

## **1945 Indonesian Constitution**

### Preamble

With independence being the right of every nation, colonialism must be eliminated from the face of the earth as it is contrary to the dictates of human nature and justice.

The struggle of Indonesia's independence has now reached a glorious moment, having led the Indonesian people safely to the threshold of independence for an Indonesian state which is free, united, sovereign, just and prosperous.

With the blessings of God Almighty and impelled by the noble idea of a free national life, the Indonesian people do hereby declare their independence.

Further, in order to establish a government of the State of Indonesia which shall protect the whole Indonesian people and their entire homeland of Indonesia, and in order to advance their general welfare, to promote the intellectual life of the nation, and to contribute to implementing order in a world founded upon independence, eternal peace and social justice, Indonesia's national independence shall be formulated in a Constitution of the State of Indonesia, which shall have the structural state form of a Republic of Indonesia with sovereignty of the people, and which shall be based upon: belief in one God, humanity, unity, deliberation for representation and social justice for all Indonesians.

### THE CONSTITUTION

#### CHAPTER I

##### FORM OF STATE AND SOVEREIGNTY

###### Article 1

- (1). The State of Indonesia shall be a unitary state in the form of a republic.
- (2). Sovereignty shall be in the hands of the people and shall be fully exercised by the People's Consultative Assembly (MPR).

#### CHAPTER II

##### THE PEOPLE'S CONSULTATIVE ASSEMBLY

###### Article 2

- (1). The People's Consultative Assembly shall consist of members of the House of Representatives (DPR) augmented by delegates from regional

territories and functional groups, in accordance with statutory regulations.  
(2). The People's Consultative Assembly shall sit at least once every five years in the capital of the state.  
(3). All decisions of the People's Consultative Assembly shall be taken by majority vote.

### Article 3

The People's Consultative Assembly shall determine the Constitution and the State Policy Guidelines.

## C H A P T E R III

### THE EXECUTIVE POWERS OF THE STATE

#### Article 4

(1). The president of the Republic of Indonesia shall hold the power of government in accordance with the Constitution.  
(2) In exercising his duties, the president shall be assisted by a vice president.

#### Article 5

(1). The president shall hold the power to make statutes in agreement with the House of Representatives.  
(2). The president shall determine government regulations necessary to implement the statutes.

#### Article 6

(1). The president shall be a native-born Indonesian.  
(2). The president and the vice president shall be elected by the People's Consultative Assembly by majority vote.

#### Article 7

The president and vice president shall hold office for a term of five years and shall be eligible for reelection.

#### Article 8

Should the president die or cease from executing his duties or become unable to execute his duties during his term of office, he shall be replaced by the vice president until the expiry of that term.

#### Article 9

Before assuming their duties, the president and vice president shall take an oath according to the requirements of religion, or shall make a solemn promise, before the People's Consultative Assembly or the House of Representatives, as follows:

Oath of the president (vice president)

"In the Name of God, I swear that I will fulfill, to the best of my ability and as justly as possible, the duties of the president (vice president) of the Republic of Indonesia; that I will firmly uphold the Constitution and faithfully implement all laws and regulations, and will devote myself to the service of Country and Nation".

Promise of the president (vice president)

"I solemnly promise that I will fulfill, to the best of my ability and as justly as possible, the duties of the president (vice president) of the Republic of Indonesia; that I will firmly uphold the Constitution and faithfully implement all laws and regulations, and that I will devote myself to the service of Country and Nation".

Article 10

The president shall hold the highest authority over the Army, the Navy and the Air Force.

Article 11

It is the president, with the agreement of the House of Representatives, who has the authority to declare war, make peace and conclude treaties with other states.

Article 12

It is he president, with the agreement of the House of Representatives, who has the authority to declare a state of emergency. The conditions governing and the consequences of the state of emergency shall be laid down by law.

Article 13

- (1). The president appoints envoys and consuls.
- (2). The president receives the envoys of other states.

Article 14

It is the president who has the authority to grant clemency, amnesties, absolutions and restorations of rights.

## Article 15

It is the president who grants titles, decorations and other marks of honor.

## C H A P T E R IV

### THE SUPREME ADVISORY COUNCIL

## Article 16

- (1). The composition of the Supreme Advisory Council shall be laid down by law.
- (2). The council shall submit replies to issues raised by the president and shall have the right to submit proposals to the government.

## C H A P T E R V

### MINISTERS OF THE STATE

## Article 17

- (1). The president shall be assisted by ministers of the state.
- (2). These ministers shall be appointed and dismissed by the president.
- (3). These ministers shall lead the government departments.

## C H A P T E R VI

### LOCAL GOVERNMENT

## Article 18

The division of Indonesian territory into large and small regions, as well as the form and structure of their administrations, shall be laid down by law, with regard for and in observance of the principle of deliberation in the governmental system of the state, and the traditional rights of those regions, which have distinctive characteristics.

