2. Conditions to acquire and other matters on citizenship shall be determined by law.

Article 27

1. All citizens have equal status before the law and in government and shall abide by the law and the government without any exception.
2. Every citizen has the right to work and to live in human dignity.

Article 28

Freedom of association and assembly, of verbal and written expression and the like, shall be prescribed by law.

Chapter XI. Religion

Article 29

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

Chapter XII. National Defence

Article 30

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

Chapter XIII. Education

Article 31

1. Every citizen has the right to education.
2. The government shall establish and conduct a national educational system which shall be regulated by law.

Article 32

The government shall advance the national culture.

Chapter XIV. Social Welfare

Article 33

1. The economy shall be organized as a common endeavour based upon the principles of the family system.
2. Sectors of production which are important for the country and affect the life of the people shall be controlled by the state.
3. The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.

Article 34

The poor and destitute children shall be cared for by the State.

Chapter XV. The Flag and the Language

Article 35

The national flag of Indonesia shall be the red-and-white.

Article 36

The national language of Indonesia shall be the Bahasa Indonesia or the Indonesian language.

Chapter XVI. Amendments to the Constitution

Article 37

1. In order to amend the Constitution, not less than two thirds of the total number of members of the Majelis Permusyawaratan Rakyat shall be in attendance.
2. Decisions shall be taken with the approval of not less than two thirds of the number of members in attendance.

3. TRANSITIONAL PROVISIONS

Clause I

The Preparatory Committee for Indonesia's Independence shall arrange and conduct the transfer of administration to the government of Indonesia.

Clause II

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

Clause III

For the first time, the President and the Vice-President shall be elected by

the Preparatory Committee for Indonesia's Independence.

Clause IV

Prior to the formation of the Majelis Permusyawaratan Rakyat, the Dewan Perwakilan Rakyat and the Supreme Advisory Council in accordance with this Constitution, all their powers shall be exercised by the President assisted by a national committee.

ADDITIONAL PROVISIONS

- (1). Within six months after the end of the Greater East Asia War, the president of Indonesia shall regulate and implement all matters which are laid down in the Constitution.
- (2). Within six months after the establishment the People's Consultative Assembly, the Assembly shall convene a session to determine the Constitution.



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