

THIRD AMENDMENT TO THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

WITH THE MERCY OF THE ONE AND ONLY GOD

THE MPR,

After thoroughly and seriously studying, analysing and considering the basic matters confronted by the people, nation, and state, and additionally by using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia, the MPR amends and/or adds Article 1 Paragraph (2) and (3); Article 3 Paragraph (1), (3), and (4); Article 6 Paragraph (1) and (2); Article 6A Paragraph (1), (2), (3), and (5); Article 7A; Article 7B Paragraph (1), (2), (3), (4), (5), (6), and (7); Article 7C; Article 8 Paragraph (1) and (2); Article 11 Paragraph (2) and (3); Article 17 Paragraph (4); Chapter VIIA, Article 22C Paragraph (1), (2), (3), and (4); Article 22D Paragraph (1), (2), (3), and (4); Chapter VIIB, Article 22E Paragraph (1), (2), (3), (4), (5), and (6); Article 23 Paragraph (1), (2), and (3); Article 23A; Article 23C; Chapter VIIIA, Article 23E Paragraph (1), (2), and (3); Article 23F Paragraph (1) and (2); Article 23G Paragraph (1) and (2); Article 24 Paragraph (1) and (2); Article 24A Paragraph (1), (2), (3), (4), and (5); Article 24B Paragraph (1), (2), (3), and (4); Article 24C Paragraph (1), (2), (3), (4), (5), and (6) of the 1945 Constitution of the Republic of Indonesia. The revised articles shall read as follows :

Article 1

- (2) Sovereignty is in the hands of the people and is implemented according to this Constitution.
- (3) The State of Indonesia is a state based on law.

Article 3

- (1) The People's Consultative Assembly (*Majelis Perwakilan Rakyat* or MPR) has the authority to amend and enact the Constitution.
- (3) The MPR will inaugurate the President and/or Vice President.
- (4) The MPR may only dismiss the President and/or Vice-President during his/her term of office according to the Constitution.

Article 6

- (1) Any candidate for President or Vice-President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have betrayed the country, and shall be mentally and physically capable of implementing the duties and obligations of President or Vice-President.
- (2) The requirements to become President or Vice-President are further regulated by law.

Article 6A

- (1) The President and Vice-President are elected as a single ticket directly by the people.
- (2) Each ticket of candidates for President and Vice-President shall be proposed prior to the holding of the general election by political parties or combination of political parties which are participants of the general election.
- (3) Any ticket of candidates for President and Vice-President which polls a vote of more than fifty percent of the total number of votes during the general election and in addition polls at least twenty percent of the votes in more than half of the total number of provinces in Indonesia shall be declared elected as the President and Vice-President.
- (5) The procedure for the holding of the election of the President and Vice-President is further regulated by law.

Article 7A

The President and/or the Vice-President may be dismissed from his/her position by the MPR on the proposal of the House of Representatives (*Dewan Perwakilan Rakyat* or DPR), both if it is proven that he/she has violated the law in the form of betraying the state, corruption, bribery, other criminal acts, or disgraceful behaviors or if it is proven that he/she no longer meets the requirements as President and/or Vice-President.

Article 7B

- (1) Any proposal for the dismissal of the President and/or the Vice-President may be submitted by the DPR to the MPR only by first submitting a request to the Constitutional Court to investigate, bring to trial, and issue a decision on the opinion of the DPR either that the President and/or Vice-President has violated the law through an act of treason, corruption, bribery, or other act of a grave criminal nature, or through moral turpitude, and/or that the President and/or Vice-President no longer meets the qualifications to serve as President and/or Vice-President.
- (2) The opinion of the DPR that the President and/or Vice-President has violated the law or no longer meets the qualifications to serve as President and/or Vice-President is undertaken in the course of implementation of the supervision function of the DPR.
- (3) The submission of the request of the DPR to the Constitutional Court shall only be made with the support of at least 2/3 of the total members of the DPR who are present in a plenary session that is attended by at least 2/3 of the total membership of the DPR.
- (4) The Constitutional Court has the obligation to investigate, bring to trial, and reach the most just decision on the opinion of the DPR at the latest ninety days after the request of the DPR was received by the Constitutional Court.
- (5) If the Constitutional Court decides that the President and/or Vice-President is proved to have violated the law in the form of an act of treason, corruption, bribery, or other act of a grave criminal nature, or moral turpitude; and/or the President

