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The essence of the 1999-2002 constitutional reform in Indonesia: remaking the Negara Hukum. A socio-legal study

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Bibliography

- Alexander, Gerald. (2003) *Institutionalized Uncertainty, The Rule of Law, and the Sources of Democratic Stability*, 35 *Comparative Political Studies* 1145.
- Ali-Fauzi, Nasrullah. (ed.) (1995) *ICMI, Antara Status Quo dan Demokrasi*, Penerbit Mizan, Bandung.
- Aristotle. (384–322 B.C.) *Politics*.
- *'Politics, Liberality and Law*, Chapter XVI, art. 1287a.
- Aritonang, Jan S. (2004) *Sejarah Perjumpaan Kristen dan Islam di Indonesia*, BPK Gunung Mulia.
- Asshiddiqie, Jimly. (2004) *Konstitusi dan Konstitusionalisme di Indonesia*, diterbitkan oleh kerjasama Mahkamah Konstitusi Republik Indonesia dan Pusat Studi Hukum Tata Negara, Fakultas Hukum, Universitas Indonesia.
- (2008) *Menuju Negara Hukum Yang Demokratis*, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, Jakarta.
- (2010) *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*, edisi ke-2, Sinar Grafika, Jakarta.
- Badan Informasi Spasial (Geospatial Information Agency). (2013).
- Ball, John. (1981) *Indonesian Law, Commentary and Teaching Materials*, Faculty of Law, University of Sidney.
- Basalim, Umar. (2002) *Pro-Kontra Piagam Jakarta di Era Reformasi*, in Ahmad, Rofiqul-Umam and Gaffar, Janedjri M. (eds.), *Pustaka Indonesia Satu*, Jakarta.
- Bedner, Adriaan. (2010) *An Elementary Approach to the Rule of Law*, Van Vollenhoven Institute.
- (2017) *The Need for Realism: Ideals and Practice in Indonesia's Constitutional History*, in Adams M., Meuwese A., Hirsch Ballin E. (Eds.). *Constitutionalism and the Rule of Law, Bridging Idealism and Realism*, Cambridge University Press.
- Benda, Harry J., Irikura, James K., Kishi, Koichi. (1965) *Japanese Military Administration in Indonesia: Selected Documents. Document no. 6. Translation Series no. 6*, Southeast Asia Studies, Yale University.
- Bingham, Tom. (2010) *The Rule of Law*, Penguin Books.
- Birmingham, David. (1998) *Kwame Nkrumah: The Father of African Nationalism*, Ohio University Press.
- Biro Pusat Statistik. (2000) *National Census*, (Central Statistics Bureau).
- (2010) *National Census* ((Central Statistics Bureau)
- Black's Law Dictionary. (2010) Bryan A. Garner (Editor in Chief), *Abridged 9th Edition*, West Publishing Company.
- Bonime-Blanc, Andrea. (2010) *Constitution Making and Democratization: The Spanish Paradigm*, in *Framing the State in Time of Transition: Case Studies in Constitution Making*, Laurel E. Miller (editor with Louis Aucoin), United States Institute of Peace Press, Washington D.C.
- BPK Gunung Mulia. (1995) *Kewarganegaraan yang Bertanggung Jawab, Mengenang Dr. J. Leimena*.

- Bruinessen, Martin van (ed.). (2013) *Contemporary Developments in Indonesian Islam. Explaining the "Conservative Turn"*, ISEAS.
- Carothers, Thomas. (2003) *Promoting the Rule of Law Abroad*, Carnegie Endowment for International Peace, Rule of Law Series, No. 34, January 2003.
- Chesterman, Simon. (2009) *State-Building, the Social Contract, and the Death of God*, paper presented at The Future of State building: Ethics, Power and Responsibility in International Relations, University of Westminster, London, October 2009.
- Cicero, Marcus Tullius. From his oration *Pro Cluentio, on behalf of Aulus Cluentius*, chapter 53, section 146.
- Crouch, Harold. (2010) *Political Reform In Indonesia After Soeharto*, Institute of South East Asian Studies, Singapore.
- Dahrendorf, Ralf. (1990) *Transition: Politics, Economics, and Liberty*, 13 Washington Quarterly 134.
- Dann, Philipp/Al-Ali, Zaid. (2006) *The Internationalized Pouvoir Constituent – Constitution-Making Under External Influence in Iraq, Sudan and East Timor*, Max Planck Year Book of United Nations Law, Martinus Nyhoff Publisher, Volume 10 no. 1, June 2006.
- Danziger, Danny & Gillingham, John. (2004) *1215: The Year of Magna Carta*, paperback edition.
- Darmaputera, Eka. (1982) *Pancasila and the Search for Identity and Modernity in Indonesian Society, A Cultural and Ethical Analysis*, a PhD dissertation, presented to The Faculty of The Joint Graduate Program, Boston College and Andover Newton Theological School, Newton Centre, Massachusetts.
- Diamond, Larry. (1999) *Developing Democracy, Toward Consolidation*, The John Hopkins University Press.
- Dicey, A.V. (1885) *An Introduction to the Study of Law of the Constitution*.
- Duiker, William J. (2000) *Ho Chi Minh, A Life*, New York.
- Dworkin, Ronald. (1978) *Political Judges and the Rule of Law*, 64 Proceedings of the British Academy.
- Elazar, Daniel J. (no year) *Constitution-Making: The Pre-eminently Political Act*, an article, Bar-Ilan University, Israel; Temple University, Philadelphia, PA, USA.
- Elson, R. E. (2008) *The Idea of Indonesia. A History*, Cambridge University Press.
- Elster, Jon. (1995) *Forces and Mechanisms in the Constitution Making Process*, Duke Law Journal, vol. 45.
- Encyclopedia Britannica, (updated 23-1-2014) *Constitutional Law, The Distinction between Unitary and Federal States*
- Feith, Herbert. (2007) *The Decline of Constitutional Democracy in Indonesia*, PT Equinox Publishing Indonesia.
- Feith, Herbert, Lance Castls (ed). (1970) *Indonesian Political Thinking 1945-1965*, Cornell University Press.
- Ferejohn, John and Pasquale Pasquino. (2009) *Rule of Democracy and Rule of Law, in Democracy and the Rule of Law*, Jose Maria Maravall & Adam Przeworski (ed), Cambridge University Press.
- Fontana, Biancamaria. (2003) *The Rule of Law*, in MONTAIGNE'S ESSAYS, in Jose Maria Maravall and Adam Przeworski (eds.), *Democracy and the Rule of Law*, Cambridge University Press.

- Fukuyama, Francis. (2000) *Social Capital, in Culture Matters, How Values Shape Human Progress*, edited by Lawrence E. Harrison and Samuel P. Huntington. Basic Books.
- Garner, Bryan A. (Editor in Chief). (2010) *Black's Law Dictionary*, Abridged 9th Edition, West Publishing Company.
- Gatra Magazine, 30 May 1998.
- Geertz, Hildred. (1967) *Indonesian Cultures and Communities*, in McVey, Ruth T. (ed) *Indonesia*. Southeast Asia Studies, Yale University
- Ginsburg, Tom. (2003) *Judicial Review in New Democracies. Constitutional Courts in Asian Cases*, Cambridge University Press.
- Goto, Ken'ichi. (1996) *Caught in the Middle. Japanese Attitudes toward Indonesian Independence in 1945*. Waseda University, Journal of Southeast Asia Studies Vol. 27, No. 1, March 1996. Published by Cambridge University Press on behalf of Department of History of National University of Singapore.
- Haramain, A. Malik. (2004) *Gus Dur, Militer, dan Politik*. LKiS Yogyakarta, 1st printing, February 2004.
- Harding, Andrew & Leyland, Peter. (2011) *Historical Analysis and Contemporary Issues in Thai Constitutionalism*, Oxford: Hart Publishing.
- Harding, Andrew. (2006) *Dynamics and Problems of Constitution-Making in Asia and Beyond*, Paper for Group Discussion Panel, KPI Congress VIII, UN Centre, 3-5 November 2006.
- Hart, Vivien. (2003) *Democratic Constitution Making*, United States Institute of Peace, Special Report, July 2003.
- Hart, H.L.A. (1972) *The Concept of Law*, Oxford University Press, London.
- Hatta, Mohammad. (1979) *Memoir Mohammad Hatta*, Tintamas, Jakarta.
- (2011) *Untuk Negeriku, Menuju Gerbang Kemerdekaan, an autobiography*, Penerbit Buku Kompas, April 2011.
- Heady, Ferrel. (1996) *Public Administration, A Comparative Perspective*, Fifth Edition, Marcel Dekker, Inc.
- Hill, David T. and Sen, Krishna. (2005) *The Internet in Indonesia's New Democracy*, Routledge.
- Hobbes, Thomas. (1991) *Leviathan*, R. Tuck (ed.), Cambridge University Press.
- Horowitz, Donald L. (2013) *Constitutional Change and Democracy in Indonesia*, Cambridge University Press.
- Huntington, Samuel P. (1993) *The Third Wave Democratization in the Late Twentieth Century*, University of Oklahoma Press: Norman.
- Indonesia's BIG (Badan Informasi Spasial – Geospasial Information Agency). (2013).
- Indrayana, Denny. (2002) *Proses Reformasi Konstitusi Transisi (Pengalaman Indonesia dan Perbandingannya dengan Afrika Selatan dan Thailand)*.
- (2008) *Indonesian Constitutional Reform 1999-2002, An Evaluation of Constitution Making in Transition*, Kompas Book Publishing.
- INFO-PEMBEBASAN, a journal published by Partai Rakyat Demokratik (PRD), <http://www.peg.apc.org/~prdint1>, accessed on 23 January 2012.
- International Herald Tribune, 16 July 2004.
- Kahane, Reuven. (1973) *The Problem of Political Legitimacy in an Antagonistic Society, Indonesian Case*; Beverly Hills, Sage Research Papers in the Social Sciences, Series no. 90.005.

- Kahin, Audrey R. (2012) *Islam, Nationalism and Democracy, A Political Biography of Mohammad Natsir*, NUS Press Singapore.
- Kartodirdjo, Sartono. (1984) *The Modern Indonesia, Tradition and Transformation*. Gajah Mada University Press.
- Kelsen, Hans. (1946) *General Theory of Law and State*.
- Kelsen, Hans. (1967) *Pure Theory of Law*, Translation from the Second (Revised and Enlarged) German Edition by Max Knight, University of California Press.
- Koentjaraningrat. (2010) *Manusia dan Kebudayaan di Indonesia*, Penerbit Djambatan, 23rd printing.
- Kunkler, Mirjam and Alfred Stepan. (2013) *Indonesian Democratization in Theoretical Perspective*, in Mirjam Kunkler and Alfred Stephan (eds.), *Democracy & Islam in Indonesia*, Columbia University Press, New York.
- Kusuma, R.M. A.B. (2011) *Sistem Pemerintahan "Pendiri Negara" versus Sistem Pemerintahan Presidensial "Orde Reformasi"*, Badan Penerbit Fakultas Hukum, Universitas Indonesia.
- Kusumaatmadja, Mochtar. (1970) *Fungsi dan Perkembangan Hukum Dalam Pembangunan Nasional* Padjadjaran, Volume III, No. 4.
- Lagi, Sara. (2012) *Hans Kelsen and the Austrian Constitutional Court (1918-1929)*, *Coherencia* vol. 9 no. 16 Medellin Jan./June 2012.
- Lebra, Joice C. (ed). (1975) *Japan's Greater East Asia Co-Prosperity Sphere in World War II, Selected Readings and Documents*, Oxford University Press.
- Lev, Daniel S. (1972) *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions*, University of California Press, 1 January 1972.
- (2009) *The Transition to Guided Democracy: Indonesian Politics 1957 – 1959*, First Equinox Edition.
- Li, Bo. *Constitutionalism and the Rule of Law, Perspective*, Vol. 2 No. 1.
- Lieberman, Jethro. (2005) *A Practical Companion to the Constitution*, University of California Press.
- Lijphart, Arend. (1999) *Patterns of Democracies, Government Forms and Performance in Thirty-Six Countries*, Yale University Press.
- Lindsey, Tim. (2002) "Indonesian Constitutional Reform: Muddling Towards Democracy", 6 *Singapore Journal of International and Comparative Law*.
- Lindsey, Tim. (2004) *Rewriting Rule of Law in Indonesia*, in *Asian Discourses of Rule of Law, Theories and implementation of rule of law in twelve Asian countries, France and the U.S.*, edited by Randall Peerenboom, RoutledgeCurzon.
- Linz, Juan J., Stephan, Alfred. (2011) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, JHU Press.
- Locke, John. (2010) *Second Treatise of Government*, chap. XVII, s. 202 (1690); Cambridge University Press, 1988, p. 400, in Bingham, Tom. *The Rule of Law*, Penguin Books.
- Logemann, J.H.A. (1962) *Nieuwe Gegevens Over Het Ontstaan Van De Indonesische Grondwet Van 1945*, N.V. Noord-Hollandsche Uitgevers Maatschappij Amsterdam.
- LP3ES. (1998) *Karya Lengkap Bung Hatta*.
- Luckham, Robin; Goetz, Anne Marie and Kaldor, Mary. (2003) *Democratic Institutions and Democratic Politics*, in *Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-torn Societies*, Sunil Bastian and Robin Luckham (ed.), Zed Books.

- Maarif, Ahmad Syafii. (2009) *Islam dalam Bingkai keIndonesiaan dan Kemanusiaan*, Penerbit Mizan, Bandung.
- Madjid, Nurcholish. (2008) *Islam, Kemodernan dan KeIndonesiaan*, Mizan Publisher, Bandung, New Edition.
- Mahfud MD, Mohammad. (2011) *Membangun Politik Hukum, Menegakkan Konstitusi*, Rajawali Pers, Jakarta.
- Mahfudh, Rois Am KH. MA. Sahal. (2006) *Iftitah speech at the opening of the National Conference of Nahdlatul Ulama*, Surabaya, 27 July 2006.
- Mahkamah Konstitusi Republik Indonesia. (2010) *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Buku I, Edisi Revisi.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2003) *Putusan Majelis Permusyawaratan Rakyat Republik Indonesia, Sidang Tahunan Majelis Permusyawaratan Republik Indonesia Tahun 2003*, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2003) *Putusan Majelis Permusyawaratan Rakyat Republik Indonesia, Sidang MPR RI Akhir Masa Jabatan Periode 1999-2004*, Sekretariat Jenderal 2004.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 1999, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Satu, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Dua, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Tiga, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Empat, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Lima, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Enam, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2000, Buku Tujuh, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2001, Buku Satu, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2001, Buku Dua, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2001, Buku Tiga, Edisi Revisi, Sekretariat Jenderal.

- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2001, Buku Empat, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2002, Buku Satu, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia, (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2002, Buku Dua, Edisi Revisi, Sekretariat Jenderal, 2010.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2002, Buku Tiga, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia, (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2002, Buku Empat, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Tahun Sidang 2002, Buku Lima, Edisi Revisi, Sekretariat Jenderal.
- Majelis Permusyawaratan Rakyat Republik Indonesia, Buku Kedua, Jilid 3. (1999) *Risalah Rapat ke-1 Badan Pekerja MPR-RI*, Sekretariat Jenderal MPR-RI.
- Majelis Permusyawaratan Rakyat Republik Indonesia, Buku Ketiga, Jilid 13. (1999) *Risalah Rapat Paripurna Sidang Umum MPR-RI*, Sekretariat Jenderal MPR-RI.
- Majelis Permusyawaratan Rakyat Republik Indonesia, Buku Kesatu, Jilid 1. (2000) *Risalah Rapat ke-4 sampai dengan ke-7, Badan Pekerja MPR (Sidang Tahunan 2000)*, Sekretariat Jenderal MPR-RI.
- Majelis Permusyawaratan Rakyat Republik Indonesia, Buku Ketiga, Jilid 17. (2000) *Risalah Rapat Paripurna ke-7 s/d ke-10 (Sidang Tahunan 2000)*, Sekretariat Jenderal MPR-RI.
- Majelis Permusyawaratan Rakyat Republik Indonesia, Buku Kesatu, Jilid 1. (2001) Sekretariat Jenderal MPR-RI.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2010) *Risalah Rapat Ketetapan MPR-RI Nomor I/MPR/2003 tentang Peninjauan terhadap Materi dan Status Hukum Ketetapan MPRS dan Ketetapan MPR-RI Tahun 1960 sampai dengan Tahun 2002 dan Ketetapan MPR-RI nomor II/MPR/2003 tentang Perubahan Kelima atas Ketetapan MPR-RI no. II/MPR/1999 tentang Peraturan Tata Tertib MPR-RI*, Buku Satu, Sekretariat Jenderal.
- Maravall, Jose Maria. (1995) *The Myth of the Authoritarian Advantage*, in *Economic Reform and Democracy*, Larry Diamond and Marc F. Plattner (eds.), The John Hopkins University Press.
- Maravall, Jose Maria and Przeworski, Adam. (2010) *Introduction for Democracy and The Rule of Law*, Jose Maria Maraval and Adam Przeworski (eds.), Cambridge University Press.
- Martin H. Redish, (1995) *The Constitution as Political Structure*, Oxford University Press.
- McWhinney, Edward. (1981) *Constitution-Making Principles, Process, Practices*.
- Mimura, Janis. (2011) *Japan's New Order and Greater East Asia Co-Prosperity Sphere: Planning for Empire*, The Asia-Pacific Journal Vol 9, Issue 49 No 3, 5 December 2011.
- . (2011) *Planning for Empire. Reform Bureaucrats and the Japanese Wartime State*, Cornell University Press.
- Moraes, Frank. (2007) *Jawaharlal Nehru, A Biography*, Jaico Publishing DPR, Mumbai.

