



# **COLLECTION OF ELECTION LAWS**



**NATIONAL ELECTION COMMISSION**

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LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 2 OF THE YEAR 1999

CONCERNING  
POLITICAL PARTIES  
WITH THE BLESSING OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

**Considering:**

- a. that freedom of association, assembling and speech as recognized and assured in the 1945 Constitution is part of the fundamental human rights;
- b. that efforts to develop and strengthen the freedom of association, assembling and speech are part of the efforts to realize a strong national life in the Unitary State of the Republic of Indonesia which is independent, united, sovereign, democratic and based on law;
- c. that political parties are essential instruments which are very important in their meaning, function, and role as realization of the freedom to associate, assemble and speech in developing a democratic life to uphold the sovereignty of the people in the Unitary State of the Republic of Indonesia;
- d. that Law No. 3 of 1975 concerning Political Parties and the Functional Group as amended by Law No. 3 of 1975 concerning Political Parties and the Functional Group was not able to effectively absorb the growing political aspirations in the democratic life in Indonesia.
- e. that following the above cases and to provide a better legal basis for the growth of political parties which can better ensure the role of the Indonesian people in their national life and statehood, based on Pancasila and the 1945 Constitution, it is deemed necessary to amend Law no. 3 of 1975 on Political

Parties and the Functional Group as amended by Law No 3 of 1985 on the amended Law No. 3 of 1975 concerning Political Parties and the Functional Group with a new law on Political Parties.

In view of:

The 1945 Constitution, Article 5 Clause (1), Article 20 clause (1), Article 20 clause (1), Article 27 clause (1), and Article 28.

With the approval of

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

Hereby resolves:

To enact:

THE LAW ON POLITICAL PARTIES

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

- (1) In this law, Political Parties mean each organization founded by the citizens of the Republic of Indonesia voluntarily based on the same intention to struggle for its members as well as in the interest of the nation and the country through General Election;
- (2) The sovereignty of Political Parties is in the hands of the members;
- (3) Political Parties are equal in occupation, function, rights and obligations;
- (4) A Political Party is self-reliant in the management of its organization.

**CHAPTER II**

**CONDITION ON ITS FOUNDATION**

**Article 2**

- (1) At least 50 (fifty) citizens of the Republic of Indonesia aged 21 (twenty one) years is able to form a Political Party;
- (2) Political Parties which are founded and ruled by clause (1) shall meet the following requirements:
  - a. Include Pancasila as basis and ideology of the Unitary State of the Republic of Indonesia in the Party Statutes;
  - b. the principles or characteristics, aspirations and programs of Political Parties must not be contrary to Pancasila;
  - c. membership of Political Parties should be open for all citizens of the Republic of Indonesia with the right to vote;
  - d. Political Parties are prohibited from using the same name or symbol or flag of the Unitary State of the Republic of Indonesia or that of a foreign country or a person's picture or the name and symbol of an existing party.

**Article 3**

The formation of Political Parties may not endanger the national unity and integrity.

**Article 4**

- (1) Political Parties should be founded and legalized by notary public and registered with the Ministry of Justice of the Republic of Indonesia;
- (2) The Ministry of Justice of the Republic of Indonesia is only able to accept the registration of the Political Party if it meets the requirements in article 2 and 3 of this law;
- (3) The legitimization of the Political Party's foundation is announced in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia.

## **CHAPTER III**

### **OBJECTIVES**

#### **Article 5**

- (1) The general objectives of Political Parties are:
  - a. Realizing the national ideal of the Indonesian Nation as meant by the Preamble of the 1945 Constitution;
  - b. Developing a democratic life based on Pancasila by upholding the people's sovereignty in the Unitary State of the Republic of Indonesia;
- (2) The special objective of political parties are to achieve the ideals of their members and the life of their community, nationhood and statehood.

#### **Article 6**

Each Political Party is obliged to include their general and special objectives as meant by article 5 of this law in its statutes.

## **CHAPTER IV**

### **FUNCTION, RIGHTS AND OBLIGATIONS**

#### **Article 7**

- (1) The function of Political Parties is:
  - a. To give a political education by growing and developing awareness of the political rights and obligations of the people in national life and statehood;
  - b. To absorb, distribute and promote the people's interest in deciding the policy of the state through the mechanism of the institution of public deliberation/representation;
  - c. To prepare the members of society to fill political positions in accordance with the democratic mechanism.
- (2) Political Parties as democratic institutions are instruments to express support and demands in the political process.

#### **Article 8**

Political Parties are entitled to:

- a. participate in the general election according to the Law on General Election;
- b. enjoy the same treatment, level, and justice from the government.

#### **Article 9**

Political Parties have the responsibility:

- a. to firmly uphold and serve Pancasila and the 1945 Constitution;
- b. to maintain the integrity of the Unitary State of the Republic of Indonesia;
- c. to maintain the unity and integrity of the nation;
- d. to make a success of National Development;
- e. to make a success of holding general elections democratically honestly, and fair by direct, general, free and secret voting.

## **CHAPTER V**

### **MEMBERSHIP AND LEADERSHIP**

#### **Article 10**

- (1) The Members of Political Parties are citizens of the Republic of Indonesia who shall meet the following requirements:
  - A. Are at least 17 (seventeen years) or are married and qualified to vote;
  - B. Able to read and write;
  - C. Meet the conditions decided by Political Parties.
- (2) Political Parties register and manage their members list.

#### **Article 11**

Political Parties may set up offices in:

- a. the capital city of the Republic of Indonesia for the Central Board;

- b. the capital city of the province for the First Regional Level Board;
- c. the district/municipal capital for the Second Level Board;
- d. the sub-district capital for the Kecamatan Level Board;
- e. the capital of village/Kelurahan for the Level of the Village/Kelurahan Board

## **CHAPTER VI FINANCE**

### **Article 12**

- (1) The Political Party funds are from:
  - a. contributions from the members;
  - b. donations;
  - c. other legal donations.
- (2) Political Parties receive an annual donation from the state budget based on the number of votes in the past general election.
- (3) Determining the annual donation as mentioned in Article (2) is decreed by Government Regulation;
- (4) Political Parties shall not receive donations from foreign countries.

### **Article 13**

- (1) Political Parties are non profit oriented organizations;
- (2) Pursuant to Article (1), Political Parties are not allowed to establish a business corporation/or own shares in a corporation.

### **Article 14**

- (1) The amount of donation from individuals received by Political Parties shall not exceed Rp.15,000,000.00 (fifteen million rupiah) a year;

- (2) The amount of donation from each company or any other body received by Political Parties shall not exceed Rp.15,000,000.00 (fifteen million rupiah) a year;
- (3) The value of donations in kind shall have the same market value its equivalent in money donation;
- (4) Political Parties keep a list of donators and the amount of their donation transparently for auditing by public accountant.

### **Article 15**

- (1) Political Parties are obliged to report the list as meant by Article 14 clause (4) as well as a financial report by the end of the year, and every 15 (fifteen) days before and 30 (thirty) days after general election to the Supreme Court of the Republic of Indonesia;
- (2) The Report as meant by clause (1) may at any time be audited by public accountant appointed by the Supreme Court of the Republic of Indonesia.

## **CHAPTER VII SUPERVISION AND SANCTION**

### **Article 16**

Political Parties shall not:

- a. adhere to, develop, disseminate the doctrine or concept of Communism/Marxism/Leninism and other doctrines which are contrary to Pancasila;
- b. receive donations and/or assistances in whatever form, directly or indirectly from foreign countries;
- c. give whatever form of donation and/or assistance to foreign countries, directly or indirectly, which can harm the interest of the nation and the country;
- d. carry out activities which are contrary to the Government policy of the Republic of Indonesia in maintaining a good relationship with other countries.

## **Article 17**

- (1) Supervision on the requirements set down in this law is by the Supreme Court of the Republic of Indonesia;
- (2) By authority of the Supreme Court of the Republic of Indonesia a Political Party shall be suspended or dissolved if proven to have disobeyed the law as meant by Article 2, Article 3, Article 5, Article 9, and Article 16.
- (3) The authority as meant by clause (2) shall be exercised after first hearing and considering the statement of the Central Board of the Political Party concerned and after court proceedings;
- (4) The suspension and dissolution of Political Parties are carried out after a final court verdict has been announced in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia.

## **Article 18**

- (1) The Supreme Court of the Republic of Indonesia can give administrative sanctions in the form of suspension of contributions from the state budget if Political Parties are proven to have violated Law No. 15;
- (2) The Supreme Court of the Republic of Indonesia may revoke the right of a Political Party to participate in the general election if proven to have disobeyed the law as meant by Article 13 and Article 14.
- (3) Revocation of the rights as meant by clause (2) is carried out after hearing the consideration of the Central Board of the Political Party concerned and after going through court.

## **Article 19**

- (1) Whomsoever deliberately gives a donation to Political Parties surpassing the provisions as decreed by the law as meant by Article 14 clause (1) and clause (2) will face a maximum jail sentence of 30 (thirty) days or fined a maximum of Rp.100,000,000.00 (one hundred million rupiah);
- (2) Whomsoever deliberately gives money or things to others in order to make them donate to Political Parties and thus surpass the provisions as regulated in the law as meant by Article 14 clause (1) and clause (2), will face a maximum jail sentence of

- 30 (thirty) days or fined a maximum of Rp.100,000,000.00 (one hundred million rupiah);
- (3) Whomsoever deliberately receives some money or goods from someone to be donated to a Political Party and thus surpass the provisions as regulated in the law as meant by Article 14 clause (1) and clause (2), will face a maximum jail sentence of 30 (thirty) days or fined a maximum of Rp.100,000,000.00 (one hundred million rupiah);
- (4) Whomsoever forces someone or an institution to give whatever form of donation to a Political Party will face a maximum jail sentence of 30 (thirty) days or fined a maximum of Rp.100,000,000.00 (one hundred million rupiah);

## **CHAPTER VIII**

### **TRANSITIONAL PROVISIONS**

#### **Article 20**

Upon the enforcement of this law, the Organizations which had participated in the 1997 General Election, namely the United Development Party, the Functional Group, and the Democratic Party as socio-political power organizations based on Law No. 3 of 1975 concerning Political Parties and the Functional Group, as amended by Law No. 3 of 1985 on the amendment of Transitional Law No. 3 of 1975 on Political Parties and the Functional Group, have met the requirements as regulated by this law as meant by Article 2 and Article 4, after making adjustments conform the provisions of this law.

## **CHAPTER IX**

### **CLOSING PROVISIONS**

#### **Article 21**

- (1) Since this law takes effect, Law No. 3 of 1975 on Political Parties and the Functional Group as amended by Law No. 3 of 1985 on Transitional Law No. 3 of 1975 concerning Political Parties and Functional Group are declared void.
- (2) All provisions and regulations in conflict with this law are declared void.

## **Article 22**

This Law takes effect on the date of issue. In order that everybody may take cognizance of this, the promulgation of this law is herewith ordered through publication in the State Gazette of the Republic of Indonesia.

Sanctioned in Jakarta  
On February 1, 1999

**PRESIDENT OF THE REPUBLIC OF INDONESIA**

sgd.

**BACHARUDDIN JUSUF HABIBIE**

Promulgated in Jakarta  
On February 1, 1999

**STATE SECRETARY OF THE REPUBLIC OF INDONESIA**

sgd.

**AKBAR TANDJUNG**

**STATE GEZETTE OF THE REPUBLIC OF INDONESIA NUMBER 22 OF 1999**

## **ELUCIDATION**

OF

**LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 2 OF THE YEAR 1999**

## **CONCERNING**

### **POLITICAL PARTIES**

#### **GENERAL**

Essentially, the establishment of Political Parties is a reflections of the rights of Indonesian citizens to associate, assemble, and express thought as meant by Article 28 of the 1945 Constitution. Through their Political Parties, people can realize their rights on freedom of speech to direct nationhood and statehood. Variety of views in society will create the intention the wish to found various Political Parties in line with the various thoughts in life. Therefore, essentially the country does not limit the number of Political Parties to be founded by the people.

In variety of Political Parties, each is equal in level, position, function, privilege, and obligations. The sovereignty of Political Parties is in the hands of their members and consequently Political Parties are self-reliant and manage their own organizations. In this case, outsiders are not permitted to interfere in the organization of a Political Party.

To achieve a sound nationhood and statehood as desired by the founders of the state as formulated in the Preamble of the 1945 Constitution, each party shall consistently implement Pancasila as state philosophy.

Therefore, the dynamics of democracy in Indonesia has have a strong basis. The main principle of Political Parties having been approved, each Political Party is able to posses its own principle or characteristic, aspiration and special program which is not contrary with the aspirations of Pancasila . Aspiration and program of Political Parties are as the reflection of principle or characteristic in the effort to solve the problem of Indonesian nation. That program is directed to realizing the Indonesian the national ambition/ideal of Indonesian nation and develop the democratic life base on Pancasila as their general objective, while their special objective is to struggle up the members ambition.

The nationality and integrity of life base on Pancasila as the ambition of democracy, can only be achieved if we do not use the different opinion of community as the reason to discriminate the membership of Political Parties. Non-discrimination principle in the membership of Political Parties is intended that democracy bases on Pancasila can be realized dynamically, so that each Political Party must be open for every Indonesian citizen. Thus, various Political Parties do not become the separation of the nation but even become the binding agent to unite and integrate the nation. As one of democracy institutions, Political Parties have function to develop the awareness of the privilege and obligation of politics for public, to lead the public interest into the stipulation of state policy, as well as to train and prepare the public membership to fill political official position along with democracy mechanism. Political Parties are also as institutions which are used to convey the support and prosecution in the process of politics. All of these functions are realized through General Election which is carried out democratically, honestly, and justly in voting and pooling direct, general, free, and secret, as amended in the Decree of the People's Consultative Assembly No. XIV/MPR/1998 concerning the replacement and addition on the Decree of the People's Consultative Assembly No. III/MPR/1998 concerning General Election. Thus, each Political Party has the rights to participate in General Election after this party meets the condition in its participation as regulated in law concerning General Election.

State must guarantee that every citizen has the same opportunity to stipulate/influence the state policy through his/her Political Party and to realize the principle of democracy whereas one citizen for one vote. Since the establishment of Political Parties in the realization of the people's sovereignty, and not for the realization of economic power, so it is essential to limit the financial source of Political Parties to prevent the abusing of money for political interest (money politics). The transparency of Political Parties in financial is an important information for citizens to value and decide their support to their parties.

Furthermore, as the realization of law state principle, Political Parties are loyal to the statutory regulation. Control towards the infraction of this law is done by the Supreme Court of the Republic of Indonesia, base on its competency to be the Highest Judiciary Institution by reconciliating the stipulated regulation mechanism.

## ARTICLE BY ARTICLE

### Article 1

#### Clause (1)

Quite clear

#### Clause (2)

Sovereignty in the hand of the members in this clause meant including the sovereignty to dismiss/discharge themselves from their organization as regulated in the Rules and Procedure of the Parties, or outside the stipulation in Article 17 clause (2) of this law.

#### Clause (3)

Quite clear

#### Clause (4)

Autonomy in this clause meant that in stipulating their Rules and Procedures, Political Parties should be free from the involvement of outsiders, as well as the government's involvement.

### Article 2

#### Clause (1)

Quite clear

#### Clause (2)

##### Letter a

Pancasila is in this clause meant Pancasila in with its formulation is attached in the Preamble of the 1945 Constitution. The attachment of Pancasila in the rules and procedure of Political Parties as meant in clause (2) letter a is written in the body of the rules and procedure to show the consistency of Political Parties in the implementation of Pancasila in nationality life.

##### Letter b

Quite clear

##### Letter c

Open in this clause meant that the membership of Political Parties are open for every citizen without discriminating their region, religion, ethnic group, race, and sex, as well as other discriminations.

##### Letter d

Quite clear

### **Article 3**

To endanger the national unity and integrity in this clause meant the establishment of Political Parties based on the separatism and all actions directly or indirectly can cause the interference national unity and integrity.

### **Article 4**

#### **Clause (1)**

Quite clear

#### **Clause (2)**

Quite clear

#### **Clause (3)**

The approval of the establishment of Political Parties through the announcement of State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia is intended for law administrative nationally and fulfill the publicity principle.

### **Article 5**

#### **Clause (1)**

Letter a

National ambition/ideal of the Indonesian nation is all content of the Preamble of the 1945 Constitution.

Letter b

Quite clear

#### **Clause (2)**

Quite clear

### **Article 6**

Quite clear

### **Article 7**

#### **Clause (1)**

Letter a

Quite clear

Letter b

Quite clear

#### **Letter c**

Quite clear

#### **Clause (2)**

Quite clear

### **Article 8**

#### **Letter a**

Quite clear

#### **Letter b**

Quite clear

### **Article 9**

#### **Letter a**

The participation of Political Parties in General Election is the right to join General Election after fulfilling the condition as stipulated in Law concerning General Election.

#### **Letter b**

Quite clear

#### **Letter c**

Quite clear

#### **Letter d**

Quite clear

#### **Letter e**

Honest, justice, direct, universal, free, and secret meant as regulated in the Law of General Election.

### **Article 10**

#### **Clause (1)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

#### **Clause (2)**

Quite clear

#### Article 11

The management of Political Parties for the Regional Administrative in the Special District of the Capital City of Jakarta Raya in particular and other Administrative Regions in general stipulated in the level of Regional Level II, is equalized with the Region Level II as meant in Article 11 letter c.