- and/or Vice-President is proved no longer to meet the qualifications to serve as President and/or Vice-President, the DPR shall hold a plenary session to submit the proposal to impeach the President and/or Vice-President to the MPR.
- (6) The MPR shall conduct a session to decide on the proposal of the DPR at the latest thirty days after its receipt of the proposal.
 - (7) The decision of the MPR over the proposal to impeach the President and/or Vice-President shall be taken during a plenary session of the MPR which is attended by at least 3/4 of the total membership and shall require the approval of at least 2/3 of the total of members who are present, after the President and/or Vice-President have been given the opportunity to present his/her explanation to the plenary session of the MPR.

Article 7C

The President may not freeze and/or dissolve the DPR.

Article 8

- (1) In the event that the President dies, resigns, is impeached, or is not capable of implementing his/her obligations during his/her term, he/she will be replaced by the Vice-President until the end of his/her term.
- (2) In the event that the position of Vice-President is vacant, the MPR should hold a session within sixty days at the latest to select a Vice-President from two candidates nominated by the President.

Article 11

- (2) The President in making other international agreements that will produce an extensive and fundamental impact on the lives of the people which is linked to the state financial burden, and/or that will requires an amendment to or the enactment of a law, shall obtain the approval of the DPR.
- (3) Further provisions concerning international agreements are regulated by law.

Article 17

- (4) The formation, change, and dissolution of state ministries shall be regulated by law.

Chapter VIIA

HOUSE OF REPRESENTATIVES OF THE REGIONS (*Dewan Perwakilan Daerah* or DPD)

Article 22C

- (1) The members of the DPD shall be elected from every province through a general election.
- (2) The total number of members of DPD in every province shall be the same, and the total membership of the DPD shall not exceed a third of the total membership of the DPR.
- (3) The DPD shall hold a session at least once every year.

- (4) The structure and composition of the DPD shall be regulated by law.

Article 22D

- (1) The DPD may propose to the DPR Bills related to regional autonomy, the relationship of central and local government, formation, expansion and merger of regions, management of natural resources and other economic resources, and Bills related to the financial balance between the centre and the regions.
- (2) The DPD shall participate in the discussion of Bills related to regional autonomy; the relationship of central and local government; formation, expansion, and merger of regions; management of natural resources and other economic resources, and financial balance between the centre and the regions; and shall provide consideration to the DPR over Bills on the State Budget and Bills related to taxation, education, or religion.
- (3) The DPD may oversee the implementation of laws concerning regional autonomy, the formation, expansion and merger of regions, the relationship of central and local government, management of natural resources and other economic resources, implementation of the State Budget, taxation, education, or religion and shall in addition submit the result of such oversight to the DPR in the form of material for its further consideration.
- (4) The members of the DPD may be removed from office under requirements and procedures that shall be regulated by law.

CHAPTER VIIB GENERAL ELECTIONS

Article 22E

- (1) General elections shall be conducted in a direct, general, free, secret, honest, and fair manner once every five years.
- (2) General elections shall be conducted to elect the members of the DPR, DPD, the President and Vice-President, and the Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah* or DPRD).
- (3) The participants in the general election for the election of the members of the DPR and the members of the DPRD are political parties.
- (4) The participants in the general election for the election of the members of the DPD are individuals.
- (5) The general election shall be organised by a general election commission of a national, permanent, and independent character.
- (6) Further provisions concerning the general election is regulated by law.

Article 23

- (1) The State Budget as the basis of the management of state funds is determined annually by law and shall be implemented in an open and accountable manner in order to best attain the prosperity of the people.
- (2) The Bill on the State Budget shall be submitted by the President for joint consideration with the DPR, which consideration shall take into account the opinions of the DPD.

- (3) In the event that the DPR fails to approve the proposed Bill on the State Budget submitted by the President, the Government shall implement the State Budget of the preceding year.