- Moynihan, Daniel Patrick. (2000) *Culture Matters, How Values Shape Human Progress*, edited by Lawrence E. Harrison and Samuel P. Huntington, Basic Books.
- Mrazek, Rudolf. (1994) *Sjahrir, Politics and Exile in Indonesia*, Southeast Asia Program, Cornell University, Ithaca, New York.
- Mujiburrahman. (2013) *The Struggle of KPPSI in South Sulawesi*, in Martin van Bruinessen (Ed.), *Contemporary Developments in Indonesian Islam. Explaining the "Conservative Turn"*, ISEAS.
- Murphy, Walter F. (2007) *Constitutional Democracy, Creating and Maintaining a Just Political Order*, John Hopkins University Press, Baltimore.
- Nasution, Adnan Buyung. (1995) *Aspirasi Pemerintahan Konstitusional di Indonesia – Studi Sosio-Legal atas Konstituante 1956 – 1959*. Silvia Tiwon (transl.), PT Pustaka Utama Grafiti, Jakarta.
- . (2010) *Pikiran dan Gagasan Demokrasi Konstitusional*, Penerbit Buku Kompas.
- Niel, Robert van. (1960) *The Emergence of Modern Indonesian Elite*, van Hoeve, Den Haag.
- Nish, Ian. (1995) Greater East Asia Co-prosperity Sphere, in *The Oxford Companion to the Second World War*, general editor I.C.B. Dear (Oxford and New Yor), Oxford University Press.
- Noer, Deliar. (1987) *Partai Islam di Pentas Nasional 1945-1965*, PT Pustaka Utama Grafiti, Jakarta, 1st printing.
- Nolte, Ernest. (1969) *Three Faces of Fascism*, Mentor Book, New York.
- Nu, Thakin. (1954) *Burma under the Japanese, Pictures and Portraits*, MacMillan and Company Ltd.
- Otto, Jan Michiel. (2008) *Sharia and National Law in Muslim countries, Tensions and Opportunities for Dutch and EU Foreign Policy*, Leiden University Press.
- . (2010) *Shari'a and National Law in Indonesia*, in *Sharia Incorporated, A Comparative Overview of The Legal Systems of Twelve Muslim Countries In Past And Present*, Jan Michiel Otto (ed.), Leiden University Press.
- Pallombella, Gianlugi. (2009) *The Rule of Law and Its Core*, in *Relocating the Rule of Law*, Gianlugi Pallombela and Neil Walker (eds.), Hart Publishing, Oxford and Portland, Oregon.
- Pambudi, A. (2009) *Sintong & Prabowo, Dari 'Kudeta L.B. Moerdani' sampai 'Kudeta Prabowo'*, MedPress.
- Peerenboom, Randall. (2004) *Varieties of Rule of Law, An introduction and provisional conclusion*, in *Asian Discourse of Rule of Law. Theories and implementation of rule of law in twelve Asian countries*, France and the U.S., Randall Peerenboom (ed.), Routledge.
- Pelita Online. (2004) Discussion on "2004 election: Who will benefit?", Jakarta, 23 April 2004.
- Perspektif Magazine: No.26/I/1999.
- Pour, Julius. (1993) *Benny Moerdani, Profil Prajurit Negarawan*, Yayasan Kejuangan Panglima Besar Sudirman, 3rd printing, Jakarta.
- Prange, Gordon W., in collaboration with Donald M. Goldstein and Katherine V. Dillon. *At Dawn We Slept, The Untold Story Of Pearl Harbor*, Penguin Books, 1991.
- Prange, Gordon W. (1981) *The Pacific War Online Encyclopedia*.
- Radjiman, Wedyodiningrat. (1947) Foreword of a book, *Pidato 1 Juni Bung Karno*.
- Rahardjo, Satjipto. (2009) *Hukum dan Perubahan Sosial; Sebuah Tinjauan Teoretis Serta Pengalaman-Pengalaman di Indonesia*, Genta Publishing, Yogyakarta.
- Raz, Joseph. (1979) *The Rule of Law and its Virtue*, in Raz, Joseph. *The Authority of Law: Essays on Law and Morality*, Oxford University Press.

- . (2004) *The Rule of Law and its Virtue*, in Randall Peerenboom, *Asian Discourse of Rule of Law. Theories and implementation of rule of law in twelve Asian countries, France and the U.S.*, Randall Peerenboom (ed.), Routledge.
- . (2010) *The Authority of Law*, Oxford, Clarendon Press, 1979, p. 210, in *Introduction for Democracy and The Rule of Law*, Jose Maria Maraval and Adam Przeworski (eds.), Cambridge University Press.
- Redish, Martin H. *The Constitution as Political Structure*, Oxford University Press, 1995.
- Reid, Anthony. (2011) *To Nation by Revolution: Indonesia in the 20th Century*, NUS Press.
- Reischauer, Edwin O. and Craig, Albert M. (1989) *Japan, Tradition & Transformation*, Harvard University.
- Ricklefs, M.C. (2008) *A History of Modern Indonesia since c. 1200*, Stanford University Press, 4th edition.
- Rose, Mavis. (2010) *Indonesia Free: A Political Biography of Mohammad Hatta*, Equinox Publishing (Asia) Pte. Ltd.
- Sabili Magazine, volume 2, 14 July 1999.
- Satjipto, Rahardjo. (2009) *Hukum dan Perubahan Sosial; Sebuah Tinjauan Teoretis Serta Pengalaman-Pengalaman di Indonesia*, Genta Publishing, Yogyakarta.
- Schneider, Edward. (2006) *Crafting Constitutional Democracy, The Politics of Institutional Design*, Rowman & Littlefield Publishers, Inc.
- Schrieke, B. (1958) *Indonesian Sociological Studies*; W.F. Wertheim et. al., *The Indonesian Town*. The Hague and Bandung, W. van Hoeve.
- Sekretariat Negara Republik Indonesia. (1995) *Risalah Sidang Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia (BPUPKI) – Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28 Mei 1945 – 22 Agustus 1945*, Saafroedin Bahar; Ananda B. Kusuma and Nannie Hudawati (Eds.), Jakarta.
- Sen, Amartya. (1984) *Development: Which Way Now?* Economic Journal 93, December 1983
- . (1997) *Resources, Values and Development*, Cambridge Mass.: Harvard University Press.
- . (1999) *Development as Freedom*, Alfred A. Knopf, New York.
- . (2009) *The Idea of Justice*, The Belknap Press of Harvard University Press, Cambridge, Massachusetts.
- . (2011) *The Idea of Justice, In Memory of John Rawls*, First Harvard University Press, paperback edition.
- Seymour, Michel (ed.). (2004) *The Fate of the Nation State*, McGill-Queen's University Press.
- Shklar, Judith. (1987) *Political Theory and the Rule of Law*, in A. Hutchinson and P. Monahan (eds), *The Rule of Law: Ideal or Ideology*, Carswell, Toronto.
- Sidarta, Bernard Arief. (2000) *Refleksi Tentang Struktur Ilmu Hukum*, 2nd printing, Mandar Maju.
- Simanjuntak, Marsillam. (1997) *Pandangan Negara Integralistik, Sumber, Unsur, dan Riwayatnya dalam Persiapan UUD 1945*, Pustaka Utama Grafiti, second printing.
- Simatupang, T.B. (1972) *The Role of the Military in Stabilization of Southeast Asian Nations with Special Focus on Indonesia*, an article in Bernhard Grossman (ed), *Southeast Asia in the Modern World*, Wiesbaden, Otto Harrassowitz.
- . (1986) *Harapan, Keprihatinan dan Tekad, Angkatan '45 Merampungkan Tugas Sejarahnya*. Inti Idayu Press, Jakarta, 2nd printing.
- Singh, Bilveer. (1995) *Dwifungsi ABRI: The Dual Function of the Indonesian Armed Forces*, Singapore Institute of International Affairs.

- Sjamsuddin, Nazaruddin. (2002) *Mengapa Indonesia Harus Menjadi Negara Federasi*, Penerbit Universitas Indonesia (UI-Press), May 2002.
- Soekarno, Ir. (2005) *Dibawah Bendera Revolusi*, Yayasan Bung Karno, Jilid Pertama.
- Steenbrink, K. (2000) *Patterns of Muslim-Christian Dialogue in Indonesia, 1965 – 1998*, Published in EXCHANGE, vol. 29/2000, 2-22.
- Stephan, Alfred. (2005) *Religion, Democracy, and the “Twin Tolerations”*, in Larry Diamond et.al. (ed.), *World Religions and Democracy*, The John Hopkins University Press, Baltimore.
- Strong, C.F. (2008) *Modern Political Constitutions*, 1973, pp. 57-59, in Indrayana, Denny. *Indonesian Constitutional Reform 1999 – 2002, An Evaluation of Constitution-Making in Transition*, Kompas Book Publishing, Jakarta.
- Sudharmono, S.H. (1997) *Pengalaman Dalam Masa Pengabdian*, Sebuah Otobiografi, Penerbit PT Gramedia Widiasarana Indonesia, Jakarta.
- Sularto, St. & Yunarti, D. Rini. (2010) *Konflik Di Balik Proklamasi, BPUPKI, PPKI, dan Kemerdekaan*, Badan Penerbit KOMPAS, Jakarta, Agustus 2010.
- Suparman, Lt. Gen. (ret) Djadja. (2013) *Catatan Harian, Jejak Kudeta (1997 – 2005)*, Yayasan Pustaka Obor Indonesia, 1st printing.
- Sunstein, Cass R. (2001) *Designing Democracy. What Constitutions Do*. Oxford University Press.
- Tamanaha, Brian Z. (2004) *On the Rule of Law, History, Politics, Theory*, Cambridge University Press.
- . (2008) *The Dark Side of the Relationship between the Rule of Law and Liberalism*, NYU Journal of Law and Liberty, Vol. 33, 2008.
- Tambunan, A.S.S. (1995) *Socio-Political Functions of the Indonesian Armed Forces, An Effort to Outline the Issues*, Pustaka Sinar Harapan, Jakarta.
- The Address of the State of President Megawati Soekarnoputri, 16 August 2001.
- The Massachusetts Constitution, Part the First, art. XXX (1780).
- TNI Abad XXI: Redefinisi, Reposisi, dan Reaktualisasi Peran TNI dalam Kehidupan Bangsa, Jakarta, MABES TNI.
- Tobing, Jakob. (2008) *Berusaha untuk Turut Melayani, Memoar Politik Jakob Tobing*, Kon-Press, Jakarta, First Printing.
- Trubek, David. (1972) *Max Weber on Law and the Rise of Capitalism*, Winconsin Law Review 720.
- Tushnet, Mark. (2010) *Why Constitution Matters*, Yale University Press.
- UN Commission for Indonesia: *Special report to Security Council*. UN Security Council Document S/1417, 10 November 1949. Art. 45.
- UNITED NATIONS, Economic and Social Council, E/CN.4/2003/65/Add.2, Commission on Human Rights, the fifty-ninth session, 13 January 2003, item 11 (d) of the provisional agenda, point 79 of Chapter X, Conclusions and Recommendations
- Wahib, Abdul. (1981) *Catatan Harian, Pergolakan Pemikiran Islam*, LP3ES, 2nd printing, November 1981.
- Wahid, K. H. Abdurrahman (ed). (2009) *Ilusi Negara Islam, Ekspansi Gerakan Islam Transnasional di Indonesia*, LibForAll Foundation.
- Warrington, John. (J.M. Dent, 1959), ed. and trans. (2010) *Aristotle’s Politics and Athenian Constitution, book III, s. 1287, p. 97*, in Tom Bingham, *The Rule of Law*, Penguin Books.

- Webber, Gregoire C N. (2011) *Post Conflict Constitutions and Constitutional Narratives*. A paper presented at the 2010 WG Hart Legal Workshop, *Comparative Perspectives on Constitutions: Theory and Practice*, last updated 6 January 2011. (Quoted from Walter Bagehot, *The English Constitution, 1867*, New York. Oxford University Press, 2009),
- Wedyodiningrat, Radjiman. (1947) Foreword of a book, *Pidato 1 Juni Bung Karno*.
- Wheare, K.C. (1980) *Modern Constitutions*, Oxford University Press, fifth impression.
- Widjajanto, Andi. (2007) *Transforming Indonesia's Armed Forces*, UNISCI Discussion Papers, no. 15, October 2007.
- Widjojanto, Bambang., Isra, Saldi, Mas, Marwan (Eds). (2002) *Konstitusi Baru Melalui Komisi Konstitusi Independen*, Pustaka Sinar Harapan.

- Yayasan Kerukunan Persaudaraan Kebangsaan. (1997) *PEMBAHARUAN, Gagasan YKPK, YKPK* (publisher), first printing, February 1997.
- Yusuf, Slamet Effendy and Basalim, Umar. (2000) *Reformasi Konstitusi Indonesia, Perubahan Pertama UUD 1945*, Jakarta, Pustaka Indonesia Satu.

Major decisions of the MPR (People's Consultative Assembly)

- MPR Decree no. IV /1983 on *Referendum*.
- MPRS Decree No. XXXIII/MPRS/1967 on *the revocation of the power of the state government from President Soekarno*.
- MPRS Decree no. XLIV /1968 on *the appointment of the bearer of MPRS Decree no. IX / MPRS / 1966 as the President of the Republic of Indonesia*.
- MPR Decree no. XVII/1998 on *Human Rights*.
- MPR Decree no. II /1999, on *the Rules of Procedures of the People's Consultative Assembly*.
- MPR Decree no. IV /1999 on *the Broad Outlines of State Policies, 1999 – 2004*.
- MPR Decree no. IX /MPR/1999 on *the Assignment of the Working Body the People's Consultative Assembly of the Republic of Indonesia to proceed with changing the 1945 Constitution of the Republic of Indonesia*.
- MPR Decree no. III /MPR/2000 on *the Sources of Law and the Hierarchy of Legislation*.
- MPR Decree no. IV /MPR/2000 on *the Policy Recommendations on Administration of Regional Autonomy*.
- MPR Decree no. VII /MPR/2000 on *the Role of Indonesian National Armed Forces and the Police of the Republic of Indonesia*.
- MPR Decree no. VIII /MPR/2000 on *the Annual Reports of the High State Institutions before the People's Consultative Assembly of the Republic of Indonesia 2000 Annual Session*.
- MPR Decree no. IX /MPR/2000 on *The Assignment of the Working Body of the People's Consultative Assembly of the Republic of Indonesia to prepare the draft of amendments of the 1945 Constitution of the Republic of Indonesia*.
- MPR Decree no. II /MPR/2001 on *the Accountability of the the President of the Republic of Indonesia, KH Abdurrahman Wahid*.
- MPR Decree no. III /MPR/2001 on *Attestation of the Vice President of the Republic of Indonesia Megawati Soekarnoputri as the President of the Republic of Indonesia*.
- MPR Decree no. XI /MPR/2001 on *the Revision to MPR Decree no. IX /MPR/2000 on the Assignment of the Working Body of MPR to prepare the draft of the amendments of the 1945 Constitution of the Republic of Indonesia*.
- MPR Decree no. I /MPR/2002 on *the formation of the Constitutional Commission*.

Attachments

III.1 The outcome of the 1999 election.

| No. | Political party | % votes | Σ seats | % seats |
|-----|--|---------|----------------|---------|
| 1. | Indonesia Democratic Party – Struggle (PDIP) | 33.74 | 153 | 33.11 |
| 2. | GOLKAR Party (Partai GOLKAR) | 22.44 | 120 | 25.97 |
| 3. | United Development Party (PPP) | 10.71 | 58 | 12.55 |
| 4. | National Awakening Party (PKB) | 12.61 | 51 | 11.04 |
| 5. | National Mandate Party (PAN) | 7.12 | 34 | 7.36 |
| 6. | Moon and Star Party (PBB) | 1.94 | 13 | 2.81 |
| 7. | Justice Party (PK) | 1.36 | 7 | 1.52 |
| 8. | Democracy and Love the Nation Party (PDKB) | 0.52 | 5 | 1.08 |
| 9. | Congregation Awakening Party (PNU) | 0.64 | 5 | 1.08 |
| 10. | Justice and Unity Party (PKP) | 1.01 | 4 | 0.87 |
| 11. | People Sovereign Party (PDR) | 0.40 | 2 | 0.43 |
| 12. | Indonesia Democratic Party (PDI) | 0.33 | 2 | 0.43 |
| 13. | United Party (PP) | 0.62 | 1 | 0.22 |
| 14. | Indonesia Muslim Political Party (Masyumi) | 0.43 | 1 | 0.22 |
| 15. | Indonesian Islamic Association Party (PSII) | 0.36 | 1 | 0.22 |
| 16. | Indonesia National Party (PNI-Front Marhaenis) | 0.35 | 1 | 0.22 |
| 17. | Unity in Diversity Party (Partai Bhinneka Tunggal Ika – PBI) | 0.34 | 1 | 0.22 |
| 18. | Indonesia National Party (PNI-Massa Marhaenis) | 0.33 | 1 | 0.22 |
| 19. | Union of Indonesia's Independence Supporter Party (IP-KI) | 0.31 | 1 | 0.22 |
| | TOTAL | 95.56 | 462 | 100 |

III.2 The composition of the MPR factions after the 1999 elections.¹

| No. | Faction | Σ Member |
|-----|---|----------|
| 1 | Faction of Democratic Indonesian Party – Struggle (F-PDIP) | 185 |
| 2 | Faction of Functional Groups Party (F-PG) | 182 |
| 3 | Faction of Delegations of Functional Groups (F-UG) | 73 |
| 4 | Faction of United Development Party (F-PPP) | 69 |
| 5 | Faction of National Awakening Party (F-KB) | 58 |
| 6 | Faction of Reformation (F-Reformasi)* | 48 |
| 7 | Faction of Indonesian National Armed Forces/Indonesian Police (F-TNI/Polri) | 38 |
| 8 | Faction of Crescent Moon and Star Party (F-PBB) | 14 |
| 9 | Faction of Unitary of Indonesian Nationhood (F-KKI)** | 14 |
| 10 | Faction of Association of Daulatul Ummah (F-PDU)*** | 9 |
| 11 | Faction of Democracy and Love the Nation Party (F-PDKB) | 5 |
| | Total | 695 |

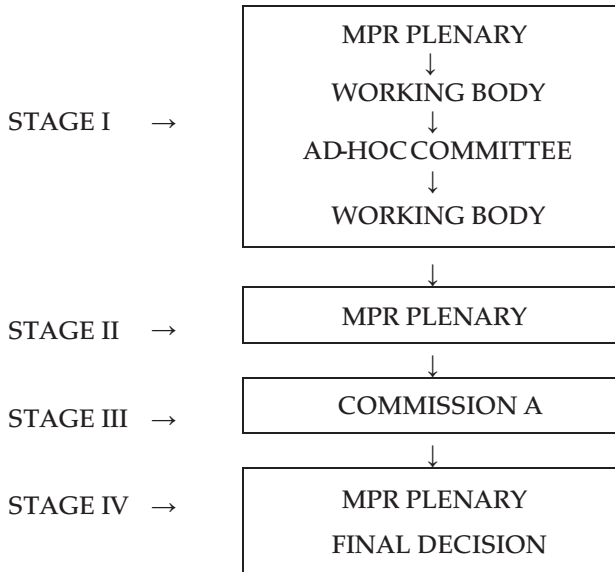
| | |
|---------------|--|
| <i>Notes:</i> | <i>Alliances of MPR members from:</i> |
| * | National Mandatory Party (PAN) and Justice Party (PK). |
| ** | Indonesian Democratic Party (PDI), Association of Indonesian Independence Supporters Party (IP-KI), Marhaen Mass Indonesian National Party (PNI-MM), Marhaenist Front Indonesian National Party (PNI-FM), Justice and United Party (PKP), Bhinneka Tunggal Ika – Unity in Diversity Party (PBI), United Party (PP), Democratic Catholic Party. |
| *** | Nahdlatul Ummah Party (PNU), Indonesian Islamic Association Party (PSII), Indonesian Majelis Syuro Muslimin (Masyumi), and People Sovereign Party (PDR). |

1 The MPR General Assembly decided that the MPR members elected by the Provincial People's Representatives Council should join other factions, except the Faction of the Military and the Police (F-TNI/Polri). The total number of MPR members was 700, but 5 members of the Assembly that were supposed to be elected in the province of East Timor were not since East Timor had separated from Indonesia and become the independent state of the Republic of Timor Leste.