#### Article 12

##### Clause (1)

Letter a

Donation of members is a compulsory donation by Political Parties to every members occasionally.

Letter b

Assistance is fund given to Political Parties by people/citizens, companies, and other institutions as well as the government.

Letter c

Quite clear

##### Clause (2)

State Budget is State Revenue and Budget and Regional Revenue and Budget. The total assistance for every Political Party as the participant of General Election for the first time after this law being enacted is equalized. The amount of assistance is adapted by the condition of state financial.

##### Clause (3)

Quite clear

##### Clause (4)

Quite clear

#### Article 13

##### Clause (1)

Non-profit organization is the organization which is not looking for financial profit.

##### Clause (2)

Quite clear

#### Article 14

##### Clause (1)

Every body meant every citizen of the Republic of Indonesia

##### Clause (2)

Quite clear

##### Clause (3)

Quite clear

##### Clause (4)

Quite clear

#### Article 15

##### Clause (1)

The end of the year inn this clause meant the end of "takwin" year. General Election in this clause meant the day of voting.

##### Clause (2)

Quite clear

#### Article 16

##### Letter a

Quite clear

##### Letter b

Donation and assistance from foreign countries in Article 16 letter b meant donation and assistance from Government, Institutions/cooperatives, and foreigners, both in and out of the country.

##### Letter c

Quite clear

##### Letter d

Government policy is the Government activities in running the state policy.

#### Article 17

##### Clause (1)

Quite clear

##### Clause (2)

To freeze meant in clause (2) is temporary stop of the management and/or the activities of Political Parties. While to dismiss in clause (2) is the withdrawal of the right for living

and the existence of political parties in all part of the Republic of Indonesia.

**Clause (3)**

The process of judgment/court as meant in clause (3), is the Supreme Court of the Republic of Indonesia gives written reprimand for 3 (three) times regularly in 3 (three) months.

**Clause (4)**

Quite clear

**Article 18**

**Clause (1)**

Administrative sanction in this clause (1) is a sanction given to administrative infraction.

**Clause (2)**

General Election as meant in clause (2) is General Election at that time.

**Clause (3)**

Quite clear

**Article 19**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Clause (3)**

Quite clear

**Clause (4)**

Quite clear

**Article 20**

Quite clear

**Article 21**

Quite Clear

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Article 22**

Quite clear

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF  
INDONESIA NUMBER 22 OF 1999

**LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 3 OF THE YEAR 1999**

**CONCERNING  
GENERAL ELECTIONS**

**WITH THE BLESSING OF GOD ALMIGHTY**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering:**

- a. That based on the 1945 Constitution, the Republic of Indonesia is a sovereign State;
- b. that general election is a means to realize the people's sovereignty in the framework of the peoples participation in governing the state;
- c. that General Election is not only to elect the members of the People's Consultative Assembly/ Representative Institutions but also a means to put order in the state which is imbued by the spirit of Pancasila and the 1945 Constitution within the Unitary State of the Republic of Indonesia;
- d. that to realize the sovereignty in the hands of the people and by arranging the law on politics, it is necessary to reorganize a democratic, transparent, fair and just general election by direct, general and secret voting;
- e. that Law No. 15 of 1969 on General Elections to elect the members of the People's Consultative Assembly/House of Representatives, as amended by Law No. 4 of 1975, and Law No. 1 of 1985 no longer suit the recent development and demand of political life, and should therefore be revoked;
- f. that in line with the matters of the (a), (b), (c), (d) and (e) a new law on General Election is needed.

**In View of:**

- 1. Article 1 clause (2), Article 5 clause (1), Article 20 clause (1) and Article 27 clause (1) of the 1945 Constitution;

2. People's Consultative Assembly Decree No. XIV/MPR/1998 on the amendment and supplement of the People's Consultative Assembly Decree No. III/MPR/1988 on General Election.
3. Law No. 2 of 1999 concerning Political Parties (State Gazette 1999 No. 22, State Gazette Supplement No. 3809);
4. Law No. 4 of 1999 concerning the Composition and Position of the People's Consultative Assembly (MPR), House of Representatives (DPR), and Regional House of Representatives (DPRD) (State Gazette 1999 No. 24, State Gazette Supplement No. 3811);

With the approval of the

**HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA**

HAS RESOLVED:

To enact:

**A LAW ON GENERAL ELECTIONS**

**CHAPTER I  
General Provisions**

**Article 1**

- (1) General Election is a means to implement the people's Sovereignty in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution
- (2) The holding of General Elections is democratic and transparent, honest and just, through direct, general, free and secret voting.
- (3) General Elections are held every 5 (five) years on a holiday or on a day off throughout the country of the Republic of Indonesia.
- (4) General Elections are held to elect the members of the House of Representatives, the First Level Region House of Representatives, the Second Level Region House of Representatives, henceforth called DPR, DPRD I and DPRD II except for the DPR, DPRD I, and DPRD II members from the Armed Forces (ABRI).

- (5) General Elections as meant in clause (4) is also to fill the seats of the People's Consultative Assembly, henceforth called MPR.
- (6) Voting in General Elections is the right of every citizen who meets the conditions to vote.
- (7) General Election is held by proportional system based on a list system.

**Article 2**

The planning, holding and supervision of General Elections are based on the principles of democracy imbued with the spirit of Pancasila and the 1945 Constitution.

**CHAPTER II**

**ELECTORAL DISTRICT AND NUMBER OF SEATS**

**Article 3**

- (1) The election of DPR, DPRD I and DPRD II members is respectively determined on the basis of the electoral district according to its level.
  - (2) a. For the election of DPR members , the Electoral District is the First Level Region;
  - b. For the election of DPRD I members , the First Level Region is one Electoral District;
  - c. For the election of DPRD II members, the Second Level Region is one Electoral District;

**Article 4**

- (1) The number of DPR seats in each Electoral Region is decided on the basis of the population number in the First Level Region, with the stipulation that each Second Level Region will get at least one (1) seat.
- (2) The number of DPR seats in each Electoral Region is decided by the General Election Commission (KPU).

## **Article 5**

- (1) The number of DPRD I seats is set at a minimum of 45 and a maximum of 100.
- (2) The number of DPRD I seats as meant by article (1) is based on the number of population in the First Level Region, with the following stipulation:
  - a. The First Level Region with a population of up to 3,000,000 citizens will get 45 (forty five) seats;
  - b. The First Level Region with a population of 3,000,001 up to 5,000,000 citizens will get 55 (fifty five) seats;
  - c. The First Level Region with a population of 5,000,001 up to 7,000,000 citizens will get 65 (sixty five) seats ;
  - d. The First Level Region with a population of 7,000,001 up to 9,000,000 citizens will get 75 (seventy five) seats;
  - e. The First Level Region with a population of 9,000,001 up to 12,000,000 citizens will get 85 (eighty five) seats;
  - f. The First Level Region with a population of over 12,000,000 citizens will get 100 (one hundred) seats;
- (3) Each Second Level Region will get at least one DPRD I seat.
- (4) The number of DPRD I members for each Electoral Region is determined by KPU.

## **Article 6**

- (1) The number of DPRD II seats is set at a minimum of 20 seats and a maximum of 45 seats.
- (2) The number of DPRD II seats as meant by article (1) is based on the number of the population in the Second Level Region, with the following stipulation:
  - a. The Second Level Region with a population up to 100,000 citizens will get 20 (twenty) seats;
  - b. The Second Level Region with a population of 100,001 up to 200,000 citizens will get 25 (twenty five) seats;
  - c. The Second Level Region with a population of 200,001 up to 300,000 citizens will get 30 (thirty) seats ;
  - d. The Second Level Region with a population of 300,001 up to 400,000 citizens will get 35 (thirty five) seats;

- e. The Second Level Region with a population of 400,001 up to 500,000 citizens will get 40 (forty) seats;
- f. The Second Level Region with a population of over 500,000 citizens will get 45 (forty five) seats.
- (3) Every Subdistrict will get at least one DPRD II seat.
- (4) The number of DPRD II seats for each Electoral Region is determined by KPU.

## **Article 7**

The number of DPR, DPRD I, and DPRD II seats is determined on the basis of Law No. 4 of 1999 on the composition and position of the People's Consultative Assembly, the House of Representatives and the Regional House of Representatives.

## **CHAPTER III**

### **IMPLEMENTATION AND ORGANIZATION**

#### **Article 8**

- (1) The President is responsible for the holding of General Elections.
- (2) General Elections are implemented by the General Election Commission which is free and independent, consisting of political parties participating in the General Election and government representatives who are responsible to the President.
- (3) The General Election Commission as meant by article (2) henceforth called KPU, is located in the Capital of the State.
- (4) The Formation of KPU is legalized by Presidential Decision.

#### **Article 9**

- (1) The members of KPU consist of 1 (one) person of each Political Party participating in the General Election and five (5) persons from the Government.
- (2) The right to vote from the Government and the participating Political Parties in General Election is balanced.
- (3) Representatives of each Political Party participating in the General Election are determined by the Central Board Chair-

man of the Political Parties and the President determines the government representative.

- (4) KPU has a chairman, 2 (two) vice chairmen, and members.
- (5) The chairman and the vice chairmen are chosen democratically from and by the members of KPU in a KPU plenary meeting.
- (6) The KPU membership term of office is 5 (five) years.
- (7) The Working System of KPU is arranged and defined by KPU.
- (8) In the execution of their duties KPU is assisted by a General Secretariat headed by a General Secretary and assisted by a Deputy General Secretary.
- (9) The Organization and Working System of the KPU Secretariat is determined by the President.
- (10) The Secretary General and Deputy Secretary General as meant by clause (8) are appointed and dismissed by the President.
- (11) In the execution of their duties, the Secretary General as meant by clause (8) is operationally responsible to KPU and administratively responsible to the Government.

#### Article 10

To tasks and authority of KPU in holding general elections is as follows:

- a. planning and preparing the holding of General Elections;
- b. receiving, checking, and deciding which political parties have the right to take part in General Elections;
- c. forming the Indonesian Electoral Committee, henceforth called PPI and coordinating the activities of General Elections from the central level until Polling Post henceforth called TPS;
- d. setting the number DPR, DPRD I, and DPRD II seats for every electoral region;
- e. deciding the total result of general elections in all electoral regions of DPR, DPRD I, and DPRD II;
- f. collecting and systematizing the materials and data as a result of general elections;
- g. leading the phases of General Election activities.

#### Article 11

Besides the task and authority as meant by article 10, KPU will evaluate the system of General Elections at the latest 3 (three) years after the holding of General Elections.

#### Article 12

- (1.) PPI which is formed as meant in the article 10 point c is located in the State Capital and functions as KPU organizer in the holding of General Elections.
- (2.) Membership of PPI consist of representatives of Political Parties participating in the General Election and the Government, composed of a Chairman, Vice Chairmen, Secretary, Deputy Secretaries, and members.
- (3.) Chairman, Vice Chairmen, Secretary and Deputy Secretaries of PPI are chosen democratically by the members of KPU from the members of KPU who are not on the KPU board.
- (4.) The composition and membership of PPI is determined by Decision of KPU.

#### Article 13

The tasks and authority of PPI are:

- a. forming and coordinating the activities of the First Level Region Electoral Committee, henceforth called PPD I throughout Indonesia;
- b. deciding on the names of the candidates of DPR in every electoral region;
- c. holding General Elections to elect the members of DPR;
- d. counting votes as a result of General Elections to determine the members of DPR.

#### Article 14

- (1) PPD I which is formed by PPI as meant by article (13) point (a), is located in the Capital of the Province and functions as PPI organizer in holding General Elections.
- (2) The PPD I membership comprises representatives of Political Parties participating in General Election and the Government,

composed of a Chairman, Vice Chairmen, Secretary, Deputy Secretary, and Members.

- (3) Chairman, Vice chairmen, Secretary, and Deputy Secretary are chosen democratically from and by the members of PPD I.
- (4) The composition and members of PPD I are decided by PPI.

#### Article 15

The tasks and authority of PPD I are:

- a. forming and coordinating the activities of the Second Level Region Electoral Committee, henceforth called PPD II for each electoral region;
- b. deciding the names of the candidates of the DPRD I members for each electoral region;
- c. carrying out General Elections to elect the members of DPR and DPRD I;
- d. counting votes as a result of General Elections in each DPR and DPRD I electoral region;
- e. Assisting in the duties of PPI.

#### Article 16

- (1) PPD II which is formed by PPD I as meant by article (15) point (a) is located in the Capital of the District and functions as PPD I organizer in the holding of General Elections.
- (2) The members of PPD II consist of representatives of the Political Parties Participating in General Election and the Government, composed of a Chairman, Vice Chairmen, Secretary, Deputy Secretaries, and Members.
- (3) Chairman, Vice chairmen, Secretary, and Deputy Secretaries are chosen democratically from and by the members of PPD II.
- (4) The composition and members of PPD II are decided by decision of PPD I.

#### Article 17

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The tasks and authority of PPD II are:

- a. forming and coordinating the activities of the Sub-district Electoral Committee, henceforth called PPK;

- b. deciding on the names of the candidates of the DPRD II members for each electoral region;
- c. holding General Elections to elect members of DPR, DPRD I and DPRD II in their region;
- d. counting votes as a result of General Election in each electoral region for DPR, DPRD I and DPRD II;
- e. assisting in the tasks of PPD I.

#### Article 18

- (1) PPK which is formed by PPD II as meant by article (17) point (a) is located in the Capital of the Sub-district and functions as PPD II organizer in the holding of General Elections.
- (2) The members of PPK consist of representatives of Political Parties participating in the General Election and the Government, composed of a Chairman, Vice Chairmen, Secretary, Deputy Secretaries, and Members.
- (3) Chairman, Vice Chairmen, Secretary, and Deputy Secretaries are chosen democratically from and by the members of PPK.
- (4) The composition and members of PPK are decided by PPD II.

#### Article 19

The tasks and authority of PPK are:

- a. forming and coordinating the activities of the Voting Committee, henceforth called PPS;
- b. counting the votes as a result of General Election for DPR, DPR, DPRD I, and DPRD II at Sub district Level;
- c. Assisting in the tasks of PPD II.

#### Article 20

- (1) In the execution of their duties PPI, PPD I, PPD II and PPK are assisted by a Secretariat working under the Head of the Secretariat.
- (2) The composition, organization, and working system of the Secretariat of the Committee as meant by article (1) are determined by Decision of the Minister of Home Affairs.
- (3) Personnel of the PPI Secretariat is appointed and dismissed by the Minister of Home Affairs.

- (4) Personnel of the PPD I Secretariat is appointed and dismissed by the Governor.
- (5) Personnel of the PPD II and PPK Secretariat are appointed and dismissed by the Bupati/ Mayor.

#### **Article 21**

- (1) PPS which is formed by PPK as meant by article (19) point (a) is located in the Village/Kelurahan/Transmigration Settlement Unit (UPT) and functions as PPK organizer in the holding of the General Election.
- (2) The members of PPS consist of representatives of Political Parties participating in the General Election and the Government, composed of a Chairman, Vice Chairmen, Secretary, Deputy Secretaries, and Members.
- (3) Chairman, Vice Chairmen, Secretary, and Deputy Secretaries are chosen democratically from and by the members of PPS.
- (4) The composition and members of PPS are decided by PPK.

#### **Article 22**

**The tasks and authority of PPS are:**

- a. holding the registration of voters through the formation of a committee for the registration of voters;
- b. forming the Voting Executors Team , henceforth called KPPS in accordance to the number of TPS;
- c. assisting in the tasks of PPK.

#### **Article 23**

- (1) The members of KPPS consist of representatives of Political Parties participating in the General Election and or representatives of the community.
- (2) The composition of KPPS members is as follows:
  - a. A Chairman is concurrently a member,
  - b. A Vice Chairman is concurrently a member;
  - c. Members.
- (3) The Chairman and Vice Chairmen of KPPS are chosen from and by the members of KPPS.

- (4) The composition and members of KPPS is determined by Decision of PPS.
- (5) The number, task, and obligation of each member of KPPS as meant by clause (1) are determined by KPU.
- (6) KPPS is augmented by two members of the Civil Defense as a security team proposed by the village or Kelurahan head as determined by KPPS.
- (7) Each Political Party participating in the General Election can delegate one witness to join in the preparation, implementation and counting of ballots in each TPS.
- (8) The witness delegation from every Political Party participating in the General Election at the TPS should show a written mandate from the Chairman of the Political Party to the KPPS.

### **CHAPTER IV**

#### **SUPERVISION AND CONTROL OF GENERAL ELECTION**

#### **Article 24**

- (1) A Supervising Committee is established in the framework of supervising the holding of General Elections.
- (2) The Supervision Committee as meant by clause (1) is formed at Central, Provincial, District/Regency, and Sub-district Level.
- (3) The members of the Supervision Committee at Central Level, the First and Second Level consist of Judges, University circles, and the Community.
- (4) The members of the Supervision Committee at Subdistrict level consist of University circles and the Community.
- (5) The Composition of Supervision Committee as meant by clause (3) and clause (4) is determined by the Chairman of Supreme Court for the Central Level, the Chairman of Provincial Court for the First Level, the Chief Judge of the District Court for the Second and Subdistrict Levels.

