Draft Constitution of the Republic of the United States of Indonesia



1949

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DRAFT

CONSTITUTION

OF THE

REPUBLIC OF THE UNITED STATES OF INDONESIA

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REPUBLIC OF THE UNITED STATES

OF INDONESIA

This Draft Constitution belongs as an Annex to:

RESULTS OF THE ROUND TABLE CONFERENCE

as accepted in the second plenary meeting
held in the "Ridderzaal" at The Hague
on 2 November 1949

CONTENTS

Page

CHARTER OF AGREEMENT
between the Delegation of the Republic Indonesia and the Delegation of the Federal Consultative Assembly on the draft of the Constitution of the Republic of the United States of Indonesia, initialled in a joint meeting held on 29 October 1949 3

PREAMBLE 5

CHAPTER I. THE STATE OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA 7

Section I. The form of Government and the Sovereignty 7

Section II. The territory of the State 7

Section III. The symbols and the language of the State 7

Section IV. Citizenship and Residents of the State 8

Section V. Fundamental Human Rights and Freedoms 8

Section VI. Fundamental Principles 11

CHAPTER II. THE REPUBLIC OF THE UNITED STATES OF INDONESIA AND THE PARTICIPANT TERRITORIES 12

Section I. The Participant Territories 12
Part 1. General provisions 12
Part 2. The negaras 13
Part 3. The autonomous constitutional units, not being negaras 14
Part 4. Those territories not being participant territories and the federal district Djakarta 14
Section II. The division of Governing Powers between the Republic of the United States of Indonesia and the Participant Territories 14
Part 1. Division of Governing Powers 14
Part 2. The financial relations 15
Part 3. Rights and liabilities 17
Section III. The Self-Governing Territories 17

CHAPTER III. THE ORGANS OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA 18
General provisions 18
Section I. The Government 18
Section II. The Senate 21
Section III. House of Representatives 24
Section IV. The Supreme Court 26
Section V. The General Audit-Department 26

CHAPTER IV. THE GOVERNMENT 27
Section I. General Provisions 27
Section II. The Legislation 28
Section III. The Administration of Justice 32
Section IV. Finance 36
Part 1. Monetary system 36
Part 2. The administration of federal finance — Budget — Account — Salaries 36
Section V. Foreign Relations 38
Section VI. National Defence and Public Security 38
CHAPTER V. THE CONSTITUENT ASSEMBLY 39
CHAPTER VI. CHANGES, TRANSITIONAL- AND FINAL PROVISIONS 41
Section I. Changes 41
Section II. Transitional Provisions 42
Section III. Final Provisions 43

APPENDIX

Subjects which shall be entrusted to the governing powers of the Republic of the States of Indonesia in accordance with article 51 of the Constitution 44

CHARTER OF AGREEMENT

between the Delegation of the Republic Indonesia and the Delegation of the Federal Consultative Assembly on the draft of the Constitution of the Republic of the United States of Indonesia

We, the Delegation of the Republic Indonesia and the Delegation of the Federal Consultative Assembly, in our meeting held on Saturday the twentyninth October nineteen hundred and fortynine at Scheveningen;

Having considered and agreed to the views on constitutional affairs as formed by our Constitutional Committees in several joint meetings held at Scheveningen and the Hague during August, September and October 1949;

Fully respecting all the unanimous decisions of the Inter-Indonesian Conference during its meetings at Djocjakarta and Batavia in July and August 1949;

Having examined and considered the draft of the Constitution of the Republic of the United States of Indonesia,

DECLARE

to agree with the text of the Provisional Constitution, called Constitution of the Republic of the United States of Indonesia, as attached to this Charter of Agreement.

We, the Delegations, as a proof thereof, have further initialled this Charter of Agreement, God Almighty bearing witness of the true inclination and the earnest desire of the Indonesian People and Country to bring about the draft of the Constitution of the Republic of the United States of Indonesia:

a. For the Republic Indonesia,

Leader of the Delegation of the Republic Indonesia,
(Drs. Mohammad Hatta)

b. For the territories cooperating in the frame of the F.C.A.,

Delegate of Kalimantan Barat,
(Sultan Hamid II)
Chairman of the F.C.A.

Delegate of Indonesia Timur,
(Ide Anak Agoeng Gde Agoeng)
First deputy Chairman of the F.C.A.

Delegate of Madura,
(Dr. Soeparmo)
Second deputy Chairman of the F.C.A.

Delegate of Bandjar,
(A. A. Rivai)

Delegate of Bangka,
(Saleh Achmad)

Delegate of Billiton,
(K. A. Moh. Joesoef)

Delegate of Dajak Besar,
(Mochram Bin Hadji Moh. Ali)

Delegate of Djawa Tengah,
(Dr. R. Sudjito)

Delegate of Djawa Timur,
(R. Tg. Djuwito)

Delegate of Kalimantan Tenggara,
(M. Jamani)

Delegate of Kalimantan Timur,
(Adji Pangeran Sosronegoro)

Delegate of Pasundan,
(Mr. M. Tg. Djumhana Wiriaatmadja)

Delegate of Riau,
(Radja Mohammad)

Delegate of Sumatera Selatan,
(Abdul Malik)

Delegate of Sumatera Timur,
(Radja Kaliamsjah Sinaga)

PREAMBLE

WE THE PEOPLE OF INDONESIA for decades closely united in the struggle for independence, tenaciously determined and resolved to assert the right to exist as a free sovereign nation,

Having arrived at this stage, through Gods blessings and by His Mercy at this blessed and sacred moment in our history,

Hereby ordain and establish our Independence by means of the Charter of our federal republican State based on the recognition of the Divine Omnipotence, humanity, national consciousness, democracy and social justice,

In order to enjoy prosperity, peace and freedom in society and the completely sovereign constitutional State of Free Indonesia, governed by justice.

CHAPTER I
THE STATE OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA
SECTION I
THE FORM OF GOVERNMENT AND THE SOVEREIGNTY
Article 1

1. The independent and sovereign Republic of the United States of Indonesia is a democratic state of federal structure, governed by justice.

2. The sovereign authority of the Republic of the United States of Indonesia is exercised by the Government together with the House of Representatives and the Senate.

SECTION II
THE TERRITORY OF THE STATE
Article 2

1. The Republic of the United States of Indonesia comprises the whole territory of Indonesia, *i.e.*, the territories of:
a. *the Negara Republik Indonesia*, being the territory in accordance with the status quo as defined in the Renville-agreement of 17 January 1948;
the Negara Indonesia Timur;
the Negara Pasundan, including the Federal District Djakarta;

the Negara Djawa Timur;
the Negara Madura;
the Negara Sumatera Timur on the understanding that the status quo of South-Asahan and Labuhan-Batu in respect to the Negara Sumatera Timur is maintained;
the Negara Sumatera Selatan;
b. the autonomous constitutional units;
Djawa Tengah;
Bangka;
Belitung;
Riau;
Kalimantan Barat (Daerah Istimewa);
Dajak Besar;
Dacrah Bandjar;
Kalimantan Tenggara;
Kalimantan Timur;
a and b. which participant territories unite in the federal relationship of the Republic of the United States of Indonesia in free self-determination and on the basis of the provisions of this Constitution and also:
c. the other territories of Indonesia not being participant territories.

SECTION III
THE SYMBOLS AND THE LANGUAGE OF THE STATE
Article 3

1. The national flag of the Republic of the United States of Indonesia is the red und white flag.
2. The national anthem is the „Indonesia Raja".
3. The Government defines the seal and coat of arms of the State.

Article 4

The official language of the State is the Bahasa Indonesia.

SECTION IV
CITIZENSHIP AND RESIDENTS OF THE STATE
Article 5

1. The federal law defines the citizenship of the Republic of the United States of Indonesia.

2. Naturalization is effectuated by or in virtue of federal law. The law stipulates the consequences of naturalization as regards the wife and the children of minor age of the person naturalized.

Article 6

Residents of the State are those persons who reside in Indonesia in accordance with rules to be made by federal law.

SECTION V
FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

Article 7

1. Everyone is recognized as a person before the Law.

2. All are entitled to equal treatment and equal protection of the Law.

3. All are entitled to equal protection against any discrimination and against any incitement to such discrimination.

4. Everyone has the right to a effective remedy by the competent tribunals for acts violating the fundamental rights granted him by the Law.

Article 8

All persons being in the territory of the State are entitled to equal protection of person and property.

Article 9

1. Everyone has the right of freedom of movement and residence within the borders of the State.

2. Everyone has the right to leave the country and — being citizen or resident — to return thereto.

Article 10

No one shall be held in slavery, servitude or bondage. Slavery, the slave trade and bondage or actions giving rise to these are prohibited in any form.

Article 11

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 12

No one shall be arrested or detained unless by order of the authority declared competent by law and in the cases and the manner described therein.