V.1 The working schedule of the first amendment, 4 October 1999 – 19 October 1999.

| |
|---|
| 4 OCTOBER 1999 |
| The 6th Plenary Meeting of the MPR General Session Formation of the MPR Working Body |
| 6 October 1999 |
| The Meetings of the Working Body: 1. The Decision of the Working Schedule 2. The Formation of PAH III |
| 7 October 1999 – 13 October 1999 |
| PAH III's Programs: Plenary Discussions Public Hearings Informal Consultation Drafting Team |
| 14 October 1999 |
| The 3rd Meeting of the Working Body: Progress report of PAH III Approval of the Works of PAH III Closing Meeting of the Working Body |
| 18 October 1999 |
| Formation of Commission C Commission C's programs |
| 19 October 1999 |
| Plenary Meeting of the MPR Progress Report of Commission C Ratification of the First Amendment of UUD 1945 |

V.2 The stages of discussions.



V.3 The composition of the factions in the MPR Working Body (BP-MPR) during the 1 – 21 October 1999 MPR general assembly.

| No. | Faction | Number of Members |
|-----|---|-------------------|
| 1 | Faction of Democratic Indonesian Party – Struggle (F-PDIP) | 24 |
| 2 | Faction of Functional Groups Party (F-PG) | 21 |
| 3 | Faction of Delegations of Functional Groups (F-UG) | 9 |
| 4 | Faction of United Development Party (F-PPP) | 8 |
| 5 | Faction of National Awakening Party (F-KB) | 7 |
| 6 | Faction of Reformation (F-Reformasi)* | 6 |
| 7 | Faction of Indonesian National Armed Forces/Indonesian Police (F-TNI/Polri) | 5 |
| 8 | Faction of Crescent Moon and Star Party (F-PBB) | 2 |
| 9 | Faction of Unitary of Indonesian Nationhood (F-KKI)** | 2 |
| 10 | Faction of Association of Daulatul Ummah (F-PDU)*** | 1 |
| 11 | Faction of Democracy and Love the Nation Party (F-PDKB) | 1 |
| 12 | Speaker and Vice Speakers of MPR | 6 |
| | Total | 90 |

V.4 The composition of the MPR factions in Ad-Hoc Committee III of the Working Body of the MPR (PAH III, BP-MPR), October 1999.²

| No | FACTION | Number of Members |
|----|---|-------------------|
| 1 | Faction of Democratic Indonesian Party – Struggle (F-PDIP) | 7 |
| 2 | Faction of Functional Groups Party (F-PG) | 5 |
| 3 | Faction of Delegations of Functional Groups (F-UG) | 2 |
| 4 | Faction of United Development Party (F-PPP) | 2 |
| 5 | Faction of National Awakening Party (F-KB) | 2 |
| 6 | Faction of Reformation (F-Reformasi)* | 2 |
| 7 | Faction of Indonesian National Armed Forces/Indonesian Police (F-TNI/Polri) | 1 |
| 8 | Faction of Crescent Moon and Star Party (F-PBB) | 1 |
| 9 | Faction of Unitary of Indonesian Nationhood (F-KKI)** | 1 |
| 10 | Faction of Association of Daulatul Ummah (F-PDU)*** | 1 |
| 11 | Faction of Democracy and Love the Nation Party (F-PDKB) | 1 |
| | Total | 25 |

2 The Assembly decided that members from Regional Delegates (*Utusan Daerah*) should join other factions, except F-TNI/Polri.

V.5 The list of the members of PAH III BP-MPR, October 1999.

| No. | Name | Faction | Position |
|-----|--|-------------|---------------|
| 1 | Harun Kamil, S.H. | F-UG | Chairman |
| 2 | Drs. Slamet Effendy Yusuf, M.Si. | F-PG | Vice-Chairman |
| 3 | H. Amin Aryoso, S.H., M.H. | F-PDIP | Vice-Chairman |
| 4 | K.H. Yusuf Muhammad, Lc. | F-KB | Secretary |
| 5 | Dr. Harjono, S.H., M.C.L. | F-PDIP | Member |
| 6 | Hobbes Sinaga, S.H., M.H. | F-PDIP | Member |
| 7 | Prof. Dr. J. E. Sahetapy, S.H., M.H. | F-PDIP | Member |
| 8 | Aberson Marle Sihaloho | F-PDIP | Member |
| 9 | H. Julius Usman, S.H. | F-PDIP | Member |
| 10 | Drs. Frans F.H. Matruty | F-PDIP | Member |
| 11 | Andi Mattalatta, S.H., M. Hum. | F-PG | Member |
| 12 | Drs. Agun Gunanjar Sudarsa | F-PG | Member |
| 13 | H.M. Hatta Mustafa, S.H. | F-PG | Member |
| 14 | Drs. T.M. Nurlif | F-PG | Member |
| 15 | H. Zain Bajeber, S.H. | F-PPP | Member |
| 16 | Drs. H. Lukman Hakim Saifuddin | F-PPP | Member |
| 17 | Dra. Khofifah Indar Parawansa, M.Si. | F-KB | Member |
| 18 | Ir. Hatta Rajasa | F-Reformasi | Member |
| 19 | H. Patrialis Akbar, S.H. | F-Reformasi | Member |
| 20 | Hamdan Zoelva, S.H. | F-PBB | Member |
| 21 | Drs. Antonius Rahail | F-KKI | Member |
| 22 | Drs. H. Asnawi Latief | F-PDU | Member |
| 23 | Drs. Gregorius Seto Harianto | F-PDKB | Member |
| 24 | Vice Air Marshall Hendi Tjaswadi, S.H., S.E., M.B.A., C.N., M. Hum. | F-TNI/Polri | Member |
| 25 | Dra. Valina Singka Subekti, M.A. | F-UG | Member |

VI.1 The working schedule of the second amendment stage, 25 November 1999 – 18 August 2000.

| The Schedule of the Process of the Second Amendment of the 1945 Constitution 25 November 1999 – 18 August 2000 |
|---|
| 25 November 1999 |
| <i>The 4th Meeting of the Working Body</i> |
| Formation of PAH I |
| 29 November 1999 – 3 March 2000 |
| <i>PAH I's Programs</i> |
| Plenary Discussions |
| Public Hearings, Visits to Regions, Seminars, Workshops, Comparative Studies |
| Selected Team |
| Informal Consultations |
| Drafting Team |
| 6 March 2000 |
| <i>The 5th Meeting of the Working Body</i> |
| Progress Report of PAH I |
| 7 March 2000 – 22 May 2000 |
| <i>PAH I's Programs</i> |
| Plenary Discussions |
| Public Hearings |
| Selected Team |
| Informal Consultations |
| Drafting Team |
| 23 May 2000 |
| <i>The 6th Meeting of the Working Body</i> |
| Progress Report of PAH I |
| 23 May 2000 – 29 July 2000 |
| <i>PAH I's Programs</i> |
| Plenary Discussions |
| Informal Consultations |
| Drafting Team |
| 2 August 2000 |
| <i>The 7th Meeting of the Working Body</i> |
| Progress Report of PAH I |
| Adoption of the Works of PAH I |
| Closing of the Working Body |

| |
|---|
| 7 August 2000 – 11 August 2000 |
| <i>MPR Plenary Meeting</i> |
| Factions' General Views on the Works of the Working Body |
| Formation of Commission A |
| 11 August 2000 – 14 August 2000 |
| <i>Commission A's Programs</i> |
| Plenary Discussions |
| Informal Consultations |
| Drafting Team |
| 15 August 2000 – 18 August 2000 |
| <i>MPR Plenary Meeting</i> |
| Progress Report of Commission A |
| Factions' Final Notes |
| Ratification of the Second Amendment to the 1945 Constitution |

VI.2 The composition of the MPR factions in Ad-Hoc Committee I of the Working Body of the MPR (PAH I, BP-MPR), 1999 – 2000.

| No. | Faction | Number of Member |
|------------|---|-------------------------|
| 1 | Faction of Democratic Indonesian Party – Struggle (F-PDIP) | 12 |
| 2 | Faction of Functional Groups Party (F-PG) | 11 |
| 3 | Faction of Delegations of Functional Groups (F-UG) | 4 |
| 4 | Faction of United Development Party (F-PPP) | 4 |
| 5 | Faction of National Awakening Party (F-KB) | 4 |
| 6 | Faction of Reformation (F-Reformasi)* | 3 |
| 7 | Faction of Indonesian National Armed Forces/Indonesian Police (F-TNI/Polri) | 2 |
| 8 | Faction of Crescent Moon and Star Party (F-PBB) | 1 |
| 9 | Faction of Unitary of Indonesian Nationhood (F-KKI)** | 1 |
| 10 | Faction of Association of Daulatul Ummah (F-PDU)*** | 1 |
| 11 | Faction of Democracy and Love the Nation Party (F-PDKB) | 1 |
| | Total | 44 |

VI.3 The list of the members of PAH I of the Working Body of the MPR (BP-MPR) 1999-2000.³

| No. | Name | Faction | Position |
|-----|---|---------|---------------|
| 1 | Drs. Jakob Tobing, MPA | F-PDIP | Chairman |
| 2 | Harun Kamil, SH | F-UG | Vice-Chairman |
| 3 | Drs. Slamet Effendy Yusuf, M.Si. | F-PG | Vice-Chairman |
| 4 | Drs. Ali Masykur Musa, M.Si. | F-KB | Secretary |
| 5 | Hobbes Sinaga, S.H., M.H. | F-PDIP | Member |
| 6 | Prof. Dr. J. E. Sahetapy, S.H., M.H. | F-PDIP | Member |
| 7 | May. Gen. Pol. (ret). Drs. Sutjipno | F-PDIP | Member |
| 8 | I Dewa Palguna, S.H., M.H. | F-PDIP | Member |
| 9 | Prof. Dr. Frans F.H. Matrutty | F-PDIP | Member |
| 10 | H. Julius Usman, S.H. | F-PDIP | Member |
| 11 | Dr. Harjono, S.H., M.C.L.H. | F-PDIP | Member |
| 12 | Ir. Pataniari Siahaan | F-PDIP | Member |
| 13 | Drs. Soewarno | F-PDIP | Member |
| 14 | Drs. Katin Subyantoro | F-PDIP | Member |
| 15 | Dr. Drs. Muhammad Ali, S.H., Dipl. Ed., M.Sc. | F-PDIP | Member |
| 16 | Drs. Baharuddin Aritonang | F-PG | Member |
| 17 | Ir. Ahmad Hafiz Zawawi, M.Sc. | F-PG | Member |
| 18 | Dra. H. Rosnaniar | F-PG | Member |
| 19 | Drs. Agun Gunanjar Sudarsa | F-PG | Member |
| 20 | Andi Mattalatta, S.H., M. Hum. | F-PG | Member |
| 21 | H.M. Hatta Mustafa, S.H. | F-PG | Member |
| 22 | Dr. H. Happy Bone Zulkarnain | F-PG | Member |
| 23 | Ir. H. Rully Azwar | F-PG | Member |
| 24 | Drs. T.M. Nurlif | F-PG | Member |
| 25 | Drs. Theo L. Sambuaga | F-PG | Member |
| 26 | H. Ali Hardi Kiaidemak, S.H. | F-PPP | Member |
| 27 | Drs. H. Lukman Hakim Saifuddin | F-PPP | Member |
| 28 | H. Zain Bajeber, S.H. | F-PPP | Member |
| 29 | H. Alimarwan Hanan, S.H. | F-PPP | Member |
| 30 | Drs. Abdul Khaliq Ahmad | F-KB | Member |
| 31 | K.H. Yusuf Muhammad, LC. | F-KB | Member |
| 32 | Drs. K.H. Syarief Moehammad Alaydarus | F-KB | Member |
| 33 | Prof. Dr. H. Soedijarto | F-UG | Member |

| No. | Name | Faction | Position |
|-----|---|-------------|----------|
| 34 | Dra. Valina Singka Subekti, M.A. | F-UG | Member |
| 35 | Sutjipto, S.H. | F-UG | Member |
| 36 | Ir. A.M. Luthfi | F-Reformasi | Member |
| 37 | H. Patrialis Akbar, S.H. | F-Reformasi | Member |
| 38 | Dr. Fuad Bawazier | F-Reformasi | Member |
| 39 | Vice Air Marshall Hendi Tjaswadi, S.H., S.E., M.B.A., C.N., M. Hum. | F-TNI/Polri | Member |
| 40 | May. Gen. Pol. Drs. Taufiequrochman Ruki | F-TNI/Polri | Member |
| 41 | Hamdan Zoelva, S.H. | F-PBB | Member |
| 42 | Drs. Antonius Rahail | F-KKI | Member |
| 43 | Drs. H. Asnawi Latief | F-PDU | Member |
| 44 | Drs. Gregorius Seto Harianto | F-PDKB | Member |

VI.4 The Annex of MPR Decree no. IX/2000.

| Annex of MPR Decree no. IX/MPR/2000 and related original texts of UUD 1945 after the 1st amendment. | | |
|--|---|---|
| <i>Chapter/ Article</i> | <i>Original</i> | <i>Proposed Alterations</i> |
| CHAPTER I | CHAPTER I FORM OF THE STATE AND SOVEREIGNTY | CHAPTER I THE FORM OF THE STATE, (THE BASIS), AND SOVEREIGNTY |
| Article 1 | (1) The State of Indonesia shall be a unitary state in the form of a republic. (2) Sovereignty is in the hands of the people and is exercised in full by the People's Consultative Assembly. | (1) Not changed. (2) <i>Alternative I:</i> The state basis is sufficiently in the Preamble of UUD 1945. <i>Alternative II:</i> The state basis is incorporated in Chapter I, with alternative formulations: a. The state basis is Pancasila, i.e. Ketuhanan Yang Maha Esa (Belief in the Oneness of God), Kemanusiaan Yang Adil dan Beradab (Just and civilized humanity), Persatuan Indonesia (The unity of Indonesia), Kerakyatan Yang Dipimpin oleh Hikmat Kebijaksanaan, Dalam Permusyawaratan dan Perwakilan (Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives), Keadilan Sosial bagi seluruh Rakyat Indonesia, (Social justice for all of the people of Indonesia). b. The state of Indonesia based on Ketuhanan Yang Maha Esa (Belief in the Oneness of God), Kemanusiaan Yang Adil dan Beradab (Just and civilized humanity), Persatuan Indonesia (The unity of Indonesia), Kerakyatan Yang Dipimpin oleh Hikmat Kebijaksanaan, Dalam Permusyawaratan dan Perwakilan (Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives), Keadilan Sosial bagi seluruh Rakyat Indonesia, (Social justice for all of the people of Indonesia). (3) The sovereignty is in the hands of the people and exercised by the People's Consultative Assembly. (4) The state of Indonesia is a state based on rule of law. |

| CHAPTER II | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY |
|------------|---|--|
| Article 2 | <p>(1) The People's Consultative Assembly shall consist of the members of the House of Representatives augmented by the delegates from the regional territories and groups as provided for by statutory regulations.</p> <p>(2) The People's Consultative Assembly shall convene a sitting at least once in every five years in the capital of the state.</p> <p>(3) All decisions of the People's Consultative assembly shall be taken by a majority vote.</p> | <p>(1) The People's Consultative Assembly (MPR) consists of members of the House of Representatives and members of the Regional Council who are elected in elections and augmented with delegations of certain communities who, due to their tasks and functions, do not exercise their right to vote.</p> <p>(2) Not changed.</p> <p>(3) Not changed.</p> |
| Article 3 | <p>The People's Consultative Assembly shall determine the constitution and the State's policies in broad outlines (GBHN).</p> | <p><i>Alternative 1: If the President is elected by the MPR.</i> The tasks, the authorities, and the rights of the MPR are:</p> <ol style="list-style-type: none"> 1. To alter and to determine the Constitution. 2. To determine the guidelines of the policy of State. 3. To elect, to determine, and to inaugurate the President. 4. <i>Alternative 1:</i> To dismiss the President and/or the Vice President in his/her tenure if proven that they are violating the Constitution, the State's policies in broad outlines, committing treason, conducting crimes, conducting bribery, and/or conducting a disgraceful act. <i>Alternative 2:</i> To dismiss the President and/or the Vice President in his/her tenure if proven that they are violating the Constitution, the State's policies in broad outlines, committing treason, conducting crimes, conducting bribery, and/or conducting disgraceful acts, which is proven by the Constitutional Court. 5. <i>Alternative 1:</i> To evaluate the President's accountability at the end of his/her tenure. <i>Alternative 2:</i> Not necessary. 6. May establish a Working Body to prepare the implementation of the Assembly programs. |

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| | | <p><i>Alternative 2: If the President is elected directly by the people.</i></p> <p>The tasks, the authorities, and the rights of the Assembly:</p> <ol style="list-style-type: none"> 1. To alter and to determine the Constitution. 2. <i>Alternative 1:</i> Not necessary to determine GBHN. <i>Alternative 2:</i> To determine and to ratify GBHN. 3. <i>Alternative 1:</i> To determine and to inaugurate the elected President and Vice President. <i>Alternative 2:</i> To determine 2 pairs of the candidates of the President and Vice President to be elected directly by the people, and to inaugurate the elected President and Vice President. 4. <i>Alternative 1:</i> To dismiss the President and/or the Vice President in his/her tenure if proven violating the Constitution, violating the state policy outlines, committing treason, conducting crimes, conducting bribery, and/or conducting disgraceful acts. <i>Alternative 2:</i> To dismiss the President and/or the Vice President in his/her tenure if proven violating the Constitution, violating the state policy outlines, committing treason, conducting crimes, conducting bribery, and/or conducting disgraceful acts, which is proven by the Constitution Court. 5. <i>Alternative 1:</i> To evaluate the President's accountability at the end of his/her tenure. <i>Alternative 2:</i> Not necessary. 6. May establish a Working Body to prepare the implementation of MPR programs. |
| Article 3A | None | Article 3A |
| | | Further provisions on the composition, position and execution of tasks, authority, and rights of the MPR, are regulated by MPR decree. |
| CHAPTER III | CHAPTER III STATE GOVERNANCE POWER | CHAPTER III STATE GOVERNANCE POWER |
| Article 4 | <ol style="list-style-type: none"> (1) The President of the Republic of Indonesia shall hold the power of government in accordance with the Constitution. (2) In exercising his duties, the President shall be assisted by a Vice-President. | <ol style="list-style-type: none"> (1) The President of the Republic of Indonesia as the Head of State and the Head of Government executes the state governance in accordance with the Constitution. (2) Not changed. |

