

GUIDED DEMOCRACY

AND ITS

MPLEMENTATION

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President SOEKARNO:

"The Return to the 1945 Constitution is the desire of all layers of the Indonesian people from Sabang to Merauke ....."

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

GUIDED DEMOCRACY

AND ITS

IMPLEMENTATION

In this Issue . . .

	Page
Introduction	3
Guided Democracy and its Implementation ..	5
Djakarta Charter	16
Constitution of the Republic of Indonesia of 1945	17
Different Layers of Indonesian Society Hail the Government's Decision to return to 1945 Constitution	23

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PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

Introduction

On March 2, 1959, before a plenary session of the Parliament, Prime Minister Djuanda delivered a Government statement of the implementation of "Guided-Democracy" under the framework of the Constitution of 1945.

Before arriving at this historical decision finally, several sessions between President Soekarno and the Cabinet members were already held for exchange of views on this matter. This decision was unanimously approved by the President and the Council of Ministers.

It is the conviction of the whole Indonesian population that the Western Democracy applied uptil now in Indonesia has totally failed in solving political, economical, financial, social and reconstructional matters as also to the achievement of a just and prosperous society for the Indonesian people.

At this juncture, President Soekarno said in his recent speech of March 8 at the Merdeka Palace, "We have experienced many setbacks and disintegrations as the '1945-spirit' was pushed aside by the spirit of seeking individual profits and ambition for power and wealth."

And Prime Minister Djuanda in his statement before the Parliament said:—"The Government is convinced that the political developments since 1945 showed weakness due to multi-parties and fractions in the Parliament and no stability in the Government could have been achieved nor the social and economical affairs could meet with success. Similarly the Government is also convinced that the old system is to be abandoned with the adoption of a new way to follow. Based on these reasonings, the Council of Ministers in its session arrived at the conclusion and agreed upon the Principle of "Guided-Democracy", with the conviction that no just and Prosperous Society could be achieved as long as the failed Liberal Democracy remains in practice, because this type of democracy is not in conformity with the identity of the Indonesian people, as well as with the Philosophy of the Indonesian Nation. Democracy must have a discipline and must have a guidance. Democracy is only a tool and not the end. The end is a just and Prosperous Society—a society full of material and spiritual happiness fully endorsing the idea of Indonesia's Proclamation of Independence on 17 August, 1945.

And Guided Democracy is in real sense a Working-Democracy . . . "

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

GUIDED DEMOCRACY and its IMPLEMENTATION

First Article

Firstly, the Constitution of 1945 constituted a "historical document" on which the national revolution was founded and which could be employed as stepping stone in further consummation of the national revolution from its present stage.

The Indonesian people should be prepared to admit that a less sound development and growth of the country and people prevailing at present was caused by deviations from the major goals of the national revolution launched on August 17, 1945.

It was also generally known that quarters among the Armed Forces approved and even recommended the "idea" for a return to the 1945 Constitution.

These facts further strengthened the conviction of the government that in solving the many problems faced by the country and people since sovereignty was recognized in 1949 and in the interest of consummating the national revolution from its present stage, the Constitution of 1945 constituted the best possible material for re-use as foundation.

Second Article

Secondly, the Constitution of 1945 was sufficiently democratic and in agreement with the identity of the Indonesian people providing for "sovereignty of the people guided by the blessing of wisdom of representative consultations" (Preamble of the 1945 Constitution).

Third Article

Thirdly, the Constitution of 1945 would more guarantee the implementation of the principle of guided democracy. Guided democracy was democracy.

Guided democracy was democracy in all affairs of the State and people covering the political, economic and social fields.

The provisions in the Constitution of 1945 would more guarantee the implementation of the guided democracy principle, among others because the tenents in the Preamble of the Constitution of 1945 as mentioned in the basic views in the second article earlier, namely "the people's sovereignty"—or democracy—

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

"which is guided by the blessing of wisdom".

Fourth Article

Fourthly, the Constitution of 1945 guaranteed a stable government for the duration of five years (article 7)—more than the present Provisional Constitution—because the powers vested in the House of Representatives would be restricted (could not force the government i.e. President to resign) since the highest powers (the sovereignty of the people) would be vested in the "Madjelis Permusjawaratan Rakjat" (Peoples' Consultative Council= People's Congress).

This did not mean that any shift of one or more cabinet ministers at a certain time could not take place, but a change of cabinet as a whole would only take place after the five-year term.

The President would be more free in selecting the best and most capable people as his assistants, namely as a minister, since political party influence would not seriously bind him like today, with the creation of a balance by the functional groups.

In this manner the cabinet crises and frequent change of government were avoided which were usually followed by repercussions in the internal situation and reflexes abroad.

Fifth Article

Fifthly, the element of functional groups could be included in:

a) the House of Representatives (article 19 Constitution of 1945)

b) the Supreme Advisory Council (article 16 Constitution of 1945)

c) the People's Consultative Council(People'sCongress) (article 2 Constitution of 1945), in which these representatives were mentioned as representatives from the regions and groups (namely functional groups).

The element of functional groups as an instrument of democracy, alongside the party system, must be admitted since the grouping of Indonesian citizens in accordance to their respective fields of activity and services towards achievement of community where social justice and prosperity prevail in agreement to the ideals of the Indonesian nation, was necessary.