Article 13

1. Everyone is entitled in full equality to a fair and public hearing by an impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

2. No person shall against his will be denied the judge assigned to him as a consequence of the law.

Article 14

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a

public trial at which he enjoys all the guarantees prescribed necessary for his defence.

2. No one shall be prosecuted or sentenced to penalty unless by virtue of a law applicable to him at the time the penal offence was committed.

3. In the event of an alteration of the law referred to in the preceding paragraph, the provision most favourable to the accused shall be applied.

Article 15

1. No transgression or crime shall be made punishable by total forfeiture of the property of the offender.

2. No penalty may cause the civic death or the loss of all civic rights.

Article 16

1. Everyone’s home is inviolable.

2. To enter a compound of a dwelling against the occupant’s will shall only be permitted in those cases provided for in a law applicable to him.

Article 17

The freedom and secrey of correspondence are inviolable, except by order of a judge or other authority declared competent by law, for those cases defined by that law.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship, observance of the commandments and prescriptions and in educating children in the faith or belief of their parents.

Article 19

Everyone has the right to freedom of opinion and of expression.

Article 20

The right of the residents to freedom of peaceful assembly and association is recognized and as far as necessary guaranteed by law.

Article 21

1. Everyone has the right to lodge complaints with the public authority, either orally or in writing.

2. Everyone has the right to present petitions to the competent authority.

Article 22

1. Every citizen has the right to take part in the government, directly or by means of representatives freely elected in accordance with a procedure established by law.

2. Every citizen shall be eligible for appointment to any public office. Aliens may be appointed to public office in accordance with rules to be made by federal law.

Article 23

Every citizen has the right and the duty to take an active share in the national defence.

Article 24

1. The authorities shall not attach any advantages or disadvantages to the fact that citizens belong to a particular group of the population.

2. The different social wants and wants in respect of law (rechtsbehoeften) of the population shall be taken into account.

Article 25

1. Everyone has the right to own property individually as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 26

1. Expropriation of any property or right for the general benefit cannot take place except with indemnification and in accordance with regulations as established by law.

2. If any property has to be destroyed by the public authority or has to be rendered useless either permanently or temporarily for general benefit, such actions can only be taken with indemnification in accordance with regulations as established by law, unless this law stipulates to the contrary.

Article 27

1. Every citizen according to his ability has the right to available work. Everyone has the right to free choice of occupation and to just conditions of work.

2. Everyone has under equal conditions the right to equal pay for equal work and to equally favourable conditions of work.

3. Everyone who works has the right to a just remuneration, ensuring for himself and his family an existence worthy of

human dignity.

Article 28

Everyone has the right to form and to join trade-unions for the protection of his interests.

Article 29

1. Teaching is free, except for the supervision to be exercised by the public authority in accordance with the law.

2. The choice of education is free.

Article 30

The freedom is recognized to perform social and charitable work, to found organizations for this purpose, as well as for private education and to acquire and own property to these ends.

Article 31

Everyone in the territory of the State owes obedience to the Law — common law included — and to the lawful and lawfully acting public authorities.

Article 32

1. The regulations as established by law on the exercise of the rights and freedoms described in this section, shall if necessary impose limitations exclusively for the purpose of securing the indispensable recognition and respect for the rights and freedoms of others and to comply with the just requirements of public order, morality and the general welfare in a democratic community.

2. If necessary the federal law gives directives in this respect for the legislation of the participant territories.

Article 33

No provision in this section may be interpreted as implying for any public authority, group or person any right to engage in any activity or to perform any act aiming at the destruction of any of the rights and freedoms set forth herein.

SECTION VI
FUNDAMENTAL PRINCIPLES
Article 34

The will of the people is the basis of public authority; this will is expressed in periodic and genuine elections which are held by universal and equal suffrage and by secret vote or by equivalent free voting procedure.

Article 35

The authorities promote social security to the extent of their abilities and in particular promote a securing and guaranteeing of favourable labour-conditions and -situations, checking of unemployment and establishing reasonable old-age-provisions and care for widows and orphans.

Article 36

1. The raising of the people's prosperity is an object of continuous concern of the authorities, the aim of which at all times shall be that everyone be ensured a standard of living for himself and his family in accordance with human dignity.

2. Except for restrictions to be imposed for the general benefit by law, equal and the greatest possible opportunity will be given to all, in accordance with their nature, aptitude and ability to take part in the development of the sources of prosperity of the country.

Article 37

The family is entitled to protection by society and the State.

Article 38

The authorities protect cultural, artistic and scientific freedom.

Upholding this principle, the authorities promote the national development of culture and of the arts and sciences wherever they are able to do so.

Article 39

1. The authorities shall promote as much as possible the spiritual and physical development of the people and shall aim thereby in particular at a speedy abolition of illiteracy.

2. The authorities provide for the need of public education, wich is given with the basic purpose of deepening the national consciousness, strengthening the unity of Indonesia, stimulating and deepening the sense of humanity, of tolerance and equal respect for everyone's religious conviction and with opportunity within school-hours for religious teaching to be given in accordance with the wishes of the parents.

3. The pupils of the private schools which comply with the standards of efficiency imposed by the law on public education, have the same rights as accorded to pupils of public schools.

4. As regards elementary education, the authorities aim at a speedy introduction of general compulsory education.

Article 40

The promotion of public hygiene and public health is an object of continuous concern of the authorities.

Article 41

1. The authorities give equal protection to all recognized religious communities and organizations.

2. The authorities see to it that these communities and organizations obey the Law — common law included.

CHAPTER II
THE REPUBLIC OF THE UNITED STATES OF INDONESIA AND THE PARTICIPANT TERRITORIES

SECTION 1
THE PARTICIPANT TERRITORIES

Part 1. General provisions

Article 42

Pending the completion of the structure of the Republic of the United States of Indonesia as a federation of participant states with equal status and equal rights, the participant territories referred to in article 2 have mutual and equal rights.

Article 43

The fundamental principle for the completion of the federal structure of the Republic of the United States of Indonesia

shall be that the through democratic means in freedom expressed desires of the population of the territories concerned shall be conclusive for the ultimate status of these territories in the Federation.

Article 44

Alteration of the territory of any participant territory and the acceding to or association with an existing participant territory by any other territory — whether or not being a participant territory — can only be effectuated in accordance with regulations to be established by federal law, in compliance with the principle set forth in article 43. The above mentioned accession or association of territories requires the approval of the participant territory concerned.

Article 45

The organization and government of the participant territories shall be democratic and in accordance with the principles set forth in this constitution.

Part 2. The negaras

Article 46

1. Newly formed negaras require recognition by federal law.

2. The federal law shall refuse the status of negara to such territories which are considered not being able to exercise

and fulfil the rights, competencies and obligations of a negara.

Article 47

The constitution of the negaras shall guarantee the right to an own existence of the various communities of the population within their territories and create the possibility to realize his existence constitutionally through regulations on the democratic organization of these communities into autonomous daerahs.

Article 48

1. The constitutions of the negaras contain no provisions which are partly or entirely in contravention of this Constitution.

2. The constitutions referred to, or alteration thereof, shall not become effective until after consideration by the federal Government; they shall be presented for this purpose as soon as possible after completion by the negara government to the federal Government.

3. If in the opinion of the federal Government a contravention occur as referred to in paragraph 1, within two months after receipt of the documents, the Government shall draw the attention of the negara government to this contravention and invite the latter to take steps for redress.

4. In the event that the negara government fails to comply partly or entirely with the directions referred to in the preceding paragraph or, in case the negara government is of the opinion that the directives were unjustly given, the federal Government, as well as the negara government can solicit a judgement from the Supreme Court of Indonesia, which judgement is binding.

5. If the federal Government informs the negara government within the period referred to in paragraph 3 of its agreement with the constitution or alteration thereof submitted for consideration, or if within that period the federal Government does not express any opinion, the constitution is considered recognized by the federal Government as the lawful constitution of the negara, or the alteration is considered being part of the lawful constitution of the negara; this constitution shall then as such be guaranteed by the federal Government, without prejudice to the provisions in section III of chapter IV.

Part. 3. The autonomous constitutional units, not being negaras

Article 49

The position in the federation of the autonomous constitutional units not having the status of negara shall be enacted by federal law.

Part 4. Those territories not being participant territories and the federal district Djakarta

Article 50

1. The government over regions outside the territory of any participant territory and also over the federal district Djakarta is exercised by the organs of the Republic of the United States of Indonesia in accordance with regulations to be established by federal law.

2. With the approval of their government suitable participant territories may be included in the government referred to in the foregoing paragraph.