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| Article 6 | <p>(1) The President shall be a native Indonesian citizen.</p> <p>(2) The President and the Vice-President shall be elected by the People's Consultative Assembly by a majority vote.</p> | <p>(1) The President and the Vice President are Indonesian citizens since birth and have never accepted another citizenship through their own will.</p> <p>(2) None.</p> |
| Article 6A | None | <p><i>Alternative 1 variant 1:</i></p> <p>(1) The President and the Vice President are elected in a pair directly by the people.</p> <p>(2) The package of the candidates of President and Vice President elected by the MPR are determined by the 2 packages that obtain the most votes.</p> <p>(3) The President and the Vice President are declared elected if the pair obtain the most electoral votes.</p> <p>(4) The conditions and the procedures of the election of the President and the Vice President are regulated by law.</p> <p><i>Alternative 1 variant 2:</i></p> <p>(1) The President and the Vice-President are elected in a package directly by the people.</p> <p>(2) The president and the Vice-President are determined elected if the pair obtain the majority of votes.</p> <p>(3) The requirements and the procedures of the election of the President and the Vice-President shall be further regulated by law.</p> <p><i>Alternative 2 variant 1:</i></p> <p>The President and the Vice President are elected by the MPR with the majority of votes from the pair of candidates of President and Vice President nominated by the first and the second winning political parties of the election, which is conducted directly, publicly, freely, confidentially, fairly and honestly.</p> <p><i>Alternative 2 variant 2:</i></p> <p>(1) The candidates of President and Vice President are decided in one package by the political parties participating in the election before the implementation of the election.</p> <p>(2) A package that obtains more than 50% of the votes in the election is determined by the MPR as President and Vice President.</p> <p>(3) In case no package of the candidates of President and Vice President obtain more than 50% of the votes, the two packages of candidates that obtain the first and the second most votes in an election are elected by the MPR and the package that obtain the most votes is determined as the President and the Vice President.</p> <p>(4) The conditions and the procedure of electing the President and the Vice President are regulated in legislation.</p> |

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| <p>Article 8</p> | <p>Should the President pass away, resign or be unable to perform his/her duties during the tenure, he/she will be succeeded by the Vice-President until the end of his/her tenure.</p> | <p>(1) If the President passes away, resigns, is dismissed, or is not able to undertake his/her responsibilities in his/her tenure, he/she will be succeeded by the Vice President until the end of the tenure.</p> <p>(2) In vacancy of the Vice President: <i>Alternative 1:</i> In case of vacancy of the vice presidency, the MPR conducts a special session to elect and determine the Vice President. <i>Alternative 2:</i> No need to fill up the vice presidency.</p> <p>(3) The President and the Vice President are permanently hindered. <i>Alternative 1:</i> In case the president and the Vice President simultaneously pass away, resign, are dismissed, or are not able to undertake their responsibilities in their tenure, the acting president is (the leadership of MPR) (the speaker of DPR and the speaker of DPD) (Minister of Foreign Affair, Minister of Home Affairs, Minister of Defence). Within one month, the MPR should conduct a special session to elect the new president and vice president to fill up the remaining (presidential) tenure. <i>Alternative 2:</i> In case the president and the Vice President simultaneously pass away, resign, are dismissed, or not able to undertake their responsibilities in their tenure, the acting president is (the leadership of MPR) (the speaker of DPR and the speaker of DPD) (Minister of Foreign Affair, Minister of Home Affairs, Minister of Defence). Within and no later than (three) (six) months, the acting President should conduct an election for the new President and Vice President for a tenure of five years.</p> |
| <p>Article 10A</p> | <p>None</p> | <p>The President holds the highest authority upon the National Police of the Republic of Indonesia.</p> |
| <p>Article 11</p> | <p>In agreement with the House of representatives, the President declares war, makes peace and concludes treaties with other states.</p> | <p>(1) Not changed.</p> <p>(2) The President in making other international agreements which result in a burden over the state finances, and/or requires changes or making statutes should make such agreements with the approval of the DPR.</p> <p>(3) Further provisions on the international agreement shall be regulated by law.</p> |
| <p>Article 15A</p> | <p>None</p> | <p>Further provisions on the presidency shall be regulated by law.</p> |

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| CHAPTER IV | CHAPTER IV SUPREME ADVISORY BOARD. | <i>Alternative 1:</i> Chapter on the SUPREME ADVISORY BOARD omitted. The Supreme Advisory Board is abolished, replaced with a new formulation, as follows: |
| Article 16 | (1) The composition of the Supreme Advisory Council shall be determined by law. (2) The Council has the duty to reply to inquiries raised by the President and has the right to submit recommendations to the government. | |
| Article 16A | None | The President can form an advisory body which functions to give considerations to the President in accordance with the needs that are determined by law. (To be incorporated into Chapter III on The State Governance Power). |
| | None | <i>Alternative 2:</i> The Supreme Advisory Board is not changed, with the following formulation: CHAPTER IV THE SUPREME ADVISORY BOARD Article 16 The Supreme Advisory Board comprises of members who are elected by the DPR based on individual integrity, national insight, societal prominences in society, and their respective dedications toward the country and the nation. Article 16A The Board is obliged to answer to the President's inquiries and is entitled to submit proposals to the President in overcoming the state's matters. |
| Article 16B | None | The composition and the position of the Supreme Advisory Board is determined by law. |
| CHAPTER V | CHAPTER V STATE's MINISTERS | CHAPTER V STATE's MINISTERS |
| Article 17 | (1) The President shall be assisted by the State Ministers. (2) These Ministers shall be appointed and removed by the President. (3) Each State Minister shall be responsible for a particular area of Government activity. | (1) Not changed. (2) Not changed. (3) Not changed. (4) The formation, change, and dissolution of state ministries shall be further regulated by law. |

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| CHAPTER VII A | None | CHAPTER VIIIA REGIONAL COUNCIL |
| Article 22D | None | <p>(1) Members of DPD are elected from each province through elections.</p> <p>(2) Each member of the DPD from each province is equal and the number of all DPD members shall not exceed one-third of the number of DPR members.</p> <p>(3) The composition of the DPD shall be regulated by law.</p> |
| Article 22E | None | <p>(1) The DPD may submit to the DPR the bills related to regional autonomy, the relationship between the centre and the regions, the formation, the division and the merging of a region, management of the natural resources and other economic resources and the financial balances between the centre and regions.</p> <p>(2) <i>Alternative 1:</i> The DPD extends considerations to the DPR upon the bill on state budget and the bills in regard to taxation, fiscal matters, religions, regional autonomy, the relationship between the centre and the regions, the formation, the division and the merging of a region, management of the natural resources and other economic resources and the financial balances between the centre and regions.</p> <p><i>Alternative 2:</i> The DPD extends considerations to the DPR upon the bill on state budget and the bills in regard to taxation, fiscal matters, religions, and participating in the debates on bills on regional autonomy, the relationship between the centre and the regions, the formation, the division and the merging of a region, the management of the natural resources and other economic resources and the financial balances between the centre and regions.</p> <p>(3) The DPD may control the implementation of the laws in regard to regional autonomy, the formation, the division and the merging of the regions, the relationship between the centre and the regions, the management of the natural and economic resources, the implementation of the state budget, taxation and fiscal matters, and religions and to submit the outcomes of the control to the DPR as considerations for further follow-up.</p> <p>(4) A member of the DPD may be dismissed from its membership based on the decision of Honorary Council which is formed by the DPD if he/she is proven to commit treason to the state, bribery crimes, corruption, and other crimes with a sanction of imprisonment of 5 years or more, or by conducting themselves in other disgraceful manners.</p> |

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| CHAPTER VIIIB | None | CHAPTER VIIIB THE GENERAL ELECTIONS |
| Article 22F | None | <ol style="list-style-type: none"> (1) The general election is the realization of the people's sovereignty that is conducted in a general, free, secret, honest, fair and direct manner once every five years. (2) The general elections are conducted to elect members of the DPR, DPD, and DPRD. (3) The general elections to elect DPR and DPRD members are participated in by political parties. (4) The general election to elect DPD members is participated in by candidates from political parties and individual candidates. (5) The general elections shall be organized by a general election commission of a national, permanent, and independent character. (6) Further provisions regarding general elections shall be regulated by law. |
| CHAPTER VIII | CHAPTER VIII FINANCE | CHAPTER VIII FINANCE |
| Article 23 | <ol style="list-style-type: none"> (1) The State Budget shall be determined annually by law. In the event that the House of Representatives does not approve a draft budget, the government shall adopt the budget of the preceding year. (2) All Government taxes shall be further regulated by law. (3) The forms and denominations of the currency shall be further regulated by law. (4) Other financial matters shall be further regulated by law. (5) In order to examine the accountability of the state finance, a State Audit Board shall be established by statutory regulation. The findings of the Board shall be reported to the House of representatives. | <ol style="list-style-type: none"> (1) The State Budget is determined annually by law. (2) The bill on the State Budget shall be submitted by the President to be discussed with the DPR to achieve the joint approval to become a law. In the discussion process, the DPR considers the opinions of the DPD. (3) In case the DPR does not approve the bill on the State Budget submitted by the President, the Government implements the State Budget of the preceding year. |
| Article 23A | None | All taxes and other compulsory levies for the needs of the state shall be further regulated by law. |
| Article 23B | None | The currency of the Republic of Indonesia is Rupiah. |

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| Article 23C | None | Other matters concerning state finance shall be further regulated by law. [Originating from Article 23 clause (4) of the original text]. |
| Article 23D | None | <p><i>Alternative 1:</i></p> <p>(1) The state of Indonesia owns a central bank which is independent, namely Bank Indonesia which holds authority to issue and to circulate currency.</p> <p>(2) The composition, position and other authorities shall be regulated by law.</p> <p><i>Alternative 2:</i></p> <p>The state of Indonesia owns a central bank or other finance authority institution which is independent and holds the authority to issue and to circulate currency, whose composition, position and other authorities shall be regulated by law.</p> <p>(3) <i>Alternative 1:</i></p> <p>The leadership of the central bank is nominated and inaugurated by the President with the approval of the DPR.</p> <p><i>Alternative 2:</i></p> <p>The leadership of the central bank or other finance authority institution is nominated and inaugurated by the President with the approval of the DPR.</p> |
| CHAPTER VIII A | None | CHAPTER VIII A BADAN PEMERIKSA KEUANGAN (BPK) THE STATE AUDITOR BOARD |
| Article 23E | None | <p>(1) BPK is a state institution which is free from government and other state institution influences, which functions to supervise and to audit the management and accountability of state finance.</p> <p>(2) BPK is the sole state institution for supervising and auditing state finance which is based in the capital city and shall have representatives in every capital city of the provinces.</p> <p>(3) The result of the supervising and examining of state finance is submitted to the House of Representatives and the Regional Council.</p> <p>(4) The result of supervising and examining of regional finance is submitted to the Regional Council.</p> <p>(5) The results of the supervision and examination should be followed up by the institutions and/or representative institutions which are referred to in this article in accordance with legislation.</p> |

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| Article 23F | None | (1) The members of BPK are selected by the House of Representatives with regard to the considerations of the Regional Council and shall be installed by the President. (2) The leadership of BPK is elected from among and by the members of BPK. |
| Article 23G | None | Further provisions concerning BPK shall be regulated by law. |
| CHAPTER IX | CHAPTER IX THE JUDICIAL POWER | CHAPTER IX KEKUASAAN KEHAKIMAN DAN PENEGAKAN HUKUM (THE JUDICIAL POWER AND LAW ENFORCEMENT) |
| Article 24 | (1) The judicial power shall be implemented by a Supreme Court and such other courts of law as provided by law. (2) The composition and powers of these legal bodies shall be further regulated by law. | (1) The judicial power is an independent power and free from the influences of other state institutions and from any other parties. (2) The judicial power shall be carried out by a Supreme Court and by its subordinate judicatory bodies dealing with general, religious, military, state administrative judicial fields, which its composition, functions and authorities shall be further regulated by law. |
| Article 24A | None | The Supreme Court shall have the competence to try cassation cases, to review regulations made under a law against that law, as well as other competences as provided by law. |
| Article 24B | None | (1) The supreme justices shall be installed and dismissed by The People's Consultative Assembly based on regard by the Judicial Commission. (2) The Judicial Commission is independent, with its composition, position and membership regulated by law. (3) The chairman and the vice chairman of the Supreme Court shall be chosen from among and by the supreme justices. |
| Article 25 | The appointment and removal of justices shall be further regulated by law. | The conditions to become or to be dismissed as a judge are determined by law. |
| Article 25A | None | To uphold the honor and maintain the dignity and conduct of the justices, the Honorary Council of Justices shall be established. |

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| Article 25B | None | <p>(1) Within the realm of the Supreme Court, a Constitutional Court is established.</p> <p>(2) The Constitutional Court possesses the authority to review the law materially, giving a decision on the conflict between the laws, (<i>alternative 1</i>: make a decision over the dispute of authority between state agencies, between central and local government. <i>Alternative 2</i>: no need), and exercise other authorities provided by law.</p> <p>(3) The decision of the Constitutional Court is the first and final decision.</p> <p>(4) <i>Alternative 1</i>: The Constitutional Court consists of nine justices, who are installed and dismissed by the People’s Consultative Assembly, in which 3 justices are proposed by the President, 3 justices are proposed by the Supreme Court, and 3 justices are proposed by the DPR. <i>Alternative 2</i>: The justices of the Constitutional Court are appointed and dismissed by the People’s Consultative Assembly, whereas the structure and the number of the justices of the Constitutional Court shall be determined by law.</p> <p>(5) The justice of the Constitutional Court should be a statesman who masters the Constitution and constitutional law, and shall not act concurrently as a state official, and fulfil other requirements established by the law.</p> |
| Article 25C | None | <p>(1) The Attorney is an independent state agent exercising the power of prosecution in criminal cases.</p> <p>(2) The Attorney is led by an Attorney General who is appointed and dismissed by the President with the approval of the House of Representatives (with regard to considerations of the Regional Council).</p> <p>(3) The composition, the position, and other authorities of the Attorney shall be regulated by law.</p> |
| Article 25D | None | <p>(1) Investigation in criminal cases is the duty and the authority of Indonesian National Police which is regulated by law.</p> <p>(2) Other officials may conduct investigations at the behest of the law.</p> |
| CHAPTER XI | CHAPTER XI RELIGION | <p>CHAPTER XI <i>Alternative 1</i>: RELIGION (Not changed). <i>Alternative 2</i>: KETUHANAN YANG MAHA ESA (THE ONE AND ONLY GOD).</p> |

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| <p>Article 29</p> | <p>(1) The State shall be based in belief in the One and Only God.</p> <p>(2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.</p> | <p>Section (1):</p> <p><i>Alternative 1:</i></p> <p>(1) The State is based on belief in the Oneness of God (Ketuhanan Yang Maha Esa) (Not changed).</p> <p><i>Alternative 2:</i></p> <p>(1) The State is based on belief in the Oneness of God (Ketuhanan Yang Maha Esa) with the obligation to implement Islamic sharia for its followers.</p> <p><i>Alternative 3:</i></p> <p>(1) The State is based on belief in the Oneness of God (Ketuhanan Yang Maha Esa) with the obligation to implement the teachings of the religions by its respective followers.</p> <p><i>Alternative 4:</i></p> <p>(1) The State is based on Belief in the Oneness of God, Just and civilized humanity), The unity of Indonesia, Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, Social justice for all of the people of Indonesia.</p> <p>Section (2):</p> <p><i>Alternative 1:</i></p> <p>(2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief. (Not changed).</p> <p><i>Alternative 2:</i></p> <p>(2) The State guarantees all persons the freedom of belief to his/her religion and to worship in accordance with his/her religion.</p> <p><i>Alternative 3:</i></p> <p>(2) The State Guarantees all persons the freedom to believe in his/her religion and to worship in accordance with his/her religion and belief and to build their respective places of worship.</p> <p><i>Alternative 4.</i></p> <p>(2) The State Guarantees all persons the freedom to believe in his/her religion, to implement the teachings of the religions and to worship in accordance with the beliefs of their respective religions.</p> <p>On addition of new section:</p> <p><i>Alternative 1:</i></p> <p>Not necessary.</p> <p><i>Alternative 2:</i></p> <p>Addition of new sections:</p> <ol style="list-style-type: none"> a. The State should protect the people from the spreading of the teaching which is contrary to the belief in the oneness of God. b. The State administration must not be contradictory with the values, norms and the religious law. c. The State should adhere to the values of ethics and human morality thought by religions. |
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| CHAPTER XIII | CHAPTER XIII EDUCATION | CHAPTER XIII EDUCATION AND CULTURE |
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| Article 31. | <p>(1) Every citizen has the right to receive education.</p> <p>(2) The Government shall manage and organise one system of national education which shall be further regulated by law.</p> | <p>(1) Each citizen has the right to an education.</p> <p>(2) Each citizen is obliged to follow elementary education and the government has the duty to fund this.</p> <p>Section (3): <i>Alternative 1:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law.</p> <p><i>Alternative 2:</i></p> <p>(3) The Government organizes and implements a national education system that aims at educating the national life and in creating humans with noble character, that shall be regulated by law.</p> <p><i>Alternative 3:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law, that aims to improve the faith, piety, morality and education on national life, which shall be regulated by law.</p> <p>Section 4: <i>Alternative 1:</i></p> <p>(4) The State is obliged to prioritize the education budget from the State Budget to meet the needs of implementation of the national education.</p> <p><i>Alternative 2:</i></p> <p>(4) The State is obliged to prioritize the education budget, using at least 20% of the State Budget and the Regional Budgets to meet the needs of implementing national education.</p> <p>Section 5: <i>Alternative 1:</i></p> <p>(5) The Government advances science and technology with a view to promoting civilization and unity.</p> <p><i>Alternative 2:</i></p> <p>(5) The Government advances science and technology which is not contradictory to the religious values and to promoting civilization and unity and for the well-being of humanity.</p> |
| Article 32 | The Government shall advance the national culture. | <p>(1) The State guarantees the good old cultural values and developing the better new cultural values.</p> <p>(2) The Government advances the Indonesian national culture while guaranteeing the freedom of the society to preserve and to develop their cultures.</p> <p>(3) The State honors and nurtures local languages as national cultural treasures.</p> |