#### **Article 25**

The relationship and organization among the Supervising Committee with KPU and the Organizing Committee from the Central Level until the Polling Post (TPS), is further regulated by the Supreme Court in coordination with KPU.

## **Article 26**

The duties and obligations of the Supervising Committee as meant by article 24 are:

- (1) supervising all phases in the holding of a General Election;
- (2) solving disputes due to the holding of General Elections;
- (3) following up findings, disputes, and disagreements which can not be solved to be reported to law enforcers.

## **Article 27**

- (1) The domestic as well as foreign General Election Supervising Institutes can supervise the holding of General Elections by registering at the KPU.
- (2) The code of conduct of supervising General Election by the institutions as meant by clause (1) is determined by KPU.

## **CHAPTER V**

### **THE RIGHT TO VOTE**

#### **Article 28**

Citizens of the Republic of Indonesia, who at the time of the voting for General Election are 17 (seventeen) years old or already married have the right to vote.

#### **Article 29**

- (1) To exercise their right to vote a citizen should be registered as a voter.
- (2) To be registered as a voter, he/she should meet the following requirements:
  - a. Not visibly suffering from mental disorder/insanity;
  - b. Not serving a jail sentence or in custody following a court verdict for committing a crime liable to imprisonment of five years or more;
  - c. Not having lost his voting rights by virtue of a court sentence after a final verdict;

- (3) A citizen who has been registered in the list of voters but who no longer meets the requirements as meant by article (2), can not use his/her right to vote.

## **Article 30**

Members of the Armed Forces of the Republic of Indonesia do not exercise their right to vote.

## **Article 31**

The Minister of Justice shall notify the commission of General Elections every final verdict of a Court of Law which results in the revocation of a person's right to vote.

## **CHAPTER VI**

### **REGISTRATION OF VOTERS**

#### **Article 32**

- (1) Voting is the right of every citizen who has the right to vote.
- (2) The registration of voters in the designated place is actively carried out by the voters by showing a Population Identity Card (KTP) or other valid personal identity.
- (3) For villages/Kelurahans/UPTs which are geographically difficult to reach by the voters and or the condition of the community does not allow them to register by themselves, the Voting Committee (PPS) is obliged to actively register the voters.
- (4) The schedule of voter registration is determined by the General Election Commission (KPU);

#### **Article 33**

- (1) The registration of voters as meant by article (32) is by registering data on the voters in the List of Voters.
- (2) The List of Voters format as meant by clause (1) is determined by KPU.

#### **Article 34**

- (1) The voter whose name has been registered in the List of Voters as meant by article 33, will get evidence of registration to be used as an invitation.
- (2) The invitation form is determined by KPU.

#### **Article 35**

- (1) Citizens with the right to vote living outside the country register at the Committee of Foreign Voting (PPLN), where they are living.
- (2) PPLN is placed in the offices of the representatives of the Republic of Indonesia.
- (3) PPLN comprise representatives of the Indonesian community determined by the Head of the Indonesian Representatives, upon consideration of a proposal from the Chairman of the Central Political Party participating in the General Election.
- (4) The composition of PPLN members comprise a Chairman, Vice Chairman, a Secretary, and at least three members, submitted to PPI to obtain a Decision.

#### **Article 36**

- (1) A voter can only be listed on one voters list.
- (2) If a voter has more than one residence, he/she should chose one among them as permanent residence.
- (3) If afterwards is proven that a voter has intentionally put himself on more than one voters list, his/her vote will be void.

#### **Article 37**

- (1) If a voter has registered on a voters list as meant by article 33, and later moved to another residence, the voter shall notify the PPS at his new residence.
- (2) The registered voter who has given notice about his moving, will get proof of registration from the PPS of his new permanent residence.
- (3) The registered voter who inevitably can not use his/her right to vote in the place where he/she is registered on the list of voters, can vote in another place, to be decided by KPU.

#### **Article 38**

- (1) The Tentative List of Voters will be announced by PPS to give an opportunity to the voters to complete the Tentative List of Voters for validation by PPK.
- (2) The Tentative List of Voters which has been completed and validated becomes a Final List of Voters by PPK, and it will be announced by PPS.
- (3) The voter who has not been registered in the Final List of voters can register himself/herself in the additional list of voters.
- (4) The schedule of activities as meant by clause (10), clause (2) and clause (3) is arranged by KPU.
- (5) A copy of the Tentative List of Voters, Final List of Voters, and Additional List of Voters shall be given to Political Parties participating in the General Elections.

### **CHAPTER VII**

#### **REQUIREMENTS OF PARTICIPATION IN GENERAL ELECTIONS**

#### **Article 39**

- (1) A Political Party can participate in the General Election whenever it meets the following requirements:
  - a. the party is recognized under the Law on Political Parties;
  - b. having a committee in more than one half of the number of provinces in Indonesia;
  - c. having a committee in more than one half of the number of districts/regencies in the province as meant by letter b;
  - d. submitting the name and logo of the political party.
- (2) Political Parties having registered, but failing to meet the requirements as meant by article (1), can not participate in the General Election, although they are still recognized as long as they abide by their duties as stipulated by the Law on Political Parties.
- (3) To be able to participate in the next General Election, a Political Party should have as much as 2% (two percent) of the number of DPR seats or have at least 3% (three per cent) of

the number of the seats of DPRD I or DPRD II which are spread at least over 1/2 (one half) the number of provinces and 1/2 (one half) the number of districts/regencies throughout Indonesia based on the result of General Elections.

- (4) Political Parties participating in the General Election which do not meet the requirements meant by article (3) may not participate in the next General Election, except by joining another political party.
- (5) The registration of Political Party to participate in the General Election, is further ruled by decision of the General Election Commission (KPU).

#### **Article 40**

Political Parties participating in the General Election may not use a name and picture which is similar or resemble:

- a. the symbol of the Republic of Indonesia;
- b. the symbol of a foreign state;
- c. the Republic of Indonesia Red-and- White flag;
- d. the national flag of a foreign state;
- e. an individual picture;
- f. the picture of another political party.

### **CHAPTER VIII**

#### **THE RIGHT TO BE ELECTED AND CANDIDACY**

##### **Article 41**

- (1) Every political party participating in the General Election can submit candidates for membership of DPR, DPRD I, and DPRD II for every Electoral District.
- (2) The political party participating in General Elections can submit the names of the candidates for membership of DPR, DPRD I, and DPRD II, at twice of the number of seats decided on.
- (3) A candidate can only be nominated for one representatives institution.
- (4) Candidates submitted by each Political Party have the same position, rights, and obligations.

- (5) The list of candidates for membership of DPR, DPRD I, and DPRD II is arranged democratically by the Central Boards of the Political Parties by seriously considering the written proposals of the chairman of the Political Party in the Second Level Region.
- (6)
  - a. The list of names of the DPR candidates are submitted by the Central Board of the Political Party participating in the General Election by mentioning from which Second Level Region the candidate is nominated;
  - b. The list of names of candidates for DPRD I is submitted by the chairman of the Political Party participating in the General Election in the First Level Region, by mentioning from which Second Level Region the candidate is nominated;
  - c. The list of names of candidates for DPRD II is submitted by the chairman of the Political Party participating in the General Election in the Second Level Region by mentioning from which subdistrict the candidate is nominated;

##### **Article 42**

The members of the Armed Forces of the Republic of Indonesia do not exercise their right to be elected.

##### **Article 43**

- (1) A candidate for membership of DPR, DPRD I, and DPRD II should meet the following requirements:
  - a. Citizens having reached the age of 21 years and devoted to God Almighty;
  - b. Living in the territory of the Republic of Indonesia and in possession of a Population Identity Card or testimonial of the Lurah/Head of Village concerning their permanent address;
  - c. Speak the Indonesian language and able to write and read Latin characters;
  - d. At least having graduated from senior high school or having a comparable education or experience in the field of society;
  - e. Loyal to Pancasila as the philosophical basis of the State, the 1945 Constitution, and the ideals of the August 17, 1945 Proclamation ;

- f. No ex-member of the prohibited Indonesian Communist Party and its mass-organizations and not having been directly or indirectly involved in the "Counter Revolutionary 30th September Movement/Indonesian Communist Party" or other prohibited organizations;
  - g. Not having his/her voting rights revoked by virtue of a court sentence which is final;
  - h. Not serving jail by virtue of a court sentence having with a final verdict, for having committed a crime liable to 5 (five) years imprisonment or more;
  - i. Not visibly suffering from mental disturbance/insanity;
  - j. Registered in the List of Voters.
- (2) Children and offspring of persons meant by article (1) letter f can be candidates for membership of DPR, DPRD I, and DPRD II except when stipulated otherwise by prevailing regulations.

#### **Article 44**

- (1) In nominating candidates for membership in the House of Representatives (DPR), First Level Region Council (DPRD I) and Second Level Region Council (DPRD II), the Political Party Board participating in General Elections shall submit following data:
  - a. A letter of nomination signed by the head of the political party at the respective levels;
  - b. a statement of the candidate expressing his/her agreement to become a candidate of DPR/DPRD I/DPRD II;
  - c. curriculum vitae of the candidate;
  - d. a list of his/her personal wealth;
  - e. a statement of domicile;
  - f. a statement as meant by article 43.
- (2) The form of data to be filled in as meant by clause (1) is determined by the Electoral Committee (KPU).
- (3) The list of candidates and requirements are offered to:
  - a. The Indonesian Electoral Committee (PPI) for DPR candidates;
  - b. First Level Region Electoral Committee (PPD I) for DPRD I candidates;

- c. Second Level Region Electoral Committee (PPD II) for DPRD II candidates;
- (4) Examination of the conditions and determining of data validity as meant by clause (1) are done by:
- a. The Indonesian Electoral Committee (PPI) for DPR candidates;
  - b. First Level Region Electoral Committee (PPD I) for DPRD I candidates;
  - c. Second Level Region Electoral Committee (PPD II) for DPRD II candidates;
- (5) If the candidates are rejected because of failure to fulfill the requirements as meant by clause (1), the rejection is announced in writing to the participating political parties concerned nominating the candidates and to the candidates, clearly stating the reasons and giving them the chance to complete or rectify the conditions or submit another candidate during the time set by PPI/PPD I/PPD II.

#### **Article 45**

- (1) The name of the candidates who have fulfilled the requirements as meant by article 43 and article 44, are put on the list of candidates of DPR/DPRD I/DPRD II members for approval by the PPI/PPD I/PPD II meeting.
- (2) The list of candidates for membership of DPR/DPRD I/DPRD II approved as meant by clause (1), is announced in the State Gazette/Regional Gazette or through other media, widely and effectively.
- (3) Arrangement of the schedule of nomination for membership of DPR/DPRD I/DPRD II is by the Electoral Committee (KPU).

### **CHAPTER IX**

#### **ELECTION CAMPAIGNS**

#### **Article 46**

- (1) General Election campaigns may be held before the holding of General Elections.
- (2) In the election campaigns as meant by clause (1), people have the chance and freedom to attend.

- (3) Campaign activities for General Elections are held after the announcement of the list of final candidates for membership of DPR/DPRD I/DPRD II as meant by article 45 until two days before voting day.
- (4) The election campaigns theme become the program of the respective Participating Political Parties submitted by the candidates for membership of DPR/DPRD I/DPRD II and or campaign leader and or the cadre of the party concerned.
- (5) The participating political parties have the same position, right and task during the holding of the election campaigns.
- (6) Arrangement of the schedule of the election campaigns are determined by the Electoral Committee (KPU).

#### **Article 47**

- (1) During the election campaign it is forbidden to:
  - a. argue the state ideology of Pancasila and the 1945 constitution;
  - b. insult each other's, religion, ethnic, race, group and political party;
  - c. incite and pitch groups of society against the other;
  - d. disturb public order;
  - e. threaten to use force or suggest violence against someone or a group of society and or another political party;
  - f. threaten or suggest the use of violence to take over the authority of the legal government;
  - g. use government facilities and religious infrastructure;
  - h. move the mass from one region to another to join the campaigns.
- (2) Violation of regulations on the prohibition of holding election campaigns as meant by clause (1) can result in the dissolution or suspension of the campaigns by the authorities.

#### **Article 48**

- (1) The election campaigns fund of each participating Political Party may be collected from:
  - a. the participating political party concerned;

- b. the government, out of the State Budget (APBN) and regional Budget (APBD);
  - c. other parties without ties; such as private companies, foundations or individuals.
- (2) The limit of election campaign funds received by the election participants are determined by the Electoral Committee (KPU).
  - (3) Other funds and assistance for general election campaigns for participating political parties from abroad are forbidden.
  - (4) Violation of rules on election campaign fund as meant by clause (1) and clause (2) can be sanctioned as meant by article 17 clause (2) article 18 clause (2) Law No. 2/1999 on Political Parties.

#### **Article 49**

- (1) Election campaign funds as meant by article 50 are audited by public accountant, and the result is reported by the political party concerned to the Electoral Committee (KPU) 15 days before the voting and 25 days after the voting.
- (2) Violation of the rules as meant by clause (1) can be administratively sanctioned such the withholding of fund aid from the APBN/APBD budget.
- (3) Participating political parties at the election violating the limit of election campaign funds are subject to an administrative sanction prohibiting them from participating in the next general election.

### **CHAPTER X**

#### **VOTING AND COUNTING VOTES**

##### **Article 50**

- (1) The voting for the members of DPR, DPRD I, DPRD II is cast at the polling stations throughout Indonesia on the day decided by the electoral committee (KPU).
- (2) Voting outside Indonesia takes place at the missions of the Republic of Indonesia and is cast simultaneously and in accordance with the voting in Indonesia.

## **Article 51**

- (1) The election committee (PPS) determines the number and location of the polling stations (TPS) in such a manner that the voting can proceed easily and smoothly.
- (2) TPS as meant by clause (1) are arranged in strategic places to guarantee free and secret voting.

## **Article 52**

- (1) For the election of the members of DPR, DPRD I, DPRD II, voting-papers are made by KPU.
- (2) The number of voting-papers for the members of DPR, DPRD I, DPRD II in each election area is the same as the number on the list of votes in the election area concerned plus 3% (three per cent) from the number of voters.
- (3) The additional 3% (three per cent) of voting papers as meant by clause (2) is used to replace the broken voting-papers before/or during the casting of votes in the polling stations and for voters that are registered in other places.
- (4) Reception and the use of the additional voting-papers as meant by clause (3) are stated in an official report signed by the chairman of the voting team (KPPS) and witnessed by voting officials present, on the form prepared by KPU.

## **Article 53**

The casting of ballots and the voting in accordance with the rules are determined by KPU.

## **Article 54**

- (1) Votes are valid if voting-papers are used that are signed by the chairman of KPPS.
- (2) Further rules on the validity of voting-papers are determined by KPU.

## **Article 55**

- (1) The voters who have cast their votes at the polling stations, are given a special mark by the chairman of KPPS

- (2) The specific mark as meant by clause (1) is decided by KPU.

## **Article 56**

- (1) Immediately after the voting is closed, the votes are counted at the polling stations concerned by KPPS.
- (2) Witnesses from the political parties concerned and the voters are permitted to be present and to watch the counting of votes.
- (3) Witnesses from the participating political parties concerned must present a written mandate of their leader to the chairman of KPPS.
- (4) Witnesses from participating political parties concerned and the public through the attending political party representative can submit an objection against the counting of votes by KPPS if matters are not in accordance with the law.
- (5) If the objection by the witness representing the political party as meant by clause (3) can be accepted, KPPS immediately makes a correction.

## **Article 57**

- (1) Immediately after counting the votes at polling stations, KPPS draws up an official report and certificate about the result of the vote count signed by the chairman and vice-chairman of KPPS and witnesses from the attending political parties concerned.
- (2) KPPS must give a copy of the official report and certificate on the result of the vote count at the polling stations to the witness from the attending political parties concerned and to the Voting Committee (PPS).

## **Article 58**

- (1) The voting committee (PPS) after receiving the official report and certificate of the vote count from the working area of the PPS concerned, immediately does a vote count for the village (kelurahan) level attended by the witnesses from the political parties concerned and the local community.
- (2) Witnesses from the political party must present a written mandate from the leader of the political party concerned to the chairman of PPS.

- (3) Witnesses from the political parties and the public through the attending witness of the political parties concerned can lodge an objection against the vote count by PPS, if matters are not in accordance with the law.
- (4) If the objections submitted by the witness from the political party concerned and or from the public as meant by clause (3) is accepted, PPS immediately makes a correction.
- (5) After completing a tabulation of the vote count at the polling stations in the working area of the village (kelurahan) concerned, PPS drafts an official report and certificate of the tabulation on the result of the vote count signed by the chairman and vice-chairman of PPS and the witnesses from the attending political parties concerned.
- (6) PPS must give a copy of the official report and certificate of the tabulation on the result of the vote count at the PPS concerned to the witness from the attending political parties concerned to the local Sub-district voting committee (PPK).