The position of the functional groups received formal recognition with the enforcement of the Law No. 80, 1958 concerning the National Planning Council.

In view of the importance of the position of the functional groups in community life, it would be natûral that they should be included, together with the representatives, in the House of Representatives, the Supreme Advisory Council and the People's Consultative Council (People's Congress).

So as to adjust the General Elections Act with the present situation, and also in view of the implementation of the inclusion of functional groups in the House of Representatives, the govern-

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

ment on May 27, 1958, set up a new ad hoc Committee on general elections affairs charged with the task of preparing for the Council of Ministers a draft bill on the improvement of the Act No. 7, 1953 (General Elections Law).

Linked with this and aimed at the simplification of the political party system, not aimed at the dissolution of the political parties, another ad hoc Committee was formed for the preparing for the Council of Ministers a draft bill on the political party system.

The question of including the functional groups in the Supreme Advisory Council and the People's Consultative Council (People's Congress) could be arranged later under a Law with regard to the composition of these two Bodies, which much be drafted in agreement to the provisions as mentioned in article 16 and 2 of the Constitution of 1945.

Sixth Article

Sixthly, parallel with guided democracy, guided economic policy would be founded on article 33, provided a clear explanation would be given later on this matter in the formulations of the National Planning Council.

Article 33 of the Constitution of 1945 consisted of 3 paragraphs. The first of these paragraphs said that the country's economy should be drafted as a joint endeavour based on the principle of family life. The second that the branches of production of importance to the state and controlling the wishes of the majority of the people must be under control of the government.

The third paragraph said the soil, water and natural resources of the nation's territory were under the control of the government and exploited in the interest of the highest possible attainment of prosperity for the people.

This article (33) should be used as guidance in the universal development of the country, the blueprint of which must be drafted by the National Planning Council formed on the basis of the Act. No. 80, 1958.

Seventh Article

Seventhly, the system for the amendment and improvement of the Constitution in the Constitution of 1945 would be more flexible and could be carried out at any given time when considered necessary by the "Madjelis Permusjawaratan Rakjat' by a two-thirds majority (article 37 of the Constitution of 1945).

Article 37 was composed of two paragraphs. The first paragraph provided that for the revision of the Constitution at least a two-thirds majority from the total number of the membership of the Madjelis Permusjawaratan Rakjat" was required to be attending (session), and the second paragraph said that at least a two-thirds majority was required of the total of attending members to make it valid.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

Eighth Article

Eighthly, the Constitution of '45 would be upheld in its entirety.

The government was informed that in the Constitution of 1945 there were some provisions which needed adjustment to the present situation, among others the Transitional Regulation and the Supplementary Regulation.

However, the government had no doubts that by the approval on amendments in one of the provisions of the Constitution of 1945 there should also be approval to recommendations on changes of some other provisions and even of all provisions in the Constitution concerned.

In the manner the discussion on the question for a return to the Constitution of 1945 would be dragging on and on without end and take valuable time and energy.

In this connection the government would submit to the Constituent Assembly to accept the Constitution of 1945 in its entirety and postpone any efforts for its improvement for the time being.

Ninth Article

Ninthly, so as to come closer to the wishes of the Islamic groups, in the interest of settlement and preservation of security, the Djakarta Charter" was recognized, dated June 22, 1945 and ratified by Soekarno, Mohammad Hatta, A. A. Maramis, Abikusno Tjokrosujoso, A. K. Muzakir, Agus Salim, Achmad Subardjo, Wahid Hasjim and Muhammad Yamin.

With the return to the Constitution of 1945 it was meant to revive the whole national potential, including the Islam groups, for centralisation towards the restoration of internal security and the development throughout the country in all fields.

Tenth Article

Tenthly, amendments, supplements and improvements of the Constitution of 1945 could be carried out through article 37 of the Constitution itself namely by the Madjelis Permusjawaratan Rakjat. However, this should be done only after several years had passed and after economic and political stabilisation had been achieved, the Premier proposed.

As earlier mentioned above, the government was of the view it would be wise that the Constitution of '45 should be accepted in its entirely without amendments, supplements or improvements.

After it, efforts should be made for inforcement of some Acts with regard to the Government agencies and bodies whose composition in accordance with the Constitution of 1945 must be arranged by law.

In addition, steps would be taken towards achievement of stabilisation in the economic and political fields by paying attention to the programme drafted by the National Planning Council.

Only after these had come into effect, then efforts might be

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

made with regard to changes, amendments and improvements of the provisions of the Constitution of 1945 concerned, and also to adjust it with conditions prevailing in the future.

This should be regulated by article 37 of the Constitution of 1945, namely through the Madjelis Permusjawaratan Rakjat which according to articles 1 and 2 that the Constitution of 1945 fully exercised the sovereignty of the people and determined the constitutional provisions and the general outlines of the goal of the state.

Procedure

Prime Minister Djuanda resumed his clarification on what procedure would be employed for the return to the Constitution of 1945 as embodied in the government decision taken on February 18, 1959. He said this procedure should be in a constitutional manner. He mentioned seven basic views on this question.