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| CHAPTER XIV | CHAPTER XIV SOCIAL WELFARE | CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE |
| Article 33 | <p>(1) The economy shall be organized as a common endeavor based upon the principles of the familial system.</p> <p>(2) Sectors of production which are important for the country and affect the life of the people shall be under powers of the state.</p> <p>(3) The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.</p> | <p>(1) The economy is to be structured and developed as a sustainable common endeavor of all people based on principles of justice, efficiency, and economic democracy to realize the prosperity, welfare, and social justice for all people.</p> <p>(2) Production sectors that are vital to the state and that affect the livelihood of a considerable part of the population are to be controlled by the state based on principles of justice and efficiency that shall be regulated by law.</p> <p>(3) The land and the waters as well as the natural riches therein are to be managed and/or controlled by the state and to be utilized to the greatest benefit of the people, that shall be regulated by law.</p> <p>(4) The economic actors are the cooperatives, state enterprises, and private business including individual endeavors.</p> <p>(5) Organizing and developing the national economy should always prevent damage to and improve the environment, taking into consideration and respecting traditional rights, as well as guaranteeing the balanced development of the whole country.</p> |
| Article 34 | Impoverished persons and abandoned children shall be taken care of by the State. | <p>(1) Not changed.</p> <p>(2) The State develops a social security system for all people and to empower the weak and disabled people in accordance with humanity.</p> <p>(3) The State is responsible for providing health service facilities and adequate public services.</p> |
| CHAPTER XVI | CHAPTER XVI AMENDMENTS TO THE CONSTITUTION | CHAPTER XVI AMENDMENTS TO THE CONSTITUTION. |
| Article 37 | <p>(1) In order to amend the Constitution, not less than 2/3 of its member of the People's Consultative Assembly shall be in attendance.</p> <p>(2) Decisions shall be taken with the approval of not less than 2/3 of its members in attendance.</p> | <p>(1) Proposals to amend articles of the Constitution can be put on the agenda of the MPR session if submitted by at least 1/3 of the total number of members in the MPR.</p> <p>(2) Each proposal to amend articles of the Constitution has to mention clearly which part should be amended.</p> <p>(3) To amend articles of the Constitution the MPR session has to be attended by at least 2/3 of all members of the MPR [Originated from the original article 37 (1)].</p> |

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| | | <p>(4) A decision to amend articles of the Constitution requires the agreement of at least more than 3/4 of all the MPR members, except for the amendment of the Preamble of UUD 1945, the Form and the Integrity of the Territory of the Unitary State of the Republic of Indonesia, which should require the consent of more than 50% of the people of Indonesia.</p> <p>(5) The requirements for amendments of the Constitution shall be further regulated by the decision of the People’s Consultative Assembly.</p> |
| | TRANSITIONAL PROVISIONS | TRANSITIONAL PROVISIONS |
| Article I | The Preparatory Committee for Indonesia’s Independence shall arrange and conduct the transfer of administration to the Government of Indonesia. | All existing state institutions and regulations shall remain valid as long as they have not been replaced by new ones under this Constitution. |
| Article II. | All existing state institutions continue to function and all regulations remain valid as long as no new ones are established in conformity with this Constitution. | The additional members of the People’s Consultative Assembly referred to in Article 2 section (1) UUD 1945 are the delegates of the Indonesian National Military and delegates of the Indonesian National Police. The provisions on the additional members of the People’s Consultative Assembly as referred to in this Article are valid as long as the People’s Consultative Assembly do not change them. |
| Article III | For the first time, the President and the Vice President shall be elected by the Preparatory Committee for Indonesia’s Independence. | None |
| Article IV | Prior to the formation of the People’s Consultative Assembly, the House of Representatives and the Supreme Advisory Council in accordance with this Constitution, all the powers shall be exercised by the President assisted by a national committee. | None |
| | ADDITIONAL PROVISIONS. | CLOSING PROVISIONS |
| | <p>(1) Within six months after the end of the Great Asia War, the President of Indonesia shall take preparatory steps and execute all the provisions of this Constitution.</p> <p>(2) Within six months after its formation, the People’s Consultative Assembly shall convene a sitting to determine the Constitution.</p> | The amendments to this Constitution are ratified on |

VI.5 The positions of the MPR factions regarding Article 29 at the end of the second amendment stage.

| The positions of the Factions on Article 29 on 20 June 2000. | | | |
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| F-PDIP | The State shall be based upon the belief in One and Almighty God. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion or belief. | |
| F-PG | The State shall be based upon the belief in One and Almighty God. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion. | The State's operation shall not be contrary to the values, the norms, and the laws of the religions. |
| F-UG | The State shall be based upon the belief in One and Almighty God. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion. | |
| F-PPP | The State shall be based upon the belief in One and Almighty God with the obligation to implement Islamic Shari'a for the adherents. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion. | The State shall prohibit the spread of ideologies contrary to the belief in One and only God. |
| F-KB | The State shall be based upon the belief in One and Almighty God. | The State upholds ethical values and morals of humanity which are taught by every religion. | The State guarantees all persons the freedom to believe his/her religion and to worship, each according to the belief of his/her religion |
| F-Reformasi | The State shall be based upon the belief in One and Almighty God. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion. | Every follower of a religion is obliged to implement the teachings of their respective religion. |
| F-TNI/Polri | The State shall be based upon the belief in One and Almighty God. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion or belief. | |
| F-PBB | The State shall be based upon the belief in One and Almighty God with the obligation to implement Islamic Shari'a for the adherents. | The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to the beliefs of his/her religion. | |

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| <p>F-KKI</p> | <p>The State shall be based upon the belief in the One and only God, The Just and civilized humanity, Unity of Indonesia, Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and Social justice for the whole of the people of Indonesia.</p> | <p>The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to his/her religion and belief and to build their respective houses of worship.</p> | <p>The State shall guarantee the just and equal services to all the followers of the religions.</p> |
| <p>F-PDU</p> | <p>The State shall be based upon the belief in One and Almighty God.</p> | <p>The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to the beliefs of his/her religion.</p> | |
| <p>F-PDKB</p> | <p>The State shall be based upon the belief in One and Almighty God.</p> | <p>The State guarantees all persons the freedom to embrace his/her religion and to worship, each according to the beliefs of his/her religion or belief.</p> | |

VII.1 The working schedule of the third amendment stage, 5 September 2000 – 9 November 2001.

| The Schedule of the Process of the Third Amendment of the 1945 Constitution 5 September 2000 – 9 November 2001 |
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| 5 September 2000. |
| The 1st Meeting of the Assembly Working Committee The Establishment of PAH I |
| 6 September 2000 – 29 March 2001 |
| PAH I's Activities Plenary Meetings 1 – 12 Public Hearings, Visit to Regions, Seminars, Workshops, Selected Teams. Establishment of Expert Group |
| 29 March 2001. |
| The 2nd Meeting of the Assembly Working Body. Progress Report of PAH I to the Working Body 24 April 2001 – 17 July 2001 PAH I's Activities Plenary Meetings 13 – 22 |
| 29 August 2001 |
| The 3rd Meeting of the Assembly Working Body. Determining the schedule of the Assembly 2001 Annual Session. Progress Report of PAH I to the Working Body. |
| 3 September 2001 – 10 October 2001 |
| PAH I's Activities Plenary Meetings 23 – 38 Small/Selected Team Meetings |
| 23 October 2001 |
| The 5th Meeting of the Assembly Working Body Approval of the drafts prepared by PAH I Closing of the Working Body. |
| 1 – 4 November 2001 |
| Plenary Meetings of the Assembly 2001 Annual Session Plenary Meetings 1 – 5 Progress Reports from the Working Body Establishment of the Assembly Commissions A, B, C. |
| 4 -8 November 2001 |
| Commission A's Activities Plenary Meetings 1 – 5 Drafting Committee Meetings Lobbies. |
| 8 – 9 November 2001 |
| Plenary Meetings of the Assembly 2001 Annual Session Plenary Meetings 6 – 8 Progress Reports from the Assembly Commissions. Approval of the Assembly Decisions Closing of the Assembly 2001 Annual Session |

VII.2 The composition of the MPR factions in Ad-Hoc Committee I of the Working Body of the MPR (PAH I, BP-MPR), December 2000 – August 2001.

| No | FACTION | Number of Members |
|----|---|-------------------|
| 1 | Faction of Democratic Indonesian Party – Struggle (F-PDIP) | 13 |
| 2 | Faction of Functional Groups Party (F-PG) | 12 |
| 3 | Faction of Delegations of Functional Groups (F-UG) | 5 |
| 4 | Faction of United Development Party (F-PPP) | 4 |
| 5 | Faction of National Awakening Party (F-KB) | 4 |
| 6 | Faction of Reformation (F-Reformasi) | 3 |
| 7 | Faction of Indonesian National Armed Forces/Indonesian Police (F-TNI/Polri) | 2 |
| 8 | Faction of Crescent Moon and Star Party (F-PBB) | 1 |
| 9 | Faction of Unitary of Indonesian Nationhood (F-KKI) | 1 |
| 10 | Faction of Association of Daulatul Ummah (F-PDU) | 1 |
| 11 | Faction of Democracy and Love the Nation Party (F-PDKB) | 1 |
| | Total | 47 |

VII.3 The list of the members of PAH I of the Working Body of the MPR, 2000-2001.

| No. | Name | Faction | Position |
|-----|-------------------------------------|-------------|---------------|
| 1. | Drs. Jakob Tobing, M.P.A. | F-PDIP | Chairman |
| 2. | Harun Kamil, S.H. | F-UG | Vice-Chairman |
| 3. | Drs. H. Slamet Effendy Yusuf | F-PG | Vice-Chairman |
| 4. | Drs. Ali Masykur Musa, M.Si. | F-KB | Secretary |
| 5. | Prof. Dr. J.F. Sahetapy, S.H., M.A. | F-PDIP | Member |
| 6. | Drs. Soewarno | F-PDIP | Member |
| 7. | H. Julius Usman | F-PDIP | Member |
| 8. | Drs. Frans F.H. Matruty | F-PDIP | Member |
| 9. | Dr. Harjono, S.H., M.Cl. | F-PDIP | Member |
| 10. | Hobbes Sinaga, S.H., M.H. | F-PDIP | Member |
| 11. | Drs. Katin Subyantoro | F-PDIP | Member |
| 12. | Ir. Pataniari Siahaan | F-PDIP | Member |
| 13. | H. Haryanto Taslam | F-PDIP | Member |
| 14. | MajGen. Pol. (Ret.) Drs. Sutjipno | F-PDIP | Member |
| 15. | I Dewa Gede Palguna, S.H., M.H. | F-PDIP | Member |
| 16. | Ir. Zainal Arifin | F-PDIP | Member |
| 17. | Drs. Theo Sambuaga, M.A. | F-PG | Member |
| 18. | Andi Mattalatta, S.H., M.H. | F-PG | Member |
| 19. | H.M. Hatta Mustafa, S.H. | F-PG | Member |
| 20. | Ir. Ahmad Hafiz Zawawi, M.Sc. | F-PG | Member |
| 21. | Drs. Agun Gunandjar Sudarsa | F-PG | Member |
| 22. | Drs. Baharuddin Aritonang, Apt. | F-PG | Member |
| 23. | Drs. T.M. Nurlif | F-PG | Member |
| 24. | Dr. H. Happy Bone Zulkarnaen, M.S. | F-PG | Member |
| 25. | Dra. Hj. Rosnaniar | F-PG | Member |
| 26. | Ir. H. Rully Chairul Azwar | F-PG | Member |
| 27. | H. Amidhan | F-PG | Member |
| 28. | H. Zain Bajeber, S.H. | F-PPP | Member |
| 29. | H. Ali Hardi Kiaidemak, S.H. | F-PPP | Member |
| 30. | H. Ali Marwan Hanan, S.H. | F-PPP | Member |
| 31. | Drs. H. Lukman Hakim Saifuddin | F-PPP | Member |
| 32. | K.H. Yusuf Muhammad, L.C. | F-KB | Member |
| 33. | Drs. K.H. Hb. Syarief M. Alaydarus | F-KB | Member |
| 34. | Drs. Abdul Khaliq Ahmad | F-KB | Member |
| 35. | H. Patrialis Akbar, S.H. | F-Reformasi | Member |
| 36. | Ir. A.M. Luthfi | F-Reformasi | Member |

| No. | Name | Faction | Position |
|-----|--|-------------|----------|
| 37. | Dr. Fuad Bawazier, M.A. | F-Reformasi | Member |
| 38. | Drs. H. Asnawi Latief | F-PDU | Member |
| 39. | Hamdan Zoelva, S.H. | F-PBB | Member |
| 40. | Drs. Anthonius Rahail | F-KKI | Member |
| 41 | Gregorius Seto Harianto | F-PDKB | Member |
| 42. | Air Vice Marshall H. Hendy Tjaswadi S.H.,MB. CN., MH. | F-TNI/Polri | Member |
| 43. | BG. Pol. Drs. Taufiequrachman Ruki, S.H. | F-TNI/Polri | Member |
| 44. | Prof. Dr. H. Soedijarto, M.A. | F-UG | Member |
| 45. | Dra. Valina Singka Subekti, M.Si. | F-UG | Member |
| 46. | Drs. Ahmad Zacky Siradj | F-UG | Member |
| 47. | Sutjipto, S.H. | F-UG | Member |

VII.4 The members of the Group of Experts of PAH I, 2000 – 2001.

| | |
|------------------------------|---|
| Chairman | Prof. Dr. Ismail Suny |
| Vice Chairman | Prof. Dr. Maria W.W. Sumardjono |
| Secretary | Dr. Nasaruddin Umar |
| Politics | |
| Coordinator | Prof. Dr. Maswadi Rauf |
| Secretary | Dr. Bachtiar Effendy |
| Members | Prof. Dr. Afan Gaffar |
| | Prof. Dr. Nazaruddin Syamsuddin |
| | Prof. Dr. Ramlan Surbakti |
| | Dr. Riswanda Himawan |
| Law | |
| Coordinator | Prof. Dr. Sri Sumantri Martosoewignyo |
| Secretary | Dr. Satya Arinanto |
| Members | Prof. Dr. Dahlan Thayeb |
| | Prof. Dr. Hasyim Djalal |
| | Prof. Dr. Ismail Suny |
| | Prof. Dr. Suwoto Mulyosudarmo |
| | Prof. Dr. Jimly Asshidiqie |
| | Prof. Dr. Maria Sumardjono |
| | Prof. Dr. Muhsan |
| Economy | |
| Coordinator | Prof. Dr. Mubiyarto |
| Secretary | Dr. Sri Mulyani |
| Members | Prof. Dr. Bambang Sudibyo |
| | Prof. Dr. Dawam Rahardjo |
| | Dr. Didik Rachbini |
| | Dr. Sri Adiningsih |
| | Dr. Syahrir. |
| Education | |
| Coordinator | Prof. Dr. Willy Toisuta |
| Secretary | Dr. Yahya Umar |
| Members | Prof. Dr. Wuryadi |
| Religions and Socio-Cultural | |
| Coordinator | Prof. Dr. Azyumardi Azra |
| Secretary | Dr. Komaruddin Hidayat |
| Members | Dr. Eka Darmaputera |
| | Dr. Nazaruddin Umar |
| | Prof. Dr. Sardjono Yatiman ⁴ |

4 Prof. Dr. Sardjono Yatiman passed away before the commission began the assignment.

VII.5 The comparison between the third amendment and the draft.

The comparison between the parts of UUD 1945 after the first and the second amendments, with the draft of amendments prepared by PAH I and BPR-MPR, and the final decision of the MPR on 9 November 2001 (the third amendment).

| <i>Chapter and Article.</i> | <i>Parts of UUD 1945 after the 1st and the 2nd amendments</i> | <i>The outcomes of BP-MPR decided on 8 November 2001</i> | <i>Decision of the 7th MPR Plenary Meeting (continued) on 9 November 2001 (The Third Amendment)</i> |
|-----------------------------|---|---|---|
| CHAPTER I | | | |
| 1 | (2) Sovereignty is in the hands of the people and is exercised by the People's Consultative Assembly. | (2) Sovereignty is in the hands of the people and is implemented according to this Constitution. (3) The state of Indonesia shall be a state based on the rule of law. | (2) Sovereignty is in the hands of the people and is implemented according to this Constitution. (3) The state of Indonesia shall be a state based on the rule of law. |
| CHAPTER IA | None | CHAPTER IA The State Basis. | None (Postponed) |
| 1A | | <i>Alternative 1:</i> The state basis is <i>Pancasila, ie Ketuhanan Yang Maha Esa</i> (Belief in the Oneness of God), <i>Kemamusiaan Yang Adil dan Beradab</i> (Just and civilized humanity), <i>Persatuan Indonesia</i> (The unity of Indonesia), <i>Kerakyatan Yang Dipimpin oleh Hikmat Kebijaksanaan, Dalam Permusyawaratan dan Perwakilan</i> (Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives), <i>Keadilan Sosial bagi seluruh Rakyat Indonesia</i> , (Social justice for all of the people of Indonesia). <i>Alternative 2:</i> None (Embedded already in the Preamble) | |
| CHAPTER II | PEOPLE'S CONSULTATIVE ASSEMBLY. | PEOPLE'S CONSULTATIVE ASSEMBLY. | PEOPLE'S CONSULTATIVE ASSEMBLY. |
| 2 | None | (1) <i>Alternative 1:</i> The MPR consists of DPR Members and DPD Members who are elected in elections, augmented with delegations of interest groups which shall further regulated by law. <i>Alternative 2:</i> The MPR consists of DPR Members and DPD Members who are elected in elections and shall be regulated further by law. | Postponed. |

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| 3 | The People's Consultative Assembly shall determine the constitution and the guidelines of the policy of the State. | <p>(1) The People's Consultative Assembly has the authority to amend and to enact the Constitution.</p> <p>(2) <i>Alternative 1:</i> The People's Consultative Assembly shall determine the guidelines of the policy of the State. <i>Alternative 2:</i> None.</p> <p>(3) <i>Alternative 1:</i> The People's Consultative Assembly shall elect the President and the Vice President from the two pairs, in case no pair is elected in the election. <i>Alternative 2:</i> None.</p> <p>(4) The People's Consultative Assembly shall inaugurate the President and/or the Vice President.</p> <p>(5) The People's Consultative Assembly may only remove the President and/or the Vice President during his/her term of office in accordance with the Constitution.</p> | <p>(1) The People's Consultative Assembly has the authority to amend and to enact the Constitution.</p> <p>(2) The People's Consultative Assembly shall inaugurate the President and/or the Vice President.</p> <p>(3) The People's Consultative Assembly may only remove the President and/or the Vice President during his/her term of office in accordance with the Constitution.</p> |
| 6 | <p>(1) The President shall be a native Indonesian.</p> <p>(2) The President and the Vice-President shall be elected by the People's Consultative Assembly by a majority vote.</p> | <p>(1) The President or the Vice President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason and shall be mentally and physically capable of performing the tasks and duties of President or Vice President.</p> <p>(2) The requirements to become President or Vice-President shall be further regulated by law.</p> | <p>(1) The President or the Vice President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason and shall be mentally and physically capable of performing the tasks and duties of President or Vice President.</p> <p>(2) The requirements to become President or Vice-President shall be further regulated by law.</p> |
| 6A | (none) | <p>(1) The President and the Vice-President shall be elected as a single ticket directly by the people.</p> <p>(2) Each candidate ticket for President and Vice-President shall be proposed prior to the holding of a general election by political parties or a combination of political parties which are participants in the general election.</p> | <p>(1) The President and the Vice-President shall be elected as a single ticket directly by the people.</p> <p>(2) Each candidate ticket for President and Vice-President shall be proposed prior to the holding of a general election by political parties or a combination of political parties which are participants in the general election.</p> |