SECTION II
THE DIVISION OF GOVERNING POWERS BETWEEN THE REPUBLIC OF THE UNITED STATES OF INDONESIA AND THE PARTICIPANT TERRITORIES

Part 1. Division of governing powers

Article 51

1. The governing powers concerning the subjects enumerated in the appendix to this Constitution are exclusively entrusted to the United States of Indonesia.

2. The enumeration referred to in the preceding paragraph is altered, either at the collective request of the participant territories, or on the initiative of the federal Government

after agreement with the joint participant territories, in accordance with a procedure to be defined by federal law.

3. The federal legislation may further enact all provisions for adequate implementation of the governing powers entrusted to the federation.

4. All governing powers not included in the enumeration referred to in the preceding paragraphs are the exclusive competency of the participant territories.

Article 52

1. The participant territories are entitled to a greatest possible share in the exercise of federal governing powers by their own organs.
For this purpose the Republic of the United States of Indonesia shall solicit the cooperation of the participant territories as much as possible.

2. In case the Republic of the United States of Indonesia requires the assistance of the participant territories for the execution of federal regulations, the participant territories are obliged to render this assistance.

3. The participant territories exercise joint government referred to in this article, in concurrence with the high authority of the federal organs concerned.

Article 53

Participant territories may cooperate in the exercise of their task of government in accordance with general regulations to be established by federal law, which regulations shall also define possible action in this respect of the Republic of the United States of Indonesia.

Article 54

1. Partial or entire exercise of the task of government of a participant territory either by the Republic of the United States of Indonesia or by cooperation between the organs of the Republic of the United States of Indonesia and those of the participant territories concerned, is only possible at the request of the participant territory concerned.
This assistance by the Republic of the United States of Indonesia is restricted as much as possible to such task of government which exceeds the capacities of the participant territory.

2. The Republic of the United States of Indonesia is only competent to take in hand and exercise a task of government of a participant territory without a request having been made to this effect, in such cases of gross neglect of the task by the participant territory to be defined by the federal Government in agreement with the Senate and the House of Representatives, in accordance with regulations to be established by federal law.

Part 2. The financial relations

Article 55

1. Federal law stipulates which sources of revenue are the sources of revenue of the federation and as such are for the benefit of the exchequer of the Republic of the United States of Indonesia; all other sources of revenue, as far as not lawfully accruing to minor communities, are the sources of revenue of the participant territories and as such are exclusively for the benefit of their exchequers.

2. Such equilibrium is aimed to achieve in the distribution of the sources of revenue referred to in the preceding paragraph, in order that the Republic of the United States of Indonesia as well as the participant territories are able to cover the expenses connected with the exercise of their governing powers from their own revenues.

3. Without prejudice to the principle referred to in the preceding paragraph, the distribution of the sources of revenue shall concur as much as possible with the division of governing powers referred to in part 1 of this section.

4. Provisions can be established by federal law, to levy surcharges on taxes of the participant territories on behalf of the federation.

Article 56

1. Deficits in the ordinary expenditure of the budget of the participant territories shall be covered by contributions from the exchequer of the Republic of the United States of Indonesia in accordance with regulations to be established by federal law.

2. Deficits on the extraordinary expenditure can be covered by such contributions.

Article 57

1. Foreign loans are contracted exclusively by the Republic of the United States of Indonesia.

2. The Republic of the United States of Indonesia can contract loans abroad for the benefit of participant territories at the request of these participant territories.

3. For contracting loans within the jurisdiction of the Republic of the United States of Indonesia, the participant territories require previous approval of the Republic of the United States of Indonesia.

Article 58

1. Budgets of participant territories, of which the deficits are to be covered by the federal exchequer or by means of loans require the approval of the federal Government.

2. In cases to be indicated by federal law and in accordance with regulations to be established by that law, the approval referred to in the preceding paragraph can be made dependent on changes in the budgets as considered necessary by the federal Government in agreement with the Senate.

Article 59

1. The Republic of the United States of Indonesia is not concerned with budgets of participant territories other than those referred to in article 58.

2. Nevertheless, in case of obvious financial mismanagement, the federal Government in agreement with the Senate can require from the participant territory concerned that certain changes be made in its budget.

3. The federal law defines the actual meaning of financial mismanagement, establishes regulations for the exercise of the competency referred to in the preceding paragraph and regulates the consequences with respect to possible suspension of the effectuation of the concerning parts of the budgets.

Article 60

1. The provisions in the articles 56—59 inclusive, shall under no condition be applied to such extent that factual alteration is made in the divisions of governing powers and

in the financial relations between the Republic of the United States of Indonesia and the participant territories such as described in this section.

2. In particular neither contributions to be made by the Republic of the United States of Indonesia to the participant territories nor the approval of loans nor the approval of budgets shall be subject to conditions which might lead to factual alterations as referred to in the preceding paragraph.

Article 61

The federal law when further defining the financial relations between the Republic of the United States of Indonesia and the participant territories shall, whenever possible, provide for further guarantees to ensure that the Republic of the United States of Indonesia and the participant territories fully respect each other’s rights and competences.

Part 3. Rights and liabilities

Article 62

The properties, claims and other rights taken over from Indonesia at the transfer of sovereignty accrue respectively to the Republic of the United States of Indonesia and to the participant territories in proportion to the division of the governing powers connected therewith between the

Republic of the United States of Indonesia or with the participant territories.

Article 63

The liabilities taken over from Indonesia at the transfer of sovereignty are liabilities of the Republic of the United States of Indonesia.

SECTION III
THE SELF-GOVERNING TERRITORIES
Article 64

The existing self-governing territories are recognized.

Article 65

Regulating the position of self-governing territories is the task and competency of the participant territories concerned, with the proviso that the regulations shall be established by contract, between the participant territory and the Self-governments concerned, and that thereby the special status of the Self-governments shall be taken into account and that none of the existing self governing territories can be abolished or reduced unless for the general benefit and after authorisation to this effect is given to the Government of the participant territory concerned by a federal law declaring that the general interest requires this abolition or reduction.

Article 66

Pending the establishing of the regulations referred to in the preceding article, the existing regulations remain in force, with the proviso that the officials of the previous Indonesia referred to therein are replaced by the corresponding officials of the participant territory concerned.

Article 67

Disputes between the participant territories and the Self-governments concerned, as regards the regulations referred to in article 65 and the implementation thereof shall be decided by the Supreme Court of Indonesia either in first and final instance, or in appeal.

CHAPTER III
THE ORGANS OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA

General provision

The federal organs of the Republic of the United States of Indonesia are:

a. the President;
b. the Ministers;
c. the Senate;
d. the House of Representatives;
e. the Supreme Court of Indonesia;
f. the General Audit-Department.

SECTION I
THE GOVERNMENT
Article 68

1. The President and the Ministers constitute the Government.

2. Any reference made to the Government in this constitution is understood to mean the President with one, several or all the ministers according to their respective special or general responsibilities.

3. The seat of the Government is established at the capital Djakarta, unless in cases of emergency the Government designates an other place.

Article 69

1. The President is the Head of the State.

2. The President is elected by the deputies of the governments of the participant territories referred to in article 2. In electing the President the delegates aim at unanimity.

3. The President must be an Indonesian who has attained the age of 30 years and has not been debarred from suffrage or from the exercise thereof, nor has been deprived of the right to be elected.

Article 70

The President resides in the place where the seat of the Government is established.

Article 71

Before assuming office, the President takes the following oath (makes the following declaration and promise) in accordance with his religious belief, in the presence of the delegates of the participant territories referred to in article 69, convened to this end in a public assembly:

”I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be in order to be elected President of the Republic of the United States of Indonesia.

”I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

”I swear (promise) I shall promote the welfare of the Republic of the United States of Indonesia according to my ability and protect and maintain the general and special freedoms and rights of all inhabitants of the State.

”I swear (promise) loyalty to the Constitution and shall always keep and promote keeping all laws and regulations for the Republic of the United States of Indonesia, that I shall faithfully serve the Country and the People and the State and loyally fulfil all duties, which the office of President of the Republic of the United States of Indonesia imposes on me, as becomes a good head of the state.”

Article 72

1. In case circumstances necessitate such a provision, the President delegates the current exercise of his offices to the Prime-Minister.

2. In case the President is permanently prevented from exercising his duties, has died or has resigned, the federal law provides for the election of a new President.

Article 73

Any person who has attained the age of 25 years and who has not been debarred from suffrage or the exercise thereof and has not been deprived of the right to be elected, is qualified for appointment as Minister.

Article 74

1. The President appoints a committee of three for the purpose of forming a cabinet, in agreement with the

delegates of the participant territories referred to in article 69.

2. In accordance with the recommendation of the committee of three, the President appoints the Prime-Minister and the other Ministers, the Prime-Minister being one of the committee of three.

3. The President appoints the Ministers to the respective departments, in accordance with the recommendation of the committee of three. Ministers without portfolio can also be appointed.