1. After agreement had been reached between the President and the Council of Ministers, the government then requested for the convening of a plenary session of the Constituent Assembly.

The Premier said that agreement was also reached with the Steering Committee of the Constituent Assembly, including the President and the Vice President of the Assembly, with the leadership of the Council of Ministers, namely the Prime Minister and the Vice Premiers, who in this instance were assisted by the cabinet ad hoc Committee on constitutional affairs composed of the First, Second, Third Vice Premiers and the Ministers of Justice, Agrarian Affairs, Veterans Affairs and of the State Professor Muhammad Yamin as members.

"The session will be held on Friday, March 6, as from 08.30 hours at the building of the Constituent Assembly in Bandung, to jointly discuss and find out ways for the realization of the recommendation of the Government on the implementation of guided democracy in the context of returning to the Constitution of 1945.

"The Government is hopeful that a date will be set during the meeting for a plenary session of the Constituent Assembly.

2. On behalf of the Government, the President will deliver a message on the basis of clause 134 of the Provisional Constitution.

"It would be natural if such an important message of the President be delivered before a plenary session of the Constituent Assembly.

"According to clause 134 of the Provisional Constitution valid at present, the "Constituent Assembly together with the Government shall promulgate soonest a Constitution of the Republic of Indonesia to substitute the Provisional Constitution.

"In the next plenary session of the Constituent Assembly the President on behalf of the Government will deliver a message containing an appeal to promulgate

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

the 1945 Constitution as the Constitution of the Republic of Indonesia, to substitute the Provisional Constitution of 1950 valid at present.

3. If the appeal (of the President) be accepted by the Constituent Assembly, the Government on ground of clause 137 of the Provincial Constitution, will "proclaim the Constitution concerned in solemnity.

This proclamation in solemnity will take place through a Charter, to be signed in a plenary session of the Constituent Assembly in Bandung by the President, the Cabinet Ministers and the members of the Constituent Assembly.

"The Bandung Charter among other things will include the following provisions:

(*a*) recognition of the Djakarta Charter dated June 22, 1945, as a historical document.

(*b*) that all results achieved by the Constituent Assembly would be transferred to the Government;

(*c*) that the Government should speedily set up a State Committee to consider all of the existing laws and government bodies, to be adapted to the 1945 Constitution;

(*d*) on the validity of the Constitution of the Unitary State of 1945 for the whole Indonesian nation and the Indonesian State, after the signing of the Bandung Charter.

It would be reasonable, if such a proclamation in solemnity concerning the validity of the 1945 Constitution, and the signing of the Bandung Charter, be conducted in a state and grandiose ceremony.

"As estimation for the work accomplished by the Constituent Assembly so far, it would be necessary to include a provision in the projected Bandung Charter saying that all results achieved by the session of the Constitution Draft Body until the day of the Signing the Bandung Charter be handed over to the Government.

"These results would be invaluable material in making efforts to perfect the 1945 Constitution, which efforts according to the opinion of the Government would be at best made after stabilisation has been secured in the political and economic fields, and whenever possible to be promulgated through organic acts.

"Furthermore the Bandung Charter should include a recommendation to the Government, to be formed later on the basis of the 1945 Constitution, for the setting of a state Committee to consider all laws existing till now, and all government bodies till now in existence, and to adapt them to the 1945 Constitution.

"With these provisions included in the Bandung Charter, it would be possible to at least canalize some provisions of the Transitional Provisions and of the Supplementary Regulation of the 1945 Constitution, besides some of those provisions contained in the Closing Provisions of the 1950 Provisional Constitution to make them suitable with the present situation.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

"Finally, the Bandung Charter should hold in a provision regarding the validity of the 1945 Constitution since the moment of its signing for the entire Indonesian nation.

4. With the promulgation of the 1945 Constitution as Constitution, the President of the Republic of Indonesia will take up the power of government in accordance with the said Constitution, so that the Karya-Cabinet has to return its portfolio to the President who is to appoint new Ministers in conformity with clause 17 of the 1945 Constitution.

"The Government opines, that the Karya-Cabinet which has been constituted on the basis of the Provisional Constitution of 1950, immediately has to return its mandate to the Head of State, after the signing of the Bandung Charter which is to proclaim in solemnity the validity of the 1945 Constitution.

"In virtue of clause 4 of the 1945 Constitution, the authority of government shall henceforth be vested into the hands of the President and for this purpose the President according to clause 17 shall appoint Ministers to aid the President.

5. The Karya-Cabinet is to prepare a bill on the party system, and the bill to perfect the Election Law of 1953, to be submitted to the current House of Representatives which is to continue office until the formation of a new House of the People, resulting from the general elections.

"As to these bills, the Government has set up two ad hoc committees to draft the two bills which will be submitted as quickly as possible by the present Cabinet to the House of Representatives for its approval so that the general elections could be held in due time.

In view of the provisions, both contained in clause 19 of the 1945 Constitution, and in clause 57 of the Provisional Constitution of the 1950, it will be the present House of Representatives which is to receive the two aforesaid bills.

"The present House of Representatives and the Election Law of 1953, by virtue of article II of the Transitional Regulation of the 1945 Constitution, will continue in validity as long as no new one has been established according to this Constitution", i.e. after the moment of the signing of the Bandung Charter later.