Article 23A

All taxes and other levies for the needs of the state of a compulsory nature shall be regulated by law.

Article 23C

Other matters concerning state finances shall be regulated by law.

CHAPTER VIII

SUPREME AUDIT BOARD (*Badan Pemeriksa Keuangan or BPK*)

Article 23E

- (1) To investigate the management and accountability of state funds a Supreme Auditing Body that is free and independent is formed.
- (2) The result of the investigation of state funds will be submitted to the House of Representatives, Regional Representatives Council, and Regional House of Representatives based on their authority.
- (3) The said result of the investigation will be continued by representative institutions and/or bodies according to law.

Article 23F

- (1) The members of the Supreme Auditing Body will be elected by the House of Representatives by paying attention to the considerations of the Regional Representative Council and will be legalized by the President.
- (2) The leader of the Supreme Auditing Body will be elected by the members.

Article 23G

- (1) The Supreme Auditing Body is based in the capital of the state, and has a representative in every province.
- (2) Further stipulations concerning the Supreme Auditing Body is regulated by law.

Article 24

- (1) The power of the judiciary is the power of freedom to implement justice in order to enforce law and justice.
- (2) The power of the judiciary is implemented by a Supreme Court and judicature bodies under it in the surroundings of public courts, surroundings of religious courts, in the

surroundings of military tribunals, in the surroundings of state procedures, and by a Constitutional Court.

Article 24A

- (1) The Supreme Court has the authority to hear a trial at the Supreme Court level, review laws and regulations under a law concerning laws, and has other authorities provided by law.
- (2) The supreme judge must have integrity and a personality that is not disgraceful, he/she must be fair, professional, and possess an experience in the legal aspect.
- (3) The candidate supreme judge is proposed by the Judicial Commission to the House of Representatives to obtain approval and later declared as the supreme judge by the President.
- (4) The Chairperson and Vice-Chairperson of the Supreme Court is elected from and by the supreme judge.
- (5) The structure, status, membership, and legal program of the Supreme Court and judicature bodies under it is regulated by law.

Article 24B

- (1) The Judicial Commission that is characterized as independent has the authority to propose the promotion of the supreme judge and has other authorities in the framework of guarding and upholding the honor, noble prestige, and behavior of the judge.
- (2) The members of the Judicial Commission must possess the knowledge and experience in the legal aspect and must possess integrity and a personality that is not disgraceful.
- (3) The members of the Judicial Commission is promoted and dismissed by the President with the approval of the House of Representatives.
- (4) The structure, status, and membership of the Judicial Commission is regulated by law.

Article 24C

- (1) The Constitutional Court has the authority to try a case at the first and last level and its decision is characterized as final in reviewing laws concerning the Constitution, to decide over conflicts on the authority of state institutions whose authority was provided by the Constitution, decide over the dissolution of political parties, and decide over disputes on the result of the general election.
- (2) The Constitutional Court has the authority to issue a decision over the opinion of the House of Representatives concerning suspicious violations of the President and /or Vice-President according to the Constitution.
- (3) The Constitutional Court is composed of nine persons who are members of the constitution judges who are determined by the President, and three persons are proposed by the Supreme Court, three persons proposed by the House of Representatives, and three persons proposed by the President.
- (4) The Chairperson and Vice-Chairperson of the Constitutional Court are elected from and by the constitution judges.
- (5) The constitution judge must possess integrity and a personality that is not disgraceful, he/she must be fair, a statesman who master the Constitution and state procedures and he/she is not assuming the position of a state official.

- (6) The promotion and dismissal of the constitution judge, program judge, and other stipulations concerning the Constitutional Court is regulated by law.

This document on amendment is part and not separated from the document of the State Constitution of the Republic of Indonesia 1945.

The said amendments were decided in the 7th Plenary Session of the People's Consultative Assembly of the Republic of Indonesia (2nd continuation) on 9 November 2001 Annual Session of the People's Consultative Assembly of the Republic of Indonesia, and will be applicable on the date of its enactment.

Enacted in Jakarta
9 November 2001

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