

## **Annex 1**

# **THE 1945 CONSTITUTION of the REPUBLIC of INDONESIA**

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## **of the REPUBLIC OF INDONESIA**

### **PREAMBLE**

That, in truth, Liberty is the right of every people, and therefore, all forms of colonialism must be eradicated from the face of the earth since it is against humanity and justice.

That the Indonesia's fight for independence has arrived at that felicitous moment where the people of Indonesia have been brought safely to the threshold of the Independence of the Republic of Indonesia, that is free, united, sovereign, just and prosperous.

By the grace of God Almighty and urged by the lofty desire to live as an independent nation, the people of Indonesia do hereby declare their Independence.

Further, establish the Government of the Indonesian State that protects the entire Indonesian nation and the entire territory of Indonesia, promotes the general welfare and the intellectual life of the nation, and supports a world order, that is founded on liberty, eternal peace and social justice. Henceforth, instate the Independence of the Indonesian Nation into the Constitution of the Republic of Indonesia, that is democratic, based on the Belief in the One True God, a Just and Civilized Humanity, the Unity of Indonesia, a Democracy directed by Policies formed through Consultation and Representation, and the creation of Social Justice for all the people of Indonesia.

### **Chapter I**

#### **Form and Sovereignty**

### **Article 1**

- (1) The Indonesian State is a Unitary State in the form of a Republic.
- (2) Sovereignty is in the hands of the people, which is fully implemented by the People's Consultative Assembly (Majelis Pemusyawaratan Rakyat)

## **Chapter II**

### **The People's Consultative Assembly**

#### **Article 2**

- (1) The People's Consultative Assembly is composed of members of Parliament (Dewan Perwakilan Rakyat), and additionally, of delegations from regions and groups, in line with regulations stipulated by Law.
- (2) The People's Consultative Assembly (MPR) convenes at least once every five years in the capital city of the State.
- (3) Decisions made by the People's Consultative Assembly will be made by majority vote.

#### **Article 3**

The People's Consultative Assembly decides on the Constitution and the broad outlines of the State Guidelines.

## **Chapter III**

### **The Powers of the Government of the State**

#### **Article 4**

- (1) The President of the Republic of Indonesia keeps the powers of Government in accordance with the Constitution.
- (2) In the execution of his (her) duties, the President is assisted by one Vice President

#### **Article 5**

- (1) The President has the power to establish Laws with the agreement of Parliament
- (2) The President determines Government Regulations in the correct implementation of the Laws.

## **Article 6**

- (1) the President shall be a native Indonesian.
- (2) the President and the Vice President are chosen by the People's Consultative Assembly by majority vote.

## **Article 7**

The President and the Vice President will hold the office during a term of five years, and may be re-elected,

## **Article 8**

When a President dies, ceases to be in office, or is unable to execute his (or her) duties during the tenure of office, he (or she) will be replaced by the Vice President until the end of the said term of office.

## **Article 9**

Before holding office, the President and the Vice President will be sworn in according to his (or her) religion, or earnestly pledges in front of the People's Consultative Assembly or Parliament, as follows:

The Oath of the President (Vice President)

By the Grace of God, I do hereby solemnly swear that I will fulfill the duties of the President of the Republic of Indonesia (Vice President of the Republic of Indonesia) to the best of my abilities and to the fairest of judgments; to obey the Constitution and implement all the Laws and their regulations in their rightfulness, and dedicate myself to the Nation and Country.

The Pledge of the President (Vice President):

I do hereby earnestly pledge that I will fulfill the duties of the President of the Republic of Indonesia (Vice President of the Republic of Indonesia) to the best of my abilities and according to the fairest of judgments; to obey the Constitution, and implement all the Laws and their regulations in their rightfulness, and dedicate myself to the Nation and the Country.

## **Article 10**

The President holds the highest authority over the Army, the Navy and the Air Force.

### **Article 11**

The President, with the agreement of Parliament, declares war, makes peace and signs agreements with other countries.

### **Article 12**

The President announces a State of Emergency. Conditions and consequences of a state of emergency will be determined by Law.

### **Article 13**

- (1) The President appoints Envoys and Consuls
- (2) The President receives foreign Envoys

### **Article 14**

The President delivers clemency, amnesty, abolition and rehabilitation.

### **Article 15**

The President confers honorary titles, service awards and other honorary awards.

## **Chapter IV**

### **The Supreme Advisory Council**

#### **Article 16**

- (1) The composition of the Supreme Advisory Council will be determined by Law
- (2) It is the duty of the Council to give answers to questions posed by the President and the Council has the right to offer advice to the head of state.