4. The Presidential decrees containing the appointments referred to in the paragraphs 2 and 3 of this article, are countersigned by the members of the committee of three.

5. Interim-appointment or discharge of Ministers is effectuated by decree of the Government.

Article 75

1. The Ministers in charge of the departments of Defence, Foreign Affairs, Home Affairs, Finance and Economic Affairs, as well as the Prime-Minister if not in charge of one of the departments referred to have the special position as described hereunder.

2. The Ministers who formed the Cabinet shall each as a rule be in charge of one of the departments referred to in the

preceding paragraph.

3. The Ministers with a special position are jointly authorized to take decisions in urgent and in emergency cases, which decisions shall with equal validity substitute the decisions of the Cabinet in pleno.
In taking their decisions they aim at unanimity.

4. The Minister, Head of a department not referred to in paragraph 1, takes part in the discussions and decisions on any subject directly concerning the task of his department.

Article 76

1. The Ministers meet in the Council of Ministers, under the chairmanship of the Prime-Minister, or in case the Prime-Minister be prevented, of one of the Ministers with a special position to deal with and discuss the general interests of the Republic of the United States of Indonesia.

2. The Council of Ministers informs continuously the President of all important matters.
The individual Ministers have the same duty in respect of matters pertaining in particular to their offices.

Article 77

Before assuming their offices, the Ministers take the following oath (make the following declaration and

promise) before the President, in accordance with their religious belief:

”I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be in order to be appointed Minister.

”I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

”I swear (promise) loyalty to the Constitution, that I shall observe all laws prevailing for the Republic of the United States of Indonesia, that I shall faithfully serve the Country and the People and the State and loyally fulfil all duties the office of Minister imposes on me.”

Article 78

The salaries of the President and of the Ministers and also the allowances for travelling- and hotel expenses and possible other compensations, shall be stipulated by federal law.

Article 79

1. The office of President and Minister are incompatible with the exercise of any other public office in or outside the

Republic of the United States of Indonesia.

2. The President and the Ministers shall neither directly nor indirectly take part in, or stand surety for any enterprise based upon an agreement for profit, concluded with the Republic of the United States of Indonesia or any part of Indonesia.

3. They shall not hold any claims on the Republic of the United States of Indonesia except public debentures.

4. The provisions of paragraphs 2 and 3 of this article remain applicable to the President and the Ministers until three years after their resignation.

SECTION II
THE SENATE
Article 80

1. The Senate represents the participant territories.

2. Each participant territory has two members in the Senate.

3. Each member of the Senate has one vote.

Article 81

1. The members of the Senate are appointed by the governments c.q. authorities of the participant territories,

from lists of three candidates for each seat to be occupied, presented by the House of Representatives.

2. If two seats are to be occupied, the government c.q. authority concerned, has the liberty to implement the two lists presented by the House of Representatives for this double choice as if only one complete list had been presented.

3. For the remainder, the participant territories decide the regulations required for the appointment of their members to the Senate.

Article 82

Citizens who have attained the age of 30 years and have not been debarred from suffrage or the exercise thereof and have not been deprived of the rights to be elected, can be members of the Senate.

Article 83

Before assuming their offices, the members of the Senate take the following oath (make the following declaration and promise) before the President or the Chairman of the Senate, thus authorized by the President, in accordance with their religious belief:

”I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or

shall not give anything to anyone whoever he may be, in order to be appointed a member of the Senate.

„I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

”I swear (promise) that I shall always assist keeping the Constitution and other regulations prevailing for the State, that I shall promote the welfare of the Republic of the United States of Indonesia to the best of my ability and loyally serve the Country and the People and the State.”

Article 84

The members of the Senate can resign at all times.
They notify the Chairman to this effect in writing.

Article 85

1. The President appoints the Chairman of the Senate from a recommendation of at least two persons, either members or strangers to be presented by the Senate.

2. The Chairman of the Senate has to comply with the conditions referred to in article 82.

3. The Chairman of the Senate is not a member, he has an advisory vote. He convokes the Senate.

4. If one of the members is appointed Chairman of the Senate, the government c.q. authority of the participant territory concerned appoints another as a member in his place.

5. The Senate appoints from its midst a deputy-Chairman of the Senate who retains his membership and vote.

6. In case of inavailability or absence of the Chairman and deputy-Chairman of the Senate, the eldest member in years temporarily presides over the meeting retaining membership and vote.

Article 86

Before assuming his office, the Chairman of the Senate takes the following oath (makes the following declaration and promise) before the President, in accordance with his regilious belief:

”I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be appointed Chairman of the Senate.

”I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or abstain from acting in the execution of this office.

”I swear (promise) that I shall always assist keeping the Constitution and other laws prevailing for the State, that I shall promote the welfare of the Republic of the United States of Indonesia to the best of my ability and loyally serve the Country and the People and the State”.

Article 87

The Senate convenes at Djakarta unless the Government in emergency cases temporarily designates another place.

Article 88

1. The meetings concerning subjects as referred to in article 127 sub *a* and 168 are public, unless the Chairman of the Senate considers a private meeting necessary, or if at least five members demand such a meeting.

2. After declaring the meeting private, the meeting decides whether the debate will indeed be held behind closed doors.

3. On points debated in a meeting behind closed doors, decisions can also be taken behind closed doors.

Article 89

The Chairman and the members of the Senate cannot be prosecuted for anything they have said at a meeting or have submitted to the meeting in writing, unless they divulge

anything said or submitted in writing under secrecy at a meeting behind closed doors.

Article 90

1. The members of the Senate vote as free men, in honour and conscience bound, without instructions from, or being bound to consultation with those who appointed them as members of the Senate.

2. They refrain from voting on matters which concern them personally.

Article 91

Membership of the Senate is incompatible with the membership in the House of Representatives, and also with holding the federal offices of President, Minister, Attorney-General; President, Vice-President, or Member of the Supreme Court; Chairman, Vice-Chairman, or Member of the Audit-Department; President of the Circulation Bank and with holding the offices of Head of State, Minister or Head of a department of the participant territories.

Article 92

The salary of the Chairman of the Senate, the allowances to be granted to the members and possibly to the Chairman of the Senate and also the travelling and hotel expenses due to them, are regulated by federal law.

Article 93

1. All those who have attended a meeting of the Senate behind closed doors are bound to secrecy unless this body decides otherwise or lifts the obligations of secrecy.

2. The same applies to members, Ministers and officials who have in any way cognizance of the matters discussed.

Article 94

1. The Senate can neither hold a debate nor take a decision unless more than half of the members are present.

2. Unless this Constitution provides otherwise, all decisions are taken by majority of the members voting.

3. In the event of the votes being equally divided, the proposal is considered to be rejected if the meeting is fully attended:
or otherwise taking a decision shall be postponed until a subsequent meeting.
If the votes are again equally divided, the proposal is considered to be rejected.

4. Voting on persons is secret and in writing. If the votes are equally divided the matter is decided by ballot.

Article 95

The Senate draws up the rules of procedure as soon as possible.

Article 96

The Senate can invite the Ministers to take part in the debates and to give information therein.

Article 97

At the instant referred to in article 112 the Senate in session is dissolved and substituted by a newly appointed Senate.

SECTION III
HOUSE OF REPRESENTATIVES
Article 98

The House of Representatives representing the Indonesian People, consists of 150 members, without prejudice to the provision of the 2nd paragraph of article 100.

Article 99

The number of the members from the Negara Republik Indonesia shall be equal to half the total number of members from the other territories of Indonesia.

Article 100

1. The Chinese, European and Arabian minority groups shall be represented in the House of Representatives by respectively at least 9, 6 and 3 members.

2. If these numbers are not attained by delegating these members on the basis of articles 109, 110 c.q. 111, the Government of the Republic of the United States of Indonesia shall appoint additional representatives of these minorities. The number of the members of the House of Representatives referred to in article 98 shall then, if necessary, be increased by the number of these appointments.

Article 101

Indonesian citizens who have attained the age of 25 years and have not been debarred from suffrage or the exercise thereof and have not been deprived of the right to be elected, can be members of the House of Representatives.

Article 102

Membership of the House of Representatives is incompatible with the membership of the Senate and further with such offices as referred to in article 91.

Article 103

1. The House of Representatives elects from its midst a Chairman and one or more deputy-Chairmen. These

elections require confirmation by the President.

2. Until the election of the Chairman and of the deputy-Chairmen has been confirmed by the President, the eldest member in years temporarily presides over the meeting.

Article 104

Before assuming their office, the members of the House of Representatives take the following oath (make the following declaration and promise) before the President or the Chairman of the House of Representatives, authorized to this end by the President, in accordance with their religious belief:

”I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be elected a member of the House of Representatives.