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| | | <p>(3) Any tickets of candidates for President and Vice-President which have reached a poll of more than fifty percent of the total number of votes during the general election and an additional poll of at least twenty percent of the votes in more than half of the total number of provinces in Indonesia shall be declared elected as the President and the Vice-President.</p> <p>(4) <i>Alternative 1:</i> In the event that there is no elected candidate ticket of the President and the Vice President, the two tickets which have received the first and the second highest total of votes in a general election shall be submitted to the MPR, and the ticket which receives the highest votes shall be inaugurated as the President and the Vice President.</p> <p><i>Alternative 2:</i> In the event that there is no elected candidate ticket for the President and the Vice President, the two tickets which have received the first and the second highest total of votes in a general election shall be submitted directly to an election by the people, and the ticket which receives the highest total number of votes shall be inaugurated as the President and the Vice President.</p> <p>(5) The procedure for the holding of the election of the President and the Vice-President shall be further regulated by law.</p> | <p>(3) Any tickets of candidates for President and Vice-President which have reached a poll of more than fifty percent of the total number of votes during the general election and an additional poll of at least twenty percent of the votes in more than half of the total number of provinces in Indonesia shall be declared elected as the President and the Vice-President.</p> <p>(4) In the event that there is no elected candidate ticket for the President and the Vice President, the two tickets which have received the first and the second highest total number of votes in a general election shall be submitted directly to an election by the people, and the ticket which receives the highest total number of votes shall be inaugurated as the President and the Vice President.</p> <p>(5) The procedure for the holding of the election of the President and the Vice-President shall be further regulated by law.</p> |
| 7A | (none) | <p>The President and/or the Vice-President may be removed from his/her position during his/her term of office by the People's Consultative Assembly on the proposal of the House of Representatives, when it is proven that he/she has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that he/she no longer meets the qualifications to serve as President and/or Vice-President.</p> | <p>The President and/or the Vice-President may be removed from his/her position during his/her term of office by the People's Consultative Assembly on the proposal of the House of Representatives, when it is proven that he/she has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that he/she no longer meets the qualifications to serve as President and/or Vice-President.</p> |

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| 7B | (none) | <p>(1) Any proposal for the removal of the President and/or the Vice-President may be submitted by the House of Representatives to the People's Consultative Assembly only by first submitting a request to the Constitutional Court to investigate, bring to trial, and issue a decision on petition of the House of Representatives either that the President and/or the Vice-President has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that the President and/or the Vice-President no longer meets the qualifications to serve as President and/or Vice-President.</p> <p>(2) The petition of the House of Representatives that the President and/or the Vice-President has violated the law or no longer meets the qualifications to serve as President and/or Vice-President is undertaken in the course of implementing the scrutinizing function of the House of Representatives.</p> <p>(3) The submission of the request of the House of Representatives to the Constitutional Court shall only be made with the support of at least 2/3 of the total number of the House of Representatives who are present in a plenary session attended by at least 2/3 of its total members.</p> <p>(4) The Constitutional Court has the obligation to investigate, bring to trial, and reach the most just decision on the petition by the House of Representatives at the latest 90 (ninety) days after the request of the House of Representatives has been received by the Constitutional Court.</p> | <p>(1) Any proposal for the removal of the President and/or the Vice-President may be submitted by the House of Representatives to the People's Consultative Assembly only by first submitting a request to the Constitutional Court to investigate, bring to trial, and issue a decision on petition of the House of Representatives either that the President and/or the Vice-President has violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude, and/or that the President and/or the Vice-President no longer meets the qualifications to serve as President and/or Vice-President.</p> <p>(2) The petition of the House of Representatives that the President and/or the Vice-President has violated the law or no longer meets the qualifications to serve as President and/or Vice-President is undertaken in the course of implementing the scrutinizing function of the House of Representatives.</p> <p>(3) The submission of the request of the House of Representatives to the Constitutional Court shall only be made of the support of at least 2/3 of the total number of the House of Representatives who are present in a plenary session attended by at least 2/3 of its total members.</p> <p>(4) The Constitutional Court has the obligation to investigate, bring to trial, and reach the most just decision on the petition by the House of Representatives at the latest 90 (ninety) days after the request of the House of Representatives has been received by the Constitutional Court.</p> |
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| | | <p>(5) If the Constitutional Court decides that the President and/or the Vice-President is proved to have violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude; and/or the President and/or the Vice-President is proven to no longer meet the qualifications to serve as President and/or Vice-President, the House of Representatives shall hold a plenary session to submit the proposal to remove the President and/or the Vice-President to the People's Consultative Assembly.</p> <p>(6) The People's Consultative Assembly shall convene a sitting to decide on the proposal of the House of Representatives at the latest 30 (thirty) days after its receipt of the proposal.</p> <p>(7) The decision of the People's Consultative Assembly over the proposal to remove the President and/or the Vice-President shall be taken during a plenary session of the People's Consultative Assembly attended by at least 3/4 of the total members and shall require the approval of at least 2/3 of the total members who are present, after the President and/or the Vice-President has been given the opportunity to present his/her explanation to the plenary session of the People's Consultative Assembly.</p> | <p>(5) If the Constitutional Court decides that the President and/or the Vice-President is proved to have violated the law through an act of treason, corruption, bribery, or other serious criminal offences, or through moral turpitude; and/or the President and/or the Vice-President is proven to no longer meet the qualifications to serve as President and/or Vice-President, the House of Representatives shall hold a plenary session to submit the proposal to remove the President and/or the Vice-President to the People's Consultative Assembly.</p> <p>(6) The People's Consultative Assembly shall convene a sitting to decide on the proposal of the House of Representatives at the latest 30 (thirty) days after its receipt of the proposal.</p> <p>(7) The decision of the People's Consultative Assembly over the proposal to remove the President and/or the Vice-President shall be taken during a plenary session of the People's Consultative Assembly attended by at least 3/4 of the total members and shall require the approval of at least 2/3 of the total members who are present, after the President and/or the Vice-President has been given the opportunity to present his/her explanation to the plenary session of the People's Consultative Assembly.</p> |
| 7C | (none) | The President may not freeze and/or dissolve the House of Representatives. | The President may not freeze and/or dissolve the House of Representatives. |

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| <p>8</p> | <p>Should the President pass away, resign or be unable to perform his/her duties during his/her term of office, he/she shall be succeeded by the Vice-President until the expiry of his/her term of office.</p> | <p>(1) In the event that the President passes away, resigns, is removed, or is not capable of performing his/her tasks and duties during his/her term of office, he/she will be replaced by the Vice-President until the end of his/her term of office.</p> <p>(2) In the event that the position of the Vice-President is vacant, the People's Consultative Assembly should hold a session within 60 (sixty) days at the latest to elect a Vice-President from two candidates nominated by the President.</p> | <p>(1) In the event that the President passes away, resigns, is removed, or is not capable of performing his/her tasks and duties during his/her term of office, he/she will be replaced by the Vice-President until the end of his/her term of office.</p> <p>(2) In the event that the position of the Vice-President is vacant, the People's Consultative Assembly should hold a session within 60 (sixty) days at the latest to elect a Vice-President from two candidates nominated by the President.</p> |
| <p>11</p> | <p>In agreement with the House of Representatives, the President declares war, makes peace and concludes treaties with other states.</p> | <p>(2) In making other international treaties which will produce an extensive impact on the lives of the people which is linked to the state's financial burden, and/or which will require an amendment to or enactment of an act, the President shall obtain the approval of the House of Representatives.</p> <p>(3) Further provisions regarding international treaties shall be further regulated by law.</p> | <p>(2) In making other international treaties which will produce an extensive impact on the lives of the people which is linked to the state's financial burden, and/or which will require an amendment to or enactment of an act, the President shall obtain the approval of the House of Representatives.</p> <p>(3) Further provisions regarding international treaties shall be further regulated by law.</p> |
| <p>CHAPTER IV</p> | <p>SUPREME ADVISORY COUNCIL</p> | <p><i>Alternative 1:</i> THIS CHAPTER IS DELETED AND INCLUDED IN CHAPTER III, THE STATE GOVERNANCE POWER.</p> | <p>Deleted.</p> |
| <p>16</p> | | <p><i>Alternative 2:</i> <i>Not changed, with the following contents:</i> SUPREME ADVISORY COUNCIL.</p> <p>(1) The Council has the duty to reply to the questions raised by the President and has the right to submit recommendations to the President in running the state governance.</p> <p>(2) The Council shall comprise of members which are proposed by DPR and DPD based on personal integrity, national insight, the public prominence and their record of devotion to the state and the nation, that shall be selected and installed by the President.</p> <p>(3) The composition and the status of the Council shall be further regulated by law.</p> | <p>None</p> |

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| CHAPTER V | CHAPTER V STATE MINISTERS | | CHAPTER V STATE MINISTERS |
| 17 | | (4) The formation, change, and dissolution of state ministries shall be further regulated by law. | (4) The formation, change, and dissolution of state ministries shall be further regulated by law. |
| CHAPTER VIIA | (NONE) | CHAPTER VIIA REGIONAL COUNCIL | CHAPTER VIIA REGIONAL COUNCIL |
| 22C | (none) | (1) The members of the Regional council shall be elected from every province through general elections. (2) The total number of members of the Regional council in every province shall be the same, and the total number of the Regional council shall not exceed one-third of the total number of the House of Representatives. (3) The Regional council shall convene a sitting at least once every year. (4) The Structure and composition of the Regional council shall be further regulated by law. | (1) The members of the Regional council shall be elected from every province through general elections. (2) The total number of members of the Regional council in every province shall be the same, and the total number of the Regional council shall not exceed one-third of the total number of the House of Representatives. (3) The Regional council shall convene a sitting at least once every year. (4) The Structure and composition of the Regional council shall be further regulated by law. |
| 22D | (none) | (1) The Regional council may propose bills to the House of Representatives which are related to regional autonomy, the relationship between central and local governments, the formation, expansion and merger of regions, the management of natural resources and other economic resources, and the financial balance between the center and the regions. (2) The Regional council shall participate in the discussion of bills related to regional autonomy, the relationship of central and local governments, the formation, expansion and merger of regions, the management of natural resources and other economic resources, and the financial balance between the center and the regions; and shall provide consideration to the House of Representatives over Bills and the State Budget and over Bills on taxation, education, or religion. | (1) The Regional council may propose bills to the House of Representatives which are related to regional autonomy, the relationship between central and local governments, the formation, expansion and merger of regions, the management of natural resources and other economic resources, and the financial balance between the center and the regions. (2) The Regional council shall participate in the discussion of bills related to regional autonomy, the relationship of central and local governments, the formation, expansion and merger of regions, the management of natural resources and other economic resources, and the financial balance between the center and the regions; and shall provide consideration to the House of Representatives over Bills and the State Budget and over Bills on taxation, education, or religion. |

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| | | <p>(3) The Regional council may section the implementation of laws concerning regional autonomy, the formation, expansion and merger of regions, the relationship of central and local governments, management of natural resources and other economic resources, implementation of the State Budget, taxation, education, or religion and shall submit the result of such oversight to the House of Representatives for consideration to be followed up on.</p> <p>(4) The members of the Regional council may be removed from office under requirements and procedures that shall be further regulated by law.</p> | <p>(3) The Regional council may section the implementation of laws concerning regional autonomy, the formation, expansion and merger of regions, the relationship of central and local governments, management of natural resources and other economic resources, implementation of the State Budget, taxation, education, or religion and shall submit the result of such oversight to the House of Representatives for consideration to be followed up on.</p> <p>(4) The members of the Regional council may be removed from office under requirements and procedures that shall be further regulated by law.</p> |
| CHAPTER VIIB | (none) | CHAPTER VIIB GENERAL ELECTIONS | CHAPTER VIIB GENERAL ELECTIONS |
| 22E | (none) | <p>(1) General elections shall be conducted in a general, free, secret, honest, fair and direct manner once every five years.</p> <p>(2) General elections shall be conducted to elect the members of the House of Representatives, the Regional council, the President and the Vice-President, and the Regional House of Representatives.</p> <p>(3) The participants in the general election of the members of the House of Representatives and the Regional House of Representatives are political parties.</p> <p>(4) The participants in the general election of the members of the Regional council are individuals.</p> <p>(5) The general elections shall be organized by a general election commission of a national, permanent, and independent character.</p> <p>(6) Further provisions concerning general elections shall be further regulated by law.</p> | <p>(1) General elections shall be conducted in a general, free, secret, honest, fair and direct manner once every five years.</p> <p>(2) General elections shall be conducted to elect the members of the House of Representatives, the Regional council, the Vice-President, and the Regional House of Representatives.</p> <p>(3) The participants in the general election of the members of the House of Representatives and the Regional House of Representatives are political parties.</p> <p>(4) The participants in the general election of the members of the Regional council are individuals.</p> <p>(5) The general elections shall be organized by a general election commission of a national, permanent, and independent character.</p> <p>(6) Further provisions concerning general elections shall be further regulated by law.</p> |

| CHAPTER VIII | FINANCE | FINANCE | FINANCE |
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| 23 | <p>(1) The State Budget shall be determined annually by law. In the event that the House of Representatives does not approve a draft budget, the government shall adapt the budget of the preceding year.</p> <p>(2) All government taxes shall be further regulated by law.</p> <p>(3) The forms and denominations of the currency shall be further regulated by law.</p> <p>(4) Other financial matters shall be further regulated by law.</p> <p>(5) In order to examine the accountability of the state finances, a State Audit Board shall be established by statutory regulation. The findings of the Board shall be reported to the House of Representatives.</p> | <p>(1) The State Budget as a form of state financial management shall be determined annually by law and shall be implemented in an open and accountable manner for the greatest prosperity of the people.</p> <p>(2) The bill on the State Budget shall be submitted by the President for joint consideration to the House of Representatives, which shall take into account the opinions of the Regional council.</p> <p>(3) In the event that the House of Representatives fails to approve the proposed bill on the State Budget submitted by the President, the Government shall implement the State Budget of the preceding year.</p> | <p>(1) The State Budget as a form of state financial management shall be determined annually by law and shall be implemented in an open and accountable manner for the greatest prosperity of the people.</p> <p>(2) The bill on the State Budget shall be submitted by the President for joint consideration to the House of Representatives, which shall take into account the opinions of the Regional council.</p> <p>(3) In the event that the House of Representatives fails to approve the proposed bill on the State Budget submitted by the President, the Government shall implement the State Budget of the preceding year.</p> |
| 23A | (none) | All taxes and other levies for the needs of the state of a compulsory nature shall be further regulated by law. | All taxes and other levies for the needs of the state of a compulsory nature shall be further regulated by law. |

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| 23B | (none) | <p><i>Alternative 1:</i> The currency of Indonesia is Rupiah.</p> <p><i>Alternative 2:</i> The currency of Indonesia shall be further regulated by law.</p> | Postponed. |
| 23C | (none) | Other matters concerning state finance shall be further regulated by law. | Other matters concerning state finance shall be further regulated by law. |
| 23D | (none) | <p>(1) The State of the Republic of Indonesia shall have a central bank (which is independent), (which is Bank Indonesia) which has the authority to issue and to circulate currency.</p> <p>(2) The composition, the status, and its other authorities shall be further regulated by law.</p> | Postponed. |
| CHAPTER VIII A | (none) | CHAPTER VIII A SUPREME AUDIT BOARD | CHAPTER VIII A SUPREME AUDIT BOARD |
| 23E | (none) | <p>(1) To examine the management and accountability of state finance, there shall be a single Supreme Audit Board which shall be free and independent.</p> <p>(2) The result of any examination of state finance shall be submitted to the House of Representatives, the Regional council, and the Regional House of Representatives in line with their respective authority.</p> <p>(3) Action following the result of any such examination will be taken by representative institutions and/or bodies according to law.</p> | <p>(1) To examine the management and accountability of state finance, there shall be a single Supreme Audit Board which shall be free and independent.</p> <p>(2) The result of any examination of state finance shall be submitted to the House of Representatives, the Regional council, and the Regional House of Representatives in line with their respective authority.</p> <p>(3) Action following the result of any such examination will be taken by representative institutions and/or bodies according to law.</p> |
| 23F | (none) | <p>(1) The members of the Supreme Audit Board shall be chosen by the House of Representatives, which shall have regard to any considerations of the Regional Council, and will be formally appointed by the President.</p> <p>(2) The leadership of the Supreme Audit Board shall be elected by and from the members.</p> | <p>(1) The members of the Supreme Audit Board shall be chosen by the House of Representatives, which shall have regard to any considerations of the Regional Council, and will be formally appointed by the President.</p> <p>(2) The leadership of the Supreme Audit Board shall be elected by and from the members.</p> |