#### **Article 59**

- (1) The Sub-district voting committee (PPK) after receiving the official report and certificate on the tabulation of the result of the vote count by the PPS in the working area of the PPK concerned, immediately does a vote count at sub-district (kecamatan) level, attended by the witness from the political parties concerned and the community.
- (2) The witness from the political party must present a written mandate from the chairman of the local political party concerned to the chairman of PPK.
- (3) The witness of the political party concerned and the community through the witness from the attending political party concerned can lodge an objection against the vote count by PPK, if matters are not in accordance with the law.
- (4) If the objection lodged by the witness from the political party concerned or from the local community as meant by clause (3) can be accepted, PPK immediately makes a correction.
- (5) After completing the tabulation on the result of the vote count in all villages of the sub-district concerned, PPK draws up an official report and certificate of tabulation on the result of the vote count signed by the chairman and secretary of PPK and the attending witness from the political party concerned.

- (6) PPK must give a copy of the official report and certificate of tabulation on the result of the vote count at PPK to the witness from the attending political party concerned and to the Second Level Region Electoral Committee (PPD II).

#### **Article 60**

- (1) The Second Level Region Electoral Committee (PPD II) after receiving an official report and certificate of tabulation on the result of the vote count by PPK in the working area of the related PPD II, immediately does a vote count for the second level region, witnessed by the attending political parties concerned and the local community.
- (2) The witness from the political parties must present a written mandate from the chairman of the local political party concerned to the chairman of PPD II.
- (3) The witnesses from the political parties and the community through the witness of the attending political party concerned can submit an objection against the vote count by PPD II, if matters are not in accordance to the law.
- (4) If the objection submitted by the witness from the political party concerned or from the local community as meant by clause (3) can be accepted, PPD II immediately makes a correction.
- (5) After completing the tabulation on the result of the vote count in all sub-districts in the area of the second level region, PPD II draws up an official report and certificate of the tabulation on the result of the vote count, signed by the chairman and the secretary of PPD II and the attending witness of the political party concerned.
- (6) PPD II must give a copy of the official report and certificate of tabulation on the result of the vote count by PPD II to the witness from the attending political party concerned and to the local First Level Region Electoral Committee (PPD I).

#### **Article 61**

- (1) The First Level Region Electoral Committee (PPD I) after receiving the official report and certificate of tabulation on the result of the vote count of PPD II in the working area of PPD I, immediately does a vote count for the provincial level, witnessed by the attending political party concerned and the local community.

- (2) The witness from the political party must present a written mandate from the chairman of the political party concerned to the chairman of PPD I.
- (3) The witness from the political party and the community through the witness from the attending political party concerned can lodge an objection against the vote count by PPD I if matters are not in accordance with the law.
- (4) If the objection lodged by the witness from the attending political party concerned and or the community as meant by clause (3) can be accepted, PPD I immediately makes a correction.
- (5) After completing the tabulation on the vote count in all the second level regions, PPD I draws up an official report and certificate of the tabulation on the result of the vote count, signed by the chairman and the secretary of PPD I and the attending witness of the political party concerned.
- (6) PPD I must present a copy of the official report and certificate of tabulation on the result of the vote count by PPD I to the witness of the attending political party concerned and to the Indonesian Electoral Committee (PPI).

#### **Article 62**

- (1) The Indonesian Electoral Committee (PPI) after receiving the official report and certificate of tabulation on the result of the vote count from all PPD I, immediately draws up a vote count for the national level, witnessed by the attending political party concerned and the community.
- (2) The witness from the political party must present a written mandate from the leader of the political party concerned to the chairman of PPI.
- (3) The witness from the political party and the community through the witness from attending the political party concerned can lodge an objection against the vote count by PPI, if matters are not in accordance with the law.
- (4) If the objection submitted by the witness from the political party concerned and or the community as meant by clause (3) can be accepted, PPI immediately makes a correction.
- (5) After completing the tabulation on the result of the vote count in all provinces, PPI draws up an official report and certificate of tabulation on the result of the vote count, signed by the chair-

- man and the secretary of PPI and the attending witness from the political party concerned.
- (6) PPI must present a copy of the official report and certificate of tabulation on the result of the vote count on national level to the attending witness of the political party concerned and to the Electoral Committee (KPU).

#### **Article 63**

Any objections lodged by the witness from the political party concerned against the vote count as meant by article 56 clause (5), article 58 clause (4), article 59 clause (4), article 60 clause (4), article 61 clause (4), and article 62 clause (4) are no obstruction to the process of holding the general election.

#### **Article 64**

The format of the official report and certificate of the vote count at the polling stations and the official report and certificate of tabulation on the result of the vote count at the voting committee (PPS), sub-district voting committee (PPK), Second Level Regional Electoral Committee (PPD II), First Level Regional Committee (PPD I) and the Indonesian Electoral Committee (PPI) as meant by article 57 clause (1), article 58 clause (5), article 59 clause (5), article 61 clause (5) and article 62 clause (5) are determined by the electoral committee (KPU).

#### **Article 65**

- (1) Based on the certificate of tabulation on the result of the vote count made by PPI, the electoral committee (KPU) determines the result of the vote count throughout Indonesia.
- (2) Determining the total result of the vote count as meant by clause (1) it is put down in the official report and certificate of tabulation on the vote count signed by at least 2/3 of the members of the electoral committee (KPU).
- (3) The format of the official report and certificate of the tabulation on the result of the vote count as meant by clause (2) is determined by the electoral committee (KPU).

## **CHAPTER XI**

### **DETERMINING THE ELECTION RESULTS**

#### **Article 66**

- (1) PPD II determines the election results for the members of DPRD II.
- (2) PPD I determines the election results for the members of DPRD I.
- (3) PPI determines the election results for the members of DPR.
- (4) The electoral committee (KPU) nationally determines all the election results for the members of DPR, DPRD I, DPRD II.

#### **Article 67**

- (1) The counting of votes to determine the number of seats of the political parties concerned for the members of DPRD II, is based on all the results of the vote count of the political parties at the second level regions in the electoral district concerned.
- (2) The counting of votes to determine the number of seats of the political parties concerned for DPRD I, is based on all the results of the vote count of the political parties in the first level regions in the electoral district concerned.
- (3) The counting of votes to determine the number of seats of the political parties concerned for DPR, is based on the results of the vote count of the political parties at the first level regions concerned.

#### **Article 68**

- (1) Selection of the elected members of DPRD II of the respective political parties by PPD II is based on the nomination by the leader of the Political Parties at the Second Level Region according to the largest number of votes won by the political party concerned at sub-district level.
- (2) Selection of the elected members of DPRD I from the respective political parties by PPD I is based on the nomination by the chairman of the political party concerned in the first level regions according to the largest number of votes won by the political party concerned in the second level regions.

- (3) Selection of the members of DPR from the respective political parties by PPI is based on the nomination by the chairman of the political party concerned at national level is according to the largest number votes won by the political party concerned in the second level regions.
- (4) Validation of the candidates elected for DPR, DPRD I, DPRD II nationally are arranged by the KPU.

#### **Article 69**

- (1) The rest of the votes to determine the members of DPR are counted out at the first level regions to divide the remaining seats.
- (2) Selection of the elected candidates for the remaining seats is under the authority of the leadership of the participating political party concerned.

## **CHAPTER XII**

### **ANNOUNCEMENT OF ELECTION RESULTS AND INFORMING THE ELECTED CANDIDATE**

#### **Article 70**

- (1) The election results for DPRD II, DPRD I, and DPR are announced by:
  - a. PPD II for the members of DPRD II
  - b. PPD I for the members of DPRD I
  - c. PPI for the members of DPR
- (2) The announcement of the election results for DPRD II, DPRD I and DPR as meant by clause (1), is scheduled further by the electoral committee (KPU).

#### **Article 71**

- (1) Elected members of DPRD II, DPRD I and DPR are informed by:
  - a. PPD II for the elected members of DPRD II;
  - b. PPD I for the elected members of DPRD I;
  - c. PPI for the elected members of DPR;

- (2) The information to the elected members of DPRD II, DPRD I and DPR as meant by clause (1), is further scheduled by KPU.

## CHAPTER XIII

### PENAL PROVISIONS

#### Article 72

- (1) Whomsoever deliberately provides the wrong information about himself or another person about matters needed to complete the list of voters, will be punished by imprisonment for a maximum of one year.
- (2) Whomsoever imitates or forges documents which according to this law is needed to carry out a certain act in the general election, for the purpose of using them as genuine and not forged documents for himself or for other persons will be punished with a maximum of five years imprisonment.
- (3) Whomsoever deliberately knowing the wrong information as meant in clause (2) is an imitation or forged document, use or let others use them as genuine and not forged documents will be punished with a maximum of five years imprisonment.

#### Article 73

- (1) Whomsoever deliberately confuses, obstructs or disturbs the course of the general elections which are being held according to this law, will be punished with five years imprisonment maximally.
- (2) Whomsoever at the time of polling according to this law deliberately and with the use of force or threat of force hinders a person from exercising his right to vote freely and unhampered, will be punished with five years imprisonment maximally.
- (3) Whomsoever at the time of the polling according to this law bribes a person by giving a present or promise in order not to use his right to vote or to vote in a certain way, will be imprisoned for three years maximally. The punishment also applies to the voter who by accepting bribes in the form of a present or promise commits a certain act.
- (4) Whomsoever at the time of the polling according to this law by some deceitful trick causes someone's vote to become invalid

- or causes another party to win an additional vote, will be punished with 3 (three) years imprisonment maximally.
- (5) Whomsoever deliberately participates in the general election according to this law while assuming to be somebody else, will be punished with 5 (five) years imprisonment maximally.
- (6) Whomsoever deliberately violates article 43 clause (1) letter f will be punished with 5 (five) years imprisonment maximally.
- (7) Whomsoever votes more than that is decided in this law in one election will be punished with 5 (five) years imprisonment maximally.
- (8) Whomsoever during general elections according to this law deliberately frustrates the polling being carried out or engages in a deceitful trick, which makes the result of the voting quite different from what they should have been according to the valid votes cast, will be punished with 5 (five) years imprisonment maximally.
- (9) An employer who does not allow his employee to go to the polls, without giving as reason that his employee can not possibly leave his work, will be punished with 3 (three) years imprisonment maximally.
- (10) An executor of the general election who neglects his task will be punished with 3 (three) months imprisonment maximally or with a maximum fine of ten million rupiah .
- (11) Whomsoever contributes to the election fund more than the limit that has been approved by the electoral committee (KPU) will be punished with imprisonment for 3 (three) months maximally or with a maximum fine of ten million rupiah.

#### Article 74

- (1) The punishable actions as meant by article 72 and article 73 clause (1) up to clause (9) are crimes.
- (2) The punishable actions as meant by article 73 clause (10) and clause (11) are misdemeanors.

#### Article 75

In pronouncing the verdicts for the criminal acts as meant by article 72 clause (2) and clause (3), the documents used in the criminal act and the objects and goods which according to their nature have been used to imitate or forge the documents, are confiscated

and destroyed, also if the documents, objects or goods are the property of the convict.

## CHAPTER XIV OTHER PROVISIONS

### Article 76

If at some place in a certain electoral district, after careful examination errors, mistakes or other matters are found in the polling that makes it difficult to count the votes, the Election Committee of the First Level Region or Second Level Region (PPD I/PPD II) concerned with due regard to the time limit, and confirmed by the Supervising Team and the support of the local Administration, may repeat the polling at the place concerned.

### Article 77

If at some place in a certain Electoral District no election can be held at the designated time or it has to be suspended because of the pressing situation, a resumption or repeat polling may be held soon after the local conditions have been restored with due regard to the time limit.

### Article 78

The holding of a repeat polling as meant by article 76 and a resumption or repeat polling as meant by clause 77 is held within 30 days after the day of the first polling at the latest.

## CHAPTER XV TRANSITIONAL PROVISIONS

### Article 79

- (1) Before KPU is established, the General Election Institute (LPU) as meant by Law No. 15 of 1969 on the General Elections of MPR/DPR members as having been amended several times, and finally by Act No. 1 of 1985 shall execute the task of the

Electoral Committee (KPU) as meant by article 10 letter b and article 39 clause (5) maximally for 30 days after this law is enacted.

- (2) In the period meant by clause (1) KPU must have been established and the rights and duties of LPU are transferred to KPU.

### Article 80

- (1) For the 1999 General Election, it is assumed that the 1997 general election participants have fulfilled the requirements as meant by article 39 of this law.
- (2) The organizations of general election participants in the 1997 general election as meant by clause (1) must register as participants of the 1999 general election.

### Article 81

Specifically to fill the seats for members of the People's Consultative Assembly (MPR) as the result of the 1999 general election from the Group Representatives the following has been arranged:

- a. An Electoral Committee (KPU) determines the number and variety of each group;
- b. Group Representatives as meant by letter a, are nominated by the respective Grouping organizations concerned to KPU to be determined and for administrative approval by the President as Head of State.
- c. The arrangement to determine MPR members from the group representatives as meant by letter a and b are further decided by KPU.

### Article 82

Political requirements for organizations to become participants in the 1999 general election, as meant by clause (1) letter b and c are decided as follows:

- a. have a board in 1/3 of the number of provinces in Indonesia;

- b. have a board in 1/2 of the number of the second level regions as meant by letter a.

#### **Article 83**

The working period of the electoral committee (KPU) for the 1999 general election ends one year before the 2004 general election.

### **CHAPTER XVI**

#### **CLOSING PROVISIONS**

#### **Article 84**

All matters not yet provided for in this law will be covered by government regulation.

#### **Article 85**

With the enforcement of this law, Law No. 15 of 1969 on the general election for the members of MPR/DPR (State Gazette No. 58 of 1969, State Gazette Supplement No. 2914) as replaced by Law No. 4 of 1975 (State Gazette No. 3063), Law No. 2 of 1980 (State Gazette 1980 No. 24, State Gazette Supplement No. 3163) and Law No. 1 of 1985 (State Gazette 1985 No. 1, State Gazette Supplement No. 3281) are declared invalid.

#### **Article 86**

This law comes into force on the day of enactment. For public cognizance, the promulgation of this law is herewith ordered through publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
On February 1, 1999

**PRESIDENT OF THE REPUBLIC OF  
INDONESIA**

sgd.

**BACHARUDDIN JUSUF HABIBIE**

Promulgated in Jakarta  
On February 1, 1999

**STATE SECRETARY  
OF THE REPUBLIC OF INDONESIA**

sgd.

**AKBAR TANDJUNG**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 23  
OF 1999**

**ELUCIDATION  
OF  
LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 3 OF THE YEAR 1999**

**CONCERNING  
GENERAL ELECTIONS**

**GENERAL**

**1. Basic Thoughts**

The Republic of Indonesia is a unitary state based on the people's sovereignty as stipulated in 1945 Constitution. To carry out the principle of the people's sovereignty guided by the inner wisdom in the unanimity arising out of deliberations among representatives, the formation of the people's institutions of deliberations/ representatives is deemed necessary. Members of these institutions shall be elected through transparent and democratic General Elections.

General Election is a democratic instrument to realize a government system based on the people's sovereignty. The Government which is formed after General Election by the people, held according to the wish of the people and dedicated towards the people's welfare.

Only a government that reflects the people's sovereignty possesses the strong authority as a credible government.

The above basic thoughts reemphasizes the spirit of Pancasila and the 1945 Constitution, in accordance with demands for reform.

**2. The Aim of General Election**

To realize order in statehood, as meant by Pancasila, the 1945 Constitution and the goal of the August 17, 1945 proclamation of independence, it is necessary to hold General Elections.

The aim of General Election is to elect people to sit in institutions of the people's deliberations/representatives, form a government, continue the struggle to fill the independence, and to maintain the integrity of state of the Republic of Indonesia.

A democratic General Election is an instrument to uphold the people's sovereignty to achieve the aims of the state. Therefore, General Elections shall not cause the destruction of principles in the life of society, the nation, and the state.

### 3. Basis of General Election

Based on MPR Decree No. XIV/MPR/1998 concerning the amendment of MPR Decree No./MPR/1988 on General Elections, that General Election is held democratically and transparently, based on the principle of being fair, sincere, direct, general, free, and secret.

Basic Principles of General Election are:

#### a. Sincere

In holding General Elections: the executors, the government and political parties participating in the general election, the supervisors and observers, including voters and all those who are indirectly involved, shall be trustworthy in accordance with the current laws.

#### b. Fair

Each voter and political party participating in the General Election shall have the same treatment and be free from tricks by any party.

#### c. Direct

In General Elections the voters have the right to cast their votes directly according to their inner feeling without intermediary.

#### d. General

Basically, all citizens fulfilling the minimum requirements of age, namely having reached the age of 17 years or those who are/were married, are qualified to vote in the election. Those who are 21 years old have the right to be elected. Therefore, elections which are general in nature meant to ensure the opportunity for all citizens according to certain basic requirements without any discrimination referring to tribe, religion, race, group, sex, primordialism and social status.

#### e. Free

Every citizen qualified to vote is free to determine his/her choice without pressure or oppression from whatever party. In

exercising his/her right to vote, every citizen is ensured of his/her personal safety in casting his/her vote according to his/her inner feelings and needs.

#### f. Secret

The voters are guaranteed that their choice will not be known by whatever party through whatever means. The voters cast their votes in the ballot paper and can not be known by anybody to whom their votes are given. This confidential basis is not valid once the voter is out of the polling booth and tell his/her choice to anybody he/she likes.

### 4. Election System

To elect the members of DPR, DPRD I, and DPRD II, a proportional system based on the list system is used.

### 5. ABRI

In the history of national politics, ABRI plays a role in Indonesia's political system. Therefore, the existence of ABRI is still needed in DPR, DPRD I, and DPRD II and its number is gradually decreased in line with MPR Decree No. XIV/MPR/1998.