”I swear (promise) I neither directly nor indirectly accept from anybody whoever he may be, any promise or gift in order to act or to abstain from acting in the execution of this office.

”I swear (promise) I shall always assist keeping the Constitution and other laws prevailing for the State, that I shall promote the welfare of the Republic of the United

States of Indonesia to the best of my ability and loyally serve the Country and the People and the State".

Article 105

The Ministers have a seat with an advisory vote in the House of Representatives.
The Chairman calls upon the Ministers to speak whenever they so desire.

Article 106

1. The House of Representatives convenes whenever the Government so desires or whenever the Chairman or at least fifteen members consider meeting necessary.

2. The Chairman convokes the House of Representatives.

Article 107

The meetings of the House of Representatives are public, unless the Chairman considers a private meeting necessary, or at least ten members so demand.

Article 108

The provisions made for the Senate in the articles 84, 87, 88 second and third paragraph, 89, 90, 92, 93, 94 and 95 are correspondingly applicable to the House of Representatives.

Article 109

1. For the first House of Representatives the delegating of members from the other territories referred to in article 99 is determined and provided for in mutual consultation by the participant territories referred to in article 2 without the Negara Republik Indonesia, in accordance with democratic principles and, as much as possible in consultation with the territories referred to sub *c* of article 2, not being participant territories.

2. The division of the numbers of the members to be delegated from these territories is based on the ratio of their populations.

Article 110

1. The participant territories will decide on the manner in which members are to be delegated to the first House of Representatives.

2. Where such delegations cannot be effectuated through widest possible universal suffrage, the appointment of such members can be arranged by the representations of the people of the territories concerned, if and where such representations exist.

If and when circumstances require other methods the aim shall be to arrive at a most equitable representation of the will of the people.

Article 111

1. Within a year after the Constitution becomes valid, the Government shall arrange to hold free and secret elections all over Indonesia for the composition of a generally elected House of Representatives.

2. The federal law establishes regulations for the election of the new House of Representatives referred to in paragraph 1 and defines the division of the number of members to be delegated from the other territories referred to in article 99.

Article 112

At a time to be defined by the Government and as soon as possible after the elections referred to in article 111, the first House of Representatives is dissolved and replaced by the elected House of Representatives.

SECTION IV
THE SUPREME COURT
Article 113

There is a Supreme Court of Indonesia, the composition and competency of which is established by federal law.

Article 114

1. For the first time and until the federal law has stipulated otherwise, the President, Vice-President, and members of

the Supreme Court are appointed by the President, after hearing the Senate.
These appointments are made for life, without prejudice to the provisions contained in the following paragraphs.

2. The federal law can stipulate that the President, Vice-President and members of the Supreme Court be discharged upon attaining a certain age.

3. They can be deposed or discharged in the manner and in such cases as indicated by federal law.

4. They can be discharged by the President at their own request.

SECTION V
THE GENERAL AUDIT DEPARTMENT
Article 115

There is a General Audit Department, the composition and authority of which are established by federal law.

Article 116

1. For the first time and until the federal law has stipulated otherwise, the Chairman, Vice-Chairman and members of the General Audit Department are appointed by the President, after hearing the Senate.
This appointment is for life without prejudice to the provisions in the following paragraphs.

2. The federal law can stipulate that the Chairman, Vice-Chairman and members be discharged upon attaining a certain age.
They can be deposed or discharged in the manner and in such cases as indicated by federal law.

3. They can be discharged by the President at their own request.

CHAPTER IV
THE GOVERNMENT
SECTION 1
GENERAL PROVISIONS
Article 117

1. The federal government of Indonesia is exercised by the Government of the Republic of the United States of Indonesia unless entrusted to other organs.

2. The Government promotes the welfare of Indonesia and safeguards specially the execution of the Constitution, the federal laws and other regulations prevailing for the Republic of the United States of Indonesia.

Article 118

1. The President is inviolable.

2. The Ministers shall be jointly responsible for the entire policy of the Government and each Minister individually

for his share in the Government.

Article 119

Without prejudice to the provision of article 74, paragraph four, all decrees of the President shall be countersigned by the Minister(s) concerned.

Article 120

1. The House of Representatives has the right of interpellation and questioning; the members have the right of questioning.

2. The Ministers shall supply all the information requested to the House of Representatives either orally or in writing, in accordance with the preceding Paragraph, subject to this information not being considered in contravention of the general interest of the Republic of the United States of Indonesia.

Article 121

The House of Representatives has the right of inquest, in accordance with regulations to be established by federal law.

Article 122

The House of Representatives appointed on the basis of articles 109 and 110 can neither compel the Cabinet nor the individual Ministers to resign.

Article 123

1. The Government hears the Senate on all such matters considered necessary by the Government.

2. The Senate may on its own initiative advise the Government on all such matters considered necessary by the Senate.

3. The Senate shall be heard on important matters which concern particularly one, several or all participant territories or their component territories, or the relation between the Republic of the United States of Indonesia and the territories referred to in article 2.
Exceptions can be made in this provision in case urgent circumstances demand immediate action, the Senate not being in session.

4. The Senate shall be heard on all drafts of emergency-laws, as referred to in article 139, without prejudice to the provisions in the second sentence of the preceding paragraph.

5. The Government notifies the Senate of all decisions on matters on which the Government has heard the Senate.

6. In case the Senate has been heard, mention thereof is made in the heading of the decrees.

Article 124

1. The Senate may request the Government for information either orally or in writing.

2. The Government supplies the requested information unless in the opinion of the Government such information is in contravention of the general interest of the Republic of the United States of Indonesia.

Article 125

The officials of the Republic of the United States of Indonesia are appointed and discharged in accordance with provisions to be enacted by federal law.

Article 126

The President awards decorations established by federal law.

SECTION II
THE LEGISLATION
Article 127

The federal legislative power is exercised in accordance with the provisions of this section by:

a. the Government, together with the House of Representatives and the Senate on regulations concerning matters referring particularly to one, several or all participant territories or parts thereof, or concerning the relation between the Republic of the United States of Indonesia and the territories referred to in article 2;

b. the Government, with the House of Representatives for the entire remaining field of legislation.

Article 128

1. The bills of the Government shall be presented to the House of Representatives by Presidential message and at the same time be brought to the notice of the Senate.

2. The Senate has the right to submit bills to the House of Representatives concerning matters as referred to in article 127 sub *a*.
Whenever the Senate avails itself of this right, the President shall be informed under presentation of a copy of the bill.

3. The House of Representatives has the right to submit bills to the Government.

Article 129

The House of Representatives has the right to amend the bills submitted to it by the Government or the Senate, without prejudice to the provision of article 132.

Article 130

1. All bills which have been passed by the House of Representatives and if referring to matters described under sub *a* or article 127 have been dealt with by the Senate in accordance with the articles 131 and following, become valid through ratification by the Government.

2. The federal laws are inviolable.

Article 131

If the Government or the House of Representatives or the Senate is of the opinion that a bill concerns the regulation of matters coming under the provisions of article 127 sub *a*, this bill shall be considered by the Senate in virtue of its co-legislative competency.

Article 132

1. If the Senate rejects a bill previously passed by the House of Representatives, this bill may nevertheless be ratified by the Government if the House of Representatives passes this bill without further amendment with at least a two-third majority of the votes of the members present.

2. The House of Representatives can only take a decision as referred to in the first paragraph in a meeting attended by at least two-thirds of the members in session.

Article 133

1. If the House of Representatives has passed a bill submitted by the Government, either or not by the former, the House of Representatives gives due notification thereof and submits the bill to:

a. the Senate, in case the bill concerns the regulation of a matter as described in article 127 sub *a*, notification being simultaneously given to the President;

b. the President, in case the bill concerns regulation of other matters.

2. If the House of Representatives has passed a bill submitted by the Senate, the bill shall be submitted by the House of Representatives to:

a. the Senate, for further consideration if the House of Representatives has amended the bill;

b. the Government, for ratification if the bill has not been amended.
The House of Representatives notifies the President, in the case sub *a* and the Senate in the case sub *b*.

Article 134

If the House of Representatives has rejected a bill submitted by the Government, the House of Representatives notifies

the President and if the bill concerns a matter referred to in article 127, sub *a*, also the Senate.

Article 135

1. The House of Representatives having decided to present a bill on the regulation of a matter referred to in article 127 sub *a*, submits this bill to the Senate for consideration simultaneously notifying the President.

2. The House of Representatives submits all its other bills to the President for ratification by the Government and simultaneously to the Senate for perusal.

Article 136

1. If the Senate passes a bill passed by the House of Representatives, the Senate submits this bill to the President for ratification by the Government, simultaneously notifying the House of Representatives of the decision.