## C H A P T E R VII

### THE HOUSE OF REPRESENTATIVES

## Article 19

- (1). The structure of the House of Representatives shall be laid down by law.
- (2). The House of Representatives shall sit at least once a year.

## Article 20

- (1). Every statute shall require the agreement of the House of Representatives.
- (2). Should a bill not obtain the agreement of the House of Representatives, that draft may not be submitted again during the same session of the House of Representatives.

#### Article 21

- (1). Members of the House of Representatives shall have the right to submit bills.
- (2). Should those bills, although passed by the House of Representatives, not be ratified by the president, they may not be submitted again during the same session of the House of Representatives.

#### Article 22

- (1). Should exigency compel, the president shall have the right to determine government regulations in lieu of statutes.
- (2). These government regulations must obtain the agreement of the House of Representatives during its next session.
- (3). Should there be no agreement, these government regulations shall be revoked.

### CHAPTER VIII

#### FINANCE

#### Article 23

- (1). The annual state budget shall be laid down by law. Should the House of Representatives not agree with the draft state budget submitted by the government, the government shall utilize the previous year's state budget.
- (2). All kinds of taxes needed by the state shall be laid down by law.
- (3). Each kind of currency and its value shall be laid down by law.
- (4). Other state financial matters shall be provided for by law.
- (5). In order to examine the state financial accounts, a state audit board shall be set up, the regulations for which shall be laid down by law.

The results of the examination shall be communicated to the House of Representatives.

### C H A P T E R IX

#### THE JUDICIAL POWERS

#### Article 24

- (1). Judicial power shall be exercised by the Supreme Court and other courts of justice in accordance with the law.
- (2). The composition and power of these courts of law shall be laid down by law.

#### Article 25

The conditions for the appointment and dismissal of a judge shall be laid down by law.

### CHAPTER X

#### CITIZENSHIP

#### Article 26

- (1). Citizens shall be all native-born Indonesians and other nationals who have obtained citizenship by virtue of law.
- (2). Requirements pertaining to citizenship shall be laid down by law.

#### Article 27

- (1). All citizens, without exception, shall be equal before the law and in government and shall have the duty to respect the law and the government
- (2). Every citizen shall have the right of employment and to a living befitting human beings.

#### Article 28

Freedom of association and assembly, of expressing thoughts by speech and writing, and so on, shall be laid down by law.

### CHAPTER XI

#### RELIGION

#### Article 29

- (1). The state shall be based upon belief in one god.
- (2). The state shall guarantee freedom to every resident to adhere to their respective religion and to perform their religious duties in accordance with their religion and that faith.

### CHAPTER XII

#### DEFENSE

## Article 30

- (1). Every citizen shall have the right and the duty to participate in the defense efforts of the state.
- (2). The requirements pertaining to defense shall be laid down by law.

## CHAPTER XIII

### EDUCATION

## Article 31

- (1). Every citizen shall have the right to an education.
- (1). The government shall establish and operate a national education system which shall be provided for by law.

## Article 32

The government shall advance the national culture of Indonesia.

## CHAPTER XIV

### SOCIAL WELFARE

## Article 33

- (1). The economy shall be organized as a common endeavor based on the principle of the family system.
- (2). Branches of production which are important for the state and which affect the lives of most people shall be controlled by the state.
- (3). Land and water, and the natural resources found therein, shall be controlled by the state and shall be exploited for the maximum benefit of the people.

## Article 34

The poor as well as destitute children shall be cared for by the state.

## CHAPTER XV

### FLAG AND LANGUAGE

## Article 35

The flag of the Indonesian state shall be the honored Red and White.

## Article 36

The national language shall be bahasa Indonesia.

## CHAPTER XVI

### AMENDMENTS TO THE CONSTITUTION

#### Article 37

(1). In order to amend the Constitution, at least two-thirds of the total number of members of the People's Consultative Assembly must be in attendance.

(2). A decision shall be taken with the agreement of at least two-thirds of the total number of members in attendance.

### TRANSITIONAL PROVISIONS

#### Clause I

The Preparatory Committee for Indonesia's Independence shall regulate and execute the transfer of authority to the Indonesian government.

#### Clause II

All existing state institutions and regulations shall continue to function as long as new ones have not been established or introduced in accordance with the Constitution.

#### Clause III

The president and vice president shall be elected for the first time by the Preparatory Committee for Indonesia's Independence.

#### Clause IV

Pending the establishment of the People's Consultative Assembly, the House of Representatives and the Supreme Advisory Council in accordance with the Constitution, all their power shall be exercised by the president with the assistance of a national committee.

### ADDITIONAL PROVISIONS

(1). Within six months after the end of the Greater East Asia War, the president of Indonesia shall regulate and implement all matters which are laid down in the Constitution.

(2). Within six months after the establishment the People's Consultative Assembly, the Assembly shall convene a session to determine the Constitution.