## ARTICLE BY ARTICLE

### Article 1

#### Clause (1)

Quite clear

#### Clause (2)

Has been clarified in the general elucidation

#### Clause (3)

General Election is held simultaneously in the entire state of the Republic of Indonesia.

#### Clause (4)

Quite clear

#### Clause (5)

Article 2 clause 1, of the 1945 Constitution determines that the People's Consultative Assembly comprises the members of DPR augmented by Representatives of the Regions and

Groups. Therefore, the General Election for DPR members which are ruled by this constitution is also intended to fill the MPR membership.

**Clause (6)**

Quite clear

**Clause (7)**

Quite clear

**Article 2**

The General Election is held based on the principle of democracy and transparency, meaning that the General Election executors namely General Election Commission (KPU), PPI, PPD I, PPD II, PPLN, PPK, PPS, KPPS, political parties participating in the General Election, and the voters as well as Supervisory Committee should appreciate the spirit of democracy and transparency where the principle of justice, freedom, equality and responsibility should be honored. For this reason, the aim to win the General Election should be carried out in accordance with the laws.

**Article 3**

**Clause (1)**

Quite clear

**Clause (2)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

**Article 4**

**Clause (1)**

The decision on the number of population for 1 (one) seat of DPR member is stipulated by the General Election Commission (KPU).

**Clause (2)**

Quite clear

**Article 5**

**Clause (1)**

Quite clear

**Clause (2)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

Letter d

Quite clear

Letter e

Quite clear

Letter f

Quite clear

**Clause (3)**

Quite clear

**Clause (4)**

Quite clear

**Article 6**

**Clause (1)**

Quite clear

**Clause (2)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

Letter d

Quite clear

Letter e

Quite clear

**Letter f**  
Quite clear

**Clause (3)**  
Quite clear

**Clause (4)**  
Quite clear

**Article 7**  
Quite clear

**Article 8**  
**Clause (1)**

What is meant in this clause is the President in his capacity as MPR Mandatory

**Clause (2)**  
The free and independent KPU is a body which is free from influence and control, directly or indirectly, be it by one of the political parties participating General Election or the government.

**Clause (3)**  
Quite clear

**Clause (4)**  
What is meant by this clause, is the President in his capacity as Head of State.

**Article 9**

**Clause (1)**  
Quite clear

**Clause (2)**  
What is meant by balance in this clause is the number of votes from the representatives of political parties participating General Election and the government is equal.

**Clause (3)**  
Quite clear

**Clause (4)**  
Quite clear

**Clause (5)**

Quite clear

**Clause (6)**  
Quite clear

**Clause (7)**  
Quite clear

**Clause (8)**

The KPU Secretariat is a government body which helps KPU in the administration service, which is led by a Secretary General assisted by a Deputy-Secretary General.

**Clause (9)**  
Quite clear

**Clause (10)**

The Secretary General and Deputy-Secretary General are no political positions but career positions.

**Clause (11)**

The responsibility of the Secretary General, technically administrative, is further ruled by the President.

**Article 10**

**Letter a**

What is meant by planning and preparing the General Election include planning and preparing the General Election phases, beginning with the registration of political parties participating in the General Election to the validation of DPRD I, DPRD II, DPR and MPR membership.

**Letter b**

Quite clear

**Letter c**

Quite clear

**Letter d**

Determining the number of seats for membership of DPR, DPRD I, DPRD II for each voting area, is by considering Law No. 4 of 1999 on the composition and status of MPR, DPR, and DPRD.

**Letter e**

Quite clear

**Letter f**

Quite clear  
Letter g  
Quite Clear

Article 11  
Quite clear

Article 12  
Clause (1)  
Quite clear  
Clause (2)  
Quite clear  
Clause (3)  
Quite clear  
Clause (4)  
Quite clear

Article 13  
Letter a  
Quite clear  
Letter b  
Quite clear  
Letter c  
Quite clear  
Letter d  
Quite clear

Article 14  
Clause (1)  
Quite clear  
Clause (2)  
Quite clear  
Clause (3)  
Quite clear  
Clause (4)  
Quite clear

Article 15  
Letter a  
Quite clear  
Letter b  
Quite clear  
Letter c  
Quite clear  
Letter d  
Quite clear  
Letter e  
Quite clear

Article 16  
Clause (1)  
Quite clear  
Clause (2)  
Quite clear  
Clause (3)  
Quite clear  
Clause (4)  
Quite clear

Article 17  
Letter a  
Quite clear  
Letter b  
Quite clear  
Letter c  
Quite clear  
Letter d  
Quite clear  
Letter e  
Quite clear

Article 18

Clause (1) Quite clear  
Clause (2) Quite clear  
Clause (3) Quite clear  
Clause (4) Quite clear

#### Article 19

Letter a Quite clear  
Letter b Quite clear  
Letter c Quite clear

#### Article 20

Clause (1) The PPI secretariat also runs the election administration and the result of the vote count abroad (PPLN).  
Clause (2) Quite clear  
Clause (3) Quite clear  
Clause (4) Quite clear  
Clause (5) Quite clear

#### Article 21

Clause (1) UPT is the PPS working area equivalent to Desa/Kelurahan which has the duty to register voters and form KPPS in the UPT area.  
Clause (2)

Quite clear  
Clause (3) Quite clear  
Clause (4) Quite clear

#### Article 22

Letter a Quite clear  
Letter b Quite clear  
Letter c Quite clear

#### Article 23

Clause (1) What is meant by people's representatives in this clause is chosen from the Neighborhood organization (RT/RW) officials, including informal leaders.  
Clause (2)  
Letter a Quite clear  
Letter b Quite clear  
Letter c Quite clear  
Clause (3) Quite clear  
Clause (4) Quite clear  
Clause (5) Quite clear  
Clause (6) The placement of members of the Civil Defense Organization (Hansip) as TPS security officials, is technically guided by KPU rules.

**Clause (7)**

What is meant by TPS in this clause, include TPS abroad where polling booths are available.

**Clause (8)**

What is meant by local political parties is a set of parties as part of Political Parties participating in the General Election in conformity with each condition ranging from the lowest to the highest level.

**Article 24**

**Clause (1)**

General Election supervisory Committee is a free and independent committee which is in charge to supervise and guarantee the holding of General Election is sincere, fair, direct, public, free and secret.

**Clause (2)**

Quite clear

**Clause (3)**

What is meant by higher institution element is higher learning institution, lecturers and students. Society element meant by this clause is the local community leaders, religious leaders, traditional elders and culturalists. The first level Supervisory Committee till the kecamatan level shall be neutral and free from the membership of Political Parties participating in the General Election and the Government.

**Clause (4)**

The membership of the Supervising Committee from Higher Institutions as meant by this clause, depends on its availability in this area.

**Clause (5)**

Quite clear

**Article 25**

Quite clear

**Article 26**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

**Article 27**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Article 28**

Regulation in this article also applies to Indonesian citizens who are directly or indirectly involved in the "30 September/PKI" movement and other forbidden organizations, except decreed otherwise by the statutory regulation.

**Article 29**

**Clause (1)**

Quite clear

**Clause (2)**

Letter a

Quite clear

Letter b

quite clear

Letter c

What is meant by voting right is the right to vote and the right to be voted for.

**Clause (3)**

Quite clear

**Article 30**

Members of the Indonesian Armed Forces protect all Indonesian citizens and do not take sides with any political party, consequently they do not use their voting right.

**Article 31**

Quite clear

## **Article 32**

**Clause (1)**

Quite clear

**Clause (2)**

What is meant by other valid identity are among others Driving License, School Certificates, Marriage Documents, Passport, and Family Card.

**Clause (3)**

Quite clear

**Clause (4)**

Quite clear

## **Article 33**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

## **Article 34**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

## **Article 35**

**Clause (1)**

To facilitate Indonesian citizens abroad, then citizens...

**Clause (2)**

Quite clear

**Clause (3)**

What is meant by Indonesian community representatives is citizens who live in the working area of the Indonesian representative Office. The head of the Indonesian Representatives shall consider the proposals from heads of political parties participating in the general election, as long as the proposals are available within the time as determined by KPU.

**Clause (4)**

Quite clear

## **Article 36**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Clause (3)**

Quite clear

## **Article 37**

**Clause (1)**

A registered voter who moves to another place shall report to both Voting Committees in his former domicile and in the new domicile. It is important to avoid the abuse of voting rights.

**Clause (2)**

Quite clear

**Clause (3)**

What is meant by inevitably is because of carrying out unavoidable public services during the casting of vote, or caused by unpredictable conditions such as under hospital treatment, being in jail, and suffering from natural disasters.

## **Article 38**

**Clause (1)**

The PPS issues a tentative list to enable the public to make corrections concerning the content.

**Clause (2)**

The result of the correction by the public is used as PPS material to improve the tentative list into a final list for validation by PKK

**Clause (3)**

The provisions in this clause is meant to give voters the opportunity to see the names that are not on the tentative or final voters list to be noted in the additional voters list.

**Clause (4)**

Quite clear

**Clause (5)**

Letter b  
Quite clear

Letter c  
Quite clear

Article 42  
Quite clear

Article 43  
Clause (1)

Letter b  
Candidates for DPRD I and DPRD II members shall have domiciles at the voting areas in conformity with their nomination areas.

Letter c  
Clarification on Bahasa Indonesia, reading and writing ability, can be made by the heads of the political parties participating in the general election.

Letter d  
As substitute to a high school certificate, a statement that the candidate has the same level in terms of knowledge and experience in social life can be made by the heads of political parties participating in the general election.

Letter e  
A statement on loyalty toward Pancasila as state basis, the 1945 Constitution and the goal of the August 17, 1945 proclamation based on a recommendation of the heads of political parties, therefore is no need for the Special Research Institution.

Letter f  
To recognize that a candidate was not a member of a forbidden organization as meant by clause (1) letter f, the Government shall convey the KPU the list of Indonesian citizens directly or indirectly involved in "G30S/PKI" or other forbidden organizations.

Letter g  
Quite clear

Letter h  
Quite clear

Quite clear

Letter i  
A statement of mental health shall be proved by report of a government medical doctor.

Letter j  
What is meant by voter list is a final voter list or additional list.

Clause (2)  
Quite clear

Letter a  
Quite clear

Letter b  
Quite clear

Article 44  
Clause (1)  
Letter a  
Quite clear

Letter b  
Quite clear

Letter c  
Quite clear

Letter d  
List of personal assets of all movable and immovable assets owned by a candidate when he/she is nominated.

Letter e  
Quite clear

Letter f  
Quite clear

Clause (2)  
Quite clear

Clause (3)  
Quite clear

Letter a  
Quite clear

**Letter b**  
Quite clear

**Letter c**  
Quite clear

**Clause (4)**  
Quite clear

**Letter a**  
Quite clear

**Letter b**  
Quite clear

**Letter c**  
Quite clear

**Clause (5)**  
Quite clear

#### Article 45

**Clause (1)**

What is meant by candidate list by this clause covers the Tentative and Final Candidates List. The Final Candidates List is arranged and announced after giving the community the opportunity to evaluate the Tentative Candidate List.

**Clause (2)**

Quite clear

**Clause (3)**

Quite clear

#### Article 46

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Clause (3)**

Two days period is meant as a calm period without activities that can be categorized as campaigning.

**Clause (4)**

Quite clear

**Clause (5)**  
Quite clear

**Clause (6)**  
Quite clear

#### Article 47

**Clause (1)**

Prohibitions as mentioned by this article is having the campaigns proceed freely, smoothly, peacefully, orderly, and not endanger the unity and integrity of the nation.

**Letter a**

The meaning of arguing the 1945 Constitution is to question the Preamble of the 1945 Constitution.

**Letter b**

Quite clear

**Letter c**

Quite clear

**Letter d**

Quite clear

**Letter e**

Quite clear

**Letter f**

Quite clear

**Letter g**

Quite clear

**Letter h**

The meaning of "to move the mass from one region to another region" is a mass that moves from one Level I Region to another Level I Region, and the regulations shall be ruled by KPU by considering objective conditions of the region concerned.

**Clause (2)**

In addition to dispersion and to halting the campaign, the violator of the regulation as mentioned by clause (1) letter a through h shall be subject to KUHP (penal code).

#### Article 48

**Clause (1)**

Fund as mentioned in this clause shall include goods that are evaluated according to the market price.

**Letter a**

Quite clear

**Letter b**

"Fund" as mentioned in clause (1) letter b shall be granted as long as that fund is allocated specially by Political Parties participating in the General Election.

**Letter c**

Quite clear

**Clause (2)**

The campaign fund as mentioned by clause (1) letter b shall be collected from contributions as ruled by law No. 2/1999 on Political Parties.

To prevent money politics, there is a limit on the size of the campaign funds which shall be ruled by KPU.

**Clause (3)**

Quite clear

**Clause (4)**

Quite clear

**Article 49**

Quite clear

**Article 50**

**Clause (1)**

The day of voting shall be on a holiday or on a day designated as a holiday.

**Clause (2)**

Quite clear

**Article 51**

**Clause (1)**

Quite clear

**Clause (2)**

The voting can take place at school buildings, village council halls, etc., and there is no need to build specific polling stations or voting booths.

**Article 52**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Clause (3)**

The meaning of registered voter who uses his/her right to vote in other regions" as mentioned by this clause is the execution of Article 36 clause (3).

**Clause (4)**

Quite clear

**Article 53**

**Clause (1)**

**Article 54**

**Clause (1)**

The attending witnesses of the Political Parties participating in the General Election shall witness the signing of the voting letters by the Chairman of KPPS.

**Clause (2)**

Quite clear

**Article 55**

**Clause (1)**

The special mark as mentioned in this clause is made to prevent the voter using his/her voting right more than once.

**Clause (2)**

Quite clear

**Article 56**

**Clause (1)**

Quite clear

**Clause (2)**

The meaning of "various parties" as mentioned by this clause are parties who are concerned in the process of voting and the counting of votes, including General Elections observers and the community.

#### Clause (3)

Quite clear

#### Clause (4)

In case there is no witness from the Political Parties, the Chairman of KPPS can ask minimally two persons from the voters to be witnesses.

#### Clause (5)

In case the objections arising from the witnesses cannot be accepted by KPPS, the objections shall be put in the Report for settlement based on the prevailing regulations.

### Article 57

#### Clause (1)

The Report and the Certificate of the Counting of the Votes Result are different. The Report comprises the report on the counting of the casting of votes in the polling stations, whereas the Certificate of the Counting of the Votes Result comprises a specification on the counting of votes results in the polling stations (TPS).

#### Clause (2)

Quite clear

### Article 58

#### Clause (1)

The Report comprises the report on the counting of votes executed in villages/kelurahans, whereas the certificate of the tabulation on the result of the vote count comprises the tabulation of the result of the vote count of the villages/kelurahans.

#### Clause (2)

Quite clear

#### Clause (3)

Quite clear

#### Clause (4)

See elucidation of Article 56 clause (5)

#### Clause (5)

Quite clear

#### Clause (6)

Quite clear

### Article 59

#### Clause (1)

Quite clear

#### Clause (2)

Quite clear

#### Clause (3)

Quite clear

#### Clause (4)

See elucidation of Article 58 clause (4)

#### Clause (5)

See elucidation of Article 58 clause (1)

#### Clause (6)

Quite clear

### Article 60

#### Clause (1)

Quite clear

#### Clause (2)

Quite clear

#### Clause (3)

Quite clear

#### Clause (4)

See elucidation of Article 59 clause (4)

#### Clause (5)

See elucidation of Article 59 clause (5)

#### Clause (6)

Quite clear

### Article 61

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Clause (4)**  
See elucidation of Article 60 clause (4)

**Clause (5)**  
See elucidation of Article 60 clause (5)

**Clause (6)**  
Quite clear

**Article 62**

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Clause (4)**  
See elucidation of Article 61 clause (4)

**Clause (5)**  
See elucidation of Article 61 clause (5)

**Clause (6)**  
Quite clear

**Article 63**

The meaning of "not obstruct the process of General Elections" as mentioned in this Article is not to halt the General Election activities, while solving the objection lodged by the witness delegated by the participating political party based on the existing regulations.

**Article 64**  
Quite clear

**Article 65**

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Article 66**

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Clause (4)**  
Quite clear

**Article 67**

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Article 68**

**Clause (1)**  
Quite clear

**Clause (2)**  
Quite clear

**Clause (3)**  
Quite clear

**Clause (4)**  
Quite clear

**Article 69**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Article 70**

**Clause (1)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

**Clause (2)**

Quite clear

**Article 71**

**Clause (1)**

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

**Clause (2)**

Quite clear

**Article 72**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Clause (3)**

Quite clear

**Article 73**

**Clause (1)**

The meaning of General Elections Proceedings in this Article  
is all phases of General Election activities.