6. Only after the holding of the general elections, to the new House of Representatives will be submitted the bills on:

(*a*) the formation of the Supreme Advisory Council the members of which will include representatives of functional groups;

(*b*) the formation of the Popular Consultative Assembly, composed of members of the House of Representatives, plus representation of the Regions, and of the groups (i.e. functional groups).

"The coming general elections will be held on the basis of the 1953 Election Law, after being

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

amended by an act later, a bill of which is now under preparation by the present Karya-Cabinet.

"It will be to the new House of Representatives that bills on the formation of the Supreme Advisory Council and on the Popular Consultative Assembly, respectively based on clause 16 and on clause 2 of the 1945 Constitution, will be submitted by the next Presidential Cabinet.

7. Then will follow the election of a President and a Vice President on the basis of clause 6 of the 1945 Constitution.

"The present Head of State will remain in office as President of the Republic of Indonesia by the virtue of Article II of the Transitional Regulation of the 1945 Constitution.

"Only after the People's Consultative Council (People's Congress) has been formed by virtue of law, as provided in clause 2 of the 1945 Constitution, the People's Consultative Council will be able to elect a President and Vice President by majority, as regulated in clause 6 of the 1945 Constitution".

Functional groups into the next House of Representatives in the framework of the implementation of guided democracy will be as follows:

"On the inclusion of the functional groups into the next House of Representatives and on the implementation of guided democracy the Government has adopted 7 principles of implementation, as below:

1. To bring the parties on a sounder basis, it is required to simplify the party system. This will be arranged through a Party Act, and through bringing amendments to or perfection of the Election Act, i.e. the Act No. 7 Year 1958. No dissolution of the political parties will take place.

"We all agree that to smoothen the course of government, several efforts have to be made, amongst other to remove or at least to reduce the excesses and troubles arising from the multi-party system in Indonesia, and not through the dissolution of the parties at all event.

"To bring our party system on a sounder basis it is urgent to restrict the number of political parties which has shown a constant rising tendency at times when we are dealing with a general election.

"The Government is always hopeful to effect efforts towards making the party system sound through constitutional and legal ways i.e. by submittance to the House of the Representatives the Party Draft Act, and the bill to revise and perfect the 1953 Election Act, as have been repeatedly quoted in my analysis above.

"Moreover without any deduction of evaluation to the merits of the political parties rendered to the State and Nation before the country's independence and to the Indonesian State and Community during also take in mind the functional groups which develop as potencies of the community too.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

In this context, resulting from a profound study of months the Government has arrived at the implementation principles as below.

2. In the House of Representatives to be formed through the next general elections, in addition to representatives of the political parties the functional group in the community will be represented in it.

3. The participation of representatives of the functional group in the House of the People will be arranged through the procedure of:

(*a*) inclusion of representatives of the functional group in one list of political party nominees or voters' group under one flag of the party or of the voters' group alternately a party representative, a functional group representative and so on and without further questioning whether the number of representatives would be one third or half the total of the seats in the House of Representatives. The implementation of franchise (the puncturing of party symbol) will be conducted once.

(*b*) the nomination will be made by the President/Supreme Commander (included in No. 6).

4. In connection with the provision under 3 (*a*) the President will be able to make suggestions under stipulation that:

(*a*) the President will be assisted by the (new) National Front to be arranged by a Government Regulation;

(*b*) this consultation will be arranged by way of deliberations and of wisdom;

(*c*) the National Front is entitled to submit a separate list of functional group.

"Taking in mind that we are in the atmosphere of guided democracy, it would be natural if an opportunity be given to the President to forward his consideration of the said list of nominees.

"In making those considerations the President could hear the advice of the National Front which is to be set up by a Government Regulation.

"Under the term of the new National Front, it should not be understood the present National Front for the Liberation of West Irian.

"The consultation of the new National Front by the President will be conducted in the way of deliberations and wisdom.

"The National Front is entitled to forward a separate list of nominees for functional groups affiliated to it; no obligation however to submit such a list of nominees.

5. Functional groups in the House of Representatives are to effect a co-operation in conformity with the interest of the State and of common interest.

"Within the House of Representatives a co-operation should

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

be attempted under the flag of the functional group. All of those efforts will be made through the way of negotiations, thus not by way of fixation on the basis of any regulation.

"As formulated in the third principle of implementation, the representatives of the functional group will enter the House of Representatives through a single list of nominees forwarded by a political party or a group of voters.

In this connection and taking in mind the validity of "party discipline" generally the representatives of the functional group will go to work within one faction, and with the respective party or group of voters.

Nevertheless, it is expectable that gradually in the future, efforts will be made towards co-operation between the functional groups in the House of Representatives, particularly in dealing with national interests and with common interest for the purpose of a general build-up.

The co-operation amongst the functional groups will be done through deliberations and meantime it is expectable that the National Front would render its good services.

6. The President/Supreme Commander is to nominate members of the House of Representatives from the Armed Forces Group (Army, Navy, Air Force, State Police, Village Guard, Popular Defence Guard). The nomination and the number of representatives to be nominated will be arranged by law. The general total has been set for 35 men. Following such a nomination, members of the Armed Forces will not make use anymore of their active and passive franchise.