2. If the Senate rejects a bill previously passed by the House of Representatives, the Senate submits the bill with notification of the rejection to the President, simultaneously notifying the House of Representatives.

3. The Government may present the bill rejected by the Senate once again to the House of Representatives for reconsideration in accordance with article 132. If the

Government so decides, the provision of the first paragraph of article 128 shall be applied accordingly.

Article 137

1. If the House of Representatives has passed a bill after reconsideration in accordance with article 132, the House of Representatives submits the bill to the President for ratification by the Government, simultaneously notifying the Senate of the decision.

2. If the House of Representatives rejects the bill after reconsideration, the House of Representatives notifies the President and the Senate.

Article 138

1. If in accordance with the preceding provisions of this section the House of Representatives has not yet passed a bill and if this bill concerns a matter as described in article 127 sub *a*, and has not yet been dealt with by the Senate, the bill can be withdrawn by the organ which originally made the proposal.

2. The Government is bound to ratify a passed bill, unless the Government gives notice as having preponderant objections against this bill within one month after the bill has been submitted for ratification.

3. If the Government ratifies a bill or has objections aganst the bill as referred to in the preceding paragraph, the House of Representatives and the Senate are notified by Presidential message.

Article 139

1. The Government on its own authority and responsibility has the right to enact emergency laws for the regulation of such matters of federal governing power which demand immediate provisions on account of urgent circumstances.

2. Emergency law has the force and the authority of federal law, subject to the provisions of the following article.

Article 140

1. Immediately after their enactment the regulations contained in the emergency laws are presented to the House of Representatives which deals with these laws in the manner prescribed for the treatment of bills of the Government.

2. If a regulation as referred to in the preceding paragraph is rejected by the House of Representatives after having been dealt with in accordance with the provisions of this section, the regulation lapses ipso jure.

3. All reparable and irreparable consequences resulting from the implementation of an emergency law which lapsed

by virtue of the preceding paragraph and for which consequences that emergency law has not made the required provisions, shall be provided for by federal law.

4. If the regulation contained in the emergency law has been amended and enacted as federal law, the consequences of these amendments shall be equally provided for in accordance with the preceding paragraph.

Article 141

1. Regulations for the execution of laws are enacted by the Government and called government ordinances.

2. Government ordinances may stipulate penalties for infringement of their provisions.

The limits of the penalties to be stipulated are established by federal law.

Article 142

1. The federal laws and government ordinances may entrust other organs of the Republic of the United States of Indonesia with the further regulation of definite subjects described in the provisions of these laws and ordinances.

2. The laws and government ordinances concerned make provisions for the promulgation of such regulations.

Article 143

1. The federal law makes provisions for the proclamation, promulgation and becoming effective of federal laws and government ordinances.

2. Federal laws and government ordinances shall only become binding by virtue of promulgation carried out as described by law.

SECTION III
THE ADMINISTRATION OF JUSTICE
Article 144

1. Civil cases and civil penal cases come exclusively within the cognizance of such courts and tribunals, judges of self-governing territories, adat-(customary law) judges and religious judges included, as established or recognized by or in virtue of the law.

2. Appointment to a judicial office established by or in virtue of the law, will be made exclusively by virtue of compliance with the requirements of capability, ability and integrity as stipulated by the law. Discharge, suspension and deposing from such an office can only take place in the cases indicated by the law.

Article 145

1. Any intervention in judicial matters by other but judicial organs is forbidden unless authorized by law.

2. This principle applies to self-government and adat-judicial matters only insofar as the right of appeal to judges as indicated by the law has been provided for.

Article 146

1. All judgements shall contain the principles on which the judgements are based and in penal cases indicate the legal provisions and adat-law rules, on which the conviction is based.

2. The judicial sessions are public subject to the exceptions defined by the law. The judge may deviate from this rule in the interest of the public order and morality.

3. All judgement shall be given in a public session.

Article 147

1. The Supreme Court of Indonesia is the highest federal court.

2. Other federal courts and tribunals may be instituted by federal lay with the proviso that in the Federal District Djakarta at least one federal court or federal tribunal of first instance and at least one federal court or federal tribunal of appeal shall be instituted.

Article 148

1. The President and the Ministers; the Chairman and members of the Senate; the Chairman and members of the House of Representatives; the President, Vice-President and members of the Supreme Court, the Attorney-General at that Court; the Chairman, Vice-Chairman and members of the General Audit Department; the President of the Circulation Bank and such officials, members of high government bodies and other authorities as indicated by federal law shall be tried also after their resignation and unless the federal law provides otherwise, by the Supreme Court in first instance and at the same time in the last resort for misfeasances and other crimes and transgressions to be indicated by federal law, committed during their time of office.

2. The federal law can reserve the cognizance of civil cases and civil penal cases against certain categories of persons and bodies, for federal courts or tribunals indicated by that law.

3. The cognizance of civil cases concerning regulations made by or in virtue of a federal law, may be reserved by federal law for the federal courts or tribunals indicated thereby.

4. In cases to be indicated by federal law, appeal for cassation can be made to the Supreme Court against

judgements in last resort of other courts or tribunals but the Supreme Court.

Article 149

The organization, the competency and the procedure of the federal courts and tribunals are regulated by federal law.

Article 150

The Supreme Court exercises the supreme supervision on the activities of the other federal courts and tribunals in accordance with the regulations to be established by federal law.

Article 151

Subject to the provision in article 148 and without prejudice to the provision in article 50, justice is administered in the participant territories in civil cases and in civil penal cases, by courts and tribunals instituted by or in virtue of the laws of these participant territories.

Article 152

The organization, the competency and the procedure of the courts and tribunals instituted by or in virtue of laws of the participant territories are regulated by these laws.

Article 153

1. The Supreme Court exercises the supreme supervision of the activities of the highest judicial bodies of the participant territories in accordance with regulations to be established by federal law.

2. The Supreme Court exercises the supreme supervision of the other courts and tribunals instituted by or in virtue of the laws of the participant territories also in accordance with regulations to be established by federal law and only until the participant territory has in other ways provided for this general supervision.

Article 154

1. The judgement given by the courts or tribunals established or recognized by or in virtue of the law of a participant territory and which can be executed within the entire jurisdiction of that participant territory, can in a corresponding manner also be executed elsewhere in Indonesia.

2. The federal law can indicate ”deeds” (acten) which may be executed all over Indonesia in manners to be indicated as much as possible in conformity with the local law.

Article 155

The laws of the participant territories establish the competency of the courts and tribunals recognized by or in virtue of these laws.

Article 156

1. If the Supreme Court or another court or tribunal administering justice in a civil case or in a civil penal case is of the opinion that a provision in the constitution or a law of a participant territory is in contravention of this Constitution, this provision shall be explicitly declared unconstitutional in the judgement.

2. The Supreme Court is equally competent to pronounce explicitly a declaration of unconstitutionality of a provision in the constitution or a law of a participant territory, upon a substantiated petition to this effect, submitted by or on behalf of the Attorney-General of the Supreme Court on behalf of the Government of the Republic of the United States of Indonesia or on behalf of the government of another participant territory, upon a substantiated petition submitted by the Public Prosecution of the highest judicial body of that participant territory.

Article 157

1. Before Pronouncing or confirming for the first time the declaration of unconstitutionality of a provision in the constitution or a law of a participant territory, the Supreme Court summons the Attorney-General at the Court and the head of the Public Prosecution of the highest judicial body of that participant territory in order to be heard in the chambers.

2. The judgement of the Supreme Court pronouncing or confirming for the first time a declaration of unconstitutionality, is given at a public session. The judgement is published as soon as possible by the Attorney-General at the Court in the official gazette of the Republic of the United States of Indonesia.

Article 158

1. If another court or tribunal but the Supreme Court has declared a provision in the constitution or a law of a participant territory unconstitutional during a civil case or a civil penal case and the Supreme Court takes cognizance of this case for whatever reason, the Supreme Court involves ex officio in its judgement the question whether the declaration of unconstitutionality has been justly made.

2. If a declaration of unconstitutionality as referred to in the preceding paragraph has been made to the detriment of parties, which have no other legal remedy, the parties can make an appeal for cassation because of violation of the law against that declaration to the Supreme Court.

3. The Attorney-General at the Supreme Court and the head of the Public Prosecution of the highest judicial body of that participant territory may ex officio make an appeal for cassation because of violation of the law to the Supreme Court against a final declaration of unconstitutionality as referred to in the first paragraph.

4. A declaration of unconstitutionality of a provision in the constitution of a participant territory made by another court or tribunal than the Supreme Court, not explicitly based on a declaration of unconstitutionality of the same provision by the Supreme Court published in accordance with article 157, needs confirmation by the Supreme Court, before a judgement based thereon can be executed.
The request for confirmation is dealt with in chambers. The request lapses in case the declaration of unconstitutionality is annulled before the consideration is concluded. In case the Supreme Court refuses the confirmation, the Supreme Court annuls the judgement insofar as it contains the declaration of unconstitutionality and decides further as if one of the parties had made an appeal for cassation because of violation of the law.