## **Chapter V**

### **Ministers of the State**

#### **Article 17**

- (1) The President is assisted by ministers of the State
- (2) Ministers are appointed and dismissed by the President
- (3) Ministers lead Departments of the Government

## **Chapter VI**

### **Regional Governments**

#### **Article 18**

The subdivision of Indonesia into larger and smaller units with their administrative compositions will be determined by Law, giving due thought and consideration to the principles of consultation in government's state administration, and providing rights of origins in regions that are extraordinary in their nature.

## **Chapter VIII**

### **The Council of People's Representatives (Parliament)**

#### **Article 19**

- (1) The composition of the Council of People's Representatives (Parliament) is determined by Law
- (2) Parliament convenes at least once a year

#### **Article 20**

- (1) Every Law must be passed by Parliament.
- (2) When a draft Law does not receive the endorsement of Parliament, the said draft may not be re-submitted to Parliament for discussion during the same session.

#### **Article 21**

- (1) A Member of Parliament has the right to propose a draft Law
- (2) When a Draft has been passed by Parliament, but is not legalized by the President, then the draft may not be re-submitted for discussion during the same session of Parliament.

## **Article 22**

- (1) In times of dire crisis, the President has the right to issue government regulations in lieu of Laws.
- (2) These regulations must be approved by Parliament in its next session.
- (3) When these are not approved, then the said government regulations must be annulled.

## **Chapter VIII**

### **Financial Matters**

## **Article 23**

- (1) The Budget is determined every year by Law. When Parliament does not approve the Budget as submitted by the government, then the government follows the Budget of the previous year.
- (2) Taxes required by the State will be based on Laws.
- (3) Other matters related to the finances of the State will be determined by Law
- (3) To audit state finances a State Audit Board will be established, whose rules and regulations are determined by Law. The results of such audit will be informed to Parliament.

## **Chapter IX**

### **Powers of the Judiciary**

## **Article 24**

- (1) The powers of the judiciary are executed by the Supreme Court and other judiciary institutions, according to the Laws.
- (2) The composition and authorities of the judicial institutions will be regulated by Law.

## **Article 25**

Conditions for appointment and termination of office of a judge will be decided by Law.

## **Chapter X**

### **Nationals**

#### **Article 26**

- (1) Nationals are native Indonesians and other nationals who are given legal status as nationals by Law.
- (2) Requirements for citizenship will be determined by Law.

#### **Article 27**

- (1) All citizens are equal in status before the law and government, and have the duty to uphold the law and the government without exception.
- (2) Each citizen has the right to work and earn an adequate human livelihood.

#### **Article 28**

Freedom to form unions and associations to voice one's thoughts orally and in writing and by other means will be determined by Law.

## **Chapter XI**

### **Religion**

#### **Article 29**

- (1) The State is founded on the Belief in the One God
- (2) The State guarantees the freedom of each citizen to embrace his or her own faith and to follow the rites according to his or her religion and beliefs.

## **Chapter XII**

### **The Defense of the State**

#### **Article 30**

- (1) Each national has the right and the duty to participate in the defense of the State
- (2) Requirements for such defense will be determined by Law.



## **Chapter XIII**

### **Education**

#### **Article 31**

- (1) Every citizen has the right to education
- (2) The Government makes every effort to implement a national education system, which is determined by Law.

#### **Article 32**

The government promotes Indonesia's national culture

## **Chapter XI**

### **Social Welfare**

#### **Article 33**

- (1) The economy will be built as a common effort based on mutual support (azas kekeluargaan)
- (2) Most important production sectors necessary to the state that affect the livelihood of a large part of the population will be under the control of the State
- (3) The land and sea and natural resources contained in them are controlled by the state and will be used towards the widest possible welfare of the people.

#### **Article 34**

The poor and neglected children are taken care of by the state

## **Chapter XV**

### **The Flag and Language**

#### **Article 35**

The flag of the Indonesian State is Red and White

## **Article 36**

The language of the State is Bahasa Indonesia

## **Chapter XVI**

### **Amendments to the Constitution**

#### **Article 37**

- (1) To amend the Constitution a minimum of  $2/3$  of members of the People's Consultative Assembly must be present.
- (2) Decisions taken must have the agreement of a minimum  $2/3$  of those members present.

### **Transitional Regulations**

#### **Article I**

A Committee for the Preparation of Indonesia's Independence will regulate and implement the transition of government to the Indonesian Government

#### **Article II**

All state apparatus and existing rules are in force, until such new regulations are stipulated in accordance with the Constitution

#### **Article III**

For the first time the President and Vice President will be elected by the Committee for the Preparation of Indonesia's Independence.

#### **Article IV**

Before the People's Consultative Assembly, Parliament and the Supreme Advisory Council are formed according to the Constitution, all powers will be in the hands of the President who is assisted by the National Committee.