"To preserve the discipline and hierarchy within the Armed Forces, the inclusion of this functional group into the Parliament should be at best not be accomplished through general elections, but through appointments by the President/Supreme Commander, which appointments should be arranged by law.

"By doing so members of the Armed Forces will be prevented from being involved in the campaigns of the political parties and of the functional group, as happened in the past, resulting in an indoctrination of the TNI members into a certain ideology, and in defection of the military oath—the "Saptamarga".

Should a member of the Armed Forces refuse to voluntarily drop his active and his passive franchise, then he must leave the Armed Forces service.

7. The formation of the National Front will be formed in virtue of a government regulation.

"It is the intention of the Government to charge the National Front with other and more extensive duties than mentioned in the principles of implementation under Fourth and Fifth above, respectively dealing with its field of operation in the general elections and its activity in the House of Representatives only.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

"The Government is hopeful that the National Front would be a stimulant of the community through democratic methods, especially in the field of development, and towards the achievement of a just and prosperous society, in accordance with aspirations of the Indonesian nation.

"Therefore the formation of the National Front should be on the basis of a government regulation and also to make its taking part in the general elections possible.

The realization of guided democracy in the context of returning to the 1945 Constitution would safe the Indonesia State and Nation, and accelerate the country's development in the future".



PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

DJAKARTA CHARTER

Since independence is the right of every nation, any form of subjugation in this world, being contrary to humanity and justice, must be abolished.

The struggle for Indonesia's independence has reached a stage of glory in which the Indonesian people are led to the gate of an Indonesian state which is independent, united, sovereign, just and prosperous.

With the blessing of God Almighty, and moved by the highest ideals to lead a free national life, the Indonesian people hereby declare their independence.

Further, to establish a Government for the Indonesian State to protect the whole Indonesian people and country; to promote the public welfare; to raise the standard of living; and to participate in establishing a world order which is founded on freedom, eternal peace and social justice; National Independence is set forth in a Constitution of the Indonesian State, which is a Republic resting upon the people's sovereignty and founded on: the belief in God, with the obligation for the professors of the Islamic faith to abide by the Islamic laws, in accordance with the principle of righteous and moral humanity, the unity of Indonesia, and a democracy led by wise guidance through consultation / representation, ensuring social justice for the whole Indonesian people.

Djakarta, June 22, 2605 (1945)
(sgd.) Ir. Sukarno
Drs. Mohammad Hatta
Mr. A. A. Maramis
Abikusno Tjokrosujoso
Abdulkahar Muzakir
H. A. Salim
Mr. Achmad Subardjo
Wachid Hasjim
Mr. Muhammad Yamin.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

CONSTITUTION OF THE REPUBLIC OF INDONESIA OF 1945

PREAMBLE

SINCE independence is the right to every nation, any form of subjugation in this worked, being contrary to humanity and justice, must be abolished.

Our struggle for Indonesian independence has reached a stage of glory in which the Indonesian people are led to the gate of the Indonesian state, which is independent, united, sovereign, just and prosperous.

With the blessing of God Almighty, and moved by the highest ideals to lead a free national life, the Indonesian people hereby declare their independence.

Further, to establish a Government for the Indonesian state; to protect the whole Indonesian people and territories; to promote the public welfare; to raise the standard of living; and to participate in establishing a world order, which is founded on freedom, eternal peace and social justice; national independence is set forth in a Constitution of the Indonesian state which is a republic resting upon the people's sovereignty, founded on the belief in God Almighty, righteous and moral humanity, the unity of Indonesia, and a democracy led by the wise guidance of the representatives' Congress ensuring social justice for the whole Indonesian people.

CONSTITUTION INDONESIAN REPUBLIC

Chapter I

FORM AND SOVEREIGNTY OF THE STATE

Article I

Sect. 1. The Indonesian State is a unitary State having the form of a Republic.

Sect. 2. The Sovereignty shall be vested in the people and shall be fully exercised by the People's Congress.

Chapter II

THE PEOPLE'S CONGRESS

Article 2

Sect. 1. The People's Congress consists of members of the Coun-

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

cil of Representatives and delegates of regional territories or groups, chosen in accordance with provision prescribed by law.

Sect. 2. The People's Congress assembles in the capital at least once every five years.

Sect. 3. All decisions of the People's Congress are taken by a majority of votes.

Article 3

The People's Congress enacts the Constitution and decides the outlines of national policy.

Chapter III

THE POWER OF THE GOVERNMENT

Article 4

Sect. 1. The President is vested with the Power of the Government in accordance with this Constitution.

Sect. 2. In executing his duties the President shall be assisted by a Vice-President.

Article 5

Sect. 1. The President is vested with the legislative power in concurrence with the People's Congress.

Sect. 2. The President enacts the necessary ordinance to execute laws.

Article 6

Sect. 1. The President must be an Indonesian by birth.

Sect. 2. The President and the Vice-President are elected by the Congress of People by a majority of votes.

Article 7

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

Article 8

In case of death, removal or inability to exercise the duties of his office during his term, the President is replaced by the Vice-President until the end of his term.