5. By federal law further provisions, including time limitations can be made concerning the provisions in articles 156, 157 and 158.

Article 159

The military administration of penal justice is regulated by federal law.

Article 160

1. The President has the right of pardon for punishments imposed by judicial sentence. He exercises this right after

soliciting the advice of the Supreme Court, insofar as the federal law has not designated another court or tribunal for this purpose.

2. If a death sentence has been imposed, the sentence is not executed until the President has had the opportunity to grant pardon in accordance with regulations to be established by federal law.

3. Amnesty is only granted by a federal law or, in virtue of a federal law by the President after soliciting the advice of the Supreme Court.

Article 161

The judgement on disputes of administrative law is entrusted by the law to courts of tribunals administering justice in civil cases, or to such other organs guaranteeing similar impartiality and reliability to the greatest possible extent.

Article 162

The federal law may regulate the judgement of disputes of administrative law concerning regulations established by or in virtue of this Constitution or of a federal law, which does not exclusively and directly concern organs and inhabitants of one participant territory, including public bodies instituted or recognized by or in virtue of a law of that participant territory.

Article 163

1. Any reference made to ”law” in this section is understood to mean federal laws and laws of participant territories, unless indications to the contrary have been given.

2. Any reference made to ”laws of the participant territories”, is understood to mean laws made by the highest legislative organs of the participant territories.

3. Any reference made to ”judgement” in articles 154, 156 and 158 of this section includes other judicial decisions.

SECTION V
FINANCE
Part 1. Monetary System
Article 164

1. The currency which is issued by virtue of federal law shall be the only legal tender in the entire territory of the Republic of the United States of Indonesia.

2. The monetary unit in which the legal tender is expressed shall be defined by federal law.

3. The federal law either recognizes a legal tender for unlimited amounts or for a specific and limited amount.

4. The issue of legal tender takes place by or on behalf of the Government of the Republic of the United States of

Indonesia or by the Circulation Bank.

Article 165

1. There is one circulation bank for Indonesia.

2. The designation, organization and competencies of the circulation bank shall be enacted by federal law.

Part 2. The Administration of Federal Finance
Budges — Account — Salaries
Article 166

1. The general administration of federal finance rests with the Government.

2. The finances of the Republic of the United States of Indonesia are administered and accounted for according to regulations to be enacted by federal law.

Article 167

The estimates of all expenditures of the Republic of the United States of Indonesia shall be established and the means to cover these expenditures shall be designated by federal law.

Article 168

1. The Government shall present the bills for the determination of the general budget to the House of Representatives before the commencement of the period to which the budget refers. This period shall not be longer than two years.

2. Bills with respect to alteration of the general budget are presented by the Government to the House of Representatives whenever necessary.

3. The bills referred to in the preceding two paragraphs are also dealt with by the Senate, according to the provisions of Section II of this Chapter.

Article 169

1. The budget consists of divisions, each insofar as necessary divided into two chapters, respectively for the determination of the expenditures and for the designation of the means. The chapters are divided into items.

2. The budget contains at least one division for each ministerial department.

3. The laws for the determination of the budget shall each comprise only one division.

4. The law can provide for transfers.

Article 170

The expenditures and revenues of the Republic of the United States of Indonesia shall be accounted for to the House of Representatives in accordance with regulations to be enacted by federal law and under presentation of the accounts approved by the General Audit Department.

Article 171

Taxes can only be levied on behalf of the federal exchequer by virtue of a federal law.

Article 172

1. Loans for account of the Republic of the United States of Indonesia cannot be contracted, guaranteed or approved unless by virtue of a federal law.

2. The Government has the right to issue exchequer bills and treasury bonds observing the regulations to be enacted by federal law.

Article 173

1. Without prejudice to the provisions made in special regulations, the salaries and other allowances of the members of the government bodies and of the officials of the Republic of the United States of Indonesia are determined by the Government, observing the regulations to be enacted be federal law and according to the principle

other benefits but explicitly allowed shall not be derived from any office.

2. The law can permit delegation of the powers described in paragraph 1 to other authorities.

3. Pensions to be awarded to servants of the Republic of the United States of Indonesia are stipulated by federal law.

SECTION V
FOREIGN RELATIONS
Article 174

The direction of foreign relations is the task of the Government.

Article 175

1. The President concludes and ratifies all treaties and other agreements with other powers.
Unless the federal law provides otherwise, a treaty or other agreement is not ratified until approved by law.

2. Acceding to and terminating treaties and other agreements, is effectuated by the President only by virtue of the federal law.

Article 176

The Government accedes the Republic of the United States of Indonesia to international organizations on the basis of the treaties and agreements referred to in article 175.

Article 177

The Government shall endeavour to solve peacefully all disputes with other powers and shall decide in this respect whether to solicit or accept international adjudication or arbitration.

Article 178

The President accredits representatives of the Republic of the United States of Indonesia to other powers and approves of the accrediting of representatives of other powers to the Republic of the United States of Indonesia.

SECTION VI
NATIONAL DEFENCE AND PUBLIC SECURITY
Article 179

The federal law enacts regulations on the right and the duty of all able citizens to assist in the maintenance of the independence of the Republic of the United States of Indonesia and in the defence of the territory. The federal law regulates the exercise of this right and this duty and determines the exceptions thereto.

Article 180

1. The armed forces of the Republic of the United States of Indonesia are entrusted with the protection of the interests of the Republic of the United States of Indonesia. They shall consist of volunteers and conscripts.

2. The federal law stipulates compulsory service in the armed forces.

Article 181

1. The direction of defence is the task of the Government.

2. The federal law regulates the institution, composition and organization, task and powers of the organ entrusted with the general defence policy, with the organization and the division of the tasks of the armed forces and in time of war with the conduct of war.

Article 182

1. The President is Supreme Commander of the armed forces of the Republic of the United States of Indonesia.

2. The Government shall, if required, put the armed forces under the command of a commander-in-chief. The Minister of Defence can be designated to this end.

3. The officers are appointed, promoted and discharged by or on behalf of the President in accordance with rules to be stipulated by federal law.

Article 183

The Government shall require the approval of the House of Representatives and the Senate before declaring war. The House of Representatives and the Senate shall take this decision in a joint meeting acting as one body presided by the Chairman of the House of Representatives.

Article 184

1. In the manner and in the instances to be defined by federal law, the Government can declare the territory of the Republic of the United States of Indonesia or parts thereof in a state of war or in a state of siege insofar as and as long as the Government considers this state necessary for the safeguarding of external and internal security.

2. The federal law regulates the consequences of such a declaration and can equally stipulate that the constitutional powers of the civil authorities on public order and the police shall wholly or partly be transferred to other organs of civil authority or the military authorities and that the civil authorities become subordinate to the military authorities.

Article 185

1. The participant territories shall not have their own armed forces.

2. At the request of the government c.q. the authority of a participant territory, the Government of the Republic of the United States of Indonesia can render military assistance to the participant territory for the safeguarding of public law and order and security.
The federal law shall establish regulations for this purpose.

CHAPTER V
THE CONSTITUENT ASSEMBLY

Article 186

The Constituent Assembly together with the Government shall enact as soon as possible the Constitution of the Republic of the United States of Indonesia, which shall replace this provisional Constitution.

Article 187

1. The draft Constitution shall be drawn up by the Government and presented by Presidential message to the Constituent Assembly for consideration as soon as the Assembly convenes.

2. The Government shall provide that the draft Constitution be based on a composition of the Republic of the United States of Indonesia of such negaras as conform to the will of the people, as this will shall be democratically expressed on the basis of the provisions in articles 43—46 inclusive.

3. The federal law shall make such provisions in respect of the execution of the provisions of the articles referred to in the preceding paragraph order that the required expression of the will of the may be obtained within one year after this Constitution becomes valid.

Article 188

1. The Constituent Assembly shall be formed by doubling the number of members of the House of Representatives elected in accordance with article 111 and the number of members of the new Senate, appointed in accordance with article 97, with a similar number of extraordinary members.
These extraordinary members shall be elected, designated or appointed in the same way as the ordinary members. The provisions prevailing for ordinary members are applicable to these extraordinary members.
The Government shall make provisions insofar as necessary in consultation with the participant territories to secure the timely election, designation or appointment of respectively the extraordinary members of the House of Representatives and of the Senate.

2. The joint assembly of the House of Representatives and the Senate both in double numbers shall be the Constituent Assembly.

3. The Chairman of the House of Representatives shall be the Chairman of the Constituent Assembly, the Chairman of

the Senate shall be deputy Chairman.

