

Annex 6

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LAW OF THE REPUBLIC OF INDONESIA
NO. 4 OF 1999
ON THE STRUCTURE AND POSITION OF
THE PEOPLE'S CONSULTATIVE CONGRESS
PARLIAMENT AND THE
REGIONAL PARLIAMENT

**LAW OF THE REPUBLIC OF INDONESIA
NO. 4 OF THE YEAR 1999
ON
THE STRUCTURE AND POSITION OF
THE PEOPLE'S CONSULTATIVE CONGRESS
PARLIAMENT AND THE
REGIONAL PARLIAMENT**

BY THE GRACE OF ALMIGHTY GOD,

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Having Considered:

Mindful Of:

With the Agreement of

PARLIAMENT OF
THE REPUBLIC OF INDONESIA

Hereby Decide

To Establish:

THE LAW ON THE STRUCTURE AND POSITION OF THE
PEOPLE'S CONSULTATIVE CONGRESS (MPR), PARLIAMENT
AND THE REGIONAL PARLIAMENT

CHAPTER II

THE PEOPLE’S CONSULTATIVE CONGRESS

Part One

Structure

Article 2

- (1) The People’s Consultative Congress (MPR) consists of Members of Parliament (DPR) and:
 - a. Regional Representatives
 - b. Groups Representatives

- (2) The number of MPR members total 700 persons, comprising the following:
 - a. Members of Parliament – 500 persons
 - b. Regional Representatives 135 persons, i.e. 5 (five) persons from each Province (Level I Region)
 - c. Groups Representatives – 65 persons.

- (3) Regional Representatives are elected by DPRD I

- (4) The method of electing Regional Representatives for MPR Membership as mentioned in subsection (3) will be regulated in the Rules of Proceedings in DPRD I

- (5) Parliament decides on the kinds and the number of Representatives from each Group

- (6) Representatives of Groups as mentioned in subsection (5) are nominated by each Group and appointed by Parliament

- (7) The method of appointing MPR Members Group Representatives as mentioned in subsection (5) and subsection (6) will be regulated in the Rules of Proceedings in DPR.

Part Two

Membership

Article 3

(1) To become eligible as MPR member, a person must meet the following requirements:

- a. he or she is a citizen of the Republic of Indonesia, is at least 21 years of age and believes in the One Almighty God
- b. Speaks bahasa Indonesia and is fluent in its writing and reading in Latin characters, and has completed a minimal education level of the lower secondary school or similar education level and has experience in community work and or state matters.
- c. He or she is faithful to the vision set out in the 17 August 1945 Declaration of Independence, the Pancasila as the State foundation, and the 1945 Constitution.
- d. Is not a member of the prohibited Indonesian Communist Party, or its mass organization nor is directly or indirectly involved in the G-30-S/PKI coup attempt, nor involved in any other banned organization;
- e. Is not undergoing a criminal sentence passed by the court that is legally binding for having committed a crime which carries a sentence of 5 (five) years or more;
- f. Is clearly not mentally disturbed or has lost his/her memory.

CHAPTER III PARLIAMENT

Part One

Article 11

(1) Membership to Parliament is based on results of the General Elections and by official appointment,

(2) Parliament consists of:

- a. members of political parties as result of the General Elections.
- b. Members of the Armed Forces who are officially appointed.

(3) The total number of Members of Parliament are 500 persons, comprising of :

- a. members of political parties as result of the General Elections, numbering 462 persons;
- b. appointed members of the Armed Forces, numbering 38 persons.

Article 33

(1) DPR (Parliament) in its position as the State's high institution, is a vehicle to implement democracy based on Pancasila.

(2) Parliament has the following functions and authorities:

- a. together with the President form legislation;
 - b. together with the President determine the State Budget of Receipts and Expenditures
 - c. further controls :
 - 1) the implementation of legislation;
 - 2) the implementation of the State Budget on Receipts and Expenditures
 - 3) Government policies to remain within the spirit of the 1945 Constitution and the d. d. Decisions of MPR;
 - d. Deliberate on the audit results of state finances as informed by the Audit Board to the Plenary Meeting of Parliament, to be used as controlling material;
 - e. deliberate in order to ratify and/or endorse declarations of war or of peace, and agreements with other countries made by the President;
 - f. receive and follow-through on the aspirations and complaints from society;
 - g. implement those tasks entrusted to Parliament in the Decisions of MPR and/or as mentioned in such Laws as are entrusted to Parliament.
- (3) To implement its duties and authorities as mentioned in subsection (2), Parliament has the right to:
- a. ask for clarifications from the President;
 - b. undertake investigations;
 - c. make changes to Draft Laws
 - d. express opinions;
 - e. propose Draft Laws;
 - f. nominate/propose a person to a certain position when specified in a specific Law;
 - g. decide on the budget of Parliament.
- (4) Further to the rights of Parliament as set forth in subsection (3) that are, in fact, the rights of its members, Parliament further has the following rights:
- a. To pose questions
 - b. in protocol matters
 - c. in financial/administrative matters
- (5) The implementation of subsection (2), subsection (3) and subsection (4) will be regulated in the Rules of Proceedings of Parliament.