Article 9

Before assuming the duties of his office, the President and Vice-President take an oath according to their religion, or promise solemnly before the People's Congress of the Council of Representatives, as follow:

Oath (promise) of the President (Vice-President): "I swear (promise) that I will faithfully and conscientiously fulfil the duties of President of the Republic of Indonesia (Vice-President of the Republic of Indonesia) to maintain the Constitution and to execute conscientiously all its laws and regulations, and to devote myself to serve my country and my people.

Article 10

The President shall be Com-

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

mander-in-Chief of the Army, the Navy and the Air Force.

Article 11

The President, in concurrence with the Council of Representatives, declares war, makes peace, and concludes treaties with other countries.

Article 12

The President proclaims martial law. The conditions and the consequences of the martial law shall be provided by law.

Article 13

Sect. 1. The President appoints ambassadors and consuls.

Sect. 2. The President receives ambassadors and representatives of other countries.

Article 14

The President has the power to grant pardon, amnesty, extradition and reprieve.

Article 15

The President has the power to grant titles, marks of merit and other marks of honour.

Chapter IV

COUNCIL OF STATE

Article 16

Sect. 1. The composition of the Council of State is provided by law.

Sect. 2. This Council of State is obliged to answer questions submitted by the President and has the right tomake proposals to the government.

Chapter V

MINISTRIES OF STATE

Article 17

Sect. 1. The President is assisted by Ministers of State.

Sect. 2. The Ministers are appointed and discharged by the President.

Sect. 3. The Ministers manage the Ministries.

Chapter VI

LOCAL ADMINISTRATION

Article 18

The division of the Indonesian territory into large and small spheres, and the forms of their administration are prescribed by law, considering and respecting the principle of conference in the governmental system, and the traditional rights of particular territories.

Chapter VII

COUNCIL OF REPRESENTATIVES

Article 19

Sect. 1. The organization of the Council of Representatives is prescribed by law.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

Sect. 2. The Council of Representatives assembles at least once a year.

Article 20

Sect. 1. Every law is enacted in concurrence with the Council of Representatives.

Sect. 2. Whenever a bill is not passed by the Council of Representatives, that bill shall not be submitted for the second time during the same session of the Council of Representatives.

Article 21

Sect. 1. Members of the Council of Representatives have the right to submit a bill.

Sect. 2. Every bill, though passed by the Council of Representatives, but not accepted by the President, shall not be submitted for the second time during the same session of the Council of Representatives.

Article 22

Sect. 1. At critical times, the President has the right to enact governmental provisions replacing the law.

Sect. 2. Those governmental provisions require the agreement of the Council of Representatives during the next session.

Sect. 3. If no agreement is obtained, those provisions must be revoked.

Chapter VIII

FINANCE

Article 23

Sect. 1. The draft of the budget of receipts and expenditures is provided by law every year. If the Council of Representatives does not approve the draft of the budget proposed by the Government, then the draft of the preceeding year is executed.

Sect. 2. Every form of tax on behalf of the Government is prescribed by law.

Sect. 3. The sort and the value of money is provided by law.

Sect. 4. Other matters concerning public finances are provided by law.

Sect. 5. A general Audit Office is instituted, the provisions of which are stipulated by law to control the accountability of the public finances.

The findings of the office must be presented to the Council of Representatives.

Chapter IX

THE JUDICIARY POWER

Chapter 24

Sect. 1. The Judiciary Power is executed by the Supreme Court and other courts as may be established by law.

Sect. 2 The organization and competence of those courts shall be provided by law.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

Article 25

The conditions for becoming judge and being discharged from this office are provided by law.

Chapter X

CITIZENSHIP

Article 26

Sect. 1. Citizens are Indonesians by birth, and persons of other nationality who are regarded as such by law.

Sect. 2. Matters concerning citizenship are provided for by law.

Article 27

Sect. 1. All citizens have the same position in the law and the government, and are without exception obliged to respect the law and the government.

Sect. 2. Every citizen is entitled to work and to a reasonable standard of living.

Article 28

The right of free assemblage, the right to express one's opinion orally or in writing, etc. shall be provided by law.

Chapter XI

RELIGION

Article 29

Sect. 1. The State is based upon the faith in the All-Embracing God.

Sect. 2. The State guarantees the freedom of the people to profess their own religion and to fulfil their religious duties.

Chapter XII

DEFENCE

Article 30

Sect. 1. Every citizen is entitled and obliged to participate in the defence of the State.

Sect. 2. Matters concerning national defence are provided by law.

Chapter XIII

EDUCATION

Article 31

Sect. 1. Every citizen is entitled to education.

Sect. 2. The Government establishes a system of national education provided by law.

Article 32

The Government promotes the national culture of Indonesia.

Chapter XIV

SOCIAL WELFARE

Article 33

Sect. 1. The economy is organized co-operatively based on principles of the Family State.

Sect. 2. Branches of production

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

which are important for the State and which dominate the life of most people, are regulated by the State.

Sect. 3. Land and water and natural riches therein are regulated by the State and shall be used for the greatest possible prosperity of the people.

Article 34

The State takes care of the poor and the uncared-for children.

Chapter XV

FLAG AND LANGUAGE

Article 35

The flag of the Republic of Indonesia is the Red and White Flag.

Article 36

The official language is the Indonesian language.