**Clause (2)**

Quite clear

**Clause (3)**

Quite clear

**Clause (4)**

Quite clear

**Clause (5)**

Quite clear

**Clause (6)**

Quite clear

**Clause (7)**

Quite clear

**Clause (8)**

Quite clear

**Clause (9)**

Quite clear

**Clause (10)**

The meaning of "the Committee of General Elections" shall  
be KPU, Executive and Supervisor

**Clause (11)**

Quite clear

**Article 74**

**Clause (1)**

Quite clear

**Clause (2)**

Quite clear

**Article 75**

Quite clear

**Article 76**  
Quite clear

**Article 77**  
Quite clear

**Article 78**  
Quite clear

**Article 79**  
Clause (1)  
Quite clear  
Clause (2)  
Quite clear

**Article 80**  
Clause (1)  
Quite clear  
Clause (2)  
Quite clear

**Article 81**  
Letter a  
Quite clear  
Letter b  
Quite clear  
Letter c  
Quite clear

**Article 82**  
Letter a  
Quite clear  
Letter b  
Quite clear

**Article 83**

The stipulation as mentioned in this Article is aimed at giving a chance to KPU in preparing for the 2004 General Election.

**Article 84**  
The Government must consider information from KPU to determine the Government Regulations.

**Article 85**  
Quite clear

**Article 86**  
Quite clear

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 3810

**LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 4 OF THE YEAR 1999**

**CONCERNING**

**THE COMPOSITION AND STATUS OF  
MAJELIS PERMUSYAWARATAN RAKYAT  
(PEOPLE'S CONSULTATIVE ASSEMBLY),  
DEWAN PERWAKILAN RAKYAT  
(HOUSE OF REPRESENTATIVES),  
AND**

**DEWAN PERWAKILAN RAKYAT DAERAH  
(REGIONAL HOUSE OF REPRESENTATIVES)**

**WITH THE BLESSING OF GOD ALMIGHTY**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering:**

- a. that to exercise the sovereignty of the People based on democracy which is guided by the inner wisdom in the unanimity arising out of deliberation amongst representatives, it is deemed necessary to have the people's deliberative/representative institutions which are capable of reflecting the sovereignty of the people as well as to comprehend and to strive for the people's aspiration in conformity with the growing political demands;
- b. that to carry out the people's deliberative/representative institutions which are more capable of reflecting the sovereignty of the people, it is deemed necessary to reorganize the composition and status of the People's Consultative Assembly, the House of Representatives, and the Regional House of Representatives;
- c. that the reorganization is possible in conformity with the replacement of the Law on Political Parties and the Law on General Elections;
- d. that in conformity with aforementioned, and to optimize the people's participation in state organization through people's de-

liberative/representatives institution, revocation has been considered of Law No. 16/1969 on the Composition and Status of the People's Consultative Assembly, the House of Representatives, and the Regional House of Representatives as several times amended and finally by Law No. 5 of 1995, and it is replaced by the new law.

**In view of:**

1. Article 1 clause (2), Article 2 clause (1) and clause (2), Article 5 clause (1), Article 19 clause (1), and Article 20 clause (1) of the 1945 Constitution.
2. People's Consultative Assembly Decree No. VII/MPR/1998 on the Rules of Conduct of the People's Consultative Assembly as amended and finally by People's Consultative Assembly Decree No. I/MPR/1998.
3. People's Consultative Assembly Decree No. XIV/MPR/1998 on Amendments and Supplements on People's Consultative Assembly Decree No. III/MPR/1998 on General Elections.
4. Law No. 2 of 1999 on Political Parties (State Gazette 1999 No. 22, supplement to the State Gazette No. 3809)
5. Law No. 3 of 1999 on General Elections (State Gazette No. 23 of 1999, State Gazette Supplement No. 3810);

With the approval of  
**THE HOUSE OF REPRESENTATIVES**  
HAS RESOLVED

**To enact:**

**THE LAW ON THE COMPOSITION AND STATUS OF MAJELIS PERMUSYAWARATAN RAKYAT, DEWAN PERWAKILAN RAKYAT, DAN DEWAN PERWAKILAN RAKYAT DAERAH**

**CHAPTER I**  
**GENERAL STIPULATIONS**

**Article 1**

In this Act, the following is meant:

1. Majelis Permusyawaratan Rakyat (People's Consultative Assembly), henceforth to be called by its abbreviation MPR Majelis Permusyawaratan Rakyat as mentioned in the Constitution;
2. Dewan Perwakilan Rakyat (House of Representatives), henceforth to be called by its abbreviation DPR, is Dewan Perwakilan Rakyat as mentioned in the 1945 Constitution;
3. Dewan Perwakilan Rakyat Daerah (Regional House of Representatives), henceforth to be called by its abbreviation DPRD Dewan Perwakilan Rakyat Daerah Tingkat I and Dewan Perwakilan Rakyat Daerah Tingkat II, henceforth to be called abbreviation DPRD I and DPRD II.
4. Regional representatives shall be public figures considerable of presenting the people's aspirations from their regions who understand and have a comprehensive insight and orientation concerning national problems in general, and who are elected by DPRD I in a plenary session as MPR members representing their regions.
5. Delegates of Groupings shall be from national organizations, self-sufficient, and not be part of a political party, and more or less proportionally represented in DPR, and comprise economic, religious, social, cultural, scientific groups and other collective institutions;
6. Komisi Pemilihan Umum (General Election Commission), henceforth to be called by its abbreviation KPU is a free and independent General Election Committee as meant by Article 2 clause (2) Law No. 3 of 1999 on General Elections.
7. ABRI is the abbreviation of Angkatan Bersenjata Republik Indonesia (Indonesian Armed Forces).

**CHAPTER II**  
**MAJELIS PERMUSYAWARATAN RAKYAT**

**Part One**  
**Composition**

**Article 2**

- (1) MPR shall consist of DPR members and augmented by:

- a. Delegates of Regions;
  - b. Delegates of Groupings.
- (2) The total number of MPR members is 700, consisting of:
- a. 500 DPR members;
  - b. 135 Delegates of Regions; that is 5 (five) persons from each Level I Region;
  - c. 65 Delegates of Groupings.
- (3) Delegates of the regions are elected by the Level I Regional House of Representatives.
- (4) The method of electing Delegates of the Regions of MPR Members as mentioned in clause (3) shall be regulated in the DPR Rule of Conduct.
- (5) DPR shall decide the category and number of delegates from each groupings.
- (6) Delegates of Groupings as meant by clause (5) shall be proposed by groupings organization and shall be determined by DPR.
- (7) The method of determining Delegates of grouping as meant by clause (5) and clause (6) shall be regulated in the DPR Rule of Conduct.

## Part Two

### Membership

#### Article 3

- (1) Members of MPR shall meet the following requirements:
- a. A citizen of the Republic of Indonesia, aged 21, and devoted to God Almighty;
  - b. Speak the Indonesian language and be able to read and write with an education not lower than lower secondary school or comparable knowledge and having experience in community and/or state affairs;
  - c. loyal to the ideals of the 17 August 1945 Proclamation of Independence, Pancasila as State Foundation, and the 1945 Constitution;
  - d. no ex-member of banned Indonesian Communist Party and its mass organizations, nor direct or indirectly involved in

- the 30<sup>th</sup> September Movement/Indonesian Communist Party or other prohibited organizations;
  - e. not deprived of his right to vote by a court of law;
  - f. not serving a jail sentence following a verdict of a law court for a crime punishable with a minimum of 5 (five) years imprisonment;
  - g. not visible suffering from a mentally disorder or insanity.
- (2) Members of MPR shall have their residence within the territory of the Republic of Indonesia
- (3) Membership of MPR must be officially confirmed by Presidential Decision as Head of State.

#### Article 4

Membership of MPR shall run for five years; and their term of office ends when the new MPR members are taking their oath/promise.

#### Article 5

- (1) A member of MPR resigns between term as a member due to:
  - a. death;
  - b. his own written request to the leadership of MPR;
  - c. his outside the territory of the Republic of Indonesia;
  - d. resigning as DPR member;
  - e. no longer meeting the requirements mentioned in Article 3 clause (1) based on statement by the authority;
  - f. an MPR Decision declaring him to have violated his/her oath/promise as member of MPR.
  - g. subject to rules of incompatibility stated in Article 41 clause (1).
- (2) Members of MPR originating from DPR who resign between terms as meant by clause (1) are replaced according to Article 14 clause (2).
- (3) Additional members of MPR who resign between terms as meant by clause (1) are replaced according to the appointment procedure of Regional Delegations as meant by Article 2 clause (3) and clause (4) and Delegates of Groupings as meant by Article 2 clause (5), clause (6) and clause (7).

- (4) Replacing members of MPR serves out the term of office of their predecessor.
- (5) Discharge of a member on grounds of no longer fulfilling the requirements of Article 3 clause (1) letters c, d, e, and/or f and or due to having violated his oath/promise as member of MPR as meant in Article 8 is a dishonorable discharge.

#### **Article 6**

Discharge of MPR Membership must be administratively firmed by Presidential Decision as Head of State.

#### **Article 7**

- (1) Before taking the position as MPR members, they are jointly sworn in by the Supreme Court Chief Justice as a plenary session attended by all members as decided by the existing regulations, and presided by the oldest and youngest MPR members.
- (2) Members who have not yet been sworn in by the Supreme Court Chief Justice according to clause (1) shall have their oath/pledge taken by the Chairman of MPR or another member of the MPR Leadership.
- (3) The method of taking oath/pledge shall be regulated by the MPR Rule of Conduct.

#### **Article 8**

The oath/pledge of office meant by Article 7 reads as follows:

"By Allah (God) I swear/promise:

that for my appointment as member (Chairman/Deputy Chairman) of Majelis Permusyawaratan Rakyat I will fulfill my duty as best and as fair as possible;

that I will firmly uphold Pancasila, and abide with the 1945 Constitution, and all existing laws and regulations in force;

that I will respect democratic life and secure the Nation and the unitary state of the Republic of Indonesia."

### **Part Three**

### **MPR Leadership**

#### **Article 9**

- (1) The leadership of MPR shall consist of a Chairman and not exceed 5 (five) Deputy Chairmen who reflect the factions based on the sequence in the number of the faction membership.
- (2) The leadership of MPR is separate from the leadership of DPR.
- (3) Prior to the selection of the MPR sessions shall temporarily be chaired by the oldest and/or youngest member, called provisional leadership.
- (4) In case of the oldest member and/or the youngest member as meant in clause (3) are absent during sessions, they shall be replaced by the oldest and the youngest member attended the session.
- (5) The method of MPR leadership election shall be regulated in the MPR Rule of Conduct.

#### **Article 10**

- (1) To exercise the duties and authority of MPR, the MPR leadership shall establish an MPR Working Board.
- (2) The composition of members, duties, and authority of the MPR Working Board shall be regulated in the MPR Rule of Conduct.

### **CHAPTER III**

### **DEWAN PERWAKILAN RAKYAT**

#### **Part One**

#### **Composition**

#### **Article 11**

- (1) Seats of DPR are filled through general elections and by appointment.
- (2) DPR shall consist of:
  - a. Members of parties elected by general elections.
  - b. ABRI members by appointment.
- (3) The total number of DPR members is 500, consisting of:
  - a. 462 political party members elected by general elections.
  - b. 38 ABRI members by appointment.

## Part Two

### Membership

#### Article 12

- (1) Members of DPR shall meet the requirements as meant by Article 3 clause (1) and clause (2).
- (2) Membership of DPR shall be administratively confirmed by Presidential Decision as Head of State.

#### Article 13

Members of DPR shall be for five years; and shall terminate together on the day the oath/pledge will be taken of the new members of DPR.

#### Article 14

- (1) A member of DPR resigns between terms as a member due to:
  - a. death;
  - b. his own written request addressed to the leadership of DPR;
  - c. his residence is outside the territory of the Republic of Indonesia;
  - d. no longer meeting the requirements meant by Article 3 clause (1) based on a statement by an authority;
  - e. a DPR Decision declaring him to have violated his oath/promise as a member of DPR;
  - f. prohibition due to incompatibility of position as meant by article 41 clause (2) and clause (3);
  - g. replaced according to Article 42 of this Act.

- (2) Members of DPR who resign between terms as meant by clause (1) are replaced by:
  - a. candidates proposed by the Central Board of the Political Parties taken from the list of names of permanent candidates of the same electoral regions;
  - b. candidates of ABRI members proposed by the Armed Forces Commander in Chief.
- (3) Members replacing other members between terms, shall serve out the term of office of the predecessor.
- (4) The method of replacement as mentioned in clause (2) shall be determined by KPU.
- (5) Discharge of a member on the ground of no longer fulfilling the requirements of Article 3 clause (1) letters c, d, e, and/or f and/or due to having violated his/her oath/promise as a member of DPR as mentioned in Article 16 and/or discharged according to Article 42 of this Act is a dishonorable discharge.

#### Article 15

- (1) Before assuming office, DPR members shall have their oath/pledge taken by the Supreme Court Chief Justice at an open DPR Plenary Session for the swearing in ceremony of all members as determined by law and chaired by the oldest and youngest members.
- (2) The speaker of the House or any other member of the Board shall take the oath/pledge of those DPR members as meant in clause (1).
- (3) The method of taking oath/pledge as meant in Article 15 reads as follows:

"By Allah (God) I swear/promise:  
that for my appointment as a member (Chairman/Deputy Chairman) of DPR I will fulfill my duty as best and as fair as possible;  
that I will uphold Pancasila abide with the 1945 Constitution, and all existing laws and regulations in force;  
that I will respect democratic life and secure the Nation and the Unitary State of the Republic of Indonesia."

## Part Three

## DPR Leadership

### Article 17

- (1) The leadership of DPR shall be collective and consist of a speaker and not exceed 4 (four) Deputy Chairmen who reflect the factions based on the sequence in the number of faction membership.
- (2) The leadership of DPR is separate from the leadership of MPR.
- (3) Prior to the election of the DPR leadership deliberations shall temporarily be chaired by the oldest and youngest member, who constitute the Provisional Leadership.
- (4) In case the oldest and/or the youngest members as meant in clause (3) are absent at the sessions, they shall be replaced by the oldest and youngest member attending the session.
- (5) The method of DPR Leadership election shall be regulated in the DPR Rule of Conduct.

## CHAPTER IV

### DEWAN PERWAKILAN RAKYAT DAERAH TINGKAT I

#### Part One Composition

### Article 18

- (1) Seats of DPRD I are filled through general elections and by appointment.
- (2) DPRD I shall consist of:
  - a. Political party members elected by general elections;
  - b. ABRI members by appointment.
- (3) The number of DPRD I member is set at a minimum of 45 and a maximum of 100, including 10 percent ABRI members by appointment.

#### Part Two Membership

### Article 19

- (1) Members of DPRD I shall meet the requirements as meant in Article 3 clause (1).
- (2) Members of DPRD I shall have their residence within the territory of Level I Regions concerned.
- (3) Membership of DPRD I shall be administratively confirmed in Decision of the Minister of Home Affairs on behalf of the President as Head of State.

### Article 20

Members of DPRD I shall be for five years and shall terminate together on the day of the Oath/Pledge will be taken of the new members of DPRD I.

### Article 21

- (1) A member of DPRD I resigns between terms as a member due to:
  - a. death;
  - b. his own written request addressed to the leadership of DPRD I;
  - c. his residence is outside the territory of the Level I Region concerned;
  - d. no longer meeting the requirements as mentioned in Article 3 clause (1) based on a statement by the authorities;
  - e. a DPRD I decision declaring him to have violated his/her oath/promise as a member of DPRD I;
  - f. subject to incompatibilities of position as meant by Article 41 clause (2), clause (3), and clause (4);
  - g. replaced according to Article 42 of this Act.
- (2) Members of DPRD I who resign between terms as intended in clause (1) are replaced by:
  - a. candidates proposed by the Central Executive Board of the Political Party concerned by other members from the list of permanent candidates for the Level I Region candidate list of General Elections of the same electoral regions;

- b. candidates from ABRI members proposed by Armed Forces Commander in Chief.
- (3) Members replacing other members in between terms, shall serve out the term of office of their predecessors.
- (4) Discharge of DPRD I member shall be administratively confirmed by Decision of the Minister of Home Affairs on behalf of the President as Head of State.
- (5) Discharge of a member on grounds of no longer fulfilling the requirements of Article 3 clause (1) letters c, d, e, and/or f, and/or due to having violated his oath/promise as a member of DPRD I as meant in Article 23, and/or discharge according to Article 42 of this Act is a dishonorable discharge.

### **Article 22**

- (1) Before assuming office, DPRD I members shall have their oath/pledge taken by the Chairman of the appeals of Court at an open Plenary Session inauguration ceremony attended by all members appointed by law and chaired by the oldest and youngest members.
- (2) The Chairman of DPRD I or any other member of leadership shall take the oath/pledge of those members of DPRD I meant by clause (1).
- (3) The method of taking oath/pledge shall be regulated by the DPRD I Rule of Conduct.

### **Article 23**

The oath/pledge as mentioned in Article 22 reads as follows:

"By Allah (God) I swear/promise:

that for my appointment as a member (Chairman/Deputy Chairman) of Dewan Perwakilan Rakyat Daerah Tingkat I, I will fulfill my duty as best and as fair as possible;  
 that I will uphold Pancasila, abide with 1945 Constitution, and all existing laws and regulations in force;  
 that I will respect democratic life and serve the Nation and the Unitary State of the Republic of Indonesia.

## **Part Three**

### **DPRD I Leadership**

#### **Article 24**

- (1) The leadership of DPRD I shall be collective and consists of a Chairman and not exceed three Deputy Chairmen which reflect factions based on the sequence of the number of faction membership.
- (2) Prior to the election of the DPRD I Leadership deliberation shall, temporarily, be chaired by the oldest member and assisted by the youngest member.
- (3) In case the oldest member and/or the youngest member as meant by clause (2) are absent at the sessions, they shall be replaced by the oldest and youngest members attending in the session.
- (4) The mentioned of DPRD I Leadership election shall be regulated in the DPRD I Rule of Conduct.