Article 34

- (1) DPRD, as the people's representative institute in the region, is a vehicle to implement democracy that is founded on Pancasila
- (2) DPRD has the duty and the authority :
- a. to elect the Governor/Deputy Governor, the Bupati, Deputy Bupati, and Mayor/Deputy Mayor;
 - b. to propose to the President the appointment and the termination of office of the Governor/Deputy Governor, the Bupati/Deputy Bupati and the Mayor/Deputy Mayor;

- c. Together with the Governor, the Bupati, the Mayor decide on the Regional Budget of Receipt and Expenditures;
- d. Together with the Governor, the Bupati and the Mayor formulate regional regulations;
- e. Further controls:
 - 1) implementation of regional regulations and other rules set forth in the legislation
 - 2) the implementation of regulations and decisions issued by the Governor, the Bupati and the Mayor;
 - 3) the implementation of the Regional Budget on Receipts and Expenditures
 - 4) Policies made by the Regional Government to be in line with the basic design of regional development
 - 5) The implementation in the region of international cooperation;
- f. To express opinions and give its considerations to the Government on planned
- g. international agreements that involve the interests of the region; receives and follows-through on the aspirations of society.

Article 35

- (1) In the implementation of their functions, and in accordance to each level, The DPR and DPRD have the right to ask a state official, a government official or a member of society for information and explanations on matters that are of concern for the sake of the state, the nation, the government and development.
- (2) The state official, the government official, or the member of society who refuses to answer to the request as mentioned in subsection (1) is liable to a prison sentence of minimum one year, for contempt of Parliament and DPRD.
- (3) The execution of rights as mentioned in subsection (1) and subsection (2) will be regulated in the Rules of Proceedings of Parliament and DPRD.

Article 36

- (1) International agreements that involve the interests and livelihood of a large number of people, the nation and the state, and in political, security, social, cultural, economic or financial aspects that are made by the Government, must have the endorsement from Parliament in accordance with existing legislation.
- (2) Regarding International agreements that involve the interests of the region, the Government must earnestly heed the voice of the Regional Government and the Regional Parliament.

Part Three
Immunity of MPR, Parliament and Regional Parliament

Article 38

(1) A Member of MPR, Parliament (DPR) or Regional Parliament (DPRD) can not be brought to court on account of a statement and/or opinion expressed in an open or a closed meeting of MPR, DPR or DPRD, that has been made orally or in writing, except when that Member divulges in public that which had been agreed upon in a closed meeting to be confidential, or that which are specified as state secrets in Book II, Chapter I of the Criminal Code.

(2) Members of MPR, DPR, DPRD may not be changed in mid-term because of a statement and/or opinion expressed in a meeting of MPR, DPR and DPRD.

Part Four
Protocol Positions and Finances

Article 39

The positions according to protocol and the finances of the leadership of MPR, DPR and DPRD are regulated by each body together with the Government, in accordance with existing regulations.

Part Five
Rules of Proceedings

Article 40

Rules of Proceedings in MPR, DPR and DPRD are determined by each institution.

CHAPTER VII
PROHIBITIONS AND INVESTIGATIONS ON MEMBERS OF
MPR, DPR, AND DPRD

Part One
Prohibitions

Article 42

- (1) Members of Parliament and DPRD are prohibited from operating/doing business where this involves funds originating from the State Budget and/or from the Regional Budget
- (2) Violations against specifications mentioned in subsection (1) may be issued with sanctions to the extent of termination of membership to DPR and DPRD.
- (3) The application of sanctions for violations against specifications mentioned in subsection (1), is implemented administratively by the leadership of DPR and DPRD based on proposals or considerations made by the fraction concerned, after due consideration and evaluation of the board that is specially formed for the purpose.
- (4) The implementation of the specification as set forth in subsection (1), subsection (2) and subsection (3) will be regulated in the Rules of Proceedings of DPR and DPRD.

Part Two
Investigations

Article 43

Whenever a Member of MPR, DPR and DPRD is duly suspected of having committed a crime, then the subpoena, questioning and investigation of the Member must have prior written approval from the President when it involves a Member of MPR and DPR; a written approval from the Minister of Internal Affairs when involving a Member of DPRD I, and a written approval from the Governor when involving a Member of DPRD II, in accordance with existing legislation.