Chapter XVI

MODIFICATIONS OF THE CONSTITUTION

Article 37

Sect. 1. To modify the Constitution, there must be present at least two-thirds of the total members of the People's Congress.

Sect. 2. Decision shall be made in concurrence with at least two-thirds of the total members who are present.

TRANSITORY PROVISIONS

Sect. 1. The Committee for the Preparation of the Independence of Indonesia regulates and prepares the transition of the government to the Indonesian Government.

Sect. 2. All existing official institutions and laws shall be in force until new ones are instituted in accordance with the Constitution.

Sect. 3. For the first time the President and Vice-President will be elected by the Preparatory Committee for the Independence of Indonesia.

Sect. 4. Before the People's Congress, the Council of Representatives and the Council of State are elected in accordance with the Constitution, their competences will be exercised by the President assisted by a National Committee.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

Different Layers of Indonesian Society Hail the Government's Decision to Return to 1945 Constitution

POLITICAL PARTIES:

P. N. I.

Speaking about guided democracy and its implementation through a return to the 1945 Constitution, the PNI leader Soewirjo said his party had given its full support to the Government's decision because the PNI hoped that in this way the abuses which has so far prevented the achievement of a just and prosperous society and stable government could be erased once for all. He said, however, his party supported the guided democracy only if the state leadership keeps adhering to the Pantja Sila.

He emphasized that with a return to the 1945 Constitution political stability and security would be gained which was necessary to facilitate the efforts of state construction.

N. U.

Moslem Scholars Nahdatul Ulama said it was prepared to obey the demand of circumstances that wanted a recourse to the 1945 Constitution.

MASJUMI

Masjumi has not yet issued a formal statement, but its acting President, Sukiman Wirjosandjojo, expressed his view through the press endorsing this recourse with emphasis that under the 1945 Constitution, the President was to head a government. He said it had been his party's policy since the outset that only a government led by the President himself could end the present political impasse.

P. K. I.

The Indonesian Communist Party has supported the idea of "return to the 1945 revolutionary constitution" on the condition that it should exclusively serve to realise President Soekarno's concept of also embodying the Communists in Government.

In a long awaited statement today the Communist Party said "the return to the 1945 constitution receives this party's support

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

provided for the sole purpose of realising guided democracy and President Soekarno's conception for a hundred per cent".

CATHOLIC PARTY

Chairman of the Indonesian Catholic Party, I. J. Kasimo, in an interview with the weekly "Penabur" stated: "Considering the present situation, I can accept the decision to return to the whole 1945 Constitution with the recognition that this Constitution's is still flexible for perfection".

Kasimo, as President Sukarno did, reminded to "das Sein" and "das Sollen". In this context he said that the current condition did not yet allow his party to achieve what it wished.

The wishes of the Indonesian Catholic Party were stated in a decision of the party's Congress in Malang in 1956, which among other things said that the Indonesian Unitary State should be a Republic basing on Pantjasila principles. Board autonomy should be given to the religions.

INDONESIAN MUSLIM PARTY (P.S.I.I.)

The Indonesian Moslem Party P.S.I.I.'s "political team" at a meeting last February 26 endorsed in principle the idea to return to the 1945 Constitution.

The above statement was given by Arudji Kartawinata, General Chairman of the Party, to the press today.

Arudji stated that the idea to return to the 1945 Constitution runs parallel to the view and attitude of the P.S.I.I. on the idea and the implementation of "guided democracy" as stated in the Party's statement on December 18, 1958 which among other things formulated:

a. that guided democracy should stress on democratic principles and should try to achieve a more perfect form to carry out and maintain the people's sovereignty in line with the condition and requirements of the Indonesian people themselves. Guided Democracy should be a better implementation of the fundamental human rights not only in the political sphere but also in the social, cultural, and most important in the economic field to create prosperity for the people.

b. all constitutional changes affecting the provisions in the Provisional Constitution as a result of the realisation of guided democracy, should be decided by the Constituent Assembly.

The P.S.I.I. is convinced, according to Arudji, that "to return to the 1945 Constitution" does not mean at all that the door is closed for Indonesian Moslems in general and Moslem Parties in particular to continue their struggle for their political ideal or ideology, in line with the teachings and principles of Islam.

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

He said that the "return to the 1945 Constitution" should become a starting point for the re-unity of the nation's potentials and the achievement of a "mental stabilisation" in all the State's institutions, in order to overcome all "stagnations" and difficulties in the country's political life.

POLITICAL ORGANISATIONS:

NATIONAL ECONOMIC CONGRESS

"Also we should be consistent in returning to the 1945 Constitution", the KENSI chairman said, "because in this way guided democracy can be effected as best as possible".

ALL INDONESIAN FEDERATION OF TRADE UNIONS

The All-Indonesian Federation of Trade Unions SOBSI stated today that it could accept the decision "to return to the Constitution of 1945" to pave the way for the one hundred per cent implementation of guided democracy and the entire conception of President Sukarno.

The SOBSI said that a recourse to the Constitution of 1945 which was born at the start of the revolution means nothing else but a return to the fire and spirit of the Revolution of August 1945 namely national unity, anti-colonialism and people's welfare.