## **CHAPTER IV**

### **DPRD TINGKAT II**

#### **Part One**

##### **Composition**

#### **Article 25**

- (1) Seats of DPRD II are filled through general elections and by appointment.
- (2) DPRD II shall consist of:
  - a. Political party members elected by general elections;
  - b. ABRI members by appointment.
- (3) The number of DPRD II members is set at a minimum of 20 and maximum of 45, including 10 percent appointed ABRI members.

**Part Two**  
**Membership**

**Article 26**

- (1) Members of DPRD II shall meet the requirements as intended in Article 3 clause (1).
- (2) Members of DPRD II shall have their residence within the territory of the Level II Region concerned.
- (3) Membership of DPRD II shall be administratively confirmed by Decision of the Governor on behalf of the President as Head of State.

**Article 27**

Membership of DPRD II shall run for 5 (five) years and shall terminate jointly on the day the oath/pledge will be taken of the new members of DPRD II.

**Article 28**

- (1) A member of DPRD II resigns between terms as a member due to:
  - a. death;
  - b. his own written request addressed to the leadership of DPRD II;
  - c. his residence is outside the territory of Level II Region concerned;
  - d. no longer meeting the requirements as meant by Article 3 clause (1) based on a statement of the authorities;
  - e. declared to have violated his oath/promise as a member of DPRD II;
  - f. subject to incompatibilities in position according to Article 41 clause (2), clause (3), and clause (4);
  - g. replaced according to Article 42 of this Act.
- (2) Members of DPRD II who resign between terms as meant by clause (1) are replaced by:
  - a. candidates proposed by the Central Executive Board of the Political party concerned of Level II Regions from perma-

nent candidate list of General Elections of the same electoral regions;

- b. candidates of ABRI members proposed by Armed Forces Commander-in-Chief.
- (3) Members replacing another members in between terms shall serve out the term of office of their predecessors.
- (4) Discharge of DPRD II members shall be administratively confirmed by Decision of the Governor on behalf of the President as Head of State.
- (5) Discharge of a member on grounds of no longer fulfilling the requirements of Article 3 clause (1) letters c, d, e, and/or f, and/or due to having violated his oath/pledge as a member of DPRD II as meant by article 30, and/or discharge according to Article 42 of this Act is a dishonorable discharge.

**Article 29**

- (1) Before assuming office, DPRD II members shall have their oath/pledge taken by the Chairman of State Court Judge at an open Plenary Session inauguration ceremony attended by all members appointed by existing law and chaired by the oldest and the youngest members.
- (2) The Chairman of DPRD II or any other member of leadership shall take the oath/pledge of those members of DPRD II as meant by clause (1).
- (3) The method of taking oath/pledge shall be regulated in the DPRD II Rule of Conduct.

**Article 30**

The oath/pledge as meant by Article 29 reads as follows:

"By Allah (God) I swear/promise:

that for my appointment as a member (Chairman/Deputy Chairman) of Dewan Perwakilan Rakyat Daerah Tingkat II, I will fulfill my duty as best and as fair as possible;  
that I will uphold Pancasila, abide with the 1945 Constitution, and all existing laws and regulations in force;

- b. protocol privileges;
  - c. financial/administrative privileges.
- (5) Realization of the rights meant by clause (2), clause (3) and clause (4) is arranged in the DPR Rules of Procedures.

#### Article 34

- (1) DPRD is the Representative Council of Level I Region, as in the execution of democracy based on Pancasila;
- (2) DPRD has the following tasks and powers/functions:
  - a. to elect a Governor/Deputy-Governor, Bupati/Deputy Bupati, and Mayor/Deputy-Mayor;
  - b. to propose the election and dismissal of a Governor/Deputy-Governors, Bupatis/Deputy-Bupatis, and Mayors/Deputy Mayors to the President;
  - c. to cooperate with the Governor, Bupatis, and Mayors, to determine the Regional Draft Budget;
  - d. to cooperate with the Governor, Bupati, and Mayor in drafting Region Regulations;
  - e. to exercise control over:
    - 1) The implementation of Regional Regulations and other regulations;
    - 2) The implementation of Regulations and decisions by the Governor, Bupati, and Mayor;
    - 3) The implementation of the Regional Budget;
    - 4) The implementation of the Regional Government's policy to be recorded to the basic planning of the regional development;
    - 5) The implementation of international cooperations on Regional level.
  - f. to give an opinion and consideration to the Government about international agreement plans involving regional interest;
  - g. to absorb and follow up the people's aspirations.
- (3) to realize the tasks and powers as meant by clause (2), DPRD has the rights:
  - a. to request accountability of the Governor, Bupati and Mayor;

- b. to request explanations from the Regional Government;
  - c. to investigate;
  - d. to amend the draft on regional regulations;
  - e. to express opinions;
  - f. to propose a draft on regional regulation;
  - g. to decide the DPRD budget.
- (4) Besides the rights of DPRD as meant by clause (3), which are actually the rights of the members, DPRD Members also have the following rights:
- a. The right of inquiry;
  - b. protocol privileges;
  - c. financial/administrative privileges.
- (5) Exercising the rights as meant by clause (2), (3), and (4) is arranged in DPR and DPRD Rules of Procedures

#### Article 35

- (1) DPR and DPRD in realizing their function based on their level have the right to demand information from state officials, government officials, or citizens about essential matters which need to be dealt with in the interest of the state, the nation, government and development;
- (2) The State official, government official, or citizens who reject the request as meant by clause (1) are threatened by at least (one) year jail, for humiliating the honor and reputation of DPR and DPRD.
- (3) Exercising the rights as meant by clause (1) and (2) are arranged in DPR and DPRD Rules of procedure.

#### Article 36

- (1) International agreements involving the interest of the entire people, nation, and country in the field of politics, security, socio-culture, economy, as well as finance carried out by the Government need DPR approval according to the prevailing statutory regulations;
- (2) In international cooperation involving the regional interest, the Government is obliged to give serious attention to the voice of the Regional Government and DPRD.

## **Part two**

### **Organ of the MPR, DPR, and DPRD**

#### **Article 37**

- (1) The organs of MPR consist of :
  - a. a Leadership;
  - b. a Standing Committee;
  - c. Commissions;
  - d. an Ad Hoc Committee.
- (2) The Organs of DPR consist of :
  - a. a Leadership;
  - b. Commissions and Sub-Commissions;
  - c. a Consultative Body, a Logistics Body, Inter-Cooperation Parliament, and other bodies needed;
  - d. Committees.
- (3) The Organs of DPRD consist of :
  - a. a Leadership
  - b. Commissions;
  - c. Committees.
- (4) Besides these supplementary organs as meant by clause (2) and (3), DPR, and DPRD form factions.
- (5) Implementation of the stipulation as meant in clause (1), clause (2), clause (3), and clause (4), is further stipulated in MPR, DPR, and DPRD Rules of Procedures.

## **Part three**

### **Immunity of the Members of the MPR, DPR, and DPRD**

#### **Article 38**

- (1) Members of MPR, DPR, and DPRD cannot be prosecuted for their statements expressed in sessions of said Institutions whether they are open or not, orally or written to the leadership of the Institutions of Deliberations/Representatives or to the Government, except when they disclose results agreed in closed session that are confidential or matters referred to in the stipulation concerning disclosure of state secrets as contained in Volume II chapter I of the Penal Code;
- (2) Members of MPR, DPR, and DPRD cannot be replaced between terms because of statements and/or opinions expressed in MPR, DPR, and DPRD sessions.

## **Part four**

### **Protocol/Financial Position**

#### **Article 39**

The protocolar and financial position of the Leadership/Members of MPR, DPR, and DPRD is stipulated by the respective bodies in question in cooperation with the Government, concerning the procedures and regulations.

## **Part five**

### **Rules of Procedures**

#### **Article 40**

The Rules of Procedures of MPR, DPR, and DPRD shall be drawn up by the respective bodies concerned.

## **CHAPTER VII**

### **PROHIBITION AND INVESTIGATION TOWARDS THE MEMBERS OF MPR, DPR, AND DPRD**

## **Part one**

### **Prohibition**

## **Article 41**

- (1) Membership of the People's Consultative Assembly is incompatible with positions of:
  - a. State Officials;
  - b. Government Structural Official;
  - c. Judicial Officials;
  - d. Other officials as regulated by the prevailing statutory regulations.
- (2) Membership of DPR and MPR are incompatible with the office of government and judiciary on all levels;
- (3) Membership of DPR is incompatible with membership of DPRD or vice-versa.
- (4) Membership of DPRD in one region is incompatible with membership of another DPRD.

## **Article 42**

- (1) Members of DPR and DPRD are prohibited from running any business by using the State Budget and/or Regional Budget;
- (2) Violations as meant by clause (1) can be sanctioned or even lead to being discharged as Members of DPR or DPRD;
- (3) The application of a sanction on violations against the rules as meant by clause (1), is implemented administratively by the Leadership of DPR and DPRD based on the proposal and consideration of the faction concerned after hearing the consideration and evaluation from a body specially set up for it.
- (4) The implementation of the stipulation as meant by clause (1), clause (2), and clause (3) is regulated in the DPR and DPRD Rules of Procedures.

### **Part Two**

#### **Investigation**

## **Article 43**

In case members of MPR, DPR, and DPRD are suspected of having committed a crime, summons to appear, interrogation, and

investigation need a written decision by the President for members of MPR and DPR, and written agreement of the Home Affairs Minister for members of DPRD I, and written agreement of the Governor for DPRD II members in accordance with prevailing statutory regulations.

## **CHAPTER VIII**

### **TRANSITORY RULES**

## **Article 44**

Membership of MPR, DPR, and DPRD for the 1997-2002 ends at the same time the moment the newly MPR, DPR, DPRD members elected during the 1999 general election are sworn in.

## **Article 45**

To fill the MPR Membership as a result of the 1999 General Election for Grouping Delegates as meant by Article 2 clause (2) letter c, clause (5), and clause (6) is stipulated as follows:

- a. The General Election Committee (KPU) determines the kind and number of each representative of the groups;
- b. Grouping delegates as mentioned in letter a are nominated by the respective groupings to be decided by KPU and further made official administratively by Decree of the President as the Head of State;
- c. MPR membership from groupings as mentioned in letter a and letter b are further regulated by KPU

## **Article 46**

The implementation of the tasks, authority, and rights of DPRD as meant by Article 34 becomes valid upon enactment of the law on Regional Government, as substituted by Law No. 5 of 1974 concerning the essential points of Government in the Region.

## **CHAPTER IX**

### **CLOSING PROVISION**

**Article 47**

With the coming into force of this law, Law No. 16 of 1969 on the composition and status of the People's Consultative Assembly, House of Representatives, and Regional House of Representatives, as amended several times, and finally by Law No. 5 of 1974, is declared void.

sgd.

AKBAR TANDJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 24  
OF 1999

**Article 48**

This law can be called the Law on the Composition and Status of MPR, DPR, and DPRD.

**Article 49**

This law comes into force on the date of issue. In order that everybody may take cognizance it is announced in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
On 1 February 1999

PRESIDENT OF THE REPUBLIC OF  
INDONESIA

sgd.

BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta  
On February 1, 1999

STATE SECRETARY  
OF THE REPUBLIC OF INDONESIA

**ELUCIDATION  
ON  
LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 4 OF THE YEAR 1999**

**CONCERNING**

**THE COMPOSITION AND STATUS OF  
THE PEOPLE'S CONSULTATIVE ASSEMBLY  
THE HOUSE OF REPRESENTATIVES AND  
THE REGIONAL HOUSE OF REPRESENTATIVES**

**GENERAL**

According to the 1945 Constitution, the highest power in the sovereign Republic of Indonesia shall be held by the People's Consultative Assembly (MPR) based on democracy with the inner wisdom of deliberation amongst representatives. The members of MPR shall consist of the members of the House of Representatives (DPR) augmented by the delegates from the regional, all groups, so that all peoples, all groups and all regions have representatives in MPR and DPR who constitutes peoples.

In line with that, central and regional governments shall also be held by the principles of deliberations amongst representatives so that the deliberative representative institutions such as MPR, DPR, and DPRD are needed, which is in accordance with the authority and their respective duties, to represent people in setting up government and arranging statutory regulations.

The valid laws on the composition and status of MPR, DPR, and DPRD need to be amended so they will be able to reflect upright democracy.

The amendment of that law is meant in order to more guarantee the representation of citizens and regions, to secure the responsibility of the people's representatives to citizens who elected them, and to guarantee the power of MPR, DPR, and DPRD in implementing their duties, authorities and rights, and to develop partnership and equality with executive institutions so that quality and duties of MPR, DPR, and DPRD shall further improved.

Modernization in this law is going on basis, not only covering composition and the number of MPR, DPR, and DPRD members, but also involving implementation or confirmation of duties, authorities

and rights of MPR, DPR, and DPRD members, as well as expansion of space of these institutional members in order to implement their rights. The modernization is done because there are amendments of law concerning political party and law on general election.

The sense of responsibility of people's representatives to their citizens shall enhancing with the election of the representatives who are known by people in their election territory. Quality and duties of MPR, DPR and DPRD members shall be improving through determination of requirements in skill, experience, and high personal integrity. Institutions task shall be reached with guarantee there are opportunities to MPR, DPR, and DPRD to implement their duties, authorities and rights.

The power of MPR is to be implemented with the separation of the chairman of MPR, and the chairman of DPR in establishing permanent committee. Meanwhile, the power of DPR, and DPRD is to be done only with increasing the total number of elected members of DPR and DPRD, also with clarification and confirmation of authorities and rights of DPR and DPRD in formulating public policies, arrangements of budget, control, and recommendations to fill the certain positions in accordance with statutory regulations.

## ARTICLE BY ARTICLE

### Article 1

Quite clear

### Article 2

#### Clause 1

Quite clear

#### Clause 2

Quite clear

#### Clause 3

Quite clear

#### Clause 4

Quite clear

#### Clause 5

Quite clear

#### Clause 6

Quite clear

### Clause 7

Rules of procedure of DPR determine criteria, kind, and number of each group representatives in objective and represented manner.

## Article 3

### Clause 1

#### Letter a

Quite clear

#### Letter b

Quite clear

#### Letter c

Never done action or propose statement that contradict with the ideals of the 17 August 1945 proclamation of independence as mentioned in the preamble of the 1945 Constitution.

#### Letter d

Meant by "directly involved" in the September 30 Movement/Indonesian Communist Party (G30S/PKI) are :

1. Those who planned, helped plan or knew about the plan G30S/PKI, but have not reported this to the competent authorities.
2. Those who realized the aim of the movement, have activities for the realization of G.30 S/PKI.

Meant by "indirectly Involved" in G30S/PKI are :

1. Those who showed an attitude, either by deeds or words, of approving G30S/PKI
2. Those who consciously showed an attitude, either by deeds or words, of opposing the efforts to destroy G30S/PKI

Meant by prohibited organizations as referred to in this article are those organizations that have been definitely declared prohibited by the law. These stipulations do not apply to those who have been legally granted amnesty, abolition or pardon.

### Letter e

Quite clear  
Letter f  
Quite clear  
Letter g  
Determined with the letter of a competent doctor.

Clause 2  
Quite clear

Clause 3  
Process of administration is done by KPU.

Article 4  
Quite clear

Article 5  
Clause 1  
Letter a  
Quite clear  
Letter b  
Meant by "request by himself" is also the request of the leadership of ABRI for members of MPR from ABRI.  
Letter c  
Quite clear  
Letter d  
Quite clear  
Letter e  
Quite clear  
Letter f  
Quite clear  
Letter g  
Quite clear  
Clause 2  
Quite clear  
Clause 3  
Quite clear  
Clause 4

Quite clear  
Clause 5  
Quite clear

Article 6  
Administration process is to be done by KPU

Article 7  
Clause 1  
Quite clear  
Clause 2  
Include the taking of oath/pledge for substituted members.  
Clause 3  
Quite clear

Article 8  
Specific terms are ordinarily used at the of taking oath/pledge in accordance with the religion of the person involved, Moslems for instance start by saying "By Allah" and Christians usually end with "so may God help me."

Article 9  
Quite clear

Article 10  
Clause 1 :  
A working Committee of MPR is a permanent committee. In order to support the implementation of tasks of MPR leadership and committees, a secretariat is to be established.  
Clause 2  
Quite clear

Article 11  
Quite clear

Article 12  
Clause 1  
Quite clear

**Clause 2**

Administration process is to be done by KPU.

**Article 13**

Quite clear

**Article 14**

**Clause 1**

Letter a

Quite clear

Letter b

Meant by "request by himself" is also request by the ABRI leadership for members of DPR from ABRI.

Letter c

Quite clear

Letter d

Quite clear

Letter e

Quite clear

Letter f

Quite clear

Letter g

Quite clear

**Clause 2**

Quite clear

**Clause 3**

Quite clear

**Clause 4**

Quite clear

**Clause 5**

Quite clear

**Article 15**

**Clause 1**

Quite clear

**Clause 2**

Include the taking of oath/pledge of transitional replacement members.