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| 23G | (none) | <p>(1) The Supreme Audit Board shall be based in the capital city of the state, and shall have representation in every province.</p> <p>(2) Further provisions concerning the Supreme Audit Board shall be further regulated by law.</p> | <p>(1) The Supreme Audit Board shall be based in the capital city of the state, and shall have representation in every province.</p> <p>(2) Further provisions concerning the Supreme Audit Board shall be further regulated by law.</p> |
| CHAPTER IX | CHAPTER IX JUDICIAL POWER | CHAPTER IX JUDICIAL POWER | CHAPTER IX JUDICIAL POWER |
| 24 | <p>(1) The judicial power shall be implemented by a Supreme Court and such other courts of law as provided by law.</p> <p>(2) The composition and powers of these legal bodies shall be further regulated by law.</p> | <p>(1) The judicial power shall be independent and shall possess the power to organize the judicature in order to enforce law and justice.</p> <p>(2) The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, a religious affairs court, a military tribunal, state administrative courts, and by a Constitutional Court.</p> | <p>(1) The judicial power shall be independent and shall possess the power to organize the judicature in order to enforce law and justice.</p> <p>(2) The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, a religious affairs court, a military tribunal, state administrative courts, and by a Constitutional Court.</p> |
| 24A | (none) | <p>(1) The Supreme Court shall have the authority to hear a trial at the highest level of cassation, to review ordinances and regulations made under any acts, and shall possess other authorities as provided by law.</p> <p>(2) Each justice of the Supreme Court must possess integrity and an honorable personality, and shall be fair, professional, and possess legal experience.</p> <p>(3) Candidate justices of the Supreme Court shall be proposed by the Judicial Commission to the House of Representatives for approval and shall subsequently be formally appointed to office by the President.</p> <p>(4) The chief and deputy chief of the Supreme Court shall be elected by and from the justices of the Supreme Court.</p> <p>(5) The structure, status, membership and judicial procedure of the Supreme Court and its subsidiary bodies of judicature shall be further regulated by law.</p> | <p>(1) The Supreme Court shall have the authority to hear a trial at the highest level of cassation, to review ordinances and regulations made under any acts, and shall possess other authorities as provided by law.</p> <p>(2) Each justice of the Supreme Court must possess integrity and an honorable personality, and shall be fair, professional, and possess legal experience.</p> <p>(3) Candidate justices of the Supreme Court shall be proposed by the Judicial Commission to the House of Representatives for approval and shall subsequently be formally appointed to office by the President.</p> <p>(4) The chief and deputy chief of the Supreme Court shall be elected by and from the justices of the Supreme Court.</p> <p>(5) The structure, status, membership and judicial procedure of the Supreme Court and its subsidiary bodies of judicature shall be further regulated by law.</p> |

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| 24B | (none) | <p>(1) There shall be an independent Judicial Commission which shall possess the authority to propose candidates for appointment as justices of the Supreme Court and shall possess further authority to maintain and ensure the honor, dignity and behavior of judges.</p> <p>(2) The members of the Judicial Commission shall possess legal knowledge and experience and shall be persons of integrity with an honorable personality.</p> <p>(3) The members of the Judicial Commission shall be appointed and removed by the President with the approval of the House of Representatives.</p> <p>(4) The structure, composition and membership of the Judicial Commission shall be further regulated by law.</p> | <p>(1) There shall be an independent Judicial Commission which shall possess the authority to propose candidates for appointment as justices of the Supreme Court and shall possess further authority to maintain and ensure the honor, dignity and behavior of judges.</p> <p>(2) The members of the Judicial Commission shall possess legal knowledge and experience and shall be persons of integrity with an honorable personality.</p> <p>(3) The members of the Judicial Commission shall be appointed and removed by the President with the approval of the House of Representatives.</p> <p>(4) The structure, composition and membership of the Judicial Commission shall be further regulated by law.</p> |
| 24C | (none) | <p>(1) The Constitutional Court shall possess the authority to try a case as final and binding and shall have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding over disputes of a general election.</p> <p>(2) The Constitutional Court shall possess the authority to issue a decision over a petition concerning alleged violations by the President and/or the Vice-President as provided by the Constitution.</p> <p>(3) The Constitutional Court shall be composed of 9 (nine) persons who shall be constitutional justices and who shall be confirmed in office by the President, of whom 3 (three) shall be nominated by the Supreme Court, 3 (three) nominated by the House of Representatives, and 3 (three) nominated by the President.</p> | <p>(1) The Constitutional Court shall possess the authority to try a case as final and binding and shall have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding over disputes of a general election.</p> <p>(2) The Constitutional Court shall possess the authority to issue a decision over a petition concerning alleged violations by the President and/or the Vice-President as provided by the Constitution.</p> <p>(3) The Constitutional Court shall be composed of 9 (nine) persons who shall be constitutional justices and who shall be confirmed in office by the President, of whom 3 (three) shall be nominated by the Supreme Court, 3 (three) nominated by the House of Representatives, and 3 (three) nominated by the President.</p> |

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| | | <p>(4) The chief and deputy chief of the Constitutional Court shall be elected by and from the constitutional justices.</p> <p>(5) Each constitutional justice must possess integrity and an honorable personality, shall be fair and be a statesman who has a command of the Constitution and constitutional knowledge, and shall not act concurrently as a state official.</p> <p>(6) The appointment and removal of constitutional justices, the judicial procedure, and other provisions concerning the Constitutional Court shall be further regulated by law.</p> | <p>(4) The chief and deputy chief of the Constitutional Court shall be elected by and from the constitutional justices.</p> <p>(5) Each constitutional justice must possess integrity and an honorable personality, shall be fair and be a statesman who has a command of the Constitution and constitutional knowledge, and shall not act concurrently as a state official.</p> <p>(6) The appointment and removal of constitutional justices, the judicial procedure, and other provisions concerning the Constitutional Court shall be further regulated by law.</p> |
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VII.6 The Annex of MPR Decree no. XI/2001.

| Annex of the Assembly Decree no. XI/MPR/2001 and related original texts of the 1945 Constitution after the 1st & 2nd amendments. | | |
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| <i>Chapter/ Article</i> | <i>Original</i> | <i>Proposed Alterations</i> |
| CHAPTER II | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY |
| Article 2 | <p>(1) The People's Consultative Assembly shall consist of the members of the House of Representatives augmented by the delegates from the regional territories and groups as provided for by statutory regulations.</p> <p>(2) The People's Consultative Assembly shall convene a sitting at least once every five years in the capital of the state.</p> <p>(3) All decisions of the People's Consultative Assembly shall be taken by a majority vote.</p> | <p>(1) <i>Alternative 1:</i> The People's Consultative Assembly (MPR) consists of members of the House of Representatives and members of the Regional Council who are elected in elections and augmented with delegations of functional groups which shall be further regulated according to law.</p> <p><i>Alternative 2:</i> The People's Consultative Assembly (MPR) consists of members of the House of Representatives and members of the Regional Council who are elected in elections and shall be further regulated by law.</p> <p>Notes: Membership of TNI/Polri, in accordance with the Assembly Decree no. VII/MPR/2000 is agreed to be incorporated in the Transitional Article of the 1945 Constitution.</p> <p>(2) Remained.</p> <p>(3) Remained.</p> |
| Article 3 | The People's Consultative Assembly shall determine the constitution and the State's policies in broad outlines (GBHN). | <p>(2) <i>Alternative 1:</i> The People's Consultative Assembly elects the President and the Vice President in the event that no candidate ticket of the President and the Vice President is elected through the election.</p> <p><i>Alternative 2:</i> This section is not necessary.</p> |

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| CHAPTER III | CHAPTER III STATE GOVERNANCE POWER | CHAPTER III STATE GOVERNANCE POWER |
| Article 6A | None | <p>(4) <i>Alternative 1:</i> In the event no candidate President and Vice President pair is elected, two of the candidate President and Vice President pairs acquiring the first and second majority vote in the general election shall be elected by the People's Consultative Assembly and the pair acquiring the majority votes shall be inaugurated as the President and the Vice President.</p> <p><i>Alternative 2:</i> In the event no candidate President and Vice President pair is elected, two of the candidate President and Vice President pairs acquiring the first and second majority vote in the general election shall be elected by the people directly and the pair acquiring the majority votes of the people shall be inaugurated as the President and the Vice President.</p> |
| Article 8 | (3) None | <p>(3) <i>Alternative 1:</i> If the President and the Vice President pass away, resign, are dismissed, or are not able to undertake his/her responsibilities during his/her tenure, simultaneously, the Acting Presidency will collectively include the Minister of Foreign Affairs, Minister of Home Affairs, and the Minister of Defense. Within one month afterwards, at the latest, the People's Consultative Assembly shall convene a sitting to elect until the end of the tenure the President and the Vice President from 2 packages of President and Vice President candidates nominated by the political party or combination of political parties whose President and the Vice President candidate packages obtained the first and the second largest votes in the previous election.</p> <p><i>Alternative 2:</i> In the event of a simultaneous vacancy of the Presidency and the Vice Presidency, the Speaker of the House of Representatives and the Speaker of the Regional Council will act respectively as Acting President and Acting Vice President. Within one month afterwards, at the latest, the People's Consultative Assembly shall convene a sitting to elect until the end of the tenure the President and the Vice President from 2 packages of President and Vice President candidates nominated by the political party or combination of political parties whose President and the Vice President candidate packages obtained the first and the second largest votes in the previous election.</p> |
| CHAPTER IV | CHAPTER IV SUPREME ADVISORY BOARD. | <p><i>Alternative 1:</i> CHAPTER ON THE SUPREME ADVISORY COUNCIL OMITTED AND INCLUDED IN CHAPTER III, THE STATE GOVERNANCE POWER.</p> <p><i>Alternative 2:</i> The Supreme Advisory Board is retained, with the following provisions: CHAPTER IV SUPREME ADVISORY BOARD.</p> |

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| Article 16 | <p>(1) The composition of the Supreme Advisory Council shall be determined by law.</p> <p>(2) The Council is obliged to reply to inquiries raised by the President and has the right to submit recommendations to the government.</p> | <p>(1) The Supreme Advisory Board is obliged to reply to the inquiries of the President and is entitled to submit proposals and recommendations to the President on state governance matters.</p> <p>(2) The Supreme Advisory Board shall comprise of members who are proposed by the House of Representatives and the Regional Council based upon personal integrity, national insight, public prominence, and the record of their dedications to the country and the nation, to be selected and determined by the President.</p> <p>(3) The composition and the status of the Supreme Advisory Board shall be further regulated by law.</p> |
| CHAPTER VIII | None | CHAPTER VIII THE GENERAL ELECTIONS |
| Article 22F | None | <p>(1) The general election is the realization of the people's sovereignty that is conducted in a general, free, secret, honest, fair and direct manner once every five years.</p> <p>(2) The general election is conducted to elect members of the House of Representatives, the Regional Council, and the regional House of Representatives.</p> <p>(3) The general elections to elect members of the House of Representatives and members of the regional House of Representatives are participated by political parties.</p> <p>(4) The general election to elect members of the Regional Council is participated by candidate from political parties and individual candidates.</p> <p>(5) The general elections shall be organized by a general election commission of a national, permanent, and independent characters.</p> <p>(6) Further provisions regarding general elections shall be regulated by law.</p> |
| CHAPTER VIII | CHAPTER VIII FINANCE | CHAPTER VIII FINANCE |
| Article 23B | None | <p><i>Alternative 1:</i> The currency of the Republic of Indonesia is Rupiah.</p> <p><i>Alternative 2:</i> The currency of the Republic of Indonesia shall be determined by law.</p> |
| Article 23D | None | <p>(1) <i>Alternative 1:</i> The state of Indonesia shall possess (which is independent) [Bank Indonesia] which holds authority to issue and to circulate currency.</p> <p>(2) The composition, position and other authorities shall be regulated by law.</p> |
| CHAPTER ? | None | CHAPTER ? LAW ENFORCEMENT |
| Article 25C | None | <p>(1) Attorney is an independent state institution to implement the authority to prosecute in criminal cases.</p> <p>(2) Attorney is led by the Attorney General who shall be appointed and dismissed by the President upon approval of the House of Representatives (with regard to the consideration of the Regional Council).</p> <p>(3) The composition, position and other authorities of Attorney shall be regulated by law.</p> |

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| Article 25D | None | (1) Investigation in criminal cases is the duty and the authority of Indonesian National Police which is regulated by law. (2) Other officials may conduct investigations at the behest of the law. |
| CHAPTER XI | CHAPTER XI RELIGION | CHAPTER XI <i>Alternative 1:</i> RELIGION (Not changed). <i>Alternative 2:</i> KETUHANAN YANG MAHA ESA (THE ONE AND ONLY GOD). |
| Article 29 | (1) The State shall be based in belief in the One and Only God. (2) The State guarantees all persons the freedom to worship, each according to his/her own religion or beliefs. | Section (1): <i>Alternative 1:</i> (1) The State is based on belief in the Oneness of God (Ketuhanan Yang Maha Esa) (Not changed). <i>Alternative 2:</i> (1) The State is based on belief in the One and only God (Ketuhanan Yang Maha Esa) with the obligation to implement Islamic sharia for its followers. <i>Alternative 3:</i> (1) The State is based on belief in the One and only God (Ketuhanan Yang Maha Esa) with the obligation to implement the teachings of the religions by its respective followers. <i>Alternative 4:</i> (1) The State is based on Belief in the One and only God, Just and civilized humanity, The unity of Indonesia, Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and social justice for all of the people of Indonesia. Section (2): <i>Alternative 1:</i> (2) The State guarantees all persons the freedom to worship, each according to his/her own religion or beliefs. (Not changed). <i>Alternative 2:</i> (2) The State guarantees all persons the freedom to believe in his/her religion and to worship in accordance with his/her religion. <i>Alternative 3:</i> (2) The State Guarantees all persons the freedom to believe in his/her religion and to worship in accordance with his/her religion and belief and to build their respective places of worships. <i>Alternative 4:</i> (2) The State Guarantees all persons the freedom to believe in his/her religion, to implement the teachings of the religions and to worship in accordance with the beliefs of their respective religions. On the addition of a new section: <i>Alternative 1:</i> Not necessary. <i>Alternative 2:</i> Addition of new sections: a. The State should protect the people from the spreading of teaching which is contrary to the belief in oneness of God. b. The State administration must not contradict the values, norms and the religious law. c. The State should adhere to the values of ethics and human morality taught by religions. |

| CHAPTER XIII | CHAPTER XIII EDUCATION | CHAPTER XIII EDUCATION AND CULTURE |
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| Article 31. | <p>(1) Every citizen has the right to receive education.</p> <p>(2) The Government shall manage and organise one system of national education which shall be further regulated by law.</p> | <p>(1) Each citizen has the right to an education.</p> <p>(2) Each citizen is obliged to follow elementary education and the government is obliged to fund this.</p> <p>Section (3): <i>Alternative 1:</i> (3) The Government organizes and implements a national education system, to be regulated by law. <i>Alternative 2:</i> (3) The Government organizes and implements a national education system that aims to educate the national life and create humans with noble character, which shall be regulated by law. <i>Alternative 3:</i> (3) The Government organizes and implements a national education system, to be regulated by law, which aims to improve faith, piety, and morality and to educate the national life, which shall be regulated by law.</p> <p>Section 4: <i>Alternative 1:</i> (4) The State is obliged to prioritize the education budget from the State Budget to meet the needs of implementing the national education. <i>Alternative 2:</i> (4) The State is obliged to prioritize the education budget through at least 20% of the State Budget and the Regional Budgets to meet the needs of implementing the national education.</p> <p>Section 5: <i>Alternative 1:</i> (5) The Government advances science and technology with a view to promoting civilization and unity. <i>Alternative 2:</i> (5) The Government advances science and technology that does not contradict religious values or promoting civilization and unity for the well-being of humanity.</p> |
| Article 32 | The Government shall advance the national culture. | <p>(1) The State nurtures good old cultural values and develops better new cultural values.</p> <p>(2) The Government advances Indonesian national culture while guaranteeing the freedom of society to preserve and develop their cultures.</p> <p>(3) The State honors and nurtures local languages as national cultural treasures.</p> |

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| CHAPTER XIV | CHAPTER XIV SOCIAL WELFARE | CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE |
| Article 33 | <p>(1) The economy shall be organized as a common endeavor based upon the principles of the familial system.</p> <p>(2) Sectors of production which are important for the country and affect the life of the people shall be under state powers.</p> <p>(3) The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.</p> | <p>(1) The economy is to be structured and developed as a sustainable common endeavor of all people based on principles of justice, efficiency, and economic democracy to realize the prosperity, welfare, and social justice for all people.</p> <p>(2) Production sectors that are vital to the state and that affect the livelihood of a considerable part of the population are to be controlled by the state based on principles of justice and efficiency that shall be regulated by law.</p> <p>(3) The land and the waters as well as the natural riches therein are to be managed and/or controlled by the state to be utilized to the greatest benefit of the people and shall be regulated by law.</p> <p>(4) The economic actors are the cooperatives, state enterprises, and private businesses including individual endeavors.</p> <p>(5) Organizing and developing the national economy should always prevent damage to and improve the environment, consider and respect traditional rights, as well as guarantee the balanced development of the whole country.</p> |
| Article 34 | Impoverished persons and abandoned children shall be taken care of by the State. | <p>(1) (Not changed).</p> <p>(2) The State develops a social security system for all people and empowers weak and disabled people in accordance with humanity.</p> <p>(3) The State is responsible for providing health service facilities and adequate public services.</p> |
| CHAPTER XVI | CHAPTER XVI AMENDMENTS TO THE CONSTITUTION | CHAPTER XVI AMENDMENTS TO THE CONSTITUTION. |
| Article 37 | <p>(1) In order to amend the Constitution, not less than 2/3 of the People's Consultative Assembly members shall be in attendance.</p> <p>(2) Decisions shall be taken with the approval of not less than 2/3 of its members in attendance.</p> | <p>(1) Proposals to amend articles of the Constitution can be put on the agenda of the People's Consultative Assembly session if submitted by at least 1/3 of the total number of members in the People's Consultative Assembly.</p> <p>(2) Each proposal to amend articles of the Constitution must mention clearly which part should be amended.</p> <p>(3) To amend articles of the Constitution the People's Consultative Assembly session must be attended by at least 2/3 of People's Consultative Assembly members [Originated from the original article 37 (1)].</p> <p>(4) A decision to amend articles of the Constitution requires the agreement of more than at least 3/4 of the People's Consultative Assembly members, except for the amendment of the Preamble of the 1945 Constitution, the Form and the Integrity of the Territory of the Unitary State of the Republic of Indonesia, which should require the consent of more than 50% of the people of Indonesia.</p> <p>(5) The requirements for amending the Constitution shall be further regulated by the decision of the People's Consultative Assembly.</p> |

| | TRANSITIONAL PROVISIONS | TRANSITIONAL PROVISIONS |
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| Article I | The Preparatory Committee for Indonesia's Independence shall arrange and conduct the transfer of administration to the Government of Indonesia. | All existing state institutions and regulations shall remain valid as long as they have not been replaced by new ones under this Constitution. |
| Article II. | All existing state institutions continue to function and all regulations remain valid as long as no new ones are established in conformity with this Constitution. | The additional members of the People's Consultative Assembly referred to in Article 2 section (1) the 1945 Constitution are the delegates of the Indonesian National Military and delegates of the Indonesian National Police. The provisions on the additional members of the People's Consultative Assembly as referred to in this Article are valid as long as the People's Consultative Assembly does not change them. |
| Article III | For the first time, the President and the Vice President shall be elected by the Preparatory Committee for Indonesia's Independence. | None |
| Article IV | Prior to the formation of the People's Consultative Assembly, the House of Representatives and the Supreme Advisory Council in accordance with this Constitution, all the powers shall be exercised by the President assisted by a national committee. | None |
| | ADDITIONAL PROVISIONS. | CLOSING PROVISIONS |
| | (1) Within six months after the end of the Great Asia War, the President of Indonesia shall take preparatory steps and execute all the provisions of this Constitution. (2) Within six months after its formation, the People's Consultative Assembly shall convene a sitting to determine the Constitution. | The amendments to this Constitution are ratified on |

