

# 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 Permusyawaratan 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  $\frac{2}{3}$  of the total members of the DPR who are present in a plenary session that is attended by at least  $\frac{2}{3}$  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  $\frac{3}{4}$  of the total membership and shall require the approval of at least  $\frac{2}{3}$  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 VIIIA**

### **SUPREME AUDIT BOARD**

**(*Badan Pemeriksa Keuangan* or BPK)**

#### **Article 23E**

- (1) To investigate the management and accountability of state finances, there shall be a single Supreme Auditing Body which shall be free and independent.
- (2) The result of any investigation of state finances shall be submitted to the DPR, DPD or DPRD in line with their respective authority.
- (3) Action following the result of any such investigation will be taken by representative institutions and/or bodies according to law.

#### **Article 23F**

- (1) The members of the BPK will be chosen by the DPR, which shall have regard to any considerations of the DPD, and will be formally appointed by the President.
- (2) The leadership of the BPK will be elected by and from the members.

#### **Article 23G**

- (1) The BPK is based in the capital of the nation, and shall be represented in every province.
- (2) Further provisions concerning the BPK shall be regulated by law.

#### **Article 24**

- (1) The judicial power shall be independent and shall possess the power to organise the judicature in order to enforce law and justice.
- (2) The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, religious courts, military tribunals, and administrative courts, and by a Constitutional Court.

## **Article 24A**

- (1)The Supreme Court has the authority to hear a trial at the highest (cassation) level, to review ordinances and regulations made under any law against such law, and shall possess other authorities as provided by law.
- (2)Each justice of the Supreme Court must possess integrity and a personality that is not dishonourable, and shall be fair, professional, and possess legal experience.
- (3)Candidate justices of the Supreme Court shall be proposed by the Judicial Commission to the DPR for approval and shall subsequently be formally appointed to office by the President.
- (4)The Chair and Vice-Chair of the Supreme Court shall be elected by and from the justices of the Supreme Court.
- (5)The structure, status, membership, and judicial procedure of the Supreme Court and its subsidiary bodies of judicature shall be regulated by law.

## **Article 24B**

- (1)There shall be an independent Judicial Commission which shall possess the authority to propose candidates for appointment as justices of the Supreme Court and shall possess further authority to maintain and ensure the honour, dignity and behaviour of judges.
- (2)The members of the Judicial Commission shall possess legal knowledge and experience and shall be persons of integrity with a personality that is not dishonourable.
- (3)The members of the Judicial Commission shall be appointed and dismissed by the President with the approval of the DPR.
- (4)The structure, composition and membership of the Judicial Commission shall be regulated by law.

## **Article 24C**

- (1)The Constitutional Court shall possess the authority to try a case at the first



and final level and shall have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding over disputes on the result of a general election.

(2)The Constitutional Court shall possess the authority to issue a decision over an opinion of the DPR concerning alleged violations by the President and /or Vice-President of this Constitution.

(3)The Constitutional Court shall be composed of nine persons who shall be constitutional justices and who shall be confirmed in office by the President, of whom three shall be nominated by the Supreme Court, three nominated by the DPR, and three nominated by the President.

(4)The Chair and Vice-Chair of the Constitutional Court are elected by and from the constitutional justices.

(5)Each constitutional justice must possess integrity and a personality that is not dishonourable, and shall be fair, shall be a statesperson who has a command of the Constitution and the public institutions, and shall not hold any position as a state official.

(6)The appointment and dismissal of constitutional justices, the judicial procedure, and other provisions concerning the Constitutional Court shall be regulated by law.

The text of this amendment is part of and shall not be separated from the text of the 1945 Constitution of the Republic of Indonesia.

This amendment was agreed in the 7<sup>th</sup> Plenary Session of the MPR (2<sup>nd</sup> continuation) on 9 November 2001 during the Annual Session of the MPR, and will take effect on the date of its enactment.

Enacted in Jakarta

on 9 November 2001