**Article 16**

Specific terms are ordinarily used at the taking of oath/pledge in accordance with the religion of the person involved, Moslems for instance start by saying "by Allah and Christians usually end with "so may God help me."

**Article 17**

Quite clear

**Article 18**

**Clause 1**

Quite clear

**Clause 2**

Quite clear

**Clause 3**

The number of members of DPRD I is determined on the consideration that a minimum of 3,000,000 citizens will get 45 representatives in DPRD I.

3,000,001-5,000,000 will get 55 persons;

5,000,001-7,000,000 will get 65 persons;

7,000,001-9,000,000 will get 75 persons;

9,000,001-12,000,000 will get 85 persons;

more than 12,000,000 will get 100 persons

The result of accounting of 10% of the number of members of DPRD I who come from ABRI start from 0.5 and up are rounded to 1 (one).

**Article 19**

**Clause 1**

Quite clear

**Clause 2**

Quite clear

**Clause 3**

Administration process is to be done by KPU.

**Article 20**

Quite clear

## Article 21

### Clause 1

Letter a

Quite clear

Letter b

Meant by "request by himself" is also request from the ABRI leadership for members of DPRD I from ABRI.

Letter c

Quite clear

Letter d

Quite clear

Letter e

Quite clear

Letter f

Quite clear

Letter g

Quite clear

### Clause 2

Quite clear

### Clause 3

Quite clear

### Clause 4

Administration process for transitional replacement of DPRD I members is to be done by DPRD I and proposal is done by the Governor to the Minister of Home Affairs.

### Clause 5

Quite clear

## Article 22

### Clause 1

Quite clear

### Clause 2

Including the taking of oath/pledge of transitional replacement members.

### Clause 3

Quite clear

## Article 23

Specific terms are ordinarily used at the taking of oath/pledge in accordance with the religion of the person involved, Moslems for instance start by saying "By Allah" and Christians usually end with "So may God help me."

## Article 24

Quite clear

## Article 25

### Clause 1

Quite clear

### Clause 2

Quite clear

### Clause 3

The number of members of DPRD II is determined on the consideration that a minimum of 100,000 citizens will get 20 representatives in DPRD II.

100,001-200,000 will get 25 persons

200,001-300,000 will get 30 persons

300,001-400,000 will get 35 persons

400,001-500,000 will get 40 persons

more than 500,000 will get 45 persons

The result of accounting of 10% of the number of DPRD II members who come from ABRI start from 0.5 and up is rounded to 1 (one).

## Article 26

### Clause 1

Quite clear

### Clause 2

Quite clear

### Clause 3

Administration process is to be done by the Level II Regional Committee.

**Article 27**

Quite clear

**Article 28**

**Clause 1**

Letter a

Quite clear

Letter b

Meant by "request by himself" is also request of ABRI leadership for DPRD II member from ABRI.

Letter c

Quite clear

Letter d

Quite clear

Letter e

Quite clear

Letter f

Quite clear

Letter g

Quite clear

**Clause 2**

Quite clear

**Clause 3**

Quite clear

**Clause 4**

Administration process of transitional replacement of DPRD II members is done by DPRD II and the promotion is done by Re-gent/Major to Governor.

**Clause 5**

Quite clear

**Article 29**

**Clause 1**

Quite clear

**Clause 2**

include taking of oath/pledge as member for transitional replacement.

**Clause 3**

Quite clear

**Article 30**

At the time of taking the oath/pledge is used the certain word in accordance with the religion of the person involved: Moslem for instance start by saying "By Allah" and Christian usually end with "So many God help me"

**Article 31**

Quite clear

**Article 32**

Quite clear

**Article 33**

Quite clear

**Article 34**

**Clause 1**

DPRD as people representative in region implement legislative function as democracy realization in region and be located equally as partner of regional government as well as it is not part of regional government.

**Clause 2**

Quite clear

**Clause 3**

Quite clear

**Clause 4**

Quite clear

**Clause 5**

Quite clear

**Article 35**

**Clause 1**

DPR and DPRD are institutions that reflect democracy in government implementation. Therefore, each citizen must revere honor and dignity of DPR/DPRD with fulfill the demand of that institutions and give demand explanation, including to show and/or hand in all needed documents.

Clause 2

Quite clear

Clause 3

Quite clear

Article 36

Quite clear

Article 37

Clause 1

Working committee and commission could establish their completeness.

Clause 2

Letter a

Quite clear

Letter b

Quite clear

Letter c

Quite clear

Letter d

Committees as DPR completeness are established and legalized by general session.

Clause 3

Letter a

Quite clear

Letter b

Quite clear

Letter c

Committees as DPRD completeness are established and legalized by general session.

Clause 4

Fraction of DPR and DPRD reflect political configuration that exist in DPR and DPRD. Formulation that fraction is meant in order DPR and DPRD be able to implement tasks, authority and right optimally and effectively.

Clause 5

Quite clear

Article 38

Clause 1

The term of "member" in this clause including member as leadership. Meant by "meetings" are all meeting of MPR, DPR, and DPRD both carried out in or out the building of MPR, DPR, DPRD.

Clause 2

Quite clear

Article 39

Meant by statutory regulation including regional regulation.

Article 40

Quite clear

Article 41

Clause 1

officials are meant in clause (1) are president, vice president, members of cabinet, attorney general; members and chairman of the supreme advisory council; members and chairman of the state audit board; governor of Bank Indonesia; chairman of non governmental institutions; governor and vice governor head of level one region; regent/major, vice regent/vice major head of level two region; and other official who should not concurrent responsibilities as regulated in statutory regulations.

Clause 2

Quite clear

Clause 3

Quite clear

Clause 4

Quite clear

**Article 42**

Clause 1

Quite clear

Clause 2

Quite clear

Clause 3

Special board established temporarily and has function to control contravention done by DPR and DPRD members as meant in clause (1); as materials of consideration in taking action or in order to rehabilitate the good name. In order to control other contravention can be set up special board.

Clause (40)

Quite clear

**Article 43**

Agreement meant is written agreement directly without substitution right

**Article 44**

Quite clear

**Article 45**

Quite clear

**Article 46**

This stipulation is needed because there will be amendment of Law No. 5/1974 concerning basic principles of government in region.

**Article 47**

Quite clear

**Article 48**

Quite clear

**Article 49**

Quite clear

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER  
3811**

THE REPUBLIC OF INDONESIA  
GOVERNMENT REGULATION  
NUMBER 5 OF THE YEAR 1999

CONCERNING  
CIVIL SERVANT MEMBERSHIP IN POLITICAL PARTIES  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

**Considering:**

that in the effort to increase guidance, integrity and harmony among the Civil Servants and also to guarantee their neutrality towards all political parties, it is deemed necessary to organize the civil servants who become member of a political party;

**In view of:**

1. Article 5 clause (2) of the 1945 Constitution;
2. Law No. of 1969 on Pension of Civil Servants and Pension of Civil Servants' Widow/Widower (State Gazette 1969 No. 42, State Gazette Supplement No. 2906);
3. Law No. 8 of 1974 on Principal Manpower Affairs (State Gazette 1974 No., State Gazette Supplement No. 3041);
4. Government Regulation No. 32 of 1979 on Dismissal of Civil Servants (State Gazette 1979 No. 47, State Gazette Supplement No. 3149) as amended by Government Regulation No. of 1994 (State Gazette 1994 No.);

**HAS DECIDED:**

**To determine:**

**GOVERNMENT REGULATION ON CIVIL SERVANTS MEMBERSHIP IN POLITICAL PARTIES**

**Article 1**

**Meant in this Government Regulation by:**

1. Civil Servants are Civil Servants as mentioned in Law No. of 1974 concerning Principal Manpower Affairs.
2. An official is in Authority if the official has the power to hire and fire the civil servants based on the current regulation.

## Article 2

Civil Servants are elements of the state apparatus, the servant of the state and the servant of the people full of loyalty to Pancasila, the 1945 Constitution, the State and Government and carry out government duties and development.

## Article 3

In the position as mentioned in Article 2, Civil Servants must adopt a neutral attitude and refrain from using state facilities for a certain group.

## Article 4

In carrying out their government duties and development as meant by Article 2, Civil Servants shall not discriminate, especially in serving the society.

## Article 5

In order to guarantee the attitude as meant by Article 2 and Article 4. Civil Servants who have become a member and/or board member of a political party must abide with the stipulation mentioned in this Government Regulation.

## Article 6

Civil servants are entitled to use their right to vote in General Elections.

## Article 7

- (1) Civil Servants who have become member and/or board member of a political party when this Government Regulation is determined is presumed to have relinquished their membership and/or leadership in political parties.

- (2) Civil Servants as meant by clause (1), who want to maintain their membership and/or leadership in political parties, shall at the latest three months since this Government Regulation comes into effect, report it to the official in authority.
- (3) Civil Servants who have reported their membership and/or leadership in a political party at the period as meant by clause (2) are subject to Article 8 clause (1).
- (4) Civil Servants meant by clause (1) who still maintain their membership and/or leadership of political parties, failing to report this fact to the official in authority within three months meant by clause (2), are subject to Article 8 clause (3).

## Article 8

- (1) Civil Servants who become member and/or board member of political parties shall be dismissed from their state function and shall be given interim compensation money equal to the amount of their latest basic salary.
- (2) Civil Servants as meant by clause (1), must report their membership and/or leadership in political parties to the official in authority at the latest three months since they have officially become a member and/or board member of political parties.
- (3) Civil Servants who fail to report their membership and/or leadership in political parties, shall be dishonorably discharged as civil servants.

## Article 9

- (1) Civil Servants who have been discharged from their government function because of their membership and/or leadership in political parties, may be reactivated in their government position when they have relinquished their membership and/or leadership in political parties.
- (2) Reactivating as meant by clause (1) may only be done within one year since the official concerned have officially become member and/or board member.

## Article 10

Technical stipulations needed in carrying out this Government Regulation will be further in more detail arranged by the Chief of the Civil Servants Administration Agency (BAKN).

### **Article 11**

As this Government Regulation comes into force, the Government Regulation covering the Membership of Civil Servants in Political Parties and the Group of Functionaries and their implementation regulations and other laws which are incompatible with this Government Regulation, are declared void.

### **Article 12**

This Government Regulation shall come into force on the day of promulgation. In order that everyone may take cognizance of it, the promulgation of this Government Regulation is hereby ordered for publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
On January 26, 1999

**PRESIDENT OF THE REPUBLIC OF  
INDONESIA**

sgd.

**BACHARUDDIN JUSUF HABIBIE**

Promulgated in Jakarta  
On January 26, 1999

**STATE SECRETARY  
OF THE REPUBLIC OF  
INDONESIA**

sgd.

**AKBAR TANDJUNG**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 11  
OF 1999.**

### **ELUCIDATION OF**

### **THE REPUBLIC OF INDONESIA GOVERNMENT REGULATION NUMBER 5 OF THE YEAR 1999**

### **CONCERNING**

### **CIVIL SERVANTS MEMBERSHIP IN POLITICAL PARTIES GENERAL**

As is common knowledge that Article 3 of Law No. of 1974 on Principal Manpower Affairs, determines that Civil Servants are an element of the state apparatus, a servant of the state and society, who are completely loyal and faithful to Pancasila, the 1945 Constitution, the State and Government in carrying out their government duties and development.

In order that Civil Servants as an element of the State Apparatus, and as servant of the state and society can carry out their duties properly, they must be fully loyal to and abide with Pancasila, the 1945 Constitution, the State and the Government. It is meant to make the Civil Servants concentrate their attention and ideas on carrying out their government duties and development usefully and effectively.

In the effort to increase guidance, integrity, and harmony and also to guarantee the full loyalty and fidelity of all Civil Servants toward Pancasila, the 1945 Constitution, State, and the Government the overall corps spirit among the Civil Servants need to be strengthened and developed.

In relation with above statement, and to keep Civil Servants neutral and not side with a certain political party and not be involved in practical political activities, the Civil Servants who become member and/or board member of political parties shall be discharged from their state function. Civil Servants can thus carry out their government duties and development more usefully and beneficially.

### **ARTICLE BY ARTICLE**

#### **Article 1**

Quite clear

**Article 2**

Quite clear

**Article 3**

Quite clear

**Article 4**

Quite clear

**Article 5**

Quite clear

**Article 6**

Civil Servants as citizens still have the right to vote and the right to be elected in general election.

**Article 7**

Quite clear

**Article 8**

**Clause (1)**

Civil Servants who become member and/or board member of political parties and are dismissed from their state function will not lose their status as civil servant.

When the civil servant at the time of discharge or at the interim compensation money period has reached the mandatory pension age of 56 or more and having served at least 10 years will be honorably discharged as civil servant with the right of pension.

The interim compensation money can be granted for a maximum of one year but it can be extended for a maximum of one year, but not exceeding five years. If after having received the interim compensation money the Civil Servant is less than 50 years old but has served 20 years or over, he or she is honorably discharged with the right of pension upon reaching 50 or over. If the civil servant has served less than 20 years , and is over 50, but less than 56 years, he or she will be given an honorably discharge, without the right of pension.

In addition to the interim compensation money, the Civil Servant will also be given regular pay raises, family allowances food allowances, and other benefits based on the current laws.

The Civil Servant who dies after receiving his/her interim compensation money and has served 20 years or more is considered to have been honorably discharged and his/he widow/widower will be given a widow/widower pension.

**Clause (2)**

The report as mentioned in this Article, is submitted in writing to the official in authority and passed through channels. The obligation to report the membership and/or the leadership in political parties is meant for the sake of personnel administration of the related Civil Servant.

**Clause (3)**

Civil Servants who fail to report their membership of a political party within the determined time will be dishonorably discharged and will not receive their manpower rights.

**Article 9**

Quite clear

**Article 10**

Quite clear

**Article 11**

Quite clear

**Article 12**

Quite clear

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC C  
INDONESIA NUMBER 3801

**THE REPUBLIC OF INDONESIA  
GOVERNMENT REGULATION NUMBER 12/1999**

**CONCERNING**

**AMENDMENT OF GOVERNMENT REGULATION  
NUMBER 5/1999**

**CONCERNING**

**THE CIVIL SERVANTS MEMBERSHIP IN POLITICAL PARTIES**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**Considering:**

that to accommodate the expanding aspirations in the People's Consultative Assembly, it is deemed necessary to amend the stipulation of Article 7, 8 and 9 of Government Regulation Number 5 of 1999.

**In view of:**

1. Article 5 clause (2) of the 1945 Constitution;
2. Law No. 11 of 1969 on the Pension of Civil Servants and Pension of Civil Servants' Widow/Widower (State Gazette No. 42 of 1969, State Gazette Supplement No. 2906);
3. Law No. 8 of 1974 on Principal Manpower Affairs (State Gazette No. 55 of 1974, State Gazette Supplement No. 3041);
4. Government Regulation No. 32 of 1979 on Dismissal of Civil Servants (State Gazette No. 47 of 1979, State Gazette Supplement No. 3149) as amended by Government Regulation No. 1 of 1994 (State Gazette No. 1 of 1994);
5. Government Regulation No. 5 of 1999 on Civil Servants Membership in Political Parties (State Gazette No. 11 of 1999, State Gazette Supplement No. 3801);

**HAS DECIDED**

**To determine:**

**GOVERNMENT REGULATION TO AMEND GOVERNMENT REGULATION NUMBER 5/1999 CONCERNING CIVIL SERVANTS MEMBERSHIP IN POLITICAL PARTIES**

**Article I**

To change the stipulation of Article 7,8 and 9 of Government Regulation Number 5 of 1999 concerning Civil Servants Membership in Political Parties, which reads entirely as follows:

**Article 7**

- (1) Civil Servants who have become member and/or board member of political parties when this Government Regulation is determined, their membership and/or leadership is automatically void.
- (2) Civil Servants meant by clause (1), who still want to be member or board member of political parties, at the latest three months since this Government Regulation comes into force must submit an appeal through their immediate superior and if permission is granted, they must relinquish their state function.
- (3) Civil Servants as meant by clause (2) who have relinquished their state function are subject to the rules of Article 8.
- (4) Civil Servants as meant by clause (1) who still want to continue their membership and/or leadership in political parties, if within the period as mentioned in clause (2) failed to submit their appeal to their immediate superior will be dishonorably discharged.

**Article 8**

Civil Servants who become member and/or board member of political parties will be discharged from their state function and will be given intermediate compensation money equal to the last basic pay for one year.

**Article 9**

- (1) Civil Servants who have been dismissed from their state function as consequence of their membership and/or leadership in political parties, may be reactivated in their state function if they have relinquished their membership and/or leadership.
- (2) Reactivating as mentioned in clause (1) can only take place before one year has passed as meant by Article 8.

**Article II**

This Government Regulation shall come into force on the day of promulgation. In order that everyone may take cognizance of it, the promulgation of this Government Regulation is hereby ordered for publication in the

**State Gazette of the Republic of Indonesia.**

Enacted in Jakarta  
On January 29, 1999

**PRESIDENT OF THE REPUBLIC OF  
INDONESIA**

sgd.

**BACHARUDDIN JUSUF HABIBIE**

Promulgated in Jakarta  
On January 29, 1999

**STATE SECRETARY  
OF THE REPUBLIC OF  
INDONESIA**

sgd.

**AKBAR TANDJUNG**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 20  
OF 1999**