VIII.1 The composition of the factions in Ad-Hoc Committee I of the Working Body of the MPR (PAH I, BP-MPR), 2001 – 2002.

| No. | Faction | Σ members |
|-----|---|-----------|
| 1. | Fraksi Partai Demokrasi Indonesia Perjuangan (F-PDIP) | 13 |
| 2. | Fraksi Partai GOLKAR (F-PG) | 11 |
| 3. | Fraksi Utusan Golongan (F-UG) | 4 |
| 4. | Fraksi Kebangkitan Bangsa (F-KB) | 4 |
| 5. | Fraksi Partai Persatuan Pembangunan (F-PPP) | 4 |
| 6. | F-Reformasi | 3 |
| 7. | F-Utusan Daerah (F-UD) | 3 |
| 8. | Fraksi TNI/Polri | 2 |
| 9. | Fraksi Daulatul Ummah (F-PDU) | 1 |
| 10. | Fraksi Partai Bulan Bintang (F-PBB) | 1 |
| 11. | Fraksi Kebangkitan Kebangsaan Indonesia (F-KKI) | 1 |
| 12. | Fraksi Partai Demokrasi Kasih Bangsa (F-PDKB) | 1 |
| | Total | 48 |

VIII.2 The list of the members of PAH I of the working body of the MPR, 2001-2002.

| No. | Name | Faction | Position |
|-----|--|-------------|---------------|
| 1. | Drs. Jakob Tobing, M.P.A. | F-PDIP | Chairman |
| 2. | Harun Kamil, S.H. | F-UG | Vice-Chairman |
| 3. | Drs. H. Slamet Effendy Yusuf | F-PG | Vice-Chairman |
| 4. | Drs. Ali Masykur Musa, M.Si. | F-KB | Secretary |
| 5. | Prof. Dr. J.F. Sahetapy, S.H., M.A. | F-PDIP | Member |
| 6. | Drs. Soewarno | F-PDIP | Member |
| 7. | K.H. Drs. Achmad Aries Munandar, M.Sc. | F-PDIP | Member |
| 8. | Drs. Frans F.H. Matrutty | F-PDIP | Member |
| 9. | Dr. Harjono, S.H., M.Cl. | F-PDIP | Member |
| 10. | Hobbes Sinaga, S.H., M.H. | F-PDIP | Member |
| 11. | Drs. Katin Subyantoro | F-PDIP | Member |
| 12. | Ir. Pataniari Siahaan | F-PDIP | Member |
| 13. | H. Haryanto Taslam | F-PDIP | Member |
| 14. | MajGen. Pol. (Ret.) Drs. Sutjipno | F-PDIP | Member |
| 15. | I Dewa Gede Palguna, S.H., M.H. | F-PDIP | Member |
| 16. | Ir. Zainal Arifin | F-PDIP | Member |
| 17. | Ir. H. Rully Chairul Azwar | F-PG | Member |
| 18. | H. Amidhan | F-PG | Member |
| 19. | Drs. Theo Sambuaga, M.A. | F-PG | Member |
| 20. | Andi Mattalatta, S.H., M.H. | F-PG | Member |
| 21. | M. Akil Mochtar, S.H. | F-PG | Member |
| 22. | Ir. Ahmad Hafiz Zawawi, M.Sc. | F-PG | Member |
| 23. | Drs. Agun Gunandjar Sudarsa | F-PG | Member |
| 24. | Drs. Baharuddin Aritonang, Apt. | F-PG | Member |
| 25. | Drs. T.M. Nurlif | F-PG | Member |
| 26. | Dr. H. Happy Bone Zulkarnaen, M.S. | F-PG | Member |
| 27. | H. Abdul Azis Imran P., S.H. | F-PPP | Member |
| 28. | H. Zain Bajeber, S.H. | F-PPP | Member |
| 29. | H. Ali Hardi Kiaidemak, S.H. | F-PPP | Member |
| 30. | Drs. H. Lukman Hakim Saifuddin | F-PPP | Member |
| 31. | Ir. H. Erman Suparno, MBA., M.Si. | F-KB | Member |
| 32. | K.H. Yusuf Muhammad, L.C. | F-KB | Member |
| 33. | Dra. Ida Fauziyah | F-KB | Member |
| 34. | H. Patrialis Akbar, S.H. | F-Reformasi | Member |
| 35. | Ir. A.M. Luthfi | F-Reformasi | Member |
| 36. | Dr. Fuad Bawazier, M.A. | F-Reformasi | Member |

| No. | Name | Faction | Position |
|------------|--------------------------------------|----------------|-----------------|
| 37. | Drs. H. Asnawi Latief | F-PDU | Member |
| 38. | Hamdan Zoelva, S.H. | F-PBB | Member |
| 39. | Drs. Anthonius Rahail | F-KKI | Member |
| 40. | Gregorius Seto Harianto | F-PDKB | Member |
| 41. | BG. Kohirin Suganda S. | F-TNI/Polri | Member |
| 42. | MajGen. Pol. Drs. I Ketut Astawa | F-TNI/Polri | Member |
| 43. | Prof. Dr. H. Soedijarto, M.A. | F-UG | Member |
| 44. | Drs. Ahmad Zacky Siradj | F-UG | Member |
| 45. | Sutjipto, S.H. | F-UG | Member |
| 46. | Dra. Psi. Retno Triani Djohan, M.Sc. | F-UD | Member |
| 47. | H.M. Hatta Mustafa, S.H. | F-UD | Member |
| 48. | Ir. Vincent Radja | F-UD | Member |

VIII.3 The Working Schedule of the fourth amendment stage, 9 January 2002 – 11 August 2002.

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|---|
| 9 January 2002 – 11 August 2002 |
| 9 January 2002 |
| Consultation Meeting of the Leaderships of the Assembly and the Factions |
| 10 January 2002 |
| The 1st Meeting of the Assembly Working Body Preparation of PAH I |
| 11 January 2002 – 11 March 2002 |
| PAH I Activities Plenary Meetings 1st – 11th. Public Hearings, Selected Teams. |
| 12 March 2002. |
| The 2nd Meeting of the Assembly Working Body Progress Report of PAH I to the Assembly Working Body |
| 12 March 2002 – 21 March 2002 |
| PAH I Activities Plenary Meetings 12 – 17 Selected Team. |
| 25 March 2002 – 6 April 2002 |
| PAH I Activities PAH I Plenary Meetings 18th – 21st. Formulating Team 3 – 6 April 2002 |
| 7 April 2002 – 30 April 2002 |
| Visit to Regions Overseas Comparative Studies. |
| 1 May 2002 – 4 June 2002 |
| PAH I's Activities 1 May 2002: Visit of Delegation from European Union Synchronization and Selected Team Meetings Validation Meetings 22nd Plenary Meeting. |
| 4 June 2002 |
| The Assembly Working Body Plenary Meeting Report of PAH I |
| 5 June 2002 – 27 June 2002 |
| PAH I Activities. PAH I Plenary Meeting 23rd – 34th. Synchronization. |
| 27 June 2002 – 2 July 2002 |
| PAH I Activities. Synchronization Meeting 1st – 8th. Selected Team on the Constitutional Court. |

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| 4 July 2002 – 25 July 2002 |
| PAH I Activities PAH I Plenary Meetings 35th – 37th. Public Hearing. Consultation Meeting of the Leaderships of the Working Body and PAH I PAH I Finalization Meeting 1st – 7th. Selected Team for Finalization. |
| 25 July 2002 – 29 July 2002 |
| Report of PAH I to the Working Body. Discussion on Article 29. Consultations. |
| 1 – 3 August 2002 |
| MPR 2002 Annual Session. Factions' general view. Consultation meeting of MPR leaders with the factions. Formation of Commissions. |
| 4 – 8 August 2002 |
| Commission A meetings. Consultation meetings of Commission A and Factions' leaders. Discussion on the draft of the fourth changes of the 1945 Constitution. Lobbies. Discussions on Articles 29 and 31. Discussions on Article 33. Discussions on Constitutional Commission. |
| 8 – 9 August 2002 |
| Plenary session. Lobby on the draft of the changes to the 1945 Constituion. Lobby on the formation of the Constitutional Commission. Report of the Commissions. Discussions on Article 37. |
| 9 -11 August 2002 |
| Final statements of the factions. Ratifications of amendments of 1945 Constitution and other MPR decisions. Closing of MPR 2002 Annual session. |

VIII.4 The Annex of MPR Decree no. IX/2001.

| Chapter/ Article | The 1945 Constitution | Draft of Proposed Alterations by the Assembly Working Body, 2001. |
|---------------------|--|--|
| CHAPTER II | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY | CHAPTER II PEOPLE'S CONSULTATIVE ASSEMBLY |
| Article 2 | <p>(1) The People's Consultative Assembly shall consist of the members of the People's Representatives Council augmented by the delegates from the regional territories and groups as provided for by statutory regulations.</p> <p>(2) The People's Consultative Assembly shall convene a sitting at least once every five years in the capital of the state.</p> <p>(3) All decisions of the People's Consultative assembly shall be taken by a majority vote.</p> | <p>(1) <i>Alternative 1:</i> The People's Consultative Assembly (MPR) consists of members of the People's Representatives Council and members of the Regional Council who are elected in elections and augmented with delegations of functional groups which shall be further regulated according to law.</p> <p><i>Alternative 2:</i> The People's Consultative Assembly (MPR) consists of members of the People's Representatives Council and members of the Regional Council who are elected in elections and shall be further regulated by law.</p> <p>Notes: Membership of TNI/Polri in accordance with MPR Decree no. VII/MPR/2000 is agreed to be incorporated in the Transitional Article of UUD 1945.</p> <p>(2) Not changed.</p> <p>(3) Not changed.</p> |
| Article 3 | The People's Consultative Assembly shall determine the constitution and the State's policies in broad outlines (GBHN). | <p><i>Alternative 1:</i> The People's Consultative Assembly elects the President and the Vice President in the event that no candidate ticket with the President and the Vice President is elected in the election.</p> <p><i>Alternative 2:</i> This section is not necessary.</p> |

VIII.5 The alternative drafts of Article 31 after the 2nd amendment.

| | The initial 1945 Constitution | The Annex of Assembly Decree no. XI/2001 |
|---------------------|--|---|
| <i>CHAPTER XIII</i> | <i>CHAPTER XIII EDUCATION</i> | <i>CHAPTER XIII EDUCATION AND CULTURE</i> |
| Article 31. | <p>(1) Every citizen has the right to receive teaching.</p> <p>(2) The Government shall manage and organise one system of national teaching which shall be regulated by law.</p> | <p>(1) Every citizen has the right to an education.</p> <p>(2) Every citizen is obliged to have elementary education and the government is obliged to fund this.</p> <p>Section (3): <i>Alternative 1:</i> (3) The Government organizes and implements a national education system, to be regulated by law. <i>Alternative 2:</i> (3) The Government organizes and implements a national education system that aims to develop the nation's intellectual life and to create humans with noble character, which shall be regulated by law. <i>Alternative 3:</i> (3) The Government organizes and implements a national education system, to be regulated by law, that aims to improve faith, piety and morality and developing the nation's intellectual life, which shall be regulated by law.</p> <p>Section 4: <i>Alternative 1:</i> (4) The State is obliged to prioritize the education budget from the State Budget to meet the needs of implementing the national education. <i>Alternative 2:</i> (4) The State is obliged to prioritize the education budget through at least 20% of the State Budget and the Regional Budgets to meet the needs of implementing the national education.</p> <p>Section 5: <i>Alternative 1:</i> (5) The Government advances science and technology with a view to promoting civilization and unity. <i>Alternative 2:</i> (6) The Government advances science and technology which is not contradictory to religious values, promoting civilization and unity and the well-being of humanity.</p> |

VIII.6 The alternative drafts of Article 31 as reported to the Working Body on 4 June 2002.

| | The Annex of Assembly Decree no. XI/2001 | The draft of Article 31 as prepared by PAH I and reported to the Working Body on 4 June 2002. |
|--------------|--|---|
| CHAPTER XIII | CHAPTER XIII EDUCATION AND CULTURE | CHAPTER XIII EDUCATION AND CULTURE |
| Article 31. | <p>(1) Every citizen has the right to an education.</p> <p>(2) Every citizen is obliged to have elementary education and the government is obliged to fund this.</p> <p>Section (3): <i>Alternative 1:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law.</p> <p><i>Alternative 2:</i></p> <p>(3) The Government organizes and implements a national education system that aims at developing the nation's intellectual life and creating humans with noble character, which shall be regulated by law.</p> <p><i>Alternative 3:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law, that aims to improve faith, piety, and morality and developing the nation's intellectual life, which shall be regulated by law.</p> <p>Section 4: <i>Alternative 1:</i></p> <p>(4) The State is obliged to prioritize the education budget from the State Budget to meet the needs of implementing the national education.</p> <p><i>Alternative 2:</i></p> <p>(4) The State is obliged to prioritize the education budget through at least 20% of the State Budget and the Regional Budgets to meet the needs of implementing the national education.</p> <p>Section 5: <i>Alternative 1:</i></p> <p>a. The Government advances science and technology with a view to promoting civilization and unity.</p> <p><i>Alternative 2:</i></p> <p>(5) The Government advances science and technology which is not contradictory to religious values, promoting civilization and unity and the well-being of humanity.</p> | <p>(1) Every citizen has the right to an education.</p> <p>(2) Every citizen is obliged to have elementary education and the government is obliged to fund this.</p> <p>Section (3): <i>Alternative 1:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law.</p> <p><i>Alternative 2:</i></p> <p>(3) The Government organizes and implements a national education system that aims at developing the nation's intellectual life and creating humans with noble character, which shall be regulated by law.</p> <p><i>Alternative 3:</i></p> <p>(3) The Government organizes and implements a national education system, to be regulated by law, that aims to improve faith, piety, and morality and developing the nation's intellectual life, which shall be regulated by law.</p> <p>Section (4):</p> <p>(4) The State is obliged to prioritize the education budget through at least 20% of the State Budget and the Regional Budgets to meet the needs of implementing the national education.</p> <p>Section (5):</p> <p>(5) The Government advances science and technology which is not contradictory to religious values, promoting civilization and unity and the well-being of humanity.</p> |

VIII.7 The Annex of Assembly Decree no. XI/MPR/2001, Chapter XIV.

| | ORIGINAL | PROPOSED CHANGES |
|--------------------|--|--|
| <i>CHAPTER XIV</i> | <i>CHAPTER XIV SOCIAL WELFARE</i> | <i>CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE</i> |
| Article 33 | <p>(1) The economy shall be organized as a common endeavor based upon the principles of the familial system.</p> <p>(2) Sectors of production which are important for the country and affect the life of the people shall be under powers of the state.</p> <p>(2) The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.</p> | <p>(1) The economy is to be structured and developed as a sustainable common endeavor of all people based on principles of justice, efficiency, and economic democracy to realize prosperity, welfare, and social justice for all people.</p> <p>(2) Production sectors that are vital to the state and that affect the livelihood of a considerable part of the population are to be controlled by the state based on principles of justice and efficiency which shall be regulated by law.</p> <p>(3) The land and the waters as well as the natural riches therein are to be managed and/or controlled by the state to be utilized to the greatest benefit of the people, which shall be regulated by law.</p> <p>(4) The economic actors are the cooperatives, state enterprises, and private businesses including individual endeavors.</p> <p>(5) Organizing and developing the national economy should always prevent damage to and improve the environment, consider and respect traditional rights, as well as guarantee the balanced development of the whole country.</p> |
| Article 34 | <p>Impoverished persons and abandoned children shall be taken care of by the State.</p> | <p>(1) Not changed.</p> <p>(2) The State develops a social security system for all people and empowers weak and disabled people in accordance with humanity.</p> <p>(3) The State is responsible for providing health service facilities and adequate public services.</p> |

VIII.8 The draft of Article 33 as reported by PAH I to the Working Body on 4 June 2002.

| | ORIGINAL | PROPOSED CHANGES |
|--------------------|--|---|
| <i>CHAPTER XIV</i> | <i>CHAPTER XIV SOCIAL WELFARE</i> | <i>CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE</i> |
| Article 33 | <p>(1) The economy shall be organized as a common endeavor based upon the principles of the familial system.</p> <p>(2) Sectors of production which are important for the country and affect the life of the people shall be under powers of the state.</p> <p>(3) The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people.</p> | <p>(1) Not changed.</p> <p>(2) Not changed.</p> <p>(3) Not changed.</p> <p>(4) The national economy shall be conducted on the basis of economic democracy upholding the principles of justice, togetherness, efficiency, sustainability, environmental insight, independency, and maintaining equitable development, and the unity of the national economy.</p> <p>(5) Further provisions regarding the implementation of this article shall be regulated by law.</p> |
| Article 34 | Impoverished persons and abandoned children shall be taken care of by the State. | <p>(1) Not changed.</p> <p>(2) The State develops a social security system for all people, to empower weak and disabled people in accordance with humanity.</p> <p>(3) The State is responsible in providing the health service facilities and the adequate public services.</p> |

VIII.9 The drafts of Chapter XIV of the Working Body and of Commission A.

| | Draft of Working Body | Draft of Commission A |
|--------------------|--|--|
| <i>CHAPTER XIV</i> | <i>CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE</i> | <i>CHAPTER XIV NATIONAL ECONOMY AND SOCIAL WELFARE</i> |
| Article 33 | <p>(1) Not changed.</p> <p>(2) Not changed.</p> <p>(3) Not changed.</p> <p>(4) The national economy shall be conducted on the basis of economic democracy upholding the principles of justice, togetherness, efficiency, sustainability, environmental insight, independency, and maintaining equitable development and the unity of the national economy.</p> <p>(5) Further provisions regarding the implementation of this article shall be regulated by law.</p> | <p>(1) Not changed.</p> <p>(2) Not changed.</p> <p>(2) Not changed.</p> <p>(4) The national economy shall be conducted on the basis of economic democracy upholding the principles of togetherness, justice with efficiency, sustainability, environmental insight, independency, and maintaining equitable development and the unity of the national economy.</p> <p>(5) Further provisions regarding the implementation of this article shall be regulated by law.</p> |
| Article 34 | <p>(1) Not changed.</p> <p>(2) The State develops a social security system for all people, to empower weak and disabled people in accordance with humanity.</p> <p>(2) The State is responsible for providing health service facilities and adequate public services.</p> | <p>(1) Not changed.</p> <p>(2) The State develops a social security system for all people, to empower weak and disabled people in accordance with humanity.</p> <p>(3) The State is responsible for providing health service facilities and adequate public services.</p> |