4. The provisions in articles 87, 93, 94 paragraphs 3 and 4, 95 and 105 are correspondingly applicable to the Constituent Assembly.

5. The meetings of the Constituent Assembly are public, unless the Chairman considers a private meeting necessary or if at least twenty five members so demand.

Article 189

1. The Constituent Assembly cannot hold discussions or take a decision on the draft of the new Constitution unless at least two-thirds of the members in session are present at the meeting.

2. The Constituent Assembly has the right to make alterations in the draft. The new Constitution becomes valid when the draft has been passed by at least a two-third majority of the votes of the members present and has subsequently been ratifed by the Government.

3. The draft of the Constitution, when passed by the Constituent Assembly, shall be presented by the Assembly to the President for ratification by the Government.
The Government is bound to ratify the draft immediately.
The Government solemnly proclaims the Constitution.

4. Each participant state shall be given the opportunity to accept the Constitution. In case a participant state does not accept the Constitution that state shall have the right to negotiate concerning a special relationship towards the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

CHAPTER VI
CHANGES, TRANSITIONAL- AND FINAL PROVISIONS

SECTION I
CHANGES
Article 190

1. Without prejudice to the provisions in article 51, second paragraph, changes in this Constitution or deviations from its provisions can only be made by virtue of a federal law. Any bill on this subject can only be discussed or decided upon in either the House of Representatives or the Senate at meetings attended by at least two-thirds of the respective members in session.

2. Bills as referred to in the first paragraph shall also be dealt with by the Senate on the basis of the provisions of Section II of Chapter IV.

3. A two-third majority is required in the House of Representatives as well as in the Senate to pass a bill on the changes or deviations in this Constitution.

In the event of reconsideration in accordance with the provision in article 132 the House of Representatives cannot pass the bill unless at least a three-fourth majority of the votes of the members is achieved.

Article 191

1. Without prejudice to the general provisions with regard to promulgation and proclamation of federal laws, changes in the Constitution shall be solemnly proclaimed in the manner to be determined by the Government.

2. The text of the revised Constitution shall be published once more by the Government as soon as the chapters, the sections of each chapter and the articles have been consecutively renumbered and the references changed wherever required.

3. Existing authorities and prevailing regulations and decrees, at the moment a change in the Constitution becomes valid, remain in force until replaced by others in accordance with the Constitution, unless their maintenance is in contravention of such new constitutional provisions which do not require any further legislation or executive measures.

SECTION II
TRANSITIONAL PROVISIONS
Article 192

1. Existing regulations by law and administrative provisions at the moment this Constitution becomes valid, remain in force unchanged as own regulations and provisions of the Republic of the United States of Indonesia, as long and insofar as they have not been withdrawn, supplemented or changed by legislation and administrative provisions in virtue of this Constitution.

2. Maintenance of the existing regulations by law and administrative provisions prevails only insofar as these regulations and provisions are not incompatible with the provisions of the Charter of Transfer of Sovereignty, of the Union Statute, of the Agreement on Transitional Measures or of any other agreement connected with the Transfer of Sovereignty, and insofar as they are not in contravention of those provisions of this Constitution which require no further legislation or executive measures.

Article 193

1. Insofar as the provisions of this Constitution do not already indicate, the federal law defines which organs of the Republic of the United States of Indonesia shall assume the tasks and competencies of the organs exercising these tasks and competencies before the transfer of sovereignty on the basis of the legislation maintained in virtue of article 192.

2. Pending further provisions the Government shall immediately appoint a delegate in the Netherlands to

exercise on its behalf the administrative authority which the Netherlands organs in the Netherlands exercised on behalf of the former Government of Indonesia before the transfer of Sovereignty.

Article 194

Pending the regulations on citizenship by the law referred to in paragraph 1 of article 5, all persons who have citizenship in accordance with the agreement concerning the assignment of citizens attached to the Charter of the Transfer of Sovereignty, shall already be citizens of the Republic of the United States of Indonesia.

Article 195

If at the time this Constitution becomes valid, a participant territory actually executes the governing powers in connection with a Subject enumerated in the appendix of this Constitution, the participant territory is competent to continue acting as such until the Republic of the United States of Indonesia takes over those governing powers.

The participant territory shall execute these provisionally continued governing powers in agreement with the higher authority of the federal organs concerned.

SECTION III
FINAL PROVISIONS
Article 196

Immediately this Constitution becomes valid the Government appoints one or more committees which shall be entrusted with the task to promote the enactment of the provisions required by the Constitution as well as in general the adaptation of the existing legislation to the Constitution, in accordance with the instructions of the Government.

Article 197

1. This Constitution becomes valid at the moment the sovereignty is taken over. The text of this Constitution shall be solemnly proclaimed that day in a manner to be determined by the Government.

2. If and insofar as steps have been taken for the formation of organs of the Republic of the United States of Indonesia and for the preparation required to take over the sovereignty before the moment referred to in paragraph 1 and on the basis of the provisions of this Constitution, these provisions shall be retroactive from the day on which these steps have been taken.

APPENDIX

SUBJECTS WHICH SHALL BE ENTRUSTED TO THE GOVERNING POWERS OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA IN ACCORDANCE WITH ARTICLE 51 OF THE CONSTITUTION

a. Regulations concerning nationality and citizenship of the Republic of the United States of Indonesia;

b. immigration and emigration, with the proviso that the federal laws shall stipulate that agreement must exist with the participant territory on the rate at which immigration shall be permitted into that territory;

c. general regulations and provisions concerning colonisation and transmigration, unless effected within the territory of a participant territory and with the proviso that in the event of transmigration between two participant territories agreement must exist between these territories on the rate at which transmigration shall take place;

d. to grant pardon, amnesty and abolition;

e. regulation of copyright, industrial proprietary rights and growers rights;

f. regulation of the main principles of international civil law and interstate law;

g. regulation of civil and commercial law considered appropriate for centralized regulation on account of either general social interest or economic reasons, or their specific significance for those important parts of the population which as such do not belong to any particular participant territory;

h. regulation of the main principles of penal law;

i. regulation of the main principles of the law on civil procedure, including the law on evidence and the law on penal procedure;

j. regulation of the federal judicial organization;

k. task and competencies of the land registry;

l. restoration of legal intercourse;

m. regulation of war damage;

n. regulation and exercise of the police task pertaining to matters of federal governing power;
training of senior police personnel;
promotion of the technical competence and efficiency of the police of the Republic of the United States of Indonesia;
making provisions to promote an efficient coordination of the activities of the different police organizations wherever required;

o. coinage, finance and banking and foreign exchange regulations;

p. regulation of company tax;

q. regulation of property tax;

r. regulations on income-tax for special cases to be defined by federal law;

s. regulation of foreign-import and export, including import- and export duties and the designation of customs areas;

t. regulation on stamp-duties;

u. regulation of those excise taxes of interest to the entire Republic of the United States of Indonesia;

v. government monopolies;

w. foreign relations, rights and obligations towards foreign governments, and in general all subjects closely connected with foreign relations;

x. the national defence, including the enactment of military penal law and law on military penal procedure, the law on military discipline and the law on procedure on military discipline and the regulation of the judicial organization in connection therewith, as well as the

regulations on and proclamation of the state of war and of siege;

y. scientific institutions and organizations of interest to the entire Republic of the United States of Indonesia;

z. preservation of ancient monuments and preservation of nature, of interest to the entire Republic of the United States of Indonesia;

A. collecting of statistical and documentary data, of interest to the entire Republic of the United States of Indonesia;

B. social provisions, of interest to the entire Republic of the United States of Indonesia;

C. directives concerning the legal status of government personnel, in order to secure greatest possible uniformity in the regulations concerned;

D. regulation of university education and the curricula in connection therewith, including the directives on the education permitting entering for university examinations and on the civil competencies attached to university degrees;

E. directives concerning public relations and broadcasting of interest to the entire Republic of the United States of Indonesia;

F. general provisions concerning the supervision on the import and censoring of films;

G. general directives concerning the agrarian policy of interest to the entire Republic of the United States of Indonesia;

H. precautions against contagious diseases;

I. commerce, industry, agriculture, forestry, cattlebreeding, fisheries and other economic subjects, including the food supplies, of interest to the entire Republic of the United States of Indonesia;

J. traffic, insofar as it concerns wider interests than those of a participant territory, and also beaconage and coastal lighting;

K. aviation and meteorology;

L. topography and hydrography;

M. control at sea;

N. provisions for ports and rivers of interest to international shipping;

O. the service, telegraphy and telephony, insofar as provided for by the Republic of the United States of Indonesia;

P. regulations concerning the mining industry;

Q. general legislation concerning waterpower and electricity, and building and operation of hydro-electric stations to be designated by the federation;

R. verification of weights and measures.

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