INDONESIAN PEASANTS MOVEMENT

Central Board of Indonesian Peasants Movement whose headquarters is at Bogor, stated on March 3 that the idea of returning to 1945 constitution, which has been agreed upon by the President should mean "the return of the Indonesian nation and people's unity for her further struggle, and the return of the people's leaders who are clean, honest and brave, capable and wilful to sacrifice and to prevent a destruction catastrophe which might befall the state and the people, in order to realize the ideals of a just and prosperous society."

DEFENDERS OF 1945 CONSTITUTION MOVEMENT

Participants of first seminar of "Pantjasila" in Jogjakarta in a meeting held recently especially by participants from Djakarta decided to establish an organisation called "defenders of 1945 constitution movement" which has its headquarters in Jogjakarta chaired by R. K. H. Wishnumurti after having deeply studied the results of the seminar.

Setting up of the movement is based on the agreement of returning principally to 1945 constitution, which is in fact a way to realize the new life movement "to expand the idea".

HIZBULLAH

If President Sukarno could persuade the Constituent Assembly to endorse the 1945 Constitution as the one to rule the country, this would mean a "political or

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA
0479

moral victory" for him. Al Fattah detailed this victory as follows:

1. The Pantjasila will remain the basic principles of the Republic.
2. The PRRI/Permesta rebellion will be politically disarmed.
3. Embracement of Moslem political parties as backing to his (the President) conception, meaning that it is bound to politically curtail the influence of the NII/TII (Islamic State, or Darul Islam).
4. It is bound to relatively contain communist influence in Indonesia.
5. Politically and potentially it is bound to destroy foreign subversion.
6. It is bound to facilitate the return of West Irian to the Republican authority.

CENTRAL EXECUTIVE BOARD OF THE INDONESIAN WOMEN'S MOVEMENT

The Central Executive Board of the Indonesian Women's Movement (Gerwani) has issued a statement declaring its support to the decision to return to the 1945 Constitution.

Gerwani in its statement emphasized that this must not be interpreted as a step to curb or restrain the democratic rights of the people gained through their struggle.

It hoped that President Sukarno as the chief figure in the implementation of it would be cautious in chosing the persons with whom he would guide the nation to achieve its destination.

The Indonesian Women's Movement further made an appeal to the former independence struggles to be prepared to respond to the nation's call.

Finally it stressed that the independence and peace loving people of Indonesia must keep on their vigilance and alertness in upholding the democratic rights procured through the proclamation of Independence of August 17, 1945.

PRESS

Nearly all the Indonesian press which are in the Capital of Indonesia or in the regions are in support for the return to the Constitution of 1945. *Here are some press opinions from the regions.*

MAKASSAR PRESS HAILS RETURN TO 1945 CONSTITUTION

The local press here in general welcomes President Sukarno's approval to return to the Constitution of 1945 in implementation of his guided democracy. The Moslem Party Masjumi's acceptance of the decision too is hailed.

"Marhaen" wrote that though Masjumi leader, Dr. Sukiman has "not yet" declared his party's

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

acceptance of the Pantja Sila, the Masjumi was in fact quite agreed to the principle.

"Duta Pantjasila" regards the decision as the only way out of the dilemma of conflicting view and as a definite return to the upholding of the Pantja Sila as a unifying factor of the Indonesian people.

PARTIES AND ORGANISATION IN CELEBES

Political parties and organisations in Sulawesi which have no branches of central organisations in Djakarta, generally agree to the decision taken by the Cabinet and approved by President Sukarno to return to the 1945 Constitution and are full of hope for the future.

Henk Rondonuwu, chairman of the People's Sovereignty Party (Partai Kerakjatan Nasional) in an interview with "Antara" stated today at the moment of the proclamation of independence on August 17, 1945, it was announced that we all agreed to defend our independence and to give contents to this". But some time later there was a breach in the Indonesian people's unity because everyone had his own way of giving contents to Indonesia's independence. This was something to be deplored since it was endangering the state's unity, Rondonuwu said.

A re-endorsement of the 1945 Constitution should be wholeheartedly welcomed in order to prevent conditions to drag on and on.

A return to the 1945 Constitution, Rondonuwu said, was an effort to reunite the Indonesian people " provided that we are willing to throw away all sentiments existing after the proclamation until today." He added that without doing so it would be useless to reendorse the 1945 Constitution.

Speaking about the simplification of political parties, Henk Rondonuwu said there should be more tolerance within the party circles themselves either big or small. Such a simplification could indeed lead to a political stability and stability of government. Parties, which should be allowed to exist should include religious, national, social and communist parties, Rondonuwu said.

Chairman of the Indonesian Women's Organisation Federation, Mrs. Towolice in a statement to "Antara" said the step to be taken by President Sukarno to return to the 1945 Constitution should have been done two years ago, namely at the height of the regional turbulances. "Only by a return to the 1945 Constitution can we temporarily overcome the present situation", she said.

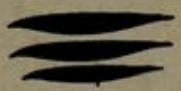
She stated she could accept the system of guided democracy, "because so should it be".

Commenting on the political parties system in Indonesia, she said, indeed, there were too many

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

of them, which made things complicated.

She finally hoped that a return to the 1945 Constitution could bring about the dismissal of the Karya Cabinet in order to make place for the President, who would take over the Government's control.



PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA